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Albemarle County Board of Supervisors Regular First Meeting, Wednesday, September 4, 2024

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[00:00:02] Memorial County Board of Supervisors on the 4th of September at 1 p.m. in Lane Auditorium. I'd like to note at the dais we have Supervisor Mike Pruitt of the Scottsville District, Supervisor B. Lupisto Kirtley of the Ravana District, Supervisor Diantha McKeel of the Jack Jewett District, Supervisor Ann Malick of the Whitehall District, and myself, Jim Andrews, representing the Samuel Miller District.

[00:00:20] A quorum is present, though Supervisor Ned Galloway of the Rio District is currently unavailable. We anticipate a request for him to join the evening portion of this meeting, and we'll act on that request at that time. We're also joined here by our county executive, Mr. Jeff Richardson, and our welcome interim county attorney, Mr. Andy Herrick. Also, our senior deputy clerk, Mr. Travis Morris. And I also, of course, want to welcome Admiral County Police Officers present, Master Police Officer Chip Riley, Police Officer Trent Cole. We thank you for your service here today and every day and the work you do and your colleagues every day throughout the county

[00:00:58] for our safety and security. Please now, if all present, could stand as you are able and join us in the Pledge of Allegiance.

[00:01:19] Thank you. And if you now join us in a moment of silence. Thank you.

[00:01:38] Board, our first order of business, of course, is the adoption of the final agenda.

[00:01:54] I don't believe there are any official changes, although the packet had some minor amendments in the packet materials online, but no changes to the items on the agenda themselves. If there are no other changes or anything, then we look for a motion to approve the final agenda.

[00:02:13] So moved. Second. We have a motion from Supervisor McKeel, second from Supervisor Malek, without objection, if the clerk will call the roll. Ms. LaPiesto-Curdly. Aye. Ms. Malek. Yes. Ms. McKeel. Yes. Mr. Pruitt. Aye. Strangers? Yes. Thank you.

[00:02:29] Board, that brings us to item five. Brief announcements by board members. And our order today, we'll start with Supervisor Lupisto-Curtley. I don't really have anything, so I will pass.

[00:02:47] All right. Thank you. Supervisor Malek. Thank you. Are you going to do SWA upcoming days? I would if you don't. I'll leave that with you because that's more here. Mr. Henry, are you going to do cease the day later or shall I?

[00:03:03] you're welcome to make that announcement okay i didn't want to stomp on anybody so sorry for that i should have cleared that out ahead of time so we'll start with easy ones uh fall festivals at crozet park september 7th uh the dog festival which is lots of fun for people of all ages october 12th and 13th that would be president's day weekend crozet fall arts and crafts festival the 42nd i think uh october 26th the crozet trails crew 5k run which is raising money for the bridge over Lickin Hole and lots of other trail projects. And December 7th, the Winter

[00:03:40] Brews Festival, which was very well attended and had lots of local craft brewers attending and sharing their goodies. So the Seize the Day is the Veterans Outdoor Day, the 8th annual. It will be September 22nd from noon to 5 or 1200 to 1500 hours, if you are so inclined. It will be at Walnut Creek Park. It's a wonderful day for active duty, retired veterans, families to come and convene, to meet each other, to have a chance to visit tables of many different agencies who are

[00:04:17] providing services to all that cohort. There's fishing in the lake, other recreation, picnic by Mission Barbecue, favorite veteran supporters, paddleboard and kayak demos by Bravana River company so hopefully it will be a day like today rather than 95 degrees and we will have a wonderful turnout for people there and there will be more publicity in which to register and now my screen has gone weird so hold on one second related to one of our upcoming recognitions the here we go

[00:04:54] walk out on veteran and first responder suicide is being sponsored at North Fork Research Park it is Thursday, September 26th, 5.30 to 7.30. I'll share this information with the clerk so people can get it there. Come by after work and grab some food and walk together to honor those who serve and raise awareness about burnout and the issues of veterans, retirees, and active duty, as well as all of our first responders who have such an elevated stress level with their daily work and to give them support. And I will stop there. Thank you very much. Thank you. Supervisor

[00:05:32] yes just one thing today excuse me um java will once again be offering their wills for seniors program it is a free program where you can make an appointment go drop by java and they have attorneys and specialists who are available to help you with simple wills durable power power of attorney and advanced medical directives so great opportunity again it's free and um the date is october the 9th from nine o'clock to three o'clock and you just contact

[00:06:07] java um and i'm sure their website has the um the all the information you need to sign up and or to make an appointment thank you supervisor pruit yes so this is the time of year where it starts

getting nice and we start having all our major outdoor events every weekend so i actually have a few additional ones to add um and these are coming up later this month uh first i'm going to go in reverse order through september um look out for the loop de ville this is actually starts in charlottesville at the ragged mountain excuse me at the rivana river company but goes throughout

[00:06:43] the urban ring as we celebrate kind of the the natural or the uh incredible trail network we have of the rivana trail that circles all through the county and the city um and there will be a lot of i think satellite events including uh you know in my own district at decipher brewing um of people celebrating the the trail network and having individual walks along there um september 21st is going to be uh the charlottesville sabroso excuse me sabroso uh festival celebrating uh latino culture in our community um that is going to be at 1 to 10 at ting ting pavilion that is a new location from where it was last year so be mindful of that and additionally and in the realm

[00:07:22] of things that have moved to ting recently um charlottesville pride is also this weekend and And that is going to start at 12 with a drag show running from 4.30 to 6.30. I think Charlottesville Pride very thoughtfully explained all ages are welcome, but drag has inherently adult themes.

[00:07:40] So exercise your discretion when choosing who to bring. And speaking of gay stuff, I also should just take a moment of some personal privilege to mention that last meeting I did call in from my pre-wedding.

[00:07:58] what's the word for it that we trip you go on after a wedding yes my pre-honeymoon I called in from my pre-honeymoon I was married over the weekend and my husband is currently moving into my house and there are boxes everywhere and I will be starting a new job in two weeks I mentioned that not to solicit a bunch of congratulations although feel free but mainly to emphasize that if you have our constituent who has sent me an email or a voicemail perhaps someone who is an equestrian and wants to know more about horse trails at biscuit run and whether or not that's something we could do or you want to know more about rank choice voting where you

[00:08:36] have concerns about traffic around the peabody school i'm not ignoring you i'm just working through the stack a little slower because there's a lot of major life transitions happening right now and i appreciate your patience um also i do want to just take a moment of personal privilege to acknowledge a major story that has concerned me personally, that broke kind of through the diligent journalism of Aaron O'Hara at Charlottesville Tomorrow, that I think speaks to a broader concern that I hope the board is prepared, and frankly the Commonwealth is prepared to address moving forward, and that is the redevelopment in Cavalier Crossing and kind of the broader

[00:09:14] trends that that portends. For those of you who haven't seen the reporting in Charlottesville tomorrow. Cavalier Crossing is a it's what we call naturally occurring affordable housing or NOAA is kind of our term of art we use in the county. This is something that is not subsidized but is just at a low prevailing rent normally because it's an older unit. This was historically student housing but it is now frankly not. It is used by a really broad cross-section of the community and heavily poor and working-class folks and is in my district. It was sold earlier this year to a

[00:09:47] boutique private equity venture that specifically engages in vulture capitalism, rent-seeking opportunities where they find low-rent neighborhoods that are in high-opportunity areas, they put a fresh coat of paint, they maybe give you a new microwave that has a chrome finish, and they quadruple your rents over it. That is exactly what's happening. There are rolling evictions.

[00:10:14] This is also not a new phenomenon. This is, we've recently worked with Habitat and PHA and the city to see if it was possible to put together something to acquire the mall side apartments, which are a subsidized unit that was, or rather that are a low income unit that was recently sold.

[00:10:31] We weren't able to succeed on that. So that is also likely going to face similar redevelopment. This is the exact reason why the city just pulled together everything they could to be able to buy the Carlton Mobile Home Park. This is also the exact reason why we are currently engaged in a decades-long venture with Habitat as our primary partner to redevelop Southwood.

[00:10:52] And frankly, it is something that will continue to happen because a significant amount of our affordable inventory is created through the low-income housing tax credit, LITECH. You might hear that. And there's so many units, hundreds and hundreds of families that are LITECH subsidized, that are all about to expire.

[00:11:11] What happens when a Y-Tech developer has their units expire is they sell them to a private equity firm to redevelopment and multiply the rents. We are fighting both in the city and the county to kind of increase supply, but we know that every time we do that, it raises kind of, people build a new unit because they think they can charge new unit rents, and you get that higher rent ceiling with them.

[00:11:34] The logic there is that it opens up things further down in the income ladder. But realistically, when you're looking at new developments that deliberately try and last for 15 years before they need redevelopment. We're seeing that income floor catching up constantly, and we don't have the tools to fight this kind of business model, a business model that is fundamentally immoral. It is unneighborly. It is unchristian. It does not add value. It does not build new units. In fact, in this particular case, it is removing existing units because they're expanding the number of bedrooms per unit, and they don't fight our major housing shortfall.

[00:12:15] Bonaventure, this particular firm in Cavalier Crossing, and its kind of ilk don't really do anything for our community. They're just rent seekers. They are vulture capitalists that want to slap down a fresh coat of paint, and we don't have anything to do about them. We don't have the money to buy things out from under them, and we don't have the legal tools to stop them.

[00:12:37] I think we need to be very insistent on asking Richmond for additional legal tools in this realm. Specifically, one of the most popular things I have ever heard talking to tenant organizers is rent stabilization. This is different than rent control.

[00:12:52] This is making it so that you cannot, on lease renewal, significantly increase the amount of rents that are charged between terms of a lease. Rarely. We also see in other jurisdictions a rent control or a rent stabilization policy that would apply between redevelopments and apply a larger cap increase, but making it so maybe you can't charge quintuple the rents when you slap down a fresh coat of paint, but we'll let you charge double.

[00:13:22] That would significantly help us restore our naturally occurring affordable housing, but it is not a tool that we have because Richmond holds those kind of actually meaningful tools very tight. In the meantime, there's really frustratingly very little we can do, and that is where my head and my heart is at right now.

[00:13:43] That's all I have. Thank you. And I will continue with just the announcements that we're making and the one that you mentioned earlier, that just to make sure everybody's aware that the

hazardous household waste collection days are starting next Saturday to September 14th is the electronic waste collection.

[00:14:05] And that's the one that requires a registration, which you can do at the www.ravana.org. But there's also Household Hazardous Waste Days, September 20th, 21st, and then Special Collection Days, September 28th, Furniture and Mattresses, October 5th, Alliances, and October 12th, Tigers.

[00:14:25] And I should have asked Supervisor Malik whether she will or someone will eventually tell us about VACO Achievement Awards, but that's coming, I assume. It is coming soon, and winners will be announced here in the meeting with Gage Harder, who will come.

[00:14:42] Excellent. Thank you. I have not had any skinny. Okay. Thank you. If no one has anything else to add by way of announcements, thank you. Our next item is proclamations and recognitions. We have one on the regular agenda as well as one on consent as a reminder for the public.

[00:14:59] Board policy is a request for proclamations that don't have a recipient coming to the meeting are considered appropriate for consent, and this does not in any way diminish their significance to the board. But we do have one for presentation today, and I believe this is going to be led off by Supervisor Lupista Kirtley.

[00:15:15] This is a proclamation recognizing September as National Suicide Prevention Awareness Month, whereas in 2022, more than 49,400 Americans died by suicide with an estimated 1.6 million suicide attempts, according to the latest Centers for Disease Control and Prevention, CDC, Data and Statistics Fatal Injury Report.

[00:15:44] and during the last two decades, youth suicide has reached its highest rate in more than 20 years. From 2007 through 2021, suicide rates for Americans ages 10 to 24 rose 62%.

[00:16:02] And whereas Albemarle County joins in observing National Suicide Prevention Awareness Month by raising awareness to foster a culture of understanding and empathy and encourages community members to become better educated on suicide risk factors, elevate local suicide prevention resources, and promote the destigmatization of conversations around mental health.

[00:16:34] Whereas the 988 Suicide and Crisis Lifeline plays a helpful role in suicide prevention and mental health support by offering immediate confidential assistance 24-7 to people in suicidal crisis or emotional distress with a simple three-digit number for people to call, text, or chat online. And whereas, Albemarle County has played an important role in suicide

[00:17:09] prevention with the school board adopting a resolution to promote secure firearm storage, first responders launching the Human Services Alternative Response Team, Arts, and the University of Virginia convening the Community Safety Working Group. And whereas, there are many local organizations, including Moms Demand Action for Gun Sense in America, Students Demand Action, the American Foundation for Suicide Prevention, Region 10, and the National Alliance on Mental

[00:17:46] Illness, dedicated to saving lives and bringing hope through research, education, policies, advocacy, and resources for those who have been affected by suicide. Now, therefore, be it proclaimed that we, the Albemarle County Board of Supervisors, do hereby recognize September 2024 as National Suicide Prevention Awareness Month. Signed this fourth day of September 2024, Jim H. Andrews, Chair,

Albemarle County Board of Supervisors. Second. We have a motion from Supervisor Lupisto Kirtley, a second from Supervisor McKeel, without objection if the

[00:18:25] clerk will call the roll. Ms. Lupisto Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt. Aye. Mr. Andrews. Yes, thank you. And I believe we have Kathy Pales of Moms Demand Action for Gun Sense in America here to accept the proclamation. And Supervisor Lapista currently has it. Thank you very much. And again, my name is Kathy Pales. I'm one of the group leads of the local Charlottesville Albemarle group of Moms Demand Action. We thank the Board of Supervisors

[00:18:59] and a county of Albemarle for today's proclamation, recognizing National Suicide Prevention Awareness Month. Moms Demand Action is a grassroots movement of Americans fighting for public safety measures that can protect people from gun violence. Most people who attempt suicide do not die unless they use a gun. Across all suicide attempts without a gun, only 4% result in death. However, when a gun is involved, that figure skyrockets to 90%. A gun leaves no room for a second chance. Three quick

[00:19:37] stats. The U.S. gun suicide rate is nearly 12 times that of other high-income countries. Having access to a firearm triples one's risk of death by suicide. Nearly six out of every 10 gun deaths in this country are suicides. Many of us who are involved in gun violence prevention work have firsthand experience with this difficult issue, including me. I lost my mother to suicide

[00:20:09] by gun six years ago. Fortunately, there are solutions. We have extreme risk laws, also known as red flag laws. There are secure gun storage education efforts. There are also waiting periods for the purchase of a firearm. Thank you for mentioning 988, the National Suicide and Crisis Lifeline. I encourage anyone who's listening or here today, if you need assistance or know someone

[00:20:43] who is at risk, please don't hesitate to reach out. Thank you again for raising awareness of this very important issue. Thank you. Thank you. And I believe Board will have additional comments of Supervisor Lupisto-Curtley. Oh, and she also has the motion here to give you. Thank you. Yeah.

[00:21:07] Thank you again. This is something that I personally have not been touched by, but I understand the pain that it brings to so many people, especially when that happens with young adults.

[00:21:36] Very tragic, very sad, and you're right about regarding guns. There's an easy access to guns. It shouldn't be, and we need to protect, especially our young adults and children. uh, from, from things like that happening. Also, uh, I think more needs to be done in the mental healthish areas also to help people. So thank you very much for, appreciate you for all the work you do. Uh, I remember, um, I'm old enough to remember when a mom's demand action started. So five years

[00:22:16] ago. No, that's not true. But thank you very much for being here and for raising this issue with all of us. Appreciate it. Supervisor Malik? Yes. Thank you all, as my colleagues have said, for leading the charge among all the local and national groups on this issue. The lethality of the chosen weapon is something we can't get away from. And the availability of an unsecured weapon in the home when there are young people there really makes it so much easier.

[00:22:53] And I know that's a challenge that our schools and others are trying to remedy. The 988 and the Harts team received so many calls locally and nationally, but this really brings attention to the fact that we need many more treatment beds in our CSB and across the Commonwealth, particularly for people who do need help.

[00:23:13] And we have often no place to help them get that help right now. So those 16 beds at Region 10, which were added within the last 10 years, powerful all the time. So thank you again. Thank you. Supervisor McKeel. Yes. Thank you for joining us today. And certainly the numbers in this proclamation are shocking. They're really sad. And I think there are very few people that haven't been impacted negatively in some way or

[00:23:47] another by suicide, whether it's a family member or a friend or children of a friend. So it's really, really important that you all and other groups keep sending the message of where to find the services and how people can go about getting the help they need.

[00:24:08] And I'm really proud of Alamoral County and our hearts team, the school board, and all the many organizations and nonprofits in this community that are trying to support people. Thank you very much. Thank you. Supervisor Proulx. Thank you so much for being here and for your advocacy. I think I've said this before, but kind of bears repeating that it should be concerning to us as a community, as a culture, that one of our most well-manned, well-staffed, energetic group of advocates in our community is full of people who have been touched by gun

[00:24:43] violence. It shouldn't be that way. We shouldn't have one of our most vocal groups of people involved in politics be involved there in large part because of the harm that they've experienced firsthand. But that is the situation that we live in. That's the country that we live in. And so for that, I just want to extend my condolences and my gratitude. And I also just want to point out all the good work you do. I know I've been to plenty of events that Moms and through their Be Smart program has offered a lot of really instrumental tools for people who live in households with

[00:25:22] any number of other people in them. They often will have free gun locks at events that they come to. And at least once or twice, they've had a raffle for one of these fingerprint gun safes and have helped me price a fingerprint gun safe. And I was surprised by how inexpensive they are. Instant on your fingerprint, \$99 normally on the market. Amazing. So for people who are already gun owners and see that as some kind of inextricable part of their identity is at least a critical step that you can take to protect your family members from this threat. Thank you. And again, I just

[00:25:56] add my appreciation for your heartfelt message and the statistics that you grimly report, which I think we all need to be aware of, and the services that are provided, the 988. And I understand also So www.988lifeline.org is available on the web for those who access it that way.

[00:26:17] But this message needs to be spread far and wide, and I appreciate what you're doing to do that. Thank you. Thank you. And, Board, this brings us to Item 7, 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.

[00:26:38] And I believe we have a speaker. We do. Neil Williamson, will you please come forward? And I'm going to take the prerogative of the vice chair to simply say, I believe you know the rules. And since you were the only speaker, you have three minutes and you know the timing system.

[00:26:57] Thank you, vice chair. And welcome, interim county attorney. Good afternoon. My name is Neil Williamson, and I serve as the president of the Free Enterprise Forum, a privately funded public policy organization focused on Central Virginia's local governments. The late great rocker Tom Petty once penned the line, the waiting is the hardest part. Perhaps appropriately, that single was on his Hard

Promises album. The community has been waiting on Albemarle County to continue to act on one of their hard promises, affordable

[00:27:32] housing. I appreciated Supervisor Pruitt's comments this afternoon. One solution that seems to have slipped through the proverbial cracks is allowing residential uses in commercial office space. The Free Enterprise Forum has been privately and publicly pushing the concept for well over a year, rather than requiring a commercial owner to rezone an entire property.

[00:27:56] Such a zoning ordinance change would allow a portion of the parcel to develop as residential units, while another portion continues to function as commercial office space, creating new housing without costly rezoning. Across the country, municipalities are recognizing the need to adapt to the new work-from-home realities.

[00:28:17] Some are using tax dollars to encourage the conversion of now overbuilt office and retail space into much needed housing units. The Free Enterprise Forum is not advocating for such financial incentives. Instead, we are advocating for government to get out of the way and allow residential units to convert in commercial and office.

[00:28:43] Last year, when we pushed on the issue, we were told, get a board approved resolution of intent. then staff can work on it. For six long months, we worked with staff, we worked individually with each of you, and in February, we got a resolution of intent. We're ready to go. Since then, nothing has happened. Now, we are being told there are lots of resolutions of intent. That doesn't mean a priority. Based on our discussion with private property owners, we believe allowing, not

[00:29:18] incentivizing, not investing, simply allowing housing in office commercial zoning could produce over 100 units. While we recognize 100 affordable units will not solve Albemarle County's housing affordability crisis, it will make a difference to 100 families. Based on the lack of action so far this year, I have to ask, does this Board of Supervisors consider 100 affordable units a priority? This is something you can do without action in Richmond. You can do this today.

[00:29:56] Please let me know what I should tell those families who are seeking Albemarle affordable housing. I really hope it's more than just wait. Thank you for the opportunity to speak. Thank you. We have no other speakers. This brings us to item eight, our consent agenda. I'm not aware of any request to pull any items, so the floor is open for a motion to adopt the consent agenda. So moved.

[00:30:21] Second. We have a motion from Supervisor Malek, a second from Supervisor McKeel. Without objection, if the clerk will call the roll. Lapisto-Curtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews. Yes. This brings us to board, our action item for this afternoon, SE 2024-14, which is 6316 Estes Lane Homestay, presented by Ms. Leah Brumfeld, Senior Planner 2.

[00:30:49] Welcome. Thank you, board. There we go.

[00:31:06] And as noted, my name is Leah Brumfeld, Senior Planner 2 in zoning, and I am bringing before the board special exception 2024-14 for an accessory structure at 6316 Estes Lane to be used for a homestay. The parcel is 26.87 acres, zoned rural areas, located in the Whitehall District. The parcel currently contains a single small family dwelling built in 2021 and a pole barn used as a farm building. The structure proposed for use as a homestay is the single

[00:31:40] family dwelling, but it would be converted into an accessory structure if this homestay special exception is approved. As noted in the applicant's request, attachment B of the packets, the owners will continue living in the existing dwelling until their new house is built, at which time the existing dwelling will be converted into an accessory structure by removing kitchen fixtures, at which point it would need the homestay special exception. So by right, because this parcel is over five acres in size. It is permitted to rent up to five guest sleeping spaces within a single

[00:32:15] family dwelling or an existing accessory structure built before August 7, 2019. The applicants are requesting to hold a homestay in an accessory structure that will be in existence if this is approved. Oops, sorry. As the owners do reside on the parcel and the property does meet setbacks for the structures, the use is by right. The only exception required is for the use of the accessory structure. After all of the permits and building is approved, the owners would be

[00:32:50] required to apply for a homestay zoning clearance, and during that process, the structure used for the homestay would be inspected for building and fire safety, and a budding owner's notice would be required, and the property would be inspected for entrance requirements and all other regular homestay requirements. Currently, the property is currently in compliance with zoning and taxation requirements. So as we noted, the applicants have said that they built the existing small structure

[00:33:24] marked on this plan in a blue star, which is only around 880 square feet, was built due to construction pressures in 2021, which was forcing them to be unable to build their longer-term intended larger dwelling. However, they would like to now build the larger structure shown in the plan here with the green star, and they would like to convert the existing structure into an accessory structure to use as a homestay. The applicants have also noted that the property

[00:34:00] does contain sufficient development rights to retain the dwelling right now, but they would incur a cost of developing a site plan for the property and probably increasing the the driveway standards to meet requirements for the site plan and they do not wish to do that. Here you can see an aerial of the site. The existing dwelling, the 880 square foot structure is shown again with a blue star and the site of the proposed new dwelling that they will be building if they can

[00:34:38] have this approved as an accessory structure is shown in the green star. This is a photo showing the location of the proposed dwelling. It's currently being used as a dressage field for horses. And in the back, you can see the line of trees that you can see in the aerial here.

[00:35:07] I knew that the board were probably interested. This is the existing pole barn. It is used for largely farm equipment and some old garage-type windows and things like that.

[00:35:26] So as a summary, this request is for an accessory structure built after August 7, 2019, to be used as a homestay. The parcel is 26.87 acres in size, retains unused development rights, but the applicants have indicated they do not wish to subdivide the parcel due to the existing lines and easements and the preference to keep their parcel.

