BOARD OF SUPERVISORS
STAFFORD COUNTY, VIRGINIA
MINUTES
REGULAR MEETING
JANUARY 21, 2025

CALL TO ORDER – A regular meeting of the Stafford County Board of Supervisors was called to order by Deuntay Diggs, Chairman, at 5:00 PM on Tuesday, January 21, 2025 in the Board Chambers, George L. Gordon, Jr. Government Center, 1300 Courthouse Road, Stafford VA.

ROLL CALL – The following members were present: Deuntay Diggs, Chair; Tinesha O. Allen, Vice Chair; Meg Bohmke; Pamela Yeung; Darrell English; Monica Gary; Crystal Vanuch.

Also in attendance were William Ashton, County Administrator; Rysheda McClendon, County Attorney; Taylor Dunn, Deputy Clerk; various staff members; and other interested parties.

INVOCATION

Mr. English led the invocation.

PLEDGE OF ALLEGIANCE

Ms. Bohmke led the Board in the Pledge of Allegiance to the Flag of the United States of America.

CHAIR REMARKS

Mr. Diggs said that he had a few chairman remarks. He said that he would start with an apology. He said that to Ms. Mary Becelia, he offered his deepest apologies on behalf of the Board for the hardship and embarrassment she had endured following her removal from the Library Board and the labeling of misconduct. He said that the Board fully acknowledged the significant impact this situation had likely had on her personal life and her family. He said that he sincerely hoped that this apology served as a step toward closure, not only for her and her family, but also for their broader community.

Mr. Diggs said that moving forward, the Board was committed to fostering an environment of trust and collaboration where they could all work together to ensure Stafford's growth and success. He said that during the January 28, 2025 work session, the Board would discuss measures to ensure that a process was in place to prevent situations like this from occurring again. He said that the Board deeply appreciated her contributions to the Library Board and their community. He said that he hoped that they could begin to rebuild trust and move forward in unity.

Mr. Diggs said that he would like to extend congratulations to their new president, Donald J. Trump, upon yesterday's inauguration. He said that they looked forward to working with his administration in promoting unity and moving Stafford County and their country forward. He said that yesterday, they had honored the life and legacy of the Reverend Dr. Martin Luther King Jr., a man whose vision, courage, and sacrifices continued to resonate deeply with the Black community and all communities and people who fight for justice. He said that his dream challenged them to see the humanity in one another and to work collectively toward a more just and equitable world.

Mr. Diggs said that for many, his dream was not just an ideal, but a lifeline and a call to believe in their worth and their power to enact change, even in the face of relentless challenges. He said that as he sat there today in this esteemed position, he was acutely aware that the same inequities Dr. King had fought against still lingered in communities across this nation. He said that it was their collective responsibility, regardless of race or ethnicity, to carry his legacy forward, to shine a light on truth, build bridges of hope, and hold themselves and others accountable for creating a more just and equitable future. He said that Dr. King's dream was not just his, but theirs to fulfill.

Mr. Diggs said that next, he would like to recognize Brion Southall, a cornerstone of Stafford County for over 30 years. He said that Mr. Southall began his career in Utilities, transitioning to facilities, and ultimately led the Parks Department, where he ensured access to top-tier facilities and recreational opportunities. He said that as Mr. Southall prepared to retire at the end of this month, he expressed his gratitude for his dedication, leadership, and lasting impact on their community. He said that he again thanked Mr. Southall for his incredible contributions and wished him all the best in his well-deserved retirement.

Mr. Diggs said that next, he would talk about the snow. He said that even though the County may be closed during a snow event, a group of individuals continued to work diligently behind the scenes. He said that they would like to thank the Facilities team for their hard work in preparing their facilities for opening by clearing parking lots and sidewalks, a significant undertaking. He said that when he arrived, he was impressed by staff who remained in the building to ensure access and facilitate operations.

Mr. Diggs said that they would like to thank Public Safety, County Administration, and Community Engagement for their efforts, including evaluating conditions for opening, informing the public, and performing public safety duties under challenging weather conditions. He said that they also wanted to recognize the Utilities personnel, particularly the line workers, who had been working tirelessly in cold and wet conditions around the clock to prepare or repair pipes. He said that lastly, he would like to praise the Virginia Department of Transportation (VDOT) for their constant communication with them and the public during the storm, as well as their hard work in clearing the roads.

Mr. Diggs said that finally, Micah Ministries provided a temporary cold weather shelter during the winter. He said that due to low temperatures, the number of their neighbors in need of shelter had exceeded capacity. He said that he kindly requested consideration for a donation to Micah to help them provide warm places for people to sleep during the cold snap. He said that their website was www.micahfredericksburg.org.

Ms. Vanuch said that she would like to take a moment to remember an impactful Stafford County Board of Supervisor, Mr. Robert Gibbons, former Rock Hill Board of Supervisor. She said that Mr. Gibbons passed away on January 17th, peacefully, and will join her beloved wife Lois, who had passed away in 2021. She said that Mr. Gibbons' life was one of service, and he dedicated over 20 years to his country in the U.S. Air Force. She said that he continued to serve Virginia, this region, and Stafford County, and for over half a century, he worked tirelessly to benefit the community.

Ms. Vanuch said that among his many accomplishments, his contributions included influencing the creation of the Virginia Railway Express (VRE) and the Stafford Regional Airport. She said that in recognition of his support, VRE named a train engine after him, and ironically, it ran on the Manassas Line. She said that the airport drew significant corporate investments, including FedEx, Amazon, and many others, creating thousands of jobs for the local community. She said that he made countless other contributions, often behind the scenes, helping individuals and small organizations solve their own problems with a servant's heart and unwavering ethical purity.

Ms. Vanuch said that throughout his nearly 34-year tenure, he served the citizens of Stafford in various capacities, including representing Rock Hill on the Board of Supervisors from 1991 to 2007, serving as chairman multiple times. She said that he served on the Board of Zoning Appeals for four years, and the Utilities Commission for two years. She said that he served on the Planning Commission twice, during which time the Transfer of Development Rights program was adopted, Transportation Impact Fees were expanded, and a historic Interpretive Zoning category was created.

Ms. Vanuch said that what set him apart was his special knack for listening to people and applying that to the objectives of local government. She said that long after he completed his service on the Board, Mr. Gibbons and his late wife could be seen riding around Stafford in his little brown truck, with him wearing his Dockers and white tennis shoes, and attending any County event that he could still attend. She said that he loved the community, loved Rock Hill, and loved Stafford, but most of all, he loved his wife, Lois. She said that may he rest in peace with his beloved wife.

ADDITIONS – DELETIONS AND APPROVAL OF THE REGULAR AGENDA

Dr. Yeung motioned, seconded by Mr. English, to adopt the agenda as presented.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

WORK SESSION ITEMS

ITEM 1. COUNTY ADMINISTRATION; GENERAL ASSEMBLY UPDATE

Anthony Toigo, Intergovernmental Affairs Manager, said that he was joined virtually today, or by phone, by Lauren Gilbert of Advantus Strategies, who was currently in Richmond. He said that they had wanted to avoid her making the trip, so she would be available by phone. He said that he would ask the Clerk to unmute Lauren so she could say hello.

Lauren Gilbert, Advantus Strategies, said that she appreciated the flexibility in allowing her to attend the meeting via phone. She said that as they could probably imagine, things were quite busy at the General Assembly Building, and it was challenging to take time off, especially when bills were being heard. She said that she appreciated the flexibility. She said that she had a couple of legislative updates to share with them, and she was happy to take questions. She said that this year, with the lack of a full budget due to the abbreviated session of the General Assembly, things were moving at a rapid pace.

Ms. Gilbert said that unfortunately, they also lost the first three-day in-person meetings due to the water outages in Richmond, which had resulted in all subcommittees and committees operating in a somewhat condensed manner. She said that they were anticipating starting some committee meetings this weekend, hopefully to make up for the lost time from last week. She said that in terms of bills of particular interest to Stafford, they had made some progress on several pieces of legislation initiated this year.

Ms. Gilbert said that the first piece, SB-1312, was an initiated legislation from Senator McPike that would allow for a supplemental payment to localities which met a high threshold of exonerated real estate tax values due to the disabled veterans real estate exemption. She said that the purpose of this bill was to help localities preserve the high-quality services they provided to their constituents. She said that this bill had been referred to the Committee on Finance and Appropriations and did not currently have a hearing date; however, they were engaging with various members of the Senate to ensure they understood the bill's purpose, particularly those senators representing other highly impacted localities.

Ms. Gilbert said that the second piece of legislation was HB-2164, a House bill patroned by Delegate Cole. She said that this bill aimed to ensure that the value of tax-exempted properties was considered when the State Department of Education was considering the Local Composite Index (LCI), particularly in relation to education funding. She said that this bill had been presented to the House Appropriations Subcommittee yesterday and was laid on the table; however; they had several options for this bill, including some proposed amendments that they were currently working on.

Ms. Gilbert said that those bills were sponsored by Delegate Milde and Senator Durant. She said that this would be another way for them to make progress in this field. She said that it was essential to remember that bills were not dead until crossover. She said that Delegate Cole said that she is committed to working on this and exploring ways to make changes, where she can collaborate with leadership to ensure they understand the impact on Stafford County, as well as the broader implications on localities throughout Virginia. She said that she aims to ensure the state lives up to its promises for localities.

Ms. Gilbert said that Senator McPike also brought back a bill last year that they had helped initiate, which was SB-1307. She said that this bill allows localities to hold a referendum to increase school construction funding by 1%. She said that notably, SB-1307 passed the Senate with a 27-13 vote, and it will now wait for crossover and proceed through the House. She said that although it passed the House and Senate last year, it was vetoed by Governor Youngkin, and they cannot overturn the veto. She said that however, they were pleased he brought back the bill last year, as it highlights the need for localities, particularly Stafford, to have the power to make decisions about how to raise funds for school construction.

Ms. Gilbert said that in terms of other legislative priorities, they are working closely with her coalition Virginia Association of Counties (VACo) and other localities in Virginia Municipal League (VML) to raise awareness about bills that would be unfunded mandates, taking too much authority away from localities when it comes to land use and local decisions like zoning. She said that some bills are returning in a revised form from last year, with improved language and greater permissiveness. She said that she was happy that those patrons heard their concerns, but they will continue to work closely in their coalition to ensure Stafford's views are heard and the state understands the locality's needs.

Ms. Gilbert said that looking forward, crossover is scheduled for February 4, which marks the final day for each body to complete work on all bills. She said that following that, all bills will be transferred to the other chamber, and they will continue the process. She said that they are closely monitoring numerous pieces of legislation. She said that overall, things are proceeding well. She said that they were seeing positive progress and conducting meaningful education. She said that she would like to extend her gratitude to all of them for the flexibility that allowed her to join them virtually. She said that she looked forward to rejoining them in person after session.

Ms. Gary said that she did not have any questions in particular; much of this discussion was a continuation of previous conversations, so she assumed everyone was familiar with the current items and what was being tracked. She said that she would like to extend her appreciation to Ms. Gilbert and Advantus for their efforts.

Mr. Toigo said that he would like to briefly mention two bills introduced by Delegate Milde that affected Stafford County. He said that one bill would impose a $50 fine for exchanging items between a motorist and someone standing in the median of a roadway, and another bill would increase the fine for posting illegal signs in the VDOT right-of-way from $100 to $250. He said that Delegate Milde had requested their staff's feedback on the Board's stance regarding these bills, so they could convey that feedback to him.

Ms. Gary asked if the fine was for the motorist, the individual, or both.

Mr. Toigo said that his understanding was that it applied to both, but he would double check that.

Ms. Gary said that she believed that they would benefit from having more information on that bill in order to provide meaningful feedback.

Dr. Yeung said that she had been working with Delegate Milde and she had been addressing the delegate's questions. She said that they had a lot of individuals in the medians off of Garrisonville Road, Mine Road, and alongside Garrisonville Road towards the west. She said that the activity in these areas was disturbing not only to motorists but also to individuals who were trying to cross the road, as they often had to navigate between the cars. She said that she believed that some of these individuals would greatly benefit from having stable housing. She said that it was important that they ensure they had homes rather than sleeping in that area. She said that she was supportive of both of the measures.

Ms. Allen said that before Ms. Gilbert left the phone, she wanted to follow up with her regarding the veterans reimbursement conversation. She asked if, based on what she had heard so far in Richmond, would it be something that was actionable, or would it be pushed to the Joint Legislative and Audit Review Committee (JLARC) for further study. She said that she would like to know if she thought it would be something that they could rely on in the near future.

Ms. Allen said that as a Board, it would be beneficial for them to have a better understanding of what legislators were thinking, so they did not get caught off guard by the possibility of relief taking years to materialize. She said that typically, when something was very nebulous and difficult to decide at the General Assembly, it got passed to JLARC to find a solution and make recommendations. She said that it could lead to a five- to 10-year timeline before they saw any concrete action. She said that she would like to get a sense of where this conversation was headed.

Ms. Allen said that additionally, she had a second question regarding Delegate Milde. She said that she would like to know more about the proposed measures, as Ms. Gary had mentioned. She said that Mr. English had previously addressed some of the panhandling issues by placing more signs along the Route 610 corridor. She said that she needed to understand what Delegate Milde was trying to accomplish before they could consider supporting those efforts in order to avoid redundancy.

Ms. Vanuch said that she believed the intent of the legislation was to stop panhandling, as Dr. Yeung had mentioned. She said that she was personally very supportive of it. She said that it was extremely dangerous when individuals were frequently entering and exiting the road. She said that she was not aware if anyone was familiar with the Supreme Court ruling that allowed it to be considered freedom of speech. She said that law enforcement, even though the sheriff was frequently called upon by motorists, claimed that they could not enforce it due to the Supreme Court ruling. She said that Delegate Milde had reached out to counsel within the General Assembly to find a creative solution for them to address the situation.

Ms. Vanuch said that the proposed legislation would restrict panhandlers from being able to engage in this behavior on the streets, thereby ensuring their safety and the safety of motorists. She said that she was very supportive of it. She said that the issue with the signs was that they could only be placed on private property, not on VDOT right-of-way. She said that she was aware that Dr. Yeung was aware of this, as they could not be placed on Mine Road or similar areas. She said that this legislation would provide an additional tool in their toolbox. She said that she was supportive of all these measures, and she would even consider fining up to $500 for those signs in the right-of-way.

