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Albemarle County Board of Supervisors Regular Second Meeting, Wednesday, June 18, 2025

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[00:00:00] Good afternoon. I'm pleased to call to order this meeting of the Albemarle County Board of Supervisors, the 18th of June, 1 p.m. in Lane Auditorium. I'd like to note that today we have Supervisor Ann Malick of the Whitehall District, Supervisor B. Lupisto-Curtley of the Ravenna District, Supervisor Mike Bruitt of the Scottsville District, and Supervisor Diantha McKeel of the Jack Jewett District, and Supervisor Ned Galloway of the Rio District. Myself, Jimmy Andrews, representing the Samuel Miller District, a quorum is present.

[00:00:37] We're also joined by our County Executive, Mr. Jeff Richardson, and our County Attorney, Mr. Andy Herrick, our Clerk, Ms. Claudette Borgeson, and Senior Deputy Clerk, Mr. Travis Morris. Welcome. Please let me also welcome Albemarle County Police Officers present, Lieutenant Angela Jamerson and Sergeant Matthew Riley.

[00:00:55] Thank you for your service today and every day on behalf of the people of Albemarle County for our protection, safety, and security. If all present could now stand as you are able and join us in the Pledge of Allegiance. Thank you.

[00:01:18] Thank you. And you now ask that you join us in a moment of silence. Board, as our first item, of course, is adoption of the final agenda.

[00:01:56] Before doing so, I'd like to note the removal of item 12, a review of the 2025 legislative priorities and initial discussion of 2026 legislative priorities, which will be postponed to a later date, and adding a discussion regarding the Hardware River, possible designation is the scenic river and the appointment of supervisor Ned Galloway as a voting delegate to the 2025 national association of counties annual conference as part of item 24 matters from the board later this evening uh with those amendments uh do we have a motion to accept the final agenda so moved second we have a motion from supervisor Mckeel second from supervisor Malik

[00:02:32] without objection if the clerk will call the roll Mr. Pruitt aye Mr. Andrews yes Mr. Galloway yes Ms. Lapista Kirtley aye Ms. Malik yes Ms. Mckeel yes Board, our time now for brief announcements by board members.

[00:02:49] And our order for today's meeting begin with Supervisor Mal. Thank you very much. And it is Independence Weekend time a week, I guess, this time in July and a time for people of all perspectives to come together in support of our country and its history.

[00:03:06] There are three parades in the Whitehall District, and I would just like to invite people to attend if you can. Let's see. They're all mixed up in order this year. The first one is Free Union, starting at 4 p.m., Church of the Brethren, on June 29th. They have theirs the Sunday before the 4th of July.

[00:03:25] Earliestville, the 29th edition of the Earliestville Parade, is July 4th at 10 a.m., right in the center. And the July 5th Parade in Crozet is the day after the 4th, 5 p.m., from Crozet Elementary to Crozet Park with fireworks at King Family.

[00:03:44] and great collections of people. I see them only at parades, never see them any other time. And so I'm really looking forward to lots of people showing up, having conversations. Hot dogs at Buck Mountain Church after the earliest field parade is always a popular place to be.

[00:04:00] And I thank you. Thank you. Supervisor Lupita Kirby. Yes, thank you very much. I attended the opening of, the grand reopening of the giant store on Pantops because they've redone everything. It was frankly beautiful.

[00:04:17] And there was a \$5,000 donation to the Blue Ridge Food Bank. And they've given something like seven, I think it was 72 tons of food and everything. So the giant really participates in giving food to our food banks.

[00:04:37] So I really, really appreciate that. And I attended a scout presentation yesterday for one of our Eagle Scouts in the Rivanna District, who, Elise Buyaki, who achieved her Eagle Scout honor with distinction.

[00:04:55] And she had so many of the little badges and everything that, I mean, beyond, I couldn't even count them all. But she did a really great job. So that's all I have. Thank you. Thank you. Supervisor Calloway. No announcements today.

[00:05:10] Thank you. Supervisor Pruitt. Yes. First, I would like to, in a similar vein as Supervisor Malek, remind folks that the Scottsville 4th of July parade down Valley Street in downtown Scottsville will be on 9 a.m. on the 4th of July and they're also fireworks later in the evening it is a big event we draw from several surrounding counties is one of my favorite events every year it's the thing I tell people always that if there's one thing you need to be involved in your local community in the Elmore region it's the Scottsville 4th of

July parade because it's truly a fabulous cross-section of the community that we have here in Central Virginia I would also like to remind the public

[00:05:49] that we have had a primary election yesterday which means we now know who all the candidates who are going to be in state local and statewide offices that means we should also now be of course getting ready to think about when we're going to vote and how we're going to vote and making sure our registrations are updated for the 2025 elections and I have to admit I did not pull this up on time because it was getting blocked on our local network I had to pull it up on my phone But, yes, you will need to make sure your registration is updated by September the 2nd.

[00:06:26] Early in-person voting begins July 25th and runs through September 6th, and you can always vote in-person and register in-person same day, but you will be voting via provisional ballot if you do so.

[00:06:43] For the November election, it's that early? I'm confused. That does seem early. I'm looking at the wrong thing. I apologize. Oh, goodness. This is why I needed more time to pull it up. I appreciate you. I appreciate you. That was for the 11th District House special election. Ignore that. It doesn't apply. It doesn't apply. It doesn't apply. Register by October 14th. Early in-person voting starts September 19th and runs through the 1st of November, which makes a lot more sense. And of course, even if you have not updated your registration, you can always in person, even past the registration deadline, show up.

[00:07:22] and you will just be voting by a provisional ballot. Thank you. President McKeel. Just to follow up quickly on the topic that Mike introduced, there was a Democratic primary in the Jack Jewett Magisterial District, and I want to thank all of the residents of the Jack Jewett District that came out to vote, and I really appreciate the politeness and how well they respected each other, both sides of the primary, and it was just a really wonderful day.

[00:08:01] The weather was a little hot in the afternoon, but I really do appreciate people getting out to vote, especially in a primary because there is a tendency to have a much lighter turnout for primaries and the politeness and the respect that everybody had for each other.

[00:08:17] So thank you very much. Thank you. And I have no additional announcements. I have an update on the Blue Ridge Area Food Bank regarding Abomar.

[00:08:34] They gave 10.1 million pounds of food was distributed by the food bank in Abomar last year. One in seven of our seniors are, I guess, pardon? Food Challenge.

[00:08:50] Thank you very much and one in three children in Albemarle are food challenged. So and the Blue Ridge Area Food Bank partners with 16 other agencies in Albemarle. So a big shout out to Giant on Pantops and also the Blue Area Blue Ridge Area Food Bank. Thank you. Thank you. Board there are no proclamations or recognitions on our agenda today so the next item is public comment on matters previously considered or currently pending before the board other than scheduled public hearings.

[00:09:22] I believe we have someone signed up. Vice Chair McKeel will read the rules and introduce the speakers. We have two individuals that have signed up, and with that, I will read the rules.

[00:09:41] During the time set aside for public comment on matters previously considered or currently pending before the board, individuals may address the Board of Supervisors on 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. 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, and the red light indicates your time has expired and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that

[00:10:21] speakers adhere to the following guidelines. When addressing the board, state your name and if you live in Almar 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. All comments are live streamed, recorded, and published on the Almar County website. And this morning we have two

[00:10:53] speakers, and our first speaker is Gary Grant. Welcome. Gary Grant, RIO District. It is my opinion that an additional condition needs to be included in the revisions to your open burning ordinance, that being that all adjoining or contiguous property owners to the address of

[00:11:33] a permissible open burn receive a confirmed notification of the impending burn 48 hours in advance of the start of the burn. Residents on adjoining or contiguous properties to a permissible open burn do need time to protect themselves, their family members, their property, and their belongings from the health, safety, and quality of life hazards that can be caused by open burning. In other Elvamaro County government news, thank you to the Rivanna

[00:12:10] supervisor for her more than \$400 personal check to reimburse county taxpayers for the free snow cones handed out in 2024. Meanwhile, taxpayers still have no FOIA proof from the Rio supervisor that he has made good on his April 10th promise to move county government's snow cone expenditures to a new location in the budget.

[00:12:40] On a personal note, I have paid my first half personal property and real estate taxes to county government. The \$60 per month increase in my real estate taxes is equal to what it cost me in gas to visit my two elementary school six- and five-year-old grandchildren twice per month, three times more than a Slutsky pizza and beer per month.

[00:13:08] After fighting county government for five months since February of this year and defeating an attempt to turn the Bleak House Road gravel into a paved racetrack, the Bleak House Road gravel has gone unmaintained since February.

[00:13:28] No surprise to those of us who battled and beat Albemarle County on this. We wonder if the lack of paving is retribution. Finally, Albemarle County is not a democracy, but rather a representative local government.

[00:13:48] If it were a democracy, the tens of thousands of adults living here could be in attendance to discuss and vote right along with the six of you on every agenda item at every meeting. Please use the correct political term for whatever Albemarle County is.

[00:14:10] Thank you. Our next speaker is Randy Fleetman. Welcome. Good afternoon, and thank you for the opportunity to speak today.

[00:14:33] I'm Randy Fleetman from the Scottsville District. Before we moved here, I was a Foreign Service officer, and I helped prepare embassy plans against terrorist attacks. After we joined Congregation

Beth Israel, I joined the Security Committee to protect our community. In today's climate of heightened political division and political global unrest, the safety of Jewish families, and in particular students, in Charlottesville and Albemarle County is a concern.

[00:15:00] We are witnessing a nationwide spike in antisemitic incidents, including here at home, in our schools, college campuses, and our community spaces. We cannot talk about antisemitism in this region without acknowledging the trauma of the 2017 Unite the Right rally.

[00:15:15] That weekend, white supremacists marched through the streets of Charlottesville chanting, "Jews will not replace us." Weeks before, we watched a KKK rally in front of the courthouse, right outside our synagogue windows. On August 12, 2017, we carried our sacred text out of the building in fear that they would be burned.

[00:15:35] That rally wasn't just a national headline. It was a lived reality for the Jewish families in Charlottesville. And since then, the danger has not disappeared. CBI is the only synagogue in central Virginia. We were forced to install a tall iron fence around our playground.

[00:15:51] And this was not cosmetic. It was a defense of necessity because cars have been driven towards Jewish spaces. Threats have been made. Our children cannot play without barriers protecting them from potential harm. My own grandchildren go to a Jewish preschool in town. Since the pandemic, the synagogue preschool has been renting spaces outside the synagogue walls.

[00:16:12] And while our main focus was to operate safely during the pandemic, what we didn't realize is how much safer we would feel when our location was outside the synagogue building. This has allowed families to send our children to school with less fear to grow in an environment designed for their safety.

[00:16:29] However, in each location, we still must put in place extensive security measures because this is what it means to be Jewish in this world. This vision aligns directly with Albemarle County's own comprehensive plan. The county's equity and inclusion goals commit to eliminating disparities and ensuring every resident has the opportunity to flourish.

[00:16:48] The public safety goals prioritize proactive measures to prevent, arm, and foster community trust. And the resiliency goals call for long-term strategies that enable communities to adapt, recover, and thrive in the face of adversity. Thank you very much for your time and your commitment to protecting all members of the community.

[00:17:06] Thank you. Board, we'll now turn to the consent agenda. With respect to item 8.2, appointing Battalion Chief Sean Maddox as fire marshal, has been updated with a copy at your place to correct a titling error.

[00:17:25] I have not heard of any items otherwise being pulled from the consent agenda. If so, then we're looking for a motion to adopt the consent agenda is correct. No move. Second. Motion from Supervisor Malek. Second from Supervisor McKeel. Without objection, if the clerk will call the roll.

[00:17:42] Mr. Pruitt. Aye. Mr. Andrews. Yes. Mr. Galloway. Yes. Ms. LaPesa-Hurtley. Aye. Ms. Malek. Yes. Ms. McKeel. Yes. Thank you. This brings us to our first action items for the afternoon. The first being SE 2025-9-4158 Millington Road Homestay.

[00:18:03] this is being presented by layman brodenfeld senior planner two welcome good afternoon members of the board and chair andrews this pulled up we have today before you special exception 2025

[00:18:35] 09 4158 millington road homestay um this uh special exception request is for a resident managing agent for a property owned by EFG3 Holding LLC. The property is a six-acre rural areas property in the Free Union area, surrounded by agricultural, forestal, and residential parcels.

[00:19:00] And as the homestay regulations require at least one individual owner reside in the parcel of a homestay, the applicant, Mr. Galvin, who owns EFG3 Holding LLC, is requesting authorization to serve as the resident managing agent for his llc so by right a rural areas parcel of five acres or more is permitted to have a homestay with up to five guest sleeping spaces within a single family dwelling or an accessory structure built before august 7 2019 and it may host unhost have unhosted stays for up to seven days a month 45 days per year by special exception a homestay may request

[00:19:40] an individual not listed as the property owner reside in the property in place of the owner to fulfill the owner occupancy requirement. So this is the special exception before you today. Here you can see the location of the subject six acre parcel in relation to its neighboring parcels on Millington Road. The subject homestay parcel marked on this slide with a red star is the site of a 1,568-square-foot manufactured home and contains fields used for horses. Immediately to the right

[00:20:17] of the parcel, shown in this image in the center, is another parcel owned by Mr. Galvin with a 1,100-square-foot single-family home with an address of 4184 Millington Road, and the property also contains a horse barn. To the right of that parcel, marked with the green star, is another parcel owned by Mr. Galvin, listed as the mailing address for the ownership of all three of the aforementioned parcels, and which was the primary dwelling of Mr. Galvin and his wife. That parcel contains a

[00:20:51] 2,720 square foot single family home with an address of 4196 Millington Road. However, Mr. Galvin has indicated he has moved his residence to the subject parcel marked with the red star two doors down at 4184 Millington. So this image, apologies for the skewed angle, shows the view from the homestay site towards the two other parcels owned by Mr. Galvin.

[00:21:23] And in summary, this is a request for the resident managing agent to fulfill occupancy requirements for a homestay at a three-bedroom manufactured home homestay. If the special exception is approved. At the time of a homestay clearance application, staff would confirm fire safety and occupancy requirements through inspection of the property and inspection of the required legal documents. The standard documents for verification of residency as listed in the ordinance are a driver's license and voter registration or other similar documents

[00:21:57] as approved by the zoning administrator. As Mr. Galvin has indicated, he already resides at the homestay location, and he has already obtained the necessary legal documentation of changing voter registration and the residence on his driver's license. Staff does not believe this homestay would create any adverse impacts to the surrounding neighborhood or general public health, safety, or welfare. The homestay use itself is a by-ride accessory used to the primary dwelling on the parcel and would be consistent with the comprehensive plan as the dwelling is already in

[00:22:34] existence. Staff has analyzed the use itself based on the property and the evidence presented, and based on this, staff recommends approval. As such, we have the following recommended action for the board's consideration. Thank you. And we'll go through our order with questions, starting with Supervisor Mellick. I have no questions. Thank you, Leah.

[00:23:01] Supervisor Lupista Tridley. No questions. Thank you. Supervisor Galloway. I have no questions. Supervisor Pruitt. Nothing. Professor McKeel? No questions, thank you. No questions as well, I guess, except that this wasn't on consent. I guess we're not yet putting any of the, some of these are on consent, but not this one. It seems straightforward. Thank you. In that case, this is in the Whitehall District.

[00:23:31] I move that the board adopt the resolution for SE-2025-09-4158 Millington Road homestay attached to the staff report as attachment F. Second. We have a motion from Supervisor Malik, second from Supervisor McKeel. Without objection, if the clerk will call the roll. Mr. Pruitt? Aye.

[00:23:49] Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lapista-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Thank you. Thank you. Board, this brings us to our next action item, SE 2025-16, Old Dominion Village Gas Easement Relocation. Sid Schoff, Senior Planner 2, will present. Welcome. Did you already announced that that passed so it's approved the previous one the previous one approved yes yes okay good just wanted to make sure that everybody was aware that it had been approved okay thank you

[00:24:29] you're all set hi good afternoon my name is sid schoeff i'm a senior planner with the planning division of albemarle county's community development department i'm bringing before the board special exception request se-2025-16 old dominion village gas easement relocation this is a special exception request for land disturbance within a conservation area on the approved application plan and code of development for old dominion village the old dominion village development is approximately 23.72 acres zoned neighborhood model development and located within the white hall magisterial district unfortunately as you

[00:25:07] all know our county gis system is down so i cannot get a proper photo of the map for you but across the northern portion, which is the top of this screen, there are portions of the property that are water protection ordinance buffer and flood hazard overlay zone associated with the Parrot Branch and tributary. As I mentioned in the previous slide, this development is zoned neighborhood model development and has an approved code of development and application plan that were approved by the board under ZMA 2020-5 in August 2022. The development is a mixed-use development

[00:25:43] that allows up to 110 residential units and veterinary clinic uses. In November 2024, an initial site plan for this development was approved by staff. This is a screenshot of the approved application plan associated with ZMA 2020-5 that was approved in August 2022.

[00:26:04] Highlighted in yellow on the screen is the existing 50-foot gas easement in relation to the approved development. The screenshot also depicts green space one which is 5.74 acres. This area is within the highlighted green area and this area includes the WPO buffer which is highlighted as green, a conservation area that is to be dedicated to the county for public use and a future greenway amenity. A portion of the existing gas easement is within the green space one area however the remainder of the 50 foot gas easement is outside of the serene buffer. During the rezoning review process staff identified

[00:26:42] the existing 50-foot gas easement as a concern with future infrastructure. However, at the time, the applicant let staff know that the proposed development would not have conflicts with the future infrastructure. This is a screenshot of the approved initial site plan that was approved in November 2024. This has the more detailed proposal for this development. In this screenshot, you can see the initial site plan is consistent with the approved application plan from the rezoning. The proposed units and infrastructure do not have a conflict with the existing 50-foot gas easement on the site, and during the initial site plan review process, there were not any issues

[00:27:19] identified by both internal and external staff with this proposal. And this is the applicant's proposal that's brought forth with you today. The applicant requests to relocate a portion of the existing 50-foot gas easement, shown in yellow, to the area in blue, which is within green space one, which is a conservation area. So these are the factor or this is under section 18-8.55.3A6.

[00:27:49] The board may grant a minor variation to an approved plan code or standard for minor changes to design and location of stormwater management facilities, minor land disturbance including disturbance within conservation areas and mitigation all subject to recommendation for approval by the county engineer. And further factors for consideration are outlined on the slide. One, the board may grant a variation from the code of development upon the determination that the variation is one, consistent with the goals and objectives of the comprehensive plan, does not increase the approved development density or intensity of the development,

[00:28:27] does not adversely affect the timing and phasing of the development of any other development in the zoning district, does not require a special use permit, and is in general accord with the purpose and intent of the approved application. After staff review, we found the following findings.

[00:28:43] First, this would be inconsistent with the goals and objectives of the comprehensive plan. Approximately 13,470 square feet of the easement would be within the WPO buffer. Additionally, the area is highlighted in the Crozet master plan as green systems, which calls for preservation of areas providing ecosystem and cultural services, critical environmental resources, and areas held in common ownership.

[00:29:08] The applicant did not provide a tree study or mitigation plan that would illustrate the areas of disturbance, preservation, and restoration. Additionally, the Parrot Branch directly flows into the Beaver Creek Reservoir Water Supply watershed. Next, although the density of the development would not increase, staff did find the proposal would increase the intensity of the development if this were to be permitted in the WPO buffer.

[00:29:34] Staff also found that this would not be in general accord with the purpose and intent of the approved application plan. During the rezoning process, staff specifically cited dedication of wooded lands and their protection as important natural resource and a factor in recommending approval. Green spaces were intentionally identified in both the approved application plan and code of development.

[00:29:55] These documents established a conservation area that protected the WPO buffer from disturbance. The intent of the approved plans was to establish a development that was outside of the WPO buffer area. Lastly, the county engineer reviewed this application and believes the findings are not met by the applicant and the request is not minor in nature.

[00:30:16] Staff recommends that the board deny the variation to allow land disturbance for the proposed 50-foot gas easement within the conservation area in the approved application plan and code of development. The county engineer also believes the findings are not met and the request is not minor in nature. And this is the recommended action by staff.

[00:30:33] I'm happy to answer any questions from the board. Thank you. Thank you. We'll go through our order, starting with Supervisor Malik. I don't have any questions, but I thank you for the thoroughness of the presentation because it makes my job easier. I'm very glad not to be having to make these arguments by myself, but this is a highly densely constructed residential area, and they need every square inch of space that they can get, so I appreciate it.

[00:31:01] I'll stop there and go on for questions. Supervisor Lupisto-Curley? Yeah, no questions, thank you. Supervisor Calloway? The applicant was claiming that this was for safety. One of the reasons was for safety purposes, but the distance where it currently is to where they're proposing seems to be pretty similar.

[00:31:18] Is that, was the rationale just the distance or the proximity to the homes? I'm not sure what the rationale is from the applicant. I believe they're here in attendance today and they may answer the question that you have. Oh, the chair would have to allow that. It's not a public hearing.

[00:31:36] It's not a public hearing. We can get questions answered if we so choose. Yeah. I mean, the rationale is not in the applicant material. That's typically not done, but that's at the discretion of the board if the board wishes to ask questions of an applicant.

[00:31:51] But as noted, this is not a public hearing. We'll allow it. I mean, we've done it before. If you want to take a vote, I'm happy to ask for consensus. If I don't see any objection, I'll go ahead.

[00:32:08] If the applicant's here, I'd like to know. In the applicant materials and their attachment, it says, in regards to Section 8553, we offer the following responses. Consistent with goals and objectives of the comprehensive plan, the relocated gas easement will provide a safer location for the new homes.

[00:32:25] That in and of itself does not give me what I'm looking for. Is it proximity to the new homes? Because the new location seems to be in similar distance to the current easement. So I would like a little bit more understanding of how this is a safer location. Is there someone from the applicant who can, you'll have to please identify yourself.

[00:32:47] Good afternoon. I'm Couture Rowell, the applicant, in response to the new location. So the gas company actually requested this because they will have to replace the old existing line that has been there for 50 years, sometime in the next 20 years.

[00:33:11] And they felt like if they tried to rebores underneath all the existing new utilities that are being installed for the development, that relocating it behind the existing new units would be a much safer aspect.

[00:33:30] Additionally, while they replace that line, one, they will bore it. And if you go back to the map, it shows the old location, the old location somewhere. So you see in yellow how it continues all the way down the stream, through the buffer, and where it's been for years.

[00:33:57] And when it was originally put in some 50, 70 years ago. And then the next slide showing the relocation. Again, that new area would be boarded, puts it well behind any units, and additionally, a much safer area for future residents.

[00:34:19] Again, that will be a board line, so it will not disturb anything on the surface. My proffer number three states that the developer may install or provide easements within the buffer at his discretion.

[00:34:42] Your county ordinances also state that gas, VDOT, and other utilities are exempt from the buffer. State law also states that these companies are exempt from buffer regulations.

[00:35:01] So, again, I would ask the county attorney if there's any bearing on that, and otherwise we're looking to put it in a safer place for the future residents of the community. Any questions? that was my question you answered it thank you thank you thank you that's all okay supervisor approved um i want to

make sure i'm understanding this correctly the the central reason that the staff recommendation is is against is because this is not minor in nature in which is a finding a

[00:35:38] series of findings that has to be made for something within a conservation area in a plan this is in a conservation area of a plan that the developer has submitted as in this is not something that is in a conservation easement this is not some kind of natural heritage that we as a board have independently identified this is something that the developer has set aside as the green space they're preserving in their plan am i correct in understanding that that is correct it was a dedicated as a green space area during the rezoning process can you help me understand

[00:36:10] if the board does not allow this to be treated as minor and therefore to be approved administratively what is the alternative for the developer do they need to come with a what is the alternative if they still want to move this line they may need depending on what their proposal would be after this it may constitute a another zoning map amendment application if it is something that is in general cord with the current rezoning application and code of development it may be

[00:36:46] be able to work out with staff without going to the rezoning process. Understood. Okay. This is actually maybe more of a legal question, but the variation requires the meeting of findings, right? If we vote, I guess I'm asking how are we even in a position to review this legislatively? So in order to approve this, the board would need to affirmatively make the five findings that are on the screen staff had

[00:37:25] determined that this proposal failed to meet at least three of them and the draft resolution that you have in your staff packet makes those findings that in fact it fails to meet three of the five if the board were to approve it it would need to make affirmative findings of all five of these understood which would then it would mean like supervisor Pruitt who wants to go out and say this can go ahead I need to identify specific reasons it would meet those three criteria that are not identified by staff.

