

STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES
February 23, 2021

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) of Wednesday, February 23, 2021, was called to order with the determination of a quorum at 7:00 PM by Chairman Heather Stefl in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center, and at remote locations throughout the County.

MEMBERS PRESENT: Steven Apicella (remote), Dana Brown, Kecia Evans, Robert Gibbons, Robert Grimes, Dean Larson, Jeffrey Spinnanger (remote), Heather Stefl

MEMBERS ABSENT: None

STAFF PRESENT: Douglas Morgan, Melody Musante, James Staranowicz, Stacie Stinnette

CALL TO ORDER BY CHAIRMAN

Mrs. Stefl: Alright, I call this meeting to order. I think we're going to have a kind of very shortened meeting tonight, so I'm not going to go through the whole preamble and all that kind of stuff and jazz, because we have no public hearings or no variances. So, I'm going to ask staff to just do a quick roll call, starting with our electronic people first and then here present.

ROLL CALL

Ms. Musante: Steven Apicella.

Mr. Apicella: Here.

Ms. Musante: Robert Grimes.

Mr. Grimes: Present.

Ms. Musante: Dean Larson.

Dr. Larson: Present.

Ms. Musante: Heather Stefl.

Mrs. Stefl: Present.

Ms. Musante: Dana Brown.

Ms. Brown: Present.

Ms. Musante: Kecia Evans.

Ms. Evans: Present.

DETERMINATION OF QUORUM

Mrs. Stefl: Okay...

Mr. Apicella: Madam Chairman? This is Steven Apicella, can you hear me?

Mrs. Stefl: Yes, Steven, we can hear you.

***Board of Zoning Appeals Minutes
February 23, 2021***

Mr. Apicella: So, just for the sake of protocol, I would ask for permission to participate remotely. I would ask if someone would make a motion to that effect and a second as well.

Mrs. Stefl: Okay, I'm going to entertain that motion, although I didn't think we needed to do that under the current state of emergency. But I will do that for clarity to staff and the Board. So, I'll entertain a motion.

Dr. Larson: What is the motion for?

Mrs. Stefl: To allow him to participate remotely.

Dr. Larson: I move that we allow Mr. Apicella to participate remotely.

Mrs. Stefl: Alright, do I have a second?

Ms. Evans: I second.

Mrs. Stefl: Any discussion? At this time, I'll close. All those... at this point, I'd ask for unanimous consent...

Announcement: Call from James Spinnanger.

Mrs. Stefl: Okay, since I hear no opposition I'll accept Mr. Apicella to remote in. Do we have any other members remote at this time?

Ms. Evans: Mrs. Stefl...

Mr. Apicella: Madam Chairman, I think Mr. Spinnanger is also trying to dial in as well. I'm not sure if... he's actually calling me on my home phone here, and I can't answer it at the moment.

Mrs. Stefl: Alright. Well, we do have at present an alternate, so I'm going to ask that Mr. Gibbons sit until Mr. Spinnanger is available, so that we will have a full Board then. One, two, three, four, five, six, yes. Alright, Mr. Gibbons?

Ms. Brown: *Inaudible, microphone not on.*

Dr. Larson: What's that?

Ms. Brown: *Inaudible...* what that pinging was.

Mrs. Stefl: That's my phone that I need...

Mrs. Brown: I didn't know if that was Steven trying to talk.

Mrs. Stefl: No, sorry. That is my son's football, football thing. So, I was trying to silence it. I'm going to ask everyone else to please silence your phone and use me as a bad example. Okay, I'm just going to turn the sucker off. Okay, alright, first order... I guess, at this point, we have a quorum now. So, our first order of business will be election of Chairman. And for... just so I can keep people straight, I'm going to go to our electronic members first. So, do I have any motions for Chairman?

ELECTION OF OFFICERS

A. Election of Chairman

***Board of Zoning Appeals Minutes
February 23, 2021***

Mr. Apicella: Madam Chairman, this is Steven Apicella, I would like to nominate Dr. Dean Larson for Chairman.

Mrs. Stefl: Alright. I do not believe I need to hear... have a second.

Dr. Larson: No.

Mrs. Stefl: Are there any others who wish? Okay, I'm going to close the elections and by unanimous consent, I'm going to ask that we elect Dr. Dean Larsen as our Chairman, all those... Is there any opposition? So be it. Mr. Larsen, welcome to the job.

Mr. Grimes: Welcome back to the job.

Mrs. Stefl: Welcome back to the job. Alright, I am going to open the floor for nominations for Vice Chairman.

B. Election of Vice-Chairman

Dr. Larson: Madam Chair, I'd like to nominate Steven Apicella for Vice Chair.

Mrs. Stefl: Alright. Are there any others?

Ms. Evans: Yes, I like to nominate Dana Brown for Vice Chair.

Mrs. Stefl: Okay. Alright, alright, we will take the first nomination, all those in favor of Steven Apicella for Vice Chairman, please signify by saying aye.

Mr. Grimes: Aye.

Dr. Larson: Aye.

Mr. Apicella: Aye.

Mrs. Stefl: Okay, that's three...

Mr. Apicella: Madam Chair, you might have to just do a roll call vote.

Unknown Speaker: Yes.

Mrs. Stefl: Okay, we'll do a quick roll call vote because there was kind of hard to figure out. So, Kecia Evans.

Ms. Evans: No.

Mrs. Stefl: Dean Larsen.

Dr. Larson: Aye.

Mrs. Stefl: Steven Apicella.

Mr. Apicella: Aye.

Mrs. Stefl: Dean Brown.

