

BOARD OF SUPERVISORS
STAFFORD, VIRGINIA
MINUTES
Regular Meeting
September 18, 2018

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Meg Bohmke, Chairman, at 3:00 p.m., on Tuesday, September 18, 2018, in the Board Chambers, George L. Gordon, Jr., Government Center, 1300 Courthouse Road, Stafford, VA.

Roll Call The following members were present: Meg Bohmke, Chairman; Jack R. Cavalier; Thomas C. Coen; L. Mark Dudenhefer; Wendy E. Maurer; and Cindy C. Shelton. Gary F. Snellings, Vice Chairman, was absent due to a family emergency.

Also in attendance were: Thomas C. Foley, County Administrator; Rysheda McClendon, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Cheryl D. Giles, Deputy Clerk; associated staff and other interested parties.

Ms. Bohmke thanked Sheriff Decatur, Fire Chief Joe Cardello, and staff for the very moving 9/11 ceremony held last week saying that it was hard to believe that it was 17 years ago. We will never forget, and will continue to honor those who sacrificed so much on that tragic day.

On behalf of the Board of Supervisors, Ms. Bohmke congratulated Mr. Dan Reichard, a 5th grade teacher at Kate Waller Barrett Elementary School who was named Teacher of the Year at a recent event attended by Governor Ralph Northam. Dan was one of eight regional Teachers of the Year and was also named the Washington Post's 2018 Teacher of the Year. He will compete with the other regional teachers for the State-wide honor and that winner will be eligible to be named National Teacher of the Year. Ms. Bohmke said that Mr. Reichard was a credit to Stafford County and a blessing to his students.

Next Ms. Bohmke asked Ms. Alicia Hilmer to join her at the dais and noted that Ms. Hilmer was the Constitution Week Committee Chairwoman for the local chapter of the Daughters of the American Revolution. She said they were there to recognize Constitution Week, September 17th through September 23rd, and that September 17th was National Constitution Day. Ms. Bohmke read the proclamation. Ms. Hilmer thanked Ms. Bohmke and the Board. She spoke about sharing the Constitution with youth and new citizens and that it was the duty of every citizen to protect the Constitution. Ms. Hilmer gave each Board member a book on the Constitution

Mrs. Maurer motioned, seconded by Mr. Coen, to adopt the regular agenda. There were no additions or deletions to the regular agenda. The addition of a paragraph to the Page 11 of the

minutes of the September 4, 2018 meeting regarding the Board discussing in a work session the weighted values included in the Capital Improvement Program (CIP), was included in the Board's add-on folder.

The Voting Board tally was:

Yea:	(6)	Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton
Nay:	(0)	
Absent:	(1)	Snellings

Presentations by the Public The following persons indicated a desire to address the Board:

Jim Fry - 49 year County resident who spoke about the "reckless and ridiculous" Options 2 and 3 regarding the County's cemetery ordinance; he said that the original Ordinance passed both the Board and the Planning Commission unanimously; he said he was a retired Prince William County investigator, retired from the PWC Sheriff's Office; he spoke about the Department of Justice (DOJ) letter and there being no violation; that the All Muslim Association of America (AMAA) was a 501c3 organization that sold graveyard sites to specific religious groups; they made a bad land decision and were trying to "get out of it." Mr. Fry said he was a real estate developer and cemeteries had an impact on property values; they impact public safety and groundwater/drinking water supplies. He said that the Chopawamsic fault line gave water flow to Smith Lake, which provided drinking water to 30,000 residents. He said it was a bad real estate deal; that he supported Ms. Shelton who studied this extensively, and that the Board should not let the DOJ strong-arm them.

David Silver - Resident of the Rock Hill District; thanked the Planning Commission for its thorough work and said that residents with private wells deserved equal protection under the law as those enjoyed by residents with public water, and he asked why one and not the other was protected. He said he hired legal counsel and talked about collusion between the AMAA and the Board. He said his house was less than 250' from the proposed cemetery and per State law, his signature of approval was required but he would not sign. Mr. Silver said the Board was turning a blind eye like it did with the Brooke Road Cemetery.

Glenn Patterson - Resident of the Rock Hill District; said that former Board member, Mr. Paul V. Milde, III sent the Cemetery Ordinance back to the Planning Commission for review but never discussed the rationale for doing so and now the AMAA was accusing the County of religious discrimination. He filed a Freedom of Information Act (FOIA) request and spoke about "pay to play" violations, conflicts of interest and Mr. Milde being the recipient of \$4,000 in donations from the AMAA. Mr. Patterson said the AMAA showed a lack of due diligence and did not contact neighbors as was required by State Code. He said he was not done reviewing the responses to his FOIA request, all of which were also available to the Free Lance-Star, had it taken time to file its own FOIA request. He said the newspaper could have filed a

“real report rather than fake news.” He spoke about the DOJ’s legal counsel inserting herself where she did not belong and asked the Board to select Option 1 when it voted.

Paul Waldowski - A resident of the Rock Hill “gerrymandered district;” used to own property in the George Washington District and still owns property in the Griffis-Widewater District; he was at Amy’s Café and learned that Board members can run as an Independent. He spoke about moving a church and using \$39 million to build a vocational/technical center. Mr. Waldowski said his mother’s name was Florence (and gave her last names) and she stayed with his brothers and sisters in western New York. He spoke about not receiving a water bill and there being no deputy county administrators in the 1980’s; the Utilities Commission should go away as it was a waste of money as were the empty Sheriff’s vehicles parked along the roads, which he said cost \$100,000 each and should have someone in them or they could float away in high water. He spoke about Lady Liberty and the 14th Amendment to the Constitution and said that Board members wore eye patches over their left eyes because they favored the right.

Danayaal Raja - Member of the AMAA Board; he thanked the Board for its continued review and support and encouraged the Board to vote for Option 3 on the proposed Resolution, which supported following State law regarding cemeteries.

Board Member Presentations Board members spoke on related topics and asked that items as identified be removed from the Consent Agenda for discussion and separate vote:

Ms. Bohmke - Attended a meeting of Fredericksburg Alive, a group that recognizes non-profit agencies in the region and their corporate sponsors, most of whom offer not only financial support but also labor at sponsored events. She said the event was well attended and was an opportunity to lift up sponsors of the non-profits and to say thank you for their support. Friday is the International Day of Peace, “Promoting Peace and Civility in our Community” sponsored by the Fredericksburg Rotary Club, from 7:00 to 9:00 p.m. at the Fredericksburg Baptist Church. Ms. Bohmke attended the Fredericksburg Area Metropolitan Planning Organization (FAMPO) and the George Washington Regional Commission (GWRC) meetings and said that GWRC’s executive committee (Tim McLaughlin, Chairman and Spotsylvania County Supervisor; Paul Agnello, FAMPO Director; and Linda Millsap, GWRC’s new Executive Director) were meeting with in-house legal counsel to review its memorandums of understanding, and its bylaws, etc. She noted that it was Hispanic Heritage Month and spoke about the significant contributions made to Stafford County by its Hispanic residents. Mr. Daniel Cortez would be doing a presentation during the evening session; he was at the White House with New Mexico’s Governor, Suzanna Martinez. Ms. Bohmke attended a town hall meeting at Conway Elementary School with Delegate Bob Thomas, Sheriff David Decatur, and Commissioner of the Revenue, Scott Mayausky. There was a great turnout and among items discussed were the opioid epidemic and the new federal tax laws (which are complicated and could have significant ramifications to tax payers in Virginia). Delegate Thomas met with Virginia’s Speaker of the House; the General Assembly may go back in session to attempt to fix

the tax language that affects Virginia and 18 other states. Mr. Mayausky's Facebook page walks people through the new tax return.

Mr. Cavalier - Deferred comments.

Mr. Coen - Praised staff and volunteer for Yankees in Falmouth and for clean-up efforts beforehand. It rained, which Mr. Coen said was ironic since it was rain that caused the need for the clean-up efforts. He noted that it was Hispanic Heritage Month and that September 17th was National Constitution Day, which was celebrated due to a clause in the Constitution that dedicated it as such. Mr. Coen spoke about the upcoming dedication (9/22/18 at 1:00 p.m.) of an historic marker at Bethlehem Baptist Church, 135 Chapel Green Road. He said at the previous Board meeting he neglected to commend Fire Chief Joe Cardello for his hard work and efforts aimed at improving both career and volunteer fire and rescue departments.

Mr. Dudenhefer - Attended the FAMPO meeting on Monday, September 17th; there are several new personnel in place there. He said he hears that "we" don't plan transportation and development but in FAMPO, projects are planned out to the year 2040 and are available on FAMPO's website; projects depend on how much money/funding is available and completion of projects was not for a lack of trying on FAMPO or the County's part. Regarding the new Express Lanes extension from Route 610 to the Rappahannock River Bridge, Mr. Dudenhefer said that there were no plans for a southbound access in Stafford County. VDOT said that the decision was Transurban's. Transurban said that it was a VDOT decision so the Board, if approved on the Consent Agenda, would send a letter the Transportation Secretary Valentine, asking that a southbound entry in Stafford County be considered; he said it was a slap in the face that it was not included. Mr. Dudenhefer pulled Item #8 from the Consent Agenda.

Mrs. Maurer - Deferred comments.

Ms. Shelton - Attended a COVITS Convention in Richmond where the County's Chief Technology Officer, Mr. Michael Cannon, gave a presentation on SMART Communities, and the County's Registrar, Mr. Greg Riddlemoser, gave an update on election systems. She gave a presentation at a District of Columbia meeting on federal project management improvements enacted by former President Barrack Obama; which would not have an immediate impact on local governments. Ms. Shelton attended a luncheon at Mount Vernon with Susan Allen who discussed "Voices in the Garden" about women's contributions to society. Her next Aquia Roundtable is on September 27th at 7:00 p.m. at Stafford Hospital and results of the communications survey taken door-to-door with residents of Marlborough Point will be discussed along with wireless options. Earlier in the day, Ms. Shelton met with staff from the Department of Social Services and learned about its role in the local community; she said she was very impressed with the Social Services Department staff and what she learned.