[00:37:57] The board would need to come to a place where it felt comfortable making the five findings that are on the screen. Very helpful, thank you. Thank you. Supervisor McKeel. Very interesting.

[00:38:14] I'm probably going to be asking something again, but I see Frank Pohlblatt back there. Can I ask Frank to come down, please? I have one for him, too. You were going to do the same thing, yeah. I think several of us, probably.

[00:38:35] Hey, Frank, thank you for coming down. You've been a popular gentleman lately. Welcome. Introduce yourself, I'm sorry. Thank you. Frank Pohl, county engineer.

[00:38:51] Would you help me, would you address what we are hearing and understanding? And I guess specifically, I understand the comp plan and what we have here in the development and the variations and all, but help us understand what you reviewed and the reality of a situation where you have a very aging gas line.

[00:39:17] Go ahead. i don't want to keep talking um yeah this is uh so this project if it had come in with the rezoning relocating something into the buffer we would have asked to avoid the buffer so with that in mind we didn't i didn't feel comfortable making the decision administratively to allow this um because i think it would have maybe would have affected the board's decision to rezone the property So regarding the aging, I don't doubt that it's aging.

[00:39:56] We discussed putting in maybe a ductal iron pipe to allow future installation of a new gas line. I think the gas company, we were told, did not like that idea. So I don't know if that answers your question.

[00:40:18] I guess it does, although I'm questioning why the—I don't—to be honest with you, it's beyond my expertise to understand why the gas company said no. I mean, I understand that Ann is saying money. I'm not always sure of it.

[00:40:35] I don't know. It's just financial. Do you have a sense? We can't consider the financial aspect. Yeah, but do you have a sense that there was something besides just financial? With regards to relocation? They're concerned, yeah. The conflicts possibly, potentially, is what we would gather with all of the utilities that are proposed within the existing easement.

[00:41:01] Conflicts with so much of the infrastructure of it. is existing. You can see in that photo all of the proposed improvements within the gas easement. I don't know the answer though because I've not been in contact with the gas company. I can't speak for the gas company. But there certainly are a lot of conflicts. I get that with the infrastructure. Yeah. And if there could be a safety issue and I don't doubt that they have that in mind also. Right. Or believe that there is a safety issue. Certainly hearing about a lot of a lot of old gas lines blowing up these days. Having said that, do you have anything else you While you're here, anything else you want to share with us about this?

[00:41:40] Is there anything else you think we should know? I'll be happy. I think Sid did a great job of presenting it. And if you have any other questions, I'll be happy to answer that. I was just thinking after what we heard, I wondered if you had anything else. Thank you, Frank. I appreciate it. Thank you. Thank you.

[00:41:57] So I just want to explore a little bit because I know that, you know, there are three things here. And they seem to mostly have to do with the buffer and reduced green space as reasons why they, you know, these conditions aren't met. There was this conversation. I know that there was an expectation that this is a buried line, but I heard the words board line, and I want to understand that process.

[00:42:24] Does that actually disturb the surface to put the line in that green space, or how does it work if it's a board? Is that a board? Has that been proposed as part of this? This is Greg Krastiniak, Civil Engineer 2 reviewer. The difference between there's two methods of putting in utilities open trenching we actually have an excavator and then there's the trenchless model here is what they're referring to when they talk to use the word bore so they'll have an entry point at one side that will disturb the surface and it will be directional drilled or bored

[00:42:59] underneath the ground and then pop up at a different location wherever they directed under the ground so hypothetically they're not that the intent is not to disturb the existing ground line on the surface when the 13,000-some square feet of disturbance is calculated.

[00:43:18] Is that based on that process, or is that based on wherever the line has gone in? They own that easement going forward, so they'll have the rights to tear it up to get to repairs. Fifteen years from now, you may have 12 citizens call up saying, you know, the gas company would have the right to come in.

[00:43:35] They may not want to clear-cut it now, but some decision might be made by the gas maintenance company division to come in and clear-cut that section of the easement at their discretion because they have that right, because they've had that easement applied to that area. So it may not be disturbed at the moment, but that's potentially down the road that could happen.

[00:43:53] Okay. And then there's also a reference made to a lack of mitigation or plan of mitigation. And what would that entail if they were to? Or is that something you really have to expect that they would have to come up with that and they didn't? Yeah, like Greg said, it would help us identify what vegetation is located within the easement area, which vegetation would be slated to be removed and how the restoration would look like if something were needed to be removed.

[00:44:20] It would help give us an understanding of what the impacts of this easement would look like. Thank you. No additional questions. I have some more. Thank you. Since I went first, I'm very glad to follow up on what others have raised.

[00:44:37] In one of the emails, perhaps, it said boring if feasible, which means to me that if someone hits a rock or whatever then they're going to pop right out and then that would be the end of the buffer if any of you have driven down burkmar you will see how a bulldozer had to clear the forest line to the south of the river in order for the boring machine to get into location i don't think these that's my only experience with with that and it's not innocent looking as far as the damage to the surrounding area i got a lot of phone calls about what's going on over there which the rwsa

[00:45:15] was able to explain, but I think that if one remembers the process for this application, the community meeting, the planning commission meeting, the board meeting, all were very concerned about the stream. It directly goes to Beaver Creek Reservoir, which provides the water to 14,000 people in Crozet. Everybody's very protective of the water there and the effort that the rate payers already have to undergo to make sure that it's treated, filtered, etc. So that's to me why

[00:45:51] we have the buffers. And anytime you disturb the canopy, period, it does have an impact with the velocity of the rains that we're having now, a lot more impact than it used to be. So I think it really would overturn the, certainly the promises made by the applicant during the public hearing legislative process that that land was going to be protected and set aside. And yes, there is a whole lot of residential next door but it was squished together on the uphill so that they

[00:46:24] could protect the easement and now I see all of that being almost backdoor erased or attempting to take that away in a backdoor without redoing the whole public hearing and I just don't think it's right to come in the back door and try to do this these things should have been included in the application to begin with and I think it has an impact on that and I certainly appreciate as I said before the work that the engineers did to analyze this carefully thank you thank you i have

[00:46:56] some follow-on questions um when we're talking about the the type of trenched versus trenchless um uh line laying we we're talking about trenchless because in its current location it would have to be trenchless because it's running under existing properties my understanding is the proposed change though would not be running under those properties and also we're we can't constrain them to to doing trenchless um line laying right it would like in fact if anything it would probably be a trenched

[00:47:30] line laying because it's probably cheaper am i at a at a left field on that sir i i that that's a discretion uh of the of the gas company and their method and what they i i don't know what their discussions have been we just read that they would they mentioned that they would do trenchless I don't know what their logic was for that, and if that was part of their discussions with the applicant to agree to do that.

[00:47:58] I think the intent perhaps is that they were trying to say that they could save or avoid impacts to the buffer. I'm assuming that's what they were intending, but I can't, until the gas company was present or able to answer that question, I don't know if the applicant can answer that.

[00:48:13] I have one other question that is going to speak a little bit to my ignorance and also might be challenging because it's not as directly on point but i i'm a little surprised i guess to realize that our wpo actually can even entertain a gas line in a buffer area that that seems surprising to me right and it seems like necessarily we're contemplating that either through this process or through potentially a follow-on zma we're entertaining a gas line in a water protection buffer which regardless of the disturbance it creates even if it creates no

[00:48:49] disturbance that to me sounds alarming because that i mean gas lines degrade they leach before they're replaced it is a thing they do so like am i to understand that our existing wpo allows gas lines to be in a wpo buffer yes uh frank pole county engineer again um this is a natural gas line um also so it's not a liquid gas line but it's not a what not liquid liquid i guess when it's under pressure it could be seen as liquid but it's a natural gas line we do allow that the

[00:49:27] state allows it so we follow state on that allowance through buffers typically we see crossings perpendicular to buffers not always running parallel there's a lot of streams in the county so to avoid streams is practically impossible when you have something as large as a main gas line that this is so it's like one of those uh little facebook game ads where they're like here's six points connect all three of them without any other lines crossing you can't do it that's the whole joke um if anyone is familiar with the specific kind of spam i'm talking about

[00:50:04] um i appreciate the point and your point also being that running parallel is less common i imagine in part because it increases the exposure to any concerns around the line kind of perpendicular one would be a singular point of concern okay thank you i learned so much Are there any other comments, board comments or questions?

[00:50:26] If not, then I'll send a motion. I'm going to ask one other question. I'm still concerned I'm not understanding, I guess, the safety issue. I mean, is this, not doing this, does it pose more of a safety risk for the residents currently living there or the future residents?

[00:50:45] I mean, I'm not sure if this is just to increase density to do this or if the gas company has a real concern. If that can be answered by the applicant or Rebecca.

[00:51:07] Hi, I'm Rebecca Ragsdale Planning Manager, and I reviewed this with Sid and part of the review team. So I guess, you know, just want to clarify that the residential units are not there. They do not have the rights to build them yet.

[00:51:22] They have not gotten final approvals for that. I mean, they've discovered this gas line conflict, and that's why Sid outlined the timeline that we had gone down this path of showing residential units over a gas line, and there's a conflict.

[00:51:39] The residential units are driving this conflict. You know, the property has only the vet clinic there now. What's before you does not explore these other alternatives in terms of could they shift it another way? could they develop it differently they have flexibility to a certain extent and how they could rearrange their development their neighborhood model development and pursue another type of variation

between the different blocks of the development I think they pursued an option that impacts a green space area and we don't believe it meets those criteria we don't have a detailed

[00:52:16] plan before us that makes every effort to avoid the green space and I think that we have alluded to, what they may come back with us is to us in terms of an alternative plan that we could then review through the correct process that may have the mitigation measures, may have the exact details in terms of how the gas line would be replaced in the future.

[00:52:41] But the proposed development and these residential units that aren't there yet are creating this conflict. This is not an issue currently. And there was a late email that hopefully you received directly from the gas company that basically expresses that.

[00:52:58] But I just wanted to clarify that. Sorry to jump in. Thank you. That's very helpful. Thank you. All right. Did the applicant want to say anything regarding that? But that's okay. That way we get both sides of the issue, that issue. And that puts it. Hello again.

[00:53:17] I forwarded a letter from the gas company specifically to the planner and to the board clerk. They are the ones requesting this for the future when they plan to replace the line no matter what.

[00:53:34] And this is a main 60-pound pressure line. They just felt it would be safer to put it to the left. As I pointed out, the entire rest of the line goes through the buffer when it was originally put in. And to bore this to the left of the future units, in their mind, was simply for safety purposes.

[00:53:58] Again, the trench to get to the bore would be up above the buffer on our property. And again, within the easement of the existing gas line where the receiving end would be met. So it would minimize the disturbance.

[00:54:16] But it's the gas company's request. It's not something I dreamed up, what they would like to see. And they felt they have the right to do so. But we're here before you for your understanding and approval.

[00:54:33] Thank you you've seen a letter or not. I don't know. Thank you. Thank you There are no other questions or additional comments we look for a motion from the Whitehall District. So motion up there. Thank you I will just say I think that the gas line was put in before the buffers were established and it's not like you're It's not the same thing as going in and putting something in afterwards and I really appreciate Rebecca's Explanation about the process and as I said the work that Frank and Sid's team did as well

[00:55:06] I move that the board adopt the resolution to deny SE 2025-16 Old Dominion Village gas easement relocation attached to the staff report as attachment D. Second. We have a motion from Supervisor Malik, second from Supervisor Pruitt. Without objection, if the clerk will call the roll.

[00:55:26] Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. LaPista-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Thank you. Board, we're actually scheduled for a recess, but if it's okay, I think we'll jump and take the recess just a little bit later.

[00:55:46] If we're ready for the work session on the open burning ordinance update, Emily Alicia is here, I see. Deputy Chief, Fire and Rescue, welcome. Good afternoon.

[00:56:10] Thank you for being ready.

[00:56:31] Yeah. Mikes are on. Oh, there we go. Now it's on. There you go. It's on. Good. That's great. Thank you. I wanted to thank you all for adopting the consent agenda and approving. Sean, you all know,

Battalion Chief Maddox was moved back into the fire marshal's office on Monday and will be permanently replacing Howard Lagomarsino.

[00:56:50] I did also want to publicly thank Micaiah Ledford, who has done an amazing job in the last three months in an interim capacity, filling a gap that was needed. And he worked on this as well, so he's here in case some of the questions come up.

[00:57:06] he specifically worked on we all right we're here to talk about the open burning ordinance update um just as a little background i wanted to go back through a little bit uh in december of 23 we were asked to start looking at and we had already begun thinking about what it would take

[00:57:41] to update our current open burning ordinance and so we began this research process and we looked at all the localities in the Commonwealth initially, narrowed it down to these 15, mostly because of their comparison for two reasons.

[00:57:59] They have an established fire marshal's office, similar to us, and they have similar either geographic or demographic issues or elements as compared to Atomwell County. So these were the 15 that we specifically looked at. Opening up a little broader in terms of background, you know, in August I came before you guys talked about a more comprehensive approach to wildland fire prevention strategies and including this idea of fire adapted communities developing a comprehensive plan for that which would include developing and implementing an

[00:58:39] enhanced wildfire training program and working with Department of Forestry and then finally as part of that one of the elements was updating our burn ordinance open burning ordinance so that's what we're we're here to talk about fire adapted communities just as a reminder it's pretty comprehensive concept that includes all these various elements and I really just included that as to contextualize kind of where we are with some of the work that's going on we've we have been looking at some of the recovery work there's been some work

[00:59:15] in that arena some collaborative work with some other departments we've certainly been trying to enhance our capacity in terms of our incident management team internally at the county as well as working with the community we've done a couple of neighborhood assessments as requested by some communities in terms of firewise and finally looking at landscape treatments there are some some groups that are doing some pretty cool stuff in the area and we've been working with them to look at how they they do some of those

[00:59:50] prescribed fires and thinning of ground covering so but to fully achieve a fire adapted communities would require a long-term very collaborative process to really implement and it would take it's a long-range plan so but that's not what we're here here today we're talking about the burn ordinance update that we've done the work we've done so we did this gap analysis we did the comparative analysis first to the other localities then we did kind of a gap analysis looking at where we've seen issues with

[01:00:27] our own existing ordinance and the big the big things that we've identified on our end as problematic were it's confusing to the average citizen like what applies to me whether or not they need a burn ban is confusing which category and then questions about impact of open burning and so looking at all of that I wish I could say that we were able to streamline it and get it down to one or two pages but as you see we were not able to do that in fact that clarity work resulted

[01:01:06] in a longer document overall I think but I do think that we've the recommended revisions that we're putting in front of you do help to clarify some of that. And so these are sort of the four bucket areas of specific work that we did to provide some recommendations for you all to consider. And I'm going to have Chief Maddox come up in a minute here. But to run through them, he'll give more detail. The first one is to clarify the categories of burning and to make it easier to understand overall those categories the second area of focus for us was

[01:01:43] adding language and definitions to help further clarify what's permissible versus non-permissible open burning the third area of revision was enhancing some of the enforcement capabilities we looked at where do we struggle to to enforce this or to carry out this ordinance and there are some small areas there and And then finally, increasing the penalties and adding some restitution capability and that work we did.

[01:02:18] We met with the Commonwealth Attorney to make sure we weren't going a little further than we should, but that will help address some of the repeat offenses that we see.

[01:02:33] So we can go into those a little bit. We just have a slide for each of those and then one wrap-up slide. And so I'll invite Sean up to do a little more detail. Welcome. Congratulations.

[01:02:49] Thank you. Good afternoon, members of the board. Chairman Andrews. Just wanted to go through the four categories, kind of the more technical part of these changes and recommendations that we've made. We've adopted some of the state language from the fire prevention code to define a bonfire.

[01:03:08] We've also aligned these definitions more so with what is permissible open air burning in accordance with the Virginia air quality and the pollution guidelines, air quality management, and we've laid out the three categories of open air burning. This is likely probably the most popular question in our office or the on-duty fire marshals entertain. Where do I fall in your ordinance? How can I burn? Or how is my neighbor allowed to burn? And so the land clearing, the property maintenance, the first bulleted item,

[01:03:44] that is the large permitted open air burning that you might see from a development that has the most stringent requirements, distance, time of day, when they're allowed to burn, who can burn. The recreational is just that. That's the neighborhood campfire. That's the bonfire for an event. It's something that is used as a community and a gathering place. And then residential is a person who may be cleaning up from a storm, property maintenance just on their land, burning stuff from their property that meets that 300-foot distance from a neighbor or from a structure they

[01:04:22] don't own. We wanted to also clarify the permissible versus non-permissible burning. Our friends and partners at the Department of Forestry, they conduct operations inside of the county and all over the state on a frequent basis through prescribed burn, land management programs, wildlife habitat preservation programs. So we wanted to make sure that those were included in the new language it also kind of lays out more so that permit requirement inside of the county

[01:04:58] when you have to have one when you don't and while it seems logical we went ahead and codified the fact that you have to stay with your open air fire we would often encounter times where people would ignite an open air fire and then they would leave to go in to their home to do something else and that just doesn't work it's not safe and we've also added that they have to have a means of extinguishment previously that wasn't clear now it is we don't make you go out and buy a fire extinguisher but maybe it's a garden hose maybe it's the

[01:05:35] ability to cover the hole with dirt some way that the person can extinguish the fire that they were responsible for so that puts it in there but very clearly lays it out for people enforcement capabilities we're responding to questions we've gotten from community and other members and local government gives us a little bit more of that ability to shut down open air burning in county when we have a locally geographically impacted event that makes air quality in the county different perhaps than it is say in the valley at the moment or closer to tidewater we

[01:06:13] can take local environmental impacts into accord when we issue an open air burn ban it also allows our on-duty fire marshal to work with the property owner or the applicant and increase setback distances so that we have less impact on neighbors and the adjoining property owners gives us that bit of discretion to move the pile away from neighbors or structures so that we can mitigate the impacts to their neighbors and it strengthens we already have the ability but it strengthens our strengthens

[01:06:47] our ability to extinguish the fire while we're there make them put it out to make sure that it's taken care of before we leave the scene or when we're done with our interaction and increased penalties. Some of you have been involved in repeat offenders. We would find ourselves criminally charging the same people for the same offense, and we would find ourselves with a not-associated increase in fine or punishment. So this specifically lays out if you're a second-time offender,

[01:07:25] a third-time offender, and it increases the civil penalty associated with that conviction in a hope to change the behavior if our education didn't work with that landowner or that burn the person conducting the burn it's already a class one misdemeanor it just aligns it with the language and the current code and it does add much like we have now already through some forestry code language it adds it to the county code language that the county can recoup the cost of fire suppression which can be quite expensive when this fire gets away from somebody and crosses

[01:08:03] of property line and damages property so it would allow us to recover some of that cost of response and lessen the burden on the taxpayer i'll jump back in so um next steps with this is uh obviously this feat this uh work session and then uh hopefully get feedback from you guys what you'd like to see and then make some additional changes if needed back to legal and another public hearing for final revised ordinance approval and once that's done we'll have to send this through the

[01:08:40] state air pollution control board for approval which my understanding is that's typically pretty simple and then adopt the revised ordinance it's worth noting that a priority before we roll this out will be creating marketing materials such as a quick reference guide for the community and also for our fire marshals. It is complicated. We recognize the different types can get confusing just to have some tools available to assist the community in interpreting. So with that,

[01:09:17] we can open it up for questions and feedback. Thank you very much. Appreciate it. We'll start with Supervisor Malik. Thank you very much. And thank you to all of you for all of your years worth of effort on this issue. All right, so I've got notes here. I guess one of the hardest things for all of you to deal with is what's called recreational. And so one of the things that I think we talked about 18 months ago was something you all raised about other counties

[01:09:51] having no recreational backyard stuff before 4 p.m. year-round because of the spike just before the burn ban and just after the burn ban that seemed to cause a lot more staff time engagement with citizens because of the confusion. So I would just ask you if there's any update on that or if not yet, then

ask you to consider putting that back on the table for some further consideration because having eight hours of knowing that one could go to town with windows open and come home

[01:10:28] without having your house full of smoke because you didn't know that somebody was going to be burning something at 10 o'clock in the morning right across the line from your house is a tremendous peace of mind aspect. There are people who have respiratory challenges already, and this has been a real misery for some, both in Crozet and Ballard Road. We all remember all the years that Howard spent fighting the barrels over there, and we finally got that put to bed after a long time. But the particulates in the smoke, as well as when somebody goes rogue and throws a plastic milk jug in there it just really really creates danger for for neighbors so

[01:11:08] that's one question I'll stop there and let you answer that with anything and then I'll go on to the next one thank you sure and it's my understanding there aren't any localities actually currently doing that there were some I think that might have considered it but it's not in practice by any any other locality in the state oh well that's miss every engine on my part that I was counting on it okay too bad for me so is for recreational burn is this considered recreational if somebody does it every day all day long does burning can you describe the burning burning like

[01:11:45] in a in a fire pit or a piece of dirt I mean is there a definition for recreational that it's for you mentioned the word event and I wrote that down because that was the first time I'd heard a neighborhood event something like that so can you help me understand any of that fog of confusion i'll do my best i'm not sure how the ordinance could address the frequency of burning because we see some businesses that have a fire pit so they burn they burn wood that's like a campfire

[01:12:21] that would operate every day and if we attempt to regulate that we may find ourselves regulating anyone in a neighborhood that purchases a commercially available fire pit and wants to have something on a weekend basis they burn every weekend after work while they sip wine or their favorite beverage and hang out at home so i haven't seen anything in my experience that regulates the frequency and i would hate to regulate a business owner that uses it every

[01:12:55] day they're open during the fall season in an attempt to regulate a frequent burner that we may have encountered in our past but i'm not so i haven't seen anything else out statewide for that And for things like cut-off treated timber slabs and things like that, those are already prohibited.

[01:13:21] It's just that you have to be there to see it yourself in order to ticket somebody. Yes, the permissible materials haven't changed. And the last time we changed the burn ordinance a few years ago, our enforcement has upticked. We educate first, enforce second.

[01:13:39] But, yeah, if people were burning illegal stuff, we're already addressing that through enforcement. And if we do need to witness the crime occurring, so if we arrive and there is debris, trash, household waste, treated lumber, that's easy to deal with.

[01:14:03] And if we have frequent calls for service at an address and we speak with a neighbor or an adjoining property owner, we will ask them to, if they can, safely provide a picture or other, if they're willing to provide a statement.

[01:14:20] But, yes, we do need to see the materials being burned. Right. And 300-foot setback, which I think is for the brush pile, the leaves, does that also apply to the backyard from your neighbor's house, not yours, if you want to burn your own house up?

[01:14:41] I guess that's your right. But is there a setback for the pit, the pile, the backyard bonfire from your neighbor's house? So this is where we get to nerd out a little bit on the technicalities.

[01:14:58] If it is in a commercially available burn pit with a spark arrestor, so think the mesh screen that you set on it, wherever you buy your burn pit from, that is not subject to the 300-foot distance requirement because it's a recreational, we'll call it a campfire or a recreational fire.

[01:15:21] So that's only subject to the 25 feet off of a combustible construction. So this allows the person in the more dense neighborhood to have a commercially available fire pit that will prevent sparks and embers and ash from going to their neighbor.

[01:15:40] But if I am cleaning up limbs, leaves, and sticks from a storm and I create a pile in my backyard, that now triggers the 300-foot distance from my neighbor, from a structure that I don't own.

[01:15:58] Okay. So, again, confusing but not. So think contained, and it can be a landscape, a hard-scaped fire pit. Rocks or something. Rocks in a circle, concrete, any of the things that we see throughout the county.

[01:16:17] Contained in a ring, very small, 36 inches-ish or less. Oh, okay. That's small. Covered. A lot of times the landscape contractor or the installer will provide a cover. So it's that spark arrestor that keeps it from being as dangerous to neighbors that allows you to not have the 300 feet.

[01:16:41] But if you're just cleaning up, raking it into a pile in your backyard, you have to have that 300 feet. That's kind of the difference in activity. We're trying to regulate a process, not a thing.

[01:16:57] Makes sense. So recreational fires, small. Chief Peliccia and I are having some friends over. It's less than the size of this podium. contained perhaps with a cover that's a recreational fire i've got to have a way to put it out and just be 25 feet from something i can catch on fire whereas i cleaned up after last week's storm and i moved everything into one of my fields and now i'm delving into agriculture but my yard

[01:17:32] i have to have 300 feet from that pile to something that i don't own or a structure that's not mine Because, yes, legally you can burn your own stuff down accidentally, right? But it can't impact your neighbors or go off your property.

[01:17:50] That's the 300 feet. Okay. I think that helps. Now I may click again when I go, when other people ask other questions. When someone is about to do one of these burns, do they call the fire department to let them know?

