BOARD OF SUPERVISORS
STAFFORD COUNTY, VIRGINIA
MINUTES
REGULAR MEETING
AUGUST 15, 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, August 15, 2023 in 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; and Crystal L. Vanuch.

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

CHAIRMAN'S REMARKS

Dr. Yeung said that the Board was glad to be back from summer recess and was ready to continue the work of Stafford County. She said that while they were in recess, the staff and community work continued, and she had some highlights that she would share this afternoon. She said that Stafford County Schools students reported for the school year last week, and on behalf of the Board, she wished all students success in their journeys. She said that they also celebrated the summer class of 2023's 48 students that Vice Chair Coen and she attended. She said that during this time of year, she asked citizens to please use extra caution when driving in the area of schools, particularly when school buses were on the road transporting their students.

Dr. Yeung said that in terms of environmental impacts, the Next Level Mosaic, LLC received a loan from the Stafford Economic Development Authority (EDA) to construct four greenhouses, buy hydroponic growing equipment, and provide operational working capital. She said that Next Level Mosaic's mission was to provide their region with innovative farming techniques. She said that these four smaller greenhouses would pilot the viability of these innovative farming techniques that supported reduction of unnatural climate changes.

Dr. Yeung said that Stafford received the Digital Survey Award and finished ninth nationwide for counties conducted by the Center for Digital Government. She said that Stafford placed in the 150,000 – 249,999 population category for the survey, with Arlington, Virginia placing first, and was the only other Virginia county in the top ten. She congratulated the Departments of Information Technology and Community Engagement.

Dr. Yeung said that the Testbed Event was held on July 20th, 2023, and the RIoT and Virginia Smart Community Testbed hosted the Third Annual Virginia Smart Community Testbed

Showcase at the University of Mary Washington Stafford Campus. She said that the event provided a unique preview of pilot Testbed projects and explored cutting edge technology. She said that there were presentations by five exemplary Testbed pilot projects, which were AccessVR, N5 Sensors, Cocoflo Innovations, Secure Process Intelligence, and Device Authority, and each presented groundbreaking ideas, solutions, and status of projects. She said that to date, the testbed had engaged in over 50 pilot project partner opportunities that were smart city solutions, which supported the economic growth and quality of life in Stafford, Virginia.

Dr. Yeung said that they also had a visit from Senator Tim Kaine on August 2, 2023. She said that Senator Kaine participated in a roundtable with herself and fellow Supervisors, VDOT representation, and school and county staff members to confirm the partnership they had built with their state representative. She said that she and the Board are excited that 5 out of 9 requests made through Senator Kaine's Senator Warner's and Representative Spanberger's offices had been included in both the House and Senate budgets, providing federal funds to assist with much-needed infrastructure and public safety projects once the FY2024 Omnibus Bill was signed into law. She said that this was a significant achievement, and she appreciated the Senator's willingness to sit down with the Board to discuss current and most importantly future funding opportunities for their community.

PRESENTATIONS

PRESENTATION OF A PROCLAMATION RECOGNIZING AUGUST 31, 2023, AS INTERNATIONAL OVERDOSE AWARENESS DAY

Dr. Yeung said that August 31 was recognized as International Overdose Awareness Day as a day to remember those they had lost to overdose, to acknowledge the grief of the family and friends left behind, and to renew their commitment to end overdose and related harms. She invited Sherry Norton-Williams, a prevention specialist with the RACSB, to the podium to accept a proclamation on behalf of the community.

Dr. Yeung read the proclamation.

Ms. Norton-Williams accepted the Proclamation and said that on behalf of the Rappahannock Area Community Service Board, she wanted to thank the Board for the recognition of this proclamation for August 31. She said that it was a very important day for remembrance and for educating the public on the stigma surrounding overdose death and how overdose impacted their community, looking around and understanding that when they talked about death related to substance, it impacted everyone and no one was excluded.

PRESENTATION OF A PROCLAMATION RECOGNIZING AUGUST 6-12, 2023 AS INTERNATIONAL ASSISTANCE DOG WEEK

Dr. Yeung said that for this presentation, she invited Juanita Maley of the Victim/Witness Assistance Office to the podium, and Supervisor Coen would present the proclamation. She said that Ms. Maley was the handler and guardian for Kahn, Stafford's first courthouse dog. She said that Kahn passed away this year and they presented the Assistance Dog Proclamation in his memory.

Mr. Coen read the proclamation.

Ms. Maley asked the public to imagine being a victim of a crime, coming to court, and working with attorneys and judges. She said that it was one of the most terrible things that children had ever had to do in their lives, and the one thing that provided them a sense of safety and security and confidence was Kahn. She said that he served as best he could, and she so appreciated the County for supporting this initiative, and for herself to have the opportunity to be his handler.

<u>PRESENTATION OF PROCLAMATION RECOGNIZING KATHY K. COX FOR 35 YEARS OF SERVICE TO STAFFORD COUNTY</u>

Dr. Yeung invited Kathy Cox, Chief Deputy Treasurer up to the front along with Supervisor Vanuch to present her with a proclamation for serving their community for over 35 years before her retirement.

Ms. Vanuch thanked Dr. Yeung for the opportunity. She said that on a happier note than the previous proclamations, she would like to give Ms. Cox an opportunity to look around the room and see how many people showed up to wish her a happy retirement. She said that she would not be able to do the proclamation justice because she had been on the Board for only four years, so she would allow their Treasurer, Laura Rudy, to read the proclamation and say a few words for Ms. Cox.

Ms. Rudy read the proclamation.

Ms. Rudy thanked Ms. Vanuch for bringing the proclamation to the Board agenda. She said that it was not every day that they got to recognize and celebrate a dedicated employee who had served the citizens for more than 35 years. She said that to Chief Deputy Treasurer Kathy Cox that it had been her distinct honor to be one of the four treasurers to have served the fine citizens of Stafford County by her side for the past 16 years. She said that as they could see by the crowd in this room that had already presented, she had made a mark on Stafford County as a leader, mentor, and a friend. She said that there were those here today but also those who could not make it, and she was sure they were watching, so she said hi to the camera and thanked Ms. Cox for her loyalty and dedication to the Office of the Treasurer. She said that it had been her pleasure to serve with her, and she would be sure to call her to check up on her during her retirement. She said that God had blessed Ms. Cox with a long and meaningful career, and her contributions had made more of a difference than she might imagine. She asked God to continue to guide and bless her during this exciting new start where her time was her own and she was free to do whatever she wanted to. She asked God to bless her on her retirement.

Ms. Cox thanked Supervisor Vanuch, the Board of Supervisors, and County Administration. She thanked Ms. Rudy and said that she was forever grateful that 16 years ago, she allowed her to continue as Chief Deputy and walked side by side with her. She said that little did she know that they would become such close friends, and she thanked her for everything she had done for her, her employees, and the citizens of Stafford County. She said that she remembered her first day on the job over 35 years ago just like it was yesterday. She said that she was so excited to come to work for the County that she grew up in and where her parents had grown up in. She said that she had seen a lot of changes and had worked under four treasurers, but one thing that had never changed was her love of Stafford County.

ADDITIONS - DELETIONS AND APPROVAL OF THE REGULAR AGENDA

Ms. Gary motioned seconded by Ms. Allen to approve the regular agenda.

Ms. Vanuch made a substitute motion, seconded by Ms. Bohmke to remove New Business item #34, Presentation on Business and Professional Occupational License (BPOL) Tax from the agenda.

The voting Board tally was:

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

The motion failed.

Ms. McClendon clarified that the original motion was on the table, which was to approve the agenda made by Supervisor Gary and seconded by Supervisor Allen.

Ms. Gary motioned, seconded by Ms. Allen, to approve the Regular Agenda as presented.

The Voting Board tally was:

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

PRESENTATIONS BY THE PUBLIC - I (3 MINUTES EACH)

Dr. Yeung read the protocol for public presentations.

1. Dana Brown said that she lived at 41 Saint Williams Way in the Rock Hill District. She said that she was present to speak about Agenda Item #33, the library asking for an

additional $30,500 funding request. She said that she had spoken to the Board before about various transparency issues with the library staff and the director, and she continued to stand by that. She said that she saw on their agenda today that they had an extra funding request beyond the $5.5M that they already gave them this year, and the agenda said it was to restore hours in Stafford without much other information.

Ms. Brown said that she went to the library website to get some more detail and she could not find any. She said that online, the last minutes available for the public was March 2023, and there had been two meetings since then in June and July, along with a special meeting called last month for an FY24 budget action. She said that there was no detail or background information on what was needed or why listed on the agenda. She asked why they were having budget problems only two months into the new fiscal year.

Ms. Brown said that she contacted the executive director at the library to ask for more information and heard back from her today at noon. She said that it appeared they decided to cut hours at only 3 of 10 branch locations, one in Stafford because they felt underfunded. She said that it sounded a bit punitive that it was only 3 and not all 10. She asked if it was a give me everything I want or else. She said that Stafford did not underfund them, and she felt it was kind of like a holdup.

Ms. Brown said that she was also informed that they restored hours to the Porter branch in Stafford due to the expected revisiting of the library's FY24 funding request at this meeting, where they counted the chickens before they were hatched on their vote today. She said that during budget, she seemed to recall they had asked for more money to add full health insurance for their part-time employees, and she believed this was later pulled back. She asked if this was a new attempt to try to make up for that.

Ms. Brown said that she believed that the library staff had to go back and find the $30,000 in their existing fund balance. She said that this was just yet another problem in the long line of problems. She said that they needed to be updating the library agreement or consider pulling out of the consortium like some of the other counties, or get a new management team in place that they had confidence in. She said that she did not think they should approve this extra money this early into the fiscal year.

2. Lisa Kuca said that she lived at 50 Hamlin Drive and was present to discuss Item #37 regarding the methadone clinic. She said that she wanted to address a common theme that she had heard from many of the members of the Board of Supervisors regarding risk. She said that it was apparent the concern for potential litigation was the predominant factor for the consideration as they hopefully were all working towards a solution for this problem, which was a self-inflicted problem. She said that respect for the law was important and she understood it was important for part of the analysis, but it should not be the only consideration.

Ms. Kuca said that they were responsible for the governance of the County with employees, schools, first responders, and lawsuits were part of the job. She said that their focus on being sued, in her opinion, was myopic. She said that that was what insurance was for, and there were a variety of potential scenarios that could occur at the proposed location. She said that there was a potential for legal action for the patients of this clinic that could be hit by a car on Deacon Road.

Ms. Kuca said that the patients were in the early stages of treatment and were not stable, and there were any number of factors that could happen in that parking lot, and with regard to the patrons of the daycare center, grocery store, or the residents in general, all of which could result in litigation. She said that there were many risks associated with their roles, and to date, legal and political risks seemed to be getting the most attention.

Ms. Kuca said that equal consideration should be given to adhering to their own policies and procedures, and also to the concerns about executing their day-to-day responsibilities. She said that herself and many others, some of whom could not even be there today because of the time of this hearing, urged the Board to please consider the existing ordinance in an expeditious matter and to please take an alternative for those who needed treatment in their County. She said that they could not win a fight if they were not in a fight, and at the moment, they were not in a fight with them.

3. Betsy Rodrigue said that she lived at 30 Fox Run Lane in the Woodlawn Subdivision. She said that she had two things she wanted to comment on, first that she urged the Board to support the Conditional Use Permit for the methadone clinic. She said that if they had had that in place, they would not be dealing with the issues in place that they were now. She said that supporting the amendment would allow the County the best way to regulate the location of these treatment centers in a way that best served the addiction victims and patients while protecting their children, residents of Stafford County, and the safety of their neighborhoods.

   Ms. Rodrigue also requested the Board investigate and remedy the breakdown in communications between the County and the state with regard to the changes in state laws. She said that at least two County officials should be notified of legislative changes that had impact on the County to ensure that all information was assimilated to the appropriate personnel.

4. Daniel Cortez said that he resided at 19 Hidden Springs Lane in the Aquia District. He said that at today’s meeting, subjects of concern included the methadone clinic, which media operatives were responsibly reporting on. He said that Governor Youngkin and Delegate Tara Durant acted responsibly, promoting their Right Help Right Now initiative to aid the addicted community. He said that they did their job, but others sadly failed to do theirs. He said that the process to inform the public fell to this Board, and at that time, was led by the

Rock Hill Supervisor Crystal Vanuch, who as Chairman, failed to ensure the process was communicated and understood.

Mr. Cortez said that Stafford was now in serious liability and could be sued by the applicant over communication failures. He said that he credited Delegate Durant for acting responsibly once she heard of the issue, and credited Supervisor Tom Coen, who was the first to call for a special meeting in July for August 1, which sadly did not take place, and they would have had a quorum throughout even if the Aquia Supervisor felt aggrieved by the process and walked out. He said that voters were still fuming over their $1M tax dollars spent during the legal suit over the mismanagement of the Muslim cemetery debacle, a stone's throw from the residents of the Rock Hill Supervisor, which was now another failure of leadership by the Rock Hill Supervisor.

Mr. Cortez said asked to let the citizens be heard and act responsibly to assure that no more tax dollars were spent defending ineptitude by members of this Board. He said that in the words of their great Governor regarding the methadone issue, the law was the law. He requested the Board to act with responsibility to bring critical tax revenue to Stafford with well-communicated action leading to the approval of a data center.

Mr. Cortez asked the Board to have the moral courage to encourage the public not to join the Republican Party nor the Democratic Party, but to vote in a person with integrity and experience who did not discriminate against communities as demonstrated with the candidacy of Paul Milde, whose discriminatory actions against the Hispanic community as a Supervisor raised questions over his suitability.

Ms. Bohmke said that Hispanics were grateful to Supervisor Bohmke for making a public apology when he refused to almost five years ago when Milde slapped the faces of all people of color when he refused to support Hispanic Heritage Month. He asked the Board to have the moral courage to share with Governor Youngkin and citizens the need to find a more suitable candidate to sit in the General Assembly, such as the respected gentleman Christian bishop Leonard Lacey, who supported all people regardless of race, creed, or color.

5. Rosemary Roman said that she lived at 109 Leisure Street. She said that she was present to get the Board of Supervisors to get some kind of an alert on their property and homes, which was their biggest asset, and as identify theft was on the rise in Stafford County and across the country, other counties across the country had already put this fraud alert on people's homes and property. She said that hospitals, government schools, and even credit monitoring agencies had had their computers hacked.

   Ms. Roman said that they could put an alert on all credit cards to know when they were being used by the minute, they could put an alert on their bank account to be told when someone was using that also, such as cashing a check out of the spectrum, and they could freeze their credit so that no one could apply for loans or new credit cards. She said that what they could not do was put an alert on their home or property. She said that this was their biggest asset, probably for the Board of Supervisors as well.

Ms. Roman said that anyone could walk in now, especially through electronics, and sell their home right from under them. She said that it was happening in the County, including a case in Aquia Harbor of a man who drove through to look at his property and there was a for-sale sign on it when he had not been selling it. She said that if they looked across the country, that was why other counties had put this alert so that they would be notified.

Ms. Roman said that they were notified when they needed the septic tank drained in five years, so she asked why they could not put an alert that someone was looking into either buying or selling a property to make sure it was them. She thanked the Board for their time, and asked that if there was any way she could help the Board do this, to please let her know. She said that she was a resident of the Rock Hill District.

6. Arnold Levine – *(comments attached)*

7. Jon Ireland said that he lived at 310 Mount Hope Church Road. He said that for full disclosure, he was a member of the Board of Zoning Appeals but was not speaking tonight as BZA member but as a County citizen. He said that he was before the Board to talk about the County Zoning Office. He said that he had worked with the Zoning staff for about 2.5 years, and they were to a person truly knowledgeable in their areas of expertise, and just as importantly had demonstrated themselves to be decent and professional people.

   Mr. Ireland said that there was a lot of publicity lately related to the opioid treatment facility that was looking to go into the Woodlawn Shopping Center on Deacon Road. He said that Kathy Dyson from the Freelance Star had written at least five articles on the topic, beginning from July 1 to August 9, and he was sure there would be many more articles written. He said that he was not present to discuss the opioid treatment facility or any future case that may come before the Board of Zoning Appeals, the pros and cons of the facility, or where or where not it should be located.

   Mr. Ireland said that he was here to appeal to the County Supervisors and senior County staff who may be listening, and to some of the public who had scapegoated and discredited the Zoning Office, specifically the Zoning Administrator. He said that where the leadership should have stood up for the team and taken the time to educate the people on zoning ordinances, not only were some of them absent, but some of them chose to pile onto the public's need to hold someone, anyone, accountable for the zoning ordinance related to the facility.

Mr. Ireland said that his understanding was that the Zoning Office did not create ordinances, because that was a legislative function conducted by the Board of Supervisors. He said the Zoning Office only had enforcement responsibilities. He said that he implored the members of the Board of Supervisors and any senior County staff leaders who were listening to set the record straight and perhaps make a public statement on behalf of the Zoning Office. He said that their actions should never have been a part of this highly charged and complex issue.

8. Howard Rudat said that he lived at 10 Hayes Street in the Rock Hill District. He said that the question he posed to the Falmouth Supervisor last Tuesday regarding the January 26, 2022 email she received as president of the Virginia Association of Counties from its executive director was not about fixing blame or throwing anyone under the bus, but was about the need to identify the root cause of a problem and established policies and procedures to ensure these problems did not reoccur.

   Mr. Rudat said that had the Falmouth Supervisor had the opportunity to speak for herself that evening, and if in fact she was receiving too many emails to efficiently and effectively discharge her duties, then what steps taken to ensure the value of correspondence did not overwhelm any Supervisor and cause them to miss critical communication that could jeopardize Stafford residents, the financial state of the County, and the potential tarnish to the County's image at the state or national level.

   Mr. Rudat said that the Rock Hill Supervisor said that due to the sheer volume, "many emails the Board receives fall through the cracks." He said that he was concerned that without a process in place, these messages may not have actually fallen through a crack but rather into a chasm that spelled peril for the County if they did not know of other issues that may arise and bite them in the budget. He said that this was not about politics or election, but about creating an efficient or effective government that was financially responsible to its residents.

   Mr. Rudat said that until elected officials were willing to raise their hand and admit they made a mistake, no matter how unintentional, they could not move forward to fix the underlying problems that saw, according to the Rock Hill Supervisors, "scores of lawsuits filed against the County because of the actions of the Board of Supervisors." He said that from everything he had heard, within County government offices a supportive culture existed that encouraged people to hold themselves responsible for their actions, knowing that mistakes would happen, but also that their boss or their boss's boss had cultivated a work environment that supported employee growth and learning so the same mistakes would not happen again.

   Mr. Rudat said that that culture needed to exist within the Board itself, and they must hold themselves accountable for their actions so that they as a Board could learn and grow. He said that the Board of Supervisors needed to set the example of how a County government should function, not be an example of dysfunction of a government body.

9. John Cabaniss said that he lived at 19 Woodlawn Terrace in the Woodlawn subdivision, where he had lived for 36 years. He said that he worked in Washington, D.C. first for the U.S. EPA and for 20 years as an association director for Global Automakers, but he chose to live in Woodlawn so his three sons could be raised there. He said that for the past 10 to 15 years, they had observed that at least a dozen children who grew up there in the neighborhood had moved back to raise their families there, and this spoke to what a great family neighborhood they had.

   Mr. Cabaniss said that additionally, they had enjoyed the convenience of having a neighborhood shopping center and they supported those businesses as a part of their community. He said that it saddened him to see that this could change quickly due to allowing a methadone clinic to open. He said that granted, they unfortunately needed treatment centers, but they needed to be located in places that did not put children, families, and businesses at risk. He said that it was common sense that concerned citizens like himself would object to a clinic in a neighborhood like theirs.

   Mr. Cabaniss said that a clinic was bad for homeowners due to increased property crime, risk to their children, increased traffic, and lower property values. He said that a clinic was bad for existing businesses that would lose customers and have high risk of crimes perpetuated against them, customers, and employees. He said this was not too late. He said that whatever it took to stop this clinic should be done now. He said that they must find a better location. He said that such decisions needed to be made after a full airing of the matter and getting input from all interested parties including the public.

10. Al Watkins said that in the interest of time, because of many important discussions and the extensive agenda for this afternoon, he would come back this evening to speak.

11. Adela Bertoldi said that she lived at 10 Kingsley Court. She said that she was present to discuss Item #33, the library increase for funding of $30,000. She said that she was in the Rock Hill District and Porter Library was her local library, which was one that had been cut on hours and funding. She clarified that the library was not underfunded by Stafford, and if they believed the Freelance Star, they specifically said that the library received an extra 4.4% increase from last year, or over $230,000 more.

    Ms. Bertoldi said that they were able to keep the library open just fine last year, and inflation had been in existence and was not a new thing last year. She said that her understanding was that that was what they were claiming, was that inflation caused increases in books, healthcare, and other things. She said that as taxpayers, they also had a lot of increase. She said that she recalled the last time she paid $7 or $8 for mayonnaise and $12 for a gallon of milk, which was what it cost if one bought organic.

Ms. Bertoldi said that they were all feeling it, but she could not come to the Board of Supervisors and say that her budget in her house was off because of inflation and ask for a waiver for paying property taxes, real estate taxes, additional property taxes for her business, or for her cars. She said that she did not get that, and the library should not either. She said that they needed to make adjustments, and there were adjustments to be made.

Ms. Bertoldi said that just like the other speaker said, she agreed that it was punitive because they had other choices than to cut these hours. She said that she said that because when she was at the library a couple of weeks ago, they had a big sign in front that said the library was closing three hours earlier because of lack of funding. She said that she did not see the School Board doing that when they did not get the money they wanted. She said that they did not put signs in front of places saying that they could not serve their students because the Board of Supervisors did not give them money.