Mr. Toigo said that to reiterate Ms. Allen's question, she had inquired about the potential for gaining traction on the disabled veterans matter initiative this year, or if a study was more likely to be undertaken, and what the next approach might look like.

Ms. Gilbert said that she could definitely speak to that. She said that they had a couple of different options that they had laid out to ensure progress in some form this year. She said that Delegate Cole's bill would include the value of exonerated properties in the next Local Composite Index (LCI) re-benchmarking, which would take effect for the 2026-2028 period. She said that this was a future-facing approach. She said that they also had a bill and budget amendments. She said that they had budget amendments with Delegate Milde, which was presented yesterday, and Senator Durant.

Ms. Gilbert said that Senator Durant's budget amendment had not yet been presented. She said that they would require the JLARC study that was currently underway with the K-12 joint subcommittee for education funding to include the impact of the exonerated properties in the LCI study they were currently doing. She said that it would not be starting anything over; it would be an ongoing study. She said that she believed it had a delivery date of the end of this year, so they would get some information on that. She said that Senator Durant's budget amendment was co-signed by every other senator, so they believed this indicated a lot of the other senators understood the purpose of this bill and they would likely see support of those efforts.

Ms. Gilbert said that regarding Senator McPike's supplemental payment, it would depend on the outcome of the money committees. She said that there was some conflicting information between House leadership and Senate leadership regarding continuing expenditures versus one-time spending as consideration. She said that Senator Aird had proposed a one-time spending option, which was not initiated by Stafford but represented an area of impact in Hopewell and Petersburg. She said that the one caution they had with that was that they did not want the state to give a one-time payment as a solution, especially when places like Stafford were attractive to veterans and were impacted over time.

Ms. Gilbert said that a one-time payment may help in the short term but was not addressing the need of localities in the long run. She said that they were working every angle and ensuring that the leadership fully understood the importance of this issue, particularly for Stafford, but also drawing it back to other communities. She said that it was challenging to predict whether they would see a result in the immediate future; however, they had laid out a number of options, not relying on a single legislative approach, but rather having a range of choices to make sure they saw some progress in this area.

Ms. Gary said that she had a question regarding the bill Delegate Milde was proposing. She said that she was currently reading the most recent version of the bill about the exchange of items. She said that she wanted to express her concern about this proposal and its potential impact on their unhoused population. She said that it seemed cruel to her to charge people fines for trying to live, as this was often their sole source of income and their only way of survival.

Ms. Gary said that she did not believe that imposing penalties would be an appropriate solution. She said that she thought they should continue to work with their regional partners, such as Micah Ministries, which had just received approval for their Jeremiah community. She said that she believed investing time and energy into initiatives like these would be more beneficial. She said that she would not be supportive of any proposal that penalized individuals who were already struggling to survive. She said that she would appreciate it if staff could send more information on this bill, as she believed it was important for the Board to consider.

Mr. English said that he wanted to address the panhandling issue. He said that through personal contact, he had spoken with a couple of individuals who panhandled. He said that despite having jobs and homes, they continued to engage in this behavior. He said that for example, he met a woman in Falmouth who was panhandling, whose car was parked on the Falmouth side. He said that when she was done panhandling, she got into her car and left. He said that he offered her assistance, suggesting Amy's Cafe, but she responded with a dismissive attitude. He said that this experience suggested that not all panhandlers were motivated to seek help or were trying to do the right thing.

Ms. Gary said that it was a good point, and she appreciated that. She said that she had one more comment to make on the matter. She said that prior to being on this Board, she had worked in ministry for many years, serving a vulnerable population, particularly single mothers. She said that as a result, she had seen firsthand the challenges faced by those who were unhoused. She said that in her opinion, it was not their responsibility to blanket punish anyone just because some were acting in bad faith or doing something they should not be doing. She said that there were many people who were simply trying to survive, so she did not want to paint with a broad brush when there were many who were just trying to get by like everyone else.

Dr. Yeung said that she wanted to make sure their discussion was not talking against individuals who were trying to live. She said that there were individuals in Garrisonville, such as a veteran who had lived in the woods for 30 years. She said that they had found him somewhere to live. She said that this was not about individuals who were homeless, but rather about those who had a car, who when she reached out to the sheriff's office to verify their living situation, had found they had a place to call home.

Dr. Yeung said that this was about people moving from Spotsylvania to Stafford to prey on people's empathy at stoplights. She said that she was focused on people who were able-bodied and could work, but were moving in and out of traffic, causing accidents, and when someone tried to help them, they would curse and be rude. She said that this was not about homelessness; it was about people preying on people's empathy. She said that there were individuals who were homeless, and they would find them places to live.

Mr. Diggs said that he thought they had heard enough on this topic. He said that they would need to gather more information on it. He said that as they approached this, they must consider humanity. He said that there was a need for accountability, and they should support their local partners. He said that for him, he would support measures that prevented people from entering the roads, as ultimately, someone who hit another person on the road would also be affected. He said that there were many factors at play here. He said that he believed they had heard that at the dais tonight. He thanked Mr. Toigo.

Ms. Vanuch said that the Board should let Mr. Milde know that the Board supported the initiative.

Mr. Toigo said that within the next two weeks, they expected all of these bills to work their way through committee and subcommittee. He said that he would need some verbal direction tonight.

Ms. Gary said that she would like to ask who had actually read the bill. She said that they had not read it. She said that she did not think they could poll the Board on supporting something that only two people had read. She said that she had just skimmed over it and it was not very long. She said that they could come back to it, but she believed they should do their due diligence and not poll the Board until they had all read it. She said that they could not accurately say whether they did or did not support something until they had read it, so her suggestion was to come back to it.

Ms. Vanuch asked when they would come back to it on the agenda.

Ms. Bohmke said that it would be helpful if they could review it at some point tonight. She said that some of them were going down to Richmond on Thursday to meet with their delegation, so it would be helpful if they could share with them the will of the Board if possible.

Mr. Diggs said he thought it was. He said that they could move it to the end of the agenda. He said that if staff emailed it to them, they could come back to it after Item #8.

PRESENTATIONS/REPORTS BY DEPARTMENTS

ITEM 2. BUDGET AND MANAGEMENT; FY2025 MID YEAR FINANCIAL REVIEW

Ms. Vanuch said that she would like to make a brief comment while Ms. Light was preparing the presentation. She said that when she was meeting with their County Attorney after hours last week, she observed many budget staff members leaving the building around 6:30 p.m. She said that she wanted to bring this to her attention and commended Ms. Light's staff for their dedication to working late hours.

Andrea Light, Chief Director of Financial Services, said she would take that back to them. She said she thought they were at home watching right now, so they probably had heard, but she wanted to acknowledge that they had been working hard, and she appreciated that. She said that there was not much to review, so this should be straightforward. She said that she was happy to provide a mid-year financial update. She said that to begin, they would review revenues and expenditures. She said that regarding property tax, they were closely monitoring real estate tax, which was currently under the projected budget by about 2.1% or $5 million.

Ms. Light said that this was largely due to changes in state-mandated tax relief, which were growing at a rate not anticipated in the budget. She said that they were watching this closely, as the Board's decision on the tax rate could impact this number. She said that if the tax rate remained unchanged, it would affect their real estate revenue. She said that on the other hand, they were seeing positive results in personal property, which was up about $5 million.

Ms. Light said that notably, rollback taxes were currently at $686,000, which was $600,000 more than received in Fiscal Year 2024. She said that rollback taxes could change based on when properties transitioned out of land use and paid the rollback tax. She said that overall, they anticipated their general fund revenues to be above budget by about 0.5%. She said that in other local taxes, sales tax was about 0.8% above the same time last year. She said that as they may recall, they had previously discussed sales taxes lagging behind prior years. She said that they were starting to see a turnaround at a rate of 0.8%.

Ms. Light said that meals tax continued to increase, but it was still slightly trailing their budget. She said that however, they still had many months to go. She said that recordation was starting to rebound and was projected to be above budget. She said that interest revenue continues to exceed their budget projections, although it was slowing down from the previous year, when they had over $8 million in interest revenue due to high market conditions. She said that the Board made changes to property rentals, parks fees, and permits and planning fees, and they were starting to see the positive results of those changes.

Ms. Light said that regarding American Rescue Plan Act (ARPA), all of their funds had been obligated by December 31, 2024, as required. She said that they had obligated $29 million, with most of it already expended. She said that now they were looking ahead to their next deadline, two years from now, to ensure they met their obligations. She said that vacancy savings continues to exceed their budget projections, which was a positive sign. She said that they were not spending as much on payroll as anticipated, resulting in a surplus of $2.1 million. She said that this meant they were not spending as much.

Ms. Light. said that in the Resolution R25-13, they were requesting the Board to release the 5% hold based on where they felt they would be, while also holding back the vacancy savings of $2.1 million. She said that they were also expecting private day schools to exceed their budget by $500,000, with a projected revenue return of 44% from the state. She said that health insurance was also projected to be $1 million over budget, across all funds, or $800,000 in the general fund. She said that they were continuing to monitor this closely and would provide updates to the Board.

Ms. Light said that overall, departments were being very fiscally responsible, and budget spending was trending below budget. She said that they were projecting revenue to be about 1% over budget, or $4 million, and expenditures to be below budget. She said that this suggested they would still have positive financial results for operations at the end of the year.

Ms. Vanuch said that the personal property was $5 million over budget, which was a substantial overage. She said that she was wondering if they had underestimated the amount of personal property or if the Commissioner's Office had implemented a new tool or hired additional employees to identify and collect more personal property.

Ms. Light said that she was not aware of any changes in the Commissioner of the Revenue's office, but she believed that some of their projections were overly conservative, so it may be a result of that.

Ms. Vanuch said that personal property was the one tax that all residents struggled with, as it was levied after purchasing a piece of property, and then they were taxed on it for owning the property. She said that she would like the Board to consider this as they reviewed these percentages and prepared the upcoming budget. She said that specifically, she would like to see them lower the tax, as it was the surplus was a substantial amount and she believed money was particularly tight for many households. She said that they should consider giving that money back to their residents.

Dr. Yeung said that regarding R25-12, the funds could not be returned to the school system and must be returned to the state. She said that she could not recall the exact amount. She asked if they could take up this matter legislatively to determine if that money could go back into the school system rather than to the state.

Ms. Light said that arbitrage was a federal requirement, so it was an Internal Revenue Service (IRS) requirement. She said that arbitrage occurred when local governments and state governments issued tax-exempt bonds. She said that this meant they were sold to someone who did not pay taxes on the interest earnings, resulting in a lower rate due to the lower risk. She said that if they were paying taxes on something like a corporate bond, they had a higher risk rate and higher output, so they would earn a higher amount.

Ms. Light said that the market conditions created a good interest market where they could earn more money than they sold their bonds for, which was how they were in the arbitrage position. She said that the federal government had been reviewing for several years how local governments issued tax-exempt bonds in trying to consider taking that tax exemption away, which meant they would borrow at a much higher rate, so their citizens would pay more.

Dr. Yeung said that on page five, Ms. Light said that there were savings. She said that she would like to clarify whether those savings were limited to County staff or if they also included savings for the Sheriff and Fire Rescue employees.

Ms. Light said that it encompasses all staff across the general government.

Dr. Yeung said that during her meeting with the Superintendent, she did not ask this question, but it was something she believed the County Administrator should address. She said that she was trying to figure out where the private day school would go when they built Drew Middle School. She said that she had asked the question regarding whether it would be located where any of the new schools would be built, and the answer was no.

William Ashton, County Administrator, said that to answer that question, last week he met with the Superintendent and the Deputy Superintendent, with Donna Krauss. He said that as a result of that meeting, a decision was made to form a working group with the County and the schools to explore alternatives for that facility. He said that the working group had been formed to examine possible solutions for the facility.

Dr. Yeung said that it would be beneficial to have a private day school in collaboration with North Star and Rising Star at a single location. She said that she appreciated the information and asked that the Board stay updated on any developments.

Mr. English asked for more information about the gas tax and meals tax. He asked if the meals tax also included the gas tax.

Ms. Light said that it was not. She said that the Potomac and Rappahannock Transportation Commission (PRTC) just reviewed their current situation with the gas tax and had projected an increase in revenue. She said that they had received $6.5 million in FY24, which was up from approximately $4.5 to $5.5 million in prior years. She said that a significant portion of this increase was attributed to the courthouse corridor and the additional gas stations in the area, which received business from the traffic on I-95.

Ms. Gary said that she was generally supportive of efforts to provide relief on car taxes, as she believed this was a concern shared by many people. She said that while it was a difficult issue to address at present, she thought it was worth considering. She said that she had previously spoken with Commissioner Mayausky about the significance of this income for the County, and she believed it was something worth exploring in the budget. She said that the specifics of any proposed adjustments would depend on the state's contribution to the budget. She said that she hoped the state provided additional funding, which would enable them to tackle this issue more effectively in the future.

Ms. Bohmke said that her first question was about the rollback taxes. She said that for property owners who were taking land out of land use, could they determine if those property owners planned to develop that land? She said that she was not aware of any research conducted by Ms. Light’s department, but it might be handled by Scott Mayausky's office. She asked if they could find out why those property owners chose to pull their land out of land use.

Ms. Light said absolutely.

Ms. Bohmke said that that information would be particularly helpful given the large number involved. She said that regarding the health insurance, with the delta exceeding the budget by a million dollars, she wondered if they could identify the specific employees or items that contributed to this increase, or if it was a combination of factors.

Ms. Light said that according to Human Resources (HR), claims were coming in higher. She said that this was not unique to their organization. She said that as they had navigated the COVID-19 pandemic, their health insurance costs had decreased significantly as people reduced their doctor visits. She said that now that they were seeing a return to normalcy, these costs were rising again, which was evident in the County and across the Commonwealth.

Ms. Bohmke asked if, when they created their budget last year, they considered the possibility that the COVID-19 pandemic might have had an impact on the numbers from the previous years.