[00:35:58] Since this request is for an accessory structure, the development rights are unaffected, and the conversion of the structure from a dwelling to an accessory structure is by right. And had the 880-foot structure been built before August 7, 2019, this would all be by right as well.

[00:36:22] So looking at just the use of an accessory structure outside of any other situations, staff does not believe there's any adverse impacts to the surrounding neighborhood or the general public health,

safety, or welfare. The homestay use is by right accessory use.

[00:36:38] And due to the size of the parcel, proposed size of the existing structure and a footprint significantly smaller than the existing pole barn, the structure is consistent with the surrounding neighborhood so we have analyzed this looking at the property and the greater context of the neighborhood and staff recommends the following motion for approval thank you we'll go through our order for questions supervisor lupisto currently

[00:37:10] thank you for your presentation i just had one question they're asking for an approval of this in their their the home they want to build is under review why aren't i mean i'm just asking why aren't they asking for permission for that to be a homestay after they build their home coming before uh they they've indicated that they do not wish to convert the existing structure

[00:37:45] into an accessory structure unless they are assured that they can have some return on that so that they have enough that they will be able to comfortably build the new home. Okay, well, that makes sense.

[00:38:02] What about if their new home is denied for whatever reason? As a building permit, it would just need to come in. It would need to meet compliance. It's not a subjective decision.

[00:38:21] If it's denied, the architect will come back and then redesign it, and then they will submit it again. Okay, okay. So they would not be allowed to use it as a homestay prior to their permanent home being built. Is that correct? Correct.

[00:38:38] They would, sorry, let me clarify. The structure that they're in right now, they could use that as a homestay while they're living in it. So if there's an additional bedroom, they can rent that out.

[00:38:55] they could do unhosted stays on weekends. But that's by right to do a single-family dwelling homestay on a parcel, because they're going to be turning it from a single-family home into an accessory structure. That's why the special exception is required.

[00:39:13] Thank you very much, Tensel. Supervisor Malek. Thank you. I have no questions about the permit, but two questions that you can answer now or later, which is since they have development rights, they could just assign on the same lot undivided a second one of the development rights to the other house and leave the kitchen in, correct? Yes. And secondly, it used to be that fewer than three houses, you did not have to have development standard driveways. So I just want to clarify, has that changed? So they do not have public frontage on a public road? They have an easement to begin with. They have an easement,

[00:39:50] yes. Okay. Thank you very much. Supervisor McKeel. No questions. Thank you. Supervisor Pruitt. No questions. Thank you. Thank you. And I believe my questions were answered and they were more out of curiosity. So I appreciate that. And board, then I believe the matter is back before us. It's in the Whitehall District. Yes. And this, I thought I was way out in the country, but these folks are really way out in the country and it's a lovely spot. You know, the dirt road at the end of the dirt road is the description. I move that the board adopt the resolution for se 2024 14 63 16 estes lane homestay attached to the staff report as attachment

[00:40:29] f second we have a motion from supervisor malik second from supervisor mikhael without objection if the clerk will call the roll miss lapisto currently hi miss mallet yes miss mikhael yes hi stranger yes thank you uh we're ahead of schedule but i see that chair lee is here so Our next item is the board-to-

board quarterly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

[00:41:00] And this is, of course, welcome to Ms. Judy Lee, the chair of the school board. Thank you. Good afternoon. And we will be having staff from the division coming down.

[00:41:16] I think they're filtering down the news that it was a little early just got out. So good afternoon, Chair Andrews and board members. I'm Albemarle County School Board Chair Judy Lee, and I'm here with Vice Chair Dr. Acuff. And we are pleased to update you this afternoon on the beginning of the 24-25 school year at ACPS.

[00:41:36] So first, I just wanted to start by correcting some information that was submitted about our enrollment this year. It was incorrect in two ways. The first is that as the year is only now nine days old, it's far too premature to be looking at enrollment figures. So they will continue to fluctuate broadly before the 30th day of the year. And on top of that, unfortunately, the number that was included was also inaccurate. So it indicated that enrollment had dropped this year with all of the caveats that I just gave it being day nine only. We've actually so far seen a small increase in enrollment and slightly more students than we had projected. So as enrollment

[00:42:16] continues to stabilize at the beginning of the year, we'll share more at a later date. But I just wanted to correct that information that had gotten out there. Thank you. I also want to update you on transportation because I love good news. Perhaps the most exciting update is that ACPS started the 24-25 school year with 100% of our bus routes covered. However, covered does not mean that the transportation department has optimal staffing. We still lack some important office staff and enough drivers to unstack those routes, several routes, which require drivers to make return runs. So you

[00:42:53] may ask, how did we energize our recruitment of transportation staff? Thanks to the partnership of the ACPS Transportation, Human Resources, and Communications Departments, ACPS ran an intense recruitment campaign starting in March that resulted in 92 applications for various roles in the Transportation Department. In addition to recruiting bus drivers for the empty routes, the Transportation Department also hired an additional full-time trainer, a new area transportation supervisor, a program manager for special needs students, and a new router. We currently have a starting salary for bus drivers of \$23.56 per hour, which is higher than other bus

[00:43:33] drivers in the area. We also offer CDL training and a signing bonus. In addition to the staffing already in place, ACPS currently has 15 full-time drivers, three part-time drivers, and three transportation assistants in training. Our Department of Transportation plans to use these new hires to start unstacking routes, which will help reduce the ride time for our secondary students. In addition to continuing to recruit bus drivers and transportation assistants, the transportation department is still looking for an additional area transportation supervisor, a lead bus driver, two dispatchers, one router, an assistant director, and an operations manager. So

[00:44:11] anyone listening, please apply. We are happy to have you. Another priority, high priority of Jamie Gellner, ACBS's new director of transportation, is retention. So we are really looking to retain a higher percentage of our transportation staff so that the task of filling so many positions will not be so bad next year. I also wanted to give an update on SOLs. I know that people in the community and the board of supervisors are interested in that information. So on August 19th, you may have seen that the VDOE released data on the 23-24 SOL pass rates. The good news is that

[00:44:48] the division saw gains in overall pass rates in math, reading, writing, and science SOLs for students in grade 3 to 8. According to the 2024 assessments, 75 percent of ACPS students passed the reading test, which is an increase from last year's 74 percent and above the statewide average of 73 percent. Another positive note is that ACPS also saw improvement in pass rates for the vast majority of our demographic groups that have consistently shown achievement gaps, including our Black, Hispanic, multi-race, students with disabilities, economically disadvantaged learners,

[00:45:23] and English learner populations. Although we have seen SOL improvements and the trend lines are moving in the right direction, persistent achievement gaps remain among these groups, and we are continuing to do good work on that. Pass rates for our Black and Hispanic students from economically disadvantaged households, students with disabilities, and English learners continue to fall below the division-wide averages. For example, while 75% of students overall passed the reading SOL, only 50% of black students, 49% of Hispanic students, 44% of students with disabilities, and 50% of students from economically disadvantaged backgrounds, and 30% of English

[00:46:03] learners met that benchmark. Math scores also improved, with 72% of students passing the math SOL, up from 69% in 2023, and above the state average of 71%. As with our reading results, some of our demographic groups showed achievement gaps. Our focused efforts, based on the bellwether audit for our reading and math curricula two years ago, increased tutoring, and the implementation of our new literacy curriculum, will result in continued improvement. We will also be adopting a new math curriculum during the course of the school year, and I believe Dr. Acuff will be talking a bit more

[00:46:37] about that. So now I'd like to hand it off to Dr. Acuff for a few other topics. Thank you. Welcome Dr. Aka. Thank you, Chair Lee. Good afternoon, Chair Andrews and members of the board. I'm going to talk to you about three topics. One, cell phone use and policy. Two, our literacy and math curricula. And third is a new partnership we have with community schools, communities in schools of Northern Virginia. You've probably, first cell phones, you've probably all read articles, seen

[00:47:15] it on TV, read even books, about how social media generally, including cell phones, impacts students' emotional development and interferes with learning. In fact, there was another piece just last week in the Washington Post, citing a fall 2023 Pew Research Survey of high school teachers, in which 72% reported that students getting distracted by cell phones is a major problem in the classroom.

[00:47:45] And the NEA, the country's largest teachers union, reported educators' widespread frustration with cell phone use and encouraged local policies to restrict cell phones during the day. And the latest thing I've seen that at least 30 states have some sort of statewide policy on cell phone utilization, including now Virginia.

[00:48:09] On August 15th, pursuant to Governor Youngkin's executive order, 33, the Virginia Department of Education released draft guidelines for cell-free education in Virginia schools. These guidelines defined a cell phone-free education as the elimination or restriction of cell phones and other personal electronic devices in public schools from the time the first bell rings in the morning to the dismissal bell at the end of the day.

[00:48:37] Well, before the governor's guidelines, ACPS had a cell phone policy called Away for the day that provides that student cell phones and other smart devices be turned off and put away during instructional time. For elementary age students, this translates to cell phones being turned off and stowed

away for the entire day. That's easy. However, current ACPS policy differs slightly from the VDOE draft guidelines as we allow our secondary students to access and use

[00:49:13] their cell phones and smart devices between classes and during lunch periods. Additionally, exceptions may be made by teachers for students to use their cell phones during class if it's relevant to the day's lesson. The challenge for our policy or any cell phone policy that restricts access is enforcement. Another challenge is that many parents believe that students should have

[00:49:46] access to their cell phones as a security measure in our schools. To find a more enforceable ACPS policy, we're doing two things right now. We're doing two things. One is we are piloting yonder pouches at Walton Middle School for the 24-25 school year. If you're like me, I didn't even know what a yonder pouch was it's basically a sleeve to insert your phone there's a magnetic lock on it it was originally developed to keep cell phones from going off during concerts and other events

[00:50:24] but so far about 34 states have had brought them into the schools to regulate cell phone use under this pilot when a student arrives at walton they'll deposit their cell phones and other smart devices in a yonder pouch which will then lock and they can't access it until they go to an unlocking device some school divisions i know have unlocking devices in the classroom like if there is an emergency you have to get a cell phone i don't think that that's what we're doing but i

[00:50:56] honestly don't know this year this year we are also implementing a cell phone policy enforcement committee to evaluate the effectiveness of our cell phone policies and procedures to guide any necessary adjustments additional resources and professional development to ensure that our practices best serve our students and staff so far the so far there's not a lot of good research on the impact or effectiveness of cell phone restrictions during the day most of what we know

[00:51:34] is anecdotal. Teachers do report greater attention and also greater social interaction among the kids. I mean, kids during COVID in particular got used to looking at their phones, and you can see them even in cafeterias or lunchtime, you know, looking at their phones instead of talking to their classmates. So that's another benefit, but the data is not robust at this point, and certainly it does not solve all social media issues it just serves oh we have we have show and tell let's go on the

[00:52:08] pouches you've seen them before i had not um the enforcement committee will be made up of students parents caregivers educators counselors and other division leaders to provide a variety of perspectives to this work and the first meeting if you care to join is tomorrow night um second it, I'm going to talk to you about updates on our literacy and math curricula. With the passage of Virginia Literacy Act in the 2022 General Assembly, Virginia is taking a lead nationwide to improve

[00:52:42] early literacy outcomes for Virginia's young learners. This is important because data from surveys such as the National Assessment of Educational Progress shows reading proficiency for nationally for fourth graders is abysmally low. I mean, it's about 37%. And if you break that out demographically, this is national data, it's not necessarily ours. But if you break it out nationally across demographic groups, you'll see reading proficiency ranging from 18 to 57%.

[00:53:15] So nowhere is it where it needs to be, in my view. Research also shows us that students who are not reading proficient by the third grade, have poor grades throughout school, have higher rates of absenteeism, have lower rates of going on to college. So a focus on early literacy is keenly important.

Through the Virginia Literacy Act, the Virginia Department of Education will support school divisions through a multi-year effort with tools, resources, technical assistance,

[00:53:49] and all-important funding. Beginning in 2024, the school year, every student in kindergarten through grade five will receive one core literacy instruction in scientifically-based research and evidence-based, scientifically-based reading research and evidence-based literacy instruction as defined by the VLA. Students in kindergarten through eighth grade will also receive evidence-based supplemental and intervention outlined in an individual student reading plan if they don't

[00:54:27] meet literacy benchmarks. Last year, we convened another committee because two of educators, parents, literacy specialists, and division staff to vet the six VDOE-approved literacy curricula. After several meetings and a lot of feedback, they selected HMH Into Reading as our new literary curriculum. HMH is Houghton Mifflin Harcourt. They do a lot of educational

[00:55:05] materials and partner with research entities to make sure it's very evidence-based and focused on kids. HMA into reading program focuses on the five pillars of literacy, phonemic awareness, phonetics, fluency, vocabulary, and comprehension. It's also notable that it provides a wide range of materials to give students many choices, and it's implemented across disciplines, math, science, social studies. There's reading in all of those, so it is not just a one-shot attempt to promote

[00:55:42] literacy. Over the summer, division staff are trained on these new materials, and this program is being fully implemented in our classrooms this fall. HMA into reading facilities, facilitators and trainers will make several visits to ACPS to support our educators and ensure full implementation of the program. Following our shift to this new literacy curriculum, we are anticipating DOE's plans related to plan to release direction related to new elementary school math curriculum

[00:56:20] in January we'd hoped it would be before this fall but it'll be the next school year when we can look to implementing it we will use a similar procedure or process to selecting materials and then training I hope would be next summer training and in addition to planning for new elementary century math curriculum. Our math curriculum coordinators are now working to redesign our middle school math curriculum to allow students to gain the skills necessary so they can take

[00:56:54] Algebra I in eighth grade instead of pushing it to high school, which often interferes with their coursework to get into college. The third thing I'm going to talk about is communities and schools. Community schools, as many of you probably know, is not a new concept.

[00:57:13] It basically recognizes that schools vary by neighborhoods and needs, and it is important to engage the community and organizations to support the full range of those needs. Communities in schools, as a non-profit organization, or CIS, is a non-profit organization focused on that model and employing evidence-based methods to help students overcome obstacles to succeed by collaborating with parents, educators, community-based organizations,

[00:57:46] school and district leaders. CIS has affiliates in 27 different states across the country and 3,500 schools, and they touch more than 2 million students. This year, ACPS is partnering with Communities in Schools of Northern Virginia, one of seven CIS affiliates in the state, which will, with the addition of ACPS schools, will be working with 21 schools in Virginia.

[00:58:20] CISNOVA's board chair, they have a lot of very illustrious people working with them in Northern Virginia. The board chair is Sean Millican, former head of global social innovation at PayPal. It

has a trustee council that has governors from both sides of the aisle.

[00:58:37] The first CIS location in Virginia was in Richmond quite a few years ago now. But it has also the financial support of the McKenzie Scott Foundation, the Balmer Foundation, and Amazon, among others. So they're a really good organization to partner with. The CISNOVA partnership with ACPS will launch a three-year pilot focusing on four schools, Greer Elementary, Journey Middle, and Albemarle High School, which means all of Lambs Lane campus's 3,000 plus students will be part

[00:59:13] of this collaboration, and as well as Red Hill's almost 200 students, which means it will be addressing the needs of students in the urban ring, as well as one of our more rural and smaller schools, more isolated schools. The pilot will employ five site coordinators, two at Albemarle, one at each of the other three schools. In addition, CIS will employ one division-wide program coordinator. Once the coordinators are in place, they will compete a needs-based

[00:59:50] assessment for each school and they will determine how they can best help. CISNOVA plans on focusing supporting students basic needs encouraging daily attendance which is a significant issue Red Hill for example I think they're there maybe it's a year or so old but 21 percent were of absentee rate which is pretty high for chronic absenteeism also supporting our social emotional learning and providing college or workforce support for our graduating seniors. In conclusion,

[01:00:27] we're proud of our progress as we kick off this school year, especially in areas like transportation, SOL improvements, new curriculum implementations. Our efforts to address challenges such as cell phone use in schools, staffing in key areas reflect our commitment to enhancing student experiences and outcomes. And the partnership with Communities in Schools, NOVA, also marks an exciting step forward in providing additional support to our students. We appreciate your attention, and we're now ready to answer any questions you may have. And thank you for your continuing support of Albemarle County Public Schools. Thank you both, and we'll go through

[01:01:06] our order. Supervisor Lupisto-Pertney. Thank you very much, Dr. Acuff and Ms. Lee. Really appreciate you both being here. Our unwavering support is always there for the Albemarle County Public Schools. You guys do a great job. I will say, spending my years in education, I love your cell phone policy. And I think that's really going to assist middle school. I look forward to it being going into the high schools, especially because that's where you have a large problem.

[01:01:46] Children don't interact, and they need to interact. They need to talk to each other. They need to socialize, and frankly, not only during the class time, but during lunch, during recess, whatever free time they have. That also helps children that tend to be loners because then they're talking to other people.

[01:02:06] They're interacting with other people. That helps them. So that's huge, and I really, really support that. Early education, I've been a proponent. Early education, as you know, is very extremely important. That sets the foundation.

[01:02:21] We all know that our parents are our first teachers. Unfortunately, not all parents have the time or the ability to assist their children. So early education is very extremely important.

[01:02:38] So big support on that. I was surprised to hear, because I read the report, that the population had gone down, and now you're saying, nope, it has gone slightly upward. Do you know about how many approximately? Again, it really fluctuates. I think the number was around 300 up at the last that I saw, but

it will fluctuate until the 30th. Oh, okay, because I know today was going to be the day because I know you were down about 250 and now you're up 300. I'm not sure where that

[01:03:12] number came from, but it was incorrect. It was never correct. Okay. Well, we add 200 to 300 students a year. Okay. Okay. Well, that's, we don't know where we are yet. Okay. Well, and kudos regarding your having enough bus drivers or at least to be able to cover all the routes. I appreciate that very much, having been asked that a lot. I think we all were.

[01:03:40] We've had many fewer emails from parents. Yes, yes. Thank you very much for your presentation. Supervisor Malek. Thank you, and so much good news. Congratulations on many fronts. So I would just encourage, as you need to fill more driver situations to provide your route improvements. The Workforce Center over on Glenwood Station has links to the driver training at PVCC with workforce dollars from WIOA, federal and state. So please avail yourselves of those

[01:04:16] people who are there to help you so you don't have to reinvent the wheel and do it all for yourself. You mentioned new positions and things for dispatchers compared to before. Is that because there are new systems now you said you were had oh maybe they're just opening they're just opening okay so they're not new new things but just that that was my misunderstanding and I was struck by and I'm sure it's correct it's just that oh there isn't enough data to be able to make a database decision about the cell phones or something like that and I'm thinking

[01:04:55] okay if you look around the room and you see kids talking to each other that's enough for me because I know it's not going to get you a Pulitzer but for heaven's sake and what I've heard from even people parents and whatever is that after the initial disgruntlement kids are actually coming home now and saying boy it's so much more fun and and they're not just feeling isolated so well done on that and hopefully those pouches will really work there was radio thing where people the security person checking people and was saying you'd be surprised how many things are being put in there you know a deck of cards or a stick of gum or whatever so people to try to try to smuggle

[01:05:35] something in so i know there will be work for you all to do to make sure that this is actually properly carried out but well done i look forward to learning more about your success with the new curriculum thank you supervisor mckeel yes i do have a couple of things um and i want to just comment um on the fact that i'm thrilled to hear about the phonetics phonetical training anyone who has sat in this room and listened to me attempt to pronounce names who learned to read by sight and not phonetically understands the importance of phonetically. I'm sure we can get you a primer.

[01:06:14] I'm just saying. Anyway, that's great to know. That was just an aside. I'm just curious, how many new teachers did y'all hire this year? Down a little. It was down a little bit. It was more in the 150, about 150.

[01:06:31] that is down from your normal yeah yeah it was 160 160 yeah so last year i think it was more like 240 or yeah so so teachers yeah you're keeping them that's great you're stabilizing that's perfect that's what i wanted to hear that's really great um and about 20 of them i think were album or alone oh that's great exciting yeah um you all are and i just thought about this question because i just had a discussion with several of the leaders at the naacp you all

[01:07:07] are going to the um historically black colleges and are you all offering um um what do i want to say early um early positions offering early positions to those folks like you we used to years ago and i see

matt's coming he knows what i'm talking about yeah we do we do recruit at hcpu universities they carry contracts with them and hire people on the spot that's great because you know matt when i was on the school board that worked so

[01:07:45] beautifully for us so i had someone from the nacp ask if the school system was still doing that and i was just curious i i think our our percentage of black teacher hires was about 14 percent oh which was I think our highest that's the highest I've ever heard that's wonderful now if you can just keep them because it used to be we would hire and then lose and then hire it it was like a whack-a-mole you know but anyway that's wonderful um all right great another thing I wanted to ask about was the um Elmar County Public Schools Foundation the work of your

[01:08:20] foundation is continuing and um we're gaining traction okay all right where would I go to find out information about the foundation do they have a website i guess it's it's within the website of of your school system okay yeah all right so i have to look there that sounds good um i was thrilled just to say thank you because i know you're sending your director of transportation to champagne urbana to the um i think there are 22 people going on that trip to include folks from

[01:08:57] charlesville albemarle the university of virginia you guys so that it's going to be a i think a really great trip that's a trip you went on i went several months ago yes yes and we're repeating it but i'm just thrilled that your director of transportation is going because it's such a an interesting model to look at for transportation um and of course um that particular community is a university community of about 50,000 students as opposed to UVA's 25,000. And they have one system that offers transportation for public school, university. I mean, it's really a great

[01:09:37] model. So anyway, thrilled to know that you all have someone going. I'm just looking at my notes here. Oh, I saw this. There was a news report. I don't remember if it was on CNN or what it was on, but I was watching it about junk fees that are being charged to families that are purchasing school lunches through these payment platforms. And I was just wondering if you all

[01:10:14] have a sense of, so your payment platform that you use for your school lunches, whatever that platform is, is not charging junk fees. And I see Matt shaking his neck head no, because this is really making the rounds right now. So we're in good shape. Glad to hear that. Thank you very much.

[01:10:32] And the only other thing that I have is we have obviously lots of proposals that come to us in the way of developments, specifically housing. And almost always one of the criteria that they look at is the impact for schools. And I've talked to Kate about this before. And you're all

[01:11:06] spreadsheet, which is what they always quote. And I just want to read to you because I think it would be interesting for you because you all don't read what's in our packets. And I get that. You shouldn't. I don't read what's in your packets either. But this is a proposal that we have in the Scottsville district that's coming to us this afternoon. And it says, schools living in the development area designated for Mountain View, because it's in the Scottsville district, right?

[01:11:37] Walton Middle School and Monticello High School. Based on the 2023 Almar County Schools Long-Range Planning Advisory Committee recommendations, Mountain View Elementary School and Monticello High School are over capacity. Walton is under capacity. Mountain View Elementary School is well overcapacity and will be 200 students or more overcapacity in the future years. Now, on the surface,

that's an accurate statement. Having said that, it doesn't recognize that by the time this development is built, you all will have a new elementary school. We'll have a new elementary

[01:12:15] school with a capacity of 550. So I'm just seeking, and we go through this, the Planning Commission, every meeting when we have a development, and it's not our staff's fault, It's not your all's fault. Just trying to figure out how to, because they always go to the spreadsheet, trying to figure out how to make everyone aware that they're not just schools that are being dreamed about in the pipeline.

[01:12:44] These, the schools that are actually approved and funded that are going to be built so that staff knows that, you see where I'm going with this? We would appreciate your help because it would save a lot of angst as those developments are coming to us when we're talking about them with the community.