***Board of Zoning Appeals Minutes
February 23, 2021***

Ms. Brown: Yes, what are we voting on, because we are not clear down here.

Mrs. Stefl: We're voting on first Steven Apicella.

Ms. Brown: Okay, sorry, okay, I was not clear. Okay, whose turn is it, mine?

Mrs. Stefl: Dana.

Ms. Brown: No.

Mrs. Stefl: Okay, Mr. Gibbons in for Mr. Spinnanger.

Mr. Gibbons: *Inaudible*.

Mrs. Stefl: Alright. Mr. Grimes.

Mr. Grimes: Yes.

Mrs. Stefl: Okay. Oh, I wasn't going to vote until there was a tie, but it looks like there is a tie, so I will... It pains me, but I'm going to say aye. Alright, so that makes three, four... four yea, two no. Alright, Mr. Apicella, welcome to the job.

Mr. Apicella: Thank you Madam Chairman.

C. Election of Secretary

Mrs. Stefl: I am going to open the election for Secretary. Do I have any nominations?

Ms. Evans: I nominate myself for secretary.

Mrs. Stefl: Okay, do I have any others?

Ms. Brown: I think the last vote was not 4-2, I think it was 4-3.

Mrs. Stefl: Oh, 4-3. Umm, you're asking for the prior vote.

Dr. Larson: That is correct.

Ms. Brown: Yes, you said 4-2.

Mrs. Stefl: Oh, I'm sorry, 4-3. Okay. Alright, well, then at this point, nominations... unless there's any other nominations. Alright, then I will ask for unanimous consent for Kecia Evans as our Secretary. Alright, Kecia, welcome to the job.

Ms. Evans: Thank you.

Mrs. Stefl: Alright, we have no public hearings and I don't believe we had any unfinished business. Alright, Zoning Administrators report

DECLARATIONS OF DISQUALIFICATION

PUBLIC HEARINGS

***Board of Zoning Appeals Minutes
February 23, 2021***

NONE

UNFINISHED BUSINESS

NONE

ZONING ADMINISTRATOR'S REPORT

Mr. Apicella: Madam Chairman, I'm sorry to jump in. Just for the record, I can see Mr. Spinnanger is online.

Mrs. Stefl: Okay. Oh, welcome, Jerry.

Mr. Apicella: Jeff.

Mrs. Stefl: Alright, all we have done... just to catch you up is we've had election of officers and now we are hearing from the Zoning Administrator, his report.

Mr. Morgan: Thank you, Madam Chairman, members of the Board. I would like to welcome all the new BZA members this evening. Mr. Spinnanger, we have been in contact with you as well as Ms. Evans and of course, Mr. Irish.... Ireland, Mr. Ireland. Sorry, I apologize. We have no further reports from the Zoning Administrator at this time.

ADOPTION OF MINUTES

1. August 25, 2020

Mrs. Stefl: Alright. So, then we will move on to the adoption of minutes. Our only minutes that are outstanding is from August 25, 2020. Do I have any corrections from Board members?

Ms. Brown: I have several corrections.

Mrs. Stefl: Okay,

Ms. Brown: Also, I'm not sure how to say this, but take this off for a second. When I was going through the minutes, it's been a long time since we had the meeting, so it's been, I don't know, six months or so. Um, there might be a section missing that that's something that I had said, because I had some stuff in my notes that weren't in the minutes. So, um, I have some corrections. And then I, I just want to throw that out there about the stuff that I did I couldn't find. But let somebody else go first because I have to... since we didn't have hard copies at home, I got to look it up. Okay, well I think I got it. I found it. My first thing was line 234, the word portlets was in there and I think it should be portalets. I don't want to look too illiterate on that one. And then on line 1092 after the word weddings, we need to insert the word venues. And the same thing on line 1093 after a wedding insert venue. Am I going too fast, Stacie? I don't want to run you over.

Mr. Morgan: Nope. I got it.

Ms. Brown: Line 1271, insert the word are between there and no. And then line 1865, we need to capitalize the word boundary, because it was the name of a street, it wasn't like a boundary on a lot. So just so that's clear, we referred to a street. Let's see, okay, now I can't read my own writing. I think it's line 2722, after the word was insert she was. I've still got a couple more. Uhm, line 2726, we need to delete the word sniff and insert most likely to get, I'm not sure how we got sniff out of that, but. And then line 2834, delete the word goes add the word got. Line 3005, replace the word there, t-h-e-r-e with they. Line 3442, at the end

***Board of Zoning Appeals Minutes
February 23, 2021***

of the sentence, replace the word with, with when. Line 3443, after the word primary add location. And the next one was easy, 3505, delete the s after Roberts, because I think I was referring to Robert. Uhm, line 2997, we're missing... this, this is where I'm missing the part that I was... I thought I had a little wrap up of what they were doing for the kennel, and I had a response from the applicant. And that's that seems to be missing in there. So, I think that's it.

Mrs. Stefl: Alright, any other corrections? Alright, I'll entertain a motion for adoption of the August 25, 2020 minutes, with the so amended corrections from Ms. Brown.

Dr. Larson: I will move to adopt.

Mrs. Stefl: Okay. All those in favor say aye.

Dr. Larson: Aye.

Mr. Grimes: Aye.

Ms. Evans: Aye.

Mrs. Stefl: All those opposed?

Ms. Brown: Opposed. I'm just going to vote no, just because I think that section is missing. If I would have had time, I would have come down and looked. But, I just I'm worried about that. That little piece.

Mrs. Stefl: Awesome. Okay, now...

Mr. Morgan: Just for clarification, who was the second on that motion, please?

Mrs. Stefl: The second was Kecia Evans.

