At a regular meeting of the King George County Board of Supervisors, held on Monday, the 16th day of June, 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
          Jeff Bueche, Member
          Annie Cupka, Vice-Chairman
          Richard Granger, Member
          Jeff Stonehill, Member
          Neiman C. Young, County Administrator
          Matt Britton, County Attorney

0:00:00 Cathy Binder: Call to order this meeting, a regular meeting of the King George Board of Supervisors for the first time since March, all together in the same room. Welcome back, everyone, and including myself. Do we have any amendments to the agenda? Dr. Young.

0:00:14 Neiman C. Young: No, Madam Chair.

0:00:15 Cathy Binder: Thank you. Next up is public comments. It 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, for the two public hearings tonight, that is not the time to speak right now. We ask that you offer those comments at the time of that public hearing. Do we have any correspondence to members of the board? Alright. Do we have an anybody online, either through correspondence or online on GoToMeeting, Mr. Dons?

0:00:45 Speaker 3: Yes, [0:00:45] ____.

0:00:48 Cathy Binder: Okay. Is this concerning the villages or just right now?

0:00:52 Speaker 3: [0:00:55] ____.

0:00:56 Cathy Binder: Okay, well then, Ms. Parker.

0:01:05 Parker: Members of the board. Can you hear me?

0:01:07 Jeffrey Bueche: Yes ma'am.

0:01:07 Cathy Binder: We can hear you fine.
0:01:09 Parker: Good evening members, I'm calling in tonight to let you know that I'm against approving the Villages project submitted by Hertenstein.

0:01:17 Cathy Binder: Ms. Parker, can you wait to go back online when we get to the public hearing for that, we're just doing the regular public comment.


0:01:28 Cathy Binder: That's okay, I'm not on the GoToMeeting, so I didn't see that. We will love to hear you at that time. Thank you, Ms. Parker. Alright. Reports from members of the board. Mr. Granger.

[pause]

0:01:52 Richard Granger: Can everyone hear me? Okay. I'll try to be brief. I know we have a lot of business tonight, I just had the one thing. Yesterday on Monday June 15th, I attended the FRA finance committee meeting. I'm part of the committee, and so we approved the budget as a recommendation to the full FRA board, which I'm also a member of. So at next week's meeting we'll be looking at that, and obviously it's an organization like all organizations that are dealing with the current situation of lower revenues coming in, so they're taking that into account and making sure that they're using the dollars that are coming from the localities appropriately. That's all I have. Thank you.

0:02:28 Cathy Binder: Thank you, Mr. Granger. Ms. Cupka?

0:02:31 Ann Cupka: Yes, Madam Chair, I'll just read a few highlights and I will as usual, share my report online after the meeting. Saturday, June 13th, I hosted office hours from 9:00 AM to 11:00 AM at Cedell Brooks, Jr. Park. Five citizens visited with me regarding a variety of issues, including parks, The Nice Bridge Project, blighted buildings, upcoming public hearings and economic development. Afterwards I accompanied a citizen to the newly acquired Roseland Road Park property to discuss possibilities and checked on conditions at Wayside and Barnesfield Parks.

0:03:04 Ann Cupka: On Monday, June 15th, attended the GWRC virtual meeting. GWRC will also have some CARES Act requests to its member localities. I would like to congratulate our chairman, Cathy Binder, who was elected chairman of GWRC for the next fiscal year at last night's meeting. We will be meeting again next week as we were unable to adopt a budget for the next fiscal year at last night's meeting. And also following that, the FAMPO virtual meeting last night. FAMPO is still in need of an administrator. We also will be meeting again next week as we were unable to adopt a budget for the next fiscal year at last night's meeting. And one last thing, as a reminder, a primary election will occur on Tuesday, June 23rd. Please exercise your right to vote. I want to thank our Registrar, Lorrie Gump, and her staff and volunteers for all the work they have done to ensure we can have safe in-person elections next week. Thank you very much.
0:04:05 Cathy Binder: Thank you, Miss Cupka. Mr. Bueche.

0:04:09 Jeffrey Bueche: Thank you, Madam Chair. I don't have a report at this time, but I do want to extend my congratulations for your appointment as chairwoman for GWRC. Thank you.

