

## County Business

### VIRGINIA:

At a regular meeting of the King George County Board of Supervisors, held on Monday, the 21<sup>st</sup> day of January, 2020 at 6:30 p.m. in the Board Room of the Revercomb Building at 10459 Courthouse Drive, King George, Virginia:

**PRESENT:** Cathy Binder, Chairman  
Annie Cupka, Vice-Chairman  
Jeff Bueche, Member  
Richard Granger, Member  
Jeff Stonehill, Member  
Neiman C. Young, County Administrator  
Eric A. Gregory, County Attorney

**Madam Chair:** Call to order this regular meeting of the King George board of supervisors. Is there any amendments to the agenda?

**Dr. Young:** Yes, Madam Chair.

**Ms. Cupka:** I move to amend the agenda to add a closed session pursuant to state code section 2.2-3711829 and section 2.2-3711A1.

**Mr. Granger:** Second.

**Madam Chair:** Do you have any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. Motion carries. Next up public comment, comments will be limited to three minutes per person in order to afford everyone an opportunity to speak. If comments relate to a specific public hearing item, we ask that you offer those comments at the time of the public hearing. Right now, we will hear from anyone who would like to speak, not on the three public hearing items that will come up later on the agenda is any, would anybody like to speak at this time?

**Ms. Dodge:**

I'm sorry. Kim Dodge 6150 McCarthy drive. I want to speak on part of the tax payers. I know budget season's coming up and I do want to thank everybody for last year and trying to, you know, get us out of debt and try to keep our taxes low. I want... I hope we continue that because when you up our property taxes, you are taking more money from each person household that they worked very hard for. Many of these families do not get pay increases. You're making their household income less and less. I was proud to see a chart from the 2018 budget that only 50% of the property tax is then spent. Then the rest of it is other categories, which I'm glad that the property tax doesn't have to support everything.

The other thing I looked up for King George County the major employer is public school system. As a taxpayer, that's a problem for me because to me it seems like an endless money pit that you can never give them enough money and they'll say it's for our children. I mean, everybody wants good things for our children, but as a taxpayer, we need really to bring in something else that is not tax payer. We're not paying those people's salary. It's a big problem here in King George and when I talk about please do not increase our property taxes because it is a hardship on those families here. The poor, the single family households. Not everybody is a double income household either. Not everybody's a professional. They're, making low wages, they're struggling. I get a lot of people, citizens here in King George County because the biggest employer is public schools system and they're like, no, keep increasing the taxes because they think increase taxes mean they get an increase their salary, which Jeff pointed out to them last year there and I did look at the 2018 budget.

It is a big portion of our budget, but that's not all it goes to. We have other needs and so a lot of people would get up here and say, yes, increase the taxes, increase the taxes because that's their employee or their paycheck. Okay. That's what I saw. I did read something on Facebook where they were advertising a job for a sheriff or a deputy and they posted a salary which the salary is low. Then somebody popped up there says, Oh, I'm willing to pay more taxes to increase that salary. I want to encourage everybody again to go to the grants to re allocate money to different directions if there can, these other groups that are coming out to get them that money instead of keep telling the taxpayers, well don't you want your sheriffs and police paid well of course I do, but I don't, I have limited amount of money and so do everybody else.

We only hear from the people that are directly being paid by these taxpayers and we're not being heard. There's a lot of people that live here that are not employees of King George County and we would like to keep this County, taxes low. I know a big thing was comparing us to like a lot of counties in Northern

Virginia. I grew up in Northern Virginia, and my parents struggled. My dad was in the army. My mom always had to get a part time job. We couldn't afford housing. We were always poor, but my dad was a professional in the army. We struggled in the- you know, and I don't know why you guys want to, okay, we're going to bring Northern Virginia here because that's exactly what we don't want in this County. That's all I had to say. I hope you really will look at the budget. I don't like when you say, well, you know, we got increase everybody's salaries. Well, we need to bring in businesses here where we're getting money from businesses and, the taxpayers not paying everybody's salary and King George counting. Thank you.

**Madam Chair:** Thank you. Does anybody else like to speak? Do we have anybody on line? All right, well I'll close out public comment. Do we have reports from members of the board. Mr. Stonehill.

**Mr. Stonehill:** We're good now. Ms. Dodge, thank you for coming. You're always one of the folks that do come up to speak and trust me. I don't, nobody up here wants to raise taxes. If we don't have to, of course not. There is a fine balance of the things that we need and things that Richmond mandate for the schools and stuff like that. Yes, we do need to bring business in. It's a proven fact that, you know, government can't survive on real estate taxes and, and taxes from the people. Yes, we're going to try our best, but thanks for coming up.

This week, Thursday I did attend a walking tour of Lake Caledon which is a 455 acre piece of property here in King George that they're trying to be bought and turned over to the state park service at the state parks. To be added to Caledon. There's a beautiful Lake and fields and everything and there's a, group that's trying to raise funds to get that property bought and turn it over to the state to be added to Caledon. Beautiful piece of property. Just a great idea. Hopefully they can continue to and get that taken care of. Sunday the 19th, I attended a celebration of life for Dr. Martin Luther King at people's union Baptist church, sponsored by our King George NAACP group. It was a great ceremony and just a great reminder of what Martin Luther King did for our country and the world and wanted to thank the NAACP for putting it on.

**Mr. Bueche:** Coffee went down the wrong way.

**Mr. Stonehill:** On Monday the 20<sup>th</sup>, at the citizen center, I attended a Martin Luther King Junior youth program. Thank you very much for the parks and rec for helping putting this on. Good food. Good fellowship was had by everybody that was there. There was a talent show showcasing some of King George's young talent and some trivia questions, which I did not do well at. That's what I have so far

**Madam Chair:** Thank you. Mr. Bueche.

**Mr. Bueche:** Yes, ma'am. Maybe I shouldn't have coffee before I get my board report. Thank you to everybody coming out this evening. I'm really happy about these new hours that we have. Thank you to the service [inaudible] board of directors for convening their meeting at 5:30. We're able to start early. With that Ms. Dodge, thank you for your comments. You're absolutely correct. We have to find a way to stop going to the taxpayer every time a need arises and needs are rising. Like Mr. Stonehill addressed unfunded mandates with state requirements, federal requirements, money's got to come somewhere. There's things that we have to provide. That's going to take a diversified economic footprint. Now the County did take strides. I'm very proud of, the last board for coming forward with an economic development strategic plan. That needs to be something that's more than just pretty words on paper that sits on a shelf.

It needs to be fully implemented. I think this board is ready and eager to get to work. In doing that we have a lot of things in the queue coming up. I think the future is very bright for, for King George. As far as Lake Caledon I myself had gone on a tour last year. It's a beautiful piece of property. I think it would be wonderful if it could be added to Caledon state park. I know they applied for a grant. I have some reservations about the, what they're asking for the property. Frankly, I think what the asking price for the property is a little more than what the property is worth and as a taxpayer to the state I'd like to see my tax revenues from the state, go to other things. With that said, if a reasonable price can be negotiated and they want to move forward with that, they would get my full support. With all the needs of the County in place right now, that would be the extent of my support for that project right now.

I had a great conversation with Chief Moody. Thank you to my colleagues for appointing me to the liaison for fire rescue. There are some concerns about emergency responders and the compensation in light of everything that's taken place in Spotsylvania, Stafford and Fredericksburg. There is a pay disparity. I'm very confident that throughout our budget work sessions we'll be able to come up with a plan and, our County administrator and find a way to address that and make sure that our emergency services are taken care and well compensated to where there's no lack in services and that we're providing them an excellent quality of life. Also, since our last meeting, I've been following very carefully and closely the state legislature and its local impacts. There's a lot of legislation that's being looked at right now that raises concern for me but I will not address those specifically at this moment. I'll wait till things produce some actual talking points and then we'll move forward from there. I'm happy to say though that yesterday's rally at the lobby day at the general assembly was very peaceful. I

know a lot of King George County citizens attended that. Thank you for your professionalism and for standing up for your individual liberties. With that, Madam Chair, I would like to make an appointment to the economic development authority. I would like to appoint Mr. Guy Booth for the James Monroe district.

**Mr. Granger:** Second.

**Madam Chair:** Is there any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. Motion carries.

**Mr. Bueche:** Thank you, Madam Chair. That concludes my report. I'm sorry. I do have one alibi. I did receive correspondence as I'm sure many of you have regarding NACo. The national association of counties is having its first ever summit for counties with the fence installations in or near your jurisdiction on Tuesday, March 3rd. When we made our appointments to committees at our last meeting, we neglected to appoint a VACo NACo liaison for this year. With that said, I think that's something that maybe we need to look at making an appointment but also with that, since the chairmanship rotates year to year and, the size and scope and impact that NACo does have, I would also like us to include our County administrator along with a NACo VACo liaison to attend these meetings if for anything for continuity since the County administrator is that constant that advises us and works with us or the County administrator to also be involved in those. I'll bring that up tonight because it looks like the legislative conference is going to be fairly early in March. That's why I bring that up tonight and request Madam Chair, if we can appoint a VACo NACo liaison tonight

**Madam Chair:** That works. Do you want to nominate somebody?

**Mr. Bueche:** I move to nominate Ms. Cathy Binder as the 2020 VACo NACo liaison for the board of supervisors.

**Mr. Granger:** Second.

**Madam Chair:** Do we have any discussion? The only thing I have to bring up a discussion. We also have to approve to go to this conference too, because that would not have been on my spend plan.

**Mr. Granger:** Can I bring it forth?

**Madam Chair:** We have to amend that or just include-.

**Mr. Granger:** Spend plan, we'll just have to-.

**Madam Chair:** Separate motion okay. We had a proper second. No discussion. All those in favor?

**All:** Aye.

**Madam Chair:** Any nay chairman vote's aye. Motion carries. Thank you.

**Mr. Bueche:** Also, I'd like to make a motion to approve travel expenditures for Ms. Binder to attend the NACo legislative conference, which would be an addition to her travel spin plan, which was submitted last budget cycle.

**Mr. Granger:** Second.

**Madam Chair:** Do you have any discussion?

**Mr. Granger:** I'll just ask Dr. Young as part of the budget, do we have the funds in order to support that?

**Dr. Young:** Yes, sir. We do.

**Madam Chair:** Any other discussion?

**Mr. Gregory:** Madam Chair, could I ask for an appropriation? Not only an approval but an appropriation of funds for that purpose.

**Madam Chair:** Right. Do we have a motion for that? I don't have the specific amount though. Dollar found. Do we need to do a dollar amount too or just the appropriation?

**Mr. Bueche:** I believe this line item was previously captured in Ms. Brabo's traveling budget, which when we, when we presented those at our last budget cycle, they went through July and since she was the VACo NACo liaison at that point I believe that was captured in her travels spin play in for the legislative conference. I would move to transfer that from Ms. Brabo's previously approved funding to Ms. Binder's.

**Ms. Cupka:** If I may add as the at-large supervisor, I do not intend to attend that legislative conference. Thank you.

**Mr. Granger:** Was that a motion to amend your amendment?

**Mr. Bueche:** Sure.

**Mr. Granger:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. Motion carries. Thank you.

**Mr. Bueche:** That finally concludes my report. Madam Chair. Thank you.

**Madam Chair:** Thank you very much. Ms. Kafka.

**Ms. Cupka:** Good evening. Thank you again Ms Dodge for your comments. Thank you for coming out and sharing with us your experience and your opinion. On January 18th, 2020 I hosted office hours at Smoot library. I met with two citizens during the two hours I was there. Thank you to them for coming out to speak with me despite the weather that morning. I will continue to host office hours on Saturdays as long as they're citizen interest. February dates for my office hours will be Saturday, February 1st and Saturday, February 15th and I also advertise that on social media as well. At this time, I have some appointments and recognition to make if I may. First, I would like to appoint Mr. Mark Crnarich to the citizen's budget advisory committee.

**Mr. Granger:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. Motion carries.

**Ms. Cupka:** Thank you. I am in receipt of the resignation effective January 31st, 2020 of Ms. Marcia Stonehill at large appointee to the economic development authority. I want to thank Ms. Stonehill for her time and organizational talents that she brought during her service on that board. At this time, I would like to appoint Mr. Ian Fox to fill the seat once the vacancy becomes effective on January 31st, 2020.

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye, motion carries.

**Ms. Cupka:** I would like to recognize Mr. Robert Fuscaldo. Bob recently completed his term on the economic development authority and prior to that served on this board as a supervisor and as a base commander. He has given so much to our community through the years. I thought it fitting to recognize and honor him here this evening. Mr. Fuscaldo if you will join us here. We have a plaque that Ms. Binder as chair is going to read and present to you and then I have two challenge coins. One is the regular County coin and the other is the 300th anniversary, 2020 coin.

**Madam Chair:** With the deepest and most sincere appreciation and gratitude King George County recognizes and honors Mr. Robert Fuscaldo for years of leadership and service to the citizens of King George County. Presented this 21st day of January, 2020.

**Ms. Cupka:** I just have one more item to conclude my report. I just want to make a note to constituents. I do use social media for the dissemination of information, so you will see me share posts to help spread the word about our activities and issues affecting our community. However, I will not banter on social media. I'm not ignoring you on purpose. I promise I just don't do it. Your comments will go on answered. If you have a question or issue of concern for me, please do send me an email to [atlarge@county.kinggeorge.state.va.us](mailto:atlarge@county.kinggeorge.state.va.us) and it is on the website. You can just click the link and it'll go directly to my email as that is the most effective means by which I can communicate with you and easily comply with the freedom of information act or you can also feel free to visit me in person during my office hours as stated above. Thank you for allowing me to serve our community

**Madam Chair:** Thank you, Ms. Cupka. Mr. Granger.

**Mr. Granger:** Ms. Dodge. Thank you. I know you're here regularly. I appreciate you attending the meetings and being informed. Thank you and coming to speak. As my colleagues have said, we really don't enjoy the opportunity to raise taxes. It impacts us as well. I do appreciate the challenges you're bringing up with some families so that it can be more honourous for some. Thank you for speaking for them as well. We do take them into account and as my colleagues also said, there are unfunded mandates sometimes that we have to address. Just trying to do the best we can for our County and all of the citizens. Thank you I really do

appreciate it. Other than that, the only thing I have is I would like to make an appointment. Mr. Frank Fronzo to the citizen budget advisory committee.