Mr. Snellings - Absent

Report of the County Attorney – Deferred comments

Report of the County Administrator – Mr. Foley spoke about the draft strategic plan, which would be brought to the Board for discussion in October and hopefully for a vote in November; he said it would be the County’s first strategic plan. On Thursday of this week, six employee task force groups will be presenting their work to the Leadership Team. The task forces were an offshoot of the recently completed employee survey that had a 65% response rate. The results of the task force’s work will be taken under consideration as ways to improve the employee climate and increase the level of staff engagement. Mr. Foley thanked staff for its work in preparing for Hurricane Florence, which ended up being a good exercise in emergency preparedness that was thankfully not needed. He said that EMS and Public Safety staff were very engaged in the exercise and the County would always learn from these events.

Mr. Foley introduced Budget Division Director, Ms. Andrea Light, who gave a presentation on the FY2018 year-end financial review; she said she had good news. Revenues exceeded budget and expenditures were below budget; policy-driven changes to reserves were fully-funded; projected funding for capital projects and transportation in the CIP were realized; and funds were available for the Capital Projects Reserve.

Regarding General Fund revenue, property tax and other local tax revenue exceeded the budget; and building and permitting fees remained strong and exceeded FY2017 actuals by 3%. General Fund expenditures were below budget; debt service savings due to fluctuations in interest rates, terms and the timing of master lease, were \$203,882 for the Schools Division and \$356,890 for the County. \$500,000 in budgeted vacancy savings was achieved and health insurance savings were \$876,509, which will be held until the audit is complete then sent to the Other Post-Employment Benefits (OPEB) Trust Fund. The Juvenile Detention Center had a true-up (based on the number of Stafford County residents held there) of an additional \$141,737. The Sheriff’s Office had a savings of \$172,500, which will be carried forward for additional replacement vehicles; the Fire and Rescue Department had a year-end savings of \$122,200 of which \$73,541 was in the volunteer fund line item. Staff recommends that these funds be held in a fund balance to provide for one-time repairs to volunteer fire and rescue stations and equipment.

Regarding the Children’s Services Act (CSA), Ms. Light said that total costs for public and private day school were \$6 million, with the cost per child averaging \$52,700, up from \$50,430 in FY2017. Ms. Bohmke asked if the \$6 million included public and private. Ms. Light replied that \$518,000 was public and \$5.4 million was Stafford County’s share of private day school placements. Mrs. Maurer said that she sits on the Community Policy and Management Team (CPMT) and that Stafford was trending higher than State and surrounding jurisdiction averages. The good news, she said, was that \$73,000 was budgeted per child and the actual cost was

\$52,700 per child. There were 103 children last year; the number has been reduced to 62 this year due to children who have aged out or moved out of the County. She said that the program may have turned the corner on private placements and commended Ms. Donna Krauss and staff.

County Capital Reserves included \$1,484,589 in the Courthouse fund balance from recordation, debt service, and Court fines. The FY2019 adopted budget included \$350,000 for the Courthouse ramp-up. The FY2019 CIP included a projection of year-end funding dedicated to Transportation in the amount of \$3 million, which was achieved. Positive results of operations were anticipated to be just below 1% of the total budget and one-time funding will be programmed into available revenue for the FY2020-2029 CIP.

Ms. Light said there would be no requested Board action until after the audit was complete. Considerations then may be a transfer of health insurance funding to OPEB; budget and appropriation of Public Safety's unspent funds for vehicle purchases and one-time capital items; and budget and appropriation of permit fees in excess of expenditures.

The Schools were finishing its year-end reporting. Staff projects health insurance savings to be similar to the County's; the State is withholding sales tax remittance in June, approximately \$1.5 million, and is scheduled to be received in December.

The Utilities Fund revenues came in higher than budgeted; user fees were slightly higher than projected; staff continues to be fiscally responsible, which resulted in expenditure savings and as a result, the County is in full compliance with all bond covenants and financial policies.

Transportation Fund revenues are higher than budgeted; the gasoline tax at \$3.8 million was \$500,000 over the budget and the Recordation Tax was \$25,000 over budget, while interest revenue was just over by \$140,000. Ms. Light said that in FY2018, the General Fund was projected to cover the debt service payments for the Courthouse Road project borrow due to a history of declining revenue and increased expenses. The revenues and expenditure operating savings covered the FY2018 debt services and did not require a transfer; these funds are being held in the General Fund Reserve for future Board consideration of transportation projects.

APPROVAL OF THE CONSENT AGENDA

Ms. Shelton motioned, seconded by Mr. Coen, to adopt the Consent Agenda. Mr. Dudenhefer pulled Item #8 for discussion prior to a vote.

The Voting Board tally was:

Yea:	(6)	Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton
Nay:	(0)	
Absent:	(1)	Snellings

Item 4. County Administration: Approve Minutes of the September 4, 2018 Meeting (with the additional paragraph added to Page 11 reflecting that the Board agreed to hold a work session to reconsider weighted percentages in the joint CIP.

Item 5. Finance and Budget: Approve the Expenditure Listing

Resolution R18-232 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED AUGUST 22, 2018 THROUGH SEPTEMBER 17, 2018

WHEREAS, the Board appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services, which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2018, that the above-mentioned EL be and hereby is approved.

Item 6. Sheriff: Authorize the County Administrator to Execute a Contract for an Upgrade to the Public Safety Radio Microwave System

Resolution R18-215 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINSTRATOR TO
EXECUTE A CONTRACT WITH MOTOROLA SOLUTIONS, INC. TO
REPLACE THE EMERGENCY COMMUNICATION MICROWAVE RADIO
LINKS

WHEREAS, the Stafford County Emergency Communications Center is a division of the Sheriff's Office and is the 911 answering point for the County, providing central dispatch and radio communications for the Sheriff's Office, Fire and Rescue Department, and Animal Control; providing after hours communication services for the Public Works Department; serving as the notification point for controlled burns in the County; and providing communications support for the Aquia Harbour Police Department; and

WHEREAS, the current microwave radio links are no longer manufactured and are reaching their end of life expectancy; and

WHEREAS, the County has a contract with Motorola Solutions, Inc. that includes pricing for the microwave radio links; and

WHEREAS, staff has evaluated the pricing provided by Motorola Solutions, Inc., and found it reasonable for the equipment desired;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 18th day of September, 2018, that the County Administrator be and he hereby is authorized to execute a contract with Motorola Solutions, Inc. for the replacement of the 14 microwave radio links in an amount not to exceed One Million Fifty Thousand Dollars (\$1,050,000), unless modified by a duly executed contract amendment.

Item 7. Public Works; Authorize the County Administrator to Send a Letter to VDOT Regarding Fees Associated with the Route 1/Smart Scale Improvement Project

Resolution R18-234 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SEND A LETTER TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION, FREDERICKSBURG DISTRICT REGARDING DESIGN REVIEW FEES FOR THE ROUTE 1 SMART SCALE IMPROVEMENT PROJECT

WHEREAS, the County is administering the design and construction of safety improvements along U.S. Route 1 in the vicinity of Telegraph Road and Woodstock Lane (Project), located within the Aquia Election District; and

WHEREAS, the County received an invoice from the Virginia Department of Transportation (VDOT) in the amount of \$200,000 for design review services not yet provided and for which payment in full is requested; and

WHEREAS, this amount is in excess of the standard fee for design review services when compared to the engineering fee of \$634,844; and

WHEREAS, the County believes that it can provide better fiscal administration of the Project by reviewing periodic invoices from VDOT for review services rendered; and

WHEREAS, proceeding in this manner will also allow County staff to better manage the quality of the design product provided to VDOT for review;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2018, that the County Administrator be and he hereby is authorized to send a letter to the Virginia Department of Transportation (VDOT), Fredericksburg District Administrator, requesting reconsideration of the advance payment to VDOT for design review services for the Route 1 Smart Scale Improvement project.

Item 8. Public Works; Authorize the Chairman of the Board of Supervisors to Send a Letter to the Secretary of Transportation Endorsing the Need for Additional Express Lanes Southbound On-Ramps between Routes 610 and 630 Mr. Dudenhefer said he pulled this item and that he was verbally expressing his concern with a lack of a planned southbound entrance ramp in Stafford County on the expanded Express Lanes project. Mr. Dudenhefer said that FAMPO was also sending a letter and that pressure had to be kept up at the State level.

Mr. Dudenhefer motioned, seconded by Mr. Coen, to adopt proposed Resolution R18-235.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton
Nay: (0)
Absent: (1) Snellings

Resolution R18-235 reads as follows:

A RESOLUTION ENDORSING A LETTER BE SENT TO THE VIRGINIA SECRETARY OF TRANSPORTATION REQUESTING A SOUTHBOUND ACCESS POINT WITHIN STAFFORD COUNTY SOUTH OF GARRISONVILLE ROAD BE ADDED TO THE I-95 EXPRESS LANES FREDERICKSBURG EXTENSION PROJECT

WHEREAS, the Board determined that it is essential and beneficial that there be a southbound access point south of exit 145 at Garrisonville Road added to the I-95 Express Lanes Fredericksburg Extension project; and

WHEREAS, the southbound access point would benefit Stafford County residents, travelers, and businesses;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2018, that the Chairman of the Board be and she hereby is authorized to send a letter to the Virginia Secretary of Transportation requesting a southbound access point south of exit 145 be added to the I-95 Express Lanes Fredericksburg Extension project within Stafford County.

Item 9. Community Engagement; Approve a Proclamation Recognizing Hispanic Heritage Month, September 15 – October 15, 2018

Proclamation P18-20 reads as follows:

A PROCLAMATION RECOGNIZING SEPTEMBER 15 - OCTOBER 15, 2018
AS NATIONAL HISPANIC HERITAGE MONTH 2018

WHEREAS, Hispanic Americans have made significant contributions in all phases of our economic, social, cultural and political life; and

WHEREAS, each year, Americans observe National Hispanic Heritage Month by celebrating the histories, cultures, and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America; and

WHEREAS, the theme of this year's Hispanic Heritage Month is "Hispanics: One Endless Voice to Enhance Our Traditions;" and

WHEREAS, Stafford is proud that persons of Hispanic or Latino descent constitute more than 12% of its total population and have enhanced and added to community life in the County; and

WHEREAS, Hispanic and Latino Staffordians are leaders in business, military service, education, healthcare, science and technology, and other areas that propel Stafford County forward in jobs, business and education; and

WHEREAS, Our Hispanic community contributes to the great diversity and unity of Stafford County, with a rich history of different cultures and ethnic impact; and

WHEREAS, as Stafford continues to build a community that welcomes all, we thank our Hispanic and Latino community for their many contributions to both Stafford and our country;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 18th day of September, that it be and hereby does recognize National Hispanic Heritage Month, September 15 – October 15, 2018.