Ms. Bertoldi said that it was punitive, they had other things they could do, and they needed to go back and look for them. She said that she was sure they had reserves that they could get the $30,000 from. She reiterated that they were funded and funded with more money with $230,000. She said that at the sake of sounding cheesy, the Rolling Stones song "Sympathy for the Devil" said people may not always get what they want but got what they needed. She said that they had what they needed and needed to live within their budget.

12. Kitty Colville said that she lived at 26 Woodlawn Terrace in Stafford, where she had lived for 36 years. She said that she had worked with Stafford County Public Schools for 19 years as a licensed clinical social worker and was here for the children of Stafford County. She said that there had been a lot of talk about how those seeking treatment were in a protected class, and she supported that designation and the right for people to have access to treatment. She suggested that for the purposes of their County that children and teens should be treated as a protected class.

    Ms. Colville said that there was a way to protect both the children and the rights of folks dealing with addictions. She said that they needed a nuanced and well-thought out approach. She said that requiring all clinics to apply for a conditional use permit instead of it being by right would solve many of these issues. She said that narcotics officers, DEA agents, and researchers would tell them that these clinics saw a 31% increase in drug-related crimes, a 7% increase in violent crimes, and a 19% increase in assaults.

    Ms. Colville said that patients often sold methadone, sometimes in the parking lot, and the best place to score more drugs was in the parking lot of the methadone clinic. She asked if this was what they wanted for their children in Stafford County. She said that the shopping center was literally in their subdivision surrounded by daycare centers, thousands of residential homes, and a short distance from several schools. She said that there were many places in Stafford County where the medical infrastructure was more suited to a methadone and detoxification clinic.

Ms. Colville said that if this clinic stood, parents would no longer be able to let their children have the freedom to ride bikes in the community, send their 14-year-old to Weis for a loaf of bread, or even let their children wait at the bus stop. She said that worse than that, there was also a likelihood of teens being recruited by dealers who would wait in the parking lot to sell to those battling addictions. She said that if they ended up with more kids dealing in their schools, the consequences cascaded with the lives of children and families impacted forever. She said that she knew this from her work in the schools.

Ms. Colville said that this would also result in rising taxes due to the need for more services and deputies. She said that as they worked through the problems associated with addictions, they needed to plan carefully so that they did not inadvertently create a whole host of other problems. She asked if they wanted a Stafford County that was a great place for families, and if so, they needed to plan so that all people and children were treated as protected classes.

Ms. Colville said to remember that this did not only affect the Falmouth District, because when Concerted Care got a license, they could open clinics in any district in the County without having to apply for a separate license. She concluded that given that these clinics had well-researched negative effects on communities, updating the zoning was the least that Stafford County should do to protect their schools and the children in their County.

13. Earl Bradford said that he lived at 1010 Conway Road in Highland Homes. He said that he was present to talk about the methadone clinic. He said that to avoid redundancy, Ms. Colville was very eloquent and made a couple of points that he was going to make about the tendency of people dealing with methadone to be vulnerable to drug dealers, and she made the point about how it impacted the area and the kids.

    Mr. Bradford said that it was appropriate to say something nice about the Supervisors, so he wanted to thank Ms. Bohmke and Ms. Vanuch for last Wednesday when they held a meeting at 7:00 p.m. that was very informative and helpful, and he appreciated it. He said that another point that was made last Wednesday that he thought was relevant was that one of the officers in the Sheriff's Department said that he had been to the accidents that had occurred as one entered into the Woodlawn Shopping Center, and they were high-impact.

    Mr. Bradford said that his point was that if they had folks coming in there that may be having trouble or any kinds of problems, it certainly would increase opportunity for accidents. He commented that he had lived in Highland Homes for 45 years and about three or four weeks ago, they had 45 tires slashed in their area, which they had never seen before. He said that whether or not this had something to do with the methadone center, he did not know, but he wanted the Supervisors to look not only at the many things they had to deal with regarding politics and lawyers, but to look at the safety and crime issues, and of course they were always worried about the children.

14. Abbe Buck Hann said that she lived at 710 Grafton Street in Grafton Village in Stafford County. She said that she had been living at that address for approximately 13 years. She said that she moved into her house because it was one story; she had surgery on her back due to scoliosis and had to have two rods and 12 screws at that time. She said that she now had two rods, 20 screws, two knee replacements, and a hip on her left side. She said that she also had a disease called lymphedema, which meant that she was full of water, as well as another disease called lipedema which meant that she had fat cells in the center and the side of her body. She said that she was truly disabled.

    Ms. Hann said that she had heard and read, according to the Freelance Star and Kathy Dyson, whom she knew well, that the Americans for Disabilities Act was brought up several times in regard to the methadone treatment center that was to go up in the Deacon Road Leland Road shopping center where Weis was, and across the street was the daycare center. She said that she did not like that, and asked what was the definition of the Americans for Disabilities Act and who was covered under that. She said that she did not like it personally, but she asked what the meaning of it was there were certain nuances of disabled.

    Ms. Hann said that she would speak personally and knew that there were a lot of comments that she would say yes, she liked that or no, she did not like that where she was sitting. She said that her fear for herself was that she walked with a walker and had mace in her bag if someone tried to attack her and needed to get to her car. She said that she was a target and a very easy target because of the way she lived and the way she walked. She said that she did not always go to the store with her husband, did not always go to the mall with her husband, and was pretty independent for a 67-year old woman.

    Ms. Hann said that she knew the kinds of characters in those types of clinics because she had worked with them, volunteered for them, and also had addiction that ran in her family. She said that if she did have the chance of being attacked, she was not going to say she was going to be carrying a pistol because she did not have time for that, but it would have to come to that if the kind of characters who were there could hurt someone like herself. She said that that was her worry, and she wanted to go down on the record as saying that.

15. Clay Mihoulides said that he was a small business owner and resident of the Falmouth District, and resided at 19 Steeplechase Road in the Woodlawn Subdivision. He said that this was around the corner from the Woodlawn Neighborhood Center and Concerted Care

Group's potential 9,100 square foot opioid treatment facility. He said that he had three school-aged children who resided with him and attended Stafford County Schools, and they enjoyed the freedom of walking and riding their bikes together with their friends around the neighborhood and over to the Weis grocery store.

Mr. Mihoulides said that they were the reason he was here today. He said that he lost a sibling to addiction and had seen the toll it took on families and loved ones, and for that reason he was in favor of opioid treatment facilities, but they must be appropriately sized and located in areas that were safe first and foremost for their patients, and also located in areas that made sense for the surrounding community. He reiterated that Concerted Care's planned opioid treatment facility was 9,100 square feet, which was three times the size of a typical treatment center, which they should keep in mind.

Mr. Mihoulides said that CCG's proposed location was unsafe for patients as neither Deacon nor Clairmont Roads contained sidewalks in this area. He said that Deacon Road was not a road for folks in recovery to be walking around without a sidewalk, nor was Clairmont. He said that the location was situated 500 feet from a preschool and a Stafford County school bus stop on Clairmont. He said that they would have patients in the process of detoxification going and getting their meds and then would be standing across from Clairmont waiting for the Fred bus or driving or walking directly past their children.

Mr. Mihoulides said that insufficient parking was another issue with this location as the Woodlawn Shopping Center was insufficiently parked. He said that it currently contained 39 spaces less than the as-built site plan from 1996, so they had potential for people having to illegally park along Clairmont Drive in order to get to the facility.

Mr. Mihoulides said that the size of CCG's facility, its poor choice of location, and ensuring the safety of its patients and the surrounding community were the reason that this Board, not the next Board after the election, but this Board had to step up and do their jobs. He said that they should take immediate action to eliminate ambiguity in the zoning ordinance and require that treatment facilities obtain a conditional use permit.

16. Anna Rae said that she was an international psychologist, licensed professional counselor, and certified substance abuse counselor with over 21 years of experience in the field, which brought her to the question of how much risk Stafford County was willing to take. She said that reported by Stafford County on June 29 at a community public meeting, the proposed clinic would provide detoxification, methadone treatment, and counseling for children with behavioral challenges.

Ms. Rae said that interlacing concerns patients often faced included but were not limited to unaddressed trauma, vulnerable living situations, racism, lack of housing, and concurrent significant medical problems. She said that the American Society of Evidence Based

Policing reported that within 200 meters of a methadone clinic, there was a 7% increase in violent crime, a 31% increase in drug crimes, and a 19% increase in assaults.

Ms. Rae asked the Board of Supervisors willing to take on the risk of detoxification and methadone clinics moving into small shopping centers not only here but across the County, in all districts. She said that Woodlawn Shopping Center was only the first instance of this happening. She asked if they were willing to take the risk of methadone and detoxification taking place without being co-located with other services. She asked if they were willing to take the risk of methadone and detoxification occurring not close to hospitals, in places that did not have sidewalks or crosswalks.

Ms. Rae said that they did not have extensive parking even though it was dangerous to travel to these places on foot. She said that removing by-right zoning reduced the risk not for Woodlawn but every shopping center across the County. She asked if they were willing to take on the risk of patients needing a potentially high number of ambulance rides to the hospital which would cost the County money out of everyone’s budget. She asked if they were willing to take on the risk of patients getting injured while walking to the clinic, getting run over, and shutting down major intersections.

Ms. Rae asked if they were willing to take on the risk of vulnerable people milling around and waiting in the parking lot for transportation when there was only one bus that ran to the shopping center or to many of the other shopping centers in the County. She asked if they were willing to take on the risk to child patients while they waited in the parking lot for their appointment due to limited space in the Woodlawn Shopping Center and in many other places across the County.

Ms. Rae asked if they were willing to take on the risk of child patients being seen at the same location as adult detoxification services, which meant that children would be exposed to risk because of their decisions today if they did not remove the by-right zoning. She said that Stafford County was at increased risk due to enabling the risk of patients for all ages. She said that all it took was one lawyer to work on contingency and sue the County for unsafe conditions since they had been disclosed to them today.

Ms. Rae asked what they were willing to do. She said that conversely, they had examples and lessons learned within this country. She said that government location recommendations included methadone and detoxification being in communities that offered housing services to the homeless and assisted veterans, and the Board could do that for them.

17. Alane Callandar said that her address was 622 Lancaster Street in the Falmouth District. She said that she agreed that Woodlawn Shopping Center was not necessarily the best place for a large clinic such as this. She said that however, the Supervisors were being put under

a lot of pressure to suddenly change an ordinance to get rid of by-right and put in conditional use for a medical facility when they wanted to encourage medical facilities in this County.

Ms. Callandar said that there were ramifications to making a sudden change to that, so she wanted the Board to be deliberative about this and not feel pressured to make an immediate decision. She said that there could be incentives for where such facilities were located. She said that they would probably be better located near Stafford Hospital.
Ms. Callandar said that there was a drug problem in this County, throughout the County, in the middle class neighborhoods of Stafford County, and whether there was a methadone clinic near their neighborhood or not, they needed to be watching out for their children. She said that she wanted to encourage the Board of Supervisors to not be pressured to make a decision they would regret later.

18. Kristin Maxson said that her address was 1816 Richmond Highway. She said that she agreed with Speaker #1 that the library was where they could get public information. She said that it was mentioned that there was missing data, and it was also said that it was like holdup. She said that she felt the same way and thanked the speaker for putting the words from her mouth first. She said that she was at the July 20, 2023 meeting at the University of Mary Washington and there was no mention of the survey which was mentioned here today.

    Ms. Maxson said that there was no mention of the survey for the public attending, and she witnessed the public and how many of the public counted, and it was not more than what was representing on one hand. She said that Item #34 was moved to 7:00 p.m., and she did not know much about this topic but did know that the farmers were hurting, and they were sort of grandfathering architectural efforts that was put to stop during Covid-19 and small businesses.

    Ms. Maxson said that she would like the Board to consider the grandfathering especially with the zoning that was happening in this area. She said that she remembered somebody saying that zoning was the most complicated issue they had ever encountered, and that same person said that knowledge was power, and that same person said pay as you go. She said that she felt that that payment that was collected to pay for their infrastructure would come from the judicial area, which meant that the judicial arm might not be equal to herself.

    Ms. Maxson said that if the Board could envision that, she would appreciate that they could equalize the fairness to everyone. She said that the local paper’s opioid articles were likely paid by the communities that were affected, and she thanked them for that. She said that they needed the Thursday paper to be dedicated to issues that were here at the Board. She said that it was originally designed so that Thursday papers would be free to the public, but now what they heard today was put in Tuesday's paper or Wednesday's paper, but not the Thursday papers, so she asked the Board to consider this.

REPORTS BY BOARD MEMBERS

Ms. Allen – thanked everyone for coming back following their recess and said it was good to see everyone's faces. She wished all of their students, staff, and school officials a healthy and safe school year, and cheered on the Timberwolves. She said that on August 16, the express lanes heading south would be officially opened at 10:00 p.m., so they could ride the express lanes all the way down to Route 17.

Ms. Allen remarked that the Widewater State Park would be having a paddle launch tomorrow at their new paddle site, so anyone interested in coming was free to join, and the event started at 10:00 a.m. She said that due to the heavy rains they had been experiencing this summer, a lot of roads in the Widewater area had been suffering from potholes, and she asked that any citizen experiencing these issues to please contact her so that she could get VDOT out to fix it.

Ms. Bohmke – remarked that she had four regional committee updates to report on. She said that the VRE ridership for the last week of July was 6,200 compared to a year ago when it was 5,000 people, and during COVID-19 in July 2020, it had dropped to 2,600 people. She said that prior to COVID-19, they had 18,000 riders a day, and the train service had been around for 30 years. She said that as they all knew, people were teleworking and the government agencies' telework policy was impacting their ridership numbers.

Ms. Bohmke said that based upon their budget discussions at VRE, the Fiscal Year 25 jurisdictional subsidy was projected to increase back up to the proposed 2024 number. She said that they might remember that they had negotiated in reducing that some, which helped a little bit, and it would be coming back up to potentially even higher. She said that she and Supervisor Gary would bring this information to the Board in the fall because it definitely would be impacting the FY25 budget.

Ms. Bohmke remarked that she attended the Bay Consortium Workforce meeting and said that she was very excited that they had engaged with Stafford County Public Schools and were coordinating with teachers to work on hands-on experiences for the students, especially those jobs in which students could receive a certification versus going and getting a four-year degree. She said that there were many things that could be done for a very nice wage without going to four years of college for that, so she was very excited about what the Consortium was doing.

Ms. Bohmke remarked that the landfill staff was working with Stafford County utilities on a project to establish a sludge drying pad for the landfill, which would create storage and volume reduction of the sludge from the wastewater treatment plants that would hopefully save money for the County when it came to their utilities. She said that there was a Landfill Board meeting this Thursday and anyone could come when it began at 10:00 a.m. She said that all of their meetings were open to the public except for their closed session items, so if anyone wanted to learn more about the landfill, she would see them on Thursday at this location at 10:00 a.m.

Ms. Bohmke remarked that on July 19, she attended the Commonwealth Transportation Board quarterly Board meeting, and they held those meetings around the state. She said that these were appointees and everything they did had to do with transportation in the Commonwealth of Virginia. She said that the meeting was in the FredNats Stadium, and she spoke on behalf of the planning organization also known as FAMPO. She said that the primary reason she attended that meeting was because the state was talking about reducing the number of applications that they could submit in order for them to continue to fund road projects on their secondary roads.

Ms. Bohmke said that she did not have to tell any of the public what happened on I-95, so they were telling the state that they needed help on their secondary roads and not to reduce the number of applications they could submit, but to increase that. She said that the real reason she had asked them to do this was because she believed they needed to create a new category, as they were not a rural area, and Planning District 16 included Caroline, King George, Spotsylvania, the City of Fredericksburg, and Stafford in the FAMPO region.

Ms. Bohmke said that they were not rural, nor were they Hampton Roads or northern Virginia, so she impressed upon them that they needed a new category, and she implored them to have a conversation the next day when they met, and they did. She said that they talked for 15 minutes and were bringing it back to their September meeting because competing as a rural locality did not make sense for them and competing against the larger jurisdictions was painful. She said that Laura Sellers was their Commonwealth Transportation Board appointee and was following this item very closely on their behalf.

Ms. Bohmke remarked that she wanted to let everyone know that the community had been asking about data centers and they were having a data center information meeting in Board Chambers on Tuesday, August 29. She said that it would be a very similar presentation to the one they did with the Planning Commission, and in addition to that they would be highlighting the two data centers that happened to be in the Falmouth District at the end of that meeting. She said that the applicants would be present to receive questions, but it would be more high-level and they would not get down into the details of the projects as that would happen when they had public hearings. She said that the meeting was at 6:30 p.m.

Ms. Bohmke remarked that she appreciated everyone from the Falmouth District coming out this afternoon, and as they knew, she found out about this Memorial Day weekend and had had emails, texts, and phone calls with great conversations with all of them. She said that she had learned a tremendous amount from everyone, and as she had learned, some people sitting in this room, including one gentleman who spoke, had lost people to this horrible addiction. She said that it was painful and they did have an epidemic in this nation that they needed to address.

Ms. Bohmke said that they wanted to do that on the Board of Supervisors but they also wanted it to be done in a safe manner, not only protecting those people getting the treatment but also those who were visiting the various local retail shops. She said that she had someone call her this morning that said their daughter's father had been on methadone for seven years and even he had said it was not a good location for this. She said that the resident was concerned because it brought back all kinds of bad memories for her, and since they had a Ring system, she would be able to see. She said that this impacted everyone, and everyone had a different lens.

Ms. Bohmke said that the Board had heard her say that before, that depending on how they grew up and what they were exposed to. She said that she appreciated everything the public had shared, and they were working tirelessly with staff and the County Attorney on this issue. She reiterated her appreciation for the citizens who came to speak or just to listen or being a supporter of others speaking, and they were working as quickly and tirelessly as possible. She requested to pull Consent Agenda Item #8.

Mr. Coen – remarked that he asked staff to continue to work with him to place on the agenda the issue about Lake Carroll and the Kennedy Dam. He said that staff had been working with him on this for quite a while, but he thought they needed to bring this Board up to speed and keep it moving forward in an appropriate way, and he appreciated the residents being patient with something that was an unfunded mandate from the state being funded by these people. He said that the focus should be that the residents were having to deal with it.

Mr. Coen thanked the public for coming out to speak, as public speaking was one of the greatest fears that people had so the fact that people came forward to speak was appreciated and needed. He noted that it was worse than snakes in the psychology classes of fear. He said that with that in mind, and because Supervisor Bohmke raised it, in his communications with individuals in attending the information session and listening to people, a few things were paramount. He said that the first was transparency, because people cared about having this done in a transparent and open manner, and one way of doing that was having the real discussions and details at night when the public could receive it, which was why he had been pressing for it to be at 7:00 p.m. or later because not everyone was able to be present during the afternoon.

Mr. Coen said that also of importance was transparency regarding what plan, what ordinance, or what was actually being put forward, because just having something said was not helpful to people, and he knew as an educator that some people were visual and needed to see it. He said that the second thing people requested was to provide input and comment, so he had pushed for the public to be allowed to comment and that the Board listened to what the public said.

Mr. Coen said that they definitely had to do this in an appropriate manner and with understanding of the people involved and for the myriad of issues they were going to face, but from the beginning when he found this out from a constituent who found it online, he understood the desire to have transparency, to know what was going on, to see what it was, and to have input. He said that he knew that their staff was working locally, statewide, and at the federal level, and it was pertinent and appropriate to communicate with a federal official. He said that they were looking at a myriad of ways to deal with this in an appropriate and timely manner.

Mr. English – remarked that it had been a crazy summer with all the weather and all the accidents in the bad weather, and he gave kudos to the Fire and Rescue Squad and Sheriff's Office for all their actions, especially yesterday evening. He said that he wanted to say that, speaking for himself only and not for any other Board members, he felt like the Supervisors failed the citizens. He said that as a Board of Stafford County citizens, they failed them as a government and he did not know how they were going to be able to fix it, but they were working diligently.

Mr. English said that he personally wanted to let them know that he felt like he failed them because he sat up there as the government and was a part of the government. He said that he heard their pain, and he worked for the Sheriff's Office part-time, serving the White Oak area and Falmouth area. He said that he heard what the public was saying and apologized on his own behalf that they failed them.

Mr. English remarked that he had an update on the Stafford County Public Safety Memorial Committee, which was that they had held two meetings with members of the committee that included himself, Supervisor Bohmke, Captain Bice, and Mark Doyle. He said that during the first two meetings, the committee established a broad timeline, finalized a mission, and created several goals. He said that the first goal was to create a vision, the second was to determine and establish a fixed memorial in a permanent location, to engage 100% of the volunteers through their partnership, to establish a timeline, to establish criteria, to reach out to community stakeholders for donations, and to establish a steering committee once the project was launched.

Mr. English said that they were trying to come up with a memorial for all of their volunteers who had served in the past and passed on in order to recognize their volunteer service. He said that they came up with a mission statement, which was for the Stafford County public safety memorial to recognize the unwavering commitment to the public safety members who had selflessly dedicated their lives to serve Stafford County. He said that they believed in creating a lasting memorial that stood as a tribute to the heroic lives of those brave men and women that led in a time of tragic loss. He said that in addition, they recognized the vital role of volunteers as a foundation upon the Stafford County public safety that was built.