[01:13:07] After we spoke, Diantha, I did send a note to Roslyn, and I will follow up on that. Yeah, and I just thought it was worthy of you all to just, because we happen to have one in our packet today, of hearing what the language is. And I read this, and I know, and B knows, and we know up here that you all are building another elementary school but you wouldn't recognize it by looking at this as i recall the other the other case that you mentioned to me was an expansion of tandem perhaps and it was justified it would put a lot of take a lot of pressure off of right we hear that a lot yeah oh approve this

[01:13:46] private school because it takes pressure off of the school public schools because all of these schools are at overcapacity so we want those kids so and you want those kids right exactly we want as many right so anyway this sheet if we can sort of clarify it a little bit and i really appreciate the time and thank you very much we're it's great to see you guys here and uh maybe we can at some point think about a joint meeting in the future to talk about some data and what our data looks like in the magisterial districts and the school districts and share some information because

[01:14:24] we haven't done that in a long, I think it was pre-pandemic. I haven't done that in a while. It's always, you know, budget out there. Yeah, it is always hard to get a date on the calendar for all of us, but it would be fun to get together and share some data. Thank you. Thank you, Supervisor Pruitt. Yes, so first I want to join all my peers in just saying how grateful we are to hear the good news about the bus driver situation i know you know however long ago it was like a year and a half and change when i first started uh canvassing um uh for my own

[01:14:58] campaign uh i could not convince people that i did not have control over bus driving uh and it was the issue that knocking doors i heard more from any other issue from constituents i want to say that dr haas passed his cdl physical yesterday so he's on the ready yeah it's good to hear um so uh thank you so much for the work that's that's gone into that um i am going to be very interested and i'm curious what uh what on your end is going into kind of capturing data from the teacher experience of implementing the virginia literacy act this is something i'm

[01:15:38] somewhat attuned to i'm not i don't profess to be very familiar with what's in there but i was i was friends with a lot of people who were involved in the sausage making of the most recent update to the to the act um so i'd be curious to hear i i understand there will be growing pains and i'm uh i'm interested to know kind of what data capture y'all are doing from your staff in order to frankly because as were illustrated during my early remarks so much of our power is held up in richmond and i i'm curious what you're doing to make sure that richmond hears what it needs to the expert and the person leading the charge is dr chandra hayes and she and i'm calling her up here.

[01:16:18] She's introduced me. I love when someone starts discreetly creeping down the aisle being like, this is coming. Well, and to say expert, I'll take that. I'm Chandra Hayes, the Assistant Superintendent of Instruction for Albemarle. I'm in year two now. But I was fortunate enough to work with the group last year as we were adopting HMH and going through the changes from the VDOE with the Literacy Act.

[01:16:44] And so some of the things that we're doing to get information from our teachers. One of the processes that we did when we were adopting the curriculum is made sure we had a teacher representative from each of our elementary schools on the committee so we could constantly get feedback. We also have set up, it's not a position, it's a teacher in the building that serves as like an HMH champion, and they are responsible for providing feedback to the team about what they're hearing in the schools, what some challenges the teachers are having, and then taking information back. At the central office level, we have a team of staff members that are working to kind of work through the act. Unfortunately,

[01:17:22] sometimes things change. We have a plan and sometimes things change. And so what we do is just come back to the table, figure out what's the best course of action so that our teachers are impacted as little as possible, but to make sure we stay compliant. And so we use some of those different channels in those building-level meetings, our division-level PLC meetings, as well as having those conversations with our HMAS champions, our reading specialists, to see, you know, get the feedback, not only on what we're using internally, but what information is coming from the state. And so, we have been fortunate enough to have conversations and open dialogue with the state, so that if we have some concerns or challenges, we can ask for extensions

[01:18:00] of time or just clarity on their requirements. Awesome. Thank you so much. You're welcome. And just as I, this isn't for you, sorry. I wanted to just say as one other thought, I had the opportunity to chat with one of my husband's younger parishioners who is a high schooler in Fredericksburg a few months ago.

[01:18:23] And they have also recently implemented these yonder bags as public policy and just got a little bit of student perspective on how they work. And I came away with kind of two thoughts. First is, boy, howdy, I wish I had had the idea to put a magnetic lock on a Faraday bag five years ago and have a startup business.

[01:18:44] Because it sounds like whoever got this idea has made buku money on local government contracts. And I am jealous of them. I'm sorry. \$25. About \$25 a bag. Woof.

[01:19:01] So you can put it. Yeah. Dang. um and the other the other thing is just how um how kind of grim it is and i know we've already touched on this but she was telling me how many of her peers hold their bags with them at all times because they're almost a comfort item how frequently you'll see people phantom swiping on their bag um it's dark out there y'all really sad it is sad that's all i got and honestly like i will say i as an adult i wish i had a yonder bag i mean obviously i can get one or i can put my phone in a different room but i think that there are so many adults who are addicted to

[01:19:39] phones and social media i've got mine buzzing right here on my butt so i can see what neil's tweeting back there thank you uh i again uh add my congratulations on the successes that you've reported with the school buses with the additional achievement on SOLs and the curriculum changes that you propose all sounds great. With respect to the cell phones, we had our proclamation on suicide awareness and mental health issues, and I cannot help but connect these two issues

[01:20:14] and hope that your policies can help students regain sort of a sense of equilibrium with respect to their use of social media, anyone's use of social media, because it's an isolating in terms of physical, immediate contact with your surroundings. So I also, as a businessist, applaud the idea that you'll get algebra back to the eighth grade. I do think that's necessary for competitiveness in the science and engineering fields, and something that I would hope our public

[01:20:50] schools would not fall behind other schools in terms of the opportunities that students have coming out of the public schools. So I applaud that. And those are my comments. So if anyone else, Supervisor Malik. Thank you. A couple of things I forgot. Just in general with the cell phones, I think the result will be, as a grandma, increased resiliency on the part. I mean, boredom is not a bad thing. Boredom is when people invent things and you don't have to be constantly entertained. And there seems to be a whole generation of people who think that dead air

[01:21:26] is dangerous. But I agree. I argue the other. So I think that hopefully kids will realize and adults as well will realize that being disconnected is worth it in the end. So questions to leave with you. I hope that you will see, but I have no idea, that traffic around the school zones will fall, drop off pickup traffic. I mean, what's immediately, what I get in photos every day is the Crozet, I mean, the Crozet Avenue line and the Old Trail line. So while we wait a couple of years, if the roundabout at WOS gets approved, then, you know, that will be a huge improvement,

[01:22:06] but we're still several years away if that gets approved to be done. So I'll just leave that thought with you. And also a thought to leave with you, have you considered at all feeding lunches for people without fee, as Green and Flaviana are doing for everybody.

[01:22:25] Just, I don't need an answer, but I think that there is still a stigma involved in people being, children being chased down because their account is empty and, you know, given some peanut butter sandwich which you can't eat because they have an allergy or something, it's just too much hostility that's involved generally. And I don't know what the secret is for those other counties, but it was a cool idea and hopefully you all will consider that going forward.

[01:22:48] think the secret is dollars but it's interesting we met uh miss lee and i met with our student school board representatives just was it this week last week i can't remember what day it is and one of the issues that one of the the high school seniors from was he from western he did raise the idea of lunches for everybody and we talked about how he would write a proposal and how we meet with our legislators in the fall and that he could survey his colleagues on that,

[01:23:22] but that was on his mind as well. I believe currently that we have nine schools that have universal. Yeah. It's simply based on the poverty level of the schools. Those are federally funded programs. It's not a local choice to do that. But it is a choice to not have fees at all.

[01:23:45] It is a choice, and I think most people in education would agree that we should just have universal free meals, and we have nine schools in the county now that do qualify out of 24, but it does come down to a significant, we would need to leverage significant funds locally to make that shift to free meals universally.

[01:24:10] And so, in other words, just the comparison among localities, the reason they're able to do that is through federal funding. But for socialization and getting good local food into your school systems, it might be a real boon to have the numbers who are eating higher.

[01:24:28] Anyway, thank you. Thank you. Supervisor Prout. This is just something that popped into my head as Chair Andrews was discussing, the connection between mental health and cell phone addiction. I know there's kind of an early stages class action nationwide around social media addiction that is seeking to certify members of a class that represents teens and school-aged children who, against social media providers like TikTok and Instagram.

[01:24:59] I'm curious if the school board has looked at possibly certifying as part of that class. We already have. You already have. I thought I remembered something on this. Thank you. That's all I had. Thank you. Thank you for the presentation. I really appreciate hearing from you.

[01:25:15] Excellent. Thank you all. Ford, this brings us to our next item, which is a presentation from United Way by Ms. Ravi Raspetto, President and CEO of United Way of Greater Charlottesville.

[01:25:33] I see you're here. Welcome. We look forward to it. Thanks for having me. It's good to see everybody. I think I've met most of you in person and have known so many people for many years, so I appreciate you. Would you adjust your mic so we can hear you a little bit better?

[01:25:48] Yeah, thank you. tall. I'm sorry. Is that better? Can you guys hear me okay? Barely. Barely. I still need to dig up a little bit also. You're soft spoken. Maybe I need to take my heel off. Okay. How's that? Okay. I have a PowerPoint. I don't know if it is. Somebody will come help you. That's just true. Okay. Thank you. Appreciate that. We sent it over. It was sent over. No. It was emailed over by somebody on staff to the secretary,

[01:26:26] I believe. Sorry, hold on. I can find out. It will be better if I can show the PowerPoint. If not, I can find out.

[01:26:52] Why is it a tech and not a hyphen? Easier to say. It's NATO phonetic. I didn't invent it.

[01:27:06] Plug-in argument about

[01:27:57] getting rid of the Coke machines at the They just cafeteria and a lot of people said, oh, well, we can't do that. Like getting toward with the lunches, too. It was a huge.

[01:28:20] Like they're gone from this building, too, which is great. But that was fair.

[01:28:44] Can we take a recess? I was about to say, I was about to slip out. Okay. We could take a five-minute recess? Yeah, because it's like it's going to be amended. We'll take the five-minute recess and come back. Excellent. Thank you. Take the pressure off.

[01:29:00] Then it'll work better. Oh, I'm good, sir.

[01:29:06] but can you okay i'm just glad we got it sorted oh and this is working now too okay we're all set

[01:37:27] um well again thank you for having me and i'm going to try to be efficient since we are a little behind schedule now this is just our annual update from united way on the impact and activities that we're having here in our community and specifically today we'll look at some data and impact for the county of almore so a little overview of what i'm going to cover united way vision and impact we're going to talk a little bit about the crisis and early childhood education about our early education focus in the county, and then financial resiliency task force, which I've talked to some of you about in the past, progress on that, our family investment program, and driving lives

[01:38:01] forward, and our small business grant making. So United Way focuses on three specific areas, financial stability, school readiness, and connected community. And the headline here is really about creating resilient communities through making sure local residents have access to economic mobility, making sure our youngest learners, zero to four, have access to quality education. And lastly, connecting and convening community leaders around shared priorities, which is what United Way is really providing community here, not just in Charlottesville, but across the state and in, of course, our country. We've done a lot of work to convene in the areas of early education, as you're here today, and also financial stability. So bringing

[01:38:38] community stakeholders together around these important issues. 2024 example of impact. So one of the biggest things for you to remember today from this presentation is that we have a severe shortage of early child care slots, meaning there are a lot of children who need early education, but there are not slots for these children for all kinds of reasons. One, there are teacher shortages in our community, so we don't have enough teachers trained to be in the classrooms.

[01:39:01] The pay for teachers has historically been relatively low, not even a living wage, so it's been difficult to retain teachers. And we lost a lot of our centers and family day homes during COVID, and we're still recovering from that. So if you look at the numbers there, the greatest need that we have right now for Albemarle County is what we call infant and toddler care. 929 kids are right now without child care. So that's the data that we got from, based on birth rate statistics and Virginia Department of Education. So it's severe lack there. And then for children, three to four, there's a 304 slot shortage. And what that means for local economic development is, you know, young parents don't have child care, they can't work. And so it's one of the things

[01:39:39] United Way is highly focused on getting on top of and getting some more slots created through various different programs that we have in place. You likely heard of the relinquishment of the Head Start grant. It's been in the local media. United Way has been working with MACA through that process to support them in whatever way is possible because that was a huge loss of our community of 205 child care slots to very low-income families. So those families that are 100% or less of federal poverty level. Put that in perspective for a family of four, they're earning well under \$25,000 a year. Again, with 205 slots being lost, we convened a group of

[01:40:17] community stakeholders, including Dr. Haas from the county school system, Dr. Gurley, a couple other nonprofits that are interested in early education, like CHIP and Ready Kids, and then some community advocates and funders who work on how we might go about having a community response to Head Start. We've had several meetings throughout the spring, and we've actually decided that United Way Ready Regions, which is the program we run under the Department of Education, will be applying for the Head Start grant in January here for our community. And currently, we're looking to apply for at least 150 slots, of which probably 40 to 50 will be in the county. That's still under discussion with the Albemarle County School System, but that's

[01:40:54] our vision for that. The other thing United Way did is provide 45,000 in teacher stipends to teachers that were formerly working at MACA to work with CDI, which is the firm that came in to run Head Start in the interim until a new grantee is decided upon. The stipends were to help level their pay. A lot of them took significant pay cuts to be able to stay on with CDI. And so we did individual stipends to those teachers with the goal of keeping them in the teaching profession until we can get the other Head Start grant basically accomplished and get that program going here in the community.

[01:41:30] I feel like if you have a question, do you want to wait to the end? Is that better? Or do you want to ask as I go through? Okay. The other big program United Way runs is what we call Ready Regions, Blue Ridge, and Mixed Delivery. So you can see up there the 21 counties that we oversee.

[01:41:45] So it's the Thomas Jefferson Planning District and then Staten Augusta, Waynesboro, Harrisonburg, and Winchester over in the Valley. Currently, we place 514 children in quality early education of which 42 children were in Albemarle County. That means they're going to full-day childcare.

[01:42:01] So we're paying Monday through Friday, 6, 7 in the morning until 6, 7 in the evening, depending on what the family needs for full-time care, which makes a significant impact in our region. It's a grant that we get from the Virginia Early Childhood Foundation that's around \$8 million to \$9 million a year that we administer right now.

[01:42:19] The other significant program we operate is in 134 classrooms. Our part of this is our quality observations. So you can see the breakdown there of how many classrooms were involved in that. But basically, we send observers into the classroom to ensure that the teacher-child interaction is where it needs to be, that it's appropriate for the age of the child.

[01:42:38] And then we do scoring every year of those centers to make sure they're meeting quality benchmarks so that we know those children are ready when they get to kindergarten to learn and compete with the more economically advantaged peers. So that observation program is significant. All that data gets fed back up for Virginia Department of Education. And then we get an annual report so we can go in and help classrooms improve quality.

[01:43:01] Another program that we operate that impacts the county is Coordinated Enrollment, Go to Grow. We used to have paper applications that would be basically at the local schools when you needed early care. And today we have a really robust online program with wraparound services where a family can go online and apply for child care based on where they live and what kind of wraparound services they might need and what kind of hours they're looking for and what kind of transportation needs they have.

[01:43:25] Over 1,800 families have used the system. It's doubled since we launched it in 2021. It's been an incredibly successful program and so successful, we've now launched a sister program in Staten Augusta, Waynesboro, and we're looking at Harrisonburg as well. So we're hoping to bring more coordinated enrollment online throughout the 21 counties that we serve.

[01:43:45] And then Early Learner Scholarships is a longstanding program that we've had with the county. It's a very successful program. Way before there was mixed delivery and a lot of state funding for early education, this was a program we ran successfully. It's a \$161,000 investment that the county makes contractually with United Way each year.

[01:44:01] The cost of child care has gone up significantly. So we're at \$22,000 to \$24,000 per child now, which is just the cost of a college education, state education now in the state of Virginia. If you have a young child or if you have a grandchild in your family, you'll know how expensive it is. So we're actually serving less families now than we used to be able to.

[01:44:19] So 10 families were served this past fiscal year. 72% of those represent single-parent households. And again, 75% of the 1,200 slot shortfall in Albemarle County is for infant and toddler care. So

just want to reiterate that that's a real area of need that we have right now. And Alice, I've talked to many of you about Alice over the years.

[01:44:38] I know Diantha and I've had several conversations. And this is just an example of an actual family that we served this past year and the kind of challenges that they face to kind of articulate what that means. So Alice is asset-limited income constrained but employed. So this local single parent is a case manager at a local Charlottesville nonprofit.

[01:44:56] They have a rental in ESMOT and they qualify for child care subsidy in the state of Virginia. They had two kids with rising cost in child care and subsidy didn't cover all of their child care. And in the middle of all this, she lost the transmission on her one and only vehicle and the quote she got was \$3,000.

[01:45:13] And so in this, again, very real scenario, something we actually walked through with a client, what does she do? And we try to help those clients make those tough decisions every day at United Way. She can take an Uber to work. That's one way that she can try to get around it. We know if you live out in the outlying part of the county, there's no public transportation, so you really just can't work if you don't have transportation, and Ubers can be really expensive, or you can get the car fixed and take your 18-month-old out of child care and over to your mom's, where she can watch your child for free, but she's 30 minutes away in Buckingham, and she also works, and she has to leave at 3 o'clock each day, which means you have to cut your hours back at your job.

[01:45:48] Again, this particular person now runs our family council for our region, talking about the needs of families and child care. We ended up working with this family and giving her two full-time scholarships for her children. And so she was able to afford to fix her transmission and able to keep growing her career, and she's back on track.

[01:46:05] But again, I illustrate this just to kind of make this work a little bit more real today. When we talk about the data and we talk about Alice, that's a scenario, and we have many, many others just like it. For our community, we kind of defined, just so to give you sort of an idea for income, a minimum of 150% of federal poverty level.

[01:46:20] So for a family of four, that's about \$46,000, up to 300%, which is \$93,000 for a family of four. And it gets to be that high if you have two children specifically, if one is under the age of five and needs full-time child care. And so that's the real cost of being able to afford the basics like housing, transportation, child care, food, you know, that kind of thing.

[01:46:40] That is what it costs now to live in our community. Like I said, they work hard, but they make less than they need for basic expenses, including insurance, for example. health insurance. So that's where the Financial Resiliency Task Force steps in. I've talked to you about this in the past, but this is a referral network of several nonprofits you probably recognize all working together. We formed this partnership five years ago, and we essentially put families through a referral network that Network to Work uses with their software system that they developed very successfully to help people with workforce development. And the idea here is a family enters that it makes a three-year commitment, and they're working to improve really

[01:47:16] three things, their annual income through training opportunities, workforce development opportunities, their credit score by paying down bad debt, and their debt to income ratio. And a lot of time, our families come in with really high debt, expensive debt, and it could be auto loans, it could be

student loans, things of that nature. And the idea is that when they're done in this program, they've reached a more economically stable place. And that's always the goal for all of our families. And one of the programs that we run successfully along with the FRTF is what we call our Family Investment Program. This past year, we had 18 families purchased 18 homes, or 18 families were able to purchase homes. All of these families were mostly from Southwood,

[01:47:54] all through the Habitat Pathways program. One of the things we see with a lot of our families is they're not prepared to purchase their home at the time that they're ready. And it takes usually about two to three years to help them get their credit where it needs to be to pay down their bad debt. And one of the struggles we see with these families is that they're going from a 350 lot fee in Southwood to about a \$1,200 mortgage. And so it's affordable by our affordable housing standards.

[01:48:17] but if you're thinking about affordability, it's still a big increase over a lot fee for a trailer home. And so often they're still struggling to make ends meet. And so they've really been able to take advantage of this program with match savings being another primary example is that they save, we help them save. And the idea is that they have money there for any kind of issues that might come up or sort of as a safety net. And this is our fourth year of running this program, the family investment program, and we're getting ready to open it up to other nonprofits like the IRC and International Neighbors. And then lastly, our Driving Lives Board program. We're in our third year of offering this program. The idea is that we get people into affordable vehicles, so they're gently used, not more than five years old. We get them at an

[01:48:56] affordable interest rate. We work with Virginia National Bank, where we raise the funds. They administer the loan. We try to give them very economical interest rate, and we also try to get them that good credit by making on-time payments. Some of the challenges with transportation, there's many, but one of the ones that we see is that the cost of insurance can be as much as a car payment. So that's an area that we really struggle in our region. So we try to build in a six-month program. We're hoping to cover the cost of insurance. The other piece is putting down payment down so we can lower a person's payment. Most families, when they get over \$300 a month, start defaulting and not able to make their payments. So we're looking at all the ways in which we can lower those payments. And then the other big piece, and Ridge was here,

[01:49:33] he talks about it all the time. One of the biggest barriers to work is having an older car that breaks down, like I showed in the Alice example, and not being able to get to work. So a vehicle repair program. So this year we'll be joining forces with Network to Work and doing a program together where we each raise \$100,000 and we invest in vehicle repairs for local families that are coming through Network to Work or United Way to keep people on the road and keep them safe.

[01:49:58] And then lastly, our small business grant making. This is another area where the county has really stepped in and leaned in. This is the second year of working together. The county invests \$50,000 through economic development. We do \$50,000. The city does \$50,000. We had over 20 people apply this year. These grants are \$10,000 apiece and it's to build out capacity for local businesses for those individuals that are socially disadvantaged. It's been an incredibly successful program. One of the stories that you see there, this is Alan Shortbread. He is a county resident, has a business in the city. He got his grant, was able to pause for a moment on how he wanted to market the product and he was able to get his product into Whole Foods and double his

[01:50:37] net income over the grant period, which was just a huge success for him. But we have many other stories like that where just a small amount of money sometimes can allow a local business that's trying to grow and scale a chance to be able to um to be able to increase their revenue significantly so been really pleased with that program and then we also do the minority business alliance with the chamber of commerce so we're in our fifth year of offering ten five thousand dollar grants um last year there was a pretty well-known story that was online and um in the local news about kadisha's kitchen she got her food truck stolen and she had gotten a grant and the grant for five thousand replace the food truck so this is really specific very tactical things that people need to be able to stay in business and grow their business and it's been a really great highly successful program

[01:51:16] so we're grateful to the county for that support as well and that is it thank you for your support and investment and being patient while we got this uh slideshow set up for me today thank you very interesting presentation um we'll go through our order supervisor lapisto kirtland Thank you, Ravi. I really appreciated that. I'd like to get your PowerPoint because everything went so quickly.

[01:51:44] Yes. You're the only person I know that speaks faster than Supervisor Pruitt. But really appreciated that. And I know the work that United Way does in Charlottesville and at Memorial County. I'm really appreciative of everything.

[01:52:02] so thank you yep you bet me and we'll send this out and then i've always offered to meet one-on-one with anybody um here which it's usually better we can get into an hour conversation and dig into data um diantha's asked for a lot of data the past few years and we're always happy to send any of the data on the alice families that we're seeing across our region thank you supervisor malin so i i take notes really fast but i will look forward to getting things as they're posted in the materials because that will be great um with your vehicle repair

[01:52:35] Yeah. Is there any kind of job training program link that would help people learn how to repair cars? Because I know many of our car dealerships can't find staff. And so this may be a new parallel track that absolutely working with Sarah Morton over at the Workforce Center might be a link to.

[01:52:56] Absolutely. We've just started to scratch the surface. Ridge has actually just moved over to the campus at PVCC, and the current CEO of PVCC is very invested in doing more workforce development work and building that. I don't have to let Dr. Rion talk about that, but I know that one of their ideas is to look at where are their gaps in the local workforce and be able to provide that training in either certification programs or two-year program, associate programs.

[01:53:21] So it's definitely on the list of things that we're all considering. A long, long list that you have, so thank you very much. Yes, you very much. Of course. Supervisor McKeel. Great presentation. Thank you very much. And I would appreciate receiving it. So you'll send it to all of us.

[01:53:36] That's really good. Thank you for taking the time to come. And the need for child care in preschool in this community is really significant. Yeah, we are working with a county preschool program right now where they've just applied for the \$10,000 grant through the economic development opportunity.