**Ms. Cupka:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. Motion carries.

**Mr. Granger:** That's all I had. Thank you, Madam Chair.

**Madam Chair:** Thank you. On January 15th, I attended the Dahlgren heritage foundation board. They got many things planned for this year, especially some more forums that are very popular and well attended. Then after that we had a meeting with the representatives of Ralph Bunche alumni association, the King George historical society and the Dahlgren heritage museum discussing ways they can collaborate together and promote the message of King George history in our 300th anniversary. On January 8th, I attended the Purkins corner wastewater treatment plant, preliminary engineering kickoff meeting, and one of the things we brought up is possibly adding a thousand feet to citizens' way to bring the traffic out of Cedell Brooks Park to the plant and it would be closer to the plant to bring the trucks in. Then we wouldn't have all that traffic going through Cedell Brooks Park.

On January 16<sup>th</sup>, the Rappahannock area on aging meeting I attended and one of the things they're bringing to the forefront this year is dementia awareness. To help be able to have members of the family be able to go out into the community with other family members that do not have dementia and not to be ridiculed and made fun of and be able to be able to exist in the community. People know how, what to do with that. On January 17th, I attended the safe Lake Caledon- friends with Lake Caledon, with Lori Schlemm and representatives of the state and federal government supporters in the County. Mr. Stonehill mentioned it. It was a very well attended event on the- I also attended on Sunday, January 19th, the 14th annual community-wide celebration of the Dr. Martin Luther King holiday. It was held at James Monroe high school. It was put on by university of Mary Washington and it was a nice presentation and I went to give Ms. Phyllis Ashton an award as a hidden figure in the community.

I would like to read to you what I presented at that Mrs. Phyllis Ashton has a long outstanding as an advocate for the teaching of African American history,

particularly to young people in the local public schools. Growing up she witnessed firsthand some of the most historical moments in the civil rights movement as a child. Mrs. Ashton witnessed the lawsuits that challenged King George as separate but equal schools as a test case to larger cases such as Brown vs board of education. As a college student, she was actively engaged in the movement by participating in sit-ins at segregated restaurants. Phyllis Ashton was the first full time African American teacher in King George county's integrated schools and she was a teacher for 33 years, long before it was popular to teach African American or black history as a part of the school curriculum. Mrs. Ashton was actively engaged in developing a curriculum along with other King George County schools to be approved by the school system school board.

Her goal was to make the history available for all students regardless of their race, to learn the real history of African Americans. Her very popular black history course engaged. A curiosity of an interest of many students were keenly interested in learning the truth of the history of blacks in America. Mrs. Ashton's course was one of only three such courses taught in the public schools in Virginia at that time in the year was 1974 when interviewed several years ago as to why it was so important for young people to know the truth about black history. She responded, people died so that this could happen. It was not automatic and it was not easy she said. The special strength that took that that took to sacrifice personal dignity for the greater good is something Mrs. Ashton hopes future generations will not take for granted. I think it is important for young people to understand their history she said.

Somebody suffers so that you could have what you have today. Truly, Mrs. Ashton has been a hidden figure in the preservation of African American history of King George County and our nation and I want to thank her again and it was honored to present her with that award on Sunday. Yesterday I also attended the local children's youth program or honored or honoring Martin Luther King Juniors legacy. It was a very nice and well attended event. Thank you, Ms. Dodge for speaking on behalf of the citizens. The last thing I would like is to appoint Mr. Joseph Gaboriau to the citizens' budget advisory committee.

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. Motion carries. Thank you and that's all my report.

**Mr. Stonehill:** Madam Chair, if I could jump in again, I did forget to mention that I'm still looking for somebody from the Dahlgren district for the citizen budget committee. I asked Mr. Jenkins, he wasn't interested and infrastructure advisement committee, I need one person. Also looking for a King George planning commission person if somebody is interested. As Ms. Kafka said, I also have a new Facebook page up the Dahlgren supervisor's position. I'm not a huge social media person. It is all for outgoing information. My email is on there, so if somebody sees something they're very interested in, please contact me via email and I will get back to you as soon as possible. That's it. Thank you

**Madam Chair:** Thank you. I also have, I'm looking for somebody to be on the service authority citizens advisory committee, so if anybody would like to serve Shiloh in that capacity, please shoot me an email. Thank you. Anybody else would like to mention an appointment? All right, we'll move on to the consent agenda.

**Mr. Granger:** So moved.

**Madam Chair:** Do I have a second?

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nays? Chair vote's aye. Motion carries. Do you have any County officials' reports constitutional officers? Report of the County attorney?

**Mr. Gregory:** No report at this point, Madam Chair. Thank you.

**Madam Chair:** All right, hold on one second. I got to get my Burbage. All right. Now the King George County board of supervisors will now hold three public hearings, which have been properly advertised to receive public input regarding first case number 1909E01 special exception permit requests by Rodney Rollins to amend existing special exception permit. I will ask for the staff report before each hearing. I will then open the floor for public comment for each case and ask that you limit your comments to three minutes in order to afford everyone an opportunity to speak. Upon completion of public comment, I will bring each matter back to the board for consideration. The board may or may not take action tonight depending on information received during public comment. We will begin with the DEQ. Biosolids update presentation by Mr. Zaratca and if killed this name I'm sorry Zaratca, manager of land application programs.

**Mr. Zaratca:**

Madam Chair, members of the board, I'm Neil Zaratca you did just fine. I manage DEQ office of land application programs in the Virginia department of environmental quality's Richmond office and we're responsible for permitting compliance for biosolids across the state. Staff did ask me to give a very brief and I'll try to keep my comments brief presentation regarding biosolids land application and storage as a means of background for your decision on the Rollins facility. I'm not speaking for or against Mr. Rollins's activity, just giving you an overview of the DEQ program. Biosolids is the solid material that is removed at waste water treatment plants. Then by testing of the content of the material and treatment of the material is found to be suitable for land application as fertilizer. DEQ permits land applicators to apply material in and we require a permit for each County.

That material must meet those standards and then the material must be land applied in accordance with the nutrient management plan, the materials analyzed for the nutrient content so that it can be determined the appropriate rate. The plan also calls for appropriate timing and appropriate crops to be land plot on as well as setbacks from environmental features as well as homes and property lines. In most cases the material moves directly from the wastewater treatment plant to land application sites. However, land application cannot occur every day due to weather conditions and crop conditions because the idea is to land, apply it on a growing crop. In those cases, by solid storage is necessary. DEQ also permits facilities for in the case of the Rollins facility, routine storage whereby solids would move from a wastewater treatment plant to the storage site, and then it remains there until it's moved to a land application site.

In the case of the Rollins facility, with routine storage facilities it can be stored there for longer than 45 days, which is kind of a cutoff to where counties have authority to implement local zoning and conditions on the storage facility. Then according to the DEQ permit, that material can then be applied to any permitted site held by the permit holder. In the case of the, the Rollins facility, there are two distinct locations at that site. One is the older above ground pad was retrofitted some years ago to include walls and a roof over it. That meets the criteria for if we were to permit a new storage facility today, that would be the type of facility that we would permit. We do allow for facilities that were constructed prior to some regulatory changes in that occurred in 2013 to use existing facilities like the second storage pad that's at that site, which is an a below grade, a lined facility that does not have a roof.

It's designed to capture the rainwater that falls on it. We allow those facilities to be continued to be used as such as long as they're complying with local

ordinances. I wanted to clarify that we don't, we're not requiring that uncovered facility be covered according to the new regulations. If a new facility were to be built, we would require a cover because having a cover is a superior management practice over an uncovered facility. Those are, like I said, just my brief comments. I just want to ask you if you have any questions for me.

**Madam Chair:** Anybody have any questions?

**Mr. Stonehill:** I do. You said it was treated?

**Mr. Zaratca:** Yes.

**Mr. Stonehill:** How was it treated?

**Mr. Zaratca:** There are various methods available to do two things to the material pathogen reduction and what it's called vector attraction reduction. Those methods, the most common methods in Virginia are lagoon stabilization, which is where calcium, carbon containing material is added to raise the pH to a level that kills bacteria. The other method that's common is an anaerobic or aerobic digestion where the material is in a facility that for a certain length of time and at a certain temperature is raised so that the pathogens are killed and material is digested. Those are the three primary methods. There are others that are used to meet this pretty standard level of a pathogen reduction. The largest wastewater treatment plant in DC currently went to a thermal hydrolysis method where that's actually creating a class A or it's almost pathogen free product. There are various methods that are used to treat the material, but they all must meet a performance criteria for pathogen reduction.

**Mr. Stonehill:** When they're applying it on the field, the state does require any type of silt fencing or anything. I don't know if that's a County thing or a state thing, but they don't they're not required for any type of containment in the fields?

**Mr. Zaratca:** No, it's they, they must apply according to a nutrient management plan and those plans do require certain setbacks from surface water features ditches and those criteria. Any storm water runoff that would come from that field with those mandatory best management practices is intended to be the best management for agricultural runoff from a fertilized field.

**Mr. Stonehill:** Okay. Thank you.

**Mr. Zaratca:** Yes sir.

**Madam Chair:** Anybody else have any questions? All right, thank you very much.

**Mr. Pancotti:**

Thank you. Good evening. I'm Louis Pancotti planner for King George County and I will be presenting case number 19-09-E01 an amendment to the special exception permit 90-08-E15. this is a request by Rodney Rollins to amend an existing special exception permit number 90-08-E15 The purpose of this amendment is to delete condition number five, stating that sludge stored within this facility shall be used solely on the Dogue farm previously consisting of 518 acres, more or less, currently consisting of approximately 468 acres, more or less, tax map 31 parcels 2121A23 and tax map, 32 parcels, 678 and 16 it is a sound A1 limited agricultural. A little bit of a site information. It's made up of several parcels consisting of about 468 acres. It is zoned A1 and it's mostly located along up port Conway road.

Next to just a little background. Mr. Rollins was granted a special exception by the board of supervisors to allow the newer sledge storage facility condition number five of these special exception States that sludge stored within this facility shall be used solely on the Dogue farm. That section that required the special permit. 4.6.2.3 was amended in 1989. To allow biosolid storage facilities by special exception, in 93 this entire section was repealed and now it is a Bi-Rite use in the A1 zoning district.

In 1994, C&R contractors filed suit against King George County after a special exception to construct a storage facility elsewhere in the County was denied C&R was using the facilities on the Dogue farm. The suit resulted in a consent decree which permitted C&R to continue using the facilities on the Dogue farm to store and hold buyer biosolids to other farms within 60 miles of the storage facilities. In 1996 Mr. Rollins, owner of the Pima-Gro systems and CROPS inc bought the assets of C&R through a bankruptcy proceedings. The use was continued in accordance with the consent decree. In 1997, Mr. Sakowitz, the zoning administrator, issued a notice of violation stating that a dissent decree was not transferable and only applied to C&R. Mr. Rollins appealed this decision to the board of supervisors or to board of zoning appeals. The BZA upheld the decision of the zoning administrator. Here are just a few pictures of the facilities so you can get as he described.

It's below grade with the walls lining it and no roof. Currently land application of biosolids is permitted by right in the agricultural in the A1 district with additional requirements in section 4.6 of the zoning ordinance. Facilities in particular are defined as any facility designed to store biosolids for a period of time. Such facilities are limited to the temporary storage at the application site and shall not be or shall be only be utilized in the event that the land application is precluded by an unforeseen weather conditions or other circumstances beyond the control of the permittee. This definition is in line with the

department of environment equality requirements for land application biosolids. DEQ permits and oversees the biosolid program for the state of Virginia. Next providing a cover over the lagoon will help prevent spillage during large rain events, Mr. Rollins in agreements to make the upgrades to the lagoon if the limiting condition number five is removed from the special exception permit.

In speaking with DEQ, the practice of only applying to one farm or farm field when utilizing the lagoon tends to result in the over applying of fields which may not be in need of fertilization by utilizing biosolids over applying fields can result in high phosphorus levels. DEQ regulations require biosolids be trucked directly from the plant to the farm intended for the product to be utilized. However, DEQ requires certain rather slash field conditions prior to the spread of biosolids. For example, the field cannot be oversaturated during these rain events. Operators will utilize lagoons for storage of the product until the field conditions are acceptable. Mr. Rollins limitations of only being able to use the Dogue farm fields listed above for disposal of the biosolids products are a hindrance to his operations. Here are the permit conditions for that original special exception.

The construction of the facility shall be in accordance with Virginia department of health and state water control board regulations and guidelines. Constructions of this facility shall be in accordance with the plans prepared by cold pepper engineering PC dated November, 21 1989 and revised on August 20th, 1990 a groundwater monitoring plan shall be provided and approved by the County in the department of health prior to construction under this permit. The entrance of the property from route 607 shall improved and maintained so to have all weather surface for distance of 100 feet. The condition number five is the one that is being asked to be removed, which says a sledge stored within the facility shall we use solely on the Dogue farm consisting of 50 or 512 acres, more or less than identified as tax map parcel numbers, 31, 21, 21A, 23, 20, 32, 678, 16, 16B.

The field currently adjacent or number, the new number five will be the field adjacent to a tax map parcel 31, 23B Campbell is to be incorporated immediately following the application. A copy of the sampling report submitted by the Virginia department of health shall be submitted simultaneously to the department of planning and code compliance. The County or its agents had the reserve right to inspect the facilities anytime during the operation and sample any of the groundwater monitoring Wells or sludge at its discretion. The field on which the sludge- the facility is being located shall be incorporated immediately following the application. At December 10th, 2019 meeting the planning

commission voted unanimously to recommend approval to the board of supervisors with the condition that a cover be constructed over the newer facility by June 1st, 2021

Therefore, the department of community development staff and the planning commission recommends that the board of supervisors approved special exception permit or case number 19-09-E01 special exception permit requests by Rodney Rollins to amend the existing special exception permit 90-08-E15, the purpose of the amendment is to delete condition number five stating that storage sludge within this facility shall be use solely on the Dogue farm consisting of 518 acres, more or less, tax map 31 parcels 21, 21A, 23 and tax map 32, six, seven, eight and 16 zoned A1 limited agricultural. Thank you. I did receive one letter and I will read that during the public hearing. If you have any questions, I'd be happy to answer.

**Madam Chair:** Does anybody have any questions?

**Mr. Stonehill:** Louis, did I miss where was that camp property, was that on your map where it's actually going to go the new field?