Mr. English said that they deeply valued their continuous dedication, as it was their steadfast support that contributed to the success of public safety. He said that it was their desire to establish a living testament and sacred space to allow them to reflect and memorialize as a community, and through this space they could respect, honor, and cherish the memory carried forward and the spirit of service and heroism of generations. He said that by building this memorial, it would aspire to ensure the legacy of public safety members who remained forever etched in their hearts.

Mr. English said that they had a broad timeline that they had set, which was July 2023 to October 2023 to develop a mission statement, and they would bring that to the volunteers to have them look at. He said that they would then set committee goals and report back to the Board of Supervisors from July through October. He said that from November 2023 to January 2024 was to take a draft mission statement to engage with the volunteers, discuss the location for the memorial, and to report back to the Board of Supervisors on this status update. He said that between February 2024 and April 2024, they would identify and develop a steering committee to move this project further, establish communications planned, and again report back to the Board.

Mr. English said that that was where they were with this current committee, and he thought it was well-needed because they did not have anything in the County that recognized their volunteers. He said that these volunteers were those who had served, not killed in the line of duty, but had been a grounding force for the public safety and staff of Stafford County. He said that he had been a volunteer himself since 1975 with the Stafford Rescue Squad, which did a lot as well as saving the County tons of money with bingo and other fundraisers. He requested the Board of Supervisors to support this effort and said that he would keep them updated.

Dr. Yeung asked if there was something in place for the volunteers to be invited to what was planned for the BACC. She asked if there was something they could do to expand that celebration of BACC members to include volunteers.

Mr. Vosburg said that they could certainly talk about that.

Dr. Yeung asked if that was acceptable to Mr. English, as he had mentioned it a couple of times.

Mr. English said yes.

<u>Ms. Gary</u> – welcomed everyone back and noted that it had been a long and interesting summer, both long and short at the same time with a lot going on. She said that she was glad everyone was back in school and that their bus drivers were fully staffed. She said that she was grateful to this Board for doing what they had to help that happen, as they did not need that headache again. She said that she wanted to quickly address the library issues that had come up because she served on that board after taking the place of Ms. Bohmke. She said that there were some preexisting issues there that she walked into and was trying to navigate very carefully, and there were challenges.

Ms. Gary said that it was mentioned by several people that the actions by the library seemed punitive, and she had had conversations to address her own concerns surrounding similar sentiments in her experience on the board with the executive director of the library, and Dr. Yeung joined her in a meeting with staff, talking about what the solutions would be in the short term to make sure they provided services for their constituents and find a path forward, but she was very aware of the challenges outside of the budgeting issues that she would continue to work on. She said that big ships turned slow, so she appreciated their patience.

Ms. Gary said that she was also glad that they would very likely be providing that funding they took into their fund balance, which was the agreement as they wanted to return services for their constituents. She said she would echo Mr. English's statements regarding what was going on in Falmouth regarding the clinic. She said that regardless of how this came to be, it was in their hands now and she had said that she would do everything she possibly could do to help find the best solution for everyone short of violating the law, and she would continue to do that.

Ms. Gary said that she did not need to reiterate that it was a very difficult and complex situation, but she wanted to take it very carefully and she was glad that the whole Board was here now and they could do that. She said that because this was a military town, some of them may have heard of the saying to observe, orient, decide, and act, and she felt like at their last meeting they may have been jumping to the last letter prematurely, so she was grateful for their patience as they continued to navigate this and allow them to figure out the best thing to do.

Ms. Gary said that she understood the importance of the public's wellbeing and the wellbeing of children, as she had seven children of her own, five still at home and four of those children still in schools. She said that she also had family members who dealt with addiction, so this was not something in which she was ignorant to the different implications of what could be going on, and she wanted the public to know that. She said that she wanted to address something that came up earlier in someone's speech about emails falling through the cracks. She said that they did need additional staff support for this Board, and some of them had tried to get that done this last year, but beyond that, they did a lot and there was a lot going on.

Ms. Gary said that some of them took on additional responsibilities, and she wanted to speak to Ms. Bohmke's credit that she had a lot going on at the time. She said that they were doing their best now to take responsibility for what was going on, but no one was zero-defect, and she herself had missed things. She said that every single one of them was going to mess up, and this just happened to be a very difficult one. She thanked Ms. Bohmke for doing everything she could and following up on this that had happened to right the course and see what could be done appropriately for everyone in the County.

Ms. Gary remarked that lastly, regarding the upcoming budget, it was mentioned that they would be receiving proposed budgets in the fall for entities such as the VRE, and as a reminder, that there were other dynamics to this as they started hearing the preferred things that each of the Supervisors would like to fund or not fund as they got into that. She said that this Board had previously decided to use ARPA funds for public safety pay increases, and at some point soon that would be running out and they would have an increase to continue to fund those increases.

Ms. Gary said that there was a fire levy that they decided to put half of into the budget, so that was another $0.015 on the real estate tax that they would have to come back and deal with. She said that she wanted to give those reminders as they began to navigate what they were going to fund or not fund, they all had their preferences and other factors played into this. She said that she was grateful that her children were back in school, healthy and happy with well-staffed buses, and that things were going smoothly as she had not heard of any hiccups on this side of the street. She said she hoped the public had had a restful summer but knew that some of them had not, and the Board would do everything that they could.

Ms. Vanuch – remarked that she had gotten a couple of text messages about the audio and talked to Mr. Spence, the technical expert who said that all of the audio and video for those listening at home had been addressed. She said that it was a Comcast issue and they had to reset the machine, and she wanted to make sure everyone was aware of that.

Ms. Vanuch welcomed all the students and staff back to Stafford County Public Schools, and as Ms. Gary mentioned, for the first time in her tenure on the Board they had all bus drivers staffed. She said that in 2020, they passed $1.5M of raises to those bus drivers, and it took a couple of years to implement that to get fully staffed. She congratulated the Transportation Department and the schools as it was a huge lift, and she was sure that parents were eternally grateful that their students were traveling safely to and from school.

Ms. Vanuch remarked that on a happy note, she was able to attend this weekend a Living Hope Lutheran Church and Early Childhood Development Center ribbon cutting for their expanded access to the childhood development center rooms made. She said that they actually purchased an old trailer building and old post office and the congregation completely remodeled it with their own blood, sweat, tears, and money to make two early educational facilities to carry on their mission of faith, family, and service to the community. She said that it was a wonderful opportunity for herself to be able to join there, and she thanked Deputy Eastman for coming as well and allowing all the kids to pet Ruby, the bloodhound in the Sheriff's Office. She said that it was a wonderful experience and she gave her thanks to them.

Ms. Vanuch remarked that Brian Onyx in their Planning and Zoning Department was tremendous at helping them get through the permitting process and foresee issues coming forward that they may have not anticipated as they were continuing to build out. She gave kudos to the staff as they had nothing but positive things to say about their interaction with those County staff. She said that as a reminder, it was an election year, which she joked about when one public speaker spoke, but unfortunately the public had to be exposed to a lot of misinformation during the public comments.

Ms. Vanuch said that she would take an opportunity to tell them a little bit about the process today because they had an aggressive agenda. She said that the medical clinic item was last on the agenda and they would go into closed session again before they talked about it. She said that they did not finish the closed session earlier this afternoon, so they probably were not going to talk about this until after their public hearings. She said that she was guessing based on the time it was now and what they had to get through, and as they got towards that part of the agenda she would make a motion to reorganize the agenda, which may or may not pass as some of the earlier motions made today did not.

Ms. Vanuch asked the public to bear with them, and she could tell them that they wanted to address it but did not know what timing that would be, and it could be very, very late, so she stopped by Starbucks for a coffee because it was going to be a late evening. She said that that was what they were looking at as far as timing. She said that however, with regards to the medical clinic/hospital definition and the ordinance they spoke about at the special called meeting at which she and Ms. Bohmke stayed with the public, she wanted to talk for a minute about legislative intent.

Ms. Vanuch said that on October 25, 2017, the Zoning Administrator at the time, Susan Blackburn, came to the Planning Commission, which she was on as well as Supervisors Coen and English, and she brought forward an update to the hospital definition of their ordinances. She said that she did that because an emergency clinic was coming forward asking for a zoning determination, and at that time, the zoning determination said the Virginia Department of Health required a freestanding emergency department to be licensed under a hospital license, and attached item #2 in the packet included an existing definitions of medical clinic, medical office, and hospital.

Ms. Vanuch said that now, with the determination saying that because it was requiring a license from the state, it should be determined as a hospital. She said that the applicant wanted it to be called a medical clinic. She said that now with that determination, the applicant did not agree and they appealed to the BZA, and the BZA upheld that decision and said that it was right that state licensure meant hospital under the zoning ordinance, therefore it was a good zoning determination. She said that they appealed it in the courts and she believed that they lost, but that was not in these notes because it was not determined at that time.

Ms. Vanuch said that staff then said that staff did not believe that to provide more clarity in the zoning ordinance the definition of the hospital should be amended to expressly include all medical facilities and departments required to be licensed under the umbrella of a hospital license should be determined a hospital. She said that when she talked about legislative intent, that was what was presented to the Planning Commission at the time with a different Zoning Administrator. She said that the Zoning Administrator who gave the zoning determination on the clinic that they had been talking about may not have even been aware of this previous zoning determination.

Ms. Vanuch asked the public to recall at their last meeting when she said that to her, when she saw the new zoning determination, it completely changed things for her, because now it meant that he was saying that perhaps because a methadone clinic had to get a license from a hospital, it was now called a medical clinic, which was different than the current zoning determination they had on record. She said that as she mentioned before, it went to legislative intent. She said that she was on the Planning Commission, and as a matter of fact, she seconded the motion to make those changes to the ordinance, which passed 7-0 in the Planning Commission and passed the Board of Supervisors 7-0.

Ms. Vanuch said that if they wanted to talk about litigation and the timing of when this all came up, it was in 2017, not 2021 or 2022, and not one of these Board members would have known that

that zoning determination changed things for the County and for the public until they were notified that there was a zoning determination which happened Memorial Day weekend at the end of May and no sooner than that. She said that the state changes would not have changed anything here. She said that unless and until the County took action on updating their definitions and where their medical clinics/hospitals fell into place, they were now stuck with this zoning determination.

Ms. Vanuch said that she was glad that they were filing a lawsuit to the BZA for overturning that appeal because she believed it was an absolutely incorrect zoning determination, and because she was on the Planning Commission when this passed and the Board passed it 7-0, they were saying in their legislative intent was that if an entity was getting a license from the state, they were considered a hospital under Stafford County planning and zoning.

Dr. Yeung – remarked that she had no further comments than what she announced during her Chairman remarks, which were that she was at the Stafford County Public Schools Commencement in July, the Virginia Smart Community Testbed, and the roundtable with Senator Tim Kaine.

REPORT OF THE COUNTY ATTORNEY

Ms. McClendon said she had no report at this time.

REPORT OF THE COUNTY ADMINISTRATOR

Mr. Vosburg said that he had a couple of items to mention for the Board's consideration. He said that first was that there were a few items listed in the agenda which were informational reports, the Finance, Audit and Budget (FAB) Committee Action List, the Public Safety Committee (PSC) Action List, and the Monthly Expenditure Report, and those were all in the Board packets.

Mr. Vosburg said that next, Ms. Bohmke mentioned and he would reiterate that the data center community meeting was scheduled for August 29, 2023 in the Board Chambers at 6:30 p.m. He welcomed everyone back from their short recess. He said that staff was busy throughout the recess and kicked off a fresh start with their School Board counterparts, as they got their executive staffs together and he and Dr. Taylor had been meeting and working on that. He said that they had an executive staff lunch and several of them participated in the chalk walk that welcomed students back into school, and they did that with several Fire and Rescue employees as well.

Mr. Vosburg said that his final announcement was that he sent an email yesterday related to the October 3 meeting because there was a conflict that evening with the National Night Out. He said that in the past, the Board had done the day meeting and not had a night session, so he wanted to hear from the Board. He said that the plan would be to do that again on October 3, so they would not have public hearings that evening, but it was something they needed to plan for.

Dr. Yeung asked if that item could be discussed with Item #8, which was the budget calendar or if it should be discussed now.

Ms. Bohmke said that she agreed it was National Night Out, but there were so many things on their agenda that she would not recommend they did away with public hearings. She said that they either needed to move their entire meeting to Wednesday or they all selected another date. She said that she knew that she had wanted to have a July 5 meeting because they now had 33 consent agenda items, but that was her opinion. She recommended they move the whole meeting.

Ms. Gary said that she would be in favor of that recommendation. She said that maintaining public comment was important especially with the upcoming work.

Dr. Yeung said that she agreed.

Ms. Vanuch said that she agreed, and she would suggest a date.

Dr. Yeung said that she did not agree to moving the date, but did agree with having public comment. She asked Ms. Gary if she agreed to move the date.

Ms. Gary said yes, if it was necessary.

Ms. Vanuch said that in previous years during elections they held meetings on Wednesday, so the scheduled meeting for October 3 would be moved to October 4 would be fine.

Dr. Yeung said that Ms. Bohmke had mentioned how many meetings they had and that they had a lot of work. She asked Mr. Vosburg if it was any different than in previous years and if he had any recommendations.

Mr. Vosburg said that regarding the number of meetings in comparison, they had 19 regular meetings this year and had had 20 in previous years. He said that the difference so far had been the July 5 meeting that was cancelled, taking it from 20 to 19.

Mr. Coen asked how the October 4 meeting date would affect staff going forward. He asked how they were positioned with public hearings and if that would precipitate them having the meeting at night.

Mr. Vosburg said that there were not agenda requests in for that meeting yet, but was something they must plan ahead because of the notice in the newspaper. He said that he could not say if they had anything critical that day or not, and looking at the calendar and to staff, there were no known conflicts with October 4, but they did not know yet on the public hearings.

Dr. Yeung said that she would prefer to keep the date and hold the public hearings. She said that she knew that some of them had kids in school, but she no longer had kids in school, so she was okay with having the meeting on that day, but it was up to the rest of the Board.

Ms. Allen said that they would obviously not be able to have the meeting on October 3, but she was open to the October 4 date if it was not cumbersome to staff. She said that she was not opposed to it, because she had said in the past that when they had National Night Out that they should figure out how to effectively accommodate the stuff they needed to be at and still be able to do their business. She said that she would not want to come back and be swamped with 15 public hearings, which had happened before. She said that she was in favor to moving it to a date that was beneficial. She said that she would not assume that October 4 was, but she approved of a date beneficial to everyone.

Dr. Yeung asked if they had to decide today. She asked if Ms. Vanuch had suggested October 4.

Ms. Vanuch said yes, because it was the next day.

Mr. Vosburg said that the sooner the better so they could plan to accommodate.

Ms. Bohmke motioned, seconded by Mr. Coen, to move the October 3 meeting to October 4 with a 3:00 p.m. and 7:00 p.m. meeting.

Mr. Coen asked if whenever possible they could have these discussions when they made the calendar for the whole year. He said that the National Night Out was scheduled ahead of time.

Ms. Vanuch said that it was not, because they moved it.

Mr. Coen said that they moved it from August to October, but definitely for the VACO one they knew in advance. He said that the sooner they got to this the better, but he preferred to plan ahead.

Ms. Allen asked if they could move the meetings up to 12:00 p.m. and 3:00 p.m. on October 3.

Ms. Vanuch said that they could not do so for the public hearings.

Mr. Vosburg asked is Ms. Allen's suggestion was to have the meeting at 12:00 p.m. and 3:00 p.m. on October 3.

Ms. Vanuch clarified that Ms. Allen was saying to move the 7:00 p.m. meeting to 3:00 p.m. She said that she would not be in favor of that because it was hard for people to arrive and talk before 5:00 p.m. if they had a job. She said that it would be easier to move the day.

Ms. Gary said that she was in favor of it.

Dr. Yeung called for the vote.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

Mr. Vosburg said that related to the mulch fire they had, he wanted to thank all of their public safety staff including Fire and Rescue, Sheriff's Office, Utilities staff, and any other staff who assisted on that, and they were working with the developer to try to recover some costs on that item. He said that regarding Ms. Allen's announcement of the opening of the express lanes, the ceremony was tomorrow, and the actual opening of the lanes to the public was on August 17.

CONSENT AGENDA

Dr. Yeung asked if there was a motion to approve the Consent Agenda, minus Item #8, which was the budget calendar.

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

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

ITEM 1. COUNTY ADMINISTRATION; APPROVE JUNE 27, 2023 BOARD OF SUPERVISORS MEETING MINUTES.

ITEM 2. COUNTY ADMINISTRATION; APPROVE JUNE 27, 2023 BOARD OF SUPERVISORS LEGISLATIVE WORK SESSION MINUTES.

ITEM 3. COUNTY ADMINISTRATION; APPROVE JUNE 8, 2023 BOARD OF SUPERVISORS LEGISLATIVE WORK SESSION MINUTES.

ITEM 4. COUNTY ADMINISTRATION; APPOINT MR. GORDON SILVER TO REPRESENT THE GEORGE WASHINGTON DISTRICT ON THE HISTORICAL COMMISSION.

ITEM 5. COUNTY ADMINISTRATION; APPOINT MR. MARK ETHRIDGE AS A MEMBER-AT-LARGE TO THE ARCHITECTURAL REVIEW BOARD FOR A TERM ENDING DECEMBER 31, 2024.

ITEM 6. COUNTY ADMINISTRATION; APPOINT MR. ALLEN WATKINS TO REPRESENT THE GRIFFIS-WIDEWATER DISTRICT ON THE FREDERICKSBURG AREA

METROPOLITAN PLANNING ORGANIZATION (FAMPO) CITIZEN TRANSPORTATION ADVISORY COMMITTEE (CTAC).

ITEM 7. COUNTY ADMINISTRATION; APPOINT MR. BRIAN OGLE AS THE ALTERNATE MEMBER REPRESENTING STAFFORD COUNTY ON THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION'S (FAMPO) BICYCLE & PEDESTRIAN ADVISORY COMMITTEE (BPAC) FOR A TERM ENDING ON DECEMBER 31, 2024 (CORRECTION).

ITEM 8. BUDGET AND MANAGEMENT; APPROVE FISCAL YEAR (FY) 2025 BUDGET CALENDAR AND SETTING ASIDE THE CAPITAL IMPROVEMENT PROGRAM (CIP) DEVELOPMENT POLICY.

Ms. Bohmke said that she had conflicts on Monday, November 13 and 14. She said that they were scheduled to have a meeting with the School Division, and she had a sidebar conversation with Mr. Vosburg. She said that if the rest of the Supervisors wanted to keep the meeting with the School Division, she would have to miss that meeting, but she would not be back in town Tuesday, so she was wondering if they could move the Tuesday meeting to Wednesday as they had for the October meeting.

Dr. Yeung asked which meeting Ms. Bohmke was referring to.

Ms. Bohmke said she was referring to the November 14 meeting.

Dr. Yeung asked if that was the joint meeting.

Ms. Bohmke said no.

Ms. Allen clarified that Ms. Bohmke was not asking to reschedule the Monday meeting but was asking to reschedule the regular meeting on Tuesday of that week.

Ms. Bohmke said that for the VACO conference, every year it was the exact same time, so she did some research looking at some other counties. She said that Fairfax did not even have a meeting that week, but had a meeting November 21 before Thanksgiving, Chesterfield held their meetings on Wednesdays so it was not a big deal, and Loudoun County had their meetings on November 9 and 21, so they did not have to deal with that. She said that it caused a little bit of an issue because she had a board of directors meeting on that Tuesday, and had to stay there because they were approving their legislative platform, which was very important.

Ms. Bohmke requested the Board to move the meeting to the next day, the 15th. She said they had a joint meeting with the School Board that Monday the 13th, and Ms. Light had indicated there were a lot of complexities with a lot of different people, so she would ask them to continue with that meeting. She asked Mr. Coen if he could not meet on that Monday.

Mr. Coen said that he did not have it on his calendar.

Dr. Yeung asked how many of them were attending the VACO meeting this year.

Ms. Vanuch said that she was not opposed to moving that meeting, but it was her 40th birthday and she was celebrating it that week because it was the day after the election, so she would be on vacation. She said that she was going to join remotely, so she would accept whatever date it was moved to.

Ms. Allen asked if Ms. Bohmke could join the meeting remotely.

Ms. Vanuch said that Ms. Bohmke would be in meetings.

Ms. Bohmke said that she could for the 7:00 p.m., but would be in the car at 3:00 p.m.

Ms. Vanuch asked if staff could provide options to move it to Wednesday the 15th or the following Tuesday the 21st, and then come back and let the Board know.

Ms. Bohmke asked if they could move the 3:00 p.m. meeting to begin at 4:30 p.m.

Dr. Yeung asked when Ms. Bohmke's executive meeting ended.

Ms. Bohmke said that it ended at noon.

Dr. Yeung said that it took her three hours to get there.

Mr. Vosburg said that they could make adjustments. He said that he would assume they would still have committees and Ms. Bohmke would not be present if it was one of her committees.

Ms. Bohmke suggested 4:00 p.m.

Dr. Yeung asked if 4:00 p.m. was acceptable to the Board.

Mr. Coen said that he would rather not have Ms. Bohmke rush back, and he was amenable to whatever the Board wanted, but he approved of moving the date. He noted that it was their only meeting that month.

Ms. Vanuch said that maybe the 21st would be good.

Ms. Allen said that it was not because she had work that day.

Ms. Bohmke said that she appreciated Mr. Coen's consideration. She requested the meeting be moved to 4:00 p.m.

Dr. Yeung asked Ms. McClendon if the Board must vote on this item.

Ms. McClendon replied that they needed to vote on the actual resolution in front of the Board and to make the modification to the Board's regular meeting schedule.

