BOARD OF SUPERVISORS
STAFFORD COUNTY, VIRGINIA
MINUTES
REGULAR MEETING
FEBRUARY 21, 2023

CALL TO ORDER – A regular meeting of the Stafford County Board of Supervisors was called to order by Dr. Pamela Yeung, Chairman, at 3:00 p.m. on Tuesday, February 21, 2023, in the Board Chambers, George L. Gordon, Jr. Government Center, 1300 Courthouse Road, Stafford VA.

ROLL CALL – The following members were present: Dr. Pamela Yeung, Chairman; Thomas C. Coen, Vice Chairman; Tinesha O. Allen; Meg Bohmke; Darrell E. English; Monica L. Gary; Crystal L. Vanuch.

Also in attendance were Randal E. Vosburg, County Administrator; Rysheda McClendon, County Attorney; Cheryl Giles, Deputy Clerk; Julia Holmes, Assistant Deputy Clerk; various staff members; and other interested parties.

CHAIRMAN'S REMARKS

Dr. Yeung expressed her condolences for the passing of firefighter Donald Wedding, who was a volunteer firefighter in the County.

Dr. Yeung said that several communities across the country had experienced gun violence and mass shootings. She said that in 2023, there had been 67 mass shootings—more than the days in the year. She said that the impact on communities was evident.

Dr. Yeung said that there was a VATI grant that began last September in partnership with Comcast. She said that the County partnered with Comcast to connect more than 650 homes in the Hartwood and Rock Hill districts to broadband and cable. She said that more information was available on the telecommunications commission page on the County website.

Dr. Yeung said that the County celebrated George Washington Day because the County was the boyhood home of the United States of America's first president. She said that in regards to the Anthem Healthcare issue, the County received news from a Mary Washington Hospital spokesperson that Mary Washington Health Services and Anthem Blue Cross/Blue Shield had completed agreements to be effective March 1, 2023. She said that there would be no lapse in Mary Washington Health Services participation in the Anthem provider network.

PRESENTATIONS

There were no presentations.

ADDITIONS - DELETIONS AND APPROVAL OF THE REGULAR AGENDA

Mr. Vosburg said that there were two deletions to the agenda. He said that Item 10 under the Consent Agenda and Item 24 under New Business were to be removed. He said that Item 10 would go before a committee.

Mr. Coen motioned, seconded by Ms. Allen, to approve the Consent Agenda as amended.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	

PRESENTATIONS BY THE PUBLIC - I (3 MINUTES EACH)

Mr. Coen read the protocol for public comment.

1. Ms. Nan Rollison, 10020 Cherokee Lane, Spotsylvania, said she was speaking on behalf of the Rappahannock River because she was concerned about the data centers that the County was considering. She said that the data centers could impact the amount of available water. She said that water should be used for drinking, agriculture, and fish and wildlife before commercial activities.

   Ms. Rollison said that if they kept pulling out water for larger commercial operations, they would not be able to make more water. She said that they had to ensure they were not living beyond the ecological means. She said that data centers should be a special use item, and they should not be permitted by right due to the potential impacts to natural resources. She said that data centers should be located in commercial areas so that they would not lose forests and farmlands. She said that forests protected the water supply.

   Ms. Rollison suggested that they try to make data centers smaller given that technology was given to change. She said that the data centers should install solar power and geothermal power and recycle the water to reduce energy usage.

2. Ms. Shannon Fingerholz, 19 Cardinal Forest Drive, noted that more Supervisors had attended the School Board townhalls. She said that the construction of Elementary School

#18 and #19 was a combined project. She noted that they could use more trailers, but they could not put gyms, cafeterias, libraries, or nurse offices in trailers. She said that there was no common space for the students to share if they relied on trailers. She said that students would eat lunch at 10:45 a.m. because there was no room to eat elsewhere. She noted that parents were not able and not allowed to eat with their children at lunch time because of overcrowding.

3. Ms. Alane Callander, 622 Lancaster Street, noted that data centers provided an economic benefit, but they came at a cost. She said that Prince William County was an example where the board was too hasty to change rural lands into data centers. She said that there were negative impacts on neighborhoods. She said that data centers could cause detrimental noise and viewshed impacts when constructed too close to residential uses. She noted that construction would strip trees and displace wildlife.

   Ms. Callander said that the majority of citizens did not want data centers within the County without public input. She said that the Comprehensive Plan had to be improved. She said that citizens should be provided every opportunity to voice their opinions.

4. Ms. Donna Oliver, 74 Ironwood Road, said that seven years ago, she took beginner pickleball lessons from Stafford Parks and Recreation. She said that she had continued to play the sport. She said that the County did not have pickleball facilities. She said that open-play was offered at some indoor facilities, but those were multipurpose. She said that the limited offerings for pickleball did not consider different skills and ages.

   Ms. Oliver said the County had painted lines on some outdoor tennis courts to facilitate outdoor pickleball play. She said that the lines were not satisfactory because the tennis courts did not have a nice surface, and the span for tennis was larger than that for pickleball. She said that other counties had dedicated pickleball courts. She said that the City had five courts.

   Ms. Oliver said that Henrico County had 12 courts and was planning to add 12 more. She said that Prince William County added pickleball courts to three different facilities. She said that Culpeper added four courts in October. She said that Williamsburg added eight courts to its veterans' park. She said that the Board and Parks and Recreation had been informed of growing pickleball interest, but there were no improvements for pickleball in the County. She said that the County should address the growth of pickleball.

5. Ms. Lorraine Walton, 919 Ficklen Road, said that nine years ago, she took pickleball lessons in the County. She said she received a certification to be a pickleball instructor

through USA Pickleball. She said that she became the pickleball instructor for the County's Parks and Recreation Department. She said that she taught 200 people the year before, and she had 120 students this year so far. She said that the County did not have the proper facilities. She said that $57K in fees had been collected over the past two years, including lesson fees and open-play fees.

6. Matthew Shilts, 37 Serene Hills Drive, said he wanted to discuss Route 17 and Hartwood Road. He said that the intersection was bad because it was the first traffic light within 15 miles on Route 17 South. He said that the intersection was in the middle of residential development. He said that there was inadequate signage at the intersection. He said that there were no blinking lights to indicate that the intersection was approaching, and there were no rumble strips northbound or southbound. He requested that the Board install a County substation on Route 17.

   Mr. Shilts said that there were 10 people on file for traffic enforcement in the County. He said that if a substation was installed on Route 17, then an officer would be permanently stationed, and response times would be reduced. He said that the increased police presence should remain.

7. Mr. Howard Rudat, 10 Hayes Street, noted that GFL was on the agenda. He said that he had not found any documented legal cases against GFL. He said that the fraud discussed by the Board regarding GFL appeared to be a localized issue. He said that the local fraud cases should be legitimate, and the issue should not be elevated for political purposes.

   Mr. Rudat said that he questioned the Board's approach. He said that it was not the Board's role to solve the problem. He said that impacted constituents should be directed to the Attorney Generals' website where there was a page dedicated to providing Virginia residents a means to file complaints of fraud, deception, and illegal practices in the marketplace.

   Mr. Rudat said that the Attorney General's Office had counselors to guide people who had been defrauded or deceived through the complaint process, and there was an online complaint portal where parties could upload documentation. He said that each impacted resident should be directed to file a complaint.

8. Ms. Kristin Maxson, 1816 Richmond Highway, said that the Planning Commission meetings were missing from January 25, February 8, and February 22 on the calendar. She said that missing from the November, December, and January calendars were notations for Falmouth. She said that the listings were often incorrect.

Ms. Maxson said that the Town Center of Aquia was taken for affordable housing. She said that the housing was not affordable, and it got rid of a theater used by the community. She said that in the February 7, 2023 minutes, she was misrepresented by text. She clarified that she was not referring to when she acquired the land, but rather when the certificate of take occurred in 2015.

9. Mr. Jeff Adams, 449 Kellogg's Mill Road, said that he was present to discuss Item 24 on the agenda. He said that the Board should not vote to have chickens in R-1 zoning. He said that if people were allowed chickens, then they would want to start having other farm animals and create gardens in their front yards, and this should be avoided.

   Mr. Adams said that there were no chicken coops at the animal shelter. He said that Sheriff Decatur would have to higher about six animal control officers because of the complaints. He said that there was no place to purchase chicken feed in the County. He questioned how chickens would survive in subdivision backyards. He noted that the County did not have an FFA program.

   Mr. Adams said that chickens could fly, and they would fly into other people's yards. He said that chickens smelled bad. He said that the Board should come to his farm to see how chickens were raised. He said that seriously, chickens should be included in R-1 subdivisions.

REPORTS BY BOARD MEMBERS

Mr. English – remarked that the Sheriff's Office had a volunteer traffic unit. He said that Mr. Mark Seymour logged 1,872 hours, Mr. Frank Poke logged 759 hours, and the entire unit performed 5,454 hours of volunteer services. He said that their work offered the County tremendous savings.

Mr. English noted that a town hall was held at Hartwood Elementary in regard to NorFleet. He said that he attended an event at Mount Olive Baptist Church over the weekend. He said that the men's choir performance was phenomenal. He said that fights have escalated at the high schools. He said that two basketball games had to be closed because of fights. He asked how people were notified when the water was out.

Ms. Gary – remarked that she had attended several School Board budget town halls. She said that parents and educators discussed the need to fund the public schools. She said that she agreed that the schools needed to be funded. She said that she did not want to waste resources on more trailers. She said that the children were adversely impacted by the lack of state-level investment.

Ms. Gary said she attended the PRTC meeting on February 9 and the R-Board meeting on February 15. She said that she was not able to attend the previous public safety meeting, but she received a briefing. She said that she met with the Commissioner of Revenue regarding data centers. She said that there was confusion about the facts. She encouraged residents to do their own research on the environmental impacts and the fiscal impacts of data centers.

Ms. Gary expressed her condolences for the death of Mr. Donald Wedding.

<u>Ms. Vanuch</u> – remarked that she attended the budget town hall in Rock Hill. She said that residents should attend the Board Budget Committee meetings and the Board meetings to express opinions on the budget. She thanked the School Board for hosting the town halls.

<u>Ms. Allen</u> – congratulated Wawa for its recent store opening in Widewater along Route 1. She said that she attended the School Board budget town hall at Stafford Elementary. She said that she attended the PRTC meeting, and the budget request was presented. She said that the budget and fiscal requests had been communicated to staff.

Ms. Allen announced that on June 17, a unified Planning District 16 Juneteenth celebration would be held at the Fredericksburg National Stadium from 3 p.m. to 9 p.m. She said that she was interviewed by a 7th grader at Gayle Middle School for a comic book project. She said that the comic book was based on herself, and it represented her journey as the first Black woman to be elected to the Board of Supervisors.

Ms. Allen announced her candidacy to run to serve another term on the Board of Supervisors representing the Griffis-Widewater district.

<u>Ms. Bohmke</u> – reported that the VRE meeting was held, and it was reported that ridership increased slightly. She said that the Butler Road project study was completed on February 17. She said that they would move into the concept development stage, and the item would be on the March Infrastructure Committee agenda. She said that they would discuss the study and any possible improvements.

Ms. Bohmke said that at the Finance, Audit and Budget Committee meeting, staff would distribute information related to the Senate which had released recommendations for community grants. She said that the House would release some form of community grants, but the structure was unknown.

Ms. Bohmke said that the County would issue bonds next Tuesday through the Chief Financial Officer. She said that the bonds would total $90M. She said that most of the money was earmarked for the new high school. She explained that the bond would be issued in two tranches, and the next tranche would be in 2025. She said that funds would be used for 3R projects through the SCPS.

Ms. Bohmke said that there was an R-Board meeting. She said that the Executive Director provided his proposed budget to the R-Board, but they would not be voting on the budget until May. She said that there was a public hearing related to commercial tipping fees at the landfill. She said that prior to 2015, there were low tipping fees because they offered discounts to haulers bringing in a certain tonnage. She said that state-wide, the average tipping fee was $47 per ton, and nationally, it was about $50 per ton. She said that the R-Board voted to increase tipping fees to $41.20. She said that the new rates would become effective July 1, 2023.

Ms. Bohmke said that the tipping fee increase would generate $600K. She said that the funding would be used for the construction of new cells at the landfill and post-closure costs. She said that the Auditor of Public Accounts published a list of counties and cities that had not submitted financial reports to the state which were due December 15.

Ms. Bohmke said that the County was not included on the list. She noted that Westmoreland County was included on the list, a County partner on the Library Board. She said that when the report was distributed, Westmoreland County had not submitted its financials. She requested that Ms. Gary inquire about the issue at the upcoming March meeting of the Library Board.

<u>Mr. Coen</u> – remarked that he attended a School Board town hall at Drew Middle School. He said that he toured data centers on February 13, and he met with an HOA to address issues. He said that he met with a veterans group seeking to hold a fundraiser. He said that he did a ride-along with the C shift of stations 12 and 7, and they performed a lift-and-assist. He noted that personnel often performed trainings.

Mr. Coen said that he went to the Ferry Farm Foundation's President's Day event to celebrate George Washington. He said that he had announced his candidacy online a month ago. He requested that Mr. Vosburg provide him with information on the pickleball concerns, the cost to repair the pickleball courts, and where the fee money went.

<u>Dr. Yeung</u> – noted that Board members attended several meetings, so they were working hard for the people. She said that she toured a data center. She said that they were considering the noise impacts, revenue impacts, light impacts, infrastructure impacts, and water impacts. She said that she requested the County Administrator to create a cheat sheet for the Board about other issues data centers had and what could be done to mitigate the issues. She said that there were people who could not attend the meetings, and they had to get feedback from those individuals.

REPORT OF THE COUNTY ATTORNEY

There was no report.

REPORT OF THE COUNTY ADMINISTRATOR

Mr. Vosburg reported that the Monthly Expenditure Listing Report and the Transportation Project Status Update were included in their agenda packet and available for their information. He stated that Mr. Bryon Counsell would provide a status update on the Bond Projects.

BOND PROJECT STATUS UPDATE

Mr. Bryon Counsell, Director of Capital Projects, stated that he was the acting Director of Transportation. He said that nine major projects were part of the bond referendum in 2019. He said that the projects were designed to leverage additional grant funding from the state and federal government. He said that costs had increased since 2019. He said that they manipulated the CIP to expedite the projects, so they began using the bond money sooner.

Mr. Counsell said that in the FY23 CIP, they began to identify bond money for projects. He said that the bulk of funds was not slated to be pulled down for another two years. He said that the second tranche would be available in about five years.

Mr. Counsell said that the Enon Road project did not have bond funds identified, but it was one of the projects listed on the referendum. He said the project was currently under 30% design, and there was approximately a $13M budget deficit. He said that Anvil Road widening project was funded, and it was between 0% and 30% design.

Mr. Counsell said that Route 1/Layhill Road was funded, and it was supposed to begin the next year. He said that the Garrisonville Road widening project was funded, and preliminary engineering was to begin in 2024. He said that Shelton Shop Road improvements had been taken over by VDOT, and the project was currently funded.

Mr. Counsell said that the Leeland Road widening project was scheduled to start the next fiscal year, but it did not receive the requested SMART Scale funding. He said that the Morton Road widening project was similar. He said that the Leeland Road project had a $10M budget deficit, and the Morton Road project had a $6M budget deficit. He said that Mountain View Road safety widening had a budget deficit of $5M, and it was scheduled to start in FY27. He said that the Mountain View roundabout had a budget deficit of $9M, and it was scheduled to start in FY25.

Mr. Coen noted that they issued a road bond but did not spend the funds, and they did a road bond that was approved by 77%, but they had not used the funding yet. He said that they should be acting on something that the County residents voted on.

Ms. Allen said that they had worked to secure more federal funding for Onvile Road to extend the project. She asked how far the project would extend.

Mr. Counsell said that it was about 100 yards off Route 610 to the gate at Quantico. He said that the Onville Road intersection was improved about six years ago, so they would extend those improvements. He said that the original scope included less widening and only went up to Barrett Heights.

Ms. Allen asked whether the budget for the project would be fully funded.

Mr. Counsell said that the funding matched the anticipated costs.

Ms. Bohmke said that she believed the way forward was for the Board to discuss the ability to transfer funds between projects. She asked what was anticipated to be the next step. She clarified that they used all but a few of the funds from the first bond issue.

Mr. Counsell said that he was not part of the first bond issuance, but he could research the matter.

Ms. Bohmke said that they did not issue all of the bonds, but a majority of the bonds were issued.

Mr. Counsell said that they were to propose general steps forward on potential solutions. He said that they wanted to provide the Board with ideas on how to potentially move funds and the effects of moving funds. He said that they would provide ideas about prioritization to the Board. He said that they would try to provide the information by April or May. He said that they would react to what the Board requested.

Mr. Counsell said that the other reason for the report was to provide a comprehensive update to the public.

Dr. Yeung asked what the plans were for the projects which did not receive the requested grant funding.

Mr. Counsell said that they were trying to gather data for the Board to critically consider the issue and provide direction to staff with the available funding. He said that they would define the available funding and the funding that could and could not be moved. He said that they would provide direction to the Board on how to move forward.

Dr. Yeung asked that the criteria which would be used be shared with the Board.