Mr. Morgan: Thank you.

OTHER BUSINESS

2. 2021 Meeting Calendar

Mrs. Stefl: Okay, our next item of business is our 2021 meeting calendar. Let me get to that section. Okay. Alright, now uhm, canceled, so we're having our February meeting. Now, there is... we are going to have a March 23rd meeting?

Ms. Musante: We are going to have a March 23rd meeting, I accepted an application today.

Mrs. Stefl: Okay.

Ms. Musante: It's for a commercial kennel.

Mrs. Stefl: Okay.

Ms. Musante: So, they will be chiming in remotely. They will not be here in person because they're not going to be in the country.

Mrs. Stefl: Okay.

***Board of Zoning Appeals Minutes
February 23, 2021***

Ms. Musante: Yep, so Stacie will have to set up a WebEx meeting for that.

Mrs. Stefl: Okay. Alright.

Ms. Brown: Is this a repeat applicant or a different one?

Ms. Musante: A new applicant.

Ms. Brown: Thanks.

Mrs. Stefl: Okay.

Mr. Apicella: Madam Chairman.

Mrs. Stefl: Yes, Mr. Apicella.

Mr. Apicella: So, with regard to the proposed meeting schedule, I would just point out that November 23rd is the week of Thanksgiving. I would recommend we move that particular meeting date to November 30th, if we were to move it the prior week, that would be November 16th, the same date as a Board meeting. So, again, I would recommend that we go to November 30th as our meeting date for November.

Mrs. Stefl: Okay. Is there any opposition to that? Does anyone anticipate any other issues?

Ms. Brown: Do we know if the chambers are available that day? I don't know what meetings happen.

Mr. Morgan: We do not currently have next year's calendar available.

Mrs. Stefl: Or this years?

Mr. Morgan: Stacie is checking on it right now.

Mrs. Stefl: Okay, is there a possibility if we could use the ABC room? Is there means to be able to get WebEx up there? Like as a secondary if there is an issue?

Mr. Morgan: We can certainly make... we can certainly make every attempt to make the meetings just as we have over the past years...

Mrs. Stefl: I just didn't know, you know, now that we're doing WebEx meetings, the availability up there. So...

Mr. Morgan: It's been confirmed that it's available.

Mrs. Stefl: Okay, well, then let's, let's book it before we lose it, the old adage. Alright, so besides the one additional of November 30th, is everyone in support of this year's meeting schedule?

Dr. Larson: Madam Chair, I just want to confirm, I haven't looked at the calendar with these... I just confirm with staff that these are all the standard fourth Tuesday of every month? Okay.

3. 2020 Annual Report

Mrs. Stefl: Mm hmm. And we also... we don't know from the Governor's office yet if there's going to be changes either. So, there is a possibility we might also still be under a State of Emergency so members could utilize WebEx too. Okay? Alright, so then I will accept the calendar as amended. Alright, our next

***Board of Zoning Appeals Minutes
February 23, 2021***

item of business was our 2020 annual report. For new members, and some of you all, just a reminder, this is a kind of like our progress report, our what we did for the year. It goes to the Board of Supervisors, although while we're not really with the Board... Half of us is kind of under the Board of Supervisors and half of us report to the Circuit Court. So, this is something that is generated. It is our public view. Members, are there any corrections or additions that you would like to make to our annual report?

Ms. Brown: I had some.

Mrs. Stefl: Okay.

Ms. Brown: They had me incorrectly and Adela switched. Adela was the Secretary and I was the Vice Chair last year.

Mrs. Stefl: You are absolutely right.

Ms. Brown: for our one public hearing night.

Mrs. Stefl: Our one meeting that we had. Okay, you are absolutely right. We will change that. Are there any other changes?

Ms. Brown: Um, we talked about this, I didn't recall us needing help from the Board of Supervisors to understand the electronic meeting policy from the State when we were under non-emergency procedures.

Mrs. Stefl: Um hum.

Ms. Brown: I don't remember saying we needed to get their take on that. We have the copy of the statute. The statute is pretty clear. And I don't want to look kind of like we don't know what we're doing in front of the Supervisors. Do we really want to ask them for clarification of the State Code? I just didn't remember that. I do remember talking about when we were under a State of Emergency, because there was some confusion on when we had three members out all the time and we had we had a quorum. But what if one of the fourth quorum people needed to be out, then what happens? But I don't remember having any issue about what to do under nonemergency.

Mrs. Stefl: Right. If I recall and I hope the Board doesn't mind me stepping here, but I thought the discussion had to do with who could technically not be here. That the whole... there was a discussion on 4 people needing to be in attendance under the nonemergency.

Ms. Brown: That is required per State Code.

Mrs. Stefl: So...

Ms. Brown: It's pretty clear in there. So, I don't I don't know why we need a clarification or if you guys really want to, but I just don't want to look...

Mrs. Stefl: Was it, was it to talk to the Board?

Ms. Brown: I don't know...

Mrs. Stefl: That's what I was...

Ms. Brown: ... the recommendation said...

Mrs. Stefl: ... trying to remember from the rest of the Board.

***Board of Zoning Appeals Minutes
February 23, 2021***

Ms. Brown: We want to ask the Board for clarification? That's what it says.

Mr. Morgan: Just for clarification, I believe that the Board of Zoning Appeals wanted to get advice from their legal counsel to make sure that they were doing things consistent with exactly what the Board was. It wasn't a matter of asking the Board what their policy was to make it look like we didn't know what we were doing. The BZA wanted to be consistent with the Board of Supervisors. And I believe you guys did get legal advice from your legal counsel. I believe that was provided by Andrew...

Ms. Brown: Um hum.