Ms. Light said that they increased their health insurance, taking into account their current fund balance of $1 million, which was accumulated from prior year savings on health insurance. She said that to avoid being overly conservative, they wanted to strike a balance between flexibility and responsibility, ensuring that they had options available for the board to make informed decisions.

She said that her final question pertained to the Heather Enfield facility. She said that as they were all aware, the cost of educating students at Heather Enfield was approximately $70,000 per student. She said that assuming the additional funding of $500,000, she estimated that they could accommodate approximately seven additional students. She asked if they had sufficient space for these students, or were they being relocated to attend another facility.

Ms. Light said that these were private day school students, not public day school students. She said that Heather Enfield was the public day school, but this was a private school being affected. She said that it was due to an increase in the population.

Ms. Bohmke said that it was a big number. She said that it would be interesting to conduct a more in-depth analysis of that as they approached the budget season.

Ms. Allen said that she understood that the personal property was allocated for their construction and road needs. She asked if any of it was put into the general fund. She said that Ms. Light had stated they were short $5 million in real estate, but had an excess of $5 million on the personal property side. She asked if there was an opportunity for them to move those funds and make up for the shortfall in real estate.

Ms. Light said that about $8.5 million that goes towards transportation. She said that at the end of the year, if there was insufficient funding for various projects, they would bring this amount back to County Administration to determine how they intended to close out the year and bring it back to the Board. She said that she did not anticipate that they were in that difficult financial situation at this point, as it was mid-year. She said that these projections were based on the tools and models available to them, including AI-driven predictability and modeling. She said that the Board should note that these projections would be refined as they continued to move forward.

Ms. Allen said that as they went forward with the budget, they would get a better understanding.

Ms. Light said that that was correct.

ITEM 3. BUDGET AND MANAGEMENT; R25-11; CONSIDER BUDGETING AND APPROPRIATING POSITIVE RESULTS OF OPERATIONS FROM FISCAL YEAR 2024 TO SUPPORT STRATEGIC INITIATIVES

Andrea Light, Chief Director of Financial Services, said that last year's budget ended with positive results, resulting in an increase to their fund balance of over $130 million. She said that some of this amount was available for use if budgeted and appropriated by the Board. She said that the first item was for Development Services to work with a consultant to develop the needs and requirements for a Request For Proposal (RFP) for a new system. She said that this supported them in response to their audit, which had highlighted the need for improvement in development services.

Ms. Light said that the second item was for Department of Motor Vehicles (DMV) revenue. She said that as the Board was aware, the Treasurer collected DMV revenues, which were set aside for his use by the state and must be budgeted by the Board. She said that as a change in their practice, they were bringing this to the Board mid-year to discuss the Treasurer's performance and ensure awareness of the revenue collected. She said that the third item was the old impact transportation fees, not the recently approved ones. She said that at the end of Fiscal Year 2024, there was $224,022 available, which they were requesting be budgeted, appropriated, and sent back to the Transportation Fund to reimburse them for some of their impact fee projects.

Ms. Allen motioned, seconded by Ms. Bohmke, to approve Resolution R25-11 to budget and appropriate funds.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

ITEM 4. BUDGET AND MANAGEMENT; R25-12; CONSIDER BUDGETING AND APPROPRIATING EXCESS INTEREST EARNINGS ON SCHOOLS' VPSA BONDS FOR ARBITRAGE REPAYMENT

Andrea Light, Chief Director of Financial Services, said that this was actually a very interesting item. She said that the schools had earned approximately $8.3 million in interest earnings from their Virginia Public School Authority (VPSA) issuances. She said that as previously mentioned, the IRS had limited the amount of earnings they could have due to the tax-exempt nature of these bonds. She said that the IRS was not generating any revenue from these investments, so they limit the amount that can be earned.

Ms. Light said that currently, they had a surplus of over $3.5 million in their account. She said that they were requesting the Board's consideration of a budget appropriation of $3.5 million to cover any future excess interest earnings and to repay the IRS. She said that if the Board took this up, the Finance Department was prepared to submit the necessary forms to the IRS and mail the check within the next month or two. She said that the check would then be sent back to the IRS.

Dr. Yeung asked how much they could keep.

Ms. Light said that they had earned a total of $8.2 million, with $3.5 million going back. She said that this left them with $3.7 million remaining.

Dr. Yeung asked if they could consider returning it to the schools or whether it was necessary to reinvest it into the general fund.

Ms. Light said that the funds were currently held in the school's cash balances. She said that if they required additional appropriation, it would be appropriated for that purpose. She said that as these funds were bond funds, they were limited in how they could be used. She said that they had borrowed these funds from investors who were purchasing their bonds for a specific purpose. She said that it would be used for school projects. She said that if the schools did not have a need for the funds and had exhausted their eligible projects, the funds could be used to repay debt service.

Dr. Yeung said that in terms of utilizing available funds, she was aware that there were some issues with the Capital Improvement Plan (CIP). She asked if the money could be used for the intended purpose, or if there were specific restrictions or uses that applied.

Ms. Light said that it was specific to their 3R projects, which encompass a broad range of initiatives. She said that it also could be used for high school, elementary schools, and middle schools. She said that when they borrowed funds, they carefully considered the interest rates and potential earnings. She said that for instance, when they requested $100 million, they actually borrowed $95 million because they anticipated earning interest on that amount. She said that by targeting a specific borrowing amount, they aimed to balance their needs with the potential revenue generated from interest. She said that this approach may not yield the same level of revenue as the $5 million figure.

Dr. Yeung said that she supported sending it back, but she would like to target it to assist with safety projects in the CIP.

Ms. Bohmke said that in her previous experience with municipal bond work, they had to use any excess arbitrage that was not returned to the federal government. She said that at that time, the federal government did not have that rule in place, so they were allowed to keep it all. She said that when they were allowed to keep it, it was required to use those arbitrage earnings specifically for a project. She said that this meant she could not use them for another project. She said that now that the law had changed.

Ms. Light said that it was about the way that they wrote the resolutions and the applications. She said that they put in 3R projects, which expanded the potential projects they could use the funds for. She said that under the 2023 VPSA, the original intention was for high school projects only. She said that when the high school encountered initial issues, including delayed construction and other problems, they consulted with the bond council to explore the possibility of repurposing the funds for other projects. She said that the council agreed to this approach, and they were able to shift the funds to support additional projects.

Ms. Bohmke said that she had no problem with sending the funds to the IRS, which they must do. She said that she wanted to ensure that the excess earnings of $5 million were allocated in a transparent manner, as they did not have to return those funds to the specific project where they earned the arbitrage. She said that she would request that the Board be informed about the proposed allocation of these funds before they came before the Board.

Ms. Light said that yes, any unappropriated interest earnings as part of the project, so if they estimated the project to be $100 million, they may have borrowed $95 million and the Board had appropriated $100 million. She said that as a result, any excess interest earnings would need to come back to the Board for appropriation at this time, as there was no spending authority for other purposes.

Ms. Allen motioned, seconded by Ms. Bohmke, to approve proposed Resolution R25-12 to budget and appropriate funds.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

ITEM 5. BUDGET AND MANAGEMENT; R25-22 CONSIDER BUDGETING AND APPROPRIATING FUNDS RECEIVED FROM STAFFORD TECHNOLOGY, LC TO

SUPPORT PLAN REVIEW SERVICES ASSOCIATED WITH TECHNOLOGY CAMPUS DATA CENTER PROJECT FOR THE DEPARTMENT OF DEVELOPMENT SERVICES

Paul Santay, Chief Director of Development Services, said that although this was a budget item on the agenda, Ms. Light had requested that he change it to a community development item, as it was his to talk about. He said that staff was requesting the Board to budget and appropriate $255,000 from previous year's Development Services revenue, specifically from permitting and planning review revenue, to supplement the plan review of the Stafford Technology Campus with a third-party contractor.

Mr. Santay said that when the Board rezoned the Stafford Technology Campus last year, there was a proffer in the proffer statement that allowed for third-party contractor assistance at the cost of the project, not the County. He said that this proffer, proffer number 33, enabled them to request reimbursement for any costs incurred for those services. He said that after consulting with procurement, they proposed to use these funds to procure a contract with the third-party contractor, with the engineer's costs reimbursed by the developer for the plan review.

Mr. Santay said that this was a mutually beneficial arrangement, as the developer would cover the costs of the project, and it would not impact their staff resources or workload. He said that the Stafford Technology Campus was a fast-moving project, with approximately 10 site plans expected to be submitted over the next two months. He said that by supplementing their review with a third-party contractor, they could put the costs back on the developer once the project was complete. He said that the $255,000 was intended to cover the procurement of the contract, and they would utilize the revenue and then be reimbursed by the developer.

Ms. Vanuch said that in the proffers, it was stated that the applicant must approve the cost. She asked if they had done that and stated it in writing.

Mr. Santay said that they had it confirmed in an email. He said that staff was currently reviewing the contract. He said that this was primarily for budgeting and appropriating the necessary funds. He said that this was not a formal agreement at this stage. He said that they had the authority to ensure the developer reimbursed them if the costs were reasonable, and this had been documented in an email from the developer. He said that although the reimbursement was not yet formalized through a contract, they still required the services, making this an advantageous opportunity based on the proffered reimbursement. He said that he was confident in his role that they would be reimbursed, given the conversations they had had with the project.

Ms. Vanuch said that the proffer statement also indicated that the consultant could bill the contractor directly and receive payment within 30 days. She asked why they were not utilizing that option.

Mr. Santay said that was a great question. He said that they had a similar question for procurement. He said that since this was the County's first experience with this type of situation, staff did not feel confident that the developer and engineer had a direct line of communication and paying for the services they were performing. He said that the County's involvement could ensure that the services were being administered appropriately, and their on-call consultant felt more comfortable with that arrangement.

Mr. Ashton said that from the County's perspective, both from an optics standpoint and functionally, he did not think it was advisable for the developer to pay directly to the person reviewing their plans. He said that instead, the County should act as the intermediary, facilitating the review process.

Ms. Vanuch said that the other option was that they could provide the funds to the County upfront. She asked why they did not do that.

Mr. Santay said that at the time they were considering this option and presenting it to the Board, they were uncertain about the exact cost. He said that as a result, they had to develop a fee based on their current review process. He said that each site plan review cost approximately $8,500 for this particular service. He said that they multiplied this cost by three, as they were reviewing 10 plans, resulting in a total cost of $255,000. He said that he believed this was more of a discussion with procurement rather than a formal recommendation, and they felt it was the best approach at the time.

Ms. Vanuch said that she would prefer to receive the money upfront and then pay the consultant after they had submitted their invoice.

Dr. Yeung motioned, seconded by Ms. Allen, to approve proposed Resolution R25-22 to budget and appropriate funds.

Mr. English said that back to what Ms. Vanuch was saying, he wanted to know what the problem would be if they paid the County upfront. He said that they should consider what may happen if the company went bankrupt and the County did not have the $255,000.

Mr. Santay said that they were budgeting and appropriating the amount of dollars at this point; they were not expending it yet. He said that the service must be provided. He said that if plans did not come in and services were not provided, they were not losing any money. He said that he thought this was probably the same reason why they had not necessarily asked the project about this. He said that he was willing to do that, but again, he thought it was a matter of they were paying for a service that they had not yet received, which may cause a little hesitation on their part.

Ms. Vanuch said that they had signed the proffers.

Mr. Santay said that he agreed with that. He said that this was the first time they were having to address this issue, which in itself was a positive development. He said that he believed it would augment a number of services they needed on the plan review side, all at no cost to them. He said that he thought that was a good thing. He said that in response to Ms. Vanuch's point, he could ask the developer, but having multiple options was also beneficial in this specific situation. He said that he would defer to the Board.

Ms. Gary said that she was supportive of the request.

Ms. Bohmke said that she had a couple of questions. She said that her first one was regarding the process they would be undertaking with their third-party consultant. She said that since they had not undertaken a project of this scope before, she was unclear about the process. She said that when they hired the consultant, typically for smaller projects, she wanted to know if the County's reviewers would be reviewing the consultant's work, or if they would be relying solely on the consultant's findings. She said that she was trying to understand their liability in the long run.

Mr. Santay said that yes, they did participate in the review process. He said that the on-call engineer they had selected was one of the options from their list of active on-call contractors for architecture and engineering services. He said that plan review was one of the services they were considering. He said that the engineering company Kimley Horn, which they had chosen, was highly skilled at plan review and had provided similar services to other localities.

Mr. Santay said that they felt confident in Kimley Horn's abilities to handle their review, but they would ensure that their staff reviewed Kimley Horn's reviews for compliance with the code after each review. He said that they were more than confident that Kimley Horn could handle their review, and they did have the opportunity to review and verify that Kimley Horn's comments were adequate, appropriate, and in compliance with the code.

Ms. Bohmke asked if it would have the County's final stamp on the matter.

Mr. Santay said absolutely.

Ms. Bohmke said that her second question was, if she were a developer, considering a large commercial development project at the courthouse, she would want to ensure that she received fair treatment and that the data center project did not take precedence over her project's review. She said that she wondered how she could receive assurance that the review process would be impartial and that her project would be given equal consideration.

Mr. Santay said that this rezoning project, with its proffer, presented a unique situation that set it apart from other reviews. He said that it was not an expedited review, nor was it being handled by a different review entity for that purpose. He said that rather, the project's specific circumstances allowed it to be reviewed through this mechanism. He said that due to the resources available to the on-call engineers, they could complete reviews more efficiently than Stafford County reviewers.

Mr. Santay said that as a result, the review process was expected to take around 10-15 days, which was faster than the County's historical review timeline. He said that this was not the purpose of the budget and appropriation, nor was it the intention of the agreement and contract. He said that the faster review process was simply a result of the consultants' access to more resources. He said that despite these differences, the review still followed the same order of operations, and this particular review was being handled separately by a different entity that could complete it more quickly.

Ms. Allen said that Mr. Santay stated that this was another tool in their toolkit. She said that she respected Ms. Vanuch's point about there being many parts of the proffers where the developer was offering to pay for the services, but having options available to the County would not hurt them. She said that the County already had the authority to do it, so she did not see an issue.