Mr. Counsell said that they were still trying to determine the criteria. He said that there were up to five or six types of funding for each project. He said that the funding sources had different funding requirements, eligibility requirements, and spending limitations.

APPROVAL OF THE CONSENT AGENDA

Mr. Coen motioned, seconded by Ms. Allen, to approve the Consent Agenda with the deletion of Item 10.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	

ITEM 1. COUNTY ADMINISTRATION; APPROVE FEBRUARY 7, 2023 BOARD OF SUPERVISORS MEETING MINUTES.

ITEM 2. COUNTY ADMINISTRATION; REAPPOINT MR. BRANDON ESTEP TO THE TELECOMMUNICATIONS COMMISSION (TCC) REPRESENTING THE AQUIA DISTRICT FOR A TERM ENDING DECEMBER 31, 2023.

ITEM 3. CAPITAL PROJECTS PUBLIC CONSTRUCTION; AUTHORIZE THE COUNTY ADMINISTRATOR TO SUBMIT A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION FOR THE VIRGINIA DAM SAFETY, FLOOD PREVENTION, AND PROTECTION ASSISTANCE FUND GRANT FOR THE LAKE ARROWHEAD SERVICE DISTRICT FOR THE CONSTRUCTION OF DAM SPILLWAY IMPROVEMENT PROJECT, AND TO AFFIRM THE SERVICE DISTRICT'S INTENT TO FUND THE PROJECT.

Resolution R23-41 reads as follows:

> A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SUBMIT A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION FOR THE VIRGINIA DAM SAFETY, FLOOD PREVENTION, AND PROTECTION ASSISTANCE FUND GRANT FOR THE LAKE ARROWHEAD SERVICE DISTRICT FOR THE CONSTRUCTION OF A DAM SPILLWAY IMPROVEMENT PROJECT, AND

TO AFFIRM THE SERVICE DISTRICT'S COMMITMENT TO FUND THE PROJECT

WHEREAS, the Board created the Lake Arrowhead Service District to address repairs to the two dams (large and small) in the Lake Arrowhead community; and

WHEREAS, the Board approved a loan to the Lake Arrowhead Service District for the repair projects with specific repayment terms; and

WHEREAS, the County solicited competitive bids for the construction of improvements to the two dams, and the lowest bid exceeds the current available loan funding; and

WHEREAS, the Virginia Department of Conservation and Recreation is offering grant funding for dam safety projects through the Virginia Dam Safety, Flood Prevention, and Protection Assistance Fund (Grant), which could provide the necessary funding shortfall to assist with the construction of the required dam improvements; and

WHEREAS, the Grant is a reimbursement program which may award matching funds up to 50% of the total project costs and no greater than $500,000; and

WHEREAS, the Grant requires the applicant to affirm its commitment to fund the full costs (100%) of the project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors, as governing body of the Lake Arrowhead Service District, on this the 21st day of February, 2023, that the County Administrator be and he hereby is authorized to submit a grant application on behalf of the Lake Arrowhead Service District to the Virginia Department of Conservation and Recreation for funding through the Virginia Dam Safety, Flood Prevention, and Protection Assistance Fund Grant in the amount of up to Five Hundred Thousand Dollars ($500,000) to assist with state-mandated dam repairs in the Lake Arrowhead Service District; and

BE IT FURTHER RESOLVED that the Board, as governing body of Lake Arrowhead Service District, does affirm its commitment to fund the full costs of the Lake Arrowhead Dam Spillway Improvement Project.

<u>ITEM 4. CAPITAL PROJECTS TRANSPORTATION; AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A TASK ORDER WITH WHITMAN, REQUARDT & ASSOCIATES, LLP FOR CONSTRUCTION AND ENGINEERING INSPECTION (CEI)</u>

SERVICES FOR THE US 1 & TELEGRAPH ROAD AND WOODSTOCK LANE INTERSECTION IMPROVEMENT PROJECT.

Resolution R23-58 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TASK ORDER WITH WHITMAN, REQUARDT & ASSOCIATES, LLP FOR CONSTRUCTION AND ENGINEERING INSPECTION (CEI) SERVICES FOR THE US 1 & TELEGRAPH ROAD AND WOODSTOCK LANE INTERSECTION IMPROVEMENT PROJECT

WHEREAS, the Board identified improvements to US-1 at Telegraph Road and Woodstock Lane, (Project), as a critical part of Stafford County's roadway improvement plan; and

WHEREAS, Whitman Requardt & Associates, LLP (WRA), a firm authorized to provide on-call transportation engineering services, pursuant to Contract No. 21-011-9602-WRA-B, submitted a proposal to provide construction engineering, management, and inspection services for the Project in the amount of $672,900; and

WHEREAS, staff reviewed the proposal from WRA and determined that it is reasonable and responsive for the scope of work requested; and

WHEREAS, funding in the amount of $7,813,034, previously budgeted and appropriated for the construction phase of the Project, is available to fund this task order;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of February 2023, that the County Administrator be and he hereby is authorized to execute a task order with Whitman, Requardt & Associates, LLP to provide construction engineering, management, and inspection services for the US-1 & Telegraph Road and Woodstock Lane Intersection Improvements Project, in an amount not to exceed Six Seventy-Two Thousand Nine Hundred Dollars ($672,900), unless modified by a duly-authorized change order.

ITEM 5. CAPITAL PROJECTS TRANSPORTATION; PETITION VDOT TO INCLUDE CHANGES TO THE SECONDARY SYSTEM OF STATE HIGHWAYS TO ADD CERTAIN STREETS WITHIN THE ABIGAIL ESTATES; ROBELI FARMS; LEELAND STATION SECTION 6A, 6B AND 6D; AND LEELAND STATION SECTION 8 SUBDIVISIONS.

Resolution R23-62 (ABIGAIL ESTATES - AQUIA DISTRICT) reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CHANGES TO THE SECONDARY

SYSTEM OF STATE HIGHWAYS FOR ABIGAIL ESTATES SUBDIVISION, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Sketcher Road within Abigail Estates subdivision, as described on the attached Additions Form AM-4.3, into the Secondary System of State Highways; and

WHEREAS, VDOT inspected these roads and found them satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of February, 2023, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include Sketcher Road within Abigail Estates subdivision, as described on the attached Additions Form AM-4.3, into the Secondary System of State Highways; and

BE IT FURTHER RESOLVED that an unrestricted right-of-way with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Abigail Estates, recorded among the land records of Stafford County, Virginia in Plat Map No. PM210000088 with Instrument No. LR210028367 on August 19, 2021; and

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, shall forward a copy of this Resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Resolution R23-63 (ROBELI FARMS - HARTWOOD DISTRICT) reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CHANGES TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR ROBELI FARMS SUBDIVISION, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Robeli Farms Road and Robeli Way within Robeli Farms subdivision, as described on the attached Additions Form AM-4.3, into the Secondary System of State Highways; and

WHEREAS, VDOT inspected these roads and found them satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of February, 2023, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include Robeli Farms Road and Robeli Way within Robeli Farms subdivision, as described on the attached Additions Form AM-4.3, into the Secondary System of State Highways; and

BE IT FURTHER RESOLVED that an unrestricted right-of-way with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Robeli Farms, recorded among the land records of Stafford County, Virginia in Plat Map No. PM200000077 with Instrument No. LR200015863 on July 8, 2020; and

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, shall forward a copy of this Resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Resolution R23-64 (LEELAND STATION SECTION 6A, 6B, & 6D - FALMOUTH DISTRICT) reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CHANGES TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR LEELAND STATION SUBDIVISION, SECTIONS 6A, 6B AND 6D, LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Switchyard Court, Cotton Blossom Court, Silver Comet Court, Arboretum Lane, Slusher Court, and Wheeler Court within Leeland Station subdivision, Sections 6A, 6B, and 6D, as described on the attached Additions Form AM-4.3, into the Secondary System of State Highways; and

WHEREAS, VDOT inspected these roads and found them satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of February, 2023, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include Switchyard Court, Cotton Blossom Court, Silver Comet Court, Arboretum Lane, Slusher Court, and Wheeler Court within Leeland Station subdivision, Sections 6A, 6B, and 6D, as described on the attached Additions Form AM-4.3, into the Secondary System of State Highways; and

BE IT FURTHER RESOLVED that an unrestricted right-of-way with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Leeland Station Section 6A, 6B & 6D, recorded among the land records of Stafford County, Virginia in Plat Map No. PM170000039 with Instrument No. LR170006817 on April 18, 2017; and Plat Map No. PM180000090 with Instrument No. LR180013313 on August 7, 2018; and

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, shall forward a copy of this Resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

<u>Resolution R23-65 (LEELAND STATION SECTION 8 [REMAINDER] - FALMOUTH DISTRICT) reads as follows:</u>

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CHANGES TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR LEELAND STATION SUBDIVISION, SECTION 8, LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Perth Drive, Adelaide Court, Smyrna Street, and Laconia Drive within Leeland Station subdivision, Section 8, as described on the attached Additions Form AM-4.3, into the Secondary System of State Highways; and

WHEREAS, VDOT inspected these roads and found them satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of February, 2023, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include Perth Drive, Adelaide Court, Smyrna Street, and Laconia Drive within Leeland Station subdivision, Section 8, as described on the attached Additions Form AM-4.3, into the Secondary System of State Highways; and

BE IT FURTHER RESOLVED that an unrestricted right-of-way with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Leeland Station Section 8, recorded among the land records of Stafford County, Virginia in Plat Map No. PM170000035 with Instrument No. LR170005973 on April 3, 2017; and

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, shall forward a copy of this Resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

ITEM 6. CAPITAL PROJECTS UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS IN CONNECTION WITH THE 342-06 PRESSURE ZONE UPGRADE PROJECT.

Resolution R23-60 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS IN CONNECTION WITH THE 342-06 PRESSURE ZONE UPGRADE PROJECT, LOCATED WITHIN THE HARTWOOD AND FALMOUTH MAGISTERIAL DISTRICTS

WHEREAS, the Board identified completion of the 342-06 Pressure Zone Upgrade (Project) water line upgrades as a critical part of the County's Water and Sewer Master Plan; and

WHEREAS, the Board approved the acquisition of the easements necessary for the completion of the Project, and staff has acquired some necessary portions of temporary and permanent easements; and

WHEREAS, Tax Map Parcel No. 45-127F consists of approximately 65.825 acres of land, and Tax Map Parcel No. 45-127A consists of 35.327 acres (both herein referred to as Property), owned by Harry T. Hurley (Property Owner); and

WHEREAS, due to the design of the Project, the Board must acquire 63,506 square feet of permanent water easement, 21,004 square feet of which is exclusive water easement, 38,443 square feet of temporary construction easement, and 21,396 square feet of temporary access easement on Tax Map Parcel No. 45-127F; and

WHEREAS, due to the design of the Project, the Board must acquire 65,892 square feet of water easement, 21,335 square feet of which is exclusive water easement, and 17,513 square feet of temporary construction easement on Tax Map Parcel No. 45-127A; and

WHEREAS, the fair market value for the required areas of the Property, together with damages, if any, to the remainder of the parcel is total of Eighteen Thousand Eight Hundred Twenty-Five Dollars ($18,825), based upon a 2022 appraisal; and

WHEREAS, the Board, through staff, made bona fide but ineffectual efforts to purchase the affected area of the Property by offering said fair market value on behalf of the County to the Property Owner; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's staff was unsuccessful in negotiating a final settlement with the Property Owner, but will continue to work with the Property Owner to attempt to reach an acceptable settlement; and

WHEREAS, to determine the necessity for condemnation and exercise of its quick-take powers to acquire the easements for the construction of the water line upgrades related to the 342-06 Pressure Zone Upgrade, the Board desires and is required to hold a public hearing, pursuant to Virginia Code §§ 15.2-1903(B) and 15.2-1905(C);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of February, that the County Administrator be and he here by is authorized to advertise a public hearing to consider the condemnation and use of the County's quick-take powers to acquire a permanent water easements, temporary construction easements, and a temporary access easement on the property of Harry T. Hurley, Tax Map Parcel No. 45-127F and Tax Map Parcel No. 45-127A, in connection with the 342-06 Pressure Zone Upgrade water line upgrades, under Virginia Code §§ 15.2-1903(B) and 15.2-1905(C).

<u>ITEM 7. COMMUNITY ENGAGEMENT; A PROCLAMATION TO RECOGNIZE MARCH AS WOMEN'S HISTORY MONTH.</u>

<u>Proclamation P23-02 reads as follows:</u>

A PROCLAMATION TO RECOGNIZE MARCH AS WOMEN'S HISTORY MONTH

WHEREAS, the 2023 Women's History theme, "Celebrating Women Who Tell Our Stories," encourages recognition of women, past and present, who have been active in all forms of media and storytelling, including print, radio, TV, stage, screen, blogs, podcasts, news and social media; and

WHEREAS, this timely theme honors women who have devoted their lives and talents to producing art and news, pursuing truth and reflecting society decade after decade; and

WHEREAS, women have long been instrumental in passing on our heritage in word and in print to communicate the lessons and history of those who came before us; and

WHEREAS, women's stories, and the larger human story, expand our understanding and strengthen our connections with each other; and

WHEREAS, women have chronicled and advocated for preserving Stafford County's rich history. It is primarily due to these efforts that so many of our historical and natural resources are intact; and

WHEREAS, Stafford honors and recognizes the brave, accomplished and influential women who told our stories and gave voices to the voiceless;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors, on this the 7th day of March, 2023, that it be and hereby does declare March as Women's History Month to honor and recognize the women throughout history who have told our stories.

<u>ITEM 8. COUNTY ATTORNEY; AUTHORIZE PARTICIPATION IN THE SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THESE SETTLEMENTS AND OTHER SIMILAR OPIOID-RELATED SETTLEMENTS.</u>

<u>Resolution R23-70 reads as follows:</u>

A RESOLUTION AUTHORIZING PARTICIPATION IN THE SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THESE SETTLEMENTS AND OTHER SIMILAR OPIOID-RELATED SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts Stafford County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the County's various departments and agencies; and

WHEREAS, the County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Stafford County; and

WHEREAS, the County has filed suit against Teva, Allergan, Walmart, Walgreens, CVS, and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed the County; and

WHEREAS, the County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, the Board has authorized opioid-related lawsuits be filed pursuant to Resolution R19-352; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors and Janssen; and

WHEREAS, the County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel; and

WHEREAS, similar settlement proposals are expected to be proposed as this process continues to evolve and the ability of the County Administrator and County Attorney to act upon similar settlements arising in the future with the remaining defendants will expedite this process;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of February, 2023, that it be and hereby does approve of the County's participation in the settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and authorizes the County Attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities; and

BE IT FURTHER RESOLVED that the County Attorney, County Administrator, Chief Financial Officer, and Treasurer, or their designees, are also authorized to execute any and all other documents necessary to effectuate any similar settlement proposal made by additional defendants against whom claims were filed pursuant to Resolution R19-352, where the Virginia Attorney General has also approved said settlement proposal, including any required release of claims against the settling entities.

ITEM 9. PLANNING AND ZONING; RECEIVE AND ACCEPT THE PLANNING COMMISSION 2022 ANNUAL REPORT.

ITEM 10. UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CDM SMITH INC. FOR AN ASSET MANAGEMENT PROGRAM CONSULTING SERVICES FOR THE DEPARTMENT OF UTILITIES.

Item #10 was deleted from the Consent Agenda.

UNFINISHED BUSINESS

ITEM 11. PLANNING AND ZONING; PRESENTATION OF RESULTS FROM INSPECTIONS OF SUBDIVISION STREET EXTENSION SIGNS.

Mr. Jeff Harvey said that the item was focused on a subdivision ordinance requirement that stipulated wherever a street was planned to be potentially extended in the future that a sign was to be placed in the public right-of-way. He said that the sign was to advise the street may be potentially extended and to call the Planning and Zoning Department.

Mr. Harvey said that in November, the Board had instructed staff to contact HOAs that may be responsible for maintaining the signs. He said that staff sent out letters to 25 HOAs, and they performed inspections in January at the Board's direction. He said that the Board directed staff to provide the HOAs with 60 days to be in compliance with the ordinance. He said that they inspected 62 roads with stub streets, but not all were in neighborhoods with active HOAs. He said that of the 62 streets, only eight had signs, and one sign was damaged and laying on the ground.

Mr. Harvey said that the ordinance requirement was not effective. He said that the subdivision ordinance could only be enforced when the property was subdivided, and once the developer was off the bond, they did not have a mechanism to impel the installation of the signs. He said that staff recommended the Board consider an amendment to the code.

Mr. Harvey said that staff recommended the code be clarified to state that the signs were required, and a bond had to be posted for the signs. He said that it was ultimately the County's responsibility to maintain the signs. He said that staff sought the Board's direction.

Mr. English clarified that a developer would have to put up a bond to maintain the signs.

Mr. Harvey responded that it would be an item to work out with the Development Services department. He said that certain aspects of the streets could be covered by a maintenance bond. He said that the current practice was that once the road was accepted by VDOT, the developer was released of their bonds.

Dr. Yeung clarified whether the issue was with the presence of HOAs.