Mr. Morgan: ... and he had, you know, followed up with you guys directly, that you were following the same protocol as the Board of Supervisors.

Ms. Brown: Yeah, so, so, on the annual report, I thought that meant we were we were going to send that to them. So, that's not what that means?

Mr. Morgan: *Inaudible, microphone not on.*

Ms. Brown: Yeah, that we were going to send something to the Board of Supervisors. That's what I read. So, did I read it wrong then

Mr. Morgan: *Inaudible, microphone not on.*

Ms. Brown: I see.

Mrs. Stefl: I guess, and I think this was something I wrote with staff. I thought... the thought was that we just wanted to be inconsistent of like when they go in. When, like when we're out of our State of Emergency, what would they do in that scenario?

Ms. Brown: They would follow State Code.

Mrs. Stefl: Right.

Ms. Brown: They don't get to make their own rules.

Mrs. Stefl: No, I'm not saying that they would make their own rules. I'm asking like, how did they determine the 4 people who would attend? Like, would they make someone who was possibly sick or had a you know... I think that was what we were seeking counsel from them...

Mr. Apicella: Madam Chairman.

Mrs. Stefl: ... if I recall. Yes, Mr. Apicella.

Mr. Apicella: I am just trying to figure out where we are, what sentence or sentences are in dispute. What page are they on?

Mrs. Stefl: We are on actually page 2 of 4. And its issues encountered by the Board of Zoning Appeals. And we're discussing like, online meetings. There was a discussion on, you know, what, if 4 members, you know, were out. You know, who would we basically say someone has to be in attendance, you know, and or the meeting would not be... we'd have to postpone the meeting or something like what would the Board of Supervisors do in that scenario?

***Board of Zoning Appeals Minutes
February 23, 2021***

Mr. Apicella: The only thing I can think of, if the Board had a matrix that they developed, that kind of spoke to different scenarios, maybe that's what is referred to here and may not have been addressed in their matrix. So, they were pretty specific about some other Boards. I don't know if it captured the Board of Zoning...

Mrs. Stefl: Right.

Mr. Apicella: Because I don't have it in front of me at the moment.

Mrs. Stefl: So, maybe that's what we just need to ask that if the Board of Supervisors has a matrix, then we would want to shadow that particular matrix. Correct?

Ms. Brown: No.

Mrs. Stefl: No.

Ms. Brown: I think we're mixing up emergency and non-emergency meetings, that's what I think. Mr. Doug, can you help me out?

Mr. Morgan: I do believe that, I do believe that there was some correspondence with the Board of Zoning Appeals and their attorney.

Ms. Brown: Yeah, and he enclosed the State Code for us.

Mr. Morgan: And he enclosed the process and procedures for Boards and how they would operate and what the protocol is. In addition, I do believe, that he also wrote and provided you guys with guidance and a letter format of what was acceptable and how it was consistent with the Board of Supervisors.

Ms. Brown: Okay, that I don't remember, but okay. I will trust you on that.

Mr. Morgan: I do remember... I don't remember what that is, because that's between you and your legal counsel, but I do remember getting a bill for that.

Ms. Brown: Oh.

Mrs. Stefl: I have to, I have ...

Ms. Musante: We did.

Mrs. Stefl: Yeah, I have to... I'll have to go through my emails because I do not remember asking Mr. Roberts.

Mr. Morgan: I will pull up some of the emails because...

Mrs. Stefl: I'll have...

Mr. Morgan: It was quite... it wasn't just a small amount.

Mrs. Stefl: No, it wasn't. I mean, I remember seeing an invoice from him. I'm just... I'll have to remember the question I posed. But, maybe what it is, it's we worry about this when we're at that time, not under a State of Emergency. And we do encounter, you know, once...

***Board of Zoning Appeals Minutes
February 23, 2021***

Ms. Brown: Well, we have to have a quorum to meet. So, if we don't have 4, we can't meet. Now, we didn't used to have people come in and do electronic meetings, two a year. That's something new that we changed.

Mrs. Stefl: Right.

Ms. Brown: I don't know if that's legal, we can do that. But that's something new, so we can, you know, have alternates. But, yeah, we still have to have 4 at a physical location, 4 of us, that is what...

Mrs. Stefl: Right.

Ms. Brown: ... State Code says.

Mrs. Stefl: Well, the thing is, I mean, that's why we have our alternates. So...

Ms. Brown: Yeah, I agree. I think the alternate should be used...

Mrs. Stefl: But who an alternate fill in for, you know, I mean, one who attends in person. I mean...

Ms. Brown: I agree.

Ms. Brown: ... but it is a slippery slope that we could get into and a Chairman could be put into a big bind on determining who the alternate is filling in for there.

Ms. Brown: So, what are you saying? I'm sorry.

Mrs. Stefl: I don't... I don't... I ... I ... I think it's... I don't think we're going to solve it in one night. So, maybe...

Ms. Brown: *Inaudible, two people talking.*

Mrs. Stefl: Do we maybe strike out this and it's something that we tackle once this particular... it occurs.

Ms. Brown: Well, I agree with you. I mean, I think on a non-emergency, of course, on an emergency, definitely, but on a non-emergency. That's why we have alternates.

Mrs. Stefl: Right, right.

Ms. Evans: Madam Chair, can I make a suggestion?

Mrs. Stefl: Absolutely.

Ms. Evans: So, it seems like the issue is that people don't know if they're, you know, what's the protocol for non-emergency versus State of Emergency, correct? As far as having a meeting?