[01:18:10] They will call the non-emergency number to the emergency communication center. Okay. So the 401-977-9041. Okay. And that is really, really helpful because then when a neighbor sees smoke, they can call and find out, and you can say, yes, they've already called in.

[01:18:31] They're doing something, rather, as opposed to my neighbor calling me 20 years ago and saying, is your house on fire because we see something going on? It really scared her. It was awful. And it also provides responders through the ordinance the name of who's responsible and a phone number.

[01:18:48] So if we do show up and the person has left, or we're trying to figure out who belongs to the fire, when they reported it, they should have given us contact information. Now, sometimes that's wrong, or sometimes they give us the wrong number.

[01:19:07] In theory, it provides contact. So that should take care of most of our frequent flyers we've had. They would still have to call in and say, I'm going to burn today. Assuming they choose to follow the rules, yes, until we get a...

[01:19:23] At that point, it would be enforcement, right? They didn't follow the established ordinance. We receive a call for service. We send someone out. They're breaking any of the rules. It's either education or enforcement, depending on who.

[01:19:39] If we've been there once before or twice or 10 times before. Okay, so you've answered my 100-300-foot question. Notice provisions to neighbors. Was that something else that you had considered?

[01:19:55] I'm sorry. There was a request earlier today that when we're talking about this, this afternoon that that we ask about no notice to neighbors when something is planned so you're now going to require me if I have brush or something to call up and say I'd like to burn this this afternoon is the weather suitable which is always my first question is is it safe for me to do this today and somebody smarter than me will figure that out is there any feedback to neighbors do they have a have a list or something if people want to be notified could they supply

[01:20:34] their email to you if they live nearby a frequent flyer for example could they get an email if something has been requested I think what we're describing is there may be a technological solution and that was brought up that's been brought up as an idea expand perhaps the ability of the MOBI report that you all receive for community members to be able to see that oh I assumed it was I didn't know it was secret well it's not a secret it's just not public it's not on a public platform okay uh per se and and honestly right now talking to it about

[01:21:13] creating a i didn't i didn't go there yet we won't rat you out it's all right we've not had that conversation yet we can um as far as adjoining property owner notification likely the easiest place to insert that in the ordinance update would be the land clearing the commercial open air burning where they have to require whether they apply for a permit so we could in theory add that to the ordinance as a condition of the permit that they have to provide much like some community development processes where you have to notify adjoining property owners that could be a

[01:21:49] requirement for the larger land clearing burn permits it would be a little challenging on the property owners like the personal the small 300 foot burns because that person may just decide on friday that weather weather conditions on saturday are good to burn so how would we pull off an adjoining property or notification in about 12 hours i understand the technical problems but we have discussed making movie outward facing so people could get online and look at their part of

[01:22:26] the county and see yes there there are six people who reported open air buyers in crozet okay and this is where they are that may and those calls aren't even on there right now because right now all i see anyway is the orchards and the big stuff so that would be another category with a bunch of little dots for small things i guess they pop on and pop off so quickly because people call in i'm gonna burn today at four o'clock okay they burn and they say they're gonna end at midnight so it drops off of moby the next day so you may not even if you look at

[01:23:02] MOBI now, there's a fire icon without a check, and there's a fire icon with a check, and I don't have it in front of me. One of those is they have a permit. With a check has a permit. That's the large Monday through Friday, eight to eight, all the regulations. Without the check is I called in to say I'm

burning at my mom's house in Esmont, and it shows up for today, but then it drops off tomorrow, right? So I think a lot of them end up on there, but they pop off very quickly when the

[01:23:40] date with the day expires and then people call in and say we're done we're safe it's out and that makes it fall off also it also they ask them when will you be done give us an approximate time so if they forget to call we're not left with 8 000 icons on a map over six months i get it or a week i mean it probably wouldn't take long to fill up the map i do appreciate the value of contacting the neighbors for these larger ones that has been a very beneficial for community building and helping people understand what's going on.

[01:24:16] I really appreciate and wish you good luck with the changes in the enforcement classes because I know zoning has had a hard time getting to that magical \$20,000 to shift it into a higher level, and I don't know where the fire thing is. Is it \$5,000 or something in fines before it jumps up to a higher level that the judges will help us more?

[01:24:36] So in this case of the ordinance revision, it's the second time I come back and charge you, it's a minimum \$1,000. as opposed to currently it's \$0 to \$2,500 based on the judge's ruling. So the first offense will be whatever you get from that class one misdemeanor.

[01:24:56] The second offense for the same charge will be \$1,000. So we're escalating through the ordinance change to help us educate with a firm hand. And if people just don't come to court, is there any recourse that you all have to strengthen your hand for the next time around?

[01:25:18] There are legal actions that can be taken. We've had some ethical conversations as the on-duty fire marshal. This isn't a jailable offense. You know, we don't, a class one misdemeanor can end up in jail time, but we do not physically detain you and pull you to the magistrate's office or jail for an open air burning.

[01:25:41] So it seems a little off internally to say we're going to issue a capias for someone who doesn't show up and arrest you for an offense that we wouldn't have arrested you for initially. but perhaps long term, there can be...

[01:25:58] It depends on the history, in other words. There's history, there's other things they may have in their background. The fines stay on the books. We have some people who have not paid fines to the courts, but that's no different than not paying your traffic ticket or another offense where you were found to be liable for monetary damages.

[01:26:19] Thank you very much. Supervisor Leopito Curley. Yes, I have several questions. I'm really excited about, you talked about the MOBI system and if that could be incorporated, if and when it becomes publicly available, to me that's the best way to notify neighbors.

[01:26:49] Because otherwise, if we're sending out letters or if we're sending out emails, if someone misses it, then we could be liable for non-notification. but if we put the onus on the neighbors to call in to see if this is proper or not, and they can see where burns are happening, that would be fantastic if that could happen.

[01:27:12] I did want to ask, is a permit needed for, or do they call in for residential, just having a bonfire, you know, or if they're doing leaf cleanup to me those are two different things because one's larger they're

cleaning up on their property which one do they need to apply for a permit or do they so the only open-air burning that requires a permit is the large land clearing okay the long development company or putting

[01:27:52] in a road yes okay so that's the only permit that's required all right when When you're talking about a setback from the neighbors, is it from their home, from a structure, like if they have a shed, or from their lot line, 300 feet?

[01:28:08] It's from a structure that the person doing the burning doesn't own. So if I put a fire in my backyard, basically drop a pin in the middle of the fire, and I go out 300 feet, and do I get a shed, a barn, a house, a fence, anything that I don't own that I could possibly impact with fire?

[01:28:30] Okay, so even if it's a fence, it has to be, the neighbor's fence is 300 feet. We would likely move, we would try to work with them to move it away from that fence line. But yes, it's 300 feet from the center of the pile to anything they don't own. Okay, anything they do not own.

[01:28:47] Okay, that was beneficial. Thank you. I know you talked about, under definitions, automobile graveyard. Would that also include, let's say, semi-cabs and trucks and such?

[01:29:03] Would it be just automobiles or would it be vehicles? Motor vehicles of any kind. Vehicles, okay, because it says automobiles. If it's vehicles of any kind, I think that's helpful. On page 3 of 10, item 16, it says junkyard.

[01:29:25] The term junkyard means an establishment or place of business. When you say establishment, would that also be a home, someone's home? I would not think that we would qualify a junkyard.

[01:29:41] A home is a junkyard unless there was a change in use of the... Okay, I'm not talking about the home itself. I'm talking about a junkyard in someone's home, you know, like their front yard. They're using it as a junkyard. So that's why I'm asking if the term establishment could include a home.

[01:30:05] I mean, I've had that problem. If they had a home occupation permit or other legal means that let them operate a business out of their home, we would probably have to defer to... Okay, but if they don't, if it's not a business and they just have a...

[01:30:24] Illegal junkyard. Yeah, junkyard with all kinds of junk, I'm just trying to figure out if establishment also means home. Yeah, we would work with zoning and legal to figure out exactly where that property lands to see if it's defined as a junkyard before we went there.

[01:30:43] And on page 6 of 10, it says the burning must be constantly attended by a competent adult, 18 years or older, and the burning must be conducted so as to minimize any inconvenience or nuisance to neighbors.

[01:31:03] I'm concerned about that because I could have a nice little bonfire and I'm roasting some marshmallows, whatever, and I've got a neighbor that is constantly calling, you know, complaining that there's smoke coming.

[01:31:22] So I think you should look at that because when you say minimize any inconvenience or nuisance to neighbors, you might be getting a lot of calls there.

[01:31:38] And I think that's something that maybe you can work through your attorneys or whatever to reword that. So it's, because you get constant complainers and you get constant burners. So trying to help you out there. On page 8 of 10, number 13, okay, this is a good one.

[01:32:01] The burning must be conducted only when the prevailing winds blow away from any city, town, or built-up area. that's everywhere the you know the winds are any if there's any wind at all and if it blows in any direction and it's going to be toward the city you know the city town or built up area that i think you should look at very carefully i mean i can understand about winds and i can understand

[01:32:35] you notifying people um that hey there's it's too windy this is not a good time to burn you should not be doing this. But you're leaving yourselves wide open because anyone can say anything when you use that kind of verbiage. And those are all my questions. Thank you.

[01:32:57] Good document, by the way. Thank you. Thank you both. And it sounds like you started to get at this earlier in a response to a different question, but anywhere, I'm looking at section 6, 4, 6, A, and B, which is primarily 6 and 7, but they do require, the places where it requires notification to you all but it sounds like there's no i guess you you earlier you'd mentioned well the weather changed so now things are favorable where maybe on tuesday if i'm trying to figure

[01:33:34] out if burning saturday is not is going to work i may not know on tuesday but by friday or saturday i know so then i can put in my permit go online etc so there's no time frame by which the permit must be submitted prior to the burn?

[01:33:51] - So recreational and private property burning, there's no permit. So they can make that phone call at three o'clock in the morning to notify the communication center that they're gonna burn at 7:00 AM if it's allowed.

[01:34:07] The land clearing folks that have to apply for a permit, they're strictly regulated and it's not, you cannot apply on Monday and expect to burn on Tuesday. There's a review, there's, it takes a while.

[01:34:22] but if you're going to have a recreational fire or just do something in your yard as a land you're cleaning up you can call us at five o'clock p.m and be burning at six there's no there's no delay um well i guess what i'm getting at understood on the land development piece you know i don't know how you get at it with backyard campfire type things but it seems like the ones with the 300 foot barrier seems to those seem to be larger in scale in my obviously in my mind if you've got a large leaf branches that sort of stuff but since the notification must be made understood that

[01:35:02] they're not doing a permit in that case right i'm just trying to get at um the rationale behind not having a requirement a 24 hour 48 hour or whatever seems to be because there's a lenience given towards weather conditions just like there would be if you did require three-day notice and then of rains on saturday well it's immaterial because there's a big storm happening and you know i guess you could burn technically but um i think though since there's not that requirement that it would allow it would help me to endorse the idea of moby going public i know that when we created that at

[01:35:42] least if a constituent reached out to a supervisor it gave us a method as a supervisor to go in and go okay yeah we've got a notification that there's a burn happening there um you know beyond doing that i i'm not entirely sure without having a required time frame ahead of time of how to require notice for these smaller type of things um i mean residential burns if i want to go out into my backyard and and enjoy a campfire on one night i think it's unreasonable to ask for a 20 you know to you know hoas may be able to get at that home you know there's a neighborliness it's no different than if i'm going to have a party and there's going to be 14 cars outside my house

[01:36:21] can't require you to notify your neighbors but it's by god it's neighborly to be able to let them know ahead of time that there's going to be a party happening but for the for the for the things that seem more manageable like the sticks the the big yard things where it requires a further setback i think that notification does become important because it seems like the impacts could be larger to surrounding folks and at least having access to that i think could give some people the ability to know at least they've notified the fire department and can go from there but I mean, at the end of the day, how do you notify everybody?

[01:36:56] I mean, you couldn't do it by mail. I mean, we'd have to require a six-month in advance based on the way the Postal Service delivers. We don't keep emails on every single person in the county. You know, so we'd have to provide some sort of way for them to check us, which I think Moby could get at.

[01:37:13] So I think exploring that seems reasonable. Yeah, and one of the things we sort of envisioned, but again, this is a heavy technological lift that we haven't gone there yet, But have the MOBI, the map that you're able to search and look at more closely, but also almost kind of, I hate to say dashboard, but dashboard-ish, where it also has conditions that are updated so that people know, can come to our site and say, oh, it is a good day to burn, or oh, no, it's not a good day to burn.

[01:37:45] So to have that information readily available for the public from our office saying, we don't recommend you burn today. You know, it might not meet the conditions for us to put a ban on burning, right? But this isn't a great day to burn, right? Like to have that information readily available is basically ask a fire marshal kind of, you know, that's what I would love to see.

[01:38:10] A little star on the front of the website page. Go straight there. Thank you. Thank you. Supervisor Pruitt. Am I correct in the prior to this edit, and I guess, well, currently, because the edit is not official, the fire ordinance does not contemplate for the possibility of recreational fires?

[01:38:31] It seems that way. It allows for recreational fires, but it's very vague, and we have people who know how to say, this is my recreational fire that's significantly bigger than what a recreational fire should be.

[01:38:47] So we find people trying to use the recreational category creatively. So this just kind of defines it clearly. Got it. I have kind of a few, some kind of extensive and very technical notes on the recreational subsection B, 406B, and kind of the hierarchy of definitions that are being used, because I think there's some work that needs to be done in this section.

[01:39:19] So it looks like there's kind of three categories. There's recreational fires, which you define in the definitions as being less than nine square feet. There's bonfires, which are bigger, as greater than nine square feet, and two feet in height, which I would point out creates a universe of something that is not defined, right?

[01:39:40] If you have something that's greater than nine square feet and lower than two square feet, or lower than two feet, it is not defined in the code. So that right there is a problem. And then the term bonfire ends up not being relevant in the actual section B because the actual policy distinction that's made is for what is called large recreational open burnings such as bonfires, which is even bigger than the default for bonfires because that is 25 square feet and five feet in height.

[01:40:12] So we have three criteria. I don't think we're using three criteria. I think we're using two criteria. And further, Section B is not structured in a way that lends itself to be interpreted correctly. Because what you say is, and the following are allowed without a permit from the fire official.

[01:40:35] The things that follow are not then types of fires that are allowed, right? It's actually just a set of additional thoughts about this category. And like it is in that list that, for example, we have large recreational open burnings, which are explicitly not ones that are allowed without notification to the fire official.

[01:40:54] So I think you need is a whole new subsection, right? We need to have what we're asking for is small recreational fires, big recreational fires, two categories. And they should be separate sections, and they should highlight where that distinction happens.

[01:41:09] And that's not what's happening. I did not understand this until I was reading for conflicts, and I don't think you could expect the public to understand this. Is everything I'm saying landing, or do you have any pushback on this? No, we've gone round and round with language to try to clarify, and we've actually worked with legal on that to some extent.

[01:41:30] That's why I feel like there's going to need to be an accompanying user guide or quick reference chart that shows, like, this is the type, this is what the parameters are, whether or not you have to get a permit, whether or not you have to make a notification.

[01:41:46] I envision a chart with columns to sort of delineate that. But yes, I'm sure there's ways in which this could be further clarified. So thank you. Thank you. That was honestly the main thing I had concern with because I didn't think it read in a way that was coherent, and it contradicted its own statements once or twice.

[01:42:07] There were a few other things I had. One quick little flag. This is probably a nothing burger. A tingle goes down my neck every time I read ceremonial purposes or religious purposes in a law. I'm like, oh, are we good on 1A? Are we good on Ryupa? Are we good on 1A? Are we good on Ryupa?

[01:42:24] I don't actually see why it would be a problem, but just naming religious purposes, I'm always like, ooh, can we? Okay, good, okay. I have a similar reaction. Good. I actually also share the concern on the, what's subsection 406C13, the burning shelf.

[01:42:51] But I think that needs to be defined more clearly because that could be interpreted really liberally in a way that it's not clear what it even is asking me to do. I might not have support on this board, but I like the idea you have of the escalating fine, of kind of starting with the class misdemeanor, then having a fee that escalates each time.

[01:43:21] What I don't like, and this is personal policy beliefs, a mandatory fine, I would much prefer that being something that we can apply discretionarily, something that you can apply discretionarily, and I do not vote for things that say mandatory minimum, full stop.

[01:43:41] So that would be something I'd share to the rest of the board. I would very much prefer that be a discretionary thing, and I would withhold a vote on this over that. It might be a symbolic vote, but I would rather that be discretionary.

[01:43:59] And I think I had one other thing, but I'm forgetting where it was. Oh, I think we're probably consolidating on this, but it seems I can't think of a way, in the case of large recreational fires, which do not require permitting, but do require notice.

[01:44:16] I can't think of a way, as Supervisor Galloway was saying, to coherently and in any manageable way notify surrounding areas, even though I think that is a normatively good thing to notify surrounding

areas. So if there was a way to make Moby available in a way that was, frankly, not intrusive to the county, not costing us a lot more to make some kind of public platform, I would be supportive of that as a way to kind of deliver on that message.

[01:44:44] That's all I have. Thank you. Professor McKeel. Thank you for your work on this. And it's amazing how you think something should be kind of simple, and it really... Counting to it, it's all good. I want to just get back.

[01:45:01] I wasn't going to, Mike just brought up an interesting point. So he's talking about discretionary fines, I believe. So I have concerns when I hear that because we try really hard not to, in many cases, we want to make sure that people are being fined, everybody's being fined the same, for the same situations, right?

[01:45:30] So that worries me a little bit. But just your thought on that one, because I don't think you said anything. You had a chance to say anything when Mike was talking about the discretionary. Do you have some thoughts on that? Well, I'll take a stab, but I'll refer to Sean a little bit on this. Historically, we get a low amount that doesn't, people either don't show up or it doesn't carry enough weight.

[01:45:55] They don't show up to court. Yeah. Okay. Yeah. And so, you know, ultimately, the Commonwealth Attorney's Office is going to be the one making that determination. When we go forth, they're the ones representing us when we go to court with someone.

[01:46:11] And so that's, you know, they specifically reviewed that section and actually felt like we should call out a second offense. Raises that to a certain threshold. A third he raises to another threshold.

[01:46:29] So, we're a little bit at their discretion. Yeah, I mean, currently it's a class one misdemeanor punishable by up to \$2,500 and or 12 months in jail. So, it's already discretionary for the judge.

[01:46:46] He or she are the ones that set the fine. So, we've seen them as low as \$25 or as high as a few hundred. \$25 doesn't divert anybody from anything. so i fully appreciate the mandatory is a little bit concerning and heavy-handed i do believe we needed to meet somewhere in the middle with something that will help us because we've by the time that any of our fire marshals get to court we have educated until we are right frustrated

[01:47:21] and we've expended more than a thousand dollars worth of staff time and effort to be honest i I mean, not just the fire marshals, but the courts and so, yeah. And we have other situations in the county with that very problem, right?

[01:47:38] What we can get and find doesn't anywhere near. But I really appreciate that lens. That helps me a lot because I would be very concerned, and maybe I was just a little confused, but I'd be very concerned if the discretion was up to you all and the community was thinking, okay, and that would be putting you and the board in some bad places, and I don't want to go there.

[01:48:00] it's never up to us exactly there you go we will ask through the commonwealth attorney's office and they may say no but right ultimately the judge that's right so that's very helpful thank you um and i'm just curious about this i don't want to oh well i guess if i say it i'm opening a can of worms but i don't want to go down in a rabbit hole too much but most of the time when we are looking at ordinances perhaps like this not always but because of our land use we're looking at perhaps

[01:48:37] rural areas urban areas development area you all didn't do that at all in this ordinance my understanding is this is just where it is it's it is what it is everywhere just for clarity right yeah we we talked about you know does it make sense for us to go down the path of creating two separate you know for developed versus rural we feel like it's already pretty complicated yeah um and i'm hopeful we can strike a balance that can apply to both yeah because to have another layer

[01:49:12] of you know making sure people know i mean i you know it's this is your opportunity to advise us if you'd like us to explore that but i think if i could just interject we the setbacks that we've with the 300 feet, the 2,000 feet, whether we call it rural or urban, that has in effect delineated the ability to burn, right? 300 feet in Skylar is different than 300 feet in the middle of Crozet proper, right? So we have somewhat regulated burning in the urban area by setback

[01:49:48] distances, where we've allowed people that live in the rural areas can still burn because you likely have 300 feet or more from a neighbor. So it would be remarkably complicated for us to say, oh, I'm going to Schuyler, so I need to apply this playbook. And if I live in Schuyler and I move to Crozet or to Earliestville or to somewhere else, now I have to learn a whole new set of rules. So I think this was a good blend of we can regulate through distances. And I'll just

[01:50:23] add in my three years here i've seen us have to work with a homeowner or landowner to move a long-standing pile where they burned because of um development that's taken place around them just the three years i've been here i've already these guys have you know reported to me yeah i'm working with so and so you know these a developer or a a farm owner who is just so close to the to the edge that they've had to move their pot and they were fine with that they get it it's just so it's actively working is my point that even though we don't have it spelled out i think to

[01:51:02] to sean's point that's that's it it's working like we think it should yeah and i i appreciate that and i just wanted to make sure that everybody that was listening or following this understood because and i appreciate your thought on that because i don't want to go there with the the development area in the Roy. I understand that. Having said that, having experienced, and I never want to create ordinances or laws because of a one-off. That is not where we go.

[01:51:32] The General Assembly does that all the time, and it really leads us into messes, right? But we did have a situation in my neighborhood where someone was using a swimming pool as a fire pit, and by the time they threw the accelerant into it, the neighbors on either side were just about beside themselves now that's a one-off so we can't create an ordinance against that and they'll probably never do that again but that was what led me to small lots you know urban areas neighborhoods and just asking about the um so i appreciate the discussion and i really

[01:52:10] um i am very appreciative of the fact that this is a piece of your work this is not the entirety of what we're gonna be doing. You're gonna be upgrading the website, offering different things on the website for folks.

[01:52:26] I always like opt-in better than, you know, when we're talking, works better than, when you're creating situations like that. But I think this is a good part of what you all are gonna be doing in the future around fire and hardening perhaps some of our landscaping and all of the, that we've heard in the past that will be coming different parts of the, of the fire prevention ordinance.

[01:52:54] So thank you very much with that. I think I'm good right now. Thank you. I hope I don't go on too long, but I have a lot of things I'm still confused about. So in the, I'm going to start just here.

[01:53:11] There's this 6405 exemptions. B says open burning for campfires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor commercial preparation of food, and not or, for warming of outdoor workers.

[01:53:28] It's odd that it doesn't sort of offer an or for all of those because different ones. But then 6406 has essentially four categories of burning. Setting aside the last one, which is on landfills, it appear to be, to me, 406B is for recreational burning, where there's no notice required and there are shorter distances.

[01:53:49] So I'm not sure whether the exemption applies or the 460B applies for that because of those two provisions and how they might play in. Then A is then for residential open burning, which is the 300 feet and requires notification.

[01:54:10] And then C, of course, is the 2,000 feet property maintenance and or land clearing, which requires a permit. And if I'm right about that, then I'm still, you know, first question is just, is that exemption relevant to B, since it's in the list of exemptions?

[01:54:29] Then the second exemption is, and I've brought this up before, is that 6405B says open burning for forest management and agricultural practices approved by the State Air Pollution Control Board.

[01:54:45] So I want to make sure I understand. I'm reading this as to say that that state statute controls those activities. Are they not impacted by this ordinance? If you have an agricultural practice, and you specifically mentioned just a minute ago, a farm owner wanted to move their pile because of the location.

[01:55:10] Well, a lot of farms routinely have a little pile that they keep to get debris and put it in, eventually they're going to burn it. Is that an agricultural burn under the exemption? Is that a permit-required burn? Is that a notice-required burn? I get confused. It's confusing. Agricultural burning is exempt by the state. That's right. Okay. So essentially, Dillon rule, we are not really regular. That's sort of like to run people after the top, right? If you get that, then...