Mr. Harvey said that it was part of the issue. He said that a lot of the streets they observed were not associated with HOAs. He said that a neighborhood with an HOA typically had common facilities and open space. He said that rural subdivisions did not have HOAs. He said that the HOA was required by code to have in their operating documents that they would maintain the sign. He said that the County did not have an enforcement mechanism to have the signs replaced or repaired.

Ms. Gary asked how they could protect homeowners from surprise costs. She asked if there could be a listing on the County website to show the streets with planned extensions. She asked if the notice was distributed.

Mr. Harvey responded that they sent notice letters to the HOAs.

Ms. Gary asked if any of the HOAs installed new signs or intended to install signs.

Mr. Harvey said that he had been contacted by two HOAs, and they explained that they were in the process of having a contractor install the signs. He said that there was a total of 25 HOAs contacted.

Mr. Coen clarified that when the state took over the road, the HOA did not have to install a sign.

Mr. Harvey explained that when the state took over the road, the County was obligated to release the developer from the road bonds for the construction of the road. He said that the sign was part of the typical security bond.

Mr. Coen clarified that the release was only for the developer, not the HOA, and the HOA was still required to maintain the sign.

Ms. Vanuch said that there was a potential fiscal impact of $49K annually to maintain the signs. She said that she was concerned about the issue of developers knocking signs down or removing the signs. She said that the County did not have the staff to ensure the signs were installed. She said that she was concerned that the responsibility was placed on the County. She said that there were repercussions if the County was responsible, and she did not support the measure. She said that the responsibility was on the developers and HOAs.

Ms. Gary said that providing notice should be continued, and the Board should ensure there was accessible information available on the website related to street expansions.

Ms. Bohmke said that she would be amenable to a listing on the County website, but she did not want to take on additional responsibilities. She said that more responsibility would come with unintended risks. She said that Virginia was a buyer-beware state, and it was the responsibility of buyers to research the surrounding properties. She said she supported a listing on the website and the distribution of notices.

Ms. Vanuch said that she agreed with putting the information on the County website.

Mr. Coen said that he supported putting information on the website. He asked if they could notify people in the surrounding area of the potential for public hearings.

Mr. Harvey responded that for any zoning change, they notified the property owners within 500 feet of the property. He said that a notice was required for by-right development to the abutting property owners.

Ms. Gary suggested that they issue notices when home sales increased so that new residents were aware of the circumstances.

Dr. Yeung requested what action should be taken by the Board.

Mr. Harvey explained that the Board was in favor of a web announcement and presence, so staff would proceed in that direction.

ITEM 12. PLANNING AND ZONING; CONSIDER AUTHORIZING THE INITIATION OF AN APPLICATION FOR ZONING RECLASSIFICATION FROM THE R-1, SUBURBAN RESIDENTIAL TO THE M-2, HEAVY INDUSTRIAL ZONING DISTRICT ON COUNTY-OWNED TAX MAP PARCEL NO. 45-98.

Mr. Harvey said that in the fall, the Board authorized rezoning the County owned property to M-1 light industrial. He said that since the rezoning, staff had worked with the EDA and Frontline Technologies about the potential for the relocation of the business. He said that the rezoning was to induce the business to move to the site.

Mr. Harvey explained that the site had been formerly used as a landfill, but it passed environmental inspections to provide buildable area on the property. He said that the County would be able to take an unused property and turn it into a tax revenue generator. He said that since the rezoning, staff received information from Firstline Technologies indicating the use would fit into the M-2 zoning category. He said that the request was to change the authorization from M-1 to M-2.

Mr. Harvey said that the Board had requested staff to provide information in regard to the differences between M-1 and M-2. He said that M-2 allowed more intense uses, and it had more by-right uses than M-1. He said that truck freight terminals and truck washes were permitted by right in the M-2 zoning. He said that a full-scale brewery use, a distillery use, recycling facilities, and contracting equipment rentals were allowed by right in the M-2 zoning while they required Conditional Use Permits in the M-1 zoning.

Mr. Harvey said that truck and bus sales, heavy industry and manufacturing, junkyards, and animal processing were allowed in M-2 zonings but not M-1. He said that if the Board wanted to proceed, proffers could be imposed on the property during the public hearing process to minimize the impacts to the surrounding area.

Mr. Harvey said that the surrounding area had M-1, M-2, and commercial zoning. He said that there would be residential uses in the area. He said that the area was in the targeted development area of the Comprehensive Plan. He said that the Board could impose proffers to stipulate the construction of the buildings and to limit the manufacturing activities.

Mr. Harvey said that staff outlined three options for the Board to consider. He said that the Board could not move forward with the rezoning and proceed with the conference of the property to the EDA, and the EDA and applicant would proceed with the rezoning through a conditional use permit. He said that the Board could initiate the M-2 zoning, and they could consider imposing covenants on the property. He said the Board could proceed with the M-2 zoning and impose proffers on the property.

Mr. Harvey said that if the Board wanted to change the zoning before conveying the property, then the best option was to impose proffers. He said that covenants put a permanent restriction on the property, and it made the County a party to the restrictions. He said that staff sought guidance from the Board as to how to proceed. He said that they recommended the Board proceed with the adoption of R23-27.

Ms. Bohmke said that it was important that the Board develope conditions for the site and determine what the applicant would use the site for. She said that the Board should be aware of what it was allowing the applicant to do on the site.

Mr. Coen clarified that the resolution started the process, and the item would go before the Commission and come back before the Board.

Mr. Harvey said that was correct. He said that staff and the Commission would work on recommendations for proffers if the Board requested, and ultimately, the Board would decide what proffers to include on the property. He said that staff did not recommend moving forward with a conditional use permit. He said that they preferred the future owner of the property pursue the conditional use permit.

Mr. Harvey said that if a conditional use permit were required for the business, it would be another chance for the Commission and Board to impose conditions and review the use.

Ms. Vanuch noted that there was not an agreement between the EDA and Firstline Technologies. She asked if there was information about the economic impacts. She asked if the Board was sure this was the use they wanted for the property. She asked if the property had been considered for the potential use of a County bus garage for SCPS and public safety. She noted that the site could be used for a fueling station. She said that she did not have enough information.

Ms. Gary said that she did not have enough information.

Mr. English asked if pictures of the property could be provided. He asked if the EDA wanted the property.

Mr. Harvey said that staff could provide the Board with maps of the property. He said that they could provide copies of the environmental reports to the Board. He said that part of the property was used as a landfill, so the portion of the property had limitations on uses.

Dr. Yeung said that she had already received answers to some of her questions and concerns from Mr. Coen. She said that she had read in the letter that they made a chemical that could be put on meat and did not have to be rinsed off. She asked if that were the case, they decided that it could not go down drains and would be produced in a sealed location. She said that one of the key elements was that the chemical was produced in Germany and they were going to produce it here, and her safety concerns had been answered in the email, but there was no detail to it.

Dr. Yeung said that the processes, rules, and procedures in Germany were entirely different than here, so she would like to know how those were translated. She said that she must view this from whether this was the best use of the land and if this use was necessary right now. She asked if there were any other developments in the area that they may not be aware of right now.

Mr. Harvey said that there was an approved development down the street and was not adjacent to this. He said that there was a portion of property zoned R-1 that was adjacent to the property.

Dr. Yeung asked what the transportation impact was. She said that she had not seen anything in the report that she had studied.

Mr. Harvey said that if the Board of Supervisors wanted to proceed with the zoning change, staff would work on putting the application together, which would include estimates of traffic impact.

Mr. Coen said that this was already zoned R-1, so theoretically it could already be residential.

Mr. Coen motioned, seconded by Ms. Bohmke, to defer R23-27 to the March 7 meeting until more information was distributed and more communication was undertaken.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

ITEM 13. COUNTY ADMINISTRATION; CONSIDER FURTHER ACTION RELATED TO GFL TRASH SERVICE ISSUES.

Mr. Vosburg said that the Board had asked them to look at two parallel actions, one being to prepare and draft a letter for the Attorney General. He said that they worked with staff and County Attorney's Office to prepare that letter, which was in their packet. He said that the other was to reach out to GFL and have a meeting with their staff, which they were able to have scheduled for this morning. He said that they met with the regional manager and regional vice president, along with Mr. Danny Shifflett, and went through the different scenarios they had discussed, and provided them a draft of the letter that was in the packet for their awareness.

Mr. Vosburg said that they had talked about some of the issues they had in the past, and they were asked questions about the number of refunds pending, which was an issue that they wanted to explore. He said that they said they currently had 38 refunds pending, and that the process differed depending on the payment method. He said that they also said that now that they were more established, they were going to change their permissions for local staff to be able to issue those refunds, which at this point had to go through their New York office.

Mr. Vosburg said that they were asked about the staffing levels as related to different service deficiencies, and they felt that they were staffed appropriately and were not having issues with staff being why they were not having collections. He said that they had cited the statistics, and it was some small fraction when looking at the number of collections, around 0.001% of collections were missed in the total number of pickups in the region. He said that they also said that their call center was fully operational and there was a 0.1% abandonment rate on those calls. He said that he told them that he would share this information with the Board, and he also shared the draft letter in the packet.

Mr. English said that he was still receiving complaints about this issue. He asked if they could put a link on the website for people to access the Attorney General's Office so that citizens could be automatically referred to that. He said that it would be easier for constituents to hear that there was another avenue for complaints since the situation was out of the County's hands.

Mr. Vosburg said that if it was possible, they would certainly put that link on the website.

Ms. Bohmke thanked Mr. Vosburg for meeting with GFL representatives. She said that whether or not someone was located in New York or locally, from a software standpoint, it should not make a difference when processing something. She said that it was unacceptable, and it was not right for them as a Board to ask their constituents to file something with the Attorney General on their own. She said that it would be like asking for the General Assembly for legislation as a single person, whereas if they asked as a Board, it would have more effect.

Ms. Bohmke said that if Board members were continuing to have these issues, they should represent the entirety of Stafford. She said that it was a national trash hauler, not a small company. She said that she had made corrections to the letter about the date when GFL purchased Shifflett's and when they purchased County Waste, one being in 2020 and one in 2021.

Ms. Gary said that decorum for all Board members was essential. She said that she had been referring her constituents to filing complaints with the SEC, which had representatives that could be contacted for issues with any business, and there had not been any problems beyond that. She said that providing a link was perfectly reasonable. She said that the number was 0.00038% of their customers were still awaiting refunds, so she did not see it as a reason to escalate this.

Ms. Allen said as she said last Board meeting, to have people contact the Attorney General's Office, because it was their scope of practice and not their indictment. She said that they were not committing dereliction of duty as a Board member, because they were simply allowing their citizens to utilize resources that they all would have access to as opposed to reaching out to them and asking them for assistance when they could direct them to someone who, just as much as the Board members were elected to represent them, the Attorney General was elected to represent them as well.

Ms. Allen said that the Attorney General's staff was fully equipped to handle matters such as this, so she would not move from her stance that she thought it was inappropriate to send a letter on behalf, and instead just direct people to file complaints with the Attorney General's Office, because if he received enough substantial complaints, his staff would respond. She said that she had seen them investigate complaints in Stafford County and knew that they were capable.

Ms. Vanuch said that she appreciated the robust discussion, which was how they got to the best outcome for the Board. She said that the original request was to ask staff what their options were as a locality, because there still were issues. She said that even today before the meeting, someone wrote on Stafford Talk about issues they were experiencing with GFL, and there were dozens of comments responding back to that. She said that there were comments about a variety of issues, and the severity of the issues was impossible to ignore, but they did not have the ability to adequately investigate this issue.

Ms. Vanuch said that the Attorney General's Office had a consumer protection hotline and had those abilities, and she had been sending her constituents who had reached out to the Attorney General's Office, but they were elected to speak on behalf of their residents and constituents, and there continued to be people who had challenges who asked their elected officials to make action on matters like this. She said that the letter was benign in what they were asking for, in that it pointed out the dozens of complaints received as a locality and pointed out the multitude of issues faced by the residents, so it allowed the office and the state that had responsibility in overseeing this to do so.

Ms. Vanuch said that as elected officials, their voices carried more weight if they sent a letter. She said that she could send a letter on her own as the Rock Hill representative to the Attorney General and ask him to look into it on behalf of her constituents, but she wanted to give the Board the opportunity, based on the recommendation of staff, to be able to take action on behalf of their residents. She said that it was unfortunate that some Board members were saying that this was political, because this was the least political thing that they had on the agenda, and it did not matter what someone's political party was when it came to getting trash picked up.

Ms. Vanuch said that she wanted to be on record as asking for the appropriate department to look into these concerns, and she had a grave issue with the statistics that were given, because those were national statistics, and their area was having a much different problem than other localities. She said that other localities did not have issues with GFL because the trash companies that they purchased had infrastructure there, and for some reason this one did not work as appropriately as it should. She said that Spotsylvania was facing the same issue and was looking for assistance. She said that this issue rose above being a County issue.

Ms. Vanuch said that she agreed that they could definitely continue to send out the link to the Attorney General's Office, but having a person take the time to do that did not have the impact that the letter from the Board did. She said that she intended to voice the concerns of her constituents as the representative of the Rock Hill District and hoped that her colleagues would do the same for their constituents.

Dr. Yeung asked if they planned to attach any of the complaints to the letter. She asked if they could attach some of the individual complaints with affidavits to affirm that they were true.

Mr. Vosburg said that they purposefully did not include the word "fraud" in the letter, and they wanted to describe the actions as proposed to them and to send that along. He said that they had not selected those or provided those to the Board, but they did mention in the letter that they had enclosed a few emails as examples, so they were going to solicit the Board members to send examples to attach if the Board did approve the letter.

Dr. Yeung said that Ms. Bohmke mentioned that she had made some changes. She asked what those changes were.

Mr. Vosburg said that Ms. Bohmke sent an email related to the section of the letter that related to their acquisition.

Dr. Yeung asked if she was cc'd on that email.

Mr. Vosburg said that he believed the email came directly to him.

Ms. Bohmke said that the email was sent this afternoon.

Mr. Vosburg said that if the Board voted to go that way, it was the timing of the acquisition, and they had discussed with staff that they could say the merger of the companies was completed within the last year. He said that there was one purchased in 2020 and one purchased in 2021, but they operated as independent silos and not on the blended routes, and in July of last year, they finally blended the routes. He said that they were happy to incorporate that minor change that addressed the timing of the acquisition of the two companies.

Dr. Yeung asked how Mr. Vosburg felt about the letter.

Mr. Vosburg said that the letter was not too aggressive, so if the Board chose to send the letter and provide examples, it raised awareness at that level. He said that if they believed what they told them, they may not want to send a letter. He said that from his administrator standpoint, he had the data from the company, and did not necessarily have any other data or information about widespread fraud, but he had not been receiving those emails directly.

Mr. Vosburg said that if the Board chose to send a letter, it was a basic letter that rose awareness at the Attorney General's Office, and they would be happy to do that, but if the Board did not, he would be happy to continue to work with GFL, and the vice president said that he would speak with the Board members, so they could continue that dialogue as well.

Dr. Yeung said that she had not had any problems since she had met with GFL and had shown up at homeowner's association meetings to talk to them there. She said that individual constituents called her and she was able to get GFL to get their trash, and they had not called her. She said that each district was different in its issues, but she did not think that there were votes to send it on behalf of the Board.

Ms. Gary said that she cared very much about the constituents and the things that everyone had been experiencing, but this was a matter of how they dealt with things moving forward, and as with anything else, there was information that was not publicly available or able to be discussed. She said that this was being done for the wrong reasons, and it was fine if people disagreed, but she felt that it would make sense to provide a link on the County website so that people could continue to escalate complaints, and she would motion to defer the item.

Ms. Bohmke said that the largest subdivision in her district had 735 houses, and the Chairman of their HOA sent her an email on January 16 that said, "I'm delighted to see that Supervisor Vanuch has asked for an item to be added to the agenda for Tuesday's Board of Supervisors meeting to discuss service issues with GFL." She said that the email went on for six sightings, some of which were still not resolved. She said that she had to support her people, and if the company was not doing what they were saying they were doing, she had information in the email that was relevant.

She said that the email was not forwarded to everyone because it was not in the other Supervisors' districts.

Ms. Allen reiterated that this was no indictment and that they had all experienced issues with GFL in their own respective districts. She said that her only concern was utilizing the resources and infrastructure already in place for them to handle such matters was setting a precedent that if they did not believe in a business model or institution, they expected this Board to act on their behalf.

Ms. Allen said that the Board members should be cognizant of this, because regardless of if it was deferred or not, the perception was that if they had enough people, even if they were not the majority, who disagreed with the business and business practice, they should come before the Board and expect the Board to escalate matters by bypassing infrastructure and institutions already in place to handle such matters.

Mr. Coen said that he would second the motion to defer to the next meeting. He said that it was valid to see the new letter with the changes discussed, and useful to see what emails were chosen beforehand. He said that they also should include something on the website for future complaints from citizens to be sent directly to the correct office. He said that then, the letter would show what had happened in the past, what they had done for the future, and if the Attorney General wanted to proceed, they could, however, it gave them the pass that they had given their people a way to the future.

Ms. Gary motioned, seconded by Mr. Coen, to defer the item.