Mrs. Stefl: No, we, we, we have the policy. We have a policy when we're under emergency and we have a policy when we're under not under a State of Emergency. The issue is that when we're under, we're not under a State of Emergency, just a regular, we hope to be back to normal, like the old, you know, when we get back to normal. Since we have the policy that would allow members to be electronic and they're allowed to be absent for two meetings, the issue is that Code says there must be four people in attendance, physical attendance. But the issue... but then it comes down to a member who's electronic, is that considered in attendance? And that's where we were, I think, getting a little wrapped up with because also being absent, we have alternates who can fill in when they're not present. But then members are allowed to be absent

***Board of Zoning Appeals Minutes
February 23, 2021***

two times. So, I think that what we're dealing with and this is, this is all new, like we never had this policy prior to getting into COVID. And so, we passed this policy to allow us to be able to meet. Luckily, we didn't have many cases last year, so we only had to utilize at one time. But, I think the thought is that who, who is being forced to have to come in?

Mr. Grimes: I think, I would just offer that, to avoid this circular discussion here that we are going to revisit the email from August 19th from Mr. Andrew McRoberts.

Mrs. Stefl: Okay.

Mr. Grimes: Just everybody go back.

Mrs. Stefl: Okay.

Mr. Grimes: He provided us the electronic meeting policy.

Mrs. Stefl: Right.

Mr. Grimes: I do not recall what the outcome of the email discussion was that did we approve it or not approve it? But he did give us a policy. We did pay him to...

Mrs. Stefl: Yeah.

Mr. Grimes: ... review it and provide us some guidance. So, I'd recommend that we all go back to that August 19th document, review it and then at our next meeting, discuss how we should, unless there's an issue before the next meeting, we could potentially do something... the Chair could potentially do something, the Chair could poll Board members to try to get approval of that, something along those lines. But, I think without seeing the document, because I don't remember the document either, I know it exists, but I don't remember what it says.

Dr. Larson: I found the email.

Inaudible, several people talking at once.

Mr. Apicella: Mr. Grimes, we did approve the policy for non-emergency and emergency. There was some discussion about, there was some kind of discussion about how to deal with somebody who was, based on the State Code, to participate remotely at these two times. Either non-emergency circumstances or to have somebody else pitch hit, even though they were able to participate. And we decided that we were waiting for somebody to not participate remotely, even if an alternate was available. However, if we couldn't meet the quorum and somebody needed to come in and pinch hit for that person, then yes, that we would need an alternate. Bottom line, again, we need 4 people in person at the dais, to participate in these meetings. So, that's what I think was incorporated into the policy. It sounds like we, some folks may want to revisit it. I don't disagree we should strike out this sentence. I think it's confusing, and without having to go through all the emails and discussions, I'm not sure it's particularly helpful at this point in time. And we can just approve the report without that, and move on for now.

Ms. Brown: Well, I think what this really boils down to, because it's coming back to me. Now that you said all that Steven, this was about emergency meetings. And we were in a situation where we had 3 members that were constantly doing electronic, which is fine, and we had 4 here at the dais. But then if one of us four at the dais, you know, had to participate electronically because maybe we had been exposed to COVID or something, then why should the person that's been here all the time have to be the one to get an alternate? You know, how would we decide that? Why should the ones that have always been electronic get to participate electronic? And let's say it was me, I got exposed to COVID. Why should I have to get

***Board of Zoning Appeals Minutes
February 23, 2021***

in an alternate and not be able to participate electronically? That was where the problem came in. And that problem arose because it was a new thing that we had approved.

Dr. Larson: Right.

Ms. Brown: That was the problem.

Dr. Larson: That was the emergency situation, right?

Ms. Brown: Right, we still had to have some ...

Dr. Larson: So, we'll have a quorum if we have 4 people participating in the meeting, remotely or not.

Ms. Evans: Madam Chair, can I ask you, if I could just ask a question. Back to this email that was sent?

Mrs. Stefl: Yes.

Ms. Evans: Because you have new members on the Board that do not know. Is it possible that we can get that email?

Mrs. Stefl: Yes.

Ms. Evans: And therefore, more than one person can look at that email and maybe interpret or try to interpret and try to explain to other members like what they're talking about?

Ms. Stefl: Yeah, yeah. I was going to, I was going to say that, you know, once he mentioned the email, then I said I was going to, I will forward it to the new Board members, so that they are in the loop. It was something that wasn't just interpreted by one person. It was sent to all Board members at that time. You, you and John are new. And I will definitely get that information provided to you, in fact, when I get home, I'll forward, I'll be forward it to you.

Ms. Evans: Thank you.

Mr. Morgan: Thank you. We will also include that in the agenda for the next meeting in March as unfinished business.

Ms. Stefl: Okay, I was going to be my next question. So, for now, do we... does... is the desire of the Board to strike this particular section? And we will revisit...

Mr. Apicella: Not, not, not... just a sentence. *Inaudible*... is apparently in the spirit. So...

Mrs. Stefl: Sorry, sorry. I meant... you are absolutely right, Mr. Apicella. That's what I meant, is to say that particular sentence of the section.

Ms. Brown: What sentence.

Mrs. Stefl: The BZA would like the Board of Supervisors to address this issue.

Mr. Apicella: So, with that Madam Chairman, I would just make a motion to approve the proposal for striking out that particular sentence on page two that says, the BZA would like to Board of Supervisors to address this issue, all other verbiage in the report to be approved as written.

Mrs. Stefl: Okay.

***Board of Zoning Appeals Minutes
February 23, 2021***

Mr. Grimes: I second it.

Mrs. Stefl: Alright. All those in...

Ms. Brown: I want to bring it back, I thought we were bringing it back next month to talk about it.