**Mr. Pancotti:** Yes. It is existing and it would be here.

**Mr. Stonehill:** Okay.

**Madam Chair:** I have one question. All the biosolids they're going to be used on the farm plus that one added parcel?

**Mr. Pancotti:** Well no, right. Right now, the condition number five states that it can only be used on this farm.

**Madam Chair:** Got you. I just wanted to clarify. Thank you.

**Mr. Bueche:** The only thing I saw was previously said construction of this facility shall be in accordance with the plans prepared by the Culpeper engineering PC dated November 21st, 1989 and revised August 20th, 1990. Is it the position of community development that 19-and-a-half-year-old plans are still sufficient? They are. That's all I need to hear. Thank you very much.

**Madam Chair:** Any other questions? Thank you so much. At this time is there anybody from the public like to get up and speak. Please come to the microphone and state your name and your address. Hold on, the applicant I'm sorry, I apologize. This is my first one of these.

**Ms. Wisegarver:** I had hoped that's what you meant.

**Madam Chair:** Sorry about that first one.

**Ms. Wisegarver:** My name is Jamie Wisegarver. I'm with the law firm of Hirschslur and I represent Rodney Rollins, who's the applicant on this matter. Board of supervisors Mr. Rollins and some of his colleagues are actually in the room with me tonight. Mr. Pancotti gave a really nice summary there. Just a couple points that I was hoping to highlight for the board if I may. As Mr. Pancotti mentioned, Mr. Rollins is the owner of the Dogue farm. It's zoned A1. He operates a biosolids storage facility on his property pursuant to a special exception permit that has been in place for a long time since 1991. The application that we have filed seeks to amend that special exception permit in just one way, which is to remove the condition number five, which is the condition that requires currently that the biosolids stored in his facility be applied only on his farm. However, as Mr. Zaratca explained, Mr. Rollins through his company CROPS inc holds a valid DEQ permit that allows for the stored biosolids to be applied not only on his farm but also offsite. The purpose of this amendment is really just to make it so that the special exception permit is amended to match what Mr. Rollins and CROPS inc is already allowed to do by the DEQ permit.

Mr. Zaratca explained in his presentation to the planning commission at that meeting that the land application of biosolids is actually one of the most highly regulated sources of fertilizer that a farmer can choose to use. He's also explained to the planning commission and tonight here as well that the current limitation condition number five can actually result in the over application of biosolids because it's not permitting Mr. Rollins just spread the biosolids where they're needed based upon weather conditions and growth cycles. As Mr. Zaratca explained there's been a little bit of talk about the cover. The cover on the second pad or the lagoon is not something that was a part of our application, but it's certainly something Mr. Rollins has agreed to do as Mr. Zaratca explained. For an in-ground facility like what you saw on the picture, a cover actually isn't required, but again, Mr. Rollins is not objecting to that condition. However, before he makes that very significant investment in his facility, he wants to make sure that he will be permitted to apply those biosolids not only on his farm but also elsewhere in accordance with his current existing DEQ permit. To the extent the board has any additional technical questions that you think of, I would punt to Mr. Zaratca on those. He's going to be much better suited to answer questions regarding the DEQ biosolids program. Thank you very much.

**Madam Chair:** Thank you.

**Ms. Tolerber:** Good evening. I'm Becky Tolerber with Culpeper engineering. I designed the facility. The facility was issued a certificate to operate in 1992. That was after the facility had been constructed in accordance with the plans, as identified in the presentation. We have operated the facility since that time. It is described in all of the talk as an in-ground facility. When the facility was installed, it was, there was some excavation, there was a HDPE liner that was put down. There was a sand witness zone between the actual liner and the concrete facility that was installed as the working surface for the equipment. There is an, an actual liner underneath the concrete as well. The facility was divided into three sections so that you can manage different materials in separate locations. The operations at site E preceded this facility.

This is actually the newer facility. The covered storage facility was the older facility that was rehabbed and that dates back a considerable time. We've been, it's probably well in excess of 30 years that the applications have been occurring at the site. That's another reason that we would like to emphasize that all of our operations are done in accordance with nutrient management plans that are prepared per the requirements and govern what you can actually put down. These have changed over time as everybody knows with Chesapeake Bay and all of that. A lot of that has impacted what can be managed and how we can operate with the facility. Thank you.

**Madam Chair:** Thank you. Would anybody else like to come up and speak?

**Mr. Pancotti:** I've received a letter from Joyce Brown. The letters states that Joyce B. Brown objects to the sludge toxicities being applied on farm land near mine trying to do organic farming sludge should be restricted to his land only.

**Madam Chair:** Thank you. Does any of the board have any correspondence from anybody? We have anybody online? Last one anybody like to speak on it. We'll close the public hearing and get discussion from the board? Anybody?

**Mr. Granger:** Anything to discuss I move to approve case number 19 tags 09 tec E01 special exception permit request by Rodney Rollins to amend the existing special exception permit 90 tac 08 tac E15 as presented.

**Madam Chair:** Do I have a second?

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion?

**Mr. Bueche:** I'd just like to point out one thing. I misspoke earlier. I said that the construction plans were 19 and a half years. It's actually 29 and a half years, so I just wanted to clarify that. Again, if planning commission is or- if community development is solid with that then I'm good to go. Thank you.

**Madam Chair:** All right. Do I have, we have a motion properly seconded. All those in favor?

**All:** Aye.

**Madam Chair:** Any nay chair vote's aye. Motion passes. Thank you. Next up, the King George County board of supervisors will hold another hearing for case number 1910Z03 amendment to the King George County zoning ordinance to allow microbreweries in the retail commercial districts C1 and general trade districts C2 and to allow breweries in the industrial light district I1 and the industrial district one or I amendment two sections 1.9 2.1 and 2.11. I will ask for the staff report before each hearing. I will then open the floor for public comment for each case and ask that you limit your comments to three minutes in order to afford everyone an opportunity to speak, upon completion of public comment. I will bring each matter back to the board for consideration. The board may or may not take action tonight depending on the information received during public comment. Thank you. You're up.

**Mr. Pancotti:** Now I will be presenting case number 19-10-C03 amendment to the King George County zoning ordinance to allow micro-breweries in the retail commercial districts C1 and the general trade district C2 into allow breweries into the industrial light district I1 in the industrial district I amendment to sections 1.9, 2.9 and 2,11. Currently, the zoning ordinance does not permit the use of brewery or microbrewery in any zoning district aside from farm breweries, which would classify as agricultural operations similar to wineries, this text amendment defines the two terms brewery and microbrewery and permits the uses in certain zoning districts. At the December 10th, 2019 meeting, the planning commission voted unanimously to forward case number 19-10-C03 to the board of supervisors with a recommendation of approval. For this amendment, staff looked at the ordinances of Stafford, Caroline, Westmoreland and Spotsylvania. All four of these counties regulate breweries differently.

Spotsylvania and Stafford allow for microbreweries and large-scale breweries. While Caroline limits breweries to those who produce less than 15,000 barrels a year. Westmoreland only permits farm breweries Spotsylvania and Caroline allow breweries by right and all the zoning districts they're permitted in while

Stafford and Westmoreland require special exceptions in certain zoning districts.

Section 1.9 definitions of terms will be amended to include the definitions for brewery and microbrewery. A microbrewery will be a small-scale brewery that produces less than 15,000 barrels a year and breweries will be ones that produce more than 15,000 barrels a year. Permitted accessory uses for both microbrewery and brewery may include onsite eating establishment, retail sales establishment, office tasting rooms, and uses as otherwise permitted in that zoning district. Section 2.9.2 will be amended to add microbreweries to the C1 zoning districts. Permitting microbreweries in the retail commercial districts. C1 will automatically permit the use and the general trade district C2.

The industrial light district and in the industrial district section 2,11.2 will be amended to allow breweries those that produce more than 15,000 barrels a year to the industrial light district, which will automatically allow it in the industrial I district. Lastly, the department of community development staff and the planning commission recommend that the King George County board of supervisors approve case number 19-10-Z03 amendment to the King George County zoning ordinance to allow microbreweries in the retail commercial districts C1 and the general trade districts C2 and to allow breweries in the industrial light district and the I1 or the light district. I1 and the industrial district. I amendment to sections 1.9, 2.9 and 2.11 I'll be happy to answer any questions you have.

**Madam Chair:**

Do we have any questions?

**Mr. Stonehill:**

Has this just never come up or was there a reason back in the day that this was not approved or not allowed?

**Mr. Pancotti:**

I can't speak for back in the day, but we were requested by the board of supervisors a few months ago to look into this.

**Ms. Cupka:**

Can I speak to that? Actually, when I was on staff a couple of years ago as the economic development specialist, my director and I courted shall we say, someone who wanted to bring a microbrewery here and we spent the better part of a day driving them around the County, showing them all these wonderful sites where this would be a great place for this. Then upon further research with community development discovered that we lack the ordinance to allow for it. My guess is at some point along the line that was relayed to the board of supervisors and I'm thankful we're here today

**Mr. Bueche:** We fixed the glitch.

**Madam Chair:** This would be a great economic development opportunity for us. Any other questions? All right. Thank you. Is anybody in the public like to get up and give a public comment at this time? Do we have anybody online? Any correspondence? All right. I'll close the public hearing and any discussion on this matter.

**Mr. Granger:** I moved to approve case number 19 tac 10 tac Z03 amendment to the King George County zoning ordinance to allow microbreweries in the retail commercial district C1 and general trade district C2 and to also to allow breweries in the industrial light district I1 and the industrial district. I amendment to sections 1.9, 2.9 and 2.11

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any vote nay? Chair votes aye. Motion carries.

**Mr. Bueche:** Nick, get to work.

**Madam Chair:** Another job for you, right? Our last public hearing, the King George County board supervisors will now hold a hearing on case number 18-11E01 special exception permit requests for an event venue, the state of Whitehall owned by David and Bethany castle tax map 22 parcel 12 A 40 acre zone A2 limited agricultural district. I'll ask for the staff report before each hearing. I will open the floor for public comment for this case. It asks that you limit your comments to three minutes in order to afford everyone an opportunity to speak, upon completion of public comment. I will bring the matter back to the board for consideration. The board may or may not take action tonight depending on information received during public comment. Floor is yours.

**Ms. Hall:** Good evening. State of Whitehall is requesting a special exception application case number 1811E01 special exception permit requests for an event venue for this state of Whitehall, owned by David and Bethany castle tax map 22 parcel 12 A which is 40 acres zone agricultural two.

This area map that shows the property highlighted in yellow along Whitehall road. It is accessed off of route 664 and has private water and sewer. The proposed event venue has a maximum of 200 guests with parking spaces, 70

provided by grass parking that is provided in this area here. Commercial entrance to be constructed to VDOT standards is located in this area here with the exception of the entrance. There are no new buildings building additions, paving or any other permanent property alterations associated with this plan. The application comes after a violation letter was sent out on June 25th, 2018 previous to the violation complaints were received in community development regarding the event venue and various disruptions to the neighbors concerning noise and traffic etcetera.

Upon research, it was clear that the States of Whitehall were holding wedding without permits. A response was not received from Mr. and Mrs. Castle and tell a second notice of violation was sent on July, 1720 18 Mr. Castle then made arrangements to meet with staff regarding his event venue. During the initial meeting on August 30th, 2018 Mr. Castle and staff discussed his property and various uses. Mr. castle explained that he was of the understanding that he did not need a special exception because he was a winery per Virginia state code 15.2-2288.3 staff explained that while a winery is agriculturally exempt, he was growing grapes, producing wine, utilizing and tasting room that weddings and other events required a special exception permit per of the King George County zoning ordinance section 2.4.3. Mr. Castle agreed to stop holding wedding events and apply for a special exception. A state of Whitehall continue to hold wedding events the remainder of 2018 and all of 2019 even after being advised numerous times that it was not permitted.

Special exception may be issued for any such use in the zoning districts. A regulations when the governing body finds that the County finds that the proposed will not be detrimental to the health, safety, morals, general welfare, the community involved, will not tend to create congestion in the streets, roads, alleys and other ways and places that are in the area evolved and will not create hazards for fire, panic or other dangers. Will not tend to overcrowding of land because an undue concentration of population will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements. Conveniences or improvements will not interfere with adequate light and air will not interfere with the general purpose and intent of this ordinance. You shall not tend to change the character and establish a pattern of development in the area of the proposed use. That you shall be in harmony with the uses permitted by right in the zoning district. According to section 2.4.3.

Number 12A of the King George County zoning ordinance event venues are only permitted in A2 zoning district with the additional requirements in article four. Event venues are defined as a business where their primary use is to host events

such as weddings, wedding receptions, bridal receptions, rehearsal luncheons, dinners, anniversary celebrations, galas, birthday parties, family reunions, ordinations, funeral receptions, fundraisers, retirement parties, corporate meetings, conferences etcetera. If you also read further down, it talks about the occupancy and limitations for special event venues must comply with all applicable safety codes and requirements, government and military services. Special events are not, special event venues. However, special event venues may also be accessory or ancillary to other uses such as hotels, motels bed and breakfast or restaurants for example. The County ordinance for event venues have additional requirements. The minimum area of 20 acres.

The special event venue is accessory Arne celery use. There shall be no change in the outside appearance of the building or premises while and other visible evidence of the conduct of the venue except during the actual event. Temporary tents, fencing, seating, catering arrangements or other requirements depending on the nature of the venue, maybe used during the event only and be removed within 24 hours after the event concludes. The building or premises must return to its normal condition. Some events may require a certain screening or buffering during the event. Off street parking shall have a setback of 50 feet from any public road. Grass parking is permitted when there are no more than 24 events in a calendar year, which is part of this application. Further talks about the grass parking being maintained. Traveling shall be sufficient with to accommodate emergency vehicles.

The entrance to the property from Virginia state-maintained road shall be designed and approved to meet VDOT standards. When the event venue use exceeds this, the conditions set forth with the 24 events, they will then require to put in full parking. Noise attenuation shall comply with a local noise ordinance. Occupancy limitations for indoor and outdoor areas, restroom facility, handicap accessibility requirements shall conform to the applicable codes and ordinances. If a special event venue includes the use of a boat or non-permanent mobile type facility required provision for all applicable local codes such as but not limited to parking, restroom facilities shall be provided at the point of gathering or loading of patrons. Signage shall comply with our local ordinance as well as VDOT's compliance. All new exterior lighting shall also be dark sky compliant.