Ms. Bohmke motioned, seconded by Ms. Gary, to approve the proposed Resolution R23-196, and to change the November 14 meeting time to 4:00 p.m. from the original 3:00 p.m.

Ms. Allen asked if the November 13 meeting with the School Board could be moved.

Mr. Vosburg said that that meeting was the one that Ms. Bohmke had requested to keep in place, and there were complications with that meeting that Ms. Light could address. He said that there was the state School Board member meeting that happened later in the week, so if they moved it then they would miss, and the week before was elections and Veterans day, and the week after was Thanksgiving. He said that right now what was on the table was to leave the joint meeting in place on November 13 and the meeting on November 14 would be changed from 3:00 p.m. to 4:00 p.m. with committees happening before that. He said that they would work on the timing.

Ms. Allen asked if Ms. Bohmke would not be present on November 13.

Ms. Bohmke indicated that she would not be present.

Ms. Allen asked if Ms. Vanuch would be present on November 13.

Ms. Vanuch said that she would.

Ms. Allen said that she would not be there on November 13, so that would be two of them. She said that that was fine.

Dr. Yeung asked if the pleasure of the Board was to move the meeting to November 14.

Ms. Allen said no.

Ms. Bohmke said that for the Monday meeting, there would be two fewer Board members.

Dr. Yeung called the vote for R23-196 and to move the time from 3:00 p.m. to 4:00 p.m. at the November 14 meeting.

The Voting Board tally was:

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

Nay: (0)

Resolution R23-196 reads as follows:

A RESOLUTION ADOPTING THE FISCAL YEAR (FY) 2025 BUDGET CALENDAR AND SETTING ASIDE THE CAPITAL IMPROVEMENT PROGRAM (CIP) DEVELOPMENT POLICY

WHEREAS, the FY2025 budget calendar (Calendar) includes the annual process for the County Administrator and staff to develop and the Board to develop, consider, and ultimately approve the budget; and

WHEREAS, FY2025 includes a reassessment of real estate property values for calendar year (CY) 2024, which may require different advertisement and notice requirements to be recognized in the Calendar; and

WHEREAS, the Board has adopted a Capital Improvement Program Development Policy, last amended on October 5, 2021 pursuant to Resolution R21-193, which it intends to set aside for the FY2025-34 CIP development process to allow staff to propose to the Board an updated policy; and

WHEREAS, CIP projects will be collected from the School Board and County staff and reviewed and recommended within the County Administrator's proposed budget; and

WHEREAS, the establishment of the Calendar provides an outline for planning and gives staff direction to meet the Board's objectives;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that the Capital Improvement Program Development Policy, last amended on October 5, 2021 pursuant to Resolution R21-193, be and it hereby is set aside for the process of developing the FY2025-34 CIP, and CIP projects will be collected from the School Board and County staff and reviewed and recommended within the County Administrator's FY25 proposed budget; and

BE IT FURTHER RESOLVED, that the FY2025 Budget Calendar is adopted as follows, which dates and purpose of the meetings may be changed based on need and availability, with prior notice provided in compliance with all applicable State laws:

DATE	PURPOSE
*Tuesday, October 17, 2023	Five Year Financial Plan Work Session (FYFP WS): General Fund
Friday, October 27, 2023	CIP: Receive School Board (SB) approved FY2025-34 CIP Projects
Monday, November 13, 2023	Joint SB/Board of Supervisors (BOS) Meeting: Review Schools' capital needs

*Tuesday, November 14, 2023	FYFP WS: Provide direction on General Fund and Other Funds
*Tuesday, December 12, 2023	BOS review and provide direction on CIP and proffer funds
*Tuesday, February 20, 2024	County Administrator presents proposed FY2025 Budget
Thursday, February 22, 2024	Budget Work Session (BWS): General Fund
February 26 – March 1, 2024	Individual Board member and staff meetings to understand the FY2025 proposed Budget
Tuesday, February 27, 2024	BWS: Joint SB/BOS meeting for SB to present its budget
*Tuesday, March 5, 2024	BWS: Other Funds
*Tuesday, March 5, 2024	Board Meeting: Authorize CY2024 tax rates and FY2025 budget for advertisement during the Evening Session
Thursday, March 7, 2024	BWS: Joint SB/BOS meeting to discuss Schools' budget
March 11 – 15, 2024	*Schools' Spring Break – no meetings scheduled*
*March 19, 2024	BWS: CIP
*March 19, 2024	Board Meeting: Hold Budget and tax rates public hearings
March 20 – 22, 2024	Individual Board member and staff meetings prior to finalizing the FY2025 Budget
Tuesday, March 26, 2024	BWS: Finalize the FY2025 Budget
*Tuesday, April 2, 2024	Adopt CY2024 tax rates and FY2025 Budget during the Evening Session

*Denotes a regularly scheduled Board of Supervisors meeting date.

ITEM 9. BUDGET AND MANAGEMENT; BUDGET AND APPROPRIATE A LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND (LATCF) ALLOCATION FROM THE UNITED STATES DEPARTMENT OF TREASURY TO SUPPORT FY2025 GENERAL FUND SALARY COSTS.

Resolution R23-236 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE A LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND (LATCF) ALLOCATION FROM THE UNITED STATES DEPARTMENT OF THE TREASURY

WHEREAS, the U.S. Department of the Treasury has provided a Local Assistance and Tribal Consistency Fund (LATCF) allocation to Stafford County in the amount of $50,000 in FY2023 and the County has now received the remaining $50,000 in FY2024; and

WHEREAS, funds can be used to cover any cost incurred on or after March 15, 2021, for any governmental purpose other than a lobbying activity, subject to award terms and certifications; and

WHEREAS, staff recommends these funds be used to cover payroll costs currently expensed in the General Fund for any position(s) that are not funded by any existing grant funds in the Grants Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that the second part of the federal LATCF allocation from the U.S. Department of Treasury be and it hereby is budgeted and appropriated as follows to support Fiscal Year 2024 payroll costs:

Fund	**Amount**
Grants Fund	$50,000

<u>ITEM 10. COMMONWEALTH'S ATTORNEY; RATIFY AND ACCEPT THE FISCAL YEAR 2024 VIRGINIA SEXUAL AND DOMESTIC VIOLENCE VICTIM FUND (VSDVVF) GRANT AWARD FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS).</u>

<u>Resolution R23-222 reads as follows:</u>

A RESOLUTION RATIFYING AND ACCEPTING THE FISCAL YEAR (FY) 2024 VIRGINIA SEXUAL AND DOMESTIC VIOLENCE VICTIM FUND (VSDVVF) GRANT AWARD FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS)

WHEREAS, the Department of Criminal Justice Services (DCJS) has implemented the Virginia Sexual and Domestic Violence Victim Fund (VSDVVF) to provide services to victims of sexual violence, domestic violence, stalking, and family abuse; and

WHEREAS, the Commonwealth's Attorney's Office seeks to ratify and accept a grant award from the VSDVVF totaling $45,000 covering FY2024; and

WHEREAS, funds from the VSDVVF will be used to cover additional costs to assist with prosecutions of sexual violence, domestic violence, stalking, and family abuse; and

WHEREAS, the Commonwealth's Attorney's Office intends to use any awarded funds to cover the costs of additional staff salaries; and

WHEREAS, the Commonwealth Attorney's Office has executed the grant award agreement and seeks ratification of this award;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 15th day of August, 2023, that it be and hereby does ratify and accept the Virginia Sexual and Domestic Violence Victim Fund Grant Award totaling Forty-Five Thousand Dollars ($45,000) for FY2024.

<u>ITEM 11. COMMONWEALTH'S ATTORNEY; RATIFY AND ACCEPT THE VICTIM/WITNESS GRANT #24-0119VW20 FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES FOR FY24 IN THE AMOUNT OF $181,120.</u>

<u>Resolution R23-223 reads as follows:</u>

A RESOLUTION TO RATIFY THE VICTIM/WITNESS GRANT #24-O1194VW20 WITH THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES FOR FISCAL YEAR 2024 IN THE AMOUNT OF $181,120

WHEREAS, in 2022, the Stafford County Victim/Witness Assistance Program was awarded the Victim/Witness Grant (VWG) through the Virginia Department of Criminal Justice Services (VDCJS) in the amount of $194,753; and

WHEREAS, the VWG was a two-year renewable grant spanning Fiscal Years (FY) 2022-2023; and

WHEREAS, the County Administrator was authorized pursuant to Resolution R23-142 to apply for the continuation of VWG #23-O1194VW19, projected to have a maximum award for FY2024 of $194,753; and

WHEREAS, a completed application, including an itemized budget and budget narrative, was submitted to VDCJS; and

WHEREAS, a Statement of Grant Award has been executed and returned to VDCJS in the amount of $181,120 for FY24 which reflects a 10% reduction in federal grant funds from FY 2022-2023; and

WHEREAS, based on past application and experience, funds were anticipated to be received from the VDCJS grant and as such, were previously budgeted and appropriated as part of the FY2024 Budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that it be and hereby does ratify and accept the Statement of Grant Award for the continuation of Grant Number 23-O1194VW19 for Fiscal Year 2024 (Grant Number 24-O1194VW20) submitted to the Virginia Department of Criminal Justice Services in the amount of One Hundred Eight-One Thousand Once Hundred Twenty Dollars ($181,120) for the Stafford County Victim Witness Assistance Program.

<u>ITEM 12. COMMUNITY ENGAGEMENT; PROCLAMATION RECOGNIZING AUGUST 6-12, 2023 AS INTERNATIONAL ASSISTANCE DOG WEEK.</u>

<u>Proclamation P23-09 reads as follows:</u>

A PROCLAMATION HONORING AND RECOGNIZING INTERNATIONAL ASSISTANCE DOG WEEK

WHEREAS, assistance dogs transform the lives of their human partners with physical and mental disabilities; and

WHEREAS, they serve as devoted companions, helpers, aides, best friends and close family members; and

WHEREAS, assistance dogs include service dogs, guide dogs, hearing alert dogs and alert/seizure response dogs; and

WHEREAS, guide dogs assist people with vision loss, leading these individuals around physical obstacles and to destinations such as seating, crossing streets, entering or exiting doorways, elevators and stairways, etc.; and

WHEREAS, service dogs assist people with disabilities with walking, balance, dressing, transferring from place to place, retrieving and carrying items, opening doors and drawers, pushing buttons, pulling wheelchairs and aiding with household chores such as putting in and removing clothes from the washer and dryer; and

WHEREAS, hearing alert dogs alert people with hearing loss to the presence of specific sounds such as doorbells, telephones, crying babies, sirens, another person, buzzing timers or sensors, knocks at the door as well as smoke, fire and clock alarms; and

WHEREAS, seizure alert/seizure response dogs alert or respond to medical conditions, such as heart attack, stroke, diabetes, epilepsy, panic attack, anxiety attack, post-traumatic stress and seizures; and

WHEREAS, Stafford remembers Kahn, who recently passed away after serving as an institutional dog assisting victims of crimes for years in the courts alongside many other dogs in public safety who perform challenging and beneficial jobs with their handlers; and

WHEREAS, International Assistance Dog Week, August 6-12, 2023, provides an opportunity for us to raise awareness of the selfless way all types of assistance dogs assist individuals with mitigating their disability-related limitations;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that it be and hereby does recognize August 6-12, 2023, as International Assistance Dog Week in Stafford County.

ITEM 13. COMMUNITY ENGAGEMENT; A PROCLAMATION HONORING AND RECOGNIZING FIRST RESPONDERS ON THE OCCASION OF THE SEVENTH ANNUAL FIRST RESPONDERS APPRECIATION BREAKFAST.

Proclamation P23-19 reads as follows:

A PROCLAMATION HONORING AND RECOGNIZING FIRST RESPONDERS ON THE OCCASION OF THE SEVENTH ANNUAL FIRST RESPONDERS APPRECIATION BREAKFAST

WHEREAS, the Fredericksburg Regional Chamber of Commerce is hosting its Seventh Annual First Responders Appreciation Breakfast on August 23, 2023; and

WHEREAS, career and volunteer law enforcement, firefighters, emergency medical responders, search and rescue professionals and military personnel come together in emergencies to provide services that often make the difference between life and death; and

WHEREAS, being a first responder is a calling as well as a duty for individuals with a heart for service; and

WHEREAS, first responders put their lives on the line every day for the betterment of our community, enhancing countless lives in the process; and

WHEREAS, our region is fortunate to have the best local, regional, state and federal first responders available during emergencies; and

WHEREAS, we are grateful and humbled by their service to the community; and

WHEREAS, Stafford is grateful for the Chamber of Commerce's efforts to recognize these dedicated public safety professionals;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that it be and hereby does honor first responders and the Chamber of Commerce's efforts to recognize them.

ITEM 14. COMMUNITY ENGAGEMENT; A PROCLAMATION TO RECOGNIZE AUGUST 31, 2023 AS INTERNATIONAL OVERDOSE AWARENESS DAY.

Proclamation P23-21 reads as follows:

A PROCLAMATION DECLARING AUGUST 31 AS INTERNATIONAL OVERDOSE AWARENESS DAY IN STAFFORD COUNTY

WHEREAS, more than 100,000 Americans die annually from drug overdoses, according to the Centers for Disease Control and Prevention; and

WHEREAS, in 2022, 2,557 Virginians died by overdose, according to the Virginia Department of Health; and

WHEREAS, in 2022, 32 Stafford County residents died by overdose for a rate of 20.4 per 100,000 residents, according to the Office of the Chief Medical Examiner Annual Report; and

WHEREAS, the County of Stafford, Virginia, does affirm and acknowledge the harm and hardship caused by drug overdose and recognize the purpose of International Overdose Awareness Day as remembering loved ones lost to overdose and ending the stigma of drug-related deaths; and

WHEREAS, we affirm that the people affected by overdose are our sons and daughters, our mothers and fathers, our brothers and sisters, and deserving of our love, compassion and support; and

WHEREAS, we resolve to play our part in reducing the toll of overdose in our community, through supporting local prevention, treatment, recovery, and harm reduction efforts; and

WHEREAS, Overdose Awareness Day spreads the message that the tragedy of overdose death is preventable, raises awareness to reduce the stigma of addiction, and commemorates loved ones who have been lost to this crisis; and

WHEREAS, Stafford is grateful for the tireless efforts of the Rappahannock Area Community Services Board in bringing awareness to overdoses and for seeking solutions to the opioid epidemic;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that it be and hereby does proclaim August 31, 2023, as Overdose Awareness Day in the County of Stafford, Virginia, and commend its observance to all citizens.

<u>ITEM 15. COMMUNITY ENGAGEMENT; PROCLAMATION RECOGNIZING KATHY K. COX FOR 35 YEARS OF SERVICE TO STAFFORD COUNTY.</u>

<u>Proclamation P23-22 reads as follows:</u>

A PROCLAMATION RECOGNIZING KATHY K. COX FOR 35 YEARS OF SERVICE TO STAFFORD COUNTY

WHEREAS, on March 28, 1988, Kathy K. Cox commenced her career in the Stafford County Treasurer's Office and has served the citizens of Stafford County with integrity and commitment for over 35 years; and

WHEREAS, Kathy Cox started as an Account Clerk in the Stafford County Treasurer's Office selling county decals and in 1997 was promoted to Deputy Treasurer, where she received step level Deputy Treasurer promotions and was promoted in 2007 to Chief Deputy Treasurer; and

WHEREAS, on August 2, 2004, Kathy Cox received her certification and designation as Master Governmental Deputy Treasurer from the University of Virginia's Weldon Cooper Center for Public Service and School of Continuing and Professional Studies under the auspices of the Treasurers' Association of Virginia. She has maintained this certification through continued education for the past 19 years; and

WHEREAS, during her tenure, Kathy Cox served the citizens of Stafford County under four different elected Treasurers. Her commitment and dedication are reflected in her diligence in ensuring that the daily operations of the Treasurer's Office run proficiently. Her institutional knowledge is vast and she has been responsible for the oversight and supervision of the most essential duties of the Treasurer, including the collection and disbursement of local and state funds; and

WHEREAS, Kathy Cox has been guided by a strong set of personal values: honesty, integrity, and respect for others. She has served the citizens of Stafford County with kindness and compassion. She has been the moral compass of the office, respected by her peers and looked on as a mentor; and

WHEREAS, Kathy Cox and her husband Donald have raised their son here in Stafford County and she has instilled in him the same personal values and commitment to serving others in the community, the same values that make Kathy Cox the loyal and respected leader she has been these past 35 years to the Stafford County citizens, and

WHEREAS, this proclamation for presentation to Chief Deputy Treasurer Kathy Cox is an expression of respect and admiration for her leadership and dedication to Stafford County;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that it be and hereby does honor and recognize Chief Deputy Treasurer Kathy K. Cox for 35 years of service to the residents of Stafford County.

ITEM 16. COMMUNITY ENGAGEMENT; AUTHORIZE A SIX-MONTH EXTENSION TO THE VERIZON CABLE FRANCHISE AGREEMENT.

Proclamation R23-210 reads as follows:

RESOLUTION EXTENDING THE TERM OF THE CABLE TELEVISION FRANCHISE HELD BY VERIZON VIRGINIA LLC

WHEREAS, on August 19, 2008, the County entered into a Cable Franchise Agreement with Verizon Virginia, Inc. (Franchise), which is now held by Verizon Virginia LLC (Verizon); and

WHEREAS, the Franchise expires on August 19, 2023; and

WHEREAS, County staff and Verizon have initiated discussions concerning the renewal of the Franchise but have not completed the negotiation of a new agreement; and

WHEREAS, the Board desires to extend the term of the Franchise to February 28, 2024 to allow time for negotiations to be completed; and

WHEREAS, Verizon has provided its consent to the proposed extension of the Franchise to February 28, 2024 by letter dated July 31, 2023 and attached hereto as Exhibit A; and

WHEREAS, the County and Verizon both desire to reserve their respective rights under state and federal law, including, without limitation, 47 U.S.C. § 546;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that it be and hereby does authorize extension of the term of the Franchise from August 19, 2023 to February 19, 2024; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute any documents which he deems necessary and appropriate to effectuate this Resolution.

ITEM 17. FINANCE; AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING ON THE ISSUANCE OF REVENUE BONDS IN CONNECTION WITH THE COUNTY'S PLANNED PARTICIPATION IN THE VIRGINIA RESOURCES AUTHORITY'S FALL 2023 POOLED FINANCING PROGRAM FOR DEBT FINANCING RELATED TO AN UPCOMING CELL CONSTRUCTION PROJECT BY THE RAPPAHANNOCK REGIONAL SOLID WASTE MANAGEMENT BOARD (R-BOARD).

Resolution R23-224 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE ISSUANCE, SALE AND AWARD OF ITS SOLID WASTE SYSTEM REVENUE BOND FOR DEBT TO FINANCE A CELL CONSTRUCTION PROJECT FOR THE REGIONAL LANDFILL

WHEREAS, the Rappahannock Regional Solid Waste Management Board (R-Board) was jointly established by the County of Stafford, Virginia, a political subdivision of the Commonwealth of Virginia (County) and the City of Fredericksburg, Virginia, a municipal corporation of the Commonwealth of Virginia (City), to operate a regional landfill (Landfill) in the County and serving the residents of the County and the City; and

WHEREAS, the Virginia Code requires and the Board desires to hold a public hearing to consider the approval, issuance and sale of Two Million Two Hundred Thousand Dollars ($2,200,000) of Revenue Bonds for cell construction project jointly funded with the City of Fredericksburg and constructed by the Landfill;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that the County Administrator be and he hereby is authorized to publish notice and advertise a public hearing to consider the issuance, sale and award of revenue bonds for cell construction at the landfill.

ITEM 18. FIRE AND RESCUE; AUTHORIZE ADDITIONAL EXPENDITURES WITH MUNICIPAL EMERGENCY SERVICES, INC. TO PROVIDE PERSONAL PROTECTIVE EQUIPMENT FOR THE DEPARTMENT OF FIRE AND RESCUE.

Resolution R23-244 reads as follows:

WITH MUNICIPAL EMERGENCY SERVICES, INC. TO PROVIDE PERSONAL PROTECTIVE EQUIPMENT FOR THE DEPARTMENT OF FIRE AND RESCUE

WHEREAS, the County contracts with multiple vendors to provide personal protective equipment related to the Department of Fire and Rescue's mission; and

WHEREAS, pursuant to Resolution R22-262, the Board of Supervisors authorized the execution of contracts with several vendors including Municipal Emergency Services, Inc. (MES) and Blue Ridge Rescue Suppliers (Blue Ridge) for two years with five optional one-year renewals; and

WHEREAS, Resolution R22-262 also authorized the County Administrator to approve spend limits up to $300,000 annually, resulting in a total value of $2,100,000 per contract over a seven-year period; and

WHEREAS, in January 2023, MES acquired Blue Ridge; and

WHEREAS, due to the acquisition of Blue Ridge, annual expenditures with MES are estimated to exceed $300,000, which is available in the Department's operational budget, with future years subject to annual Board budget and appropriation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that the County Administrator be and he hereby is authorized to approve additional expenditures with Municipal Emergency Services, Inc. in an amount not to exceed Two Million One Hundred Thousand Dollars ($2,100,000), for a total contract amount not to exceed Four Million Two Hundred Thousand Dollars ($4,200,000), for the purchase of uniforms, supplies and personal protective equipment, unless amended by a duly authorized contract amendment.

ITEM 19. PARKS, RECREATION, FACILITIES & TOURISM; RATIFY CONTRACT AND AUTHORIZE ADDITIONAL EXPENDITURES WITH SUNBELT RENTALS, INC. TO PERFORM/FURNISH, AND/OR DELIVER EQUIPMENT RENTALS WITH RELATED SERVICES FOR VARIOUS COUNTY FACILITIES.

