



MACHINE TRANSCRIPT • CORAGGIO CONSULTING

Albemarle County Board of Supervisors Regular Second Meeting, Wednesday, August 21, 2024

Date Wednesday, August 21, 2024
Place Albemarle County Board of Supervisors, Virginia
Length 8h 20m (video)

- Official meeting video (Granicus): https://albemarle.granicus.com/MediaPlayer.php?view_id=1&clip_id=1097
- Official agenda: https://albemarle.granicus.com/AgendaViewer.php?view_id=1&clip_id=1097

Machine transcript (speech-to-text) produced by Coraggio Consulting. Not an official county record. Names and numbers may be misspelled; check the video at the timestamp before quoting.

Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-15. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:00:01] Good afternoon. If you please take your seats as quickly as you can, we'll start in tonight. I'm pleased to call to order this regular meeting of the Albemarle County Board of Supervisors this 21st day of August, 1 p.m., in Lane Auditorium.

[00:00:23] I'll note at the dais we have Supervisor Lupisto Kirtley of the Ravana District, Supervisor Diantha McKeel of the Jack Jewett District, Supervisor Ned Galloway of the Rio District, Supervisor Ann Malick of the Whitehall District, and myself, Jim Andrews, representing the Samuel Miller District. A quorum is present, and Supervisor Mike Pruitt of the Scottsville District is standing by with a request to participate remotely in accordance with the applicable Board Rules of Procedure Rule No. 8B1D, enacted pursuant to the Freedom of Information Act.

[00:00:52] Mr. Pruitt, are you there? And if so, please give your location and reason for joining remotely today. Yes, I am here. And if everyone can hear me, I'm in the Township of Chautauqua, New York. And I am here on personal business and would like to join her remotely.

[00:01:10] Thank you. Board, do we have a motion to admit Supervisor is approved remotely? So moved. Second. We have a motion from Supervisor McKeel, a second from Supervisor Malick. Without objection, if the clerk will call the roll. Mr. Galloway? Yes. Ms. Laquista-Kersley? Aye. Ms. Malick?

[00:01:26] Yes. Ms. McKeel? Yes. Mr. Andrews? Yes. Welcome, Mr. Pruitt. To paraphrase Jerry McGuire, you complete us. We're also joined today by our county executive, Mr. Jeff Richardson, and our county attorney, Mr. Steve Rosenberg, and our clerk, Ms. Claudette Borgerson, and senior deputy clerk, Mr. Travis Morris.

[00:01:47] Also, let me please welcome Albemarle County Police Officers present, Master Police Officers Eric Ketchum, Dana Reeves. We thank you for your service today and the work you and your colleagues do every day throughout the county for our safety and security. If all present could now stand as you are able and join us in the Pledge of Allegiance.

[00:02:16] Thank you, and if you will now join us for a moment of silence.

[00:02:31] Board, our first item is adoption of the final agenda, and this is to be amended by adding to number 21 from the board an authorization to sign a letter of support for the Botanical Garden of the Piedmont, a nomination for the National Medal for Museum and Library Service.

[00:03:08] If otherwise we're okay, we have a motion to adopt the agenda as amended. So moved. Second. We have a motion from Supervisor Malik, a second from Supervisor McKeel. Without objection, if the clerk will call the roll. Mr. Galloway? Yes. Ms. Lapista-Kirtley?

[00:03:23] Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Great. The board, our first item is just brief announcements by board members, and we start in our order today with Supervisor Galloway.

[00:03:39] Thank you, Mr. Chair. I would just call out today is the first day of school in Albemarle County and taking my son to school today. Everybody was in motion and moving and directing traffic and whatnot. So I wish the best to all the students and families who are participating in school, as well as knowing that UVA students will be on the return.

[00:04:02] And we know what that means for traffic and moving around town, especially on moving weekend and all of that. So I'm just calling out, as I have before, asking for patience as we have a lot of folks that will be visiting over the next several days as everybody is returning to their education.

[00:04:19] And then later this afternoon, I just want to inform the board that I will need to step away for about 45 minutes for a family matter, and I will be returning to the meeting. Thank you. Thank you. Supervisor Lupita Kirtley. Yes, thank you very much. I wanted to announce the St. John Family and Life at the St. John Family and Life Fitness Center on Saturday, September 28th.

[00:04:43] You can all get free screenings, health screenings for various things, and all of this is free. So once again, at the St. John Family Life and Fitness Center on St. John Road on Saturday, September 28th.

[00:05:00] Also, VDOT, there is a meeting from VDOT, the intersection of Pantops Corridor and Improvements in Albemarle County. It's a design public hearing, so if you are located in the Pantops area or if you work there, you may want to attend.

[00:05:18] It's Saturday, excuse me, Tuesday, September 10th, 4.30 to 6.30 at the Hilton Garden Inn. This will affect the road. They're redoing the road from Roken Road, where Giant is, all the way to Route 20. So they'll be presenting their designs.

[00:05:37] This won't be implemented until 2027. But VDOT is giving the public the opportunity to see what they'll be doing and to give input. And that's it for me. Thank you. Thank you. Supervisor Malek?

[00:05:53] Thank you very much. Most important thing, first as far as VA benefits, I will be placing with the clerk a link for va.gov resources about the PACT Act. In the last two years, after congressional passage of the PACT Act, the VA has added over 325,000 new enrollees, screened over 5.6 million veterans for toxic exposure, and processed nearly 1.5 million claims.

[00:06:21] In addition, they have funded 31 new VA facilities across the country to ensure that veterans have more convenient access to high-quality care. As you may know, our veterans here have to go to McGuire to get their teeth cleaned, which is 75 miles, so we have a long way of work to do there.

[00:06:38] For those who served in Vietnam or since, or who face toxic exposure at any time, it is not too late to get care. If you think you might be eligible for PAC-TAC benefits, I encourage you to apply. There's a find more information link that we will have at the clerk's office.

[00:06:54] There is no deadline to apply for the support you deserve. Please share this with your friends and neighbors and relatives so that this information can be shared broadly. A couple of meetings recently, yesterday, the quarterly meeting for the Rivanda River Basin Commission.

[00:07:11] And one of the things on the agenda was talking about the 2024 annual conference, which is coming up September 27th, 930 to 1 at the Carver Center. The topic will be Bridging the Gaps, Conservation, Connectivity, and the Future of the Urban Ravana River, and getting updates from county staff and others about the planning which has already happened and what is coming next.

[00:07:33] Lunch will be available, and registration emails and publicity are hitting the press in this week. There will also be a river trail walk on the following day, Saturday, in conjunction with the Loop de Ville hiking event.

[00:07:50] Riverbasin.org is the place to find all that information. The other meeting this week on Monday was the VACO, Virginia Association of Counties, Region 5 virtual meeting, and that is Albemarle and four other counties to the south in our region, and then 9 and 11 are in the far west corner.

[00:08:09] Chandler Vaughn and Caroline Luxgeorge from DHCD gave updates and review of the eight years of broadband experience and deployment in Virginia, and some exciting news about new grant opportunities that are coming forward, which I will share with our experts in the broadband field.

[00:08:27] Emily Kilroy ably presented the Albany County Priorities at the Legislative Roundtable. Localities in all three regions, and there were 21 counties included, were in agreement that keeping local decision-making for utility-scale solar facilities is really, really important to all of them, whether they were urban or rural, farmers or business localities, all was the same.

[00:08:51] Other shared issues were about photo speed cameras, the prescription drug box changes which are being put forth by the federal government, and lacking state and federal support for EMS services all across the Commonwealth. Dollars to carry out JLARC improvements were also mentioned over and over again, as well as focus on workforce and career technical training dollars from the state for our local schools and our workforce centers.

[00:09:18] And I really look forward to continuing to work with other localities to make a strong proposal as we go forward. But thank you. Thank you. Supervisor McKeel. I do. I have a couple of items that I'd want to or would like to point out. JABA, and I think everyone is familiar with JABA in our community, is offering a one-day free life planning event.

[00:09:45] If you need a will, a simple will, durable power of attorney, and or advanced medical directive, you can make an appointment to go over to Java October the 9th from 9 to 3.

[00:10:01] Spaces are limited, and they will help you create that document. So this is a great opportunity for some folks to take advantage of Java's skill set and create some paperwork that really is important for all of us. to be honest with you, regardless of your age. So that's October the 9th from 9 to 3 at Java, and you register through Java. You can go onto Java's website and register. Great opportunity.

[00:10:29] The only other item that I want to point out to folks is, please be aware that there is a traffic pattern change at Hydraulic Road and U.S. 29 beginning Monday morning. And I'm sure many of you are familiar with the traffic circle the roundabout that has now been completed and opened early at whole foods that traffic circle works in conjunction with closing the left-hand turns

[00:11:04] off of hydraulic road up 29 north um so that so just to say simply the reconfiguration that that traffic pattern is going to be reconfigured, and it will happen Monday morning, so people just need to be very thoughtful and careful, especially with school starting. So just wanted to point out, and I see Jim has the same thing, so I believe. No, it's different. Okay. Anyway, just to, you know, we're thrilled to have that roundabout. People have accepted it. It seems to be working beautifully, so it's time now to complete the rest of the project. Thank you. Thank you. Supervisor Pruitt,

[00:11:45] Yes, I had two things I wanted to talk about. So first, we, of course, just dealt with kind of the ramifications of Tropical Storm Debbie, which had very broad impact.

[00:12:02] It shut down significant amounts of roads in the southern parts of Albemarle and also created a blackout that affected almost the entire township of Scottsville. And these are significant inconveniences and they can be very dangerous. But we also need to make sure that as a community, we're keeping in mind that this really gestures toward deeply existential concerns, that a changing climate, changing weather patterns that come along with it might pretend to our locality.

[00:12:31] I think this is really well illustrated. Every time we have significant flooding, every time we have significant rains, we have to think about the status of the Scottsville levy. The Scottsville levy portends the possibility of a truly existential threat to the community of Scottsville.

[00:12:46] And as we vision cast further in the future, we have to recognize that a changing environment, a changing climate is going to pretend other existential threats for a much broader community as we look at, you know, changing stresses on our utility and energy grids, changing stresses on individual communities.

[00:13:06] And also, this makes us think about what our role as a local government and a community needs to be in dealing with this. When we look at the Scottsville Levy as a solution to a major existential environmental threat, that is a whole of government effort that involves state dollars, that involves federal dollars, and that involves the local government articulating the need to those communities.

[00:13:31] So as we think about our role as the board and also our role as Albemarle County in how we're going to deal with these kinds of threats moving into the future, I just want to take this moment to really key in, based on the really traumatic issues that we just saw with Tropical Storm Debbie, as to what our role needs to be.

[00:13:52] This needs to be moving forward as we engage with climate concerns in our community. It needs to be a whole of government effort. We cannot modernize a utility grid on our own to deal with rising temperatures. And so our role as the board, our role as this auditorium, our role as album role needs to be story keeping and storytelling to be able to really articulate that need as we continue to see firsthand what kind of impacts are going to be.

[00:14:16] So that's my little stump about that. And then also, of course, every day we come here, I have to talk about the next upcoming election. And we are getting very close to the beginning of early voting for elections, which is going to begin on September 20th and run through November 2nd on every weekday at the Albemarle County offices at Fifth Street Station.

[00:14:40] Previously, I've talked about what we are looking at as far as the congressional races and the congressional primaries. Today, I do want to take a moment because we do know from the registrar who has actually gotten registered for the local election in the town of Scottsville. So there are four elections happening in the town of Scottsville.

[00:14:58] There is one race for the mayor's office. The two candidates who have registered and will appear on the ballot are going to be the incumbent mayor, Ron Smith, as well as current council member, Eddie Payne, who is going to be running for him. Additionally, there are three seats on town council that are set to expire and be elected.

[00:15:17] Those are the seats currently held by councillors Alex Bissett, Eileen Morse, and Eddie Payne. Only Alex Bissett has actually fully registered his candidacy, so only he will appear on the ballot and voters will have to write in other responses. I also do just want to clarify for anyone who is thinking about this.

[00:15:35] Yes, you did just see Alex Bessette and Eileen Morris on your ballot last year, but they were basically being elected to the term they had already been appointed to. And so those terms have come to an end and they would need to be reelected if you're satisfied with their service. So those are the races that people who live inside the relatively small bounds of the town of Scottsville will also see on their ballot.

[00:16:00] And I want to make sure we bring that up because, you know, that's important. And it does not get nearly the amount of media attention that some of the other races that we're going to see do. And that is all I have. Thank you, Chair. Thank you. Thank you for that. A reminder about the election and a comment about our weather and resilience needs.

[00:16:21] Simple announcements, just that the Ivy Solid Waste and Recycling Center, which previously called the Ivy Materials Utilization Center, It has already started the sign-ups at ravenna.org for e-waste, which is September 14th, but the sign-ups are already beginning and they do fill up.

[00:16:41] September 20th, 21st is household hazardous waste. September 28th, furniture. October 5th, appliances. October 12th, tires. Also, in the vein of announcements that may seem a little early, the apple butter weekend is coming in Batesville in October, But the sign-up sheet for stirring and preparing the apple butter begins September 1st.

[00:17:08] You have to purchase it, too. You have to get in there. And with that, I understand that we have a couple more announcements. First, Supervisor Lefisto Kirtley. Yes, and I wanted to make a point of or addition to what Supervisor Malik said regarding veterans and veterans' care.

[00:17:29] I've been helping my disabled brother, who's a veteran, Vietnam veteran. And there is a service, and it's called Community Care through Richmond. Now, that may depend upon your level of disability. I'm not sure. But Optum Community Care will schedule.

[00:17:47] If you're more than 40 miles away from a hospital, Richmond, which we are, then they will schedule. You can actually go to someplace in Charlottesville. and they will schedule that. That's eye care, that's dental, whatever you need, those services you need.

[00:18:05] And I will leave those phone numbers with our clerk, Claudette Borgeson. I will leave that information with her so that anyone can just call up if they want access to those numbers for community care, Optum Community Care, if you're a veteran.

[00:18:24] The last thing is Rockfish Wildlife Sanctuary, which we hopefully all know and love, and they take in all kinds of animals. In fact, I once delivered an injured goose that was injured.

[00:18:43] Unfortunately, the goose did not make it, but at least they were able to treat it and humanely put it down, I guess. But they are having their 20th year anniversary gala, Friday, September 13th, at Potter's Craft Cider.

[00:19:01] So if you want a really good time and you want to really support the Rockfish Sanctuary, please, this is a good opportunity to do so. So Friday, September 13th, at Potter's Craft Cider.

[00:19:16] And I understand they have a really good cider. Yes, they do. So, thank you very much. Thank you. And Supervisor Malik? Yes, and I may have heard incorrectly in my brain, but regarding early voting, what I heard was 5th Street Station.

[00:19:32] And I want to clarify that the voting, early voting, September 20th through November 2nd, is at this county office building, 5th Street, which is where the voting will happen in the big room there, near where the police department and social services are. Thank you.

[00:19:48] Thank you. Board, our next item is a great pleasure of recognizing our retiring county attorney, Mr. Steve Rosenberg, and I believe we have a motion from Supervisor Galloway. Thank you, Mr. Chair.

[00:20:05] It is my pleasure to read this resolution of appreciation for Stephen L. Rosenberg in the form of a motion. Whereas following nearly seven years in private legal practice, Stephen L. Rosenberg has served the city of Alexandria, Augusta County, the University of Virginia, the city of Stanton, and Albemarle County with distinction over a combined 27 years.

[00:20:29] And, whereas, during his tenure as the Albemarle County Attorney, Steve's legal expertise and leadership have advanced many important county priorities, including the Ravana Futures Project to acquire 462 acres for the proposed Intelligence and National Security Innovation Acceleration Campus.

[00:20:48] And whereas, as an exceptional attorney who has consistently provided the highest level of dedicated, ethical, and valuable service, Steve has been a true public servant and integral to the county's success. Now, therefore, be it resolved that we, the Albemarle County Board of Supervisors, do hereby honor and commend Stephen L. Rosenberg for his many years of exceptional service to the public sector, the county attorney's office, Albemarle County, and the entire Commonwealth of Virginia, with knowledge that Albemarle County is strengthened and distinguished by Steve's dedication, commitment, and professionalism in meeting county government needs.

[00:21:24] Be it further resolved that a copy of this resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors as a lasting testament to the esteem in which Steve is held by this board for his legacy of government service and the work he has done to make Albemarle County better for future generations.

[00:21:41] Signed this 21st day of August, 2024, by all the members of the Board of Supervisors. Second. We have a motion from Supervisor Galloway and a second from Supervisor Malik. Without objection, if the clerk will call the roll. Mr. Galloway? Yes. Ms. Lapisto-Kirtley? Aye.

[00:21:57] Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Great. With that, Mr. Rosenberg, you may want to come forward, but we're going to first give some comments uh and then uh proceed from there so i'm going to ask the board in our speaking order if they'd like to make comments uh starting with supervisor galloway well uh thank you mr chair mr rosenberg thank you very much for your service it was a pleasure uh in the process of getting to know you when we went through the interview process to hire you and what i learned then

[00:22:35] and then have appreciated and you approved, solidified in your service over the last few years, is that you don't only care about your work, you take care in the work that you do. Your expertise and your knowledge of county governments, your legal knowledge in general, is really quite impressive. And the breadth of experience that you brought to the table was also quite impressive. The fact that you have not only been an attorney and the different variations of how you've been an attorney, but you've also been a city manager and have a knowledge

[00:23:15] and an experience in local government that not a lot of, I think, county of attorneys necessarily would be expected to have. That allowed you to really hit the ground running. I know that the board at the time of your hire was really interested in having somebody that could match what we felt the pace of speed was with our county executive team and the fact that you had that experience in addition to your legal knowledge allowed you to do so. I've always been incredibly appreciative of that. So again, my sincere appreciation for not just your service and your legal experience, but for the care you have shown in the work you've done for Albemarle County and for the work you've done for this board. Thank you, sir.

[00:23:55] Thank you. Supervisor Lupisto-Kirtley. Thank you, Steve. If I can get through this anyway um your legal knowledge being meticulous about everything even when i push back you push back at me saying yes we can do that no we can't do that but you're very meticulous you're very effective um and you're always responsive always responsive to anything that the board asks extremely helpful i have i've enjoyed just on a personal level i've enjoyed

[00:24:35] getting to know you and your wonderful wife Catherine also it's it's been very nice too short we're going to miss you you have done also an excellent job in training your staff so they'll be ready to take from day one they're going to be ready to go forward because of the work that you've done in preparing everybody which is not everybody does so I commend you for that but I will say i'm i'm going to miss you um but you have set everything up for success and i thank the team

[00:25:13] that you have built and thank you also for everything that you've done for our county thank you steve thank you uh supervisor malik thank you so i started my role on the board of supervisors sitting where mike sits next to several times predecessor of steve from whom the first answer to every question was always no. And I've teased him in public about that, so it's no surprise. But he was famous all across

the Commonwealth for having that attitude. And I kept asking questions over and over again, because that's what I have to do. And the first

[00:25:51] one always has been, do we have the authority to do anything about this question? And that's something that I've asked Attorney Rosenberg many, many times since he has come. You take the time to get it right, to get the answer right. I so appreciate that. And the way that you have developed the, encouraged the development of the staff in the whole office has really left a long-lasting legacy for us, and we really appreciate that. Thank you. Thank you. Supervisor McKeel.

[00:26:24] Steve, I certainly agree with what my colleagues have said. I would add that you'll, well, I certainly enjoyed working with you both professionally and personally. You have been just a wonderful team member and I really have valued your advice and found you were always spot on. You also had some great advice about staying in restaurants, which I also appreciated. But you will, you know, we really want to, we think about ourselves as a family in Elmar County

[00:27:01] And we really want you to think about that you are part of our family, and we want you to remain part of our family, as demonstrated by Catherine sitting beside Donna Price in the audience, because we consider former supervisors part of our family as well.

[00:27:19] I will say, Catherine, don't pay any attention to anything she whispers in your ear. Just take it with a grain of salt. But regardless, Steve, we really do. we appreciate the time. You picked up your roots in Stanton and moved over here to be a part of our community, and you have blended in beautifully, and you will be missed. Thank you.

[00:27:42] Supervisor Pruitt. Thank you, and thank you so much, Steve. I expressed to you last Wednesday that I think perhaps the thing that I am most frustrated with having to be remote today is not being able to be there in person for this moment to share with you and really congratulate you on your service um i have of the members of the board had the least amount of time to get to know you but i've still uh just tremendously valued uh being able to rely on and learn from uh your expertise on the board i know i'm uh someone who is very quick to come to you sometimes

[00:28:21] with a very challenging question and uh you've always given me like very complete thorough and helpful answers you know uh doing uh as as was kind of mentioned before not giving the the easy no but doing the thoughtful get to yes uh with with how to make things work um and additionally you know as a as a um new or very soon to be attorney i've significantly valued just being able to to learn from you as as a mentor and seeing how you uh conduct your work and uh lead your team and your staff uh so you will be greatly missed i hope you don't be a stranger

[00:29:00] and congratulations on a really extraordinary career. Thank you. And I'll try to be brief, but first of all, to second and ditto the comments that I've heard from the other supervisors regarding your care and diligence expertise, excellence at what you do.

[00:29:17] I have a special privilege as chair to rely on you probably a little more heavily than everybody else. And any time that we've gotten through some thorny things without a hitch, it's to your credit. And if we haven't, it's probably something I didn't listen well enough, so I very much appreciate your wise counsel many times along the way.

[00:29:37] And on a personal note, some of you may know that Steve is a runner and has been running for a long time, but when he came here to work at the county, he started to run with a group of people that I

also tend to run with, and he had the misfortune of being not the first, not the second, but the third Steve in the group on the text listserv, So he had to go through the process of being Steve No. 3 for time.

[00:30:04] But you're now Steve No. 1, I believe, and I always thought of you as Steve No. 1, so I appreciate that. And, board, I'd like to also invite our county executive, Mr. Richardson, and then our deputy county attorney.

[00:30:19] Chairman Andrews, thank you very much for the opportunity to speak just for a couple of minutes about Steve's service to Albemarle County. The county attorney's position is a very unique position in local government. The county attorney is hired by our governing board, and as a result, under state law, that position reports to the board as our highest ranking legal attorney, in this case in Albemarle County.

[00:30:44] In addition to that, he is expected in his role to step in and lead a significant group of legal professionals on any of a number of legal issues that they work with on a day-to-day basis. And we stretch far and wide in local government. With that, I would say that Steve was a fantastic fit for this organization at the time that he came to work for us.

[00:31:09] First of all, I'd like to publicly thank the board because the board invited members of the county executive's office to serve as an interview panel and to participate in evaluating candidates when Ms. Rosenberg was hired for the position. The board did not have to do that.

[00:31:25] The board knew that their responsibilities were laid out in law. They're responsible for hiring the attorney, but they invited the county executive's office to be a part of the hiring process, and we did provide feedback and, again, met Mr. Rosenberg in the process. Mr. Galloway read the resolution and highlighted Mr. Rosenberg's career in local government, and his career in local government is expansive.

[00:31:49] I believe that experience is a teacher, and I would lean hard into suggesting that Steve was a fantastic selection and a fantastic fit for this organization. In addition to being a well-recognized attorney across the Commonwealth, Steve has also managed organizations.

[00:32:08] So as an attorney, he's also been a manager, a local government manager. And our organizational leadership team welcomed him into the organization. And with his responsibilities as a county attorney, he again reports to the board, leads the department.

[00:32:24] But we welcomed him and asked him, would you like to be a part of our organizational leadership team? And Steve responded and said, I sure would. And later this afternoon, we will present our first strategic plan annual report. This report really is a diagnostic of how are we doing as an organization?

[00:32:43] Are we meeting metrics? Are we meeting the organization's goals? How are we doing? How are we performing? Steve's been a big part of that. He's a legal attorney. He's a legal mind. He's served the board well. He's done a great job, in my opinion, in leading the department.

[00:32:58] But he's also been a valued team member on our organizational leadership team. He will be missed. He comes every day with a commitment to good government. He comes every day to work with an open mind. And he comes to work every day with a public service heart.

[00:33:17] And he's made quite a difference with our organizational leadership team. He's been a mentor to many of us. He will be missed. There's a partnership in local government between the board, the county

attorney, the county executive, the clerk's office, the organization, all pointed toward the community that we serve.

[00:33:35] And Steve has exemplified what it means to be a true public servant every day. It's been an honor to work with him. Mr. Chair, thank you very much. Thank you. And I believe our Deputy County Attorney, Mr. Herrick, seemed to be our interim County Attorney, Mr. Herrick, also has some comments.

[00:34:01] Mr. Chair, members of the board, I'm Andy Herrick here on behalf of the County Attorney's Office today. I've been asked to say a few words about Steve Rosenberg. I've had the pleasure of knowing Steve for almost 25 years now, longer than almost anybody in the room. And as many of you know, Steve began his legal career with a private law firm almost 34 years ago.

[00:34:22] After seeing the light, in 1997, he transitioned over to public service, and over the next 25 years, Steve served the city of Alexandria, Augusta County, the University of Virginia, and the city of Stanton with great distinction. But then he saved his best for last.

[00:34:38] Two years ago, through a series of unexpected events, the county was very fortunate to have landed Steve. Following in a long line of talented county attorneys, Steve has had a tremendous impact on the county in a relatively short period of time. Now, we could debate who's been the biggest beneficiary of his time here, whether it be the board, whether it be senior staff, whether it be departmental clients, whether it be our office.

[00:35:04] But out of all the many people who have benefited from Steve's time with the county, I can confidently say that I have benefited the most. I truly and deeply appreciate how Steve has brought out our talents and positioned each of us for success going forward. And even though our time in the office is growing short, we will forever be grateful for Steve's lasting impact on us.

[00:35:25] Unfortunately, unlike the board, our office has no ability to issue formal public proclamations. However, we would like to present Steve with both a plaque and a flag that has flown over the county office building to honor his service.

[00:35:41] We also have this opportunity on this occasion to hardly concur with the board in its public recognition of Steve's contributions. If the board's proclamation were a legal pleading, I'm sure that all of our attorneys would heartily endorse it with a seen and agreed to. So on behalf of our entire team, Nick, Lauren, Amanda, Richie, Jill, Anthony, Ayanna, and James, who could not be here today, I'd like to thank Steve for all that he's meant to each of us and wish him all the best for a long, happy, and healthy retirement.

[00:36:11] Thank you. Thank you. And Mr. Rosenberg, after that, we'd like to invite you to, whether you have any comments. Sure. Thank you, Mr. Chair. And thank you to the public for sitting through this.

[00:36:27] I know this is not what you came to hear or to experience, but this is an important part of the cycle, I think, in local government, which attracts so many dedicated individuals to serve all of you.

[00:36:48] I will confess that I was worried whether the board's vote on the resolution would be unanimous, but I'm pleased with the outcome. I do want to thank you all so much for your kind remarks.

[00:37:03] I am almost at a loss for words to express how fortunate I've been to land here and spend my last two years with this organization. Who wouldn't want to work with such smart, dedicated people serving the community in which we live. It has been an honor. I'd like to take just a moment to express my

thanks to those with whom I've shared this experience. First, thank you to the Board of Supervisors, including former Supervisor Donna Price, who offered me this opportunity in the first instance.

[00:37:42] It has been so rewarding and refreshing in this day to work with such a highly functioning governing body, the members of which care so genuinely and deeply about the county and its residents. My thanks also to my colleagues on the organizational leadership team, including Jeff Richardson, Trevor Henry, and Ann Wall, and I mentioned Doug Walker too, and all the department

[00:38:15] and office directors who are all consummate professionals. There is no finer collection of public servants. I offer my greatest admiration and appreciation to my colleagues in the county attorney's office. I'd match them toe-to-toe with any law firm in the Commonwealth of Virginia.

[00:38:42] Whatever success I have achieved during my brief time here, I owe to them. I leave you in their highly capable hands. And finally, thanks to my wife, Catherine. She is with us here today and has been by my side for every step of my professional journey beginning all the way back in 1990 when I was a fresh out of law school graduate who knew absolutely nothing, though you

[00:39:13] certainly couldn't tell me that at the time, Mr. Pruitt. Her support has been steadfast in good times and in bad. It's been quite a ride and one that I am proud to conclude here in Albemarle

[00:39:32] county thank you thank you talking about steve is we all want a picture but maybe we can capture it a little bit later that'd be great thank you i was hoping to get katherine in it i don't know

[00:40:12] how long she's going to stay but okay all right thank you and thank you for your patience with this um we can now move to item number seven on our agenda from the public on the agenda matters on the agenda but not listed for public hearing or matters previously considered by the board or matters that are pending before the board and we have i believe a number of signups uh we are limited to 10 if you didn't get a chance to sign up you can provide uh written comments to the clerk at any point um vice chair mckeel will read the rules for in-person speakers i believe

[00:40:48] there are no online speakers today that's right there are no online speakers this afternoon and we have nine speakers who signed up so with that i will read the uh guidelines during the time set aside for matters on the agenda but not listed for public hearing individuals may address the board of supervisors concerning matters previously considered by the board or matters that are pending before the board other than items listed on the agenda for public hearing individuals are allowed one opportunity of up to three minutes to speak at each board meeting during matters from the public a sign-up sheet is managed by the clerk's office timekeeping is conducted through

[00:41:27] a timer and a light system at the podium the green light will go on when you begin speaking which begins your allotted time. The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired and you will be asked to end your comments. To give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and if you live in Elmar County, your magisterial district. Address comments directly to the board as a whole.

[00:41:56] Any written statements or other supporting material may be given to the clerk. If representing a group or organization, you may ask others present to raise their hands in recognition. Speakers may not share any unused time with another speaker. Back and forth debate is not permitted and do not speak

from your seat or out of turn. All comments are live streamed, recorded, and published on the Elmar County website. And with that, the first speaker who is signed up for today is Donna Price.

[00:42:29] Welcome, Ms. Price. Please adjust the microphone to be heard. How does this work? Good afternoon. Chair Andrews, Vice Chair McKeel, supervisors, my name is Donna Price. I'm a resident of the Scottsville Magisterial District.

[00:42:47] This will be encore number one. I appear before you today to honor County Attorney Steve Rosenberg on the recognition of his civic service, not only to Albemarle County, but for a life of public service to our community, our county, our region, and the Commonwealth.

[00:43:03] It is an impossible challenge in three short minutes to express all that he deserves to hear in praise of his public service, but I shall try. An attorney at law is the highest professional qualification of one in the legal field. Beyond and above these qualifications, however, and as in all career fields, there are those individual characteristics of the specific practitioner which separates the wheat from the chaff.

[00:43:29] As the immediate past chair of the Board of Supervisors of Albemarle County, I had the distinct pleasure to experience a special, time-limited relationship with the three individuals that this board hires, the clerk for the board, the county executive, and the county attorney.

[00:43:45] This time-limited relationship only exists while serving as chair. It does not exist as a supervisor, and it does not exist as the vice chair, although in that last position one is exposed to and more fully made aware of its existence.

[00:44:03] When serving as a chair, however, a supervisor is most intimately involved in the inner workings of those responsibilities under the authority of those three hires. The chair, acting as an intermediary and liaison for the board, has the unique opportunity to work closest with the county attorney to truly get to know that person.

[00:44:24] Over the course of my now-completed 45-year professional career as an attorney, I have had the occasion and opportunity to work with the very best at the national, state, local government levels, as well as in the corporate world. There is none better than Mr. Rosenberg.

[00:44:41] Steve Rosenberg is an attorney of the highest order. As an attorney moves up in an organization, their technical skills become more in the area of subject matter expertise, and that is expected. But from the organizational standpoint, what is equally, if not more important, is working to promote the culture of the organization, taking an excellent office, and making it exceptional, as you have done.

[00:45:03] It was such an honor for me to have that special time-limited relationship with you from July 27, 2022, a date easy for me to remember, through 31 December 2023. In perfect naval tradition, we would say that you have stood the watch, that your time for being piped ashore is coming with all the honors and respect a person could ever achieve, and thanking you for your service, your wise counsel, and now your personal friendship, I bid you fair winds and following seas.

[00:45:33] Thank you. Thank you. The next speaker is Nancy Mature. Muir.

[00:45:49] Muir. Well, it can be pronounced either way, I believe, but I wasn't sure which you chose. Thank you. Nancy Muir. I'm from the Whitehall District. Thank you, Supervisor McKeel. Thank you, Supervisors. Good afternoon. I wanted to share my concerns about ranked choice voting today.

[00:46:09] Our current ballot system is simple and straightforward. It's one person. It's one vote. Ranked choice voting is anything but simple and straightforward. In fact, municipalities spend hundreds of thousands of dollars just to keep voters aware or to help them understand what ranked choice voting is.

[00:46:32] We know that public trust in elections matters. Why should a new system of voting even be considered if the current system that's widely used is understood and is working?

[00:46:51] Whereas ranked choice voting confuses voters, it creates distrust, and has caused decreased voter participation in a great many of the localities where it has been used.

[00:47:06] Ranked choice voting is approved at the statewide level only in Maine and Alaska, and yet a statewide repeal effort has the ranked choice voting as a repeal on the ballot this November in Alaska, so they're trying to take it off.

[00:47:28] Ranked choice voting is currently banned in the state of Montana, Kentucky, Tennessee, Idaho, South Dakota, and Florida. As a former electoral board member and a citizen, I've heard many viewpoints on ranked choice voting, and I'm still left with some concerns.

[00:47:52] And in the interest of time, I'm going to just list those. Number one, ranked choice voting requires that voters must research multiple candidates. This gives more power to elite voters who have more time and greater access to information.

[00:48:12] And it makes it harder for voters who don't have that time or those resources for information. Number two, the foundation of government accountability states that ranked choice voting leads to a decrease in voter confidence in election.

[00:48:27] Number three, ranked choice voting disconnects voting from important political debates and issues. Number four, ranked choice voting does not afford the transparency of a traceable ballot.

[00:48:44] These are all my concerns. Election integrity is non-negotiable. It is the very foundation of the Democrat process. Ranked choice voting undermines this Democrat process. and fortunately though cities counties and states nationwide are catching on thank thank you miss mayor uh if you have comments that you weren't able to read you please provide them to the clerk and we'll have them for our record thank you our next speaker is karen june um nielsen here she

[00:49:17] comes okay hello how close do you get okay you're gonna can you hear me okay hello good afternoon my name is Karen Yule Nielsen and I'm a resident of Whitehall here in Albemarle County. Thank you for the opportunity to share with you a few of my thoughts this afternoon on why I believe ranked choice voting is not a good idea for Albemarle County. And when it comes time for all of you to

[00:49:54] cast your vote on whether or not we implement this process, I urge you to vote no. There are many reasons why RCV is not appropriate for our area, but with the brevity of time we have this afternoon, I'm going to just focus on three. Voter confusion, general distrust of the election process, and the lack of need for it, as there are very few candidates that actually run in Albemarle County. Over the last few years, Republicans, Democrats, and Independents alike

[00:50:30] have worked very hard to improve and increase voter participation in Albemarle County. We have canvassed our neighborhoods. We have registered voters. We have talked person to person about their misunderstanding of the process and how we can further encourage voter participation here in Albemarle.

[00:50:52] And what has become clear from their answers is there is a general mistrust of the whole process and there is confusion about how they can get involved. And basically, they don't believe their vote counts. They don't believe it matters. Well, we know their vote does count, and we know it does matter.

[00:51:11] And so in politics, perception is reality, and that's what we have to deal with. So enter ranked choice voting. And what does that do for the voter? How does that encourage them? It requires them to look into a lot of information about all the different voters, candidates, I'm sorry, so that they are able to evaluate and rank their preferences.

[00:51:40] And in doing so, it adds confusion for them as a voter. And also, they have the idea that who's going to tally these votes and how long is that going to take and how much is it going to cost how do we verify it? There are just lots of unanswered questions. Also, if you look at the ballot in Albemarle, there hardly ever, I mean, many times there's only one person on the ballot running for an office, hardly ever more than two or three. So why would we implement a system that basically confuses the voter, really there isn't a need for it, and also adds layers of

[00:52:20] distrust to the electoral process. So I say it doesn't make any sense. I urge you to vote no for ranked choice voting. Thank you. Thank you. And have a blessed day. Our next speaker is John Linder. John Linder, I live in Ravana district. Ladies and gentlemen of the board and fellow

[00:52:59] citizens, I also want to speak against the adoption of ranked choice voting. You know, I when I was coming in election, I review the candidates. I find out who they are, and I make up my mind who I want in each office. And then when I enter the voting booth, I vote for one person for each office. But now with ranked voting, it looks like you're going to have to make me vote for everybody. And I have to decide which is up and down the line. And that, to me,

[00:53:39] Not only adds confusion, but it's going to make everybody take longer to vote. It's going to take longer to calibrate the results and announce them and possibly bring confusion into the whole affair.

[00:53:58] So, please, there's a saying, I speak colloquially, if it ain't broke, don't fix it. I think we have a very simple and good voting system. Let's keep it the way it is. Thank you.

[00:54:15] Thank you. Susan Perry is the next speaker. Good afternoon. Thanks for having me. I usually come more prepared.

[00:54:32] I came to talk about ranked choice voting. I thought it was a no-brainer. I thought it was about pro-democracy. And I'm shocked to see that anyone be against it. So I certainly apologize. People know that I usually am more prepared.

[00:54:49] Even though it doesn't necessarily apply right now, but maybe someday you'll have lots of people who are fighting to get positions on the board. But I think it's an important thing for us to stand by and to expand, not only through the state but nationally. What ranked choice voting does, it opens up our democracy.

[00:55:10] It allows for people to feel that they have a chance, that they're not going to muddy up the system by participating and running, that they can start participating, letting their voice be heard, and having a place to start.

[00:55:26] More importantly, it is unacceptable for anyone, and I am shocked that anyone finds it acceptable, that people in office who don't have a majority rule, how that is not something that we all want

is completely baffles me. This is a way to get that. I don't believe that it's necessarily a good excuse to say that we can't do it. I think that if we care enough, that we can have the populace understand what it is, and that they actually have more choice, and they have more

[00:56:04] freedom, and they have a democracy that is actually more vibrant and fulfills the promise of what a democracy can be. So I urge you, I know there's a lot of people coming up who are against it. But I urge you. I plead for you. I am, you know, I don't even know what to say. I'm shaking.

[00:56:24] Please, please vote for it. It is better for our democracy. Thank you very much. Our next speaker, excuse me, I'm sorry. Our next speaker is Eli Wenger. Good afternoon to the board. Thank you so much for having me. My name is Eli Wenger. I'm a resident of the Jack Jewett District, and I'm also president of CERF, Students for Equity and

[00:57:00] Reform in Virginia, a student group dedicated to making sure young people's voices are heard, and that's part of the reason I'm here today. As a young person engaged in politics and public policy, one of the most difficult tasks that I have is convincing other young people to become engaged in politics. Some other folks have mentioned that we don't have a lot of people running for positions in Altmoral County, and that sounds like a problem to me. We want more people to be engaged in our democracy, not less. And that is all the more of a problem amongst young

[00:57:34] people who feel disenfranchised right now. They feel when they look at government, when they look at public life, when they look at politics, they don't see their voice and their views being articulated. How do we get them involved? Easy. We provide an electoral system that encourages competition, encourages involvement, and ensures that everyone's voice is heard.