[01:55:40] And the current ordinance language, agricultural burning is kind of pulled in vaguely gray area so the farm owner that chief felicia was referring to there currently is a mention in the state code about a distance for farm agricultural practices so if you read the state air quality folks their language it puts an agricultural burn a thousand feet from person structure so this landowner that we worked with they had been encroached upon by development because they're

[01:56:19] on the edge of the development area right so they had to shift back a little bit to get away the thousand feet okay with this rewrite the decision was made to kind of let that state code control agricultural practices because i think i believe there are seven of them don't quote me i don't have it in front of me there's six or seven that are exempt from any of this so it could be that you had an invasive i just had a beekeeper friend of mine get an invasive bug so they had to burn

[01:56:53] all of their hives and equipment because the state apiary folks said it had to be destroyed so that is managed by that state code section so there was no need for a permit they were a couple thousand feet from a neighbor so they didn't have to interact with the local fire marshal so we're trying to remove that agricultural confusion for landowners and we interact frequently with the Farm Bureau, Captain Ledford meets with them to discuss agricultural practices. So yes, the 6405

[01:57:29] exemptions, that kind of takes all of the agricultural practices and just moves it out of this. We would hope to notice provisions at least. And typically we encounter that the folks doing those type of burns, they do notify neighbors if something's happening or they know each other through a network and there is notification prior but and a lot of them call some of you that have been around for a while may remember we used to have a certified open burner program and we would give you a red card saying you had attended training from fire rescue you were good for another year so they still call in regardless of the requirement to do so so they would be also

[01:58:09] seen on MOBI the agricultural burns. Thank you. So looking to just the 6406 permissible burns in the different categories you mentioned in connection with B the recreational that there are businesses that routinely have you know open burning as part of the ambiance if you will and therefore there's no limitation on how many times they can do this when they're open for business they're going to have this going is this what's the is there a similar logic that could explain whether they're why there's no currently no limit on the number of days you can do

[01:58:49] other residential open burning under a or property maintenance burning i guess i i do worry sometimes that some of these activities can go on for weeks and weeks and weeks of of what's clearly not part of their business it's just they just that's how they deal with their properties burning constantly well i was just going to add part of that ad part of adding the language around attendance does help was to try to prevent setting and leaving it going overnight or for days or

[01:59:25] so that's i hope that that will address it to some extent okay and frankly i just i don't remember seeing in any of the 15 comparison localities any limit on frequency of burning okay so now we limit The land clearing, right, 30 days, they have to be done, but we've never delved into the you can only burn 13 days a month or something on your parcel.

[01:59:55] That's something we can discuss. The fact that there's a limit on the number of days you can do the land clearing is already a helpful reminder of that. Thank you. You mentioned the MOBI system, and I didn't realize that that isn't generally available to people to see where it is.

[02:00:15] And I do think that that would be a good idea. Also, sort of in the same vein, I think I've identified, for me at least, it's complicated enough that it would be helpful if we knew that when the calls come in, that the person who's taking the call is able to identify, well, which kind of burning are you doing?

[02:00:33] Do you fall under C? I would hate to have somebody think they're calling in for one type, agriculture or whatever, and then find out, oh, no, no, you needed a permit to do what you're doing. Is that something that people getting the calls have the ability to handle the distinction?

[02:00:51] That's a great suggestion, that we invest some training in the call takers at the 911 center to help triage that a little bit. Make sure they clarify what type of burning. Okay, I appreciate that. And I guess just to feedback on some comments that were made, 406-13 under C, there was a question about this being conducted only when the prevailing winds blow away and all that.

[02:01:24] I mean, to some extent, again, I would hope that if they have to call, if they get a permit and have to call in to tell people, then I think it's a great idea to be able to let people know when it's good to burn and when it's not. that to the extent I have farm property and we have burned, we look for that snow.

[02:01:44] We see that snow is coming and quickly go out, cover what we're going to cover, and then as soon as the snow hits, uncover it and then deal with it. And I guess under the issue of fines and second offenses, I just want to make sure I understand that 408B says each separate incident constitutes a new violation.

[02:02:09] violation and i don't want to have that somehow treat uh something where there's a separate incident but it's really part of the same person's activity as suddenly triggering conviction of a second offense i guess if they if they previously be convicted and then they do it then that's a second offense but if they've just done and now they're being treated as two separate violations you can't have a second offense until you've actually had to convicted of the first i guess is one of them to make sure I think that's the way it should work.

[02:02:44] We're not suggesting that we've just gone out there. They've actually, we've gone through the process. Right, and actually gone through the conviction, and then it's a second offense. Correct. And one edit that I don't think you all have is the Commonwealth attorney recommended increasing the third offense to three-year period, just to give it a longer window.

[02:03:12] Yeah, I mean, if you get to the third offense, than just waiting a couple of years and doing it again seems, yeah, they should know better. Appreciate that. I have nothing further at this point. I really appreciate it. Supervisor Malik.

[02:03:28] - Thank you, just, oops, wrong way. I know that you wanted to be streamlined, but I love the idea someone else made about, or you did, Emily, about charts. Somehow, whatever the first question is, boom, boom, boom, even if you have to repeat the text in the different columns, then people can't get lost and can really stay in their lane as far as, yes, it's this size fire and here are my rules. I think that is a fabulous idea. And as others have said, I really would like to

[02:04:01] have fairness in fines. And so I don't have the same concern about the mandatory because I think people need to know ahead of time. I'm not just going to get to skate on this. I'm just, somebody's going to hold me to the fire. The improvements in the ordinance, do the judges actually rely upon the strength of the ordinance when they're making these decisions and is this something because we haven't been as well articulated in the past is why we've had such poor follow-through when you have gone to all the effort to go to court no i think it's just a side effect of the

[02:04:40] the juvenile the justice system we charge them it's a class one misdemeanor sometimes the commonwealth attorney we have to get there early kind of brief them on why we're here and it's situational it's always this is a first-time offender they didn't know they were apologetic they were compliant all of the things or we speak to the Commonwealth this is a repeat offender they did not want to cooperate we would ask that the fines be a little bit more but again at the end of the day it's not up to to Sean as to what the fine is going to be it is up to the judge

[02:05:16] rendering the verdict so I think the ordinance will help us having the Commonwealth's attorney look at it ahead of time was very helpful so that we're all on the same page as we move forward and with these changes and getting it into play in the system. Thank you and I also really appreciate the county-wide approach because people in the country have felt like second-class citizens for years and years because the folks in the growth area did have a whole lot of protections that they didn't even in rural neighborhoods where their houses were close together so that's a big big step forward and the other really important thing no importing

[02:05:53] of materials after the thing in Glenbrook where they were trucking in tractor trailer loads of logs to burn in that lot over there that ended up getting away and almost burning somebody's house down. So bad experiences end up getting us good things. But I also, it struck me what you were saying about people in neighborhoods because there are fire pits all over Old Trail and they're very successfully done and I've never had a complaint about that.

[02:06:15] So that's a different element than these other ones that you've heard so much about. So thank you very much. Thank you. I wanted to clarify something that chair Andrews brought up which was number 13 the burning must be conducted only when prevailing winds blow away from the city town area my point and probably not the same thing but definitely winds and you have a big construction site and you don't you don't want fires with prevailing with a lot of wind.

[02:06:54] And my concern with this phrase, and maybe you can clarify for me, is that you have two neighbors, okay? I do a little bonfire or a little cookout or something, and maybe the smoke doesn't even waft into the neighbors, but the smell does.

[02:07:14] Would you be getting a call saying, hey, folks coming over here? that's what I was trying to clarify to make sure that you're not going to be getting calls regarding that statement yeah if I can I'll just kind of speak to 13 since it seems to be popular at the moment that applies only to the permit holders okay for the land clearing so this is the they call in and ask permission to ignite their massive pile from clearing for their subdivision and we say no the wind prediction is it's going to blow directly into pantops okay so we're not

[02:07:53] approving you to light the fire today I appreciate the clarification thank you but to answer your question we do get complaints occasionally about you know my neighbor's fire pit is blowing smoke into my house that's not frequently yeah but it is something that we entertain yeah we did and I meant to mention we we just to contextualize and sort of characterize the extent of this problem we we we did verify that our we're receiving about one to two calls a week on average about the ordinance but those aren't necessarily complaints those are like can you clarify this point can you

[02:08:29] clarify you know do I need a permit or not um they're pretty wide ranging um occasionally we get a complaint about once a month is when we're getting them and we'll go through sometimes periods where we'll get more and then in terms of the impact on actual incidents overall from 23 to 24 2023 to 2024 we saw a 5.4 increase in overall fire incidents that's of all types all types of fire

[02:09:02] incidents outdoor burning or outdoor type fires fires that take place on on in outside you know not in a structure we saw less of an increase last year so 3.6 percent increase still an increase but not not as much overall so it was an increase from 300 calls to 327 calls so 27 additional calls last year thank you thank you supervisor um I had two um things first off this is a small one

[02:09:37] but there's a throughout um the term structures and buildings are both thrown around um as things that establish standoff distances that are required those aren't defined and I could see that potentially being relevant or even contentious we just talked at some length about the fire regulations in a campground that was going to have consistent tent setup I don't know if a tent is a structure I don't know if an awning or a camp structure is a structure and I could see that being relevant and worth defining the and this is going to be it's going to

[02:10:12] be an awkward question um when you say you worked with the with the ca's office are you working with the ca actual or are you working with someone in the ca's office and there's going to be a follow-on that matters mr hinchley directly with miss okay so i'm struck because we have personally had mr hinchley come in here because he realized at the 11th hour that something created that we were about to vote on created a mandatory minimum that he would be asked to assess and he said i am categorically opposed to mandatory minimums and I therefore oppose this policy and we did not vote for it for that reason among others right that was

[02:10:50] a thing that happens I was here for that yeah it's the reason we were proactive yeah making sure that he so I I guess one I guess I just want to get clarity on that because I'm surprised but the other thing is I want to make one final pitch for the argument here because I know that my peers aren't on board but I'm I um whenever we have mandatory standards i think we need to consider what the most far-fetched or absurd possibility is and make sure that we are morally committed to that far the most extreme

[02:11:28] case right so i'm thinking okay there are i have two um encampments of constituents who are homeless right by Wegmans right one on top of the hill one at the bottom of the hill um these constituents during certain times of the year burn things they they have an ongoing campfire Wegmans hates it because it's visible and they don't like them being next door because they bother their customers those campfires are mostly for warmth they also use them to dispose their trash it is very reasonable that Wegmans would call the police on them call the fire department on them I I'm looking

[02:12:04] maybe this happens um I could very likely see that resulting sometimes in a violation maybe not something we're thinking about but that right now what you have is a second violation puts a homeless person under a mandatory assessment of a thousand dollars but that's only if we've charged them initially on a first offense right they're going to keep burning their stuff right like and and it's shitty and it's true but we're condemning that person to eternal homelessness like very truly we are because they're never going to get out from under that one thing i do want to make sure

[02:12:44] is clear though that the burning of trash is illegal across I mean that's that's just I was just picking out something that would move it from category B that they don't require a permit to category C where they require a permit right that that was the example I threw out for that reason as in it necessarily it would necessarily make it so that it is a violation of the of the fire protection ordinance that right they're disposing their trash and it's a violation of the fire protection ordinance if they get caught twice for it they have to be assessed a mandatory minimum I'm Richard DeLore.

[02:13:18] I'm with the county attorney's office. One suggestion I might make is that we strike the term mandatory. It would still include a minimum of, say, \$1,000 fine. Under that structure, a judge is able to suspend a portion of that. That's my experience, and that may be a little bit more copacetic with the Commonwealth's attorney and address Supervisor Pruitt's concerns.

[02:13:41] I would address my concern. So you'll see that in other criminal statutes where there's a minimum fine, but judges, based on certain circumstances, suspend a portion of it. So in your case, you could have a second offender come in.

[02:14:00] A judge would impose a \$1,000 fine, could suspend all of it or a portion of it. Thank you. Is that? Yep. And I think we may, I'll speak with our team and we'll probably take that approach. Okay. Concerns about that or other concerns?

[02:14:21] Go ahead. I would be concerned about what they're burning. I mean, you're saying they're burning trash, but there are other things in there, plastic, other things that are going to, you know, pollute the air and such. I'm concerned about that.

[02:14:37] There was a pretty good explanation that staff had made about how they were using it. So I don't know if you want to go over that again or not. I didn't have an issue with it. I can speak to this scenario very briefly if you'd like. If you can handle it, that's fine.

[02:14:53] So we deal with this actually every... year. If it's a warming fire, small, contained, natural materials, and they're just cooking or warming, there's no enforcement action. We make sure they're safe. Are they away from the tent?

[02:15:10] Are they away from the folks that cohabitate with them? Is it safe? If we show up and they're actively burning trash, we're going to put it out. Say, hey, we've talked about you can have a warming fire. It's never okay to burn trash. Here are some ways you can dispose of it. Not saying we would never charge them because sometimes we have to charge them if they're not compliant but yes burning trash we changed that a long time ago that's never okay we're going to put it out

[02:15:47] and they may or may not be charged depending on the circumstances right we the reason this thing is still this many pages long is to give my folks that are out there seven days a week in the middle of the night interacting with a variety of open air burning complaints some latitude for grace and understanding while also being able to enforce when we need to to correct behavior i think we can we can sort out the trash thing and i do like the change for a minimum so some can be suspended

[02:16:23] thank you i appreciate the clarity are there other concerns questions comments on the i just have a quick just a quick one and i appreciate what you all just said and thank you very much i mean we can go down in a lot of rabbit holes here. Do you have the number, I'm just curious about a data point. I see an awful lot of responses to, and I talk about this a lot, fires started by cigarette butts being tossed out of windows. And I'm curious, do you all have the data on how many responses

[02:17:01] you all are making to what I think about as the little mulch fires along the road, grass fires going to say i assume you're talking about the mulch fires yeah the mulch fires or even the grass fires i mean it is just absurd yeah we actually plotted it last summer not this past one but the summer before we we saw a surge in these calls on 29 in the median and that was an area and you know it's sometimes very hard to determine exactly what caused it but right but we we actually passed along that information to vdot in thinking that it had something to do with the type of mulch

[02:17:41] and or uh the the how fresh it was um because it it happened in a you know in a concentrated time well it's probably really dry in a concentrated stretch and i well we're spending you all are spending an awful lot of time and we're spending a lot of money responding to those mulch fires Yeah, the other thing that's changed, well, I was going to say self-extinguishing.

[02:18:11] Well, I'm just suggesting as we go forward and think about some of these situations, and this might be something that you might be able to impact through not here, right, but in some of the other thoughts we're doing, if you would keep that in mind, because those responses are really creating a problem.

[02:18:28] And while it's not always, and it may be unusual, they do get out of control occasionally and cause huge problems. So I'd just like for us to think about that and try and figure out a way that we can

maybe impact it. It is a mitigation tactic that we've discussed in our office is the idea of non-combustible ground cover.

[02:18:52] So mulch being replaced with something else. And my understanding from my discussion with Dan about this at one point, he said he'd reached out to some of the businesses and they were not interested. I think that's a problem. I think they need to be interested. I don't care what corporate tells them it needs to look like.

[02:19:08] They need to make it safe for our community. Enough said. I mean, how we do that. Yeah. Thank you. Thank you. And coming back to the open burning ordinance update, is there anything else you need from us on this? No. As I said, we'll get with legal and take all the feedback into consideration and make changes and bring it back to you all.

[02:19:32] Thank you. Thank you. Board, with that, I think it's time for a recess, 15 minutes. And we should come back and do the land use revalidation process.

[02:19:43] Thank you.

[02:34:50] Peter, are you ready? Okay. Welcome back. Board, our next item is a presentation on the calendar year 2026, land use revalidation process introduction.

[02:35:09] Mr. Peter Lynch, our county assessor, welcome. Thank you, Chair Andrews and Honorable Board of Supervisor Members for allowing me some time to present this topic today. So it's basically the 2026 land use revalidation, but the work we go through to collect the data happens in 2025, so it's kind of the year before.

[02:35:36] What we're going to talk about today, an overview, it'll be what is the land use program, what's the legal framework for the program, why is a revalidation important, and what is the revalidation process. So the land use program consists of agriculture, horticulture, forestry, and open space.

[02:36:00] Basically, the difference between agriculture and horticulture is the timing of how long the plant lives, I think, generally. So it's like an annual versus a perennial plant. Agriculture is the short term, and horticulture is like a tree that has apples, and you harvest the apples each year.

[02:36:24] Either of those programs, whether it's agriculture or horticulture, require a minimum of five acres in use, and it has to be a commercial production of agriculture. Forestry requires 20 acres minimum. While you might not harvest trees in any specific year, we do require, or the program requires that it is a commercial crop of trees and that you are legally allowed to cut the trees.

[02:36:55] Open space generally requires, and we've had conversations about this in the Ag Forest District meetings that we've had, that open space requires either inclusion in Ag Forest District or the property be under an open space use agreement.

[02:37:12] So the legal authority, like just about everything for us, comes from the Code of Virginia. It allows localities to adopt these programs. You can adopt any one of or all of those four programs in Albemarle County.

[02:37:32] We've adopted all four. It also gives kind of general rules about how the program works for each of the four categories. But generally, the Virginia Administrative Code gives more detail on the qualification and how a property should qualify under any one of those four.

[02:37:59] And the Virginia Administrative Code is actually written by the departments that regulate those in this case. The State Land Evaluation Advisory Council, or SLIAC, I've mentioned that before in presentations to you, it was created by state law, and that body will create values for all jurisdictions in Virginia.

[02:38:33] They are the land use or use values that should be considered by the jurisdiction to be used for valuation under the program. The law only requires that we consider it, but in Albemarle County, we use the values that are established by SLEAC.

[02:38:50] Now, there's a SLEAC manual, and the manual basically is a, it just includes all of the state law, the Code of Virginia sections and the Virginia Administrative Code sections, along with a body of Attorney General's opinions that would apply to the administration of the land use program.

[02:39:13] And then, of course, Albemarle County Code. That's where your body has set the rules in which we will follow. When I say rules, at least the fact that we do a revalidation, the dates that applications are due, and what programs we include in Albemarle County.

[02:39:37] So why conduct a revalidation? Inclusion in a land use program is not permanent. So just because a property owner applies for land use doesn't mean that that property and it's accepted in the program doesn't mean that it's automatically just going to be there forever.

[02:39:56] The uses of these properties can change over time. They can stop. And quite often in the past, we have not been aware that they have stopped. So the revalidation allows us to, gives us information to keep up with properties better.

[02:40:16] Because those properties must continue to have that qualified use, with the alternative of rollback taxes being assessed for them. It's a misconception that rollback taxes really only apply to developers when they get a property and they're going to redevelop it from agriculture to, you know, like a housing development or something.

[02:40:44] That's kind of the common idea of what a rollback would apply to. But the actual most common time a rollback is done is if on an already qualified area, somebody builds a house and we would roll back that two-acre home site that applies or supports that house.

[02:41:02] That's really the most common event. But also it can apply to just a farmer or a property owner stopping or halting the qualified use that they had in the past. It could have to do with forested areas being harvested and that use not continuing.

[02:41:23] Because if you harvest trees in a forested area, that doesn't stop your use as long as you regenerate the forest or you replant and take certain steps to continue it at that point. Prior to the first revalidation, some properties remained in the land use program after seizing the qualified activities.

[02:41:46] And I will show, the next slide will kind of give some support to that sentence. So in 2009, this is when we first started the revalidation process. There were 4,898 parcels in the program, 2.5, more than \$2.5 billion in deferred value, resulting in \$18.7 million in deferred taxes.

[02:42:11] So that would have been, unless some of that got rolled back, that would have been the reduction in taxes for that year. The first revalidation happened in 2010, and then every two years since then, and we have brought that number of parcels in the land use program down almost 25% number of parcel-wise.

[02:42:35] The deferred value, now deferred value is hard to compare because the deferred value being the difference between the land use value that is pretty static and very low compared to the ever-increasing market value of properties, that's the deferred value is the difference between those two, would have continued to grow through the years since 2009.

[02:43:03] So even the 3,736 parcels that are currently a \$1.75 billion in deferred value would have had a much lower value in 2009, the deferred value for that group of parcels.

[02:43:19] Now, I estimate had we not reined this in through a revalidation in 2009, we could easily have \$3 to \$3.5 billion in deferred value at this point. If the program had continued to grow the trajectory it was on prior to 2009, when I look back at the land books and the numbers that we had at that time, and that could have been a deferred amount of double of what it is now, almost \$30 million.

[02:43:53] So the importance of this program cannot be overestimated. Of course, the revalidation is only half of the improvements that we've made in this program. The fact that we now have a land use program administrator who is dedicated, is knowledgeable about not just the land use program, but the land uses themselves, farming and forestry.

[02:44:24] Having that dedicated person focused on this program has been also key to being able to use the information that we gather during the revalidation. So the revalidation is data gathering, and then it's followed up by the actual enforcement and verification process.

[02:44:50] So the revalidation process itself. So the way of revalidation looks for any individual property owner is based on what they actually, what they qualify their property as.

[02:45:06] So if their property is open space, first of all, there's a LU2 form that everybody, no matter what program they're under, has to fill out. That's a requirement of the state. And on top of that, anyone in open space would also fill out a Form D.

[02:45:25] So they would simply receive, and we've tailored this revalidation to make it easier so that anyone in open space would receive only the LU2 and the Form D, along with a cover letter with the explanation of what to do.

[02:45:42] Forestry, LU2, and the Form C. The agriculture and horticulture is a little more complicated because it requires, in some cases, the uploading or the, I'm sorry, the submission of tax return information or receipts. So there's a little more to it to show that production has happened on a property, but it will be the LU2 and either form A or form B.

[02:46:10] Form A or form B means form A is the owner does the farming, form B means somebody else does the farming. It's usually a professional farmer. So important dates for this process. We are looking to mail the forms sometime before the end of June and um once that that will be the the kickoff of the the program so as soon as they're mailed uh the property owners can return those forms and we

[02:46:45] will process them uh September 1st is the first important deadline the revalidation process is absolutely free in Albemarle County. As long as we receive a complete application and we verify that it's complete prior to or as of September 1st, then the process is free and it's completed for that person. If we receive those applications or they're completed, because it could have been turned in earlier and they're not completed until after the 1st, if it's between September 2nd and

[02:47:21] 5th it requires a \$125 late fee for revalidation and of course December 5th which is the final deadline parcels after that date that have not revalidated are removed from the program going forward and then I believe okay before questions the executive summary you probably noticed I had something in there about a online version of the forms so we have not been able to completely test that program

[02:47:59] at this point. So we are not going to be able to go live with that this year. So this revalidation will be all in paper like it has been in the past, and we're going to move forward with the testing and the development of that program for the next revalidation. Thank you. You're welcome.

[02:48:25] We'll go through our order for questions starting with Supervisor Malek. Thank you. Thank you for all of the work you do and Eric as well meeting with people it's I know really challenging and complicated as so many things are I'm changed over time so hold on I did have some homework from my homework so I have a question about timing of community development what it means paragraph seven oh dear I didn't have a page assisting in the shaping of character direction and timing of community development or for the public interest and consistent with local land

[02:49:01] use plan this is a way to qualify for open space it this was in the homework the packet the board packet and i'd like to know what that means and i can go dig it up probably if i can if i need a paragraph because if it that worries me if unless i don't understand what it means can you help me or do i need to find some more information and have somebody come back to me later so my understanding of that part of the code is that the land use program can be used by the board to control and

[02:49:38] direct development in the rural areas. To me, it's simply that. So my concern was raised because of the perception that there are developers who sit on rural property in open space until 20 years from now having spent a whole \$20,000 in taxes over all that time to then develop it and phrase grant is a perfect example 1500 acres that was all in land use for all those years for 25 years

[02:50:13] before it was popped so is there any connection between my worry and the reality of what's written down so it is possible that a developer could hold on to land like that that if it's if it's rural area it's even possible that that properties that were kind of grandfathered into the program back when the zoning was uh zoning ordinance was passed originally there could be r1 land that's

[02:50:47] in the the land use program it wouldn't a parcel with that zoning would not be allowed now because it's not it has to be ra zoning but there are few that could be still be in the program because they were in prior to that zoning ordinance that's my understanding so it is possible that a developer could own a parcel that would then be developed in 20 years in the future and 20 years from now we would assess them rollback taxes that would only would only recover the current and five

[02:51:24] previous years at that point okay then i will let that one go for now the um where do bees fall are they heard agriculture agriculture yes ma'am i didn't see it in there so i want to ask that and another thing that i know you and i've talked about over the years for this is flipping back to open space again when there's a qualifying program for them to the soil and water conservation district in the staff report it sounds like that's a way to qualify meeting the requirements and qualification for payments pursuant to soil and water conservation programs under agreement

[02:52:02] with an agency of the state blah blah blah does that mean that the board could consider including film and water conservation programs as a way to get better stewardship on open space either as a requirement or because the agency is going to be doing all the inspections so we don't have a staff

burden to inspect these but I've always grumbled for many years about the fact that open space was just nobody did anything to protect anything or cared about the buffers or did anything and they

[02:52:39] just left it alone and so I would like to find out if that again am I interpreting this incorrectly is it something a program you can use to help people stay in a program and not what's been told to me is that there's such a misunderstanding out there people say I'm not going to go in for the pollinator program where I could get all this help from the soil and water conservation district because if I stop growing hay or corn or whatever it is, then I'll come out of land use.