Item 10. Community Engagement; Approve a Proclamation Recognizing the Mullins Family for Years of Service to Residents of Stafford County

Proclamation P18-21 reads as follows:

A PROCLAMATION RECOGNIZING AND HONORING THE MULLINS FAMILY FOR THEIR SERVICE TO THE COMMUNITY WITH COVENANT FUNERAL HOMES

WHEREAS, John T. Mullins opened a branch of Covenant Funeral Home in Fredericksburg in 2001 and the Stafford location in 2008; and

WHEREAS, Mr. Mullins, his wife, Barbara, son, David, and his wife, Shirley, and granddaughter, Kimberly, have made an incredible difference in the lives of thousands of families in the area with the highest caliber of service, dignity, respect and understanding with which they treat the families they serve; and

WHEREAS, Covenant Funeral Home and the Mullins Family are excellent corporate citizens as well as a much-appreciated community partner having supported both Stafford's 350th Anniversary as well as the Armed Services Memorial; and

WHEREAS, the family has decided to sell the business and retire from the industry; and

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 18th day of September, 2018, that it be and hereby does recognize the Mullins family and Covenant Funeral Home for their service to the Stafford community during times of need.

UNFINISHED BUSINESS

Item 11. County Attorney; Consider Revisions to the Board of Supervisors' Bylaws Mr. Foley gave a presentation concerning the Board's standing committees and based on previous discussions about the Committees. He said there would be no action taken at that time. Mr. Foley noted that issues raised by Board members about the existing standing committee process were transparency; how the agenda was established; additional steps required to get things done when items could go directly to the full Board; Committee decisions being perceived as actions of the full Board; Board members feeling they were not given an opportunity to fully

participate; and Board members feeling they had to attend every Committee meeting to ensure they did not miss something important.

Mr. Foley continued saying that based on the Board's discussion at previous meetings, all matters for Board consideration would first be introduced on the regular agenda as New Business or be placed on the Consent Agenda. After review by the full Board as New Business (if an item was not placed on the Consent Agenda), agenda items would receive one of the following Board actions: 1. Approval for movement to Unfinished Business or to the Consent Agenda; 2. Referral to a work session of the full Board; or 3. Referral to a standing or ad hoc committee of the Board.

Mr. Cavalier said that the Public Safety Committee (PSC) received an update from Sheriff Decatur and Fire Chief Joe Cardello at each meeting and these updates did not need a referral from the full Board; he recommended leaving the Committee structure in place. Mr. Foley said that the updates would be good for presentation to the full Board and the public. Mr. Cavalier said that the updates at the earlier PSC meeting took 40 minutes including questions from PSC members, and including them on the regular Board meeting agenda was not feasible time-wise. Ms. Bohmke said it would be good for the public to hear all the information given at the PSC updates and suggested quarterly updates instead of monthly. She thought that Chief Cardello was in the process of changing his report; that he was not satisfied with its current format. Mr. Cavalier said that this was not his understanding from the previous meeting and he could not support it. Mr. Foley said that it came out of discussion at strategic plan meetings and he was asking for clarity from the Board.

Ms. Shelton said that the PSC briefing should go to the full Board and give the public the benefit of the Sheriff and the Chief's operating efficiencies. She said that she did not need to hear presentations two times as happened with the FY2018 year-end financial review given at the Finance, Audit, and Budget (FAB) Committee meeting and again at the full Board meeting. Mr. Coen said that he agreed with Ms. Shelton about not needing to hear reports twice, even though the presentation by Ms. Light was good news. Mr. Foley suggested finding a middle ground; that he would check with Sheriff Decatur and Chief Cardello to determine what worked best for them and that a quarterly report could provide more specificity. He asked how the Board wanted to handle the issue of updates.

Mrs. Maurer spoke about referrals to the Planning and Utilities Commissions saying that those items could go directly to Consent because public hearings would be held before the full Board voted on them. She asked Mr. Harvey if this impacted any regulated time frames. Mr. Harvey replied that the time clock began from the time the Board approved the referral to the Planning Commission with the exception of the Comprehensive Plan, which stipulated 90 days for the Planning Commission's recommendation back to the full Board. Mrs. Maurer reiterated that if it was subject to a future public hearing, the item could go on Consent unless it had

controversial language, in which case it could be pulled off the Consent Agenda before the regular agenda was finalized.

Mr. Foley said the Board may still wish to consider eliminating committees; that items would go on the Board's agenda as New Business (or Consent if it was non-controversial) and/or could be referred to a work session of the full Board. Minutes have to be taken at work sessions. Quarterly updates could be scheduled by various departments including public safety. Ms. Bohmke cited the example of the FY2018 year-end financial report being heard twice and that at the FAB Committee meeting, there was a whole different dynamic with lots of questions being asked whereas at the full Board meeting, the presentation was the same but there were no or very few questions asked. She added that there was a great conversation in the A/B/C Conference Room but none in the Board Chambers as it would have been redundant. Ms. Bohmke said that doing quarterly updates and bringing items to the full Board first would be a better use of staff time; she added that she was sure the Chief Cardello and Sheriff Decatur had a lot more important things to be working on. Mrs. Maurer agreed that the doubling up had to stop. She talked about a cash reconciliation matter with the Schools that she asked for every month and said that the public may not have been interested in so much detail but she was and that it was an important part of those Committee agendas.

Mr. Cavalier talked about time sensitivity and said that the PSC got the school safety task force and the pilot program (three School Protection Officers) off the ground in a very short amount of time. If it had to come to the Board for a send down to the PSC, Mr. Cavalier said it would have taken forever. Mr. Cavalier said he was on the Board for 15 years, and Mr. Dudenhefer was on the Board for a long time, too. He'd seen the work session model and the committee structure and the committee structure worked far better. When the Board did work sessions, it started its meetings earlier; meetings went on until late in the night, not as much was accomplished and these newly proposed changes were huge mistake. He added, "The newer Board members thought they knew best."

Mr. Foley said that the Joint FAB Committee did not meet as frequently as other committees but the Joint Schools Working Committee had a different conversation on the same topic. They believed that some topics should go to one committee or another and not have a combined committee as the go-to. Ms. Bohmke spoke about eliminating the Joint Schools Working Committee and just having the Joint FAB Committee and asked what Stafford's peer localities did. Mr. Foley said that in reviewing Stafford's peer localities most did not have anything as structured as Stafford. Loudoun County did have standing committees but they were about the only one.

Ms. Shelton said she was new to the Board of Supervisors but not new to boards in general and cited an example of a case going to the CEDC; the Board members asking staff for more information; staff coming back to the CEDC a month later all before it came to the full Board after that. She suggested eliminating two of the Board's standing committees and holding work

sessions for the full Board; it would allow for more flexibility and give the public an opportunity to weigh in on subjects that they could talk freely about.

Mrs. Maurer talked about having items in the bylaws that were not related to the Board. She said that this was a Board discussion, not a bylaws discussion and to change or combine committees took a majority of four votes; that committees involving the Schools' Division should be kept out of the Board's bylaws. She said she disagreed with Ms. Shelton's idea to go from four to two committees and talked about items specifically related to individual Board committees that would be of no interest or have no reason to be brought before other committees. She talked about five times discussing dog licenses and not being sure the public would want to sit through five discussions about dog licenses.

Ms. Bohmke reminded the Board that it was not voting that day and talked about doing business in the A/B/C Conference Room and it not being very engaging to the public. She asked for the will of the Board. Mr. Foley said that the second slide in his presentation summarized the Board's issues raised at the September 4, 2018 meeting. He said he thought that the Board wanted items to come to them as New Business after which items would be sent to either Consent, Unfinished Business, or be referred to one of the Board's standing committees. Mr. Foley said it was unclear how the Board wished to handle information items; whether they would go directly to the full Board or directly to committees. He also asked for clarification as to whether work sessions and committee meetings would be held in the Board Chambers or in the A/B/C Conference Room and if they would be televised and if, in the case of committee meetings, minutes would be taken (minutes were required at work sessions) or if the audio and/or video recordings would suffice as a record of the committee meeting.

Mrs. Maurer said that either option allowed enough flexibility and ask Ms. McClendon if they covered everything. Ms. McClendon said that most everything had been captured. Mrs. Maurer spoke about transparency and either in the Board Chamber or the A/B/C Conference Room and with audio or video tapes (or minutes) that captured the work of the committees or of the Board in work sessions. Ms. Bohmke suggested a pilot year after which things would be reevaluated and the Board could go back to its old way of doing things or might love the new changes. Ms. Shelton spoke in favor of video-taping all meetings. She said when the School Board had a work session, it went into a small back room, which was not the gold standard but she was not trying to "throw the School Board under the bus." She said to video was best if it was cost effective. Mr. Foley said that staff was evaluating the costs.

Mr. Cavalier said that maybe he was at a different meeting but he understood that the Board was keeping the Committees; holding all meetings in the Chambers and they were being video-taped; and work sessions when scheduled would also be video-taped in the Board Chambers. He said that a lot of things were added and had been changed from what he heard at the last

Board meeting. He cautioned that Mr. Foley was asking for really long meetings and said that to change the procedures mid-year was wrong; it would not match up with the School Board meetings and there would be collateral damage; it was not a good idea. Mr. Cavalier said that if changes were to be made, they should be made at the beginning of the year and at the Board's organizational meeting held in January as this past January, everyone knew full well what they were signing up for and now things were changing in mid-stream and it was a huge mistake to do it now. Mr. Foley said the intention was to separate the committee discussion from the bylaws discussion.

