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Loudoun County Board of Supervisors, Transportation and Land Use Committee, Wednesday, April 19, 2023

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- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7251

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[00:06:24] Good evening, everybody, and welcome to the April Transportation and Land Use Committee meeting. I will start off with my tidbits of useless information. The hashtag, which I know since I'm as old as I am, is the pound sign, is actually technically known as an octothorpe.

[00:06:44] The 100 folds in a chef's hat represent the 100 different ways you can cook an egg. The number one downloaded song on Spotify is Harry Styles' Girl Crush, which is an excellent song, 153 million downloads.

[00:07:00] And the longest wedding veil in the Guinness Book of World Records is 63 football fields long. So think about that. Please join me in the Pledge of Allegiance. Thank you all for being here.

[00:07:29] Thank you very much. I would like to call the order the April 19, 2023 Transportation Land Use Committee meeting. this room is a hearing loop if you need hearing assistance switch your hearing aids to telecoil mode if you need a headset we have those available as well please see the clerk to request one and we will start off with the information item update on our efforts with the federal aviation

[00:07:52] administration to change the departure path of dulles airport evening mr chairman mr peters good evening you may proceed all right good evening committee members my name is josh peters i'm with Department of Planning and Zoning, joined, of course, by our Department Director, Daniel Galindo.

[00:08:24] So this item, this item number one, is provided as a follow-up to the recently adopted amendments to the Airport Impact Overlay District, which occurred earlier this year. There's no PowerPoint presentation. It'll just be me walking you through a couple of discussion points. So while approving those amendments to the AIOD, the board directed staff to open a dialogue with the Federal Aviation Administration about community concerns over airport noise and then to report back. So in the first such reporting was a memo sent by email to the full board and that

[00:09:01] memo is an attachment, attachment number one in your packet. So Mr. Turner, you requested that staff also provide updates on the staff effort to engage with the FAA during monthly TLUC meetings. And so this item is the first such update of an expected series of updates.

[00:09:23] So a few points to highlight from the item that's in front of you. On February 10th and on April 5th, county staff sent correspondence to the FAA acting administrator and the Eastern Division Community Engagement Officer. Staff has not yet received a response from either of those, but we will continue to pursue contact with that FAA staff.

[00:09:44] On April 13th, county staff met with EMWA staff at Dulles Airport, discussed a number of issues. We looked at flight operations that included arrivals, departures, and pass-by traffic. We looked at characteristics of airport noise, including the timing and intensity.

[00:10:04] We looked at division of air traffic control between EMWA and FAA. There is a really interesting interfacing of jurisdictions between the airport authority and the FAA. As a large generalization, the airport authority generally works with planes that are on the ground.

[00:10:25] The FAA works with planes that are in the air. But the interfacing between those jurisdictions is actually quite complicated and does generally occur on the ground, as we learned. During the meeting, EMWA staff indicated that they did have information indicating the FAA received the county's correspondence.

[00:10:46] So even though we haven't heard back from them, we do have kind of an informal confirmation that they did receive our correspondence. So staff continues to interact with members of the community on questions relating to the recently adopted AIOD amendments and interpretations thereof.

[00:11:02] The last item in your memo is probably the most interesting one. county staff has developed a scope of work that has been distributed to aviation consultants, inviting them to submit a price proposal to provide aviation engineering assistance to help with the FAA engagement effort. And the tasks covered in that scope include a project coordination and management, creation of a baseline airport noise contour map, isolating the noise that's generated from one runway 30, which is the one we spent so much time looking at. Development of up to three

[00:11:42] flight departure rule modification scenarios that could be submitted to the FAA for review. Another item was to conduct a review of non-flight rule change options to aid in minimizing airport noise. And lastly, attendance at meetings with staff, the FAA, EMWA, and the board as needed.

[00:12:03] So that scope of work has been distributed to aviation consultants, and we will be reporting back on that on future updates. So staff will continue to update the committee on progress throughout our monthly reports, and this concludes this month's update.

[00:12:23] Thank you very much. Questions, members? Minister Kirshner. Thank you, Chair, and thank you, staff, for your report. Just a couple follow-up questions, and specifically I want to kind of hone in on the airport consulting assistance. When do we expect to get those?

[00:12:40] I guess we're kind of not exactly bidding it out, but getting some sort of sense of what, you know, can you do this? How much will it cost? How long will it take? Is that correct? I'll defer to the county administration on that question. Okay, Mr. Chairman, respond.

[00:12:56] So the proposals have been distributed. There was an opportunity for them to provide questions. That period, it ended last Friday, and this Friday is the deadline for staff to respond to those questions and share that information with all the proposers.

[00:13:16] The proposals are due on Friday, April 28th, and provided they meet our procurement criteria, we'll be ready to issue a purchase order in a relatively short period of time after that. Remind me, have we authorized the procurement of this?

[00:13:32] Because I think I had to leave early that particular month. We actually authorized this, is that correct, or will that be coming back to the board? So this will be covered from existing budgeted funds. Fair enough. And we believe it's a relatively low consulting fee, so low that it can be procured using three written price proposals as opposed to a lengthy RFP process.

[00:14:01] And is the idea that once we award this, the outcome of the study that they do on these criteria that's put in front of us will be presented to both the airports authorities as well as the FAA in hopes that they will take that and perhaps accomplish something better theoretically than we have now?

[00:14:21] Correct. Among the scenarios that we will have them develop, one is the scenario that Supervisor Turner proposed throughout the entire discussion, but we'll also ask them to use their own creativity looking at the data from all existing flights, and those will be used to submit to the FAA for their review and hopefully approval.

[00:14:44] Okay, and I think there was, in the item here, there was some discussion about, I don't know if you want to call it outreach, but feedback from the communities. Can anyone enlighten me a little bit as to where we are on any of that? So as Mr. Peters indicated, the exchange of information that's been going back and forth with the community has been very limited to some virtual meetings and phone calls because we have very limited information to give them.

[00:15:13] I can tell you there are representatives in the chamber tonight, and they're following this very closely. We are interacting quite frequently. We have opened the invitation to come to meet with the HOAs, if they wish, and they're following these TLUC presentations, and I think the dialogue is open and occurring frequently.

[00:15:43] I suspect that this will transform into some more formalized meetings. We see this exercise as not only a technical issue with FAA, but also a public outreach, you know, event with the community.

[00:16:01] And we brought members of the public affairs and communications staff onto the project team to help us with that. Thank you very much. Appreciate it. My time's up. Thank you, Chair Turner. I'm looking at the address, the person that's here that's on the letter.

[00:16:21] Is this the person that's the most senior contact that we're trying to get information from or speak to? So we, unless Mr. Crowbuth has additional to offer, I'll say that we sent correspondence to two

different people in the FAA.

[00:16:41] One is the acting administrator, and the other one is a more regional office. And so we sent correspondence to both of those. Our understanding is that the regional office is the appropriate first point of contact. So that's who we expect to hear back from eventually. Okay.

[00:16:57] I see we've sent copies to our senators and to our congresswomen. Have we, I find it kind of hard that we haven't been successful in making that connection.

[00:17:14] Have we looked to having them to make that connection for us? or is this something important in our area? So Supervisor Glass, I have been in close communication with all three offices, Senator Cain, Senator Warner, and Congresswoman Wexton, and we are keeping them informed, but we are asking them to not descend on the staff and hopefully allow our request for engagement to be successful

[00:17:51] before the federal elected officials force the staff at the FAA so that we hopefully will build a level of trust and working relationship with the FAA, and we don't want to do something that might disrupt that.

[00:18:07] But we are keeping them informed, and we will engage them any time the board says it's appropriate, or we would recommend that back to you. Thank you. That's understandable. Mr. Vice Chair. Thank you, Mr. Chairman.

[00:18:24] Great questions by my colleagues, many of which I was planning on asking. If you don't mind, Mr. Turner, a question for Mr. Crowbuth. Do you have an idea in your mind of how long we plan on waiting before asking for more assistance from Wexton, Kane, and Warner?

[00:18:44] I wish I could give you a firm timeline. I don't have one. It's truly dependent upon how reactive the staff is to our request. What I can tell you is that what we have not done is to start ringing the telephones to that office.

[00:19:03] We've sent the e-mails, the letters via e-mail. We've sent them via U.S. Postal Service. I think very close in the next week or so we need to start beginning telephone calls, and that will be our next step.

[00:19:18] But we can report back on that when we come back to the committee next month. Thank you. And another timeline question, if we are successful and say this thing was to start as far as the first official meetings with the FAA on this, say it was to start in the next few months, what type of time frame do you anticipate this whole process?

[00:19:41] Is this a month's thing? Is this a year's thing? Is this a number of years thing? I mean, what are we getting ourselves into here? Do you think you have an idea of that? So obviously, everyone, it should be obvious to everyone, this is a very technical analysis that needs to be completed.

[00:20:03] I would estimate that we will be engaged in this process for at least one year, at least one year, maybe longer. Okay. Well, I appreciate all of staff's efforts to date, and I appreciate the Brambleton community, who I know is here today, being representative.

[00:20:22] I know you guys have done a ton of work on this. thank you for your work on that. And that's it. I look forward to the next update and what Supervisor Turner has to say. Thank you, Mr. Vice Chair. Is it a fair statement? I don't mean this in any kind of pejorative way, but is it a fair statement to say the highest levels of the FAA are pretty much in disarray right now? They've got an acting, I think they have an acting administrator and there's quite a bit of turnover. Is that an accurate assessment? I know that's a subjective

call. I don't want to put you on the spot. My understanding is that they are still with their acting administrator they have not yet filled the role on a permanent basis yeah my point is

[00:21:01] there's a lot of terminal right now that the turmoil in the in the fa right now and with all the recent things that have happened at airports you know near misses on the ground and that sort of thing i can see that they've got their plate full i understand that that said the message i think for this committee is we're not going to go away i don't frankly care if i get re-elected and four years from now we're still having a monthly update from the transportation land use committee. I was talking with Brambleton Group the other day, and they're going to put the last touches on the addition to Birchwood community, which I want to say is 1,300 more homes even

[00:21:38] closer to the airport than what we have in Birchwood right now. And those are going in. Remember the slides we saw there that there's up to 2,000 homes at buildout that are going to be inside the new AIOD. The other thing for my colleagues is I get the impression, and correct if I'm wrong, Mr. Peters, or Mr. Galindo, we want to try and avoid a community roundtable, if we can solve the problem without a community roundtable, because I get the sense that the community roundtable has a whole bunch of bureaucratic baggage that goes along with it.