0:04:17 Cathy Binder: Thank you, Mr. Bueche. Mr. Stonehill.

0:04:24 Jeff Stonehill: I echo with a congratulations and thank you for serving on one of our many boards that we have to do. I just have a very quick report. Besides speaking to a lot of constituents about revenue issues and things like that, on May 28th, I did call into the NAACP virtual phone call where President Derrick Johnson was there with all units across the state, and they were talking about all the different types of peaceful protests versus non-peaceful protests and how they were helping with things. And then on June 2nd again, called into another meeting with them as well, and talked with a number of different senators and delegates about new laws that are coming out in July and reference some school resource officers, voting, finance, labor, transportation and lots of other things. And also went down to Wayside to see how they were working out down there with the trash issues and trespassing. So that's all I have for right now.

0:05:31 Cathy Binder: Thank you, Mr. Stonehill. I will pass on my board report due to the length of the rest of the meeting. Do we have a motion for the consent agenda?

0:05:40 Jeffrey Bueche: So moved.

0:05:42 Cathy Binder: Second?

0:05:42 Jeff Stonehill: Second.

0:05:43 Cathy Binder: Any discussion? All those in favor?

0:05:46 S?: Aye.

0:05:47 Cathy Binder: Any nay? Chair votes aye. Motion carries. Next up, constitutional officers report.

0:05:55 Neiman C. Young: No reports, Madam Chair.

0:05:56 Cathy Binder: Thank you. Report of the county attorney. Alright. Presentations and Reports. None? Alright, we'll move on to action items. Department of Finance, Adoption of the King George County FY2020/2021 Operating Budget. Who do we have presenting that?

0:06:20 Wilma Ward: Good evening, Madam Chair, Members of the Board. This is Wilma Ward.

0:06:24 Cathy Binder: Hi, Wilma.

0:06:25 Wilma Ward: Director of Finance for King George City.
0:06:29 Cathy Binder: Go right ahead. Yep. We hear you. Can you hear us?

0:06:37 Wilma Ward: Summary of information to the adoption of the county project King George County Board of Supervisors held a public hearing on Tuesday, June 2nd regarding the proposed operating budget for fiscal year 2021. We recommend that you adopt... The adoption of the budget by the Board of Supervisors for the fiscal year 2021 in the amount of $87,507,456.

0:07:06 Cathy Binder: Do we have a motion?

0:07:07 Richard Granger: So moved.

0:07:08 Jeffrey Bueche: Second.

[background conversation]

0:07:12 Cathy Binder: Any discussion? All those in favor?

0:07:15 Richard Granger: Aye.

0:07:15 Jeffrey Bueche: Aye.

0:07:16 Ann Cupka: Aye.

0:07:16 Jeff Stonehill: Aye.

0:07:17 Cathy Binder: Any nays? Chair votes aye. Motion carries. Next stop is Department of Finance, Adoption of Proposed Tax Rates for Calendar Year 2020.

0:07:31 Wilma Ward: Summary of information, the King George County Board of Supervisors, held a public hearing on Tuesday, June the 2nd, regarding the proposed tax rates of the calendar year 2020. Based on recommendations made by the Board of Supervisors at the conclusion of the public hearing, proposed tax rates for calendar year 2020 are as follows: Real estate tax, $0.70 per $100 assessed value; mobile home tax, $0.70 per $100 assessed value; personal property tax, $3.50 per $100 assessed value; and machinery & tools tax, $2.50 per $100 assessed value. Our recommendation is the adoption of the proposed tax rates for the calendar 2020 as presented.

0:08:16 Richard Granger: So moved.

0:08:17 Jeffrey Bueche: Second.

0:08:19 Cathy Binder: Any discussion? All those in favor?

0:08:21 Richard Granger: Aye.

0:08:23 Jeff Stonehill: Aye.

0:08:23 Cathy Binder: Any nays? Chair votes aye. Motion carries. Next up, Department of Finance, Appropriation of the King George County FY2020/2021 Budget.

0:08:35 Wilma Ward: You receiving your ___ resolution to setting out the FY2021 King George County Operating Budget. We hereby recommend that you adopt the resolution as presented.

0:08:48 Richard Granger: So moved.

0:08:49 Jeffrey Bueche: Second.