[02:53:10] So is there a way that this could be done differently or expand a little bit in the county to get better stewardship on property that currently is being marginally farmed to qualify, but could perhaps get a better result for county water quality, natural resources, whatever, under one of these other programs?

[02:53:34] So I don't have it in front of me, obviously, but my understanding is that section you're referring to is part of the agricultural program because it really applies to if you have a farm and you have, this is kind of typical, if you have your farm and you have part of your farm that you're either getting payments from the federal government or the state not to plant or graze cattle on that section or something like that.

[02:54:04] That's the part it's referring to so that, you know, the assessor doesn't say, well, you're not doing anything with this part of your property, so we're not going to allow it in the program. That part of the code allows that part to continue in the program. That makes perfect sense. So the CREP program, for example.

[02:54:19] Correct. Excellent. Now, please think about whether staff would recommend including a requirement instead of an option for open space, that there be a conservation contract, the county contract, which is an option right now.

[02:54:39] And if we have the authority to do that, maybe Andy will tell me we don't. I don't know. So that's something else that I'm not asking for an answer right now, but I would like you to think about it anyway, Because I would like to think that we can up the stewardship again on these kinds of things.

[02:54:55] Thank you. Thank you. Supervisor Lupisto Curley. Right. I see that you're asking everyone to have an e-mail address so that you can communicate with them. Is that something that they are compelled to do when they fill out the land use?

[02:55:14] Compelled, no. No. Okay. It helps with our communication, especially when I mentioned earlier if we receive your application and it's not complete. And it can actually push you over into needing to pay a fee. Our being able to contact the person, whether it's a phone number or an email address, is key for us to let them know that their application is not complete.

[02:55:37] Because a lot of these applications we get in the mail. So, you know, if they walk in the office, we can say, oh, you're missing this. And, you know, could you take care of this and get it back to us? I applaud everything going online and them being able to find out whether or not their application is complete by going online and everything, or in person.

[02:55:58] Thank you. I understand this won't be implemented. Will it be next year, fiscal year? It'll be two years from now when we do the next revalidation. Oh. Two years. Okay. I know it's every two years, but, I mean, the process you're doing now, you said that you wouldn't be able to start July 1.

[02:56:16] That's only the online version. Only the online version. Yeah, that's what I'm talking about, the online version. After this revalidation is over in December, we will start, we will go back to testing the online version and the connecting system and get that working for the next.

[02:56:36] For the next revalidation. Correct. Okay. So that of June of 2027, we will be able to utilize that. That's what I wanted to clarify. Thank you. Thank you. Supervisor Calloway. Thank you, Peter. No questions. Supervisor Pruitt. I...

[02:56:52] Don't believe I have questions. You know what, I might have missed this, but I want to just confirm we talked at some length about the open space category. My understanding had previously been that the open space category is not a land use criteria that is available unless you're in an ag forestal district.

[02:57:13] Am I out of whack on that? No, that's absolutely correct. That's correct, okay. Is that also why in the sample that is shown to us that section for the revalidation is X'd out? because that actually follows with the ag forestal district. And so you're not doing it through the revalidation.

[02:57:28] That is correct. We tried to simplify the LU2 form because it includes all the options. So if you're qualified under agriculture, we X out open space and forestry. So that when you're looking at that form, it doesn't cause confusion as to what do I need to put in this section?

[02:57:49] That's what I thought. And I apologize if you've already explained that. I just wanted to make sure I had that concrete understanding. That's all I have. Okay. Thank you. Supervisor McKeel. Thank you, Peter. I have no questions, but I would appreciate, and you always do, if you'd share this presentation with us. Yes, ma'am. Yeah, that'd be great. And I've already got it to the clerk. Okay. Thank you very much. You're welcome.

[02:58:10] Thank you. You asked my question about the crossing off of the open space on the LU2. The LU2 also has a place for the owners to sign, but doesn't really contemplate that the owner might be an entity. I don't know if that's just something that you deal with ad hoc or whether there's actually a way to change it so that there's an option.

[02:58:31] Yeah, we have not had a problem with that in the past. You know, the representative will sign for the entity. Okay, as the owner, even. As the owner, correct. Okay, so the entity is the owner. And I also, following up on the relationship to soil and water conservation programs, so there also are those programs under the agricultural section, and that's why it's referred to in here.

[02:58:54] I think I understand that, but I guess... Sort of particularly to me, probably the question is when it says recent changes in the property, is entering into a program like that a change as well or switching between grazing and paying and things like that?

[02:59:13] Or is it just changes in the use that fall out of the program? So actually it's any change. It's not that any change would cause a change in their qualification, but any change that we should be aware of so we know that there's something different going on. Okay. it's really just a flag to tell us to pay attention to the information that's attached more attention to it okay okay appreciate that um and then uh i guess has there ever been a consideration of whether the sliak values are appropriate for our county i guess they are

[02:59:52] are they regional and so they're already by the state identifying geographic areas so they're they're specifically um determined for each jurisdiction separately and um so we have we have considered

are they appropriate uh the part of the problem is sometimes you don't have a lot of reporting this is all based on uh usda reporting from by farmers that's used by the sliak group to determine those values and and and part of our problem is the majority of the use

[03:00:30] of the land in Albemarle County for agriculture is either for hay production or for grazing of cows. And neither of those two are high income products for the land. If you were growing corn or soybeans and that was like 60% of the agricultural production in Albemarle County, that would cause the values to be much higher like they are in some of the uh kind of lower lands in virginia

[03:01:03] that are not piedmont but but i believe they are appropriate okay if that if that answers your question uh i appreciate it just you know something we know that land values here generally are not consistent with other rural areas in the state and so i didn't know whether that was ever considered in the looking at the land use values yeah so market value wise we are we are higher than other jurisdictions as certainly the ones that surround us but land

[03:01:36] use rate wise we're we're lower than some other jurisdictions that's what i thought yes thank you i'm sorry i forgot one i may have misunderstood but a person who is not in an ag forestal district could still apply under open space that is not unless only only if they have an open space use agreement that's when the contract could come in that that's what i was calling the contract was the open space use agreement okay so it's either that or being in the ag forestry district that is

[03:02:09] correct okay that's a good one and um when we were moving back down here in 82 we looked at land in orange county and it was selling for ten thousand dollars an acre in 1982 because it has eight foot deep loam and they can grow corn and stuff like that where we ended up thousand dollars an acre we have this much tubsoil and you can only do pasture carefully to keep your ground cover on to prevent erosion. I mean this just soil types makes so much difference and so I think that's what the Sliak wizards are always fighting with is trying to figure out how to do that. Down in

[03:02:46] Mike's district down there at Hatton Grange they have all sorts of great loam down there too so they can grow all those good commodity things but the rest of us can't. Thank you Peter. Thank you very much i just want to make sure i'm plugging in i always want to make sure i'm understanding because i had to do a lot of learning on on this area um i'm not as familiar with the open space use agreement that's why part of why i asked my clarifying question because ann was kind of gesturing toward that can you can you help me understand when that is used and maybe even some examples of what that looks like as a as a separate qualification pathway so the open space use

[03:03:22] agreement itself is is defined verbatim in one of the virginia administrative code sections so if if we come to an agreement with the property owner the county attorney's office makes an agreement makes that agreement that exact agreement for the parcel on for with the owner i guess i'm i'm asking maybe for some some tangible understandings can you point to an example in the county and like what the agreement is agreeing to like are these people ceding land

[03:04:00] for public use i don't know if andy has it's it's a very restrictive agreement and again as mr lynch indicates it the exact wording is mandated by the virginia administrative code it's a voluntary agreement that lasts for a period of four to ten years my guess is that we have on the order of 30 to 40 different properties in the county i see mr delori in the audience and i don't want to put on the spot but he manages the program for our office and my estimate is about 30 to 40 properties in the county again for

agreements of four to 10 years i do want to just add that they're the same rules uh for open space use agreements as there are for ag forest districts so still the property

[03:04:39] must have a unused development right in order to take an open space use agreement out so the main For the landowner, it seems like the main appeal or the reason you might use them is that you have differing periodicities.

[03:04:55] If you're trying to plan around them, you have, rather than having to think, oh, when am I going to pull out five years in advance, you're thinking, oh, I have a four to ten year period that I want to commit to. Well, and it's a shorter period than an outright perpetual deed of easement. So there's a deed there, you know, conservation and open space easements as well.

[03:05:12] Those are perpetual, whereas the open space use agreements only last for a defined period of four to ten years. Thank you for that clarification. This is a tool I did not realize existed prior to this. In part, it sounds like, because they're not very common. There's about 30 of them. Do the open space use agreements have the same rollback effect at the end?

[03:05:30] They do. Okay. Yes. Thank you. And Chair Andrews, if you don't mind, one thing I neglected to say earlier. My office is here to administer this program as properly as we can.

[03:05:50] our desire is not to remove people from the program it is only to make sure the program is run properly and that properties that are in it are properly qualified so when i was talking about the reduction in numbers that was really weeding out those properties that were not properly qualified before and it's we have no desire to get people out at all that are doing what they're supposed to be doing in the program thank you appreciate that you're welcome appreciate the clarification and the education on this. I have to say, I had a call last week where someone

[03:06:24] insisted that their neighbor's tax was too low because they were in land use, yet they were talking about the neighbor's house, which is never in land use. People just need to understand that. It's never about the house. It's always about the parcel of land. If there is nothing further, thank you. Do you have anything additional you need from us? I do not. Thank you very much.

[03:06:48] Thank you very much. I look forward to getting the notification of the emails and phone numbers when we get to the first threshold so I have a chance to call people and remind them again. Yes, ma'am. Actually, I do have one more thing to share with you. On Monday, we sent an email.

[03:07:05] Out of the approximately 3,800 parcels that are in the program, we have 3,300 emails. And we sent an email out to those 3,300 on Monday just saying the revalidation process is coming up. We have never done this before.

[03:07:21] We've never been able to do it before. But over the last three revalidations, we've been gathering those emails. And it allows us to communicate better with the property owner. So getting them a heads up that the forms are coming, letting them know, maybe a smaller group later in the season, that they have not revalidated yet.

[03:07:42] Here's a reminder. We're going to take advantage of that this year, too. Thank you. Appreciate it. You're welcome. Thank you. Board, our next business is to go into closed session. I have a motion. I would like to move that the Board of Supervisors convene a closed meeting pursuant to Section 2.2 Tech 3711A of the Code of Virginia, first under Subsection 8, to consult with legal counsel regarding specific

legal matters including the recent cybersecurity incident requiring the provision of legal advice by such counsel, and second, under Subsection 19, to discuss plans to protect public safety as it relates to subs, pardon me, to specific cybersecurity threats

[03:08:19] or vulnerabilities, including the recent cybersecurity incident and briefings by staff members, legal counsel, or law enforcement, or emergency service officials concerning actions taken to respond to such matters. We have a motion from Supervisor Pruitt, second from Supervisor Lupisto-Kirtley. Without objection, if the clerk will call the roll.

[03:08:36] Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lupisto-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Thank you.

[04:50:02] Good evening.

[04:59:08] Come back. We're first to come out, first order of business is to come out of closed session. Yes. Motion. I'd like to move to the Board of Supervisors certified by a 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 identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting.

[04:59:28] Second. We have a motion from Supervisor Pruitt, seconded from Supervisor Malik. Without objection, if the clerk will call the roll. Mr. Pruitt. Aye. Mr. Andrews. Yes. Mr. Galloway. Yes. Ms. Malik. Yes. Ms. McKeel. Yes. Thank you. We do expect Supervisor Lupisto currently to rejoin us shortly.

[04:59:46] But our next order is from the county executive. Reports on matters not listed on the agenda. I understand we have a report today. Yes, sir. This month will be a little bit different. I've asked Trevor Henry, our deputy county executive, to brief the board on what we're keeping an eye on for next week to be some upcoming extreme heat, just like last summer.

[05:00:05] In fact, Trevor and his team reached back through the protocols and through the communication efforts and the steps we took last year. And because we won't be seeing the board for several weeks, we wanted to go ahead this evening and give you preparation information for what we may be looking at next week and how we will work through working with the community.

[05:00:25] So, Mr. Chair, I'll turn it over to Mr. Henry. Welcome. Thank you, Mr. Richardson, Chair and members of the board, Trevor Henry, Deputy County Executive. Part of my role, I work with public safety, including emergency management. One slide, as Mr. Richardson said, almost a year ago to the date, we were communicating out similar information.

[05:00:46] I wanted to just really flag that we are monitoring what will look like our first bout with extreme temperatures starting this weekend. Prediction is, you know, approaching 100 degrees Sunday through Thursday of next week.

[05:01:03] it's a forecast it could always it could always vary but um but our emergency management group along with our communications and public engagement team are activated they're keeping an eye on it and so we have already started communicating out around just precautionary um measures that that residents should take um as we as we get into this this heat wave we will be looking at potential operating adjustments and that would get communicated out and so just really wanted to kind of take a minute to talk about our process, our OEM, Office of Emergency Management, stays

[05:01:38] connected into the National Weather Service as an extreme heat warning gets issued. That activates work with CAPE, the County Exec's Office, Fire Rescue, Health and Human Services, really evaluating the conditions, the forecast, including, you know, storms in the area, will there be a potential loss of electricity and ability to cool?

[05:02:04] So those factors all kind of get into the rubric of decision making. If a decision is made that we want to do something beyond just communications, we look at things such as opening cooling shelters and also potentially waiving fees to swim parks, things like that.

[05:02:30] Those are, you know, measures that we would take as we would see the duration of an event last more than a few days. And so that work would be done internally. We would communicate certainly to the board for awareness and then through all our typical community engagement protocols.

[05:02:49] And this is, Abby asked me to read this, so I will do this. I'm going to look at my screen. But we want our community to stay safe. we would like to remind our community of the importance of staying safe during hot weather stay in air-conditioned buildings as much as possible if you are participating in outdoor activities plan appropriately consider adjusting the hours to early morning and evening to avoid the hottest times of the day avoid high energy activities hydrate drink more water than usual wear loose clothing lightweight if possible check on your neighbors and friends and have someone do the same for you so again just communicating out uh be smart be careful and then from a from a

[05:03:26] county perspective we will keep an eye on this and make adjustments as we see uh appropriate um that's it sir questions thank you i'll go through the order uh supervisor malik i know but i took notes thank you very much supervisor galloway no questions thank you professor pruit no questions Thank you.

[05:03:48] Provost McKeel? No, but thanks for the reminder for the community. Yeah, thank you for this, and thank you for being on it for the community. It's a very important time. Thank you. Appreciate that. Board, next up is public comment on matters previously considered or currently pending before the board other than scheduled for public hearings.

[05:04:09] And Vice Chair McKeel will read the rules and introduce the speakers. All right, let me get the mic over so people can hear me. And we have five people signed up. tonight to speak in person. So we ask that you, during the time set aside for public comment on matters previously considered or currently pending before the board, other than scheduled public hearings, address the board of supervisors.

[05:04:38] Individuals are allowed one opportunity of up to three minutes to speak at each board meeting. A 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.

[05:04:54] 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. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name, and if you live in Elmore County, your magisterial district.

[05:05:13] 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, and back-and-forth debate is not permitted.

[05:05:32] All comments are live-streamed, recorded, and published on the Elmore County website. And for tonight, our first speaker is Alicia Linehan. Welcome. Please adjust the microphone.

[05:05:51] Thank you. My name is Alicia Linehan, and I live in the Scottsville District. Thank you for the opportunity to speak. On Saturday, the better angels of our community were on full display. Even as news of the political shootings in Minnesota broke, Senator Warner was here.

[05:06:07] We asked hard questions and didn't agree with all of his answers, but the discourse was respectful and it was peaceful. Even as this administration rewrites history and seeks to re-elevate Robert E. Lee and others like him, The Jefferson School campus overflowed, commemorating Juneteenth, a day that recognizes the end of slavery by celebrating, educating, and agitating peacefully.

[05:06:32] Even though the governor activated the National Guard in an attempt to intimidate us and stifle free speech, thousands gathered at Stonefield, uniting in the great nonviolent tradition of those who came before us. As Reverend William Barber said in Philadelphia, we have learned through this nation's, and I would say, this community's painful struggles, struggles that have taught us that we either go forward together or go backwards divided. Our demonstration of moral strength is in opposition to actions that threaten this country, this community, and each of us. The backlash has begun.

[05:07:09] The administration is loudly doubling down on the largest mass deportation operation in history. Our immigrant and refugee neighbors deserve sanctuary and need safety. Take courage. Stand against demonization and racism. The budget bill is being debated by the Senate. Call a press conference. Explain how many children and families are going to go hungry right here. Explain how many people will lose Medicaid, Medicare, and Social Security right here. Take courage. Stand against the cruelty of this legislation. The administration is still gathering and consolidating your personal

[05:07:49] data, my personal data, our personal data, to exert power and control. Take courage. Stand for our right to privacy. Say no to data acquisition. Say no to surveillance systems like Flock and Analyst Notebook. Every elected official, every law enforcement agency, and every resident of Albemarle County must counter the narrative of violence, greed, and corruption coming from this administration and its supporters. These aren't political positions, they are moral positions.

[05:08:21] Focus on an agenda that lifts us all to higher ground. We must join hands across the lines that have been drawn to divide us and stand together. We are the strength of America, and we cannot stand down. Thank you. Thank you. Okay, the next speaker is Ronald Ignates. Hello. Welcome. My name is Ron Ignates. I live in the Scottsville District, and thank you for the opportunity to speak this evening.

[05:08:53] I've been attending meetings since early May and have heard concerns raised by City Council and this board about data surveillance, local ICE actions, and the cooperation by local law enforcement with ICE and other federal agencies.

[05:09:10] Now, with this administration's attempt at the largest deportation in the country's history, they have gone beyond targeting criminals to trying to round up just about anybody they suspect is being here undocumented.

[05:09:33] Following the ICE action at Albemarle County Courthouse in April and subsequent FOIA requests, we learned about an operational initiative to locate unaccompanied alien children. For a short period of time, Albemarle County Police provided some assistance.

[05:09:53] However, in subsequent conversations and meetings with Chief Rees and other officials, we, along with members of the community, have been assured that our Albemarle County Police Department is no longer providing any assistance to ICE.

[05:10:09] Thank you for that decision. In February, Governor Youngkin issued Executive Order 47, requesting that localities fully cooperate with ICE removal and other enforcement operations to make us safe from criminal, quote, criminal illegal immigrants.

[05:10:29] Although the Virginia Department of Corrections is listed as a participating agency on the ICE website, Albemarle County and the City of Charlottesville are not. Again, thank you. It is also our understanding that legal counsel for the jail has advised against holding inmates beyond the end of their sentences.

[05:10:51] Thank you again. On Saturday, thousands of people gathered at Stonefield. County law enforcement was unobtrusive and reassuring. That was particularly true when some participants were overcome by heat. The officers responded immediately with their assistance.

[05:11:10] Again, thank you. Thank you. And thank you. Judy Schlossel? Welcome. Please adjust the microphone. Good evening. My name is Judy Schlossel. I live in the Rio District and a member of the Rio 29 CAC.

[05:11:34] Traffic here, traffic everywhere. This could refer to any area where cars are the main means of transportation. I'm referring specifically to Rio Road, a single two-lane track with no passing lane. This road creates frustration from early in the morning to late in the evening.

[05:11:50] On May 22nd, 2025, Jared Tate, senior planner, facilitated a presentation to the Rio 29 CAC about Lachlan Commons. The proposal is to amend the zoning map from R4 to PRD, Planned Development Residential District, to create a 75-unit development featuring sustainable and smart growth principles.

[05:12:12] The description has all the buzzwords to make the planning commissioners and you, the Board of Supervisors, think this project will be beneficial to the area. I would like to bring up some areas of serious consideration before a decision is made to approve this project. Please take time to read the April 29, 2025 memo from Jared Tate to Christopher Fuller from the Housing Lab, elaborating general application comments.

[05:12:37] There are 20 comments ranging from transportation impacts in this corridor, school impact, site distance, historical property infringing on preserved steep slopes the slope of the parking spaces and the grading safety with concerns about the location of the bus stop I was included in an email from Kevin McDermott and Bruce Dodson along with others from Elmell County dated January the 16th 2019 yes six years ago regarding VDOT's traffic analysis around the John Warner Parkway and East

[05:13:10] rio road they had a count of approximately 17 500 vehicles per day before this warp speed building since that time almost all proposed developments have been approved leaving virtually no greenery on rio road one area that has stayed consistent rio road is still a two-lane road and while traffic

has steadily increased tremendously i referenced the sheet that you were handed Estimated vehicle trips total 2,898 with two vehicles per unit equals 5,796 vehicle trips.

[05:13:45] That's assuming once in, once out. And with everybody's lifestyle, the vehicle trips could easily double to over 11,000 vehicle trips in a small section of the antiquated Ryo Road infrastructure. Yes, a traffic circle in Green Tree is planned in a few years, but before shovel is put to dirt for these to become reality.

[05:14:06] Plus, even before they start building, the plan's outdated. Please consider traveling this area at various times of the day that is being proposed for development to experience many of the concerns that have been raised. Remember, it isn't necessary to have every speck of greenery built upon.

[05:14:22] Greenery is necessary to improve the quality of the air, plus that we breathe, plus it also helps our mental health. Thank you. Ken Schlossel. If you did not get through your comments, please provide them to the clerk.

[05:14:38] Thank you. Good evening. My name is Kent Soschel. I'm a member of the Ryle District. I'd like to make a reference to the Planning Commission hearing on March 10th, 2020, and by the decision by this board on May 6th, 2020, to rezone what was then known as the Wetzel Property, building of 328 apartments at the corner of Ryle Road and John Warner Parkway.

[05:15:10] During the hearing before this board and the Planning Commission, hundreds of people spoke against this rezoning because of various concerns schools traffic and I happen to find the staff report from that here and a staff report clearly states that the apartment complex I was going up should be no one that three stories high well at least two buildings being built now are four stories high my question is I'm a little bit confused maybe naive who enforces what was agreed upon by this

[05:15:47] board and who checks to make sure the builder is doing what you agree upon. The four-story apartment buildings look like a castle on top of a hill overlooking John Warner Parkway on a ground road.

[05:16:02] I'd just like to know the question, who does the enforcement of what was decided back in 2020 because those buildings are of monosusosity. Thank you very much. Thank you. And our last speaker is Susan McCulley. Good evening. I'm Susan McCulley. I'm a county resident in the Samuel Miller District, a movement teacher, and a community organizer. A few years ago, I had

[05:16:39] the opportunity to teach movement classes in the Fluvanna Women's Correctional Center. The setting didn't prevent me from seeing the women as students and human beings. The setting, however, did fill me with despair. I was reminded of that experience when I read this account last week by Santiago Rodriguez, an Episcopal priest.

[05:17:04] He wrote, I've visited immigrant detention centers many times over the years. In the past few weeks, I've walked the cold halls of both major centers in Virginia, Caroline and Farmville. And I want to speak plainly. These places are designed to break the human spirit.

[05:17:23] They're not just prisons. They are machines of despair. Rodriguez goes on and says, The people inside, mothers, fathers, sons, daughters, often don't know why they're there, how long they'll be held, or where they'll go next.

[05:17:39] They're cut off from family, from information, from hope. Visits are rare. Legal help is scarcer still. These facilities are not about justice. They're about dehumanization. They're about crushing the will.

These centers, Rodriguez writes, weaponize cruelty. They profit from suffering.

[05:17:59] And most are privately owned businesses that enrich themselves on the backs of the most vulnerable, treating immigrants not as human beings, but as quotas and commodities. These detention centers serve one main purpose, to destroy hope. Jesuit priest and activist Daniel Berrigan said, one cannot level one's moral lance at every evil in the universe, but you can do something, and the difference between doing something and doing nothing is everything.

[05:18:32] Community values drive my work as an organizer. The observations Rodriguez shared haunt me and compelled me to speak with you today. What he describes is happening right here in Virginia, and I'm here to assure you that dehumanization and inflicting intentional suffering flies in the face of our community values.

[05:18:57] Let this not happen here. In the face of cruelty, we can choose constitutional and humane actions as members of this board, As both servants of and members of this community, remember that the difference between doing something and doing nothing is everything.

[05:19:15] The community entreats you. Do not weaponize cruelty. Remember our shared humanity. Choose compassion. Thank you. And that's all. Everyone. Okay. Board, this brings us to our first action item for the evening.