[01:53:55] It looks like they'll get funded. So that's one of the areas we're trying to tackle it from all directions, which is to invest in those businesses and provide support to them as they grow out their organizations. But thank you. Thank you, Professor Pruitt. Thank you so much for the presentation.

[01:54:10] I know we fairly recently sat down for one of these hour-long Q&A sessions, which means I did ask most of the things I had burning as a question that might have come up during this presentation. Then I'm going to see the rest of my time, but thank you so much for being here.

[01:54:25] Thank you, man. Appreciate it. Thank you. And what strikes me in this incredible presentation with a number of different things that you're doing is we, so many of them touch on education and we just had the representatives from the school board. And I really would like to have coordinated some of that discussion because I think it would be interesting to get the reaction.

[01:54:44] I caught the end of that. And I actually see our director of human services back in the back. And I recognize that there's a lot here that overlaps with things that obviously we're working on together. And that's the part of this that I'd like to hear more about at some point is how it all fits together between the county's efforts, the school's efforts.

[01:55:04] Maybe we can do a presentation just on sort of how the shared priorities align and what we're doing. Because certainly we're close to the county. I would really look forward to that. And that's kind of what I was getting about to Jim when I was talking about working with the school board about a joint meeting around data.

[01:55:20] Some of this would be really interesting. It's getting at that discussion. Yeah, we have rich data now, actually, all the way up through elementary school from Virginia Department of Education. So we're now, like, tracking our students. We start in early education, but we're able to track them into the early elementary school years and the schools are going to.

[01:55:37] So, yeah, absolutely. That would be a great next step. Thank you. Thank you for the presentation. Thanks for having me. Board, it's time for us to go into a closed meeting, and I believe Supervisor Pruitt has a motion.

[01:55:51] Yes, I would like to move that the Board of Supervisors convene a meeting pursuant to Section 2, Decimal 2, TAC 3711, Parents A of the Code of Virginia, first, under Subsection 1, to discuss and consider appointments to various boards and commissions, including, without limitation, the Fifth and Avon Community Advisory Committee, the Agricultural and Forestal District Advisory Committee, the Historic Preservation Committee, the Jaunt Board, the Monticello Area Community Action Agency, the National Heritage Committee, Places 29 Hydraulic Community Advisory Committee, the Places 29 Ryo Community Advisory Committee, Committee, the Crozet Community Advisory Committee, and the Social Services Advisory Board.

[01:56:26] Second, under Subsection 7, to consult with legal counsel and receive briefings by staff members pertaining to actual or probable litigation concerning alleged overpricing. A motion from Supervisor Pruitt. A second from Supervisor Malek. Without objection, the clerk will call the roll. Ms. Lapisto-Kirtley? Aye. Ms. Malek? Yes. Ms. McHill? Yes. Mr. Pruitt? Aye.

[01:56:44] Mr. Andrews? Yes. People are moving on today. good evening um come back out of closed session if we have a motion to come out of closed session supervisor pruit motion to come out of close yeah of course and i do have that physical motion thanks to you i would like to move at the board of supervisors certified by recorded vote that to the best of each supervisor's knowledge only public business matters lawfully exempted from the open meeting requirements of the virginia freedom of information act and

[01:57:20] identified the motion authorized in closed meeting were heard discussed or considered during the closed meeting. Second. We have a motion from Supervisor Pruitt. Second from Supervisor Malek without objection if the clerk will call the roll. Ms. Lapista-Curtley? Aye. Ms. Malek? Yes. Ms. McKeel?

[01:57:36] Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. And board, I believe the next order is that if I'm correct, Supervisor Galloway is standing by with a request to participate remotely in accordance with applicable board rules of procedure rule number 8B1D enacted pursuant to the Freedom of Information act supervisor galloway i see you uh if you would uh please state your location and reason for joining remotely today uh thank you good evening i'm in corolla north carolina on uh family just traveling with my family all right do we have a motion to admit supervisor galloway second we have

[01:58:15] a motion from supervisor lapisto curtley and a second from supervisor malik without objection clerk will call roll miss lapisto curtley hi miss malik yes miss mckeel yes mr pruit i Mr. Andrews? Yes. Mr. Galloway. Well, he doesn't actually get this one, but welcome to the meeting.

[01:58:33] So we have some motions coming out of closed meeting, and I believe Supervisor McKeel, Vice Chairman McKeel, will read those motions. I do. The first motion that I have is to approve the names of individuals who have been appointed to committees. So I'll read the committee and then the folks appointed.

[01:58:51] 5th and Avon Community Advisory Committee, Nathan Holland and Thomas Thorpe. Agriculture and Forestry District Advisory Committee, Peter Greenberg. Doric Preservation Committee, Marsha Joseph.

[01:59:10] Natural Heritage Committee, Joseph Rames and Megan Svetsky. Places 29, which is the Hydraulic Community Advisory Committee. Kendra Walston, Crozet Community Advisory Committee, Sean Bridge, Places 29, which is the Rio Community Advisory Committee, Audrey Coker, Brian McMillan, and Judy Shussell, and Social Services Advisory Board Elizabeth Emory.

[01:59:49] And those, that is it. So that was a motion. So we have a motion from Supervisor McKeel, second from Supervisor Malek, without objection, if the clerk will call the roll. Mr. Pisco-Curdley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes.

[02:00:05] Mr. Galloway? Abstain. Do we have other motions as well? We do. I have another motion. I move to adopt the proposed resolution of the Almar County Board of Supervisors authorizing the employment of an attorney to advise the Board of Equalization as prepared by staff.

[02:00:27] Second. We have a motion from Supervisor McKeel. Second from Supervisor Malek. Without objection, the clerk will call the roll. Mr. Kirtley. Aye. Ms. Malek. Yes. Ms. McKeel. Yes. Mr. Pruitt. Aye. Mr. Andrews. Yes. Mr. Galloway. Abstain. And the last motion coming out of closed session, I move to adopt the proposed resolution of the Almar County Board of Supervisors authorizing the county's participation in insulin overpricing lawsuits.

[02:01:01] Second. We have a motion from Supervisor McKeel, a second from Supervisor Malek. Without objection, if the clerk will call the roll. Mr. Pisto-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Abstain?

[02:01:17] Yeah. And that completes my motions. Okay, thank you. Thank you. And do we have a report from the county executive this evening? No, sir, not this evening. Thank you. Thank you. So next up is

matters from the public, matters on the agenda but not listed for public hearing or on matters previously considered by the board or matters that are pending before the board.

[02:01:39] And I believe we have some signups. I think he's gone to get the sheet. Great. And everybody's in person. No one's online. All right. So we have three folks that have signed up.

[02:01:57] 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. The sign-up sheet is managed by the clerk's office. 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 indicates your time has expired and you will be asked to end your

[02:02:36] 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 Elmira 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. 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. Do not speak from your seat or out of turn. All comments are live streamed, recorded, and published on the

[02:03:14] Almar County website. And the first speaker tonight is Doug Earle. Welcome, Mr. Earle. Please adjust the microphone. Thank you. Good evening, Doug Earle from Scottsville. As I'm sure you know, the Charlottesville City Council adopted ranked choice voting last night. The vote was noteworthy in that both Mayor Wade and Councilman Pinkston stated that they wished there had been more confirmation from the public about how they felt about RCV.

[02:03:49] Councilor Pinkston even went so far as to say he wished there had been an advisory referendum before the vote. But alas, referendums are not an option in Virginia. But good news, we have the next best thing. Our very own and capable Engagement Albemarle communication staff can conduct an internal poll of Albemarle citizens using online public common portal.

[02:04:13] In fact, Arlington County used such a poll prior to their first adoption. And while I would not say that Arlington's poll was a model, I'm sure that our county staff can use it as a reference and conduct a completely reliable poll. In most places in the U.S., where we have RCB, it has been decided by voter referendum.

[02:04:36] In fact, it's on the ballot in five states this November. When you think about it, that makes a lot of sense. Isn't it kind of a conflict of interest for elected officials to decide their own elections? Shouldn't voters decide how the representatives are elected?

[02:04:54] So I suggest you cut yourself some slack and employ the resources already existing on your staff to provide you and the general public an honest empirical assessment of where the county citizens stand on the question of RCV. Some say they want it, some say they don't. But in what ratio?

[02:05:16] This is the key question. Don't put yourselves in the agonizing position of not knowing the relative ratio, as was the case with Mayor Wade and Councillor Peekson in last night's vote. In the end, they

both voted for it, but it was not an easy decision for either. Therefore, I implore you to grant permission to the very competent and talented communications that we have in this county to open a public comment portal.

[02:05:39] Let the county citizens tell you what they want. If citizens are not strongly in favor of RCV, and by that I mean greater than 60%, with a response rate worthy of a properly valid statistical sample, then don't vote for it. On the other hand, don't also continue to put off voting on RCV because you don't know how voters feel and you've never taken the steps to ask.

[02:06:05] County communication staffs can do this. They are built for it. They just need your instruction and permission. Thank you. Our next speaker is Kent Schleschel. My name is Kent Schleschel.

[02:06:27] I'm a resident of Ryle District. To give you some background to what I'll be saying tonight, I have a PhD in applied mathematics from the School of Engineering and Applied Sciences at UVA. My dissertation was in mathematical decision theory. I've also been an election official for about 30 years, have been the lower precinct chief since it was created since 25 years ago.

[02:06:48] I've also been a chief at early elections and recount officials last month. I think I know a few things about how elections are run. The ranked choice voting has several problems. First, a person in a five-candidate race that initially came in fourth place could win the election.

[02:07:06] Mathematically, this is very possible since the process disenfranchises many voters, many votes to get a winner. That is just one problem. The second issue is what will a recount like, will it look like? The last recount started around 730 in the morning and lasted all day and did not end until after 8 p.m.

[02:07:27] That's just counting the ballots once. The third issue is how you will convey the ranked choice voting system to the public. When the county went from touchscreens to paper ballots, despite all the notices that went out, people still have many questions. And now with several localities who have adopted RCV having second thoughts, why are you going for the latest fad?

[02:07:50] Is this a solution for looking for an elusive problem? You are changing one of the basic freedoms in the voting booth. However, the real problem is voters' confidence in the election process. I've probably answered more questions about the voting process with actual voters voting than anyone on this board combined.

[02:08:08] Even to this day in my home precinct of Delors, I was fairly educated. Voters question the integrity of the process. During the early election season, voter integrity questions are very frequent. Many voters, both Republicans and Democrats as well as Independents, question the vote is really being recorded correctly.

[02:08:28] Now with RCV, you will open up mistrust and misunderstand our election system because of the way RCV works. This is not good. I could explain my thoughts in much more detail, but given the time limit, I cannot explain fully.

[02:08:44] The only comment I have is do not consider to implement a ranked choice voting until people understand it. Thank you. The next speaker is Judy Slushel. Thank you.

[02:09:07] My name is Judy Slasho, Rio District resident and Rio 29 CAC member. At the meeting on August the 21st, I brought to your attention the uptick in construction traffic heading and leaving

Belvedere traveling through Dunlora.

[02:09:25] I asked some assistance in curbing the traffic through the neighborhood. Obviously, safety within Dunlora appears to be a very low priority. At 1030 this morning leaving Dunlora, I encountered a huge red flat bike truck carrying huge cement culverts. I laid on my horn, but the driver was clueless, continuing on his mission to Belvedere.

[02:09:46] On August the 27th, I sent the entire board a rather lengthy email outlining several traffic problems. I empathize with each of you because I not only received traffic-related emails, but I'm being stopped when out in the community by Dunlora residents expressing their frustration over the construction truck traffic. I shall assume that everyone received the email since it didn't get bounced back and hope that you took the time to read my comments. If not, I'd like to highlight a few. Post-it signs are being ignored by the construction crews. Why are they allowed to pick and choose the signs that they will abide by? Would you want to be driving on our county roads

[02:10:26] if you knew the driver next to you could choose which sign he or she would follow? The roundabout in Belvedere has been problematic. A simple solution would be modify the design. Road designs around here are constantly being redesigned. At this point, all I can say is traffic here, traffic there, traffic, traffic everywhere, especially on Dunlora Drive and Loring Run. A situation that I highlighted was my husband was driving on his side of the road on Dunlora Drive. A construction vehicle is traveling over the center of the road much faster than the posted 25 miles an hour. My husband veered

[02:11:03] off the road to avoid being hit head-on. My husband had the agility and experience to do this. What if a newly experienced driver was on the road with the same circumstances? The community would have been devastated if this had been a head-on collision. How many of you have lived here long enough to remember the situation when a young girl leaving Forest Lake South heading to Albemarle High School after waiting at the lighted intersection to make a left turn onto Rio 29 South?

[02:11:31] A truck driver ran the red light, broadsided the young girl. She never made it to classes at Albemarle High School. We personally remember this because the young girl's father worked for my husband. Everyone emotionally was affected. No matter if there are big trucks, little trucks, flatbeds carrying equipment, the drivers are governed by laws, which include signs to ensure the public safety in our roads.

[02:11:55] Once again, I am asking for your assistance to enforce the drivers of the construction vehicles adhere to the no-through truck signs and find an alternate route to the Belvedere construction site. Thank you. Thank you. Okay. Thank you.

[02:12:12] I always appreciate public comment, period. Board, our next item is an action item, not a public hearing. And this is coming back to us, the ZTA 2023-2 Personal Wireless Service Facilities, led by Mr. Bill Fritz, Development Process Manager.

[02:12:31] This zoning text amendment relating to cell towers and the like is previously the subject of a public hearing at our July meeting because the board deferred action to this date specific to today at that meeting. This is technically not a public hearing, but it will be open for public comment in much the same way. So, Mr. Fritz, I'll let you lead off the discussion, follow with questions, and then open for public comment. Thank you. Thank you for the introduction.

[02:12:57] As you said, we were here before you, excuse me, you directed staff to make some changes to the proposed ordinance. I'm going to go over those very quickly. Removing scenic highways and byways as an avoidance area, removing historic areas as avoidance areas, but having some preservation or some allowance to consider significant historic resources, adding biodiversity in forestal areas identified in the comprehensive plan as avoidance areas, clarifying that additions of antennas to existing structures is permitted with the building permit, allowing administrative approval of the most appropriate color for a tower and equipment based on the location

[02:13:33] of each facility, removing the review of impacts to conservation easements on properties adjacent to towers and allowing the agent to determine when a tree survey is required. So many of those changes were pretty simple and straightforward. Some of them we have options for you. So the ordinance that we're actually recommending is this one. And what it would do is establish as avoidance areas, parcels, areas within 1,500 feet of parcels with national register of historic places. It would remove historic districts, so it would have to be a

[02:14:10] place that's actually identified, and would establish the mountain protection areas as identified in the comprehensive plan as avoidance areas. The alternatives that we have for you on the historic resources are two. One would be within 1,500 feet of a parcel containing a landmark, and the other is 1,500 feet of a parcel containing a historic place. There are four landmarks in the county. There are about 65 historic places in the county, and they're fairly scattered

[02:14:41] and evenly distributed throughout the county. For the forest alternative, we have two options for you. The first one would be any area within a large forest block as shown in map one that's in the comprehensive plan. I'm going to show you that map in a minute, or any area within a mountain protection area. So any forest block or the mountain protection area. The other alternative we have for you would be a forest block that scores a certain point value or higher or the

[02:15:16] mountain protection areas. So this map was done in 2009 based on land cover. The green areas shown on here are large forest blocks. They represent about 34 percent of the county. It may be out of date. There may have been clearing that has occurred. There may have been development. We don't know um but that's that's the map we have so that would be one alternative would be to use this map and uh specify the large forest blocks as an avoidance area the next alternative would be

[02:15:50] this to use this map this map scores all of those uh forest blocks into various uh point systems and you could pick and choose what you wanted the green the dark green areas the light green areas the lighter green areas, all the way down to the lightest of the green areas. So there are multiple scores there. You have this map in your packet, so you can see it in more detail there. What staff did is we looked at the biodiversity plan and the climate, excuse me, the biodiversity plan

[02:16:25] and the forest plan. It's not a perfect match, so it doesn't pick up all the specific areas that were identified as biodiversity. What we found with those is they weren't quite specific enough to allow us to identify specific parcels that would be in or out using the biodiversity plan, but it did show general areas. And what we found was a pretty significant overlap of the highest scoring forest areas and the most important biodiversity areas, or a large number of the biodiversity areas, I shouldn't say most important, but the large number of the biodiversity areas

[02:17:03] overlapped with the mountain protection areas, and that was a fairly easy thing to map. So we're recommending using the mountain protection areas as a proxy, not only for protecting the mountain

protection areas, but for protecting significant forest areas and areas identified for biodiversity.

[02:17:23] So that's our recommendation. We have a couple of options for you, and I can put this back up later, but we have a couple of options for you to either adopt the ordinance that we've included as attachment B or to use one of the alternatives that's identified in attachment C. And I'd be happy to answer any questions you might have. Thank you. We'll go through our order with questions and start with Supervisor Lupisto-Curtley. Thank you very much, Mr. Fitz.

[02:17:52] The ridge line, that would automatically be excluded, correct? So right now, what the ordinance says is that any area where a facility would be skylighted in a ridge area is an avoidance area. That's what it says now, but that's only going to pick up the tops of the mountain protection areas. It's not going to pick up the size. What we're proposing is to pick up the entirety of the mountain protection area. You're proposing picking up the entire mountain?

[02:18:22] Yes, as identified in the comprehensive plan. Okay. And if you can go back to the last slide before, okay. That one. This one, the mountain protection area? So this is the one you're as you're proposing is the mountain protection area correct okay and that would be you couldn't for example in the light green you couldn't have a cell tower within 700 feet no what that means

[02:18:57] is that the the mountain protection area there starts at the 700 foot elevation so if you wanted to propose a facility on the southwest mountains and it was above 700 feet it would automatically be a special use permit so we don't have any prohibited areas it would simply mean that it requires a special use permit and additional review by the Planning Commission and Board of Supervisors. It wouldn't be administrative. And could you go back to, I think it's the second slide. Keep going, keep going. There you go. Regarding, at the beginning

[02:19:30] of your presentation, you talked about, yes, the one with, I think there's four historic properties landmarks landmarks and there's how many about 65 my count may be off i kind of went through real quick through the dhr website and and i think i counted 65 65 in our packet i didn't notice that i think i mentioned i think i mentioned that in the packet okay and what we and what we found is that there were uh approximately four we didn't look at every single site because it would

[02:20:05] have taken too long. We found about four facilities that are within 1500 feet of historic places right now. So those four, if this ordinance were to be adopted, those four would still require a special use permit. They required one before because they were in a historic district before, but there were a lot of special uses, special use permits that were in historic districts that would no longer be required to get a special use permit. They would still get reviewed, but they wouldn't get would not be subject to a special use permit if historic places were used.

[02:20:39] So that would be really the crux of the matter is that if we would still have protections for many, for all areas, it's just that it wouldn't require a special use permit. So for example, you're not going to put, if it was allowed, but you're not going to put a cell tower right next to a historic place. Essentially, if it's within a quarter mile of that historic place, it's going to require a special use permit and it'll be up to the board to decide whether it's

[02:21:14] appropriate to put it there. But other than that, this still gives us the ability to look at everything and to make sure that that's an appropriate placement or that's not an appropriate placement instead of having carte blanche where you just can't go anywhere in that area. Am I getting that right?

Right. So if you're in a historic district now, we take that out, you're beyond that 1,500 foot distance, you're still going to get reviewed, but it's going to be an administrative review. Administrative review, right. And whether or not you meet all those standards that are in the ordinance, but it's administrative. Okay. Because there are areas in the historic

[02:21:49] district that would be perfectly fine to have a cell phone tower, correct? As evidenced by the number of approvals the board has given. Okay. And which would help people out to be able to have cell phone service. Correct. This would decrease significantly the number of facilities that require a special use permit due to proximity to historic resources. And would it be fair to say that a lot of the cell phone companies, which are all private, that they're not coming into a lot of our area to give us cell phone coverage because of the special use permits?

[02:22:28] I wouldn't want to speculate on business decisions of those companies. Okay. Just wonder if that has an effect. All right. Thank you. That's all for right now. Thank you. Supervisor Malek. Thank you very much. So there were a couple of things I wanted to ask about that I, for some reason, didn't catch the first time I read through it for the previous discussion.

[02:22:52] But the sort of general one was about biodiversity areas which are not in forest block, many of which are wetlands adjacent to our rivers or along in grasslands, many of which are already recognized by DCR. And so how do those areas get any recognition unless we amend to include them specifically in this? So one of the things that we recommended in your packet was that biodiversity areas could be added in the future if they are better mapped or better defined. So we

[02:23:30] could come back and amend the ordinance at a future date to add additional protections for those so the four pages of things that are in the BAP right now if we could better define that so that if we could what we would need to do is we would need to better define that and we would need to either map it or and this would be much more complicated establish a parameter that would actually require us to field verify every time and that could be that could be rather onerous and we would want to analyze that and get that information to you but we can't just pick and plug it right now it's not quite that detailed uh when we were looking at it that was our that

[02:24:10] was our determinations it's not quite detailed enough right both at the state level and the local level from the national heritage committee they were very reluctant to put parcel ids on for rare and treasured things because of poaching trespassing etc so there has to be but the destruction of that would still result if you're making a bulldozer trail through an area where there's six places in the entire commonwealth and you're just going to throw one away because we didn't take time to protect it so this is a great concern of mine that is not i don't think addressed

[02:24:42] thoroughly enough in just choosing the mountaintops for us an additive thing would be great and i know that i was not in the majority last time we went through but i wanted to raise this because it's important certainly the red hill wetlands is an area right off of 29 south right on the hardware river it is numerous different creatures there plants there are very rare in the commonwealth i will say one of the things that we noted when we were looking at that that many of those areas the wetland areas in particular tend to be at lower elevations which

[02:25:17] are not typically selected for wireless facilities or impacted by the installation of wireless facilities they prefer altitude the grasslands any area that if they're not required to be screened protected and whatever then those would be open season basically under this new ordinance so um okay let me i

have a couple of specific things that i just want to make sure i'm not misinterpreting so let me do that so on your page two you talk about skylighted when viewed from abutting

[02:25:50] parcels or public streets only. Correct. That seems to be in conflict with on page 10 where it talks about, uh-oh, hold on, minimize visibility from adjacent parcels and streets regardless of their distance from the facility. So that gives viewshed protection to a wider area. So those seem to not fit with each other. The difference there is what we were trying to do is better defined skylighting, it's been an issue, a concern of ours for a while in that if I stand below it,

[02:26:27] it's skylit. If you're directly below the tower, it is by definition going to be skylit. There's no way not to do that. So we were trying to better define it so that it's skylit when you're viewing, what your viewing position is to determine whether or not it's skylit. The issue of minimizing visibility that's that's that's that's an overreaching uh goal to just minimize the visibility just period but it doesn't have that doesn't that doesn't bind into the definition

[02:27:03] of skylighting okay so skylighting is a different category all of the time right all right so then what you're talking about screening and sighting is still a um concealment effort and still going to be required so it's still part of the evaluation criteria yes okay and then the height of the monopole 10 feet or higher including um so who's going to decide how high above the 10 foot line it doesn't specify in the new the new number eight under height so um i'm not quite sure where you are but i think what you're talking about is the tier tier two facilities being permitted to be 10

[02:27:42] feet above that's exactly that that's what they are permitted right now they're permitted to be 10 feet above. So there's no change there. So there's no change there. What is changing is that the definition of a concealment element is changing based on guidance from the FCC that we can no longer consider reference tree as part of the concealment element. So we're leaving the height of a tier two tower at 10 feet. By removing the relationship of the tower to the trees, You remove the concealment element.