0:08:49 Cathy Binder: Any discussion?

0:08:50 Wilma Ward: And appropriation. Excuse me. Resolution for appropriation. And so appropriate and adopt.

0:08:56 Richard Granger: I amend my motion to include that.

0:09:00 Jeffrey Bueche: Second.

0:09:00 Cathy Binder: Any discussion? Thank you. All those in favor?

0:09:03 S?: Aye.

0:09:05 Jeff Stonehill: Aye.

0:09:05 Ann Cupka: Aye.

0:09:05 Cathy Binder: Any nay? Chair votes aye. Motion carries. Next up, Department of Finance, Appropriation of King George County Schools FY2020/2021 Operating Budget.

0:09:18 Wilma Ward: Alright. The summary of information of King George County Schools. FY2021 Operating Budget by Major Classification. Instruction, $35,208,655; Administration, $1,568,170; Transportation, $3,073,806; Operation and Maintenance, $4,179,461; Facilities, $61,472; Debt Service Transfers, $300,063; Technology, $1,919,177. For the appropriation of the major classification in the total amount of the school to $46,310,804. We would recommend that you appropriate the King George County fiscal year 2021 operating budget by major classification in the total amount of $46,310,804.

0:10:28 Richard Granger: So moved.

0:10:29 Cathy Binder: Second?
0:10:36 Ann Cupka: Second.

0:10:38 Cathy Binder: Any discussion? All those in favor?

0:10:41 S?: Aye.


0:10:48 Wilma Ward: Thank you.

0:10:49 Cathy Binder: Have a good evening. Next up, Department of Economic Development and Tourism. Tourism Funding Application. Mr. Minor?

0:11:00 Neiman C. Young: Madam Chair, I'm also gonna ask if you can afford for Mr. Bob Baird, who is a member of the Tourism Advisor Committee, to come forward if he so desires.

0:11:17 Cathy Binder: Mr. Baird?

[pause]

0:11:22 Neiman C. Young: You can go to the podium, present your report. And Mr. Baird to be available for any questions.

0:11:28 Nick Minor: Okay. Good evening Madam Chair, Members of the Board. The summary of information application, Jazz in the Country, Inc., seeks to assist Mount Bethel Retreat Center with upgrading their two existing buildings with energy efficient indoor lighting. Modernizations to the buildings will better prepare Mount Bethel for hosting of community events, while increasing it's utilization. Replacing the indoor lighting will also greatly improve energy efficiency of the facility. Mount Bethel, in partnership with Dominion Energy, qualifies for incentives that lower the overall cost by $2800. Jazz in the Country requests funding in the amount of $6200 for energy efficient indoor lighting at Mount Bethel Retreat Center.

0:12:08 Nick Minor: TAC recommendation. The TAC felt that even though this application had a capital expenditure element to it, it would increase the usage of Mount Bethel and enhance the experience for those utilizing the space. The TAC recommended full funding of $6200 for the replacement of the indoor lighting at Mount Bethel Retreat Center. Staff's recommendation. Staff feels that the application does not meet the criteria set in the King George County Tourism Advisory Committee's Charter to attract travelers to the King George County, to King George County increase hotel lodging occupancy and generate tourism revenue in the county. Pursuant to the Charter and 58.1 TAC 3819 of the code of Virginia, staff cannot support this application.

0:12:54 Cathy Binder: Thank you. We have some discussion. Questions?

0:13:04 Nick Minor: Mr. Baird, did you wanna...
0:13:04 Cathy Binder: Mister... Did you wanna...

0:13:04 Nick Minor: So, I mean, just to kinda give you guys some background. So the justification for the staff denying the application was basically utilizing public funds to upgrade a private facility, essentially. And I think that the TAC wanted to come here on Mount Bethel's behalf, and sorta defend the other side of it. So, I'll give Mr. Baird an opportunity to report.

0:13:24 Cathy Binder: Go ahead, the floor is yours.

0:13:26 Bob Baird: Thank you.

0:13:26 Nick Minor: No problem.