[00:58:01] So RCV brings more diverse voices into the conversation to ensure that everyone sees a role for them in our political process. Put simply, RCV ensures that there are more voices and more choices. I'd like to take some of my remaining time to dispel some of the common misconceptions surrounding RCV. So many people claim that RCV is too complicated, but exit polls from RCV elections around the country have shown otherwise. In 2021, in New York City, 95% of voters

[00:58:37] found that their ballot was simple to complete. In 2021, 88% of voters in Minneapolis thought that RCV was simple. In 2023, 86% of voters in Boulder, Colorado said RCV was easy. And in 2024, right up in Arlington, 88% of voters said that RCV was easy. Another concern people often have about rank choice voting is how long it will take to tabulate the results. Well, the good news is RCV tabulation is quick and easy. In both of Arlington's rank choice voting elections,

[00:59:14] the RCV tabulation process was completed in a matter of minutes on the Friday after the election. That is not an unreasonable amount of time to wait to make sure that all voices are heard and to avoid the spoiler effect. Anyone who's taken an econ class knows that when there's less competition in the market, when there's less competition for votes, the customer or the voter has far less power. We need more competition, more voices, and more choices, not less. Thank you.

[00:59:48] Thank you. Next speaker is Christopher Seaman. Good afternoon. My name is Chris Seaman, and I'm a resident of the Whitehall District. I'm also the Robert E.R. Huntley Professor of Law at Washington and Lee University School of Law, where I teach and engage in scholarship on election law and voting rights. The views I express in my comments today are solely my own and do not necessarily

represent my employer. I'm here to speak today in support of ranked choice voting, which is an important electoral reform that can increase voter choice and help reduce the toxic

[01:00:27] levels of polarization that currently exists in our political system. RCV achieves these goals by allowing voters to rank candidates in order of preference. All first choice votes are counted. If no candidate receives a majority, the candidate that receives the fewest first choice votes is eliminated, and the second choice votes from voters who supported the eliminated candidate are transferred to the remaining candidates. This process is repeated until one candidate receives a majority. Notably, RCV does not have an inherent partisan bias in favor of any political party. Instead, because second and even third place choices can determine who ultimately wins,

[01:01:07] RCV encourages candidates to reach beyond a narrow base and instead seek support from the broader electorate. RCV has a rich history, having been created in the mid-1800s and since used throughout the world by millions of billions of voters, including former British colonies like Australia, India, Ireland, and New Zealand. Here in the United States, RCV has been adopted by dozens of municipalities for local elections covering millions of voters, as well as congressional elections in both Alaska and Maine. And notably here in Virginia, the Republican Party used RCV

[01:01:42] in 2021 to select Glenn Youngkin as its nominee for governor. I also want to address some of the concerns that have been raised. One of the most common objections made to RCV is it confuses voters, but the data simply doesn't back up that claim. For instance, as the previous speaker noted in Arlington, 88% of Arlington voters in an exit poll agreed that marking the rank choice ballot was easy. Similarly, in Alaska, 85% of survey voters says RCV was easy to use. And with respect to voter turnout, a recent article published just this year in Electoral Studies found a 17%

[01:02:17] increase in turnout in municipalities that use ranked choice voting. In short, RCV is an important reform at a time when deep party polarization has infected the body politic. As researchers at University of Chicago found in a recent report, replacing existing plurality vote systems with RCV can have a transformative effect, leading to more candidates, less polarization, and less incentive to vote strategically. Thank you very much for your time. Thank you. Our next speaker

[01:02:48] is Karen Yates. Good afternoon. I'm Karen Yates from the Whitehall District and a former president of the League of Women Voters. I'm speaking today on behalf of Lisa Kilgartner, current president who could not attend. The League of Women Voters position on election systems and election

[01:03:21] integrity calls for fair and free elections that maximize participation and are critical to representative government. Adhering to that position, we do support the use in local elections of the method or system known as ranked choice voting that allows for all candidates in a race to be ranked. It is the fairest way we have found for every voter's choice of candidates

[01:03:54] to be considered in the final tallies. In recent years, ranked choice voting has gained momentum in states and localities across the country, including right here in Virginia. Ranked choice voting, as was said, was used by the Republican Party of Virginia in its statewide nominating elections in 2021, and Arlington just became the first locality to adopt ranked choice voting for their county board primaries. If implemented in Albemarle County, the League of Women Voters

[01:04:32] stands ready to assist with educating the community about the system. Thank you for your consideration. Thank you. And our final speaker is Bruce Kirtley. Thank you, Mr. Chairman and board

members for this opportunity. I'm the chair of the Albemarle County Democratic Party

[01:05:08] and I'm here to speak on their behalf. As you probably already know, last year we sent a letter endorsing ranked tourist voting and this year we reaffirmed that position unanimously. So that is our position. We understand that it's new and it's different like a lot of things we've tried here, same day registration, early voting, things like that. And anytime you change things, there's going to be some concerns that are naturally raised. So we're here to advocate

[01:05:42] that you do what I suspect you will do and take your time, study this fully, and come up with an informed plan. And some of the things that I know you will be looking at, let's address costs first of all. You're going to be hearing positions taken that it costs too much. I will submit over a period of time that there will probably be changes in hardware and certainly changes in software. When those opportunities present themselves, I would encourage you to make sure that we incorporate rank choice voting into whatever you're going to purchase. Also,

[01:06:22] we know that it's going to take time to educate, and we heard yesterday from our very fine registrar that it would probably require another person. But we also know from research that we've done that the first six months of this year, almost over 1,100 people have registered newly to vote in Albemarle County. That at the end of the year, if you extrapolate that, you're probably 2,000 or 3,000 more. And there's going to be a need for additional personnel at the registrar's office no matter what. We're suggesting that when you do hire someone and education is a factor, that one of the prerequisites is that they have skills and the ability to go out and tell people

[01:07:00] what ranked choice voting is, because there's going to be that component to it. You're also going to hear that, why change? Well, in one sense, if you implement ranked choice voting, my influence will be greatly diminished. So you would suspect that I would be up here saying it's a bad idea. But it's a good idea for democracy, because if we can have a second, a third, or a fourth person on the ballot, that encourages dialogue. It encourages discussion. It encourages

[01:07:36] us to perhaps even be more civil, because if you're in first place, but you think you're not going to get 51%, you better start understanding the issues that number three and number four brought up, because if you make those people mad, you're not going to get their votes. You're not going to be taken over the top. So we think that it is certainly worth doing, and I'm sure you'll study and put a good faith effort into it. Thank you, Mr. Chairman. Thank you. That's all our speakers. Thank you. Board, we will now move to item eight, which is the consent agenda.

[01:08:13] I am not aware of any requests to pull any items, so the floor is open for a motion to adopt the consent agenda. So moved. Becca? We have a motion from Supervisor Malek, a second from Supervisor McKeel. Without objection, if the clerk will call the roll. Mr. Galloway? Yes. Ms. LaPista-Kirtley?

[01:08:30] Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Thank you. Board, this brings us to the meat of the meeting, but we have a very, very full agenda today.

[01:08:45] Several presentations this afternoon, a number of topics in our closed meeting, and five public hearings this evening. So it's imperative that I try to keep things on a schedule as much as possible. And we're already 15, 12 minutes behind, I think. Our first item is to hear by invitation.

[01:09:01] The election register, Ms. Lauren Eddy, and the Electoral Board, through its members, chair, vice chair, I'm not sure who's presenting at this point, but we want to hear about the capabilities in

Albemarle County regarding rank choice voting, including costs, timing requirements to implement, personnel requirements, as well as other resources, information required from the county or the state legislature, voter education efforts relating to any future decision.

[01:09:30] the allotted time should include ample time for questions by the board as the board is aware we've heard from the registrar previously in november of 2022 on this topic and we're hoping for an update and concerns raised at that time no motion is anticipated coming out of today's meeting this is a meeting for information for the board to help us better understand what the issues are so with that um i understand we'll hear from registrar eddie first welcome and uh thank you for being here good afternoon thank you for inviting me uh i am lauren eddie general registrar and director

[01:10:09] of elections for albemore county i think i have to get my presentation on this thing thank you i said i'm going to ask you just to turn the mic a little bit towards yourself that's better thank here. Okay. Thank you. Thank you. So what you're going to see today is not a whole lot different from what I presented to you all in November of 2022. So we are going to go through the requirements

[01:10:46] and costs if my office was to implement ranked choice voting at this time. The technical and logistical requirements, an election system, which is our ballot scanners or tabulators, That would, one, scan and record the ranked choices on a ballot up to the number of choices permitted.

[01:11:09] Number two, it would need to export the ballot data to a cast vote record. And number three, it would need to tabulate the results of multiple rounds and reallocate those votes to the remaining candidates until one gets a majority. So our current election system still meets only the first requirement.

[01:11:32] We have plans and the budget, thank you guys, to purchase new ballot scanners in January of 2025. This new equipment will still only meet the first requirement, though. So going through our technical and logistical requirements, now we're going to look at the two requirements that we currently would not meet.

[01:11:59] Exporting the ballot data to a cast vote record. There is an available upgrade from the vendor that we currently use that would enable current and new equipment to produce the cast vote record. There is an initial purchase and recurring fee that we will incur. And this is only sufficient for the first round of ranked choice voting.

[01:12:22] We would have to get an additional tabulator software to go with a second round or further than that. The third requirement that we are currently not meeting is to tabulate the results in multiple rounds and reallocate votes to the remaining candidates until we get a majority.

[01:12:45] This is where the additional software comes in that we would have to use to get to those rounds after that first round. And we'll get to the budget part at the end. I'm saving the best for last. What we feel is the biggest requirement of ranked choice voting will be voter education.

[01:13:09] Voter education is the key to the success of ranked choice voting elections. The law currently requires that we would start a voter education campaign at least 60 days prior to an election that we're going to use ranked choice voting in. We believe that this would be the minimum time required to educate the voters of Albemarle County. The cost of a voter education campaign depends largely on how much we can leverage internal county communication resources and use some of the education materials that have already been developed by other jurisdictions.

[01:13:48] And so now we get to the budget piece. We would need an election wear upgrade to our current voting system and the new boating system that we plan to purchase, which would include the software and a dedicated laptop that can't just go on one of our desktop computers. The initial cost for that would be \$13,626 and then an annual fee of \$7,200. So the tabulation software that we would

[01:14:23] need for those additional rounds is now provided by the Department of Elections. That is different from the last time I presented to you guys. We weren't sure if we would have to do a service contract with that vendor, but we don't. Elect has purchased that software, but we would have to buy the equipment, another dedicated laptop for only that software, and right now that would be about \$3,000. The integration, testing, and validation would cost us about \$6,000, and that would be per

[01:15:00] election that we would use ranked choice voting training. That's a big thing for us, and it's really not something I can put a price tag on right now. I think an election staff member would be needed whose primary job function would be to create and conduct training of voters, election officials, and fellow staff members.

[01:15:23] I mean, right now we are a staff of five full-time people who are stretched to their limits with the number of elections and the number of voters that we have in the county. So we would definitely need to add some manpower to help us educate the voters and educate ourselves.

[01:15:45] There will be an increased cost for longer ballots. I'm not sure of that cost. I just know that the ballot will be larger than what we use now. A voter education program, which would include public service announcements, mailings to every registered voter, demos at various sites, \$40,000 minimum.

[01:16:10] When we checked, just a postcard mailing to every registered voter from my office would cost us about \$34,000. so that's really the bare minimum for us to start a voter education program and that is all i have for you guys today thank you very much we will go through our order with questions if that's okay so we'll start with supervisor galloway thank you miss eddie i appreciate the information the um

[01:16:43] the expect i mean regardless if this topic was here or whatever just normal operations as is what do you have or have you had a number of growth population growth that would drive your staff numbers yes so what's that can you give me a kind of a ballpark like oh we had this many voters that usually means we need to add a staff number um so we haven't added a staff member in

[01:17:14] quite a few years uh i would say since about 2013 and so in that time the i can't say exactly how many registered voters we've incurred since then but right now we're at about 87 000 registered voters um i would say that has gone up probably 10 000 voters since that time so i guess what i'm getting at or trying to understand and if we have to follow up it would be good it's understood that if we haven't given you enough positions that's one thing for the current right but there's probably

[01:17:54] some sort of formula that says look we get another 20 000 voters on the roll maybe it's 5 000 i don't know what the number is that's what dictates the the need for staff all right um so that's something i guess i'll leave as an outstanding question that may be able to to come back um the software the um for requirement two and three um that's in this whole initial cost i mean that's everything that at the top here that 13 six yes so that's for the software to our current or new election

[01:18:29] equipment or voting scanners or tabulators if you call them uh the second is a software that is provided by the department of elections so we wouldn't be paying for that software we would be paying for a laptop to put that software on because there are certain restrictions on what else can be on a computer

that has that software but this would be new cost everything that's louis yes and that's ongoing yes that's maybe the six grand down below is that that seems like that would be a one-time up front type of con well we would do testing and validation each election so That's all I'm doing as well.

[01:19:08] Yes, that's for each election. All right. That's all I have right now. Supervisor Lupisto-Curley. Yes, nice to see you.

[01:19:26] How are you doing? I'm doing well, thank you. Looking at all this, we did a quick tabulation. It looks like it would be approximately just under \$70,000 to implement this, but that's not including if we had an additional staff person, which you said we would need.

[01:19:46] Correct. and then the longer ballots yes so that cost we don't know yet but so yeah easily okay so that's a large amount of money um your budget is based on dollars today correct okay because you know we're not making any kind of a decision today right so i'm wondering what um in fact this is just a information gathering session here uh so the numbers that you have you were able to get those

[01:20:23] from from other entities right from my vendors like the election wear upgrade that's from our current uh election systems vendor if we were to do this today that's what it would cost us that's the quote that they gave to us okay all right well that's my questions for right now thank you very much thank you supervisor mallet thank you very much this is a good start and good building on what we heard a year or so ago. So can you, and if I'm asking questions that you're not prepared

[01:21:02] to answer or does not fall within your bailiwick, then I understand. So, but would a, first one, would a person be required to vote for more than one candidate in a particular election if we were to adopt our CV? They would not be required to. So their ballot, if it came with just one person per race would be completely acceptable and be scanned in as normal.

[01:21:25] To my knowledge, yes. Right. So one thing that's been out there is that people would have to vote for all these other people that they don't know or don't want. So I just wanted to get that clarified right away. I understand about the software. I do know that a year or more ago, there was discussion about how we were finally coming up to the time when we could buy new machines.

[01:21:46] And as someone who worked on trying to get a paper ballot for 25 years, I'm very grateful that we did. there's a lot of empty space on that ballot so i don't know quite what that means when you talk about a longer ballot perhaps for a county who has at large elections and they have 10 candidates for five spaces that may be a whole different thing from what we would have where our ballots are by district and so there's so much partition that already happens before it gets out to the to the voting polling places is there any connection with actually no it's not because

[01:22:24] Because the only authority that the Board of Supervisors has at this time is for local elections. Right, for the governing body. So there is not really a connection between party primaries of any sort and this process.

[01:22:40] Correct. Okay, so there's no diminishment or taking over of a primary process having to use this. I was interested in what some speakers have said about how it's already been in use by parties in Virginia. And I guess we'll have to do research on our own to find out if there truly has been a decrease in voter participation.

[01:23:06] What I have heard from, well, I'll stop there because that was mostly questions. Thank you very much. You're welcome. Thank you. Supervisor McHugh. Just to piggyback on what Ann's questions were, and you may not be able to just do this right off the cuff, But I would really like to have the regulations or exactly what, for example, not primaries.

[01:23:33] I know you presented that to us with the last presentation, but I would like to have that again. Okay. And I don't think it's changed in state code or anything like that. So if you could just provide that to us again, it would be a great review, at least for me. Of course, I can send it to Claudette.

[01:23:49] Yeah, that would be lovely. I have to say that I was a little surprised when I saw the longer ballot just because our ballots right now, there's a lot of space on those ballots. Well, there are certain ballot standards set by the Department of Elections, so some of that space is required because of how the ballots have to be printed.

[01:24:10] Okay, interesting. So when you say longer, though, you're physically talking about longer, like the difference in legal and just literally size-wise. Size-wise, yes. Okay, okay.

[01:24:25] As required by? The Department of Elections. Yes, their ballot standards. All right, because I could see in the city where they don't have magisterial districts, and they have one. Right. So we're very different entities in the way we vote or how many people we have to vote for.

[01:24:45] And the other thing I was a little confused about, software needed for each round of voting. So help me a little bit with, so the software we buy, we'd have to buy multiple.

[01:25:02] No, no. I'm just trying to explain that to me better. What we would get with the upgrade to our current voting equipment or the new equipment would only be sufficient for one round of ranked choice voting. So if we had to do further rounds, then we need the software that is provided by the Department of Elections.

[01:25:20] I see. That software will take us from round two and up. I see. So that's it. It's the difference between what we currently have, I'm running with you now, and what we would need. What we would need, yes. And that cost is here somewhere, I think, wasn't it? Well, the software is provided by Department of Elections.

[01:25:38] Okay. We would need a laptop or computer to put that software on. To put that on. That's what I was going to. Okay. That's great. That helped me a lot. I appreciate that. And just one more question. And I really thank you for coming today, by the way.

[01:25:55] This is great. A refresher is always good. You were here, did you say in 22 or 23? 2022. 22. So do you have, I thought you gave us some financial, some numbers data at that point.

[01:26:15] How much is that? I'm just trying, if we're talking about how the numbers are going to shift over the next couple of years, how much have they gone up? This has gone up in each bullet point, probably about \$1,000 or so.

[01:26:31] The final one, the voter education program, has gone up \$20,000. And I did not request a new staff member in the budget that I had proposed the last time I was here.

[01:26:47] Just trying to figure out, you know, Ned was asking about, darling, just trying to figure out if we were going to extrapolate what we have now and looking towards the future. I thought maybe that might be a little helpful, although I'm not sure. You know, it is what it is.

[01:27:02] Well, thank you very much. I really appreciate you being here to answer our questions. Thank you. Supervisor Pruitt. I think this is really the meat of what we need to be able to proceed in a decision, this kind of thoughtful outlining of the costs.

[01:27:21] I just have a few clarifying questions that I think would help me and also anyone in the audience kind of get a better grip on kind of how these costs might sequence out. So first, going back to the question, actually, that I believe Supervisor McKeel just had, there's the cost delineation over what our new software is going to be able to handle versus what we would need the software from the Department of Elections and the additional laptop for.

[01:27:49] And you said that's going to be based on whether or not there's one or more rounds of voting. I just want to make sure I'm thinking through this correctly. That means, am I correct in understanding that if we have three or fewer candidates, then there would not be that need for that additional software?

[01:28:10] Because if you have only three candidates, you would not have multiple rounds after the first round. Well, that's true, but I feel like to be prepared, we would have to have that software. Okay, that is a great TN to the next question I was going to ask, which is a critique we've heard from folks in the audience and also quite a lot of folks by email, is that we aren't actively experiencing elections that have a need, per se, for ranked choice voting because there's not enough people running for them. So I'm curious how we can even

[01:28:50] think about and sequence these in the immediacy of these needs. If we were to hypothetically look at an election for next cycle's local elections in 2025. And suppose we had no situation in which there's primaries that are cropping up. But then in 2027, we were going to have five people wanting to run a Democratic primary. Are there any costs here that you would identify as things that we would not need to provide for in time for 2025 if we were to decide to magically approve RCB

[01:29:25] in this calendar year. Is there anything that you would look at and say, oh, that needs to be done this year and ready in time for 2025, but other things we can wait on until we know whether or not there's going to be this need? My preference would be if the board was going to adopt ranked choice voting and implement it, that my office was set up with everything that we would need to move forward with it. It's hard to say how many candidates are going to file for an election. We have no way of

[01:29:58] That's fair. I guess I was trying to get more at if you thought there was room for kind of schooling up additional capacity later on. But it sounds like your professional assessment is that you would need that grace given to be able to be more prepared.

[01:30:17] Lastly, I just am curious how you would respond to the suggestion we had from Mr. Kirtley during public comment that there is likely going to be an additional need for an additional FTE. And the suggestion that that could be kind of a dual-hatted role for an RCV specialist.

[01:30:37] Yes, we do have the need. That's not something we have asked for or I'm prepared to ask for right now. But yes, the need is there for an additional staff member. I guess, I apologize.

[01:30:55] I want to clarify a bit more what I'm asking. There is an existing need for an additional staff member just based on the current workload. Do you see that as being something that can be dual-hatted instead of two FTEs, one who is a RCV specialist and one who is helping with the existing burden of work in the department?

[01:31:14] Oh, no, I think it could be dual. Do you see these workers could be the same person? Yes, that could be the same person. Okay. Thank you. That's helpful. That's all I have. Thank you so much for being here. Thank you. Thank you for being here. Thank you for a very efficient and helpful presentation.

[01:31:30] Thank you. Types of things that I was definitely looking for, we were looking for. I did have one thing to follow up on the sort of list that I had, which was that at one point there were questions about whether there needed to be any legislative clarity, because we will be going into over the next few months and beyond looking at our legislative priorities and different policies for legislation.

[01:31:53] And I wanted to know if there are things that you see that the General Assembly, which has authorized boards of supervisors to adopt this for their races, whether there are legislative clarity issues that you would see.

[01:32:11] There are not on my radar right now. Okay. Thank you. And following up on the comment about the position and the efficiencies there, I also just wanted to touch base on the mass mailings. I take it there are not regularly mass mailings going out to voters in any event.

[01:32:27] We are required to when there is a change made. So if you're polling place changes or during redistricting, we're required to do mass mailings, but typically no. And just not that it's coming up soon, but things like redistricting, do you do mass mailings to every voter or just those who are affected by the change? Those who are affected by the change. Okay, thank you. And we have heard some comments about timeliness, which is also an important part. This is the last minor question in terms of longer ballots currently the my understanding is that you have the candidates listed vertically

[01:33:05] yes but there are two columns yes so the biggest change here just to be specific would be since you'd still have candidates listed vertically that they would be additional need perhaps for a one column because of the ranking aspect of this correct okay so I just want to make sure got a handle on what it is about this that makes it longer which makes sense to me um uh board are there any additional questions i do a couple of us have a couple okay thank you the um so i had written down to ask about the cost today of our current process for the annual mailings and it

[01:33:44] sounds like only in an emergency something where there's advertising that's wrong or something like But then you have to do the \$30,000 mailing, what used to be \$15,000, it sounds like, and it's gone up considerably. And that's using one of the local mailing services, so you don't have to do all that work yourself.

[01:34:02] Right. Okay. Now, you also mentioned the integration testing and validation. You have to test out all the machines today, and you would still have to do that because those are the machines in the polling place. this additional amount is for the testing on the laptop and the current software right this is the new software yes okay so that's specifically new i just wanted to make sure i knew i had that answer and considering that we have had in the last 10 years 15,000 more people moved to town and your

[01:34:37] last new staff person was in 2013 we're already way behind as far as keeping up thank you very much thank you i'm just going to go down the order superintendent galloway i believe you had No, I'm good. You're good. Supervisor, thank you. Just a quick question about education.

[01:34:54] And it's fair for you to say, I'm not expecting you to have done the work, but have you thought about what a public education process would look like? Have you penciled out anything? We have not.

[01:35:10] Okay. That's fair. Bare bones. Yeah. Yeah. Yeah, I get that. My other question would be, though, are there any other localities? Well, you could identify localities that have gone through this process, and I'm sure they try not to invent the wheel.

[01:35:27] Right. So currently in Virginia, there's only one, and that's Arlington. Right. But we will, I guess, Charlottesville is debating right now. Right, they are. So with the education process, it would be helpful to be able to contact some other localities, recognizing that they're not a lot just trying not to reinvent the wheel and I'm sure you have contacts in all these areas and you could reach out to okay just curious about the process thank you thank you supervisor Arlington are they in districts or at large I am not sure they're

[01:36:04] definitely at large they're at large okay so you have multiple people there okay and I just have a couple of clarification points um if according to this the laptop dedicated lot laptop would that be sufficient for items two and three no that would be two separate laptops that software both of those softwares can't be on the same laptop okay so then the price i quoted is an

[01:36:33] additional \$13,000 or so. Okay. Also, write-ins, and I bring that up because write-ins will actually be, they won't be part of the ranking process unless that one person writes someone's name in and then puts them in the ranking order. Correct? Yes. Okay. All right. And in Albemarle, we have a Democratic primary we have a Republican primary so usually we only get two people or perhaps a

[01:37:11] an independent so unless there's a ride-in I mean the most you could probably I won't say the most you can get because you could have several ride-ins but chances are I don't know how far they would get but you're usually in abomar you're just going to have usually two people on the ballot maybe three if there's an independent typically yes okay um all right well you have really done a great job in answering the questions i have um and i know like i said this is just for

[01:37:50] informational purposes and and i appreciate that very much and i appreciate what you and all of your team, everything you do. Thank you. Thank you. Thank you. I'll let the Supervisor Pruitt just to check in to make sure you have no additional questions, or if you do, give you an opportunity to ask. Sorry if that didn't catch. I have no additional questions. No additional questions? Okay. Thank you. Board, I believe there is a second presentation. Oh. Okay. Great.

[01:38:27] Thank you. Welcome, Chair Flood. Thank you. It's my first time before this board in this County. Appreciate it. My name is Sylvia Flood. I am in the Samuel Miller District, formerly of Whitehall. I got redistricted, okay? Having said that, I am on the Electoral Board, and the current position I'm on is I chair. We are a unique group in the fact that we are appointed by a circuit

[01:38:58] judge, and we have three-year terms, and we report to the state election people. We work in collaboration of course with the county and it's important that our job by oath and by definition is apolitical we are the keepers of the process and that's the voting the process of voting we do nothing that's not legally approved and as you well know by reading law any law my apologies to

[01:39:33] the lawyers in the group here is that they are great at telling us what needs to be done it's not always clear how it gets done. So we not only have to walk that fine line of the law, but of the how-tos. My reporting structure with our registrar, the board is the reporting author, is who Lauren reports to, which makes it fun if any of you guys have worked on a committee who supervises. The things that Lauren handles is the operational side. We are administrative.

[01:40:07] We get our nose into things like education, training, requirement. We approve all election officials, all chiefs and assistant chiefs. We have currently over 500 election officials plus it grows. This year, we've added 140-some election officials.

[01:40:27] We are responsible for training all of those folks. This is another training. We're not only required to train the month they come on, but we are required to train every election. 30 days before an election, we put all those folks through training, partly because they only do their job once or twice a year.

[01:40:47] Because in this very unusual year, we're having multiple elections, two primaries, March and June, with two elections in each of those primaries. Of course, the biggie in November, our presidential, which for some reason is always fun.

[01:41:04] We have been especially honored this year to have a recount, which is basically going through what we just did two weeks earlier or three weeks earlier. I am proud to report for Albemarle, we had no issues on our recount.

[01:41:21] It makes those of us who spend 14-hour days in this process feel very comfortable. We have an overview, and I want to make something perfectly clear, because in the last 24 hours and about 10 emails I've seen in that time, I've been told what my job is.

[01:41:39] So I want to make sure you know what I know my job is, okay? My job is administrative. My job is apolitical. I cannot personally or in my position as chair and electoral board cite a position from that podium.

[01:42:00] What I can do is say, holy heck, implementing a process is going to take a lot of work, a lot of training, and I can agonize over that. And I don't want some of the comments where we have pushback, where we have questions, be read as anything other than as operational concern for excellence.

[01:42:24] Still, I'll point back to our recount. We have a record. I intend to keep that record, hopefully knowing your recounts. Having said that, I'd like to ask my colleague, Dr. Clareville-Wheeler, to take about 10 minutes, 15 minutes of your time, if I can, to walk you through some of the issues that we see as we implement this.

[01:42:48] I see some heads nodding. We are at our expected time for this issue, though we did start 10 minutes late. If we could keep it at something closer to 10, we would still be under 45 minutes. We'll try that. Thank you.

[01:43:05] We appreciate you, Chair. Thank you very much in your cooperation and your communication. Thank you for your service. Thank you. Members of the Board of Supervisors, I have a brief abbreviated – Oh, I'm sorry. It's this one. Thank you very much.

[01:43:22] Thank you so much. I was afraid you'd left. This is a report that is required in code, as you will see, 24.2-637.1, that, quote, a decision to conduct an election by ranked choice voting shall be made in consultation with the local electoral board and general registrar.

[01:43:43] So I commend you for that's what the law says. How do I advance? Enter. I'm so sorry. I've never used this machine. Oh, on the computer. Thank you so much.

[01:44:06] You were asking a lot of questions about what a ballot looks like. So let me try to give you some information on what a ranked choice ballot looks like. This is for a ballot for roughly five people. I'm not

sure how to move the scribe to where you can see it. But you list the candidates down one side, and the voter will vote for their first choice, their second choice, their third

[01:44:39] choice, etc., for the number of candidates on the ballot. So this is what it will look like on your ballot when you see it. The use of right choice voting in Virginia, as you have heard partially, the only election in a municipality in Virginia using right choice voting was the 2023 Democratic primary in Arlington County. So to answer your question, you can do primary party

[01:45:14] primary elections using rank choice. As many of you know, there are no write-ins in a primary, so it doesn't matter whether it's rank choice or regular ballot. The code says you can't do a write-in in a primary. The exit polling that was done by one completely independent organization

[01:45:41] showed that 41% of those who took the exit poll after that Democratic primary said that 41% of them did not like right choice and they didn't want to do it again. It was a simple four question and it was done by a totally independent organization.

[01:46:07] There's another organization that basically did the same thing, and their results said 61% of the voters didn't like ranked choice. I can send you the links to those polling. The question was asked whether they liked the tabulation, and the voters did not seem to understand how the ballots were tabulated or counted.

[01:46:32] The Richmond City Council voted in 2022 that they would do no ranked choice voting through their city council elections in November 2024. They, to my knowledge, have not done a re-vote on that.

[01:46:49] The following example is going to be done very quickly, but it will help you understand what the tabulation that our registrar explained, our software, has to be purchased. But this is what the tabulation will do. You've got the same ballot that we saw early in the first round of votes, and I tell you that this is a contrived, made-up election of 1,000 voters, and by some miracle, all 1,000 of them voted.

[01:47:20] We've never had a 100% turnout, but we can always hope. So we have 1,000 ballots, and this is the result of the first round. So this is what, when you talk about the software that will tabulate first round, it merely counts all of these ballots.

[01:47:40] And you will see that from the distribution that the highest vote getter got 31% of the 1,000 ballots. Under the rules of ranked choice, in order to be declared the winner in a ranked choice election, you must get 50% plus one vote.

[01:48:01] Not 51%, but 50% plus one. So it's just barely over 50%. And no one got it. So now the tabulator will go to the second round. And in the second round, after the first round was counted, let's go back.

[01:48:18] Sorry. Can we go back? Nope. Oh, can we go back? How do we go back? Hold on, wait a minute. Ah, thank you. You had a thousand votes and you will see that Wilkie only got 40 votes. He came in last. So he is out of the race. And you take the people who voted for Wilkie first, it's their first choice, and you take the second, their second person, the person that they voted in the second round, and you add those to the people that they

[01:48:54] marked. So in this case, 30 votes went to Altman, 10 votes went to Sharp that were from the Wilkie who is no longer in the race. Well, still we don't have 50 plus one. So we go to the third round.

[01:49:10] And in the third round, we have people's voting who did not vote a third round choice or a fourth round choice. So they don't have any votes to offer. They have no place to put their first round

choice or their second round choice because they did not vote a third round choice.

[01:49:34] So we have a problem. Those people are no longer legally allowed to transfer their votes because their candidate has already been dispatched or their ballots are being exhausted because the person they voted for first round is gone, second round is gone. And now we've dropped the total number of ballots being considered to 680. We get to the final result. This is the winning,

[01:50:11] and you see that Hovis got 370 votes in the final round, which is 54%, not of 1,000 votes, but of 680 votes. So if you were going by strict, you must have 50% plus one. Nobody would have won because you've eliminated, exhausted the difference between 1,000 and 680. I needed to go through that with y'all so that you would understand exactly how you mark and tabulate.

[01:50:47] And that's why, to your questions, why we have to buy extra software to get through all the rounds. The New York City mayoral election, you may remember, took over three weeks. Now, New York, big city. Three weeks to tabulate the votes. In the first round, the ultimate winner, but the winner of the first round won by 10 points. It took them nine rounds of votes because, again, there were a lot of candidates. He only won by two points because of redistribution of votes. The disadvantages,

[01:51:26] you will note, are that, as Ms. Eddie has already explained, there's a cost. Ballot software has got to be purchased and it's got to be maintained and it has to be updated on a regular basis.

[01:51:41] If you do not vote all of the choices, your ballot will be eliminated and no longer part of the election. In the second and third choices in Iraq choice voting, those second and third round choices become first place votes for the candidate. So someone who marks the first round

[01:52:12] choice candidate a and votes somebody for their second choice and their third choice when that first round gets eliminated those second and third round choices become primary choice the first person that gets the ballot and this may be a deal breaker for some people or maybe not in rank choice voting you must vote for everybody on the ballot and it may be somebody you don't like But in order to keep your ballot alive, you've got to vote for all the choices.

[01:52:53] Problems for voters. The less well-informed or less well-educated voter will have a great deal of difficulty understanding how to mark a ranked choice ballot. They have in every community.

[01:53:09] And there are local and national organizing committees and communities that have spoken out against right choice simply because they feel that the people they represent might not be able to understand or mark a right choice vote.

[01:53:31] You must vote for all the people on the ballot. The delayed results, this is a biggie, and this is factual, this is law. The election night results only will report the first round of voting.

[01:53:50] And as you've seen from our other examples, the person who wins the first round may or may not be the ultimate winner. All the results in Virginia, according to the code, must be reported by precincts. It's how each of you knows how the voting took place in each of the precincts in your magisterial district.

[01:54:11] So you know where to put your efforts the next time. All the ballots in a ranked choice must be tabulated and counted together because it's the accumulation of all the ballots, not just in one precinct or in one magisterial district.

[01:54:32] Mailed in and provisional ballots may be delayed well over a week, well over, because mailed out absentee ballots do not have to come back to the registrar's office until noon on Friday.

[01:54:48] if Friday is a federal holiday and there's no mail distribution, then that deadline by Virginia law goes to Monday, which means the ballots are still coming back. You'll know what their first round vote is, but there will be no way of tabulating all rounds. The provisional ballots will not be adjudicated by the electoral board until all the ballots are back and the provisional ballots are back. So we're looking at more than a week for results. And this is a big report that came from

[01:55:22] the Department of Elections. The short term is elect because Department of Elections, if it were DOE, it would be the Department of Education, which was already taken. So it's elect. And they did a study that shows that under current election law, using report by precinct, we can't use ranked choice voting. I'm sure they'll have more to say about that in the future, but that's what the 23 report showed. The problems of understanding the ballots, and this was brought to me by

[01:55:58] actually an officer of election, chief officer of election, and it's very true. We have numerous elderly voters, and they will have, they may know a lot about the one candidate they like, But they will have trouble voting a ranked choice ballot.

[01:56:22] The less well-informed and the less well-educated will have the same problem. And they conceivably could be disenfranchised, a word we all dislike. But it's true. If you can't figure out how to mark the ballot, your ballot isn't going to count. Polling places.

[01:56:40] This was alluded to earlier. Trying to mark a brand new, you've never seen it before. and even after three or four maybe elections of using ranked choice, you've got to go into the ballot place, the polling place, and mark your ballot. This may require more attention to the ballot than just circling in, filling in one little bubble.

[01:57:02] Many ballots will be spoiled, and the registrar and the electoral board have to figure out how many ballots to get because you sure don't want to run out of ballots. And this is going to be a really interesting question. The other problem is with mailed-out ballots.

[01:57:18] The purpose of a mailed out ballot is so you can vote in the privacy of your home, either put it in the drop box at the registrar's office or put it in the mail. But what do you do if you make a mistake? Which may happen. You have to either mail that ballot back to the registrar and get that ballot spoiled and the registrar mails you a new ballot.

[01:57:40] Or you have to come into the registrar's office and get a replacement ballot. Or you could go into the in-person absentee voting and surrender your mailed out ballot and get another new ballot. The problem is there's nobody at home to help you. And if you make a mistake on the ballot, you don't have anything to mail in.

[01:57:59] So it could be confusing. The consensus opinion from the electoral board, and as you've heard from others, is that, and as you know, many of you have run unopposed. You don't need a ranked choice voting for your magisterial district.

[01:58:15] Albemarle County routinely has no more than two, at the most, three candidates. And you can declare a clear winner with three candidates in a race. Frequently, there's only one candidate.

[01:58:35] Having a ranked choice voting will be expensive, confusing, and there's no real need for it. I'm happy to entertain any questions. We will go through our order. Thank you. Thank you. I hope you notice that's the only picture I've got.

[01:58:52] Our order, Supervisor Galloway, for questions. I don't have any questions. Today was informational. I appreciate the information. I would imagine if we have a future discussion about whether or not we want to or don't, we'll get into the whys and why nots and the rationale behind if we should or we shouldn't do it.

[01:59:19] So as it relates to the logistics of it, I appreciate the conversation. I will make one comment. I appreciate, Ms. Flood, that I've not had the pleasure of meeting you. And I appreciate the work that all the members of the Electoral Board do. But this is not meant to be counterpoint or argumentative.

[01:59:41] I just want to be clear about how you all are appointed to the board. You are appointed by a judge. That's correct. But unless state code is changed, my understanding is two of you are appointed because our sitting governor is Republican. That's correct. And one of you is Democrat because the governor isn't a Democrat.

[02:00:01] If the parties were reversed, that would be the case. That's correct. If we had a governor that was not of a political party, then the appointment would be based on who the majority and minority parties in the General Assembly are. So if we had an independent governor and the majority was Republican and the minority was Democrat, we'd have the current situation.

[02:00:22] To go to the judge, it is my understanding that the local political parties make recommendations to the judge so that the members are affiliated with the proper party to adhere to state code, and then the judge makes the ultimate decision. I have faith that those who are in these positions do their best to act apolitically.

[02:00:43] We do. But I also don't want to make it sound like the way you get to your position is apolitical. Very political. Thank you. May I comment to your... Supervisor Lupista, we're just doing questions, and I don't think there was a...

[02:01:00] You can. You'll have the public right away to do it the next time when we talk advocacy. But I think it's free for me to be able to make the comments as I see you. Supervisor Lupista, I'll wait until after we can discuss it. Questions? No questions.

[02:01:16] No questions. Supervisor Mel. Thank you. So on the now-we-have-a-problem slide, how is this different than someone who just votes today for one person? If their person doesn't win, they're out. That's correct. So it seems I just didn't understand how you get to phase two, three, or four.

[02:01:37] When you're out, you're out. Secondly, I remember clearly that there was a – well, I guess that's not really useful. Hold on. I've got to get another page. I was going to talk about it. Sue, President Malik, may I make one try to clarify your question?

[02:01:53] Clarify, please. Other ballots, if a voter comes in and marks a first, a second, a third, a fourth, a fifth, how many ever choices there are, and their candidate is eliminated, then the second, third, fourth, fifth choices keep rolling on.

[02:02:13] They keep being given to another candidate. So the ballot that that person voted is still active. It's only if they don't fill in the circle for the second, third, fourth, fifth candidates that their ballot is

exhausted.

[02:02:35] Yes, I understand that. But that's not, yeah, okay. Under delayed results, nothing is official until the Friday campus anyway. I'm sorry, I can't hear you. Election is not official even today until the campus on Friday or maybe Monday or maybe three weeks later, if that's how long it takes when there was a Lieutenant Governor Gannis that I was involved with many, many years ago. So I just don't know what change, if there is a change that you perceive for the delayed results screen as opposed to what we do today. The delayed results will come

[02:03:12] because you have to wait until all of the votes, all the ballots, the in-person absentee, the mailed out and the precinct first round, you'll all get on election night. Any ballot that comes in up until the deadline, you won't be able to add those. Traditionally, there are fewer ballots that come in after election day. They're mailed out ballots and they have to be in either

[02:03:46] by Friday noon or Monday noon. And you have provisional ballots. But you can still give the voters the results from election night because the preponderance of the numbers of ballots and votes are cast either in-person absentee or mailed out absentee or on election day. So you've got the big numbers. You've only got a small number to add. And so you can kind of get a feel for how the election is going to turn out. But with ranked choice, all you've got is that and you cannot add

[02:04:25] any of the second round. And as you saw, first round suddenly becomes second round, may become third round, and you don't have a winner until, but you're right, it may take a week or two weeks. Right now, we're usually through by Tuesday. Thank you very much. Thank you.