Occupancy limitations no we just talked about this. The permit issued with the following conditions is our proposed draft special exception which the applicant has signed. The site shall be developed and consistent with the special exception plan. Prepared by Fairbank's and Franklin dated June, 18 20 19. Prior to further expansion of the structures or facilities, a final site plans submitted

and approved in accordance with our ordinance must be applied with any request to enlarge the structures or facilities that prior to further expansion to the structures or facilities beyond was presented in the application for a new special exception must be obtained by the board of supervisors. A site plan submitted and approved in accordance with the County ordinance must be filed with any requests to enlarge structures or facilities. The event venue will be limited to 200 guests per event with 24 events in a calendar year.

Events will be held only on Saturdays during the hours of 10:00 AM to 10:00 PM. The event venue must maintain compliance of a minimum area requirement of 20 acres and shall not be divided into less than 20 acres. Temporary tents, fencing, seeding, catering arrangements or other requirements depending on the nature of the venue may be used and removed within 24 hours after the event concludes and the building premises must be returned to normal condition. The event venue shall be limited to 24 events in a calendar year. We going to list the grass conditions of the parking with the site plan with a minimum 50 feet away from any public roadway which they've provided. Traveling shall be sufficient with to accommodate emergency service vehicles. Entrance into the property from the Virginia state. Maintain road requires to be upgraded for the site plan.

The applicant will receive necessary VDOT permits and install the part of the permit requirements prior to opening of the venue. Applicant is to provide portable toilets with wash stations that shall be removed within 24 hours of each event. A minimum of three restroom facilities with wash station shall be provided. The applicant agrees to install temporary event signs on the day of the event only to minimize the pass by traffic. Additionally, event staff will be provided to direct traffic to appropriate parking areas to minimize queuing on Whitehall road. All outdoor lighting shall be dark sky compliance and comply with the King George noise ordinance. VDOT has reviewed the entrance plan and found acceptable July 1st, 2019 fire and rescue has not received enough information from the applicant to provide a complete review or approval. Per the email that was included in your packet. Virginia department of health does not require approval of the use.

Because they're choosing to utilize portable restrooms. The state at Whitehall did not receive an ABC license as a farm winery until May 7<sup>th</sup> 2019. In 2018 the state of Whitehall received 16 ABC license pulled for banquet permits by private individuals. Thus far as of November, 12 2019 the estate of Whitehall received 20 ABC license pulled for banquet permits by private individuals. To date, the state of Whitehall is in violation of the King George County zoning ordinance. The King George County planning commission recommends that the board of

supervisors approve this case with the applicant would be held to limitations and conditions are the special exception which would also limit the number of events. However, staff does recommend denial of the application. At this time the applicant has held numerous events against the direction of the County and does not address the, to the neighboring properties. Any questions?

**Madam Chair:** Does anybody have any questions? Any questions for staff? The applicant please come up.

**Mr. Lemming:** Good evening, Madam Chairman and members of the board, new board members. My name is Clark Lemming. I'm here on behalf of the applicant and in the way of just directional menus to where would like to go for a few moments, three main points. Number one, what the castles have done since they started this winery, and have conducted these activities at their estate. Those actions are completely reasonable under the circumstances of this case. I'm going to tell you why. Secondly, there is a substantial legal basis for the position that they have taken and a serious legal question. Then I think even Mr. Gregory would concede, no question that the locality does not, cannot regulate wineries. The legal question with regard to the wedding venue is whether or not weddings are a usual and customary activity for Virginia wineries. Over half of the wineries in Virginia, and there's somewhere over 200 that we've been able to document, have weddings as part of their operation. Now the ordinances for the different counties vary. Some have no ordinance governing, some have other ordinances different from what King George has here. But that's the legal question. Now, third point, the Cassells are here to cooperate and happy to cooperate with the County and they've gotten this far. Now I would like to start at that point and if you all tell me you don't need to hear anymore, I'm not going to go into it. But because Ms. Hall has gotten into the history here, at this juncture, I feel compelled to explain to you the first two points. So Mr. Cassell is a retired army veteran. He is disabled partially. He is now, he works for the defense department as a security clearance. They don't want any trouble with the County. Mrs Cassell is a home therapy nurse with Mary Washington hospital. They purchased White Hall in 2016 with a specific plan of establishing a winery because how do you pay for a place like this? This was built in the 1740s. It's incredibly expensive to maintain and renovate. So they're doing a good thing. They've taken on a pretty, a very significant project here and have a small fortune invested in this at this point.

Now the way they hope to pay for it is through the winery and through the wedding venue. Now, when they first came to the County and when they first were ready to move ahead, they did what you would expect a business person in your County to do. And that is they went and met with your planning director and zoning administrator,

who at that time was Mr. Jack Green. And there was no ordinance. There was, this is a 2017 ordinance. They met with Mr. Green in September of 2016 and he informed that they didn't need anything. I do have an affidavit here from the engineer that attended the meeting with Mr. Cassell. This is part of the BZA appeal, which you don't hear anything about at your meeting last August where all of this was first unloaded on the board. You didn't hear anything about the BZA appeal, but this is what the engineer has testified to. And whether this has any legal significance, whether or not it's a determination for purposes of state law, that's the question for another day. But here's what Mr. Franklin says.

Mr. Cassell and I have met with Mr. Green on or about September 29, 2016. At this meeting, I recall that Mr. Green informed Mr. Castile and myself that periodic wedding events may fall under state law exemptions for wineries and Agri-tourism and it would not be regulated under the county's zoning ordinance. Now, indeed that was true. At that time there was no zoning ordinance. So what did the Cassells do? Well, they planted grapes and they started taking reservations for weddings because you know what, there were no grapes to harvest and they're not going to be any, it takes at least three years for the grapes to get established so you can do something with it. So they went about their plans and in 2017 now, unbeknownst to them, your ordinance changed in March of 2017.

I know that you don't believe that residents of the County sit around and look at the local periodicals to see when ordinances are changing. They had no idea that the ordinance changed and knew nothing about it until well over a year later in the summer of 2018. So what were they doing in the meantime? They were taking reservations, they were entering into contracts with young brides and grooms for weddings at their facility. And they had a stack of them when the issue was brought to their attention. Now, Mr. Green retired and Ms. Hall, and I also want to tell you that there are a number of representations. I asked Mr. Cassell to go through this chronology of events that was prepared by staff. We disagree on any number of those representations specifically letters of violation in the summer of 2014. I've never seen them. The Cassells don't know what that is.

There was one that came later that we appealed. We don't know anything about that. Mr. Cassell will categorically deny that he ever said that he would not go forward with any weddings. He was going to fulfill his contracts, those that were before them at that time. And they went on extensively, and people book these things two years in advance. And so we had the contracts. Now they did file an application for a special exception in the fall of 2018 and that proceeded pretty slowly. There were comments, they were a return application back in March of 2018 but then in April, I'm sorry, 2019, then in April of 2019 we have, we do have a letter of violation and I will tell you in all of-- I've been

doing this for 35 years, in all of my years of experience, I've never seen a letter of violation like this.

It purported on its face to fine the Cassells, which you can't do. You have to go to court to do that. There's a process you go through. We immediately appeal that to your board of zoning appeals. And then after consultation with my client, and I think we have a legitimate appeal. It's still sitting there and we asked that it be put on hold till we came forward with this process. I very clearly advised Ms. Hall that the Cassells would complete their contracts, but that they would not accept new ones until we had been through this process. The effect of an appeal to the BZA is to put things on hold. State law 1522311 specifically says it's on hold, it stays everything. So they move forward, they completed their contracts, the deal, we wouldn't take any more contracts until we'd been to see you.

So that's essentially how we got where we are today. Now, so why did we go this way? Why not go the BZA appeal? Well, whoever wins at the BZA, there's the likelihood I would suspect on either side of an appeal to the Circuit Court, a decision put way down on the road. What I advised the Cassells to do and what they've agreed to do is to move forward with the special exception in the hope of getting this thing resolved once and for all. But I hope you can see that there was substantial confusion at a minimum that was created because of the way this proceeded, but they did what you could reasonably expect of them. And as I say, people don't sit around looking to see when the ordinance changed.

Now how all this was explained, whether or not Ms. Hall was the best ambassador for the County to send out into this context, I don't know. Hopefully that's water over the dam and we move forward at this point. Now the good news is that the Cassells don't have any problem at all with the conditions to the special exception. We have one adjustment over restrooms at the planning commission, the planning commission heard the same evidence and then some that you've heard in the same presentation and move forward as they did. Now, I don't quite understand the basis now for the recommendation for denial. There is, I think clearly a contested history as to how we got where we are. Now as far as addressing the impacts on the neighbors, that's what the conditions do. That's the whole purpose of the conditions. I will tell you this, Mr. Cassell became aware that there was a concern or a complaint on behalf, there'd been many complaints on behalf of the neighbor across the street having to do with reflection from headlights coming out. And he's agreed with this in the conditions if you want to put up a barrier such that headlights coming out of this facility here would not reflect into that yard; which was the the complaint, I think it came up on Facebook. So that's how he became aware of it because they're not talking to each other because of all of this.

I'm here to ask you to understand what has happened in the past and that this is stuff that happens in localities where ordinances change and players change and the best foot forward is not perhaps put out by either the property owner or the locality. And you get into a contest like this. But you think of the advantage to the County of this operation. This is a home that needs to be preserved. There needs to be a way to do that. And the Cassells have come up with a way to pay for it. But they, unless somebody else has a better idea, that's where they are at this point. They're excited about this. They entered into this with great enthusiasm and not without substantial thought and reasonable effort on their part to check out what needed to be done before they became engaged in that.

Now, I would like Mr. Cassell to come up for just a moment if you would permit me to do that. Would you come up Joel for just a minute? Just come on up and introduce yourself and then I'll tell you what I'd like you to do.

**Mr. Cassell:** Good Evening. Board of supervisors for King George, I'm Joel Cassell. I'm the property owner at 3668, White Hall road.

**Mr. Lemming:** Now, what I'd like you to just take a minute or so and explain to the board what it is that you would like to accomplish here and what it is that you think is going to be necessary in order to accomplish your objectives with regard to White Hall and the business that you've tried to start there.

**Mr. Cassell:** So the goal here at the hearing?

**Mr. Lemming:** One minute...

**Mr. Cassell:** Well, I would very much appreciate you approving our application for our special exception permit. We've tried our very best to abide by all the guidance that we received from Mr. Green. We went forth in good faith. We're entering into many contracts. When I first met with Ms. Hall, I explained to her what am I going to do? I've got weddings booked for the rest of the year. We discussed a period of time that I would not have weddings, that I didn't have any on the books; from December 29th to April. And she said, "Well, you need to get it done before, in between that time" We've made every effort to-- I was waiting substantially for our engineer to complete our plans. We did discuss also that I'd had all of 2019 already booked and she's told me, "Well, you need to get this done before April" And we were just a little after that time because we're waiting on the plans. If we cannot, our winery is up and running. It's a very popular place for people in King George to go. It's very necessary people from all over the County come and let us know every time. So many people have just said, "This is just what King George needed. It's wonderful. We don't have to leave the County now."

We've got a place to go here in our County" It serves a great purpose. It requires a great deal of money to get a winery off and running. That's why nearly every winery in Virginia host events, unless you have a hundred million dollars or more, you have to do events to keep a winery running. That's the only reason we're doing them. I think that they'll decrease over the next years as our winery becomes more substantial and our business is established. But 24 weddings, I don't think that we'll even do that many. That's what we're permitted to do. Our wedding, we've reduced our number to 150. We don't even care to do 200 people. We want to minimize the impact on the neighborhood.

I've carried, that's why I have the noise, a decibel reader that I do every 15 minutes. During any event, I keep the decibel readings 20 points below the County ordinance. If it gets above that level, I go and talk to the DJ, make him turn it down. I've even threatened to turn, to unplug a DJ because he was going up to-- he was still below the decibel range, but it was so close. It was making me nervous. I told him, if you don't turn it down, I'm going to unplug it. I'm very careful to stay below the noise ordinance level. I know Mr. Grimes across the street has let me know through the Facebook posts that the light is really bothering him, with the headlights as they turn, exit our property. I would agree right now. I told him that on the Facebook post that I will put up a barrier to block the headlights and I've even measured where that needs to go and it's just a matter of us getting approved. I don't want to put it up if we're not going to be able to hold events. But if we're permitted to do that, I will put up a barrier to mitigate that, the headlights from hitting his house. I want to get along with the County and all... I think I have a great relationship with most of the residents here and I hope to do that with all my neighbors as well.

**Mr. Lemming:** Thank you very much.

**Mr. Cassell:** Thank you. Thanks for your time.

**Mr. Lemming:** If you have any questions for Mr. Cassell and he'll-- whatever the barrier is that he puts up, he'll comply with the building code and design ordinance in doing so,

**Mr. Granger:** I do have a question.

**Mr. Lemming:** Yes sir.

**Mr. Granger:** And it's not necessarily a-- I appreciate your interest in trying to address some of those issues. And so looking at it from a health and safety perspective, that's where I'm really going to try to be coming and looking at this from, I'm going to try to put the history aside, just look at the exception permit. And so with the proximity of homes and the infrastructure that's in place, meaning the roads and it's not the best roads and the way they turn suddenly, was there any interest or any looking into possibly moving the

entrance maybe towards more in line before that turn happens? Because I know your property kind of butts up right on that corner and I would have some concerns after celebrating a wedding that's a big event. People coming out of driveway God willing, nothing would ever happen. But you know there could be kids on that road, and coming right across from Mr. Grimes's home in particular. I know he has children. That is a concern. It's one person, that's the one person that it could be impacting pretty severely and it's something I look at and it carries weight with me.

**Mr. Lemming:** Is that something-- did you understand?

**Mr. Cassell:** Yeah, I understand.

**Mr. Lemming:** Is that something you think is feasible? I think is the...

**Mr. Granger:** That is where I'm coming from, yes. Trying to address because of that blind turn coming onto the road and then coming up...

**Mr. Lemming:** [00:16:28 crosstalk] is something you think is feasible.

**Mr. Cassell:** Yeah. I think it would be feasible. I've even contemplated that myself. I just thought it would be more of a headache trying to work with the County planning commission and trying to get plans for that as well. It's become very, very costly and us not being able to book weddings. We're getting a winery going. It's a huge outlay of cash and but I would, I think that would be a very good idea.

**Mr. Granger:** Okay. It was just something I thought about today, so it wasn't even something I'd really vetted with a whole lot of people, a whole lot.