Mr. Santay said that based on the proffer, it stated that the fees incurred were reasonable costs. He said that the developer had agreed that the costs they had already proposed to them were very reasonable. He said that they were eager to move forward with this direction, so he did not foresee any issues arising from this. He said that it was being paid based on services rendered. He said that if they provided a service with their on-call consultant and the repayment was objected to or not happening, then the reviews would stop and this arrangement would cease. He said that he believed there were measures in the process that could mitigate any anxiety associated with this arrangement.

Mr. Santay said that he thought they had done their due diligence and they would like to proceed with this direction. He said that one additional piece of information was that the process study they had brought forward to the Board last year had recommended utilizing third-party consultants for projects like this. He said that he was glad this was an opportunity to do that. He said that he saw more opportunities like this in the future with larger rezoning applications, and they may see this proffer on more projects in the future, so it was worth considering and potentially revising if necessary. He said that he believed this was a necessary step, and the fact that it would not be at their cost was a significant benefit.

Mr. English asked if it would be feasible to obtain a written document instead of an email.

Mr. Santay said that they had a draft contract from them already, which they had not yet circulated to the County Attorney's Office. He said that this was because they did not yet have a purchase order to support the contract, as they were still awaiting the budget and allocation of funds. He said that as a result, they would consult with the County Attorney's Office on this matter moving forward, ensuring that they were confident in their approach.

Ms. Vanuch asked what the risk was in them seeing what the contract would look like. She said that she was aware that some Board members may be new, but she had been on the Board and the Planning Commission, and she had seen developers renege on their commitments in the past. She said that she was sure that Mr. Santay had too, and he had been involved in many discussions with residents who were at the mercy of those developers. She said that she was looking at it from the constituent's perspective.

Ms. Vanuch asked if they could review the contract and how timely this was tonight. She asked if they could draft something and get the developer's approval so the Board could see, that would be helpful. She said that she would also like to add in the resolution that it must be approved in addition to review. She said that it was not enough to just let them review it; they must approve it. She said that she thought they needed to have their ducks in a row for the attorney to lay out what whether they should have to approve costs 30 days in advance or at what point they would say they did not want to approve an invoice.

Mr. Santay said that he would defer the first part of that question to the County Attorney. He said that regarding the second part, while it was not a time-sensitive issue, the longer they waited without reimbursement, the more they were expending their own dollars. He said that although the revenue was from prior year fund balance, not general fund dollars, he felt more comfortable knowing that as they procured and provided the service, expending these dollars, the sooner they could receive reimbursements, the better. He said that he was not saying it could not be time-sensitive, but they were eager to begin this project and receive reimbursement as soon as possible.

Ms. Vanuch asked if they would be backdating this, which would mean that all the money they had spent previously on consultants would then be reimbursed.

Mr. Santay said that that was a great question. He said that they had already spent some dollars before this project even began, and they had to do that regardless, as they had the availability to do so with their on-call consultants and the revenues to do so. He said that sustaining that expenditure would be challenging, which is why the reimbursements would be beneficial. He said that the longer they waited, the more anxious it would become without having that reimbursement. He said that however, it was not time-sensitive.

Ms. Vanuch said that she believed that they should not be using tax dollars for this project. She said that she thought it would be more prudent to require written approval before proceeding with the project.

Ms. Allen said that for clarity, County Attorney, she would like to know if the procurement process that Mr. Santay was requesting was outside of the norm, or was it due to the proffer and the language used in the request, so what he was asking for would not put them at risk of not being reimbursed.

Rysheda McClendon that she believed that the procurement process that Mr. Santay was discussing was a standard process, and therefore, they did not have an opinion on the process itself, nor did they have any concerns regarding the steps they were taking to procure that contract.

Mr. Diggs said that he had been listening to everyone's input, and he intended to support this proposal. He said that what resonated with him was that Mr. Santay was acknowledging the need for assistance, so to him, this was another valuable tool, and he believed they should move forward with it.

Dr. Yeung said that Mr. Diggs effectively captured the sentiment he was trying to convey. She said that his department required this support. She said that by examining the proffer, he had demonstrated a forward-thinking approach, recognizing the potential for assistance and taking proactive steps to address the need. She said that she commended Mr. Santay for doing this.

The Voting Board tally was:

Yea: (6) Allen, Bohmke, Diggs, Gary, Vanuch, Yeung

No: (1) English

ITEM 6. BUDGET AND MANAGEMENT; R25-13; CONSIDER APPROPRIATING A PORTION OF THE FY2025 FIVE PERCENT APPROPRIATION HOLD

Andrea Light, Chief Director of Financial Services, said that as she had mentioned in their mid-year presentation, the R25-12 budget request asked the Board to appropriate approximately $15 million from their appropriation hold. She said that this was a standard practice, as the Board typically held this amount each year until revenue was received. She said that they had also requested an additional $2 million be held, which was primarily related to vacancy savings. She said that at this time, they did not anticipate interrupting any ongoing hiring processes. She said that she would like to present the budget appropriation request to the Board for consideration and was happy to answer any questions.

Ms. Bohmke motioned, seconded by Ms. Allen, to approve proposed Resolution R25-13 to budget and appropriate funds.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

ITEM 7. PLANNING AND ZONING; R25-16; CONSIDER APPOINTING JUAN C. BERNAL AS THE STAFFORD COUNTY ZONING ADMINISTRATOR

Mike Zuraf, Director of Planning and Zoning, said that the County Code required the County to designate or appoint a Zoning Administrator. He said that unlike most other County positions, the Board was responsible for appointing the Zoning Administrator. He said that the Zoning Administrator would report directly to the Director of Planning. He said that the position had been vacant for a year and a half. He said that they had completed the recruitment process and identified a candidate, and they recommended the appointment of Mr. Juan Bernal to fill the vacancy. He said that Mr. Bernal possessed a vast amount of experience in Virginia local government zoning enforcement and administration. He said that Mr. Bernal was also a state-certified Zoning Administrator, and staff recommended the adoption of Resolution R25-16 to appoint him.

Dr. Yeung motioned, seconded by Ms. Allen, to approve appointment of Juan C. Bernal as the Stafford County Zoning Administrator.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

ITEM 8. PLANNING AND ZONING; R25-14; R25-15; CONSIDER AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE GRANT AGREEMENTS TO ACCEPT GRANT FUNDS FROM THE VIRGINIA LAND CONSERVATION FOUNDATION AND VIRGINIA DEPARTMENT OF FORESTRY FOR THE ACQUISITION OF OPEN SPACE EASEMENTS THROUGH THE PURCHASE OF DEVELOPMENT RIGHTS (PDR) PROGRAM; ACCEPTING GRANT FUNDS; AND BUDGETING AND APPROPRIATING GRANT AND COUNTY MATCHING FUNDS

Mike Zuraf, Director of Planning and Zoning, said that the Board was considering approval of two resolutions to authorize the County Administrator to enter into agreements for matching grant funds through state agencies for conservation easement acquisitions as part of the County's PDR land conservation program. He said that last year, the Board had authorized the submission of grant applications to various state and federal programs. He said that there were four PDR projects from the 2022 round of applications for funding, and they all required a 50% match.

Mr. Zuraf said that Resolution R25-14 was for Virginia Land Conservation Grant funds in the amount of $254,000, specifically for the William Long Farm, which was located on 67 acres. He said that the total cost for the acquisition of the easement was $508,000, with the County's portion being $254,000. He said that Resolution R25-15 was for Virginia Department of Forestry grant funds in the amount of $161,128.57, which were not property-specific and must be used within two years of approval. He said that the funds would be applied to the three remaining properties in the ordered ranking of the selected applications. He said that the funds in the grant would be sufficient for two of the three properties as estimated, so the County would apply for future funds for the last property later this year. He said that staff recommended approval of the two resolutions.

Ms. Vanuch motioned, seconded by Ms. Allen, to approve proposed Resolution R25-14 (VLCF).

Dr. Yeung said that for the public's benefit, she could briefly explain what it does and how the funding would be expended.

Mr. Zuraf said that the County's Purchase of Development Rights program enabled the County to set aside funds that would allow rural properties to be preserved for conservation purposes, thereby preventing them from being subdivided for residential development.

Dr. Yeung asked if it would not be possible to build on it or resell it.

Mr. Zuraf said that it would not be possible to subdivide the property for future development, but it would be possible to resell the property.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

Mr. Diggs said that it was now time to review Delegate Paul Milde’s proposed bills.

Ms. Gary motioned, seconded by Ms. Allen, to approve proposed Resolution R25-15 (DOF).

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

Donna Krauss, Deputy County Administrator, said that he had sent he information at 5:49 p.m., which included a summary for the Board’s review. She said that they had a few minutes for discussion. She said that she could try to answer questions, but he did provide some additional details in the information he had sent.

Ms. Gary said that it was likely that no one had had a chance to thoroughly review the material, given the work they were currently doing in this meeting. She asked if the Board needed additional time to review what was sent to them.

Ms. Allen said that she had one point of clarification that she wanted to bring up, and she suspected it was due to her limited understanding of VDOT's processes. She said that since most of the bill focused on highway corridors, she just wanted to confirm that it was addressing their state routes or was it limited to interstate highways only.

Ms. Vanuch asked if Mr. Diggs could poll the Board on the sign issue first. She said that this would allow them to bifurcate the two topics and address them separately. She said that by doing so, they could also accommodate the slower readers, who may need more time to finish the second part.

Mr. Diggs said that the consensus of the Board was to support the sign legislation.

Ms. Allen said that she generally did not support penalizing individuals, but she had encountered people who were disingenuous. She said that as a result, she was willing to accept the $250 fine. She said that however, she disagreed with Supervisor Vanuch's recommendation of a $500 fine.

Ms. Vanuch said that when she mentioned that fine, it was about the signs, not about panhandling.

Ms. Gary said that she would like to address a couple of points regarding the discussion on the situations of people who are panhandling. She said that she pulled up some data, and it was interesting to note that 70% to 82% of panhandlers in this region were actually homeless, while the remaining chunk consisted of individuals struggling with housing insecurity. She said that these people were already facing difficulties in meeting their rent, and they were attempting to secure funds to sustain their way of living, pay for food, and cover rent for wherever they were currently living.

Ms. Gary said that this was a concerning issue, as it would disproportionately affect the already vulnerable population. She said that as they were discussing economic disparity and inequity, particularly on the day after Martin Luther King Day, it was essential to acknowledge the impact on this population. She said that 70% to 82% of panhandlers were homeless, and within that group, approximately 48% in the DC metro area and northern Virginia identified as Black, African American, or African.

Ms. Gary said that this number was consistent statewide as well. She said that this was a significant problem, and she firmly believed that they needed to explore alternative solutions and partner with community organizations to address this issue. She said that she would not support this legislation, as she believed it perpetuated a racially disparaging approach that disproportionately affected those who were already struggling financially.

Mr. English said that he supported the issue, which he believed was more of a safety concern than any other factor. He said that there were signs everywhere about contributing to these people who needed assistance. He said that he was mostly concerned that it was a safety issue with people walking around cars.

Dr. Yeung said that the individuals she was referring to in Stafford County were not homeless and they were not Black. She said that this was not a race issue; it was about safety and evoking emotions to garner empathy and walking in and out of the road. She said that that was the focus of her discussion today.

Mr. Diggs said that the consensus of the Board was to support the legislation. He said that he shared Supervisor Gary's concerns for those who were struggling financially, but they must prioritize the safety of general motorists on the road. He said that the proposed legislation for signs and civil penalties would be supported by the Board.

PRESENTATIONS BY THE PUBLIC

1. Molly Denham, Hartwood District, said that she first reached out to this Board in July of last year, seeking information on the County's affordable housing plan and how the County planned to make housing affordable to everyone. She said that her son had recently moved back home after 10 years away, securing a great local job with good pay and benefits. She said that however, despite his stable employment, he could not afford to live anywhere in the local area. She said that when she came to this Board, she was told to speak with the Workforce and Affordable Housing Committee, as that was their focus.

   Ms. Denham said that she spoke with a committee member, who informed her that this Board had not allowed the committee to move forward with any action, effectively rendering it a committee in name only. She said that she returned to the Board, but received no response. She said that the Board then made the decision to disband all committees, meaning the two topical committees focused on schools and affordable housing. She said that this should have told her all that she needed to know about the priorities of this Board when they decided these issues were not important enough to warrant focused attention.

   Ms. Denham said that since there was no committee, she returned to the Board again, only to be told that this was a regional issue that required planning at that level. She said that she was referred to the George Washington Regional Commission, as this Board had representation on this Commission and their representatives would report back to the Board with progress on affordable housing. She said that she had been watching their meetings, and while they had some amazing programs, their focus had not been on workforce affordable housing, particularly for individuals like her son who earned just enough to not qualify for assistance programs, but not enough to afford the area's ridiculous prices.

   Ms. Denham said that she waited and watched, and not to her surprise, nothing had been reported back to this Board or the public. She said that recently, she read an article in the Fredericksburg Advance, in which the George Washington Regional Commission Executive Director stated that answers for affordable housing must come from the local jurisdiction. She said that the Executive Director said, "The more immediate results have to come from the local governments," which therefore pushed her back to this Board.

Ms. Denham said that in true bureaucratic fashion, she had come full circle from where she was six months ago, with nothing being done. She said that this Board had abdicated responsibility, and no one had focused on the problem, instead telling her to go to someone else. She said that she believed the Board knew enough about her by now to know that she was not willing to let this issue fade away. She said that as a mother with a 10-year-old daughter who aspired to be a teacher, the Board now had 14 years to see this issue addressed so her daughter could afford to live in this community and work as a teacher.

Ms. Denham said that if it took her attending every single meeting for the next 14 years, she would do so. She said that it was an old saying that people put time and effort into the things they found important. She said that she would find it interesting to analyze each Board member's words, actions, and decisions to determine what truly mattered to each of them, as affordable housing did not seem to be a priority.

2. Metria Singleton, Rock Hill District, said that she would like to address a concern she had regarding 610 Garrisonville Road, a road many of them likely traveled on regularly as she did. She said that she was curious about the process by which individuals could set up shops and sell various items on 610. She said that to her, it appeared to be an eyesore. She said that during her drives on 610, whether on weekends or weekdays, she observed people selling coconuts, pineapples, figurines, and other items. She said that the area resembled a flea market, and she believed it detracted from the appearance of the road, particularly when approaching the marketplace or nearby areas.