[02:04:44] Supervisor McHugh. I'm going to pass on questions in an effort to keep us back on time. And I already see staff here that are here for the next presentation. I do want to thank everybody for coming today. It's a great discussion, interesting, and I'm sure there are more to come.

[02:05:01] Thank you. And I'm sorry, I don't know. Thank you. Supervisor Pruitt. Thank you. I do want to just briefly provide two comments. First is just on the kind of speaking to the selection and the exclusion of information given in the Electoral Board's presentation just now. And just to be very illustrative of this. We heard a data point thrown out about the disapproval in Arlington over their own electoral process, which claimed to be from exit polls. And I know that the

[02:05:38] electoral board has offered to provide us that survey data. But from the best I can tell from my own research, the only thing, the only survey that I can find that speaks to that seems to be potentially a patch survey, claims to be an exit poll, but was done online with an n size of 250. In contrast, the nonprofit FairVote did a scientific quality exit poll study that was in person conducted across 54 different precincts and early voting with an n size in the thousands that had a much higher favorability of over 65%. And the county of Arlington's official survey that

[02:06:16] they conducted through their Office of Public Engagement, which had an n size of 780, had a 75% approval. That wasn't the data that was just given to us and nor was the kind of decision over whether or not this patch survey or this fair vote survey or the county of Arlington's own survey. The discussion of how that was chosen, which would be presented, was also not touched on. Which gets into my second point, which is how I'm frankly quite disappointed in this presentation from the

[02:06:49] oral board. As was discussed, this is a body that, while partisanly appointed, has a directed duty to behave in a nonpartisan manner, and it was also presented pursuant to an invitation from this

body, from this board, to present requested input on the concrete demands of ranked choice vote and expressly not on the normative policy or political considerations that went into ranked choice voting. Now, the Board of Supervisors and the Board of Elections are both independent bodies, and I nor any of my peers have any control over how the electoral board chooses to execute their

[02:07:27] role. So I can only really express my regret and my disappointment that instead of bringing what could have been a thoughtful and neutral presentation, what was instead opted for was what is frankly from my view a nakedly partisan screed that discreetly selected arguments that made normative arguments that discerned between helpful and harmful data and hurtful and helpful arguments. So I find that sincerely disappointing. That is how this opportunity was used. And if I

[02:08:04] were to be quite candid, somewhat embarrassing. And that is all I would say. If I may respond, since I have just been attacked, I would tell you that the polling data, as we all know, Polling data varies all over the board for all polls, no matter what.

[02:08:27] Another poll had already been reported. I didn't report that same poll because it had already been reported. I was trying to give you other polling, and I had nothing to do with any of the polls.

[02:08:43] So that was merely a, it's a poll, and whatever polls are worth. But I take great exception to your accusation that I am acting in a partisan way.

[02:09:04] I am not. I presented data to you. I presented pictures of ballots so that you would know how the counting takes place. I presented the law as it's written, the study from the Department of Elections, and the disadvantages of ranked choice voting for various segments of our community.

[02:09:27] I can assure you with every bit of my being that I was not speaking in a partisan way. So you will have to take that on my word. I certainly appreciate your comments. Thank you.

[02:09:45] Board, only one thing to add sort of to the discussion about some points have been brought up about election night reporting versus later reporting when provisionals and mail-in ballots are received. There was also a comment made about you don't have to vote for all choices.

[02:10:03] You have to vote for all choices. And, in fact, if you vote for all but one, it's mathematically no different than if you voted for all. So it doesn't really require, even in any case, that you mark the least favorite choice. There is no mathematical difference between leaving that one blank and putting in a number.

[02:10:23] That said, I would invite Mr. Heilman as the third electoral board member to speak. because we have heard from the other two. Thank you. Please. I'm Jim Heilman, the Secretary of the Electoral Board.

[02:10:42] As you know, part of this meeting is because the code says, as Dr. Wheeler's slide showed, that you are to make your decision in consultation with the Electoral Board and the Registrar. We have a bit of a difference of opinion among the Electoral Board as to what in consultation means.

[02:11:01] And in my way of thinking, It does not mean that we should tell you or advise you that it is a good idea or a bad idea. And I just wanted to make that clear. Thank you. Thank you very much. Board, before we move on to the next item, I'm just looking not for questions, but any additional comments.

[02:11:19] And we will go through our order very quickly. Supervisor Calloway, any additional comments? Supervisor Lupisto, currently. Yes, I do. I was, frankly, very pleased with what, in a nonpartisan manner,

when Ms. Flood addressed the board and also when Ms. Eddie addressed the board.

[02:11:42] I was not so impressed with what we received, the latest thing, because that's not what we asked for. In fact, I found a couple things in there. I'm just going to say it. I found a couple things in there. The way it was stated was insulting.

[02:11:58] regarding the less well-educated, regarding the elderly. I have a lot of elderly people in my district, and believe me, they are super smart. And I just found this, frankly, the way it was presented, I feel that it was partisan, and that's not what we asked for.

[02:12:22] And frankly, the way it was explained was also very, it was not explained in a good factual way so that people would easily understand it. And maybe that was the purpose of it, to make it look like it's not going to be easy, it's not going to be factual, it's going to be something so difficult.

[02:12:41] And remember, we're still looking at whether or not we're going to do this. We just want information, but we don't want skewed information, and we don't want a particular side telling us what to think, what not to think.

[02:12:59] So, like I said, I just wanted to go on record as saying that I was very disappointed with the last presentation. Thank you. Thank you. Supervisor Malek? Thank you. I certainly have learned a lot and felt I asked my questions and look forward to more information and discussion in the future.

[02:13:18] Thank you. Supervisor McHugh. No, as I said, more to come. Thank you. And Supervisor Proulx. Yes, I know we will spend so much more time talking about the substantive merits and our respective opinions on ranked choice voting, so I'll save any comments on that.

[02:13:34] And I do want to just take care to note that while I did express my sincere displeasure and disappointment with the closing presentation, that I don't extend that to the presentation we received from the registrar, which is deeply important.

[02:13:51] Thank you. And my only final comment will be, again, to appreciate how well the recent elections have been run, how well the recount went, which I'm sure was arduous to hear that story, that there were no changes in Albemarle County is impressive.

[02:14:08] And thank you very much for your service and for being here today to speak on these matters. Thank you. Board, we will move on to our next item, which is zoning modernization phase one article review, and this is being led by Ms. Leah Brumfield, Senior Planner 2.

[02:14:27] Welcome, Ms. Brumfield. Thank you for your patience. Thank you, members of the board. Let me go ahead and get my presentation loaded up.

[02:14:37] So, as noted, my name is Leah Brumfield. I am in the Zoning Department of Community Development.

[02:15:44] I'm joined by Frances McCall, Deputy Zoning Administrator, and we also have with us in the audience Rebecca Cobb of the Berkeley Group, who may be jumping in to answer questions as needed. And this presentation will be reviewing articles drafted in Phase 1 of the Zoning Modernization Project.

[02:16:03] All of these drafted articles have been reviewed by the Planning Commission, and they are here now for the board. So we're starting with an overview of project goals and going over the work that we have done in this phase to date.

[02:16:25] I'll be describing some of the more important changes that we are proposing to each of the different articles, and we'll be reviewing stakeholder input. We'll also talk about the next steps, briefly discussing phase two, and then we will answer any questions the board has.

[02:16:42] So at our last presentation to the board in October of last year, we discussed the overall project progress, kind of a midway point in this phase, and we went in depth on some of the strategies we've used in approaching this zoning modernization project.

[02:17:01] The strategies were enacted to meet the overall goals of the project, providing streamlined and user-friendly regulations and incorporating best practices and addressing the goals and strategies of the comprehensive plan, which look at the community's needs and the feedback that the community provides in the comprehensive plan process.

[02:17:22] So this graphic is an updated process graphic for Phase 1. We're showing the kickoff in August 2022, investigation and interviews with stakeholders, including staff, members of various development groups, and also the planning commissioners, and three planning commission work sessions going in-depth on the individual articles.

[02:17:48] Phase one also included a general open house for the public in January 2023, where we covered the overall approach to the project. We answered questions about the relationship between the comprehensive plan and the zoning ordinance, and we painted the overall direction of the work that we're doing. Additionally, we met twice with the Charlottesville area roundtable, sorry, development roundtable, and the Blue Ridge Home Builders Association on questions of application process and overall clarity of the administrative ordinance drafts. So after presenting all four

[02:18:25] articles in June to the Planning Commission in a wrap-up session, we now have the wrap-up session for the board. Our goals today are for the board to provide feedback on whether the framework or the articles is logical and comprehensible, and are there any particular regulations that are unclear that we need to address. So with those two questions in mind, I will go over the articles included in phase one of the project in a little more depth. The overall general edits that we have

[02:19:01] covered for these four articles look at the foundational and procedural ordinance sections. These four articles have included work sessions that have incorporated the specific feedback we received uh and the overall general guidelines that we have developed for this project the guidelines are there's a three 13 point guideline section that we we presented to the board previously but in very very brief avoid jargon make it more brief remove unnecessary state code

[02:19:38] so we have uh talked with staff subject matter experts and the county attorney's office on all of these drafts. So we have tried to ensure accuracy, user-friendliness, and Virginia Code compliance, and I believe that we have succeeded in those. So a note that we are using the new article numbers, not the old article numbers. For example, Article 2 in our current zoning ordinance is the basic regulations article, but Article 2 of the proposed ordinance is the administration

[02:20:15] registration section. So when we're using an article number, it's going to be the new ones, not the old ones. And all of the four proposed or draft articles are included in attachments two through five. So additionally, a crosswalk has been provided in attachment six. This crosswalk outlines each section of the existing ordinance with the new proposed location. And as illustrated here, different sections of the

current ordinance are being pulled into the new ordinance in a more logical, orderly manner. As you can see, the regulations are currently organized a little bit

[02:20:52] haphazard as they were added as the need for the regulations arose. So now we're pulling these sections out and putting them all into a article or a section that is more comprehensible and logical. So that crosswalk is all available in attachment six of the board's packet.

[02:21:13] So Article 1 is the legal foundation for the ordinance. It includes references to enabling legislation for both creating the ordinance in the zoning map and providing for additional authority to enforce the ordinance.

[02:21:32] We described the overall goals of the zoning ordinance, what we're trying to achieve by having a zoning ordinance. And this content was previously also in Section 1 of our current ordinance. There's no change there. Oh, sorry. The majority of the changes here that we're looking at are old language that was a little bit too opaque, a little bit too legalistic, clarifying that, shortening it, and then replacing quotations from Virginia Code with references to the Virginia Code so that we're not repeating state code.

[02:22:08] Those will all be linked the same way that they are right now so that if someone wants to reference the actual state code, they can immediately go there. As an example, this slide currently shows the zoning ordinance's purpose statement.

[02:22:26] The purposes of the chapter are, as an yield by state legislation, to promote public health, safety, convenience, and welfare, and then a long list of objectives that are pulled almost verbatim from the Virginia Code. The county does not have the authority to change state law, so there's really no purpose to put this in here.

[02:22:44] So we are changing the section to list only the purpose in a very brief summary, which is public health, safety, convenience, and welfare of the community, and then it references state law. As you can see, it's a lot shorter.

[02:23:02] Article 2 is also foundational. It covers instructions for interpreting the ordinance, the enabling legislation for the zoning administrator, the Board of Zoning Appeals, a reference to Chapter 2 of the County code which covers the planning commission and the creation authority of architecture review board.

[02:23:24] So again the majority of these changes are removing quoted state code and instead providing direct links to the state code for easy reference but we are also clarifying the agent's powers and duties and we went a little bit in depth on the architectural review board's powers and duties with staff. Illustrating this the current text for the powers and duties of the ARB includes language about promulgating design guidelines, which is a little confusing and not completely accurate, as the role the ARB takes in the creation of design guidelines in plain English

[02:24:00] is recommending design guidelines to the board so the board may adopt them and then they are effective upon adoption. That's clearer, it's more understandable, and it's very direct as opposed to the role that the ARB takes in promulgating of design guidelines. So we have worked closely with ARB staff on these descriptions and we have also developed the language describing a role that the ARB takes and has taken for many, many years, which was not in the ordinance, which

[02:24:37] was to review and make recommendations on proposals or applications in addition to the ones in the entrance corridor. So things for site plans and legislative applications within the entrance corridor, regardless of whether the certificate of appropriateness is actually required.

[02:24:59] Additionally, we have clarified that as is standard and as is enabled by state legislature, the zoning administrator's role is to administer and enforce zoning ordinance. Simplifying this language, we're clarifying that anywhere we say agent, it means the zoning administrator unless we explicitly denote otherwise in the ordinance. This removes some of the confusion right now where there are different agents for different sections, and that is not explicitly spelled out at the beginning of each section who that agent is. So here we say, unless otherwise, the zoning

[02:25:36] administrator is the agent. Moving on to Article 3, we go to a little bit beyond the foundational. we are talking about process of applications and the types of applications that we are accepting and processing. We're creating a much more user-friendly descriptive picture of applications and process that are processed by staff and currently the ordinance language for these different processes and these different types of applications and permits is scattered throughout the ordinance sometimes wherever the regulations are listed instead of having a clear list of what

[02:26:16] can be applied for and what is required. So this pulls all of those application types in one list so that it is much more easy to reference. A few notable changes are renaming zoning clearances. Currently we call zoning clearances a use application. Something that you are applying to do a use is a clearance and we have the term zoning permits for building applications that don't require a building permit, like farm buildings or sheds, large sheds, large accessory

[02:26:55] structures. So they don't require a building permit, but we want to make sure they're in the right place. They need setbacks, so that's a zoning permit. Under the new ordinance, we are proposing that all zoning permits are just called zoning permits, and then we describe the different types of zoning permits based on what they actually permit. So if they are permitting setbacks, That would be that type of application.

[02:27:18] If they're permitting a use zoning clearance, that would be that type of application. The commercial zoning clearances, home occupations, homestays would all fall under this type. So we are also removing unnecessary language regarding certificates of appropriateness.

[02:27:44] One of the things that we were a little bit surprised to discover in delving deeply into this, as it has never been used to staff's current knowledge was a default approval of certificates of appropriateness after a set period of inaction. So the standard procedure for a certificate of appropriateness is that either staff or the architectural review board does a full review of the application within 30 to 60 days after submission, and they will send the applicant either an approval or a request for changes to meet the regulations that are, or to meet the

[02:28:20] standards that are required. Currently in the ordinance, if the application does not follow that process, if it is not reviewed and an action not sent to the applicant, the applicant can request a final decision on their application. If no action is taken within 21 days, that certificate of appropriateness is automatically approved. In discussions with ARB staffed, we did discover that this has not been used and it is not required by Virginia Code. And at the county attorney's office's advice, we are not imposing unnecessary constraints on county bodies

[02:28:58] or staff, so we are recommending removing that provision. In another section for a similar procedural change, we're codifying the practice of declaring inactive applications withdrawn. Currently, there's no provision in there. It's kind of an ad hoc administrative basis.

[02:29:17] This would remove stale applications from review timelines and keep applications moving. So the proposed auto-withdrawal of applications or voluntary withdrawal of applications would be after six months of complete inactivity, which would be staff would reach out to an applicant for additional clarifications or request an outside agency approval, for example, an ABC permit or VDACS or VDOT approval, and if they hear nothing within six months, then that would automatically withdraw that application.

[02:29:54] If the applicant reaches out and says they're working on it, if they are continually applying for things and working towards compliance, it would not be withdrawn. But this stale application process holds up applications that are just submitted as placeholders because the applications are not actually ready to move forward.

[02:30:15] So this bogs down review processes. It eats staff time on applications that are not ready to be reviewed. and we believe that removing it would be overall a positive change, both for staff's frustration levels and also for keeping the process faster and our review times more responsive.

[02:30:34] So as we have described, the current ordinance does have this complicated table of requirements for legislative applications. This screen shows only a small fraction of the requirements on this slide, And as we have noted previously, for items that are not mandatory for each and every application or which are likely to change over time, it is best practice for these lists to live outside of the ordinance.

[02:31:06] We would have these application lists on the county website, within application forms, and also within our application process software so that the information would be easily accessible to any applicants who are pursuing these. But since these requirements are on a case-by-case basis, for example, a site plan landscaping update would not require a new traffic study, but a new site plan for an entirely new site would require a new traffic study.

[02:31:32] or a requirement that may change as technology progresses, like requiring location of EV charging stations in a parking lot, these requirements would currently, under the current procedure, need to be listed in the ordinance.

[02:31:51] That's a little bit confusing there, and updates to that list would require a full zoning text amendment, so we're recommending removing these lists from the ordinance so that they are more accessible to people and not less and clearer in their provision. As I believe is generally known, but in case it's not, a checklist of all these requirements is provided after mandatory pre-application meetings. That's not changing.

[02:32:20] The applicant receives that. So I do want to assure both the public and the board that these types of requirements are not changing. They're not going away. The location is just being updated to make them more accessible. Additionally, something that we are looking forward to is moving to our new community development system, Enterprise Permitting and Licensing, EP&L, where we're streamlining application processes to bring the lists of application requirements into the specific application forms. So the EP&L system, in brief, will replace both

[02:32:57] County View as our applications manager and also provide an applicant portal, which guides the applicant through the process of submitting an application step by step each question must be answered so the applicant must upload a type of item that is required on each list after the application is received it's reviewed for quality control and if the items were uploaded incorrectly or if someone uploaded their grocery list instead of a project narrative then application review would stop and the application would be rejected we do still have humans at the end of this looking

[02:33:34] at it. So finally, as part of our review of Article 3, I wanted to highlight the process diagrams we've included in the applications process. It is guiding the applicant through a very basic, very high-level process of applying for and following the review of each application type. So here we just have two of them, Certificate of Appropriateness and Special Use Permits.

[02:34:00] It creates a visual language that is very easy to digest and quick. The different colors indicate different actions taken by different groups. So the gold-colored actions are the applicant's actions, the navy blue actions are staff, the maroon in here is architectural review board, purple is planning commission, and teal is board of supervisor actions. So this allows at a glance basic understanding of the process, and I think it provides a level of understanding beyond

[02:34:32] just having to wade through a wall of text, which is unfortunately one of the realities of the ordinance. So finally, our last section that we're looking at is Article 10, which covers non-conformities. As we have noted again, we're replacing language that quotes Virginia Code, instead referencing the Virginia Code sections with links out to that. We have had a few additional changes including language regarding the expansion of non-conforming quarries and

[02:35:09] cemeteries. The expansion of non-conforming quarries and cemeteries in the previous ordinance was frozen to the date that that ordinance was adopted, but because this would be adoption of a new ordinance, we are saying that we are freezing it back on the date of the previous ordinance's adoption, June 14, year 2000. So that just keeps it from rolling forward for additional expansions on that particular type of nonconformity.

[02:35:38] So after we had completed all these drafts, we met with the Charlottesville Area Development Roundtable and the Blue Ridge Home Builders Association, here referenced CADRE and BRHBA. Their feedback has been very positive.

[02:35:55] They primarily expressed interest in even more simplification of language, if we could, and they expressed interest in particular regulation-specific topics that we will be considering when we're working through the topics those issues pertain to.

[02:36:13] So their feedback has been great, and they have pointed us in some directions that we followed to make the ordinance better for the users who are going to be using it the most often. So finally, circling back to the beginning, we would welcome feedback on the two questions mentioned at the beginning of the presentation.

[02:36:37] One, is the framework and organization logical and comprehensible? And two, are there any ordinance points or requirements? Are there anything unclear? So I can stop for questions and discussion right now, or we can move on to next steps.

[02:36:56] I think we should stop and ask questions now, since I think it's all fresh. Supervisor Godley. I think, unless I call it out, this is mainly for you to take and deal with it.

[02:37:11] I'm not necessarily looking for a response right now in all of this. So this is both commentary and then there could be some questions. So most of the, not most of it, all of it's on three. So to your first, where are your questions?

[02:37:28] Your previous slide, please. The framework of the articles seem logical, and for the most part I comprehended them. I don't know what that gives you but that's where I'm at now the details some of the comprehension of the details probably less so just because I'm not living you know what you guys live day in and day out um but the again these are some some commentary I don't know where it said minimum submission standards in article three but it seemed to be later after saying you know in my

[02:38:03] view an application is complete or it's not so to say what the minimum submission standards are almost suggests the way that I read it at the time, based on my notes, opening to the door that your application could be incomplete, but at least if you have this.

[02:38:21] I don't know if that's what it actually says, but any time I see minimum submission standards where I think we get into trouble accepting things that are not complete, that becomes problematic.

[02:38:37] So what I guess my point would be, make sure the minimum submission standards line up with what is expected for 100% complete application, which it may actually do. So I'm just calling that out. Under 317 for application completeness, it sounds like they submit it.

[02:38:57] We say we're going to review within 14 days. If we return on the human touch that you said that it's not complete, then they have 90 days after the 14 days to resubmit or refix or correct or do whatever. That's 104 days.

[02:39:13] It dawned on me, not to anybody's fault, This is not a criticism, but this is why we think things take so much time, because as soon as I hit submit, it's 104 days before anything that may or may not be missing for anybody's fault is actually addressed, and that's three months in.

[02:39:34] So I do call out the philosophy of why 90 days for a complete project, for a complete application. When I submit things, like, I'll take my taxes. I guess I can do a correction. I ordered Bojangles for the family last night.

[02:39:50] It was bow time last night for the Galloways. Got a big old bow box. I had to pick the sauces or it wouldn't let me complete my order. So I think technology allows us to require certain things have to be X. Now, if it's a shopping list, maybe our software isn't there because I know we started down this road with software really before the whole chat GPT and AI and stuff got there.

[02:40:15] But my guess would be if this company is worth its salt from a software standpoint, We could be able to utilize the technology of AI to scrutinize content that if we saw, don't forget to pick up the milk afterwards when we're looking for site plan, we could probably figure that out without needing human touch and cut down on some of this time frame and workload for both us and the applicant.

[02:40:39] So I'm throwing that out there as a suggestion. even if that ai piece is maybe we're not there yet um I would think that I just I mean I don't know what else to do but to put on the applicant your completeness and if it's my view I mean if we why to give 90 days that we're going to hold on to your materials I match the 14 days for review here you we've reviewed in 14 days if you return this completed which it should have been 14 days ago because you missed something or you know I'm not trying to say there's I'm not trying what how

[02:41:16] i'm sounding is like they're doing it intentionally so but 14 days seems reasonable to allow a complete application to come back in from the folks that are criticizing us for how much time that's taking to get things done otherwise your application's out the door and it has to be resubmitted that's my opinion on the matter so time to act um i think that could help out on the front end and i can definitely start to see how perception of time versus reality of actions is in

[02:41:48] competition with one another and i'd love to figure out how to tidy that up um somewhere in here i think oh that's coming i'll wait till i get to that section 3.33 and then 353 you had your you may want to go to the slide that had the diagram your your your diagrams that show the process right there so on the right part of this slide and that you may want to reply to this tonight if not you can punt till later either way is fine but this is also kind of a philosophical

[02:42:22] thing that i'm wondering about um so my question is is the community meeting well no not a question when i have most community meetings are happening in our cac's at this point and when i hear my community advisory committee and or public who show up to ask questions typically staff who are there presenting along with the applicant are saying things like this is currently under review i'm suggesting to the board does it make sense to do community meetings before the staff has done a complete review because what's happening i'm finding with my own committee is that information

[02:43:02] that's coming out that hasn't that may get punt get get bolted or pulled out or corrected before by the end of staff review is now out in the public and my committee is reacting to things that may not even make it through review and that ends up becoming problematic i've seen sometimes when it gets to the planning commission and the board because there's a sense that the information that was presented in a community meeting that hasn't even been reviewed yet is now alive out there so i wonder if that community meeting piece should be after staff review staff come somewhere

[02:43:38] further in place where we say to the applicant you've had a reviewed application whatever happens i mean i get what it is i'm not trying to be flip about it but then they come to the community and have to do their community meeting and it's a more thorough reckoning or closer form of what would actually come to the planning commission and the board i think that's better for us from a community piece and that never occurred to me like i've sat in these cac's and i'm like oh yeah it's still under review but a lot of times the response to questions that citizens are asking are well that will be handled in the review stage it's under review right now we'll probably that'll probably

[02:44:14] be caught in review well is that probably and it might it may be caught i mean is that really what we want to be saying we've taken their time to come attend a meeting and we've asked for questions and response um i think all of us could tighten that up um so i'm throwing that out there as food for thought for both supervisors and and for staff um three four three this is a minor point and i i didn't track it after this so i don't know if this is the only occurrence or if it happens elsewhere but there seems to be on one piece it said calendar days but for a whole

[02:44:51] different thing it said business days i think we need to be consistent because i think as soon Whatever you say first is probably what they think, even though it says something different later. That's how I do it. You say calendar days, my brain goes, all right, I got the day thing down for the rest of this.

[02:45:07] So I even had to go back and reread it after I hit business days and went, well, what is business? Oh, so now it's a different time. Okay. To me, that's just a consistency thing. I think we pick one or the other. There may be good reason why one's business days and one's calendar days.

[02:45:23] I'm not trying to say there's not a good rationale for it. But I think even if there is, we should get to a point where it's consistent because I think it's a little unfair that if a person sees calendar days for one thing but business days for another, we're setting up problems for the applicant, provocants for ourself.

[02:45:40] Then we've got to answer things and back and forth, et cetera. 353, it says voided. Does this? Oh, I think this is the piece where it's talking about runs with the land, 353.

[02:45:58] And I think it must be under a section that says voided. my i'll just make my point and that that's where it's at i didn't cite a page number i'm sorry um my question is does this capture for our purposes the state change to allow certain sups to cease with the applicant and not run with the land i just want i'm sure it does because you guys are very good about aligning with state code but i want to make sure as we're redoing this that we like a homestay for example unless i'm grossly misunderstanding we can see certain things with the current applicant and not the land so i just want to make sure that's

[02:46:38] and it may need to be pointed out in here but maybe it doesn't i'm just i'll just throw it out there all right page two of the excel file which is your cross-reference piece under manufactured homes so this one i am looking for a response it says anticipated removal of use are we not allowing like are we not allowing manufactured homes is it out of context that i just i'm reading it too tightly um i believe that is uh let me just let me just make sure that i'm looking at the right one which section number was that three well i don't know page two of the excel

[02:47:16] file 32.3.3 so section five currently but it's being removed sure of it and it says remove but it didn't like some of your removes said oh well it's over here it's redundant or it's going to be this section this looks like we're removing manufactured homes period this is manufactured home subdivisions subdivisions not the actual use of manufactured not the use of manufactured homes no so okay well so what does that mean yeah uh that was a recommendation um this would be

[02:47:52] something that we would want to look at in our uses uh phases so if that is something that we need to address in a discussion we can definitely cue that up well maybe i'll call out what's flagging for me and then that we can that can inform the discussion you know manufactured homes especially the quality and the materials being used and more importantly or most importantly the cost reduction using manufactured homes i think is it going to be an important is an important part of getting at affordable home ownership so how subdivision relates to that i guess i didn't

[02:48:30] have in my i didn't catch that um so my concern would be that we have to make sure what we're doing aligns with what our hopes would be under our affordable housing um concerns because a manufactured home is less than a you know built on site home so overall the cost of ownership could come down so bart walked up here you might you also were looking like you were going to respond as well um well i will i will say that the proposal here does not rec does not recommend in any way removing the use of manufactured homes in the county yeah the subdivision regulations

[02:49:08] for manufactured home subdivisions specifically are different from the regulations for a normal subdivision okay there's a certain reduced standards and smaller a higher density smaller lots and a difference of treatment for the subdivisions for manufactured homes than there are for any other subdivision. So as it is now, I'm sorry, with this proposal, you could do a normal subdivision and then put a manufactured home on most of those lots based on the allowance

[02:49:47] of permitting manufactured homes in the rural area where you have any stick-built single-family home i think i need more i think i need submit some learning or educating and i'm not saying now i think this is just i need a i need i'll have to go back and relook at i guess subdivision doesn't sound like we're preventing manufactured homes so then my next question is but we're preventing subdivisions of manufactured homes or mobile home parks and manufactured home yeah and then welcome state defines manufactured home versus mobile home versus well that's not even

[02:50:24] even a thing anymore yeah i i will just note real quick bart that um this would be something that we would want to look at when we get into districting when we get into uses uh the the overall crosswalk that we have is not in stone and this is just suggestions so it's good to talk about but i i will say we don't necessarily have answers today gotcha understood okay parts about a deputy director community development. So just to be clear, we are not getting rid of that type of housing, manufactured homes. That's still going to be allowed. Part of that is a state requirement.

[02:51:03] We have to allow it in certain districts. That being said, I think this is also going to be part of some affordable housing discussions that we'll probably have in the future. The mobile home subdivision, and I think we sent something out earlier this week.

[02:51:19] I don't know if all the board members got it, but manufactured homes are allowed in rural areas, rural area zoning districts, village residential by right. They're also allowed in mobile home parks and mobile home subdivisions.

[02:51:38] The difference between those two under our current ordinance is a park is where you rent a lot, your mobile home is on it. A subdivision is where I sell a lot. So there's some condo things and some other things under state legislation that might make that not necessary, but we want to look at those regulations if we're doing affordable housing to make sure that we don't, to your point supervisor Galloway, not restrict that type of housing any more than it already is or even broaden it if possible.

[02:52:09] But long story short, we are still allowing manufactured homes. this is part of the language or part of the feedback we're looking for from y'all is if it's unclear on what we're doing, this is where we need to make our corrections and be clear about that.

[02:52:26] Thank you. I hope that helps. I appreciate that. And then I'll do my work. I'll look for this. I think I maybe even read that when you said that. But I'll go back and do some homework. But I would flag it that when this comes back, that they could maybe have a piece that addresses that then as well yes if that's an okay request um then my last one three two thirty two one three page five oh this when i was looking this is on the excel sheet um and it may not be page five now

[02:52:59] that i'm looking at it under a lot of your removed items i would always look at the notes because that to me would say the rationale where it's going what it may be doing this particular rationale now sounded like it just might be where we're at in the process to your point about this isn't necessarily set in stone but it used the words maybe for 32.1.3 yeah the language rules may be

[02:53:32] included in enterprise licensing and permitting along with the application requirements so yeah so I didn't know if that meant we might put it there it might be in there we haven't checked yet it's not required so i'm just calling out the maybe for a rationale for removal of something wasn't it will be or it must be or parking it somewhere and it was the only one that i saw that seemed like well this this note

seems to be in kind of limbo as to why it's moving that rule for whatever you know rules of construction i'm sure it'll be tidied up and cross map and all of

[02:54:08] that i just called it out as like well there shouldn't be a maybe somewhere it should be a definitive it's either going to be there or not going to be there it's going to be over here not removed. Thank you. That's all I have right now. Okay, we'll go on. Yes, I wanted to ask Mr. Spoda, when you mentioned manufactured homes, would that also include mobile and what they're now calling tiny homes? So those are all different things. I don't want to hijack this into a kind of dwelling

[02:54:42] discussion. So mobile, manufactured home. The old school term is mobile, right? So that is a manufactured home manufactured home has a federal label on it it's built to a federal standard all the other stuff which are industrialized buildings technically we call them modulars those are the prefab they're prefab ones they can be built halves or holes but they are built to the state standard so the uniform statewide building code mobile homes built to a federal standard a modular home

[02:55:17] is built to a the usbc which is our local our local or state building code that's the difference between a tiny home is the same as a modular it's built to the local code which is also a stick built home is built to the local code so we talk about them as different things based on kind of their size or how they're delivered but under the code they're the same they have to be built to the local building code. They're not any different. Mobile homes are mobile homes. Those are federal labeled buildings with a HUD label on them. Everything else must comply with the building

[02:55:56] code. And so those are all still permitted as they are now. And the mobile homes can be in a mobile home park, which is, like you said, rented, leased, or a mobile home where you buy your own lot. Yeah, it could be on a, so mobile homes are permitted on individual lots in the rural areas and in village residential so by rural areas i mean rural area zoning and the others that the manufactured homes those are just like stick homes they have to be permitted in certain areas

[02:56:29] modular homes modular modular modular homes tiny homes or stick built homes are permitted wherever a single family house if that's the the style of structure is permitted they have to meet the uniform statewide building code okay thank you yes and i have a question for this i'm banking off of what supervisor galloway said regarding the community meeting i just have a question because i've heard about this also in fact it's in reference i get emails in reference to the

[02:57:03] comp plan because people are sending me emails saying okay you're doing the staff's going to present a comp plan in a certain section we want input but prior to that while while they're doing it which seems to counter you know counteract what supervisor galloway was saying uh is to have the staff review which i'm not again you know i'm not against that either i'd like to see the whole thing as long as there's room for community input in in changes which would make it more difficult

[02:57:39] for the staff before or after that makes sense sure would you like me to address the comp plan versus the no i mean we're discussing this right now so i'm just i i know what the comp plan yeah i mean that's more there's a lot more to it but regarding this would this even apply is what i'm saying uh for for a comp plan process the community meetings that are described in this application process are the ones that are specifically for applications so community

[02:58:15] meetings for a special use permit or rezoning primarily that would be what those community meetings would be addressing would be i want to rezone my property i'm having a community meeting at

this location and then that's when the community would weigh in on the on the application okay so supervisor lapiso currently could i comment yes francis mccall deputy zoning administrator um so part of that comp plan review to uh supervisor galloway's uh point is it really

[02:58:51] hasn't all been done yet so if it's done and then the community meeting happens then all those questions and how we interpret the our our planning staff interprets and what the with the guidance that the comprehensive plan is given to their analysis with the special use or the zoning map amendment so that would be in there as far as that you know that comprehensive plan review so okay but i mean if we take out the comp plan and just look at this the staff is comfortable doing

[02:59:23] um the plan first and then having the community meeting like is it applied by supervisor galloway so uh so i think one of the things i keyed in on your comment was it kind of the is it more difficult for staff. Yes. Doesn't matter, let me put it that way, or it depends, is that we need the feedback in order to produce a product, an ordinance, you know, the community feedback to kind of get it right, right? So some things will have to happen probably pre, so we have an idea

[02:59:58] of what we're shooting for based on feedback from the board and the community, and then we'll have to go back. Other things, depending on the application, we may be able to tweak some things where some stuff is addressed based on the type of application where things that, to Supervisor Galloway's comment, that if those things could be addressed like a site plan issue, that we may bring that later to the CAC.

[03:00:26] There's a little bit of chicken and egg thing going on there because sometimes the community will feel that if we've already done the review And there's things that they don't like and then they feel like it well It could have been addressed if we were we saw it before the review was complete So there's a little bit of a dance there to do on some of that on a site plan specific thing But I think on other things as far as level of difficulty It's a subject related thing and I think in order to do what we need to do as a as a staff and Have you know meet the board's expectation and the community's expectation?

[03:01:06] It just depends on what product we're looking for, whether we have some preliminary ideas on, like, an open house for the comp plan or zoning ordinance revision. And then as we go distill the language, have the public participate. I don't know if that helps or hurts or makes more questions.

[03:01:24] Yes. Would you ever want to be flexible on that? At times, you have the staff meeting first and the community meeting or have the community meeting first and the staff meeting. I'm just throwing that out, and you can throw it back at me if you want. Yes.

[03:01:41] Pardon? Yeah, that is currently the process, and that is not really changing. The graphics are very simplified, and so this is really just the general process. The community meeting is not required to happen before or after the review.

[03:02:00] It's really up to. Yes. Yeah, during. Right. Okay. And I do like that. I think you're simplifying a lot of things, and I really do like that. And one other thing that was brought up, I thought we had a process in place, and maybe this is not for applications, that if you fill out an application online, that if you finish page one, but if you don't complete that, you don't go to page two, Therefore, your application can't be submitted until you finish page 1, 2, 3, and 4, but it has to be complete.

[03:02:39] I thought we implemented that. That is part of the EPNL system that is going into effect in, I believe, December or January. Oh, okay. We're practicing on it on the back end, but it is not live to the

public yet.

[03:02:55] We do have the Camino system that is similar to that right now for some of our applications, But that's not for all of them. Okay. Will that greatly, will that enhance, speed up the process, so to speak? I'm thinking it should.

[03:03:12] So, again, I don't want to hijack this discussion from what we're doing as far as the ordinance goes. The EP&L, the timetable, is still outstanding. I think Ms. Falardo, our director, may want to comment on that. So the timetable, there's a potential target date.

[03:03:30] We're working with our consultants and where we are in the process to implement that. So there are some parts of the process that won't allow you to advance. There are other parts that it depends. So it's not page-sensitive. It's kind of field-sensitive, topic-sensitive.

[03:03:47] Example would be I can't, my permit won't fully submit if I don't pay correctly, right? So if I don't hit pay and do it just like anything else online, it won't process out. So there's some of those steps in there. That's not going to be in the zoning ordinance modernization part.

[03:04:06] That's a separate process. I don't mean to hijack this. I apologize. Good afternoon, Board. Jody Filardo, Community Development Director. Supervisor Lupisto-Kirtley just wanted to give you a direct answer.

[03:04:25] We have already implemented a Camino front end, and I think that's what you are recalling. So we do have five different sets of applications. an automated system already in place that takes all those things.

[03:04:40] And you're correct. It will not let you proceed unless you do all the things before you get to there and pay. And then when you push, when you pay, then it goes through to the application services team, and they take a look at it. That will be replaced with the new system that we're implementing on or around the end of this year.

[03:05:01] So Ms. Brumfield's correct. You're correct. Everybody's correct. But we have a lot of different tools that we're working with and interleaving. Thank you. Thank you. No other questions. Thank you. Supervisor Malek. Thank you. To your two questions, I think, yes, it is, number one, a big improvement in comprehension.

[03:05:23] That doesn't mean I don't have a lot of questions, and I'm sorry about that. But thank you for all you've accomplished so far. Some of this is piling on to other things that have been raised by other people. Let me get to the right page here. So the references to state code, I heard, but I may have been wishful thinking, that the link to state code will be hot.

[03:05:49] Yes, that's correct. Okay. That's really important because for those of us who can't do anything on the state website very well, that's really important that it takes people to where it's supposed to go. Excellent. Regarding the codifying withdrawal of inactive applications, fabulous.

[03:06:06] the is there a way for you to require that those DEQ permits and those ABC permits be on hand before it comes to you because otherwise you're spending a lot of time and energy on something that may fail at the upper level so I'll just leave that in the to be considered pile because that's a way to just like years ago getting the signature of the owner required before you could start was something that ended up saving a whole lot of staff time of not chasing after people to

[03:06:39] get that done. So I'll leave that with you now. I understood there was a concern in wanting more simplification even than you've done already. And my pushback to that is for you to retain all the details that you need in order to hold people accountable. Because broad brush oversimplification leaves you with no legs to stand on if things need to have enforcement.

[03:07:08] I definitely appreciate the fewer than 90 days because it does push people to do their work beforehand. I hope it's better than it was 15 years ago when people would basically leave three-quarters of a blank and head it to you to fill out. And that is not acceptable to me.

[03:07:25] I really want people to be held accountable to do the work that they're supposed to do to get their applications in line. The CIC timing thing is obviously a balance because over many years, we've had them really early.

[03:07:43] And then the people who came to listen are very resentful because the applicant says, well, we don't have answers to all these things yet. And their response is, well, why are we here? So I understand. I know that a number of years ago, Rebecca Ragsdale explained very clearly, because we had uproar in the Whitehall District, that the interpretation of the community meeting was to give bare bones information about an application, but also to expose the residents and neighbors to what the process was going to be

[03:08:19] and help them understand how they could be involved and get more information, et cetera, et cetera. So if that is also evolving into a more detailed application, then just clarity of exactly what you want, I think, would be good to repeat as you go along so that people have that, when there's an application coming for a community meeting at a CAC, Here's what we're going to achieve.