**Mr. Cassell:** I'm not an engineer, but it seems to be logical and feasible.

**Mr. Granger:** Just trying to address, like I said, the health and safety is the biggest thing. I don't want anyone to get injured. I don't want your customers come and get hurt. I don't want anyone who lives on that road getting hurt. I'm just trying to come up with ways to maybe resolve any of those concerns so that it can be safe and do the things that you wanted to do.

**Mr. Cassell:** Absolutely sir, absolutely. I think that's very reasonable. And to mitigate the drunkenness at a winery, we're not permitted to serve anybody to the point of intoxication for one thing. I could lose my license as a winery if I ever serve anybody who is intoxicated.

**Mr. Granger:** I understand.

**Mr. Cassell:** I'm not even allowed to do that up to the point of intoxication. Also for the weddings, we don't allow shots. We don't allow bringing their own alcohol, anything like that. They have to have a licensed bartender who will cut people off. We have strict rules regarding drinking on our property because we are a winery and we are concerned about safety.

**Mr. Granger:** Are those are those regulations that are...? Forgive me, how do those regulate--? What are those regulations? Are those self-imposed?

**Mr. Cassell:** Self-Imposed and from the ABC?

**Mr. Granger:** And from the ABC, okay.

**Mr. Cassell:** ABC requires us as a winery to not serve--

**Mr. Granger:** Past those points.

**Mr. Lemming:** He's got his state permit. So in order to maintain that permit, he's got to demonstrate compliance with the state rules for such--

**Mr. Granger:** Tracking, thank you. Thank you.

**Mr. Lemming:** And then certainly he got a zoning permit for the winery in the summer of 2017 before he'd ever met Ms. Hall. Oh, that permit was issued by the County for the winery zoning permit. Okay. Now, what you want to do Mr. Granger in terms of following up, he said he think he's happy to look into it. We don't know definitively the feasibility of that, but if you want to, if it's appropriate, if you want to add a condition, just saying that he will investigate that and submit a report to the County planning staff as to whether or not that's feasible from an engineering standpoint, I think he's willing to do it. So that we just don't know that definitively at this point.

**Mr. Granger:** I can totally appreciate that you don't know that because I just threw it on you now. I'm not asking for definitive answer right now. I might ask to maybe say that we deferred decision though if it comes to that and maybe so we can investigate to try to find before we approve to find the right solution. That's just my two cents.

**Mr. Lemming:** From the Cassell's standpoint, they would prefer that you not defer. I say that--

**Mr. Granger:** I totally appreciate that.

**Mr. Lemming:** --this has been such a delay and they have been true to their word. They've not taken any new reservations. They are on hold. So there are no money coming in, but the bills are still coming in. So they would like to see this matter...

**Mr. Granger:** I'm tracking that. I've just given you my perspective.

**Mr. Lemming:** I understand. Thank you.

**Madam Chair:** One question, you mentioned that you'd like to eventually not have as many weddings and just have it as a winery and you mentioned that you have a certified bartender there when there's events. Do you have a plan for when it becomes mainly just a winery to make sure that people are not drinking too much and then driving on that road?

**Mr. Cassell:** Yes ma'am. That's when it's purely the winery, yeah, I'm regulated by the state and by the federal government. As far as serving alcohol to the point of drunkenness, I cannot do that

**Madam Chair:** Because that is one of my concerns because it's such a small road and there's a lot of families on that road.

**Mr. Cassell:** Absolutely. Ms. Cupka, you had a question?

**Ms. Cupka:** Yes, I have a few please. So can you tell me the acreage to be approximate acreage to be used for parking and where on the property is it located? And if it helps to ask staff to assist and pull the map back up, that would probably be helpful. Thanks very much.

**Mr. Lemming:** [0:20:56 crosstalk]. Can you illustrate where the parking area is?

**Ms. Hall:** Parking area is here.

**Mr. Lemming:** Can you all see that? Or does it help if he goes over there?

**Ms. Hall:** So this is White Hall road. This is their existing entrance with the proposed upgrades. And then here is the parking areas.

**Mr. Lemming:** Do we know how many acres approximately you have for the parking?

**Mr. Cassell:** Not for the specifically for the parking. I don't know if that was outlined on the plans or not.

**Mr. Lemming:** The area is seven acres, right?

**Mr. Cassell:** Right.

**Mr. Lemming:** That is the subject of the special exception. So you can, your proportion is it appears to be about one seventh. Do we know how many cars can actually occupy the area that you've set aside?

**Mr. Cassell:** 70 spaces.

**Mr. Lemming:** Okay.

**Madam Chair:** That's the area in front of the barn, right? Or the event venue

**Mr. Cassell:** Yes ma'am.

**Mr. Lemming:** How many of you have seen the property. Okay.

**Ms. Cupka:** From the road, that's why I asked because I'm not, I've done several passes, but I've not actually seen the parking area occupied at the time of an event. So that's why I asked that question.

**Mr. Lemming:** Has the parking area ever been insufficient for the patronage?

**Mr. Cassell:** No, no. It has not. And we encourage, we can't do this with the winery, but when we've had an event there, we've encouraged people to utilize the trolley service from Fredericksburg. They can bring 60 to 70 guests at one time and just drop them off. They have no trouble pulling in, pulling out. We've had 18 wheelers come in and drop stuff off and for the winery. So there's plenty of room for them to navigate through their back out, that cuts out much of the traffic. And it also keeps people from possibly drinking and driving.

**Ms. Cupka:** Thank you. Next question with regard to ingress and egress, one of the conditions of your permit deals with VDOT. Number eight, it says, prior to opening the event venue that you will meet the requirements of VDOT as in the proposed plan. Are you going to be able to do that to meet VDOT's requirements prior to the opening of the event venue, which I'm thinking is whenever you have your next wedding booked for

**Mr. Lemming:** Earliest, at the April, right?

**Mr. Cassell:** Yeah. And we have, it's very minimal. When the contractor looked at the plans that VDOT put in, the specifications. I'm not an engineer. It's hard for me to talk about those terms. It looked pretty easy. He said it wouldn't take very long and I could get it done pretty quickly.

**Ms. Cupka:** So why I'm asking that question specifically is I believe there's a notarized document dated January 8th, 2020 in here indicating your intention to agree to that stipulation?

**Mr. Cassell:** Yes, ma'am, I fully do.

**Ms. Cupka:** Okay. Next question. One last question. 24 events per year. Saturdays only is what was agreed to--

**Mr. Cassell:** I agreed to that.

**Ms. Cupka:** --with the planning. I was at the planning commission meeting, so, okay. 10:00 AM to 10:00 PM.

**Mr. Cassell:** Yes ma'am.

**Ms. Cupka:** What does 10:00 PM mean?

**Mr. Cassell:** 10:00 PM

**Ms. Cupka:** What does 10:00 PM mean? Does that mean hard break closing time? Everyone is driving their vehicles off the property at 10:00 PM because the event ended. And now it's just time for breakdown by your vendors, your caterer, your decorator, that kind of thing? What does 10:00 PM mean?

**Mr. Cassell:** We had planned it was to have all music off by 9:30, last dance, whatever they were going to do to send off completed by 9:45 that so people could be leaving the property and all be gone around 10 o'clock. That's what we wanted. And we're allowing couples going forward, we will allow them to come take down decorations on Sunday so that they wouldn't be there late in the evening trying to take down stuff.

**Ms. Cupka:** Understood. Thanks very much.

**Mr. Cassell:** Sure, absolutely.

**Mr. Lemming:** And please believe me that his lawyer made very clear that once he signs those conditions that he's stuck with them and that violation of any of them is grounds to terminate or suspend the special exception. So that's very clear on the face of the terms.

**Madam Chair:** Anybody else have any questions? Do you have any? No? Thank you.

**Mr. Cassell:** Thank you.

**Mr. Lemming:** Thank you all very much for your time and for letting us go on at some length there.

**Madam Chair:** Now I'll open the floor for public comment.

**Mr. Grimes:** Good evening ladies and gentlemen. First, I'd like to belatedly congratulate the new members of the board and the other members on your reelections. My name is Justin Grimes. I'm at 3663 White Hall road. I'm not the bad guy like everybody's making me out to be. But the facts of the matter, y'all are familiar with it. If you approve this, you are condoning bad behavior that has been presented in Ms. Hall's case first of all. Also their attorney said over 200 wineries in the state of Virginia. If you bring that map up with a satellite view, I challenge him. How many of those wineries were on a residential street? On top of that, it stated that the event venue was needed to offset the cost of their winery that was on their online application and they also stated it here. Well, I'm going to read you a quote. If it's a secondary thing but it's needed to be successful, then how secondary is it in regards? That was your predecessor, Mr. Jenkins, the freedom hunt club issue that was brought up here. If an ancillary issue is hinging on the primary, then, it's not ancillary. If they need it to support their winery or to start their winery, then that's the primary issue. It's plain as day.

I think that's pretty pertinent here. Just saying I'm not alone in opposing them. All the adjoining property owners are against them. They are not here. Most of them, I'm the most vocal. They don't want to get involved. They've seen they have to live next to them. They've seen what they've put me and my family through and I mean that wholeheartedly. They've seen me get dragged to the mud. They don't want to get involved. But I will tell you this, there are other neighbors here and they live a half mile, quarter mile down the road. They are not impacted by this. There's a distinct lack of support from the adjoining property owners. Do you see any of them here to push for this? They all know what's going on. I can't attest to the music being below the legal threshold, but I can tell you this. We hear it inside of our home. I've had Sheriff's deputies on my front porch able to hear it clear as day. Inside of my child's bedroom, able to hear it clear as day, nine o'clock at night on a Saturday. Boom, boom, boom, boom. If you look at where their barn is located, it's a stone's throw from White Hall road. They have 40 acres, but what they use for their events is butted directly on White Hall road.

Maybe-- Mr. Granger said it also that curve for one, their trolley buses, they're too big for White Hall road. They almost ran Johan, the gentleman that lives on the corner off the road. Does that cut down on drunk drivers? Absolutely, but there are absolutely drunk drivers that leave there. Absolutely. There are drunk drivers. I don't know who serves them. I don't know what happens, but we can hear them at nine o'clock at night. Outside of the music you hear cursing and yelling and screaming and cheering. Is that what I want my kids to hear? My six-year-old?

Here's the thing, ladies and gentlemen, I'm really not the bad guy. I am the most vocal, yes, but I am not the bad guy in this. I am nothing more than a husband and a father who's doing what he can to protect his family. The only thing I ask each and every one of

you tonight, imagine for a second that this was your house. Imagine for a moment that you lived across from this. Imagine you had the headlight shining in and I'd take distinct. When Mr. Cassell says he didn't know about this till I posted on Facebook, that is bold face lie. He had been told this plenty of times, stated to your board, to the zoning board. He was sitting right here when it happened. It wasn't till it was made public on Facebook in front of the people he pretends to be nice around that he dared a gesture about it.

It's not about all that. It's about right and wrong. How can you expect any other business in this County? Why are they going to follow the rules and regulations that you set forth? If they look back on this and say, "Hey, I could just do what I want and then I'll come back with my lawyer, we'll work it out. Problem solved. It'll work out in the end" Is that the precedent that you want to set? You just allowed breweries tonight. Do you want to set that precedent to them? But again, I just ask that you look at it through the scope of it being your family, of you living across the street from this, of you having the headlights, of you hearing the music.

I love the way there's top 40 clips, don't get me wrong, but I don't want to hear him at 9:30 at night and I definitely don't want to hear in my daughter's bedroom when I'm trying to put her to bed. Think about if it was your house, if you couldn't walk your kid down the road, riding a bicycle on a Saturday afternoon because there is so much traffic coming in here, far more than 70 cars. And if you don't believe me, I'll show you the pictures. I've sent them to the County administrator as well. This issue is not something to be taken lightly and I pray that you vote no tonight. Thank you.

**Madam Chair:** Thank you. Do we have anybody else who would like to speak?

**Ms. Cupka:** Can I ask the satellite photo please? If that's possible.

**Ms. Rupel:** Thank you ma'am. My name is Michelle Rupel. I live at 3734 and I'm one of the people on this curve. Right here. Many of the people who exit this property go down this trail. There's a gate. Three weeks ago someone drove through it, damaged it. I don't know who, Saturday afternoon. We do need businesses in the County. We accept that. The question that I have is, is this the right location for this business? It's very frustrating to call every Saturday night. You're number 34 on the complaint list. You're number 26 on the complaint list. Weddings are a very special day. I remember mine. You get so involved in it, you just don't care about anything around you, but being so close to the road and so close to that curve, the former people at that curve moved because of it. I can't speak for them. They're not here. I wish they were.

The venue got goats, goats escaped, goats, found them on my property. I'm three quarters of a mile away. Dogs, dogs are on the property. I have livestock. The County can't do anything because they can't see them. They're obviously gone by the time the

County comes. Trespasses on the road, there's not a lot we can do. 70 vehicles, there's sometimes 120 each weekend on the curve. The curve, if you've seen it, is very narrow. We've been driven off the road twice down towards this area here. You can't see very well and a lot of people just don't give a flying fudge. It's they've had their special day. It's time to leave.

If this is going to be a winery, that is fantastic. Again, we can use the businesses in the County, but my concern is this has got a foothold as a wedding venue. If this turns to a winery, wineries also have weddings. Wineries also have large festivals. They do annual events each year. What are those going to bring? 25 events, I'm sorry, 25 or 28 events a year only on Saturdays. That's fantastic. Wineries in agriculture, they're open seven days a week, 365 days a year. At some point, every agricultural business needs to expand. At what point when they need to expand, what is that going to entail? Are we the residents who are living around it going to have to come again and express complaints and express frustration of living with this? Again, we do need businesses in the County, but is this the right place for this business and the frustration of having to call the County. Again, as I said, 20 something on the list, 28 and they know the County dispatch, the poor woman when you call her. Yes, we're familiar with it. We'll send another deputy, send another deputy. What are we driving up with the bills and the taxes with this? Also, the last comment, if DOT is involved in this, who's paying for the repairs on the road?

**Madam Chair:** Ma'am, your three minutes are up.

**Ms. Rupel:** Thank you ma'am.

**Madam Chair:** Thank you.

**Ms. Jackson:** Hello. Good evening board members and fellow neighbors. My name is Evelyn Jackson and I'm here with my husband Russell Jackson. We live at 3517 White Hall road. I actually sent this email to Mr. Granger, but I also would like to take the opportunity to read it out loud since I'm here and I was able to make it after work. So we are here in support of Bethany and Joel Cassell and their winery, the estate at White Hall vineyard. We live within walking distance of the vineyard and we can attest that Bethany and Joel are wonderful people with hearts as big as King George County. They are considerate business owners, respectful of the community and the neighbors quality of life.