Mr. Apicella: *Inaudible*... issue right now. I've got a motion on the floor to approve the report.

Ms. Brown: Well, what am I approving? Am I approving that is good like it is? Because I don't want to approve that.

Mr. Morgan: You're approving the annual report. The actual item will come back to you.

Mrs. Stefl: Yeah, the item will still come, right?

Ms. Brown: That's fine.

Mrs. Stefl: Yeah, alright. Any other discussions? Yes. Miss Evans.

Ms. Evans: So, to get an understanding, we're striking... well, there's a motion on the floor to strike the last sentence, correct?

Ms. Brown: Correct.

Ms. Evans: Okay.

Mrs. Stefl: Correct. So, we're voting to strike the last sentence, all those in favor.

Mr. Apicella: And approve the report.

Mrs. Stefl: I am sorry. You are absolutely right.

Mr. Apicella: Okay.

Mrs. Stefl: The motion, as it stands right now, is to strike the sentence, the BZA would like the Board of Supervisors to address this issue and to approve the annual report. All those in favor, say aye.

Ms. Brown: Aye.

Mr. Grimes: Aye.

Dr. Larson: Aye.

Mrs. Stefl: All those in opposition. Any abstentions? Alright, alright. Our fourth item is, I've added... I asked staff to include training.

4. Training:
- New member

Mr. Grimes: I know that this is a little unusual. So, I'm going to take this request out of order. Can we have an introduction to the new members, just before we go any further and start talking about training. And there's a bunch of new faces. And I don't know...

***Board of Zoning Appeals Minutes
February 23, 2021***

Mrs. Stefl: Yeah, that was going to be...

Mr. Grimes: ... who's actually on the Board and who is the alternates.

Mrs. Stefl: This was my... this was my opening. I said members, but I put it under training. I was going to welcome Miss Evans to the board. And if you'd like to kind of give a little intro about yourself, we'd love to hear from you.

Ms. Evans: Well, thank you. My name is Kecia Evans. As you know, I live in Stafford. I've been living in Stafford since 2015. My background, I have been in criminal law for 16 years helping with public defense. I have served on numerous Boards in Stafford County. I have chaired the Department of Parks and Rec for 2 years and I've been the Vice Chair for 1 year. I've been on the Stafford Crime Solvers, as a Board member and I've been the Chair for the Special Education Advisory Committee for the School Board for 3 years. So, I'm heavily involved in my community. Um, and so I am excited to be appointed or not appointed, but elected... appointed, elected or whatever, to stay here on the BZA. So, I look forward to working with everyone and um, I'm excited to be here.

Mrs. Stefl: Absolutely. Alright.

Mr. Grimes: Welcome, welcome.

Mrs. Stefl: Welcome, welcome, alright. Mr. Ireland.

Mr. Ireland: Get this right here. Did I get that? Must be on, right? Hi everyone, Jon Ireland, first meeting. I'm not on the dais tonight because I haven't sworn in yet, but I know that's coming soon. But I will be in the meeting next time for the cases, so I'm looking forward to that. Retired Air Force, 21 years back in 2005. Retired civil service 2 months ago. So, I'm excited to be twice retired and still be able to get around. So, I have time to devote to this and other things in the community. So, I'm looking forward to that. So, I go a MPA a few years ago, Master of Public Administration. So, I wanted to get more involved in municipal government and things like that because it's been DOD mostly for my whole life, it seems. So, looking forward to working with each and every one of you and looking forward to working with the citizens of Stafford. Thank you.

Mr. Grimes: Welcome.

Mrs. Stefl: Welcome. Jerry, I was hoping that you could hear from you. You've been an alternate. Sorry, Jerry. You've been our alternate, but we haven't... Jeffrey, sorry. I have, Jerry, I don't know why, God hopes... one day I will finally get my...

Mr. Grimes: Sorry, *inaudible*... introductions.

Mrs. Stefl: ... and the Lord will call me home. Alright, you've been an alternate, but we really kind of haven't heard from you. So, we'd love to hear a little bit about you and welcome you as a full time Board member now.

Mr. Spinnanger: Oh, well still, thank you very much. Can you hear me okay?

Mrs. Stefl: Yes.

Mr. Spinnanger: Okay, great. So, I'm just *inaudible*. I have been an alternate for a couple of years and which has been a really interesting opportunity for me to sit and say nothing. Which is not something that comes naturally to me. So, but I'm very happy for the opportunity. *Inaudible*... Kecia and the opportunity presents itself, I look forward to meeting you. I spent about 10 years on the SEAC back many, many years

***Board of Zoning Appeals Minutes
February 23, 2021***

ago and found it to be a very, very rewarding experience. I've lived in Stafford since 2001 and my wife is a lifelong Fredericksburg resident. We've raised our family here. Our kids are in high school and just beyond. I also am happy hear the Air Force down there. I retired back in the summer after 26 years, most of which spent as a agent. And I am still, not still now a civil servant. So, I am not quite there with you... *inaudible*. I am very happy to be here and thanks very much. For those of you who helped overcome a technical challenge this evening, and you know who you are. Thanks a lot.

Mrs. Stefl: Alright. Welcome. Okay, now, I was going to ask staff about training the annual or the typical new Board member. Are they doing it in the spring, fall virtual?

Ms. Musante: We haven't heard yet.

Mrs. Stefl: Okay.

Ms. Musante: Last year it was in October.

Mrs. Stefl: Okay.

Ms. Musante: Prior years we had them in. twice. It was in the spring and the fall. Last year was just fall. We have not heard anything about this year, so we're not sure when it's going to happen. But I have reached out to the new members and told them that we will guide them in any way that we can. And I mean, that's where we are at this point, unfortunately. So, we do not know.