[03:08:44] It would help everybody to have that in mind. Now, some notes I made when I was doing my homework. Somewhere there was a reference to maps, the zoning map, the big ZMA. So how are the maps required or will be required to be updated?

[03:09:02] So over the many years, there's been, oh, we ground truth, all these things. Staff goes out and looks at the site, but the information, whether it's streams or steep slopes or whatever, never gets into the database. And therefore, when it comes to the Planning Commission, the Planning Commission is told, no, you can't protect that steep slope because it's not on the map.

[03:09:21] So that's the concern I'm trying to avoid. And I will leave that in your to-do list as well. So that if it's going to be described in the ordinance, I haven't seen it yet, but I'd love to know about that going forward. Oops, jumped too far.

[03:09:42] The violations, 2.5.2. I don't know if that's an old number or a new number. It's under Article 2 in the homework. Failure to comply. What jumped into my mind was intentional omissions in an application or things that the board and the community doesn't find out about until often after the approval process has happened.

[03:10:11] So that's something else for you to-do list. What are the penalties going to be for, you know, does the whole thing stop and you have to start again if it's determined that someone, an applicant or their engineer or whatever, has just not provided the information that really should have been, because I think that will save every staff and the neighbors a lot of angst and time, et cetera, and I'm trying to make my machine work here.

[03:10:38] Okay. The chart, this thing that's pictured here, I copied that into my notes to say this is great, because it really does help people to get oriented and know what's coming. Oh, I had a question under revocation, And my suggestion for your to-do list is, this is under J of, oh dear, I don't have the page, 3.14.

[03:11:16] If there's a documentation file that's created every day that could be shared with the applicant and the staff file, so that if it turns out that there is an ability, I mean, in 17 years I've never been part of a revocation of a special permit, But I think if we have the text in there, we need to have a process that's going to make it able to be used if it's needed.

[03:11:43] Because it may just take one, and then we won't ever have to deal with it again. Yeah, that's a crossword. Okay, what does this one say? Aha, okay.

[03:12:02] So this box is 32.3.3 amendments to a site plan. Streamlined amendments to site plans indicate may be approved by amendment at the discretion requirements set by the planning director. So this is supposed to replace the site review meeting, which I really miss since COVID and they stopped happening.

[03:12:29] To me, there's no comparison with doing things with email exchanges that are impossible for people in the community to hear or see or have access to as opposed to going to a meeting where there's someone from all 15 departments around the table and everybody shares what their concerns are and there is resolution that happens a lot.

[03:12:50] And so I ask you to reconsider about getting back to that. And the example I wrote down in my notes was the old trail buffer along 250. When that amendment was done fairly recently, I think within the last year, for housing on the lot to the west of Old Trail Drive, it was stipulated to the community and to the board for that approval that the tree buffer along 250 was required by the ARB and it was going to stay.

[03:13:22] And it is all gone now, bulldozed down, and the community is freaking out. So that sort of, I don't know where that changed, but that was sort of what popped into my mind when I saw that somebody could just change, could amend a site plan without any bigger process.

[03:13:45] Because site plan is really important, and many, many times in board meetings when there are a lot of thorny discussions going on and staff is able to say, well, we're going to deal with that at site plan, You don't have to put it in conditions. I guess if we put keeping the trees on 250 in the conditions, that would never have been allowed.

[03:14:03] And the fact that it was stipulated in the public hearing did not protect it. So that is a long-time concern of mine that I will leave. That with you as, whoops, as well. I'm almost done. Okay.

[03:14:23] Detail, okay. Removal of site plans from the ordinance, section 32, page 9. Detailed requirements for site plan procedure and requirements have been removed from the ordinance and instead will be administrative through staff and enterprise permitting and licensing.

[03:14:40] This is sort of a second step to what I just raised. And I just ask you to think about transparency here because in the 1980s, there was a general conception on many parts, many residents in the county, that county staff process was just the tool to get development done.

[03:15:04] And there was very little paid attention to the neighbors who have property rights too and the citizens at large. So that's just a general concern, and I would ask you to have that in mind, and I will stop there. Thank you. Thank you. Supervisor McKeel.

[03:15:22] Yes, I'm keeping an eye on the time, and I know we're behind. I'm going to try and hone in on just a couple of things. The answer to the first question is yes. I think you've done a great job. Simple, more readable. Thank you. Not so much, with all due respect, attorney language. I like the hot links that we can go to. Oh, that's great. So very, very good. I will say for me, this is not my world. If you want to talk about education, I'm happy to talk to you in detail, but this is the world you live in. And to some degree, I have to count on what you all feel

[03:16:01] works for you because I can't put myself in your shoes, to be honest with you. And some of it is over my head anyway. I will be the first to admit. To that end, I would love to have a discussion at some point about manufactured homes versus stick homes versus blah, blah, blah, because even Amy Laufer was asking us a question this week, and you were great to get back to her. I thank you, but I think I need to understand it better in the realm of what we're talking about with affordable housing. Enough said on that. Time is money, and it's that. It is money for us, and it's money for

[03:16:37] the developers. So while we are stretching out and hand-holding and calling people and reminding people, I just don't think some of that is necessary. That time ought to be reduced. If they want a project to go through, they ought to be able to get it in on a certain amount of time, whatever. And you all decide if that's 30 days or 60 days. But I just think they're big boys and we're big boys and everybody has to make their deadlines. I mean, I have to get my taxes in on time and nobody holds my hand on that. I'm just saying. And the developers have been saying to us

[03:17:15] for years, we take too long. Maybe it's certain developers that are requiring handholding. I don't know, but I think it's time to get past that. Technology can help us. Please do it. Let me just see, I'm just looking at my, I like the diagrams a lot.

[03:17:36] They are great, and I'm called whatever you want to call those. Having said that, I have wondered, and can you go back to the one that you had with the ARB? I have had a discussion with my planning commissioner, and I think a couple of other planning commissioners have questioned the timing of when the ARB addresses.

[03:17:57] It seems like they're out in front. I don't know if that's accurate, but I know for my CAC meetings, when I get a proposal, staff always says, oh, the architectural review board has already reviewed this and approved it, and it's golden. And my CAC says, maybe I'm misunderstanding something, but what are the requirements for the, because the ARB, we have separate charts here, right?

[03:18:23] help me with i know julian has said to me why is the arb seen things before they are even necessarily approved i don't get it so help me sure um so i can address that very briefly yeah the architecture review board app the is is on this process only looking at certificates of appropriateness right so the arb is the separate body and then the certificate of appropriateness is something that they have to apply for it's a type of application certificate appropriateness is looking at just the design aspects of a project. So if the ARB looks at an application

[03:19:02] for a certificate of appropriateness, a lot of times they will say that actually your building isn't even visible, so you're fine. So that's part of what we're seeing ahead of time. And then also they'll look at something and say, okay, so regardless of where on the site this is going to be regardless of how many students are going to be in this school you're going to paint this building this color right thumbs up on that that's what we're approving they're not approving the project they're only approving the visible the visible

aspects of that particular building so the language is not leading people to believe that when we talk about in the CAC meetings

[03:19:41] that's all I'm saying so let's think about how we talk about that because I get the appropriateness and the difference in the timing and all that but the language that the CAC folks that maybe that's what i'm trying to say is when we talk about it at the cac's and i don't know how you clean it up or make it clear but it makes it to the cac members feel like that it's already been approved right by a board and then why i'm just saying and i don't want to keep belaboring it because we're running out of time but think about that i think that's a helpful clarification

[03:20:13] for me but i do think it's still confusing um and oh the only other thing i want to ask is And I don't want to take us down a rabbit hole, but I thought there was a change with the General Assembly and they said that we had the ability to come back and look again at approvals for like Airbnbs and all those if the ownership of the land changed or something changed.

[03:20:44] I would refer to our legal team on that, but I believe that it is something that you can approve or you can put into the approval at the time of the approval. I do not believe you can retroactively change. No, I'm not talking about retroactively, but go back and I thought there was some change, and I'd like to know more about that.

[03:21:02] But let's not take the time today because my understanding was that we had more flexibility down the road as opposed to it just always following the land, which has been our concern and i'd just like to know about that and we could do that another time but i just thought it was a good time to mention it i'm thank you i'm done thank you supervisor puett quite brief again because i know we're a little behind uh behind schedule so um first uh just forgive me because i have been uh not spent as long of a time enmeshed in our zoning

[03:21:40] reform process that we're going through and i know we've been going through i'm also just frankly i've add less time in my app here on the board, become fully familiar and enmeshed with what the zoning application workflow always looks like, kind of from our side, from the staff side. So my apologies if any questions are misplaced. But first, just kind of for my own edification, but also for the audience, I recognize that what we're receiving today is a presentation. It's not listed as an action item, but I also know that often you are looking for feedback and consensus from

[03:22:20] the board in shaping how you move this. And especially with big things in back zoning, I often, you know, I find it very helpful feedback from industry that helps me approach some of these questions by these changes through a lens of how industry is interpreting and responding to those.

[03:22:40] So could you help me understand just how we're situating today briefly in kind of the broader process and whether or not there will be points to formally adopt any changes that are suggested here today and points that we would be, the board that is, hearing some more explicit feedback from the industry?

[03:22:59] Sure. So I will address that kind of in reverse. We have different stakeholder groups for different phases of the projects. So in this particular phase, phase one, which was very administrative, very process-based, we did meet with the Blue Ridge Home Builders Association and the Charlottesville Area Development Roundtable, which were really our heaviest users, aside from staff, of these particular sections of the ordinance.

[03:23:31] So the feedback that we received from them was very general, except for the sections that didn't pertain to this phase. And as we are moving forward with the other phases, when we are looking at different topics, we'll be having different stakeholder groups, although I would imagine that Blue Ridge Home Builders and Charlottesville Area Development Roundtable will be involved in pretty much all the phases.

[03:23:54] So at those points, we will be working with much more nuanced feedback, and I think that we are going to be working on sections that we're addressing with different stakeholder groups, and those different stakeholder groups will be focusing on the topics that they are expert in.

[03:24:14] So, yes, we will definitely be having individual feedback sessions with those stakeholders, and we will be looking very closely at the things that they have to say because they are the ones who have to use the ordinance. So that is very helpful.

[03:24:34] And then I also, oh, apologize. I didn't realize that. I was just going to say to address the first section, I have that a little bit later on my slide, but in brief, yes. We will be looking for an adoption at the end of the process.

[03:24:51] The way that this is set up, just due to the complexity of different sections, and as you saw in the illustration of the crosswalk, pulling some sections out and then putting them into another section, the chaos that would ensue from trying to adopt this ad hoc would be more than it would be worth, I would say.

[03:25:15] It would be very, very frustrating. So what we are suggesting is reviewing the different sections as we draft them and then adopting them at the end after we have made additional changes when we say, oh, we didn't realize that we were going to change this district name.

[03:25:32] And so now that has to be reflected in every single section of the ordinance. So that would be at the very end. And that would that is the entirety of the end of phase five is the final review and the adoption of the ordinance.

[03:25:48] Very helpful. The one other question I have is, I recognize that the changes that we're discussing today and that we're looking at in the chapters that we've been given are mostly, as you kind of mentioned, the intro material, the administrative material, the wide lens, and doesn't get into some of the more controversial things that I think we're going to have to go back and forth on.

[03:26:13] So I did not have much that left out to me. And I do appreciate the work that staff has put into really streamlining and improving the text that's here before us. The one thing I am curious about, and maybe I'm misinterpreting this, but I know when I speak with folks who work in development, who try and build successful homes and commercial enterprises in our county, something that they will sometimes a recurring theme that gets expressed as frustration is that it can feel like insufficiencies or incomplete applications uh those insufficient elements

[03:26:51] or those incomplete elements will be identified iteratively so in that uh and i don't think we can show it at the same time that my face is on screen and they're in lane but the the flow chart that we keep bringing up they get kind of trapped in that loop going around and around as things are identified with each consecutive presentation. I am curious if when we're talking about like the nature of completeness standards for submitted applications, if this is the right area in our

[03:27:26] overall zoning ordinance to potentially address and try and cure some of that issue of just how and the order in which and kind of the simultaneity deficiencies are being identified in the application or if that's more of a uh an item for later substantive chapters um so that is really more of a staff procedural question and that would be something that we would address in in our our workflow that wouldn't necessarily be something that would be addressed in the ordinance

[03:28:00] i will say that the recommendation of requiring complete submittals and then rejecting incomplete submittals and making it clear that a change to a site plan or a change to a narrative is a new submittal is intended to cause that second look on the developer's side so that we are getting the best applications that we can so we can review something and then find something that is deficient

[03:28:33] And instead of having numerous things that change throughout, every new submittal is an entirely new submittal. Sorry, this is insufficient language for this.

[03:28:52] Every time they make a change, it is a new submittal. And so then that kind of impresses upon them that that is something to be taken seriously, which is a change right now. We do have a very iterative process, but that's what Ms. Velardo would like to address.

[03:29:12] Director of Community Development, Ms. Velardo, please. Thank you, Ms. Brumfield and Chair Andrews. Supervisor Pruitt, I just wanted to share with you, we are addressing that specific concern in our new system. Today, we send things in a very serial way through our review process in many of our steps.

[03:29:35] what Ms. Brumfield was referring to is that somebody downstream can make a change to something that causes everything to be reconsidered again, and so then it goes back through the whole cycle. With new software, and particularly with our new Bluebeam application, all of the reviewers will be able to make changes to the individual plans that everybody sees at the same time as soon as someone has made a change to it. So we don't have to kind of push and shove these applications back and forth between ourselves. They can simply be accessible both to us and to the applicant

[03:30:13] when our reviewers have gone in to note that something is deficient. So we're trying to address that very thing. But thank you for the question. That's immensely helpful and great to hear. Thank you so much for your team's work. And I apologize because I think I said I was going to try and keep this quick, and I think I still managed to spend 15 minutes. Thank you.

[03:30:34] Thank you. I'm going to try to just answer your questions and then perhaps send an email with some points that I have just about details that I'm not sure I understand fully. I definitely think this is a significant way forward with this framework. There are things that I find a little bit unclear but like I said I can address those in writing there were some comments made by other supervisors I'd just like to you know say that I kind of support the idea that 90 days seems like a long time and especially if it gets

[03:31:11] used to try to say we're taking forever on an application when in fact it's caused by the fact that we give so much time to do corrections of things that should have been right um so uh with that i think i will heed my own warning and say i will hold off and ask if you have further uh presentation on the next steps i believe uh yes thank you and um this is very brief but our next steps for this project are to address the questions that

[03:31:50] have come up today and do a few changes to the drafts that we have based on those on those questions and those comments and as we as we noted we won't be adopting the ordinance until the very

end of the process because of the implications to sections that may change throughout so our future phases are going to rely very heavily on community feedback from the comprehensive plan. So we are working very closely with the AC44 team to share community

[03:32:23] input, to work to craft goals and action steps that will play into this zoning modernization process. So we are going to be updating that feedback from the comp plan team for our phase two. So we don't have that completely outlined right now, but we are very likely addressing the districts topics of the ordinance where we're translating the framework that the comp plan is working on and providing us into districts that meet those goals and that address the changes and

[03:32:59] the needs of our community so we are planning on starting that process with a rough draft on districts around spring 2025 and we will be scheduling work sessions with the board and with planning commission to discuss the direction of those phases in the upcoming months and that is the conclusion of this presentation thank you um i will look to my right and left to ask the board if there are any further questions or comments at this time supervisor pruit i don't want to

[03:33:34] exclude you i know you're there um if we're okay we will take our recess now um and uh we are an hour and five minutes behind, but a short break and some conversations have been started that

[03:34:14] will need to have to happen and finish up later. But right now we're going to go to our next presentation, which is the Strategic Plan Execution Analysis and Reporting. And this is being led by Ms. Christy Shufflett, our Chief Operating Officer. Welcome and thank you for your patience and getting to this item today of course no problem all right

[03:34:41] got it thank you okay good afternoon i know it's approaching five um so i'm i am excited i'm pumped

[03:35:14] and um about today this has been a labor of love for the staff and and the county and i'm excited to share it with you, so thank you for the time. I'm Christy Shifflett, the Chief Operating Officer, and we are here to talk about the strategic plan execution and analysis reporting, and that we're calling a term of endearment is SPEAR because it's a mouthful. So we're going to go over three

[03:35:47] things today because it's not just about the data it's about the program about what this data and all of the work and effort that came together really represents and why we're doing it we'll also get into the report a little bit and talk about the goals and and the work that's been done and then we'll talk about what's next what i really hope to get out of this afternoon is hearing from our board about are we on the right track this is definitely not meant today to be a dig into each

[03:36:26] data point because that would take us all day but it is to make sure that we are staying on point with what the board's expectations are and I think that we're working together in the right direction So to start off, we're going to talk about the program, and this really began with you.

[03:36:48] It began with the adoption of the FY24-28 strategic plan, and you'll recall that I requested that we really stay focused on goals and objectives, and that we added more years to this plan, and so we adapted from two to five, and the intention of that is that a lot of things take multiple years to see the to go from planning execution and completion but also it was to stay out of the details and to allow the strategic plan to set the vision the vision for

[03:37:27] the work and the priorities that we were going to focus on and so i think i really appreciate that this board followed that guidance supported it and so we adopted the strategic plan as is with those goals and objectives. So SPEAR is really about digging in deeper and looking at the annual action plans of those objectives. And so we're going to walk through today how we have connected the measurements and the metrics that we have built to the progress of each objective.

[03:38:02] so we started with talking to our staff we every department needed to be a part of this and so we're going to go through that process and how we built it so we really have been at this over a year we as soon as the strategic plan was adopted we started to talk about okay what what are the actions and the steps that each staff team department was going to fulfill to

[03:38:39] like i said advance and progress each objective but we had a little bit of work to do i want to just acknowledge that several of our departments and our functions have been at performance measurement for a very long time they have state reporting they have mandates they have calls for service. And so it is something that they've been measuring for a very long time. But we have never done something like this where we look across the entire local government functions and we really try to kind of row in the same direction. And so it was looking across all the departments and

[03:39:17] coaching and training and educating a little bit on metrics, on goal development and on action planning so we launched we talked about we asked different questions like what constitutes a good metric are we setting the goal too high or too low how can i measure this work effort um there were questions about you know well what happens if things change we also cannot control sometimes a lot of the way that things things happens we'll talk about that a little bit um there are state

[03:39:53] mandates there are regional partners that we rely on and so we had to work through that as staff to really come up with these measurables and to make sure that we focus and can and talk about controlling the controllables okay so for psp that is my team the performance and strategic planning team we spent some time with each department talking about the kind of rules of the road about metrics and we wanted to ask them where are we succeeding we want to make sure that we

[03:40:27] look at this work and from this work we say where are we stopped paused where are we not making headway and are we in trouble somewhere that's where this data is going to start informing us before there were too far down a road to really say we need to do something different or maybe our targets were too high and so you'll see that today a little bit where sometimes when they were low or maybe they were high and we're going to get better and better at this so we refined we

[03:41:01] continued to measure and so the staff did this work every quarter a lot of people are sitting behind me today i did ask them to move up from the back so i think they i think they moved a couple of Rose. So I want to acknowledge that this was a major team effort for the organization.

[03:41:22] We are doing this for several reasons, but it started out years ago talking about our business operating principles, focusing on not only saying we were going to be high performing, but trying to have evidence of that. And so we created an operating principle that really spoke to collecting and building performance measurements and so this is that this is that vision in place so we're looking to improve accountability we are looking to have better decision making

[03:41:56] again like i said we'll be asking more questions the data is not an answer of and of itself the data is only telling us we have more questions to ask sometimes finding out what's really going on behind

it. Increased transparency for our community. I think this is really important.

[03:42:20] Trust in government often comes into play by setting the right and fair expectations. And so if we are better at saying, we're going to get to this and we're going to get this done, but it might take three years, and this is how we're going to break that out across the three years, I think we'll continue to build that trust. Instead, what we've done sometimes is say, we're going to work on this. And the expectations are very different than the reality. So we want to improve that. And we also want to improve those community outcomes, of course, because that's why

[03:42:55] we are all public servants. We really want to be able to take this and make a difference. So I started out explaining this is a labor of love. So there were 60 hours of metric development and follow-up sessions. So I did ask the folks behind me to come because we all own this. It's including you. We would not be here today if decisions weren't being made, if we were not bringing the right issues to you, and if we weren't focusing our staff and our performance

[03:43:32] on those items. So 40 staff were involved and I know that they then went to their folks and their colleagues and asked for help as well. So that's just the people that we absolutely worked with. And then at the end of the day, we came up with 220 metrics. So you don't have these metrics before you today because we created a report that would be readable and interesting. But we do have all of those metrics that will be on the website. And so everyone in the community, whoever's

[03:44:07] interested is able to see the detail and the data behind it. It was important that we took our time on this and that we really focused on the right metrics because I want to make sure that this program, like I said, builds trust and transparency, and we wanted to make sure that we weren't putting data out there that we couldn't support and back up and explain. So with that, I'm actually going to introduce Gabe Giacalone, who is on my team. He has been a huge part of this program

[03:44:44] and building the metrics, and so he's going to come up and he's going to speak to the next part of the slides. Welcome. Good afternoon, board. Gabriel Giacalone, Senior Performance Management Analyst. Thank you, Christy, for the introduction, and thank you, board, for giving us the time to make this presentation. With this slide I'm going to go over some of the terms that we use and the first two terms are going to be a lot of review for you all but just for everyone in

[03:45:23] the audience we'll start with the goals. Our goals are broad areas of focus in the strategic plan. We have six of them and underneath each of these we have objectives and these objectives we're showing an example here with goal 3 and objective 3.1. These objectives are specified areas of focus or critical tasks related to the goal. I want to make a point here that the objectives are not an exhaustive list of what we'll do underneath each goal. They're a list of highlight items to give the goal more identity and ensure that we meet the critical expectations underneath that goal.

[03:46:05] So in our work here, we started by developing metrics for each objective. And so for 3.1, one of the metrics here, which is pretty self-explanatory, is the percent of the county covered by broadband programming.

[03:46:22] Once we have that metric established, we also establish a target for FY24. And that is what value would we like to see this metric have by the end of FY24. And we also have FY24 values, which are what value did we see that metric have at the end of FY24.

[03:46:46] And then finally, we have the rating. And this is a subjective rating based on what the subject matter expertise tell us about that specific metric. So this one's pretty self-explanatory. It's on track.

[03:47:03] There are several values that ratings can have, on track, slightly behind, needs attention, things like that. We also accepted completed, which would kind of be like on track, but it's just something that we've rounded out and won't be continued. And we also accepted on hold as a value for ratings, and that is when it's been placed on hold by an authority that we maybe don't have control over.

[03:47:29] So the second part of this report would be, or this presentation, is just an overview of the FY24 report itself. And before I get into that, I just want to make a note that the county does so much in pursuit of the strategic plan, and trying to capture and adequately represent all the work done in pursuit of our strategic plan is an enormous task.

[03:47:54] But we're going to take a stab at it with Spear, which is my comedic relief in case I bombed the first half of this presentation. But it's also, I think, an important acknowledgement. We have, as we saw before, over 220 metrics.

[03:48:12] We're highlighting some here. But each metric tells a unique story, and collectively the metrics give us a toolbox that can help improve our decision-making in the future. So we'll go goal by goal, starting with Goal 1.

[03:48:29] Goal 1 represents the work of police, fire, rescue, and social services. In FY24, the county maintained its commitment to enhancing the safety and well-being of its residents. Efforts from these three departments enabled the county to achieve a majority of its FY24 performance targets for this goal.

[03:48:49] And in areas where we met challenges, we see that the county has allocated resources in the FY25 budget to address those barriers, such as the ambulances that we budgeted for. Just to call out one here, the police wanted to achieve a 3% reduction in priority one police response times, and they certainly achieved that, reducing their priority one response times by 4.5% compared to the previous fiscal year.

[03:49:19] Goal two, resilient, equitable, and engaged community. In FY24, Albemarle County designed and launched programs that make our community more resilient, equitable, and engaged, ranging from the Community Climate Action Grant program to the Climate Resilience Cohort. And we see some pictures here of the Let's Talk Albemarle van there.

[03:49:37] A lot of things to be proud of under this goal. We'll pick one right here. The first one, it was an environmental metric here. And it was we wanted to initiate 68 and complete 18 actions, as outlined in our climate action plan.

[03:49:54] We initiated 76 and completed 23. So a huge success there. Goal three, infrastructure and placemaking. FY24 was a year of flourishing connections within Albemarle County. From access to affordable broadband internet to new sidewalks, newly cleared sidewalks, and an on-demand public transportation system, county residents have access to a host of new and improved means of connection.

[03:50:20] And we'll pull one out here. The FY24 target, that first one, to ensure that 100% of strategic financial analysis milestones are met for funding county transit programs. This is one out of finance and budget, and we can report that 100% of those milestones were met.

[03:50:40] And then we have quality of life, goal four. And the county has seen great success in FY24 goals to maintain and improve the quality of life for our residents. From community planning to our economic

development office engaging with businesses to parks and multimodal transportation, Albemarle County has delivered on its commitments and made significant progress towards broader plans and goals to improve the quality of life.

[03:51:05] And we'll call out just the first one there as well. Supporting the creation of over 3,250 new affordable housing units was our target for this fiscal year. And we hit 94% of that target with 3,051. And I know, based on conversations I've had with staff, that we do feel that we're on track with that target.

[03:51:24] And we feel very proud of that work. And with that, I'm going to hand it back to Christy. So goal 5 is a little different. And I'm going to speak to that.

[03:51:40] So, it's a unique goal focusing primarily on the county's partnerships and support of our organizational partners. Because of this, SPEAR reporting on Goal 5 is going to be timeline-based for this year because we really just started to begin this work as we focused more and more on our durable partners and speaking to some of the progress that we're making regionally.

[03:52:06] So, we immediately wanted to connect to our school division. So you'll see here that we've identified the funding that we provide to the public school system and the capital plan, such as the design of High School Center 2 and the Southern Feeder and Pattern Elementary School.

[03:52:24] You also see the launch of an employee health care clinic project. This is something that we are doing jointly with our school division. We are really excited about it, and it is really to focus on not only providing a great service to our staff, but also in controlling some of the costs that we have on our health care fund. We also want to call out, again, another partnership with the school division was our active threat training that we provided. Our Office of Emergency Management, our fire department, and our police department worked collaboratively with the school division

[03:53:01] to provide some of the active threat training and preparedness work that they needed to do. We can go on and on. You'll see that the transit governance study is there. There's also North Fork with UVA. And in the full report, you'll see that we talk about different teams that have come together to collaborate with UVA as well and to support our community.

[03:53:28] The last goal is workforce and customer service. And so with this one, I think we have a lot to be proud of. And you'll see that we have targets that are on track.

[03:53:44] We have a few things that are slightly behind. But we added this goal to focus on organizational health and our ability to meet the customer service needs of our growing community. This goal was carried over from the old strategic plan to the current one.

[03:54:00] And we took actions to reduce our vacancies, recruit and retain our staff, and empower our workforce. We will build on the success of these efforts through continued focus on professional development, as you'll see some of the data points there, and then also modernizing our systems.

[03:54:21] I thought there was more. So this is also where the previous session, you all were talking about the zoning modernization, and Ms. Philardo spoke about our new systems. This is absolutely focusing on our customer service. Providing better systems will helpfully provide better customer service and also improve processes internally so that things get better.

[03:54:46] So those investments have come before us. They were realized in FY24, but it also was working with staff to focus not just on the new things that got funded, but there are over 900 staff, and what do they

do every day, and what do they work on, and are they seeing progress on those things and are we delivering results and so this is not only to acknowledge the things that are sometimes discussed most in our budget but to also

[03:55:19] acknowledge the work that we do every day across the board so this is the last part of our presentation and so what's next so what's next is we're going to take this data the first time that we have built those quarterly data points, refined them, improved them, and now we're going to be able to look at them and start asking some questions, right?

[03:55:48] We're going to celebrate amazing progress that's been made, tremendous effort that has been done. We're also going to try to understand, and I'm not saying departments understand, they know exactly where they are. It's looking at this collectively and asking ourselves, was it that we needed more time are we going to see these things completed in early FY25 are we did we need to think about our resources differently is it something that you might see through our budget process is something that in order to increase this or speed this up we might

[03:56:26] need to look at this differently is it about building knowledge is it that our metrics were too low or too high our targets were maybe we could have challenged ourselves a little bit more also there's funding there as you know sometimes it's not just about human resources it is about maybe having contract support or different things that to move these things forward and also there's the change management component it takes a lot for us to take large efforts and

[03:57:02] initiatives and be able to fully scope out what it's going to take. Sometimes we do our best and we try, but we don't always know there are changes at the federal and state level. There are decisions that need to be made. And so we need to focus also on building better skills, being able to predict how long things will take. And as we work cross-departmentally, the more we work together, the more we understand each other's business and that, for example, if we're going to include a procurement, we understand the procurement process and that we scope that properly. Another one would

[03:57:40] be understanding our budget process and when we would actually see different results. And then, of course, as I've mentioned, our state and federal partners. Sometimes it's about just being able to find the time to meet and have the conversation, right? So we'll be digging into this and there will be more to come. And of course, we're going to take any questions that you all have. And if not today, as you dig into the data, you can contact me and we will be able to connect you

[03:58:12] either to the right staff or to ourselves to be able to answer those questions. So we're going to start looking at FY25 so you know we never sleep right we finish FY24 and we're going to look at FY25 so we're going to take the data that we've gathered and we're going to question it we're going to say you know is this done does it come off do we put it to rest and say yes job well done completed or is it something that we are going to carry forward especially with those multi-year

[03:58:49] efforts coaching everyone on you know okay so the project's going to take two and a half years but let's talk about what you're going to accomplish this year and that's the transparency i think that we need to get to build in our building also narrowing and refining our metrics will get better each year and it's also about expectation setting hearing from you how fast how slow. Looking at our resources, what is possible? There are some times that it's perfectly acceptable and okay to say, we're going to need to slow this down. We just can't do this right now.

[03:59:26] And so we can adjust and we can adapt to that. And also looking at those areas that do need attention. And so if we feel that we're not meeting our expectations, sometimes we have maybe retention challenge or recruitment challenge and we really are not able to move the work as fast as we would like those things have already been brought up come to you probably at different times and we will be addressing them so with that those are our next steps

[04:00:00] but nothing would be complete without having a promotional campaign so I'm really excited about it and I also am just really proud of Albemarle County and the work that we have all done together and it's something to celebrate and be proud of not saying we're perfect and we don't have work to do but I do want to make sure that we are promoting this work and we're making sure that our community sees it and that we're also doing it in an interesting way and so my colleague here

[04:00:33] Abby is going to come up and explain what CAPE is going to do to support us. Thanks Christy. uh interim director of communications public engagement abby stump i'm only going to take a quick minute because i know we are coming up on a break um but we did want to explain a little bit on how we plan to tell this story because i think one thing that we hear a lot is like how are we telling the community the things that we do and with 200 plus metrics that's just scratching the surface of everything that this organization does um so we wanted to share just a little bit

[04:01:10] of our approach for this so we are going to boost visibility on this report over the next two to three months so it will not be a one-time here's our press release here's our website and then we're going to move on so you'll see we will do an initial launch this next few days that will include some of those elements but after that we're going to really sort of like dig in to all of the goals and all the metrics and start piecing some of those stories out particularly on things that we know that the community is really interested in so affordable housing broadband transportation

[04:01:49] improvements these are the things that you know interact in there every day and they want to know we're also taking an approach of really easy to digest bite-sized information pieces so we're looking at things on social media like reels that may be 15 seconds and let us just tell you a quick hit of what happened in this report and then drive traffic back to the website to learn more we do realize that the community has high expectations of performance but they also have high expectations on how quickly they can receive that information and then move on with their life

[04:02:26] on all the other things that they're trying to learn every day so i just wanted to give you a quick heads up this is what we're looking forward to really excited for the next two months to really dig in on each of these metrics and then with that i think that is the final slide so i'll turn it back over to christy thank you ready i'm going to just suggest in the interest of time that we limit ourselves to no more than like five superlatives in connection with describing this work and we combine questions and comments so starting with supervisor gallaway do you want

[04:03:02] I wasn't here at the beginning, so I don't want to repeat or ask questions that are going to. So I apologize that I wasn't here for that. But I will do a couple quick hits. I appreciate hearing what you said about metrics and whether or not the target was too high or too low.

[04:03:23] Overall, great job before I just jump in here. I mean, this is exactly what we're looking for. And I'll make my final comment now. Not final comment, but the one I was going to make in the final spot. You say promote. I say we're informing and educating. This is exactly the type of thing, and it's not just about what we do or what we've done.

[04:03:44] This is about why what we've done connects to the tax bill you received and the people you elected to get up there and try to drive policy. So drawing those threads from strategic plan to the budget, that is critical, and you can't do it without having a good analytic or a good report.

[04:04:08] So I think this is great. I know it's going to continue to have different iterations and grow, so I'm thrilled. When I was going through it, I was starting to get caught in the trap of getting into the nuance of each one and going, well, why did we not meet that? Oh, it was great. But that's not really what this should be about, so I kind of pulled back up.

[04:04:28] I think that you said something about – I forget the two things you said. You said it might be that we were retention – like staff challenged, or maybe it was this challenged. Don't be afraid to tell us where you were board challenged, meaning that we are the reason you didn't perform or weren't able to hit targets.

[04:04:47] If we didn't fill positions, if we didn't provide the right resources, if we changed a priority midstream because, you know, we wanted this to happen and this wasn't on the work plan at the beginning of the year. It's important for both the public and for this board and for our team to know that, yeah, all the incredible work might have happened, but it might have been because of decisions we made that could have prevented us from getting to something in our strategic plan.

[04:05:15] And that has to be part of the story. That has to be part of the story when we do budget. That has to be part of the story when we talk to our community, et cetera. and I wasn't I did note that in the budget calendar that was on the consent agenda that you had the calendar and giving this report today was part of our budget calendar so I really appreciate how this is tied thread-wise to our budget process because that's what it's all about so I'll leave it there and share other comments via Mr. Richardson or at another meeting thank you Christy thank you thank you Supervisor Lopez so currently thank you very much for an excellent

[04:05:52] report and thank you also to your whole team for putting all this together this shows the transparency of what we're doing and how it's tied to our strategic plan and i can't wait to share with my cac's and and community so that they know what we're proposing what we're doing how we're measuring it how we're succeeding and i'll just leave it at that thank you thank you Supervisor Malek.

[04:06:20] Thank you very much. This is truly exciting, and all I shared with both of you by email is this and the text you've already done, your presentation, can all be packaged and sent off as applications for the Achievement Awards for NACO and VACO. Do not miss this opportunity.

[04:06:36] It's terrific. Thank you. Thank you. Supervisor McKeel. Just to follow up on Ann's comment about VACO, this is really excellent work that many communities don't do. They don't even do strategic planning. I can tell you that the vast majority of communities do not do this, and it is outstanding.

[04:06:58] I started going through it, and I found myself writing, yay, yay, yay, and I just quit. So kudos to everybody that's in the room. Everybody, we thank you very much. I'm not going to try and come up with five superlatives, but having said that, it really is great work.

[04:07:18] I would love my CAC to see it when you're ready. I think all the CACs, it would be a good place to go. And I think Ned was talking about having a longer conversation at some point. That will be a very long work session because we're all so much devoted to this work.

[04:07:42] And I lost my train of thought I was going to say something, and it doesn't matter. It's 20 after 5. Thank you, Derek. Yes. Thank you. Supervisor Pruitt? Thank you much. I am thrilled by this report. And I'm really excited to see what kind of the final articulation of the broader, not just kind of the highlights reels that we have here, but the broader list of all 220 metrics and how those are going to be presented to the public.

[04:08:10] To me, one of the best opportunities this presents is as a way to get the public more engaged in the policymaking process. Something that I sometimes talk about that can sometimes frustrate me about our community as a whole is that we aren't as politically engaged and engaged with the policy process, especially some of the more important but also wonkier and drier elements like where we spend our money as we could be. And it seems to me that this provides a really easy way in the future for members of the public to see what is being accomplished. I remember we had a citizen who

[04:08:50] who came to a public comment earlier in the year who came up and asked myself and Chair Andrews very simply, hey, what are you all doing? Like, what are the things you're doing? I'd like to know what you're doing. Can you tell me? And this is going to be a really great way to do that and then equip the public to give really concrete asks, which I'm excited about.

[04:09:12] So the only maybe thought, question, feedback I might give is I hope that as we achieve metrics that we've set, We're not sunseting tracking. And that whatever the final presentation model for the whole 200 some odd metrics is, is that we continue to capture and rather than, say, a web portal where data gets refreshed and therefore deleted as we get new data in.

[04:09:44] What I would hope we would be able to have the news of the public see change over time, see what endpoints are. Thank you so much. I don't need an answer to any of that. Thank you. And, again, this is evidence of a high-functional organization, if I've ever seen it.

[04:10:01] And this is, you know, I'm impressed with the work. And I guess my only comment on the package, the sort of presentation, is that there were times when I felt like, well, this is just saying there are a certain number out of a certain number.

[04:10:17] And I don't really know how to rank those to understand what that means. And so sometimes the metrics were numerical without a lot of meat in them. And I would like to see some of that maybe ranking of metrics even so we know which ones were important and which ones, how they were done.

[04:10:36] There's a lot of details that couldn't go in a short report, but you talked about other documents that would maybe detail more of this. And also, as we talked about, why we didn't meet objectives, we'll flush those out as we come. Just one second. I know you guys are hustling into your closed session right after this and then a full six o'clock meeting. But Chair Andrews, those thoughts where you're working through, you're looking at metrics, and you may red circle something and go, I'm not sure that this is really informative, or I'm not sure, I don't understand what the staff's trying to say.

[04:11:11] That feedback, because Christy Shiflett mentioned this is year one, and she talked about the qualitative analysis that's going to happen after this. So if board members have more of that feedback where you know it's good to see something and put the check mark and say this looks good that's nice but the stuff that you either don't understand or you don't feel like maybe this is this is fully telling the story or it's confusing we need that feedback because we'll be doing the same work just like you will and and we'll

we'll welcome that feedback um i want to say a couple of things because it's not often that i'm i'm with staff uh in this type of environment uh but

[04:11:51] you know every other year we do an employee engagement survey and it's about 90 questions and one of the questions we ask our staff is do you see clearly how your job and what you do affects the organization's mission in other words are you making a difference and this is one of the ways that we do that is telling the story we don't produce a product in this organization we don't build widgets we are a people heavy organization that provides services to the community and our community looks at us in many ways to determine how we're doing. But if we read in the textbooks

[04:12:26] typically how cities and counties are evaluated, it's about citizens look at how is their quality of life affected? How is the organization with customer service in response? And then is the organization, in this case, Atmore County, are we affecting our economic vibrancy in this community?

[04:12:44] Those are the three lenses that people look through. This is one of many things that we produce each year. The police department produces an annual report. The social services department produces an annual report. All of that stuff matters, but as we look at your strategic plan, as Ms. Shiflett said, it's five years, and it's a guiding document. Our budget team works hard to put financial resources connected to these goals to where we can make a difference in our community in the areas that you say are, here's our biggest opportunities and here's our biggest problems, and we've got to face those. You hear me every year say, we'll run out of money before we run and out of opportunities and problems because that's just how local government is.

[04:13:23] But this is evidence that we're working toward high performance. And the final thing I will say is that this really is a guiding document that you will use in about four to six weeks as you prepare for my annual performance review. Every year, I think this board does a really good job of giving me feedback on how am I doing and where do I need to focus to do a better job.