   Ms. Singleton said that as someone who traveled through the County, she was embarrassed when visitors saw this scene. She said that she was seeking clarification on whether there could be an ordinance in place to regulate or prevent this type of activity, or if individuals could simply park on 610 and sell their wares without any oversight. She said that she was unsure if there was a solution or if she was simply out of touch. She said that she would leave the Board with those comments and hopefully someone would respond.

Ms. Vanuch said that it was a zoning violation, so if Ms. Singleton would send her the address of the location of concern, she would forward it to their new Zoning Administrator for enforcement.

3. Cliff Heinzer, Aquia District, said that his hat goes off to anyone who attended a meeting on a night as cold as this one. He said that in any case, he would like to make a comment about the representation they had received in their Aquia District over the last three and a half years. He said that it had been outstanding, marked by courage, integrity, and determination. He said that he wanted to express that many of them were dismayed that they would not have such leadership to represent them here in the future. He said that this was an issue that had been a common theme in his comments to them.

   Mr. Heinzer said that he did not need to remind them that the schools would be a major topic of discussion this year. He said that as many of them were aware, the County's austerity measures over the past 13 years had taken their schools from the top 20th percentile to the bottom half in Virginia. He said that he was expecting that they could do better this year. He said that another budget issue that needed to be addressed was compensation for those who were doing the work of the County. He said that by his calculations, they were undercompensated by at least half, maybe a third, of what they should receive. He said that he knew it was always challenging in an election year, but he would be championing fair compensation for all the work they did.

Mr. Heinzer said that finally, he would like to comment on what may, as history was written, be an infamous week in United States history. He said that the events they had witnessed may lead some to believe that political violence as a means to overcome electoral politics had been validated and empowered. He said that the notion that assaulting law enforcement officers with impunity would become a common occurrence was alarming. He said that as someone who had taken an oath to support and defend their Constitution, he wanted to assure them that he would not stand idly by as events unfolded. He thanked the Supervisors for all the work that they did and hoped they would get a raise this year.

4. Mary Becelia, Falmouth District, said that she had become somewhat of a regular here, but tonight she did not have any notes because she was not sure she would speak. She said that she wanted to express her thanks to Chairman Diggs for the extremely genuine, sincere, and gracious apology. She said that it was clear that he had made a genuine effort, and she appreciated the sincerity behind it. She said that she also wanted to voice her appreciation for the citizens who spoke before her. She said that she was in agreement with much of what they said, and one of her goals for this year, which she had decided on a little into January, was to be a more engaged and active citizen.

   Ms. Becelia said that she aimed to see this goal through to its actualization, particularly in terms of the process and protections that Chairman Diggs had alluded to that she had been advocating for Stafford County citizens and beyond. She said that she planned to attend a few more meetings in the future. She said that she believed it had been a dereliction of her civic duty not to be more involved, and she was making an effort to rectify that, given the time, energy, and weather permitting. She said that again, she thanked Chairman Diggs for the apology, and thanked them all for their work. She said that she agreed with many of the things that had been discussed, and some may have been a surprise, while others may not have been. She said that she wanted to thank the citizens who spoke tonight; it was a great group of people she was proud to be affiliated with.

5. Kristen Maxson, Falmouth District, said that in number five and eight of the packet today, concerning right-of-ways and the data center in today's packet. She said that the Stafford Technology Campus Data Center did not inform the public about the fiber cable with ditch witches. She said that there was a lack of transparency regarding the expediting of this project, which placed safety concerns for the local neighborhood at risk. She said that heavy rains and heavy equipment were present, but the public was not aware of the situation. She said that the County needs to be in sync with the developer and engineers as stated here today. She said that unfortunately, many large projects are as-built and do not receive attention from local authority.

   Ms. Maxson said that with no information about the right-of-ways, this upheaval occurred prior to November 2024, and she was following the developments, and there was no information on the VDOT project list online, nor was there a reference to the people. She said that the impact on the public concerning the data center was specified as low, which seems contradictory. She said that this was just the beginning of the project. She said that next, on December 17, 2024, no bill was included in their packet today for the public to read. She said that specifically, the grant funds for conservation forestry acquisition, combined George Washington, Falmouth, and Aquia, which were a large defined area; however, they were given specific tax map number packet, and that was all.

Ms. Maxson said that the agenda packet lacked detail to this extent on page 64 of 465 pages today. She said that the master page tax map number 56 was also missing from the list of tax maps, which was unusual. She said that tax map numbers should be provided in full. She said that the resolution for locality exhibit A was empty on page 84 of the packet, causing confusion among the public. She said that the signature person on page 465 accepted responsibility for the 2020 forward representation and admitted failing to communicate to staff and the public on this issue. She said that she hopes that they can learn from this experience. She said that as witnessed on December 17th, 2024, close to adjournment, there was a reach out program. She said that they should make it work.

6. Peter Stencavage, Garrisonville District, said that he would like to share an excerpt from the foreword of Aldo Leopold's book, Sand County Almanac. He said that as he read this, he wanted the Board to consider the relationship between land use and land as a community resource as it related to Buc-ee’s. He read, “conservation is getting nowhere because it is incompatible with their Abrahamic concept of land. We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we begin to use it with love and respect.

   “There is no other way for land to survive the impact of mechanized man, nor for us to reap from it the aesthetic harvest it is capable under science of contributing to culture. That land is a community is a basic concept of ecology, but land is to be loved and respected is an extension of ethics. That land yields a cultural harvest is a fact long known, but laterally often forgotten. Such a view of land and people is, of course, subject to the blurs and distortions of personal experience and personal bias, but wherever the truth may lie, this much is crystal clear: our bigger and better society is now like a hypochondriac, so obsessed with its own economic health as to have lost the capacity to remain healthy.

   “The whole world is so greedy for more bathtubs that it has lost the stability necessary to build them or even turn off the tap. Nothing could be more salutary at this stage than a little healthy content for a plethora of material blessings.” He said that he wanted the Board to think about this, and what struck him was the concept of community. He said that when they see land as a community to which we belong, they begin to use it with love and respect. He said that as community leaders, he wanted them to please make a decision for the Stafford community that respected the land and environment, rather than prioritizing the interests of a large corporation like Buc-ee's.

   Mr. Stencavage said that in the so-called bigger and better society, he would like to consider whether their community valued its ability to remain healthy and whether they truly needed a 120-gas pump gas station. He said that reading this forward, he was reminded of the Greek myth of Pandora's box. He said that Buc-ee's, in a sense, was akin to opening Pandora's box, bringing potential problems such as strain on infrastructure, increased traffic, and environmental concerns. He said that however, at the bottom of Pandora's box, there was also hope. He said that he hoped that the Board would consider all these potential problems that Buc-ee's may bring to Stafford County in the future.

PUBLIC HEARINGS

ITEM 9. PLANNING AND ZONING; R25-06; CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW A HOSPITAL USE ON TAX MAP PARCEL NO. 21N-3 (PROJECT KNOWN AS STAFFORD MARKETPLACE – PASADENA VILLA

Mike Zuraf, Director of Planning and Zoning, said that this item was a Conditional Use Permit application for the Stafford Marketplace Pasadena Villa project. He said that the request was for a Conditional Use Permit to allow an outpatient adult behavioral therapy and counseling practice within the B-2 Urban Commercial Zoning District. He said that as the Board may recall, the zoning ordinance had been amended in 2023 to expand the definition of a hospital, following state code criteria. He said that this type of use fell under the hospital category and required a Conditional Use Permit.

Mr. Zuraf said that Renaissance Healthcare Group was seeking to establish an outpatient adult behavioral therapy and counseling practice on a single parcel in the Griffis-Widewater District, located at the intersection of Stafford Borough Boulevard and Woodstream Boulevard. He said that the site was adjacent to the existing office building in the Stafford Marketplace Shopping Center, with the property to the south zoned B-2 Urban Commercial and the properties to the north and east zoned residential. He said that the aerial view showed the site and surrounding uses, including the existing VDOT commuter lot to the west and the back of the Lowe's to the south.

Mr. Zuraf said that the approved site plan from 2005 proposed occupying one 5,000 square foot suite within the building, with no expansion of the building or parking proposed. He said that the comprehensive plan identified the property within the suburban land use designation, and the proposal was consistent with the land use recommendations in this location. He said that staff recommended a few conditions, specifically a condition that would allow for the hospital use, consisting of an outpatient adult behavioral therapy and counseling practice, with the following limitations: the use would be limited to a 5,050 square foot suite in the building, as shown on the included plans, and the hours of operation would be restricted to 9:00 a.m. to 8:00 p.m. Monday through Friday.

Mr. Zuraf said that there were several positive aspects to this proposal. He said that it was consistent with the comprehensive plan. He said that as noted, the use was consistent with the established development pattern along Garrisonville Road and surrounding area. He said that the proposal was limited to a specific suite within the existing building. He said that staff did not see any negative impacts from this proposal and would recommend approval with the conditions recommended in Resolution R25-06. He said that on November 13, 2024, the Planning Commission voted 6-0 to recommend approval as well. He said that he was open to any questions.

Ms. Allen said that she did not have any questions. She said that she already knew about the project and because of the changes in zoning, it could potentially be done by right, so she had no issues with this proposal.

Dr. Yeung said that she had a quick question regarding the 256 parking spots. She asked if they were to be shared among all the suites in the entire building.

Mr. Zuraf said that that was correct.

Dr. Yeung asked if this use would be in the existing medical building.

Mr. Zuraf said that that was correct.

Dr. Yeung said that one of the services at the Falmouth location would not be at this one. She asked if there was potential for a change in the long run or if it would stay this way.

Mr. Zuraf said that the conditions limited the specific hospital use to behavioral therapy, so it would require an amendment to change the type of hospital use.

Mr. English asked if the residents were notified that this facility would be located there.

Mr. Zuraf said that property owners within the 500-foot radius were required to be notified for this specific project prior to the Planning Commission public hearing.

Mr. English asked if anyone showed up to the Planning Commission hearing.

Mr. Zuraf said that one resident attended the meeting, expressing general concern and opposition to the proposal.

Mr. English said that he understood the need for this and agreed that it was a definite necessity. He asked how they planned to address loitering outside the building.

Ms. Gary said that she would be supporting this proposal. She said that she had previously spoken with Ms. Allen about the existing uses at that location, and she had visited the site a few years ago. She said that the area was currently experiencing a healthcare desert, and she believed that any efforts to provide services would be well-received, as long as they did not negatively impact anyone.

Ms. Bohmke said that she did not have any questions about this. She said that she believed it was a service that was desperately needed, particularly in light of her recent experience with a friend of a friend who had lost their life to suicide. She said that unfortunately, mental health issues were a pervasive problem in America, and the current lack of access to counseling services was a pressing concern. She said that given the current situation, she strongly supported the need for more of these services.

Mr. Diggs said that he concurred with Ms. Bohmke's comments, which she had stated perfectly. He asked if the applicant had a presentation.

Logan Burnett said that she was with Hirschler, representing Renaissance Healthcare Group, Virginia, LLC, on behalf of the applicant. She said that today, she was honored to discuss the Stafford Marketplace Pasadena Villa outpatient facility planned for this location. She said that the applicant, Renaissance Healthcare Group, is part of the Odyssey Behavioral Health Care Group, a leading company in the behavioral and mental health service industry. She said that Pasadena Villa Outpatient will offer outpatient behavioral group therapy and individual counseling services to adults 18 years or older. She said that substance abuse therapy will not be provided on site, and clients are primarily seen for anxiety, depression, prior trauma, mood disorders, and other conditions.

Ms. Burnett said that medications will not be administered or stored at the facility, and private insurance and private pay are accepted. She said that at this Virginia location, they anticipate accepting Anthem, Aetna, Humana, VA, CCN for veterans, Optima Health, and Multi-Plan. She said that Pasadena Villa Outpatient had 24 locations, primarily on the east coast in nine different states, with four current locations in Virginia. She said that all facilities, including this one, participate in the Harvard-McLean Business BASIS-24 Outcome Measurement Tool, which demonstrates a 38% overall symptom decrease in 2023, outperforming the BASIS-24 National Outpatient Comparison Group. She said that the network's average lifetime Google rating is 4.8 stars, a testament to the quality of these facilities.

Ms. Burnett said that the property, located at Stafford County Tax Map Parcel 21N-3, is currently Zone B-2 within the Griffis-Widewater Election District. She said that the applicant is requesting a conditional use permit to develop a hospital use consisting of outpatient adult behavioral therapy and counseling practice and related accessory uses within a portion of the existing building. She said that the property is situated at the intersection of Staffordboro Boulevard and Woodstream Boulevard, north of Garrisonville Road and west of the Interstate 95 interchange. She said that the project will be located in Suite 401 of the existing building, accessible via the existing access points along Woodstream and Staffordboro.

Ms. Burnett said that to provide a more detailed view of the building and how it will be retrofitted for this use, she had included the proposed building plan. She said that as Mr. Zuraf pointed out, this project will occupy approximately 5,000 square feet, including the footprint and common areas that can be used for waiting areas and outdoor activities. She said that the project will not alter the character or established pattern of the development in this area. She said that the building primarily served as a medical facility, with existing complementary users such as the hematology oncology group and medical imaging of North Stafford. She said that the project would not affect the building's external appearance, as it would be an internal retrofit.

Ms. Burnett said that the project was in harmony with the uses permitted by right in this area. She said that it was not expected to hinder or discourage the development of the surrounding area, the project complemented the existing uses in the building, and was expected to be a valuable asset to the greater community. She said that Ms. Gary noted that they were in a medical desert, and this project would provide valuable services to the community. She said that the project was in compliance with the comprehensive plan and was expected to attract a new business to the area, providing a great employment opportunity. She said that the project was designed to be a low-traffic generator, with 20 to 25 daily patients and approximately four to five full-time employees.