Resolution R23-231 reads as follows:

A RESOLUTION RATIFIYING A CONTRACT AND AUTHORIZING EXPENDITURES WITH SUNBELT RENTALS, INC. FOR EQUIPMENT RENTALS AND RELATED SERVICES FOR VARIOUS COUNTY FACILITIES

WHEREAS, the Department of Parks, Recreation, Facilities & Tourism (PRFT) and the Department of Utilities contract for rental equipment, delivery and associated services for various County facilities and departments; and

WHEREAS, the equipment may be cooperatively procured from Sunbelt Rentals, Inc. (Sunbelt) through Stafford County Rider Agreement 22-018-5501-CO (Contract), which rides Sourcewell Contract number 062320-SNB; and

WHEREAS, the County has expended nearly $200,000 for equipment rental and associated services during the initial term of the Contract; and

WHEREAS, funds are available in the current FY2024 departmental and Capital budgets, and funding for subsequent renewal years is subject to annual budget and appropriation by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that it be and hereby does ratify Rider Agreement #22-018-5501-CO, with an initial term beginning August 31, 2021 and ending on August 27, 2024, with one additional one-year renewal; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to approve additional expenditures with Sunbelt Rentals, Inc., for rental equipment, delivery, and associated services for various County departments for a total contract amount not to exceed One Million, Five Hundred Thousand Dollars ($1,500,000), unless amended by a duly-executed contract amendment.

ITEM 20. PARKS, RECREATION, FACILITIES & TOURISM; AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH SOUTH CAMPUS, LLC. FOR OFFICE SPACE FOR THE REGISTRAR'S OFFICE AND BUDGET AND APPROPRIATE CAPITAL PROJECTS RESERVE FUNDS.

Resolution R23-234 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH SOUTH CAMPUS, LLC, FOR OFFICE SPACE FOR THE REGISTRAR'S OFFICE AND BUDGET AND APPROPRIATE CAPITAL PROJECTS RESERVE FUNDS

WHEREAS, the Board requested Parks, Recreation, Facilities & Tourism (PRFT) staff to seek larger office space for the Registrar's Office and staff; and

WHEREAS, 3,500 square feet of office space is available from South Campus, LLC (Lessor) for lease; and

WHEREAS, construction by the Lessor would be required to customize the space into a suitable office for the Registrar and construction costs would be reimbursed by the County; and

WHEREAS, PRFT, County Administration, and the Registrar and Lessor negotiated a lease with an initial term of ten years, with the option to renew for an additional term of five years, with an annual increase in the base rent of three percent; and

WHEREAS, the first year's total expenses would be $856,963, which covers rent, operating expenses, $172,713 in property taxes, and $684,250 in construction costs;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that the County Administrator be and he hereby is authorized to execute a lease agreement, work agreement, and any other documents that he deems necessary and appropriate with South Campus, LLC, for office space for the Registrar's Office and staff, located at 124 Old Potomac Church Road, with a ten-year initial term and one five-year renewal term; and

BE IT FURTHER RESOLVED that Capital Project Reserve funds, held in the General Fund, are budgeted and appropriated as follows to support the Registrar's Office Renovations and Lease:

Fund	Purpose	Amount
General Fund	Office Lease, build out, and design	$856,963

ITEM 21. PLANNING AND ZONING; APPOINT JAMES A. STARANOWICZ AS INTERIM ZONING ADMINISTRATOR.

Resolution R23-238 reads as follows:

A RESOLUTION TO APPOINT AN INTERIM ZONING ADMINISTRATOR

WHEREAS, Douglas S. Morgan was appointed as the Zoning Administrator on September 2, 2019 pursuant to Resolution R19-266; and

WHEREAS, the Zoning Administrator position became vacant on July 14, 2023; and

WHEREAS, recruitment for the Zoning Administrator position is underway, but has not concluded; and

WHEREAS, Virginia Code permits and County Code Sec. 28-295 requires, the County to have a Zoning Administrator who shall be appointed by the Board; and

WHEREAS, the Board desires to appoint an Interim Zoning Administrator who is familiar with the enforcement and application of the Stafford County Zoning Ordinance; and

WHEREAS, James A. Staranowicz, CZA, is currently the Deputy Zoning Administrator;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that James A. Staranowicz be and he hereby is appointed as the Interim Zoning Administrator effective August 15, 2023.

ITEM 22. SHERIFF; RATIFY, ACCEPT, BUDGET, AND APPROPRIATE THE 2023 VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) AMERICAN RESCUE PLAN ACT (ARPA) LAW ENFORCEMENT EQUIPMENT GRANT.

Resolution R23-229 reads as follows:

A RESOLUTION TO RATIFY AND ACCEPT THE 2023 VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) ARPA LAW ENFORCEMENT EQUIPMENT GRANT AWARD

WHEREAS, Stafford County is eligible for grant funding in an amount up to $307,000 through the Virginia DCJS ARPA Law Enforcement Equipment Grant program to reduce violent crime and gun violence, which has disproportionally increased due to the pandemic; and

WHEREAS, the Virginia DCJS ARPA Law Enforcement Equipment Grant program is a non-competitive formula grant funding requiring no match funding; and

WHEREAS, the Stafford County Sheriff's Office identified equipment needs such as ballistic shields, ballistic riot helmets, ballistic SWAT helmets, a mechanical breach kit, communications headsets, additional sniper rifles, and the TRU Narc Handheld Narcotics Analyzer; and

WHEREAS, the Stafford County Sheriff's Office was authorized by the Board to apply for this grant on March 21, 2023 via Resolution R23-121 in an amount totaling $141,604, the cost of the identified equipment; and

WHEREAS, the Department of Criminal Justice Services awarded the 2023 DCJS ARPA Law Enforcement Equipment Grant to Stafford County in the amount of $307,000; and

WHEREAS, Stafford County desires to accept grant funds up to the full award amount of $307,000; and

WHEREAS, the 2023 DCJS ARPA Law Enforcement Equipment Grant award acceptance deadline was August 8, 2023 necessitating a time-sensitive award adoption by staff to ensure receipt of grant funding; and

WHEREAS, the Board of Supervisors is required to ratify and accept the DCJS ARPA Law Enforcement Equipment Grant award; and

WHEREAS, the 2023 DCJS ARPA Law Enforcement Equipment Grant has a required close-out date of June 30, 2024;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that it be and hereby does ratify and accept the 2023 Department of Criminal Justice Services (DCJS) ARPA Law Enforcement Equipment Grant; and

BE IT FURTHER RESOLVED that DCJS ARPA Law Enforcement Equipment Grant award funds are budgeted and appropriated as follows:

Fund	**Purpose**	**Amount**
ARPA Pass Through State Funding	Sheriff's Department eligible equipment purchases	$307,000

<u>ITEM 23. SHERIFF; AUTHORIZE PRIOR SPEND AND ADDITIONAL EXPENDITURES WITH GEORGE J. PETRONIS ENTERPRISES, INC. DBA THE GUN SHOP FOR THE PURCHASE OF AMMUNITION.</u>

<u>Resolution R23-237 reads as follows:</u>

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE PRIOR SPEND AND ADDITIONAL EXPENDITURES WITH

GEORGE J. PETRONIS ENTERPRISES, INC. DBA THE GUN SHOP FOR AMMUNITION PURCHASES

WHEREAS, the Stafford County Sheriff's Office purchases training and duty ammunition each fiscal year through the Commonwealth of Virginia Contract No. CTR007818 with George J. Petronis Enterprises, Inc., DBA The Gun Shop; and

WHEREAS, the purchase of training and duty ammunition is an essential component of operations and job function; and

WHEREAS, the Sheriff's Office has expended $289,561 on ammunition to date, and anticipates expending an additional $255,000 through the end of the contract term, March 31, 2025, both requiring Board action; and

WHEREAS, funds are available in the Sheriff's Office Fiscal Year 2024 budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that prior expenditures in the amount of Two Hundred Eighty-Nine Thousand Five Hundred Sixty-One Dollars ($289,561) be and they hereby are approved and new expenditures in the amount of Two Hundred Twenty-Five Thousand Dollars ($225,000), for a total spend amount of Five Hundred Fourteen Thousand Five Hundred Sixty-One Dollars ($514,561), are authorized, with George J. Petronis Enterprises, Inc. DBA The Gun Shop through the Commonwealth of Virginia Contract No. CTR007818, for the purchase of ammunition for Stafford County Sheriff's Office.

<u>ITEM 24. UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A TASK ORDER WITH SAGRES CONSTRUCTION CORPORATION FOR WATERLINE REPLACEMENT ON PENDLETON ROAD BETWEEN MERCER LANE AND WINSTON PLACE IN FERRY FARM SUBDIVISION.</u>

<u>Resolution R23-215 reads as follows:</u>

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TASK ORDER WITH SAGRES CONSTRUCTION CORPORATION FOR WATERLINE REPLACEMENT ON PENDLETON ROAD BETWEEN MERCER LANE AND WINSTON PLACE IN FERRY FARMS SUBDIVISION

WHEREAS, the replacement of the watermain along Pendleton Road will address aging and deteriorating infrastructure which currently conveys potable water in the Ferry Farms Subdivision; and

WHEREAS, on Pendleton Road, from Mercer Lane to Winston Place the new piping, gate valves, hydrants and service connections will increase water circulation and reliability, significantly reduce service disruptions, and lower annual maintenance costs; and

WHEREAS, the work may be procured via a task order through the Utilities On-Call General Construction Contract with Sagres Construction Corporation, Contract #21-003-5030SB-R-SC dated November 2, 2020; and

WHEREAS, staff reviewed the proposal submitted by Sagres and determined it to be reasonable for the scope of work desired; and

WHEREAS, funds were budgeted and appropriated in the FY2024 Utilities Capital Improvement Project (CIP) Fund and may be used for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that the County Administrator be and he hereby is authorized to execute a task order with Sagres Construction Corporation for waterline improvements and restoration on Pendleton Road, from Mercer Lane to Winston Place, in an amount not to exceed Three Hundred Sixty-Eight Thousand Four Hundred Eighty-Four Dollars ($368,484), unless modified by a duly-executed change order.

ITEM 25. UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A TASK ORDER WITH SAGRES CONSTRUCTION CORPORATION FOR WATERLINE REPLACEMENT ON PENDLETON ROAD BETWEEN WINSTON PLACE AND TAZEWELL STREET IN THE FERRY FARM SUBDIVISION.

Resolution R23-216 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TASK ORDER WITH SAGRES CONSTRUCTION CORPORATION FOR WATERLINE REPLACEMENT ON PENDLETON ROAD BETWEEN WINSTON PLACE AND TAZEWELL STREET IN FERRY FARMS SUBDIVISION

WHEREAS, the replacement of the water main along Pendleton Road will address aging and deteriorating infrastructure which currently conveys potable water in the Ferry Farms Subdivision; and

WHEREAS, on Pendleton Road, from Winston Place to Tazewell Street the new piping, gate valves, hydrants, and service connections will increase water circulation and reliability, significantly reduce service disruptions, and lower annual maintenance costs; and

WHEREAS, the work may be procured via a task order through the Utilities On-Call General Construction Contract with Sagres Construction Corporation, Contract #21-003-5030SB-R-SC dated November 4, 2020; and

WHEREAS, staff reviewed the proposal submitted by Sagres and determined it to be reasonable for the scope of work desired; and

WHEREAS, funds were budgeted and appropriated in the FY2024 Utilities Capital Improvement Program (CIP) Fund and may be used for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that the County Administrator be and he hereby is authorized to execute a task order with Sagres Construction Corporation for waterline improvements on Pendleton Road, from Winston Place to Tazewell Street, in an amount not to exceed Three

Hundred Nine Thousand Eight Hundred Eighteen Dollars ($309,818), unless modified by a duly-executed change order.

ITEM 26. UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO APPROVE EXPENDITURES WITH FERGUSON ENTERPRISES LLC. DOING BUSINESS AS FERGUSON WATERWORKS, FOR UTILITIES MATERIALS.

Resolution R23-218 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE ADDITIONAL EXPENDITURES WITH FERGUSON ENTERPRISES LLC, DOING BUSINESS AS FERGUSON WATERWORKS, FOR UTILITIES MATERIALS

WHEREAS, the Department of Utilities (Department) relies on utility materials such as pipes, saddles, fire hydrants, fittings and water meters for the repair, replacement and maintenance of the water and sewer infrastructure; and

WHEREAS, the Department utilizes water meters for water metering of each homeowner and business within the County so the data collected from the water meter is essential for monthly billing, performance studies, facility planning and projected future growth; and

WHEREAS, an accurate metering program relies on the accuracy of water meters and as water meters continue to age, the optimization of accuracy of the water meter begins to decrease over time due to mechanical wear and tear and corrosion; and

WHEREAS, the utility materials may be procured with Ferguson Enterprise LLC doing business as Ferguson Waterworks pursuant to Stafford County Contract #22-025-5030-SB (Contract) with a five-year contract term of October 6, 2022 through October 5, 2027, with one optional five-year renewal term; and

WHEREAS, funds for utility materials were budgeted and appropriated in the FY2024 Utilities Capital Improvement Program Fund and the Utilities Operations Budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that the County Administrator be and he hereby is authorized to approve additional expenditures with Ferguson Enterprises LLC, doing business as Ferguson Waterworks for the purchase and delivery of Utilities Materials in an amount not to exceed One Million Two Hundred Fifty Thousand Dollars ($1,250,000), for a total Contract amount of Two Million Dollars ($2,000,000), unless modified by a duly-executed contract amendment.

ITEM 27. UTILITIES; RATIFY THE CONTRACT CARTER MACHINERY COMPANY, INCORPORATED AND AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE EXPENDITURES TO FURNISH AND DELIVER GENERATORS, RELATED PARTS, EQUPMENT, AND SERVICES.

Resolution R23-220 reads as follows:

A RESOLUTION RATIFYING A CONTRACT WITH CARTER MACHINERY COMPANY, INCORPORATED AND AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE EXPENDITURES FOR GENERATORS, RELATED PARTS, EQUIPMENT AND SERVICES

WHEREAS, generators are an integral component of the operation of Utilities facilities with each facility maintaining one or more generators to provide redundant power; and

WHEREAS, each requires professional maintenance, inspections, and repair services to keep the generators in continuous operational readiness; and

WHEREAS, the generators, parts, and services may be purchased from an existing County contract with Carter Machinery Company, Incorporated, Stafford County Rider Agreement No. 23-037-5030CO, which rides Sourcewell Contract No. 092222-CAT, with a current contract term through November 22, 2026; and

WHEREAS, the Department of Utilities anticipates the total cost of the generator, parts, maintenance, inspection, and repair services will exceed $200,000 necessitating Board approval of additional contract spend; and

WHEREAS, funds for these services were budgeted and appropriated in the FY2024 Utilities Operations Budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that the contract with Carter Machinery Company, Incorporated for generators, related parts, equipment and services, Rider Agreement No. 23-037-5030CO, with an initial term beginning on January 6, 2023 and ending on November 22, 2026, with one one-year renewal term, be and it hereby is ratified and approved; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to approve additional expenditures with Carter Machinery Company, Incorporated for the purchase of generators, related parts, equipment and services in an amount not to exceed Seven Hundred Fifty Thousand Dollars ($750,000), for a total contract amount of Nine Hundred Forty-Nine Thousand Six-Hundred Eighty-One Dollars ($949,681), unless amended by a duly-executed contract amendment.

ITEM 28. UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO APPROVE EXPENDITURES FOR SHERWOOD LOGAN AND ASSOCIATES, LLC FOR WASTEWATER EQUIPMENT, PARTS, CONSUMABLES, AND RELATED SERVICES.

Resolution R23-241 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE EXPENDITURES FOR SHERWOOD-LOGAN AND ASSOCIATES LLC FOR WASTEWATER EQUIPMENT, PARTS AND RELATED SERVICES

WHEREAS, pumps are an integral component of the operation of each of the pump station facilities and treatment facilities; and

WHEREAS, for every sewer pump station and treatment plant, it is required that Utilities maintain a minimum of two operational pumps at each station at all times; and

WHEREAS, the County currently has four treatment facilities and 92 pump stations; and

WHEREAS, the County has an existing contract with Sherwood-Logan and Associates LLC, Rider Agreement No. 22-027-5030-CO, which rides the Alexandria Sanitation Authority, doing business as Alexandra Renew Enterprises, Agreement No. 21-014-6, with a current contract term through August 10, 2026, with two additional one-year renewal terms, to furnish and deliver wastewater plant equipment, parts, consumables, and related services; and

WHEREAS, funding for the purchase of the equipment and related services was budgeted and appropriated in the FY2024 Utilities Capital Improvement Program (CIP) Fund and the Utilities Operations Budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that the County Administrator be and he hereby is authorized to approve additional expenditures for Sherwood-Logan and Associates LLC to furnish and deliver wastewater plant equipment, parts, consumables and related service in an amount not to exceed One Million Dollars ($1,000,000), for a total contract amount of Two Million Dollars ($2,000,000), unless modified by a duly-executed amendment.

ITEM 29. UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO APPROVE EXPENDITURES WITH SYNAGRO-WWT, INC. FOR THE TRANSPORTATION AND DISPOSAL OF BIO-SOLIDS FROM LITTLE FALLS RUN WASTEWATER TREATMENT FACILITY.

Resolution R23-240 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE EXPENDITURES WITH SYNAGRO-WWT, INC. FOR THE TRANSPORTATION AND DISPOSAL OF BIO-SOLIDS FROM LITTLE FALLS RUN WASTEWATER TREATMENT FACILITY

WHEREAS, Little Falls Run Wastewater Treatment Facility (LFR) serves the Rappahannock service area of Stafford County, which has a permitted capacity of 8.0 million gallons per day and operates under Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0076392; and

WHEREAS, the current wastewater flow rate is approximately 4.0 MGD, with the treatment consisting of grease removal, clarification, filtration and UV disinfection, after which the sludge is thickened, aerobically digested, dewatered by centrifuge, and stored on a concrete pad prior to being transported; and

WHEREAS, the transport of dewatered biosolids from LFR to a Virginia Department of Environmental Quality (DEQ) approved land application site is provided by contractor; and

WHEREAS, the County currently has a contract with Synagro-WWT, Inc., pursuant to Invitation for Bid #21-006-5060SB to provide the transportation and disposal of bio-solids; and

WHEREAS, funds for these services were budgeted and appropriated in the Fiscal Year (FY) 2024 Utilities Operations Budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that the County Administrator be and he hereby is authorized to approve expenditures with Synagro-WWT, Inc. for transportation and disposal of bio-solids from the Little Falls Run Wastewater Facility in an amount not to exceed Two Hundred Thirty Thousand Dollars ($230,000), for a total contract amount of One Million Fifty-Five Thousand One Hundred and Fifteen Dollars ($1,055,115), unless modified by a duly-authorized contract amendment.

ITEM 30. UTILITIES; RATIFY A CONTRACT WITH PARKSON CORPORATION FOR THE EMERGENCY REPLACEMENT OF THREE RETURN-ACTIVATED SLUDGE (RAS) PUMPS AT LITTLE FALLS RUN WASTEWATER FACILITY.

Resolution R23-247 reads as follows:

A RESOLUTION TO RATIFY A CONTRACT WITH PARKSON CORPORATION FOR THE EMERGENCY REPLACEMENT OF THREE RETURN-ACTIVATED SLUDGE (RAS) PUMPS AT LITTLE FALLS RUN WASTEWATER FACILITY

WHEREAS, an emergency replacement of three failed return-activated sludge (RAS) pumps was required on July 12, 2023, for Little Falls Run Wastewater Treatment Plant to keep the facility operating within its permit requirements; and

WHEREAS, RAS pumps move the sludge between the basins and mix it with the incoming wastewater and the mixing of fresh wastewater and existing wastewater continues the microbiological process of the destruction of harmful waste and removes the solids from the treatment process; and

WHEREAS, space constraints limit alternate options, requiring the original equipment for the replacement; and

WHEREAS, staff reviewed the proposal for the RAS pumps provided by Parkson Corporation and found it to be fair for the scope of work; and

WHEREAS, funds for the purchase of the pumps were appropriated in the Utilities Capital Improvement (CIP) Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, be and it hereby does ratify Stafford County Contract #24016 with Parkson Corporation for the emergency replacement of three RAS pumps at Little Falls Run Wastewater Facility in an amount not to exceed Three Hundred Thousand Eight Hundred Dollars ($300,800).

UNFINISHED BUSINESS

ITEM 31. COUNTY ADMINISTRATION; CONSIDER APPOINTING A MEMBER AND AN ALTERNATE MEMBER TO THE BOARD OF BUILDING CODE APPEALS FOR TERMS EXPIRING ON DECEMBER 31, 2024.

Ms. Vanuch motioned to appoint a member and alternate member to the Board of Building Code Appeals.

Ms. McClendon clarified that they needed a name for this item as there were four applicants to review.

Mr. Paul Santay clarified that this item was for the Board of Building Code Appeals.

Ms. Gary asked if all the Supervisors had reviewed the applicants.

Mr. English recommended Mr. Randy Comer from the Hartwood District.

Dr. Yeung asked if they could review each candidate before recommending anyone.

Ms. Bohmke said that they were looking at a number of different candidates, and it was prudent for the Board to have a closed session on this, similar to the BACCs.

Dr. Yeung asked if Ms. Bohmke had reviewed the items.

Ms. Bohmke said yes.

Dr. Yeung said that it was now about figuring out who had the majority vote on these individuals.