[00:22:10] So we can propose some solutions for the FAA that are a lot more streamlined and a lot easier than the specific solutions that they can live with. Is that a better solution than the roundtable or a more expeditious solution? I would agree that we're looking for whatever is the most sufficient way to get a response and to get some changes made. Whether that is a roundtable or not remains to be seen. Right. Mr. Chairman? Yeah. I would just add one of the reasons that I had suggested when we had the February 1st community meeting in the Dulles Room, one of the reasons why

[00:22:45] we would prefer a working group scenario or engagement as opposed to a roundtable is that if we establish a roundtable, we will open the discussion for 360 degrees around the airport, which means we need to engage with the residents in Fairfax. We need to engage with the residents to the north. And our goal is to isolate this situation and resolve it at, as Director Glendo

[00:23:18] said, the most efficient way. And establishing a roundtable, which we may get there, that may be the ultimate solution, but we think that there's more efficient ways to do it. Thank you very much. Any other questions? Anyone? Thank you both very much. And we'll move on to our first action item, which is, and just by preface here, we'll move on to the advisory plans, the advisory plans examiner board bylaws update. We're going to go through a series of one, two, three, four, five, six

[00:23:51] bylaws updates. If you've read your packages, these are bylaws that are being brought into compliance with the new bylaws template that the committee on committees develop to the extent possible. We want those to conform. I do have one suggested amendment to the zoning ordinance committee bylaws. They'll be the last ones we touch on. We'll run through these and presumably staff will give us just a quick update maybe some standout one or two Z issues that are involved with the bylaws or how they've changed and then we'll open it up for questions please feel free not to have questions this is not real complicated rocket science that we're going through here most of these are

[00:24:30] pretty much just thank you very much and vote and move on so with that we can start with the first one good evening Chairman Turner and members of the committee I'm Laura Edmonds from the Department of Building and Development I I am here to present the Advisory Plans Examiner Board, Bylaws Conversion, and their annual report.

[00:24:53] I am joined by Betsy Smith, Deputy Director from Building and Development. We have Matt Lawrence, who is the Chair of the APEB, and Ken Williams, who is the Vice Chair of APEB. So our process wasn't that eventful in terms of the conversion.

[00:25:10] I don't have a presentation, but in response to Chairman Turner's request, I can summarize that one of the changes that APEB requested is that committee members could not have three consecutive absences. They could only have two before we would explore possible recommendations for replacement.

[00:25:30] And that is because they have very few meetings during the year. So this past, in 2022, they only had three meetings. So under the standard bylaws template, a member could miss the entire year without being, you know, addressed in terms of possible removal.

[00:25:45] The other two items that you'll see that are a theme for both this body and also the FSM Public Review Committee were some adjustments to the remote participation policy. One is a minor correction that has to do with the fact that if a member has a temporary or permanent disability, they can miss an unlimited number of meetings, I mean, participate in an unlimited number of meetings remotely. And so we wanted to make that clarification. And the second is that in order to attend remotely, we ask that they make the request by noon, the business name

[00:26:25] prior to the meeting because some of the meetings are scheduled earlier in the morning than a standard board of supervisors meeting or standing committee meeting so those those are the changes that were made i would be happy to answer any questions in regard to the annual report that was attached to the item and i'm sure that the chair and vice chair be glad to entertain any questions about their work program during the past year thank you very much questions anyone Just a brief one.

[00:26:55] In the changes, how do we define disability? Or don't we? It's got to open up for interpretation. I will tell you how I handle it as a staff liaison. So the request comes in from the committee member, and then I forward it to the county attorney's office to make the determination if it meets the criterion for temporary permanent disability.

[00:27:18] Oh, under the? State law. Federal and state law. Okay. Fair enough. Okay, thank you. Mr. Chair. Madam Chair. First of all, I think I should just talk for the next three minutes just because Mr. Turner told us not to talk. I should just keep talking just for no good reason. Having said that, for the following up on Mr. Kirsten's question, when you talk about disabilities, or I actually like to say the word differing abilities, are you including mental health differing abilities as well?

[00:27:48] I have not personally encountered that situation, but I don't see why that would not be on the table. I have not been told it's not. Yeah, it may be that we have to be more proactive in describing what that might be. And the same thing, this is one of these moments where education, some partnership with the Community Services Board to educate what those could look like, those types of things, might be helpful.

[00:28:15] Mental health is health, and we want to make sure we take care of everybody with health issues in the county. Thank you very much for all you do. I just want to thank you all for your work to bring the bylaws into comport with the template.

[00:28:30] And I want to thank the Committee on Committees for actually establishing a bylaws template. I think that's a really good move. We have a lot of advisory boards and commissions, and having a

standardized bylaws template I think really helps clear up a lot of misunderstandings by a lot of people. So thank you very much for your work.

[00:28:48] Without further ado, I'm going to make a motion. I move the Transportation and Land Use Committee recommend that the Board of Supervisors approve the revised Advisory Plans Examiner Board bylaws provided as attachment one and accept the Advisory Plans Examiner Board 2022 Annual Report provided as attachment three to the April 19, 2023 Transportation and Land Use Committee action item.

[00:29:08] Second. Second by Vice Chair Buffington. I have no opening comments. Any discussion or questions? Thank you. Between now and when this comes to the Board, Could you have more information on what that looks like as far as the disability and what exactly we're talking about and the process that you stated?

[00:29:27] Absolutely. Just in the item. Thank you. Thank you. No further discussion. I have no closing remarks. All those in favor, please say aye. Aye. Any opposed? That motion will pass 5-0. Thank you all very much. I appreciate it. Next up, we have the Facility Standard Manual Public Review Committee Bylaws, an annual report.

[00:29:57] Okay, Chairman Turner, members of the committee. I am here to present the bylaws conversion and annual report for the Facility Standards Manual Public Review Committee. We are joined this evening by Kevin Murray, who is the chair of the PRC.

[00:30:16] Welcome. So, in this item, I provided the annual report presentation as attachment three. I do have that ready if you would like to hear it. If not, I can proceed and discuss the bylaws changes. It's a preference.

[00:30:32] Would anyone like to hear that? I think we're good. Okay. All right, so the changes for the FSM Public Review Committee bylaws were slightly more involved than the previous presentation that I gave.

[00:30:48] The first, a couple of the changes they made were things that are standing protocols that they've been doing for a long time. And one is that in lieu of Robert's rules, they have a consensus-based decision-making process so that it's something very common to technical committees who write standards.

[00:31:06] to make sure that they build the necessary consensus but if push comes to shove that group can do a straw poll vote to kind of gauge where the where the consensus stands and if they can't reach consensus they would do an official vote and then in the board item that comes forward they would either say they would have a minority report attached for the board's consideration or they would just summarize the provisions where they could not reach agreement for the board the other thing is that they have some specific standards of conduct. So in addition to the standards of conduct laid out in the bylaws template, the PRC has their own standards of

[00:31:44] conduct. The other thing that was different was they have a standing policy that if four committee members are present out of their 15 maximum, minimum seven, maximum 15, that they could still meet. Now, they would not be able to make any final decisions or agreement on anything unless they had a quorum present. So they would just meet and discuss, keep the discussion moving.

[00:32:09] The other changes are the remote participation changes that I discussed earlier that are consistent. And then the final one is to subcommittees. The bylaws template indicates that in order for a

committee to form a subcommittee, they need approval of the standing committee. For PRC in the bylaws, they're requesting the ability to form subcommittees without standing committee approval and part of that is because they have appeal subcommittees and they have to hear appeals to the facility standards manual within 30 calendar days and so it would be very difficult to be able to come get approval of the standing committee. The other type

[00:32:49] of subcommittee that they form is they will break off on a technical topic and discuss but those subcommittees report back through the full committee so they don't do their own work. The The Peel subcommittee does do its own work and provides a recommendation to the director, whereas other subcommittees would report back through the full committee for action.

[00:33:11] So those are kind of the changes that they have proposed in their bylaws, and we'd be glad to answer any questions. And if you have any questions for the chair, I'm sure he'd be glad to respond. Thank you very much. Questions? Mr. Kirshner. Thank you, Chair. So my question is, did you use the Roberts Rules of Order process or the consensus process to come up with a recommendation of the consensus-based decision process replacing the rules, Robert Rules of Order process?

[00:33:38] Yes. Okay. All right. I just wanted to make sure. So, but was there general, in all seriousness, was there general consensus to change that kind of process to a consensus process?

[00:33:55] Yeah. It wasn't a change in the operating function of the committee. Okay. I think I've been on the committee for around 10 years. We've always operated as a consensus decision-making process. And it was more, you know, do we want to try to comply fully with a Robert's Rules approach?

[00:34:16] And as a whole, the committee felt that our consensus approach was more, if you will, professional, congenial, you know, and less likely to create strong differences of opinion and resentment over the final adopted language.

[00:34:37] So as I understand this from reading the item and hearing your presentation, kind of how this process would work, and it's very much interesting maybe, because it sounds to me very much like, okay, we're going to try to come to a consensus. We'll discuss it. We'll go through this as congenial as possible. But if there is a holdout, then we'll have kind of like a minority decision that comes out whatever the issue is that the committee may be facing.

[00:35:02] Is that correct? So you'll have a majority kind of position and a minority position for, I guess, the board to consider it later. Is that accurate? So that's one option. So if the people who don't agree want a minority report, that's accommodated, and we would attach that to the board staff report.

[00:35:20] The other option is there are just specific elements of the proposal that would be summarized as issues in the staff report. Okay. Just the other question I have, has there been an issue, you know, the modification number, the third modification that was recommended, Has that been an ongoing issue, just getting more than four folks there, or is that?

[00:35:43] No, yeah, no, it really hasn't been. They have had quorum. But I think the nice part about it is now that we're back to in-person meetings, it lets us at least start the meeting as people trickle in. Fair enough. Thank you, and thank you for all your service. Madam Chair. Thank you, Mr. Chairman.

[00:36:00] First of all, when I became chair, I decided to try to go to all the committee meetings on a regular basis just to be supportive. And I think I've made it to the facility standards meeting twice because,

oh, my gosh, that is a hard meeting. And I was like, oh, boy.

[00:36:19] I could follow it, but it was, you know, it wasn't the most, you have to really love what you're doing for you to be in that meeting. So I really, really appreciate you sharing this meeting. And I really, really appreciate the members of this committee because it is a hard committee.

[00:36:35] It is tedious work. It is very important work to do. But it is, you know, it's not exciting work all the time. So thank you so much for doing it. My only question is, I think what you're describing are ad hoc subcommittee meetings, subcommittees.

[00:36:53] And I don't know that you would need any special, and Courtney can help me out. Is she in the audience? I have my glasses on. No, she's not. I don't think you need to go to the, I'm not sure you need to do anything different if you're creating these ad hoc subcommittees, because if you create a standing subcommittee, whether you go to the board or not, it's a standing committee that you have to go about disbanding it.

[00:37:21] But what you're actually asking for the appeals is to create ad hoc subcommittees, which are then created for a period of time that can be disbanded without having to go back and do anything else to disband them. So I think you're actually talking about ad hoc subcommittees, which would be much easier to do, actually, if that's what you did, Because they're actually for a specific period of time, correct?

[00:37:43] That's correct. Okay. Any subcommittee that we've formed has been either for a specific subject matter issue that, you know, just we didn't want to tie up 15 members on, and maybe some three or four members had specific knowledge, deep knowledge on that topic and could discuss, debate, and come back with recommendations.

[00:38:03] Yeah. And certainly the appeals subcommittee is a very short-acting committee. So that's just done by almost a quick voice folk. It doesn't have to be disbanded when it's over, because when you do it, you actually put down the time frame at the time, unless you think it's going to run over.