[02:28:16] That allows you to make an increase, the automatic buy-ride increase of 20 feet. That allows you to build a Tier 2 facility at 30 feet above the tree line with no further extension beyond that buy-ride. So if we adopt the draft as in we're basically saying 30 feet?

[02:28:36] It's 30 feet. Okay. Which was what was largely supported in that or some wanted to hire, but there was significant support for 30 feet in the survey results that we got.

[02:28:52] And for scheduling a balloon test, do I understand that now the applicant would schedule it? And if you can get there too bad, that's fine. If not, the balloon test, many years ago, we changed the ordinance for the balloon test that it's when requested by the agent.

[02:29:11] And then we coordinate that with the applicant doing the balloon test. But the agent being consulted is scratched out on this. So I just wanted to ask and find out what's going on. It's still the agent makes the determination of the balloon test.

[02:29:27] As far as scheduling? Yes. Whether or not it's needed and when it's done and everything, yes. As long as you will be there, that's fine. The last one on page nine, projection. So do I understand now that the 12 inches, 18 inches, whatever standoff is now gone? Yes.

[02:29:43] And six feet on each side. So 12 feet is now the new by right standard. They can go up to 20 feet on towers. On each side. Based on the FCC guidance, yes. because there's no way for us to, if we limit it to

12 inches, they can go out to 20 feet as the exempt co-location. So we're just bringing it in line with the FCC guidance. Okay, this is tier one, two, and three, not co-location. Projection, no antenna may project, blah, blah, blah, blah, blah.

[02:30:15] So the 12 inches are all crossed out and six feet is replacing. So co-location I get, but this is on the new tower page that I was concerned about. And I know that that's been something that's been a negotiating thing in the past that it looks like it's being wiped out um and in your development requirements one two formally c now a um so i just wanted to make sure i was understanding that

[02:30:53] correctly yes okay and the last thing when there are all the shells scratched out and put substituted must and he has recommended that we do that it's best practice the same outcome it's just better terminology better terminology to substitute must for shall yes ma'am okay doesn't mean maybe it means will must okay just one must means must more than shall does so that's that's why we're doing yes ma'am we've had a lot of discussions about that okay those are all my

[02:31:23] questions right now thank you thank you supervisor mikhael sure um bill yes so looking at um in you first talking about the historic areas. Yes. And it says any area within 1,500 feet of a parcel containing a National Historic Landmark. And then you have there are four in Albemarle County.

[02:31:49] And I will say that you mentioned first Shaq Mountain. For many people who don't know where Shaq Mountain is, I'm going to brag a little bit and say that it's in the Jack Jewett District. if you go down lambs road and and dcr listed as being in charlottesville yeah there you go well they should know better but anyway if you go down lambs road it's down there on the right and it's uh it's a lovely old historic house but it does list shack mountain the rotunda the university of virginia historic district and monticello get into what um b was talking about

[02:32:24] Right, right. That seems simple and clean to me. I'm just saying, seems pretty simple and understandable and it makes sense. Then you have 1,500 feet of a parcel listed on the National Register of Historic Places, except for those parcels as being listed as being within an only a historic district. There are approximately 65 sites.

[02:32:47] But you didn't tell us where those 65 sites are. Are they mapped out anywhere? Yes, they're actually on our GIS system. You can go and find them. I know that, but we don't have them here. I'm sorry. If you give me a few minutes, I could pull that. It's okay. So my point only is that 65 sites sounds like a lot.

[02:33:06] And what I don't want to do is to approve 65 sites that takes us right back to where we are now, where we can't provide cellular coverage. We have 50% of our county doesn't have cellular coverage right now.

[02:33:22] It's a dramatic decrease in the area that would be... But without a map... I will get you that map if I have just a few minutes. Yeah, and you'll have time, I think, during a... I can pull that map. That would be great. Yes, I can do that. And I understand that there are more areas, of course. So the more tier threes you have, the longer it takes to get the approvals because you have more SUPs.

[02:33:52] And we're talking about delay and time, and that is a deterrent as well as a time sink for staff. So I'm just trying to figure out. I don't want to kill the baby, throw out the baby with the bathwater.

[02:34:10] okay i'll get that baby with the bath i'll get that map all right um so then going so going on to the next um decision biodiversity and forestal areas and i guess um i understand the ridge lines that makes

perfect sense to protect the ridge lines and we've already committed to that i don't

[02:34:38] understand why we wouldn't allow some purposefully located cell towers in forestal areas because the forest themselves hide the cell tower depending on where they're located again it's not a prohibited area it's a special it just means more review in a forest it means coming to the means coming to the going to the planning commission supervisors to see whether or not it is appropriate but it seems like to me if you protect the ridge lines where you're not seeing

[02:35:17] them uh that perhaps there are some locations in forests that would be appropriate because you won't see them i mean i was just going to say we have a we now it is a fake tree at the forestry Department, but it's in a forest and it's 47 feet taller than the surrounding trees. So that's a lot taller. And I never have anyone mentioned to me that that's an eyesore or a problem. Now it's a fake tree and I get that. So there are, I point this one out all the time because it's an easy

[02:35:56] defined. There are multiple towers on I-64 at the overlook for the PDOT safety worker, and those would be in a forest area and in a mountain resource area, and they were approved by special use. I can't remember how they were all, but some were done by special use permit. I think some were done. But the special use permit, taking it from a tier two to a tier three, involves nine months, 12 months, 18 months more of review? 150 days. Well, okay. We can do it, and we can do them in

[02:36:29] 150 days. There are some that take longer, yes, but we do our best to get them within 150 days. Okay, the other thing I wanted to ask was, just looking at my notes here, I'm not sure, when we talk about biodiversity, and Ann was mentioning the biodiversity, it seemed like to me we already protect stream buffers. We protect critical slopes. Bridge lines are already

[02:37:06] protected. So it would seem like to me that when, I'm not sure, help me with why. Floodplanes, stream buffers, critical slopes, they're all not building sites that you already can't build towers in. You could, to Supervisor Malik's point, you could potentially disturb those areas with access ways but you can't actually build the facility in those areas okay and it's you know all right i'll let that one go for a few minutes that's fine um and i guess

[02:37:44] for questions for bill right now i think that's all i have thank you very much thank you supervisor um thank you so first off i remember we got early on in the process last time uh wrapped around our own axle responding to some comments from council for industry i think their firm name started with king i don't remember it's not as much of a frequent flyer here but they provided some some feedback on two instances of language one was around concealment elements which i believe you already addressed briefly with supervisor malik and another was about the definition of

[02:38:23] i think small wireless facility i just want to confirm because it's not in the summary that we have fully addressed those considerations consistent with the relative court rulings i'm sorry i skipped over that in my notes we we we with our consultant we reviewed that we reviewed the comments they were on a prior draft the comments have been addressed and we are in compliance with the fcc's regulations and guidance castle castle that's what you're talking about because i looked at it very carefully in here we did specifically look at it all and and it's all been addressed outstanding yeah i didn't see the line by line on concealment elements that looked like it addressed it and that seemed to be something that uh addressed the comments from

[02:39:03] supervisor malik also um with regard to the um if we could go to the slide about the alternatives regarding historic districts um it's going the wrong way i am um i kind of share vice chairman keel's perspective of this i can't make an informed decision without seeing it on a map um i'm also i mean i tinker around with our own gis with some regularity and i i don't actually fully understand the the distinction that we're creating between historic districts and historic

[02:39:39] places i think it's a sing i thought it was a single layer on our gis system i don't have my computer i'll get it i'll get it i'll get that information i guess i would just appreciate some clarity on that before we're going to be asked for not having that um the ridgeline versus mountain area distinction just to address that briefly i think when um when chair andrews had originally broached the topic of our large forest blocks and biodiversity areas i remember observing at the time well it seems to mostly overlap with our our mountain protection areas um so i think if you're

[02:40:18] If what we're hearing from staff is that we can't map the precision necessary to do meaningful tier distinctions between parcels using our large forest blocks and our biodiversity areas, then I guess I'm supportive of using the mountain protection area in lieu of that as kind of a proxy, which seems to be what your option three is recommended.

[02:40:40] could the the specificity of the forest blocks is adequate to to use as a as as an avoidance area the specificity of biodiversity areas is not detailed enough so if you wanted to say large forest blocks or forest block scoring x or above we do have enough specificity these maps we did we did some some research in these maps do have enough specificity that we'd be able to overlay that with parcels and you're but you did express some concerns with these was that that they're just out of date that they're 15 years they're they're they're 2009 data and uh they

[02:41:19] may have been cleared we don't know they may have been timbered we don't know so you may be requiring special use permits in areas that you wouldn't have had to require the large forest blocks themselves is i believe 34 of the county could we look at map two again for a moment and these forest blocks don't have uh other intrinsic protections you've mentioned timbering a few times so i guess even though we have identified them as large uh forest blocks in our there's nothing else in the ordinance that says you can't develop those or or do anything in there no they

[02:41:52] have no there's no ordinance protection for those areas um and this might be outside your bailiwick this speaks to the fact that i have not closely read the biodiversity action plan but we have gradations here about how we're ranking different forest blocks by by how many points they get um can you help me understand that more and if that's something that staff would be prepared to use as a distinguishing factor the ranking was done based on the size of the forest block the connectivity with other forested areas the compactness of the forest block and the number of important sites

[02:42:29] within the block and that was how the ranking was done that's that's the extent of my knowledge of how the ranking was done and it was done many years ago um i think it's the next map is the mountain areas and the next map is mountain areas so i might have been under misapprehension um i think when i've previously been thinking of the mountaintop avoidance area this is the image i had in my head um but it sounds like you're saying this is actually a more inclusive image than our current avoidance area um because there's a distinction between the ridge area and the

[02:43:07] overall mountain protection area which i was not aware of and don't know how to map discreetly from one another to to be clear there is no there is no ordinance regulation that talks about the

mountain protection area and limits development in that area other than the specific language in the wireless provisions that talks about not skylighting on a ridge and the ridgetop areas and that's what this is so there's no prohibition of building in those areas or subdivision or anything else there's no mountain overlay district wow i feel like we had a long discussion like thinking

[02:43:43] that it was an avoidance am i am i alone in this can i just get like i don't know gestures from the crowd um i i guess i truly had thought that the mountain areas were an avoidance area under our current ordinance it's really just the ridge line that's protected under the current ordinance yeah to the extent that it caused skylighting yes okay um i guess that being said to go back to kind of where i originally sat down on this um five minutes ago before i got myself a little

[02:44:17] confused and went into more detail i still think this seems like a very adequate proxy but i would like to hear more from my members of the board who i think had more specific interest in the biodiversity action areas um it seems to be a really serviceable proxy that we have precision with and also that is will remain regardless of human intervention uh like the defined mountain area does not change when i timber it and i cannot choose to timber my land a year before i try and sell it for uh wireless which therefore makes it maybe a more persistent adequate um thing than

[02:44:56] defining it by large forest block that is kind of where i'm thinking if that makes sense if we're saying basically i can have a large forest block i can own land in a large forest block excuse me i can own land in a large forest block i can want to build a tower and sell the land rights to a wireless developer and can say well dang that's not allowed unless i clear it and then it stops being a large forest block and then i can sign it that seems like a possibility if we were to say use map two and not a possibility if we use figure nine um but uh i might appreciate anyone's feedback

[02:45:33] if they think i am under a misapprehension on that so and also appreciating that that would require updated surveys from our department so if you were to use map two it would not matter whether or not that area was one of those green areas it wouldn't matter whether or not there were trees within that area or not it would be designated as an avoidance area and if you wanted to put something in there it would require a special use permit put them at two i appreciate the distinction you're making because we had talked about how we had defined these as large forest blocks we don't know if there's actually force there one of the options we identified in the staff report that you gave is

[02:46:11] that we could do a field verification each time but that would be very labor-intensive and would lead to exactly what you're talking about well i'll just i'll timber it to the point that it's below the threshold for a large forest blocks and i'm done okay um i did have some other note i thought oh yeah let's look at um we already talked about it once screening and citing to minimize

[02:46:39] visibility on page 10 this is uh item six um i know our friends at williams mullen had a um a lot of interest about this provision and i i guess i'm just curious how when staff looks at this they interpret this provision because i can look at it and tell you how i would interpret it i would say ah it must provide it must minimize um visibility and uh provide adequate queening screening um

[02:47:13] uh within the parcel uh to adjacent parcels and um and streets i would interpret that and mean ah if i have if i own parcel b and or and parcel a is next to me i have to when i seek to build my tower on parcel b i have to build it in the most convenient place and with the best screening as is applicable with parcel b and it does not mean that if the screening options and the placement options aren't great i've still done what is the most uh uh visibility concerned option within

[02:47:51] parcel b meaning option six cannot be used to make it so that you cannot build on parcel b correct it can it only requires that you minimize it within parcel b correct and that's what we do so for example i have a tree on a property i want to use that one tree as my my reference tree it's not a whole lot of screening opportunities there it's one tree so we would be looking at that that might we've never had that that might be the one occasion where we go no we're going to deny this one and you can appeal it and and see where it goes but we do you know what if what if it's here what if

[02:48:27] this tree remains. So we work with them like that, but that's what we try to do. Yes. A thing I always like to do is think through if I were a conniving individual trying to get around the law, how would I behave? Um, can you help me understand what prevents me from going to the district court or embarrassingly, I actually don't know where you would do this, uh, petition to subdivide my parcel, make it so that I have a parcel that is half an acre, um, in the rural area, useful for nothing at this point. But I carved it off of a 20 acre parcel that has a lot

[02:49:06] of scattered forest, a lot of clear areas. And I just subdivide my single five acre or my half an acre parcel that is entirely barren. That is now parcel B. And I say, well, I'm going to put it in the most visibility minimized area of parcel B, which there is no such thing. But are you following my thinking? So is there anything? Do we say anything about that? No, we don't say anything about that. Partition suits are always a problem for us when that is done as to what do we do with that parcel. If it's below the threshold, it's not non-conforming because it didn't exist prior

[02:49:45] to the adoption date of the ordinance. Does it have any permitted? Partition suits are not fun. So we would have to go through every single one. So I can't answer your question specifically. It's too many variables. I also just do want to recognize insofar as I have a position on this ordinance that actually cuts against my own position. But I appreciate the candor with kind of how challenging that can be. I think those are my questions for now. Thank you. Thank you.

[02:50:12] Supervisor Galloway. Yes, thank you. My questions have been asked and answered, so I'm good right now. Okay. I want to make sure I understand things a little better on some of these maps. If I look at map two and then compare that to map nine, for example, it immediately comes out that map uh nine is broader brushed if you would uh it's not as much area but there are no there

[02:50:48] are fewer little interstitial spaces that have already been cleared because it's just talking about the mountains it's just talking about an element above a specific elevation even even if that elevation already has a road running through it or whatever yes i just want to make sure that I understand that because it does seem like in some ways one or two, while they protect additional areas, also leave some options open in areas where the altitude might be a little higher.

[02:51:19] So my understanding also when we talked about doing this kind of protection of mountaintop areas was that we were not just looking at whether you would see it, but also whether it represented as a forested block, potentially biodiverse area, an area that could be disturbed that would be for wildlife corridors and habitats that otherwise didn't need to be.

[02:51:45] So if you selected mountain protection areas as an avoidance area when the special use permit came in, it's now a special use permit. We review it for compliance with the comprehensive plan, meaning all the parts of the comprehensive plan. We would be able to look at the biodiversity plan and the forest cover and include that as part of the analysis that we could present to you to say, you know, this is going into, it's in the mountain protection area. That's an avoidance area.

[02:52:09] And not only is it in a mountain protection area, but we've also identified that it's a significant wildlife corridor or has some unique resource associated with it that might be adversely impacted. Or conversely, we've analyzed that and there is no resource that we've identified that will be impacted.

[02:52:27] And you also suggest that if additional mapping were done in the biodiversity area, that could be looked at. I'm sympathetic to the concern that we don't necessarily want to map highly sensitive areas, or at least identify why they're sensitive in a few cases.

[02:52:49] But this also begs the question as to sort of, will we be looking at this in another year, another two years? That would also give us the opportunity to see whether these actually resulted in any activity, because I worry that the real driver of cell towers is the market, the economics of, you know, whether this tower is going to reach enough people and less whether it was really a burdensome process.

[02:53:20] And so if we open up the process and we still don't get the coverage that we were hoping to get, that tells us we may be opening this up for reasons that aren't really valid. All right. Well, I want to hear from other people, and we'll come back and talk about some of these things, I'm sure, some more.

[02:53:40] If other questions? I will work on those maps. Sorry. You can go back to page seven, please. To page seven. Just for my clarification. This one. So this is the large forest blocks. So if I understand this, we designate these areas to avoid, right? If we do that, and someone comes in, theoretically, we know it's not going to happen, but theoretically, clear cuts everything, it would still be an avoidance area?

[02:54:14] Correct. Correct. And that's why we noted that if you selected the conservation, if you selected the large forest blocks, it may result in this middle of applications that don't really, didn't really need to be processed that way. That's why we didn't recommend that as an option to you.

[02:54:32] And the biodiversity, a lot of that area is, or all of it is already protected with some of our other ordinances. I wouldn't say it's significant. Well, it's stream buffers. Stream buffers, critical slopes, they do protect.

[02:54:49] Obviously, a lot of the mountain resource, mountain protection areas have a lot of critical slopes on them. And we also could choose to avoid a certain area. Let's say if we knew that there were animal species that are critical, we could choose as a county, we could choose to avoid that area.

[02:55:12] Absolutely. If we did some more work on it, I'm sure we could find a way to craft a mapping program that identified those areas and be able to present that to you. But that would take more work than the time we had between the last meeting and this meeting. Okay.

[02:55:28] Thank you very much. So we will go to the public forum, but I will ask in the meantime if you would, I think, be able to show the GIS map that has, I believe, the individually designated historic resources and also the scenic.

[02:55:44] Yep. I'd also like to see scenic byways shown as well. Supervisor, you said, if you select mountain protection, look at the biodiversity action plan and forest cover and use that for analysis, also identify significance, something or others. How does that impact the process? You were responding to a question from someone a few minutes, from Jim, I guess. So areas that might be adversely

[02:56:18] impacted on those the the common it sounded as if you were describing a combination of different protection layers that you would but only if we adopt only if those layers are included in the protection would you then have the authority to consider oh no no i think i understand your question so if

thank you if it was in a mountain protection area right that would be by special use permit one of the things that a special use permit is reviewed for is compliance with the comprehensive plan which means it's the comprehensive plan biodiversity action plan is one

[02:56:53] of the components of the comprehensive plan so we would review it for that just like we would review it for anything else that might be in the comprehensive plan that's relevant to the the review before us now i understand thank you thank you i'll welcome those names okay uh but at this point we will open for public comment and i believe we have several people signed up we have some people signed up, and I'm going to read the instructions. During public comment, the board will acknowledge speakers addressing the items listed for public comment. Speakers are limited

[02:57:32] to one appearance of three minutes per public comment item. 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.

[02:57:47] 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 Elmorrow County or Magisterial District, address comments directly to the board as a whole.

[02:58:04] Any written statements or other supporting material may be given to the clerk. If making comments through, I'm sorry, I won't worry about the Zoom. 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.

[02:58:21] 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 Almar County website. And we have five speakers who have signed up. The first speaker is Phyllis Ripper.

[02:58:38] Welcome. Please adjust the microphone. I'm pretty tall. Hi, Phyllis Ripper. I live in the Whitehall District. I've been a farm owner in the northwest corner of the county for 35 years.

[02:58:56] My husband and I are really good stewards of the land. We have never clear-cut the mountains. My adjoining neighbors at Montfair and Innisfree, we all would put a cell tower on our farms. Not for the money, because trust me, John McFarland does not need whatever the cell towers are going to pay.

[02:59:17] Actually, none of us do. It is unbelievable that in 2024, we don't have cell service in 50% of this county. I am a volunteer. I'm president of the Whitehall Ruritans that Ann is a member of. I have recently worked on a race at Sugar Hollow, an ALS bike race. The ALS bike race, we get the ham radio operators from Green County to come down to keep that cyclist safe because we have no cell service.

[02:59:52] And as a matter of fact, we could, if we wanted to, any one of us can clear cut land. We had joined Shenandoah National Park. Most of my neighbors do. And there's nothing that prevents us from cutting down all the trees.

[03:00:09] But we don't because we love Albemarle County. We believe in mountaintop protection. But I think wrapping up everything in the red tape of a special use permit, we will never get cell service. I have talked to the cell service providers.

[03:00:26] They don't want to spend the hundreds of thousands of dollars it costs them to go through the legal process of a special use permit. They don't build it. I have 200,000 miles on my seven-year-old car. I drive all the time between here and Atlanta.

[03:00:44] I'm out in the country driving down to Raleigh. There's not a house in sight, and I have cell service. So I don't think they're not putting cell towers in Albemarle County because there aren't the people using them. They're not doing it because it's so difficult.

[03:01:02] If everything is done by special use permit, who wants to do business in the county? And I'm very disappointed from what I've heard tonight. I really thought the ordinance was going to get a huge change. biodiversity. I live out in a part of the county where there are ordinances galore and nobody checks up on them. I see violations every single day in the western part of the county. Who's enforcing all these ordinances? Nobody. And I'm sure not going to report when I see driveways going

[03:01:37] straight up a critical slope. And my question for Bill is, can we have cell towers in large areas of the county that aren't on ridges. Thank you. And mountaintops. Thank you. Is it possible? Thank you. Next speaker is Rob McGinnis. Not tall. Thank you. My name is Rob McGinnis and I'm here representing the Piedmont Environmental Council. Like many who live in or visit the county,

[03:02:16] I appreciate the county for its natural beauty, open spaces, and history. Likewise, I appreciate having reliable cell service. It is in the county's responsibility to consider both of these values when planning for cell towers. Cell service is a modern necessity, but there are also multiple ways to increase levels of service without adversely impacting important aspects of community resources and character. BEC strongly supports the county's option to include parcels within 1,500 feet of a parcel with a property listed on the National Register of Historic

[03:02:51] Places as avoidance areas. BEC also supports the county's option to add the mountain protection areas as avoidant areas and we also support the future revision of the ordinance to add biodiversity areas identifying the biodiversity action plan as avoidance areas when the biodiversity action plan is amended to map these areas more specifically and i'll note that i actually am the elected chair of the natural heritage committee and that is on our work plan to address updating the BAP. However, PEC does not support removal of historic districts and scenic byways

[03:03:27] from the avoidance areas. Special use permits process versus by-right administrative approvals requires compliance with the comprehensive plan. It also offers better siting, better design, and community engagement. Designing less visible towers, siting in less sensitive areas, and providing personal wireless services are not mutually exclusive. Thank you for taking on this challenge. Challenging work is required to balance the need for reliable self-service and the equally important need to protect important natural and cultural resources in the rural

[03:03:58] economy. Thank you. Thank you. Our next speaker is Genevieve Keller, and you do need to adjust the mic. And I know I'm not, Paul. Thank you. Good evening, Chair and Supervisors. I'm Genevieve Keller, President of Preservation Piedmont and Immediate Past Chair of Preservation Virginia, our statewide historic preservation organization. Albemarle is one of our nation's most historically

[03:04:32] significant places, nationally and internationally recognized and much visited. The recommended personal wireless services facilities ordinance will weaken your stewardship of our historic places. A particular concern is removing the historic areas from the county's avoidance areas.

[03:04:53] I'm interpreting, and I've heard you discuss tonight, the staff language as accepting and excluding from review and comment all properties within a district that are not individually listed in the National Register of Historic Places. Most county properties lying within historic districts are not listed individually, although many of them would be eligible for individual listings.