[05:19:32] Albemarle, Charlottesville Regional Jail Renovation Project Permanent Financing. And this will be led off by Mr. Martin Kumar. Superintendent of the Albemarle Charlottesville Regional Jail. Mr. Chairman, I am not Colonel Coomer, but I'm going to start out, if you could.

[05:19:52] My name is Courtney Rogers. I am the financial advisor for you, the county, but tonight I'm actually here in a different role. I'm actually acting as the financial advisor for the jail authority. Some of you may remember we were before you, or I was before you, with the colonel, probably about 18 months, give or take, when we did the first part of the financing.

[05:20:11] And so we're now here tonight to talk about the second part of the financing. And so if I could, I'm going to just walk you through the process of how the financing works, talk a little bit about where we are in the process.

[05:20:50] And then when I finish, Colonel Coomer is going to come up and give you an update on the bids and what's going on with the project itself. So some of you may remember as we went through this before, I'm going to cover it again. The jail process in Virginia is a little different. It's actually a two-part process.

[05:21:05] First, we went out in December of '23 and did the interim financing for the project, and then we come back with the permanent financing and a grant anticipation note. But before all that happens, you have to go through a process at the state level, which is outlined here on this page.

[05:21:21] Essentially, we have to go through one of the state boards to get approval, which has been done. It was approved. It went through the governor's budget in the spring of '23, And you'll see by the checkmark there, the authority was awarded around, say, \$11.7 million reimbursement costs because the state will actually reimburse up to 25% of eligible costs for the project.

[05:21:46] So that has been set aside. That money is set aside. And what happens is that money doesn't actually come to the jail until the project is complete. And they can basically go through and approve that

basically the money was spent on approved part of the project.

[05:22:04] As I mentioned, we went through the interim financing back in December of 23, so that's been done. Now we're on to part two. Part two is really two more parts, which is the permanent financing, which is going to take care of the 75%, the part that is not going to be paid for by the state, and then a grant anticipation note.

[05:22:25] That \$11 million that I just talked about is actually not given to us up front by the state or paid out over time. It basically is paid, as I mentioned, after construction is complete. So we have to go out and do a note to basically fund that portion while we're building the jail.

[05:22:41] And then the state will reimburse us for that. And so they also would reimburse a portion of the interest for that grant anticipation note. So we're going to be doing two parts here for that. Just as a reminder, on the interim financing that we did in December, we borrowed up to \$4.5 million.

[05:23:00] The interest rate was right around our planning rate of 4.5%. This will be taken out as a part of this permanent financing that we're going to do this summer. So, again, the two parts that we're going to do will be the grant anticipation note as well as the permanent financing.

[05:23:18] And those will basically all be done roughly simultaneously over the next several weeks. So as far as the permanent financing, the options are to go out and do a direct bank loan. We could do a public market issuance, and there's a couple options there.

[05:23:35] because of the size because of the link and we want a fixed rate for a pretty good amount of time we are recommending going through the public market we could go out and issue the debt as the jail authority but the jail authority doesn't have a bond rating you all of course have the highest rating possible the city has the highest rating possible but nelson county doesn't have a rating at all and so they would be the weak link and probably be in the double A category which is still strong, but not as strong as VRA's program, which will give us a AA-plus rating.

[05:24:09] So that's our recommendation on the far right of this page, is to go through VRA. We went and applied with the jailed authority as a permission back in early May. We've gone through the process, has been approved, and so we're looking to go through their summer pool, which will price here in a few weeks.

[05:24:26] I'll go through that calendar in just a moment. On the grand anticipation note, because it is shorter in nature, our recommendation is to go out and do that as a direct bank loan. We have gotten permission from the jail authority to move forward with that, and we sent that RFP out earlier this week and expect those to come back and be approved by the jail authority board at a subsequent meeting in July.

[05:24:47] So assumptions in terms of the numbers, they really haven't changed substantially since we talked 18 months ago. Again, Colonel Coomer is going to talk about the bid process and everything, but we're still using \$49 million as our number, with \$48 million being basically the number that is eligible for reimbursement, so 25% of that gives us to the state number.

[05:25:10] You'll see at the bottom, when I show you the debt service here on the last page, your allocated allocable share at this point is 44.14%, and that, of course, is based on the formula that the jail authority uses. We're using 5% for a planning rate on basically a three-year term.

[05:25:30] We're hoping that construction will be a couple of years and we'll be able to take this out right after construction, but we gave ourselves a little bit extra time at three years. We know it's going to take a few months after construction is done for the state to work through the whole process of the paperwork. For the public sale, \$36.9 million is our estimated project size for that borrowing, and we're using market plus about 50 basis points this presentation was done early May to get it into everyone's queue so so rates are generally about the same and so again 5% on the long term as well this will be three years

[05:26:07] interest only and then 25 years of level debt service that you'll see in just a moment so where we are on the schedule about halfway down the page you'll see with the construction bids just came in here we are basically talking to each of the jurisdictions. I was in front of City Council on Monday night in front of you all today. My partner's going to be in front of Nelson next week. And so we're doing a little bit different because of the deadline for VRA. They needed the jail authority to go ahead and give approval, which they did last week. So we're good on that June 13th date. We just need to have your

[05:26:41] approvals by the time they mail the POS. On the GAN, as I mentioned, we got the RFP out earlier this week. We're going to get that back here in July 2nd and go back to the authority board on July 10th for their approval. So we'll be basically pricing the transaction with VRA the week of July 21st. We'll be closing on the GAN that same week, and then the bonds will close in early August. Again, our debt service hasn't changed materially from when we talked about 18 months ago we did increase interest rates a little bit really changed about

[05:27:19] a hundred thousand dollars more per year so so pretty nominal but what you'll see in the final column there is your allocation of in the blue box is the permanent debt service once it kicks in after the GAN goes away it's about 1.2 million dollars a year rounded up for your portion of the debt service so with that I'm happy to answer any questions about the financing process otherwise I'm have to let colon kumar come up and talk to you a little bit about the uh the project itself and the bits okay thank you um there are questions initially on financing we can come back i think later as well but i'll run through the order in case there's anything pressing uh supervisor

[05:27:59] mallet nothing pressing thank you professor lupisto curly nothing right now thank you supervisor galloway i'm good thank you supervisor pruit nothing yeah supervisor mckee no questions thank you uh i guess i i just want to well i uh no the question will come to colonel kumar

[05:28:19] Okay. Thank you. Thank you, Courtney. Good evening. My name is Martin Coomer. I am the superintendent of the Albemarle Charlottesville Regional Jail, and I did want to discuss with you the bid process, how the bids came in, and how the project is as of today. You may have been watching news recently. We've sent some things out. May 30th, we had bids. We had six pre-qualified contractors. We received five bids. Our budget we were looking for for the hard construction costs were around \$39 million. Bids came in around \$53 million was the lowest, all the way up to \$76 million.

[05:28:52] After talking to the, at the time, the parent low bidder, we believe that tariffs had a huge impact on material costs. They really have no way to plan all their subcontractors' materials two years out, let alone what it's going to look like tomorrow. The last initial estimate was done sometime in February, right before a lot of the tariffs were proposed.

[05:29:11] So that was the biggest impact on it. There was also a little bit of scope creep as well. The project got a little bit bigger than the initial planning. However, the majority of it was due to material costs and the unanticipated costs, but they might be two years down the road, two and a half years. So,

immediately, we made the decision to stay within budget, not come back and seek more funding, but to work with the budget as originally determined by the jail board authority and by the original estimates.

[05:29:37] So, what we've been working on the last few weeks is actually reducing the scope of the project. And what we decided to do was it was essentially going to be tearing down the oldest unrenovated 1975 portion of jail and rebuilding a two-story structure and then renovating a 1975 portion of jail that did receive some renovation back in 2000.

[05:29:58] By reducing the scope, we chose to focus on tearing down the section that has never been renovated for a couple reasons. Number one, that area has no services. There's no food service there. There's no security services. There's no bookings, no departments, and so forth.

[05:30:15] So we can let the contractors have that. There'll be minimal disruption to staff, to our inmates, to visitors, to daily normal operations, to law enforcement. We can turn it over to them for a year, year and a half, and when they give it back to us, we can move right in. Less disruption.

[05:30:30] In addition, when that is done, it will be 100% compliant with ADA, Board of Local Regional Jails, and building code as well, every square inch of it. If we did the 1975 portion instead, just renovating, none of that would be 100% code.

[05:30:48] It would be better, but because of the way it is constructed, it can never be brought to code the way it currently is without actually reducing the jail's population. That's not something we cannot do. We agreed not to increase the number of beds, but we cannot reduce the number of beds that are inside the jail. So we chose to focus on that section to tear down and rebuild and be 100% compliant.

[05:31:08] In that section will be three brand new housing units, again, all single cell, 100% compliant, ADA accessible, three outdoor recreation areas, two mental health units with accompanying offices for mental health staff, video court, we use a lot of video court now, even during the pandemic we use quite a bit.

[05:31:26] local courts have continued using that we never had dedicated space this will create that space in addition to office space for all staff a new visitation area and we will almost triple the size of our visitation rooms for our families and friend visits currently it's a one large room our two large rooms there'll be individual rooms that provide a higher quality visitation for family and friends i will bring the full scope we're about 90 there as we speak anything that is left over from the original 39 million dollar budget will be allocated back to that 1975 portion

[05:32:02] specifically geared toward the hvac systems and then we have a tier process there for funds that are left over with the plan that everything we planned on doing at some point in the future will be done to some degree maybe not to the full degree we initially had planned but that area will still get attention it will not be left alone entirely we'll work with our existing maintenance budget that we now won't have to spend on the older section we can now divert those funds over to the section that is not going to be renovated.

[05:32:31] Are there any questions? I can answer any one. Thank you. We'll go through our order. Supervisor Malek. No questions. Congratulations. Thank you. Thank you. Supervisor Lupisto-Curvin. Okay. Sorry to ask, but point of clarification, because when you said the section, the 1975 section, okay, you're not touching that.

[05:32:49] But what is the section that you're taking down? Is that the one that was renovated in 2000? Oh, great question. And it can be confusing. My staff sometimes we can get views on too. So the jail is shaped like an H with a middle administrative section and two legs of an H. There's one section, both sections were built in 1975.

[05:33:07] One got some renovation back in 2000. This side received none. The funding literally ran out as it moved across the jail and it literally stopped on that side of the jail. So we're going to tear down that section that never got any renovation, even in the 2000s. So it's been 50 years since that's really been renovated.

[05:33:25] So that's the section we're going to tear down and rebuild to 100% code compliance. And are you occupying that one section, currently occupying that one section? We are occupying that section. And we have space inside the facility to move those individuals over to the other side of the facility. Okay, so you would tear that down and then build that up to code.

[05:33:44] Now I understand. In the 1975, that is a 1975. Yes, ma'am. And then you have the other one that's 1975, but it was renovated in 2000. It did receive some minor renovations. Yes. Yes, in 2000. And then what about the little H section?

[05:34:01] that is one of the sections that's actually great that's a great point and thank you so some things that were removed from the scope so that 1975 portion that did receive some renovation 2000 was removed from the scope other areas were that we were going to remove a staff workout room from its inside the secure area and put that up front in that middle section the administrative section i mentioned we're going to put that there and we're going to move a break room that's back in the secure section and put that up front both those areas were going to then be re-designated as an inmate classroom in the secure part of the area and more office space for some of our security staff. Those two things for staff have been removed from the scope of work. So it's not just all about the inmates. A lot of things for staff also were removed from that scope. Thank you very

[05:34:41] much. Thank you. Supervisor Galloway. So I think I heard you say that the environmental controls, the HVAC, especially the airflow, the quality of air, that sort of thing. None of that's being scaled back. Just basically how much you need because you're scaling back what you're doing.

[05:34:56] Yes, sir. That is correct. And then you're not pulling back on any, I can't remember the word or the phrase that was used, but you were going to do some interior designs that were, for lack of better, for me not remembering the phrase, good for mental health reasons for both your inmates and for your staff.

[05:35:16] Is any of that being reduced in scope? Trauma-informed design. So the new section will be built with trauma-informed design, and wherever possible if funds are left over, will be dedicated to the 1975 portion for trauma-informed design. The section was finished in 2000, you see from the interstate, that tall, six-story building, that it was trauma-informed design.

[05:35:33] So that will be, the new section will be, and we will still direct some funds to that middle section for more trauma-informed design as well. Thank you, sir. Yes, sir. Supervisor Pruitt? I'm not sure I have questions at this time.

[05:35:50] Supervisor McKeel? I don't have any questions. Just a comment, though, that Colonel Coomer and staff and all of our folks have worked so hard to get this project to where it was, where we could actually proceed, given the increase in construction costs.

[05:36:10] And basically, if you think about the tariff on steel, that's what really has just really been a problem because there's so much steel in a jail. Toilets, sinks, grates, I mean, there's steel everywhere.

[05:36:25] So that really was the driver, not the only driver, but a big portion of the driver for the increase. But thank you, Martin. And I think the answer to this is obvious, but I just want to ask it. And that is when the state approved of 25%, it was based upon the projected cost of the renovation and not specific aspects of the renovation that had to be attended to.

[05:36:48] In other words, the entire 25% is still available at the costs. That's one of the first questions we had. Okay. We started reducing scopes. We reached out to the Board of Local Regional Jails. We got confirmation. It's on the total cost. So, yes, we're still eligible for the full 25% reimbursement, as you've seen in your slides.

[05:37:04] Yes, sir. Thank you. Thank you. Are there any other questions? And I think we have a motion. I would be delighted to make a motion. I don't know if we have a little form of it. Courtney, did you have something else you wanted to say? I saw you stand up.

[05:37:20] No, ma'am. I was just going to say the whole purpose tonight is really to get your approval to continue moving forward. So that's what's next. Yeah, yeah. So I would move that ACR, that the board approve the resolution as presented tonight in attachment D. Second. We have a motion from Supervisor McHugh, second from Supervisor Malek.

[05:37:38] Without objection, if the clerk will call the roll. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. LaPista-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Absolutely. Thank you. Thank you very much. Thank you all. Appreciate it very much.

[05:37:55] Thank you. Thank you. And now, board, we have a series, I think, of five public hearings tonight, so let's get started. First is a proposed easement across county-owned parcel 9110, and this is being presented by Mr. Bill Strother, Chief of Facilities and Operations, FES.

[05:38:14] Welcome. Good evening. Good evening. Good evening, Chair Andrews, fellow supervisors. Tonight we're here to discuss an easement across county and parcel 9110 for a proposed easement for this public hearing.

[05:38:35] As you all are aware, Atomal County Public Schools are in the process of constructing a new elementary school behind Fire Station 11 on Mill Creek Drive. This request for an easement from the Atomal County Service Authority will directly support that construction of that new school.

[05:38:54] As you can see on the screen, the school property that the school is being constructed is parcel 91-11. The green square is 91-10, which is a county-owned parcel, which backs up to Galaxy Farm and adjacent to the school. Another shot of the school being constructed, just for reference, on where it's located.

[05:39:14] This easement will actually directly support the school. In the next slide I'll show you, this new water line will actually be a secondary water line that supplies to the school. The primary line is actually coming from Founders Place and to the main entrance of the school.

[05:39:33] Now, as you can see in the screen, there is a section from Galaxy Farm, which is another water infrastructure that will actually cross into the county parcel in the bottom corner, extend across the back corner, and then onto the school property. This will provide an eight-inch water feed for the school, and

it'll actually allow for if there's ever any disruption from one end of the infrastructure to the other, the school potentially would still remain to have water and would not run out another shot the the water line currently is coming through mary jackson court in the galaxy farm subdivision it comes up to where

[05:40:10] that finished road is and that's where the service authority will make their interconnection coming down down that road and then on to the new school property um i do want to note one um one error on the plat that was provided i was notified last week that in this screenshot where it says dedicated to the ACSA. There are 3,278 square foot and the original plat that was provided it was 2,000 something. It was an error that they made. I do have an updated plat to go with this if this

[05:40:43] easement is approved. Again this fully supports the construction of the new school, future operations and the we have reviewed it through Alamo County stakeholders and we have no issues with this easement. It will actually help the future development of the property having water service already on the property, less easements for me to come and request for me to go.

[05:41:07] So with that, staff recommends that the board adopt the attached resolution, Attachment D, approving the easements, and authorize the county executive to execute a deed and any other necessary or related documents to convey these interests. And with that, I will answer any questions that you may have.

[05:41:22] Thank you. We'll go through the order before opening the public hearing, starting with Supervisor Malik. Thank you. So you mentioned future development. That would be for undeveloped parts of Galaxy Farm? That would be if the county ever decided to do something with the county-owned parcel 9110.

[05:41:39] If we ever decided to develop that or use it for another purpose, then we would already have that water service on the property. And anyone else who was, they would buy in access just like a normal person would if they were adjacent to an ACSA built line, anyway. Buy in access, I'm sorry.

[05:41:55] Well, I mean, hooking up. Yes. It would be regular hookup. Yeah, so it's already going through the subdivision, providing water for Jackson Court, and that area, it's just going to extend through and on, and then eventually they could use it to connect to other areas if they need to. Great, thank you.

[05:42:11] Thank you. Supervisor Lupisto-Curdley. No questions at this time. Supervisor Galloway? I have no questions. Supervisor Pruitt. I want to make sure I'm reading the drawing correctly. It looks like the point where it would actually be connecting into is a little plat that's actually just owned by the HOA, the investment holding firm.

[05:42:30] It's not going through anyone's personal plat. Am I correct in reading that? Yes, it's not going through. It's not going through a personal plat. It's actually coming through the drawing maybe a little off, but it's coming through the road and then it's the main road and then it's coming onto the county parcel and then directly onto the school parcel.

[05:42:48] So it won't even contact the association's property. Oh, okay. It'll continue down that road, which will cross directly into the county parcel. And then it'll basically take a left just on the bottom corner of the county parcel and then go on to the school parcel.

[05:43:04] Excellent. That's all I had. Supervisor McKeel. No question. Thank you. I have no questions, so I will open the public hearing. Do we have anyone signed up to speak? We do not. So I will close the public hearing. And the matter is back before the board.

[05:43:22] This is in the Scottsville District. Do we have a motion for the screen? It's on the screen. I'd like to move to adopt the resolution attached to the attachment D. Okay. We have a motion from Supervisor Pruitt, a second from Supervisor McKeel.

[05:43:40] Without objection, the clerk will call the roll. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Mr. Pisto-Kirtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes. Thank you. All right. This brings us to our next matter. Thank you very much.

[05:43:56] And that motion did get the authorization piece, too? There was the second part that wasn't read. Does that matter? No, so the resolution includes authorization of the county executive to execute the documents. It's in the 5D. So simply, in most cases, adoption of the resolution gives staff everything they need.

[05:44:15] And that's the case here, as well. In the past, we've done it separate. Okay. Sounds like we're being more efficient with our resolution. That's the plan. Thank you. This brings us to the next public hearing, proposed easement across, oh, sorry, that's the one we just did.

[05:44:34] Public hearing and proposed acquisitions of portions of 2118 and 2121 Dominion Drive. This is a single public hearing, though, right? Okay. And this is being presented by Mr. Michael Stumbaugh, Deputy Chief of Transportation Projects.

[05:44:52] Welcome. Yes, good evening. I am Michael Stumbaugh, Deputy Chief Transformation Projects for Facilities and Environmental Services. I have with me today Joanne Daniel of Timmins Group Acquisition Services. Timmins Group is a consultant for the County of Albemarle in the right-of-way acquisition process.

[05:45:15] We are here today to talk about the proposed acquisitions of portions of 2118 and 2121 Dominion Drive. We will talk about the project briefly.

[05:45:32] We'll talk about the parcels affected, the right-of-way negotiation summary, the recommended process forward, and a suggested motion. Excuse me.

[05:45:48] There we go. All right, so this is a map of the two parcels. see commonwealth drive you'll see dominion drive you see route 29 and the two parcels 2118 and 2121 dominion drive here is a blow up of 2118 dominion drive you can see in the colored sections you have in the orange you have temporary construction easement and in the pinkish you have a permanent

[05:46:28] take and you can see the square feet of the temporary construction easement and the permanent take. Similarly for 2121 Dominion Drive you'll see the orange outline that is all temporary construction easement and temporary meaning it's needed for construction of the improvements but it will then be returned to its former state and not be used any further. So here's a summary of negotiations and these are just some of the key points on october 14th of 2024 the right-of-way

[05:47:06] agent for timmons group did visit miss albrecht's business the next day on the 15th of october 2024 an offer package of three thousand three hundred and sixty dollars for both parcels was provided to this albrecht in december 12th of 2024 miss albrecht's parcel at 21 18 dominion drive was was staked to show the fee area to kind of demonstrate what would be taken. And then on the 6th of January of 2025, Ms. Albrecht emailed a counteroffer of \$41,331 for 2118 Dominion Drive.

[05:47:44] On January 15th of 2025, the county issued a counteroffer in the amount of \$8,475 for 2118 Dominion Drive, that did not go anywhere. And after good faith negotiation, we reached an impasse.

[05:48:08] And so on March 12th of 2025, an impasse letter was emailed. On April 6th of 2025, Ms. Albrecht presented a revised counteroffer of \$29,875 for both parcels. And so on April 9th 2025 I emailed Miss Albrecht a final offer of \$10,500 for both parcels. Here is, this is what the property looked like in the summer and what I want to show you is the design engineer did a

[05:48:44] rendering of what it will look like. So these are the changes and I'll go back. So this is what it look like in the summer and this is what it would like what would look like after the project is done and you can see sidewalk in front of it and the tree because the trees drip line would be affected the tree goes away and that is part of the compensation that's been offered is recognition of that tree being taken so the recommended process from this point if the board drops the

[05:49:19] proposed resolution, which is Attachment C. The County of Albemarle files a certificate take and deposits estimated values for both parcels of \$3,360 with the Albemarle County Circuit Court, and that goes back to the original proposed amounts. The County of Albemarle will then acquire clear title and could proceed with the project. The Albemarle County Circuit Court ultimately determines the value of the properties, including the cost to cure, such as the tree being removed and proper recipients of payment. So the suggested motion in quotation marks, I move that

[05:49:56] the board adopt the proposed resolution attached to the staff report as attachment C. And then this resolution authorizes the acquisition of condemnation of portions of these two parcels, as you have seen, for the purposes of constructing these roadway connectivity improvements. And so With that, I'm here and Joanne is here to speak specifically to the negotiation process, the good-faith negotiation on both sides, I thought.

[05:50:28] Thank you. We'll go through our order of questions before opening to public hearing. Supervisor Malik? No questions at this time. Thank you. Supervisor Lupisto-Kirtman? No questions at this time. Supervisor Galloway? Yeah, thank you. I mean, understood that these things can be difficult for both sides.

[05:50:47] You go back to the original offer before it goes to the court, understood why that happens. The court just doesn't arbitrarily pick a number, though. If they came up with something, it could be higher than what our negotiated offer was. It could be lower than what the person, the other party, was offering as well.

[05:51:07] But they'd have to come up with some sort of rationale for that number, correct? Yes, just as our acquisition firm came up with a justified amount. so um mr herrick you might be able to correct me on that that's correct what this what this allows the county to do is to proceed with the project the project uh the process legally is that the good faith estimate of the county is deposited into the court work proceeds and then it's up to the court to determine the value as you've indicated it could be higher it could be lower but it's up for the court to determine that i just wanted to confirm my understanding yes sir

[05:51:40] thank you supervisor i want to just confirm my impression has been that we have not had to do this in quite a long time a taking right uh with compensation uh can i just seek to get that clarified how frequently we do this so as the board may recall there was one prior condemnation with an unknown

owner that the board handled i want to say about three or four months ago but before that i i've not uh there's not been a condemnation during my time with the county

[05:52:12] supervisor mcqueen no questions thank you i have no additional questions so i will open the public hearing. And I believe we have someone signed up. So Vice Chair McKeel will read the rules and introduce the speaker. Yes. And we have one speaker tonight. And I'm going to read our rules for the public hearing. There's not an applicant tonight. And the next two public hearings don't

[05:52:48] have an applicant either. So I'm just going to read these one time to cover what I'm saying is the net all the the rest of these public hearings until we get to the very last one and then we'll have a different situation so during public hearings the board it will acknowledge speakers addressing the item listed for public hearing speakers are limited to one appearance of three minutes per 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 begins your allotted time the yellow light indicates you have one minute to finish speaking the red light indicates

[05:53:24] your time has expired and you will be asked to end your comments in order to give all speakers equal treatment and courtesy the board requests that speakers adhere to the following guidelines when addressing the board please state your name and if you live in almar county or 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 hand in recognition speakers may not share any unused time with another speaker and back and forth debate is not permitted all comments are live streamed recorded and published

[05:53:58] on the almar county website and uh the speaker tonight is sue albrecht welcome good evening board thank you for the opportunity to speak my name is sue albrecht and i'm in the jack jewett magisterial district and the properties um in question on item 20 are in the ryo magisterial district. And I'm here to present issues surrounding the acquisition and condemnation of the property for the construction of this Commonwealth Dominion sidewalk. I own 2118,

[05:54:35] 2119, and 2121. All three of these properties are impacted. And I'm pleading for the board's understanding of the nature of the project's negative impact to this portion of Dominion Drive, which represents the entrance to Berkeley's subdivision. Berkeley is one of the earliest subdivisions and neighborhoods in Atomal County, at which point in 1997, 29 was a two-lane road, and this subdivision was surrounded by farmland, the Minor Hill Farm, as an example. And the taking

[05:55:13] of these trees on the north side of Dominion Drive is a travesty. It is taking out four major 60-plus-year-old hardwood trees, and I brought this to the attention of the county in March of 23, and nobody ever responded. I heard from them when I got an offer of the \$3,100-plus dollars um in late 24 and i addressed as i think you'll have a copy in march of 23 all these issues um this sidewalk should be on the south side of dominion drive not on the north side people are

[05:55:52] going to come diagonally across 2121 and you can see on your your map like how close this property is to the back of 29th place. It is surrounded by commercial entities, and these trees are incredibly important to this subdivision. So I am not wanting to accept this property be condemned. I think the county made a huge error to proceed with this design. It needs to be backed up and looked at. The damage to my property, all three properties, is huge. These trees are major.