[00:38:23] But otherwise, it's much easier to do, and it's actually what you're actually looking for. That's correct. Yeah. Thank you. And if any board members have insomnia, I invite you to our meeting, and we can probably cure that very quickly.

[00:38:39] You're doing great work. Thank you, Madam Chair. Madam Chair, I just wanted to also add, although Ms. Sindor was not the reviewer, the county attorney's office did look through these changes to the bylaws and confirm that there were no legal concerns.

[00:38:58] I wasn't worried about them being legal. I knew they were legal. I was trying to make it just a little easier for you, and a subcommittee versus an ad hoc subcommittee is a much easier process, but I knew they were all legal anyway. Thank you. If the meeting is held with as few as four persons, Is it subject to all the public notice and FOIA requirements of a full-up meeting?

[00:39:17] Yes, three or more. Okay. I assumed it was. Well, thank you for your work. As the ex-officio chair of the Fiscal Impact Committee, I feel your pain. I truly do. But when I first came in on board, I said, facility standards, man, what is that?

[00:39:35] And now I realize how vital it is, and it plays a role in virtually every year. And I said, it's really exciting. You're going to love it. You watch. Yeah. Yeah. But I really do appreciate your effort. I mean, this is public service at its best and worst, simultaneously rolled up in a ball.

[00:39:52] It's a tough road to hoe, but it's really, really important work and not well acknowledged, I think, a long way. So thank you very much. I'll make a motion. I move the Transportation and Land Use Committee recommend that the Board of Supervisors approve the revised Facilities Standards Manual Public Review Committee bylaws, Provided as Attachment 1 and accept the Facility Standards Manual Public Review Committee 2022 Annual Report.

[00:40:15] Provided as Attachment 3 to the April 19, 2023 Transportation and Land Use Committee Action Item. Moved and seconded by the Vice Chair. Any discussion? Seeing none, I have no opening or closing remarks. All those in favor, please say aye.

[00:40:31] Aye. Any opposed? That will pass 5-0. Thank you all very much. Next up, we have the Heritage Commission Bylaws Update.

[00:40:51] Good evening. Good evening, Chair Turner. - Members of the committee, my name is Heidi Siebentritt.

[00:41:08] I'm with the Department of Planning and Zoning, and I am here with the Loudoun County Heritage Commission bylaws conversion. And with me at the table is the chair of the Heritage Commission, Bob Pollard, and also, of course, you know Dan Galindo, our fearless leader.

[00:41:24] So there are three deviations from the board's approved template that the Heritage Commission has approved their most recent by-law approval. The first is more a matter of wordsmithing, just clarifying the composition of the Heritage Commission as both containing district-specific and at-large members. The second pertains to meeting attendance. This is Article 3, and the Heritage Commission is simply requesting to retain the existing language, the language they had in their previous

[00:42:03] existing bylaws which would not allow for a commissioner to miss four meetings in a calendar year as well as the language that's in the adopted board adopted template which has the three consecutive meetings so they want to keep that four meetings in a calendar year and the third is article eight on committees and this pertains to the requirement for board approval for the creation and dissolution of committees.

[00:42:36] The Heritage Commission is requesting that that be deleted in their bylaws. They are a large 16-member body, and they feel that it is difficult for them to work efficiently and in a timely manner without being able to form committees to deal with specific preservation issues that they feel are both important and time-sensitive.

[00:43:01] Staff is not supporting that change in the bylaws only because it's a staff resource issue for the Department of Planning and Zoning. As you stated previously, Supervisor Turner, this requires FOIA notification to be able to have these committee meetings and also staff support and all that goes along with that.

[00:43:26] So staff feels that it's important to have some opportunity to ensure that the Heritage Commission as a whole, the individual committees that they have formed, and other work that the department does that are board-directed initiatives, that we can balance all of those things and know that we have the staff resources to do that.

[00:43:53] Thank you. Questions for the present presenters? Madam Chair. First of all, thank you. Bob, how long have you been chair of this committee? A little too long. Since 2016, actually.

[00:44:09] That's amazing. That is absolutely amazing. I thought that you came in when I came in, or I guess one year after. So thank you for that amount of work and that amount of commitment. It's pretty incredible. I do have two questions.

[00:44:24] So on Article 2, or Article 3, number 2 on the discussion, first, do you have any ways for people to attend virtually? So if you're saying you can only miss four a year, can they attend virtually? Secondly, I do know that there was a time that one of your members was actually taking a short-term course so that she got a certification in kind of whatever the term is, in Heritage Matters.

[00:44:50] She was taking a course that met that night. And so, yes, she was missing the meetings, but she was missing the meetings because she was taking the course to do the job better. And, you know, you are one of the only, and I appreciate this about you very much, chairs who kind of enforce the attendance rules because you need to have a quorum and needs to be some consistency. I just wonder if someone's missing because they're trying to go do something to become an even a stronger member, you know, what is that? What do you do with that? Because it's, you know, they're doing it for, in my opinion, the right reasons. That's the first question I have. So it's about the attendance and virtual meetings. Second question I have is on

[00:45:29] your subcommittee, on your standing committees, you have one as land use. I have noticed that i've seen you all speak on land use items kind of um i i don't know how your decision making process on which land use items you're going to speak on and which ones you're not going to speak on there have been the times i i've seen you speak something i thought how's that a heritage commission issue i've asked the question and the answer i received was a a perfectly good reasonable answer that once i asked the question i totally agreed with but it doesn't seem to be consistent how you choose what land use issues you will speak on or won't speak on and so i'm

[00:46:08] wondering how you make those decisions good would you like me to try to answer right now yes please okay thank you yes please well first of all thank those are very good points um on attendance um i just say this uh i've been a stickler on that and um it wasn't just the one individual you're referring to uh we had some people who missed a lot of meetings and the thing is it's a very active group we have. We meet every month, and active participation is essential to getting things done. So, for example, this is interesting. We just met on April 6th. A lot of

[00:46:46] our members who are newer, who've already been serving for more than three years, have been really surprised how difficult it is to get up to speed on these issues. That it's really, it's an apprenticeship. I mean, we actually, like yourselves, often need to wade through very dense eye-watering documents on things like zoning changes and special exception applications or archaeological studies. And so it's essential for members to show up in order to become familiar with these issues. So when we come to a vote on emotion, they can make an informed decision.

[00:47:25] And, you know, particularly, you know, the way it is the four meetings in a year, the reason we wanted to have that was, as it's now stated, the three meetings in a row means that a person could theoretically miss nine meetings in the course of a year.

[00:47:43] Or I should say could miss eight meetings in the course of a year. So I think it's a bare minimum to expect people to show up at least nine times a year, which is the way we have it. And because it is an honor to serve on this, it carries obligations.

[00:47:59] Now, your specific point about what about somebody is trying to get some training where they would miss four meetings in a row, okay, there could be some exceptions, perhaps. But what I was suggesting at the time was, first of all, being a bear for consistency, a number of other people with other similar or other issues could not show up.

[00:48:25] And I just wanted to be very consistent. That's number one. You could say too consistent. My suggestion to that individual was that they take off, you know, that period and then get reappointed because that would be something they could easily do if they were to come back again.

[00:48:43] Maybe you don't agree with that, but that was my take on that. Now on the committees, on the land use. May I ask, do you have virtual meetings? Oh, yes. Sorry. Yes, there is provision already under the rules that the board has just agreed to.

[00:48:59] That means that if a person basically on a one-off situation can call in, in fact, we just had that in our last meeting. A person was ill, they called in, they did participate virtually. So there is that provision.

[00:49:15] Land use, I take your point. We shouldn't be jumping in on every land use. We jump in very seldom, quite frankly, very, very seldom. When we see, well, in the case of the AT&T, as you know, it was about the question about landscapes and also it was an ordinance. But also we jump in when there's historic resources that are at stake.

[00:49:36] And we don't want to jump in very often, but for example, we just sent a note to the Episcopal Diocese of Virginia concerning a church, which used to be part of the Oatlands estate, and it's facing possible demolition by neglect, which would be very unfortunate.

[00:50:01] It's a beautiful church, and that's a case where land use brought this to our attention, and there's been other cases like that as well. So we really are fairly selective. We don't want to get involved more than we need to, and as far as committees, I don't know if you want me to jump onto that now, but if anybody has any questions on the whole question about forming and dissolving committees.

[00:50:28] Please, I'm going to ask that question anyway. Okay, good, thank you. Well, in this case, I would just say that we understand the intent of the template and don't disagree with that. I think that, you know, in that regard, although the staff has recommended against our particular wording, I would have to respectfully disagree for the following reasons.

[00:50:56] In the first place, you know, as far as demands on staff time from our four working committees, Only one of them right now is regularly meeting. It's meeting exactly, you know, not even monthly, and it meets precisely at 5.30 p.m., precisely one hour before our full commission meets.

[00:51:16] So we tried to make it as convenient as possible, and we never ask, of course, for any meetings outside of business days. And, you know, I can assure you that absolutely no one on our commission is eager to go to more meetings than they already do.

[00:51:34] We are all volunteers. Our commission has no budget, no compensation, not even gas money. So we're not trying to have more meetings. Now, the reason we need flexibility, I think, that may or may not be true of other commissions, is that we often have had to stand up new work groups, what you might call pop-up committees or pop-up work groups.

[00:52:03] Heritage's resources are disappearing at a really rapid rate. And we often need to meet on short notice when fires break out, metaphorically speaking. If we had to wait for action by the board every single time that we needed to step up such a group, we probably wouldn't get there on time.

[00:52:24] I was just looking through in the last year at some examples that might be pertinent. For example, well, the last couple years, when the county was examining the plans for building a fire station near the Aldi Tavern, We quickly set up an ad hoc committee, and this met with county staff and the architectural consultants hired by the county.

[00:52:46] When things changed, of course, we dissolved the group, but we were able to act quickly. Another is the proposal by AT&T to build a tower on top of the Short Hill Ridgeline. That required a very quick response time, and after a great deal of research and effort, we were able to weigh in with the board, and you did the right thing.

[00:53:09] Likewise, when we learned that the county's large new fire and rescue vehicles could not reach many rural historic residences, we stood up a pop-up group, and they met with the fire department officials very discreetly, very constructively.