Ms. Vanuch made a substitute motion to amend and send the letter and would defer to staff to find the five or so items to attach. She said that she would let Supervisor Bohmke speak to the timing acquisition information to be amended.

Mr. English said that he would second the motion because of the ongoing complaints. He said that the issue should be stopped right now.

Ms. Bohmke apologized for not including Dr. Yeung in the email that she had sent this afternoon. She said that it was not substantive.

Ms. Vanuch asked if Mr. Vosburg had changes recommended by staff.

Ms. Vosburg said that the email centered around the sentence that said, "Over the last year" because the acquisitions occurred over the last two years. He said that their meaning of that was that they finally had blended the routes over the last year, but a strict interpretation of the acquisition or actual purchases was done over the last two years.

Ms. Bohmke said that she was referring to the acquisition of each individual business. She said that if they wanted to leave the letter the way it was, that was fine.

Ms. Vanuch said that she would amend her motion to send the letter as it was.

Ms. Gary said that perhaps not appropriate to put in the letter, her statement for the record was that as she understood the facts, she did not think that they should move forward on this. She said that the right thing done for the wrong reason was the wrong thing, and she knew for a fact that there was a person on this Board personally affected and who had also threatened people at GFL. She said that she did not accept moving forward with this and it was a waste of staff time.

Dr. Yeung asked for the vote to be called for the substitute motion, which was for the letter to be sent.

The Voting Board tally was:

Yea:	(3)	Bohmke, English, Vanuch
Nay:	(4)	Allen, Coen, Gary, Yeung

Dr. Yeung asked for the vote to be called for the deferral of sending the letter until the addition of constituent reports and other requested information.

Ms. Vanuch asked if they would be asking for feedback from constituents proactively of if they were still having issues. She asked if the Board would attempt to gather more information for their own edification, as there may be members of the public that were still experiencing issues but had not reached out to the Board of Supervisors.

Ms. Allen said that she did not intend to support the deferral, and she believed this was all a waste of time. She said that she could provide on her own webpage a link to the Attorney General for concerns to be voiced to, but she would not approve spending staff time dwelling on a topic that she had explained ad nauseum why it was not a good idea.

Ms. Allen made a substitute motion for each Supervisor to handle this individually with their own outreach.

Ms. Gary asked for a friendly amendment to provide information on the County website.

Ms. Allen said that was appropriate in order to direct people for all future reference to direct any business practice issues within this County to report to the Attorney General's Bureau of Consumer Affairs.

Dr. Yeung asked if by sending individual letters that this letter was not valid because Mr. Vosburg's name was on the letter.

Ms. Allen said that she was not talking about sending letters but for individual Supervisors to put on their pages to direct constituents.

Dr. Yeung asked about handling it individually as a Supervisor.

Ms. Allen said yes.

Dr. Yeung asked for the vote to be called.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	

Mr. Coen said that he had not hit the button and had not cast his vote. He asked for a motion to reconsider the vote.

Ms. Bohmke asked if Ms. Allen's motion said "may" or shall" in the language. She said that it should say "may."

Ms. Allen confirmed this.

Ms. Vanuch asked why a motion was necessary for each Supervisor to pursue this individually.

Ms. Allen said that the purpose was so that staff time would not be utilized.

Ms. Bohmke said that the motion should be about directing staff but not about directing elected Supervisors about what they needed to do.

Ms. Allen said that she was going to fix the motion for the sake of continuity and time. She said that her substitute motion was to request for the County Administration staff to put a link on the website to direct citizens to use the link to file complaints concerning this matter and any subsequent matter concerning a business in Stafford County that they had issues with.

Ms. McClendon said that there was a motion to reconsider the previous vote that the Board thought was incorrect. She said that she was trying to understand that if the Board was reconsidering a motion, the Board must vote on the motion to reconsider first.

Ms. Bohmke asked if the person who made that motion could pull it.

Mr. Coen said that his motion to reconsider was so because of the technical difficulties of the voting system. He said that the motion before that was to defer it.

Ms. McClendon said that the previous motion was asking each Supervisor to handle the situation on their own and for the County to provide a link.

Mr. Coen withdrew his motion to reconsider.

<u>ITEM 14. COUNTY ADMINISTRATION; DISCUSS ALTERNATE LOCATIONS FOR EARLY VOTING.</u>

Mr. Mike Morris, Deputy County Administrator, said that this item was on their last agenda, and since that time, they had met with the Voter Registrar, Anna Hash, who had given them some indication of the square footage she needed to have an office and a polling place, so they had begun to identify potential places that were currently for lease and evaluating whether they fit their needs. He said that they would continue to evaluate that process as it continued, and if they found a fitting location, it would be brought before the Board to consider.

Mr. English had made a suggestion of the White House in his district. He asked if they could look at putting Economic Development there and use the bottom floor to put the Voter Registrar.

Mr. Morris said that it was one of the options they were going to look at. He said that when they identified the location, it would be a part of their proposed budget for 2024.

Ms. Bohmke asked if they were taking the timeframe into consideration.

Mr. Morris said yes.

Ms. Bohmke asked what the timeframe for complete construction and opening was.

Mr. Morris said that there would be no way for them to get a lease and remodel in time for the June primaries, for which early voting started on May 5, so they would be hoping for the fall, which still depended on how quickly they could do it and what type of renovation had to be done to the building.

Ms. Bohmke asked what the drop-dead date was for any type of renovations.

Mr. Morris said that August 1 was that date.

Dr. Yeung asked if the backup plan was for them to stay at their current location.

Mr. Morris said yes.

Ms. Vanuch said that they had the SMART Test Bed next door at the 7-Eleven. She said that the County Government Center could be parking for that building. She said that she still did not know why they had to occupy that with the test bed when they were so limited on space. She asked if there was anything prohibiting them from utilizing that building.

Mr. Morris said that they would have to look at what functions were already planned in there. He said that he knew that there was some staff there.

Ms. Vanuch said that she did not know what the pros and cons were, but keeping it here was not an option.

ITEM 15. UPDATE ON MARY WASHINGTON HEALTHCARE.

Mr. Vosburg said that a deal occurred between Mary Washington Healthcare and Anthem for multiple years, and they were asking to have privy to the details of that deal so that they knew potential impacts to insurance rates moving forward. He said that they had requested that information and would pass it along if and when it was received. He said that they had avoided the scheduled disruption for March 1 and services would remain in place.

Ms. Vanuch said that she asked Mr. Vosburg to reach out to Blue Cross Blue Shield to find out what rate percentage increase there was so that their constituents could better identify what their out-of-pocket costs may change to and what the tax implications may be. She said that when she reached out to Mary Washington, they said that they could not tell them because it was protected under the contract, which did not make sense to her because they said that the state mandated that all of the reimbursement percentages had to be public. She said that it was important because anyone that had a cost-sharing copay or coinsurance or any cost-sharing plan would have to absorb any of those rate increases.

ITEM 16. DISCUSS ESTABLISHING A COMMITTEE TO ADDRESS HOUSING AFFORDABILITY AND VARIETY.

Mr. Vosburg said that included in the packet for the Board was the "Ad Hoc Committee on Affordable and Variety Housing," which had a name, purpose, membership, committee objectives, committees, and conduct, which had been put into the format of a charter for the Board to review and discuss any changes that they would like to make to that charter.

Dr. Yeung asked what the Board would like to do next.

Ms. Vanuch said that they could send it to CEDC.

Ms. Allen asked Ms. Vanuch why she would send it to CEDC and not infrastructure.

Ms. Vanuch said that usually, any development issues went to Community and Economic Development because it may require ordinance changes or coordination with the Planning Commission. She said that infrastructure was typically things like water, sewer, and transportation, but CEDC picked up more of the housing.

Ms. Gary asked what specifically they were sending to committee. She asked if it was the draft of the ad hoc committee.

Dr. Yeung asked if the item should go to the CEDC for the information in the packet that they had not been discussed here.

Ms. Vanuch said that Dr. Yeung had recommended further action for the item and she suggested CEDC to change anything in the charter.

Dr. Yeung asked Mr. Vosburg what committee he thought was appropriate.

Mr. Vosburg said that CEDC was not inappropriate.

Ms. Bohmke said that the different ad hoc committees that had been established usually were allowed to come up with the purpose and mission, which came back to the Board, and then the Board continued making any tweaks necessary, and once approved by the Board, the committee would begin the work.

Ms. Allen said that because this was a unique issue that required more committee involvement, she would prefer to see it go to an ad hoc committee that dealt with housing.

Ms. Gary said that she would like to see the ad hoc committee deal with the affordable and variety of housing. She said that she approved of the draft that she had read, but her confusion was that she thought they were sending that decision of sending a committee back to a committee. She asked if this meant that the issue was going to be sent to a committee.

Dr. Yeung said that she thought that because it was brand new, it would be best to send it to a committee.

Ms. Gary said that it would not survive the committee.

Ms. Gary motioned, seconded by Ms. Allen, to establish an affordable housing ad hoc committee.

Ms. Vanuch said that they could not kill anything in committee, and even if they moved to not go forward with it in a committee, it still would go back before the Board of Supervisors. She said that the committee was meant to shape it into the best form before submitting it back to the Board.

Ms. Gary said that things died in committees all the time, meaning they did not move forward and were effectively dead.

Ms. Bohmke said that she knew that she was voting for the ad hoc committee but did not know what the ad hoc committee would be doing.

Ms. Gary said that this subject was meant to be discussed at the retreat, but unfortunately some people had to leave early. She said that they discussed the definition of affordable housing, and there was some difference of opinion on what that would be, and there still may be. She said that the purpose of this committee was to understand what they wanted as a Board, because they could not continue to have those conversations on the dais.

Ms. Gary said that constituents have thought this should have been implemented as long as 30 years ago, so they must do something, and it existed currently only as a point of contention, so the committee was meant to allow for fuller discussions about what that meant and bring recommendations back to the Board. She said that people from affected communities could speak and give input, as the committee was exploratory in nature.

Ms. Bohmke asked if the ad hoc committee could include in their work an early benchmark such as 45 days for the work they had accomplished.

Dr. Yeung asked why 45 days was requested.

Ms. Bohmke said that 60 days would be applicable.

Mr. Coen said that in the attachment, it said that they were supposed to come back by May 31 for the development of objectives and scope of the committee and provide the amended charter. He said that they would also provide recommendations by October 31.

Ms. Allen said that regardless of the membership of the committee, she thought that they as a Board would establish the parameters of affordable or workforce based on research done beforehand, then the committee would come back to establish that to the Board, and then the Board could decide the committee's next course of action.

Ms. Bohmke asked if the membership of the committee would be a part of that motion.

Ms. McClendon said that she recommended the Board first take the motion to establish the committee, and the next vote would be to appoint the members.

Dr. Yeung asked for the vote to be called.

The Voting Board tally was:

Yea:	(6)	Allen, Bohmke, Coen, English, Gary, Yeung
Nay:	(1)	Vanuch

Ms. Allen motioned, seconded Ms. Gary, to appoint Supervisors Allen, Gary, and Yeung to the ad hoc committee.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	

NEW BUSINESS

ITEM 17. UTILITIES; CONSIDER REQUESTS TO REFUND SEWER CONNECTION FEES PAID BY GRANDFATHERED PUMP AND HAUL CUSTOMERS.

Mr. Chris Edwards, Director of Utilities, said that he was present to discuss updates to the pump and haul policy. He said that this information was presented to the infrastructure committee on February 7, 2023, and had the recommendation to bring this to the Board of Supervisors.

Mr. Edwards said that the pump and haul program began in the early 1990s and the current policy was approved by the Board of Supervisors on June 16, 2015. He said that the policy had two groups of pump and haul customers, non-subsidized customers who pumped their own septic tanks, and subsidized or "grandfathered" customers for which the County pumped their septic tanks and charged a fee. He said that there was a tiered fee, and the subsidized customers paid a connection fee when they joined the program, ranging from $4,000 to $5,600 depending upon when they joined.

Mr. Edwards said that the subsidy had expired on June 16, 2022, and the only customers who could receive a prorated subsidy were those who qualified due to income level. He said that they currently had one customer who was able to qualify for the subsidy. He said that most of the customers who paid the connection fee were not near the public sewer and were unable to connect.

Mr. Edwards said that there was a presumption that the sewer system would expand more rapidly than it had, and because they were unable to connect, the County would like to reimburse their connection fee. He said that this would cause them to have to sign a new pump and haul agreement, and the fee would go back to the current property owners, with a current 23 properties that were affected.

Mr. Edwards said that the advantages to the owners were that they would receive the connection fee which could be used for anything they wanted, including continued pump and haul or engineering for a permanent sewage disposal system. He said that the advantages to the County were that the County would move toward the elimination of the subsidy program, saving a lot of staff time that was put toward this program, but it would also remove the loan program.

Mr. Edwards said that right now, there was a program in the policy that allowed the County to loan people money for up to five years for the construction of a drain field. He said that if sewer did become available and they wanted to connect to public sewer, they would have to repay the availability fee.

Mr. English asked if one of the applicants who had moved out of the area would get the refund.

Mr. Edwards said that whoever the current owner was would receive the refund. He said that they made the assumption that it went with the property.

Mr. English asked if the current homeowner would be entitled to the refund.

Mr. Edwards said that was correct. He indicated a spreadsheet that detailed the relevant information.

Mr. Coen said that he would like to see the monetary amounts of what those 23 people would be receiving. He said that he needed more information about the future of this program and what the process was for new residents.

Mr. Edwards said the 23 existing customers were the only ones who would be reimbursed for a total amount of approximately $96,000, which was approximately the amount budgeted for the pump and haul program, so being able to reimburse that in order to do away with the program was a win-win.

Mr. Coen asked if the program was truly ending.

Mr. Edwards said that if the fees were reimbursed, they would no longer utilize the connection fee and go to the same standing as a non-subsidized customer so they would pay for their own pump and haul costs.

Dr. Yeung asked if questions could be sent to staff so that they could be addressed before the item returned to the Board.

Ms. Allen said that this was a win-win for the County and the homeowners to reimburse the funds and do away with the program.

Mr. English said that it did not benefit people who had paid the fee and moved away from the area.

ITEM 18. PLANNING AND ZONING; CONSIDER A REQUEST TO REDUCE THE FIVE-YEAR TIME LIMIT REQUIREMENT FOR A FAMILY SUBDIVISION ON TAX MAP PARCEL NO. 16-49 (LAROWE FAMILY).

Mr. Brian Geouge with the Planning and Zoning Department said that he would summarize this item as efficiently as possible. He said that this item was a request to reduce the five-year ownership requirement for a family subdivision. He said that Donald and Valerie LaRowe purchased land at 1265 Hartwood Road in May 2018, and the property was zoned A-1 and close to 48 acres. He said that there was currently a principal dwelling and accessory dwelling on the property. He said that the principal dwelling was being occupied by Donald and Valerie LaRowe and the accessory dwelling was being occupied by their daughter.

Mr. Geouge said that Mr. LaRowe wished to construct a second accessory dwelling on the property for his parents to reside in, however, only one accessory dwelling was permitted per parcel, so in order to do this, the LaRowes wished to divide off their daughter's dwelling onto its own 3-acre parcel through the family subdivision process in order to construct a new accessory dwelling on the parcel. He said that the subdivision ordinance stated that property must be owned for five years prior to qualifying for the family subdivision process and also permitted the Board to reduce this time requirement in the event that they found the requirement imposed an extraordinary hardship.

Mr. Geouge said that in the request, the health of Mr. LaRowe's parents had made the situation urgent and created a hardship; they wanted to divide off the daughter's dwelling and begin construction on the accessory dwelling as soon as possible. He said that the LaRowes will have owned the property for five years this coming May, however, if the Board granted the reduction in the five-year requirement, it would allow them to get started on their parents' dwelling sooner.

Ms. Bohmke asked if the family was currently in a hardship and if the Board should consider it time-sensitive.

Mr. Geouge said that in generalities, the LaRowes mentioned the health of the parents as being a concern, and being able to have them nearby was something that was time-pressing in this situation. He said that the applicant may be able to better explain any further justification.

Ms. Vanuch said that she was unsure if the Board had ever denied one of these requests, especially as they had downzoned, because before that, the family could have built this by right anyway. She said that the larger issue was the commitment to hold onto it for five years. She asked Mr. Geouge if that was correct.

Mr. Geouge said that was correct.

Ms. Vanuch said that according to the Board's bylaws, the Board was not supposed to vote on new business and it was supposed to come back at another meeting unless it met the criteria for a time-sensitive item. She said that if a majority of the Board members were in support of this, the applicant could prepare over the next two weeks, and treating it as time-sensitive may not aid in the solution.

Mr. Geouge said that the applicant also needed a lot-shape waiver from the Planning Commission in order for the plan to work, which was scheduled for March 8.

Ms. Vanuch asked if the applicant required this waiver before then. She said that in that case, it would not be time-sensitive. She said that a pending government action was a different precedent than a personal narrative in deciding these actions.

Mr. Geouge said that the applicant would need both the waiver of the time limit requirement from the Board and approval from the Planning Commission from the lot shape prior to the plat being approved, which were the two key things left for plat approval in this situation.

Mr. English motioned, seconded by Mr. Coen, to make Resolution R23-53 time-sensitive.