[05:56:26] As you come up Dominion Drive, you see the back of 29th Place. These trees through half the year shield that. There's also the issue of the privacy, the screening. My front yard at 2118 would be shrunk by 10 feet.

[05:56:42] You'd be looking out at this massive sidewalk that's replaced these beautiful trees. So I feel like something was wrong in this process that the county did not stop and respond at all to my March 9th, 23 letter and this is it is not right it should be examined and I'm asking that you do not approve the condemnation thank you thank you then I will close the public hearing and look to the board for any additional

[05:57:17] comments the supervisor Malik I don't have any questions I guess about the process I think it's been laid out as the law says it is too bad about the trees, but I don't know. I don't have a solution for that either. I guess part of the reimbursement cost would be to reestablish trees next to the sidewalk. Do we know anything about that?

[05:57:47] And that may not be in the scope of tonight anyway. That's just all I have in my mind. Thank you. Supervisor Lupita Kirtley. I have no questions. I mean, the applicant, I mean, there could be trees planted in the front yard and maybe the cost would cover that of planting in other trees there. But But Supervisor Malik, were you thinking between the sidewalk and the street of planting a tree?

[05:58:15] No, in the front yard. Okay, yeah, exactly. That's what I was thinking of. No other questions. Thank you. Supervisor Galloway. Well, being that the properties are in the Rio District, I'll personally apologize if I did not respond to the March 23, but I do know that the design, the placement, and the trees along the whole stretch were considered as part of the conversation to decide if we were going to do these sidewalks or not.

[05:58:40] I think the current piece, though, about the taking and determining, it comes down to the compensation factor. And as we have made an offer and a counteroffer was made, it seems to be a matter of where the line can be agreed to, which I think is appropriate that the court will decide at this point versus this board, as we are an interested party, obviously, or the one doing the taking.

[05:59:01] So the fact that our 10 was not enough and that 30 was too much, regardless of who who was what then it'll be up to the court to decide what an appropriate number will be because that seems to be the only question at this point the design the time for the design and the rationale i think is closed as we've we put that we did put that to a decision and a vote a few years ago so with that being said again i know that it's difficult and unfortunate but i think it's the with as few of these that we do like i said the court will be the appropriate place to determine the final amount of compensation for the affected property owner.

[05:59:41] Thank you. Thank you. Supervisor Pruitt? I think I am generally of the same persuasion, right? We're at a bargaining impasse, and there's a process for when there's a bargaining impasse. There are a few kind of follow-up questions. I just want to make sure I'm fully understanding.

[05:59:58] Are all the other easements acquired for the project that's being implemented? No, sir, they are not. And in fact, in the consent agenda this morning, there is a public hearing that has been approved that I need to set for the future.

[06:00:19] So we have these two parcels. We have the one that I'm talking about, and then we have a fourth one that we have reached resolution today. So there are three, these two and one that I need to set another public hearing for.

[06:00:36] Are there externally defined constraints on the design, right? I look at the mock-up that was provided, I'm thinking, oh, that's a lot of buffer provided between the road and the curb. Or theoretically, I could die at some of the road and acquire from, but I don't know, like, are there constraints that are being put on how this is being designed that might affect the kind of palatability to folks?

[06:01:04] Yes, the road width is, it needs to stay where it is. there's parking on the south side um as miss albrecht said there there's traffic that goes through there from 29 it really can't be reduced and the bulk of the sidewalk is in existing right away i know it looks like you look at the curb and the house and you think oh that's all that green is is indeed the owner of of the parcel but it's not it's a lot of it's right away and standoff between the curb of the road and the leading edge of the sidewalk is

[06:01:40] that a is that a state-defined standard or is that something that we select the buffer is required um and the last I want to make sure I'm hearing this correctly it sounds like Miss Albrecht is lives in the check is this a tenant Are these tenant-occupied units?

[06:02:05] I'm sorry. These both are all three of those Dominion properties. I used to reside in one of them. Understood. Supervisor McKeel. Sure. Ned is correct.

[06:02:20] I remember having discussions publicly about this, and we talked about which side of the road was most appropriate for the sidewalk, and that is an area where a sidewalk has been high priority for us because of the number of pedestrians and the need for connection.

[06:02:36] So I don't have any questions out there. I'm fine. Thank you. Thank you. I agree. The sidewalk is very important in this location and sidewalks generally, so I'm supportive of that. I would have liked to have seen all of the condemnations sort of proceed as one since it's one project, but I understand the time constraints and need to keep going.

[06:02:57] So if there is nothing, yes. Just one quick question. How many trees are we talking about that would need to be removed? On that property, there's one. One, okay. As Ms. Albrecht said, there are two larger ones as you move. Thank you.

[06:03:13] East. West. West. Sorry. Got it. Okay. Thank you. There are no other comments. I'm looking for a motion. So I move that the board adopt the resolution attachment.

[06:03:32] Is that on the right one? I'm just making sure. I'm on the wrong one. Attachment C. C? That's not the right either. Attachment C is the resolution on this case. So I move that the board adopt the resolution as an attachment C.

[06:03:52] Second. We have a motion from Supervisor Galloway, a second from Supervisor McKeel. Without objection, if the clerk will call the roll. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. LaPista-Curtley? Aye. Ms. Malik? Yes. Ms. McKeel? Yes.

[06:04:08] Thank you. Thank you. Board, that brings us to our next public hearing, which is compensation increase for Board of Supervisors members, presented by Jessica Rice, Director of Human Resources. Welcome.

[06:04:24] Waiting for the file to load.

[06:05:36] Is that what we're doing? Because there's silence, so I was just going to let them. Yes. That are listening. Well, there's no. Oh, that's true. There's nobody's presence. I forgot. Preacher had it. Right. Yeah. Like on the radio, you know, did.

[06:05:55] Waiting for the presentation to load.

[06:06:15] I think we're almost there.

[06:07:27] 30 more seconds.

[06:08:00] Email pocketbook. It's in my pocketbook. Sorry.

[06:08:13] There we go. Welcome. Good evening. I'm Jessica Rice, the Director of Human Resources, and thank you for your patience while we work through the technology issue.

[06:08:35] I'll be presenting the next two public hearings, so we'll start with this first one. This public hearing is to receive public comment on a proposed ordinance to amend Albemarle County Code 2-202, which is compensation for the Board of Supervisors, to increase the annual compensation of the members of the board by 3%.

[06:08:59] Beginning and effective in FY25, the board expressed a desire to increase pay for the Board of Supervisors members by the same percentage amount of an increase as staff received for the adopted fiscal year's budget.

[06:09:17] With the FY26 budget adoption on May 7, 2025, the board approved a 3% cost of living adjustment for staff, which takes effect on July 1, 2025, to support increasing the wages of staff in response to inflation and other factors in the economy.

[06:09:40] for consideration tonight is an ordinance amending the compensation for our board members to align with the 3% compensation increase that staff will be receiving on July 1st. What questions do you have?

[06:10:02] We'll go through order. Supervisor Malek. No questions. Thank you. Supervisor Lupisto-Kirtley. Supervisor Galloway. I had received a question from a constituent, so I'll just ask this question, and then I'll have comment to make later that'll build on that original question.

[06:10:18] But the 3% increase that we are doing isn't really a requirement. The board decides whether we increase at all, period. And then if we want to increase by a certain amount by state code, there's a process we'd have to go through to do that. Because, of course, we're set in kind of an area where a lot of counties are.

[06:10:37] But if we wanted to do something, like, tremendously impactful beyond what we'd currently do, that's a choice we could do, but a different process. But this, that we're not required to do the 3% even standard of living, we could vote no. That's why it's before us.

[06:10:53] Vote no or yes. That's correct. There's no obligation. This is just a policy decision set by passports to increase at the same level as the full-time staff. Thank you for that. Just confirming my understanding. Thank you. Supervisor Proof. Refresh my memory on this.

[06:11:12] There is like a threshold level during which the process changes, if I'm remembering correctly under code. am i misremembering that for for county supervisor pay am i am i telling tales out of school what do you mean by threshold like i thought there was that we were there is an alternative way to and the county attorney may speak to this but there's an alternative way to raise the salaries by a much greater amount but it would not take effect until after the next election is my understanding but that's what you

meant my threshold i didn't know what you meant my threshold sorry yeah is it is it percentage raise that we're allowed to do I just truly don't remember what the

[06:11:51] defining or the constraining actions were the population of the community oh so there's an alternate provision that set out in the state code and that's spelled out in the executive summaries it does not specify a certain I mean it's not based on on a certain amount it's just a procedure that's spelled out this has than our practice.

[06:12:17] I'm fine, thank you. I'm fine. Thank you. We will open the public hearing. Then I will close the public hearing.

[06:12:35] Matters back before the board. Any additional comments? Supervisor Malek? No comments. No comment. Yeah, so I'll now make my comment. The question came in because our school board did a change in their salaries and it was a different level percentage amount I won't make commentary on that the but the question was why isn't the board of supervisors allowed to do more than three percent like the cost of living well we are allowed to but there is a process that would define how we would do that and then it just backs up to say that we're not required to do the cost of living either that's been the practice of the board to

[06:13:14] keep pace so that you know if you start doing votes no again for political reasons and future boards can be stymied by just even the little bit of increase that you're doing for the compensation that's there now. So I just can clarify that constituent question. Thank you. And if I could correct myself on closer reading of the state code, it does limit inflation adjustments to 5%.

[06:13:37] So this is within the limits of the state code. And I might also add that this section applies to boards of supervisors. It does not speak to compensation for school boards. Their process and I can't speak to school board compensation.

[06:13:52] I was trying to remember, but I don't remember. I remember the process, at least, being different than when it was explained to us when I was a member of the school board. Thank you. Thank you. Supervisor Pruitt? I have nothing further to add. Supervisor McHugh.

[06:14:08] I don't have any questions. Thank you. Questions or comments at this point, we closed the public hearing. Yeah, no comments or questions. Yeah, and I also feel that it's not a highly compensated position. And it's not something that people can take on lightly if they're trying to work full-time jobs.

[06:14:27] But at the same time, anything we can do that makes it a little easier on the people coming in in the future, I think we need to keep pace somewhat in doing that. Were the dollar amounts actually stated? They were stated in the executive summary. But out loud at this meeting? If we said it, it's going from \$20,199 to \$20,805.

[06:14:48] So I know sometimes people... \$606 a year. Sometimes people don't read the packet, but that's the actual number we're talking about. The sheriff's statement is going up by \$55. In over 18 years, there's been a \$6,000 increase over all the 18 years.

[06:15:06] 18 years. I would just add that it is important for both the school board salaries and the board of supervisors' salaries to maintain at a certain level so that we can get people to agree to run for these positions. I'm just saying.

[06:15:23] Thank you. On the board, we're looking for someone to make the motion that's in the form of attachment C, or sorry, no, attachment A. It would be a motion to adopt the ordinance attached as attachment A. I moved.

[06:15:40] Second. We have a motion from Supervisor Malek, second from Supervisor McKeel without objection to call the roll. Mr. Pruitt. Aye. Mr. Andrews. Yes. Mr. Galloway. Yes. Ms. LaKeister-Kirtley. Aye. Ms. Malek. Yes. Ms. McKeel. Yes. Thank you.

[06:15:57] And you're here for the next one, I believe, as well. It's a public hearing on compensation increase for the Planning Commission and other appointed boards. Welcome again, Ms. Rice. Yes, thank you. So this public hearing is to receive comment on a proposed ordinance to amend Albemarle County Code 2-401 to increase annual compensation for the voting members of the Planning Commission by 3%, and also to amend Albemarle County Code 2-905 to increase compensation of the members of the Architectural Review Board,

[06:16:32] the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals for each regular or special meeting attended also by 3%. So again, beginning and effective in FY25, the board did express a desire to increase pay for these named boards.

[06:17:00] That is in alignment in conjunction with pay increases received by county staff. And with the FY26 budgeted option on May 7th, the board approved a 3% cost of living adjustment for staff, which will take effect on July 1st to support increasing wages in response to inflation.

[06:17:23] For consideration, this evening is an ordinance amending the compensation for the Planning Commission and these appointed boards to align with the 3% compensation increase for staff and now with the Board of Supervisors.

[06:17:39] Thank you. If there are any questions, Supervisor Malek? No questions, thank you. Supervisor Lupisto Curdley? No questions. Supervisor Gallagher? No questions, but I'll just state those amounts. So the current Planning Commission stipend is \$7,685.

[06:17:55] It would increase to \$7,916. All those others will go from \$85 per meeting to \$88. Supervisor Pruitt? No questions. Supervisor McHugh? Again, no questions, but I think this is really good for all of our, the Planning Commission and all the boards and commissions that work with us.

[06:18:22] I mean, I think it's real. Thank you. And I have no additional questions, so I will open the public hearing. I end up to speak. There is not. I will close the public hearing. And the matter is back before the board. Do we have any additional comments? Just one comment.

[06:18:37] A member of my family was on the Planning Commission in the 1990s, and the salary then was \$4,100. So it hasn't even doubled since the 1990s. I just wanted to provide that little bit of perspective out there. And they work very hard, too. We did a significantly larger increase a couple of years ago when there had not been increases for several years, but now we're trying to keep it.

[06:18:57] Many, many. It's much better if you continue to keep it current rather than letting it go, and then you have to do such a big make-up. If there are no additional comments, then we're looking for a motion in the form of attachment A to increase the compensation for Planning Commission and other appointed boards.

[06:19:19] So moved. Second. We have a motion from Supervisor Malek, second from Supervisor McKeel. Without objection, Mr. Pruitt, Mr. Andrews, Mr. Galloway, Ms. Lapisto-Curtley, Ms. Malik, Ms. McKeel, Ms. McKeel, Ms. McKeel.

[06:19:37] Board, this brings us to SP-2025-0001 Field School of Charlottesville. This is being led off by Rebecca Ragsdale, Planning Manager. Welcome, Ms. Ragsdale.

[06:20:03] thank you for that introduction this rebecca ragsdale again planning manager and i will be pulling up my presentation here sorry for the delay this is an amendment to an already approved special use permit for the field school i'm going to go back through a little bit of the history and the request is specific to one condition of approval to be amended to extend the time to commence the school by one year changing the deadline for commencement of the use from august

[06:20:41] 28 2025 to august 28 2026 excuse me just a quick orientation to where the field school is proposed it is on barracks road just west northwest of town near the development area it is located in the rural area this is an aerial view of the 21 acre property which is wooded and then the main campus improvements will be located in the already cleared area and it's located along as i mentioned

[06:21:16] barracks road the property is zoned rural areas and it is located in the rural areas but it is within close proximity to the development area as i mentioned and the city of charlottesville the private school at this location was first approved in march of 2017 as you know it was established at some other spots in the county well before that the special use permit has been amended several times no change to the maximum enrollment or the major elements of the plan that

[06:21:53] was approved back in 2015 has been amended it's been amended a few times to make some small adjustments to acreage or small adjustments to the concept plan but the maximum enrollment has remained 150 students and the deadline for construction was established as February 28th 2022 initially and then was extended three and a half years with the last special use permit amendment for this project which was in 2021 and looking back on that the reason for the extension and the reason for it not being eliminated

[06:22:32] as the applicant requested with that last special use permit was that the board was not comfortable without a deadline or without establishing some deadline and there was some discussion about transportation and traffic on Barracks Road as a concern.

[06:22:53] The school indicated in their packet some of the challenges that they have had to meet that deadline of August 2025, but they have been working towards that deadline. They have our site plan process is two steps, but they have completed the first step with initial site plan approval and they have submitted their final site plan and are working towards that approval process and then working towards how they might be able to still satisfy the August deadline, but in case that they don't or there are unforeseen challenges,

[06:23:33] the applicant and staff agrees, believe it makes sense to extend it. This is the concept plan that was originally approved. As I said, that's not changing. It was approved with the expectation that there would be right turn lanes and left turn lanes on Barracks Road.

[06:23:50] That has not changed. The site plan will be developed consistent with that. We have received some public comment that, but nothing has changed. they are building consistent with what was approved on Barracks Road and turn lanes were anticipated.

[06:24:07] In terms of the special use permit criteria, this request is limited just to the one year extension. There haven't been any circumstances that have changed with traffic on Barracks Road. We included the traffic counts that we had, the most recent available and going back to 2017, and there haven't been any notable increases.

[06:24:28] So that, we did not see any reason not to extend and allow them a bit more flexibility with the timeline. This is just for reference if you have any questions about what's required to meet that deadline.

[06:24:45] But the special use permit conditions were included for information in terms of all of the conditions they will comply with in terms of buffers and the campus layout, hours of operation, maximum number of students is not changing.

[06:25:01] And just noting again that the one change is to condition nine with the one-year extension. So as I mentioned, this doesn't propose any substantive changes and staff did not have any concerns with recommending approval of just the one-year extension.

[06:25:18] So we'll be happy to answer any questions. - Thank you, we'll go through our order. Supervisor Malek. - Thank you, just one question. So please specifically say what being vested or beginning means for this project. So it's not just grading or something like that, I guess.

[06:25:36] We have a definition in our ordinance of start of construction, and it has a different... It means the date a building permit was issued, provided that actual start means that you begin...

[06:25:51] you get the building permit but you begin construction towards what you've gotten the building permit for but you typically need a site plan to get building permits approved so there there are if you look at actual start that is part of the definition and this is in the zoning ordinance so we have zoning staff here if we need to delve a little deeper but it's work beyond just grading and excavation it is beginning to place permanent structural elements or

[06:26:27] structural things like a foundation or pouring the slab and footings to begin building the structure to establish the use not just grading so I was confused and thought that the footings did not qualify but what's next is getting the building permit which is following the site plan which is being considered now is that right do I have that straight okay thank you now we may they have they have indicated they'd like to go ahead and submit the building permit as soon as possible and have asked about concurrent review but we still just we

[06:27:03] still have the site plan under review currently thank you Supervisor Lopisto Curdley none right now thank you I don't have any questions right now and I I have no questions, so I will open the public hearing, and we have the applicant here.

[06:27:27] Is there anyone signed up as well? We have both. Okay. I will leave it to Vice Chair McKeel to read the rules. All right. We have the speakers. During public hearings, the board will acknowledge speakers addressing the item listed for public hearing. Speakers are limited to one appearance of three minutes per public hearing item.

[06:27:48] Applicants are limited to a 10-minute presentation of their proposal and are allowed a five-minute rebuttal at the close of the public hearing. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking.

[06:28:06] The red light indicates your time has expired and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and if you live in Almar County, your magisterial district. Address comments directly to the board as a whole.

[06:28:23] Any written statements or supporting material may be given to the clerk. Speakers may not share any unused time with another speaker, and back-and-forth debate is not permitted. All comments are live-streamed, recorded, and published on the Almar County website. I want to start with the applicant, Mr. Perriello.

[06:28:40] Welcome. Good evening, Supervisors. My name is Bo Perriello, and I'm approaching the end of my second year as head of field school. We are here this evening asking for a brief extension on our existing SP as we push as fast as we can to start the building process while ensuring we meet any and all necessary regulations.

[06:29:01] We have had a very busy year, albeit with some setbacks, but remain committed to opening the campus for the 2027-28 school year while doing things the right way as outlined in the original SP. For those who don't know us, Field is not a typical school.

[06:29:18] We're only boys and only middle school for us, grades five through eight, making us one of only three all-boys middle schools in the country. We've always focused just on boys, just on middle school, and will continue to do so moving forward. We're intentionally small, only four grades and currently 84 boys. Natural outdoor spaces have always been a part of the school ethos and are very important to our student experience. Our goal is to maintain as much of the natural beauty and topography of the site as possible, with long-term goals of both biking and hiking trails for the boys and the community. We plan to build in phases, with the initial

[06:29:55] phase to include one building with plans for up to 95 boys with limited potential growth. We remain committed to being good partners. Just last month, we were able to bring our design team to the Coldhurst Homeowners Association meeting to give an update and hear concerns. It was a very positive meeting with the neighbors, seeming overall pleased with the project, the widening of the road, the left-hand turn lane improvements, while asking us to consider additional traffic improvements. We agree that we want the safest possible travel for our families in the community.

[06:30:30] I want to say that we're working closely with VDOT and will follow any and all recommendations for traffic safety and flow. We recently received the data from a completed traffic study we had done and are happy to provide copies of the study and have already done so to county staff, VDOT, the Planning Commission, and the Coldhurst Homeowners Association. Finally, I just want to clarify that we are not asking for anything new in this SP, just a little more time. I do realize this project has had a long shelf life but can only speak to my time in this position and can assure you that we have been moving with speed and purpose to get on this campus. Over the last 12 to 18 months we have generated a

[06:31:07] lot of momentum and continue to move forward as quickly as possible. As an educator we always preach lifelong learning and jumping into a building project like this has highlighted how much I don't know. That is why it is great to have such a wonderful group of professionals working with us. That includes Kendra Moon, our civil engineer from Line and Grade, and Kevin Schaefer, our architect from Design and Develop, along with Pete Morris from Faulkner Construction. We also have a great group of

very committed volunteers running our building committee, including Wick Knox, a current parent and principal at VMDO downtown, and Matt Wilkinson, an alumni parent from Beck Cohen, along with our

[06:31:45] board chair, Will Sowers. This building committee meets every two weeks at Faulkner Construction to make sure we are consistently moving the ball forward and have been doing so for well over a year now. I also want to thank the county staff for their help and our efforts to diligently pursue the permitting process, including recent attempts to speed up that process. We currently have our final site plan and Virginia storm water management plan in for review, as well as our initial building permit submission. We have a potential path to completion by the 28th of August, but also know things don't always go as planned, so this extension request is to ensure that we can stay full steam

[06:32:22] ahead. We want to thank the county staff for their recommended approval and clear, concise reasoning in the staff report provided to you. Additionally, we were pleased with the planning commission's unanimous recommendation for approval of this SP extension and we are grateful for their input and discussion. Both the staff and commission reminded us just how many state agencies are part of the review process and how long those steps can take. Ultimately, we are pleased to stand in front of you today with such strong recommendations from both staff and the commission. Having said that, our goal remains to get on this campus as soon as possible. Starting with a one-building school

[06:32:58] house up to 95 kids on this beautiful piece of land. We are currently in a building that's over 100 years old that we rent from Albemarle County and share with Crozet Arts. Every time we get heavy rain, we lose a third of our classroom space, displacing faculty and students. Technology is spotty at best, and large parts of the building are inaccessible due to asbestos. That combined with the fact that the overwhelming majority of our families come from town make this move to Barracks Road crucial for our school community. We are desperate to give these boys a permanent space to learn and grow. There is no shortage of news out there highlighting that boys are falling

[06:33:34] behind educationally, so the need for a place like field school has never been greater, and this move will allow us to have an even larger impact on the local area. Thank you for your time, and I would welcome any questions or concerns you may have. Thank you. We'll go through our order with questions. Supervisor Malik. No questions at this time. Thank you. Supervisor Lupisto-Curley. Thank you for the presentation. No questions. Supervisor Galloway. Thank you, Mr. Perriello. Just remind me was the original intent to open in the 27 28 school year did that get pushed back since I've been in the post that has been our goal since I started just open just under two

[06:34:11] years ago and I think in your in your you know your application proposal cover letter what have you it cited the pandemic related fundraising challenges I mean that seems self-explanatory had a term hard time raising money but site design complexities could you just provide a little color as to what that means? I'm happy. I'm going to try, but I do have my design team here in case I stumble or in case we get into something technical. We read a lot of these things and there's stuff there and I'm like, all right, site design complexities. Yes, the septic field in

[06:34:48] particular, we spent almost a year trying to relocate, including bringing in professionals on three different occasions to do test digs and look for alternatives only for us to end up with the septic field in the same spot we had started but that did cost us quite a bit of time as it really is the high point of our property and where anyone would naturally think to build so we were doing our best to find alternatives but that proved not available to us and then my I guess my last question is just simply it seems like the

extra year is out of an abundance of caution because of other things that could pop up and we don't want to hamstring ourselves if we

[06:35:28] give you four months and we need five that could become problematic but this what happens between is this just the exterior the construction of the building does it take the remaining year then to get ready for the school year or like just it has taken the better part of two years to try to get a site plan approved um no i'm saying that once you're built oh yes so you've got august of 26 is the deadline that's to start needless to say if we need that whole year it will make it very difficult to open for 27 28 and our hope is that we do not so this is but even if you're up in four

[06:36:03] months you're still planning to wait till the 27 28 there's there's no i would love i would love to open sooner if we can get things moving but you could open sooner maybe is that a possibility it does not seem realistic based on what i've experienced but it's been a very eye-opening two years i know a lot about education i'm happy to talk about that all day and i'm learning a lot about the building process.