[00:53:30] They had a great dialogue, and in the end, the fire department listened to a lot of the things they were hearing from us and other stakeholders, and the fire department's made our county safer. And the last example of this rod is the Union Street School. There was a nomination for the National Historic Register, which came up on very short notice, and a small work group got together and put together the support for that nomination just in time for the

[00:54:04] deadline. And I'll finally say, just hypothetically without going into any detail, if you were to ask me, you know, what are some other things we may want to have to do on fairly short notice, either short duration groups or longer standing committees, I could see just a few examples. I'll just rattle off the words very quickly. Church and cemeteries committee, that's one. I would throw out possibly if there's a PDR program that's funded, I could see us getting involved in protection of historic

[00:54:37] resources. When and if the board actually funds a more comprehensive and vibrant resident curatorship program, such as I have in Fairfax County, I could see that we would want to advise on historic properties. And then on Oak Hill, if and when it finally becomes part of the National Park Service or maybe the county or the state you know picks up some of that property we'd want to be involved so for all these reasons we request that you permit us authority to set up committees

[00:55:10] on a short notice and well we need our pop-up committees that's all thank you Mr. Kirshner thank you chair and thank you to all members of the Heritage Commission for your hard work your tireless work quite frankly I really pay attention a lot to what you have to say our historic um resources and our on our historic uh places here in this county are really really important to me i think it's very important not only for us to remember some of those things but our but for future generations to to to enjoy them as well i sure if there's anything that my office

[00:55:50] can do to on the yoltlands church specifically i've always admired that place please let me know thank you for all your work on short hill and as well as aldi firehouse i i do really greatly appreciate it so i think i think the decision point that kind of me as a board member anyway is trying to figure out um on these ad hoc because obviously the staff are one of the big concerns that we have i think staff has concern you know we're going through a zoning ordinance rewrite and we have a lot of constraints on our

staff it is my understanding that if these pop-up subcommittees would be required to have a county staff member there for each of these is that an

[00:56:26] accurate statement or not? It's an accurate statement. If it's a formal county body or subcommittee created from a county body, staff needs to, at a minimum, put it on the FOIA calendar and be there to support it and create the minutes that would accompany it so that there's a record for the public. Okay. And prior to our template that we have here that we're going through, you have been historically, no pun intended, but historically been able to create these kind of what you're calling ad hoc or pop-up committees is that right and they've worked fairly well okay

[00:57:03] has staff helped to man those pop-up committees and can you talk to me a little bit about how yeah go ahead in a lot of cases it's just uh if it's just a couple of people as you know um it doesn't require staff resources directly we work with uh staff uh during the working day phone calls memos and so on and they've worked quite well could you not because you have your are other four standing committees could you not within those four standing committees create these pop-ups kind of as a hey as part of the committee we're going to ask that you couple folks on the

[00:57:38] committee bring us back that information so as to kind of avoid the extra staff that's needed i mean i'm not trying to tell you how to do your job i'm just thinking through this process absolutely a lot of things would fall under land use for example but some of the things i've mentioned may require a new group. For example, let's say the PDR committee. You could say, well, that's land use, but that would be a pretty huge thing. I think we'd have to stand up a group. Now, I heard from the previous discussion, if I understand correctly, if it's not necessary to go to the board to set up these ad hoc groups, then that would certainly suffice. But I think

[00:58:17] uh the way it reads right now it's fairly restrict restrictive thank you and i think i'm out of time can i make one last thought i think ultimately my concern is is the staff time i think i have the same concern but i also want to make sure you guys can do what you're able to do so i'm kind of in a quandary as to handle this and it seems to be a third option somewhere here thank you mr chairman uh i'm kind of partial to the heritage commission having started on there. Heidi was on there when I was on there and probably long before. I don't know when you started, Heidi. I think I was on there around 2014, 2015. And how long had you been there?

[00:58:59] I've worked for the county for every 24 years this summer. And you've been on the Heritage Commission the whole time? I have been staffing the Heritage Commission since it was formed in 2011. Wow. Okay. Well, thank you for your service. You were great when I was there. I know you've been great since i've not been there and we appreciate your assistance with this committee bob you're my nominee and i don't think i'd have any other nominee you clearly are passionate about this you take it seriously and you try and be as professional as you can with it and thank you

[00:59:35] for that because as you said you get nothing out of this other than you just enjoy it and it's important to you. The mission is important to you, so I appreciate it. I personally, I think I'm leaning towards supporting the changes that you want. I think some committees and commissions are more important than others as far as making recommendations to the boards. They have more impact than some of the others. Not to downplay any of the others, because we recently did go through and figure out which ones we're going to keep and which ones we aren't going to keep, So they're all important.

[01:00:09] But for me personally, I think this is one of the more important ones. And I think that you do get involved in a lot of our land use issues. But I think it's mainly when there is some sort of heritage or historical or cultural aspect to it.

[01:00:25] And you just, what the end result is you send us a letter that says you recommend whatever. And I think that's what our commissions and committees are for. And I don't always agree. I usually agree with whatever the letter says. I know the board sometimes goes with your recommendation, sometimes does not go with your recommendation.

[01:00:44] But I think either way, we appreciate the work you put into it. And I, for one, would hate to limit this particular commission or committee. And I think Heidi is probably a half-time with you and then half-time. Is that how it works for you, Heidi?

[01:01:00] Are you a half an FTE with the commission and then a half an FTE with your other county work? I think it just depends. I don't know that it's out cleanly every month, if you will. I mean, go ahead, Dan. I was just going to add, because one of the things I've highlighted with county administration since I became director, if you go back to the original founding documents for the Heritage Commission, it was set up as if it was going to run itself.

[01:01:25] And I think, as we all know, that that is not how these committees run. So formally, there's not really an FTE devoted to the Heritage Commission, given all the work that they do. And my concern is that if even the standing committees are meeting on a monthly basis, that's five meetings a month.

[01:01:41] We staff six commissions overall as a department. So five there compared to five other committees that you'll be seeing bylaws for. It's just because it fluctuates, it can be a lot to handle at times. Can I have 15 seconds?

[01:01:58] Thank you, Mr. Chairman. My thought on that is that if we need to expand the FTE assigned to this committee, maybe we do that. Or maybe we allow them to make subcommittees but put a limit on how many of those meetings they can actually hold per year. I don't know what it is, but I'm open to some sort of combination of the things they're looking to do here.

[01:02:22] So I'm going to see where this goes and see what the public input is as we move forward. Thank you, Mr. Chairman. Thank you. Second round when you're ready. Sure, go ahead. All right. Let me ask my questions. I'm trying to figure out what problem we're trying to solve that exists currently.

[01:02:39] So right now, Mr. Pollard, you form these committees as needed, which sounds like an ad hoc committee to me, since that's what ad hoc means. Mr. Glindo, do we then staff those ad hoc committees? It's an automatic thing. Does Mr. Pollard reach out to staff and say, I need help with this committee, or do they just form the ad hoc committees and never ask for staff support, and we, in fact, are not supporting them?

[01:03:03] Well, they make the committees during their regular commission meetings. We definitely staff the four standing committees, but I'll defer to Heidi on to what extent we've been supporting others. Right. So as Chair Pollard stated, land use subcommittee is the standing committee that meets pretty much monthly, And that is staffed, and it does happen right before the monthly full Heritage Commission meeting.

[01:03:31] The other standing committees are working on longstanding initiatives. Some of them, one of them particularly is a board initiative. This is the Stewardship of County-Owned Properties. And so there is a subcommittee of the Heritage Commission that reviews the products that come, the work products that come from the work that we're doing on county-owned properties.

[01:03:56] The Heritage Register Committee is probably ready to be dissolved or reconstituted because they will be coming to you, hopefully, in the next few months with a program outline for a county heritage register program.

[01:04:11] That is a Heritage Commission initiative, although it is a priority of the county's Heritage Preservation Plan. The one or two people who are looking into an issue and reporting back to the Heritage Commission, that is typically not something that staff is involved with.

[01:04:33] Okay, so let me just see if I can fine-tune that in my own thinking. So we've got the four standing committees. So a land use committee meets every month and hour before the regular Heritage Commission meeting, correct? Okay. And then, Mr. Glendo, do you support the four standing committees on a regular basis?

[01:04:53] Are you asking if staff supports them? If staff supports it. Yes. When they meet. And, again, at the moment, some of them are not meeting regularly, but there have been times when three or four of them are. Okay. Under the current system, do you feel staff is stretched too thin or it's a burden on staff time under the current way it's operating?

[01:05:11] Today? That's a subjective call. Again, today, no, because there's not many meeting. As I articulated earlier, my concern is that if those standing committees are meeting, that is a lot to cover in addition to anything else that might be coming out of the overall Heritage Commission.

[01:05:30] Okay, let me propose this just as a thought here. I've got two seconds left. You want to do a second round and come back to my thought? Well, thank you, Mr. Chairman. So much of my question was going to be actually what you just said. It feels like what Mr. Pollard, what you're calling, Chairman Pollard, what you're calling our pop-ups are ad hoc committees.

[01:05:53] That's what it actually sounds like. Only they kind of last one or two meetings with the fire chiefs or something like that. So it sounds like it's happening already, and it's not happening in a formalized way, why which is why mr turner's question was so important which was did the staff feel already pulled and i and i think that's not i think i don't think that's a subjective i think it's a very fair question to ask because what you're what you're actually asking if i'm not mistaken is not do they feel pulled by the standing committees that they have now but they but do they feel

[01:06:29] pulled by the pop-up committees that that that are formed which would then be more formalized to be ad hoc committees if they don't if they don't feel pulled right now by those i don't know why we would stop that from happening if they do pull pill feel pulled by those right now then that's another issue and i i'm always kind of protective of the staff feeling too pulled because we work you know the staff here works really hard i don't want them to feel to feel overwhelmed so that's the question is you know when they're when they're having the quote pop-up committees unquote how is staff handling that and do you feel pulled when those happen not the

[01:07:08] four standing committees so i don't have a team or division in my department that doesn't feel pulled right now given everything i have going on so that that's definitely coloring my responses um i will

actually defer to heidi being over the heritage preservation sort of team we have on your day-to-day staff how do you how are you all feeling well i think um as you were saying earlier right now i don't think that we're feeling too much pressure because these standing committees are not meeting every month they're meeting when they have something to review or or something you know specific to meet on but there have been times where they have all been

[01:07:46] meeting monthly and and that's a lot of night meetings because we also have the historic district review committee okay hold on one second i have 45 seconds left of my time so i'm actually with respect ms i'm actually not discussing the four committee the four standing committees those are standing committees and those have to be staffed i'm saying and i understand your answer dan do you all feel it more when those pop-up committees meet as part of the heritage commission than when they don't meet that's why i'm because the pop-up committees are what he is saying would you know

[01:08:21] it is a colloquial word for for what is will be ad hoc committees and they're saying they basically They need to have those, and so that's the question. It's not, you know, do you feel pulled when the four committee meetings are meeting, the four standing committees, but do you even know when the pop-up meetings are happening?

[01:08:39] Are you all even aware of those usually, and do you feel pulled when that happens? Correct. Sometimes not. If it's one or two commissioners who are working on a letter to bring back to the next Heritage Commission meeting, we are not facilitating that conversation.

[01:08:56] I will say that the idea of some of the pop-up or ad hoc committees folding under the standing committee, particularly land use, is probably a really good way to deal with this because land use is a pretty broad topic.