[04:13:46] And there's no better guide for you to take a look at. And as you begin to work through, how are we doing as an organization? And what do we need to emphasize in the next year? All of the feedback is helpful, but I think it's appropriate that we're delivering this to you now as we will begin to work not just on fiscal year 26, but also how is your CEO performing?

[04:14:11] How is the executive team performing? How are our departments performing? because we really do want to meet the expectations of this board and, more importantly, of the community. So thank you, sir, for the opportunity. Christy, I'm so proud of you and the people in this room.

[04:14:26] I can't even express how proud I am of our team. So thank you, sir. Thank you. I know you have to run. I wanted to say that the website is live. There's data. You click on it, and it will bring up all of the detail that you're looking for, and there are explanations to some of the data points.

[04:14:46] If that does not answer your questions, please contact us because, as Mr. Richardson said, we want this to make sense, and we want to improve any areas that it doesn't. Thank you so much for your time. I'm incredibly proud of everyone, and I want to thank everybody for all the work that they've done and appreciate your time.

[04:15:04] Thank you very much. Board, we should move on to our closed meeting. Supervisor Pruitt, do you have a motion? Yes, I do. I would like to move that the Board of Supervisors convene a closed meeting pursuant to section 2.2, tax 3711, parents of A, closed parents, of the Code of Virginia.

[04:15:26] First, under subsection 3, to discuss or consider the acquisition of real property for transportation improvements, a public purpose, in the Rio Magisterial District, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the county. Second, under subsection 5, to discuss the expansion of an existing business in the southern part of the county in the Scottsville Magisterial District where no previous announcement has been made of the business's interest in expanding its facilities in the community.

[04:15:54] And third, under subsection 39, to discuss or consider information subject to the exclusion in subsection 3 of section 2.2, TAC 3705, DEC6, related to business development in the Raya Magisterial District.

[04:16:10] Second. We have a motion from Supervisor Pruitt, second from Supervisor Malek. Without objection, the clerk will call the roll. Mr. Galloway? Yes. Ms. LaPisto-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes.

[04:16:22] Good evening.

[04:16:52] Welcome back. Before we start into anything, we have to come out of closed session, and I believe Supervisor Pruitt, if you're with us, we have a motion. Yes. I would like to move that the Board of Supervisors certify by a recorded vote So that to the best of each supervisor's knowledge, only public physical matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered during the closed meeting.

[04:17:21] Second. We have a motion from Supervisor Pruitt, a second from Supervisor Malek. Without objection, if the clerk will call the roll. Mr. Galloway? Yes. Ms. LaPista-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Okay.

[04:17:37] I believe that based on some of what we heard in closed session, we're going to have a presentation first from Ms. Kilroy as the Interim Director of Economic Development. Welcome. Thank you.

[04:17:53] These are called gooseneck microphones, and this goose is all twisted. All right, good evening. Emily Kilroy, Interim Director of Economic Development. First, just wanted to thank the Board of Supervisors for accommodating this action item this evening.

[04:18:11] In front of you are two documents related to this item, one is a draft of an agreement and the other is a resolution to consider authorizing the county executive to sign that agreement with Home Depot, Inc. And I'll take a couple of minutes along with J.T. Newberry, the Deputy Director of Economic Development, to sort of step through the contents of that agreement. So as many of you are aware, the Home Depot purchased portions of the property up at Fashion Square Mall sometime last year. And we'll be talking about that property this evening.

[04:18:47] located at Rio and Route 29. So I think as a community member, you think of the Fashion Square Mall property as one contiguous property. It is actually several different parcels that comprise that area. And the different parcels are owned by different parties. So the Belk store is owned by Belk. The former Sears store is owned by Home Depot, as is the indoor mall and the out parcel where the former Red Lobster was located, and then Fashion Square Assets owns the former JCPenney

[04:19:23] site. What we're talking about this evening is the orange outlined area, which is comprised of two parcels owned by the Home Depot. As you know, the Home Depot is approved for a new retail store and garden center, roughly replacing where that former Sears store was located. These are photos from earlier this summer of the former Sears store, and you can see how that property has become overgrown and is showing signs of disuse. This is what you see from the Rio Road frontage and along Route 29 of sort of the entirety of the property and again you can see a lot of the conditions that

[04:20:00] are out there today. I want to talk about this project in the context of its location. Now the former Sears at Fashion Square Mall is the location for that new Home Depot. A few years ago the county adopted the Rio 29 small area plan and a form-based code overlay zoning district. The plan identifies the Rio 29 intersection as the heart of urban Albemarle County and it designated the four quadrants as critical for the commercial corridor's future. It envisions a dense walkable bikeable transit connected environment. The Fashion Square Mall property was seen as critically important piece of the plans coming to fruition because of its relative size and the relatively

[04:20:38] streamlined ownership when you compare it to what the properties and parcels look like on the west side of Route 29. The plan identifies how the area will need creative interventions to bring the plan to life, identifying 25 transformative projects for the study area. The implementation section talks about the need for the county to pursue partnerships and incentives that advance county priorities and improve the financial viability of strategic projects and undertake transformative projects to catalyze the desired development and make the area a popular place to live and work. The board recognized the opportunity to revitalize the Rio 29 area shortly after the

[04:21:15] construction of the ryo grade separated intersection and the potential for and seeing the potential for the redevelopment of a lot of the development that happened out there in the 1980s recognizing that the environment and the market that we that we live in today is quite different so this plan effort was designed to create that vision for the future and you can see why this is so important for the county's vibrancy this is the assessed value of the fashion square mall property, which is the largest parcel on that site. And I just share this as an example of why supporting redevelopment is a sound investment for the county. Redevelopment of this parcel

[04:21:52] will correct what has been a stark decline in property value for this area, which began back in 2016, so well before the COVID pandemic impacted the retail environment. I share this context because we have an opportunity to support the Home Depot as a first catalyst project for the redevelopment of what could be the majority of this quadrant. The Home Depot is a first catalyst project for the redevelopment of scale within the area. And while this first redevelopment doesn't achieve all of the elements desired in that plan, the first major private sector reinvestment in this area is really critical because it brings the highest risk. And development that would

[04:22:31] happen afterwards would get the benefit of the initial investment undertaken by the Home Depot. And that's what led us to talking with Home Depot about a potential public-private partnership at that location. I'm going to invite Jonathan Newberry to take us through some of the details of that. Thank you, Emily. JT Newberry, Deputy Director of Economic Development. I'm going to try to pick up on where Emily left off in talking about that risk by talking about it in terms of cost. As the company continued to go through the entitlement process with the county, the board

[04:23:08] acted on the special use permit for outdoor storage and display and going through the site plan process, they learned of increased costs associated with this particular site. And those costs were estimated to be anywhere between \$850,000 to a million dollars. And it was primarily associated with the demolition of the former Sears and the Sears auto site, which had a requirement for asbestos abatement as well as brownfield remediation. And so the totality of those increased costs began to threaten the viability of this project for the company and that's where

[04:23:48] engagement with the the county began and so we were able to reach an agreement to terms and those are found on the on the screen here if approved tonight the the county would be rebating up to \$750,000 of real property tax to the company over a period of 10 years. And the company would then agree to really accelerate their investment in this site. They would complete the retail store

[04:24:22] and garden center by Christmas Eve of next year. They would reserve and dedicate up to 50 feet of right-of-way for the Hillsdale Drive realignment, which is an important transportation project that I'll talk a little bit more about in just a second. They would help actively market the Red Lobster site, the former Red Lobster site, which is currently vacant. And they would also provide the county with documentation of these increased costs that I'm referring to of at least

[04:24:56] \$750,000. I thought it'd be worthwhile to just really quickly cover tax increment financing as a tool and in the context of this project I will turn the laser pointer on if approved tonight we would be starting right here on where the the graph says TIF start right now the the county accrues the property taxes as it as illustrated by section a and as investment into the site would happen

[04:25:32] the value of the site would increase and as the company paid those increases in taxes we would rebate them back to the company to support the additional investment there and help cover those increasing costs. Once we reach \$750,000 or 10 years the TIF payments would end and the area represented by area C in orange would be the full tax value of the property that the county would crew in perpetuity. This is a tool that we've used in several public-private partnerships

[04:26:08] successfully and one that the company found attractive. To talk a little bit more about the realignment of Hillsdale Drive, in relation to the site currently, well first Hillsdale Drive is a part of our parallel transportation system. So to the west of Route 29 you have Berkmar Drive and then to the east we have Hillsdale Drive. And so currently Hillsdale Drive comes north as shown on this aerial image in orange and then blue and it curves off to the east to its current

[04:26:42] intersection with rio road the rio 29 small area plan and transportation planning envisions a new alignment for hillsdale drive that would break off right here as shown by the the highlighted area on the screen. And then this green line north would create a new intersection with Raya Road here. This is approximately one-third of a mile. And so there have been several county plans that have talked about the value of that transportation infrastructure. We would expect that that would become the dominant traffic movement following the realignment. The existing

[04:27:21] alignment would stay, but it would provide a new way for folks utilizing that parallel transportation system and also accessing this valuable commercial site. So it's a transformative project in the Rio 29 small area plan. It is also mentioned in a more recent corridor plan, the Rio Road corridor plan. Although it was technically outside the scope, it was deemed to be so important by that consulting engineer that he wanted to recognize that there would be

[04:27:58] ripple effects to all the transportation improvements that are included throughout that corridor by getting this Hillsdale Drive realignment completed. So we want to talk about certainly return on investment. In 2018, the estimated cost of that right-of-way was \$3.3 million. The company, as a part of this agreement, will provide at least \$26.2 million in capital investment into the retail store and garden center. Based on the performance of these types

[04:28:35] of stores across the country, we would expect that somewhere between 400,000 and 500,000 in local sales tax to be coming in annually. That's separate and distinct from the property tax included in the TIF. And then the company also reports that they expect to create more than 100 new jobs as a part of this project. And so with that, Emily and I will pause and answer any questions that you may have. We'll go through our order if there are questions, comments.

[04:29:04] Supervisor Galloway? I don't have any questions. I'll make the comments now that I think the economic development team's done great work on this. I don't think it'll take us 10 years to recover just in the sales tax alone. We'll probably only take about two. And then we haven't even looked at the numbers on the property tax piece. So this, to me, is a good example of locking in a business to get it put in place, get them committed to a timeline to get it up and running, and then kind of a low-risk investment for us, because we'll see return on it in a very short time.

[04:29:37] So, well done. Thank you. Supervisor LePieta McRae? Yeah, very familiar with this project, and I'm completely supportive, and what you all have done is really nice, because this is going to be, this is changing fashion model, and it's going to be the beginning of redoing the whole thing, I'm hoping, and so it will really change the face of battle more also. Thank you. Supervisor Malek. Thank you very much for all this information. The math certainly works well to our, and just the right of way alone makes the math work without all those other considerations as well. Thank you very much. Thank you. Supervisor

[04:30:13] McHugh. Thank you for all the work on this, and I know there are a lot of people in this community that are going to be happy to see a Home Depot. Having said that, I'm very supportive, and I appreciate all your work again. Thank you. Supervisor Pruitt. Thank you. So I'm really grateful for the economic development team on realizing this opportunity. And as I've shared in closed session, I do want to just repeat for my constituents, this is a project that I have excitement about. I'm excited to see the redevelopment of this area and

[04:30:50] the kind of lifting up of the property values of this really critical location. And I'm also frustrated by it because of, frankly, while I recognize that the proposal that we're voting in favor of is the best decision based on the position we're in, it is still a frustrating position that we are put in because we are in a situation where you basically have patient capital operating at a scale that they can afford to incur losses by non-developing their own property, which they can

[04:31:24] and use that ability to be patient to extract certain concessions from us as the community. These concessions make sense for us because it will accelerate the development, but that's kind of beyond the point because the development would happen because they've bought it. I'm somewhat frustrated that we don't have the tools granted to us from the state or from the federal government to, frankly, impose more severe penalties to prevent more predatory uses of patient capital in kind of extracting concessions from local government.

[04:31:58] This is not as much of a problem for Albemarle County, but because, frankly, we don't have as many tax-depressed areas and we have the resources to be able to make these concessions, but this can be

used quite predatorily in other contexts, and I find it frustrating.

[04:32:14] That being said, the project makes sense on paper, and I am excited to support it. Thank you. I'm also excited to support it. I think that it will speed up construction. I think we're getting good value, and I'm very grateful to the team putting this together.

[04:32:34] With that, I believe we have a motion before us. Will we come from the Rio District Supervisor? Yes, I move that we adopt the resolution approving a grant agreement among the County of Albemarle, Virginia, the Economic Development Authority of Albemarle County, Virginia, and Home Depot, USA, Inc.

[04:32:53] Second. We have a motion from Supervisor Galloway, a second from Supervisor Malek. Without objection, the clerk will call the roll. Mr. Galloway? Yes. Ms. LaPista-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Thank you.

[04:33:11] With that board, we turn now to item 14, which is a report from the county executive. Mr. Richardson, welcome. Chair Andrews and members of the board, thank you for the opportunity to be here this evening.

[04:33:28] You have had a full afternoon work session agenda, including our annual strategic plan report that was delivered earlier this afternoon. Thank you to Abby Stump for working with me on the monthly report.

[04:33:44] And the monthly report board is just an opportunity for us to check in with the organization's work, the stuff that we are doing across the organization, and to tie that back to your strategic plan in a meaningful way. So with that, are we going to show the slides? Thank you, ma'am. So just a couple of slides this evening. The first is really to talk about our ongoing partnership

[04:34:19] with our good friends out at Ravanna Futures. Staff work is continuing out there with the support of Ravana Station. Here is a recent picture of several staff that traveled to Ravana County Executive's Office where we were visiting with the new installation commander of Fort Belvoir, Colonel Stewart, who has since been sworn in, and Colonel Messina, who was stepping away for his new assignment.

[04:34:53] And this really just shows the support and the interest from Fort Belvoir as we continue to work with our leadership out at Ravana Station. Also, earlier this evening, we had Emily Kilroy from Economic Development.

[04:35:09] She and her team are out at Ravana Station on a regular basis, most recently providing a tour to the Virginia Economic Development Partnership business manager. Akisha Johnson as she went out and took a look at the opportunities that we face and the importance of Ravana Futures for the commonwealth and the long-term vibrancy of our community. This shows the work that's going on out at Biscuit Run Park. Our work continues to

[04:35:44] prepare the park for a late fall opening. During the project, staff have identified opportunities to provide cost savings but also keeping the project moving I'll highlight two things that have happened recently Steve Hoffman who is a senior project manager identified an opportunity to move excavated soil from one phase of the project around the trailhead and the parking lot and move that over to where the maintenance facility is going to be built he repurposed the soil roughly 19 000 cubic yards of material were used to develop the new building and the pad

[04:36:24] and that avoids the cost of haul-off fees and related work approximating two hundred thousand dollars also regarding rock excavation cost savings also at the trailhead in the parking lot project contractor hit rock just three feet above the planned excavation depth of the drainage basin the project had allowed for 300 cubic yards of rock removal the actual amount was much higher and then to avoid the half million dollars in extra cost the project team redesigned the basin

[04:36:58] to fit the existing conditions eliminating the need for the rock excavation and there you have about seven hundred thousand dollars in cost savings which we needed in order to finish that project okay i know that roderick burton our i.t director is with us this evening and we continue to be really proud of our i.t department and and the work that they're doing they recently traveled to the national association of counties naco conference which was in july of this year where our i.t department received the top 10 digital county award by the center of digital

[04:37:37] Government and National Association of Counties. Also present that evening was our current state VACO president, Ms. Ann Malick, who's also serving as one of our board of supervisors and was there for the national conference, and she was able to participate with Roderick Burton and Kelly Spencer, who are seen here. We went from 10th to 7th in our ranking, and they recognized Albemarle County's good work to include IT modernization, a new enterprise permitting and licensing system with a robust payment module, and mobile access to inspection staff, work cleaning and validating

[04:38:14] county-wide data, aiming to establish secure data sharing policies, as well as innovation efforts like piloting drones with our police department for better situational awareness, and an upgrade to the two-way communication system between police command centers and our responders all of these projects are really important whether they're internal focused or external focused specific to our ability to be able to do more faster less money so congratulations to roderick and the team this group of people works in the procurement division of our finance department and they

[04:38:53] recently received a 2024 Achievement and Excellence in Procurement Award from the National Procurement Institute. These are behind-the-scenes staff that come to work every day. They work really hard. The prestigious award measures innovation, professionalism, productivity, e-procurement, and leadership.

[04:39:11] The award is considered the premier recognition in the public procurement profession. The procurement unit's dedication and excellence has placed the county among one of the top-performing procurement organizations nationwide. Their efforts included launching e-signatures for the county, maintaining a continuous improvement program, launching technology solutions that improves customer service and it reduces risk, revisions to our outdated purchasing manual, and enhancing our purchasing card program. So this is a good group of folks and we're proud to be able to

[04:39:47] recognize them. County employees attended. We talk a lot about our partnerships with our public school system, and that's critical that we continue to do that every day. County employees attended the back-to-school events during the weeks leading up to the first day of school. County staff from multiple departments, Parks and Rec, Fire Rescue, Police, Communications, Public Engagement, they've been attending back-to-school events throughout the community. Staff shared information on how to get engaged with local government upcoming programs there were fun stickers buttons lots of engagement with over 800 students and their families at these

[04:40:25] events this is quite fun so mr. Andrews serves on the solid waste board with myself and he mentioned some upcoming days of amnesty days I think for e-waste I wanted to share a couple of pieces of data with you board that jumped out at me at a recent Ravana Solid Waste Board. I will remind the board that our Solid Waste Authority is funded jointly by the City of Charlottesville, the County of Albemarle, and provides services according to the city and county budget allocations. During their spring special collection days that

[04:41:01] were held in April and May, 287 county customers dropped off e-waste. 603 county residents dropped off household hazardous waste. 34,800 pounds of bulky waste from the county was collected. 145 residents dropped off tires. And Board, I know you know this without me telling you, that if we don't have this level of participation in these days and this elevated attention on getting rid of this,

[04:41:37] disposing of this properly, this can end up on vacant lots, it can end up in our streams, It can end up on properties back in our rural area, and we're trying to avoid that. Started in the late 90s, the special waste collection days are greatly appreciated by our residents.

[04:41:53] They help our community to be cleaner. Since tracking in 2014, county residents have dropped off 2.5 million pounds of furniture, appliances, tires, and e-waste. And that's over about an 11-year period.

[04:42:08] So I appreciate Bill Moyer, their staff. They do wonderful work out at Ravana, and it's a great partnership. Board, I haven't had a chance to mention to you that, as you know, we are triple-triple-A. We do enjoy a triple-triple-A credit rating.

[04:42:26] That's the highest in the United States given to a local government. One of our rating agencies, Fitch, recently went through a visit back to the county for an annual surveillance check. They're one of our three main rating agencies. They've affirmed us as triple AAA, and they have come back and they've taken a look at our budget flexibility.

[04:42:48] They've looked at their expectations of available reserves to be maintained at a bottom line 10% level. We scored extremely well in Fitch's assessments for its demographic and economic level metrics and our long-term liability burden in terms of how we're able to manage that.

[04:43:07] And so I did want to mention that to the board. That was a heavy lift for our finance department. Mr. Sumner's here this evening, and they did a really good job. Board, I want to take a couple of minutes to talk about our public safety response during Tropical Storm Debbie.

[04:43:23] I've got a couple of pieces of key information for you. During the 12-hour period Tropical Storm Debbie was in our area, our public safety departments saw a significant increase in calls for service. Fire rescue top calls for service during Tropical Storm Debbie were downed trees, downed power lines, transformer, fires.

[04:43:44] Compared to an average Thursday and Friday, our fire department saw a 150% increase in calls. The police department's top calls for service during this event were alarms, mostly alarms malfunctioning due to the storm, downed trees, traffic hazards, and wrecks.

[04:44:04] Compared to an average Thursday and Friday morning, our police department saw a 77% increase in calls. We did prepare both departments for this event. We were overstaffed with swift water rescue teams being strategically located through the county in the event of local flooding.

[04:44:25] Both departments, along with volunteer rescue crews, responded to a water rescue at Misty Mountain Campground just before 3 a.m. on August the night. Several feet of water were impacting the campground, threatening vehicles and campers at the location. First responders were able to safely rescue 12 people who were trapped at this location.

[04:44:46] I believe five pets were also with them at the campground. No injuries were reported from the incident from any of the rescue personnel, the victims who were trapped, as well as the animals. As the storm approached, the Office of Emergency Management coordinated departments to prepare for the storm's impact on the community by gathering resources internally and then also evaluating the county's ability to continue operations throughout the storm event.

[04:45:14] Non-public safety departments also were prepared and they helped in the event. Facilities and environmental services ensured all of our work sites were properly secured for wind and rain so that we could remain open and continue to provide operational services to our citizens blue ridge health district reached out to our staff looking for indoor space for their mobile van uh and had they had received roof damage the day before and needed to get it inside we were able to accommodate that and get them inside where the uh where their mobile van was safe parks surveyed the parks after the storm they as you know meant springs uh had a failed

[04:45:54] culvert that broke through the payment and then we were able to get that prepared and we got that part back open pretty quick. I think this is the last slide and I had a board member ask me about this earlier speaking of parks and recreation. Our parks and recreation director who was here earlier today, he is in the process of celebrating his 50th anniversary with Albemarle County. I didn't say his 50th birthday, I said his 50th anniversary with Albemarle County. Parks and Recreation Director Bob Crickenberger hits an impressive milestone of 50 years of public service

[04:46:31] to Almar County. Our staff, including many Parks and Rec staff, recognize Bob with a surprise cake and celebration. He and other people in our organization will be formally recognized at our annual employee award ceremony. That is scheduled for September board, and if we do not have invitations in your inbox, we will get those to you shortly. If your schedules allow, We always enjoy you coming and participating in our annual employee awards ceremony in September.

[04:47:02] And that's when we will recognize Bob as well as other employees who have reached milestones. Mr. Chair, that is my report for August. And I know you have a heavy agenda, but I'll be happy to answer any questions. Thank you. We'll go through our order, starting with Supervisor Galloway.

[04:47:19] No questions. I appreciate having all the information as always. And congratulations, Mr. Burton. I mean, there's over 3,000 counties in the United States, so to be a top 10 in anything is wonderful. But, you know, the digital work and to compete at that level in that particular sector is pretty strong.

[04:47:39] So we all appreciate that. So I just want to acknowledge it. Thank you. Thank you. Professor Lupisto, currently. Once again, thank you very much for your very informative report, and thank you to all of the staff because you all contributed to all of our successes. thank you. Thank you. Supervisor Malek? Yes, indeed. Thank you. And the whole government is at it again. Everybody working together. It's really great to see. And listening to the discussion with Roderick and Kelly down in Tampa and hearing the work they're doing on cyber protection for the county services. I mean, there were other counties around the table going,

[04:48:17] really? You know, they just were totally not on the same plane. And we're so fortunate to have you all. So thank you, Roderick. Thank you, Supervisor McHugh. Oh, yes. Sorry. I was so involved in what you all were saying. I lost track. I will say, Roderick, there are 3,242 counties. So you are in outstanding position, right? So thank you very much for your and your team's work. And to that end, I will add that, thank you, Mr. Richardson, for this great report.

[04:48:52] I will add that in 2022, only 49 counties of that 3,242 counties had AAA broad ratings. So again, and now it's 47. So, I mean, seriously, we are doing some great work in Omaha County, and I'm just really so thankful for all of our great employees.

[04:49:16] Bob, I didn't realize that we hired 10-year-olds. Bob must have been 10, right? I mean, just, but it's really great. And we'll all celebrate with Bob here before too long.

[04:49:32] The only other thing I just to ask, and I know it's kind of gotten to be commonplace right now, but you'll give us copies because I want to share a few of these slides with my CEC. That'd be great. All right, thank you. Thank you. Supervisor Pruitt. I'm always thrilled looking through this report at all the really incredible stuff that our staff and our county government is accomplishing.

[04:49:55] so thank you for this report congratulations bob 50 years anywhere like just physically anywhere in one place is extraordinary and you've managed to spend 50 years of you know extraordinary dedicated service to this county thank you so much thank you again as i join in with the grateful to this great report of the county for making it all happen the particularly impressed by and grateful that uh the rescues that service was done during tropical storm debbie to uh to help

[04:50:29] people uh crucial time and and they came through which i really appreciate uh on the subject of of the uh ravenna uh solid waste and recycling center the uh uh i mentioned this earlier i'll just say it again that the sign up for e-wastes which start september 14th and then go the next weekend with household hazardous household wastes and then so on uh the signups have already started so um if you're interested get in there sign up so thank you very much anything else

[04:51:02] board our next item is matters from the public matters on the agenda but not listed for public hearing or matters previously considered by the board or matters that are pending before the board and i believe we have some people signed up we do i have the list there are no signups online and we have five people excuse me who signed up to speak tonight so with that i will read the request directions instructions as they as we go back here during the time set aside for matters on

[04:51:42] the agenda but not listed for public hearing individuals may address the board of supervisors concerning matters previously considered by the board or matters that are pending before the board, other than items listed on the agenda for public hearing. Individuals are allowed one opportunity of up to three minutes to speak at each board meeting during matters from the public.

[04:52:01] A sign-up sheet is managed by the clerk's office. Timekeeping is conducted through a timer and a light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired and you'll be asked to end your comments.

[04:52:19] To give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and if you live in Elmore County,

your magisterial district. Address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk.

[04:52:36] If representing a group or organization, you may ask others to raise their hands in recognition. Speakers may not share any unused time with another speaker. Back and forth debate is not permitted. Do not speak out from your seat or out of turn. All comments are live streamed, recorded, and published on the Alomar County website.

[04:52:55] And with that, excuse me, and I'm going to apologize ahead of time because this afternoon earlier I mispronounced someone's name. I apologize if I mispronounce your name. I really try hard, but it's not my forte. So our first speaker is James Farmer.

[04:53:17] Welcome. Please adjust the microphone to be heard. Thank you. Good evening. My name is Jim Farmer. My district is Ravonna.

[04:53:32] And I want to mention two special things about myself relevant to what I want to speak tonight about. That is ranked choice voting. Bear with me. This is my first time before the board. So two things. I've been a scientist for 40 years, so I have some skills in designing experiments and developing processes.

[04:53:53] The second thing is I'm an officer of election, I have been since 2023. That was my first, that was my rookie year. I was fortunate to have the good folks led by Lauren Eddy, our registrar, train me with an inch of my life.

[04:54:10] And that worked out well because I was there in Brownsville from 5 to 9.30 at night. What I saw was an open, welcoming, well-performing, transparent, and effective, in a word, trustworthy process.

[04:54:30] I didn't understand the voting process before in Virginia. I do now. I've seen how it works. It's successful. And I don't want to lose that with advent of a new process that has not been fully vetted, in my opinion. If you want a worst-case scenario, we all remember 2000 presidential election when it came down to one county, Palm Beach County, and Florida.

[04:54:53] The essence of the problem that led to a month's worth of delay in determining the president was a newly designed ballot called the butterfly ballot. Good intentions. Fundamentally, it was not tested. And that's, you know, good intentions count up to a certain point.

[04:55:10] The upshot was a loss in trust in the voting process, in particularly that county, and essentially all of Florida. So now we have ranked choice voting before us, and we're considering that. I think this is being rushed.

[04:55:26] I don't think it's something that is needed. It's opaque. It's confusing. It has a history of failure. Even the brilliant voters in Arlington County couldn't figure it out. And from my standpoint, it's unconstitutional. What I would propose is that we table this, that we stay with a system that we know that works, and that we don't say yes to running a test on Albemarle County voters, and then what I'm concerned the most about, ruining the trust that exists with our current process with the Board of Supervisors and with the registrar.

[04:56:02] They work too hard to get this election right, and I don't think we should take a chance on that now. So I would say let's not take a chance. Let's say yes to our current voting process, and let's say no to RCV, whether it's really confusing voting or whether it's rejected choice voting or any other ones you can come up with.

[04:56:23] Thank you for your time tonight, and I look forward to your decision. Thank you. Our next speaker is Doug Earle. Doug Earle from Scottsville District.

[04:56:43] At the risk of beating an already sore subject, I believe this afternoon's session on RCV was, in fact, necessary and productive. It confirmed a lot about RCV costs and implementations. We also heard the contention that RCV is unnecessary in Albemarle because of our low number of candidates for county supervisors.

[04:57:09] This business case critique of RCV is actually a fair argument. And it deserved to be heard this afternoon. But it begs the question, the unknown, of whether the democracy value of RCV is actually valued by a majority of Albemarle citizens.

[04:57:30] We simply don't know if it's supported by them or if it isn't. We do have an online petition going around now with about 150 signatures in support of RCV. That's fine. That's nice. But I would submit that a third-party petition, and in truth and lending, I've signed that petition, I would submit to you that that is fundamentally inadequate to judge whether taxpayers, citizens support the cost-to-value proposition of RCV and the decision that you are potentially to make.

[04:58:07] With the wealth of information gained today, however, on the cost and implementation, it is the perfect time for the county staff to assemble the information, put it out on the Internet, and conduct an Internet survey asking county voters whether they want RCV or not.

[04:58:29] Some don't like RCV, and they may never change their minds, but others want it. We just don't know the numbers. But in a democracy or representative democracy like us, policy and government spending are decisions made by the will of majority.

[04:58:50] If there isn't a significant majority of county voters willing to fund RCV, and I mean significant, like more than 60 percent and thousands of respondents, then we shouldn't accept it. But we don't know, and we won't ever know until we ask. We have in this county a very talented and capable communication staff that's capable of asking this question.

[04:59:12] And I submit that we are at a juncture now that we should be going out to ask that question. RCV, in most places, that's where it's been adopted, has been done so by voter referendum or ballot initiative, not by a decision of a representative board like this.

[04:59:31] We don't have that option in Virginia. The next best option to figure out whether it's actually supported by citizens is to cut, is to conduct professional online polling, which can be done by the staff. Thank you. Our next speaker is Randy Zacherson.

[04:59:47] I hope I got that right. Good enough. Hi, I'm Randy Zacherson. I'm in Samuel Miller District. I've lived in Albemarle County for the last 40 years.

[05:00:04] And thank you for the Home Depot. I love it. I can't wait so that's a good decision um and congratulations on the triple a man that's great so anyway but I'm here this evening to talk about a real popular subject today is rank choice voting and uh again I may call me old-fashioned but one person one vote way of voting kind of been the standard and accepted way of voting uh for all of our elected positions in this country for the past

[05:00:35] 248 odd years. You know, and I got to say it's worked pretty good. So it's simple. It's straightforward. Voters understand it and they generally accept the results of it. And it just shocks me that

all of a sudden now, for whatever reason, we're considering this brand new shiny object, a totally untrustworthy idea of a proportional sort of vote that's kind of screwy and an entirely new way of selecting our representatives.

[05:01:11] To me, it's crazy, but that's just me. But my question is, why? What problem are we solving? It's expensive, it's confusing, it's got a lot of opposition, but why? What's the gain here?

[05:01:28] Again, are we trying to get more voter confidence and security of our elections? I don't think so, because they ain't going to do it. If anything, it just has the opposite effect. It's not transparent. It's subject to manipulation.

[05:01:44] There's calculations under the covers. People can't see it, so it doesn't do that. Is the problem we're trying to solve to increase voter participation in our elections? If so, rigged choice voting has a proven track record of discouraging people from voting.

[05:02:02] They don't understand it, and they don't trust it. And the other option is maybe we have too many candidates running for office. Well, in 40 years in Albemarle County, I've never seen that. We're lucky if we can find a candidate for an office, let alone multiple candidates. So why consider rigged choice voting?

[05:02:18] I don't know. Look, bottom line is don't mess with my vote. That's how I'm asking. I know how I vote. I do research to the candidate I'm looking for. You want me to research all the candidates and figure out which one is marginally acceptable, which ones are absolutely deplorable, and then you're forcing me to vote for maybe a candidate that I would never vote for in a thousand years.

[05:02:48] It's not right. It just doesn't feel good. And please, don't mess with my vote. Thank you. Next speaker is Judy Schlossel. I can't see for the... There you are. Please adjust the microphone.

[05:03:08] Yeah, Judy, pull the mic down. Good evening. My name is Judy Slusho, Ryo District resident and member of the Ryo 29 CAC.

[05:03:24] Development is happening all around Dunlora, Dunlora Park, Belvedere, Dunlora Village, also known as Dunlora Farm, and will continue for several years. When Belvedere was first being developed, a collaborative effort between Ryo District Supervisor Ned Galloway, representative from Albemarle County Planning, as well as representatives from VDOT, worked together to have a no-through truck signs installed to keep Dunlora Road safe, one on Dunlora Drive and the other on Loring Run.

[05:03:52] There was a great deal of evaluation prior to having these signs installed, with the anticipated hope that the roads in Don Laura would be safe from truck traffic generated by the construction in Belvedere. As Belvedere continues to be developed, there has been an uptick in truck traffic and could somewhat be compared to Follow the Yellow Brick Road from The Wizard of Oz.

[05:04:15] The construction people and developers are failing to abide by the signs, causing unsafe road conditions in Don Laura. The construction people, as well as the developers, have been approached regarding the traffic, and the usual comment is, not my people or the large construction trucks have a difficult time negotiating the narrow roads as well as the traffic circle.

[05:04:39] When Belvedere was a concept, the developers should have thought, outside the box, looked to the future as to how the construction trucks would navigate the roads. The Albemarle County Police have

been notified, but due to staffing, can't patrol the area all the time. On August the 20th, I was sitting in my study and not only heard, but saw a large red flatbed truck traveling up Dunlora Drive.

[05:05:02] I feel rather confident in saying that the truck was coming from Belvedere. This particular truck is only one of many I've seen heard traveling through Dunlora. I also have videos from a resident in Loring area of the trucks traveling on the roads. Albemarle County Schools started today, August the 21st, and I'm concerned about the safety of the children in Delora.

[05:05:24] There are no sidewalks for the kids to walk on or wait for the bus. If the kids run around while waiting for the bus, as kids tend to do, there's no way that one of these truck drivers could stop suddenly to avoid hitting a child. The safety of all concern is of utmost importance.

[05:05:42] Belvedere is many years before it is completely built out, and those of us who live in Dunlora should not have to deal with the truck traffic for many years to come. Will the no through truck signs be enforced? I will end with assistance, please, keeping our roads in Dunlora safe.

[05:06:02] Thank you. Our next speaker is Kent Schlossel. Welcome. Please adjust the microphone.

[05:06:18] Thank you. You're taller than Judy.

[05:06:28] My name is Ken Slusha. I'm a resident of O'Reilly District. On July 22, 2022, I presented much of what I'm presenting now to you, and yet I have seen no action on limited clear-cutting.

[05:06:57] To refresh your memory, on July 5, 2022, the Daily Progress had an article from the Richmond Times-Dispatch titled, Urban Heat Islands Are Dangerous. The point of the article is how the neighborhoods without trees are heat islands.

[05:07:13] Trees are the most important asset to improve our environment. It's not electric cars that use electricity, it's not solar panels that do not provide electricity at night or wind power with no wind. It is trees. I just want to go through a couple of slides to refresh some of your memories.

[05:07:30] The benefits of trees from the Department of Agriculture is that they produce oxygen, they filter CO2 out of the thing and all the pollutants, and there's enough oxygen for year for 18 people from a tree. The Amazon forest actually supplies about 20 trees, I mean 20% of the thing. Albemarle County clear-cutting is a very common practice. On just 15 acres, which was the start of the new Belvedere development, you cut off oxygen to 270 people. They have recently

[05:08:08] cleared over 60 acres. Now you multiply that by four, that's a lot of oxygen that you deprive the residents of, not to mention the CO2 filtering. You go up 29 north, it's even worse. So lots of people get things, not enough oxygen. Recent clear-cutting Belvedere, I just want to mention to show you this tree here that this machine is picking up, it's probably between 50 and 75 years

[05:08:41] old. This was taken from the Delore property line. This example of clear-cutting is larger than all the where Home Depot's going. And it used to be with some rolling hills there, the level of the hills filled in, and now it's all flat. The real danger is to our trails and stream. This is the Rivanna Trail. This is the property line where this tree is. This is the overflow from recent rain, mud going down to the stream, which is right here. So much for the 100-foot buffer that we're

[05:09:18] supposed to have between wetlands and streams. Why can't we do something? Delora planted over 2700 trees 92 percent of them are growing which is pretty good i don't understand why we can't limit

the developers from clear cutting everything so in conclusion i just want to say that trees lower the temperature and provide shade and thank you very much thank you that's it okay thank you

[05:09:51] thank you for your comments and we will move on board we have a busy night we have five public hearings on the agenda. First up, the fiscal year 2025 appropriations led off by Mr. Ryan Davidson, Deputy Chief, Office of Management and Budget. Welcome, Mr. Davidson. Thank you. As you're getting ready, I will remind the public that if you have a desire to speak on any of the public hearing matters tonight, there is a sign-up sheet to my left, audience right, under the window.

[05:10:23] I ask that you do that before the public hearing starts. Thank you. All right. Good evening. I'm Ryan Davidson deputy chief of budget this agenda item is a public hearing an action item to amend the FY25 budget I've just one slide with some details at which time I'll turn it over to the chair and the board for any questions and told the public here so the Virginia code requires a public hearing before amending the budget when the amendment exceeds 1% of the currently appropriated budget that's what is the case here tonight overall the public or excuse me, overall the budget amendment is approximately \$14.3 million and is broadly

[05:11:02] made up of the items listed here on the slide. Attachment A included in today's packet contains greater details on these appropriations, but generally we have \$8.7 million in grant funding, including broadband projects through ARPA, some opioid funding and some opioid abatement funds, some smaller EPA grants and smaller public safety grants. \$3.9 million in special revenue funds, which is reappropriations which is mainly the housing fund 1.6 million for the general fund which includes business process optimization funding and some social and some state and local and federal funding for social services and approximately nine thousand dollars in capital

[05:11:40] fund revenue related to a water performance protection grant to wrap up the the presentation status recommendation is after the public hearing that board approve attachment b and at this point i will turn it over to the the chair for and the board for any questions thank you very much we'll go through our order starting with supervisor galloway no questions supervisor lupisto kirtley thank you but no questions supervisor malik no questions here thank you supervisor mcqueue

[05:12:10] supervisor pruit thank you and uh i have no questions also so i believe we can open the public hearing we have no one signed up to speak so we can close this public hearing this one's a little faster than some will be um and with that are there any further comments from supervisors if not i'm looking for a motion in the form of attachment b to approve these appropriations i move approval of the budget amendments attachment b second we have a motion

[05:12:50] from supervisor malik a second from supervisor mckee without objection if the clerk will call the roll mr galloway yes miss lupista kirtley miss malik yes miss mckee yes mr pruit Aye. Mr. Andrews. Yes. Thank you, Mr. Davidson. This brings us to our next public hearing item, which is SP 2023-18, Kappa Sigma International Headquarters. This one's presented by Mr. Sid

[05:13:20] Shoff, Senior Planner 2. Welcome, Mr. Shoff. Good evening. My name is Sid Shoff. I'm a Senior Planner with the Planning Division for Albemarle County's Community Development Department.

[05:13:38] Tonight, I'm going to be giving staff's presentation for Special Use Permit SP 2023-18, Kappa Sigma International Headquarters. This is a Special Use Permit to request to amend an existing Special Use Permit to relocate and enlarge a previously approved building.

[05:13:55] The subject property is approximately 6.14 acres and located south of the City of Charlottesville at 1610 Scottsville Road. It is Zone R1 residential and has been home to the Kappa Sigma International Headquarters since 2004. The comprehensive plan designates it as Urban Density Residential.