Dr. Yeung said that 18 and 19 appeared to be similar but were different parcels and families. She said that if they granted one, they would have to grant the other, and she did not know how they knew how they were experiencing hardship. She asked if there was documentation provided about this situation.

Mr. Geouge said that there were letters provided for each of these, and determining the hardship was not laid out in the ordinance, but was rather subjective, and the Board had the discretion to make that determination. He said that each situation was different, so the next one would have different criteria to consider.

Dr. Yeung asked if the LaRowe family was present.

The Voting Board tally was:

Yea:	(6)	Allen, Bohmke, Coen, English, Gary, Vanuch
Nay:	(1)	Yeung

Mr. English motioned, seconded by Ms. Bohmke, to adopt Resolution R23-53, a request to reduce the five-year time limit requirement for a family subdivision on tax map parcel no. 16-49.

The Voting Board tally was:

Yea:	(6)	Allen, Bohmke, Coen, English, Gary, Vanuch
Nay:	(1)	Yeung

<u>Resolution R23-53 reads as follows:</u>

A RESOLUTION AUTHORIZING THE REDUCTION OF THE FIVE-YEAR PROPERTY OWNERSHIP REQUIREMENT OF STAFFORD COUNTY CODE SEC. 22-5, "FAMILY AND MINOR SUBDIVISIONS," FOR TAX MAP PARCEL NO. 16-49, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Donald R. LaRowe, Jr. and Valerie H. LaRowe (LaRowes) are the current owners of Tax Map Parcel No. 16-49 (Property); and

WHEREAS, the LaRowes desire to subdivide the Property for the purpose of sale or gift to a member of their immediate family pursuant to County Code Sec. 22-5(a); and

WHEREAS, Stafford County Code Sec. 22-5(a)(2) requires that property used for a family subdivision be owned for at least five consecutive years by the current owner prior to the transfer; and

WHEREAS, County Code Sec. 22-5(a)(14) allows the Board upon finding that an extraordinary hardship exists, to reduce the five-year time restriction, and that the hardship provision shall be noted on the plat or in the deed; and

WHEREAS, the Board finds that the imposition of the five-year ownership requirement as applied to the LaRowes is an extraordinary hardship pursuant to County Code Sec. 22-5(a)(14) and that granting a reduction of such time period is appropriate and in the best interest of the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of February, 2023, that it be and hereby does grant a reduction of the requirement that property be owned for at least five consecutive years by the current owner or member of the immediate family, pursuant to Stafford County Code Sec. 22-5(a)(2), to Donald R. LaRowe, Jr. and Valerie H. LaRowe such that the family subdivision of Tax Map Parcel No. 16-49 for the purpose of sale or gift to a member of the immediate family, pursuant to County Code Sec. 22-5 (Family Subdivision), is permitted as of the date of this Resolution; and

BE IT FURTHER RESOLVED that both the plat and deed effectuating the Family Subdivision permitted by this Resolution shall contain a note referencing this Resolution number and Stafford County Code Sec. 22-5(a)(14); and

BE IT STILL FURTHER RESOLVED that this approval is non-transferable and the Property shall still be required to meet all other applicable requirements of the subdivision and zoning ordinances.

ITEM 19. PLANNING AND ZONING; CONSIDER A REQUEST TO REDUCE THE FIVE-YEAR TIME LIMIT REQUIREMENT FOR A FAMILY SUBDIVISION ON TAX MAP PARCEL NO. 36-28A (MARSHALL & ENGLISH FAMILIES).

Mr. Geouge said that in April 2022, Lucas and Britney Marshall purchased Tax Map parcel 36-28A, zoned A-1 agricultural, consisted of 7.43 acres, was located on the south side of Truslow Road, and was directly west of the high school #6 parcel. He said that the family had purchased the parcel in part because it was over 12 acres and could be subdivided into an additional lot under the 6-acre density requirement. He said that the family's intent was to divide off one additional lot for Lucas's sister and her husband, Leah and Morgan English, so that houses could be built for both families on the parcel.

Mr. Geouge said that in October 2022, the family came to the County to discuss submitting an application to divide off one additional lot through the conventional subdivision process, or what was known as a minor subdivision plat, with the lots being served by private well and septic systems. He said that however, at that time, the family was informed that the property was within the urban services area, and Chapter 25 of the County Code required any new conventional lots to be served by the public water and sewer system. He said that there was no water and sewer adjacent to the property, and the existing public lines were about a mile east of the property at Cardinal Forest.

Mr. Geouge said that due to the utility connection requirement, the family was informed that a conventional family subdivision of the property would not be permissible until such time public water and sewer were extended out so that they could access it. He said that utilities would be extended closer to the property with the construction of High School #6 but were not there yet. He said that the family was informed that family subdivisions were exempt from the urban services area utility connection requirement based on §25-1 of County Code; however, the subdivision ordinance required the property be owned for five years before it was eligible for a family subdivision.

Mr. Geouge said that the code allowed the Board to reduce that time period if they found that a hardship existed. He said that the Marshall family had requested the Board make a finding that there was a hardship in this situation. He said that in their statement, they said that they were unaware of the utility connection requirement prior to purchasing the property. He said that their real estate agent reached out to a County staff member prior to them purchasing the property, but the discussion at that time was focused on compliance with the subdivision requirements, including lot size, lot shape, access, and other related items.

Mr. Geouge said that unfortunately, the utility connection issue was not addressed at that time. He said that the family stated that the five-year ownership requirement for a family subdivision created a significant and unanticipated financial burden due to both families having to rent in the meantime. He noted that the deed of the property originally listed Leah and Morgan English as owners in addition to the Marshalls, and prior to their submittal of this request, they had to transfer ownership to remove the English family from the deed because the code did not allow for them to have a family subdivision lot granted to a current owner of the property.

Mr. Geouge said that should this waiver be granted, the family would like to move forward with dividing off one new lot and constructing a total of two homes on the property, served by well and septic. He said that if the waiver were denied, they had a couple of options, which were that they could wait until public water and sewer was extended out to the property prior to subdividing it, or they could wait for the five-year requirement for the family subdivision, which would be satisfied in April 2027, whichever occurred first.

Mr. English clarified that he was not related to the English family of the application.

Ms. Vanuch thanked Mr. English for the clarification. She asked if it was one family with a different married last name, or if it were two different families.

Mr. Geouge said that the family was a brother and sister.

Ms. Vanuch said that it could easily be misconstrued as two different families, so she wanted to clarify that point. She said that it was important to verify that the involved parties were actually family. She asked if the lot had been previously subdivided and sold by the applicant.

Mr. Geouge said no. He said that they had not subdivided anything yet.

Ms. Vanuch said that they wanted to subdivide it and likely thought that conventional was easier until the water and sewer connection issue was raised, so they now were saying family subdivision. She said that it was likely that staff had directed them toward the conventional process until this issue arose. She said that if they had not downzoned, they would likely be eligible for up to four houses on 17 acres. She said that when they downzoned, they said that they did not want the downzoning to impact subdivisions, which was why they allowed these waivers to come forward. She asked if Mr. Geouge recalled that information.

Mr. Geouge said yes. He said that they came back with a code amendment that exempted them from that.

Ms. Vanuch said that she supported it but wanted to state those things. She said to the last one, they had a Planning Commission meeting, but they did not have a Planning Commission deadline, so this item could return to the Board in two weeks. She asked if this item could return on the consent agenda.

Dr. Yeung said that she did not support the item.

Ms. Vanuch said that in that case, it would not be able to be on the consent agenda. She said that it would return under unfinished business.

<u>ITEM 20. PARKS, RECREATION, FACILITIES & TOURISM; PROVIDE AN UPDATE AND DISCUSS AUTHORIZING A PUBLIC HEARING TO CONSIDER AMENDING PARKING FEES AT HISTORIC PORT OF FALMOUTH.</u>

Mr. Brion Southall, Director of Parks and Recreation, Facilities, and Tourism, stated that the Board approved a pilot program last July to impose parking fees at the Historic Port of Falmouth and associated parking areas. He said that the end-of-season review indicated that the majority of Stafford County and City of Fredericksburg residents visited on the weekdays, and the highest number of non-residents visited on weekends and holidays.

Mr. Southall said that on June 19, with the data of the pilot program, the Parks and Recreation Commission Advisory voted to charge fees on holidays and weekends for nonresidents of Stafford County and nonresidents of the City of Fredericksburg. He said that they also recommended that collected fees be used for safety and for river education programs. He said that staff concurred with the recommendations and requested the Board to authorize a public hearing to consider amendments to the ordinance for the parking fees at the Historic Port of Falmouth.

Mr. English asked if Friday was included in the days of the weekend fees.

Mr. Southall said that Fridays included many residents.

Mr. English asked if Aquia Landing was going to be considered as well.

Ms. Gary said that they were still looking at parking arrangements for that area.

Mr. Southall said that they tried to do some research on weekends, and it was roughly half residents and half nonresidents at Aquia Landing, but at the Historic Port of Falmouth, on weekends, it was 99% nonresidents.

Mr. English said that he felt that it should be applied to both parks.

Ms. Gary said that on the Historic Port of Falmouth, they did not only need to just move to weekends but probably needed to make an amendment for how the fees would be used to cover the expense of having people there to collect fees.

Mr. Southall said that that could be part of the hearing. He said that the ordinance was set up to make improvements at the port.

Ms. Gary said that she had discussed this issue with Mr. Coen, so she wanted to bring it up as a point of discussion. She said that it could also be written as what funds were not needed for maintenance would go toward improvements or something to that effect.

Mr. Coen asked if the intention were that once this item returned as a resolution, it would be Saturdays, Sundays, plus holidays, and the funds would go to the costs thereof, and anything over the cost thereof would go to future use.

Mr. Southall said that the hearing in two weeks would address that.

Ms. Allen said that any of their public facilities must have parking examined for them, and she had been consistent in using the funds to repair the infrastructure. She said that Aquia Landing had parking issues, so the funds could be used, even if minimal, to help in the process of fixing infrastructure. She said that they should utilize the funds to not only pay for the maintenance of staff and maintaining the park, but to repair and upgrade the infrastructure for these facilities.

Ms. Bohmke thanked Mr. Southall for executing this project with such limited resources. She said that there were public safety personnel at these locations, and they would not be making a lot of money from these revenues, and in fact had lost money, so there would likely not be money for improvements. She asked if expenses for fire and rescue were considered.

Mr. Southall said no.

Ms. Bohmke said that when considering the public safety personnel who attended the area, they were losing money.

Mr. Coen said that the program was done well. He said that they needed to have some type of body that was not just Parks and Recreation or Mr. Southall, but a more holistic approach. He said that some ideas of what to do to better the area seemed to keep hitting snags.

Ms. Gary said that while Aquia Landing was separate from this issue, she would like to hear an update on the possible future actions for that area, and while she was unopposed to charging fees to out-of-town visitors, she wanted the parking issue to be dealt with first.

ITEM 21. DISCUSS THE RAPPAHANNOCK REGIONAL JAIL AUTHORITY BOARD'S BUDGET; REQUESTED BY SUPERVISOR CRYSTAL VANUCH.

Mr. Vosburg said that Supervisor Vanuch was uncomfortable with an upcoming jail authority board vote happening before the Board of Supervisors had heard the information, so she requested that it be scheduled after the Board could discuss it. He said the proposed full budget was attached in the Board packet. He said that Supervisor Vanuch also pointed out that they had not factored in the 5% of the comp board into the budget, and they said that they typically did not do that; they were asked to incorporate that into their budget, and the finance committee met this month to adopt scenario 6, which was in the packet.

Mr. Vosburg said that that scenario included the 5% of comp board funding, so it brought the ask of all the jurisdictions that contributed to the jail board down. He said that the original number requested of R-Board was around $700,000 and the request was now down to $347,809, which was a significant difference. He said that there may be further reduction, because as they knew, the state had included 7%, but the jail board only felt comfortable putting forward that 5%, so that number could be reduced.

Mr. Vosburg said that as part of the reduction, because they knew that jurisdictions had a lot of asks, the Board voted to allow further utilization of their reserves as one-time money to bring that budget down. He said that before the Board of Supervisors was the request of $347,809, of which they were factoring into their budget if the Board approved to do so, and then they would vote at the February 23 meeting in reflection of what the Board decided today.

Dr. Yeung asked if something was required from the Board in response for the February 23 meeting.

Mr. Vosburg said that the issue likely would need to be time-sensitive.

Ms. Vanuch said that direction was also appropriate. She said that she had discussed this issue at their off-site retreat, asking for feedback and for the Board to look at this analysis. She said that she was glad that it saved them so much money with that one minor change. She said that if they had done what was requested at that meeting, which was for them all to vote on that budget, they would have been held to giving them that amount of money and there was no way to come back and change it at that point, because they were contractually obligated to give them that amount of money based on the MOU.

Ms. Vanuch said it was important to be critical of the first budget presented, because it was important to the localities. She said that she was seeking Board feedback on this item in anticipation of the February 23 meeting of the jail authority board, where they would be voting on this as well as the rest of the Jail's budget. She asked if there were any other changes to the jail budget that the Board would like to see.

Ms. Allen thanked Ms. Vanuch for bringing this item to the attention of the Board of Supervisors so that negative impacts would not be had before they began the County's budget process.

Ms. Vanuch asked if the Board had consensus on this budget.

Dr. Yeung indicated that there was consensus among the Supervisors.

ITEM 22. DISCUSS CRISIS TREATMENT FACILITY; REQUESTED BY SUPERVISOR MEG BOHMKE.

Ms. Bohmke said that she had been on the health and human services board for VACo for a number of years, and over many meetings she had listened to many people discuss the ongoing mental health crisis, so she was passionate about standing up a crisis receiving or crisis treatment center, and she had been having conversations with Donna Krauss over the years. She said that she talked to the RACSB today, and anyone could talk to Joe Wickens, the executive director. She said that he was invigorated by touring those facilities, and they were continuing to work to put some sort of mobile health crisis treatment receiving facility that would serve residents of Planning District 16.

Ms. Bohmke said that there was an upcoming meeting between Ms. Krauss and Mr. Wickens, and she knew that Ms. Krauss would be bringing additional information back to the Board of Supervisors. She said that the public safety meeting included talking to Lieutenant Neuhard about what a mobile crisis center looked like, and he replied that there was money in the budget for it, but no one could say from the state's standpoint of what that meant. She said that she looked forward to more information coming back.

Ms. Allen asked if the conversations with RACSB were about a crisis center that served only a specific area or if all of Stafford County could utilize it.

Ms. Bohmke said that yes, it would be for PD16.

Ms. Allen asked if this would be something separate from the governor's budget that would allow them to tap into the community grant. She said that the federal government had begun to release the funds for mental health services.

Ms. Bohmke said that Donna would be looking at that issue because RACSB was unlikely to have adequate resources to address it effectively. She said that would probably be a combination of things, but something must be done quickly. She said that they would know more about what it looked like when the item returned to the Board. She said that currently, they had 120 open positions but would be getting money from the state and the salaries would be increased quite a bit to stand up the operation.

Ms. Gary said that there were not specifics provided about what it looked like, but there was information on the Department of Behavioral Health Services website, which said that rapid response, assessment, early intervention to individuals experiencing crisis, provided 24/7. She said that it listed four bullet points: prevention of acute exacerbation of symptoms, prevention of harm to the individual or others, provision of quality intervention in the least restrictive setting, and development of an immediate plan of safety to avoid higher level of care.

Ms. Gary said that she had gone on a recent ride-along on which they saw the response to some of these issues, so she knew that this was a big deal for their law enforcement agencies. She thanked Ms. Bohmke for working on this.

Dr. Yeung said that she wanted to emphasize patient care, and while law enforcement may be involved, it would be a team of mental health professionals who would work as a team in this crisis area. She asked if more information would be brought forward on that.

ITEM 23. DEVELOPMENT SERVICES; DISCUSS STORMWATER AD HOC COMMITTEE.

Mr. Paul Santay, Chief Director of Community Development, said that he was presenting the Stormwater Ad Hoc Committee update. He said that at the February 7 CEDC meeting, staff discussed with the committee a variety of topics related to stormwater, and one discussion was about the relevance of the current Stormwater Ad Hoc Committee.

Mr. Santay said that that committee was created under the umbrella of the Board's strategic priorities in 2020 and was created for the Board to address a lot of the stormwater infrastructure failings and localized flooding issues throughout the County. He said that it was specifically directed toward residential issues and not necessarily anything other than residential or in the VDOT right-of-way.

Mr. Santay said that according to the charter, the committee was to advise the full Board on potential funding sources, program development and implementation, and anticipated service levels. He said that membership of the committee included two members of the Board of Supervisors. He said that the former members were Supervisor Gary and former Supervisor Cindy Shelton, and current members were Supervisor Gary and Supervisor Allen.

Mr. Santay said that when the charter was created, it had five objectives that included research of funding options, management of county-owned stormwater infrastructure, research of grants, service districts, and utility, the legal ramifications and long-term costs of an all-in approach to stormwater issues, and providing recommendations to the Board, giving final recommendations on what the committee came up with.