[01:09:13] But to answer your question, oftentimes staff is not involved. Mr. Kirscher. Now that whole conversation changed what I was thinking of asking or saying here. so you one of the one of the examples you brought up was the um a committee to kind of deal with um purchase of development rights if we ever get a funded pdr but that that really wouldn't qualify i don't think as a pop-up committee that's going to go on for a period of time so that's almost and

[01:09:52] so i feel like almost are these standing committees have a limited number of people for each one or can you assign extra people to it if it needs more help from the commission members themselves quite often it's just the two two people right together we had for example commissioners diamond and uh wilkin work on the fire rescue vehicles and that worked out really well yeah but for the standing committees if that's what you're asking they they do not have a limit so additional commissioners could be assigned to the standing committees yeah i mean

[01:10:27] i almost feel like i don't i don't want to hamper but i almost feel like we could address a lot of staff's concerns which is hey we don't we don't want to give this kind of carte blanche to to the commission to just start creating new committees that we have to staff but if you can create ad hocs within the committees that don't have to be staffed that seems like an answer to this am i am i incorrect about that is that is that something you're looking for permission because i the way i'm reading these bylaws unless someone can correct me i think you can do that i think that would that would serve the purpose quite well I think I you know I wasn't aware of that that

[01:11:07] discretion but I think that does in most cases that would be that would work and I don't think we have anyone from legal department in here but it shares I think the industry thank you Mr. Chairman I need to understand exactly what you said supervisor Kirshner certainly are you suggesting that the heritage commission can create separate ad hoc committees within a committee well i think the request as i understand it the request is can we create new committees and i you want to call them ad hoc you want to call them pop-up i don't know and i think the struggle that

[01:11:44] that we're having is well those but can can you can within a committee you sign two individuals to go off and kind of work on a project to bring back to the main committee that that's not kind officially sanctioned in the sense that is an official uh so once a once a decision-making body does that they've created another foible body and so the direction that we have from the board now i would also caution creating an ad hoc committee of two because what that means is those two people cannot talk to each other outside of a publicly noticed meeting so under foia they should

[01:12:19] probably have committees of at least three so any two can talk to each other otherwise they're committing a FOIA violation if there's a committee of two and they're talking to each other without being in a public meeting the the issue is anytime there is a FOIA meeting that is created staff has to staff that under the direction of the board and so just to if I may just to refocus this a little bit. The direction we have from the board is that any advisory body that wants to

[01:12:55] create an ad hoc committee or an additional committee that the board has not authorized needs to ask for permission from, in this case, the TELAC committee. The reason for that is the board has traditionally taken a position that only the board can direct staff. And so by definition,

[01:13:14] Anytime an additional foible body is created, that is an additional staff work that now staff has to staff that meeting, they have to advertise that meeting, we have to post the agenda on the website, we have to track minutes for those meetings because all of those fall under the board direction to us for decision-making bodies of which these advisory bodies fall under that section of the code.

[01:13:43] So I just want to clarify that because any time they create a subcommittee, they're creating another foible decision-making advisory body. Kind of out of time, but what's considered, yeah.

[01:13:59] I've got some ideas. Go ahead. Let's come back around. I guess my only thought throwing it kind of tossing the ball to you is what defines a subcommittee, a committee that meets and can take votes? I mean, can't you task individuals within the main committee to go do work and then bring it back to the main committee?

[01:14:17] that would not constitute a subcommittee and i don't know if that would meet the so what we're trying to do here but under under i mean i think the attorney's trying to get in here but under under the board rules and under the code if it is a decision-making body so if the board of supervisors and you've heard this from the county attorney previously if the board of supervisors assigns two board members to go deal with something the board has just created in a foible committee and so that's that's why we consistently recommend that the board not do that

[01:14:53] unless you are intentionally creating a decision-making body that you want you know to for us to track minutes advertise and and you know things such as that when you say decision-making and that probably this is a question for i'm sorry i'm out of time i don't want to let's come back Yeah, I'll come back.

[01:15:15] Ms. Rice-Chair. Thank you, Mr. Chairman. So if we were to pass the staff recommended motion, would that include these standing committees, remaining standing committees? And how many standing committees do you currently have? Four? Okay, so there's four.

[01:15:31] If we pass the staff motion, would the four standing committees remain? Yes. So then they would have the full Heritage Commission with four standing committees, basically subcommittees of the commission. Yes. Right?

[01:15:47] Yes. I believe so. That could be included in the board's motion. And what are you asking for in addition to that, the staff motion? What do you want to do that would not be included in there? You want to be able to create subcommittees from the standing committees?

[01:16:04] We don't call them that, and maybe we should have just kept quiet. Because, I mean, that was probably the smartest thing to do. You know, when we have a two-person, you know, it's very hard to get anybody to meet anyway, quite frankly.

[01:16:19] It's very hard to get people to do work. It's all voluntary. And if we have a couple people who they don't have decision-making powers within the, say, the land use committee, they have to go back to the rest of the people, and then they have to go to the full commission.

[01:16:40] And all that will be done in conjunction with staff. We don't do anything, any secret business. And, you know, I mean, if we were, if we, every single time I were to talk to a, another commissioner on the margins, say I meet him at Costco and we get off to the side and I start talking about something to do with the Heritage Commission, if I had to call a public meeting, we'd be paralyzed.

[01:17:06] I think that, I think that's the FOIA rules. If I understand it, they don't say that you can't have two commissioners talking to each other. And we're not making decisions. Mr. Turner, can I speak with Mr. Hemstreet? Mr. Hemstreet, if, say, two members of the Heritage Commission who are those same two members are also on one of the standing committees and the standing committee does not direct them to go off and do some work and come back to the board, but on their own, they go off and do some work and come back to the standing committee.

[01:17:43] That's not a foible conversation that's happening between those two members outside of the meeting, right? Mr. Chairman. Mr. Buffington, sorry, just very quick. I'm Hugh Green in one of the county attorneys court, and he couldn't be here tonight. She's out.

[01:17:58] But I'll let Mr. Tim, Mr. Hemsworth speak. But I think it depends on how many people are in the committee, because if you have two people who are in the committee. Say there's three people on the standing committee and two people on their own decide to work on something to bring back to the standing committee without being directed by the standing committee to work on something and bring it back.

[01:18:19] Would that be FOIA-able, those two people working on it, and would that have to be staffed and everything else? The rule is three, three or more. However, I don't know if two, it's because the numbers are so small, is that then a quorum potentially, which is a, you know, and maybe Mr. Hemsworth wants to weigh in. But I think just to dovetail, I don't have, I didn't get to Mr. Kirshner, I apologize, ultimate question, but it's a question that I have to take a look at a little further. But I don't know if Mr. Hemstreet wanted to weigh in.

[01:18:57] I concur with you that if quorum is two and it's a three-person body and quorum is two, then that means that constitutes a public meeting if two are talking. Mr. Chairman, can I have 30 seconds?

[01:19:15] What is your average number on the four standing committees? How many people are on those committees? Is it four or? Three to four. Three to four. Okay. Thank you, Mr. Chairman. All right, I'm going to try and sort this out some more.

[01:19:35] So, Mr. Pollard, so we've got four standing committees, and then on issue-specific basis, we will establish ad hoc committees, pop-up committees that will go off and investigate that specific issue. And then what do they do? Do they make a recommendation back to one of the standing committees or to the full Heritage Commission with a course of action?

[01:19:56] Yes. Okay. Mr. Hemstreet, sorry. Right. But so the Heritage Commission or one of the four standing committees tells three people to go off and examine the Short Hill ATT tower and get the information about it and then come back to the land use committee and report to the land use committee.

[01:20:15] Are those three people getting information about the Short Hill issue foible? Is that a foible committee? And I'll also defer to Mr. Green, but if the decision-making body, in this case the Heritage Commission, has assigned Heritage Commission members to go do something, if it's more than two of them, that is a committee, which means any meeting that they have has to be advertised and publicly available.

[01:20:44] Okay. Based on that answer, that tells me we've been doing it wrong. I'm sorry. But based on that answer, that tells me that each time you have someone go off and work on an issue specifically, it becomes a foible event. When there's three or more. Yes.

[01:20:59] When there's three or more. Yeah. That is without question. If they do two, then that's just, that's the same thing. so i mean i guess i don't understand are you saying that well to respect mr hamstreet i don't understand because you're saying that if we want to have a couple people talk to the fire department it would get really was it was more like a fact-finding thing to find out about the these giant uh fire trucks and we found out that they couldn't go over bridges they couldn't go to historic sites and so on so they meet with them we had to have a public meeting so when they meet

[01:21:38] with the fire department the public it's announced in advance and the public is supposed to attend that meeting i don't see how we could get i'm just using that one example but in general i don't see how we could get anything done whatsoever so i think the the question is whether or not a meeting occurs so if the heritage commission were to say person a person b and person c we would like you to research this issue and those individuals research the issue independently and not in a

[01:22:16] meeting where they are together then they can certainly go out and do that it's just when they come back together anytime they have a gathering that needs to be a publicly noticed meeting so so i guess i guess my thought then is well clearly the standing committees are foible still the standing committees are action committees and they're foible committees and staff is currently staffing the standing committees.

[01:22:46] So the issue then becomes what is the nature of the beast of the ad hoc committees. So let's say there's, and my understanding is if two supervisors have a meeting to talk about an issue, that's not a foible event. If three supervisors do, it becomes a foible event.

[01:23:03] That's correct. Okay. So then the constraint would be any of these standing committees can form a two-person ad hoc committee to research an issue anytime they want to. So you're shaking ahead. Tell me why. No, I think the question depends on whether or not it is being established as a formal body.

[01:23:26] Okay. So what I understood you say initially is if two board members decide they want to go somewhere on their own and have a conversation or go look at something, is that a meeting? The answer is no, because the board is a nine-member body, quorum is five people, so any two members can talk to each other.

[01:23:47] However, if the board says that, you know, Supervisor Kirsner and Supervisor Buffington, the two of you are an ad hoc committee and we want you to go explore this and then come back and, you know, figure it out and then come back and make recommendations to us, The board has just created a two-person advisory body or decision-making committee.

[01:24:12] Mr. Buffington and Mr. Kersner, in that example, cannot talk to each other outside of a public meeting. Mr. Chairman, I have a good question I think might help us. I'm not sure, though. How big does a standing committee or committee have to be in order for two people who decide on their own to go do some extra work outside of the committee and come back to the committee with whatever that work may be to not be foible?

[01:24:37] For any two, it would have to be, I'll defer to Mr. Green, but it would have to be a body of three where quorum is three, or it could be a body of four where quorum is three, but your quorum would have to be more than two. So the key is the quorum. So if it's a standing committee of three and the standing committee gets to decide what quorum is, is that the question? Is that correct?

[01:24:59] Do they get to say two or three? It's up to them. Would they have to make a decision on quorum? I'd have to defer to the, I'd have to take, that's kind of an inside baseball question. and I have to take a pass on it. But again, when the numbers dwindle, that's where, you would call them foible event.

[01:25:17] It's about, is it an open meeting? Can anyone participate? Can we hear what's going on? And rather than a foible event, when you have those numbers that dwindle in subcommittees and so forth, that's where we have the challenge. And to your question, I don't know particularly the answer about whether you can reduce that quorum number or not.