[05:14:13] As I mentioned in the last slide, this site has been home to the Kappa Sigma International Headquarters for the last 20 years. The existing building on the site is approximately 22,977 square feet and is three stories. It is used for administration, meetings, a museum, and other associated uses.

[05:14:31] The first special use permit to construct the existing building was approved in 2004. Another special use permit was approved in 2006 to expand the existing building and construct another building on the site. Currently, there's a major site planned and reviewed to construct the approved building expansion.

[05:14:48] The surrounding properties are zoned residential or rural. The property of the North is also owned by Scottsville Road Holdings, LLC, and is zoned R1 residential. It contains a pavilion and overflow parking for the Kappa Sigma International Headquarters. Additionally to the North is the Galaxy Farm subdivision, and it is zoned planned residential development.

[05:15:06] To the west and southwest is Avenity Estates subdivision, which is also zoned planned residential development. And lastly to the south across Route 20 is Somerset Farm, which is zoned rural areas. The applicant is proposing to relocate and enlarge an improved building, which is shown with the highlighted label to the right.

[05:15:25] The applicant is proposing to move the building from the parking lot to be adjacent to the property line with the Avenity Estates townhomes. The proposed building is a one-story, approximately 8,790-square-foot building with a maximum height of 27.5 feet to the center peak of the roofline.

[05:15:42] It would be used to display archives and memorabilia associated with Kappa Sigma. Additionally, the new building may be used for meetings and support facilities such as research, classroom space, storage, and guest suites. The previously approved building from SP 2006-21 was approved to be roughly 1,200 square feet with the same uses.

[05:16:01] Additionally, the applicant is proposing a new delivery area slash access way to the rear of the proposed building, as well as a new landscape area between the existing building and the proposed building. The top photo is a proposed cross-section profile view if this were to be approved.

[05:16:18] To the left are the Avenida Estates townhomes. In between the townhomes, there's an existing six-foot privacy fence and a roughly 12-foot open space parcel that is owned by the Avenida Estates HOA, which contains existing vegetation. On the Kappa Sigma property, there's a 20-foot use buffer that consists of its existing vegetation, and the proposed building is set back 50 feet, which meets the county's setback requirement.

[05:16:41] The finished floor elevation of the proposed building will be between 8 feet to 27 feet below the finished floor elevation of the townhomes and the Vanity Estates. The dashed gray lines over the proposed building, which is shown in the middle in the top photo, corresponds to the proposed couple of heights in the image below.

[05:16:58] These are proposed renderings of what the proposed one-story building could look like. If this were to be approved, it would be subject to Architectural Review Board review to ensure compliance with the entrance corridor guidelines. Here is a zoomed-in picture of the previous slide.

[05:17:14] The red dashed line is from the average height of eyesight for someone who is 5'7 from their backyard. Above the proposed building is the dashed gray lines, which corresponds to the max height of 27.5 feet of the couple on the building. The Special Use Permit application was reviewed under the Factories for Consideration as outlined in the Zoning Ordinance.

[05:17:35] Staff believes that the proposed Special Use Permit will not be detrimental to adjacent parcels, will not change the character of the nearby area, will continue to be in harmony with the R1 Residential Zoning District, and is consistent with the comprehensive plan. There are nine conditions drafted for this Special Use Permit.

[05:17:52] They are mostly carryover from the previously approved Special Use Permit, and Condition 1 was modernized with new language. Staff added condition 1C, 1D, and 1E to address the new building. Since the Planning Commission public hearing, condition number 9 was added, which states that the base elevation must not exceed 528 feet.

[05:18:12] At the Planning Commission public hearing, the Planning Commission recommended to add a condition at the base elevation to be at 527 feet for the proposed building. However, staff assessed that a base elevation of no more than 528 feet would still preserve the viewshed of the nearby residents of Avenity Estates, while also improving drainage and allowing flexibility for the applicant during construction.

[05:18:34] Lastly, a condition was removed for a pedestrian bike connection from the future Route 20 path to the Kappa Sigma site. In sum, there are two factors favorable. The first is that it's consistent with the review criteria for special use permits contained in the zoning ordinance, and the second is that the use is consistent with the Southern and Western Neighborhoods Master Plan.

[05:18:54] Staff found no factors unfavorable. Staff recommends that the Board adopt the attached resolution, Attachment E, to approve SP-2023-18 Kappa Sigma International Headquarters with the proposed revised conditions. And I'm happy to answer any questions from the Board now. Thank you.

[05:19:11] Thank you. We'll go through our order with questions. Supervisor Calloway. No questions for staff at this point. Supervisor Lapisto-Kirtley. Thank you for your presentation. I have no questions. I was questioning, though, the sight line at 5-7.

[05:19:30] That's... I mean, Supervisor McKeel and I are out of luck right there, so thank you. Yes, somewhere in the communications, it talked about music and entertainment and special events, but I didn't hear anything about that in your presentation.

[05:19:51] Yeah, the previously approved special use permit allowed them to have events like that. At the Planning Commission, there were questions about noise, and someone from zoning was able to speak and discuss what types of noise there would be.

[05:20:09] The applicant could probably go further in detail of what events they're hoping for, but from my understanding from the application materials, they have annual events, and then they have a 10-year or some sort of member conference that happens infrequently.

[05:20:27] But the applicant can provide information about whether those are all indoors or outdoors in this proposed courtyard. Yes, that's correct. Because if people in the neighborhood are already hearing things and it hasn't even started yet, that is what I'd like to learn about. And the base elevation slide that you had here a minute ago, how does that work with the height of the proposed building?

[05:20:51] There was something you said near the end that I lost track of about what the dotted gray line is. Yeah, there's a lot going on this graphic this was provided by the applicant so to walk you through it all um to the left side is the vanity estates townhomes or they're higher up in elevation and the dashed red line is someone who's five seven and what their sight line would look like so if you kind of move past the trees to the right there is a label for a proposed building um and you'll see the shape of a triangle like a rooftop right there so that's that's the height of what the one-story building is proposed to be the dash gray line that goes above the dark black line in the board's proposed building

[05:21:29] that is the cupola of what i was trying to convey in this image below those are the the three tower or the i guess six towers that are peaking above the roof line here and so um this building the dash line is meant to represent um that max height of 27 and a half feet of that cupola but that's only on the existing building, the new building would not have those things? No, that's on the new building. So that middle graphic here, I don't know how to do the laser pointer here, but this is the new building and we'll have the couplas as well. Over and above where your

[05:22:08] pointer is, right? Yes, and that's the dash gray line in this. Way up high? Yes. Okay. And then this building here is the existing building with the couple, if you've driven down Route 20 before yes thank you thank you supervisor mckill just to refresh my memory art i think i'm correct in that there was a trail the path of pedestrian bicycle and you the thought that staff had was

[05:22:43] that uh folks that needed access pedestrians and muscle could use the parking the driveway i guess is help me with i remember reading and i'm just trying to remember what i read yeah that's correct So in between the Planning Commission and Board of Supervisors today, the applicant requested for this condition to be removed.

[05:23:03] And this is the phrasing of that condition. So it's a pedestrian connection from the future pedestrian slash bike pathway on Route 20 in a site must be constructed with the site improvements from Route 20 to buildings aligned along the travel way. And so this graphic here, the picture on the left is the approved SP 2006-21.

[05:23:22] I've highlighted in yellow that this is the application plan. And that is what the intent of what that condition was supposed to look like. The applicant cited that they felt that since this site is a private site, they did not want a public pathway onto their site. And they were comfortable with having their attendees enter the site via that travel way that's existing.

[05:23:42] And so the eight-foot asphalt trail, that's a separate condition that's going to be constructed. That's the pathway along Route 20. They just didn't want the connection from Route 20 onto their site. Okay, that's clearer for me. So the trail itself is remaining that's on the road.

[05:24:02] Correct. I see. And they're going to allow folks to use their roadway as access? From my understanding, if they're invited onto the premises, they're welcome to use that road. Okay, so there's the key. So they have to be invited. Yes, they cited because it's a private site.

[05:24:21] They didn't want a public pathway from the Route 20 path. Wow. I was just thinking, you know, we are one community and neighborly thoughts.

[05:24:41] I guess not. I guess not, yeah. All right. Thank you for the response. Of course. Thank you. Supervisor Proven. Yes. So I know that the current sight lines drawing that we're looking at is in response to a lot of community feedback that was heard both at the CAC level and then, I believe, reiterated again at the planning commission.

[05:25:07] And so I'm excited to see, I'm pleased to see, not excited to see, that they have, that the applicant is now planning to, frankly, build down a little bit more rather than intrude on that site line.

[05:25:23] But something that has been expressed by a number of residents of the community that I've spoken with is that there's quite a lot of rock in the soil there. And there's concerns that it may not, in fact, be feasible to construct this additional building as described in the site plan.

[05:25:45] Could you help the board understand kind of what would it look like if, say, we were to approve this submittal or this application? has submitted to us, if they later discovered that the rock made them unable to lay the foundation of this new facility where they're anticipating and they wanted to build it higher on the ridge, what would that process look like and what would the applicant be able to do?

[05:26:15] Yeah, thank you for your question. Yeah, so the way they resubmitted this material, they're hoping that they would have some flexibility to not run into those rocks and roots. But if they were to have some issue in the field, the way the condition is phrased of no more than 528 feet, we would have to work internally and determine if that is something that's considered in general accord.

[05:26:40] I don't believe it's the way it's phrased. It doesn't appear that way. They may have to come back and revise the special use permit. But that is something that we would need to determine internally with staff. And I'm happy to invite anyone here in attendance that may further answer this question.

[05:27:00] Maybe this is something I should take up with applicant in more detail, but I have to admit, Mr. Shoaff, like the notion that we as the board can't say with certainty what the outcome would be if the building has to proceed in a way other than what is presented to us, and that's going to be contingent on some staff discussion with the applicant, feels a little unsatisfying.

[05:27:27] And I'm not sure I am comfortable with that degree of uncertainty about the results of an approval, if that makes sense. May I correct myself? When I said internally, I did not mean between staff and the applicant. I meant as planning staff, zoning staff, the county attorney's office, and whatever other applicable staff would need to interpret what's going on in the field and the approved condition.

[05:27:57] Okay. I do appreciate that there's a distinction there. I'm not sure it fully allays kind of my concern, but I appreciate that clarity. I think that's all I have for now, and I'll save any questions I have further for the applicant.

[05:28:16] Thank you. And my questions may be both. I'm not sure whether they're for you or the applicant, so I'm going to start off. You mentioned the expected uses of the building, archiving and things like that, but I don't see any conditions, And I don't know what kind of uses might have triggered a different review, if any.

[05:28:35] So when you've delineated uses in the presentation, I immediately wonder, well, okay, is that all they can do with the building? Or is that just to tell us a description of what they expect to do with the

building, but it's not really required? Because I don't see a condition on it. Yeah, those are the uses that were approved with the previous special use permit.

[05:28:56] So it's consistent with what's already occurring on the site. And the uses that I laid out for that new building, those were the same uses that were approved with the SP 2006-21. And so staff didn't feel like there were any conditions that needed to be included for those uses that I listed out.

[05:29:15] Okay, so those carry forward from the previous special use permit. Yes, that is correct. Excellent. Thank you. There's a mention about a retaining wall location. If you could show me where that is, I'd just like to make sure I understand it. Yeah, so I think the applicant can go further in detail here.

[05:29:37] But from my understanding, the retaining wall would be where that delivery area access way is, as well as they're using the rear of the proposed building as a retaining wall. And like I said, the applicant can go in further detail about the retaining wall here.

[05:29:55] Okay, thank you. And then my last question, I'll turn back to Supervisor Malik. You've used the word couple of, and I'm looking at the picture that looks like chimneys, and I'm just trying to make sure I understand what is the roof, and maybe the applicant will tell me more about what that shape is and what it's called.

[05:30:14] Yeah, the applicant can explain more about the couple and their proposed designs. Okay, thank you. Supervisor Malik. Yes, so your mention of general accord brought to mind that that doesn't mean 528 feet necessarily. So if this were to be approved, it could be changed to accord, which means it has to meet that.

[05:30:37] and Attorney Rosenberg can correct me if I'm off base on that, but we've had lots of exchanges over the last 17 years where we didn't get the wording right, and it gave way too much flexibility for the project. So that lack of uncertainty is the word, is really troubling.

[05:30:58] Thank you. More on that as we go along. Thank you. Any further questions for staff? If not, then I will open the public hearing. And before we do have some signups. Okay. Thank you.

[05:31:15] And so, Supervisor Vice Chair McKeel will read the rules. We have both online and in person. That's right. So we have a total of three people. The first two are in person, and then we'll go to the online.

[05:31:33] Well, first we'll read the rules, and the applicant will speak, and then we'll go. Yep, got it. But I was just thinking out loud. All right. go to my correct one. During public hearings, the board will acknowledge speakers addressing the item listed for public hearing. Speakers are limited to one appearance of three minutes

[05:32:10] per public hearing. Applicants are limited to a 10-minute presentation of their proposal and are allowed a five-minute rebuttal at the close of the public hearing. Community members physically present for the meeting will speak first, then those who are attending meeting electronically will speak. For those attending electronically, the clerk will coordinate with each speaker when it is their turn. For in-person speakers, timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking. The red light

[05:32:47] indicates your time has expired, and you will be asked to end your comments. For community members who are attending the meeting electronically timekeeping is conducted through a timer the

timer will commence when you begin speaking and this begins your allotted time you will be notified when the three minutes are up and you are requested to bring your comments to a close as your microphone will be muted after about five more seconds to give all speakers equal treatment and courtesy the board requests that speakers adhere to the following guidelines when addressing the board state your name and if you live in almar county your magisterial district

[05:33:22] address comments directly to the board as a whole any written statements or other supporting material may be given to the clerk if making comments through zoom you may upload written comments through the e-comment portal or email your comments to the clerk if representing a group or organization you may ask others present to raise their hands in recognition speakers may not share any unused time with another speaker back and forth debate is not permitted please do not speak from your seat or out of turn all comments are live streamed recorded and published on the almar county website if participating by phone press star nine to let us know if you want

[05:34:02] to speak then star six if from a landline to unmute if by zoom please remain muted until you are called on to speak thank you and we'll start with the presentation by the applicant I understand Amy George from Rhodes and Gale will be, Rhodes and Gale and Associates will be taking this off. Thank you.

[05:34:26] Good evening. My name is Tom Bishop. I serve as a trustee on the foundation board that operates and manages this facility and will be overseeing the development project. We appreciate your time tonight and very much appreciate the professionalism of the staff as we work through this process to this point we are seeking what we believe to be a minor modification to the existing site plan

[05:35:02] the second building that's already approved you can see the basic dashed outline of it running parallel to the parking lot up and down on the slide can't get the laser pointer working but it is roughly about the same roof line what's not clear from that is that building as originally approved on site plan is a two-story building what we propose to do is to move turn it and come down to a one-story building coming down to a one-story building has several benefits to

[05:35:41] the site first it allows us to actually get low enough to minimize any impact to sight lines across the property secondly it allows us to significantly reduce the amount of excavation that has to be done to get the foundation and footing in for one story as opposed to two stories and elevators and all, that would go with the two-story. Furthermore, this modification would significantly reduce the amount of construction time to get the project finished. We believe this is a solution that takes into account the community feedback, allows us to continue with the existing

[05:36:16] uses as approved on the original site plan, and complete our development. If I can speak just briefly to the uses. We're not proposing any new uses. The organization has grown, and we've reached the point that we need additional space to perform the mission that we've been called on.

[05:36:37] We have gatherings there infrequently. We've had two gatherings, one in 2019 that brought a number of people to the community. That particular event, we spent about a million dollars with local vendors and according to the according to convention and visitors bureau actually brought in about 2 000 room nights plus other expenditures and yes on one night in july of 2019 we had fireworks and a band outside all of which was over and concluded the fireworks

[05:37:15] started at 9 30 which means the band was done and it was all gone we did that again in 2023 three. So with, again, the same rough economic impact. So we do periodically have events. We meet the

sound requirements. Everything is over outside by 10 o'clock, and so we do our best to manage and will continue to comply with the sound requirement. Now, subject to any questions you have, I'd like to ask Ms. Amy George from Rodebush-Gale, our engineers, to come up to speak to the technical aspects of the project. Thank you. Hello, my name is Amy George. I'm with Rodebush

[05:37:55] and gail representing um the applicant um i do want to talk about i guess the uh the site line that we had discussed and also the question about the cupolas we have worked fairly hard to refine the uh the grading plan and the site layout to meet some of the comments and feedback that we have gotten from the community we do want to you know maintain the site line for the uh for the adjacent owners we do not want to be bad neighbors so the main roof line is i guess in between the

[05:38:31] the peaks and um that is roughly 19 feet tall and the end peaks at the end are 23 feet tall i get the items that you're seeing above the roof line those are not cupolas those are probably a chimney feature that are so they are not included within the height of the building um the middle peak is 27 feet. We set this up so that the roof line and the views can actually go over the building and the main line to the edge of the, I guess, the roof line of the existing main building

[05:39:09] and then on to Carter's Mountain. I used five feet, seven inches because that was actually the average height for men and women combined. So that's kind of where we got that number at. And I do want to point out, it's like we have been really refining the grading.

[05:39:29] We are sinking the building down and using that back wall as the retaining wall for about five feet. We have two retaining walls adjacent to the delivery area. We want to minimize the height of the wall and the extent of the wall so they are not more than five feet tall on both sides rather than having one extremely tall wall.

[05:39:50] All of this is to say that we refined the grading in order to minimize impact or eliminate impact to the existing 20-foot landscape buffer that is already there and also to keep the evergreen trees that Kappa Sigma has planted in front of that buffer.

[05:40:09] So we were very mindful in our design and with the community feedback to try to present a good product for the community. I did want to address the fact that we did take away the sidewalk up to the parking lot.

[05:40:25] There is a gate at the entrance of the existing Kappa Sigma building that closes during off hours. We also didn't want to, I guess, have an attractive nuisance. The property does have pavilions, and it seemed kind of unfair to ask a private entity to have the public actually using their facilities without any kind of regulation or oversight due to, you know, vandalism, litter, accidents, things like that.

[05:41:00] So if you have any other questions, Tom and I would be happy to answer any questions. Thank you. We'll go through our order. Supervisor Galloway? I have no questions. Supervisor Lapisto-Critney. Supervisor Malek. Could one of you talk about the fireworks?

[05:41:20] Because the distance to the nearby houses is so close. Considering how fireworks in the Whitehall District have had to be moved out of town because there were houses within 400 feet and your houses are 25 feet or 50 feet away.

[05:41:35] So we entered into an agreement with the landowner on the Carter Mountain side, and the fireworks were actually shot from across the road up on their hill, up and actually never got any further

than closer than the road but that that was as long as we had that arrangement with them and they've hosted a very large social function each time we've done it so they can witness the fireworks as well that makes more sense and there was mention of the preserved slopes in the the files can you locate easily where those are are you're not messing with

[05:42:08] they're actually managed slopes they're not preserved slopes it is like the preserved slopes are down near the entrance below the loading area at the bottom. There is no impact to this area at all. That is not included in the limits of clearing for the proposed building. The managed slopes at the top, they will be managed in a fashion that is agreeable with the county zoning ordinance. I see. Thank you. Thank you. Supervisor McKeel. I understand a little bit more. So you

[05:42:46] have some, I'm going to call them outbuildings, recognizing that they're really not outbuildings, but pavilions or whatever that might be accessible. So that makes more sense. Yes. So you're concerned about, and I get that. Help me understand the concern about rock and what you will do. I mean, we have lots of rock in this area and it's not unusual for folks when they're building to have to blast for the so talk me through a little bit of that um i'm not sure i just want to make sure

[05:43:20] i understand okay we have not done any investigation into the depth of the rock through there we have refined the grading to make sure it actually and it connects into the existing parking lot so it does have to have some sort of relationship with that entity and can't go too too much further above that without creating um something that's not usable um we have that agreed to the condition that the finished floor will be no higher than 528 and we're committed to that so if you have to then

[05:43:55] you'll blast because that's what it might i'm just not i'm just trying to think this through i have not talked with one of my engineers to to find out more how exactly that would be accomplished. Yeah, so I guess what I'm concerned about is the distance to those houses is how far?

[05:44:13] I would say 100 feet. And I'm just in my world, in my house, we had blasting when they were building the colonnades. Was it that close? Half a mile probably from you to colonnade.

[05:44:33] And I had cracks in my walls. So I'm just suggesting that, or thinking ahead, and I'm not saying that you shouldn't blast, but it would be really good to put some meters for those houses.

[05:44:51] Well, I call them meters. That's not the right word for it, but some way to measure the impact of the blasting, right, for these houses or these units. You can do that because I know they've done that in other areas in this community for blasting. It's a way of saying to the neighbors, we impacted or we didn't impact with blasting that's all just trying to protect those houses if i may add for all the construction that we've done there um we've not run into rock

[05:45:26] that's a great sign i guess a deeper foundation and we've been occupying and operating the property uh since 2007 and while all the avenity work was being built around they didn't find any there was no blasting great and that's good news i'm just always very careful about that because of my experience um which has been significant um and i guess that was all i had um i think it's interesting that you're using the back wall as your retaining wall yes the back the back building

[05:46:03] wall will be acting as a retaining wall yeah and i'm sure you can do that yes i know it's just unusual i know one of i guess like a good example of that is uh one of the new buildings that went down on JPA, the large red and white brick building that Richard Spurson built, the entire two floors of the first two floors of the building are buried.

[05:46:26] So it is very possible. My late husband was a structural engineer, and that caught me by surprise. Not to say it can't be done. So the structural engineer will be involved, yes. Exactly. All good. And that's all I have. Thank you very much.

[05:46:42] Thank you. Supervisor Pruitt. For the presentation. I'm going to begin by just saying, speaking with residents of this neighborhood, I've been able to identify what I would say are four kind of main threads of concern about this development.

[05:47:03] And that's sight lines, the possibility of subsidence or other direct damage, such as what Supervisor McKeel described, noise and disruption from the process of construction, and then noise and disruption from the new location itself.

[05:47:24] So four kind of discrete things. I've been really pleased with the work that you've done with the Avenity Neighborhood to really work toward that first concern. the sightline's concerned. I think the kind of grading strategy that's presented is much, much better than what we originally saw coming to the Fitz and Avon CAC. So I really want to commend you all for that work in working with the community. I'm still, frankly, I'm not an engineer enough. And it sounds like maybe we're still in the early plans of this. I don't know

[05:48:00] how comfortable I feel with the answers that I've heard on mitigating the possibility of subsidence. And you heard me feeling quite wary of kind of where we were with that in my earlier question. So I'm wondering if you would be able to just help me understand a little bit about how you are going to help ensure that there's no direct detrimental impact to the adjoining persons.

[05:48:28] I know this was covered in your presentation, but you could just answer that maybe with more particularity. I'm going to say, sorry, first of all, I am not, I guess, an engineer. I'm actually trained as a landscape architect. So I do know when retaining walls go in, there is most likely some geogrid that goes in behind it.

[05:48:48] There have been instances within the county where the retaining walls have gone in within five feet of a property line without any subsidence. And so good geotechnical information, good design from the wall design, and good grading with your contractor all kind of lead into that concern about subsidence.

[05:49:12] That's helpful. That is better than where we were five seconds ago before you told me that. So thank you. As far as noise and disruption during construction, I think this is probably the lowest concern of these four because that's, frankly, endemic to any kind of development.

[05:49:32] But I'm wondering if you'd be willing to speak to any kind of mitigating steps that you're going to be taking to reduce disruption to the event community while you're actually building. I guess we are committed to follow the Chapter 7, Article 1 of the county code and limit noise from 10 p.m. to 7 a.m.

[05:49:58] Can you help me just put a little bit more particularity on this? Could you tell me what the anticipated timeline for the total scope of work? I know you have it divided by phase, so if you could help me kind of understand calendar year-wise, time of the year-wise, when different major disruptive phases will be happening.

[05:50:21] Our timelines are dependent on the final approval for this process. We have the architects begun. We have one timeline, depending on fundraising speed, that would have us complete in late 26 or

early 27, but the actual external construction part, I don't, as I stand here today, I can't tell you how many days that would last, but I am very confident that being allowed to turn this building and reduce it to one story will significantly reduce.

[05:50:52] reduce that timeline. That's helpful. Help me out here because I don't think I realized that there was an adjoining capital campaign that hadn't been completed that this was also contingent on.

[05:51:09] Is it possible that there is stalled construction based on that is derivative of a stalled capital campaign? We've been in a private fundraising phase for a while and we would like to be able to bring another one of these large events for 27 so there is hope that we can drive to get completed by that point in time we would not we would not leave the project partially under

[05:51:43] construction if we start it we're going to finish it so getting donors and for those of you that have done this before know very well if you don't have your permits in place your donors aren't going to commit. So it's a bit of a chicken and egg problem. I hear you. I appreciate that additional detail. And the last thing is the noise from the site itself, which we do already have some constituents who complain about this, but there's also some concern about whether or not this new facility is going to change

[05:52:18] the nature or quality or extent of any noise disruptions to the community, especially because, Again, it's all the more approximate than the current main building. My understanding, based on the project narrative and based on comments you've provided in the past, is that the primary purpose that's intended for this is going to be kind of a museum area, like a place for KSIG to store their swag, and a catering kind of staging area and additional toilets.

[05:52:58] Is there something I'm not capturing in that? That's correct. The main percentage of the square footage in that building would really work as classroom space. Think of it as library, archival, storage space. There is no intent and no design for any of the facility between the back of the building and Avenity to have anyone back there doing anything other than maintenance work.

[05:53:23] So there will be no events back there. There will be no activity back there. Anything that happens will be down closer to the main building. And the additional question, and frankly, maybe I need to turn to my zoning administrator to get clarity on this because I always think about this and have to ask, is there anything formally holding you to that?

[05:53:47] Is that going to be part of the final language of the site plan or is this me taking this on your good word? I don't know of anything specific in the current site plan that would limit it based on the way we've changed the design and made the back of this building part of the retaining wall.

[05:54:05] There's no level space back there to do anything. So I think the engineering kind of drives the answer as well. That is helpful. Thank you for helping me walk kind of through these guns. Thank you.

[05:54:22] And I have no additional questions. So at this point, I think we'll... Oh, Supervisor Malek. Thank you. Sorry to keep thinking of things as we go along. Somewhere was either someone's audible presentation mentioned guest quarters.

[05:54:40] So there's a residential component in this building that was not just mentioned in the activities. So the original site plan did authorize guest quarters, and so we've carried that forward with this site plan. One of the possibilities is approximately two guest suites that would be for use of staff or an overnight or an occasional donor or VIP.

[05:55:06] It's not something that's going to be Airbnb. It's not something that's going to be publicly available or creating extra traffic. It'll be restricted to a guest who's on site for a specific purpose for an overnight. That's the maximum use we would have for it.

[05:55:24] I have no desire to be in the hotel business. It's a whole different world, that's for sure. And regarding the stopping construction, do you have an intention to get fully funded before you start so that you can not have that problem of a recession that takes the tank out of fundraising and then you have a whole lot of exposed earth etc we we will not begin construction

[05:55:57] until we see that we have the path to complete it the worst thing that can happen from a donor perspective is you got a hole sitting there it needs to be when we start when we actually start turning dirt we need to be ready to finish the building thank you at this point we will turn to our members of the public who wish to speak on this matter all right our first our first speaker

[05:56:29] is sammy barnes uh sammy barnes 3421 montague street i live in the scottsville district and so as there are others i will limit my concerns to two uh number one being uh having to do with the elevation of the building itself i appreciate y'all asking about the rock situation um because

[05:57:08] what we do know as owners who built on that property uh the row of townhomes where we live are villas two-story villas and there are some villas that were denied the ability to have a basement because of rock in the ground and others that were allowed to have a basement so we do know from what the developers told us originally that there is a lot of rock out there our particular

[05:57:40] townhome could not have a basement because of rock so i just wanted to raise that question the other thing is we were very encouraged to see those new sight lines and if you could pull that sight line up that um i just have a question about that so that where it says 27.5 feet and it points to that arrow that's up much higher um what i'm concerned about is that if you go

[05:58:13] now to the front elevation of the building itself though that gable in the very middle is going to be right behind our house. So if that gable goes to 27 and a half feet, it will look a lot different from that diagram. You would have to move that line, that vertical arrow over considerably. So those are my two concerns. Thank you. Next speaker is Sarah. I believe

[05:58:52] this is Hayden. Hi. Good evening. Hi. Actually, it's Hadden. Oh, okay. That's okay. Yeah, my name is Sarah Hadden. I live in the Scottsville District, and I live two doors down from Sammy, who just spoke. At the time that I purchased my home, the county records only showed the special use permit from 2006 and had the building in a very different place than it is now listed.

[05:59:25] I know that I thought long and hard before buying, because this is my retirement home, and I lost my train of thought. I thought long and hard about it, and I thought, okay, well, maybe there'll be something on Carter Mountain that I can kind of live with.

[05:59:42] Finding out that there was something that was going to be so close to us was really a bit of a shock. I've attended all of the meetings, and I've definitely appreciated the steps that Brada Bush, Gail, and Associates have taken to address some of our concerns.

[05:59:58] but we do still have the concern about the drilling down in the rock. When we last met, we requested at the Avenity Group that there be some stipulation that if they hit rock and could not excavate enough, that this would have to come back for a new special use permit.

[06:00:21] Sammy kind of alluded to that. Because we also know from the last meeting that they hadn't done the soil-bearing tests, so we don't know what they're going to find. and we live just a couple miles from Biscuit Run, and Biscuit Run, as you noted earlier, is having some problems.

[06:00:38] The other thing I would also like to point out is that I also have concerns about the gables because they will block people's views, and we paid a premium for our lots in part because of the lovely views that we had.

[06:00:59] Oh, dear. Noise. We're also still, someone brought it up? We're still concerned about noise, particularly construction noise. I also noted my recollection of the initial special use permit from 2006 said that it would be acoustic music when they had their events.

[06:01:17] It is not acoustic music, and some of us were driven from our homes. It's very loud. I will also say we're concerned about delivery trucks coming and going late at night after the catering and pushing in all the chairs and all those kinds of things could be loud.

[06:01:34] and we are a residential neighborhood with a lot of young children. And finally, no one's complaining about the fireworks. So thank you for taking my comments. Thank you. Our next speaker is online with electronic participation.

[06:01:53] I'll get it out in a minute. So Claudette, I think you're, yeah, she's got it. Can you hear me? Yes. Can everyone hear me? Okay, great. Thank you so much for working it out so that I could comment online tonight.

[06:02:09] My name is Jessica Lowe, and I'm a homeowner on Moffitt Street, 3653 Moffitt Street, which means I'm perpendicular to the proposed building. I'm lot 46, if you're looking at your plat. My neighbors who've previously spoken are on Montague, so I'm going to give you another side of it.

[06:02:27] First, I want to thank the applicant for working with us to the extent they have. I know we all have really appreciated when we see a new plan, and it seems to take into account some of what we said. So I want to thank them and thank staff for that. As the person sort of on the end of this building by, I don't know, probably about 12 yards, something like that, I think, I want to first bring up the issue of the uses, which has been covered some, and some of those answers I've really appreciated.

[06:02:58] The applicant answered my question about guest suites. Two guest suites sounds much better than like a big lodging conference facility to me. So I'm glad to know that. I do still have some questions about classrooms. Are those auditoriums?

[06:03:13] And I'm interested in the spectrum between the large gatherings that we've talked about that happen just every couple of years and the other types of gatherings that will be happening at this building. If there's classroom facilities, I'm assuming that means there's also going to be big events there.

[06:03:31] I doubt we're having seminars with two or three people, unless it really is just rooms for a couple people to use the archives. So I'm interested in what those other events will look like. I remember something in the materials about seminars monthly or something like that over the summer.

[06:03:48] So if someone could speak to that, I'd really appreciate it. The sight line that was mentioned, I also think there might be some problems with that. I'm staring at the tree line out my window right now. And the sight line that was provided to all of you suggests that these houses are already looking at trees.

[06:04:07] And my neighbors at Montague, most of them are not. So I think that sight line may be a little different than what's on your sheet. And also, this is the first I've heard of blasting. And I want to second what Sammy said. We know that some of us are on rock. I myself do not have a basement either right here.

[06:04:24] And I'm real close to where this building is going to be. So I'm concerned about the ROC issue and also very concerned about blasting. And I would urge all of you to, as Sarah said, bring it back to the Board of Supervisors if there needs to be blasting, because this is very close to our homes.

[06:04:47] And also, I want to address in the materials it was suggested by Sid, who's been very helpful, we appreciate him as well, that there are no drawbacks to this. And I hope you all realize from listening to us and reading the materials that we see a lot of drawbacks.

[06:05:03] And one of the concerns I've had is that there's really been no proffered rationale for moving building. I'm sorry. Thank you. Thank you for your comments. Okay. Thank you. Is there no other speakers signed up? No, that's it.

[06:05:19] Thank you. This is your opportunity for rebuttal. Thank you. Thank you, Sid. Could I trouble you to put up the elevation line again for that slide? And so what I would point out is that even the height of the chimney features that the architects have drawn are at or below and completely behind the higher elevation of the existing building in front of it.

[06:05:50] So if you could back up one more slide, please, Sid. One more. If you see the perfect alignment of the buildings, the front building that is currently there is higher in every respect than every line and every chimney feature on the building that we're proposing to draw, one, two.

[06:06:12] With respect to the class sizes, we anticipate that we will have groups of one or two dozen students in or out of that building. We have intentionally designed the space to be movable tables and chairs so that we can set up to accommodate different groups and speaker sizes.

[06:06:31] It is not an auditorium. The largest meeting we typically have on site during a year when we're not having the big event is probably 100 people. And again, it's always over, and the buses are leaving about 930, and almost everything happens inside or under the pavilion if that's where we're serving the meal.

[06:06:51] So we make significant efforts to attempt to address that. One more thing I'd like to add in terms of economic impact. Since we started on this site, we've currently invested something of approximating \$14 million in construction and infrastructure and facilities on the site.

[06:07:13] The project that we're talking about now would represent an additional \$15 million of investment there on the site to continue to improve and add value. We take very little in the way of services. And we gladly pay our property taxes and would also on the increased amount.

[06:07:29] One other comment about the public access. Unfortunately, because of some of the vandalism, trash, I mean, not just alcohol bottles, used condoms, animal feces, we've just had a very significant problem with people misusing the property.

[06:07:46] And our insurer has been absolutely adamant that they are not covering us to operate a public park. And so it's been necessary. You're right. You would hope with neighbors we wouldn't have those issues, and I'm not saying anyone that lives around us was responsible, but we simply cannot operate for the general public.

[06:08:05] We're not staffed to manage for the general public, and so I apologize for that. But that is the reality of our current environment. Subject to any other questions you have, we appreciate the attention, and we believe that we are making a very positive economic contribution to the community and carrying out the educational mission of our organization.

[06:08:28] the same time. So thank you for your attention. Any questions? Thank you. We'll go through our order. Supervisor Gowler? I think it's all been clear from both staff and the applicant and from those who made comments. I have no additional questions. Supervisor of the Peaceful Prison?

[06:08:43] I have no questions and I'm supportive of this project. Supervisor Malik? Yes. So I was interested to hear that the 2006 permit under which you're operating now is acoustic music outside only so are you planning to follow that going forward because apparently there's been amplified music outside um in the interim and that's important with the proximity you have this is the first i've heard of that limitation if that is in fact the limitation we will follow it

[06:09:18] very good uh thank you and i guess other questions i'll have for staff after whenever we move to that phase. Thank you. Supervisor McKeel. Yes, I do appreciate your working with, at least working with the community as best you can about the lowering so that there's a viewshed.

[06:09:41] I mean, I really do appreciate that. I will say that there are lots of cases and lots of places where people purchase property because of a viewshed, and the viewshed is no guarantee unless you own it, the property.

[06:10:01] Now, having said that, you've done a really good job, I think, in trying to address those concerns. But it is very frustrating for people, and I understand that. I mean, it is very frustrating. And I guess the other question I have I can wait for later.

[06:10:19] Thank you. And I appreciate you addressing the concerns about the park, that you're not a park and you're not a hotel. And by the way, I appreciate the view situation. From the other side, our view has changed dramatically.

[06:10:36] We're now boxed in on three sides, which was not certainly the view that we purchased for either. It is unfortunate, but yes. Thank you very much. Thank you. Supervisor Pruitt. Yes.

[06:10:52] So I just want to begin by saying I love representing the Scottsville District because I do feel like my constituents have a great way of trying to always, with these projects, and get toward yes and identify where people can agree and move forward and i think we hear that from a lot of the comments uh and frankly that also speaks well to the applicant uh in being able to to work with the community so uh i just want to acknowledge that and say i find it very heartbreaking um i do want to just uh kind of repeat and uh try and get just a little bit more

[06:11:28] clarity on some of the concerns that we have heard. First off, I know that Ms. Lowe was going to be asking if you could just, again, for the group, for the audience, clarify on the original rationale for moving the planned location of the building from where it had originally been perpendicular off to the northern side of the parcel. And I think this can be a pretty simple explanation, but you would not just mind repeating that. Certainly. Reorienting the building allows us to take it from two stories to one it allows us to reduce the amount of excavation that

[06:12:03] would otherwise be required and allows us to shorten construction times and actually i think it is a better aesthetic fit from an architectural review board standpoint for what's being proposed now than what might have been done if we'd attempted to build the building perpendicular sure and i i know that the aesthetic element has been repeated a few times i know it definitely looks better for the ARB's perspective, looking at it from 20. But I think it's helpful to just reiterate those bits about the feasibility and actually potentially making this a much less intrusive project in its new location, even though it's physically closer. There have been a few

[06:12:42] people who have expressed just concerns about how we're calculating or understanding the site line that's been discussed, whether or not when we're looking at the line that's been drawn, whether or know if that's an overall roof mass or if that is including the gable. Can you just speak to that momentarily? Because basically I see there's three lines, right? There's the interconnecting roof mass, there's the gable, and then there's the chimneys or cupola coming off of that. So when we look at that four building mass on the sideline, is that that connecting roof structure?

[06:13:19] Is that the gable? Does that make sense? Yeah, the view line is over the main roof in between the peaks okay and i do want to add as the top of carter's mountain is at the elevation of 1646 so there is still a very large portion of the mountain for everyone to enjoy once we do put this in so it is it is a massive mountain and and my understanding is even with the gable extending above the drawn sightline partly.

[06:13:59] It still is not going to be higher than the central roof line of the main building, or is it just not higher than the cupola of the main building? Than the main line of the building. It is everything that's in this proposed new building, including the architectural chimney structures, are below the main roof line of the existing building.

[06:14:21] That's helpful. Finally, I have a much bigger question for staff after this, but there is the concern that was brought up about this is going to be used, I think, during your major events, mainly just for staging, catering, and as an extra toilet spot.

[06:14:43] And there was the concern that, oh, is this going to be where at the end of the event, at like 2 a.m., all the stuff is being picked up and dropped off by staff? Can you speak a little bit to that? And also, I might be curious if there is any retaining wall that goes beyond the building as kind of a possibility to provide additional noise and installation.

[06:15:06] I'll address the retaining wall issue. There are two retaining walls shown on the plan view directly behind the delivery area. And the building itself will act as the retaining wall further along. Okay. So there would be some amount of, frankly, like walling around any drop-off point, even if that were to occur.

[06:15:31] And, sir, if you would not just mind speaking to the possibility of those kind of late-night pickups. And so our functions are scheduled to be over by 9.30 or 10 o'clock, and that has to include everything.

[06:15:46] Every time we've ever had caterers out there, they've been out in that same 10 o'clock hour. So we're not, this is not an unfavorable comparison, but if you think about an Elks Lodge or an American Legion, their late-night events go much later.

[06:16:02] We're doing nothing like that, okay? This is a dinner-type event. With the exception of the fireworks, they're typically over by 9, 9.30. So we do not host late-night events. We can't, we don't do it.