Dr. Larson: Melody, is there anybody we can talk to that has any influence in this regard to maybe favor the springtime since we have almost half of our Board is new.

Mr. Morgan: We've reached out to several different avenues, of course, we're going to try to vet that as quickly as we can. Right now, those calendars have not been provided. They don't know exactly what the status is on those different trainings, the prior trainings, of course, the budgets were cut and we had to reduce our budget by 10% right across the board. And so, we have now been looking at other options, other training avenues, virtual avenues we're still in contact with... Of course, I'm the president of the Virginia Association of Zoning Officials. So, I have reached out to other colleagues throughout the Commonwealth of Virginia and hopefully we will know something within the next month or so.

Mrs. Stefl: Okay.

Ms. Brown: Heather, I remember this came up a year or two ago about this when the training got cut to once a year. And it was some discussion about maybe taking it to the Board of Supervisors for legislative priorities. Just to suggest, because the majority, not all but the majority of members are appointed before spring. So, if they were only going to have one training session a year, let it be in the spring, that would be most helpful around the state. And I think that some Board members here didn't, didn't see it that way. I don't remember what... it didn't make it in. But maybe we could suggest that at the Board of Supervisors to kind of help us out with that. You know, if we're going to have one a year, it's really important that we do it in the spring, when the majority of new members are, come on around the State.

Mrs. Stefl: Right, now, when Steven and I came on the Board, you know, a hundred years ago, our...

Mr. Apicella: It was only nine years ago. Come on, don't make it more than it was.

Mrs. Stefl: Alright. I'm thinking in dog years. Okay? So, we did it with Planning Commissioners. We did it kind of a combined. Are they doing it just with BZA members now?

Mr. Morgan: We have no update this year.

***Board of Zoning Appeals Minutes
February 23, 2021***

Mrs. Stefl: Okay, I'm in close coordination with Dr. Michael Chandler, who works out of Virginia Tech. He and I've worked together and done the training together and I have worked with him on the training from 1999 to about 2014. So, he has had some medical issues...

Mrs. Stefl: Right.

Mr. Morgan: He's trying to get somebody to take over for him.

Mrs. Stefl: Okay.

Mr. Morgan: But, but those communications have been made. We don't have an answer for you.

Mrs. Stefl: I just didn't know if that might be a streamlining to, you know, kill two birds with one stone because Planning Commissioners also...

Mr. Morgan: We are trying to kill as many birds...

Mrs. Stefl: Yeah.

Mr. Morgan: ... with as many stones with as no dollars.

Mrs. Stefl: I am a fiscal person, you try to do it all in ones.

Dr. Larson: And how about the FOIA training?

- FOIA

Mrs. Stefl: Well, that was going to be... alright.

Dr. Larson: Are you going to talk...

Mrs. Stefl: Yeah.

Mr. Morgan: That is still in the training avenue, yes. And we're still looking into that as well. We're trying to find other avenues because it was quite expensive just to have the personal training for staff or for the BZA, not the staff. But we have looked into that as well to see if we have other avenues. Please know that we are working on that.

Mrs. Stefl: Okay, so about FOIA, you're talking about, alright. Because at one point it was proposed that we do a FOIA training with maybe Mr. McRoberts as our legal counsel, or that we seek an actual FOIA specialty type person, who deals with just FOIA, an attorney. Is that...

Ms. Brown: Yeah.

Mr. Morgan: Andrew did that several years ago or probably two years ago, looking back through the documentation and I believe he did it with... it was two of them.

Dr. Larson: That's correct.

Mr. Morgan: Sharon Pandak...

Dr. Larson: That is correct...

***Board of Zoning Appeals Minutes
February 23, 2021***

Ms. Brown: Yeah.

Mr. Morgan: Correct. And again, I believe that was upwards of several thousand dollars.

Mrs. Stefl: Yeah. Because, I know we've received...

Mr. Morgan: I'm trying to get us the training that you need, the critical information to make it more advantageous for each one of the BZA members, so that you have those tools in your toolbox that we can get you the information without exhausting a lot of, um...

Mrs. Stefl: Right. And I just want to go on record that I really feel like we have the best County staff and support, you know, I mean, I know the Board of Supervisors and Planning Commission are going to say theirs is. But I, I know that you're our secret weapon when it comes to being responsive and informative with us. And I just want to from the bottom of my heart, thank you for all your hard work over the years. Alright, Ms. Brown.

Ms. Brown: Just a couple of things to backtrack real quick on the training for the BZA members. When I went, which was after you, it was strictly BZA. Now, I don't... and I know that my Planning Commissioner has been doing online training through VCU and going to school. So, there is a... in the spring, because she started right away. So, if that helps any. And as far as the FOIA training, I agree we need it. We always, even those of us who had it before, FOIA laws change all the time. We, you know, refreshers are a great thing. I know that we were able to get some training from the County Attorney, when they did it for the whole building. And we didn't have a good turnout from our Board. But honestly, I didn't find that that helpful because all the questions I asked that was shot back with, well, we're not your attorney, we can't really help you, that's a question for your own attorney. And so, it just wasn't that helpful for us. I think there might be maybe some free options we can look into or we can partner with the School Board, they usually have FOIA training once a year. Maybe we can piggyback with them. But, just... I'm not sure that having the County Attorney, doesn't really help us.

Dr. Larson: The FOIA training that you mentioned with the two lawyers, Sharon Pan...

Ms. Musante: Sharon Pandak,

Dr. Larson: Sharon Pandak, was she the County Attorney?

Mrs. Stefl: She's outside counsel.