Mrs. Maurer asked Ms. McClendon if she was good with the proposed changes to the Board's Bylaws. One of the changes that Mrs. Maurer wished to see referred to the Board of Zoning Appeals (BZA), which was established by the General Assembly in 1964. They choose a chairman every year and have asked that the General Assembly consider amending its Articles of Consideration to include that no member may serve as chairman for more than two years. She said that this came up at the earlier Legislative Committee meeting. The Circuit Court appointed BZA members following recommendations from the Board and Mrs. Maurer asked if this changed could be a part of the Board's bylaws. Ms. McClendon said that to do so would not be common; that it should be a part of the Board's legislative agenda. She spoke about revisions to the Consent Agenda. Mr. Foley said there were still some unresolved issues but there was enough so that the Board could vote when it came before them again.

Item 12. Planning and Zoning; Consider Referring Amendments to the County's Cemetery Ordinance to the Planning Commission Mrs. Maurer read the following disclosure: *"On the advice of counsel, I have not previously made this disclosure but since the AMAA is specifically named in this Resolution, I can go no further without it. On May 3rd of 2017 the AMAA requested to meet with me and then former Chairman, Paul Milde offered to join me stating (and I quote) that "Rafi has been a supporter of (his) and Corey Stewart's over the years." On May 10th, I met with the AMAA to discuss the cemetery ordinance, and immediately after introductions they proceeded to tell me (and I quote), "we love Chairman Milde and we collect donations for Chairman Milde and host events for him. And Chairman Milde got Stafford County to buy our land." They then offered to raise money for me and host events also. This went on for about 10 minutes and then they asked me to help them change the new cemetery ordinance. I became quite uncomfortable and limited my questions to how the new ordinance affects them. They could not provide me an answer to which I indicated that I would need that information before considering making a change. I reiterated my position on an equal standard of protection for County and private wells to which they acknowledged risk of contamination and provided me their poly-vault literature. While there wasn't a direct offer of money or help, the inference was disturbing enough that I reported the incidence to the County Administrator and the County Attorney. I also confirmed that donations were made to Mr. Milde by members of the AMAA and one of the gentlemen that I met with posted a picture on his Facebook page of him attending Paul's fund raiser nine days later. I personally have not had any further direct communication with the AMAA and believe that regardless of the offer of money and support, I*

am confident that I can deliberate on this issue fairly and objectively. That concludes my disclosure Madame Chairman.”

Ms. Bohmke said that the Board would consider proposed Resolution R18-228, Options 2 and 3, and introduced Mr. Jeff Harvey who gave a presentation and answered Board members questions. He noted that in December 2016, the County amended its Zoning Ordinance dealing with cemeteries. He said that the issue of cemeteries only came up infrequently and that the current Code at that time did not concur with State law, which said that cemeteries had to be regulated through a County's Zoning Ordinance, not through a separate chapter (Chapter 8 in the County Code). There were also provisions for endowments and perpetual care cemeteries, which the County was not permitted to regulate.

There was discussion at the time about potential effects of cemeteries on surrounding areas with the two most prevalent being traffic at the time of an event such as a large funeral, and the effect on groundwater. Mr. Harvey said that the Planning Commission evaluated a number of studies that looked at the international scope of the effect of groundwater near relatively large cemeteries in Europe and also in Africa. There were also studies in America that called out cemeteries having an effect on groundwater pollution but there was nothing specific about how to resolve it. The World Health Organization (WHO) recommended setbacks from cemeteries to domestic drinking water wells and the recommended setbacks ranged from 850' to 1100'.

Since the County adopted the Ordinance, the AMAA spoke before the Board about its concerns about how the Ordinance would affect its property on Garrisonville Road. The AMAA purchased the property in advance of the Ordinance but were unaware of the ordinance and that it may impact their ability to develop the property for their intended purpose.

Mr. Harvey noted that in October 2017, the Board reviewed the Ordinance and referred it back to the Planning Commission to come up with changes to be brought back before the Board. The Planning Commission established a sub-committee that met three times and went back over the literature and heard testimony from County residents and their concerns about groundwater contamination. The sub-committee also heard from the AMAA about its burial practices at the existing cemetery off Brooke Road and specifically the use of poly-vaults and how the AMAA looked at that as the optimal burial practice. The Board received the Planning Commission's recommendation in May, which was that the Ordinance remain unchanged citing significant concerns about groundwater contamination, and the effects on well water and the County's surface drinking water because of the potential for leaching that could flow into perennial streams and drinking water sources.

The Board asked staff to bring back potential options for the Planning Commission to consider. Mr. Harvey noted that the State Code had provisions that the County could not vary from due to Virginia being a Dillon Rule state. One provision was that the County had to allow cemeteries pursuant to its Zoning Ordinance. It also stipulated that to establish a cemetery, there must be permission from any resident within 250 yards from that cemetery. He added that if that

cemetery was separated by a public street, the distance requirement went down to 250', which was above and beyond what the County could control. Also, the Code requires a 300 yard or 900' setback from any public drinking water well but the County does not have such a well, it uses public reservoirs. State Code considers family or church-related cemeteries as by-right uses. Mr. Harvey clarified that the staff report erroneously said that a 900' set back off a reservoir and a 900' setback off a perennial stream draining to a reservoir was a State Code requirement. That was incorrect. Mr. Harvey said that it was a County (not State) Code requirement. In addition, he noted that County Code requires a 900' setback from any private well that provides a drinking water supply. There was also a minimum size requirement in County Code of 25 acres and the requirement that all cemeteries had to go through the site plan process, which may not apply to a family or church cemetery. Current County Code also requires that a cemetery be established through a public hearing process similar to a rezoning.

Mr. Harvey said that staff provided three options for the Board to consider. Option 1 was to do nothing and leave the Ordinance alone. Option 3 was to leave the cemeteries by-right and follow just the State Code requirements (nothing more/nothing less). Option 2, he said, was somewhere in the middle where the Board could require a conditional use permit (CUP) as a means to provide relief from the 900' setback relative to private wells, reservoirs, and perennial streams. This could put the Board of Zoning Appeals (BZA) in the position of having to make a land use decision regarding setbacks.

Mrs. Maurer said she was passionate about this topic and began asking Mr. Harvey a series of questions which are summarized here. She said there have been a lot of discussion, misinformation, and charges of discrimination and she noted that she wanted to walk through the Ordinance very slowly and carefully in how it came to be. Mrs. Maurer noted that Mr. Harvey provided some of the answers in his background report and said that she really appreciated all the work he did on this; that it was two long years.

Mrs. Maurer began with why the Board was revisiting and reconsidering this Ordinance. She asked Mr. Harvey for confirmation that the Ordinance, in December 2016, passed 7 – 0. Mr. Harvey confirmed the vote. He further confirmed that it passed the Planning Commission 7 – 0. Mrs. Maurer said that Mr. Milde made the motion and Ms. Sellers was the second. Mr. Harvey said he believed that was correct and Mrs. Maurer held up a copy of the Ordinance to confirm the motion and second.

Mrs. Maurer continued saying that in September 2017, the Board at Mr. Milde's request, voted to have the Ordinance sent back to the Planning Commission for a review of the concerns of the AMAA, even though he made the original motion and subsequently, in a seven-on-seven meeting with the Planning Commission, he stated that the creation of the ordinance was the "gold standard" of how future ordinances should be considered. She asked Mr. Harvey if he

recalled that and Mr. Harvey said that he did. Mrs. Maurer asked if the Planning Committee establish a sub-committee to do a review of the changes. Mr. Harvey confirmed that it did. She asked if the public was allowed to participate in the sub-committee meetings. Mr. Harvey said that they were. In response to her questions about advertised public hearings on the request, Mr. Harvey said that there were. Mr. Harvey confirmed that the concerns about well water contamination were address at those public hearings.

Mrs. Maurer asked if the AMAA participated in the first review by the Planning Commission; Mr. Harvey said he did not recall. He said that the public was allowed to participate when the Planning Commission reviewed the Ordinance. In response to Mrs. Maurer's question about the number of meetings, Mr. Harvey said there were four meetings prior to the Planning Commission returning its recommendation back to the Board. She asked how many studies were consulted regarding the 900' setback or 250 meters (which was a metric that she looked up on Google and translated to 820'). Mr. Harvey said he did not recall specifically but thought the number was around 11 studies. Mrs. Maurer displayed a stack of papers on the dais and asked Mr. Harvey if that looked like approximately the size of the report provided back to the Board. Mr. Harvey said it looked to be about the extent of the studies.

Mrs. Maurer asked if any additional evidence get presented to the Planning Commission supporting the 900' setback requirement. Mr. Harvey said they did a literature review but he did not recall if there were any other specific reports "that jumped out at a meeting." She asked if the UK law was presented and said that the UK law was passed in 2017. Mr. Harvey said he did remember the United Kingdom law, in that they had different criteria under which cemeteries were analyzed, in three phases.

Mrs. Maurer said that her next was a recall question and asked if the AMA concede to potential well water contamination and offer to pay the County for future contamination issues; that it was discussed at a sub-committee. Mr. Harvey said he did not recall that conversation. She said that they also stated that they use poly-vaults at their Brooke Road cemetery to avoid contamination issues. She asked if the County can require their use to which Mr. Harvey said that it could not; Federal law prohibits the County from regulating how burials may occur. He added that cemetery operators may have regulations about burial practices and may require concrete vaults or there could be a situation where the land subsides into the burial site. Mrs. Maurer said that they could stop using their anti-contamination any time they wanted. Mr. Harvey confirmed that the County had no authority over that or how anyone buries the dead.