[06:16:19] We're not going to. I appreciate that extra clarity. I think I need to ask this now, because once we close the public hearing, we're mostly just voting. But this is maybe more of a question for staff. There is the kind of continued, and frankly, I still am feeling a little ill at ease with the responses we've gotten of what if rock, right?

[06:16:44] What if not feasible without much more intrusive excavating, without the possibility of blasting? And it seems like it might be quite possible for if that is discovered and it's still cost permissive for the applicant that they could use much more intrusive excavation style to include blasting.

[06:17:07] I am curious if it is within the board's power to create one of these kind of stipulations or some kind of, I don't know, lever that would make this come back to the board. I'm not sure. Is someone from the county attorney's office or zoning able to answer this question?

[06:17:32] Mr. Herrick, coming forward. Welcome, again. Good evening. Andy Herrick with the county attorney's office. Let me take this opportunity to also go back and pick up an earlier question that Supervisor Malik had, which was regarding the building elevation and wanting to make sure that general accord issues weren't a problem when it came to the building elevation.

[06:17:54] if you look at condition 9 of the proposed special use permit that sets what the building elevation is and that is not subject to a general accord standard so if we're looking at the special use permit as it's currently drafted there's condition 1 which has a general accord standard and it lists i believe four five different elements that have to be in general accord so hypothetically if the applicant were to go away and find that there were some sort of rock issue that required some sort of redesign or reconceptualization of the property, staff would have to see what that reconceptualization was, what that reorientation was.

[06:18:33] If it was determined by staff that what the applicant was proposing was still in general accord with the site plan, it could proceed. If, hypothetically, they found Rocken had to shift the buildings out of a way that was no longer in general accord, then they would have to come back before the board for further amendments to the special use permit.

[06:18:50] BUT AGAIN, GETTING BACK TO THE EARLIER QUESTION, THE SITE ELEVATION OF 528 FEET IS NOT SUBJECT TO GENERAL ACCORD. THAT IS NON-NEGOTIABLE. IT'S PART OF A SEPARATE CONDITION, CONDITION NUMBER 9. SO I HOPE THAT ANSWERS THE QUESTIONS THAT BOTH OF THE SUPERVISORS HAD. THANK YOU. MR. HERRICK, I DO ACTUALLY WANT TO MAYBE DRILL DOWN ON THIS A BIT. AND MAYBE I'M JUST BEING VERY IGNORANT HERE AND NOT FOLLOWING along very well but i i'm still not clear so i i just want to like say what i'm thinking here if

[06:19:27] there is uh an excavation technique that is necessary in order to to meet the general accord uh of the site plan um that would be so intrusive as blasting um i would not want that to happen and i think that's probably true of all the neighbors it seems like it has a really strong likelihood of causing like serious damage to adjoining properties, even if they're not directly blasted.

[06:19:52] And it's not clear to me if approving this as written would make that impossible for the applicant. Am I correct in interpreting that? And also, can we make it so that if such an intrusive excavation technique has to be used, it would not be within accord?

[06:20:13] So both the zoning ordinance and the conditions of this particular special use permit have been drafted in a way to address the land use impacts of a proposed social club. I heard the applicant

earlier make a comparison to an Elks Lodge, and that's really what the zoning ordinance is intended to address. Is this an appropriate location for a use as a social club? The zoning ordinance doesn't as much get into the mechanics of how the building is constructed. That would be subject to the site plan, to the building permit. I know that Mr. Svoboda is president. He might be in a better position to address what specifically in the zoning ordinance the zoning can control

[06:20:51] in the way of construction techniques and so forth. But again, the main focus of the zoning ordinance and the SP conditions here are the future eventual use of the property rather than the mechanics of constructing the building to get to that use. I understand. Thank you.

[06:21:11] I also do wonder if Mr. Swoboda would like to maybe chime in on the permissibility of blasting in uh in a residential area like this i realize i'm making welcome mr sabota i do apologize for everyone i know this is uh two out of five hearings we're gonna have this evening well thanks for having me again um blasting is not regulated within the zoning ordinance our county fire rescue does have a permit for that deq also has a permit for that so there's

[06:21:50] other regulations beyond what the county has that would take into account the size of the charge the proximity to a house, whether or not that would be permitted. So I'm not an expert to speak to that other than the fact that there are other things that you would have to do to be able to do blasting in this location. Whether or not it would be permitted, I can't say. All I can say is that it's not regulated by the zoning order. I hope that helps. It does. And hearing, frankly, just the amount of additional permitting that goes into it from people who are more expert on that kind

[06:22:27] permitting than anyone in this room uh or in this room up here in new york um uh gives me i think a lot of comfort i hope the the residents of avenity also take comfort in that it would be it seems to me uh it would be unlikely that they would be able to use any significant uh high caliber chart uh that would be disruptive so that i think concludes my questions and i appreciate everyone's patience thank you um i actually just want to follow up on the blasting question with one quick question for the county attorney's office i believe and that is if there is a permit required

[06:23:02] um i don't know what right of action if there actually is damage to other people's homes but that action would not be i believe against the county i just want to confirm that well i can't address the potential liability the county is as the chair is probably aware the county is a sovereign immunity i imagine the main cause of action in that in that case obviously we can't provide private legal advice but it would be between the private civil matter between property owners rather than any action against the county thank you thank you i have no additional questions i believe we should ask questions of both applicant and staff at this point if we have any questions remaining

[06:23:42] before i close the public hearing supervisor malik thank you uh mr harrick has just sat down but probably i'm going to make him get up again so my previous experience with general accord has been you have to move this sewer pipe one or two or six inches or something and before the use of general accord it was a whole lot of delay because everything was exactly located with gis or something on the plan so if you're moving a building five or ten feet you know i'm thinking mathematically here that seems like it's outside the parameter but i don't know if i'm right about

[06:24:14] that or not this is for the rocket redesign issue well well the determination general accord i believe the special use permit calls for that determination be made by the zoning administrator um so i i mean i can't without knowing the specifics i can't say whether it would or would not be in the general

court. I don't know. With the zoning administrator right here, I'm not sure I'm the one to answer that question.

[06:24:40] And the other regarding the, I'll save my other one for the discussion period, but I guess, Mr. Spoda, if you could address that, that would be great. Otherwise, I will have to give it up. So, in this particular, first I want to start with, I'm not making a determination here from the podium.

[06:25:06] This is guardrails. Right, because everything, All those decisions are based on the specific instance of what's going on, as Mr. Herrick has stated. So we're going to look at and evaluating, say, that 10-foot move.

[06:25:22] First off, is the elevation going to remain the same, which it would be? So what are the other impacts as far as what the conditions are trying to address? And the view, say the 10 feet moves it beyond the view of the front building, then it would be more likely that we would say that wouldn't be in accord because the purpose of locating it where it was based on these discussions tonight is that basically the building, the new building, is shielded by the existing building as far as the view.

[06:25:55] So some of that comes into play. I don't want to get into it too much farther than that because, again, it's specific case by case. If the building slides forward, you know, 20 feet, is that better or worse for the back? We'd have to take a look at it again.

[06:26:11] It's the same kind of thing. I think the majority of what we're talking about tonight is that elevation starting point and the height of the building and where it maintains its location within the box behind the main street, within the shadow of the existing building that protects that viewshed.

[06:26:29] And it certainly can't go back any farther. There's a 50-foot building setback line there. So as far as moving closer to the residences, the ordinance itself would prevent that, and that has no play in that type of decision. Okay, so it sounds like if something had to move, it would be almost, there's a possibility it might be beneficial to neighbors.

[06:26:49] I think you've answered my question. Thank you. Thank you. Board, if there are no further questions, we will close the public hearing, and the matter is back before the board for comments. Supervisor Galloway? I think there are going to be a lot of growing pains in this particular area of the county relative to the density and some of the other applications that we've approved and the small homes that are still there and where they're going up.

[06:27:17] I think that this applicant and these residents, based on the nature of how the process has evolved and there have been some give and take, it doesn't sound like anybody's getting 100% of what they want, but that is usually the case in these situations where there can be some sort of negotiation or what's the word I'm looking for?

[06:27:36] Compromise. Compromise in trying to satisfy concerns. But that is usually showing how they'll get along after the development is happening as well. So I'm hopeful that that will continue. But I'll be supportive of the project.

[06:27:53] I think it's appropriate. I think the conditions as they're laid out are clear and specific, and I'll be voting for the application. Supervisor Lupito Kirtley. I think the applicant has done what they could to mitigate the impacts, And I think the residents have made their voices known.

[06:28:14] And hopefully that's all taken into consideration. It looks like it has been because there has been movement on this. But I don't have any other questions. I will be supportive. Supervisor Malek. Thank you. And the reason I've asked so many particular questions, and the blasting one is one that we don't have an answer for.

[06:28:37] But I will say that in the previous bad experiences in the Whitehall District, what neighbors did not do, which would have saved a whole lot of pain, is when they were notified that blasting might occur, they should go and film the inside of their house everywhere, which you can do with your own camera.

[06:28:57] You don't have to hire somebody to do a fancy video to show as of a certain date, here are what my ceilings and corners look like. Because when that was not done and blasting happened more than a mile away and caused cracks in ceilings and damages of homes, it was a proof issue that became very, very challenging.

[06:29:17] So I don't want anybody to get into that hazard. So that's why I was asking all those questions. But I think, yes, go ahead. Thank you. Supervisor McHill. Yes, and I appreciate the discussion about the blasting.

[06:29:37] Blasting seismograph is what I was trying to come up with, and it's a little small doohickey that you can put out in measures. And I really appreciate Bard's explanation because the neighborhood that I know that used it, perhaps that was the result of DEQ.

[06:29:54] I don't know. But it's nice to know that the DEQ is following these, is what I'm hearing you say, right? So that's a good thing. And I really do appreciate your all's working with the community and understand their frustrations as well.

[06:30:10] So thank you. Supervisor Pruitt. Thank you. I want to, again, just extend my gratitude toward both the neighbors of the Affinity Neighborhood and to the applicant for really kind of coming to the table and trying to make sure that this is the best product that it can be for this community.

[06:30:31] I also do just want to maybe by way of explanation acknowledge I was thinking through my own thought process as I was preparing for this meeting, and I do think there's maybe a slightly higher level of scrutiny that I might pay to different types of projects based on, frankly, the amount of utility of the project that flows to the public. So I do hope that the applicant is comfortable and patient with the fact that we've been maybe a little bit, that I've been maybe a little bit more onerous in my questioning, because frankly, this is not, this is an urban

[06:31:10] development neighborhood, according to our comprehensive plan. And we can think of what we might say are higher and better public uses for it than an additional facility for fraternal headquarters. And that does come with maybe a higher level of scrutiny that I think we might owe to those applicants when maybe less of the benefits are flowing to the public. Although I do appreciate the applicant highlighting the benefits that do flow to the broader community through the services that are being purchased in this community. That being said, I do think the

[06:31:44] most critical concerns brought by the community have been addressed, frankly, as best as they can. Just thinking through the blasting question and knowing what the kind of application and approval process uh looks like i am not sure this is i i realize we've focused a lot on this but it seems quite unlikely that this is actually going to manifest i just want to say that it is about a hundred feet away from a home i

would be surprised um and so for those reasons i think i am going to be supportive of this thank you and i also intend to be supportive uh for most of the reasons that

[06:32:24] have been already given this is a six acre lot and this is another building after another first building i even though and it's in a dense area i i can't see further restricting the owner's ability to do what they want to do with this and you've been very accommodating i think to concerns about the view and noise and other aspects with that unless someone has a further comment or question we're looking for a motion from the supervisor of record for scottsville yes i would like to move the board adopt the resolution attached to the staff report as

[06:32:59] attachment second we have a motion from supervisor pruitt a second from supervisor galloway without objection if the clerk will call the roll mr galloway yes miss lapista kirtley ms mallet yes ms mckeel yes mr pruitt hi mr andrews yes thank you board that brings us to our next public hearing which is sp 2024-8 crown orchard solar this one presented by miss rebecca ragsdale planning

[06:33:28] manager welcome maybe a moment to uh get situated and bring up the presentation thank you for your patience uh thank you for the um introduction and good evening like you said i'm rebecca ragsdale and i'll be giving you a brief presentation for a special use permit for a solar facility of 1.5 acres located at Crown Orchard Operations south of Batesville.

[06:34:08] So as I mentioned, it is on Crown Orchard Road off of Stillhouse Road in the vicinity of Plank Road just south of Batesville, as I mentioned. And this is the concept plan. It's located adjacent to existing orchard operations and facilities shown there on the bottom.

[06:34:39] And then the orange is the proposed location of the solar facility. And in this case, it already has existing entrances. It won't need a site plan. And as I mentioned, it's 1.5 acres to serve the agricultural operation.

[06:34:59] So we analyzed it. You've seen these before according to the special use permit criteria. We didn't have any visibility concerns based on how it's sited and the limited size of it. And we have recommended conditions in terms of increased setbacks and wooded areas to remain.

[06:35:18] So we did find it consistent with the criteria and it's supportive of a primary use recommended for the rural areas. So we recommended approval. And these are standard conditions. You know, we tailor the first one in terms of general accord with the plan, and then some of these other, I mentioned the setbacks, and then some of these others are standard conditions that we've developed for solar facilities related to decommissioning, the decommissioning plan

[06:35:51] and cleaning of the panels and noise regulations and things such as that. So I know that was pretty quick, but I'll go back to any slides, and I'm happy to take any questions. Thank you. We'll go through our order. Supervisor Galloway.

[06:36:06] I have no questions for staff. Supervisor Lupisto Kirkley. No questions, thank you. Supervisor Malek. No questions right now, thank you. Supervisor McKeel. No questions, thanks. Supervisor Pruitt. Sorry, Mr. Pruitt, please repeat.

[06:36:24] Brief delays. So I have no questions. Thank you. Thank you. I guess I'll break the chain just to ask if it's possible to provide any kind of quick summary of how these conditions compare to utility solar conditions that we've placed on previous projects that have been approved.

[06:36:48] They look very similar to me. I mean, the ones that we look for, the standard conditions that we look for are those that are making sure that wooded areas are remaining to provide for buffers, that we have increased setbacks, that no environmental features are impacted.

[06:37:08] Decommissioning. Every solar facility is different, but the ones that I mentioned that were standard are primarily the decommissioning plan and cleaning of the panels. That's sort of generally what we have required for solar facilities.

[06:37:28] I don't have all the conditions memorized for something like Woodridge solar, but those are some of the major things that we're trying to, why we have those conditions and what we're trying to mitigate. Okay, thank you. If there are no questions, we will open the public hearing.

[06:37:47] Do we have anyone signed up to speak? We do not, but the applicant is here, I believe, Andrew Jenner, branch manager of Paradise Energy. If you want to read the rules related to your presentation briefly.

[06:38:04] Applicants are limited to a 10-minute presentation of their proposal and are allowed a five-minute rebuttal at the close of the public hearing. Timekeeping is conducted through a timer and a light system at the podium. The green light will go on when you begin speaking. which begins your allotted time. The yellow light indicates you have one minute to finish speaking.

[06:38:22] The red light indicates your time has expired, and you will be asked to end your comments. And I will add all comments are live-streamed, recorded, and published on the Almar County website. Welcome, Mr. Jenner. Thank you. I sent this earlier, but I may have to just pull it off my stick here.

[06:38:41] Let's see it.

[06:38:59] There you go. It's just very brief.

[06:39:16] I gave a similar presentation. Can you make sure you talk into the mic? You can move it just so we can hear you. Thank you. Yeah, my name is Andrew Jenner. I'm the branch manager of Paradise Energy Solutions here in Virginia. We're based in Harrisonburg, but I'm here on behalf of this project for the Crown Orchard Company, who's our customer.

[06:39:34] I just have a very brief presentation here. It's, you know, just under half a megawatt, 491 kilowatts. The purpose is to offset 16 different meters that are owned by the Crown Orchard Company right in the immediate vicinity of the project site.

[06:39:53] There's a mix of agricultural and some residential meters there that I think are primarily for farm workers. You saw in the overhead from the presentation before, it's close to an existing cold storage facility for apples, and it's about an acre and a half of ground or land that we're talking about here on a parcel that's over 360 acres.

[06:40:20] Then, you know, once we're done, we've all seen solar farms. It's just panels sitting there. A new utility pole will be the tallest thing that's on site. And, you know, in some of the submittals we made to the planning staff here, we had to talk about consistency with the zoning ordinance and the comprehensive plan, and I think a lot of it supports ongoing agricultural business.

[06:40:47] It's been there for quite a while. It's renewable energy, so that's consistent with goals and the county's adopted comprehensive plan. And we've been in business since 2009. We've been working in Virginia since 2015, and we do a lot of commercial and agricultural solar.

[06:41:07] That's kind of our main focus. We've done a number of smaller projects here in Albemarle County over the past couple of years. Nothing that's been big enough to require this step. So this is our first time here. But, you know, this is just an example here of a system that just recently turned on.

[06:41:26] I think it was back in June that this got permission to operate. And it's actually for the same customer, just a little bit smaller. It's down, it's close to Coveseville. And because of the size, we weren't required to get this special use permit.

[06:41:41] Another, another sample of the system. These are modest in size compared to, you know, what we think of utility scale solar. This one is also for the Crown Richard Company. This is in Campbell County, another property of theirs. So I'm happy to answer any questions about this specific project, if you have any.

[06:42:02] Thank you. We'll go through an order, Supervisor Gowley. There seemed to be a conversation at the Planning Commission. I think it was Commissioner Firehawk that was talking about, you know, you're putting in the solar piece to handle the needs of the facility there.

[06:42:20] And it seems to be matching what currently existed. Does it give you the capacity to grow the business without growing the consumption of energy? Like, do you have the room to grow the business without needing to need more energy, need more panels to create more electricity?

[06:42:38] Well, the way this is sized, the size of the system is based on an agreement with or what's been approved by Central Virginia Electric Cooperative. So it's based on the current usage on these 16 meters and designed to offset the annual usage of all 16.

[06:42:57] So, in effect, it would be generating the electricity that these 16 meters currently use. If something were to happen, and I couldn't really speak to that because I'm just the solar guy.

[06:43:12] I'm not the company. But if they were to build another facility there or do something else that would increase the usage, that wouldn't necessarily be covered by what we're doing. This is to cover existing usage. And that's actually my point that I'd be driving at.

[06:43:31] We run into this with daycares or schools who ask us for 100 and then come back in five years and ask for 100 students, ask them for 100. They grow, then they have to come through the whole process again to get to 120 students. Reading through that planning commission minutes seemed to think, oh, well.

[06:43:48] I mean, and this is a perfect example because there's no visual. I mean, there seemed to be very low impacts around it that if the business grew and they needed more energy needs and they wanted to run another row of panels they're going to have to come back here and go through this whole process again is that not true yeah got them shaking their heads yes over there that was the answer was given at the planning commission that you provided actually they'd have to come back and a lot of times we love it when you have to come back for a special use permit this one just seems a little um i just wish i don't know if that's why i was asking if if the current usage is actually more than what they need so they do

[06:44:28] have room to grow. I don't know if they have plans. I don't know what their business plans are. So we probably can't take care of this tonight. But this, I mean, this seems, well, that's more commentary. I'll wait and make that comment later. But so I think you've answered my question, though.

[06:44:44] Just one other point I would make is that another constraint on the size of a solar system we build like this that's essentially net metering to offset existing usage is what the utility will allow and that's um that's that's set by the state corporation commission and so uh in a rural cooperative like central virginia for example you're not allowed to oversize the system so if you know if it's at your house your business or whatever it this the maximum size that you can install is a hundred percent of past usage interesting thank you supervisor

[06:45:21] i know you're just the solar guy but question when these are no longer used what is how do you dispose of them um i mean right now there's there's recycling for solar panels that's that's kind of a they're all recyclable to certain degrees yeah i mean that's that's kind of a hot topic in the industry now and it's a young topic because these last for a long time and it's a relatively new industry but yeah right now like uh we constantly have a small collection of broken

[06:45:56] panels and so forth and we collect them and send them off for recycling and that can also happen at system decommissioning okay and i guess i'm not so worried about the smaller projects like this but larger projects um are those able to be easily recycled also you know i'm i'm not really an expert in recycling of solar panels. I'm sorry I couldn't answer that. Is there a clause that you have to decommission them or take them away when it's no longer viable or not? Not in our contracts with our customers but that's something that's addressed in the conditions of the special use

[06:46:36] permit here. Okay thank you. Thank you. Supervisor Malek? Thank you. From what I was able to glean the site is fairly flat already but do you have plans already for dealing with stormwater with the kind of storms we're having nowadays it's a lot of i mean 63 000 square feet mostly of glass impervious so um that's can generate a lot of velocity so how do you plan to do that um i wouldn't say that right now we have any specific plans beyond uh what's been required which at this

[06:47:13] point there's not a condition of the um any the special use permit it was something that came up in our conversations with the uh planning staff and there was there was not a determination made that we had to be um submitting any additional plans for that so at this point we don't have any oh well i'll follow up with rebecca then that's um interesting because they are considered by DEQ to be discontinuous impervious services and require something to happen so somewhere along the line I guess we'll find out what that is the if I recall that when that came up with county

[06:47:52] staff and the county engineer there was also a mechanism within that regulation that exempted projects that had approved interconnection prior to a certain date which covered this one okay well Louise has had a really big problem with this in several different instances so I guess we'll have to learn from our own experience now. Thank you.

[06:48:18] Supervisor McKeel. Yes. I was interested in her question. Going back, though, to the residential, I noticed that that was discussed in the one of the planning commissioners was asking about the commercial and the neighborhood to be able to supply for a neighborhood. But you mentioned, I think, in your report that there are some perhaps houses on the property maybe for workers to live in so but this is going to supply for that whole area is that right that whole piece of property uh i think it's some joining properties for some

[06:48:58] of these houses are yeah we there's there's a list that they use to with yeah so it's not all on this exact parcel okay and then in terms again it's you know we can't control exactly where the electrons go but

it's the the size of this is to offset these specific properties okay or meters electric meters okay and i won't press it that's fine thank you very much yeah thanks supervisor

[06:49:22] pruit kind of uh tugged at missed the beginning so please start again i apologize uh this is two for two now um so there was a kind of a thread that uh chair andrews kind of tugged at previously during his questions to staff that I want to actually kind of continue, which is the distinction of how we handle community-scale projects versus industrial-scale projects. So I'm wondering,

[06:49:59] and I want you to hear me when I say this, that this is a safe space for this kind of feedback. If you would mind just characterizing kind of your experience as an applicant with both the regulations that you have to do through the electrical co-op and through other state or federal agencies and how that is comparing with kind of the process through, um, through the county, just on the documents that you're being required to produce and also just your timeline.

[06:50:28] Um, well, so this, this is a little atypical for us, I would say, but it's, uh, this, our typical system is smaller than a megawatt, which is, is, and we don't do utility scale solar. One thing that we're finding increasingly but just within the past year or two is because of the proliferation of utility scale solar counties all over Virginia are adopting solar ordinances and often the threshold for when something's considered a solar facility is like a certain amount of acreage that

[06:51:08] is small enough that it would sweep up something like this that's just kind of a mid-sized commercial project and so just depends county to county this is the second time I would we're currently in a similar process with Campbell County we're not required there to get a special use permit so this is actually the first special use permit I've needed to get in Virginia so I don't know if that I don't have a lot of comparable experience we're at a different stage and less further along in Campbell County because there's a grant that's

[06:51:45] also involved. It's slowing the process down. This one has been, I mean, part of conversation with staff. A lot of the conditions often seem to be written to address things that are for utility scale and that we simply don't customarily deal with. The decommissioning is a good example. I mean, that's a big topic and it's an important topic for utility scale solar. Our traditional contracts just don't really address that. You know, we put in something that has a relatively long lifespan but by the time the system isn't working anymore it's you know that's our customer

[06:52:21] owns the system and that's something for them that's that's how it's treated kind of by default in our standard approach so that would be an example of something we'll have to put together if this moves forward that we haven't before am i answering your question it seems like you're wanting my feedback on the process maybe i i think that's been helpful i i guess i'm trying to understand we understand for example that with our utility scale applicants they have to go through a number of different uh leaps and hurdles in order to just be able to connect the grid um

[06:52:57] that are not beholden to local regulations that frankly take longer than our process and our process for utility scale is quite onerous um i understand that the process that we do for smaller community scales uh projects is really comparable but you're not having to go through those same kind of uh additional outside of the local government uh leaps and hurdles so something i'm just kind of personally concerned about um we're in kind of as a government as a community through the broad discernment process of how we should best regulate solar in order to um in order

[06:53:36] to get the best outcomes out of it. Supervisor Malik kind of gestured toward this with some of her previous comments about how we're still trying to fully grapple with what the negative environmental impacts of solar are. But also, I think a broader tension that we see in Albemarle County, in my own district, is at the end of the day, solar is still a type of extractive industry and is kind of prone to the same kind of equity concerns that other more harmful extractive

[06:54:06] industries are. There is a natural kind of inclination of corporate investors to emphasize large projects. And I worry that we might be, by making obstacles toward smaller, more community driven, more community scale projects, and also obstacles toward even smaller projects like rooftop solar, we might be necessarily kind of push the needle toward only industrial scale solar,

[06:54:43] which can be quite intrusive and really puts the burden almost exclusively on rural communities to help fund this, to help enable this transition toward a cleaner grid. So I guess I was just kind of trying to broadly, since we have a community scale applicant in front of us, kind of hear a little bit of your own experience as an applicant so that we can kind of understand where we might improve our own process there yeah yeah um i guess to answer that just just directly this is something new that's happening to us and to to be frank it's something that uh our company for

[06:55:20] example kind of regard as like gosh it feels like we're being swept up in regulations that are intended to to address much larger projects than we do and it's really scattershot like i said we're we have there's a similar situation in campbell county but it's actually there's different applications of some state regulations it feels like there's not a lot of clarity I just finished a larger project than this in the town of Culpeper and all I needed just because of something with the property was a variance from the town and then just a county building permit and it's it's an operation right

[06:55:54] now so it's it's kind of all over the map in terms of what different counties will require I think it's you know it's reasonable for for you to be asking these questions and, you know, requiring certain things of us, I guess that would be my feedback. It is relatively new, and I think it's maybe a little unusual for a company like ours that almost always is operating below the threshold of these, but then when we come along and do a little bit larger project that because of the, because it triggers something that's been recently adopted by the county, it means our process is very different. So the picture I showed at Spring

[06:56:32] Valley Orchard, for example, we just sent in our plans and got a building permit, and we had to avoid some steep slopes and some streams, and we built it and got an inspection, and it's up and running now. That was about a third of this size. Yeah, thank you for that kind of additional perspective, and also thank you just for your patience in kind of allowing me to use your project and your application as kind of a tool and a lens to solve some problem issues. And thank you to the board for the patience

[06:57:03] that's all I have thank you I feel like we have this one before us and I'm not going to use this as the opportunity to try to work out our solar ordinance to them but I do want to follow up on Supervisor Galloway's comment and that is to recognize that I aware that the power companies are going to say this is the biggest you can have and that's it if you grow more need then you can perhaps add more solar but you have to show that your solar matches your need not becoming a producer that actually is separate and apart from the question of

[06:57:42] whether or not a applicant could come to us and say look we're going to build this size system but we'd like an approval for a bigger system because we might anticipate needs that would cause us to

expand the operation that's just something for a future thought and discussion because again I'm in agreement that especially with these non-utility scale solars, if people have additional expectations that there might be needs later that they can't meet with this, they shouldn't have to go through both processes. It's bad enough to have to go through going to the utility company and

[06:58:18] saying, look, we've grown, we need more. Anyway, I have no questions. Do you have a question? Okay. So when we get to that point to ask us a question. Well, I think we have no comments from the public uh you have five minutes for rebuttal so we have a question period now for the staff and the applicant and i will close the public hearing okay very good so um miss ragsdale is there regarding what was just being discussed i wrote down is there a threshold for an addition that

[06:58:54] would not require returning for a special permit because it sounds like your spring valley thing that was maybe 30 panels or something is a far cry from 65,000 square feet. But is there anything that simplifies this question for us?

[06:59:12] So we have a general accord condition. We're not holding them to a certain number of rows or a certain number of solar panels. They wanted to add another row, and it's generally in the same location. We're not going to, you know, and similar to Mr. Svoboda's response, We can't make determinations based on hypothetical circumstances.

[06:59:36] But, you know, there could be a circumstance where they have flexibility in adding a few more panels. That could be in the future at some point. Pardon? That could be a year or two or more down the road. There's no time limit. No time limit. But, you know, for instance, this is a one-and-a-half-acre facility.

[06:59:52] Anything larger than just a half-acre requires a special use based on our current ordinance. And so, you know, we like to craft the conditions that allow some flexibility, but if it was going to expand by, you know, another acre, then that, you know, I would expect that would need a new special use permit.

[07:00:17] Okay. So there's possibilities anyway. And until this discussion about the fact that after X number of years, The whole facility calls under full ownership of the landowner.

[07:00:33] What protections does the county and the surrounding environment have to hold the landowner responsible for decommissioning and for stormwater control, things like that? Because I understand, if I understand correctly, that is not addressed in this application.

[07:00:51] And the reason for the decommissioning that is so important is if you leave the wires and the poles underground, it ruins the soil, and you cannot use it for farming ever again. And North Carolina suffered terribly in their ag land because they were first ones in on the solar stuff, and we've all learned from their problems.

[07:01:13] And so that's why Virginia is pushing very hard for decommissioning rules now. So that was, I think, a really important element for all the previous considerations, which may not apply to to this one but that's a surprise so it may the special use permit conditions run with the land so the between the landowner and paradise they may have an agreement but i think decommissioning plan that we would review would address that so there's no risk in it not being

[07:01:49] addressed by the property owner all right so i misunderstood i've it was represented i thought that there was no decommissioning plan. You will still have one. That is a special use permit condition. Okay. So we recommend it. See, this is going round and round and round because I hear different things.

[07:02:05] Okay, so decommissioning will be part of it. Okay, I feel better about that. Condition number four. Okay, that's right there. Very good. And then number seven addressed. Too many pieces of paper going around here. Okay, thank you. Very good, thank you.

[07:02:21] I'm done. Thank you. If there are no additional questions, then I will close the public hearing. And the matter is back before the board. Supervisor Calloway, any final comments? I have no final comments. I will be supportive. Supervisor Lupisto-Curdly?

[07:02:36] No comments. I'll be supportive. Supervisor Malek? I'm all set. Thank you. Supervisor McKeel? Yeah, I think it's a great project. Supervisor Pruitt? I have no further comments. And as the supervisor for the Samuel Miller District, I would move that we adopt the resolution as a form of attachment deed to approve the proposed special use permit, SB 2024-8.

[07:03:03] Second. And I've made a motion, and Supervisor Lupisto-Kirtley has seconded it without objection if the clerk will call the roll. Mr. Galloway? Yes. Ms. Lupisto-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye.

[07:03:19] Mr. Andrews? Yes. Thank you. Thank you very much. This brings us to our fourth public hearing. We're averaging about one an hour, so it could be 11 o'clock. No, I think that won't be the case.

[07:03:36] But this is SB 2024-11, the Gray Restaurant, and this is presented by Ms. Ragsdale. Again, thank you. That will help us a little bit. Thank you. So, again, I'll just give you a brief presentation.

[07:03:53] This request is for a special use permit for restaurant use in a C1 district that's not served by public water and sewer. It's a 2,100-square-foot request, and it's all within an existing building shown there.

[07:04:10] The site you're probably pretty familiar with, it's a little appendage, if you will, to the American Legion building at that triangle, if you will, of 250. I'm drawing a blank. 222, 220, yeah, 22, beside the Shadwell Market.

[07:04:30] Just showing you some of the other uses in the vicinity, non-residential in the character of the area uh this is a closer view of the property again i i refer to it's you know the 2100 square feet is beside the american legion building and there wouldn't be any changes to the exterior and there is ample parking and i mentioned that it's zoned c1 as is the shedwell market and then we have rural areas surrounding it and then luckstone

[07:05:02] his own natural resource extraction district i believe it's called so the special use permit although it's required because the restaurant's not served by public water or sewer we evaluated based on all the criteria that we would any new you know new use that's proposed in the rural areas in this case it's a commercial site already developed we didn't see any additional impacts in terms of traffic or any concerns.

[07:05:37] There aren't any site changes proposed, and they did provide a detailed water analysis that we did not have any concerns about. So we have recommended approval with one condition that the gross floor area of the restaurant be limited to 2,100 square feet.

[07:05:56] Thank you. Questions? Supervisor Galloway. I don't have any questions for staff. Supervisor Lapisto-Kirtley? I don't have any questions. I will say I've been in here. It's not that large of an area.

[07:06:13] They have wine. I understand they just want to have a few tables in there. I've purchased some wine there. And they just want to have a few tables in there so they could have some things to go along

with their wine selling. Supervisor Malik?

[07:06:29] No questions. Thank you. Supervisor McHugh? I don't have any questions, but I do wonder why Kevin's grinning when she's talking about drinking wine. Sorry. It's getting late. Supervisor Pruitt? I do have one very quick question, hopefully, and this could also have applied to the previous one, but could you help me understand from staff's perspective, are there any specific like bright rules, excuse me, bright line rules that are looked for in determining whether or not a community meeting is necessitated?

[07:07:05] We usually look at the size, the scale, the potential impacts of the request. In this case, it's an existing store beside an existing Shadwell market that also provides food service. So we didn't see it as substantive enough change that we would hold the broader community meeting and include a half-mile notification.

[07:07:27] It seemed an appropriate case to waive that type of community meeting. Got it. It sounds kind of like it's, at the end of the day, a qualitative and kind of within the staff's discretion, which I don't have an issue with.

[07:07:43] I just want to better understand that. Thank you. That's all I have. Thank you. I have no questions. So with that, we'll open the public hearing. Do we have anyone signed up? All right.

[07:08:03] So it's just the applicant. She says no one. Okay. So our applicant is invited to come up and speak. I don't know if you need the rules read again. If you were here before. We were here before. Then the African Noel Gray, owner, welcome.

[07:08:19] You have 10 minutes. Thank you. Hello. So, yes, I'm Noel Gray. I'm the owner of The Gray. Essentially, what I was just hoping to do is serve food so that I can be like a proper wine bar.

[07:08:34] I like to focus on education. I teach fermentation science at Piedmont, Virginia, as an adjunct instructor. Please speak up a little bit. Sorry. It's public speaking that's holding me back. But yeah, so basically what I would like to be able to do is more extensive tastings.

[07:08:54] And in order to do that, I need to serve food. I'm lucky enough to be in the Monticello AVA, which I'm sure you are all familiar with. It is a really big up-and-coming wine-producing area. I'm a firm believer in a rising tide carries all ships. I look forward, I have lots of friends in the industry.

[07:09:12] I look forward to featuring them, featuring Virginia wines, Virginia beers, ciders, meads, all those sorts of things. And food is kind of hand in glove. Nothing crazy, you know, just meat and cheese plates, you know, dips. I don't have a hood vent, so it's not going to be haute cuisine here, but it'll be good.

[07:09:31] Wine-friendly fare. So that's, do you have any questions? We'll go through our order. Supervisor Calloway? I don't have any questions, thank you. Supervisor LaPistol-Curtley? I say a great big welcome that'll be an added benefit to those who live in Keswick and elsewhere thank you supervisor Mallard no questions good luck supervisor Mckeel no questions dear supervisor Pruitt no questions and I have no questions you have five minutes for rebuttal but I think we're probably done here um with that I will and unless there are questions for step I

[07:10:07] will close the public hearing matter is back before the board I will just look to my right left and to Mr. Pruitt. Are there comments? Supervisor Gallo. I will make one just small comment. I noticed in your narrative, I mean, and I appreciate the neighborliness about Sunday bingo.

[07:10:25] I would encourage you to do the reverse and not shut down for that. I don't think that was required in here. But I'd use that to your advantage and come up with some B-12 sandwiches or something. I'd hate to think of a place like this that's being successful.

[07:10:41] You should feel free to to take advantage of that you're probably good neighbors with your oh yeah with those and i'm sure they would be willing to even help send some people your way if you're if you happen to be open during that time i will try thank you any additional comments oh no nothing thank you supervisor malik supervisor mckeel supervisor pruit then uh it's time for a motion supervisor Yes, I would like to move to adopt the resolution attached to the staff-afforded attachment key to approve SP 2024-11.

[07:11:21] Second. We have a motion from Supervisor Pruitt, a second from Supervisor Malek. Without objection, if the clerk will call the roll. Mr. Galloway? Yes. Ms. LaPista-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes.

[07:11:37] Thank you. Thank you so much. See you soon. Yeah, sounds good. Looking forward to it. as long as they didn't change the hybrid there you go that's right b and i were you know our next item board as our our last uh public hearing for the evening cost recovery ordinance and this is being presented by amanda farley senior assistant county attorney welcome miss farley good evening can i beat the wine bar time i don't i don't think i'll be able to good evening members of the board mr richardson county staff um if i could take a

[07:12:15] moment of personal privilege Mr. Chair. Please. I just wanted to point out that Mr. Rosenberg may have arrived here two years ago but he is actually at least in large part responsible for the fact that I came here seven years ago. Interesting. In that I was trying to move to the area so that I could be with my husband who had moved to the area. I was trying to petition Mr. Kampner to hire me and it was the intervention of Mr. Rosenberg that I credit with landing me here.

[07:12:44] So maybe we should wait until after the presentation for you to determine whether that was a good idea. Nevertheless, I just wanted to publicly acknowledge that. Thank you, Steve. Thank you for telling us that. Steve, you knew about us and recommended us even back then. If we could turn to the proposed cost recovery.

[07:13:08] Oh, I forget that I have to do this. They're coming. They didn't ask about your computer skills. They're finding out, sir. Okay, thank you.

[07:13:24] Sorry, I should have said I'm absolutely silly about this. I also want to point out that Assistant Fire Marshal Sean Maddox is in the back and has been a good trooper all evening. Obviously, CFO Jacob Sumner is here. I don't anticipate the board will have any questions, and I don't intend to throw them any, but they are here should you have any.

[07:13:42] Also, Mr. Hingley is present, and I don't believe he has signed up to speak in the public hearing, but I told him that I would advise the board that he would like to address you. Okay, to get to the meat here, our office was asked to provide a draft proposed cost recovery ordinance pursuant to the authorization of Virginia Code 15.2-17-16.1.

[07:14:10] And just in broad strokes, this is to allow a locality to adopt an ordinance to recover costs from terrorism hoax, malicious activation of a fire alarm, offenses of that kind. And the general outline of the draft ordinance and what is authorized in the Virginia Code is that an individual who is convicted of the

particular offenses, which we'll go over in just a moment, if those offenses are the proximate cause of an incident resulting in an emergency response, shall be liable at the time of his

[07:14:46] criminal sentencing or in a separate action for a reasonable expense. And as you'll note in the draft ordinance, we have actually made clear definitions of what applies. And the first definition I'd like to address with you is what is a qualifying offense. That is prescribed specifically in the Virginia Code, so we are not deviating, obviously, from that at all.

[07:15:11] The first is 18.2-46.6. Only two of the subdivisions are applicable there. It is the possession, but also the use, sale, gift, distribution, or manufacturer with the intent to commit an act of terrorism, a device or material appearing to be or contain an imitation weapon of terrorism or firebomb, explosive material, or device.