[06:36:26] But yes, that would have seemed potentially realistic to me before I stepped into this role, but it seems like in a very aggressive, I'm told it is a very aggressive timeline that we are trying to stay on. Thank you. Thank you. Supervisor Pruitt.

[06:36:41] I have nothing further. Thank you. Supervisor McKeel. Yes, good evening. Something that was said, and I can't remember if you said it or Rebecca, but so you all performed the traffic study. Yes. I guess I'm used to VDOT doing the traffic studies, and I'm looking to Rebecca.

[06:37:02] In the past, when we've had applicants performing their own traffic studies, we have said our gold standard, and our standard is to take the VDOT traffic study. So help me with that. Well, we do review information, both the county and VDOT, that's prepared by the applicants.

[06:37:24] Usually when we have a traffic study for a private application, there is information that they prepare and then we review it to verify that we agree with the data that was used. - So we've had proposed developments come before us before where the applicants have provided traffic.

[06:37:39] And I'm not, to be honest with you, I'm just trying to figure out the process here. I'm not both saying that I'm not accepting your, but I'm just saying there's a process and VDOT does the traffic studies as the experts, right? That's what we've always been told. So now the applicants are doing their own traffic studies And presenting them to us, I'm confused.

[06:37:58] You know, Kevin McDermott is here this evening. But I didn't want to, I mean, yes, applicants prepare traffic analysis. And we rely on VDOT's analysis of engineering prepared documents. Yeah, I'm just a little confused, Kevin, with the process here.

[06:38:15] Because we certainly have had dueling traffic studies between VDOT and some of the residents or the applicants, right? Over the history. Thank you, Kevin McDermott. I'm the Deputy Director of Planning here. The process that Mr. Perriello has described and Rebecca has described is what we usually see is that we require the applicant to develop the traffic study.

[06:38:42] And it has to be completed by a qualified party. So we require them to be a PE or somebody that has the ability to perform these. We receive them, we review those internally, and we give those to VDOT to review, provide comments back if we had questions, and then they'll come back to us and address those questions.

[06:39:06] So that's the part at which VDOT's involved. VDOT's involvement is by review and comment on that. Thank you for the clarity. And eventually confirmation that they agree with the results of the study. Great. Thank you. And so what I've seen before occasionally are dueling that VDOT's not agreeing with.

[06:39:22] I get it. So that makes sense. Thank you. In my brain, I'm just trying to figure out the process. Sure. No, I think that part of what I'm hearing or have heard from you all, from the school and from staff, is part of the delays were somewhat because of the counties.

[06:39:51] don't know we were slow let's put it that way that's my understanding and i see rebecca nodding her head so in all fairness to to the process because i'm usually not excited when we have these kinds of constant extensions but i do get it in that um we've been part of i believe your problem at this point to put it just on the table so thank you very much um i appreciate it and so there are really no change you're not anticipating any changes from what we're seeing and what we've seen in the past that was approved to the time you're going to be presenting to staff and building

[06:40:29] that's correct okay all right i don't have any more questions right now i don't have any further questions as well so we can now allow public to speak thank you sure and we have one speaker robert humphress my name is robert humphress jr i live at 109 falcon drive which is in the

[06:41:03] Jack Jewett District, and my property adjoins the field school. My family has lived there since 1970. I previously submitted a letter respectfully but firmly urging you to deny the field school's request for yet another extension of their mandatory construction start deadline for the property on Barracks Road. I appreciate the opportunity to speak today and would like to expand on that position. The original site plan proposed all traffic entering the school by crossing over an existing earthen dam. This directly violates Corps of Engineers guidelines and would never have been approved in the first place. Should never have been approved. More

[06:41:41] recently, the school has floated additional changes without clear oversight. At a recent Coalhurst property owners meeting, the head of school mentioned the possibility of including the 8th and 9th grade. Originally, it was just three grades. Now they're going to add two more. At the Planning Commission, they showed a revised plan that now includes phase construction. But have those phases been reviewed and approved by VDOT, the Department of Health, Albemarle Fire Rescue, or other relevant authorities. Additionally, the school has shifted its proposed entrance, no longer aligning with the Magnolia Ridge Road, but instead moving it halfway up a hill on the

[06:42:17] eastbound Barracks Road. This is a more hazardous location with limited visibility. Because of this change, VDOT has appropriately required a commercial entrance, complete with both right and left turn lanes, yet in their most recent submission, the school appears to remove one of those required lanes. This pattern is troubling. The closer they get to the deadline, the more their plans shift, and often in ways that raise safety and regulatory concerns. It gives the appearance of scrambling to build something, anything, before the deadline, rather than presenting a fully vetted, community-supported plan. Granting another extension rewards the delay

[06:42:56] of shifting goalposts. The last extension was granted on November 3, 2021, nearly three years ago. Enough is enough. Letting the special use permit expire would allow everyone, school, county, and community to pause and revisit this project with fresh eyes and proper planning.

[06:43:13] I respectfully urge you, stand by your policies and your prior deadlines. Please deny this extension. Thank you very much. Thank you. And that's all the speakers. Thank you. The applicant now has five minute time for rebuttal any conditional comments about the comments made thank you i did want to just clarify on the the complexities of the site um talking to my engineer and and architect reminders of vdot the health department and the sewer authority

[06:43:51] all being people that will be part of that review process um and trying to be respectful mr humphrey's comments i want to start by saying we've never changed the entryway it has always been in the the same place it has never changed there was never an approval to go over the spillway and it has always been in the same location from the first ssp also has never been any mention i don't believe he was at the homeowners meeting and there was we already have eighth grade and there's never been mention of high school and we will not have any high school grades um and again in terms of shifting pieces really all we're asking for here is time and we're really hoping we don't need it

[06:44:26] we do have our final site plan in our stormwater plan in and our initial site our building uh submission in um and appreciate the county working with us to uh try to review those as quickly as possible thank you very much uh board do we have additional any additional questions okay uh super i'll go through the order real quickly supervisor malik you said no supervisor you still currently know supervisor galloway supervisor pruit and then supervisor yeah and i just have one question

[06:44:59] I just want to make sure, and I don't know if it's for the applicant or for, but I just want to make sure that the VDOT-recommended turn lanes, those are still in place as VDOT-recommend, because that's really what's critical to me are those turn lanes.

[06:45:16] That's what's going to make that entrance safer. And I guess that is all I have right now. Thank you. And I don't have anything further, so I'm going to close the public hearing. And the matter is back before the board.

[06:45:31] I don't know if there are additional comments. Supervisor Malek? No comments or questions. Thank you. Supervisor Lupisto-Kirtley? No comments. Supervisor Calloway? Well, I'll just make the comment that I voted for the project when it was here based on the design just to address that. I'm not thrilled about the – I mean, this board has complained about giving projects that have not come to fruition.

[06:45:53] not that I'm picking, I guess I am picking on you, but it's more of a bigger piece for future applications as well. But then that's directed not just at applicants, but if there are internal issues as well that we can fix to make sure that we try to do these in a timely manner.

[06:46:10] Given, like we heard earlier, we heard some comments on the Rio Point project. That was more detailed changes, but people do hear when the vote approval is happening and then four or five years later wonder what's going on. Thank you. Mr. Professor Pruitt? I have nothing. Mr. President McKeown?

[06:46:25] Yeah, just to say that, and I guess to piggyback a little bit on what Ned just said, I'm always very concerned when we have projects and they're built 10 years later, 15 years later. We've seen the outcome of some of that over on Hydraulic Road where the whole area changes and then the developer or the applicant can go back and build what was approved 10 years before and it's no longer appropriate for the area.

[06:46:52] Having said that, I don't think this is actually the case right now. But that is the concern that I think some of us have had. And as I said, the turn lanes on that portion of Garth Road is what I'm really concerned about.

[06:47:09] I am pleased to hear that the entrance has not changed and the design itself has not changed. And I did receive an email from the Colthurst HOA talking about the meeting that they had and describing the meeting and Mr. Humphress's concerns, but that the homeowners association felt like their meeting went very well and that the applicant answered their questions as best he could.

[06:47:40] So anyway, thank you very much. Thank you. I'm also supportive. It does seem that it's a little different situation when you recognize that we've had changes in both staffing at the school and also entities involved in the project and COVID and everything else. So I think the circumstances support the additional time. So with that, the matter is before the board for a motion.

[06:48:11] I guess it's in my district, isn't it? So let me go and see where the, oh, here it is. I see it. I move to adopt the resolution attached to the staff report as attachment D. Second. We have a motion from Supervisor McKeel. Second from Supervisor Malek. Without objection, if the clerk will call the roll.

[06:48:27] Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. LaPiesto-Curtley? Aye. Ms. Malek? Yes. Ms. McKeel? Yes. Thank you very much. Appreciate that and the board. That brings us to our next, which is from the board. Committee reports and matters not listed on the agenda.

[06:48:45] The very first one that we have listed as a specific matter is that we were going to talk about the Hardware River Scenic River designation. And I'm going to, it is your first to comment. So I'll turn to you right away, Supervisor Malek. I know you brought this up.

[06:49:01] No part of this river is in the Whitehall District, but I'm bringing the message from Favanna through the Rivanna River Basin Commission to see if the county board wants to consider joining on. So it's certainly in Samuel Miller and Scottsville, but I did want to be the purveyor of the information that had been sent to me.

[06:49:21] So that's all I have to offer. I think there was a follow-up email from David Blunt because he couldn't be here today to be able to provide sort of the more completely described state process that DCR would carry the ball and investigate if it even qualifies and then develop a plan and the counties would come on after that.

[06:49:43] And if all those approvals happen, then David has carried several of these through the General Assembly, certainly for the two stages of the James, which were done in the last 20 years, and then maybe 25 for the first section and then since 2010 for the second section.

[06:50:02] The Mormon server was done way back in the 80s, I think, so it's been around for a long, long time. I'm going to interrupt to just ask whether this is an action item for tonight or just simply an indication of support that would require staff to go back and prepare materials for...

[06:50:21] I think that the... I think there was included the copy of the resolution which Flavanna had passed, but if that wasn't included, then I will get Tony O'Brien to forward that to everybody, and then that would be a starter place. So we're really just tonight looking whether the board is interested in...

[06:50:39] If they're willing to go to step two, then we'll make sure that Andy has everything he needs. I think you prepared some of the latest James ones. We have, my understanding is that this is at the letter

stage rather than at the resolution stage. So I think the next step would be to authorize the county executive to sign a letter requesting that the DCR study this.

[06:51:00] So that would be the next step if the board is interested in doing that tonight. If the board is interested in coming back, making this a full agenda item. Is that a commitment on our part if we do the letter? Is that a commitment? from there? I'm sorry. Is that a commitment from there if we've done the letter? Is it a commitment on the part of whom? I'm sorry. For the St. Nick River designation. Oh, it's not a commitment. So basically the process is the locality makes a request to study it and then the DCR will come back and say whether or not it's eligible. Okay. Supervisor Lupita. I don't mind getting more

[06:51:33] information, but I don't know enough about it. Sorry. Supervisor Galloway. I mean, I'm trying to support the I mean I've seen this process happen with a couple other parts and the flu ban is I mean I'm fine with it okay supervisor really sure um yeah so I'm gonna go through kind of my thoughts about the actual decision because I think we're committing staff even if it's not internal staff I want to actually think through whether I even like the idea right so I I talked with supervisor O'Brien about this after we mentioned the first time and then I went through and I reviewed because he frankly didn't provide much additional

[06:52:12] insight on it um and then i went through and reviewed what it actually does there's a list of things it's a lot of designates the value of river right that kind of stuff i would say there's three substantive components of it and i'm going to go through these with the board um it makes it so that any construction of a dam on the river requires general assembly approval that's probably the biggest one um it makes it so that we can as a local government adopt a tax abatement program for adjacent properties to the river in recognition of their scenic value, similar to a conservation easement type thing.

[06:52:52] And it gives, it's like a point top-up. It is a favorable consideration point for two grant programs, grants through the Virginia Land Conservation Fund and grants through the Recreational Trails Program. I would say weighing those factors, I am not sure it makes sense for the Hardware River.

[06:53:14] And the main thing, I don't see us having any appetite for the tax mitigation program, just full stop. We have a lot of comparable programs. And I don't know of any significant plans that could avail themselves of those grants, nor do I actually think that the Hardware River section is well-suited to that because it's heavily privately owned along it, right?

[06:53:37] There's not anywhere that we would be developing a recreational trail program that we'd be applying a grant for, which leaves us with a restriction, which is one that maybe we could be comfortable with, but like not being allowed to construct a dam on the Hardware River. I like that notionally right now, but in 70 years, maybe the watershed has changed radically.

[06:54:00] Maybe Eric Trump III is our governor and is going to veto anything that comes out of Elmala County. And we have Carter's Bridge washing out because of flooding on the Hardware River, and we need to do a diversion, and we can't pass it, which I realize, this is going back to my example earlier today, but I want to always, if we're creating a thing, we need to consider what the most egregious possible circumstance could be.

[06:54:28] And I see that as an egregious possible circumstance, that we would need or want or desire a dam. We wouldn't be able to construct it. So I have a, I'm not personally in favor. If we want to, as a board, take this first step, I can get behind that.

[06:54:43] But I, based on what I know about it, I'm not sure I would support the Hardware River's designation as a scenic river. Senator McKeel. And I agree with Mike. And I would be very concerned because in the past, community members in Alamar County have used scenic designations to stop cell towers because of visibility and other issues like roads.

[06:55:12] So at this point, I am not interested in entertaining this. And I don't, I mean, I just don't see any point in tying up staff time. David bounce so I am not interested in this at this point just for the record I would be supportive I think that there's additional benefit of being scenic river does not necessarily mean that Celts can't be built in it but it can be used that way but it's part of our character as a county that we would have these designated scenic places and I think there is first value but value

[06:55:50] ecological value that has a designation. But I don't see support currently. We don't have four? We don't have four. I don't believe. I thought we did. Okay. So just clarifying, waters of the Commonwealth, Almond County couldn't put a dam on the river anyway. It's the Army Corps of Engineers and a whole lot of other hoops that people would have to jump through. And certainly with the effort for the woolen mills, the state agencies are interested in taking dams away rather than putting them up just so that that people are aware of that um blueway trails is probably the kind of

[06:56:30] trail that would be useful for state funding for paddlers and that kind of thing so as i said that's the limit of my information that is that is sufficiently compelling to me actually for the first step that was well argued okay i'm convinced i'd have to have more information i guess i'll also add that DCR would be looking at, has to evaluate, is my understanding, the potential launching points. Now, if there are none in the county, then that may affect their judgment on the designation, but it's not something I would want to use to stop it.

[06:57:06] This is something I voiced previously. It's a very privately owned river, but that can be part of the evaluation. The access we've used is under the Carter's Bridge, and that's VDOT property, and they said fine so that's where we went in but anyway that's uh well i would like to just run through again if there's support for pursuing a letter um supervisor malik yeah yes supervisor lupisto currently once again i just don't know enough i mean if it's just are you talking about a letter

[06:57:39] of support from us a letter to yes to ask dcr to look into whether it could be designated as a scenic river they're the research body who would do they do it is department of conservation no It still doesn't designate it until it comes back to us, is my understanding.

[06:57:55] Okay, and no effect on staff. It would be a request of the DCR to study to see if it qualifies for designation of a state scenic river. That's the first step in the process, is for the county executive. And we've got a draft letter. If the board chooses to go in that direction, we have a draft letter that we can provide.

[06:58:12] And it's my understanding that we would be doing this with Fluvanna County? So my understanding is that Fluvanna County has requested that designation for the Fluvanna portion of the river, but only the host locality can request for the portion of the river that's in its respective locality.

[06:58:29] So this is only for a section, only for one river, right? It's for the section of the Hardware River that is in Albemarle County. Fluvanna has already designated the Fluvanna section, is my understanding. Already requested a study of their section. This kind of cuts, like, diagonally from, like, Green Mountain area through Scottsville.

[06:58:51] It intersects 20 at Carter's Bridge. That's the main part that people know. And also runs along 20 between Carter's Bridge and the turnoff, like, toward Walnut Creek, right, where it floods sometimes. Well, yeah, those are different branches. If you go beyond 20, you get to the north branch and the south branch.

[06:59:09] But the part that we walked along for looking at the wildflowers is the old Omohundro area at Red Hill, which is the headwaters, I think. Those streams there on the right, where 708 goes off to the east, that is also in your district part of it.

[06:59:26] It's really important stuff. Almost, I think, it's entirely in Samuel Miller and Scottsville. And would there be any – what would the restrictions on the land, on both sides of the land be for homeowners or landowners?

[06:59:42] There's nothing concrete. This is an honorific. Pardon? it's honorific it's not regulatory the dcr people say that all the time there's there's like participation in a committee to give people voice on decisions that affect it but there's nothing in fact that's in the list of things the scenic river designation doesn't do one of them is create a land restriction and this committee would not be able to it's just advisory that's right um okay Supervisor Malik, you're okay.

[07:00:15] Okay. Supervisor Pruitt, you're okay. I'm okay with it after Supervisor Malik's point that we already can't impound that water, which I should have thought about but didn't realize, and so I appreciate that point. Supervisor McKeel?

[07:00:30] Yeah. Yeah, I still have concerns because of this designation and how this board or a future board can use that designation to stop because that's what's happened in the past. So I'm not in favor of it, but I'm the lone voice, it sounds like, on this one.

[07:00:47] How can it stop? Explain that, please. Explain yourself. Because in the Scottsville District, much of the historic areas that have been designated scenic and historic, that has been used by community members to stop cell towers because of visibility.

[07:01:05] And maybe I'm well, but I'm very concerned about that. Tell me if I'm there. It is possible for this board to create separate land use criteria that then reference this, which has happened with historic districts previously. So if we said we will require a special use permit for any rural area uses that border scenic designations, that is something that we could do that would reference this.

[07:01:33] Such a thing does not exist currently. But that is what Supervisor McKeel, I think, is concerned. And we have so many already designated, and I'm just concerned. But I'm not going to be around as of January, so. It will be well, I don't know how long the DCR study takes, but I'm guessing at least a year.

[07:01:53] But I'm just guessing on that, because when the upper James one, it seemed like it went away for a long, long time and then finally came back. We've been on its way to at least half a year. Okay, so this really doesn't obligate us to anything. That's right. It's a request of the DCR to perform a study.

[07:02:15] Right. It obligates the state to do something. So it doesn't even do that. What? It doesn't obligate them to do the study. It requests the state to do something. It's a request. They could be like, yeah, no. We don't have time to get around to that. Yeah, they may say that too.

[07:02:32] Do we need any, I mean, I'm certainly seeing consensus in favor of going forward with the request. Is that something we should do a formal vote on now? I would suggest a motion, yes, sir. I move

the board to send a letter of request to DCR, signed by the county executive, to request a study on a potential Scenic River designation for the Albemarle County portion of the hardware.

[07:03:01] And I'm sure our county attorney can say it much better. Excuse me for your intervention. I thought it was in support of them doing it, not we're requesting them. No, we're requesting them. We're requesting them. A study. And I believe it would be for the entire length because Fluvanna is requesting it.

[07:03:19] So it would be to study the entire length, including the portion in Albemarle. So is that part of your motion? Yeah, they'll do the entire length. That's wonderful. Thank you. We have a motion. Seconded. We have a motion from Supervisor Malek, seconded from Supervisor Pruitt. Without objection, if the clerk will call the roll.

[07:03:36] Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. LaPista-Curtley? Aye. Ms. Malek? Yes. Ms. McHale? No. Thank you. Board, that brings us to another matter. Again, specified under our matters from the board.

[07:03:53] Appointment of Ned Galloway as voting delegate for the 2025 NACO annual conference. So moved. Second. And we have a motion from Supervisor Lupisto-Kirtley. A second from Supervisor Malek. Without objection for the clerk, call the roll. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway?

[07:04:08] Yes. Ms. Lupisto-Kirtley? Aye. Ms. Malek? Yes. Ms. McKeel? Sure. That was a little easier. Voting session is fun. Board, that brings us to other matters. Any comment from Supervisor Galloway on his attendance? I guess this is coming up in a few weeks, right?

[07:04:25] What? Oh, on that? No, I have no other comments. You'll have to report back. I'm honored to be the voting representative at the National Council. And we expect to report. The great county of Alvaro County, I vote for blah, blah, blah. Other matters, turning to our order, Supervisor Mallory. Just calling your attention to the annual report of the Workforce Center, Piedmont, Virginia.

[07:04:46] workforce center. And we had a board meeting yesterday with our industry board, business board, as well as the elected officials board jointly. The federal government is proposing to erase funding for all training for youth as part of the new budget. So this makes it even more important for county focus, which has already been discussed about career preparedness, et cetera, in our education systems for high school students to be able to be aware that

[07:05:18] this is possibly coming but the local board is called a an exemplary performer from the state agency and met all their performance goals you know long before the end of the season and I'm very proud of all they've accomplished so I hope you will look at that and see also that the grand majority or a majority of the recipients of training and that kind of thing are coming from Emerald County because we benefit from having the training center the workforce center right at Glenside, or Glenbrook's Glenwood Station.

[07:05:55] Thank you. Thank you. Supervisor Lopisto-Curtley? Nothing, thank you. Mr. Galloway? Just briefly, at the Thomas Jefferson Planning District Commission earlier this month, a regional housing study is being commenced. And frankly, the literature review is one of the more exciting parts of that.

[07:06:12] It'll be a couple years as they do it. I mean, it'll be more than that, but that's actually kind of interesting to me. And then the update to the hazard mitigation plan for 2028 is getting underway. And so that process is getting started. Great.

[07:06:29] Supervisor Prod. I have nothing to add. Supervisor McKeel. Okay. And I just, these are not matters for us to delve into further tonight, but I will just report again that the SWAC committee has met and would like us to consider hauler requirements.

[07:06:45] And there have been a letter to that effect that has been circulated. And I also note the letter circulated that requests us to consider biophilic city's designation, joining in that biophilic region, and it's something that we can pick up in the future, but I'm certainly interested in that.

[07:07:05] Kurt? Do you have the housing listening session that's part of that study? I thought I had it on my calendar, but now I can't find it. I don't have that in front of me. I'd have to. Do you know when that is? I think we're on different schedules each, aren't we? I think we're in like two-by-twos for them.

[07:07:23] Like I think you and I are on for like the 29th. I'm not telling tales out of school. Maybe I'm looking at Supervisor Galway, but I'm not remembering the dates of that. I'm sorry. Well, somebody will. Okay, never mind. We're doing two-by-twos? No, no, no. This is through the PDC housing study.

[07:07:40] This would have been a request out of TJ PDC. Oh, okay. I just listened in to the thing online the other day, and I was, but I forgot to write it down, so sorry. I mean, we can find that out. If there's nothing further from the board, I'll get to the county executive.

[07:07:56] Is there anything further this evening? No, sir. Not at this time. Thank you. Thank you. Then, board, we will adjourn to July 16th, 2025, 1 p.m. right here in Lane Auditorium. Hi. Two days after basketball.



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