Mrs. Maurer said the AMAA acknowledges the risk of contamination, and asked if the County had any authority over any of this; how much embalming fluid is used, what is used in the caskets, does the County have any authority over that. Mr. Harvey responded that the County did not have any authority over that. Mrs. Maurer said the AMAA presented e-mail from the Health Department stating that it required a 100' distance between wells and cemeteries and a clean water test must be provided. But when she read the regulations, it stated that there should

be a 100' setback between new wells and existing cemeteries. Mrs. Maurer displayed the e-mail to which she was referring. She asked where the corresponding regulations were to establishing cemeteries next to existing wells and if the Health Department had that regulation. Mr. Harvey said not to his knowledge but when he looked at the State Code, it spoke to zoning provisions in localities and some general provisions regarding cemeteries as an operational entity. Mrs. Maurer asked how often the County or the Health Department tested the water in a well that "we" were placing 100' from a cemetery. Mr. Harvey said the County did not test for water quality in wells; that the Health Department did that when someone was applying for an occupancy permit and he was not sure that they had any other requirements for post-construction requirements.

Mrs. Maurer asked Mr. Harvey if the County completed any studies showing that there is no health risk to cemeteries like ground or land studies. Mr. Harvey responded no and that the extent of the studies was the literature read by the Planning Commission and sub-committee. Mrs. Maurer asked why the County was revisiting this when the only thing to refute the Ordinance was the Health Department e-mail and studies/literature from overseas. Mr. Harvey said there was some discussion at the Board level about whether this should be revisited and that was part of the reason why it was being discussed at this meeting. She asked if the Health Department had done any studies to support its assertion that placing cemeteries next to wells is safe. Mr. Harvey said he was not aware of any specific studies conducted by the Health Department. She asked if there had been any complaints about the Health Department not using Federal health laws or practices in the execution of its duties. Mr. Harvey said he was not aware of any. Mrs. Maurer said she received a complaint from someone opening a restaurant that the Health Department was requiring a sanitation method that was not consistent with Federal Law. She had to find the chemicals through Craig's List because they were no longer being commercially sold.

Mrs. Maurer said she was struggling with the backwards logic and the Health Department was really clear in its e-mail that "it's all safe and we're all good" and it says that 100' feet for new wells next to existing cemeteries is the same thing as establishing a new cemetery within 100' of an existing well. She said that cemeteries have varying stages of life cycles and the risk of contamination disappears after 10 years so if you were talking about a 200 year old Civil War cemetery, there was less of a chance of contamination and having that 100' setback made sense to her. Mrs. Maurer said that she then realized that the Health Department's mission was to ensure the health of the well at the time of permit only and they only do one test at the time of occupancy. Mr. Harvey confirmed that statement. She added that they do not regulate what else goes into the ground; that is the Department of Environmental Quality and to a degree, this Board. Mr. Harvey said he was not aware of this Board being involved of matters of environmental pollution. Mrs. Maurer said that the Board regulated land use but she may have misheard Mr. Harvey. Mr. Harvey reiterated that the Board did handle land use matters and some of those matters may involve some uses like gas stations, which require a CUP and

Federal regulations on how they capture run-off, and a two-walled process for containing the tanks, etc.

Mrs. Maurer said that part of the communication she received was a 2009 DEQ regulation received from the Planning Commission, which regulated the burying of animal carcasses. She said she realized that that it was not specific to humans but the UK law, passed in 2017, made no differentiation between animal and human remains. And the UK adopted the WHO recommendation of an 820' setback for their entire country. She said that there was a reason why the DEQ regulations related to this and some inconsistencies in the Health Department's regulations. In 2009, the DEQ provided regulations in the burying of animal remains and displayed a copy of the regulations, which limits the burial to no more than 2000 lbs. of any dead animal on any given acre. She said it further requires a 200' setback from any well or spring that was being used as a drinking water source. Mrs. Maurer said if you assume the industry standard of 100 bodies per acre (in an e-mail received from a former member of the Cemetery Board, which she displayed), that could amount to 150,000 to 200,000 lbs. of decomposing flesh and bones. She asked how the Health Department explained how it was not okay to bury more than 2000 lbs. of animal remains on an acre within 200 yards of a drinking water source but burying 150,000 to 200,000 lbs. of human remains only required a 100' setback. Mr. Harvey said he could not speak for the Health Department. Mrs. Maurer continued saying that in addition to the pounds of human remains, they contained embalming fluid, toxins from medical devices, etc. which were all outlined as contaminants by the Environmental Protection Agency (EPA). She asked again if there was any supporting documentation to the Health Department's assertion or was the County relying on the Health Department's "it's all good" e-mail. Mr. Harvey said that it relied on the State's requirements. Mrs. Maurer asked about burying animal remains and if the County complied with the DEQ regulations of a 200' setback. Mr. Harvey responded that the property owner would have to comply with that regulation and if a new well was dug, the Health Department would also require compliance with that setback.

Mrs. Maurer said there have been several complaints of discrimination by the AMAA against Stafford County and she wanted to talk about AMAA's long history with Stafford including that their first cemetery went in in 1992 and they have made these claims of discrimination to the Free Lance-Star and the Department of Justice (DOJ). She said that according to documentation, they purchased the property on Brooke Road in 1992 and asked if the previous cemetery ordinance was in effect at that time. Mr. Harvey said that the Ordinance that was revised in 2016 had an original date of 1979.

Mrs. Maurer noted that the minimum requirement was 25 acres but the purchase was only 8 acres and asked how that permit was approved if it did not meet the minimum size requirement. Mr. Harvey said he went back and looked at the original site plan and there was a waiver granted by the Board of Supervisors for not requiring them to have a paved parking area. The waiver was granted in 1995 and stipulated that it was for a private cemetery. Mr. Harvey added

that another problem with the Code at that time said it was for perpetual or endowment cemeteries that had to be approved by ordinance or the Board could impose a CUP, and at the time the waiver was granted, it said they were operating as a private cemetery. Mrs. Maurer asked if that was how they were operating, as a private cemetery, and they were selling plots on-line. Mr. Harvey said that private cemeteries had no exchange of funds; they allowed people to be buried there without a charge. Mrs. Maurer said they claimed it was a private cemetery but they have been operating as a public cemetery. Mr. Harvey said he did not know when things changed or if it was back when the waiver was granted.

In March of 2016, the AMAA listed their other property for sale. Mrs. Maurer said it was also listed previously for about six months, and asked if they ever inquired about using their other property for a cemetery. Mr. Harvey confirmed that it was approximately 40 acres that they put on the market, and it was adjacent to the original eight acre cemetery. She asked why they didn't expand the cemetery to the land they already had. Mr. Harvey said they filed a grading plan but his recollection was that it would have been cost prohibitive to expand the cemetery because of steep slopes and a number of wetlands on the property.

In May of 2016, the Northern Virginia Conservation Trust (NVCT) notified the County that this land was for sale and the Virginia Land Conservation Foundation was willing to provide matching funds for the property. She asked Mr. Harvey if he was aware that Mr. Milde was a member of both Boards. Mr. Harvey said he did not recall.

In October of 2016, the Board authorized the acquisition of the land through the use of Purchase of Development Rights (PDR) funds. Mrs. Maurer asked if this property was chosen through the normal PDR process. Mr. Harvey said no, that the property as well as an adjacent property, was acquired through a developer contribution for land conservation purposes, it did not go through the County's PDR process. Mrs. Maurer said that the developer contribution was part of the CUP voted on in 2015 and located in Mr. Milde's district. Mr. Harvey confirmed Mrs. Maurer's statement. She said that when she looked back at the minutes, there was some sort of consternation on the legal issues and "whatnot" and asked Mr. Harvey if he recalled that. Mr. Harvey said, "Yes." Mrs. Maurer said that the County purchased property outside the normal process; that it was on the market for a while and the AMAA could not sell it or use it for a cemetery.

Mrs. Maurer said that an "In the Loop" article said that a dump site was discovered on the land that disqualified it from the NVCT grant. She asked if the County had an ordinance which sited property owners when it was discovered that the property had a dump site. Mr. Harvey said it did. Mrs. Maurer asked if the County cited the AMAA. Mr. Harvey said not that he was aware of. He added that there was an issue of debris on the adjoining property that had to be cleared if the County was going to work with the State on the purchase. Mrs. Maurer said that the County did not site them or discriminate against them religiously and they were actually given special consideration because staff did not apply the County ordinance. Mr. Harvey said there was a

contract to purchase the property and staff did not pursue any Code violations that he was aware of. She asked, "Did we use tax-payer, County-funded resources to clean up their property." Mr. Harvey said he knew they used County funds but he was not sure of the source. Mrs. Maurer asked if it was County policy to not do work on private property due to the risk and liability. Mr. Harvey said that was the typical practice. She said that she could not find in the purchase agreement the County's responsibility to clean up any dump sites discovered. She said that Mr. Harvey mentioned that the County had a contract but asked if there was anything in the contract that stipulated that the County would be responsible for cleaning up any dump sites should any be found. Mr. Harvey said he was not familiar with the terms of the contract and would have to read the terms of the purchase agreement to see what it said at the time. Mrs. Maurer said she could assure Mr. Harvey that the answer was no. She asked if the change in terms of the contract come before the Board in open session. Mr. Harvey said he did not know.

Mrs. Maurer asked if Paul Milde was Chairman at the time the deal was done to clean up the site. Mr. Harvey said he believed that he was. She asked if Mr. Milde was also chairman of the R-Board when the landfill staff and funds were used to clean up the dump site. Mr. Harvey said he did not recall if Mr. Milde was chairman of the R-Board at the time. Mrs. Maurer asked how it was, given the financial difficulties of the R-Board at the time, that the Board's former chairman diverted funds to clean up his donor's property. Mr. Harvey said he was not involved in the details of how those decisions were made. Mrs. Maurer said that once again they were not held to the same standards as Stafford County citizens and continue to be provided special access to resources that were unavailable to the rest of the County's voters. She asked Mr. Harvey if he thought, in the words of a constituent, a blind eye was turned regarding County and State law. She said that she would withdraw the question as it was unfair but in the timeline that she was pointing out they did not meet the requirements of the original ordinance; they bought the property outside of the County's PDR process; and the County cleaned up the property even though that was not the usual practice. She said she was concerned but was going to move on because the questions were unfair to Mr. Harvey.