Therefore, we have supported their business and continue to show our support for them at the public hearings. Although the estate at White Hall, vineyard, it's known for its beautiful and elegant wedding venues held on a scenic estate. It is so much more to local residents. It's a gathering place where neighbors can meet new neighbors, create friendships and foster networking opportunities. The residents at King George look

forward to these family friendly events held at the vineyard. And the events, they can sample an assortment of delicious, handcrafted, locally made wines. They can listen to live music.

They can eat a variety of mouthwatering fruits ranging from gourmet, thin crust, specialty pizzas, southern comfort cuisine and much more all from local vendors. And the events are also pet friendly. For these reasons, the winery is a jewel in King George and it's embraced by locals and visitors alike. Bethany and Joel are good people who are deserving of the community's support. Not many wineries in Virginia can successfully operate by just selling wine alone. The winery's ability to hold events, it's crucial to its success. We hope that the estate at White Hall vineyard continues to flourish and bring enjoyment to the residents of King George County. Thank you for your time.

**Madam Chair:** Thank you.

**Mr. Jackson:** Good evening board. My name is Russel Jackson. I live on White Hall road approximately two tenths of a mile from the winery. And I can attest that there are no late-night parties, no speeding cars. None of these things that were previously complained about. I work from home. I've lived on White Hall road now for over 14 years. For the last year and a half now, I've worked from home. I'm there every day. I have not witnessed any of the bad behavior that was talked about here today. And White Hall manor was a an old slave plantation. So it seems to me if you approve them having events, what a good way to turn something like that into a viable business today. You can lead the state in something like that as well as the rest of the United States in having White Hall estate be a shining example in King George County. I hope you do approve it. Thank you.

**Madam Chair:** Thank you. Would anybody else like to get up and talk?

**Mr. Jones:** Good evening. My name is Scott Jones. I live at 3500 whitehall road. As a matter of fact at the top left corner there, that's my property there. Rather close. I shared a letter with the members of the board previously. We won't repeat all that. I appreciate you letting me share that. But listening to the comments tonight, I just do want to reiterate after 15 years there, after I guess three months now being retired, I am a frequent walker to the winery there with some regularity and I have not seen the behavior. I have not seen the things that have been referenced earlier. I'm sure there are some extreme examples of exceptions, but I think they're exceptions. I would also just remind the board and remind the audience as well. Line two up there points out the fact that this is rural agricultural zoning. This is not residential. This is not downtown business. This is rural agricultural zoning.

There are certain amounts of freedoms that go along with activities in rural agricultural properties. Right now there are six homes being built further down the road. There's

construction traffic that goes up and down that road every day associated with the construction of those homes. There has not been a traffic problem from the construction equipment, well drillers, 18 wheelers dropping off prefab walls, concrete trucks, the whole nine yards, and they managed to travel that road, doing it carefully, even though the 15 mile an hour speed limit sign has been knocked down for about four months now. But they managed to travel that road safely as do all of the folks that I know that frequent the winery. And going up and down the sides of White Hall road, I can point to almost every single one of those neighbors that's an advocate for this use of A2 property. Thank you very much.

**Mr. McLaughlin:** Good evening. My name is Robert McLaughlin. I live at 8456 Eaton drive. I moved to this County in 2005 into Presidential Lakes. I've since moved from that home, but I still own it and it has become a rental property of mine. And as renters come to and from the property, the first thing they always ask me is what is there to do in King George? And for many years it was, well, there's a King's pizza. They have a little bar, there's a little Mexican place. They have a bar. There was never anything that I could direct people to, to say, spend your time in King George. I say, "Well, go to Fredericksburg. There's plenty to do in Fredericksburg" We finally have something for adults and children to go to a place, have a great family wholesome time. And it's wonderful. I've been there many times. The people there are wonderful people. You can talk to anybody on the grounds at any time and it's just, it brings a lot of wonderful people to the same place and I fully support it.

I also want to talk about the history of the County. Like he was saying, it's a slave plantation. You have a lot of builders that would come in and they would just level the place and build homes. And here Frank and Bethany are trying-- I'm sorry, Joel and Bethany are trying to preserve the property and the buildings on the property and keep it true to King George and what it was. That's just a wonderful thing to do. It takes a lot to get a small business up and running. It takes a lot of heart. It takes a lot of branching out into the community. So of course they would want everybody to feel welcomed at their place so that they could continue their business and have it grow and thrive. The last Saturday, there was several weeks that the winery had shut down because of the cold weather, and they had a little pop up event.

I went there and the place was packed, because people had gone for weeks without the winery. It popped up and everybody was there because they wanted it. They loved the experience and they wanted to be there and there was a little pop up. So everybody was there and it was packed. It was amazing to see such great response to one small little event. Also like it was just pointed out, it's zoned A2 agricultural. If they wanted to flood the fields with cows and roosters, there's nothing stopping them. The neighbors couldn't complain one bit about the noise or the smell because that's what the zoning is. But here they're doing something wholesome with the property and yeah there might

be something that people don't like about it but it's growth and you have to adapt to growth. That's all I have to say. Thank you.

**Madam Chair:** Would anybody else like to speak?

**Ms. Tritt:** Hello, my name is Michelle Tritt. And I also shared this letter with a few members of the board. But I'm gonna read a little bit from my letter because I don't do as well speaking without having my notes in front of me. I'm here completely in support of Bethany and Joel as well as the estate at White Hall vineyard. I've just met this year. Let me tell you. My husband and I have lived in King George for the last 18 years/ We've raised three children here so far. I've also taught in King George County schools and coach there. We currently operate a not-for-profit organization here in King George that helps the special needs community called Ainsley's Angels of Fredericksburg.

One of the things that we do as a special needs organization is that we have to fundraise because we need a lot of equipment for what we do. And so, we have to go out into different businesses and ask for money. Usually when people see me coming, sometimes they hide from me because they don't have to write that check. But I'll tell you, Bethany reached out to me several times after I had visited the estate of White Hall and said, how can we do an event and Joel took us through and showed us how he had built handicap ramps up to his venue. It's definitely a great place that we could bring our organization to have a fundraiser and they've opened it up without any cost to us and even let us plan event there for that purpose. Just they're generous hearts and that gesture to us we thought was something worth for me to come in and speaking on their behalf and supporting them.

We've also gone and enjoyed their venue just as a couple and had a date night there and it was just very nice again to do something in King George County. Lastly right before Christmas, I reached out to Bethany. I needed a few last-minute gifts and she was able to provide a couple of bottles of wine and some gift certificates that I could purchase from them. So, it was very nice to buy something locally here in King George as well for our Christmas gifts. Anyway, I just wanted to thank them for reaching out to us and just be here in support of them. Thank you very much.

**Madam Chair:** Thank you. Would anybody else like to speak? Do we have anybody online? I'll close the public comment portion. Do we have any discussion, members of the board?

**Mr. Granger:** Yeah, I'll go ahead and start us off. I appreciate everyone coming out and speaking. I know this has probably been the topic everyone is here for. Thank you everyone for coming out and showing support or sharing your concerns that you have because those are important to understand as well. So thank you. Everyone who spoke in favor and talked about everything, that's great to expound on, I appreciate then. I appreciate that

they're doing things for the community. As I brought up with the road though, my main focus really looking at this request is looking at for these events to occur is health and safety of the residents around there. I spent a good bit of time this past weekend looking through different event winery venues that host weddings. And this is a pretty unique situation in regards to the proximity of other residents and closeness to the road, quality of the road. It offers some challenges. And so that's why I brought up tonight about the road and trying to provide some offset. Normally it appears just looking through Google, which is just what I was using, wineries are usually a bit farther off from the road and so this is very close to the edge of the property where you have other homes that are close to the edge of the property and they maybe impacted more by the noise. You also have this sharp and turn which can cause some challenges and a real safety concern for me in looking at that in regards to the safety of families and children on the road, there are some challenges holding these larger events. That make me nervous.

God willing nothing bad would ever happen if it does get approved. But sometimes it weighs on my mind to think about the safety of-- it's only a couple of people might right on that road really impacted but that's still their safety. That's still important. It's a safety of everyone in this community. As I said it's not that I don't think that the Cassells are doing things that aren't for the benefit of our community but holding larger events makes a little bit nervous. And so as I said before I would like to really better understand if it would be possible to maybe address the ingress to the property to help address some of the safety concerns. With that turn, as it was brought up, as you're coming around, you really can't see. Personally, I would like to hold off on a vote to better understand if anything can be done address that safety concern particularly.

**Mr. Bueche:** So if I may, I had some similar concerns initially about the roads but then when it went before the planning commission, it looks like a lot of concessions were made by the applicant. It looks like the planning commission did their due diligence in questioning some things that-- in working some things out. And then I'm looking in here July, 1, 2019, VDOT reviewed the letter and they approved this. VDOT entrance improvement is required but it shows that if those requirements were made, that VDOT gives their approval, which is the same standard that we use in other things but I'm further comfortable with it in that the agreement, if you look at the permit, that was addressed in there. That those issues would be done to VDOT standards prior to their next event is my understanding. If that is done and then July 31st, fire marshal Dan Dickson review received noted, not all review comments were addressed which hopefully that would be addressed by at the same time by VDOT but he did note that the vehicle access requirements for a fire apparatus has been met. Those safety concerns, I understand that this is unique.

I don't buy into the comments of, well, they can do this anyway, it's agri-tourism. Just for the record, the general assembly left that out of the legislation on purpose. Wedding, hosting weddings at a vineyard is not bi-right activity. Legal scholars can argue that. You all have a law degree. I don't. And no one have to get me in trouble. But with that, and looking at the concessions that were made, there are going to be challenges, there are going to be things that scare us, that can present a problem for any development in this county, any change, every time somebody comes to this board of supervisors and wants to do something different. 30 or 40 people, no matter what are going to show up and say how we're becoming Stafford County or how we can't afford to do this or this is going to be an impact on XYZ. I don't see this with this.

Yes, it is unique. That road does present an issue but lowering of the speed limit which was met, these VDOT requirements which have to be met within that certain timeline. The fire marshal's review. I'm fairly confident and I support the planning commission's recommendations. So as for me, I would be against pushing this off. I feel it's efficient if all the terms are fully met. Now, I'm not going to be rehash how this came out and how I heard about this from the first time and I used an expletive to describe how I felt that the paper, thank you, you all captured that. Thank you, Cathy. But that was then, this is a new story. I'm looking at a special exception permit that the planning commission has reviewed and I believe that it's in the interest of the County. That's my two cents.

**Madam Chair:** Mr. Stonehill.

**Mr. Stonehill:** I did have one email that sent to me that I needed to read. I didn't know we were going to jump right into it. My only concern, I think it's great for the county. I mean, I think that vineyards are all over Virginia and they are all doing weddings regardless if Richmond is saying that they're part of agri-tourism or not, I look into that as well Mr. Bueche and they did not put that in there as part of agri-business. For that one reason, all the vineyards are doing it. I looked at all the different counties and they are, every county has vineyards and they are doing weddings and one is to help support the vineyard which I completely understand. A couple of my concerns are how this came about and the applicant not doing, abiding by what community resources and everybody in the building, people said to stop and they didn't. And then who's going to be the event police about how many events they're having. Is it going to be Mr. Grimes calling and saying they're having more than 24 events, I don't know.

But with that, I do have one email I need to read from one of my constituents in Dahlgren and this is from Jackie Harbor and she writes, "I would like to request this email be read at Tuesday's board of supervisors' meeting if possible. I'm writing in view and support of Joel and Bethany Cassell and their establishment, the estate at White Hall. I ask that you please consider allowing them to continue to operate as a winery and an event venue. It is the only such location in King George County. The property is

beautiful and provides fun and a historic place to have family parties such as wedding, graduations, baby showers, family reunions or community events like yoga classes, craft nights and more. It also provides residents of the county surrounding areas a place to go listen to live music and enjoy food and a beverage outside of your typical restaurant or bar. It provides a meeting place where we as a community can gather which strengthens our community as a whole. A place where we can engage a lively round of trivia or a friendly game of cornhole. Kids can run and play on the grounds and unplug from technology while enjoying wide open spaces. Bethany and Joel are wonderful people who welcome anyone with open arms. Please don't take this away from them or us. Sincerely, Jackie and Chris Harbor, Windland lane in Dahlgren. I think that's all I have right now.

**Madam Chair:** Ms. Cupka

**Ms. Cupka:** Thank you. I would just say I received two emails. Neither one of them specifically requested that the email be read aloud here tonight; so I will not. One of them is someone who is also present tonight and spoke in favor of granting the special exception permit. And the second one is someone who is not here this evening but also wrote in favor of granting the special exception permit. Any other comment I had or questions, you can understand why I asked the questions that I asked. That's all I'll say for now. Thank you.

**Madam Chair:** Thank you. I received four emails. One of them being from Mrs. Tritt who already got up and read a part of her letter and they were all in favor. From the beginning, I went on that road at least twice and stood and tried to visualize and I still have an issue with the parking. I will be honest with that in that that blind turn and whether maybe the exit could be moved off of that turn in the closeness of the parking lot to that road. But with that being said, it is a unique situation and I have attended some conferences and I'm a big supporter of sports and agri-tourism to try to help preserve our rural character and allowing development as a way to do both. At the state level it is kind of a little bit ambiguous about this thing. They really haven't flushed it out yet in a full way of what is a winery, what is agri-tourism 100%. I'm really torn because I understand what Mr. Grimes is saying and but it is an asset to the County. I just don't know how you solve it, to make it 100% where everybody's happy, but you can't always make everybody happy. It really weighs on my mind. But it Mr. castle and Mrs. Cassell, you're doing a wonderful thing and you're providing a way to save a track of agricultural land in a way that preserves it and you don't have houses on it. It's all I have to say at the moment.

**Mr. Granger:** I have nothing else to add to the discussion. I'll just as said I would be interested in differing. If there's going to be a motion to be made to approve, you might not want to make it unless there's enough votes. Does anyone else have any interest in deferring? I'll just ask that.

**Madam Chair:** Thank you, Mr. Granger. Do I have a motion?

**Mr. Bueche:** I move to approve the special exception request for an event venue for a state of White Hall owned by David and Bethany Cassell, text map 22, parcel 12A, 40 acres, zone A2 limited agricultural district.