[07:15:39] and those terms are also defined in the Virginia code or a threatened to bomb or burn or a false threat of the same that only applies to individuals age 15 or older that is the there's a felony sanction for that age range 18.2-84 which is essentially the aiding abetting or encouraging a violation of dash 83 again only for ages 15 or older for 18.2 dash 212 which is generally

[07:16:14] speaking the abuse of the 9-1-1 system if it calls for ems or firefighting resources or the malicious activation of a fire alarm or the last here is 18.2 dash 461.1 which is intentionally communicating a false emergency communication. I can give you the penalties for those in code if you're interested, but obviously what we're here to talk about is cost recovery, not the criminal sanction. The next definitions, if they'll go, is a local agency, and we felt that it was

[07:16:51] important, obviously you're talking about law enforcement, fire, EMS, but also to specifically call out the integrated and coordinated fire system, fire and rescue system that is part of our county codes that does include our volunteer companies reasonable expenses and at this point given the enabling legislation we are very limited and what that can be comprised of one is either a \$250 lump sum that can be requested without any specific or itemized accounting or we could

[07:17:26] potentially recover up to \$2,500 with a minute-to-minute accounting. And I will note here that it is, and obviously they're here and they can speak to this if they want to, but it's been communicated to me by staff that the administrative burden of trying to make a minute-to-minute accounting of the resources for a response of this kind would likely result in a net negative.

[07:17:55] so cost recovery would be essentially useless if we were to engage in that in that accounting the next definition is appropriate emergency response and again if it's if the qualifying offense and the violation of that is the proximate cause of the incident then it's the cost of the response from our local agencies the procedure is quite simple although again i i'm going to forecast that Mr. Hengele, I think, would like to speak about that. When the suspect is charged or indicted, county staff would provide to the Office of the Commonwealth Attorney an assessment of that

[07:18:34] reasonable cost. Again, as I just mentioned, we are going to presume that we are going to communicate a request for \$250. We don't anticipate that to have much of a budgetary impact. If the person is convicted and convicted of the enumerated offenses we just discussed, then the commas attorney according to the proposed ordinance would request cost recovery at the time of the person's sentencing and that is it is stated as a shall and if that is the case and we reach a point where the individual is convicted of these offenses and the request is made at the time of

[07:19:09] sentencing then the court would impose liability on that person for cost recovery are there any questions from the board thank you we'll go through our order supervisor gavalee yep the The shall part, because number three says the commonwealth attorney shall, at the point of sentencing, request the cost recovery.

[07:19:29] Yes. And then number four says the court shall impose it. So it sounds like you just answered the question I came in with, but there's no chance the judge can be like, I'll waive that. Well, according to the enabling statute, it says, if you'll give me one second, that the individual shall be determined to be liable.

[07:19:59] So the enabling, obviously, we have tried to parse out a procedure specifically, and the procedure is not in the enabling legislation, but it does essentially say that upon the determination, should these elements be met, then the individual shall be liable.

[07:20:16] And so we were specific in how that would occur, but yes, it follows that if we request it, we are requesting \$250 that that request is forwarded to the Commonwealth Attorney. Obviously, the Commonwealth Attorney has a great deal of discretion in how a case is prosecuted and how it ends.

[07:20:34] Whether or not there is a sentencing hearing at all is up to Mr. Hingley's office. But again, assuming that all of those things are met, that the individual is determined, that there is beyond a reasonable doubt level of evidence that's presented in court or a plea, that one of the charges that actually invokes the cost recovery is the offense that the individual is convicted of ultimately, Then, and only then, at that point, would the liability attach.

[07:21:03] But yes, shall. I think I got that. But actually, in the way you were describing it to me, it sounds like the Commonwealth Attorney could get rid of the cost recovery element. That's correct. And if he's doing what you do, Jim.

[07:21:22] So the shalls aren't really shalls. If certain conditions are met. But that does not vitiate the discretion of the Office of the Commonwealth Attorney to prosecute cases, as they see, but... Got it. Thank you.

[07:21:38] Yes, sir. Supervisor Lupita-Curley? I didn't mean to speak for Mr. Hengeley, but... I thought Mr. Hengeley was here to make sure that Gray was going to be able to serve sandwiches myself. I thought he was here for solar. Now I get it. It's making sense now, isn't it? Supervisor Lupita-Curley.

[07:21:55] If you could go to slide five, please. Oh, now you're really asking for it. Okay, there we go. Okay. So when you say court imposes liability down a person for cost recovery you're talking about the 250 dollars yes we okay and if the person does this like two nights in a row you know call something in would that be per it's per incident right well it's interesting it doesn't it doesn't get specific in the enabling legislation

[07:22:30] but i think what you can glean though is because it says at the time of sentencing that should the Commonwealth Attorney proceed on all the charges in a combined situation, which, again, I do not mean to speak for the Office of the Commonwealth Attorney, but it would not be uncommon, especially if there was a plea agreement that was reached. However it is, there is a judicial efficiency might very well result in multiple cases of the same nature coming together for a sentencing

[07:23:00] event at one time, in which case it's per incident. It's per incident. Okay. All right. Right. And if there's several people involved, it would be per person also. It does not indicate that it's jointly and severally liable.

[07:23:18] I know you're going to say that. Okay. No other questions. Thank you. Professor Malik. For young people, are parents liable? Well, actually, one of the statutes that is invoked here is 18.2-84, and it specifically talks about, if you'll give me just one second, It prohibits any person 15 years of age or over, including the parent of any child, who shall cause, encourage, incite, entice, or solicit any person, including a child, to commit any act prescribed in the previous section.

[07:23:58] So it is possible. Yes. Thank you. Supervisor McKeel. So the \$250 or the other amount, the other description, is the amount that's required by state code.

[07:24:14] Those are limitations. Those are the limitations. Yes. Okay, got it. And just another question, because one of the, I think, areas that we've had a problem with this in the past is in the school system. Yes. Would they need to adopt something like this, or does this cover the school system if we pass?

[07:24:35] I'm just trying to figure out how that would work, Amanda. Well, so far, there is no provision for a recovery for educational personnel. Is that what you mean for their costs? So the school system has not been unusual, in fact, in the past to have bomb threats called in or whatever it might be, right, to schools.

[07:24:59] Yes. So I'm trying to figure out if this would cover our school system, if they would be able to recoup, or does the school board have to pass this as well? I don't think that option is available to them because it is meant to address the emergency, the public safety agency responses, which is borne by the county and not the school board.

[07:25:18] so they will turn it over right so it still can happen yes i'm sorry if i'm not clear with your response to me i guess so we we could still recoup yes you mean if it's on school property yes yes yes in fact i think but sometimes we're told that the school board has to pass their own ordinance or whatever and i just wanted to make sure that the school system didn't have to to approve this as well that's all i'm probably a whack-a-doodle question i'm just asking it does not appear that there's any legal recluse. Okay, that's great. So they'd be covered. Perfect. Supervisor Pruitt.

[07:25:57] Do I need to do anything? Slight delay. Slight delay. I'm sorry. Okay. To continue the thread that Vice Chairman Kiel was kind of teasing at, my understanding of kind of the Russian nesting doll of legal authority that we have with the university is that I believe when it is not displaced by regulations implemented by the board of visitors um albemarle county law can apply on

[07:26:32] the grounds of the university of virginia would that enable either the university police system or the charlottesville police system through a combined response kind of protocol to recover costs to avail themselves of the cost recovery ordinance also no easy answer easy day Thank you. It's for our agency only.

[07:27:01] Okay. Thank you. And as far as the rest, I know I've gone around and around on this ordinance a bit with Mr. Rosenberg and also with Mr. Hingley. So I don't think I have any further questions. Thank you. I have no questions at this time, but I would like to, if it's okay, do we open the public hearing, invite Mr. Hingley up, or do we invite Mr. Hingley up and then worry about the public hearing?

[07:27:26] Do we have anyone signed up to speak? We do not. I would suggest that you open the public hearing. Open the public hearing. Now that we've opened the public hearing and there's no one signed up to speak, I would like to invite Mr. Hingley to address the board. Appreciate that. Thank you.

[07:27:42] I'm scared by all those big books you brought up with you. Old school. Old school.

[07:28:00] Thank you for the opportunity to speak briefly to this issue. Supervisor Galloway put his finger on exactly the concern that I have about this statute, or I should say ordinance, and that is that it creates a mandatory penalty.

[07:28:17] And personally, I disfavor mandatory penalties, and when I ran for Commonwealth's attorney, I said that I would not enforce mandatory penalties, because philosophically, I believe that the penalties in the criminal justice system should be determined by the court based on all the circumstances, relevant circumstances affecting the individual who's before the court, rather than to have a legislative body, the General Assembly most of the time,

[07:28:57] or a local Board of Supervisors determine in advance without regard to individual circumstance what the mandatory penalty would be. So with that as a beginning point, I would like to indicate that I disagree with the county attorney's interpretation of the enabling legislation, which is, I understand, the county attorney's position, makes this, ties the hands of the Board of Supervisors

[07:29:35] when it comes to requiring this to be a mandatory penalty rather than a discretionary one. 15.2, 17, 16.1, which is the state enabling legislation, which I think was referred to in the presentation, states that any person who was convicted of a violation, and the county attorney referred to what those violations were,

[07:30:14] and I certainly don't have a problem with that, when the violation of such a section is the proximate cause of any incident resulting in an appropriate emergency response shall be liable at the time of sentencing or in a separate civil action to the locality.

[07:30:31] And so that's the language, shall be liable at the time of sentencing or in a separate civil action to the locality. What I think that the legislature is trying to do in this statute and by that language is to establish that there is liability for this type of expense.

[07:30:59] And I think the purpose of that, as I see it, is to resolve questions that might otherwise be raised about whether repayment for emergency response is a legitimate issue of restitution in a criminal case.

[07:31:18] So my way of thinking, the legislature answers that by saying that the person convicted shall be liable for these costs. And therefore, it relieves the Commonwealth's attorney of the burden or the county attorney of the burden, if this were a civil proceeding, of establishing that this debt is owed.

[07:31:40] Otherwise, the debt, I think, could be contested. Now, does the fact that the legislature says that this debt is established under this statute for an expense which otherwise might be contested as a legitimate restitution obligation mean that, therefore, at sentencing, that there is no choice except to impose that amount of liability?

[07:32:10] And that's where I differ. I don't think that the legislature, in its enabling statute, goes so far as to say you must, therefore, once the liability is established, assess that liability as a penalty against the person convicted. And that's what's happening in the statute, or I'm sorry, ordinance.

[07:32:32] If you look at paragraph C of the ordinance, the Commonwealth's attorney shall at the time of sentencing of an individual convicted of a qualifying offense present a request to the court to impose on the defendant liability in the amount of the reasonable expense.

[07:32:54] And number four, the court shall impose on the defendant liability in the amount of the reasonable expense. So it creates, as I said before, a mandatory penalty that it shall be imposed. But I don't think the enabling legislation says that.

[07:33:11] The enabling legislation says that the liability shall be established, and I think that it should be left to the discretion of the court whether that should be imposed. Now, just to give you an example of what I'm talking about here, and I realize this is not the exact same thing, but I want to refer the board to a statute, a general statute in Virginia relating to restitution.

[07:33:46] This is 19.2-305.1. Notwithstanding any other provision of law, no person convicted of a crime in violation of any provision in Title 18.2, which resulted in property damage or loss.

[07:34:03] So this is talking about property damage. So it's somewhat similar, but not exactly the same as the cost of emergency responses. Notwithstanding that conviction, the person shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for property damage.

[07:34:33] So even in the case of property damage, the legislature in this statute says that partial restitution can be required, but full restitution of the full amount is not mandatory or shall be compelled to perform community services or both.

[07:34:52] So that in this parallel situation, the state legislature is saying that you may have a liability for restitution, but it is not required that that liability be imposed on somebody.

[07:35:11] For the court can take account of individual circumstances and say, in this case, partial restitution is appropriate, or no restitution is appropriate, but rather community service is available and should be available as an alternative.

[07:35:29] So I think if you look at that, I hope that that would inform your understanding of what the enabling legislation means when it says, shall be liable at sentencing. I think what it means is that liability is established, but the sentence needs to be tailored by the court according to the individual circumstances of the offender.

[07:35:56] Now, I want also to agree with the county attorney that the Commonwealth's attorney does have some discretion. However, it is not discretion under this ordinance once the person is convicted.

[07:36:15] It becomes a mandatory penalty. And so the discretion that I think the county attorney is referring to is the discretion that the Commonwealth's attorney has to treat the case differently. If the Commonwealth's attorney feels that, for example, community service is a better response than payment of this penalty, the Commonwealth's attorney could not advance the request for community service in lieu of payment of this amount if the person is convicted.

[07:36:51] The only way to work around that would be for there to be no conviction, and so the Commonwealth's attorney's discretion would have to be to enter into an agreement under law with the offender and the court approving that agreement to have it result in no conviction and therefore after performance of community service or other sanctions.

[07:37:20] So yes, the Commonwealth's attorney has some discretion on how these cases are handled, but ultimately this ordinance says if there's a conviction, there is no discretion on the part of the Commonwealth's attorney about seeking this penalty, and there is no discretion on the part of the court in imposing the penalty.

[07:37:41] So I'm simply asking for this board to consider whether the language of the ordinance might be changed or modified in such a way as to allow for discretion, rather than to make this a mandatory penalty.

[07:38:00] And I'll be happy to answer the questions. Thank you. You've asked a question that I think I'd like to ask the county attorney to answer, Ms. Farley, to answer. Suggestions like a presenter requested a court to impose a defendant a liability in an amount up to the reasonable expense or something like that.

[07:38:21] Is that, can it be fixed? Well, Mr. Chair and members of the board, I think, you know, to just take a step back, my understanding is that Ms. Farley had made efforts to contact Mr. Hingley to talk about the ordinance.

[07:38:45] And I think that some of this is new to us and that the substance of the issues that Mr. Hingley is raising is becoming known to us as it is becoming known to you.

[07:39:03] And so what I would suggest is that you close the public hearing and then you vote to defer action on the proposed ordinance to a later date so that we can consider the points that Mr.

[07:39:24] Hingley has raised and then come back to the board with the view of the county attorney's office as to whether revisions to the ordinance are appropriate. Thank you. Comments? I'm happy to do that, but I'd like to have a chance to ask a few additional questions because as surprised as I am at this time of night, I actually followed all of that and it's fresh in my head. I'd like ask a few questions. So before we close the public hearing, let's go around again. Supervisor

[07:40:02] Galloway? And these are for Mr. Hingley, actually. So prior to us considering this or doing this, if a case came to you and you actually thought it was a good idea to get cost recovery as not a mandatory penalty, but a reasonable penalty, and we don't have an ordinance like this in place, could you seek it well before answering the question I do want to address the issue about this being new information for the county attorney's office and

[07:40:40] that's exactly right and they did contact me and and I apologize because like so many things it the priority that I was able to give this and the time I was able to spend on it ended up being close to the time of this hearing and so So, again, if I had done my job better or in a more timely manner, I would have had this to the county attorney's office before that.

[07:41:08] So I certainly apologize for that. Now, to the question, yes, if the statute is worded in a way, as I think the enabling statute indicates, that there is liability for this type of expense, but does not make it a mandatory assessment of that liability, then yes, in the discretion of the Commonwealth's attorney and the court, that amount can be collected.

[07:41:44] And to be frank, I have a hard time anticipating any case in which the Commonwealth's attorney would not seek to recover those costs on the basis of a conviction.

[07:42:04] However, I am just trying to think through it and have some consistency, if this board will agree with me on that, that it should be a discretionary rather than a mandatory decision.

[07:42:23] Understood. And I think maybe without taking the time tonight, if we passed this ordinance tonight without these concerns and it was 250 was the presumed amount then it's locked in at that amount it almost sounds like if we didn't pass the ordinance and do you need the local ordinance to get cost recovery um if it's your judgment it's warranted i think that's state and it gives it it sounds like the state's there what it just seems like oh are we are we because i'm not convinced 2500's enough no i wouldn't

[07:43:02] but the minute-to-minute thing is new to me so and i'm making some of this commentary because even you guys spending the time after this may not be warranted based on what i'm learning well let me also say let me remind the board that in the discussion of your legislative priorities last month um one of the subjects of discussion was an increase in that twenty five hundred dollars but it would start to be a minute by minute accounting that's correct that's the part that's That detail before this was on the agenda was lost on me.

[07:43:38] And I wasn't convinced without the minute-to-minute accounting that 2,500 or 5,000 would be enough. Now, I appreciate the whole reason this is in front of us very much and appreciate that we're having the conversation. But at the end of the day, the vote will be, you know, this is a lot of effort and time.

[07:43:57] And if a minute, well, I guess I can save that for later. But I am interested, as we close defer, and it sounds like you're going to reconvene, that if that's a way to get at a better cost recovery amount, it almost sounds like the local ordinance is going to lock in an amount.

[07:44:17] But without the local ordinance, the Commonwealth attorney can, if he felt it was warranted, you're saying he can't. I'm uncertain of that. and i don't think we have an answer from from mr hengeley and but and i think that the entire reason that there is a specific provision of the state code is likely because it is difficult to get there in the absence of reliance on this enabling statute i mean i do and i will say this tonight just because i know you you will follow through and you will follow up and we'll defer and there's going to be time spent on this.

[07:44:57] And again, I really want to emphasize I appreciate why this is in front of us, but for \$250, if you were billing by the hour, just making the request to the Commonwealth attorney that we're wanting to impose the \$250 would cost us more than \$250.

[07:45:15] So that fact has really been problematic with me since this has even come up. So I don't see it as a deterrent. I mean, there's just other reasons. So I was having trouble whether or not I would, in fact, vote for this or not. Now, this has just opened up a whole other can of worms about whether or not I would or not.

[07:45:34] Wishing I could, wishing some of this stuff was not there. It's similar to my remarks about the photo speed cameras. Like, well, if the points don't go against your damn record and the fine's half of what it would normally be, what is that bullshit? I mean, I don't understand why the – but I think if we're going to defer before we do, I'm just offering my thoughts and opinion on is that time well spent, given the resources and what both offices likely from the priority.

[07:46:07] I appreciate you taking responsibility, but to the priority comment, I would probably say the same thing of our office. And if I might respond directly to the question, I agree entirely with Mr. Rosenberg that collection of this amount without the liability being established through an ordinance as the state enabling legislation provides would be very difficult thank you yeah and i'm not trying to be

difficult so i'm happy to defer let legal get together and do all of that but i i i wouldn't feel good walking away and not saying is that do we want

[07:46:47] to do that with everything we know um and i'm not the attorney on the board i certainly would i'm not saying others have to even respond to that tonight but i think that's a question we have to contend with whether it's now or later ultimately it may also be helpful to know um and i don't have exact numbers here but when i did meet with staff to discuss you know how frequently did we think that this might be implicated um my understanding i'm sorry my understanding is that it is it's an uncommon occurrence um it's even more uncommon occurrence when they can determine

[07:47:24] who the actual perpetrator is it is even more uncommon for the person to be located within the Commonwealth so that they can be arrested prosecuted and and then obviously it follows it would be even more uncommon for them to reach a point of conviction so we don't anticipate the instances in which we could even apply for the cost recovery in whatever fashion to be many

[07:47:49] i have a question but others i'll let go okay that was a wow answer and it's it's yeah i mean you're right because we don't know where these are going to come from um the 250 dollars if i understand it correctly that is that's not what we're saying that's what the state is saying that we can apply okay yes and but i i do agree with supervisor galloway i don't mind deferring this

[07:48:25] and going further but what really bothers me is i think what we all want perhaps as a board is we want some kind of a mechanism because remember this is for emergency response so this is affecting our police our fire our emts maybe even their lives maybe someone's rushing out there and there's an accident and somebody gets killed you know an officer gets killed or civilian gets killed because somebody called in a hoax i'm looking for and i'll just speak for

[07:48:59] myself but i'm looking for some kind of a response that will be firm and make sure that whoever does that if we do catch them that there is a severe consequence because these are real incidences that that happen all over the U.S. where someone calls in something and it's a hoax and someone can get like it's injured killed whatever the the enabling legislation does is careful to say at the very end that it does not restrict the locality's ability or or there were any other

[07:49:35] theory of recovery for actual threats for you know incidents that involve actual threats or using firebombs or explosive devices etc um i that's a little hollow because i'm not sure exactly what cause of action it is but but it's at least theoretically possible that if there were a situation like that in which we could um find a tort you know that that the private parties could bring each other to court and make recovery there and if it involved involved one of our officers

[07:50:09] then then there is perhaps some avenue of legal recovery i i don't want to commit to that i don't want to create an expectation that that would be the case because it would very much depend on the circumstances and there is not just one specific cause of action for a locality to recover for in the event of a traffic accident on route or death or maiming or yes so it's theoretically possible that there's another avenue of recovery but i i honestly could not tell you what that is in the hypothetical okay so my last question is if i may is that do we know of anyone else any

[07:50:46] other entities of organizational governmental entities that have that have done something about this this type of threat swatting type thing mr rosenberg that leads to something serious did you and i'm sorry to appeal to you in front of everybody but was this uh was it alexandria or arlington that that had

an ordinance in place there are several so i think the answer to the question is that there are several localities in the commonwealth that have adopted ordinances

[07:51:19] based on this enabling statute um now whether that it whether that has resulted in the imposition of what you uh characterize as serious consequences or serious penalties um you know they're bound by the same limitations of the enabling statute um that that you are so this is the tool that the General Assembly has deemed available for localities to deal with these issues.

[07:51:55] The \$250. Or \$2,500. Or \$2,500 minute by minute, which is ridiculous. So, I mean, if we did have something like this, if these penalties were imposed and other entities in the state did that, maybe the legislature would find it possible in their heads to increase the amount.

[07:52:16] I don't know. Those are my comments. Thank you. We would then be in a position of paying to collect it as well. Pardon? We would be in a position of having to pay to collect it as well, very likely. Professor Malik. My whole goal of this was deterrence, and I think that when, within the last year, there were two middle school students locally who were arrested.

[07:52:43] And so that's where we might have some impact. We might not have impact of people in other countries or whatever, But that's the whole reason I was supporting it is for those limited occasions when we could have impact.

[07:52:59] And to stop or reduce the opportunity for awful things to happen because other people are trying to do their job rescuing someone who is at risk. Supervisor McKeel?

[07:53:16] Just a couple of thoughts. Maybe because I've been around too long, but I remember several times when we had to evacuate a whole school campus in the western feeder pattern twice. those students were caught. And I agree with Ann. It is now, I'm not taking away from this, and I think this is important, but it's nice that it evidently could encompass schools as well as anything in the county. I mean, we're talking about the county itself, but schools are where this happens in my world the most often. Maybe we want to spend, rather than spending our lawyery

[07:53:50] time and expense and effort right now on a rewrite of this, maybe we should look at legislation and to go for our legislative packet this year and figure out what we might be asking the legislature this year to give us more teeth or strength to this, right?

[07:54:09] Because \$250 is not even, it's a drop in the bucket. We spent thousands and thousands of dollars a few years ago when we were evacuating those school campuses. And disruption to families, and those children were caught.

[07:54:26] And as Ann said, the ones recently, within the last couple of years, were caught. So I see this as a real problem. I agree with Mike on this. I think it's a great catch and something we should do. But I'm not sure it's worth spending our time right now with this.

[07:54:44] Maybe we ought to go back to the legislature and say we need some action on this that adds more teeth or changes it. And I don't even know what that would look like. Maybe you all would come back and say that's not going to work. but maybe we'd be better off spending our time on that. That's all I'm asking.

[07:54:59] I don't want to, I mean, these all are pursued as criminal acts. Yes, absolutely. This is in addition to what would normally be done. Right. And, I mean, it's not like we're not doing anything. We're

still processing. But with cost recovery is what we're talking about.

[07:55:15] I understand. And I do don't, and I don't disagree with Jim when he says maybe there are times when community service would be better. You know, I mean, I'm not disagreeing with that. It just sort of depends on the circumstances. But in my world, on the school board, we spent an enormous amount of money and time and effort on evacuating school campuses.

[07:55:38] And I'll let it go with that. Supervisor Pruitt? For a second to make sure I'm on screen. It's like I'm on screen. So this has, you know, I thought I could, I thought I knew everything I could know about this ordinance and I still got proven wrong.

[07:56:02] So I want to begin by saying I don't think that this process of getting to this point and having this conversation here at this, you know, late hour has been wasted because I think we collectively now have really teased out, I think, a very compelling narrative for when we are asking our delegation to the General Assembly to reconsider how this is crafted.

[07:56:31] Because we're not, you know, we're not an under-resourced backwater. We are not a small town. We are one of the larger, we are the largest locality west of Richmond. And we are struggling to be able to make meaningful use of what should be a fairly straightforward ordinance.

[07:56:49] I would remind the board that, you know, this kind of originally came up because I was interested. I talked with Steve Rosenberg about the possibility of even pursuing actions directly as the county in tort for cost recovery, thinking that this would be something that would have an easier standard of proof and something that could actually proceed quicker than criminal action.

[07:57:19] And the answer to kind of simplify somewhat is that this remedy provided by the General Assembly displaces our ability to seek recovery and tort as a county separate from the criminal charge because it provides such a specific remedy.

[07:57:37] And that kind of gets to kind of the underlying frustration with this whole discussion, which is that the General Assembly in the post 9-11 haze, in trying to grant localities more authority, has actually significantly kneecapped our ability to actually seek restitution, seek damages, and frankly, just enforce and create meaningful deterrence around terrorism and terrorist hoax.

[07:58:08] I think what we've done today is craft a really powerful narrative for why this law needs to be reformed. And I'm hopeful that we can take this discussion and condense some of this into, frankly, some very compelling requests to the General Assembly for this legal reform that could speak across party lines.

[07:58:34] We have a minute-by-minute requirement that is untenable and unworkable. workable. We have a limit that is so low as to be meaningless. We have it contingent, despite being functionally a civil recovery, we have it being contingent on criminal conviction and thus carrying a differing and higher standard proof. And then the language of its implementation is confusing and is eliciting differing reactions from several highly trained, incredibly experienced decades

[07:59:10] and decades of experience of attorneys in the room are having different conclusions on how it should even be interpreted. The law, the enabling legislation, is a mess. And I do appreciate the work we've done in untangling this. So I'm hopeful that we can actually get the ball moving on something more meaningful from the General Assembly from this tangle of thread that we've left on the ground. Thank

you. I agree that this is something that is better suited for our legislative agenda than for continued discussion here but i did have one quick question i hope

[07:59:50] many of these qualifying offenses look pretty darn serious i assume that a fine is one of the possible penalties that might be imposed for many of them it's just a question of the fine doesn't go to the county the way a cost recovery would go to the county is that correct while county attorneys getting out a reference there yes these are criminal offenses and to the

[08:00:25] point that supervisor lapisto currently made about the seriousness of these offenses and the need for serious consequences the serious consequences are in the body of the criminal law these call for depending on the grade of felony, they call for prison terms of up to five years or beyond, and they also do, to the point of fines, call for the possibility of fines up to \$2,500 or a fine and a prison sentence. So there is room, a great deal of room, for severe consequences

[08:01:02] for offenses that are as serious as these are. Where the fines go, I suspect, and I can't say for sure maybe ms farley will be able to provide that answer i think they do not go to the county i think they go to the state general fund yeah i would agree i believe they go to literary fund if i'm not mistaken i mean at least one of these qualifying offenses a class three felony which is a five punishable by five to twenty years and has a hundred thousand dollar fine as one of the central consequences so i mean we're looking for something that we're trying to do cost recovery

[08:01:37] but it's not as if it's just about squeezing money out of the defendant. It's about recovering our costs. We should look for legislation that actually helps us recover our costs, and I would support that. At this point, I would like to close the public hearing, but I would ask whether we want to have a motion to defer or whether there's a consensus that we would go forward by putting this back to the legislative agenda rather than continued effort as an ordinance.

[08:02:14] And I believe that under your rules that you could take the latter course. I don't think that it's not required that you vote on the ordinance that is before you. If it is the consensus of the board to direct staff to proceed to include this in your legislative priorities, then staff can take that direction.

[08:02:46] And I think, as I've already telegraphed, you know, what we're already working on to be presented to you at your meeting on September 18th does include such an item consistent with our discussions of the subject last month.

[08:03:06] Can I just ask, clarifying that, but what we're talking about is cost recovery. That's correct. Okay, so that's what you're working on. I just want to make sure. That's correct. Exactly, because that's where I think we're going with this. Yes, and that's what this ordinance is about, cost recovery. That's great for us.

[08:03:23] I mean, I don't like the literary form. That's correct. Yeah, okay. And so you needn't formally take any action at this point. If the chair establishes a consensus on the part of the board to direct staff to pursue an increase in the recovery amount under the enabling statute and to revisit this at a later date.

[08:03:58] And in the meantime, well, and if that meets with any success during the General Assembly session, then we can engage with Mr. Hensley and try to come to some understanding about how to move forward.

[08:04:19] I am looking to my right and left, and Mr. Pruitt, if there is any objection to that, please state so. Otherwise, we will treat this as a consensus position. thank you see you're nodding um board i think that concludes this matter mr chair may i make one just comment please um because it i don't disagree with any of this but i do think it would be mindful for us as supervisors to keep in mind one of the points mr hingley made was about the legislative body dictating mandatory penalties to the commonwealth attorney so that's a that is a

[08:04:56] i don't know if that's political or philosophical or what category it falls under but let's say we were successful in everything we said we were going to do and we could impose not, you know, whatever we want. That question is still one that I think is, I don't know where I stand on that, but I think it's one question that we do have to keep in mind as this issue continues as we seek the authority. Well, and we had approached this subject looking at the possibility of whether this could be written in a way that's enabled up to some amount rather than... Or gives the commonwealth attorney the discretion well that's what that would do because it says the commonwealth

[08:05:34] attorney shall do this and this would be up to that amount um okay thank you lord um this will take us to item thank you thank you for being here the whole time thank you to the county attorney staff miss farley thank you thank you board our next item is from the board committee reports and matters not listed on the agenda we will have at least one if not two uh some letters of support or letters that have been brought up we've had one specifically mentioned and i've got another

[08:06:13] one to ask about but let me go through the order see if there are any committee reports or other matters first supervisor callaway i don't have any committee reports but i did give a heads up to mr rosenberg under other business that i think it wise um i've attended several different the tjpd yesterday's economic development the regional meeting this body relative to the new remote participation policy that the state passed on july 1 specifically whether or not cameras need to be on and if that means you're in the meeting or not so there have been some interpretations where

[08:06:51] just like i left today i left the room the clerk has to note that that i left well under this new state code some are interpreting that if you turn your camera off you left the room so so i don't know if in the state code isn't exactly clear on this um but i'm just raising it as as something we need to be mindful of um to cover our bases it is very clear that let's say we're holding an all virtual meeting and uh supervisor mckeel's required for the quorum as soon as she turns her camera off the quorum is lost and now the meeting must pause until the person comes back on it's obviously very

[08:07:29] clear too that even if you're not required for the quorum and your camera's off your vote doesn't count. You have to be seen and heard unless it's a technological issue. If it's a technological issue, if you don't pause the meeting, then you're not considered in the meeting. So I've just raised these out of an abundance of caution of saying it's probably good to whether it's the FOIA council or whatever they're called or other attorneys that are dealing with this or the state. I don't know who it would be. I just hope that for the boards that I'm on, I'm telling everybody it's probably a good idea to get with your legal counsel and or your experts on FOIA relative to this new law, because if we have remote participation

[08:08:08] and the person participating remotely can't be seen, it could be called into question whether or not they were in participation of the meeting as of July 1 is my understanding. The two separate issues is whether or not he turns his camera off versus he can't be seen by the audience, because I believe that your camera has probably been on the whole time.

[08:08:29] I did turn mine off last meeting because I knew I was on the screen the whole time but uh when you're not on the screen does that constitute the same and kind of an issue yeah i don't even get into those nuances of it i'm just saying that if you're participating remotely and you turn your camera off because you're taking a bite of a sandwich it sounds like you left you might i might as well get up and gone out in the hallway which if i do that during a meeting if i go use the restroom claudette notes it that i'm gone and if i leave the room to use the restroom when we only have four of us or three of us sitting up here you got to wait till i come back and hopefully it's a short restaurant trip just quickly you said july

[08:09:07] one of this year it's in effect like we've all been putting new in fact we've brought it to us like all of the bodies that i've sat on have all had to reproduce because there's even a reporting requirement you got to do an annual policy now so all of this is in place and places have been doing it to satisfy the code i'm saying in practice i don't know if we really understand what we're supposed to be doing.

[08:09:31] Like, for example, at the EDA meeting, there were times when your camera was off. Yeah, because I didn't want to have it at the screen the whole time. What I'm saying is that could be interpreted as you were no longer in the meeting. If you're on by phone and your phone loses cell reception and you're needed for quorum, then you have to wait until it's reestablished.

[08:09:50] If it's not needed for quorum, then that person's just not in the meeting. Attorney Herrick, please have a comment. Because I haven't had this. Thank you. This hasn't come up in any. This is a subject that Mr. Rosenberg and I have been taking a look at. There's actually a difference between individual remote participation on the one hand versus an all-virtual meeting on the other hand.

[08:10:11] The rules that Supervisor Galloway was just alluding to apply to all-virtual meetings. So if you're in an all-virtual meeting and you lose camera reception, you're no longer counted for the role. If you lose audio reception, you're no longer counted for the role in an all-virtual meeting. But boards and supervisors are one of five groups that are not eligible for all-virtual meetings.

[08:10:31] Those restrictions do not apply to individual remote participation, such as Supervisor Pruitt's remote participation today, Chair Andrews' remote participation a couple weeks ago. So if you take it, your camera's off, but you say yes, your vote counts. That's correct, but because those rules do not apply to individual remote participation, and that's the only means of participation that the Board of Supervisors is currently eligible for.

[08:10:54] Now, for your regional bodies, though, those may be eligible to hold. Or committees. Or committees, those may be eligible to hold all virtual meetings. And for all virtual meetings, yes, the cameras have to stay on and the audio connection has to remain on. Because I'm thinking about ACRJ and the Regional Transit Partnership, some of those.

[08:11:15] You're the first person that I've asked or the question, not that I've asked, the question's been asked that's actually answered. It sounds like they had the authority on the knowledge of it. So there's a code section and it's split out into subsections. Here are the rules that apply to individual remote participation.

[08:11:31] Here are the rules that apply to all virtual meetings. And the Board of Supervisors can disregard the all virtual meetings because the board is ineligible to hold all virtual meetings. It may be helpful for, and you can decide if you want to do it or not. I'm going to pass the information on to the regional ones I'm on and the other things.

[08:11:48] But I think it's just important for, like, I didn't realize the, I understood the distinction about what to qualify for allow somebody to participate remotely, but I thought that the rules were the same, and I've read the code a few times. Andy, can you send us that link?

[08:12:04] But I'm saying if it wouldn't be a huge burden, it may be helpful to go, hey, I'm going to push this out to some of either our committees or places that are, I don't know who all of our committees, if they're participating all virtually or not. Well, I know that in past years I've worked with Ms. Kilroy when she was in her prior role to work as a liaison to the county's advisory boards, and we've held annual workshops in terms of working with staff liaisons to committees and boards to help them comply with some of these.

[08:12:33] And I know that one of the changes is that now these bodies have to adopt policies on an annual basis. It's not just to set it and forget it. So I had had on my to-do list to get with Ms. Stomp or Ms. Kilroy about updating that update of the county's advisory boards and committees. So that's something to put on the duty list. It's only going to become more because they're allowing more meetings to happen now all virtually for these bodies. Except, of course, for local governing bodies. So for us. And just my recollection from this meeting and from the last meeting is that we never took any votes or any other actions without the remote participant being

[08:13:13] on the screen. And again, not that that would have been required again. Wouldn't have been Required, but I just want to point that out. Right. So if you could just send us something that I could share, for example, with the ACRJ attorney, just to make sure. We'll do. That'd be great. If you're done, then we're going to go to...

[08:13:30] I was done, yeah. Supervisor Lupisto-Curtley? Oh, no, nothing. Supervisor Malik. It's too late. Follow-up question for the list for whoever wants to think about it. So if one has... I heard a term technological problem because when I'm at home, for example, I get a thing that says camera or some audio, the connection is unstable, and the only way I can keep on is to turn my camera off.

[08:13:57] So I'll just need direction on whether that's a problem or not. Yeah, for the board meeting, it'll be all right. Well, it depends on what type of meeting, right? Yeah, so if I'm in an MPL meeting or something like that, it may be a problem. With the all-virtual meeting, when audiovisual technology is available, A member of the public body shall, for purposes of quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.

[08:14:30] So that's the law. So what that means is that if you click to turn your camera off, you're taking a voluntary action to cease visual communication and you're no longer participating in the meeting but if it fails if the visual feature fails by

[08:14:56] itself and you do nothing and you can still be heard you're fine interesting uh supervisor is that is that anything further i'm done okay supervisor mckeel i'm gonna wait till next time given that staff has been here since eight o'clock this morning or seven o'clock this morning supervisor Pruitt nothing there's just been so much illegal head-scratching this meeting I think we're all tired well board the next item is that we've been asked to provide a letter of support for the Botanical Garden of the

[08:15:36] Piedmont for nomination for the National Medal for Museum and Library Service I believe that the form of that has been distributed and I'm looking for a motion to authorize me to sign that letter so

moved second Final motion from Supervisor Lupisto-Kirtley.

[08:15:52] Second from Supervisor McKeel. Without objection, if the clerk will call the roll. Mr. Galloway? Yes. Ms. Lupisto-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. And, Board, I hesitate to bring up anything else, but Supervisor McKeel will help back me up on this.

[08:16:10] We have been receiving some text messages that seem to be kind of late in coming about a NAACP event that they want to include a letter from the board or from the chair in support of their event. The city council, I guess, has done this and they're saying, well, the county should do this. The NAACP has a fundraiser every year in the fall, in September, and they have a program and every year they request letters from the city and the county to go into that booklet that is supportive of the NAACP and their work.

[08:16:50] And I know Claudette was looking for our letter last year, and she hasn't been able to find a copy of it. But I'm very, because as a member of the NAACP, I can remember those letters. And it's just, it would be really a shame if we didn't have a letter to match the city's letter.

[08:17:08] I'm just saying. But they just asked evidently today, and they want it by Friday. So, and have we reached out to them to say that they need to give us a draft?

[08:17:25] I don't know that we have. Or if we could find a letter that we've done before that we could say we're doing the same form of letter. They will have a formal booklet that will have a letter from the city. The event is not until September 6th, but the booklet is being put together well ahead of time.

[08:17:44] So, I mean, we could approve a letter on the next meeting, but we could not put it in the book. It's too late. And I guess the thought would be, do you all feel comfortable that we support a letter that we really haven't seen, but it's a letter in support of the NACP and their work?

[08:18:04] And, I mean, I'm just kind of at a loss here. Volunteer to individually call each supervisor separately and read whatever it is that is drafted if we are to proceed with this. I'm sorry. It just came up today.

[08:18:20] It came up at 6-something. I would expect that they would have files of previous letters. I'm sure I know we have put the letter in before, Ann. I can't remember signing it. I don't want to follow anything, and I'm looking to the county attorney staff to ask if you have any problems with whether we need a motion to approve something that we are not really able to produce, or if I could just get permissions.

[08:18:46] Well, it doesn't commit us to anything. It's just a letter of support. I mean, I think that's within the prerogative of the chair, to be able to read the content and represent the board. Yeah, I was going to say, you know, if you wanted to follow your established practice of adopting a motion,

[08:19:04] I think that the board could consider a motion authorizing the chair of the board to send an appropriate letter to the NAACP honoring the organization on the occasion of its upcoming event.

[08:19:29] Thank you. And I would like to ask for a motion to that effect. So moved. Second. Motion from Supervisor McKeel, second from Supervisor Lopisto-Curtley. Without objection, the clerk will call the roll. Mr. Galloway? Yes. Ms. Lopisto-Curtley? Aye. Ms. Mallick?

[08:19:45] Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Thank you. Thank you. With that, board, we will adjourn to September 4th, 2024, 1 p.m. here in Lena.



Coraggio Consulting · aguyonx.com