Mrs. Maurer said she was going to ask questions about the Garrisonville Road property as she was concerned about the press and the DOJ's assertion that absence this ordinance, they had the right to build a cemetery on the property without any further approvals required. She asked if according to the previous ordinance, did they have to get Board approval to build a cemetery and was that approval granted prior to the purchase of the property. Mr. Harvey said no application has been submitted. Mrs. Maurer said there were two homes within 250' of the proposed cemetery. According to State law those homeowners must approve the application; and have those approvals been secured. Mr. Harvey said he was not aware of those approvals being secured; that was something that would be verified prior to staff sending the item to the Board for approval. Mrs. Maurer said that they did not acquire the necessary approvals to build this cemetery. Mr. Harvey said that based on testimony heard earlier in Public Comment; that would be the case. Mrs. Maurer said that while the new ordinance added a regulatory layer, they did not and could not meet the requirements of the ordinance and, more importantly, State

law. She asked if she understood this correctly. Mr. Harvey said that based on what he heard earlier, the application could not move forward without homeowner approval whose property was closer than 250' from the proposed site based on State law. Mrs. Maurer asked "why are we twisting ourselves into a pretzel" to change an ordinance if they could not currently meet the provisions of State law. Mr. Foley noted that Mrs. Maurer's question was for the Board, that the item was currently before the Board, not before staff. Mrs. Maurer said, "Okay, she appreciated that."

Next Mrs. Maurer said she had questions about the options that were presented. She said that Option 1 was to keep the ordinance as is. Mr. Harvey agreed. The main purpose of Option 3, Mrs. Maurer said was to remove the 900' requirement from private wells, to which Mr. Harvey also agreed. Option 2, Mrs. Maurer said the purpose was to provide an opportunity for a CUP to request less than 900', and Mr. Harvey agreed. She asked if the County was requiring scientific evidence on Option 2 – that they could get a CUP if they provided "evidence" and asked how to qualify "evidence." Mr. Harvey said that with Option 2, the CUP, the Board could ask for additional studies to determine if they should approve the CUP, and those studies would likely be hydro-geologic studies. The County requires similar studies for example for golf courses that are proposing using private wells to ensure that they would not draw down the water supply from existing houses in the area. In the case of the cemetery, they may require a geologic study to look at the probability of contamination and if there were soils that were highly permeable, there could be a higher risk of contamination. He said that other types of clay soils might not have as much of a risk of contamination. Mrs. Maurer said the County was keeping the 900' setback for public wells. Mr. Harvey said yes because that was State law and a locality could not adjust that.

Mrs. Maurer asked Mr. Harvey if the County treated public water. Mr. Harvey responded saying that the County does treat water in the reservoirs. In response to Mrs. Maurer's next question, Mr. Harvey said that the County does not treat water for private wells. And in response to her question about how often the County tests water for private wells, Mr. Harvey replied that the County did not test private wells. She asked how the County ensured that private wells were safe. Mr. Harvey said that he was not aware that the County was involved in that question. Mrs. Maurer reiterated that the County ensures that public water is safe for drinking to which Mr. Harvey agreed. Mrs. Maurer said that it sounded like owners of private wells were more vulnerable to contamination; that the County's ordinance was only going to protect public water sources but did not provide protection to a more vulnerable population. She added that the County was setting up two standards with Option 2 and Option 3.

Ms. Bohmke asked Mr. Foley if he had something to say. Mr. Foley said that given the nature of the question... Mrs. Maurer interjected that she was getting to a point and was trying to walk people through the thought process on this due its becoming so contentious and there was so much misinformation in the paper that it was incredibly important to walk the public through the establishment of the original ordinance and her support for keeping Option 1. Mr. Foley

said that his comment was in reference to the County's role in providing public water vs. the County's role of the quality in private wells, which was something that the County was not involved in; it was the Health Department, and he did not want it to appear that the County had an equal role in it. Mrs. Maurer said that she agreed that the County did not have an equal role but her argument was that the County should have an equal role in protection of the wells and that was what she was trying to ascertain – equal protection in Option 2 and Option 3 was not provided for private wells as the County would for public wells, and she said that was the basis for the question.

Mrs. Maurer said that her next questions would be interesting and asked Mr. Harvey if he was ready for it, to which he replied, "Sure." She asked for the racial and socio-economic profile of the people the County was setting up a different standard for through Option 2 and Option 3. Mr. Harvey said that the options were land use options, not people options. She said that the rural residents were people who resided on land who get water from wells and asked again if Mr. Harvey knew the racial or socio-economic profiles of those people. Mr. Harvey said they could try to desegregate census data from the 2010 census but he did not have the information that she asked for.

Mrs. Maurer said she asked that question because if the Board opted for Option 2 or Option 3, she finds them to be discriminatory because those people would not have the equal protection that people with public water would have. She said that if the County was going to set up a discriminatory practice, it would be important to know those profiles and if the Board chooses to move forward, it would be important to have that information. Mr. Foley noted that none of the information was developed with that information in mind. Mrs. Maurer replied that she was more than certain that the options were not developed with those issues in mind but she said she was looking at them as being discriminatory against the rural population. She added that the County needed to ensure that if the County was going to tell people that it was going to set up a discriminatory practice, she wanted to know who it was, and that was an important point especially since discrimination was becoming the heart of the issue altogether. And The County should look at all discrimination that could be applied should the Board decide to go with Option 2 or Option 3.

Mrs. Maurer said that in Option 2 and Option 3, the County was removing all other non-State restrictions including the Board of Supervisors approval process and the minimum acreage requirement and asked Mr. Harvey if that was correct. Mr. Harvey asked for clarification and Mrs. Maurer said the way she read the resolution it was by-right and set to State standards. Mr. Harvey agreed. She said that a cemetery could be next to a school or in a business district so long as it was on an A-1 parcel of land. Mr. Harvey agreed. Mrs. Maurer asked Mr. Harvey if he was aware that there were A-1 parcels of land in the new "Downtown Stafford." Mr. Harvey agreed. Mrs. Maurer said that "we" can put a cemetery by-right in the middle of the brand new "Downtown Stafford" if the Board chooses Option 2 or Option 3. Mr. Harvey noted that Option 2 required a CUP if it was in an area of a reservoir or public drinking water or a private well. She asked if there were a ton of private wells within the USA. Mr. Harvey said there were not a

ton of them but there could be that situation. He said that may be where the Board wanted to take a look at the standard and not applying the 900' in the USA because the logic was that the County wanted to extend public water throughout the USA.

From a transportation impact perspective and Mrs. Maurer said that Mr. Harvey brought it up, removing Board of Supervisor approval, and transportation impacts can be intense because of funerals, the County cannot require any transportation mitigation. Mr. Harvey agreed. She asked if most of the County's comparative districts require some sort of approval process. Mr. Harvey said that most do by way of a special permit or a special use permit that comes to the Board of Supervisors. Mrs. Maurer asked if the Board of Supervisors approval process was removed, how the County would protect itself from being sued by the surrounding land owners. Mr. Harvey said that at any point in time, the County can be sued by anybody.

According to State law, Section 3, there's an *action for damages* clause that allows for surrounding landowners to sue the municipality if they incur damages by the establishment of a cemetery, which could be water contamination or loss of real estate value. Ms. McClendon noted that that Section provides a cause of action to the owner of the cemetery, a municipal cemetery. She noted that this would not be a municipal cemetery and it would not apply in this case.

Mrs. Maurer said that she was going to end the "painful process" and make a motion for Option 1, which did not change the ordinance and kept it as it stood. Mr. Coen seconded the motion.

Ms. Shelton made a substitution motion to defer a vote on this issue due to a lot of information coming up that the Board needed time to think about and discuss before voting on it. Mr. Dudenhefer seconded the substitute motion. Mr. Cavalier said that Mr. Snellings, who was away on a family emergency, communicated with him via text and asked that the vote be deferred so that he could weigh in on the discussion and vote on the matter as he was one of four remaining Board members here at the time the original votes were taken. Mr. Cavalier said that he felt that Mr. Snellings had a right to vote.

Ms. Bohmke asked if there was any further discussion. Mrs. Maurer said that the issue was two long years, and although it was unfortunate that Mr. Snellings could not be there and she understood how important the issue was, and considering some of the remarks during public comment, the Board needed to give the residents an answer. She said they were tired and there was a lot going on. She asked that the Board give them an answer and not defer the issue.

Mr. Coen said that he preferred that it not be deferred; that it had been going on for a while and for the sake of transparency, he was serving on the Planning Commission and was on the sub-committee that drafted the ordinance. He said he'd gone through all the information sent by

staff and a great number of e-mails and he felt that the Board was able to make a decision and move on with it. Mr. Coen said it came down to two basic issues, one being quality of life and the other one fairness. He said that many of the County's ordinances and State standards were not up to the 21st century and that was why the Board looked into this; to make it up to the 21st century standards. He said it was interesting that some people expressed the attitude that this was going beyond what the State allowed the Board to do when "quite honestly" the County did many things beyond what the State allowed. He cited examples of roads, public health and safety, child safety, quality of life, etc. He was at a VACo meeting and Fairfax and Prince William County praised Stafford County for going beyond what the State tells it to do. Mr. Coen mentioned stormwater. Mr. Cavalier called for a point of order saying that it did not relate to the issue at hand. Mr. Coen said it related because it was the reason why a vote should not be deferred and in the issue of fairness, the people deserved to have it dealt with.

The vote on the substitute motion was a tie, which Ms. McClendon noted was a failed vote per the Board's Bylaws, and should be brought back at the next regularly scheduled Board meeting.