0:13:31 Bob Baird: Madam Chairman, ladies and gentlemen, to be honest with you, I'm personally torn on the issue, but I think it's something we actually need some direction on. We have had a number of applications from various organizations seeking funding for things beyond advertising, beyond outreach to other communities, which are easily justifiable as advertising expense. And we would like to request a work session at some point during another work session of the board, just a few minutes to talk about that. Dave Zabelsky, our vice-chair was supposed to be here today. Frankly, he either didn't hear or forgot about the meeting and he was gonna say that from the hospitality industry side, he's hearing from clients all the time that there's not adequate function space in King George usable during the day and particularly at evening.

0:14:26 Bob Baird: So, when we have a facility that has significant potential like Mount Bethel seeking to expand their resource at a reasonable cost, we wonder whether perhaps it is justifiable for some modest investment as we would invest in a wedding venue or a vineyard or some other type of facility that we have discussed previously. So we would like some additional direction, but we do believe there is a need for additional function space in the county. Our hospitality industry representative was supposed to be here to speak in support of it. So, I think it's something that the board should consider, is spending funds to promote tourism limited to advertising, or is it something that potentially could be a modest investment to increase facility capability? Thank you.

0:15:30 Cathy Binder: Thank you. Yes Mr. Granger.

0:15:33 Richard Granger: Yes, ma'am. Mr. Baird, Mr. Minor, thank you for coming and speaking. I appreciate, Mr. Baird, the TAC's point of view on this, and it's a little bit novel, but I do appreciate that. Looking at this... And Mr. Minor, I think the point you bring up is probably the most important piece, is this is a private piece of property and we'd be looking to upgrade the infrastructure at a private piece of property, which using tax dollars for that, that can get messy, maybe. And I lean towards being on the side of saying we shouldn't be using tax dollars in that way. And it's not to get down on the TAC, I do appreciate you coming forth and I can see the point of view where you're coming from, I just... Personally, I don't think I can support this, but I think it would probably be a good idea for us to meet at some point and we can maybe discuss further. I totally appreciate where you're coming from on that, so, thank you.
0:16:38 Ann Cupka: Thank you, Madam Chair. Mr. Minor, thank you very much for your staff report, and your staff input. Mr. Baird, thank you very much for coming tonight and representing the Tourism Advisory Committee, as well as the applicant, Mount Bethel for the tourism grant application. So, a couple of things come to my mind, the first is, Madam Chair, if there is consensus, could we perhaps task our county attorney to do... Perform some kind of review first of all before we meet with the... If we do decide to have a joint meeting with the Tourism Committee, which Mr. Baird has proposed, and I think that is a great idea. Could we perhaps task our county attorney to review the TAC Charter as it stands now, just to make sure everything is in order and it's in accordance with Virginia Code? And... Should I go on or do you wanna pause or...

0:17:38 Cathy Binder: Why don't you finish, I'll bring that up in the end.

0:17:40 Ann Cupka: Okay. Thank you. Thank you. I do agree with the Tourism Advisory Committee that we do have a need for additional hospitality facilities in the county. However, the board prior to me faced a similar request for ceiling tiles, Mr. Baird, I think you remember, you were still at that time on the Tourism Advisory Committee, faced a similar request for ceiling tiles for our very own county owned King George Citizen Center. And the request was denied as it was indicated that that was a capital expenditure that should be placed in that department's capital request. That being said, I don't care for the precedent this would set because it is as Mr. Granger stated, a private facility. And frankly, other lodging providers such as the owner operator of the hotel in Dahlgren and the new one that just opened, what's to stop them from turning in a tourism application for new lighting for their facility? What's to stop... There's bed and breakfasts south down 301 at the county line. What's to stop them from turning in a tourism application for new lighting for their building? I just don't care for the precedent that this would set. Like I said, I would like to have a meeting to try to flesh this out a little more so we can come to a better understanding. But I agree with Mr. Granger, I am gonna have to pass on this one. Thank you.

0:19:24 Cathy Binder: Thank you, Ms. Cupka. Mr. Bueche.