Ms. Burnett said that they had used a more conservative estimate of the Institute of Transportation Engineers (ITE) transportation manual, which was not a one-size-fits-all approach. She said that it was clear that this project would not have a significant impact on the existing transportation infrastructure. She said that the applicant planned to be a good community partner by offering on-site internships for graduate social work therapy students, partnering with local schools and first responder agencies to provide support and training, and employing approximately five to six full-time staff, including one administrative staff member and five professional therapy staff. She said that local vendors would be used for food services, supplies, and equipment. She said that the applicant supported all proposed County conditions, including the adjustment to allow for evening appointments extending the hours to 8:00 p.m.

Mr. Diggs said that there were no questions from Board members. He opened the public hearing. Seeing no speakers, he closed the public hearing and the matter rested with the Board.

Ms. Allen motioned, seconded by Ms. Gary, to adopt proposed Resolution R25-06 to approve the Conditional Use Permit.

Mr. Diggs said that before they cast their votes, he would like to make a brief statement. He said that he believed that this was a much-needed resource in the community, as they had already heard. He said that he thought that many veterans, first responders, and healthcare professionals in the community would greatly benefit from these resources. He said that he was very excited that this was coming to Stafford. He said that he had consistently emphasized the importance of this issue, and he would continue to do so. He said that the number one killer for law enforcement and fire and rescue workers was suicide. He said that people did not realize that being worried about guns and other things should also include concerns about mental health, which was a big part of their society and community.

Dr. Yeung asked if there were any plans for behavioral health assistance for children.

Ms. Burnett said that this model was not designed to provide childhood therapy, but it may be possible in the future to develop a different model for children. She said that this location was intended for individuals 18 years of age or older.

Dr. Yeung said that it was unfortunate that sometimes the children had to travel all the way to Richmond or Charlottesville for services, which was a significant distance, and there was nothing readily available in this area, so it would be beneficial if they could address this issue. She said that as Ms. Bohmke and Mr. Diggs had mentioned, it was very important and mental health affected everyone. She said that it could be a surprise when it hit and many had no awareness of what it was. She said that rather than dismissing it, they needed to ensure that they were available to provide support when others needed it, not just when they needed it themselves. She said that she appreciated the applicant's efforts in this matter.

Ms. Allen said that one of the reasons she had comments was that she was aware of the project and she knew the needs of the community. She said that she was also aware that one of the things the project was doing was repurposing commercial real estate space, which aligned with the Board's goal of ensuring that their buildings were being utilized. She said that by doing so, it effectively checked two boxes: it utilized the existing real estate space and provided a much-needed service for the community. She said that with that in mind, she wholeheartedly approve of the project. She said that she also looked forward to the potential for more service providers to come into Stafford, as Ms. Bohmke had mentioned.

Ms. Allen said that as someone working in healthcare, they had limited options for mental health services in Stafford County, so being able to access these services in one's neighborhood could be a significant motivator, making people more likely to seek out services. She said that she looked forward to the success of these service providers and hoped that they would expand their partnership and open additional offices in the County, as long as they had sufficient providers to meet the demand.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

<u>ITEM 10. PLANNING AND ZONING; O25-02; CONSIDER AMENDING THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE INDEX OF OFFICIAL ROAD NAMES TO NAME AN EXISTING UNNAMED PRIVATE ROAD IN THE FREDERICKSBURG POSTAL AREA AND THE GEORGE WASHINGTON ELECTION DISTRICT (PROJECT KNOWN AS HOWE ESTATES LANE)</u>

Brian Geouge, Principal Planner, said that this was a straightforward street naming application, which was a matter of assigning a name to an unnamed road off of McCarty Road. He said that the Board was to consider an amendment to the Zoning Ordinance Index of Official Road Names to name one unnamed road off of McCarty Road. He said that the applicant, Frederick Howe, was seeking to name this road, which was located in the George Washington District. He said that he had an exhibit showing the location of the segment of road, or driveway, to be named, situated at the intersection of McCarty Road and Colebrook Road.

Mr. Geouge said that it currently served four parcels, with only three of those parcels being developed. He said that the current parcel and access configuration had been established with a boundary line adjustment plat in 2009. He said that their code, Section 28-147, required that street names be assigned to access ways serving more than one structure. He said that when those buildings could not be clearly identified from the road, they needed to assign a street name, primarily for emergency response purposes. He said that the owner of tax map parcel 59-12, Frederick Howe, had submitted this application to name this access, and the other three properties, the developed properties, had submitted signatures agreeing to the proposed road name of Howe Estates Lane.

Mr. Geouge said that he had also included an aerial image showing the location of the three developed parcels. He said that in conclusion, staff was recommending approval of this application. He said that assigning a street name was desirable for public safety reasons and for the convenience of the residents. He said that on November 13, 2024, the Planning Commission had voted 6-0 in support of this application.

Mr. Diggs opened the public hearing. He asked if any members of the public wished to speak on this item. Seeing none, he closed the public hearing and the matter rested with the Board.

Mr. Diggs motioned, seconded by Ms. Gary, to adopt proposed Ordinance O25-02 to recommend approval of the amendment.

The Voting Board tally was:

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

No: (0)

ITEM 11. PLANNING AND ZONING; O25-03; CONSIDER AMENDING THE SUBDIVISION ORDINANCE, STAFFORD COUNTY COD CHAPTER 22, TO MODIFY REQUIREMENTS AND PROVISIONS RELATING TO FAMILY SUBDIVISIONS AND TO UPDATE REFERENCES TO CHAPTER 11, "EROSION AND STORMWATER MANAGEMENT"

Brian Geouge, Principal Planner, said that this was, as stated, an ordinance amendment. He said that the primary purpose of the amendment was to modify some regulations in Section 22 of the subdivision ordinance, specifically those related to family subdivisions. He said that in addition to the changes to family subdivisions, they had made some other minor adjustments to the subdivision ordinance, which could be considered housekeeping items. He said that however, he would address those later in the presentation. He said that first, he would outline the general requirements for family subdivisions.

Mr. Geouge said that family subdivisions were permitted in Stafford County, and this was based on enabling regulations from state code. He said that the basic parameters were that a lot could be created for a member of the immediate family, but there were specific requirements: the grantee must have owned the lot for five years first, and the grantee must own it for an additional five years after the transfer. He said that there were benefits to family subdivisions, including more relaxed standards compared to conventional subdivisions. He said that one of the main advantages was that in the A-1 District, they were exempt from the 6-acre density requirement. He said that they received about eight applications per year, with most of them located in the A-1 districts in the County.

Mr. Geouge said that the current code allowed the Board to reduce the five-year time period for either the initial ownership or post-ownership requirements in exceptional circumstances. He said that they had received eight such requests in the past three years, which was approximately a third of all family subdivisions that had had a waiver granted. He said that the most common reasons for these requests were family emergencies, the need for care for an immediate family member, or financial hardship. He said that all of these had been related to the pre-five-year ownership requirement. He said that the Board had previously asked staff to explore administrative options for granting these reductions, which they had done.

Mr. Geouge said that they reviewed state code to ensure there were no conflicts and developed the ordinance presented to the Board tonight. He said that this ordinance was referred to the Planning Commission on October 1, 2024. He said that the proposed regulations established criteria for applicants seeking a reduction, revising the existing regulations to require a request to the agent or Director of Planning and Zoning. He said that as part of this request, applicants must include a hardship and an affidavit attesting to its accuracy. He said that the hardship must relate to either family care or financial hardship.

Mr. Geouge said that the authority to grant was delegated to the agent, but applicants could still appeal the decision to the Board of Supervisors within 10 days. He said that a general regulation in the subdivision ordinance allowed for appeals to the Board, so this process remained in effect. He said that other updates to the section included one regulation that aligned with state code, providing more flexibility in these situations. He said that for example, if an immediate family member inherited a property, the change in ownership would restart the five-year clock, requiring the applicant to either wait or request a waiver. He said that when their code was brought in line with state code, this issue was resolved.

Mr. Geouge said that they had had instances where this had been an issue. He said that there were other cleanup items and clarifications, and he was not going to go into detail on these, but he was happy to answer any specific questions they may have. He said that moving forward, he would like to discuss the other regulations mentioned, which related to references to formerly Chapter 21.5, now consolidated into Chapter 11. He said that these regulations were related to stormwater management. He said that they still had a few regulations on the subdivision ordinance referencing Chapter 21.5, and they were essentially just updating those to Chapter 11.

Mr. Geouge said that when the Board referred this to the Planning Commission, there was a request that the Board be notified of incoming requests, specifically the district member, and that the Board receive periodic summaries of these requests. He said that staff decided to address this through internal policies and standards of procedure (SOPs) rather than incorporating it into the ordinance. He said that therefore, they would be implementing these policies moving forward if this ordinance was adopted. He said that the Planning Commission was authorized to make changes, which they did, mainly word-smithing, and these changes were reflected in one of the attachments.

Mr. Geouge said that the final ordinance presented for consideration incorporated those changes as well. He said that staff recommended approval of this ordinance, O25-03. He said that they noted that this change would help streamline processes for time limit reduction requests, ensuring consistency with state code and clarifying code requirements. He said that on November 13, 2024, the Planning Commission voted 6-0 to recommend approval with the edits he had previously mentioned. He said that he was happy to take any questions.

Mr. Diggs opened the public hearing. He asked if any members of the public wished to speak on this item.

1. Molly Denham said that she had a question regarding the current process. She said that currently, these matters were publicly discussed when they came before the Board. She said that with this change, it was likely that they would be less visible to the public. She said that

her question was: if an applicant's application was approved, but there were issues with a neighbor who opposed a family subdivision in that area, was there a process for an appeal by anyone, regardless of the applicant's identity?

2. Kristen Maxson, Falmouth District, said that previously, she had discussed this issue with the Commissioners and Planning and Zoning, and it was documented in the minutes if they had read it. She said that the information presented is extensive, and it is perplexing. She said that the paragraph they read here does not fully capture the complexity of the issue. She said that there is significantly more information, and one of the concerns is the removal of historical information from subdivisions, as well as the elimination of matching of lots and tax map numbers, which prevents neighbors from comparing similar properties.

   Ms. Maxson said that this can lead to unequal treatment, as seen on Route 17, where land values are being exchanged for significantly lower amounts, with $6 million land being exchanged for $300,000. She said that this is not a typical process of individual subdividing with small landowners, but rather a concern that neighbors should be able to match one lot to another and access relevant information. She said that the Geographic Information Systems (GIS) is not entirely up-to-date, and there are many empty fields, which were specifically redlined to remove historical information and neighboring tax map numbers.

   Ms. Maxson said that this essentially erased that information, and she wanted to bring this to their attention. She said that the public is becoming increasingly confused about how things are done in Stafford, and it is perplexing to see the impact of these changes. She said that, as seen in the history report, the acreage dived down in value, with significant highs and lows. She said that she urged the Board to maintain transparency and openness, especially in emergency situations where individuals needed assistance with finding homes or building for elderly parents. She said she would like to thank them for their assistance in this matter.

Mr. Diggs closed the public hearing and the matter rested with the Board.

Mr. English asked if staff could address Ms. Denham's question. He said that he was curious about whether the facility had a process in place if someone around it did not want it. He said that he was curious about how that process worked.

Mr. Geouge said that as written, he believed that this was not a public hearing item that came before the Board. He said that it was at the Board's discretion to determine if there was a hardship or not. He said that while the Board could potentially consider citizen input during an open comment period, that would be the only way to do so. He said that as written, there were no avenues for an adjoining property owner to submit their opinion regarding the waiver.

Dr. Yeung said that to Mr. English question, she would like to know if it would be possible to add a criteria that requires notification to neighbors of the plat being subdivided.

Mr. Geouge said that he thought that would be an option to consider. He said that they would need to consult with the County Attorney to explore this possibility further.

Ms. Gary said that she would like to revisit some of the previous conversation regarding why they had considered this option. She said that it was often the case that individuals came to them with sensitive personal issues that they tried to avoid discussing in public. She said that as a result, she wanted to exercise caution when discussing this topic, particularly in relation to homeowners who may be seeking assistance. She said that by involving neighbors in the decision-making process and providing them with information, they risked creating additional issues and potentially opening up sensitive topics that they would rather not address in public.

Ms. Bohmke said that she had been on the Board for a lot of the discussions regarding family subdivisions, and she believed it was a personal decision that should be made on a case-by-case basis. She said that some of these decisions had been made for medical reasons, and she did not think it was necessary for individuals to share their financial situation. She said that the reason they had sent it back to staff was to handle it as an administrative matter, which she believed was the most appropriate approach.

Ms. Bohmke said that she was confident in the County Administrator's decision-making process, as it allowed for flexibility and discretion in handling unique situations that may arise. She said that in situations like these, she believed it was best to involve the administrator and have them make the decision, rather than bringing it to the public's attention, as this could help avoid awkwardness and ensure a more efficient process.

Mr. Geouge said that when this was created, they were given direction to make it as specific as possible to inform the agent's decision. He said that as a result, if they started to introduce others into the decision-making process, it could have a domino effect, and they would want to know what criteria they were expected to review against for those other individuals as well.

Ms. Allen motioned, seconded by Ms. Gary, to adopt proposed Ordinance O25-03 recommending approval of ordinance amendment.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Diggs, English, Vanuch, Yeung

No: (0)

ITEM 12. UTILITIES; O25-01; CONSIDER AN ORDINANCE TO AMEND AND REORDAIN TO STAFFORD COUNTY CODE, CHAPTER 25, DIVISION 2, “WATER SUPPLY EMERGENCY ORDINANCE,” TO UPDATE PROVISIONS TO PROTECT THE COUNTY’S WATER SUPPLY AND TO ADOPT THE DROUGHT MANAGEMENT PLAN

John Brindle, Environmental Compliance Manager, said that tonight, they were discussing the adoption of the Drought Management Plan and the associated changes to the County Code. He said that to provide a brief overview of Stafford County's water supply, they were served by two surface water reservoirs: Smith Lake, located up north, which was fed by Aquia Creek, and Lake Mooney Reservoir down south, which was filled from the Rappahannock River. He said that while they had a robust water supply, both reservoirs were heavily reliant on rainfall and river and stream flow, making them vulnerable to drought conditions and year-to-year fluctuations in water inflow.