[01:25:33] I'd have to... Last question. If the standing committee was five and they were to say quorum is three and then two people wanted to go and meet on their own without being directed by the standing committee the two people just decided we're going to do this we weren't directed in the meeting can we go do that could they go do that without it being foible i think the answer is yes go ahead i believe the answer but but mr hamstreet if i'm not mistaken they can do that but they can't do that over and over and over again those two people

[01:26:11] because now they've created they they have whether it's set or not they have created a committee with them themselves I believe the county attorney would advise that yes yeah all right okay I think that was helpful just to get that out well it was I'm trying to think through now the way the the way the motion is written in the way the template is written basically we want to have board approval but I think if we simply insert the word requiring board approval for the establishment or dissolution of standing committees then I think that reaches the intent. So you've got four standing committees. The board's got to

[01:26:49] approve that because that's clearly an actionable body. The question then becomes the ad hoc committees. And based on what the vice chair just said, it would seem to me, and maybe this is not doable, but it would seem to me if your standing committees have a permanent membership of a minimum of five people, then those standing committees can establish ad hoc committees of two people at any time to go research issues and report back to the standing committee of five people no because no sir because because at that at that moment that that happens those two people if they're the regular two who are doing it all the time they become a committee with them

[01:27:28] themselves and they have to now we have to be they are affordable and you have to put public meeting notices out and all that what can happen is this you can have a need for there to be a a meeting and it can be a staff meeting um that two the two members of the committee join but it's not a committee it's not it's a staff meeting now the problem is that it goes back to now that staff time again that that goes back to that so we've come full circle but the only way to do that is

[01:28:06] to have it be a staff meeting. Otherwise, if it's two people who are multiple times going through the same event or for the same meetings, then you've created a committee. Now, if two people go to an event one time, maybe even two times, then you haven't, it's fine.

[01:28:25] So if you have a pop-up issue like the firefighter stuff and you take care of it very quickly and that's it, then that's it because it's not happening over and over again. But if it happens multiple times, you've created a committee. I think the other thing, Mr. Chairman, is one other detail is when a standing committee directs two members to go do something, then that's foible, and somebody correct me if I'm wrong, but if they're directed to do that, so they created this subcommittee during the standing committee meeting, then it's foible.

[01:29:03] If they didn't direct it and two members just decide, hey, we're going to go talk to the fire department learn more about this issue that we're working on on the standing committee or that the two of us want the standing committee or the commission as a whole to work on and they only do that once or twice then i think that's fine but if they do it five times or six times then at some point it becomes a committee yeah but i think you're still treading on gray area here because who's going to monitor that who's going to police that oh how many times have you done side work i mean it really becomes an unenforceable feature. It seems to me the only answer is to have the standing

[01:29:41] committees do the research as a standing committee. So that if you have a project, the Short Hill Tower, then you give it to the land use committee and say, you have to have a meeting and you have to do your research on the Short Hill Tower. And that becomes a foible meeting. It just seems to me that as a function, that the practice of assigning two or three people to go off and do research on these projects is probably not correct the way we've been doing it.

[01:30:10] You just need to do it with one of the standing committees. County staff, we want to have oversight on those standing committees being created. Staff is already supporting the standing committees. There might be extra staff time as the committee as a whole starts to function as looking into these individual issues.

[01:30:28] There may be more burden on staff, but I think the practice of establishing smaller committees is really skirting the FOIA rules. Am I on track here that if we do the work through the four standing committees, we're probably good? I think that's what staff is recommending, consistent with the board direction.

[01:30:46] Well, I think what the staff recommendation is in the motion is that if you're going to form another committee, then you need board approval. TLUC. Right? It comes to TLUC. Yeah. Okay, it comes to TLUC. Okay. But what that means is if the land use committee tells two people to go off and research the Short Hill Tower, then that's got to come to the board to say, we give you, the TELUC, to say, we give you permission to form this two-person ad hoc committee to go off and research Short Hill Tower.

[01:31:17] It seems to me it'd be a whole lot easier if the land use committee just took up the Short Hill Tower as an issue and worked it as a standing committee. And then everything's, we already know what the plumbing is. We already know how it's supposed to work. Am I off base here? Can you help me?

[01:31:35] I believe you're accurate. Right. Again, it goes back to the numbers. It's a numbers concern, and when you have, again, to reiterate, when you go to the dwindling numbers of the subcommittees, then you run into a, is it a meeting, is it a public meeting, and all of the associated material, I mean, support that's required for that.

[01:31:55] Okay, so that, Mr. Pollard, if we did that, if we said no more ad hoc committees for special projects, but your standing committees are free to investigate anything they want to and make recommendation to the Heritage Commission, How much does that cramp your style and the way you're operating right now? That much?

[01:32:15] It cramps my style. I mean, look, we're just trying to get things done. Sure. We're not doing any. We're not hiding national security secrets from the county. Very often, very often, these things have to be done quickly.

[01:32:33] And even to get two people to agree to do the work on it is really hard. And if we had to have a public, also remember, I'm trying to reduce the amount of staff time, and it isn't like we don't go back to the staff. I don't think there's anything I do that I haven't shown to Heidi before it goes to one of our meetings.

[01:32:53] We always discuss what's on the agenda. It always goes back to a committee. It always goes to the full commission. But look, I didn't want to stir up a hornet's nest on this. It was a simple request. our commission based on the way we operate voted unanimously to ask for the suggestion if it's not acceptable so be it i think i think the motion as it stands right now is an acceptable motion it basically says you need board permission to form a committee you've got four standing committees i don't think that's burdensome to you i think that's pretty much the way you're operating right now the question mark is the pop-up committees ad hoc committees and i don't think we're going

[01:33:31] to solve that here tonight but it can I recommend that the Heritage Commission sit down with County staff and work together to figure this out and figure out have we been operating in an untoward way that is going to get us in trouble do we need to do FOIA stuff is our mechanism and come back to T lock at some point in the future with a recommendation how maybe I'll do this better but I think the motion to require board approval of the committee's meeting the standing committees is not onerous I don't think that's burdensome any other thoughts mr. hamstreet yeah mr. chairman I'm sorry I just want to

[01:34:03] clarify this because I want to make sure that Mr. Pollard is not taking this as the staff trying to be, you know, picking in about this. The issue is that FOIA is potentially a serious matter. And so the penalty for a FOIA violation is up to a \$2,500 fine. That fine under statute has to be paid by the individual

and it's also per offense and so the reason why we as staff take that very seriously is because we do not want to put any of our advisory

[01:34:40] members, advisory board members, the Board of Supervisors or anybody else who's doing this work and in this work it's work that's being done on a completely volunteer basis at risk of having to be subject to those kinds of fines, the county cannot pay it. That penalty is by statute, an individual statute that goes solely to the individual, and it is a fairly significant penalty. And if I may, just to dovetail off from Hem Street, I mean, how do these practicalities, and I'm sure I don't have to

[01:35:15] lecture anyone here, is that the practicality is it's the attorney's fees. So the money might be one thing, but you can collect attorney's fees, which unfortunately can be rather substantial, even on a small violation, because you try to resolve it, and that's what happens.

[01:35:32] So, yes, as Mr. Hampshire says, it's a fine. In one sense, yes, that's, in the grand scheme of things, it's small, but it's the attorney's fees that can be recovered, which is the challenge for any litigant. And that's why, yes, it is unfortunately a burden, if you will, but it's something that should be pointed out, and I appreciate you giving me the time to express that.

[01:35:56] Okay. Madam Chair. First of all, Mr. Pollitt, you came in here and totally wrecked the whole idea of us having a really quick meeting, so good job, man. But I would, one, say, you know, you said it many times, and I want to reiterate it from the day.

[01:36:16] You guys are all volunteers, and you were doing a magnificent job, and thank you. I would also say that I don't think anyone has said, if you're having a meeting that is pop up with two people and stuff, go do that. Because a lot of times an issue can be resolved in that one meeting.

[01:36:34] And I don't think anyone's saying that that should not happen. It's just if it becomes, those two people become routine. But it does sound like that you have, you know, figured out to some degree, you know, We don't want you violating it for all the reasons Mr. McTree said, but those one meeting times, that is allowable for you all to do that.

[01:37:00] And please go back to the Heritage Commission with our great thanks for all the things that you all do. We appreciate that. Mr. Chair? Just briefly, and maybe you had the same. My suggestion is we pass the staff motion as recommended. We asked the staff to work with the Heritage Commission and maybe legal just to see, just so they feel comfortable as to what, hey, how this goes and how this doesn't, because there's been a lot of things thrown around.

[01:37:24] And I think we basically understand what they can and can't do. But now I don't want them to be afraid to do something when actually they could do it. So I would really like, I don't want that to happen because you guys do such great work, as the chair said. So that would be kind of my suggestion tonight in terms of this process and to move on to the next step.

[01:37:44] Yeah, I agree. And so I'm going to make the motion here. And Mr. Pollitt, every once in a while this happens. The good news is we uncovered something we need to take a look at. And to the betterment of everybody with the outcome, I'm sure we're going to have. But we've got to do our homework and research it.

[01:37:59] And so please do that with staff. And if we can help in any way, we'll do that. And I apologize. But like I said, actually, I don't apologize. This is what public service looks like sometimes. It's really

difficult making the sausage. But I think this will be a good outcome, and I think it will put you on a firmer footing, particularly with the FOIA rules.

[01:38:19] So I move the Transportation and Land Use Committee recommend that the Board of Supervisors approve the bylaws for the Heritage Commission as provided an attachment 1 of the April 19, 2023 Transportation and Land Use Committee action item, with the exception of Article 8, Committees, Section A1. I further move that Article 8, Committee Section A1, be consistent with the board's template language requiring board approval for the establishment or dissolution of committees.

[01:38:44] Second by Supervisor Kirshner. Any other discussion? Mr. Rice-Chair. Thank you, Mr. Chairman. I'm just, I keep thinking about the numbers and all of that. So you're saying your standing committees consist, each one consists of four members from the commission, right?

[01:39:03] One of them consists of four members. The other consists of three members. okay, let's assume they all consisted of four. And if they consisted of four, then could, and this is a question for you, sir, could the commission make the decision that quorum is three without coming to us?

[01:39:31] Or would they need to come to us? And I don't know what the bylaws say on this. And to be honest, I haven't looked at the bylaws. I think we look at that question. I guess the question is if they had four members on a standing committee and the bylaws were such that quorum was three and then once in a blue moon two members on their own without being directed by the standing committee during the during the foible meeting decided hey before the next meeting me and you need to go talk to the fire chief about whatever so we get more information to bring back to the next standing meeting and they do that once or

[01:40:07] twice and that's it would that be okay with with that work being non-foyable you don't need to that and I'm going to cut off this conversation and without with that prejudice but the reason I am is because we're trying to solve a problem okay we're not going to solve the problem let let the experts talk after this meeting they'll figure out we know we have a problem and there'll be specific parameters that they come up with trying to figure out what that problem is so right now we have the motion before us it's been seconded any other discussion on the motion all those in favor please say aye aye any opposed that'll pass 5

[01:40:44] 5-0. Thank you very much. I apologize for that tough discussion, but again, I really think it'll be a better outcome, so thank you very much. Next up, we're going to cruise right through. Planning Commission bylaws update. Yep, we will. It's controversial a bit.

[01:41:10] Good evening. Jackie Marsh with Planning and Zoning. I'm going to present the Planning Commission bylaws update. I don't have any updates to this item since the packet went out. I will just briefly say that the reason that the Planning Commission bylaws deviate from the template is to address Virginia Code and to allow for the legislative application process.

[01:41:31] Happy to answer any questions. Any questions, TELEC members? This one's a great story and pretty straightforward. Okay, I'll do the motion. I move the Transportation and Land Use Committee recommend that the Board of Supervisors approve the bylaws for the Planning Commission as provided in Attachment 1 of the April 19, 2023 Transportation and Land Use Committee action item.