Ms. Gary said that she agreed with Ms. Bohmke because the discussion had been productive in the past and she would be okay with doing that.

Ms. Vanuch withdrew her motion and said that they could add this to closed session at the next meeting.

Dr. Yeung asked the County Attorney if that was acceptable.

Ms. McClendon answered yes, they could move this to closed session at the next meeting.

Dr. Yeung asked if a motion was necessary.

Ms. McClendon said no, the Board could just defer the item and come back to it at the next meeting.

The item will return as a Closed Session item at the September 5, 2023 meeting of the Board of Supervisors.

ITEM 32. PLANNING AND ZONING; CONSIDER REFERRING PROPOSED COMPREHENSIVE PLAN AND ZONING ORDINANCE AMENDMENTS REGARDING STANDARDS FOR DATA CENTERS TO THE PLANNING COMMISSION FOR PUBLIC HEARINGS AND TO PROVIDE ITS RECOMMENDATION.

Ms. Vanuch motioned, seconded by Ms. Bohmke, to defer the item until the September 5, 2023 meeting of the Board of Supervisors.

Dr. Yeung said that staff's recommendation was to defer the item anyway.

Mr. Vosburg confirmed that the staff recommendation was what Ms. Vanuch suggested, with the original intention being to have a community meeting that was now scheduled for August 29, so they could have that meeting and then have the item on September 5.

Mr. Coen said that he preferred to have it on September 5.

Dr. Yeung called the vote.

The Voting Board tally was:

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

ITEM 33. CONSIDER PROVIDING $30,500 TO THE CENTRAL RAPPAHANNOCK REGIONAL LIBRARY SYSTEM TO MAINTAIN OPERATING HOURS AT PORTER AND HOWELL LIBRARIES.

Ms. Gary thanked the Board for considering this item after everything they had been through. She reiterated that it had been quite difficult and they definitely had some challenges ahead in navigating what was going on with the library and their relationship, but she thanked the Board for their interest and appointing her to that Board. She said that they sat down and had a discussion about reopening the library and them using their reserves, and she had reiterated her concerns with how things were operating and her preferences for support in certain things and her function on that Board, which was a separate discussion that she would love to have with any Board members if they had questions.

Ms. Gary said that they had a discussion about their Board potentially funding this, which she did not want to call a shortfall, because she still thought there was a budget mistake in which money was taken out from the previous year that could have been there and been used, and that was something that was a fact. She said that she was glad that the Library Board decided to vote to reopen Porter, and this was a matter of her keeping her word, so she would like to fund that balance while understanding the dynamics at play. She said that for herself, it was something that if she separated her frustrations with how things went from providing services to their constituents, it was the right thing to do this so they had the services they had come to expect and appreciate, so she would request that.

Ms. Gary motioned, seconded by Mr. Coen, to approve R23-245.

Ms. Bohmke said she had a question for Ms. Gary. She said that she would like to pull up the June 12 library meeting minutes, but there were not any. She said that it was a meeting from two months ago and they should at least have draft minutes that anyone in the public could access. She said that she had people reach out to her to ask how they could understand what went on at the June meeting, and she answered that she could not help them because there were no draft minutes.

Ms. Bohmke said that as they knew, for all of their other regional bodies, they many times did not approve the draft minutes until the next Board meeting, but at a minimum, they had recordings available. She said that it was 2023 and there had to be accountability there. She said that she could not even be informed as a Board member to what that conversation was at the June 12 meeting other than what Ms. Gary and she had talked about, but she would like to read it for herself. She asked Ms. Gary if the library had already made a decision to take the $30,500 out of the library reserve fund.

Ms. Gary said yes.

Ms. Bohmke said that what they were then doing was replenishing their reserve fund. She said that Spotsylvania agreed not to give any additional money, and Fredericksburg also agreed not to give them any additional money. She said that she did not care how they voted, which was irrelevant, but they had a reserve fund of $1.5M, so they should just use their reserves. She said that there was nothing in the Code of Virginia that said they had to maintain a reserve, so she questioned why they should take that money out of their general fund or balances when the library was not accountable and they miscalculated their numbers for payroll.

Ms. Bohmke said that it was not the Board of Supervisors' job, and when Mr. Vosburg made a mistake, he did not come back and say that they had to increase taxes by a penny on the tax rate because he made a mistake. She said that she was still very frustrated, and at a bare minimum, they should have draft minutes on their website so the public had them. She said that public speakers this evening said that they did not know because they looked back and there was nothing there.

Ms. Bohmke said that they gave them $5.5M, and she found this totally unacceptable. She said that they had reserves and the library code did not indicate that they had to have a reserve fund. She asked why they needed a reserve fund when all of their money came from the local jurisdictions. She said that she could not support this. She said that the Library Board had a meeting in July via Zoom. She asked if the public was invited to that meeting.

Ms. Gary said yes, that was a public meeting.

Ms. Bohmke asked how the public was engaged and allowed to participate in the meeting.

Ms. Gary said that she did not see anyone on that meeting.

Ms. Bohmke asked if the Chair of the Library Board asked if there was anyone from the public who would like to speak.

Ms. Gary said that Ms. Bohmke and she both understood there was a lack of transparency and that they needed to engage the public regarding recordings, so she was in agreement with Ms. Bohmke's sentiments about that, but it was a separate issue. She asked for Ms. Bohmke's trust to continue to work on this, as there were a lot of components, which Ms. Bohmke knew from having been involved. She said that she wanted to stay focused on the funding, and they did have a fund balance and had to take out of that to pay for the mistake in the budget for the pay period they missed, so she would say that would be a reason that they had it and made sense.

Ms. Gary said that yes, she would like for them to cover this, and right now the library was open, and she felt the responsibility to make sure the constituents had the services they had come to expect. She said that this was not over, and she knew there was a long road ahead to deal with this, but she asked them to move forward with the current item and she could have further conversations with Ms. Bohmke as well.

Ms. Bohmke said that she would have to agree to disagree. She said that they were already going to get their services and they were not cutting the services at Porter Library because they were using their fund balance.

Ms. Gary said that was done because the Board asked them to.

Ms. Bohmke said that was correct.

Ms. Gary said that was done with the understanding that the Board would reconsider.

Ms. Bohmke said that her other question was if the meeting of the Library Board was legal if the public was not invited.

Mr. English asked Ms. Gary why she brought this up at this time and that they were using the fund balance. He said that he was taken aback that the library was kind of punishing the Board for not giving them the money by closing the Porter Library hours down. He asked if that was true.

Ms. Gary said the Library Trustee Board all voted to close respective libraries for different localities. She said that she had requested a special meeting so that she could consult with the Board of Supervisors so she could see if they were interested in funding the amount to keep Porter open. She said that that was denied, and was part of her frustration that she recently addressed with Dr. Yeung and staff with the library executive director, so she was navigating that on the side as well.

Ms. Gary said that they had voted to close all of these branches for a certain period of time, then they had a follow-up meeting with Dr. Yeung, staff, the library director, and another library staff member to discuss if they would be interested in the Board of Supervisors having another opportunity to fund that to keep the services open for their constituents, and in good faith they said they could have a special meeting and to vote if interested in reopening the Porter branch. She said that that was the move on their part, and this was her following through with what she said she would try to accomplish so that they could get the branch back open.

Mr. English asked if they used reserve funds to achieve that.

Ms. Gary said that was correct.

Mr. English asked why the Board of Supervisors was responsible for fixing a mistake made on the part of the Library Board.

Ms. Gary said that it was because the issue affected their constituents.

Mr. English said that they were not affected because they used the reserves.

Ms. Gary said that it was done with the understanding that she would return to request the Board of Supervisors to reconsider approving the funding.

Mr. English asked if the Board of Supervisors did not approve the funding, the Library Board would close the branches.

Ms. Gary said that she was not concerned with going back and forth about the issues with the library, of which there were many, and many of them were deep issues she was working on right now. She said that they needed to make the decision to replace the funds or not, and the reason they did open the Porter branch with funds from their fund balance was on the premise that she would return to the Board to have this conversation and try to accomplish this. She said that it was a move in the right direction and she requested the Board's trust to do so, and understood if they could not and had to vote against it, but arguing about it all day was not productive.

Ms. Allen said that she was having a hard time understanding the library's logic. She said that she did not understand why they could not go into their fund balance. She said that she understood the debate, but was not convinced why she had to approve the $30,000. She said that she had to have a very good understanding of why they needed to replenish the fund balance if there was no need, as Ms. Bohmke brought up. She said that for them to even have a fund balance of $1.7M meant that $30,000 was a drop in the bucket for them to take that. She said that she was unsure she could commit to giving them money for their error.

Ms. Allen said that if it was the Board's error, she would not even think twice, but if it was their mistake, there was question as to why they were holding the Board hostage to correct that. She said that she did not want the library to say that it was either this or the constituents lost services because it was unfair to constituents for them to be held accountable for a mistake that they had made. She said that she was afraid that if they did this, there was a precedent that by making a governmental mistake, all they had to do was threaten the Board and they would fix the mistake.

Dr. Yeung said that they must separate that the $30,000 of one individual that worked in Stafford to provide support for Stafford's Porter Library versus looking at it as spiteful or somebody not wanting to go into their fund balance. She asked Mr. Vosburg, who was present during the discussion, if the library had indicated it was an error, because she did not recall them saying it was an error when the explanation was given.

Mr. Vosburg said that Dr. Yeung was correct that they did not say it was an error. He said that originally, there was some thought that it was a 2023 error when it was actually a 2022 error, so he believed there was an error but it was more of a question about what year it was in.

Dr. Yeung said that her understanding was that it was not this year.

Ms. Vanuch said that she agreed with Ms. Bohmke and Ms. Allen. She said that if they separated the buckets, she would address the funding aspect. She said that at the last Board meeting, the Board did not give direction to fund it, as it was on their agenda but the Board wanted to know what the other options were. She said that they discussed the library using their fund balance, and the direction they gave the library appointee was to go back to them and tell them to use their fund balance, and the Board did not move forward to fund that.

Ms. Vanuch said that that bucket now transpired into the second bucket, which was that another Board member who was an appointee of a committee, meaning that they were representing the entire Board. She said that in this year's budget, the jail came forward with a mistake that she brought forward to the Board, and they were able to save almost $1M by addressing that budgeting issue with the jail. She said that she received direction from the Board whether or not to vote on their budget based on what was proposed in it, so she had concerns that an appointee went and committed the Board.

Ms. Vanuch said that she did not know it to be a fact, but heard from a third party that the Chair and the appointee met with the director of the library and committed the County by saying that they would stop all communication of pulling out of the library and doing Stafford County libraries if they worked with them on the fund balance. She said that she was concerned that the direction this Board gave was changed when it came down to the action inside the committee, and that was why she thought they went together.

Ms. Vanuch said that she did not support paying for this because the library made a mistake, and it set a dangerous precedent for other boards to have their budgeting mistakes fixed in this manner. She said that it was nonsensical, so she would not be supporting this and requested the library to use their fund balance and do better next year.

Ms. Gary said that she would address Ms. Vanuch's concern by providing that there were minutes from that meeting and staff was present, including the County Administrator and Deputy County Administrator. She said that no commitments were formally made and they discussed going back and meeting with the Board regarding a vote to fund the balance. She said that regarding whatever rumor was going on, that did not happen either, and they could see the minutes, so that was inappropriate. She said that they had discussed the funding and if they did not want to support it that was fine, but making those kinds of accusations was really inappropriate.

Mr. Coen clarified that every time Ms. Gary had mentioned this, he had not heard her say that she promised the Library Board that the Board of Supervisors would give them the money, but had given her word that she would bring the item back to the Board. He said that she had said that about four times. He said that they needed to know why they had a reserve fund if they were not going to use it. He said that he did think that when someone screwed up, they should admit it, and he would have liked it if they had admitted they made the error in whichever year it was.

Mr. Coen said that his concern was that regardless of what went on, the children would suffer as they went back to school and needed to go to the library. He said that he understood the issue and the problems with this, and he had supported Ms. Bohmke repeatedly over the years in her attempts to try to get clarity, sanity, and transparency in this process and would continue to, but his concern was that the children would suffer because of a tit-for-tat, and he did not think that benefited them.

Ms. Allen made a substitute motion, seconded by Ms. Gary, to defer the item until the September 5, 2023 meeting of the Board of Supervisors.

Ms. Allen said that she would like more information regarding the fund balance and the reasoning behind that.

Ms. Bohmke said that the executive director had said in the past that the auditor recommended they have a certain balance. She said that they could read the Code of Virginia, which had nothing that required a balance of a regional library. She said that this was something they had concocted on their own so that they could have this balance, and it was not like the high-performance financial standards that Stafford County had in place for a reason to maintain their bond ratings, and Ms. Light made sure that they had those fund balances every year.

Ms. Bohmke said that it was very different for the library, in which the auditor said something but there was nothing required in the Code of Virginia or in the library policies. She said that there were comments made about certain Supervisors supporting this motion, so what Ms. Vanuch said was not hearsay, but she would not go any further on that. She said that as Board members, they could only represent themselves, could not commit other Board members at any regional meetings, and had to bring things back to the Board because they were only individuals. She said that she would vote against the deferral because it was all nonsense.

Ms. Allen said that with the deferral, she would like comparative library jurisdiction and their fund balance.

Mr. Coen said that they could defer it to September 5, and if the library meeting was after that it could be deferred again. He asked Ms. McClendon if that was correct.

Ms. McClendon said that it was correct that the Board could defer the item until the next meeting.

Ms. Allen clarified that the item should be deferred until after the next library meeting.

Ms. Gary said that the next library meeting was in November.

Ms. Allen said that she retracted her previous suggestion and requested the item be deferred until the next Board meeting.

Dr. Yeung called the vote.

The Voting Board tally was:

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

Dr. Yeung said that regarding the comment about committing, she had committed herself and Ms. Gary committed herself, and they said they possibly could have more votes for this because it was good for the library and for the schools.

Mr. Vosburg asked for confirmation that additional information regarding the fund balance and comparative information on other jurisdictions or other regional library systems and their fund balances.

Ms. Allen said yes. She said that if there was nothing similar then she would not support it.

Mr. .Vosburg asked if there was anything else to be added.

Dr. Yeung said no.

NEW BUSINESS

ITEM 34. PRESENTATION ON BUSINESS AND PROFESSIONAL OCCUPATIONAL LICENSE (BPOL) TAX, PRESENTED BY SCOTT MAYAUSKY, COMMISSIONER OF THE REVENUE.

Dr. Yeung said that they tried to remove this in committee and today also, but she wanted to understand their revenue streams and if there was an opportunity for diversification. She said that if it was not on the BPOL, then maybe some impact fee. She said that she knew that they could not have merchant fee and BPOL, but she wanted the community and her constituents who had asked her why they were being taxed every single year and the taxes had to go up to understand the revenue stream setup.

Dr. Yeung said that if they could create new income streams that would be great, and if not she understood, and if it was not economical, at least they had tried. She said that they were elected by their constituents and she was not trying to affect the hardworking mom-and-pop stores nor give the impression that they were trying to shut down mom-and-pops or increase their fees. She said that this was just to understand that they had regions south and north that had BPOLs, and Stafford had had it before, so she was trying to understand if they had it and just did not implement it.

Mr. Scott Mayausky said that the last time he gave a BPOL presentation was 2008 and he was present for an hour answering questions at the meeting, which ended at 2:00 a.m. He said that BPOL was commonly known as business license and traditionally based upon either the gross receipts that a business generated. He said that there was an addition to the code that in writing allowed localities to tax Virginia Taxable Income instead of gross receipts because gross receipts was a very controversial tax base due to it not looking at profit.

Mr. Mayausky said that however, it was an option in name only. He said that thinking of a multinational corporation such as Target, when they filed their Virginia income tax, they were not filing it per locality, but filing one return for the state of Virginia. He said that to be able to weed through that and identify what their taxable income was in Stafford County was almost impossible and nobody in the state used that standard, so it was safe to assume that it was still a gross receipts tax.

Mr. Mayausky said that there were three components to this tax, the license fee, the license tax, which was where the controversy came in because it taxed gross receipts as the basis, and an exemption that could be applied to the gross receipts. He said that it was important to note that it was not a true license, it was a tax that did not give the County any additional regulatory authority than they already had.

Mr. Mayausky said that there was a lot of confusion about that when they discussed this 15 years ago, and it would not give the County the ability to revoke a business license if they were operating unethically, but was simply a tax and nothing more. He said that it was a very flexible tax which made having a broad overview discussion difficult and was one of the reasons why projecting its revenue was difficult, because they could take this tax one of 100 different ways.

Mr. Mayausky said that the license fee portion of the tax could be passed so that everyone engaged in business had to file with his office every year and could set a maximum fee of $50 that they had to pay. He reiterated that the license tax was where it got controversial and was the gross receipts portion of this tax. He said that the exemption was that Stafford must have a minimum exemption from taxation of at least $100,000 from the gross receipts, and there was no cap. He said that looking to the south, Spotsylvania County had a $2M exemption.

Mr. Mayausky said that the license fee could require all businesses to register with the Commissioner of the Revenue every year and pay a $50 fee, which was capped at $50. He said that this got into the flexibility, again looking at Spotsylvania where they did not have an annual fee and at the City of Fredericksburg which had a $25 annual fee.

Mr. Mayausky said that the license tax was based upon the prior calendar year's gross receipts and was a self-reporting tax, similar to how they administered the meals tax. He said that every year the businesses would fill out a BPOL application form, report their gross receipts, if there was any exemption they would subtract that, calculate what they owed, and then send a check in with that form. He said that they then audited and did all those other things later.

Mr. Mayausky said that the license tax was broken into five different categories, which were wholesalers, contractors, merchants, financial, professional services, and personal services. He said that the state had capped what the maximum rate was, and he used Spotsylvania as an example because in 2008 that was the model they chose to go with, and he thought it was appropriate to have a similar size population and a composition of businesses very similar to Stafford's. He said that they used exactly half of the rates allowed by the state.

Mr. Mayausky said that for the exemption, state law provided for a mandatory exemption of $100,000 for any business operating in a locality with more than 50,000 people and there was no cap. He said that if they looked at Spotsylvania, they had a high exemption but did not have a fee because when going over the $2M exemption they wanted to tax on the entire amount of the gross receipts and not just the amount over the $2M, so they could not apply a fee and a tax on the same dollars.

Ms. Gary said that Stafford often competed with counties to the north. She asked what the data for Prince William or Fairfax County was on this.

Mr. Mayausky asked if Ms. Gary was asking what they were generating.

Ms. Gary said she was asking what those counties were doing.

Mr. Mayausky said that they had BPOL, and about half of the counties in the state had BPOL while the other half did not. He said that most of the counties in northern Virginia and their region did have BPOL. He said that he had had enough conversations with Economic Development to know that that was the number one tool in their toolbox when trying to recruit businesses, but Stafford was the only one in the region that did not have this tax. He noted that one of the reasons why Spotsylvania's exemption was so high was because they were trying to compete with Stafford by looking at small and mid-size businesses to exempt because they knew those businesses would not have to pay anything in Stafford.

Ms. Gary asked if the localities to the north had it and it was their number one tool to recruit businesses.

Mr. Mayausky clarified that it was Stafford's number one tool to recruit businesses.

Ms. Gary said that she understood. She thanked Mr. Mayausky for the clarification.

Mr. Mayausky said that for example, a retail store that generated $1M in gross receipts and received the minimum gross exemption of $100,000, their taxable gross receipts would be $900,000. He said that it was multiplied by 100 just like their property tax rates were, so if they had the maximum retail rate of $0.20, then they would owe $1,800 in BPOL tax. He said that they did not eliminate the business property tax, and a lot of people got those confused. He said that the business property tax remained in place, which was a tax on all of the equipment being used in their business, and the BPOL was another tax on top of that.

Mr. English asked if this was a yearly tax.

Mr. Mayausky said yes.

Mr. English asked if in the example that business would be paying $1,800 every year.

Mr. Mayausky said yes, every spring they would file with his office. He said that revenue estimates were incredibly difficult because they did not have the data or the right to even ask people for their gross receipts unless they had already enacted BPOL. He said that they were kind of guessing, and he was relying a lot on what Spotsylvania County was doing because it served as a basis that they could begin a conversation with.

Mr. Mayausky said that in 2023, Spotsylvania generated about $5.2M in BPOL. He indicated the maximum rates and the Spotsylvania tax rates on the slide, and reminded the Board that there was a $2M exemption. He said that because of that, the exemption had been ratcheting up over the years, and when he looked back and looked at the BPOL revenue from 2008 until today, it was flat because they were ratcheting up the exemption and limited the amount of revenue they could grow.

Mr. Mayausky said that the impacts of BPOL included that they could not have BPOL and merchants capital. He said that merchants capital was an inventory tax on retailers, so if they adopted the retail portion of BPOL, they would have to forego the $1M of revenue generated in merchants capital. He said that it was a very expensive tax to administer, and he estimated the cost to be between $350,000 to $400,000 to administer the tax. He said that one of the reasons why it was so difficult was because they had those five different tax categories, which created a lot of rate shopping as well as appeals and lawsuits due to people fighting to get into a lower tax rate.

Mr. Mayausky said that again, if they used the Spotsylvania model, the net revenue generated was $3.5M to $4M tax dollars for gross receipts, and if they decided to move to the taxable income, he had no idea because they did not have the data, but it would be considerably lower than BPOL. He reminded the Board that no one was using that standard, and he believed that was for the reason that it was not a workable figure.