Mr. Brindle said that the reason staff were bringing this to the Board now was that a new withdrawal permit had been issued for Lake Mooney in 2023, in which the Department of Environmental Quality (DEQ) prompted them to establish this new drought management plan. He said that this plan took the existing County Code provisions and moved them into a plan, establishing trigger conditions for different drought stages. He said that this plan had been in development for some time. He said that during their development process, they experienced one of the worst river flow conditions in the Rappahannock in 2023, which also led to a drought watch advisory declared by DEQ.

Mr. Brindle said that to update, no advisories had been issued in 2024. He said that the main implementation of this plan was establishing drought trigger levels, which included both state-determined drought levels and local reservoir levels. He said that the order of restrictions was as follows: they started with voluntary restrictions for the business community, followed by mandatory restrictions for commercial entities, and finally, if a drought emergency was declared, water use would be restricted to health and human services, including medical facilities and human consumption.

Mr. Brindle said that a detailed handout in the packet distributed tonight outlined those restrictions in more depth. He said that one additional item they had added was the penalties for violating the drought restrictions. He said that they reduced the penalty from a Class 1 misdemeanor to a Class 3 misdemeanor, but also introduced a $100 per day per violation, as well as the option to suspend service for anyone violating the restrictions. He said that these were the mandatory restrictions. He said that they brought this item before the Utilities Commission last week, where it was passed unanimously.

Ms. Vanuch said that she had a quick question regarding the impact on data centers. She said that the commercial development was phase one, but data centers could not turn off their water.

Mr. Brindle said that at build-out, the data centers would utilize 100% reused water, and they would be disconnected from the potable water supply.

Ms. Vanuch said that that was not necessarily true because Stafford Technology did not have that included in the agreement. She said that according to the agreement, they would receive one million gallons of water per day.

Mr. Brindle said that that was a bridging condition until the reuse system was built. He said that they were also adding capacity upgrades to ensure that they had the necessary supply at that time. He said that if that situation arose, there was a condition in the Water Services Agreement that would require that campus to find alternative supply sources elsewhere.

Ms. Vanuch said that she understood what he was saying. She said that she did not want to rehash the entire agreement since they still had not reached an agreement on the water services agreement, which they had not even seen. She said that as a result, she would prefer not to discuss that further. She said that however, she would like to focus on what would happen if this project were built out within the next year. She said that they would need to limit the amount of water and this was not just limited to that specific data center, but all of these facilities.

Mr. Brindle said that the initial restrictions would involve limitations on irrigation and any other type of outdoor water use. He said that in the event of a drought emergency, which he did not believe had ever occurred in Stafford County, the data centers would be required to find alternative sources of water.

Ms. Vanuch said that it would be impossible, but okay.

Mr. English said that he hoped they would never have that type of situation. He asked how the $100 fine would be applied across the board.

Mr. Brindle said that the $100 per day per violation was included in the policy as a deterrent, but it was essential to note that the actual violation and any potential criminal charges would need to be pursued by the Commonwealth Attorney's office.

Mr. English said that if a drought emergency were to occur, they could review the meter to see how much water had been used over the course of the month to see if they exceeded the allowance. He said that he thought it was reasonable to consider the businesses responsible for the increased usage, and they should be held to a higher standard than residents if they were found to be in violation.

Mr. Brindle said that they currently lacked a method for determining the volume used at that location, as certain uses were no longer permitted and the enforcement of these regulations remained undefined. He said that they would rely on citizen reports to identify potential issues. He said that according to his conversation with the County Attorney, the final judgment regarding the fine amount would come from the court system, not the County. He said that this meant that the judge would determine whether the fine was fair for a business versus a citizen.

Mr. English said that regarding the data centers, if they were utilizing the system when they should not, he would like to know how they would verify that they continued to use it. He said that he would like to know how, in the event of an emergency, they would determine if the water was still being used, especially if it was unclear whether someone else was utilizing the system.

Mr. Brindle said that they could check the meter rating at that time, if they had reached a point where they needed to suspend service entirely. He said that they could see which meters were being used then.

Ms. Gary said that she was wondering, in order to implement fines, whether they needed to establish a corresponding charge as well.

Mr. Brindle said that he would defer to the County Attorney. He said that his understanding was that the potential consequences would be either a criminal charge or a fine, and he did not believe they needed to be combined. He said that either way, the process would involve the Commonwealth Attorney's Office.

Ms. Gary asked if there was an alternative to a criminal charge, such only implementing a fine, that could be considered. She said that it seemed excessive, particularly for residences.

Ms. McClendon said that they could investigate that further and see how it progressed. She said that they did not currently have that information available today.

Ms. Gary said that she would like more information on that topic before proceeding with a decision.

Ms. Bohmke said that her question related to those posed by Ms. Vanuch and Mr. English. She said that as she recalled, they had previously agreed to provide the data center with one million gallons of water per day with the water services agreement, which allowed them to serve up to three to four buildings, utilizing the bridging system they planned to build. She said that if it was not clear in the proffers, they needed to make sure it was included in the WSA that they would not receive any additional water beyond the one million gallons per day, regardless of the drought situation or the needs of other residents who lacked access to drinking water.

Chris Edwards, Director of Utilities, said that the million gallons of water per day was clearly stated in the proffers. He said that what was being further explained in the water services agreement was a phasing plan. He said that this plan ensured that the delivery of the reuse system was completed by the time they needed a million gallons per day. He said that in other words, they would not be able to make the third connection until the necessary amount of the reuse system had been constructed or was in place. He said that by implementing this phasing plan, they were not only ensuring that they did not exceed the one million gallons per day threshold, but also that the reuse system was delivered by the time they reached that million gallons per day threshold.

She said that if she may repeat what she thought she just heard him say, was that after they had built the new water system off of Centreport Parkway, they would begin constructing the buildings. She said that as they moved forward, if they planned to use approximately half a million gallons, they would take those off as the reuse system was built. She asked if that was what he was saying.

Mr. Edwards said that what they were trying to do was ensure that by the time they approached the one million gallons per day threshold, the reuse system was complete, so they could transition to using reuse water. He said that they were making sure the reuse system was finished when it needed to be, so that the reuse system could be 80% to 90% complete by that time.

Ms. Bohmke asked if those benchmarks would be in the water reuse agreement.

Mr. Edwards said that yes, they would be.

Ms. Bohmke asked if the Board would see the WSA before it was completed.

Mr. Edwards said that yes, they would.

Dr. Yeung said that she had previously asked this question at the data center meeting. She said that as a result, they did experience a drought. She said that she recalled neighbors having to be reprimanded for watering their lawn on days when they were not supposed to. She asked if they could legally charge businesses, including data centers, a different price.

Mr. Edwards said that he believed the question was whether they could charge businesses differently than they charged residents. He said that this was one of the things he had followed up with the County Attorney's office regarding. He said that everything must be proportionate to the services received, so they could not intentionally charge businesses more for the same service than they did for residential customers.

Dr. Yeung said that it was not the same service.

Mr. Edwards said that as far as he understood, that was the extent of the rates, and they were told that they could develop different rate structures. He said that however, these rate structures still needed to be based on the services the customers were actually receiving, rather than trying to increase rates to attract more money from commercial customers versus residential customers.

Dr. Yeung asked if the tax rate was different for businesses versus homes.

Mr. Edwards said that yes, it was. He said that the water rate was different, but it must be commensurate with the services they were receiving.

Ms. Vanuch said that she would like to follow up on the data center issue. She said that in the meantime, until they resolve the Water Services Agreement and the issue of using one million gallons of water per day, she has concerns about the situation. She said that if she were the data center operator, and she had not yet implemented water reuse systems, and the County is required to provide one million gallons of water per day while they could not give drinking water to their constituents, even if the data center needed more and would continue to use the water, it was not like they would turn the water off, because they had to give them the million gallons of water per day.

Ms. Vanuch said that they would keep cycling the water and they would accept the daily fine of $100, as it is more cost-effective for them to pay the fine than to purchase water elsewhere. She said that this as a common practice, as seen with companies like Amazon, which often pay fines rather than address the underlying issue. She said that she believed that the fines for data centers violating the drought ordinance should be significantly different from those for small businesses, such as a shampoo shop or laundromat. She said that the cost structure was not comparable, and she thinks it was essential that they address this disparity.

Ms. Gary said that she understood Ms. Vanuch’s concerns, and she had some questions regarding how they could make this process less burdensome. She said that for instance, when Dr. Yeung reminded her not to water her grass, she did not want to be charged with a misdemeanor. She said that she thought there were a few more issues to work through here. She said that if staff could provide more information on these matters, it would be helpful. She said that since this was a public hearing, they must address the issue tonight. She said that she would like to remove the charge aspect, if possible, as that was her primary concern. She said that she was aware that Ms. Vanuch had other concerns, so it was unclear if they could resolve them at this time.

Mr. English said that it could be a civil penalty, which was a less severe option than a misdemeanor charge.

Ms. Vanuch asked if Ms. McClendon had the answers to those questions now, or if she would need to conduct further research and return with them later.

Ms. McClendon said that they did not have those questions at this time, and this was a public hearing on the ordinance. She said that the changes the Board was discussing, she believed, would be significant, so they would need time to make those changes to the proposed ordinance and have the Board reauthorize it for hearing and conduct another public hearing as well.

Ms. Gary said that she would be agreeable to that in order to thoroughly address this, if the Board was amenable to that.

Ms. Vanuch said that she agreed.

Mr. Edwards asked if the Board would be interested implementing a violation or charge in the water services agreement for exceeding the one million gallons per day threshold, rather than adding it to the drought ordinance, since it would be a rare occurrence.

Mr. English said that in his opinion, it would be beneficial to have both options available.

Ms. Vanuch said that there was a concern regarding the upcoming smaller data centers, which were being built by-right and outside of their control. She said that these facilities would likely tap into the County's water supply, regardless of their wishes. She said that as a result, they would have access to the water, and it was likely to cheaper for them to pay the $100 per day fine rather than obtaining alternative water sources. She said that to illustrate this point, she recalled an experience with her swimming pool, which had a leak and cost $2,500 to repair.

Ms. Bohmke said that she would like to know the specifics regarding the by-right data centers they have. She asked if they were closed-loop systems, meaning they recycled their own water, or did they rely on their municipal water system.

Mr. Edwards said that based on his understanding, most of those facilities would be closed-loop systems. He said that they were actively encouraging the development of closed-loop systems for locations west of Interstate 95, and he believed that the majority of facilities planned for the area would be closed-loop, rather than relying on potable water for cooling.

Ms. Bohmke said that the other issue with this proposal was that if they approved it and then brought the WSA back, they would not have a clear timeline for when that would occur.

Mr. Edwards said that that was right, but they did know it would be before they connected.

Ms. Vanuch said that it still did not solve the issues of the other data centers.

Mr. Diggs asked if the Board would like to defer this matter.

Ms. Vanuch said that she would like to defer, but she would like to provide Ms. McClendon with clear guidance. She said that she greed there should be a distinction between criminal and civil penalties. She said that she thought it should be a civil penalty, not a criminal penalty. She said that she personally still preferred the fine because it served as a deterrent, encouraging people not to violate the restriction, but there should be another fine for data centers.

Ms. Allen said that there should be a distinction between residential and the data center violations.

Mr. Diggs said that there was consensus from the Board to defer this item. He asked Ms. McClendon if she could help the Board determine a date for this item to return to the Board for a decision.

Ms. McClendon said that that was correct. She said that the Board should take a motion to defer the item itself, just to have the motion on record, and they could bring it back to the Board when it became available.

Ms. Allen motioned, seconded by Dr. Yeung, to defer consideration of Ordinance O25-01.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

CLOSED MEETING

Ms. Allen motioned, seconded by Ms. Gary, to authorize closed meeting.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

Resolution CM25-02 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a closed meeting for (1) consultation with legal counsel pertaining to Stafford County v. Harry T. Hurler, case numbers CL24-117 and CL24-118, where such consultation in open meeting would adversely affect the litigating posture of the Board; (2) discussion and consideration of specific Board appointments; and (3) discussion of the performance of specific employees of the Board; and

WHEREAS, pursuant to Virginia Code Sections 2.2-37 A(1) and A(7), such discussions may occur in a closed meeting. Now, therefore, be it resolved by the Stafford County Board of Supervisors on this, the 21st day of January 2025, that it be and hereby does authorize discussions of the above matters in a closed meeting.

Ms. Allen motioned, seconded by Ms. Gary, to certify closed meeting.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

Resolution CM25-02(C) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS THAT TOOK PLACE DURING THE CLOSED MEETING ON JANUARY 21, 2025

WHEREAS, the Board has, on this the 21st day of January 2025, adjourned into a closed meeting in accordance with the formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 21st day of January 2025, that to the best of each member's knowledge, (1) only public business matters lawfully exempt from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as identified in the motion by which closed meeting was convened were heard, discussed, or considered by the Board.

Ms. Allen motioned, seconded by Ms. Gary, to approve proposed Resolution R25-35, a resolution authorizing the County Administrator and the County Attorney to execute any and all documents necessary to settle the case of Stafford County Board of Supervisors v. Harry T. Hurler, case numbers CL24-117 and CL24-118.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

Ms. Allen motioned, seconded by Ms. Gary, to approve proposed Resolution R25-36, recognizing the Stafford County Attorney's continued satisfactory performance and authorizing an amendment to the compensation provided.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

Dr. Yeung motioned, seconded by Ms. Allen, to appoint Mr. English to the Virginia Railway Express as an alternate.

The Voting Board tally was:
Yea: (6) Allen, Bohmke, Diggs, English, Vanuch, Yeung
No: (1) Gary

Ms. Allen motioned, seconded by Ms. Gary, to reappoint Benjamin Rudasill, Mary Rust, Sue Henderson as primary members and Robert Hayden as alternate member to the Wetlands Board, the Coastal Primary Sand Dunes Board, and the Chesapeake Bay Board.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

Ms. Bohmke motioned, seconded by Ms. Allen, to appoint Janet Brown as Citizen Representative to the Central Rappahannock Regional Library.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Diggs, English, Gary, Vanuch, Yeung
No: (0)

REPORT OF THE COUNTY ADMINISTRATOR

INFORMATIONAL; THE AMENDED MINUTES FOR THE JULY 10, 2024 BOARD OF SUPERVISORS SPECIAL MEETING ARE ATTACHED TO THIS REPORT

William Ashton, County Administrator, said that at the Board's December 17, 2024 meeting, the Board voted to revise the minutes from the July 10, 2024 Board of Supervisors special meeting. He said that the revision struck the phrase "for misconduct" related to the matter of the Board's appointment to the Central Rappahannock Regional Library Board of Trustees. He said that his comments tonight served as official confirmation that the July 10, 2024 minutes had been amended accordingly, and the Board required no further action on this matter.