0:19:27 Jeffrey Bueche: Thank you, Madam Chair. Thank you, Nick and Bob for coming out tonight. And Bob, you volunteer for a lot of things. I know you're not getting compensated for it. So thank you very much. I'm gonna agree with my colleagues. I'd like to expand a little though. You brought up looking beyond advertising, which is what we seem to be doing with these dollars more often than not. I would like to have a joint meeting and see what else we can do, but we also don't wanna be in the business of picking winners and losers when it comes to privately owned facilities which can link to tourism. So I absolutely agree with the staff's recommendation about not using public funds for that. But at the same token, I do wanna have those conversations. So I would look forward to a joint meeting or a work session or something like that. And just overall, we have a new comprehensive plan, we have a new economic development plan that we can work in. And maybe there are things where we can look to incentivize venues such as that to come into the county. We have a very nice military facility right here in Dahlgren that I'm sure they would like the meeting space, and they would utilize it.
I know Mary Washington is utilized quite often. It'd be nice to get something maybe to mirror that. But that's all I have at this point. I can't support the application for those reasons. So thank you, Madam Chair.

0:21:04 Cathy Binder: Thank you, Mr. Bueche. Mr. Stonehill.

0:21:09 Jeff Stonehill: I like going last now, not to be the first one to speak. So I'm gonna have to echo with everybody else. I mean, the facility is a great facility. I have been there lots of times, and it's right on the water with some of the best views in King George County, anywhere around. But the whole idea of using, once again, taxpayers' dollars to upgrade a physical part of the building, the lightning and stuff, I just can't see helping them with... Helping events with advertising and marketing, and that kind of stuff to get people here to the county, absolutely 100%. But I would to have to agree with the rest of the folks that using the taxpayers dollars for this is probably not a great idea. It really opens a revolving door at that point. So I'm gonna have to say no on that one.

0:22:06 Cathy Binder: Thank you, Mr. Stonehill. I would echo all of my colleagues. I know it is a beautiful location, but it does set a precedent. But I do agree that we really do need a consensus to have a work session to talk about it. And I would like the county attorney to look over the tourism charter, the tourism committee charter. And also to look at exactly... And I had mentioned this last year and there was... We had some clarification, but not 100% clarification on what those tax dollars we collect from the meals and the hotel tax, what can they actually be used for, that whole percent... The whole percentage, what can they actually be used for? And it would be good to have legal clarification on that. So would you agree, board, to task our county attorney to look into that, and then also Dr. Young, we get it some time later, maybe early in the fall or something, to set up a joint work session with everybody to talk to the tourism and flesh out? I'm big into agro and sports tourism, and that can bring dollars to the county. So let's say everyone is very amenable to that?

0:23:06 S?: Yeah.

0:23:07 Cathy Binder: Alright. You have your task. Thank you guys, and thank you Mr. Baird, as always.

0:23:12 Bob Baird: Thank you, ladies and gentlemen.

0:23:13 Cathy Binder: And thank you, Nick. Alright. Next up is Department of Economic Development & Tourism, Amendment to Funding Application for Caroline County/King George County Visitor's Guide. Mr. Minor.

0:23:24 Nick Minor: Again, good evening everyone. On November 19 of 2019, the King George County Board of Supervisors approved the allocation of $4768.76 to continue the joint publication of the visitor guide with Caroline County. Due to the 300th anniversary celebration, 15,000 copies of the 2020 Caroline County/King George County visitor's guide were printed, giving special emphasis to King George's 300th anniversary and to the year-long celebration events. Twelve thousand copies of the guide were printed in 2019. Although the total design
costs for 2020 went down, the total printing cost went up. After splitting the total cost of the project, the invoice total for King George County was $5151.56, an increase of $382.80 from the 2019 cost from what was allocated by the board for 2020. TAC recommendation. The TAC recommends that the board approve the $382.80 expense to support the joint publication of the visitor guide for Caroline County. Staff agrees with the TAC's recommendation.

0:24:26 Cathy Binder: Do we have any... Mr. Granger.

0:24:28 Richard Granger: I've nothing to discuss, Madam Chair.

0:24:30 Cathy Binder: Ms. Cupka.

0:24:32 Ann Cupka: I was gonna move, but I'll wait.

0:24:34 Cathy Binder: I'm just doing that. Mr. Bueche? Mr. Stonehill?

0:24:40 Jeff Stonehill: When is the time they're gonna get them done and get them out?