The Voting Board tally was:

Yea:	(3)	Cavalier, Dudenhefer, Shelton
Nay:	(3)	Bohmke, Coen, Maurer
Absent:	(1)	Snellings

Mrs. Maurer noted that her original motion was on the floor and should be voted on and that it was a motion for Option 1. Mrs. Maurer said that she was passionate on this issue and had a lot to say in support of her motion; and the Bylaws did not restrict her time. She said that politically, the whole situation "reeks" and she almost felt like the Board was set up. The AMAA had 75 acres adjacent to its existing cemetery, which they could have easily used to expand its cemetery. She said she was told by Planning staff that it was determined that the land development cost would have been too expensive for the AMAA to use for its cemetery. Mrs. Maurer said she was unsure when the assessment was done; it appeared to be in 2015. She continued saying that in 2014, former Supervisor, Mr. Milde, used County staff to assist the AMAA, his big supporters, to find a new site. Sometime later, the AMAA put its land on the market and in 2016 County staff was contacted about surprise grant money coming from a conservation organization that Mr. Milde happened to serve on through an appointment by the General Assembly. The matching funds came through a 2015 conditional use permit which was approved in Mr. Milde's district, which (she said) was a whole other issue. In 2016, the AMAA land and another parcel were approved by the Board outside the normal PDR process for purchase with the earmarked PDR and grant funds. In 2017, it was discovered that the AMAA land was not eligible for grant funding due to the dump site on its property. Instead of issuing a citation to the AMAA as was normal under County Code, Stafford County funded resources, primarily from the Landfill and other departments were used to clean up the site. Mr. Milde, at the time, was Chair of both the Board of Supervisors and the R-Board, which oversaw the clean-up efforts. Mrs. Maurer said she believed the land closed sometime in 2017.

Mrs. Maurer said that simultaneously in 2016, she was contacted by a citizen that lived across the street where it was rumored to be a new cemetery site and their worries about their well that was 50' from the property. It was discovered that the State required a 900' setback from public wells, which was similar to the recommendation of the WHO so she wanted protection for private wells, a more vulnerable source of water. She said, "Easy, right?" Mrs. Maurer said it was so easy that after several meetings and public hearings, it was approved by the Board 7 – 0 with Mr. Milde making the motion and later calling the process the "gold standard" of ordinance creation. She continued saying that Mr. Milde found out that it affected his supporters and began the process of overturning his "gold standard" ordinance.

Mrs. Maurer said after months of accusations of discrimination and a Department of Justice accusation, she said that "we" were here today trying to change an ordinance at the request of an organization that did not meet State requirements for its establishment. Putting that aside, Mrs. Maurer said that the Board had options to consider, provided to it by staff. She said that Option 2 and Option 3 were incredibly flawed and she almost felt that they were rushed in their creation due to the DOJ investigation. Both ordinances incorrectly lay out the parameters of the State law and should send them back to the drawing board. Next, they remove the Board of Supervisors approval process, which most of the County's comparative localities has to ensure protection of the overall community and "ourselves." Mrs. Maurer said that the unintended consequences of this ordinance could place a cemetery next to a school, which the DEQ does not allow even for animal burial, or in business parks like around the Airport or in the middle of the newly envisioned "Downtown Stafford." Without Board approval, it cannot ensure that transportation impacts are mitigated with large events like funerals leaving the Garrisonville Road property, which has one of the highest crash rates in the County, even more vulnerable.

Mrs. Maurer pointed to the stack of papers received from staff and talked about the science impacts citing all sorts of potential sources of contamination and an e-mail with no scientific evidence to support it, from someone in the Health Department saying, "Nah, it's all good." She said that while she appreciated the Health Department weighing in, she feared they may be outside their swim lane. It was true they had regulations about citing of wells near cemeteries. She said they were concerned about the quality of water when it leaves the tap, hence the single test done after installation. But ensuring the quality and quantity of water is the DEQ. She said she has not seen where they weigh in on cemeteries directly because (as Mr. Harvey pointed out) the issue only comes up about twice in 20 years. What is more common in rural areas, she said, is the burying of animal remains and before Clark Leming, the husband of the Chairman of the County School Board, starts running to the Free Lance-Start misstating that there is no correlation, the U.K., when it established its regulations recommending an 820' setback for their entire country in 2017, specifically named both animal and human remains be treated equally. The Virginia DEQ regulates that no more than 2,000 lbs. of animal remains is allowed to be buried on any one acre and they require a 200' setback from any well or spring supplying drinking water. Mrs. Maurer said that she did not understand how the organization that was

charged with protecting the environment limits 2,000 pounds of animal remains on one acre, 200' from a well, yet the Health Department says that 200,000 lbs. of remains that includes embalming fluid, mercury from medical devices and arsenic from caskets is okay.

Mrs. Maurer said that maybe that was why there were so many water contamination issues in the United States recently. People in Portland, Oregon, Flint, Michigan, and North Carolina probably said, "It's all good." She added to not forget the poisoning of thousands of men, women, and children at Camp Lejeune from contaminated ground water. One month after a dear friend of Mrs. Maurer died from it, the Federal Government finally admitted that his cancer was the result of that contamination.

Mrs. Maurer said that her last point of contention with supporting Options 2 or 3 was the inherent discrimination of the County's rural citizens through this ordinance makes either Option 2 or Option 3 unconscionable. She said that County water was treated and tested on an hourly basis; that was what Mrs. Maurer said she saw when she went to the new plant in south Stafford. She said that as Board, it was considering these options to protect that water to a higher standard than to more vulnerable water supply in the rural areas. She continued saying that by adoption of Option 2 or 3 the Board was telling the public that the protection of water for the families of six of the seven Board members that live inside the USA is more important than those the Board was elected to serve. She said she was never asking to provide greater protection to the water supply of her rural constituents although some of the studies recommended it. Mrs. Maurer concluded her remarks saying she was only asking for equal protection under the ordinance of this life sustaining resource that her own family enjoyed.

Mr. Cavalier noted that a few years back, when this issue came before the Board, the Board was briefed by a junior member of the Planning Commission, which was totally out of the normal order. He said that it was rarely if ever done and the Board was not given the briefing it deserved and not afforded the ability to make a really informed decision. He added that today, Mr. Harvey, the Planning Director, briefed the Board, which was the way it should be. Mr. Cavalier said he was unsure which of the options were best, but leaving it the same was not the best option so he could not support Mrs. Maurer's motion.

Mr. Coen said that when he was on the Planning Commission, on the sub-committee, and now on the Board, it was always a question of quality of life and fairness. He said that in the stormwater discussion of a few weeks ago, staff was doing far more than what the State called for because of public health and safety and the quality of life of County citizens. Regarding fairness, Mr. Coen said he lived inside the USA so when he turned on his tap, he did not have to

worry about the quality of water. But not too far from his house, there were people who lived with well water and he said he could not look those people in the eye and say that in his situation, it should be at 900' but theirs, it should only be 100'. He said what the Board was telling its residents outside the USA that they were deserving of water quality lower than third world nations and he did not think that was acceptable. He said that amazingly, the Commonwealth of Virginia was not looking at updating too many standards. He said that he didn't remember if it was this ordinance or some other ordinance that the County was made to live under was drafted before the State took over roads, some 100 years ago.

When they went into it, Mr. Coen said, they were thinking about all things with undertaker activities, with formaldehyde and such. He said they were looking at traditional burials. He said that Option 2 was exceedingly insulting to County citizens. He said that the Board should send a strongly worded letter to the State saying that there should be southbound on-ramps on the Express Lanes extension and he knew that Mr. Dudenhefer had worked tirelessly on that effort. Mr. Coen reminded everyone that this was an issue about an application that was never submitted. He met with Mr. Harvey and with the County's economic development team to propose ideas for something that was never submitted in B-2 zoning. He asked if the Board should not look at B-2 zoning unless someone wanted to potentially do something in that zone. He said it did not make sense and that those people outside the USA in White Oak and in Hartwood and in Rock Hill and in Griffis-Widewater who were not on public water deserved the same type of treatment as those citizens who were in the USA. Mr. Coen concluded his remarks saying that he believed the Board should vote for Option 1.

The Voting Board tally for Option 1 was:

Yea:	(3)	Bohmke, Coen, Maurer
Nay:	(2)	Cavalier, Shelton
Abstain:	(1)	Dudenhefer
Absent:	(1)	Snellings

CLOSED MEETING – There was no Closed Meeting on September 18, 2018.

At 5:46 p.m., the Chairman recessed the afternoon session of the September 18th Board meeting.

At 7:02 p.m., the Chairman reconvened the September 18th Board meeting.

Ms. Bohmke gave the invocation and Ms. Shelton led the Pledge of Allegiance to the flag of the United States of America.

Mr. Chris McDonald, Director of Government Relations for the Virginia Association of Counties (VACo), presented the 2018 Achievement Award for "Partnering with the Community to Create a Lasting Memorial." On hand to accept the award were members of the Armed Services Memorial Commission and Working Group including Garrisonville District Supervisor, Mr. Mark Dudenhefer, retired General Ron Christmas, retired Commonwealth's

Attorney, Mr. Dan Chichester, Mr. John Cox, and Ms. Elizabeth Davis, widow of 1st Lieutenant Matthew Davis. Hartwood District Supervisor, Mr. Gary Snellings, was unable to attend due to a family emergency but he played an integral part in the Armed Services Memorial as was noted by Mr. Dudenhefer. Mr. McDonald said that VACo was formed in 1934 as an advocacy group for member counties in Virginia and the achievement awards had been given out for 16 years. Judges were Tedd Povar, Cheryl Bailey, and Larry Land.

Mr. Dudenhefer said he was proud of the work that was done by all facets of the community including the high school students that designed the Memorial. He recommended taking a walk at the Memorial in the evening, which was a very moving experience. Mr. Chichester thanked the Board for its support and thanked Ms. Shannon Howell for always providing assistance when needed by the Commission or the Working Group. He said that the citizens of the County and the region were very generous. General Christmas gave thanks from his perspective as a veteran and said that walking through the various campaigns honored the men and women who gave the ultimate sacrifice for their country. Ms. Davis said she was the widow of a United States Marine and thanked the Board, County staff, and citizens for their support. Mr. Cox said he had no idea of the effort involved when they embarked on the project and he said he could not believe that they pulled it off. Mr. McDonald thanked everyone and offered his congratulations again. He noted that the award would again be recognized at VACo's annual meeting in November.