REPORTS BY BOARD MEMBERS

Ms. Allen – said that she had nothing to report at this time.

Ms. Bohmke – stated that she wanted to address a couple of items. She said that now that she was back as a member of the Board, she would like to make some remarks regarding the removal of Mary Becelia. She said that as many of the attendees were aware, the Board had supported this decision for an extended period. She said that she had been criticized for not engaging with Ms. Becelia during this time, and she would like to set the record straight about what occurred. She said that as Chair of the Board, she had been advised by counsel not to contact Ms. Becelia on several occasions.

Ms. Bohmke said that given this guidance, she had to follow it as Chair of the Board. She said that she had stated publicly that this decision was difficult for her, and she did not feel it was in line with her personal approach to interacting with individuals. She said that she wanted to acknowledge that this situation was unfortunate, and she offered her sincerest personal apology to Ms. Becelia and her family for what had transpired. She said that she had received comments from her VRE Board meeting. She said that Sarah Bagley, a councilmember from Alexandria, was now the Chair of the VRE.

Ms. Bohmke said that additionally, Tiffany Robinson had been appointed as the new director of the Department of Rail and Public Transportation (DRPT), and she was also the chair of the Virginia Public Rail Authority (VPRA) and a member of the Commonwealth Transportation Board (CTB). She said that big news from VRE was that the construction contract for the Long Bridge project had been awarded. She said that this project, which had been in the planning stages for many years, involved building a new two-way track railroad bridge next to the existing Long Bridge, spanning the Potomac River.

Ms. Bohmke said that the new bridge would double rail capacity and alleviate congestion between Arlington, Virginia and Washington, D.C., particularly around Union Station. She said that the project would also include a bicycle and pedestrian bridge over the river, connecting Long Bridge Park in Arlington to the Mount Vernon Trail and East and West Potomac Park in the district. She said that the entire project was approximately 1.8 miles long and would also improve five other bridges and related railroad infrastructure. She said that the Commonwealth expected the project to be completed by 2030.

Ms. Bohmke said that at the Fredericksburg Area Metropolitan Planning Organization (FAMPO) meeting, they discussed the river crossing project, and the City of Fredericksburg was holding a public hearing on their new technology overlay zone in Celebrate Virginia South. She said that this may impact the building options they were considering for the river crossing, as the FAMPO policy committee may decide to take those options off the table. She said that as a result, they had decided to put their plans on hold until after the City Council voted on the overlay in February.

Mr. English – said that he extended his gratitude to all the individuals who contributed to clearing the area after the recent snowfall. He said that he was aware that the people in this community had worked diligently, as he had previously mentioned, and they had done an outstanding job. He said that although they had to wait two days due to the storm, it was worth the wait. He said that he would also like to acknowledge the efforts of the power companies, VDOT, and all the other organizations that performed well during these types of events. He said that he intended to seek a second term as the Hartwood District Supervisor, and he asked for his constituents' continued support for another four years, as they had a lot of work to finish up.

Ms. Gary – said that she previously shared it on social media, but she had decided not to seek a second term. She said that she had been considering this decision since the summer. She said that her family was growing up quickly, with one of her children getting married and another one likely to get engaged soon. She said that she also had two high schoolers who would be graduating in the next couple of years. She said that as a result, she wanted to ensure that she was present for them. She said that as speculated in the media, part of her decision was because she felt that it was time for her to step back and allow someone else to serve.

Ms. Gary said that unfortunately, her experience on this Board and the way she had been treated had made it clear that she was no longer able to represent her district effectively. She said that she had been removed from every Board committee and commission on a personal agenda, as a result of telling the truth about something. She said that she was not willing to continue in this position, even if she loved her job, watching over 20,000 constituents in her district who had been penalized for her actions. She said that several weeks ago, this Board had made accusations of misconduct against her, accompanied by a public statement alleging dishonesty on her part. She said that subsequent to these allegations, she was removed from all Boards, Committees, and Commissions.

Ms. Gary said that shortly thereafter, a member of the public, Howard Rudat, came forward with information that refuted part of the claims made against her, which also wrongly implicated him and the Stafford Democratic Committee. She said that in response, she conducted a thorough inquiry into the conversations that had transpired between members of this Board and members of the community. She said that it had become evident that her statements to this Board in closed session and their collective decisions regarding Ms. Becelia's removal were consistent with the other accounts from the community and statements made to her fellow Board members in the supposed investigation.

Ms. Gary said that this supported her position that she had not misled or provided false information to this Board, as she had maintained from the outset. She said that she was now requesting that this Board release the full findings and details of this investigation they supposedly conducted, as well as make public the specifics of the accusations against her, which she had still not been informed of. She said that transparency in this matter was crucial to ensure accountability and restore trust, and she respectfully requested that the Board make these facts publicly available.

Ms. Vanuch – said that she felt compelled to support her fellow Board member, Ms. Bohmke, this evening. She said that, as the Chair of this Board for two years, she could attest that there were instances where she had to make statements or speak on behalf of the Board in the media, even when she did not personally agree with them. She said that as the Chair, she was bound by the majority's decision, and her role was to facilitate the Board's decisions. She said that she would like to set the record straight regarding the statement Ms. Bohmke read to Ms. Becelia in December. She said that the statement was shared with the entire Board, and six out of seven members agreed with it.

Ms. Vanuch said that in Ms. Gary's defense, she did not agree with the statement. She said that the statement Ms. Bohmke read at the end of that meeting was initiated based on a conversation she had with Ms. Allen, when she shared with the Board acting as Chair because Ms. Bohmke was dealing with a family emergency for several weeks and unable to facilitate the investigation. She said that Ms. Allen had shared the information she received from the Democratic Committee chair with every Board member, except for Ms. Gary. She said that she was hopeful that Ms. Allen would use her Board comment time to speak.

Ms. Vanuch said that the entire Board was in agreement, and that information was shared with all of them. She said that the statement about the allegations of the investigation was also agreed upon by the entire Board, and Ms. Allen had a copy of it. She said that it would be released in a Freedom of Information Act (FOIA) request this week. She said that blaming Ms. Bohmke as the acting Chair for this was purely political. She said that as the Chair, she was not authorized to make comments unless directed by the majority.

Ms. Vanuch said that she also appreciated Mr. Diggs' apology to Ms. Becelia, but Ms. Becelia still did not know the allegations made against her in closed session, which led to her removal for misconduct. She said that they had held the closed session as a Board. She said that she would like the Chair to poll the Board immediately to determine if they could release the information discussed with Ms. Becelia in July regarding her alleged misconduct. She said that she believed Ms. Becelia deserved to know this information, and she would like the Chair to release it to her in a phone call at his convenience over the next few days.

Mr. Diggs said that he would poll the Board.

Ms. Bohmke said that yes, she would like to disclose that information. She said that she did not think there was an issue with the attorney in closed session, because the Board held the privilege. She said that she did not have a problem with that.

Ms. Gary said that she did not have a problem with that, but she did have concerns about its accuracy. She said that during one of the closed sessions, she was told that certain events occurred that did not, and she observed others around her nodding in agreement to unspoken statements. She said that given that, she wondered what else could be expected to be said. She said that it was a closed session, so there was no record, which meant that everyone could say whatever they wanted, and unfortunately, lies and untruths were being told.

Ms. Gary said that she was skeptical that this would be a productive discussion. She said that what she did know was that she would continue to stand by her previous statements, which were that multiple of her colleagues here had voted to remove Ms. Becelia from the committee due to her refusal to relinquish her seat, an action that, in her opinion, did not rise to the level of misconduct. She said that if others were willing to own up to that, then that was a positive step.

Ms. Allen said that she would abstain from the poll.

Mr. English said that he did not have a problem with that, but he agreed with Ms. Allen that he just wanted this to be over with.

Dr. Yeung said that she knew what she had said in closed session, and she was sure that everyone on the dais was also aware of what she had said. She said that if they wished to release that information, that was their decision. She said that she did not have a strong opinion on the matter. She said that she thought it was unproductive at this time, unless their County Attorney had taken notes and was willing to share them. She said that if the County Attorney had not taken any notes, then she wondered what notes they would be releasing. She said that it was a no from her.

Ms. Vanuch said that yes, she believed Ms. Becelia deserved to have the information.

Mr. Diggs said that he agreed; he was a yes as well. He said that they would compile that information.

Ms. Vanuch said that she wanted to assure them all that nothing she had said was intended to be accusatory of anyone present. She said that she hoped Ms. Allen had taken her comments in that spirit. She said that she simply felt that they needed to set the record straight on all matters, as she believed some individuals were making these issues overly politicized. She said that she thought they needed to move beyond that.

Dr. Yeung – said that she had intended to say something regarding the Library Board's long journey, and that she remained hopeful that they could move forward to better serve their constituents. She said that now, she was now uncertain, but she was committed to ensuring that they established a fair and transparent process, something she had previously discussed, to provide opportunities for volunteers as well as BACC members to speak their truth when faced with accusations of misconduct or neglect. She said that it was crucial that they create a supportive environment that prioritized fairness and accountability while upholding their commitment to serve the community and the community that served them.

Dr. Yeung said that Ms. Bohmke had previously discussed the same meetings she had attended, including the FAMPO meeting, where heavy conversations and updates were provided on the river crossing options. She said that VRE and PRTC discussions covered updates on ridership and the approval of several maintenance contracts. She said that the PRTC meeting had been held online due to inclement weather. She said that as they pledged allegiance to the flag, they usually did so with the words "liberty and justice for all." She said that she would be remiss if she did not address the double standard that often arose when discussing diversity, equity, and inclusion (DEI). She said that these principles represented fairness and justice, yet they had become divisive talking points for those who resisted progress.

Dr. Yeung said that it was striking that while many celebrated Martin Luther King Day, honoring his dream of equality, they simultaneously supported actions and policies that stripped away the rights of others, particularly along racial lines. She said that Dr. King's message was clear: justice and equality could not wait. She said that he had fought for the rights of the oppressed, the marginalized, and those denied basic freedoms. She said that yet today, in his name, some people claimed to champion equality while actively working to dismantle it. She said that this past week, they had seen celebrations and significant events, including the inauguration of a president who was convicted of wrongdoing and now planned to pardon felons who desecrated their Capitol.

Dr. Yeung said that these actions sent conflicting messages about their values as a nation. She said that some of them had even voted against their own interests, seeking to return this country to a time when rights were unequally distributed, a time that was better for a select few but deeply oppressive for others. She said that when they tore down concepts like diversity, equity, and inclusion, it was impossible to take seriously claims of caring about humanity. She said that it was disingenuous to claim a value for equality while dismantling departments designed to address discrimination in schools within their own community.

Dr. Yeung said that students continue to face ongoing inequities, and their concerns remain unresolved because the very system meant to protect them has been eliminated. She said that the world may view equality as black and white, but the reality is that children perceive and feel differently when faced with a system that does not serve them. She said that the same applies to issues like affordable housing. She said that if one does not support fairness and policies that uplift marginalized groups, how can one claim to care about housing, the people who serve them, such as firefighters, teachers, law enforcement officers, or about creating opportunities for their young professionals struggling to afford independence?

Dr. Yeung said that let them not pretend to care about individuals who do not share one's background, experiences, or perspectives. She said that they cannot afford to move backwards on the promise of equality while undermining the principles of diversity, equity, and inclusion, which are not just empty buzzwords, but the foundation of a fair and just society. She said that they must start with meaningful action, not empty words.

<u>Mr. Diggs</u> – said that before he addressed his prepared remarks, he wanted to remind their team that they had to stay focused. He said that there were numerous issues in this community, and they must avoid getting bogged down in the details. He said that they did not need to go through the list of problems, but they must remain vigilant and avoid distractions. He said that Ms. Becelia was happy with the apology earlier that day, and he understood Ms. Bohmke's desire to set the record straight, given the many questions she had been receiving about her position as the Chair. He said that they could not allow this distraction to continue.

Mr. Diggs said that they would ensure that Ms. Becelia had a full response as they understood it, and he asked his colleagues to join him in shifting their focus towards getting work done for the community as they moved into 2025. He said that as he took on the role of Chair, he would like to reflect on his journey and what he brought to this position. He said that as a young man, he had faced unimaginable challenges, including starvation, domestic abuse, homelessness, molestation, and an environment filled with addiction. He said that school was not a place for learning, but a refuge for food and safety. He said that at age 13, his mother had given him away to strangers.

Mr. Diggs said that however, God had turned what was meant for evil into good. He said that despite the odds, he earned a degree from Virginia Military Institute (VMI), a master's degree from Liberty, and he was currently working on his doctorate. He said that during his time at VMI, he had confronted his truth and come to terms with his sexuality, which had led to rejection and isolation, but ultimately had taught him the power of self-love, self-respect, and seeing the good in others even when they presented their worst selves. He said that he was no stranger to adversity. He said that statistics suggested that he should not be there, but those who had counted him out had learned one thing: they cannot count.

Mr. Diggs said that he was led by faith, not by sight. He said that it was an honor to serve as Chair, and he did not have to trade votes, make promises, or engage in backroom deals to earn this position. He said that he would lead with integrity, transparency, and an unwavering commitment to do what was right. He said that his priority was to unite this Board, a diverse group with a shared goal of advancing Stafford County. He said that together, they would achieve great things. He said that he wanted to thank his colleagues for entrusting him with this role, and he was committed to serving with humility, acknowledging that he did not possess all the answers. He said that he was prepared to make mistakes and would rely on the expertise of the three individuals on the left and the three on the right, to ensure they got it right, as well as staff. He said that he was ready to deliver their vision for the community's future.

<u>ADJOURNMENT</u>

The Board adjourned its meeting at 10:35 p.m.

William H. Ashton, II
County Administrator

Deuntay T. Diggs
Chairman