Mr. Santay said that they had seven meetings and reported their findings back to the Board in late 2021. He said that the recommendation created the neighborhood stormwater grant program, and while it was not an entire solution, it provided a mechanism for some of their residential property owners to move forward if they truly had stormwater issues that needed to be addressed.

Mr. Santay said that staff sought direction from the Board on what they would like to do with the ad hoc committee. He said that if they looked back at the five objectives under the charter, they seemingly had been satisfied, but it was up to the Board as to whether the ad hoc committee moved forward. He said that they could revise the objectives to move forward in a different direction, or if the objectives had truly been satisfied, the Board could consider disbanding the ad hoc committee altogether. He said that further discussion would be had at the next meeting.

Ms. Gary asked if they could get an update on resiliency plans in connection with this item.

Mr. Santay said that some information was available, but more detailed information could be provided.

Ms. Gary said that if there was any development, it would be appreciated, otherwise it was not needed.

Mr. Santay said that he would be happy to.

ITEM 24. DISCUSS THE KEEPING OF CHICKENS IN THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT; REQUESTED BY SUPERVISOR MEG BOHMKE

Item #24 was deleted from the agenda.

CLOSED MEETING

At 6:17 p.m., Mr. Coen motioned, seconded by Ms. Gary, to adopt Resolution CM23-06 to authorize closed session.

Ms. Vanuch made a substitute motion, seconded by Mr. English, to have this discussion for public transparency's sake. She said that if they were going to be putting housing on a school site, it should be discussed so that the public could hear everything they were talking about. She said that they had discussed this at their retreat, and she was vehemently opposed to allowing this to go into closed session.

Dr. Yeung asked if there was any discussion.

Ms. Gary said that she did not understand the division in opinion. She said that she was not against having the conversation publicly, but normally they would not take something regarding the sale of a property to the public that quickly.

Ms. McClendon said that it was up to the Board as to whether they wanted to discuss the proposal in open session. She said that ultimately, the Board held the confidences of closed session, and they had the ability to go in to discuss the proposal, but it would be up to the Board's discretion.

Dr. Yeung said that a closed session would be helpful to discuss this topic before bringing it to the public.

Ms. Gary said that they were not rezoning and putting housing in behind closed doors.

Ms. Bohmke asked if they were looking at potential townhomes on a site and having a conversation with a particular developer that they were giving the developer credence as far as it related to their proposal. She asked if something like this should be put out for RFP. She asked why they were giving this particular developer an advantage.

Ms. McClendon said that ultimately, the County owned the property, and this was a proposal for the County to consider conveying the property. She said that the County was not required to go out for an RFP, REI, or any other source of information, and although they may choose to do so, they were not required. She said that the only thing before them today was the proposal to ask whether or not they wanted to consider the proposal to ask whether or not they wanted to consider the disposition of County property.

Ms. McClendon said that it was not signing onto a proposed development or going forward at this point to consider whatever was being requested. She said that this was just starting the discussion, and when the proposal came in, it had to be presented to the Board, because the Board as a whole had to make a decision on the property because staff did not have that ability.

Ms. Allen said that she was perplexed because she was unaware of this being a vote on anything other than a conversation about considering a proposal, which they had done multiple times, and they would deem the proposal worthy or not and proceed from there. She said that she did not see the benefit of having a public discussion about something they had not yet considered as a Board. She said that they had to publicly vote regardless of what they did, and they had done this with the same property this year, so she was confused as to why this conversation must be a public one.

Ms. Vanuch said that putting in a commercial business, which had been discussed in other closed meetings, was not as big of a cost to the taxpayer, if a cost at all. She said that she had grave concerns about utilizing closed sessions to hide what the Board may want to do with regards to building housing on an old school site, and she did not support that conversation being done behind closed doors.

Ms. Vanuch said that she would much rather have it be a public conversation so that feedback could be received by constituents. She said that if they gave guidance to staff to research contracting with a developer to build townhomes in an area, it would result in the Board making up their minds before it came to the public, and she was not comfortable with that when it came to residential development.

Ms. Gary said that many of them had been working hard to build trust with the public, and this felt like moving backwards, for whatever reason. She said that they should proceed with a vote on the substitute motion.

Dr. Yeung reiterated that the vote was to have the meeting in public rather than in closed session.

The Voting Board tally was:

Yea:	(3)	Bohmke, English, Vanuch
Nay:	(4)	Allen, Coen, Gary, Yeung

Dr. Yeung said that the vote now on the floor was for the Board to go into closed session.

The Voting Board tally was:

Yea:	(4)	Allen, Coen, Gary, Yeung
Nay:	(3)	Bohmke, English, Vanuch

<u>Resolution CM23-06 reads as follows:</u>

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for discussion of the disposition of a former elementary school site which was publicly held property, where discussion in an open meeting would adversely affect the bargaining posture or negotiating strategy of the Board,

WHEREAS, pursuant to Virginia Code § 2.2-3711 (A)(3) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of February, 2023, that it be and hereby does authorize discussion of the above matters in Closed Meeting.

CERTIFY CLOSED MEETING - SEC. 2.2-3711 (A)

At 6:37 p.m., Mr. Coen motioned, seconded by Ms. Allen, to adopt Resolution CM23-06(C) to certify the closed meeting.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	

Resolution CM23-06 (C) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON FEBRUARY 21, 2023

WHEREAS, the Board has, on this the 21st day of February, 2023, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act provides for certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 21st day of February, 2023, that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the Motion by which the Closed Meeting was convened, were heard, discussed, or considered by the Board.

RECESS

At 6:40 p.m., the Board recessed its meeting until the evening session.

At 7:00 p.m. Chairman Yeung called the evening session to order. Ms. Gary gave the invocation and Ms. Allen led the Pledge of Allegiance to the flag of the United States of America.

PRESENTATIONS

There were none.

PRESENTATIONS BY THE PUBLIC

Mr. Coen read the rules for public comment.

1. Mr. Jeff Adams said that he resided at 449 Kellogg Mill Road. He said that 50 years ago, two identical twins moved to the County, one who bought a house on a 20-year mortgage, and one of them rented. He said that after 240 payments, the house was paid for, and the person never sent another check to the bank in his life. He said that 50 years later, the other guy was still sending in a rent check every month, 600 payments, and still had to pay more. He said that he had just described the PDR program versus a mortgage. He said that they were saving money and not throwing money away for 50, 60, 80, or 100 years.

   Mr. Adams said that if they did not retire those units, they would be paying forever. He said that if a schoolteacher made $50,000 per year and got a $1,000 raise per year, 50 years from now it would cost $100,000 to employ a schoolteacher for 25 kids. He said that if they retired 2,500 lots, it was 100 teachers they did not need at $100,000 per year. He said that Mr. Coen had indicated that he was bad at math, so he did not know how much he was saving, but Mr. Coen also knew that he had been on the PDR Committee for over 12 years and served three different Supervisors, so this was not a new program.

   Mr. Adams said that two weeks ago, the Board talked about PDR, and he received numerous phone calls, in which he could not believe some of the questions he was asked. He said that he was supportive of chickens but wanted to invite all the Supervisors individually out to his farm and go through the PDR process with them step-by-step. He said that he could explain how the money worked, how they came up with the figures, how the Board asked them to change it, and what it was today. He said that they could just call him over the phone to discuss the PDR program because they could be saving millions of dollars, but they could not put money in if they could not buy lots.

2. Mr. Mark Ellis said that he and his family resided at 80 Spring Lake Drive in the Rock Hill District. He said that he would like to thank the Board for the time they individually and collectively put into the County. He said that he also was a pickleball addict, as his friends Donald and Lorraine stated at the 3 p.m. session. He said that there was a dearth of pickleball availability, as there was only 25 hours available on County courts at the Rouse Swim Center and Courthouse Community Center, and only two of those hours were evening play.

   Mr. Ellis said that they needed more courts for players of all ages and stages of ability, and his personal recommendations for the Board to consider in the short and long term were that Parks and Rec and Stafford County School Board leverage their existing shared use facility agreement to allow County residents to play pickleball on County and school courts. He said that he recommended also that they reprioritize what was currently in the capital improvement plan for the two pickleball initiatives that were listed in the current plan.

   Mr. Ellis said that they should move up the resurfacing of the outdoor tennis courts at Pratt Park from 2029 to 2024, and move up the new pickleball courts from 2030 to something more near 2025. He said that he recommended they leverage the existing proffer money that was available to build new parks and facilities to include the construction of new pickleball courts, and in particular, to consider new courts at Musselman Park, the new Carl Lewis Center sport court, and any other new parks.

   Mr. Ellis said that he would also recommend they recommend asking the County EDA functions to initiate a proposal for a public-private partnership to build a world-class pickleball indoor-outdoor facility that would further meet the needs of the pickleball players that they had in the County now, and which could serve as a unique economic engine for sports tourism for clinics and tournaments for Stafford County residents to bring people in from the County.

3. Ms. Kristin Maxson said that she lived at 1816 Richmond Highway. She said that she was still perplexed with the December minutes and agendas. She said that the bylaws earlier in December had opened up December for voting month, and she found that there were 27 different entries in the planning and zoning, which were empty and sort of in between the list of the applicants, and were not in the beginning in the order that they should have been. She said that 27 flooded the listing and affected December.

Ms. Maxson said that a lot hit the public in December when it was supposed to be a non-voting month, but that all changed with the bylaws. She said that there was absent voting at this time, and the public was trying to get used to all these changes. She said that she could not quite understand all of the bylaw changes, although she had read them, it did not make sense what was being changed and what was. She said that she felt the changes but could not differentiate it in the writing. She said that in this list that put 27 different entries in, it used zone site as-built definitions, and these projects were huge, in fact too large to load on her computer.

Ms. Maxson said that Wawa was one of the entries, but was completed, so it was unclear why it was something new when it was completed. She said that it was sort of strange for the public. She said that during the February 3 and 4 convention or gathering that the staff had, they were focusing on the courthouse fountain square, and there was talk about five-story skyscrapers, so she wondered if it would look like Tyson's Corner, when it went in when she was 11 years old. She said that they would have a traffic problem.

Ms. Maxson said that at the 3 p.m. meeting, there was discussion about signs, and that it was 50 feet from zoning, but she knew that she was 50 feet from a zoning developer who was developing, and she did not receive a letter, which would be a sign and letter that did not apply to her at that time.

PUBLIC HEARING HELD OPEN FROM JANUARY 17, 2023 BOARD MEETING

ITEM 25. PLANNING AND ZONING; CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW COMMERCIAL TREE STUMP GRINDING AND MULCH SALES WITHIN THE A-1, AGRICULTURAL ZONING DISTRICT ON TAX MAP PARCEL NO. 35-32.

Ms. Amy Taylor said that she would be presenting Item 25, a Conditional Use Permit (CUP) for Norfleet Mulch. She said that this was a request for a CUP for commercial tree stump grinding and mulch sales facility within the A-1 Agricultural Zoning District. She said that the parcel was located within the Hartwood election district. She displayed a location map that showed the property along the north side of Warrenton Road, approximately 1100 feet of Hemp Road, and was shown in blue.

Ms. Taylor showed on the screen the Generalized Development Plan, which showed the layout of the facility, and would consist of a 20,000-square-foot warehouse building, situated in the western portion of the property. She said that grinding and processing equipment would be located behind the building in the northwest portion of the property, including storage of raw materials and bulk processed mulch, and additional storage areas for pallets of bagged mulch would be located at various locations throughout the rest of the property.

Ms. Taylor said that access to the site would be provided via two different access entrances along Warrenton Road, both aligned with existing median crossovers, and parking areas would be located along the south side of the proposed building, along with a series of 30-foot travel ways to provide access to all processing and storage areas onsite. She said that significantly, landscape buffers would be provided along all abutting property lines as well as the site's frontage along Warrenton Road.

Ms. Taylor said that the current slide showed the proposed conditions, as previously discussed at the public hearing on January 17, 2023, which she would be glad to revisit if the Board had any specific issues of concern. She said that no specific issues of concern were identified during the public hearing on January 17, but the Board did vote to continue the public hearing until tonight to specifically allow for more time for evaluation of the project. She said that it was also staff's understanding that the applicant held an additional town hall meeting on February 13 to allow for additional discussion with members of the community. She said that she would defer to the applicant with regard to the specifics of that meeting.

Ms. Taylor said that staff found multiple positive aspects associated with the application, but continued to note that the proposal was not fully consistent with the land use recommendations in the Comprehensive Plan regarding agricultural or rural areas because the specific use was not identified. She said that the Planning Commission and staff were both supportive of the project and recommended approval of the application.

Ms. Bohmke asked where the application was not in compliance with the Comprehensive Plan.

Ms. Taylor said that specifically for agricultural and rural areas, the Comprehensive Plan identified a number of recommended or suggested uses in those areas, but a commercial stump-grinding facility was not specifically identified. She said that it talked about agricultural activity such as slaughterhouses, farming, and community-serving uses related to farming. She said that it did not explicitly note a stump-grinding facility, and was silent on that use in those recommended uses.

Mr. Coen asked to see the Generalized Development Plan on slide 4. He said that it crossed over two streams, but saw nowhere the mention of building a bridge over the two streams. He asked what the proposal was.

Ms. Taylor said that she would have to defer to the applicant to provide that information, but that typically would be decided at the site plan stage, and the Generalized Development Plan was typically a concept that demonstrated the basic layout of the site, and final engineering would be determined at the site plan review.

Mr. Coen asked if any Planning Commission members asked that question.

Ms. Taylor said no, the question regarding stream crossing specifically was not asked.

Mr. Coen asked if there would be bagged and loose mulch.

Ms. Taylor said that was correct.

Mr. Coen said that he was concerned about the loose mulch potentially going into those streams.

Dr. Yeung asked if there were any other questions for Ms. Taylor. Hearing none, she asked for the applicant to please present.

Mr. Clark Leaming said that he was present on behalf of Norfleet Mulch. He said that in answer to the question that Ms. Bohmke raised regarding the Comprehensive Plan, not only was the use not mentioned in this particular Comprehensive Plan designation, but it was not mentioned anywhere in any Comprehensive Plan for any part of the County. He said that this was the only zoning district in which this operation was permitted under a conditional use permit and was not listed anywhere else. He said that in that case, he believed that the silence of the Comprehensive Plan was meant to be the point.

Mr. Leaming said that with regard to Mr. Coen's question about the stream crossing, he did not know how much of the materials were read by the Board, but responses were prepared to Dr. Yeung's questions, one of which had to do with the routing. He said that there were two streams that crossed the property, and there was a current logging trail on the site, so in order to cross the streams, they would likely have to get a wetlands permit to cross the streams and accomplish that, permitting them to get from one side of the property to the other.

Mr. Leaming said that the two entrances were full-service entrances, and they would both have right-turn lanes going out and left-turn lanes coming in, depending on which way one was going down Route 17. He said that the plan was for most of the traffic to come into a warehouse where the bagging operation occurred, which could be seen on the concept plan, and employee and customer parking would be in front of that.

Mr. Leaming said that the actual mulching occurred in the back of that, and the areas shaded in tan were the storage areas, so the only thing happening on the other side of the property where they would cross the stream or come back out onto 17, would be storage with pallets. He said that Norfleet sold to Walmart, Home Depot, botanical gardens, and other nurseries, so there would be a number of customers coming in, and depending on what type of mulch they were going to purchase, would go to one of the locations. He said that there were about 16 varieties of mulch, and in order to keep mulch from spilling, it could be wetted down or purchased in bags, or the mulch could be delivered.

Mr. English asked if Mr. Leaming could discuss more about the buffer around the property.

Mr. Leaming said that there was a proposed 100-foot buffer all the way around the property, except along Route 17, where the buffer width was required along the major corridor. He said that it was in a highway overlay corridor, so the appearance of the building and other features were driven by the requirements for that overlay. He said that one thing that the Comprehensive Plan did not show was that all of the central area, with exception of the crossing, were other streams west on the property, on the other side of the building.

Mr. Leaming said that those areas would not have trees disturbed, because there was no reason to do so as well as because of the Chesapeake Bay regulations, they had to stay at least 100 feet away from streams. He said that with the exception of the crossing, there would be two bays, one of which is a storage bay. He said that there would be a lot more greenery on the property than could be gained by looking at the buffer zone on the Generalized Development Plan. He said that at their community meeting, they had another concept plan that showed the extent of the greenery.

Dr. Yeung asked if the operations were scheduled from 7 p.m. to 10 p.m.

Mr. Leaming said yes.

Dr. Yeung asked if children sleeping at 8 p.m. could hear the grinding noise. She said that it could be disturbing.

Mr. Leaming said that there was not a noise issue regardless of the time of day. He said that a short presentation on how sound traveled and the distance from where the activity was and anything around it, it could be provided to the Board. He said that no one would hear anything violative of the County noise ordinance. He said that County staff had used the conditions to hold the operation to a residential noise level at the property line rather than a commercial level, which meant that there were restrictions on both the day and night noise levels.

Dr. Yeung asked if the company was managing the noise itself.

Mr. Leaming said no. He said that the County had the ability to enforce that condition. He said that the conditional use permit included a series of conditions the County could enforce, and if the applicant did not comply with those conditions, a conditional use permit could be revoked.

Dr. Yeung asked if there was a list of conditions to be implemented.