Mr. Mayausky said that legally they could enact BPOL in the spring of 2024, but practically he would ask that they did not. He said that they had over 4,000 businesses and had to classify every one of those businesses in the correct category so that they got the correct tax rate. He said that the last thing they wanted to do was implement this thing and let them pick their own rate, because if they went back and tried to clean that up they were begging for lots of lawsuits.

Mr. Mayausky said that the best thing to do would be to plan on collecting the revenue in spring of 2025, allocate out of this current budget the positions they needed so that they could get started classifying those businesses, and as he said the revenue would then come in 2025. He said that this was a broad overview of BPOL, and since he had been through this process before, if the Board decided that this was something they wanted to pursue, it would require lots of meetings so they could drill down exactly how they wanted to shape this tax.

Ms. Gary asked if this any way disproportionately impacted small business owners.

Mr. Mayausky replied that it depended how it was structured. He said that the higher of an exemption they had, the less revenue they received, but the more protection they could offer to smaller business owners.

Ms. Vanuch said that she did not think that this item would be before the Board but then saw it was on the agenda again. She said that she reached out to some business owners who owned strip malls and rented them out to small businesses, such as restaurants, nail salons, and other strip mall businesses. She said that almost all of the commercial spaces in Stafford County leased in what was called triple net, which meant that they passed on 100% of the costs of those buildings, including landscaping, updates to the building, and increases in taxes including BPOL to the small businesses. She said that it was already ratified in their leases in the long term.

Ms. Vanuch said that if this Board's priority, which had been said a numerous amount of times, was to increase economic development by bringing in restaurants, movie theaters, and bowling alleys, this very discussion was going to scare them away from coming to Stafford County. She said that they did not have the rooftops that Prince William had or the close proximity of apartment buildings that the City of Fredericksburg or Spotsylvania had, but they did have the alleviation of the BPOL tax. She said that she did not support this moving forward.

Ms. Vanuch said that Ms. Gary had a great question about it disproportionately affecting small business owners, and this would crush small businesses in Stafford County. She said that they could say goodbye to their nail salon, dry cleaner, and anything in a strip mall because they would not be able to afford to function. She said that those businesses were already struggling to function after COVID-19, and they could forget about big restaurants that Stafford wanted because they would not come.

Dr. Yeung reiterated that this was not about nail salons, small businesses, or mom-and-pop organizations. She asked if there was a sliding scale where certain businesses were not affected, such as a small mom-and-pop shop that made over the $2M or $5M. She said that she was looking at big box stores that were not even in their communities. She said that she knew they supported them sometimes at the beginning of school by giving away backpacks and other things, but in general, she would like to know how a sliding scale would work for a larger company.

Mr. Mayausky said that he would have to research whether they could have a sliding scale. He said that he had not seen a locality set it up that way, but it did not mean that there was not a way to do so. He said that he would have to return with information about the legality of that. He said that the intent of the exemption was meant to be the equalizer in that way, but he could look at the sliding scale.

Dr. Yeung said that she had several other questions that she would not ask because of the tight agenda, but she did want to know was regarding the sales merchants. She asked if when referring to sales merchants they were talking about wholesale merchants or all sales merchants.

Mr. Mayausky clarified that wholesale merchant was an entirely different category.

Dr. Yeung asked if that category included distribution centers.

Mr. Mayausky said that an example would be Amazon, which had such a large inventory that the state lowered their maximum rate because they would get crushed if they were holding hundreds of millions of dollars of inventory.

Dr. Yeung asked if they could look at certain big box or wholesale merchants making a certain amount of dollars not only in Stafford but across the United States.

Mr. Mayausky said that the only way they could do that would be through the exemption process. He said that he would defer to the County Attorney, because they would have to be very careful about how they tried to include and exclude people in the tax. He said that the only way to do that fairly would be with the exemption.

Mr. Coen said that they often heard things that had died in committee, and that was why this came back up. He said that he had had numerous business people who came to Stafford state that the BPOL was a major reason why they were coming to the County. He said that he could get anecdotal.

Mr. Mayausky said that he had had those conversations as well.

Mr. Coen said that just from a basic economic standpoint, he was against this. He said that he may be the only one who had worked in a business that employed hundreds of people and had to do payroll, and that central office had a certain amount of profit they expected to get. He said that if costs went up, then they cut back people's hours, or they would raise the prices of items, which affected the residents.

Mr. Coen said that if the idea was to get revenue, then they would have to raise BPOL high enough that it would raise the revenue they were anticipating, but then those businesses would see it, as seen with inflation, that higher costs must be passed onto the consumer. He said that if they said that they were going to do it not that much, then they were not getting the revenue that was the whole theory behind the tax. He said that from a basic standpoint of economics in capitalism and how businesses worked, he was against this. He said that he would discuss it to say hell no, and he always would say hell no.

Dr. Yeung said that she now understood the BPOL with the information provided. She asked if they were always looking at different tax revenue streams, could they develop one that they cared so much about. She said that it would affect somebody at some point in time. She said that for example, the developers fee.

Mr. Mayausky clarified that he had not sent information about that fee.

Dr. Yeung said that she believed it was at $0.01. She clarified that it was a list of fees sent to them.

Mr. Mayausky said that there was a contractor category. He said that Dr. Yeung may be referring to the personal property tax. He said that Ms. Bohmke had asked at the last meeting if he could send out a list from the Code of Virginia 58.1-3506, which broke personal property tax into 48 different categories that they could separate out and set a lower rate than the general personal property rate, and may be what Dr. Yeung was referring to.

Mr. Mayausky said that Ms. Vanuch brought up a good point, as he had not thought of the triple net leases. He said that if they were in a large complex, then the large complex would likely break whatever exemption they had, which would then pass down to the triple net lease and the smaller businesses that they were all trying to protect. He reiterated that it was a good point.

Ms. Bohmke said that she would prefer not to have any more conversations about BPOL. She said that they had taken a beating after COVID-19. The Economic Development Department stood up all kinds of loans and grants for all of their small businesses, and she did not want to do anything to harm their small businesses at this point in time. She said that she was thankful for all of those who had hung in during COVID-19.

Ms. Gary said that she was grateful for the presentation but was not interested in moving forward with this, especially with the added details about how it would impact small business owners.

Ms. Allen thanked Mr. Mayausky for his presentation. She said that she did not support the implementation of BPOL.

Ms. Vanuch asked for confirmation that this item would not return as unfinished business, as the Board's policy was that if something was new business, it came back as unfinished business. She asked if they agreed as a Board to give direction to Mr. Vosburg not to have this come back. She said that they already did so in a committee and the committee voted, and a majority of the Board was there, so it was very irritating that they brought this forward. She said that she could not help but think this was a political stunt because there were opponents in the audience taking pictures and writing notes, so she apologized to Mr. Mayausky.

Mr. Mayausky said that he was happy to address the Board at any time.

CLOSED MEETING

At 5:50 p.m., Mr. Coen motioned, seconded by Ms. Allen, to adopt Resolution CM23-16 to authorize closed session.

Ms. Vanuch clarified that there were two items for closed session. She asked if they were going to come back and go to closed session on the other item, which was before the packet on the discussion of the performance of a specific public officer, Code §2.2-3711.

Dr. Yeung said that they were continuing their closed meeting.

Ms. Vanuch said that she wanted to make sure there was agreement from the Board that if they were not going to be discussing that item in closed session that they understood what they were actually voting on. She asked if they were going into closed session again later, because if they were not she would vote against this closed session.
Dr. Yeung said that there were three items right now and they were going to continue.

Ms. Vanuch said that they needed to read all of the items into closed session.

Mr. Coen clarified that they had a closed session and were told that there was a bevy of information they needed more of, and looking at the time, he did not envision that the other item and this information could be done in this time period, so the thought process would be that they would go into closed session later on.

Dr. Yeung said that right now they would continue the closed session item they had before, which was on the clinics.

Ms. Bohmke said that to validate what she heard from Mr. Coen, they were going into the closed session on what they discussed earlier and came out for the 3:00 p.m. meeting, and on the other closed session item, they would be taking that up after the public hearings at the 7:00 p.m. meeting.

Dr. Yeung said that was correct.

Ms. Vanuch asked if they needed to make an adjustment to the agenda if they were going to make this vote.

Mr. Coen said no.

The Voting Board tally was:

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

<u>Resolution CM23-16 reads as follows</u>:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for consultation with legal counsel and briefing by staff members regarding (1) a County Zoning Ordinance related to medical clinics which is a specific legal matter requiring the provision of legal advice by such counsel, and (2) actual and probable litigation concerning said clinics where such consultation in an open meeting would adversely affect the litigating posture of the Board; and

WHEREAS, pursuant to Virginia Code § 2.2-3711 (A)(7) and (A)(8) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 2023, that it be and hereby does authorize discussion of the above matters in Closed Meeting.

At 7:08 p.m. Dr. Yeung called the evening session to order. Mr. English gave the invocation and Mr. Coen led the Pledge of Allegiance to the flag of the United States of America.

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

At 7:09 p.m., Mr. Coen motioned, seconded by Ms. Vanuch, to adopt Resolution CM23-16 (C) to certify the closed meeting.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

Resolution CM23-16 (C) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE
STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED
MEETING ON AUGUST 15, 2023

WHEREAS, the Board has, on this the 15th day of August, 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 15th day of August, 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.

Dr. Yeung asked for a motion to reorganize the agenda in order to begin with Item #37, then to #35 and #36.

Mr. Coen motioned, seconded by Ms. Gary, to reorganize the agenda in that order.

The Voting Board tally was:

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

ITEM 37. DISCUSS AND REVIEW INFORMATION REQUESTED BY SUPERVISOR BOHMKE REGARDING ADDICTION TREATMENT FACILITIES AND THE REGULATION OF MEDICAL CLINICS BY THE COUNTY'S ZONING ORDINANCE.

Ms. Vanuch thanked the public for waiting to hear this item this evening. She said that they were looking to essentially take all of the uses that medical clinics were listed as by right, which were A-2, PT&D, B-1, B-2, B-3, HCOD, RDA1, ICTP, UD, RBC, RC, SC, M-1, M-2, PD-1, and PD-2, and to require medical clinics to be a conditional use permit. She said that their staff was going to put that language together and it would be on unfinished business in the afternoon session for the Board of Supervisors meeting at the September 5 meeting. She said that the reason they could not take action and make a motion on that today was because they needed five votes to deem it time sensitive.

Ms. Vanuch said that those who attended the special meeting last week would recall that Ms. Bohmke and she had said that if it was new business they could not take action unless five people or two thirds of the Board voted for it and it would come back as unfinished business. She said that because they never got to the discussion because they lost quorum, it had to come on this agenda as new business per the Board's rules and by-laws. She said that they could not take action on it today because five Supervisors did not want to deem it time sensitive, but four had agreed to move forward with a joint public hearing, so it would be on the agenda for September 5 as a joint public hearing.

Ms. Vanuch said that with the way that things had to be timed in the newspaper cycle, it would likely happen in the beginning part of October based on the Board schedules and the Planning Commission schedules. She said that they would also be presenting a new definition of hospitals, and that would be on the Board agenda as well. She asked Ms. McClendon if that would be on the agenda as new business or under the changes of medical clinics on the agenda.

Ms. McClendon answered that the Board had taken up this item, so it would be appropriate for placement under unfinished business.

Ms. Vanuch said that the new definition of hospitals, which they had directed staff to mimic Spotsylvania County's definition of hospitals, would be on the agenda under unfinished business.

She said that at that time, it would require four Board members to vote to move it forward to the public hearing held jointly with the Planning Commission. She said then they would have a date to advertise that public hearing, so they would provide a date certain and time specific to that.

Dr. Yeung asked if Ms. Bohmke had any further comments.

Ms. Bohmke replied no.

Mr. Coen added that he would like to have the public hearing at 7:00 p.m. and not 3:00 p.m. in order to allow those who worked in D.C. or other locations to attend. He said that he understood the normal process was one thing, but he raised the issue in order to be consistent.

ITEM 35. COUNTY ADMINISTRATION; RECOMMEND THE CIRCUIT COURT APPOINT AN ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS TO FILL A TERM EXPIRING ON DECEMBER 31, 2023.

Ms. Vanuch requested this item to return as a Closed Session item at the September 5, 2023 meeting of the Board of Supervisors.

Dr. Yeung indicated that there was consensus from the Board to do so.

ITEM 36. DISCUSSION ON VAPE SHOPS.

Dr. Yeung said that this item was brought forward because of students getting easy access to vaping materials that contained addictive ingredients. She said that Mr. Coen also wanted to bring it up, so she would give him the floor.

Mr. Coen said that in conversations with the Sheriff, the Sheriff had found other communities that had targeted regulations about vape shops. He said that the vape shops had come up in other conversations as a topic, so it seemed appropriate to send this to the Community Economic Development Committee to see what could be done about that if the Board was agreeable to finding something tighter for vape shops.

Ms. Gary thanked Dr. Yeung and Mr. Coen for bringing this item forward. She said that she had had previous discussions with Sheriff Decatur about this, and knew that they had done an operation where they sent someone in to check several places who were in fact selling to minors. She said that there had been some fees with that but she would personally like to see those places shut down if that was what they were doing, because it was illegal. She said that if there was anything at all they could do to protect their children in regards to this, she was completely in favor of that and reiterated her thanks for the item being brought forward.

Ms. Vanuch asked if this would come back to the Community Economic Development Committee whenever they had that meeting.

Dr. Yeung said yes.

PRESENTATIONS

There were none.

PRESENTATIONS BY THE PUBLIC – II

Dr. Yeung read the rules for public comment.

1. Al Watkins – *(comments attached)*

2. Judith Miller said that she lived at 1 Ponderosa Place in the Deacon Woods Subdivision in the Falmouth District, located beside the Woodlawn Shopping Center. She said that she had been a resident there since 1994 and had always loved the sense of community. She said that safety was her main concern when searching for a place to live and to potentially start and raise her family. She said that her family consisted of her husband, stepson, daughter, and friends and neighbors. She said that she lived in a neighborhood of 14 homes where they had existed and thrived without the need of an HOA, and they were a family that took care of one another as families did.

   Ms. Miller said that she understood the need for care that the County, state, and country were facing with addiction, and she personally understood this plight as she had a family member who had been battling this demon for 20 years. She said that she knew the hardships and pain they experienced as well as those close to them, and she also knew that a treatment center 50 yards outside her front door was not an appropriate place for such a clinic. She said that this clinic needed to be placed near a medical facility that could meet their specific needs, ones that they were not equipped to deal with.

   Ms. Miller said that the current center would place the center 4 miles from the required medical facilities and 10 miles from law enforcement facilities. She said that treatment centers needed to be situated in a place that fit all of its needs. She said that when she came out her front door, she saw directly into the Woodlawn Shopping Center, and her view was a straight line to the proposed addiction center. She said that there was a path in their front yard that led directly into the parking lot, and she worried about their community's safety.

   Ms. Miller said that statistics had historically shown that there had been a 7% increase in violent crime, a 31% increase in drug crimes, and a 19% increase in assaults within 200 meters of a methadone clinic. She said that as they all knew, last week a vape shops three doors down from the clinic was burglarized. She said that the proposed clinic was less than 50 yards from her front door and 200 yards from her child's bus stop. She said that she had already noticed an increase in panhandling, loitering, drug dealing, and paraphernalia in the shopping center.

Ms. Miller said that she should feel safe in her community and her home should be her sense of peace, but she feared this would not be the case anymore. She said that as those who were dealing with the prison of addiction, she would be in her own prison with the clinic outside her front door. She said that she needed her sense of security. She said that during the Parents Matter town meeting with Governor Youngkin, he kept stressing that parents were the head of their own table, but that was not the case in their home. She said that in their home, Concerted Care was at the head of her table, and that was unacceptable.

3. James Baron said that he lived at 10 Shephard Court in the Falmouth District. He said that one aspect of the methadone clinic that they did not hear much about was the worsening of a pedestrian problem that already existed in the facility of the clinic. He said that for those familiar with the area, it was not uncommon to see pedestrians walk along the ditches of Deacon Road on their way to and from the Woodlawn Shopping Center, because there were no sidewalks or shared use paths for people to use.

   Mr. Baron said that thankfully, some improvements were coming within the next couple of years when Leland Road would be widened and the intersection of Deacon and Leland were completely revamped by VDOT. He said that in the meantime, children on bicycles or pedestrians on foot continued their journey on dangerous paths where the only thing separating them from 50 mph traffic was a painted edge line on the roadway or a ditch along the road.

   Mr. Baron said that crossing Leland or Deacon Roads was no picnic either, as just two years ago on August 17, 2021, a 15-year-old girl was injured after being struck by a car when she tried to cross Leland Road at Amherst Avenue at 8:51 a.m., and there were similar close calls all the time. He said that tonight, on his way here there was a gentleman walking down the median of Butler Road right in front of the Fire Department because there were no pedestrian accommodations.

   Mr. Baron said that now adding an unknown number of methadone clinic patients to the neighborhood pedestrian mix would mean that they too would be trying to cross over to Deacon Road from Leland, probably in the dark or morning rush hour along with school buses and other vehicles as the clinic opened at 5:00 a.m. six days per week. He said that Deacon Road was not much better in terms of pedestrian-friendly accommodations, as the limited shared use path along some of that roadway was positioned dangerously along the edge line, just inches from passing cars traveling 50 to 60 mph.

Mr. Baron said that as a pedestrian, the only legal and safe way to cross Deacon Road southside from the north was via a crosswalk at the VDOT District Office located 1 mile from the clinic. He said that between that crosswalk and the clinic, there were no pedestrian crosswalks at all along Deacon Road. He said that the 9,000 square foot treatment facility could see up to 400 patients per day according to some estimates, and if they were arriving by car, that was a lot of extra cars to add to their morning commute, and living near a train station, they knew rush hour on Leland and Deacon Roads very well. He said that they could tell the Board that the road was already dangerous enough without adding 400 cars or pedestrians to the mix every day.

4. Andrew Manson said that he lived at 6 Steeplechase Road in Falmouth, Virginia. He said that he was speaking as a homeowner who had lived in Stafford for six years as well as one of the organizers for some of the neighborhood groups that had gotten together to publicize this issue and push things along. He said that it was not just him, and for the last couple of months he had learned more about County government than he cared to know. He said that he did not need to go into some of the comments heard earlier today.

   Mr. Manson said that regarding expectations, when this first came up, everyone in the group in the community where they had the meeting said that this could not happen. He said that there was obviously an opioid crisis in America and everyone knew that, and County and state governments were looking to put a clinic in the County because there was a need for it, and they obviously were going out and finding the best company to do that and the best site in the County to do that.

   Mr. Manson said that coming up with the Weis shopping center was a horrible location for all of the reasons they had heard, including lack of public transportation, lack of parking, proximity to a preschool, school buses, and neighborhoods, and all of those things. He said that when they started coming in and talking about it, they could not believe that this was the best spot. He said that if the Supervisors had come up with a plan for the County to put one in here and came up with all of the best possible sites and said this was the best one, he could maybe argue their reasoning or something, but what he had issue with was that it did not seem to have any planning.

   Mr. Manson asked where they had looked over the horizon, saw this as a need for the community and then planned it for both the patients and the residents around the clinic. He said that he had just retired after 30 years of government service, 22 in law enforcement and 8 years in the Army. He said that he had worked overdose deaths and seen the effect of addiction on families and communities, and they had a need for it, but they also had a need for it to go in the right place, run by the right kind of people. He said that it was not just for them in the community but for the patients and the people going to it.

5. Anna Yonker-Sell said that she was a practicing anesthesiologist at Spotsylvania Regional Medical Center and a Woodlawn resident at 7 Hunters Court in Stafford County since 1999. She said that she was present to provide information on methadone and buprenorphine for the treatment of opioid use disorder. She said that she had taken care of many patients with OUD throughout the years in the acute surgical and obstetric care, and would give insight as to why the Woodlawn Shopping Center was not the place for a for-profit opioid addiction center that would be dispensing daily narcotics starting at 5:00 a.m. on a daily basis.

   Ms. Yonker-Sell said that it was an undisputed fact that opioid addiction was a crisis plaguing the entire country and healthcare providers like herself were scrambling to find a solution, including creative practices using opiates to wean them off of opiates. She said that OUD was something that was managed and not cured, and despite the regulation of frequent use, one should never lose sight of the fact that these were opioids and narcotics, meaning that they were addictive and subject to abuse as well. She said that treatment centers were banking on the fact that it was less damaging than other narcotics, and they were not kicking the habit but making it safer and more manageable while attempting to get it under control.

   Ms. Yonker-Sell said that a patient's ability to follow prescribed course of treatment was critical as three out of four relapsed within three years. She said that methadone was a Schedule II synthetic opiate, which meant it was a drug of high potential for abuse, and for this reason it required daily in-person treatment and was used because of its longer duration of action than heroin and other street narcotics. She said that its onset time was roughly 30 minutes to one hour, which was important because it created euphoria, the same effect that heroin did, but to a lesser degree. She said that it decreased reaction time, caused muscle weakness, decreases in blood pressure, and in the worst case scenario, cardiac and pulmonary arrest, especially when stacking doses or mixed with another opiate.

   Ms. Yonker-Sell said that the Woodlawn Shopping Center was an inadequate for this clinic because the Fred bus into Woodlawn did not circulate until after 8:30 a.m., there was a lack of sidewalks, crosswalks, and sources of employment within easy distance. She said that the biggest need she heard from her patients was the need for compassion and tolerance, followed by a job, educational resources, and access to clinics should they have a crisis. She said that 50% failed methadone treatment, and misuse and diversion of buprenorphine and methadone was influenced by treatment structures, and importantly, public policy.