Ms. Musante: She's outside counsel. But she is an attorney that the... that the County hires when we have issues.

Dr. Larson: Okay, I found that training extremely valuable. Andrew addressed the FOIA from the BZA perspective, and she addressed it from just simply FOIA perspective. And I think we covered a lot of ground in that training. I agree that was really expensive, several thousand.

Ms. Musante: Several thousand.

Dr. Larson: Five, six, something like that. It was it was quite, quite expensive, but really valuable. And at that time, we really needed it. We always need it, but at that time we were getting hammered by FOIAs. So, I wouldn't rule that out, that was... that tag team work really well.

Ms. Brown: Could we, could we look into partnering with the School Board, maybe splitting costs? Because they would not be our counsel, so we wouldn't get the, you know, the pushback that we couldn't help you. Um, I don't know, I guess I'm just throwing that out there. I don't know if that's viable or not,

***Board of Zoning Appeals Minutes
February 23, 2021***

but I agree with Mr. Larson. The outside counsel was very helpful. I could certainly use it again. We have a lot of new members.

Ms. Musante: We will definitely look into it.

Ms. Brown: Yeah, cost sharing.

Ms. Musante: Yeah, we can definitely look into it.

Mrs. Stefl: Okay, alright. Well, I have nothing else on the agenda at this time unless there is anything for the good of the organization from the rest of the Board.

Dr. Larson: Madam Chair, are you going to be here for the March meeting?

Mrs. Stefl: I will. I wasn't going to officially announce, but I will announce. My husband has accepted a position with the State Department down in South Carolina, Mount Pleasant, South Carolina. We are in the process now of putting our home on the market and we will probably be moving at the end of June after our son graduates from Colonial Forge this year. And I just... I really enjoyed... I wish, I wish I had more opportunities to, you know, step up as leader and Chairmanship last year. But, you know, the one meeting that we all got to suffer under me, I hope wasn't so bad. But, I just want to thank you all for, again, from the bottom of my heart, for all these all these months and all these years, as Steven said nine years ago, when I came on as an alternate, I was passionate then, and my passion is still for the good work that we do here in Stafford County. So, I want to thank you all.

Dr. Larson: Thank you.

Mrs. Stefl: Alright...

Mr. Morgan: Heather, have you advised your Board member of maybe an appointee when your departure is so that maybe we can get...

Mrs. Stefl: Yes, I have reached out to my Board of Supervisor, who is...

Mr. Morgan: Because that would be something, as we're talking about training...

Mrs. Stefl: Yes.

Mr. Morgan: ... and as we're moving into that next transition period. I would certainly want to work quickly rather than slowly on that, to get somebody sworn in so, that we don't have to go to another training...

Mrs. Stefl: I was going to ask, I was going to ask, we allow three alternates. Do we not have... I thought we, at one point, yeah, we have three slots for alternates. And I was going to propose to my Board of supervisor to possibly name someone as an alternate and they would get to know the Board, get to know what goes on before they maybe consider joining as a regular member. But that is a decision of the Board of Supervisors, so...

Ms. Brown: I had talked to my Board member about that a couple of times my previous ones, there was no interest in doing that.

Mrs. Stefl: Meaning the third?

***Board of Zoning Appeals Minutes
February 23, 2021***

Ms. Brown: Expanding to the third, yeah. Now we're getting a new Board in this year, that could change. That could change.

Mrs. Stefl: Well, I mean, okay. Well, it's something that I will I was going to talk to Gary about. But in all openness and fairness, to let you know, I don't want to seem like a back door that I was making phone calls or doing anything. But that was sort of my thought was, hey, come as an alternate, you get to know kind of what's going on, you know. We have two great alternates now, so they could really train them up. Alright. Any other for the good of the organization?

Mr. Morgan: I would like to introduce another staff member...

Mrs. Stefl: Oh.

Mr. Morgan: ... that's going to be joining us for the Board of Zoning Appeals.

Mrs. Stefl: Okay.

Mr. Morgan: His name is James Staranowicz. James has been with zoning office for over sixteen years and he works in numerous capacities. Right now, he is currently a Zoning Plan Reviewer II. So not only does he do residential, he also does commercial, industrial and is in charge of signs, research. He's the liaison for Economic Development, for all new development. And we thought as he is growing and expanding his horizons, we wanted to make him a part of the Board experience. So, you'll be seeing his face a little bit more regularly.

Mrs. Stefl: Wonderful, welcome, welcome.

Mr. Staranowicz: *Inaudible, microphone not on.*

Ms. Brown: James was around when I first got interested in County government.

Mrs. Stefl: Oh wow.

Ms. Brown: We go way back, yeah. He was... we had an issue in my neighborhood and James was very good about helping the neighbors through all that.

Mrs. Stefl: Yeah.

Mr. Staranowicz: About fifteen years ago.

Ms. Brown: Yeah, it's been a while.

Mrs. Stefl: Yeah.

Ms. Brown: It's been a while and it was very good. He worked very well with the neighbors. We worked very well together and helped everybody learn and navigate. And he's a good guy.

Mrs. Stefl: Wonderful. Yeah, Stafford, we have a lot of historical precedent, I like to call it. We have a lot of great, great people on staff.

Ms. Brown: Yeah, I wasn't a Board member then, so I wasn't a Board member, I was just a homeowner.

Mrs. Stefl: Alright. Well, all those in favor of adjournment say aye.

***Board of Zoning Appeals Minutes
February 23, 2021***

Ms. Brown: Aye.

Dr. Larson: Aye.

Mr. Grimes: Aye.

Mrs. Stefl: Alright, so adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:56 PM.