Mr. Leaming said yes.

Dr. Yeung said that this proposal was inconsistent with the Comprehensive Plan using the recommendation of agricultural and rural areas. She said that it should be a zoning change rather than a Conditional Use Permit. She said that she did not believe the tree stump grinding belonged there, because it encouraged degradation of the transportation system area. She said that they needed a zoning change so that they could use proffers to look at water quality, environmental change, and traffic.

Mr. Leaming asked if Dr. Yeung had a question.

Dr. Yeung said that it was a comment.

Mr. Coen said that on slide 4, the trees on the far western side were mentioned to be already existing. He asked if that was true of the trees at the back of the property and along the other side. He asked if they would be removing them and planting new trees.

Mr. Leaming said that they would be keeping a few areas.

Mr. Dan Palchak said that the buffers as they were now were trees.

Mr. Coen said that they had had things come before the Planning Commission that said that they would keep as many trees as possible, but then they would actually take down everything.

Mr. Leaming asked Mr. Palchak to introduce himself.

Mr. Palchak introduced himself as Dan Palchak that he was the owner of the business along with his brother. He said that he was told that the property was timbered about 30 years ago and had not been touched since then. He said that the eastern region near the center was cleared sometime more recently than that, but the rest of the property was definitely trees.

Mr. Coen said that Mr. Leaming mentioned that there was a right-in, right-out in the entrance to the far east, but in the map, the indication was that they went in one way and all the way around to the other. He said that he assumed that when they went farther in this process, the entrance would be commercial, and if he were to come in the entrance to the east, he would bring his big vehicle in and turn it around, and not go all the way around.

Mr. Leaming said that it was a 75-acre site, so that was expected.

Mr. Palchak said absolutely.

Mr. Coen said that it was an important distinction to make. He asked if there would be a bridge put over the streams.

Mr. Palchak said that they would be subject to rigorous wetlands obligations but were uncertain as to whether they would get the permit required to cross. He said that local residents had given him lots of advice. He said that large culvert piping would allow them to bridge it.

Mr. Coen asked what the plan was if they were not allowed to cross the stream.

Mr. Palchak said that it was described as full-service on both sides because of the possibility of that scenario.

Ms. Vanuch asked Mr. Leaming to explain where the grinding would be and if it would be located outside.

Mr. Leaming said that the grinding itself was in the purple area, behind the warehouse.

Ms. Vanuch asked if it would be located in the purple-shaded area.

Mr. Leaming said yes, that was the area where it would occur.

Ms. Vanuch asked where the closest houses were to that area.

Mr. Leaming said that most of the houses were not seen in this concept plan but were not located near the buffer.

Mr. Palchak said that he assumed the discussion about the buffer would relate to the noise. He said that for them to stay within the residential decibel limits at night, they measured and assumed at full power for their loudest equipment there was a full line of sight and no obstructions, including trees, if they would be above the required noise limits in Stafford County, and they found that they would be below based on the distance, and the trees would further reduce that to ensure they were below it. He said the measurement was 550 feet away.

Ms. Vanuch asked what trees were there.

Mr. Leaming said that trees were there now, and it was a mix of trees.

Mr. Palchak said that it was a mix of trees.

Mr. Leaming said that the mix included pine and hardwood trees.

Ms. Vanuch said that there was no condition that limited stump grinding to a certain time period. She said that her concern was that she had recently had stump grinding occurring across the street from her house and took a video from more than 1000 feet away. She said that it was within compliance of the county noise ordinance, but it was the only thing she could hear outside. She asked how often stumps would be ground, because she heard it outside her house for two weeks straight and found it aggravating.

Mr. Palchak said that they actually did not grind stumps, but rather that was the title of the specific use. He said that they ground up other parts of trees such as bark, and grinding stumps was very loud. He said that the hours were limited from 7 a.m. to 10 p.m. for grinding operations.

Ms. Vanuch asked if the houses nearest the buffer would have to listen to tree grinding all day from 7 a.m. to 10 p.m.

Mr. Palchak said that it was below the required decibels for residential use.

Ms. Vanuch said that there should be conditions on the time limits and how often it could be done.

Mr. Palchak said that at their current site, where they had operated for about 80 years, they could grind one to three grinders all day, every day. He said that they had residences right across the street from them and had never received a noise complaint related to the grinding. He said that there were several developments in the immediate area who had never complained as well.

Ms. Vanuch asked if they could compare that site versus this site.

Mr. Leaming said that it was on Lafayette Boulevard in Fredericksburg, and the residential development was on the other side of Lafayette Boulevard from where they currently operated.

Mr. Palchak said that there were no tree buffers. He said that the other difference was that they were using a horizontal grinder, which was much newer equipment and not as loud as what was known as a tub grinder, which was frequently used by other companies but not used by theirs due to quality and noise concerns.

Ms. Vanuch asked if a tester were out there to tell people how loud it would be so that people would know, and if they would be amenable to putting conditions that limited the grinding hours.

Mr. Palchak said that the grinding was a core portion of their business, so restricting the grinding hours would challenge their ability to operate. He said that the decibel limits were where the rubber met the road in terms of limiting their operations there, and there were no anticipated deviations from those existing limits and the more restrictive residential limits.

Mr. English said that at the town hall meeting that was held, several residents there had gone out to that operation and said that they could not hear it. He said that residents on Hemp Road went out to listen to the grinding and said that they also could not hear it.

Ms. Vanuch asked if there was a condition to use that equipment. She said that if they sold it to another entity, stump or tree grinding could occur without using that same equipment. She said that the noise that she heard was awful, and she would hate to subject the residents of this area to that from 7 a.m. to 10 p.m. every day. She said that a condition stating that they would use that equipment that was approved by the residents.

Mr. Palchak said that he was amenable to that.

Mr. Leaming said that it was state-of-the-art equipment that they would further describe the type of.

Ms. Gary said that they had met with the community since the last meeting.

Mr. Leaming said that there had been two meetings.

Ms. Gary said that she would like to know how those meetings went.

Mr. Leaming said that before the application was filed, they sent invitations to all of the adjacent property owners at that time and were held at the auspices of the Planning Commissioner.

Ms. Gary asked how many people that was sent to.

Mr. Leaming said that every resident along Hemp Road and other adjacent properties at that meeting.

Ms. Gary asked how many of those people attended the meeting.

Mr. Leaming said that all of them did.

Ms. Gary asked how the conversation went.

Mr. Leaming said that their concerns were addressed so that they did not feel compelled to raise them in the public hearings.

Mr. Palchak said that by the end of the community meeting, they had the support of the entire room. He said that most of the residents were explaining what pipe should be put in because of the flooding, and several residents who had visited the area answered the vast majority of questions that residents who had not visited the area had.

Ms. Gary asked if residents came to a follow-up meeting who were not from the area.

Mr. Leaming said yes. He said that after the January Board meeting, Mr. English requested they hold another community meeting, so that was set up at Hartwood Elementary School and was announced. He said that he did not recall any Hemp Road residents coming back to that meeting, nor to the Planning Commission meeting, because those issues had been addressed. He said that the residents who came to the second meeting were not from the immediate vicinity and voiced their questions.

Mr. Leaming said that Mr. English could give a more objective account, but he felt that the questions were satisfactorily answered and were along the same lines of the Board, such as noise and sight impacts. He said that a concern was raised at the first meeting about water and whether they would have any impact on wells, the answer to which was that they had a well for a bathroom, and the only other water utilized was runoff that was collected in stormwater ponds.

Mr. Palchak clarified that there were about 25 to 30 people at the community meeting, and two people spoke in opposition, one concerned about water quality, and when they discussed that they were an Omni-certified organic producer, they had records of DEQ testing they underwent every six months, and they had that information available. He said that that person came up at the end to shake their hands. He said that there was one other voice who did not support the project related to traffic concerns.

Ms. Gary said that she had concerns as far as the hours of operation. She said that 10 p.m. seemed to be a late hour for grinding anything, and could create noise, and whether it was within a limit or if it posed a problem to people may be two different things.

Ms. Vanuch asked if a condition for the equipment could be crafted.

Mr. Palchak said sure.

Dr. Yeung asked if anyone knew how many homes were to be built in that area.

Mr. Leaming said that across the street, there was a property called Westlake that was zoned in 1989, and there would ultimately be a traffic signal at the westernmost access point and directly across the street from that, but aside from a preliminary plan, there was nothing there yet. He said that ultimately there would be 600 homes across Route 17.

Dr. Yeung said there could be 600 babies. She opened the public hearing.

Mr. Coen read the rules for public comment.

1. Mr. Adams said that he attended the meeting on January 13 along with residents of Hemp Road that supported the project. He said that they talked about the 40-year history of the project, and the people closest to the project supported it. He said that the other thing that happened with this project was that the only place that it could exist was on an A-1 zoning and could not go into an M-1, I-1, commercial, or anything else. He said that the applicant was doing the best that he could because the County only allowed it in this zoning. He said that it should not be whether the Board consider it or not, but that the conditions they were going to impose should be explicitly defined.

   Mr. Adams said that to address the noise issue, there was a vast difference between a tub grinder such as that used at the landfill and could be heard from miles away, and a modern horizontal grinder. He said that the technology changed and got better with time. He said that in response to another remark that was made, none of them were paid to be there, none of them were paid to be there tonight in order to speak for the project. He said that it was A-1 and did several things. He said that simple math indicated that it eliminated 11 wells, 11 septic systems, 11 children from the public school system.

   Mr. Adams said that of the residents on Hemp Road who were at the meeting, the only thing that he disagreed with was that the numbers at the meeting were closer to 15 or 25, but no one stood up and was adamantly opposed. He said that they spent two hours answering every question directed to them and did a good job of doing so. He said that it was not a matter of being for or against the project but what the conditions for the use should be.

2. Ms. Jennifer Musselman said that she was a resident of the Hartwood District. She said that she had serious safety concerns about the special request as it now stood. She said that the speed limit between Poplar and Hartwood was 55 mph, and most people went 65 mph. She said that VDOT's 2021 report stated that 24,000 vehicles per day traversed this particular section, yet Norfleet was making no provisions or proffers for the unique traffic pattern that they would be creating. She said that based on her experience, there would be more than 50 trips per day.

   Ms. Musselman said that she landscaped for 10 years using Norfleet, and in the 20 minutes that she was typically there, three other customers were usually present, primarily landscapers and private landowners, and the area was much less populated back then. She said that most of the year, Norfleet operated 9 hours per day, so even a conservative three customers per 20 minutes was 9 hourly, 81 daily, or 445 per week, excluding the traffic from home deliveries made by dump trucks and other tree company dump trucks bringing in raw materials for grinding. She said that tractor-trailers also came and went for bagged mulch for retail.

   Ms. Musselman said that all of this traffic was done on a one-way highway with median strips, and extended vehicles and trailers would block northbound traffic while waiting for southbound traffic to clear. She said that it would be a great issue, especially if some of their hours were at night. She said that there was also a blind spot coming around the northbound area, and if they traversed that area, they would see that they came around a corner, and where one of the entrances was going to be, there was very little notice.

   Ms. Musselman said that if there was a stopped vehicle there blocking the northbound lanes, the 65 mph traffic would have to brake or merge into other traffic, which for 24,000 vehicles, may be difficult to achieve. She said that she knew that Mr. English had spent time as Deputy Sheriff and knew how dangerous this road was, and knew that he was concerned about public safety. She said that she would recommend performing a VDOT study before doing this.

3. Ms. Susan Depp said that she resided at 8 Ballsman Drive in the Hartwood District. She said that she had many questions about this project that were not answered when she read the Planning Commission minutes, and only raised more questions. She said that they said that while mulch bagging operations occurred 24 hours per day, the bagging was conducted

within the warehouse building and do not generate noise impacts. She said that she wondered how the mulch got into the building from the mulch piles, and if front-end loaders would be running all night long, or if that activity was stopped at 10 p.m.

Ms. Depp said that what the previous speaker said was very on point, because it was a 55 mph four-lane divided highway, and a principal artery, with access controlled by the state. She said that she noticed in the fine print that the applicant was asking for a low-volume commercial entry, but that was a 50-vehicle-per-day limit, and they needed an actual commercial entrance, which required permission. She said that if they did not get the road built across the stream or the traffic light that Westlake was putting in, they would be coming in and out without a traffic light into a 55 mph zone, trying to cross four lanes of traffic. She said that this would be an extra challenge to inexperienced drivers and other users of the road.

Ms. Depp said that she would like to have a lot of her questions answered, and many of the conditions as written did not have teeth to them. She said that she sent Supervisor English an email that listed her questions about those. She said that she did not believe that the Planning Commission had a full view of this operation, because the conditional use said that it was for mulch sales. She said that there was a difference between bulk mulch and bagged mulch, and made all the difference in the world. She said that the ordinance did not specify that bulk mulch was fine, but bagged mulch was different. She said that she did not feel that the Planning Commission nor the Board of Supervisors had the full picture, so she hoped that they would get that tonight before deciding.

4. Mr. Matthew Shilts said that he resided at 37 Serene Hills Drive in the Hartwood District. He said that he adamantly opposed the approval of this facility. He said that he had been to the facility in Fredericksburg, which was a disaster, even acknowledged by Mr. Palchak himself when he said that he would not be bringing that over here. He said that he was not the previous owner, and one of the Board members had asked what the next owner may do. He said that Mr. Palchak had used the verbiage of "being a good neighbor" over and over again, and he had never met a neighbor who showed up with his attorney. He said that he had met Mr. Palchak at the town hall meeting and that he was a great person, but he shook his hand and said that he would stand up and oppose the facility.

   Mr. Shilts said that it was a full-blown commercial facility, and it would be sandwiched between two schools on that corridor. He said that there was too much traffic on the corridor already, and Westlake would add up to 750 additional homes, and that was not the only subdivision there. He said that there was no environmental impact study done, no traffic impact study done, and those two runs that went through there, while the dye might not leach into it, he would not simply take Mr. Palchak's word for it, similar to the traffic.

Mr. Shilts said that there would be up to 30 semis coming every day, which may not sound like a lot, but it came out to 10,950 trips per year, plus 60 employees coming in and out of the facility daily, without the customers for another 2,000 trips yearly. He questioned what that would do to the road. He said that regardless of the light, noise, and smell, the traffic must be at the forefront of their thoughts, and they had to shut this down and oppose this proposal.

Dr. Yeung closed the public hearing. She asked if the applicant had any rebuttal.

Mr. Leaming said that Mr. Palchak could discuss the traffic and employees generated by the company.

Mr. Palchak said that Norfleet, like all garden-supply businesses, was quite seasonal. He said that the truth of their traffic was that there were roughly 10 loads per day coming in for the vast majority of the season, and for a brief period, March through mid-May, there would be 30 loads per day. He said that 30 per day was their maximum extrapolated but in reality was inaccurate.

Mr. Leaming asked Mr. Palchak to clarify the type of mulch provided.

Mr. Palchak said that they sold mulch in bulk and palletized forms. He said that it was a semi, and what that meant was less traffic with larger trucks.

Mr. Leaming said that they had composed a condition that limited the equipment to be used here to what was used currently, a horizontal grinder, and closed grinding chamber, which was a particular technique that permitted quieter operation. He said that with regard to the traffic, there was some discussion about trucks backing up onto the through-lanes, but heading north, coming into the site, there would be full right-turn lanes added on the side of the road so that trucks going into either of the entrances would be coming into one of those lanes, and heading the other way, if they needed to make a left turn, there would be two left-turn lanes to be constructed, so they were not doing anything different than another development would do.

Mr. Leaming said that the warrants for a signal would not come anywhere close to being met at either of these, which was how insignificant the traffic was from VDOT's standpoint currently. He said that it would remain this way until Westlake was developed and a signal was installed at the westernmost entrance. He said that the truck traffic had been somewhat overstated, with a maximum of 30 trucks per day during the peak season and 10 trucks per day throughout the rest of the year. He said that if they did not get the permit for the stream crossing in the back, there would be 3 or 4 trucks responsible for moving the material from one side of the property to the other side.

Mr. Leaming said that they were not going to close the Fredericksburg location, so both would continue to operate. He said that less work would be done down there, and the biggest problem in Fredericksburg was that they had run out of space. He said that this operation was in the location and zoning district that the ordinance required this to be in, and the ability to do it with the Conditional Use Permit gave the Board the opportunity to impose certain conditions such as the type of equipment to be used. He said that they could require the turn lanes, but VDOT required the turn lanes.

Mr. Leaming said that if the Board revisited the ordinance, they would see that a sawmill would be a by-right use at this location and no permit required. He said that the slaughtering of animals at a butcher could take place there as well without any permit required. He said that there were a number of these items outlined in the ordinance, but farming had become heavily mechanized, and several operations occurred mechanically, which was state-of-the-art.

Ms. Allen asked staff what the conditions were on businesses such as concrete.

Ms. Taylor asked if Supervisor Allen was asking about similar conditions from the Vulcan Quarry.

Ms. Allen said yes.

Ms. Taylor said that she would have to defer to Mr. Zuraf or Mr. Harvey, as she was unfamiliar with the facility or the conditions associated with any Conditional Use Permit or proffers for that site.