**Madam Chair:** Do I have a second?

**Ms. Cupka:** Second.

**Madam Chair:** Do we have any discussion? All those in favor?

**Ms. Cupka:** Aye.

**Mr. Bueche:** Aye.

**Madam Chair:** Any nay?

**Mr. Granger:** No.

**Madam Chair:** Chairman votes aye. Motion carries. Next up, presentation is the reports presentation of the annual audit by Mr. Andrew Grossnickel, Robinson farmer and Cox. Sorry if I got your name wrong.

**Mr. Grossnickel:** I'll just give a moment for folks to clear it. It's Grossnickel but you aren't the first and you won't be the last. It's misspelled and mispronounced. I thank you for your time this evening. I just want to take a few minutes to go over the results of the 2019 annual audit for the County of King George and the corresponding financial statements being passed around you is the bound CAFA document as well as a couple of other items that we have as correspondence. I've prepared a brief PowerPoint presentation here this evening as well. So we're just going to kind of go through some of the highlights as I mentioned both our audit process as well as some of the financial highlights for the year ended June 30 2019. We were engaged by the County to perform a financial statement audit and compliance audit for the County for the year ended June 30th, 2019.

Audit was conducted in accordance with auditing standards generally accepted in the United States of America, specifications for audits for counties and cities and towns which are put out by the auditor of public accounts for the state of Virginia. Standards for compliance, financial audits contained in government auditing standards issued by the comptroller general and then also the single audit act amendments as well as uniform guidance. Those last two covered federal expenditures for local governments and other nonprofit organizations. The main byproduct of our audit process are our independent auditor's reports that we issue. For the County of King George, there are

three such reports that are included in the financial statements that you have before you. The first is the independent auditor's report itself. This is really on the numbers, the financial statements and the numbers included in the financial statements themselves. And we've issued an unmodified or a clean opinion on the financial statements for the year ended June 30th, 2019. That's a good opinion on the financial statements themselves.

We did highlight in the opinion a couple of governmental accounting standards board pronouncements that went into effect. The ones that went into effect this year were not nearly as impactful as the ones that for those of you who've been on board for a couple of years, we've been through pension and other post-employment benefit reporting standards, which had a very high impact on the local government financial reporting model. These were just some changes in disclosures and required information that's presented for certain disclosures and things of that nature. The other two reports that are auditor reports that are included in the financial statements are both what we call compliance reports. The first of those is the internal control over financial reporting and on compliance. This is what we a lot of times referred to as the government auditing standards report or the yellow book report, you'll hear it referred to as, and in this report it's really about internal controls and then other compliance matters.

And if we had any material weaknesses or significant deficiencies to report in those areas, that's where those would be reported. I'm pleased to say for 2019 we did not have any material weaknesses or significant deficiencies to report. So that's another clean report on that area. We did issue a management letter that I'll touch on in a moment. And then we had a, the last compliance report is what's referred to as compliance for each major program and on internal control over compliance in accordance with uniform guidance. And so, this is similar to that government auditor's standards report, but it's focusing on federal compliance. It's an on internal controls and compliance matters related to a major federal award. Every organization that expends over \$750,000 of federal dollars in a given fiscal year is required to undergo the uniform guidance or the single audit.

And we test for compliance related matters put forth by those federal funding sources for the major programs that we test for that year. For this report as well, we did not have any material weaknesses or significant deficiencies in the controls over the major federal programs that we tested. A couple of communication items we have, which are the loose items there we have in front of you, are the communication with those charged with governance as well as the management letter, comments and recommendations. The first one is about a three-page letter. It's titled at the top communication with those charged with governance. And that letter is just kind of standard communications we have to make at the end of every audit engagement. It lists whether there's any disagreements with management. It would list any, again, it

highlights those governmental accounting standards, board pronouncements that went into effect.

It highlights some significant accounting estimates such as the actuarial based liabilities for OPEB and pension under those new standards that I referenced. But those are all kind of a standard communications in that governance letter. Nothing out of the ordinary there. Then we did issue a management letter which had about four comments and recommendations for improvements in internal controls. These are matters that did not rise to the level of being a reportable condition from a material weakness or significant deficiency standpoint, but did rise to the level of wanting to make sure we communicated those in this management letter for improvement in internal controls for the County.

Just to get into a few financial statement highlights, I'm not going to get too deep into the financial statements, but did want to make a few highlights of the financial statements for the year ended June 30 2019. The net position for the governmental activities of the County of King George for June 30th, 2019 had a total net position of \$68.4 million. And that was an increase of about \$6 million from June 30th, 2018. That's on the full accrual basis, including all liabilities, your debt, everything of that nature and all of your long-term capital assets and other assets. The fund balances, which I've highlighted here, that's on the budgetary basis that you're making most of your planning decisions on and the total fund balances of governmental funds at June 30th, 2019 was \$57.8 million, which was a decrease in fund balance of about \$8 million.

However, that was mainly decrease in capital projects fund where scheduled capital projects were being completed to drive that down. The general fund was not the driver of that. The total unassigned fund balance of the general fund at June 30th, 2019 was \$20.5 million. From a budgetary standpoint, the general fund had revenues over budget of \$2.3 million. And then expenditures held within budget of \$3.2 million. So, both revenues were over and expenditures were under budget for June 30th, 2019. And then the net position for business type activities. So essentially the King George service authority, water and sewer operations at June 30 2019 was \$19.5 million, which was a decrease of 200,931 from June 30th, 2018. Now just to have a little historical summary here of the last five years of fund balance broken down by category here. For 2019 you can see the total general fund balance, \$27.7 million, \$20.5 million of which was unassigned. And then the remainder of the fund balance was non spendable, restricted or committed for various purposes. You'll see the total increase in fund balance for the general fund was 668,503 over the prior year. And so from 15 to 19, the general fund balances increased from about 22.7 million to about \$27.7 million.

This is just a little chart that just kind of puts in a graph format the categories of the general fund balance that were shown on the preceding slide. And then here we have

just kind of a little breakdown with a line chart of the governmental revenues by type. So, property taxes, obviously the largest factor in your governmental fund revenues. But all of these categories are kind of remaining relatively steady just with some small increase over the last five years in all of those categories. In a breakdown of the governmental fund revenues, we'll show you that about 48% of your governmental fund revenues are derived from property taxes while 13.4% are derived from other local taxes such as meals tax, business license tax, those type of taxes. And then 15% is related to inter-governmental federal and state grants and permits, privilege fees and licenses make up 18.5%.

And then the other categories to a lesser extent impact your total overall revenue picture for the governmental funds. When it comes to governmental fund expenditures, from a functional standpoint, I have a little chart here that breaks down by functional category, governmental, general government judicial administration, public safety, public works, health and welfare, cultural recreation, community development, education, that service. You can see those are all relatively steady, I'm sorry. The one spike, the, the biggest spikes there related to education. A lot of those relate to timing of capital projects. So, the big spike this year relates to the middle school expansion.

Those are governmental fund expenditure scheduled for middle school expansion is about \$10.3 million. Just on this year's portion in the middle of school expansion is really kind of pushing that one line up a little bit. But education is always going to be a high, part of the puzzle. So, for this year, 44.4% of the governmental fund expenditures related to education, be it educational related capital projects or the contribution to the school board for the education that expenditures that they're budgeting over there and spending on all the school activities and then the largest component after that being public safety. With that, I'd be glad to take any questions that the board may have on the audit as well as the financial statements, management letter, comments, governance letter or anything else that you may have at this time.

**Madam Chair:** Any questions? Thank you. I'm good.

**Mr. Grossnickel:** Thank you for your time. I really appreciate it.

**Madam Chair:** I appreciate. Thank you for coming. Next up, smart scale project options presentation by Mr. Nick Minor, director of economic development and tourism

**Mr. Minor:** Good evening, members of the board and chair. This evening I'm going to be showing you guys the-- well, I'm going to let Kim pass out the handouts first, but we're going to be discussing the potential smart scale projects that were proposed to us by VDOT. For those of you who don't know, smart scale is a transportation projects, they are a score based on an objective outcome-based process that is transparent to the public and

allows decision makers to be held accountable to taxpayers. Once projects are scored and prioritized, the Commonwealth transportation board has the best information possible to select the right projects for funding. Applications are accepted by NLE and the applications opens between March 2nd and April 1st.

These are the smart scale projects that are proposed. US 301 and route 207 corridor study, VDOT recommends to remove the crossovers and turn lane extensions. There is a 301 Ridge road median U-turn upgrade, the 301 route 206 Dahlgren road quadrant roadway and the Indian town 206 roundabout intersection. So, the first one that we have up here is for the removal. I'm sorry, as the VDOT recommends, the project will count as one of the available GWRC slots. This is for the turn lane extensions and crossover removals. And this will be, and one of these will be used in GWRC's slots. They're going to actually add one of these projects to one of the ones that they're using. They get a total of I believe four. So they have allowed us to submit one of these. And so one of the... The next one is a 301, 205 Ridge road median U-Turn 301, 207, arterial preservation plan. LOS stands for level of service. This is graded between A and F. As you can see, both of these scores on there are Ds. Essentially what this is doing is I believe eliminating all left-hand turns. Any questions? Any questions on the first one? I should've done that first.

**Madam Chair:** No, I definitely have it on the second one though.

**Mr. Minor:** Okay.

**Ms. Cupka:** May I ask a question--?

**Mr. Minor:** Of course.

**Ms. Cupka:** With regard to the first?

**Mr. Minor:** Yeah.

**Ms. Cupka:** So GWRC is submitting. Are they submitting it for just ours in King George or also the Caroline County ones as you had said?

**Mr. Minor:** Well, in this case is just ours. I'm not sure what they're doing for Caroline. I think this is a part of the bridge opening and trying to keep this a free flowing route up and through, through the state.

**Ms. Cupka:** Gotcha. Thank you.

**Mr. Minor:** Yeah. The second one?

**Mr. Granger:** I had a question.

**Mr. Minor:** Sure.

**Mr. Granger:** I'm sorry, the second slide, I apologize. So you said it's graded A to F, is that correct?

**Mr. Minor:** Yes, it's graded A through F. Yes.

**Mr. Granger:** Okay. And so I get, my score understanding would be a D is bad. Does that mean it's bad as in there's issues with the intersection, which means it needs to be addressed or it's bad meaning there isn't a need to address it as much. What's the D mean? Is it--?

**Mr. Minor:** It's bad in that it needs to be addressed. I think that the idea is that one, once the bridge opened, the corridor opened, the corridor opens up. And this is already a busy intersection because there are people who use this, who work at Dahlgren and they drive up and they make that turn down. There are other people who's going from Northern neck and passing through this area.

**Mr. Granger:** So it's highly graded for a need.

**Mr. Minor:** Right.

**Mr. Granger:** Got it. Thank you.

**Mr. Minor:** Any other questions from the board?

**Madam Chair:** No, I have a question on the crossover section when you get to that. You mentioned 20 crossovers. Where are the crossovers?

**Mr. Minor:** Oh I'm sorry. They are going to be... they're in our handouts. They should be on your handout's ma'am.

**Madam Chair:** Okay. Because I don't need to see a detailed map as many people may know or may not know, I would be one of those crossovers that would be removed. And where I live that we have, there's the last houses being built, there's eight houses on there and it's the only way we can get to our property. You have to go around and down and back up. And the problem with our property specifically is the amount of traffic in the school bus stop there.

And we do not have a deceleration lane to go off onto our road. It is a one lane road, and when you meet a friend there and there's people going 60, 70 behind you, there nowhere to go if you're meeting a friend at the entrance to the property. I wanted to see exactly, I have to look through my packet real quickly.

**Mr. Minor:** Yeah, look through them. And then what, so we're a little ahead of the schedule so we can address these things with GWRC's planners as well as VDOT before we submit.

**Madam Chair:** Because I also mentioned that, because it is used, unique antiques is there and also tourists treasures and it is right across from Ivy Hill Loop and a lot of people turn around at mine and the one just above it to go to unique antiques. So that's a very highly trafficked crossover. Those two in particular, I think it's 699 Ivy Hill Loop.

**Dr. Young:** So, ma'am, we're tracking all the different crossovers because that is a lot of crossovers. And as you already know, we went through an extensive discussion during the 301, 207 corridor study with King George and Caroline. We did take issue with some medians that basically VDOT didn't know how they affected the community. But what we're trying to do here is just get the funding for the smart scale project with the understanding that we're going to be working closely with VDOT to say, "Hey, you could touch this median or you could stay in this lane, leave this one alone and we can give them the rationale and the reason why we want to leave that medium open. Right now..."

**Madam Chair:** We want to keep the conversation going because that is an access point for quite a few people. I also have mentioned Ms. Parker about Eden drive having the housing development and now that's on it. That comes out onto 301. And if the Ralph bunch and arts and humanities center is fully built out, that would be a lot of traffic there at that little intersection. That might even have to have a red light although I don't think they would like that because it would get rid of that free flow of traffic. But there's going to be a lot of traffic, something we need to address.

**Mr. Minor:** Exactly.

**Madam Chair:** Just put it on the radar. But at that crossover lane, I know I have a vested interest but there are other residents and there are two businesses there that utilize that, those crossovers.

**Mr. Minor:** Understood, yeah. So if there are no other questions about the 301, 205 Ridge road median U-turn, I'm going to move on to the one off of Dahlgren road. This is a US 301, 206 Dahlgren road quadrant roadway, it's arterial preservation plan, level of service, intersection scoring is a E in the AM and F in the PM. So essentially this is the same concept of eliminating the left hand turns and creating a loop and a queue for those who are exiting the base in the PM, and then allowing those to continue going freely into the base in the mornings. If you guys don't have questions tonight, I understand, feel free to send them to me in the morning or when you get through looking at...

**Ms. Cupka:** So I do. Yeah. Yes, yes. I do have a question about this one because I did this two years ago and this intersection was one of the projects that we submitted, but at that time,

the board at that time declined to recommend. They still wanted to do the intersection. So we did the other project, the median U-turn because of the cost of acquiring the right of way to install that quadrant connector road there. Can you speak to why the thinking has changed and why this is the recommendation for that same intersection now? I'm just curious.

**Dr. Young:** I can speak to that ma'am. When we went down to Saluda to have that pre-meet with VDOT, Kimberly and myself talked to Mr. Haynes and raised that same question to him because our right of way does have to be purchased by VDOT. That's a large swath of land. How in the world is the state planning on paying for that? Well, I think that the way that Dahlgren has been throwing around at VDOT has really caught VDOT's attention and now they may have, I don't want to say artificially, but they may have artificially raised the priority of addressing all that congestion in the Owens drive, 206 Dahlgren area. And it was actually VDOT that suggested to us and pressed on us, hey, pursue this project. We have a good feeling that it's going to get approved just because of all the congestion that's taking place around the Dahlgren base area.