[01:41:51] Seconded by Supervisor Glass. Any discussion? I have no opening or closing. Hearing none, all those in favor, please say aye. Aye. Any opposed? The motion will pass 5-0. Thank you. Thank you. Board of

Zoning Appeals, bylaws update.

[01:42:22] Good evening.

[01:42:38] All right. Go for it. Good evening, Chair, and members of the committee. My name is Ryan Reed. I'm the Deputy Zoning Administrator. I'm joined by several people here, certainly Mark Stoltz, Zoning Administrator, our Director, Mr. Dan Galindo, Chair Forbes from the Board of Zoning Appeals, and Hugh Green from the County Attorney's Office.

[01:42:57] the Board of Zoning Appeals bylaws do have a few deviations but those deviations are mostly and I'll certainly turn it over to Mr. Green to talk about adhering to Virginia code and there's a few times we had to align with what's in the zoning ordinance the one thing that doesn't fall within those is some specific procedures within the BZA that have been practiced for quite a few times. And that specific addition is their clarification that they can ask questions to the appellant, the applicant, the attorney representing them, and to county staff. And

[01:43:37] we support the revised bylaws. Okay. I would note that has been our procedure for as long as I've been on the board. And I went on the board in 1986. So it's been a while. And that process works well for us.

[01:43:59] Okay. Mr. Stoll? I was just going to add to you, this body is a little different than the other bodies in the fact that it's appointed by the court and not by the Board of Supervisors. So, just wanted to make sure that was on the record. Any questions from Mr. Kirshner?

[01:44:16] Does that mean we can't make changes? Or should we ask questions with intrepidation since it's appointed by the court? Just a real quick question. On the procedure for hearing the case, you make a recommendation to clarify the BZA members may pose questions to the applicant and or their authorized agents of attorney and county staff.

[01:44:37] Can you explain to me why that is a question right now and why we have to clarify that? I can speak. I think it was more for, dare I say, editorial. It would not necessarily have to be in there because that's how the board functions.

[01:44:52] You have an applicant, you have questions, you have back and forth almost like an administrative court. So for that purpose, it was just included because, if my recollection serves, is the original bylaws had you can ask questions of two parties. I see. And that wasn't in the template you wanted to include it. Correct. Just to make it clear. Just to make it clear. I thought maybe there was like a question had been brought up at some sort of hearing and it became an issue and I just, okay. Not at all. I think it was like the original ones left out maybe the appellant or something, but just to clarify. That's the only question I had. Thank you. Manager. I have no

[01:45:31] question I have to say you've been on this since 1986 you said yes ma'am that is absolutely amazing there are I'm not we're going to have like a resolution day or a day in your name or parade or something that is just absolutely amazing thank you thank you so much for many of our members I mean really it has been on the board for almost as long as I have I mean um Mr. Myers, the former chair, was on the board for 20-plus years.

[01:46:06] We're going to have to recognize you somewhere. Mr. Leach, who I think was a member of your body for a number of years, was on the board for many, many years. So it's a board that has had

traditionally a lot of longevity. Well, yeah, that's... It does institutional knowledge, which is... I mean, that's 40 years.

[01:46:22] That's amazing. Thank you so much. Thank you so much for serving. Thank you. It's been a great pleasure. It's been interesting. and i echo that um man oh man what an important function also largely behind the scenes you don't get a lot of headlines but boy what an important function and i would think continuity and that function is really really critical so thank you for your service i move the board the transportation and land use committee recommend that the board of supervisors approve the bylaws for the board of zoning appeals include an attachment one of the april 19 2023 transportation and land use committee action item second second by the vice chair i have no further comments any other questions

[01:47:00] Mr. Vice Chair. Just a quick, thank you. And please take that back and share it with your colleagues. We really appreciate it. Maybe there will be a resolution that comes out of this. Who knows? That'd be good. All those in favor, please say aye. Aye. Any opposed? That motion will pass

[01:47:14] 5-0. And finally, the Zoning Ordinance Committee bylaws. Thank you all. Staff, go ahead. Okay.

[01:47:43] Again, I'm Ryan Reed, Deputy Zoning Administrator, joined by much of the same folks that were here for the last one except for we've added Michael Capretti who's the chair of the Zoning Ordinance Committee and we don't have a presentation to give you tonight but I will point out a few of the changes that we made from the existing bylaws and most of the changes that we made were to reorganize or clarify some of the things that were in the existing bylaws conform with current practices and there was one deviation from the template and that was trying to ensure that a request for remote participation happens the day before the meeting since they meet in the morning

[01:48:22] instead of noon the day of the meeting okay questions for the panel yeah uh mr chairman is this your motion it's my blue motion that we received and um would this be a recommendation to the full board or are we trying to make the decision to the full board okay okay that's all i got right now i'll wait i'll wait till you talk about it okay um let me make that motion then and I will talk inside the motion, so, and the way we'll do this is if this amendment passes,

[01:48:58] then the main motion will be as amended with a recommendation to the larger board. I move the ZOC bylaw, the Zoning Ordinance Committee bylaws be amended, proposed bylaws be amended as follows. Number one, Article 3, Paragraph A, subparagraph 1, change a minimum of 16, a maximum of 16 members to a maximum of 13 members.

[01:49:21] Number two, Article 3, Paragraph A, Subparagraph 2, Subparagraph K, replace, quote, Loudoun County Preservation and Conservation Organization, unquote, with, quote, Piedmont Environmental Council, unquote, term of service 2022 to 2026.

[01:49:36] And three, Article 3, Paragraph A, Subparagraph 2, Subparagraph L, O, and P, delete. I further move that Zoc members occupying Zoc positions identified for deletions by this motion be retained in their seats until the expiration of their current term.

[01:49:52] However, should a member in a deleted position leave that seat prior to the expiration of their current term, that position shall be permanently eliminated. Do I have a second? I will second for purposes of discussion, Mr. Chair. Thank you very much. Because I have some questions. I guess I should apologize.

[01:50:12] This probably, I should have drafted this and disseminated it to the other committee members when we first went over the TLUC. And honestly, when I was prepping for the meeting tonight, it occurred to me that I really did want to take a look at this. The history on this is I wrote the bylaws for the Zoning Ordinance Committee.

[01:50:30] And I think the Zoning Ordinance Committee has had a yeoman's burden here for the last several, couple of years with the Zoning Ordinance rewrite. But one of the takeaways probably about halfway through that process was the Zoning Ordinance Committee is 16 people, and that is a cumbersome committee to try and manage.

[01:50:49] So I looked at the list of members on the Zoning Ordinance Committee, and if you go to the bylaws, it lists the positions that are selected. It's in page 6 of 19 in your item. There are 16 current members, and the ones that jumped out at me that I thought we can consolidate, and that's what I'm proposing is basically we have two positions with the tenure of 22 to 26.

[01:51:20] One is the Loudoun County Preservation and Conservation Organization, and the other one is a Loudoun County Environmental Organization. And I looked up the charter of the Piedmont Environmental Council, and the Piedmont Environmental Council does all of those things.

[01:51:37] It does environment, it does conservation, it does preservation. So what I'm proposing is to simply consolidate those two positions into a single position for the Piedmont, dedicated to the Piedmont Environmental Council, which I think accomplishes exactly the same purpose with one less person.

[01:51:52] And then I felt that the two at-large persons was an expense that creates a logistics challenge with 16 people that could easily be removed. We have a good, broad scattering of stakeholders on the committee without those two at-large positions.

[01:52:09] That reduces the committee from 16 to 13, and if we enter the Piedmont Environmental Council with a term of 22 to 26, it gives us seven members with a 22 to 26 term and six members with a 20 to 24 term, which keeps the balance of the staggered terms.

[01:52:26] It also gives us an odd number, because right now we're with an even number, and we should probably have an odd number. So that was the basis of what we were trying to do here, and I wanted to table it tonight because now is the time to do it. Again, I apologize for the short term, but if we're looking at the bylaws, now is the time to make that amendment.

[01:52:46] So my suggestion is discuss it, ask questions, but hopefully the TLUC would pass it on as a recommendation to the board. And in the interim between now and the board meeting that this would come to, then we can have discussions among ourselves and the various members of the ZOC can perhaps discuss it and come to resolution of the board.

[01:53:06] So that was my intent. with that i will open it up for questions uh supervisor glass thank you chairman turner so for number two you said replace loudon county preservation conservation organization with piedmont environmental council is that you said it's reducing the number of people if it's if it's under the piedmont environmental council yeah we would we would do away with the uh loudon county environmental organization, that would be deleted, and we would replace K, Loudoun County Preservation

[01:53:43] and Conservation Organization, with Piedmont Environmental Council. Is this the same group of people, or would this be a different group of people? Different group of people, different organization. The mission, though, the purpose of these two positions was conservation, preservation, and environmental concerns, and Piedmont Environmental Council does all three of those things as part of its mission. Okay. Madam Chair. Thank you, Mr. Chairman. So I'd like to give you a friendly on how we're doing this, because Mr. Buffington's question was

[01:54:17] answered, but not in the motion. So really, the way this should be done is that this is a motion to move this recommendation to the full Board of Supervisors, which I could vote for that motion. I don't know that I would vote for it on the full board yet, because having just received it, I want to do more study, ask more questions, and get more information.

[01:54:40] But I'm certainly willing to move it on to the full board for consideration. So instead of making the motion to amend the bylaws right now, make the motion to move the item on to the full board.

[01:54:58] And at the full board, we would amend or not amend the bylaws with the recommendation to amend or not amend. But I don't know what, you know, paragraph A, subparagraph one is.

[01:55:17] I don't know what I'm looking at. And so I can't, I can't, I am uncomfortable saying just voting yes on this. I am comfortable moving this to a future meeting with the recommendation, as long as you know at this moment that based on my research, I may not vote for it at that time.

[01:55:39] Okay, Madam Chair, and Mr. Rice Chair, give me a personal privilege here. I think I can square this way. So let me propose this. We make a motion to approve the bylaws as submitted by staff for this item. We just approved those bylaws. So now we've changed the bylaws.

[01:55:55] We have new bylaws. Then I make a separate motion to forward this proposed amendment to the Board of Supervisors for discussion, and then we would, at the Board, amend the TLUC bylaws, which we're approving tonight. You can do that. You don't have to make a separate motion. you can just make an and I further move on the same motion.

[01:56:13] To move this amendment. You can move them both at the same time and just say, yeah, make them. Can you do that without a recommendation for, we'll move that part without the recommendation for approval. You can, you can, because it's all one motion. That's why it's the and I further move part. That's exactly how that's, yeah, yep, exactly. Thank you.

[01:56:30] So I think the justification in doing this is to try to shrink the committee a little bit. Is that in large part? And I might, anyone at the table who wants to weigh in on this. Have we, have we, I mean, a couple, a couple thoughts, and then I'm asking away. The at-large seemed to me, and I remember doing this, I think our first year, when we, I mean, I think the previous committee that this replaced was probably 24 people.