   Ms. Yonker-Sell said that an amendment to the zoning ordinance to place these clinics near resources patients needed would best serve them, as it was important to have access to the clinics but the County needed to be proactive rather than reactive. She said that the clinics should be placed within easy access to education, work, and crisis treatment so that they could provide the best services for the patient population. She said that Stafford County could be at the forefront of developing a plan.

6. Roger J. Pasternak said that he lived at 618 Winterberry Drive in the Clearview Heights Subdivision. He said that he was a recently retired licensed clinical psychologist and had operated a mental health clinic in Stafford County since 1988. He said that some of their patients, although not a great number, had had problems with opioid addiction, and he was acutely aware of the need for treatment. He said that he would not want to say anything that would increase any stigma associated with opioid problems, but with that being said, this clinic was very badly located.

   Mr. Pasternak said that it had poor access to public transportation, and many people he had known to suffer from opioid addiction also had suspended driver's licenses. He said that if they were going to give them the option to drive to the clinic, they would be putting people on the road who were at risk for getting yet another ticket for driving on a suspended license, which was likely to end up in their courts and potentially in their jail. He said that methadone was a serious drug because it was an opioid, and the warnings associated with the drug recommended they be very careful about operating motor vehicles or operating equipment subsequent to the administration of the drug.

   Mr. Pasternak said that was a serious concern if they were expecting people to be driving to and from the clinic. He said that they also had issues of pedestrian access, lack of parking, and the impact on the neighborhood. He said that methadone clinics were a good thing if they were properly located and were within easy access to hospitals and other health facilities, but he believed the choice of this location was poorly considered and he highly recommended it be reconsidered.

PUBLIC HEARINGS

ITEM 38. PLANNING AND ZONING; CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW A HOTEL/MOTEL USE WITHIN THE B-2, URBAN COMMERCIAL AND HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICTS ON TAX MAP PARCEL NO. 38-20 (PROJECT KNOWN AS RA-AMIT, LLC).

Ms. Amy Taylor, Planner in the Department of Planning and Zoning, said that this item was a request for a conditional use permit to allow a hotel or motel use specifically within the B-2 and Highway Corridor Overlay Districts. She said that this specifically affected Tax Map Parcel No. 38-20 within the Falmouth District, and Mr. Raj. K. Gupta with RA-Amit, LLC was the applicant and the property owner. She noted that this property was also subject to a request for a proposed zoning reclassification which was previously approved by the Board on May 16.

Ms. Taylor said that the map on the slide indicated the property in blue on the east side of Richmond Highway, north of Centreport Parkway, and following the approval of the zoning reclassification the property was now currently zoned B-2, also indicated on the slide. She said that the surrounding zoning districts included B-1 to the north, A-1 to the east and south, and A-1 to the west.

Ms. Taylor said that the applicant's intent was to refurbish the existing building while maintaining its existing footprint in order to establish use as a hotel or motel, and the current slide displayed the boundary survey provided by the applicant which showed the existing building and the parking area, as well as two existing entrances along Richmond Highway.

Ms. Taylor said that as indicated on the slide, the existing conditions included the site's frontage along Richmond Highway as well as the existing building, and as discussed previously, the building was currently vacant but did operate as a motel prior to 1986 and was used as a nursing home in later years. She said that the nursing home operations ultimately ceased in 2006 and the building had remained vacant since that time.

Ms. Taylor said that the screen displayed a map depicting the extent of the Resource Protection Area (RPA) impacts to the site, which did encumber the southern portion of the property and affected approximately one third of the existing structure. She said that the next slide displayed the existing flood zone impacts to the site, and the blue color showed that nearly the entire site was within the 100-year floodplain, including a small portion of the existing structure.

Dr. Yeung asked if something happened regarding the floodplain, the responsibility lay with the individual that owned this location.

Ms. Taylor answered that was correct. She said that the applicant was aware that the location was in the flood zone and there were currently provisions in the County Code that required certain floodproofing improvements to be made to the building if any portion of the building was within that flood zone.

Mr. Coen asked if this location was on the Fred bus line.

Ms. Taylor replied that she was unaware at this point whether it was specifically within the bus routes for Fred. She continued to show photos of the existing building which were taken approximately 18 months ago when the applicant was in the process of putting a new roof on the structure. She said that the comprehensive plan identified the property within the Central Stafford Targeted Development Area and the more detailed land use concept designated the property as business and industry. She said that hotels and conference space were among the recommended uses for these areas and staff believed the proposed use as a hotel or motel was consistent with the comprehensive plan recommendations and was appropriate within the business and industry area.

Ms. Taylor said that as approved in May, the approved proffers associated with the rezoning to B-2 would ultimately prohibit development of 12 specific uses, limit trip generation to no more than 1,000 trips per day, limit access to the site to no more than two entrances on Richmond Highway, limit use of the southern entrance to utility access and deliveries only, and also requiring dedication of additional right-of-way along Richmond Highway to the maximum extent practical.

Ms. Taylor said that revisiting the proposed conditions for the CUP for the hotel/motel use, they would ultimately allow for development of one hotel or motel, require the site to be developed generally as shown on the boundary survey, limit the southern entrance also to utility access only, require living spaces to be located behind the primary building, and would also require installation of a fence along the eastern property line to screen the rear building façade.

Ms. Taylor said that staff found several positive aspects of the request in that it was consistent with the land use recommendations in the comprehensive plan, the proposed use was consistent with the established pattern of development in the area, and that the proposed conditions would help ensure any potential negative impacts were mitigated. She said that the negative aspects of the request were the property's impacts from the floodway and 100-year floodplain, which ultimately would limit future expansion of the redevelopment.

Ms. Taylor said that staff recommended approval of the conditional use permit application CUP22154646, and staff would like to remind the Board that the deadline for this request was August 24, 2023, the one-year deadline for the Board to act on the application.

Dr. Yeung asked if there were any questions for staff.

Ms. Allen asked what special conditions would be imposed regarding the floodplain issue if any type of permit was granted.

Ms. Taylor answered that there currently were no conditions proposed dealing with the floodplain simply because County Code already addressed requirements, and because a portion of the building was located within the 100-year floodplain there were requirements to floodproof the building. She clarified that there was a limitation that limited substantial improvements to no more than 50% of the value of the structure before he was required to floodproof the building. She said that once the value of the improvements to that structure exceeded 50% of the value of the structure as a whole, the applicant would be obligated to do floodproofing improvements required by code, which was a provision of the Building Code and the Environmental Division.

Mr. Coen said that when the Board previously heard this item, there was discussion about the amount of work that was done up to that date. He asked if that work would count towards the 50% margin for this or if the measurement began all over again.

Ms. Taylor said that her understanding was that it was a cumulative total of permits issues to date, so the total value of improvements done may not exceed 50% of the value of the building currently. She said that the cumulation meant that it was regardless of improvements made prior, and any new permits that may be issued would require the total value of the improvements up to that point in time may not exceed the 50% threshold.

Ms. Bohmke clarified that if the applicant was issued the CUP and they were to go out and get an appraisal, the 50% number could be a lot higher and would give them the ability to build those improvements.

Ms. Taylor said that was correct. She said that staff's understanding from the Environmental Division and the Building Division based on prior discussions was that if the applicant were to provide a professional real estate appraisal for the building and the value was determined to be higher, that 50% threshold would be raised.

Dr. Yeung asked if the applicant would like to present any information to the Board.

Mr. Raj Gupta thanked the Board for helping him change the zoning to B-2. He said that since the day of the sale, not a single person had come to them, so his request was to allow him to build it as a hotel/motel, and he promised there would not be any bad activity there. He said that he gave some paper to allow him to use the present and existing structure, and once there was activity, he would build a new hotel over there. He said that that was the only thing he could say. He said that 75% of the office buildings were lying vacant in this metro area, and while workers had been asked to come back to work, nobody was willing to go back to work. He said that people wanted to work at home.

Dr. Yeung opened the public hearing.

1. Ms. Alane Callandar said that her address was 622 Lancaster Street in the Falmouth District. She said that she came to the Planning Commission not too long ago and supported this project. She said that she had been waiting since 2006 for a new business to go in here, having previously visited the medical facility that was there, which was now closed for whatever reason. She said that she had been waiting a long time for something new to go in, and the gentleman had expressed a desire to bring a good business to Stafford.

   Ms. Callandar said that during the discussion about the methadone clinic and the poor location, this would have been a better location, which Mr. Coen had referenced when he asked about the Fred bus. She noted that the Fred bus did go up Route 1, but probably not nearly as often as it should. She said that if they did not approve of a conditional use permit for this, then they should purchase it and use it as a homeless shelter.

Dr. Yeung closed the public hearing.

Ms. Bohmke motioned, seconded by Ms. Allen, to approve proposed Resolution R23-67.

Ms. Bohmke said that they had quite a bit of deliberation on this a couple of months ago when they issued the change in zoning, and as Ms. Callandar had said, they had looked at this project for a long time, and Mr. Gupta had other things going on and now had energy, time, and money to invest in the property, so the timing was right. She said that she looked forward to seeing what he could do with the property, realizing that it was in a floodplain so there were some challenges there, but she knew he was up to the challenge. She said she looked forward to seeing what the new project would look like and she appreciated his patience with the County and his work with Ms. Taylor.

Mr. Coen said that he was confused because the drawing they received had a proposed building on it and there was no discussion about page 2. He said that because he did not know what this was he was not comfortable voting.

Ms. Vanuch asked Mr. Gupta to address the document he provided on the back page in which he proposed an additional building. She asked if it was more of a dream and not something he was requesting from the Board.

Mr. Gupta said that it was a dream. He said that if the business was there, he would build a new hotel on the vacant lot, and that was the proposal for the second lot.

Ms. Vanuch said that he would have to come back for that.

Mr. Gupta said yes, he would come back. He said that he was requesting the existing building to be allowed as a hotel/motel use, and only the existing structure.

Dr. Yeung called the vote.

The Voting Board tally was:

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

Resolution R23-67 reads as follows:

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A HOTEL/MOTEL IN THE B-2, URBAN COMMERCIAL AND HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICTS ON TAX MAP PARCEL NO. 38-20, LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, RA-Amit, LLC submitted application CUP22154646 (Application), requesting a conditional use permit to allow a hotel/motel within the B-2, Urban Commercial and

HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel No. 38-20, located within the Falmouth Election District; and

WHEREAS, the Application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1 and Sec. 28-59(e), which permit this use within the B-2 and HC Zoning Districts, 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 15th day of August, 2023, that a conditional use permit pursuant to application CUP22154646 (CUP) be and it hereby is approved with the following conditions:

1. This Conditional Use Permit (CUP) allows for one hotel or motel in the B-2, Urban Commercial and HC, Highway Corridor Overlay Districts on Tax Map Parcel No. 38-20 (Property).

2. Development of the Property shall occur generally as shown on the Boundary Survey prepared by Legacy Engineering, entitled "Boundary Survey Lot 1 The Land of RA-Amit LLC. Instrument #210021054 Aquia Magisterial District" dated and sealed April 8, 2022 (Boundary Survey).

3. Access to the Property shall be limited to two entrances along Richmond Highway, in the general locations depicted on the Boundary Survey.

4. Use of the entrance located south of the existing building on the Property shall be limited to utility access and deliveries only.

5. All required loading spaces shall be located behind the primary building.

6. A fence shall be installed along the eastern property line to screen the rear building façade from view of Tax Map Parcel No. 38-21. Such fence shall consist of a wood board-on-board or vinyl panel style and shall be no less than six (6) feet in height.

7. No neon or flashing signs shall be permitted on the Property. No portable or temporary signage may be utilized within the front yard setback along Richmond Highway. All signage shall be of complimentary color and design. All monument signage shall consist of materials similar to that of the primary building.

8. 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.

<u>ITEM 39. PLANNING AND ZONING; CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW COMMERCIAL TREE STUMP GRINDING AND MULCH SALES</u>

WITHIN THE A-1, AGRICULTURAL ZONING DISTRICT ON A PORTION OF TAX MAP PARCEL NO. 25-30 (PROJECT KNOWN AS JOHNSON AND SON LUMBER CO.).

Mr. Mike Zuraf said that this was a conditional use permit to allow for a commercial tree stump grinding and mulch sales facility in the A-1, Agricultural Zoning District. He said that the property was in the Hartwood Election District and the applicant was Douglas Johnson of Johnson & Son Lumber Company was the applicant and owner. He said that the site was located along the east side of Storck Road, approximately 2,300 feet north of Warrenton Road, and the current slide indicated the zoning map of the site and surrounding area, with the light green color representing the A-1 zoning designation which covered the entire surrounding area.

Mr. Zuraf said that the site area itself was approximately 35.8 acres and the property had been zoned A-1 since before 1978, with no proffers nor any zoning violations on the property. He said that the last site plan was approved in 1998 for expansion of the existing sawmill operation, in 2001 the telecommunications tower was approved and constructed on the northern portion of the property, and in 2022 a 3-acre portion of the original property was subdivided off around where the tower was located.

Mr. Zuraf said that the subject property was currently used as a sawmill and according to the Commissioner of Revenue records had been in operation since 1976, potentially before that. He said that the sawmill also produced mulch from byproducts of the sawmill operation, so the conditional use permit that would allow for the production of mulch as a separate, standalone use on the site where tree stumps, roots, and other tree waste would be brought onto the site specifically for the purposes of creating mulch on the site.

Mr. Zuraf said that the operations occupied the western part of the property and included two sawmill buildings, a shop and offices, and surrounding the buildings were material stockpile areas. He said that the eastern side of the property was undeveloped and wooded. He said that the site frontage was along Storck Road with an existing site entrance. He said that the topography gradually sloped down from Storck Road and was rolling through much of the property. He said that there was no resource protection area on the site, and the existing cell tower was located due north on the site recently created as a separate property.

Mr. Zuraf said that as indicated on the slide, the site layout plan showed the location of the proposed stump grinding and mulch sales would be in the general footprint of the current sawmill operation area. He said that the plan identified existing buildings and uses of the site with a single access point onto Storck Road as well as a travelway that ran through the site, past the office buildings, shop, and two sawmill buildings. He said that there were lumber stockpiles and equipment storage areas that covered the remainder of the site that was developed.

Mr. Zuraf said that the location of the stump grinding equipment was highlighted over two of the stockpile areas shown on this plan on the north side of the operation. He said that this area was roughly 380 feet from the closest residential property which was located to the south. He said that any bagging and storage of mulch would occur within the existing buildings on the site. He said that there would be no new site entrances or expansion beyond the current limits of the mill operation that existed.

Mr. Zuraf said that the property was designated as agricultural and rural uses in the comprehensive plan, where farming, forestry, and land conservation activities were encouraged. He said that the proposed use was not specifically contemplated within the land use recommendations in the County's comprehensive plan text, however the use was permitted by conditional use permit in the district. He said that as noted, the site was already conducting the same type of operation as an ancillary use of the existing sawmill, and as a result the proposed use was similar in nature to what was already happening in that of other agricultural and forestry-related activities. He said that if this was at a larger scale, the proposed use may be viewed more akin to an industrial type of use, but was limited on this site.

Dr. Yeung asked how they knew that once they provided the CUP that the use would continue to be limited on the site.

Mr. Zuraf said that a condition was proposed to limit the use to the area currently cleared.

Dr. Yeung asked if this part of the business was an expansion to what was already being done there.

Mr. Zuraf said that it was being done as a by-product of the current trees being brought in to be cut, where the remaining tree stumps were allowed to be turned into mulch. He said that in this situation and this approval, they may bring byproducts and tree stumps to the site for the specific purpose of creating the mulch, which they did there anyway. He clarified that it was a site expansion of what was happening.

Dr. Yeung asked if all surrounding neighbors had received a letter that this was happening.

Mr. Zuraf said yes, they provided notice to everyone within 500 feet of the property. He said that the proposed conditions would help offset any negative impacts and included that the development of the site shall occur as generally shown on the site layout plan, the hours of outdoor operation of the stump grinding equipment shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, and the stump grinding and processing equipment shall be limited to general location as outlined in the generalized development plan.

Mr. Zuraf said that proposed conditions included that material stockpile areas shall be within the existing stockpile areas shown on the site layout plan, noise levels from grinding and outdoor processing equipment shall meet permissible decibel levels for residential zoning districts, and on-site travelways shall be kept clear for emergency vehicle access.

Mr. Zuraf said that in the overall evaluation, staff found the proposal was consistent with the land use recommendations in the comprehensive plan, the proposal would be consistent with current operations on the site, the proposal limited the intensity of the new use by limiting the area to the existing sawmill operations area, there would be no impacts to the transportation network anticipated, and the proposed conditions would help ensure any potential negative impacts were mitigated. He said that staff did not see apparent negative aspects of this proposal.

Mr. Zuraf said that staff was supportive of the project and recommended approval of the application with conditions pursuant to Resolution R23-208, and on June 28, 2023 the Planning Commission voted 5-0 to recommend approval.

Ms. Bohmke asked Mr. Zuraf if two of the Planning Commission members were absent from the vote or had abstained.

Mr. Zuraf said that they were absent.

The Applicant, Mr. Douglas Johnson said that he was the owner of Johnson & Son and lived at 140 Cascade Lane in Stafford County. He said that before he was born, his father sawmilled in Stafford County and he had been doing it ever since the mid-1970s when he came home from tech against his mother's will and went into the sawmill business with his father. He said that the purpose of this request was due to his getting older and needing something extra for his men to do because he could not keep up with all of this, and he believed it would be of help to the County for many reasons.

Mr. Johnson said that anything from there did not have to go all the way through town and Falmouth to get rid of it, but could be brought there. He said that he had grinders but they were not quite what he needed, but he would not buy anything until he got approval, so this would not happen tomorrow. He said that he had been in Stafford County since the mid-1970s, first with the mill in the woods, and he believed he got along with all of the neighbors. He said that he owned three fourths of the surrounding property, and he would appreciate the Board's approval.

Dr. Yeung opened the public hearing.

1. Mr. Tom Cropp said that he lived at 67 Cropp Road in Hartwood, Virginia. He said that he was in favor of this CUP. He said that for stumps, there was a limited number of options, including burning on site and hauling them off and dumping them, but the best alternative was to grind them and make a useful product out of them. He said that the location was good, as it was a mile off of Route 17, and as Mr. Johnson said, the other option was to go down Butler Road, turning right on Cool Spring Road, and left on Route 3 to go somewhere to have them ground.

Dr. Yeung closed the public hearing.

Mr. English motioned, seconded by Ms. Vanuch, to approve proposed Resolution R23-208.

Mr. English said that the speakers had made good points about the option of taking the material through town to be ground, the applicant had been here for a long time, and it was a good asset to the business.

Ms. Vanuch said that it was ironic that this item had to come before the Board for a conditional use permit while other items did not require a conditional use permit.

Ms. Bohmke said that she loved hearing that people had been in the County for a long time, and she thanked the applicant for having his other business that offered a lot of services to people over the years. She said that she was thankful and appreciative of what they had done in the Hartwood area, for his previous business and what he was doing now.

The Voting Board tally was:

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

<u>Resolution R23-208 reads as follows:</u>

A RESOLUTION APPROVING 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. 25-30, LOCATED IN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Johnson and Son Lumber Company, Inc. submitted application CUP23155024 (Application), requesting 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. 25-30, 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 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 15th day of August, 2023, that a conditional use permit pursuant to application CUP23155024 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit (CUP) permits commercial stump grinding and mulch sales in the A-1, Agricultural Zoning District on Tax Map Parcel No. 25-30 (Property), in the

location identified as "Development Area" on the site layout plan entitled, "Site Layout Plan Johnson & Son Lumber Co." dated June 15, 2023 (Site Layout Plan). At no time shall the area subject to this CUP be greater than five (5) acres.

2. Development of the Property shall occur as generally shown on the Site Layout Plan.

3. Hours of operation of the stump grinding equipment shall be limited to 7:00 AM – 7:00 PM, Monday through Saturday.

4. Stump grinding and processing equipment on the Property shall be limited to the location identified as "Grinding Equipment Location" on the Site Layout Plan. Storage of raw and processed materials associated with this CUP shall be limited to the locations identified as "Material Stockpile Area" on the Site Layout Plan.

5. Noise levels from the stump grinding equipment shall be maintained in accordance with permissible decibel levels as specified in the Stafford County Code for the residential zoning district classification.

6. All on-site travelways on the Property, including travelways through stockpile storage areas, shall be kept clear for emergency vehicle access.

7. No portable or temporary signage may be utilized within the front yard setback along Storck Road. All signage shall be of a complimentary color and design. All monument signage shall consist of materials similar to that of the primary building on the Property.

8. 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.

CLOSED MEETING

At 8:05 p.m., Mr. Coen motioned, seconded by Ms. Vanuch, to adopt Resolution CM23-17 to authorize closed session.

The Voting Board tally was:

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

Resolution CM23-17 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for the discussion of the performance of a specific public officer.; and

WHEREAS, pursuant to Virginia Code § 2.2-3711 (A)(1) and (A)(7) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of August, 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 9:07 p.m., Mr. Coen motioned, seconded by Ms. Vanuch, to adopt Resolution CM23-17 (C) to certify the closed meeting.

The Voting Board tally was:

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

Resolution CM23-17 (C) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON AUGUST 15, 2023

WHEREAS, the Board has, on this the 15th day of August, 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 15th day of August, 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.

ADJOURNMENT

At 9:08 p.m., Chairman Yeung adjourned the August 15, 2023 Stafford County Board of Supervisor's meeting.

Randy Vosburg
Randal E. Vosburg
County Administrator

Yeung
Dr. R. Pamela Yeung
Chairman