[03:05:17] And actually, I'll divert for a moment, and I will tell you that actually what's being proposed is an elitist and exclusionary recommendation because the only way that most properties get put on the National Register of Historic Places individually today is because their owners hire a preservation consultant like me and pay me thousands of dollars or a firm thousands of dollars so that they can qualify for historic preservation tax credits at state and national levels. So that's why I say it's somewhat exclusionary because it's really only people who can afford to pay now who get on because surveys are generally done on a district-wide

[03:05:56] basis. The county has a, for many years, property owners within and adjacent to historic districts have been assured that all the benefits of a national register listing will accrue to them as owners of contributing historic resources, even without an actual listing. So the staff recommendation really flies in the face of those assurances and commonly accepted best practices.

[03:06:20] The county has a strong tradition of valuing farmland and rural villages, yet despite the efforts of the last four decades, the county has not established even one individually protected property or locally designated historic districts, unlike other comparable counties, Loudoun, Fairfax, Arlington, Clark, and Falkner, to name a few.

[03:06:40] So our historic places warrant continued consideration, and this is especially relevant now when formerly excluded and misrepresented resources associated with Black, Indigenous, and people of color are only beginning to be revealed and designated locally and statewide now.

[03:06:58] Albemarle's historic landscape is essentially a Black landscape with significance and themes related to enslaved African labor and emancipation. And that history is only beginning to be valued now by descendants and scholars. It's an environmental justice issue.

[03:07:14] We owe it to future generations to ensure that this landscape is treated with care. Thank you. Our next speaker is Jean Hyatt. Okay. Could be my, I didn't write it clearly, but.

[03:07:35] Good evening. I'm Jean Hyatt, a founding member of Preservation Piedmont, a local historic preservation group. Preservation Piedmont has many members who are county residents. We thank you for adding, I think, biodiverse and forested areas to the avoidance areas in the update of your ordinance pertaining to cell tower sightings.

[03:07:58] Albemarle has some of the most significant and unique historic buildings, historic resources, natural beauty, scenic byways and rivers in all of the United States. It is a vital responsibility of our community and our leaders to take exceptional care to protect and preserve these resources in Albemarle for current and future residents and visitors.

[03:08:23] It is also of utmost importance to enhance our knowledge about these resources. We strongly urge that you do not remove historic districts and scenic highways and byways from the list of cell tower avoidance areas.

[03:08:40] I should note that many structures in our historic districts are eligible to be individually designated by the National Trust. And there's a strong interest in the county for the board to enact a historic preservation ordinance, as has been accomplished in many counties.

[03:08:58] removing historic districts and scenic highways and byways from cell tower avoidance areas undermines this important goal thank you thank you valerie long thank you mr chairman members of the board valerie long with the firm of williams mullen my colleague laurie schweller and i are here tonight and we've both been very active in representing applicants before the county and

[03:09:35] other jurisdictions around the state on wireless applications so we've been working with this ordinance quite a long time, almost as long as Bill Fritz. On the whole, this ordinance is a tremendous improvement to the existing ordinance. I just want to be very clear, and I commend you all and the staff and your consultants for the time that you've put in over the years working on it.

[03:09:57] It really will make a big difference. I think the key point I'd like to reiterate is, if I understand correctly, among other things, the goal of this exercise of this ordinance update is to improve service. And part of that, as your consultants identified, is removing unnecessary regulatory regulations, which most of this ordinance does. The issue with whether certain areas are avoidance areas or not, it, in my opinion, comes down to whether it's additional

[03:10:30] unnecessary regulations. The ordinance already requires that these facilities be cited to minimize visibility from adjacent streets even adjacent entrance corridor districts which is not just the entrance corridor roads themselves but is all lands adjacent to entrance corridors if they were adjacent it's a lot of area the entrance corridor districts it is very specific that it must be cited to minimize visibility so adding a scenic byway for example making that an avoidance

[03:11:10] area or not let me restate that if a scenic byway is not an avoidance area doesn't mean that the county's not reviewing a facility for potential impacts on that scenic byway that is going to happen regardless because of number six it's the provision that supervisor Pruitt mentioned about minimizing visibility that's the most important section of your ordinance so it says you have to minimize it. You have to minimize from entrance quarters, scenic rivers, national parks, national

[03:11:44] forests, no matter how far they are away. That protection is already in place, in our opinion, not to mention the federal and state regulatory process that also looks at those issues, including all historic resources within a half mile, whether they're listed, registered, or eligible for listing. So the federal Section 106 process review process under the National Historic Preservation Act is far more reaching and is going to cover everything I think that you all are concerned about. That all being said, I would say option number one, which is for historic resources that

[03:12:22] mentions the four national historic landmarks, is the easiest to work with. Thank you. And that's all. And if you had comments that you could submit if you didn't finish, but that's it. That's it. Okay. Then we will come back for additional questions and comments.

[03:12:42] by the board supervisor lapisto kirtley yes i mean i'm very happy to see this ordinance because i've always considered this cell phone tower coverage a health and safety issue to me that's the most important thing and we need to make sure that people are protected that people can call for services that someone doesn't die because they didn't have cell phone service that being said i think there's enough uh what's being proposed protections uh in here i do agree getting rid of

[03:13:21] the avoidance area that is just an extra layer it doesn't mean that if we um if we don't if we do get rid of avoidance areas that we're not looking we're not checking to make sure that something is properly placed it just gets rid of all the frankly uh the red tape which uh would make everything go, you know, longer. Biodiversity, I frankly, I know that was in there, but I don't see that as necessary myself. And forest blocks, I'm, you know, I'm okay with that, but that could

[03:13:58] go too. Those are my comments. Thank you. Supervisor Malek. Thank you. And thank you, everybody, for the good discussion. Okay, let me run back, because there are a couple of things I wanted to talk about um and i guess we will go through at some point of choosing after we've all done yeah so i don't need to and i also uh urge if anybody wants to see these maps that they're ready yes they're ready to be shown so we do that now and then then i'll pick up that

[03:14:31] that might be helpful we all were interested in it and he held up his he has it ready so chairs the thinking get the maps finish our round finish and then do a straw poll on the two action items before us yes i'll let uh suppose it's okay because we we were just trying to get to this map yeah we'll let you have another chance oh thank you i don't i didn't slide

[03:15:07] through it so fast there you go so uh i just grabbed this off our gis very quickly and what it does is all those blue dots are the historic places. And you can see the outline of the historic districts there. So particularly in Scottsville district, Southwest, Northeast, and in the West, there are the historic districts. So you can see that within each district, there are smatterings of historic places. And then there are also smatterings of historic places

[03:15:41] outside of what are currently listed as districts, and as you can see, they're fairly evenly distributed throughout the county. That was helpful. I asked for the map, and I really appreciate that. I wish I had put it in there, and I apologize. You are absolutely right. I should have included it. Thank you very much, Bill, and I know everybody else was interested in it as well.

[03:16:05] I appreciate it. Is that helpful? Yeah. Do you want me to just leave that up? Yes. Take it down, and we will go to supervisor okay very good thank you uh so that is reassuring and it is beautifully well spread all across the county so 65 these are the 65 dots that you referred to out of 4500 parcels so it's a teeny weeny part of our our area so just wanted to put that in

[03:16:34] some perspective um or maybe it's 4500 rural parcels and lots more others um the all right Let me see here. What other questions do I have? So I think people have raised different concerns about the necessity or the advisability of the mountain protection or the forest block. I think contiguous areas are something which stewardship all the different county community, sorry, county committees who work on different elements of environmental stewardship, talk about the

[03:17:12] contiguous blocks as being really important for the environment. And that's, I think, why there has been some focus on that from the staff report going forward. Just as a personal report, I, over the years, have had discussions with numerous cell phone companies asking them or sharing with them that I have numerous landowners who would be happy to speak with them to place something down the mountain where they would still shower down all over all the residential areas. And every single one of them has said, well, there aren't enough people out

[03:17:46] there for me to bother. So that has always been my concern about, about this, but that's just my own personal experience that I thought I would share. The, I think that the, I was, the LIDAR question, I

mean, that we did a new LIDAR within the last two years. So that is something that could be updated, I think quite reasonably, or the whole region, the state flies it every two years. So I think that's something that I want us to be aware of and be able to, if the changes are adopted,

[03:18:21] which I assume they will be, than committing ourselves to being welcoming of making sure that we have the latest information on, especially on the biodiversity areas, which I think are quite well identified already in years ago, with lots of years of the Natural Heritage Committee work, but they will be, I'm sure, eager to improve it as well. There was a connection for visibility from

[03:18:53] right under the tower, skylit. But I will remind people that we all see almost every day if we drive anywhere on the bypass or 64, pre-regulatory towers that are on the tops of mountains that are impactful for 20 miles. I mean, that's just how far away these things can be seen. So I do want us to remember that. And that's part of the reason why the ordinances, I think, were developed many years ago after bill's explanation of the maximum the mountain protection adoption and the

[03:19:32] option three i guess it's called um and the different elements that it would offer that would be the one that i would support i'll stop there thank you thank you supervisor thank you just a couple of comments and i really appreciate the discussion and all the work staff did and all the maps. And I'm really impressed at how quickly you can come up with a map, Bill, so thank you.

[03:19:58] First, I'd just like to share an experience I had this weekend. I have lived in this community for 50 years, something like 50 years. It's embarrassing to admit how long. We were driving to a vineyard in the Scottsville district on Sunday with friends, made a wrong turn, and became completely lost

[03:20:29] and no access on a very rural road in an area where my experience a few years ago was that I hit a deer and had no coverage. I was lucky in that the car was not badly damaged, but had it been, I would have really been in trouble because there were no, were there no houses? Well, the deer appeared to be better. I was more shaken, I think, than the deer, but having said that, did he hit a deer? But it just points out what can happen when you don't have access to cell coverage. So we're

[03:21:01] going to a vineyard on Sunday, one we had not been to, but one time ended up lost with no, no cell coverage. Luckily I happened to go, we happened, I wasn't driving, but we happened to go by a driveway, a road that was, I recognize the name of the road because I have a friend that lives on that road. So all of a sudden I was able to locate myself and figure out how to go to the

[03:21:33] next crossroad and take the right turn our tourists and many of the people that live in this community or visit this community don't have that ability that familiarity and so I guess I'm looking at this through the lens of equity through the lens of tourism we have a strong tourist community for if if we don't improve our cellular coverage i would suggest that we put a little asterisk on all of our tourism documents that say be careful when you drive in some of our areas

[03:22:13] because you may not you may not have cell coverage because most people think that when they go to an area they're going to have cell coverage um so i'm i don't want to keep going on and on about this, but I really appreciate the work that the ARB and the Historic Preservation Committees do for us. They do absolutely great work. They have a very different charge than we

[03:22:44] have. We have to balance not only historic properties and agricultural and forestal districts, But we also have to battle safety for our community. We have emails.

[03:22:59] I went through and read over the weekend. It was an exciting Labor Day holiday. I went through and read every email that we had in our packet from the last time. We had several emails from our first responders that said, I've been out answering a call and could not get coverage to the hospital to tell them I was coming or to ask a question about a patient that I had, that we were transporting. That's not acceptable. So to go back to just to say, it's not that I'm not saying that the Historic Preservation Committee and the

[03:23:38] ARB work and all of that's not valuable. It's just that our charge is different. And we have to make sure that our community is safe. Now, that doesn't mean that we have, we're going to put up a cell tower everywhere or by every house or by every historic property. I would say that I am very much in favor of the number one when we're talking about the National Historic Landmark.

[03:24:06] I think that works the best for me. This is very concerning in my opinion. I don't want to end up back where we are with so many SUPs that we're bogging ourselves down and our work down for redundancy. Because what I have realized, again, over the Labor Day weekend, is that all wireless facilities require a permit from the Federal Communications Commission, which triggers

[03:24:39] federal and state review of the facility's potential impact on historic resources, environmental resources, tribal lands, and migratory birds, among other considerations.

[03:24:57] So we already have a process. If we decide to put up a wireless facility, there is a process to look at much of what we're concerned about. I do appreciate the fact that there are some areas where we need a tier three and we should have a special use permit.

[03:25:17] We're just not throwing the baby out with the bathwater. We're not throwing the baby. Why do I look at you when I say, because you're too, I don't know. Anyway, whatever. But having said that, there is a process that is established by the federal government and the state government to look at these facilities and make sure we're addressing many of the concerns that we have right here that we've been talking about this afternoon.

[03:25:47] And I think Bill referenced it. I didn't, I hadn't, was not really as much aware of it. Section 106 review is a broad and detailed, defines historic properties to include not just sites, structures, buildings, and objects that are already listed on the National Register of Historic Places, but those that are even eligible for listing. So we have a process to look at our historic properties in addition to what we might put in place, but we also have a process from the federal government and state review that looks at environmental concerns that we might have.

[03:26:26] I was thrilled to see tribal lands and migratory birds. That was a surprise to me, Um, but I'm very appreciative of that. Um, so I guess the bottom line is what I'm saying is we need to have our own local review in some areas, but we don't need to have redundancy.

[03:26:48] Redundant review is not necessary in this case because it costs a lot of time by our staff where we have people tripping over each other, looking at different processes and trying to figure out processes and taking a lot of additional time. And we really do need to create a safe community so that folks can go out to a vineyard on a weekend. And if they're not familiar with the area and they get lost like I did, they can use their cell phone. I think I read somewhere

[03:27:22] in this report that I was, I'm sorry to keep going on and on, but 70%, of course, we know right now about 50 percent of our county is under an avoidance area, which is really not acceptable in 2024. But

70 percent right now of the adult population exclusively uses cell phones. So we have to be providing a safe environment and a safe community for not only our residents,

[03:27:59] but for our visitors as well thank you thank you supervisor ruitt thank you um so i first want to just make sure for members of the public and um also anyone who's joining us online because i i just want to make sure that we're putting today's uh hearing in its appropriate context this is uh the second time we've kind of turned to this in in recent times and in our first uh hearing which we decided we did not have adequate information to fully proceed on evoke we have

[03:28:31] already agreed to remove some of the most onerous parts of the avoidance areas that's the ag forestal districts um the scenic highways and byways and historic districts um that was uh accounting for the significant probably more than 70 percent of that 50 percent land coverage and now we're really just kind of uh fighting over the the remaining breadcrumbs over how we want to sort this out um additionally i just do want to clarify when when i ask questions during a hearing i i am asking questions uh they are not meant to be interpreted as normative or policy statements

[03:29:07] i'm trying to get the best information i can um so i'm going to begin with uh what seems like a bit of a strange reference and i hope you'll follow me along uh you'll have faith that i'm going somewhere with this um there is a late american indian performance artist that i'm very fond of, I might've even mentioned him before, named James Luna. And he did a lot of work that commented on American Indian identity. And one of his pieces is called Laying in State. And he, brown man, got himself in a traditional loincloth, crawled into a glass box, and laid down as if he

[03:29:44] were dead and invited people to come look at him. The idea being he is presenting a commentary. He is an American Indian person, and there is a tendency to put him in a box as a historic creature, something that he might not want, might want to evolve beyond that, might want to show a continued participation in ongoing and modern culture. But the box, the physical box that we put him in is as a historic being. I think sometimes when we talk about historic preservation, we have a tendency to try and confine peoples, often rural peoples, especially rural peoples

[03:30:20] on the south side, into being in some kind of historic glass case. I as a person and my own politics, I'm not necessarily the most well-received person when I go and talk to my friends at the Farm Bureau or to the Monticello Ruritans. There's a lot of things we don't agree on. But one thing I can always say when I'm talking to them that really gets a real rousing ovation is the need to make sure that we can get cell coverage on the south side of Albemarle County and in our rural areas, because every single one of these folks has specific instances they can talk to me about where they don't have coverage, where they might not have coverage at

[03:30:59] home, where they can't talk to their friends and family, where they'll be out tending their livestock and they'll drop out. So they have to make sure they have some kind of backup way to communicate back if something goes wrong when they're out in their fields. It is a real and emergent consideration. I have talked with members of our Blue Ridge Health District who are legitimately concerned about the ability of some of their patients and constituents to receive the kind of telemedicine that they need, because frankly, it takes 45 minutes to get up to UVA health depending on where they're living and that is the main way that they seek medical care so it's

[03:31:33] frankly cheaper so if i'm out in orders if i'm off somewhere off uh secretary lane uh i might only be able to reasonably afford uh preventive medical care by uh doing telemedicine and that might

currently involve having to get in the car and drive somewhere which is kind of an absurd contention that or you know buying starlink which talk about expensive um and as one kind of final illustration but i found it especially evocative um i mentioned a few weeks ago the scottsville fourth of july festival one of my one of my favorite times of year typically um we have a

[03:32:11] community organizer community leader down in scottsville named nancy gill she's a podcaster she does a lot of different events in the community um and she will live cast things on facebook which is really cool any major event down there she will live cast and she had a facebook live of the scottsville fourth of july parade and she's talking to everyone in the parade as they go by it proceeds at about 0.2 frames per second and the video drops out completely for significant parts of the video and that is in downtown scottsville right at the corner of everything through the parade route which is embarrassing right um and i wonder you know here you've got all this energy

[03:32:49] all this innovation all this time that she's putting into this project that's really uplifting the community that we aren't paying a dime for. And it's not working. It's not working because we've stood in our way over our own way over how we're deploying these assets to communities.

[03:33:06] And I wonder how many other innovative, energetic people in our South side, how many rural folks have a business idea that they need some kind of self support for how many farmers want to really expand what they're working on. And they can't because we have stood in the way as far as deploying cell assets. I don't want to keep the cell side in a glass box. I don't want it to lay in state. I want to make sure we have the most robust cell ordinance we can. So that will inform how I'm wanting to proceed on these other two elements. My personal inclination is toward option

[03:33:42] one, because I can see how this data could grow. It seems from what we've already heard, that'd be quite easy for someone to try and petition, try and seek additional clarification for more historic resources in order to make sure that they can control what their neighbor does and that's just a concern i have i do recognize this is a significant improvement over the historic districts i don't want to um i don't want to knock staff for providing that force and i appreciate this um and additionally uh i take super uh chair andrew's point that there are important gaps in

[03:34:19] the forest block that allow it to be more precise in its coverage of how we allocate resources um and i would be interested to see if we did an updated survey what that would look like and i think that could actually be the more appropriate use of how we protect those biodiversity areas which are frankly mostly limited to your district and supervisor malik's district that's all i have thank you supervisor galloway uh thank you i'm mr chair we're we're going to at some point do um like a consensus polling on some of these things yes we are all right i'm not going to try

[03:34:56] to walk through in my comments and remember all of those. Just a clarifying question. Figure nine, even after Bill showed the map with all the historic places, was figure nine still the map that we think is the most, at least scrutinized, if lack of a better word, of the maps in terms of the mountain area and the biodiversity areas? It's the simplest to define, right? Because it's not

[03:35:31] subject, it's subject to altitude, elevation, elevations, um, that happens to coincide fairly closely with many of the areas that were in the large forested blocks. Am I correct? With the, excuse me, with the highest scoring forest blocks. Highest scoring. Yes. All right. Thank you for that. Um, well then I'll wait until we go through the consensus polling. I mean, I appreciate all the input and feedback but we are trying to get an improved position when compared to our current

[03:36:10] situation with the cell tower policy so I'm glad that we're making movement on that and as it's been stated before I think there are areas in the county where it's still appropriate for it to come to us for enhanced scrutiny to decide if it's the right spot etc so you know not just going full on But appreciating the point I heard about redundant review.

[03:36:32] But we all have to remember we're still beholden on applicants actually bringing their applications forward for projects. You know, we don't control when or where they go or when they come to us. Companies still have to decide from a business situation that they're going to move forward and put something in.

[03:36:52] So if this improves some of that situation, that should help us get the coverage. And I'll yield until we go through the consensus polling. Thank you. Thank you. And I just, again, want to reiterate that I do see this, whichever way we come out, we've already got something before us, even in more restricted forms, that's way less dramatic reduction in avoidance areas compared to what currently exists. And so, you know, I take a look at it from that perspective, but recognizing that I don't have good information when I think someone

[03:37:28] came up and told us it was hundreds of thousands of dollars to do a special use permit. I have no idea what it cost just to come before us, as opposed to not coming before us under the review otherwise. I do know that we have a lot of areas that are not covered. And I don't know whether all of those areas are not covered because it's just too difficult to get through this process, or because it's just not cost effective to put self-coverage everywhere.

[03:38:02] I mean, we have a lot of rural areas. And so I'm going to have to go forward with a certain amount of ignorance on these issues because I don't know the business well enough to know whether we're really going to have a huge impact.

[03:38:21] And I would like and hope that maybe a year from now, we get a report that says, you know, okay, this is how many proposals came in in previously considered avoidance areas that are no longer avoidance areas.

[03:38:37] Because it would tell me, oh, there really was an interest in putting towers up in those locations. Or it may turn out that, no, there weren't that many that went in because it wasn't the driving factor. So, but I, you know, I guess we need to go through the choices now and see where we are.

[03:38:57] And if you could jump to the slide that gives us those, we can see where the consensus is. So, I don't know if we can do this one at a time, but so this would be the first one would be to say, you know, between options one and two, 1,500 feet within the four National historic landmarks or 1,500 feet within the 65 or so National Register of Historic Places.

[03:39:27] Mr. Chair, I might note that the staff-recommended ordinance is attachment B, and the slides that Mr. Fritz has prepared here are for the alternatives to what the staff-recommended ordinance is. I would note that when it says here there's a block and there's an or and then another block, that really should be four, because it's to substitute the first for the second.

[03:39:49] So the default on B is the second. That's correct. On each one of these slides, the bottom option is the staff-recommended one. And so if the board approves the staff-recommended one, there's no need to substitute the clauses. It would just be the adoption of attachment B.

[03:40:05] If the board feels that it wants to take the top lines on any of these, then there'd need be attachment be as amended by one of these provisions but before we make that motion we're going to do a little straw poll to run through so uh supervisor lopisto currently if i will ask you if you're willing to give an indication of how you feel about one and two here and two is what's currently in the staff recommendation one is an option that has been opened up okay i go with uh door number two but i say that because if you look at the place if you look at the map

[03:40:40] that um if i may okay if you look at the map that uh then there that's the one with the 65 places okay so the way it's listed here looks like okay there's a ton of them but i'm looking at just my area and for example grace episcopal church that is just one spot there and if you go out 1500 feet in any direction that's not that's going to be okay i mean that is something i would

[03:41:15] want avoided uh along with a you know a couple others there but 1500 feet is not it's not that far away so that you could put a cell tower still in that general area this makes it look like they're all over the place uh but they're in just one one little spot you know it doesn't take up a huge area. Grace Episcopal Church is not that large. Same thing with some of these other places.

[03:41:43] I mean, they could be a few, you know, maybe a hundred, couple hundred acres. But other than that, you know, you can still put a cell phone tower. Also, I think what is hard, well, the reason why we don't have cell phone towers is A, our onerous process going through the special use permit but also population so as much as we can do to make sure that we take take out those on our onerous you know special use permits that would be fantastic but um frankly i like

[03:42:20] number i like number two for that reason okay so i'm trying to go through these because we'll have to go back to this as well so uh supervisor now okay so just so i understand just looking at the first one and we'll come back we're going to go to the okay what's on the screen so everybody's on the same page so i prefer so the and if you don't like either of these say so no that's fine so if i prefer the second one then that's the staff report that's the first recommendation yes and that or is supposed to be a four so i do not support the substitution does that make sense

[03:42:58] so you prefer the four i prefer the four in the area the last one here because it's already taking out those contributing structures that are in the district, but are not one of the 65. Do I understand that right? Are you, are you, I'm going with the second one on this, which is the staff report. Okay. Right. Yes. So I prefer the first one, which is the 1,000 feet of a parcel containing a national historic landmark, four landmarks. Right. So

[03:43:35] that's one. So that's one. I prefer option one, although I do appreciate and recognize the arguments that were made that it's still not that inclusive of an area compared to what we have historically. I prefer option one. Just kind of starting to get counts on my heads here. I would note that when I saw it, when I see the map of the, I'm sorry, did you hear me say option one?