**Mr. Minor:** Right. And Ms. Cupka, I think you know that in, I guess in the scoring of these projects, I think economic development is priority one. I believe safety is number two and then three, I think it goes into just travel and convenience. I mean, as you guys know, Dahlgren and higher is 11,000 people or so and it's only going to continue to grow. As it continues to grow, the projects that surround the base are going to score higher.

**Ms. Cupka:** So as long as the cost of requiring that right of way is included in the application and VDOT has a clear understanding that they're going to foot the bill for that, I wouldn't object to that.

**Mr. Minor:** Right.

**Madam Chair:** Do you know how big that property is they would have to buy the right of way from? Because that, is that's the property that has the billboard, correct on it?

**Mr. Minor:** I believe so. Do you...?

**Dr. Young:** Right now they don't have the acreage. This is just for illustrative purposes.

**Mr. Bueche:** It's more than one parcel. Correct?

**Madam Chair:** Because there is a house on that side too.

**Dr. Young:** That I don't know. We wanted to get the board's guidance and the blessings to move forward and then they're going to put the engineering to it. Then they could actually

figure out how much acreage is it going to require, how much that right of way is going to cost to find out.

**Mr. Bueche:** If there's a willing seller and then if not, is eminent domain going to be utilized? There's a lot of other questions in regards to this.

**Dr. Young:** Yes sir. Yeah. We're a long way, there's a long way to go, a lot of diligence that need to be done. But we didn't want to start spending that energy on that diligence without first having the guidance and instruction from the board.

**Mr. Minor:** Right, exactly. We're at least a month and a half ahead of schedule. So it was just sort of getting in front of you guys and seeing where you're at.

**Madam Chair:** Yeah, I was just trying to understand because there's that land with the billboard and then there's a house and then up on the top of the Hill Loop lane, that's a historic house there. So I was just wondering how much acreage that was.

**Mr. Bueche:** I'm just wondering if we're going to create more check points because now instead, I know the traffic backs up, but instead of a ebb and flow, now you could potentially create other choke points in that area. I mean I'm not an engineer. I don't know. But that's what I'm looking at.

**Mr. Minor:** I'm depending on the experts, sir. I hear what you're saying, but I'm leaning on these guys to get it right.

**Dr. Young:** And I could speak to that.

**Mr. Bueche:** Yeah, that same experts that made that expansion right there at Owens and 206, which I will not let go of because, yeah, it was asinine and it still is and it still can't get corrected and it's constantly a problem. But debate for another day.

**Ms. Cupka:** May I? If you look at the traffic operations, the level of service data and the projections, it explains what the level of service is now. Right now in the morning it's an E and in the afternoon it's an F. So conventional is like you don't do anything, you keep it how it is. And then the quadrant, this one would improve the level of service to a D in the morning and an E in the afternoon. And then the alternative, the median U-turn is an E in the morning and a D in the afternoon. In theory, based on the level of service data, it should improve

**Madam Chair:** Is this the only design?

**Mr. Bueche:** Is a slight improvement worth the overall cost of the project.

**Madam Chair:** I asked because I remember last year, it was the year before they showed a flyover too when they brought it originally. I was just wondering if that's the only design that... Okay. I haven't gotten there yet. There's a lot of maps in here.

**Mr. Minor:** Any other questions on this slide here? Alright. The next one; VDOT is my favorite thing to discuss when it comes to economic development. Just so you guys... Indian town road route 206 Dahlgren road roundabout intersection. This project was ranked 54th out of a hundred on the potential safety improvement; on PSI. The roundabout intersection has a potential to assist in decreasing the tractor trailer traffic on route 206. Any questions or discussion about those?

**Mr. Granger:** 54 out of 100, good, that doesn't seem real good.

**Mr. Minor:** Well, apparently anything ranked on the potential safety improvement, that 100 top--

**Mr. Granger:** Oh, just getting ranked?

**Mr. Minor:** Yeah, just being ranked means that the...

**Mr. Granger:** They're tracking it.

**Mr. Minor:** Exactly.

**Madam Chair:** On their radar.

**Mr. Minor:** Yes, exactly. So it's one of those things where it's more than likely going to be approved.

**Mr. Bueche:** Now that's a good one.

**Mr. Minor:** Yeah.

**Madam Chair:** I grew up with roundabouts. That's what New Jersey is known for.

**Mr. Bueche:** I don't want to copy New Jersey. Just saying.

**Madam Chair:** Hey, don't pick on us.

**Ms. Cupka:** Mr. Minor, can you give us a point of reference, that ranking that you're talking about? 54th, that's for the whole state. Correct? Not just King George County. That's for the Commonwealth.

**Mr. Minor:** Yes. Right.

**Ms. Cupka:** Thank you.

**Madam Chair:** When you think of all the counties, that's...

**Mr. Minor:** That's all I have for you guys tonight. If you guys have any other ones you want to discuss or if you guys want to have a, if you have any comments you want to make that I could take down and I could refer it back to VDOT or refer it back to GWRC and their planners, I'm happy to, not just accept it tonight, but feel free to send me emails or contact me by phone. I'm happy to take that down and have that discussion with somebody.

**Mr. Granger:** I don't want to think about a little it.

**Madam Chair:** Yeah, because I got to find my crossover on here and then I'll...

**Dr Young:** And again, board, the reason that this presentation is being presented was because we just want to get a consensus on the way forward so we can go ahead and start putting keys to keyboard and get these applications written so we can get some feedback from you all. Can we say Friday, you know that gives us the weekend and Monday to answer any questions that you all may have. I'll circle back with you all to get a consensus and then that's when we'll get the economic development department to execute the applications that needed to be met.

**Mr. Granger:** It seems reasonable, by Friday.

**Madam Chair:** That's fine.

**Mr. Minor:** Friday, deadline.

**Madam Chair:** All good there? All right. Thank you Nick.

**Mr. Minor:** Thank you guys.

**Madam Chair:** Next up, County attorney approval of draft resolution for the dissolution of the wireless authority. Mr. Gregory?

**Mr. Gregory:** Yes, ma'am. Madam chair, members of the board before you this evening is a resolution consistent with the resolution adopted by the wireless authority earlier this evening for the and this is a support resolution which is required. And if you approve it then we will move forward with winding up the wireless authority and submitting the articles of dissolution and termination to the state corporation commission and that will wind things up. You have already, the wireless authority already dispersed the remaining

funds to the general fund earlier this evening and the remaining real property assets have already been acquired by the County and virtually disposed off.

**Mr. Granger:** I moved to adopt the resolution as presented and authorize the remaining balance of their wireless authority fund to be transferred to the general fund.

**Madam Chair:** Do I have a second?

**Ms. Cupka:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nays? Chair votes aye. Motion carries.

**Mr. Gregory:** Thank you very much.

**Madam Chair:** Thank you. Next up, County administrator and 300th anniversary event funding request.

**Dr. Young:** Thank you Madam chair. As the board of supervisors is fully aware of the 300th anniversary is fully upon us. In light of this, the County is commemorating our tricentennial through a series of monthly events that conclude in December, 2020. The event planning has been executed by the 300th anniversary planning committee and a formal commission comprise the members from the tourism advisory committee, County staff, private citizens, and a third-party contractor for event planning. The committee has asked the board to consider leveraging the funding for the celebration against the tourism fund. Today, the tourism fund balance is \$535,803.46 with the expectation to receive an additional \$92,000 in revenue by the close of fiscal year 19/20.

The Easter Sunday service has been planned and is not in need of funding. The budget for the request is \$6,040 and is detailed in the present slide. The concept for this event is they will actually have a sunrise service where many of the local churches to include churches in King George County and on Dahlgren will actually meet to provide a sermon and provide a music service for those that wish to celebrate the Easter service. Upon the conclusion of the sunrise service, they citizens will then be afforded an opportunity to have a social and breakfast/brunch with the congregation and the churches.

As you can see, we had the stage for \$2,800, audio visual for \$500, catering for \$2,250, programs for \$190 and for signs for \$300; coming to a total of \$6,040. As previously stated, the committee continues to work diligently to complete the rest of the planning to recognize the county's anniversary. Like any requests for expenditures against the tourism fund, the TAC to include its members to represent the hotel industry and other

travel related fields were consulted prior to making this funding request to ensure that we're in keeping with state code. I recommend the board authorize \$6,040 in expenditures against the tourism fund to fund the King George County Easter sunrise service in support of King George county's 300th anniversary celebration.

**Mr. Granger:** So moved.

**Madam Chair:** Do we have a second?

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. Motion carries. Thank you, Dr. Young. Any discussion on County administrator's report?

**Dr. Young:** Thank you Madam Chair. I received correspondence from Ms. Ann Bueche; the chair of the comprehensive policy and management team or CPMT. Mrs. Bueche would like to request that Ms. Daniel Hick be appointed to the CPMT and the attached list of current members be reappointed for calendar year 2020.

**Ms. Cupka:** So moved.

**Mr. Granger:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nays? Chair votes aye. Motion carries.

**Dr. Young:** I received correspondence from the Virginia association of counties or VACo. VACo is pursuing taxing parity as one of its legislative priorities this year. If counties are provided the same taxing authorities as cities, VACo believes our communities will be better postured to provide more robust services to our citizens and address increasing infrastructure issues. VACo has asked that the board of supervisors consider adopting the attached resolution in support of this legislative priority.

**Mr. Granger:** So moved.

**Ms. Cupka:** Second.

**Madam Chair:** Any discussion?

**Mr. Bueche:** I'd like to sit on it myself and look at the verbiage. I don't believe it's a one-fit-all situation. That's just me.

**Mr. Granger:** I'm amenable to amending my motion to table until the next meeting if Mr. Bueche would like to look at it further, unless there's a reason that we need to be pushed through within the next two weeks.

**Mr. Bueche:** There are some questions regarding this and since we have Mr. Gregory here, remember last year we passed a resolution that we were trying to show support for other localities that were pushing for equal taxing authority with a cigarette tax. And we've presented numerous times in this board room how that would benefit the County, especially considering our vicinity to 301 and the way cigarettes move through this County. I'm very supportive of that. It's other things I'm worried, that when you have this one-fit-all approach, then the state could come back. There's always unintended consequences for certain things. I know VACo is pushing for this, but considering how the general assembly is so postured right now, could they come back and say, "Well, for other things while the locality has taxing authority, now the state's not going to necessarily fund it"

We're already dealing with a lot of unfunded mandates. And I feel there's potential though to where the state could kick back. Like right now, one of the things we're going to be looking at at our budget work session is public safety. We have to address firefighters and Sheriff's deputies but we're offsetting a lot of costs and some of those things should have been addressed by the state compensation board that we're going to be addressing here. That's what I'm worried about, is those unintended consequences through just a resolution that we throw out there. We really didn't give any thoughts. So I appreciate mr Granger's motion so that we can take a different look at this.

**Mr. Granger:** I haven't made the motion yet, but I'll just ask the rest of the parties, everyone else--

**Mr. Bueche:** For consideration...

**Mr. Granger:** --tabling for two weeks to allow further review of it.

**Madam Chair:** Mr. Gregory, is it time sensitive?

**Mr. Gregory:** I totally appreciate the comments and understand them. Legislation moves very quickly at the general assembly. It is, everything is time sensitive. I think it is certainly time-sensitive. Your input to the legislators is going to be important. That being said, there's a lot of other counties and a lot of other localities in Virginia that will be speaking to this.

It's not going to be the end of the world if King George County sits on the sidelines on this one. But to the extent that you want to express a position, it is time sensitive.

**Madam Chair:** Board, what are your feelings?

**Mr. Bueche:** I'd be open to it. I mean if you guys want to want to pass this tonight, I'm not going to be at descent from a resolution from this body. But I do, we all have that ability to engage our delegates and our senators and I believe we should do that and keep a close eye on things that's...

**Mr. Granger:** Fair point. I'm going to leave my motion then as is.

**Madam Chair:** Do I have a second.

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. Motion carries.

**Dr. Young:** Madam chair, that concludes my report.

**Madam Chair:** Thank you. Ms. Cupka?

**Mr. Bueche:** Close session.

**Ms. Cupka:** Yep. I move that the King George County board of supervisors convene in closed session pursuant to state code section 2.2-3711A29 for discussion of the potential award of a public contract involving the expenditure of public funds including the discussion of the terms or scope of such contract. And section 2.2-3711A1 for the discussion of a personnel matter. Invited to attend the closed meeting are the County administrator and County attorney as needed because they are deemed necessary and their presence will reasonably aid the board in its consideration of the topics to be discussed pursuant to Virginia FOIA Section 2.2-3712F

**Mr. Granger:** Second

**Madam Chair:** All those in favor.

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. We are in close session.

**Ms. Cupka:** I move that the King George County board of supervisors return to an open meeting and certify that only public business matters lawfully exempted from FOIA's open meeting requirements by Virginia law and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered during the closed meeting.

**Mr. Granger:** Second.

**Madam Chair:** All those in favor? Sorry, I messed that up. Mr. Stonehill, do you certify?

**Mr. Stonehill:** I so certify?

**Madam Chair:** Mr. Bueche?

**Mr. Bueche:** I so certify.

**Madam Chair:** Ms. Cupka?

**Ms. Cupka:** I so certify.

**Madam Chair:** Mr. Granger?

**Mr. Granger:** I so certify.

**Madam Chair:** I so certify. The meaning is back in order. Do I have a motion to adjourn?

**Mr. Granger:** Just a second. I'm sorry. Let me pull up the date. I move to adjourn until January 28th at 6:00?

**Madam Chair:** 6:30, right?

**Mr. Granger:** What time is our work session? Is it 6:00 or 6:30? I don't recall. I apologize. They get it wrong now. It's Tuesday.

**Dr. Young:** 6:00 PM.

**Mr. Granger:** At the...

**Dr. Young:** At the company number one.

**Mr. Granger:** I move to adjourn until Tuesday, January 28th at 6:00 PM at company one.

**Mr. Bueche:** Second.

**Madam Chair:** Any discussion? All those in favor?

**All:** Aye.

**Madam Chair:** Any nay? Chair votes aye. Meeting adjourned

**[END OF TRANSCRIPT]**