[01:56:56] If I recall, it was significantly larger than this. We reduced it down to 16. Now we're reducing it even further. So, okay, is the at-large, as I recall, when we put those two at large position, were to kind of leave those open in the event that we wanted to bring some kind of subject matter experts in that may be needed, et cetera.

[01:57:18] I don't know if we've done that or whether there's going to be a need for that or whatever. So kind of a catch-all if we want to put someone on this ZOC committee. So we get rid of the two at-large, that

option will go away. We're stuck with just these individuals. That's one thought. And then the second thing is, well, I mean, stuck with these groups and just no other group could come in if we wanted it to.

[01:57:39] That's kind of what I'm saying. Maybe I said that a little inartfully. But are we really having a problem with the size of the committee? Is the number of individuals participating an issue in this particular case? I mean, I know that requires some opinion, but anyone who wants to weigh in on thoughts as far as that's going, I appreciate it.

[01:58:00] I will say, since I've been the liaison for the committee, we have had a quorum at each meeting. And we do have the attendances taken, and unexcused absences are certainly cataloged and reported back to the leadership of the committee.

[01:58:22] And that's handled appropriately through the bylaws. So I can't say that it's been unwieldy as far as being able to have a quorum. But I think the idea is too many.

[01:58:38] So have we had an issue where we've got too many people participating that makes things less efficient? I would just say in general, I do think the more people you have on a committee, it can cut down on efficiencies. But no one wants to answer my question.

[01:58:57] How about on this particular committee? You don't have to name names or anything like that. I'm just saying. I don't think, and I haven't been to many of these committee meetings lately, so maybe I can get the chair to weigh in his opinion, but I think I don't recall any issues, particular specific issues, with the committee in terms of the numbers.

[01:59:15] Has anyone had experience, and I don't mean to cut, has anyone had experience on what the best size committee is? I mean, why not cut this down to five? I mean, I'm not trying to open Pandora's box here, but, I mean, why three? Why 13? Why not 10? I can give a little bit of background on that, just some history.

[01:59:31] So I came off the stakeholders committee with 26 members. And when we started to write the ZOC bylaws, everybody on staff said, don't go over 15. Do not go over 15. And I think we started, ZOC, with 17 or 18 that kind of aged out over the last couple of years.

[01:59:49] Or am I wrong about that? I think you're right. There were a couple of positions that were legacy positions that aged out. So we're down to 16. And so I was just saying, let's streamline it to the most we can. You've got four representatives from the West.

[02:00:05] That's 30% of the body for 10% and 15% of the population. You've got homeowners associations represented. They never were before. I mean, there's some really good representation and stakeholders. But, again, we don't need to hash this out here. Basically, we can discuss this at the board if we do that, pass the main motion tonight to amend the bylaws, accept the bylaws recommendation, and then make a motion to just forward the proposed amendment to the board for discussion without a recommendation.

[02:00:33] I think that probably solves the problem. Anything else? Mr. Kirshen, I didn't mean to cut you off. No. Okay. All right. Any other discussion? I think we can move forward then. All right. Stand by.

[02:00:49] What am I missing here? I move the Transportation and Land Use Committee recommend that the Board of Supervisors approve the revised Zoning Ordinance Committee bylaws provided as attachment one to the April 19, 2023 Transportation and Land Use Committee action item.

[02:01:12] Seconded by the Vice Chair. No. oh yes yes you're going to separate that's right and I further move that the board that the transportation land use committee forward to the board of supervisors for discussion without a recommendation the amendment that each committee member has in their hand at this time well what amendment you want me to read it again I'll read it again

[02:01:47] Okay, and I further move that the TLEC recommend for discussion to the Board of Supervisors the following amendment to the bylaws, to the Transportation, to the, I'm sorry, Zoning Ordinance Committee bylaws.

[02:02:08] I move, and the amendment reads as follows. I move the ZOC bylaws be amended as follows. Number one, Article 3, Paragraph A, Subparagraph 1, change parentheses 16 to parentheses 13. Number two, Article 3, Paragraph 8, subparagraph 2, subparagraph K, replace, quote, Loudoun County Preservation Conservation Organization with, unquote, with, quote, Piedmont Environmental Council, unquote, with a term of service of 2022 to 2026.

[02:02:33] Number three, Article 3, Paragraph 8, subparagraph 2, subparagraphs L, O, and P, delete. I further move that, as part of the amendment, I further move that ZOC members occupying ZOC positions identified for deletion by this motion be retained in their seats.

[02:02:49] Until the expiration of the current term, however, should a member in a deleted position leave that seat prior to the expiration of the current term, that position shall be permanently deleted. Mr. Chairman, can we divide the motion and vote on the first part separately from the second part? Sure. And I apologize.

[02:03:05] No, I'm fine with that. Thank you. So the divided motion then, the main motion stands, and we're voting on that now. Any discussion on the main motion? No. Chair? No. No discussion. Mr. Kirshen? No. I was getting ready to vote. Okay.

[02:03:20] All those in favor of the main motion, please say aye. Aye. Any opposed? Okay, that's completed. And the second part of the motion, which is to forward the proposed amendment to the Board of Supervisors for discussion. Any discussion on that? Yes. Worship the motion. Madam Chair.

[02:03:37] Yes, thank you, Mr. Chairman. I am happy to move this on to the Board without any recommendation because it would give me time to look at it, which is really what I want to do before I know how I want to vote one way or the other. I also would talk to staff, Mr. Capretti, and, you know, do some due diligence and some research before we did that.

[02:03:54] When we get there, it can be, we can put this in the package on that day as attachment one. And so when we get to the item, it could just say, you know, attachment one is how that would read. I had another, I had something else.

[02:04:12] And I think that, oh, I was going to ask you, Mr. Chairman, do you have any specific board date that you want to, when is this whole package being moved to the full board? Everything, do you know the date? So for the purpose of the agenda, do we know yet?

[02:04:28] I can, we can have that discussion later. I just don't know. Is it the second meeting in May? I was going to say second meeting in May. I think it's the second meeting in May. It can be the second meeting in May. We can all just do this and make it the second meeting in May. how's that sound okay so we'll move that to the second meeting in May as an attachment and it would be attachment one without a

recommendation happy to vote for that and then have a do some research and have a discussion at that meeting thank you Mr. Chairman okay Mr. Vice I'm sorry Mr. Kirshen yeah I don't think I'm going to vote for this um at this point and and I thought I was going to abstain then I thought I was going to vote okay we can just move it forward um I'm just

[02:05:08] kind of concern for a couple things. We went through a very lengthy process a couple of years ago to determine this number. And I haven't heard anything that we're acting with inefficiencies right now. I have concerns both consolidating a couple of our environmental type groups, I guess, that I think play a valuable role on ZOC, as well as getting rid of the at-large. I think both of concern me equally um i i might be persuaded but i probably doubt it um going forward to the full

[02:05:44] board simply because um i think that i haven't heard any inefficiencies and i think there's a lot of value in having those kind of open at large seats to fill as we may need uh in the future especially with all the development that we're doing here in the county so i'm a little reticent to do that and there may be other positions if we're going to shrink the board and that's really what this board wants to do is maybe other positions would be more valuable so I haven't really had an opportunity to give that more thought so I don't think I'll support the motion thank you Mr. Chairman and I apologize to you I'm not trying to be disingenuous here I was looking

[02:06:21] at this more and more as as we were going I believe we received this I received it as I was walking into the meeting and it's a very technical the way that with the way it's actually worded so I'm trying to understand it I believe I I think I understand it I scribbled some notes here And my concern with what I think it does, having not had enough time to really understand what it does, is it seems to be reducing the size of either environmental or preservation, or reducing the number of representatives from either environmental or preservation in total, how many in total we would have.

[02:06:57] And it doesn't reduce the number of developer-type representatives in total that we would have. At least I don't think it does. Maybe it does. Maybe I'm not looking at this right because, again, it's very technical. But if that were to be the case, that would not be something I'm supportive of because we already have more developer-type positions than we do preservation or environmental-type positions on ZOC.

[02:07:23] The one thing that I think I would be okay with going forward is the elimination of the two at-large positions because that could be any position. So I think I'd be okay with the elimination of those two positions alone, But if I'm looking at this right, I don't want to further reduce the environmental or the preservation Positions and so that's my concern. Thank you. Thank you Thank you chairman, I will support this motion, but I would also like to look at it and and

[02:07:58] Make that determination whether I'm for or against it. Thank you. And then just by way of comment and just for Supervisor Kirshner's. I can't remember how long it went on. I'm going to say a year. I received reports that the ZOC process was painful, that was painful for a whole bunch of different reasons, but it was really painful. And I don't know that this, I remember what I heard anecdotally as to why it was painful. Size was one of those issues. There were many more, but size was one of those issues.

[02:08:37] So my thinking here is if we can at least eliminate size as even a factor. And I continually had the number when I was writing the bylaws. Don't go over 15 in my mind constantly. So that was really my intent.

[02:08:52] But I absolutely am open to discussion on the board, and we can discuss it some more. And I'm not here to imply that simply the number of the board is why ZOC was so difficult. I personally believe that it's a significant improvement over the ZOAG that we used to have.

[02:09:07] I think it's a real good step in the right direction if for no other reason we put it underneath the Planning Commission. And I just know Michael Capretti wants to ask me something. Thank you, Chairman. I can't sit at this table without being able to talk. I just want to put some flavor on your comment that you just made.

[02:09:27] Zoc had a hard start, but you have to remember that when we started, it was COVID. And you have to remember when we started, we went through some staff folks moved on. So I think once all of that is cleared, Zoc has settled in very nicely and staff's doing a great job with us.

[02:09:43] And those two things, and we're meeting in person now. So those things have made it a little bit easier. The other thing for Supervisor Buffington is, just so you know, when you eliminate the at-large, that knocks me off. And that was one of Mr. Turner's things that he wanted to do.

[02:09:59] And I'm okay with that. I didn't say that for that reason. I didn't realize that. I wanted to give it the ad large. I did not want to kick Michael Capretti off of the SOC. No, that was not my intent. Well, you all have already limited me to two committees, so I figured this gets me to pick up a different one.

[02:10:17] No, and that is absolutely a fair point. Like I said, there were a whole bunch of things going on. And if the consensus of the board is, no, size is fine. SOC's working fine. 16 is fine. We get that. I'm totally okay with that. Um, the, if I could make one more comment, um, just, just to put some, put some, um, perspective on this year, you know, once we handed the zoning ordinance rewrite over, there's not a whole lot going on.

[02:10:45] There's a couple of ZOAMs coming through. Obviously we're coming up to an election year. So ZOAX kind of really slowed down and we've seen a little bit of a change in attendance just because we've been working on bylaws for the last two meetings, but we are ready and able to help with any kind of zoning ordinance rewrite you want to send back to us.

[02:11:03] Okay, so the motion on the table is to forward the proposed amendment to the ZOC bylaws to the board for discussion at the second meeting in May. Any other discussion? All those in favor, please say aye.

[02:11:19] Aye. Opposed? That motion will pass 3 to 2. And I think that is our last item. Any other discussions or issues before the Transportation Land Use Committee? Seeing none, thank you all very much.

[02:11:35] Have a great evening.



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