[03:44:07] No, I did not. Option one is what my preference is. When I look at the map that Bill provided of the historic places, this is where sometimes these maps, when we can see the overlap, would be important. While I would realize that some of these are probably not above the elevation that would be showed on figure nine, there seems to be some overlap with some of these places that are also in, and we kind of fall into an avoidance area because of others that we are keeping in place.

[03:44:40] But to try to get the coverage out there, I'd be for option one. And I'm for option two, which makes it three, three, which in this case, I'm not sure exactly how that. Yeah, because when you're ready, I have a comment.

[03:44:58] OK. You know, the map you showed us, I think it would have been much better, frankly, if you had a map of each district pinpointing those spots. it wouldn't look as like this. And even have, even if you had six different sheets, but each one pinpointing those spots, because like I said, 1500 feet from Grace Episcopal Church is nothing. And same thing with, even though Castle Hill has, you know, maybe 150 acres,

[03:45:32] something like that, 1500 feet from there is nothing also. So that was my, and maybe some areas if it's like in the jack jewett district uh that's why it would be good to have it you know enlarged so you can see exactly because it may have an impact may not have an impact i would propose for the sake of seeing where we're really at let's go to the next one

[03:46:03] and discuss it so again um and mr chair if i might on on the forest alternative there's actually three alternatives and so um you can see here there's forced alternative a the next slide would be forced alternative b and you'll note on these two slides that the bottom alternative is again the staff prepared one so the bottom option on both alternative a and alternative b is the same and it's the top option that differs so there's really again three the bottom alternative being the same on both and then the two different ones on the top between alternative a and alternative b

[03:46:38] can i this is confusing well i know and and if the supervisors want to look all up at once attachment c has all of all of the uh he has all of them and i would note that the first options relate to map one the second uh alternative b is map two i believe yes i'm sorry map one no no no i didn't want to go to the maps i just want to say that it is map one which is in our packet which we've looked at before uh forest alternative b is map two am i correct right and then of course

[03:47:13] the third option is map uh nine uh right would be nine right uh which was the mountain arrow so um so we're basically if you want to look at your packet at maps one two and nine that's another way to specify which of these three and if the supervisors prefer map two they would need to specify what number score on map two right so again we'll go through our orders with the staff recommendation of map nine um before we proceed i would just note that in the initial uh report

[03:47:50] summary it is presented as four options with the fourth option being to update the biodiversity action plan acknowledging that it hasn't been updated in 15 years and then proceed from there go to wait yes essentially which is the update right we don't know so i i won't i'm glad you brought that up and i will leave that out there but um we'll go through our order and see if anyone picks which of these so um if you're not ready if i can move on to the next person i'll

[03:48:25] come back to you okay the supervisor mallet i prefer the staff report on the forest okay and commit to option four in the future right uh supervisor mckee i am leaning towards i prefer i believe so i'm looking at the staff which is three in my yes right and i would protection yeah and i would look it found that looking towards going back and looking as ann said

[03:49:01] at the biodiversity right i think what we're what we're talking about there is remapping and looking Remapping and looking at the future, which we know that that process will go on. We just don't

know when exactly. Supervisor Pruitt? I mean, I personally think I would like to know a little bit more first.

[03:49:21] So my inclination is toward four, but using a brief rank choice model, I might say that my second choice would actually be using map two. That's the forestall block map, ideally at a score of four or higher.

[03:49:38] Oh, and I forgot about that. well the scoring is a whole lot of them can we go back to those you know because i might want to change my straw i'm sorry or higher the two darkest greens two i'm correct map two in it okay so this is map two that's map two yeah and we did need to identify the points yes we need to identify the point i didn't do that at all we're also not aware of what the current status of

[03:50:12] these parcels correct a lot of options on the floor y'all this goes back to you know you can think with so many options that it's the reason why the staff came up we wanted to offer you we wanted to offer you a recommendation but also obviously uh let you know what the options alternatives were and so what were your points uh four or higher so that would be um the two

[03:50:50] darker greens which lines up very closely again with the mountain protection areas uh i'm trying to be kind of cognizant of the reason we're doing this is around biodiversity. Those areas can change, right? That is the kind of guiding principle that is kind of motivating this.

[03:51:09] And while they line up closely, there's the issue of contiguity that's been brought up, making it potentially over-inclusive in some parts. And it's not necessarily going to be strictly consistent with the actual forestal blocks that we're trying to protect. So I'm most interested in getting an updated uh scale and after that i'm interested in trying to protect those those specific uh interconnected forest blocks that we see at a higher level and mike has convinced me with what he's saying this is why we're doing while we're doing this right okay so i would go with and then you said you would also be interested in more information that would i would also be

[03:51:48] interested in just seeing an updated version of those okay so i will change my okay because we're haven't fought right no we're just we're not voting we're just trying to get a consensus so supervisor galloway or they would they would have tier three uh approval yes we'll come back to you that's why i like two options um well i appreciate hearing how supervisor pruit just talked through that i was for the same rationale on figure nine um the mountain protection areas but it sounds like

[03:52:23] You know, when Supervisor Pruitt mentioned that four or higher is fairly close to that figure nine map, I could be persuaded to go that way as well with the update.

[03:52:39] But figure nine seemed to me to be a little bit more specific or could be relied on because it was an elevation point versus other data or other info that might be called into question. But I follow that rationale, and that's persuasive to me.

[03:53:00] Supervisor Malek, you had additional... So regarding the substitute of map two, do all those, Bill, all the considerations that you would use that you referred to under the mountain protection area that you would use for analysis, do you have the authority to use those as well for this forest block, or is it not the same to the extent that the it would be the same to the extent that the forest block was in a mountain protection area and came in for a special use permit them the mountain protection

[03:53:40] area is part of the comprehensive plan and would be considered okay so the area that the map to would be a slightly bigger geography it sounds like is what i think i hear like saying um and fewer it looks close yeah it looks very close i think it's more one is just kind of blanketed based on height and only in the other is that you're looking at the forest structure is there a process difference as far as not having you're either over or below 700 feet and is this going to be one continuous argument going forward about where what kind of block i'm in we can map it we

[03:54:20] this this will it'll be mapped and when you would update the map before you started using this to with the newer LiDAR to be able to do that. We'll update the GIS layer and we can have it be an avoidance area. Yes. That was my question.

[03:54:38] Thank you. I'm going to still look for consensus here. Supervisor LaPesa Gurley, you didn't indicate it before. Yes. I was going to go with, yeah, map nine, but I can go with map two. And a four or higher?

[03:54:55] Pardon? Four. Four or four or higher. Four or higher. Yes. and mr chair if i could just clarify i would note that the gradations on the map actually go to four and then there's 4.1 and up from there so it'd be 4.1 it'd be greater than four well that reduces the two categories tremendously so um to two categories the two colors essentially on the map right yeah no i i can go along i think that was an imprecision on my own speaking when i I said earlier. When I said four or higher, I was referring to the two darkest. I should have said

[03:55:32] higher than 4.1. Well, that's all right. That's okay. We knew we knew. And having heard this and looked at it, you know, and my argument, I guess, I don't want to give a lot of reasons, but I'll just say that there are places in here where it may be at an altitude that is above what we would have had with map nine, but it's not in a forested block. It's already been cleared. It's already not even identified on here as a sensitive area because there's roads passing through it.

[03:55:59] I would like those areas to still have cell coverage and have the ability to put a cell tower because it's not going to disturb the wildlife in that case. So I'm in favor of that option as well. But that would be what the process would be determined. Well, there would still be a process that there would still be the review number six on page 10 type of review, but it would not come before us.

[03:56:26] if it's not in the uh large forest block at above four it would not come even at a higher elevation i thought if you use the beat then it has to have the better process only if you use the mountain protection area so your alternatives are to use the mountain protection area which would be which would be everything above a certain elevation right or to use the forest blocks or you could could do both actually if you wanted to but uh you or the forest block so for example if you take

[03:57:01] stony point pass and you look at this this map here the road for stony point pass is not in a large forest block because it has been cleared however it is in the mountain protection area so if you adopted the large forest blocks of 4.1 or higher a prop a facility that was located close to stony point pass road would be a tier two and would not require a special use permit because it's not in a large forest block even though it is in the mountain protection area if you made it the mountain protection area it would be reviewed because yes if it was in a mountain protection

[03:57:40] area it would it would require a special use permit because it's above elevation 700 and in that case it could be 30 feet above all the trees around and be visible for miles because it wouldn't have the

process to have any discretion you wouldn't have discretion to we're still reviewing it to minimize visibility but you have to give them 30 feet we have to give it so that's whereas in the mountain protection ordinance there would be more process and discretion on the part of the

[03:58:15] board to be able to handle those particularly well highly exposed areas i mean they're close Yes, but I think that there is the reason, I support the reason that this, I think the reason the staff chose the mountain protection area was because it gave the background the authority to use all of the protections in the comprehensive plan, which our community has depended upon for many years, and reliable data.

[03:58:50] So, yeah, you asked me what my, I'm still in favor of MAP-9. Okay. I will add the observation that if I look at these two maps, it does appear to me that this proposed option based on map two actually has protected areas that are below the mountain protection areas.

[03:59:13] And I think there are significant forest blocks that have been identified that aren't necessarily mountain protection areas. And that makes me want to favor that over the blanket mountain protection area, which is what my reasoning was. I would say that it seems that we do have four people in consensus for this option that you've proposed, but we do not have four on the other question, which is on whether or not we go to the National Historic District.

[03:59:46] So I do have just one comment regarding that, which was this on the street right now. The northwest part of the county does not have the benefit of the historic districts and other things, but they do have individually located, widely dispersed historic properties that are listed.

[04:00:08] So whereas other parts have lots and lots of other protections, There's very little in the map, too, that offers the protections for other resources in that part of the county.

[04:00:24] So I will just offer that as a reason why I think that the staff selection for the historic resources would be beneficial. Chair, if I could briefly kind of speak to my own preference toward the first option other than the second one.

[04:00:43] I actually agree. I don't see when we consider that we're only looking at a football field and a half around any given church or manor house that's identified on this list, then we're not looking at a very significant impact.

[04:00:59] My concern and kind of what I had to go back to my former example of what what does the conniving landowner do? I do worry that there is the potential for the offensive use of historic registration, recognizing that that is a slow process.

[04:01:18] That is an expensive process. It's also a process that is not beyond the scope of a lot of our wealthier residents who might have pleasant homes in beautiful parts of our county, who want to be able to assert some amount of control over what their neighbors do. And I don't want to walk into a situation where we might see a proliferation of these sites based on our use of these sites as a jurisdictional marker.

[04:01:45] I also recognize that that is an outside concern. It's maybe not likely to happen. I don't find either of these options disturbing. I am not going to be kept awake at night for how this vote goes. but um i for that matter uh reason do still favor option one if i may if this were abused it could be changed yes it's been 24 years since we no i understand come back if i may to address the specific concern you could freeze this in time by saying on the registry of historic places as of

[04:02:21] today which would be that's what i was going to say now that that was going to be my comment could we freeze it as of today and then anyone who comes into it may have to have a special use permit or something but word it in such a way because we don't want people to say well now i can't put it on the historical list but um we want to make sure that what we have today that would be part of it and and look at everything else as a case-by-case basis so that they don't go into it

[04:02:57] for that reason as a as a kind of way to get away from a hung vote i think that's an adequate compromise and i would be willing to change um to option two if we can freeze in time so if you will put up the uh we have the authority i would ask the attorney do we have the authority to do that kind of freezing in time we're not we're not freezing the ability for people to declare these to get these we're not freezing that that's what i heard yourself no that is that's not what you i think simply that we're freezing what's protected under the avoidance area areas those historic those we're looking at the current list for avoidance areas and not

[04:03:34] not expanding to new historic places automatically i will say i do think it has been used that way in the past that's my sense there's no there's no problem with somebody putting something on a national register of historic places they just won't have the benefit of saying oh i've created where there wasn't one. Okay. Want to do another? Well, that said, I think we're there. So yeah, Ned, I definitely want to hear from Ned as to whether there's any additional comments.

[04:04:12] Ready for me. Yep. Jim, I was persuaded for chair Andrews. I was persuaded by the map to not just from supervisor Pruitt, but your point about there could be areas that are above elevation, but would be fine for it to go in. I believe that was you that made that point.

[04:04:35] So I don't know where that puts us in the count, but I'd be happy to go with map two for that reason. And then I'm still on option one to stay with the four historic landmarks. Is there another one I need to speak to? Well, there is a proposal because we're deadlocked at 3-3 with respective options one and the first part, options one and two for the first part. Well, that's what I'm suggesting to just make sure that Supervisor Calloway understands that what Supervisor Pruitt, I think, is saying, and I hate to put words in your mouth, but that he

[04:05:11] would go with option two if we freeze the list of places at the current list and allow people to just add in. And if that is then acceptable to four people, then we've probably broken the yeah i understood on that point i remain committed to number one on that that particular one okay we need a motion and i don't know whether we make the motion without that and or or uh i'm still with one too i understand but if we had a motion with one it looks like mr harry might be drafting

[04:05:50] something i i can draft something and send it to you or i can i can read to you if if i understand What the consensus is fine, because I think we have the motion in front of us. Right. And I think the first. So my understanding is that the board as a consensus is agreeable on the on the first alternative, the historic alternative, that it be with any area within 1500 feet of a parcel listed on the National Register of Historic Places as of September 4th, 2024, except for those parcels listed only for being within an historic district.

[04:06:26] And then also to amend with forced alternative B on attachment C with a score of 4.1 or greater. Well, a score of greater than 4. Well, I guess 4.1. 4.1. So you're going to put them into one motion so that we...

[04:06:42] I can certainly do that if the board... I think you should put them into one motion. Well, the motion will be for the board to adopt the ordinance with those amendments. Vice chair, are you asking for the purposes of preserving for the record dissenters well nan and i are in one place on the on the historic but we're all i think most of us are in agreement around the forestal the interest of time i would suggest that one approach would be to make the motion based on the four historic places and then we would um see where that goes

[04:07:22] with respect to this would we still have the motion be map two with a score of 4.1 or higher so i i think andy could just give us two motions because you had the motions right there andy just give us the two rather than combine them into one just give us two motions well but then the board wouldn't be adopting an ordinance the motion would be to adopt an ordinance in its final form rather than to adopt this sort of an incomplete ordinance right i will have to go to the second motion i do believe we keep very thorough minutes and individual action items here so i would just

[04:08:01] suggest the dissent is recorded for the record mr chair yes mr gallum i would recommend once the motion goes just make sure you call for extra discussion and those of us who may disagree with elements within the ordinance we can state it at that point very clearly that's great um so that's If I will, we're looking for a motion, I'm going to just restate this, a motion that would adopt the ordinance as presented with respect to national historic places, except that it freezes the list as of September 4th, 2024.

[04:08:41] for and with respect to the mountain protection it would adopt the map two uh with a score of 4.1 or higher and that's the motion we're looking for do we have a motion so mr chair for what it's worth i just um sent you all a proposed motion so that hopefully captures all the wording that i believe the the board consensus uh oh we don't all have it either you'd say that you'd be happy I don't have it either.

[04:09:18] Did you send it to him? It just hasn't come through yet. Chair, I'm ready for a motion. Go ahead, please. I would like to move that the board adopt the ordinance attached in the staff report as attachment B as amended to provide that an avoidance area includes one, any area within 1,500 feet of parcel listed on the National Historic Register of Places as of September 4th, 2024, except for those parcels listed only by virtue of a historic district and as amended by Forrest Alternative B with a score of 4.1 or greater on Attachment C.

[04:09:53] Second. And we have a motion from Supervisor Pruitt, a second from Supervisor Lapisto-Curtley. Now, would you suggest a further discussion of the motion before we vote? Yeah, Mr. Chair, if I might, I just wanted to note that I'm not going to, while I disagree with the point on the national landmarks versus places, that is not going to prevent me from voting for the ordinance, as I do see it as an improvement over our current situation. Thank you. Thank you. And I would note the same thing, that I really

[04:10:30] feel like this has been a really long process. I really appreciate the help. And I, too, prefer the first option, but I'm willing to support in the name of compromise. Thank you.

[04:10:45] i i i i statement also appreciate that that was that in forest alternatives while i would prefer map nine and adoption of the mountain protection area description i'm willing to vote for this okay then with further discussion will kirk will call the role hi miss malik yes miss mckee yes mr pruit hi mr angels yes mr galloway yes thank you and Thank you for those who have waited patiently with us as we worked our way through there.

[04:11:24] As I said, I think this is a dramatic improvement already. That was some real legislating. That was some Model UN stuff. I love it. It's good. I can actually compromise. It's cool. Do we take a break? Do you mind if we just took a quick break? I'm sorry.

[04:11:39] Sure. Yeah, that'd be okay, I think. Sorry for those who are coming to wait. But we'll take literally five. yeah maybe 25 after at the latest that's good thank you all right we're gonna come back the order thank you um and we have three public hearings go through tonight and we'll start with the first one being uh zma 2023 15 1928 scottsville road which is led by uh mr sid

[04:12:18] schulf uh senior planner one welcome yeah good evening um can i get the presentation on the screen, please. So this is not about more cell phone towers. This is a rezoning from, it's a 1.32 acre lot being proposed to be rezoned from R1 residential to R10 residential. The subject property of this rezoning is located south of the city of Charlottesville between Avon Street

[04:12:57] Extended and Scottsville Road. The parcel's address is 1928 Scottsville Road. The tax map parcel is 90-24 and the entire parcel is approximately 1.32 acres. It contains an existing single-family residence with several outbuildings. The property is currently zoned R1 residential, as shown as green on the map. The parcels to the north and south are also zoned R1 residential and contain single-family residential. To the east across Scottsville Road, it is zoned rural areas, and to the west across Avon Street Extended, it is zoned planned residential development. This planned residential development is the Avon Park 2 subdivision, and it contains

[04:13:36] 28 townhomes and two single-family detached homes. Lastly, the subject parcel is within the entrance corridor and is also in the airport impact area overlay district. The subject property is located within the southern and western urban neighborhoods master plan. The future land use designates this parcel for neighborhood density residential, which allows for residential units between three to six units per acre. For this proposal, the applicant's requesting to rezone the entire 1.32 acre parcel from R1 residential to R10 residential. If the rezoning were to be approved, this is a concept

[04:14:12] plan of what the future site would look like, the applicants proposing to construct a proffered maximum of eight single-family townhouse units for a density of 6.06 dwelling units per acre. The primary access to the site would be from Scottsville Road via Research Way. The eight townhouses would front on an internal street, which would also provide future inter-parcel connectivity to the parcels to the north and the south. Additionally, an emergency access lane is proposed from the internal street to Avon Street extended. Furthermore, the proposal includes two on-street guest parking spaces, an open space area, a recreation area, and a stormwater management

[04:14:50] area. The application is also proposing pedestrian and bicycle facilities, which includes a pedestrian pathway along Scottsville Road, a 10-foot shared use path along Avon Street Extended, sidewalks within the site, and a Class A primitive path along the emergency access way.

[04:15:08] The applicants provided a proffer to develop the property in general accord with the concept plan, which includes the five following major elements and these are in the staff report. In sum, there are two factors favorable. The first is the request is consistent with the land use recommendations of the Southern and Western Urban Neighborhoods Master Plan and the second is the request provides transportation improvements consistent with the recommendations of the Southern and Western Urban Neighborhoods Master Plan including a new shared use path along Avon Street Extended and a pedestrian path along Scottsville Road. Staff found no factors unfavorable. With that being said, staff recommends

[04:15:43] that the board adopt the attached ordinance attachment d to approve zma 2023-0015-1928 scottsville road and i'm happy to answer any questions from the board thank you thank you we'll go through our order supervisor lupito currently no question supervisor mallet it thank you if there were future transit available the bus could stop in the road and people could hop on i mean there is no place i guess on either frontage where a pull out or anything like that would be

[04:16:16] projected or proposed? That's not proposed on this plan. Thank you. Supervisor McHugh. No questions. Thank you. Supervisor Pruitt. The proposed sidewalk along Avon, am I correct in understanding that that is going to connect to nothing? At this point, since the properties adjacent to it are undeveloped, that you're correct, but long-term wise in the comprehensive plan, the intent is to connect a pedestrian path along the frontage of Avon Street. Does any part of the, this might be

[04:16:53] beyond your scope so i apologize for this um do you know if any part of the proposed work that we're doing on biscuit run which is within a hundred or one thousand five hundred feet of this location the main the main parking lot it's right downhill um do we know if any part of the proposed development around the biscuit run parking location area would include extending up to this property with sidewalk or is that going to be later efforts i'm not entirely sure with this with this project i'm happy to get an answer for you um tomorrow sure no i i realize

[04:17:26] that's not your ambit but i was curious thank you thank you uh supervisor calloway um can you hear me yes sid who decides the internal street design is that the the applicant that picks that how they want it to go or is that and then we just require the connectivity or does the county suggest what the design of the street should be? Yeah, so the applicant is the one that ultimately decided the street design. However, our code encourages inner parcel connections to adjacent parcels for future

[04:18:02] redevelopment. Can you maybe put that picture back up that shows the street design, whoever's controlling the screens? And I guess this would fall into more commentary than anything, but it It seems, you know, we presume that the adjacent parcels may someday develop and then they connect.

[04:18:31] But that street design kind of then dictates if there's going to be connectivity, what it's going to look like without necessarily wondering if the design of those parcels, if that makes the most sense. If a future one develops and that connection doesn't work for them, then we have this development building a connector that ends up not connecting.

[04:18:59] I feel like I've seen this in some other places where we have these little piece outs or parcels or spots that are supposed to be future connections, and then they ultimately end up not being so. and then it just could have been another unit there. With such small little pieces pulling together in a triangle down there, are we just that concerned about connectivity between those couple of lots, or is it just because, well, we always want connectivity in all of these lots?

[04:19:32] Yeah, to answer your question, we want to enter parcel connectivity with all of the lots in the development area. With that being said, it's unclear what, how the adjacent parcels will redevelop in the future. I hope that whoever does redevelop those parcels are able to connect to this proposal instead of having a connection to nowhere. And if there's any staff in the audience that are able to chime in and provide some more clarity, I'm happy. And I understand it's in some ways an unfair question. But I mean, you know, to have a connection to nowhere, where there could

[04:20:09] have been a house there versus the connectivity, there could have been an additional unit or two. And in the situation we find ourselves in, it seems to me that the housing unit may be more important than the connectivity. But like I said, commentary. Thank you, Sid. Thank you.

[04:20:25] Thank you. And I have no questions at the moment. I will hold off. We will at this point then open the public hearing and I don't know that we have anyone signed up but we do have an applicant so okay okay uh this is so you're Amy George from Arvish Cave and you probably heard the rules but she'll read them I'll read them because they're brief and these rules are going to apply to the rest of the public hearings tonight um applicants are limited to a 10-minute presentation of their

[04:21:02] proposal and are allowed a five-minute rebuttal at the close of the public hearing timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which will begin 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. All comments are live streamed, recorded, and published on the Elmore County website. Hello, my name is Amy George. I'm with Radha Bush and Gail. I'm the representative for the applicant. One of the things that we kind of took a look at when we designed this property,

[04:21:37] It is a smaller property within the larger rezonings that have gone in the past, Avon Park 1 and 2 double-digit units, along with Spring Hill Village, and also the recent ZMA for 22-4.

[04:21:57] This property is about 200 feet wide and about 260 feet deep between Avon Street Extended and Scottsville Road.