Ms. Bohmke introduced Daniel Cortez who provided an update on the annual celebration of Hispanic Heritage Month. Mr. Cortez said that as an activist and private citizen, he was honored to have sung the National Anthem at a ceremony at the White House on September 17th. He thanked the Board for its actions in recognizing Hispanic and Latino citizens in Stafford County. He said there were 1.2 million people of Hispanic or Latino descent serving in the Armed Forces and the highest award given in the United States, the Medal of Honor, had been awarded to 60 people of Hispanic heritage. He spoke about there being a safe way of life in Stafford County but his godson had been murdered by MS-13 gang members in California; which was a gang that so far as he knew was non-existent in Stafford thanks to Sheriff Decatur and the County's public safety workers. Mr. Cortez thanked Delegate Bob Thomas for his support of Medicaid expansion, which he said was a compassionate vote that would provide a hand up, not a hand out to many people. He thanked Mr. Mayausky for calling out the disparity in tax laws and saving resident's money. On September 24th, Mr. Cortez said he would be meeting with Governor Ralph Northam in Richmond. He spoke about Hispanic Heritage Month being a non-partisan event and again thanked the Board for recognition of the event. He said that Ms. Shelton, since she came on the Board as the new Aquia District Supervisor, showed compassion unmatched in his 34 years on the County. Ms. Bohmke thanked Mr. Cortez for his presentation.

Presentations by the Public The following persons indicated a desire to address the Board:

Paul Waldowski - Said that he only gets three minutes but everyone else gets more, which was not compassion, but favoritism. That day was the 71st anniversary of the United States Air Force. He spoke about King Arthur, the American Flag, and his Polish heritage; said he served 20 years and what offended him was no equalization or equal protection. Mr. Waldowski said he spent part of the day unpacking his new lawnmower then quoted from the Zager and Evans song, *In the Year 2525* and spoke about Shelton Shop Road and D. R. Horton killing all the cicadas and so much wildlife.

PUBLIC HEARING

Item 13. Consider Approval of a Conditional Use Permit to Allow Motor Vehicle Sales on 1.29 Acres Zoned B-2 Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Jason Pelt, legal representative for the applicant, and Mr. Yonus Attai, applicant, was also present.

Mr. Harvey said that the request was for a conditional use permit (CUP) to allow a motor vehicle sales use in the B-2, Urban Commercial Zoning District on TMP 21-54F in the Aquia District. Proposed conditions included limiting overcrowding of vehicles, no more than 41 vehicles may be parked outdoors on the site; screening of the use; limiting visual impacts; access road repair and maintenance; and restrictions on vehicle delivery to be limited to tow trucks, single-vehicle carriers, and single vehicles. Additional conditions included inoperable vehicle storage being limited to 10 days, hazardous materials must be disposed of in accordance with the County's Fire Prevention Code and other applicable regulations, outside storage of tires and parts was prohibited, hours of operation were limited to 9:00 a.m. and 6:00 p.m. Monday through Saturday, refuse collection and deliveries were limited to 6:00 a.m. and 10:00 p.m., and one monument sign was permitted with the design being in accordance with the image submitted with the site plan. Mr. Harvey noted that staff and the Planning Commission recommended approval of proposed Resolution R18-186.

Mr. Cavalier noted that the building was formerly an equipment rental facility, not vehicle rental as Mr. Harvey said. He asked, "why internet sales?" How was this auto sales business different than other used car dealers? Mr. Harvey responded that with no road frontage, there would be less traffic and the applicant talked about advertising vehicles over the internet being his business model. Mr. Cavalier asked how the condition regarding inoperable vehicles would be enforced adding that he did not think it was enforceable. Mr. Harvey said that they would enforce it if they received a complaint; would take pictures of inoperable vehicles and return to the site in 10 days to re-inspect the business.

Mr. Coen questioned vehicle deliveries. Mr. Harvey said that at the Planning Commission hearing they determined that deliveries would be on a tow truck or flat bed or by driving the vehicle onto the site, there would be no tractor-trailers or car-carriers delivering multiple vehicles. Mr. Coen asked about test drives. Mr. Harvey said they would be on the access road

and on Route 1; the County could not control test drives on public roads. Mr. Coen said he could not visualize having one bay set up as a showroom while doing vehicle repairs in the other bays. Mr. Harvey said he did not have specifics on that and would defer to the applicant. Ms. Bohmke asked for the Planning Commission's vote. Mr. Harvey replied that it was 4 – 2 with 1 abstention.

Mr. Jason Pelt addressed the Board stating that he was there in place of Mr. Bob Goodall, Mr. Atai's legal counsel, as Mr. Goodall had retired and was in Colorado vacationing in his recreational vehicle. Mr. Pelt noted that he was now a senior partner in the firm. He thanked staff for its work on this item and said that Mr. Atai agreed to all the conditions set by the Planning Commission. Ms. Shelton asked if there was a newer, more current agreement, Mr. Pelt said that the agreement presented to the Board was the only agreement available. Mr. Atai agreed to upgrade the road and would ask other businesses along it to contribute to the upgrade. However, if none agreed to contribute, Mr. Atai would still complete paving the access road. Regarding Mr. Coen's question about use of the bays, Mr. Pelt said that one bay would be set aside to permit clients to inspect vehicles during inclement weather and no other showroom.

Mr. Cavalier asked Mr. Atai how long he'd been in the car business and if he shipped vehicles overseas. Mr. Atai responded that he'd been in the car business for 20 years and shipped only a few cars out of the country in the last few years. He said he gets most of his cars from the Fredericksburg Auto Auction and from there they were driven to his lots. Mr. Coen asked about damaged vehicles. Mr. Atai said they would be taken from the Auto Auction directly to a body shop for repairs before bringing them to his lot. Mr. Pelt said that cars with salvage titles were not in Mr. Atai's business plan. Mr. Coen asked about the location of Mr. Atai's other lots. Mr. Pelt said there was one on Hudgins Road, off Route 1 in Spotsylvania in the 4-Mile Fork area.

The Chairman opened the public hearing. The following person indicated a desire to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Coen said that buying vehicles on the Internet was the new way to do business and the idea of buying a vehicle from a car lot was less fashionable these days. He said he was worried about test drives and deliveries but since there were no residences in the vicinity, he was not as concerned about that.

Ms. Shelton said that it was hard due to a previous action of the Board to revoke a CUP for another small business (not related to this application). She said that she truly did support small business in the County and she did not want to go through the revocation process again. She said she had lots of questions that staff answered and welcomed Mr. Atai's business, if the Board adopted the proposed Resolution.

Ms. Shelton motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R18-186.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton
Nay: (0)
Absent: (1) Snellings

Resolution R18- reads as follows:

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT ON TAX MAP PARCEL NO. 21-54F, TO ALLOW A MOTOR VEHICLE SALES USE IN THE B-2, URBAN COMMERCIAL ZONING DISTRICT, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Yonus Attai submitted application CUP15150822 (Application), requesting a conditional use permit (CUP) to allow a motor vehicle sales use in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 21-54F, located within the Aquia Election District; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2018, that a conditional use permit (CUP) pursuant to application CUP15150822 be and it hereby is approved with the following conditions:

1. This CUP is to allow motor vehicle sales in the B-2, Urban Commercial Zoning District, on Tax Map Parcel No. 21-54F (Property). The motor vehicle sales use includes both retail sales and wholesale sales.
2. The existing entrance drive access gate shall be removed prior to issuance of an occupancy permit.
3. All outdoor storage of vehicles for sale shall be limited to the paved parking spaces within the Property and is prohibited from open space areas.
4. No more than 41 vehicles can be parked on the Property outside of the building.
5. Vehicles associated with the Property or the vehicle sales use shall be prohibited from parking along the access road serving the Property.

6. The owner/applicant shall install and maintain “No Parking” signs along the access drive in front of the Property.
7. Within six months of the approval of this CUP, the owner/applicant will repair, mill, and re-pave the private access road serving the Property. If the private access road is not completely repaired and paved within six months, such failure will be an act of noncompliance, regardless of the reason. The owner/applicant agrees that by virtue of requesting and receiving this approval and taking any steps in further of the use approved in this CUP, that such noncompliance is willful.
8. The repair, milling, and re-paving of the private access easement shall be in accordance with the pavement details established in the site plan entitled “Convenience Center at Aquia Business Center,” dated July 22, 1988, prepared by Webb and Associates, and at a minimum, include the area from curb to curb along the straight stretch of the private access easement, approximately 245 feet in length, as measured from the intersection with Jefferson Davis Highway. Where tying into Jefferson Davis Highway, Virginia Department of Transportation’s WP-2 standard will apply, which includes milling and overlay of the adjacent travel lane.
9. Vehicle delivery is limited to single-vehicle flatbed or tow trucks; vehicles may also be individually driven to the Property.
10. All loading and unloading of vehicles transported to and from the Property shall occur on the Property and are specifically be prohibited from occurring on or in the access drive.
11. Vehicle repair, service, and reconditioning shall be limited to vehicles being sold on the Property and shall be conducted within an enclosed building.
12. Parking spaces shall not block any repair or service bays.
13. Each parking space shall have direct access to a drive aisle.
14. The existing roof sign and support structure shall be removed prior to issuance of an occupancy permit for the vehicle sales use, and shall not be erected again.
15. The existing vegetation along Interstate I-95 and between the building and the adjacent hotel shall be preserved.
16. Any outside storage of inoperable or totaled vehicles on the Property shall be limited to a maximum of 10 days.
17. All petroleum products, anti-freeze, and hazardous materials, shall be disposed of in accordance with the Stafford County Fire Prevention Code and all applicable federal and state laws, regulations, and requirements.
18. Outside storage of tires and vehicle parts shall be prohibited.

19. The hours of operation shall be limited to between 9:00 a.m. and 6:00 p.m., Monday through Saturday.
20. Refuse collection and deliveries shall be permitted between the hours of 6:00 a.m. and 10:00 p.m.
21. One freestanding monument sign is permitted on the Property and shall be in general conformance with the design and materials of the signage example attached to the correspondence from Robert B. Goodall, dated March 29, 2018.
22. This CUP may be revoked or conditions modified for violations of these conditions or any applicable federal, state, or county code, law, ordinance, or regulation.

Adjournment At 7:57 p.m., the Chairman adjourned the September 18, 2018 meeting of the Stafford County Board of Supervisors.

Thomas C. Foley
County Administrator

Meg Bohmke
Chairman