Mr. Zuraf said that he had worked on that case for a while, and that had conditions on the hours of operation for when actual rock extraction happened, as well as buffer requirements.

Ms. Vanuch said that the requirements were substantial for buffers.

Mr. Zuraf said that it was around 200 feet or 300 feet, and one side had a larger buffer.

Ms. Vanuch said that for the newer facility, it was a bit more.

Ms. Allen asked if this item had a buffer of 100 feet.

Ms. Taylor said that the conditions with this CUP were proposing buffers of 100 feet wide along the abutting property lines to the east, west, and north, and along Warrenton Road, there was a proposed condition of 60 feet wide. She said that under standard code requirements of landscaping, standard buffers for this use would only be required to be 50 feet on the abutting property lines and 15 feet along Warrenton Road, so the required buffers were at least or more than doubled in the proposal.

Ms. Allen asked what the buffer was at the Fredericksburg location.

Mr. Palchak said that there was no buffer.

Mr. Leaming said that there was no buffer because it was an older use that likely did not conform with the current Fredericksburg ordinance.

Ms. Allen said that she was thinking of the general conditions in terms of noise and sight.

Mr. Palchak said that one of the speakers referenced their current property, to which he would agree that it was not aesthetically pleasing. He said that he did not own that property, which was originally a full lumber mill and functioned as a gas station at one point. He said that it was a museum of old equipment and he was working on fixing it all, but he did not own the property, so their plans were quite different from the current location.

Mr. Leaming noted that this was a use permit and the Board had the ability to impose conditions. He said that while there was statement that they could not make any proffers, they had the ability to impose conditions, which were designed to mitigate the impact of the development. He said that proffers were something completely different, and conditions could be more advantageous from the standpoint of the Board.

Mr. Coen said that one of the public comments was that in one piece of literature from the Planning Commission, the operation was said to be happening 24/7, yet all the applicant's materials said that it would be ending at 10 p.m.

Mr. Leaming said that the only operation that was 24/7 was inside the warehouse, where the bagging operation occurred. He said that the outdoor operation was the actual making of the mulch, which was controlled by the hours in the condition.

Mr. Coen said that the phrase said that it ended at 10 p.m., but it did not end at 10 p.m., workers would be working in the warehouse 24 hours per day.

Mr. Leaming said that they would be working inside the warehouse.

Mr. Coen asked if the last condition that was written up was enforceable in any way.

Ms. McClendon said that the condition would be difficult for staff to enforce because they were not in the business of knowing the type of equipment to be used, but they appreciated the applicant offering it.

Mr. Coen asked if they came up with a new grinder, they theoretically would have to change the CUP to include that, because otherwise it would be in violation of the CUP. He asked if that was a logical conclusion.

Mr. Leaming said that the way that they described it was somewhat broad.

Mr. Palchak said that it was phrased as being horizontal or closed chamber grinding system. He said that he imagined that all advances would be of that nature.

Mr. English motioned, seconded by Mr. Coen, to approve R23-06. He said that by right, almost anything could be constructed there, but they could at least impose conditions on this use. He said that it was also better than putting 12 or 15 homes that would impact the groundwater. He said that there were one or two residents against it, but he thought it was a good business for this area.

Ms. Bohmke said that she and her husband were huge purchasers of Norfleet Mulch over the years, but in this particular case, she had to look at the constituents who would be traversing down Route 17, a very busy road, and she was very concerned about the traffic implications. She said that there had been deaths on Poplar Road, and a gentleman had spoken to them many times about the issues at Hartwood Road.

Ms. Bohmke said that they had an additional 700-unit housing development of single-family homes coming at some point in time, which had been in development for a while. She said that there was also Hartwood Elementary and a brand new high school along the road. She said that based on traffic considerations, this project gave her pause. She said that she also had a company that periodically ground stumps on the outside of their HOA area, and she was probably 200 feet away and did not appreciate the noise. She said that she did not know what kind of grinder they used because it was a tree company.

Mr. Coen said that he was going to vote against this item. He said that he liked the idea of keeping more homes from being built, and liked the idea of moving something from R-1 to something else, but the traffic issue was problematic to him for Route 17, and he was concerned about that aspect of it. He said the points raised about the schools and potential student drivers, as well as the Westlake development, made him concerned about the public safety aspect of this and the impact it would have.

The Voting Board tally was:

Yea:	(1)	English
Nay:	(6)	Allen, Bohmke, Coen, Gary, Vanuch, Yeung

Ms. Vanuch said that it would be prudent to make a motion to deny the item.

Ms. Vanuch motioned, seconded by Ms. Bohmke, to approve R23-07, a motion to deny R23-06.

The Voting Board tally was:

Yea:	(6)	Allen, Bohmke, Coen, Gary, Vanuch, Yeung
Nay:	(1)	English

Resolution R23-07 reads as follows:

A RESOLUTION DENYING A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW COMMERCIAL TREE STUMP GRINDING AND MULCH SALES IN THE A-1, AGRICULTURAL ZONING DISTRICT ON TAX MAP PARCEL NO. 35-32, LOCATED IN THE HARTWOOD ELECTION DISTRICT

WHEREAS, NFQRE2 LLC submitted application CUP22154621 (Application), requesting a conditional use permit to allow commercial tree stump grinding and mulch sales in the A-1, Agricultural Zoning District on Tax Map Parcel No. 35-32, located within the Hartwood Election District; and

WHEREAS, the Application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1, which permits this use within the A-1 Zoning District, after a CUP is issued by the Board; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board has considered the criteria in Stafford County Code Sec. 28-185 and finds that the request does not meet the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of February, 2023, that a conditional use permit (CUP) pursuant to application CUP22154621 be and it hereby is denied.

PUBLIC HEARINGS

ITEM 26. PLANNING AND ZONING; CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW A MOTOR VEHICLE RENTAL USE WITHIN THE B-2, URBAN COMMERCIAL ZONING DISTRICT ON TAX MAP PARCEL NO. 21-46B (PROJECT KNOWN AS CUP22154489, ENTERPRISE AQUIA).

Mr. Mike Zuraf of Planning and Zoning said that he would be presenting a request for a Conditional Use Permit for Enterprise Rent-A-Car. He said that it would allow a motor vehicle rental facility within the B-2 Urban Commercial Zoning District, and the parcel was located on tax map parcel no. 21-46B in the Aquia District. He said that the applicant was represented by Jessica Pfeiffer. He showed a zoning map of the parcel and indicated the parcel highlighted in blue.

Mr. Zuraf said that the parcel was located on the west side of Richmond Highway, approximately 300 feet south of the intersection with Garrisonville Road. He said that it was zoned B-2 Urban Commercial and was also within the highway corridor overlay zoning district, and it was surrounded by other B-2 zoned properties in this location. He said that the right-of-way of I-95 surrounded a portion of the property as well. He said that the area had been zoned B-2 Urban Commercial since 1978, and there were no proffers on the property.

Mr. Zuraf said that the site had an existing paved parking area and vacant commercial building. He said that most recently, the site was occupied by the 7-Eleven convenience store, and previously there was a drive-thru restaurant on the property. He said that property access was provided via two existing entrances off of Richmond Highway, and there was an inter-parcel connection to the adjacent Pizza Hut to the south. He said that there were no environmentally sensitive features or resources present on this site.

Mr. Zuraf displayed a street view of the property in its current condition from Richmond Highway. He showed on the screen the Generalized Development Plan that showed the site layout. He said that the plan was to renovate the existing single-story 2,500-square-foot building, and the front glass enclosure would be removed and replaced with an outdoor patio area in that location.

Mr. Zuraf said that the plan identified the existing parking spaces that would remain, which were located to the side and rear of the building. He said that no new parking spaces were proposed, but there was an enclosed wash bay for the detailing of rental cars only, which was proposed for the rear of the site. He said that access to the site would be provided via the same two existing entrances off Route 1 and the inter-parcel connection.

Mr. Zuraf said that the site did not meet current landscaping requirements because it was developed before landscaping was a requirement, and because of that it was considered nonconforming, but to remedy this the applicant proposed additional landscaping to the site and manicuring of existing landscaping to enhance it. He said that there would be expansion of existing landscaping islands and the addition of new landscaping islands to help reduce that nonconformity.

Mr. Zuraf displayed on the screen the rendering of how the building would be renovated. He said that there was a proposed condition that would require the building to be renovated consistent with these designs, and the building was constructed prior to the adoption of their architectural design standards that were a part of the Comprehensive Plan. He said that any future reconstruction of the building would require a new building to conform more with those standards.

Mr. Zuraf said that staff believed the renovation of the existing underutilized and vacant building would improve the appearance of that building and the overall aesthetics of this area of Richmond Highway. He showed another architectural rendering of the north elevation from Garrisonville Road, with the Pizza Hut building visible in the background.

Mr. Zuraf said that the Comprehensive Plan identified the property as being within the commercial corridor and suburban land use designation, and the proposed use was consistent with the Comprehensive Plan future land use recommendation, which encouraged infill development and reuse of underdeveloped existing commercial sites.

Mr. Zuraf displayed some of the proposed conditions that would go along with this use to offset any negative impacts. He said that the carwash bay would be limited to only cleaning of rental vehicles and not for public use, all rental cars were required to be parked in designated spaces and essentially not in front of the existing building, maintenance of rental vehicles would be limited to general upkeep, travel ways must be kept clear for emergency access, and storage of inoperable vehicles would be prohibited. He noted that not on the slide was another condition that said that rentals were limited to passenger vehicles and passenger trucks only, or in other words, it would not allow for the rental of larger box trucks or moving trucks.

Mr. Zuraf said that there were many positive aspects, including that it was consistent with the land use recommendations in the Comprehensive Plan, the use was consistent with the highway commercial-oriented development pattern along Route 1 in this area, the proposed building renovation would approve the appearance of an underutilized and vacant building, and the proposed conditions would help ensure that any potential negative impacts were mitigated. He said that staff did not see any negative impacts with this proposal. He said that staff recommended approval of the application with conditions pursuant to R23-28. He said that on January 28, the Planning Commission voted unanimously to recommend approval.

Ms. Gary said that her understanding was that an existing location was moving, and the CUP was needed for the cleaning facility for the vehicles.

Mr. Zuraf said that the use permit was specifically needed for the actual rental vehicles to be operated.

Ms. Vanuch asked where this was located.

Ms. Gary said that it was located off of Garrisonville currently. She said that there was some information about job creation in the materials, so she would like to know if there would be more positions at this location than at the previous location.

Mr. Zuraf said that he would have to defer to the applicant on that issue.

Dr. Yeung said that she was glad that the existing location was moving because their current parking arrangement took up a lot of space. She said that one of her concerns was that the new location was near a major intersection, and entering and exiting from the site could be dangerous due to the major intersection. She said that there were two lanes in mind that she was concerned may be confusing for people who did not know which one to take. She asked what was being done to address the safety of that intersection.

Mr. Zuraf asked if that question was directed to him.

Dr. Yeung said that it was a question for staff.

Ms. Gary said that there were other businesses at that intersection, so the issue was not a glaring one.

Ms. Allen asked if any transportation improvements had been done or were planned.

Mr. Zuraf said that in this case, there were not any new improvements proposed. He said that ultimately, there could be improvements to that full area that included a raised median.

Ms. Allen asked if that was possible.

Mr. Zuraf said that that was likely too large of a project to be needed by this one use, but as far as the traffic concerns, this use would generate a lot less traffic than the prior uses, which was a convenience store and a drive-thru restaurant.

Dr. Yeung asked the applicant to please come forward to answer questions from the Board.

Ms. Jessica Pfieffer said that she was a land planner with Walsh, Colucci, Lubeley, & Walsh, presenting on behalf of Enterprise RAC of Maryland, LLC. She said that with her tonight was Joe Long, the group property and facilities manager with Enterprise, and Joyce Lupia, the civil engineer. She said that there was an existing location off Garrisonville Road, where they would like to stay, but the location was not big enough.

Ms. Pfeiffer said that with the changing needs of Enterprise, they had a need for an enclosed servicing area for just the rental cars, which came about as Covid-19 developed, as cars must be sanitized more efficiently and thoroughly, and it helped the employees to be in an enclosed space to do that service year-round. She said that that was a big difference that this site would provide for the applicant, and the current lease at the other location would be ending in July 2023.

Dr. Yeung said that a presentation was not necessary, but the Board would appreciate Ms. Pfeiffer's answers to their questions.

Ms. Pfeiffer said that they were asked about transportation improvements, and this use generated significantly fewer trips than the 7-Eleven and the drive-thru restaurant. She said that this use generated 76 vehicles per day. She said that they were escrowing the funds for a sidewalk along Richmond Highway, the cost of which was about $10,000, based on a per-unit amount for that length of sidewalk. She said that there would be improvements to Richmond Highway at some point that would likely put in a median at this location to improve traffic.

Ms. Pfeiffer said that the hours of operation for the business were Monday through Friday, 8 a.m. to 5 p.m., and Saturday and Sunday from 9 a.m. to 12 p.m. She said that the core business was replacement, and typically Monday a.m. pickups and Friday p.m. drop-offs were the core times, and otherwise was not very significant. She said that the building would be upgraded and revitalizing what existed onsite, which was constructed in 1982, as well as making the landscaping more conforming by asking their engineer to look for the maximum amount of landscaping that could be put on the site and using that for their plans.

Mr. English said that he was concerned about the safety of the entry and exit from the parcel. He said that there was no good way to navigate the area.

Ms. Pfeiffer said that VDOT reviewed the application and did not have any concerns about that. She said that there was not a timeframe for Richmond Highway being upgraded, but when the median was installed in the far future, it would help the entire stretch of road.

Dr. Yeung opened the public hearing.

1. Mr. Jeff Adams said that he resided at 449 Kellogg Mill Road. He said that he appreciated hearing the traffic talks tonight, because they now could disapprove everything on 610, Route 1, and Route 17. He said that anything on those three highways should not even be considered to come before the Board of Supervisors because of those traffic problems.

Dr. Yeung closed the public hearing and brought the item back before the Board.

Ms. Gary motioned, seconded by Ms. Vanuch, to approve proposed Resolution R23-28.

Ms. Allen said that she was glad that this organization was leaving her district due to the enormous amount of parking that they took up and looked forward to seeing them in the new location. She said that she was also concerned about the safety of the turn going north on Richmond Highway for those who were unfamiliar with Stafford County.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	

Resolution R23-28 reads as follows:

A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW A MOTOR VEHICLE RENTAL FACILITY IN THE B-2, URBAN COMMERCIAL ZONING DISTRICT ON TAX MAP PARCEL NO. 21-46B, LOCATED IN THE AQUIA ELECTION DISTRICT

WHEREAS, Enterprise RAC Company of Maryland, LLC submitted application CUP22154489 (Application), requesting a conditional use permit (CUP) to allow a motor vehicle rental facility in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 21-46B, located within the Aquia Election District; and

WHEREAS, the Application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1 which permit this use within the B-2 Zoning District, after a CUP is issued by the Board; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board has considered the criteria in Stafford County Code Sec. 28-185 and finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of February, 2023, that a conditional use permit pursuant to application CUP22154489 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit (CUP) permits a motor vehicle rental facility on Tax Map Parcel No. 21-46B (Property), in the location identified on the Generalized Development Plan (GDP) prepared by The Engineering Groupe, Inc. entitled "Generalized Development Plan Enterprise Aquia 2875 Richmond Highway Aquia Magisterial District Stafford County, Virginia," dated November 15, 2022, as last revised and sealed on January 6, 2023.

2. The facility shall be limited to only renting of passenger vehicles, including passenger pick-up trucks.

3. Development of the Property shall occur as generally shown on the GDP.

4. Direct access to the Property shall be limited to the existing two (2) entrances on Richmond Highway and to the inter-parcel connection with Tax Map Parcel No. 21-46A, as depicted on the GDP. No new entrances onto Richmond Highway shall be permitted.

5. The car wash bay shall be used for rental vehicles only and shall be constructed in the location shown on the GDP.

6. All rental vehicles shall be parked in the designated display spaces shown on the GDP and shall not be located in front of the building.

7. Maintenance of vehicles including, but not limited to, and similar to changing windshield wipers, adding air to tires, changing light bulbs, cleaning windows, and vacuuming the vehicle interior is permitted. However, mechanical maintenance of vehicles is not permitted.

8. No inoperable vehicles shall be stored on site.

9. Vehicle travelways shall be kept clear for emergency vehicle access.

10. The building shall be constructed in general conformance with the styles and materials depicted on the architectural renderings prepared by Enterprise Holdings entitled "Illustrative Building Elevations," dated November 15, 2022.

11. The dumpster on the Property shall be screened from view with masonry and/or brick materials, with type and color similar to that of the primary building.

12. No portable signs shall be used on the Property.

13. Parcels "A", "B", and "C" that make up the Property shall be consolidated into a single parcel prior to site plan approval.

14. This CUP may be revoked for a violation of any of these conditions or any applicable federal, state, or County code, law, ordinance, or regulation.

ADJOURNMENT

At 8:34 p.m., Chairman Yeung adjourned the February 21, 2023 Stafford County Board of Supervisors meeting.

Randal E. Vosburg
Randal E. Vosburg
County Administrator

Dr. R. Pamela Yeung
Chairman