[04:22:14] And actually, there's 37 vertical feet between Avon Street Extension on my left and Scottsville Road on my right. So we've tried to take that into account and actually honor the natural topography and make that work with us.

[04:22:29] We chose the location of the interconnected street, Emma Beth Lane, due to the fact that it was like half, roughly halfway between the, I guess, like up the property. It allowed us to connect the interparcel connectivity, but also allowed us to have open space at the back of the lots that we thought we thought that would be more beneficial than just the lot itself and be more kind of like in tune with the neighborhood of its own.

[04:23:00] We have designed it so that the townhouses on the upper side of Emmett Beth Lane has the garage on the bottom floor and it exits to like a patio on the second floor. On the lower side of the road is the garage level and it's a traditional walkout basement.

[04:23:20] You also see this configuration within Spring Hill Village along Avon Street Extended. That is the configuration for the townhouses that butt right up against Avon Street Extended. We also opted for the emergency access to Avon Street Extended rather than extend a street up to that because at the time when we designed this, the bus shortage was, I guess, in full force and my applicant was worried about the cut through traffic between

[04:23:56] the two streets and just kind of creating more traffic within the neighborhood than actually needed to be there. This road is, like Research Way, is about 710 feet from Scottsville Road.

[04:24:12] And on the other side, it's Pace Way. We tried to get the full access intersection directly across Research Way. And another benefit of having the interpersonal connectivity is the fact that the spacing

between the intersections on Scottsville Road are really limited by the VDOT regulations for a 55-mile-an-hour road.

[04:24:39] Any other intersection further up between Research Way and PACE would have to be a partial access easement or partial entrance with right in and right out. So the interparcel connectivity is designed for the future so everybody can move through the neighborhood itself.

[04:24:57] I know one of the comments that came up during our public commission meeting was Mr. Chicken Dance, which is a resident further up the street, was concerned about these utility extension that we're proposing for the sewer system from our property up to Spring Hill Village.

[04:25:22] He was worried about impacts to his property, other properties, and physical features within that. We have talked with ACSA and they have agreed that we can put the sanitary sewer within the right of way. There is a precedence for that. Spring Hill Village did it. Galaxy Farm did it.

[04:25:39] So ACSA is on board with allowing us to do that. We have run a field survey and the steps that Mr. Chicken Dance was most concerned with are located within the right of way and do have the potential to be impacted by the construction of the sanitary sewer.

[04:25:59] sewer. We do want to, if that does happen, we do want to replace those in kind. And one of the questions that came up this evening between Sid and myself and Mr. Shigandance was how we kind of codify that within the language to say that we will do that, even though it's not written into the proffers. And I guess that's a question for the county attorney. And with that, I'm done with my presentation thank you well if it's if it's not written into the proffers it's not enforceable

[04:26:35] unless it's part of the site the site plan the approved site plan so well this is on a parcel that's several yeah it's several properties up through there i guess i'm not understanding the basis for enforcement but i guess i know mr chicken dance he's just worried that that will tear down his steps and he will not get any replaced. And he's just hoping to somehow codify that within the language. And we're trying to be amenable to that. If I'm understanding this,

[04:27:11] there is likely damage to another parcel due to the easement when the line goes in. Correct. And the question is, is there anything that we do now that ensures that that damage is fixed? Well, if it's not on the subject parcel, then it's not part of what's before the board this evening even though it's caused by the extension of water and sewer so my understanding is that the proposed improvements that are of concern here are not on the subject parcel that they're in the right-of-way is my understanding i think it could be mistaken mr that is correct so so that

[04:27:49] that would not be before the board this evening it would be up to the uh holders of the right-of-way to determine what goes on in that right-of-way in other words what's before the board this evening is what's within the subject parcels. I think what's being discussed here are improvements that are not on the subject parcels and therefore not part of what's before the board this evening.

[04:28:14] And also not owned by the same owner. Right. Owned by the... Correct. The action that the board would take would be to affect the rights associated with a certain distinct parcel. And it's my understanding that these improvements that are of concern are not on that parcel.

[04:28:31] Can't do it. You can't add it into the, yeah, but you can always fix it. Could you write him a promissory?

[04:28:48] I wish. And if they let me build the steps, they wouldn't work too well. Okay. Do you have any other questions? So, yeah, we'll, we'll just go through our order to see if there are any questions, uh, supervisor, if you still correct me. No, it's, um, no, I don't have any questions.

[04:29:07] Thank you. Thank you. Supervisor Malek. I appreciate your explanation of the layout and those stub outs will make great basketball courts until they're needed some time in the future. Supervisor McKeown. I'm good. Thank you very much. Supervisor Pruitt. Yes. So this might feel a little out there, but I know in a very early iteration of this plan, it was a higher density development. And I'm curious if that was before your firm was contracted on this. No, we actually worked with Paul McCarter, the applicant,

[04:29:41] on both i guess this this plan and on the higher density plan um we tried to get i guess a 32 unit apartment building but based upon the comprehensive plan that was not a feasible option so we kind of tucked back and said townhouse units i i mentioned this because i i want to draw it to the board's attention i'd actually hoped mr mccarter would be able to be here because i know he's quite passionate about this because he wants to make his money but he also is an engaged member of the community and he brought this to my attention back when i was still running as kind of illustrative

[04:30:19] of how we step on our own feet sometimes with infill um that the 32 uh the 32 unit housing development was frankly architecturally quite beautiful um it was going to house significantly more people and it was going to be naturally occurring close to 100% AMI. It also would have been a high enough level that it would have triggered our inclusionary zoning ordinance and would have had therefore 15% of the units set aside for 80% at the time. And that wasn't able to be workable. So the main things that stood in the way was our open space concerns for the

[04:30:58] top lot, the design of the road. And you'll correct me if I'm missing any main ones. Those are the two that i remember but um a few of our things that we think of as being essential to ensuring quality of life i would argue decrease the quality of life and potentially harmed our public good in the ability to realize this and i just want to emphasize this and i would love to if um and i spoke to mr mccarter this afternoon and asked if he could send along so the early architectural drawings to share with the board but we are at a position where if we want to continue

[04:31:34] building in this community we have to build in and we have to build up and this is a great example of building in and trying to build up and I think as a community we kind of failed we're building eight units here in a place that's not being utilized currently and that's good but we could have built 32 units for working class folks and we weren't able to and not because the applicant didn't want to and that gives me concern and I think it should be really looked at seriously as the case study as we go into our zoning refresh. Who's going to use that top? A lot of parking.

[04:32:13] Supervisor Galloway? I have no questions here. Okay. And I have no additional questions. I do worry about Mr. Shigadansk's concerns, but I understand that our hands are tied. So with that, we can, if there are no other questions, we can close the public hearing. And the matter, well, Well, you actually have a chance to remark for five minutes before I do that.

[04:32:41] I would add, like when I was talking with Mr. McCarter, the 32 units he was planning on were like the one-bedroom studio apartments, so they would have been clearly affordable. But like you said, it's like the main driver of this was actually the land use within the comprehensive plan that was limiting the number of units and the density within the property.

[04:33:06] Thank you. Thank you. so now we'll close the public hearing and the matter is back before the board um comments and then a motion supervised a little piece separately i'm i'm in favor of this i have no problems with it but i'm just um shocked that we couldn't have more units at one bedroom for working folks maybe singles uh because of a taut lot and other concerns supervisor malik thank you thank you i am supportive of this as well. And I guess parking for all those units, I could have had a comprehensive

[04:33:43] plan amendment easily at the same time as this process, if that was the deterrent to modify the comp plan for this project to be able to be allowed. So I think there were alternatives that could have been used, but I don't know where you put 32 cars on there in addition. I mean, I think it's a lovely layout now and we'll have a nice place to play. And if any of those people living in those 32 apartments had a child and wanted to have a place outside to play that would be important to them so thank you supervisor mckeele i don't have any questions at this time thank you

[04:34:18] professor pruit nothing further supervisor gallin i mean i'll go to uh to approve i just don't buy the connectivity argument especially to the south just feel like internally this could probably be done more creatively without having to worry about adding vehicular connectivity to a point where you've got two roads converging between Avon Street Extended and Scottsville Road.

[04:34:44] But I'll vote to approve. Thank you. And I'm appreciative of the comments that have been made, but I also am supportive of what we have before us. So I'll look for a motion from the supervisor of the district. Yes. Do we have one for the screen? Sorry, I realize Supervisor Galloway is on the screen.

[04:35:04] Yes. I would like to move to adopt the ordinance attached to the staff report as attachment D. Second. We have a motion from Supervisor Pruitt, A second from Supervisor Malek without objection if the clerk will call the roll. Ms. Lepisto-Curtley?

[04:35:21] Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Thank you. Board, this brings us to item 19, SP 2024-16, Community Christian Academy Modulares.

[04:35:42] And this is being presented by Mr. Kevin McCollum, Senior Planner 2. Welcome, Mr. McCollum. Thank you for your patience. Good evening, Chair Andrews, members of the board.

[04:35:58] My name is Kevin McCollum. I'm a senior planner with community development. Tonight, I'll be giving staff's presentation for Community Christian Academy Modulares. This is a special use permit amendment for an existing private school. Community Christian Academy is an existing private school that's located within Cross Life Community Church.

[04:36:17] It's located along Ryo Road at the intersection of Ryo Road and Old Brook Road. The existing conditions of the site include two buildings, a church slash school building and a parsonage building. There's an existing parking lot and a playground area.

[04:36:33] It's zoned R2 Residential. It's just over three acres. The site is home to the Cross Life Community Church and Community Christian Academy Private School, which both have approved special use permits. Most recent special use permit approval for the school was done last year and increased the student enrollment to 150 students.

[04:36:55] This slide on the screen just shows the existing conditions from Old Brook Road looking into the site. That building there that looks like a house is the existing parsonage building. And this is also an existing conditions slide showing the existing conditions from Ryo Road.

[04:37:13] Building on the left there is the church and school building. The parsonage is beyond those trees that are in the middle of the picture there. This is a slide that shows the approved concept plan from the previous SP from 2023.

[04:37:28] You can see just a little bit more about the existing conditions, the buildings, the playground over to the right, the parking lot, and the student drop-off and pickup loop. On the screen here is the proposed concept plan.

[04:37:44] The development includes the removal of that Parsonage building, and in its place, a building envelope for a modular building to be added to the site to provide additional classroom space for the school. Given the proposals in the entrance corridor, this development will be required to go through the ARB's review process, which will review the proposed landscaping and the building design.

[04:38:06] The project will need a site development plan and Virginia erosion and stormwater management program plan. Through the site plan process, staff can require additional landscaping buffers, street trees, and screening as needed.

[04:38:22] To summarize, staffs reviewed this proposal and has no major concerns that aren't already addressed by existing zoning ordinance requirements or the proposed conditions. Here are the recommended conditions if you'd like me to flip back to them.

[04:38:39] They're relatively straightforward and were simply updated to reflect the new conceptual plan. A majority of these remain the same from the previous SP approvals. And so to conclude, staffs recommending approval of this special use permit application with the conditions as recommended in the staff report. With that, are there any questions? I have a potential motion on the next slide. Thank you. Thank you. We'll go through our order. Supervisor Lapisto-Pertley. So there won't be a parsonage building? That's correct. It would be demolished

[04:39:13] during the site development construction and the modular building would be put in its place in the approximate location. Okay. Thank you. I have no other questions. Supervisor Malik. No questions. thank you kevin pleasure mckee no questions professor pruit no questions professor galloway uh thank you kevin is is there anything being that this is a modular um and we're allowing the use and if this particular applicant decides to shut down and leave they could take the modular down and with them i suppose i guess that's possible is there anything there we need to be

[04:39:51] concerned about because it's a modular some of the concerns about building design that have been you know, raised by the community, I think will be addressed by the Architectural Review Board's review of the building. You know, they may have comments on what the building looks like.

[04:40:09] The existing zoning is going to remain R2 residential. So, you know, this special use permit is for the private school, and there's also the special use permit for the church. But theoretically, if the owner changed, you know, this could, there is nothing keeping the trailer there. You know, it could be redeveloped into a residential property, you know, that maybe the church would want to use it the church would have to amend their specialties permit um but there's nothing really i guess holding holding them to the development of the modular building as shown in this concept plan or preventing future land use i mean we're allowing the use and they can do it they could leave the modular they could take it with them but somebody else

[04:40:48] could put a new one in i guess um all right i get it thank you thank you and i have no additional questions. So with that, we'll, we have no one signed up to speak, but we'll open the public hearing. And I believe that Ms. Kimberly Moore, the Executive Director of Community Christian Academy is here. You heard the instructions earlier, I hope. I can read them again if you want to know. Okay. We all want to go home, right? I'm Kimberly Moore. I'm Executive Director

[04:41:20] for Community Christian Academy and we need more classrooms and we currently are in two sites. Our elementary school is at Cross Life. We have a middle school at Riverstone and to move a school takes months and months and our Riverstone location has been in flux because the church that's there does not own its property and the owners until just like two months ago were only extending their lease by six months so we need a more permanent location for our middle school

[04:42:00] and so since we have no space in the building because of its configuration in terms of usable classroom space we need to bring one in we have we uh we have uh desires to further develop the property over time to maybe something more permanent to the building but at this point in time this will allow us to have the extra space we need hopefully by next school year whereas if we want to put an addition on the building something more permanent that would take a few years to go

[04:42:36] through the process so that's what we're attempting to do we'll go through order with questions Supervisor Lapista Crippich? No questions. Thank you. No questions either. Thank you. Supervisor McHugh? I'm fine. Thank you.

[04:42:53] Supervisor Pruitt? Is the parsonage a parsonage in name only? Is it more of a fellowship hall? No. The parsonage currently stores our paper towels. It is an old building that would never pass building code today. So it would not be possible to use that space for classrooms safely.

[04:43:13] and the church desires to have it taken down now because of engineers and things like that this building will not be exactly on top of it that's why there's a building envelope it'll be a little bit to the side of it and it'll be a little bit smaller as we've gone through this process because we can only disturb so much so much land but but no one lives in in the parsonage um for any length of time sure i appreciate that you know parsonages rectories like i'm realizing half of them aren't like real anymore like it's not a service that is provided we had the historic

[04:43:51] district map up there listed earlier it lists the rectory which is um by christ church in um in keen i talked to my my husband i'm like hey can we live there and he's like it is not a rectory anymore. So, no, we cannot. So, I'm always curious. Thank you. Definitely not safe for school.

[04:44:12] Professor Galloway. No questions. I just appreciate the applicant's care taken at the CAC during the community meeting to answer all the questions from the neighborhood or the folks in the neighborhood that came out. So, thank you. Thank you. Thank you. And I have no questions, though. I do recognize that you have a process to go through even still because of the ARB approvals for the modular units even so yes we we do the arb uh i believe the engineer is all set for us to apply to

[04:44:42] arb and site plan amendments next tomorrow hopefully and if you have your time for rebuttal i guess but if you're i think we all want to go home okay well then uh i will close the public hearing and the matter is back before the board supervisor lupisto currently i'm in favor okay definitely it's a school comments or questions okay Supervisor Malik I'm all set as well thank you I'll surprise McKeel Supervisor Pruitt and good Supervisor Calloway I'll be supportive I just

[04:45:18] again I appreciate the fact that this will go to ARB some of the concerns brought up in the neighborhood was what would this look like that these have been good neighbors uh this applicant and the work that's being done there has all been good for the neighborhood so I trust that that will all be just fine. So I'll be supportive as well.

[04:45:35] So we're looking for a motion from the supervisor of the district. I move and somebody make sure I get it correct. But I move to approve the special use permit SP 2024-16 Community Christian Academy Modularity as presented as attachment E.

[04:45:57] Second. We have a motion from Supervisor Galloway with a second from Supervisor LaPiestro-Curdly, without objection, if the clerk will call the roll. Ms. LaPiestro-Curdly? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Thank you very much.

[04:46:15] Thank you so much. Appreciate it. Thank you. And board, our last public hearing is ACSA 2024-1 Roach Jurisdictional Area Amendment, presented by Mr. David Benish, Development Process Manager, and welcome. Thank you for your patience. Thank you. David Benish, Development Process Manager.

[04:46:37] I'll repeat that. This is a proposal to allow sewer service to a half-acre parcel with one house, which is located on Three Notched Road in Crozet. Property is designated rural area in the comprehensive plan, and it is a zoned rural area, which is consistent with that comp plan designation.

[04:47:00] The parcel currently has water service designation only at this point in time. This is the location of the parcel just north of Three Notch Road and just east of the Beaver Hill Mobile Home Park jurisdictional area map if we need to refer to that.

[04:47:19] You have a policy, the board, the county has a policy in the comprehensive plan regarding providing services, public water and sewer, which requires that service or allows that service only in the development areas, but allows for an exception for parcels in the rural area when they are adjacent to existing lines and there's a public health or safety issue.

[04:47:43] That policy is important to implement our growth management policy. I think you all are aware of that at this point in time. I'll move on. Regarding the criteria for review for this type of request, adjacency to the existing service line, it is located to the south across Three Notch Road, approximately 200 to 250 feet from the parceling house in question.

[04:48:12] That the facilities are actually in the Highlands. I had mistakenly put me to, or I believe, Wickham Pond in the report, but the connection would actually be in Highlands. and that general distance and location has met is consistent with prior findings for adjacency regarding this policy in a map for the location of that connection if we need to refer to that regarding the second criteria existing health or safety issue the the subject property

[04:48:48] has consistent effluent present above ground the health department has denied a application to install a replacement system due to various factors on the site topography existing location of existing utilities and setbacks limiting an alternative site for septic system and drain field just other relevant decisions beaver hill mobile home park was granted a sewer service and the

[04:49:22] jurisdictional area was amended back in 1998 very similar situation as this situation in summary the this request meets the health and safety standards and the adjacency standards criteria of

the comp plan and the typical amendment for a rural area jurisdictional area amendment would be to limit service to the existing structures only however because this is a small parcel it's zoned rural

[04:49:57] area we don't feel there is a need for that limited service designation the zoning and the size of the property property essentially limits that limitation and therefore the service designation that's going to be provided on this property is water and sewer service since it already has water service so it's a little bit different than the designation you usually give a property in the rural area but uh is we feel the appropriate designation staff recommends the board adopt the attached resolution uh to amend the albemarle county of service authority jurisdiction area to

[04:50:35] designate this parcel 59-7 for water and sewer service and you can use this as your motion if you agree thank you we'll go through order supervisor well if any parcel deserved um what we're proposing this parcel does after reading all this uh i'm i'm glad we're able to do it i'll i'm no questions i have no questions either and thank you david for all of your work on this project to bring it forward no questions thank you david i have no questions thank you

[04:51:14] david what's the alternative here if the board said oh we just aren't going to do this i mean i get that it's got to come before us and go through this process but if they're hamstrung and don't have any other way but the rules are full they're just this thing and i have no questions um and mr chairman uh kathy knight from the prop representative property owners here she does not have a presentation though but is available for questions if you would like okay i think technically we still need to open a public hearing yes and uh do we have anyone signed up okay um but if

[04:51:51] there's no presentation are there any questions of the applicant that anyone would like to raise thank you for being here thank you appreciate your patience would you like to rebut anything okay well if there are no questions for the applicant and further that way then we can close the public hearing matters back before the board and uh this is uh in the whitehall district if there are no questions if there are no questions or additional comments something to add no no so so that if the board's inclined the motion would be to adopt the resolution attached

[04:52:27] to the staff report as attachment e attachment e all right very good thank you um i move that the board adopt the attached resolution in attachment e to approve and designate parcel 59-7 for water and sewer service second we have a motion from supervisor malik second from supervisor lapisto curtley without objection if the clerk will call the roll that's the piece so currently hi miss Malik? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Great. Thank you.

[04:53:05] Thank you for your patience. Board, this brings us to item 21, matters from the board, committee reports, and matters not listed on the agenda. Supervisor Lapista currently? I have nothing. Thank you. Supervisor Malik? Nothing from me. Thank you. Supervisor McKeel? Nothing.

[04:53:22] Thank you. Supervisor Pruitt? I would just like to say how the Pantops Community Advisory Committee was very grateful for an excellent report from Dr. Pethia on kind of all the things we're doing for housing. And there was quite a lot of excitement in the room to do more. I think that's kind of a recurring sentiment I hear when we talk about housing in our CACs. I should also mention just yesterday, I convened a meeting of several different community and tenant stakeholders related to the Cavalier Crossing issue, meeting with a lot of nonprofit leaders and people who had been organizing and representing tenants on their behalf. There were a lot of things that

[04:53:59] came out of that meeting, but something that I think is somewhat time sensitive that I'm going to be trying to work with staff and then Frank hopefully would like to talking individually with staff and then would like to at some point discuss with the board further. You'll recall that I was quite insistent on additional funding for ACRF, the emergency relief program that we set aside, and we did not get additional funding beyond the originally approved outlay. That is used in part for security deposit assistance. That is currently the most influential way that the county helps in

[04:54:34] displacement issues when we're looking at renovations of units that result in complete displacement. That's the main way we have to help working class folks find a new home is getting that security deposit that they cannot otherwise pay. The ACRP fund is partitioned in what is set aside for security deposits and what is set aside for eviction prevention. The amount that is used for security deposits are already tapped out completely and it's also limited in a per use to 800 that's not enough to pay a security deposit and it is completely empty currently

[04:55:07] um we discussed previously during the um budget process potentially looking at during year-end closeouts what could be set aside uh as this was something that had some support but not at full consensus i i would highlight as this is something that's a little more urgent and uh something that I'm going to be looking into more as we look at how we're going to be handling the displacement and, frankly, the likely soon displacement also from all sides.

[04:55:39] Professor Calloway? We, me, Ann, and I got, at the last NPO meeting, some preliminary looks at costs for smart scale applications. And over the years, I've not exactly been one to get sticker shock, but it was not encouraging to see some of the numbers, especially being driven up for inflationary reasons, construction and easement acquisition. So I'm sure that will be coming to the board at some point in a transportation update. But man, big costs on some of these projects, even for items that I would put

[04:56:15] in the category of smaller in scale. The second thing that I would just throw out there in November, I forgot the exact dates off the top of my head, but each year the Virginia Governor's Housing annual conference is on. And I've forgotten to call this out in the past. It's right on the heels of the VACO conference. So it's, we go to VACO and then the housing conference literally starts the same day that VACO ends. But it's usually a good conference to attend dealing with all things housing and affordable housing. So just calling that out there for the supervisors in case there

[04:56:51] may be interest in attending. I am already registered and plan to attend that one myself due to my work with the housing partnership. Thank you. Thank you. And I have no additional matters, so I will look to the county executives.

[04:57:08] Is there anything else? Anything else from any other board members? One thing to add to what Mike was saying, and that is I would love to know, and perhaps others would as well, if our non-displacement policy, which was adopted last year, is at the maximum of our authority because I don't know the answer to that.

[04:57:28] original or initial inquiries regarding Cavalier Crossing said we couldn't do anything but I don't know if that means we could do more and we haven't adopted it or not so that would be important feedback for us to have thank you so I would ask I couldn't hear Ms. Malik when she was talking to the board what exactly is the staff follow-up sir the staff follow-up is primarily legal I believe to find out what the limits of our authority are with respect to adopting a non-displacement policy.

[04:58:02] So we have one, but are we constrained that that's as far as we can go in helping people under those circumstances or whether there might've been more authority given to us by this legislature to do more? Thank you. What we have is a great first step. Right, first step.

[04:58:20] Okay, thank you then. We will adjourn to our next meeting, which is on tuesday september 17th 2024 at 6 p.m in room 20 241 the joint meeting with the charlottesville city council opportunities for the public to access and participate in this meeting are posted on the albemarle county website on the board of supervisors home page and on the albemarle county calendar thank you and good night have a good time good night



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