0:24:43 Nick Minor: So, they're already printed and what this was was just basically an adjustment. Me and Kathy Beard, who's the tourism manager for Caroline County, agreed to print more for the 300th and that adjustment came out afterwards. We had already approved the money, and this is just an adjustment to the printing costs.

0:25:00 Jeff Stonehill: So do we have them now?

0:25:00 Nick Minor: Yeah, we have them now. They're in the county.

0:25:02 Jeff Stonehill: Okay.

0:25:02 Nick Minor: Yeah.

0:25:04 Cathy Binder: Ms. Cupka?

0:25:04 Nick Minor: This is just paying bills, essentially.

0:25:07 Ann Cupka: I move to approve the $382.80 expense to support the joint publication of the visitor guide with Caroline County.

0:25:15 Richard Granger: Second.

0:25:18 Cathy Binder: Any discussion? All those in favor?

0:25:20 S?: Aye.

0:25:22 Cathy Binder: Any nay? Chair votes aye. Motion carries. Thank you, Mr. Minor.
0:25:24 Nick Minor: Thank you, guys. Have a good evening.

0:25:27 Cathy Binder: Alright, next up, Dr. Young. County Administration, CARES Act Public Hearing Request.

0:25:32 Neiman C. Young: Yes, Madam Chair, thank you. As you're aware, the King George County received $2,341,338 in CARES Act funding, and that money has been provided to the county. Now, we have to actually set up a separate account and appropriate that funding into that separate account, so it can be independently audited to meet our careful requirements with our auditors. So what we need to do is actually hold a public hearing amending the Fiscal Year 2021 budget, because there is an increase of $2.3 million and then appropriate that funding into an independent account, so it can be appropriately accounted for. So I would like to recommend that the board authorize the county staff, advertise a public hearing for July 14, 2020 to amend and appropriate the Fiscal Year 2021 budget.

0:26:26 Richard Granger: So moved.

0:26:28 Cathy Binder: Second?

0:26:29 Jeff Stonehill: Second.

0:26:31 Cathy Binder: I have one discussion item. Is... For this public hearing, this is just to change the budget for this current year, fiscal year, and put it into a separate account. It does not... Just so the public knows, it doesn't discuss anything that we're... What we're doing with the funds, correct?

0:26:46 Neiman C. Young: No, ma'am. This isn't the spend plan, it's just basically housekeeping, so we can make sure that we don't run afoul of the auditors.

0:26:52 Cathy Binder: Ms. Cupka, did you have a question?

0:26:55 Ann Cupka: Yes, I did. So, I would assume we will have at least one, if not more, work sessions to discuss how to actually spend the CARES Act money?

0:27:05 Neiman C. Young: Yes, ma'am.

0:27:05 Ann Cupka: Thank you.

0:27:06 Neiman C. Young: We've been having discussions with our directors and putting together a proposed spend plan to bring before the board with the recommendation that the board review that spend plan and then authorize us to advertise a special meeting for our work session. So we can figure out which way forward with the CARES Act appropriation.

0:27:23 Cathy Binder: Dr. Young, would you like to set up that work session now or...

0:27:27 Neiman C. Young: No, Madam Chair, I'd rather way until the July 14th meeting, so that
way we have some fidelity and then at the July 14th meeting we will ask the board for work session dates.

0:27:39 Cathy Binder: Alright, that'll work. So, we have a motion properly. Second, we had our discussion. All those in favor?

0:27:45 ??: Aye.

0:27:47 Cathy Binder: Any nay? Chair votes aye. Motion carries. Thank you, Dr. Young. Next up, County Administration, Reinstatement Of Declaration Of Local Emergency. Dr. Young.

0:27:56 Neiman C. Young: Yes, ma'am. On May 15th 2020, the Board of Supervisors reaffirmed the declaration of emergency regarding the Covid-19 pandemic. The declaration was confirmed with the expiration date of June 15, 2020. To extend the declaration, the board must reaffirm... And the reaffirmed document is in your board packet, and I'll read it for the public record. "At a regular meeting of the Board of Supervisors of King George County, Virginia held at the Revercomb Building Board Room, 10459 Courthouse Drive on June 16, 2020... " We can amend that to actually annotate the King George High School. "The following declaration was consented to, confirmed, and adopted declaring a local emergency to exist in King George County, Virginia. Whereas the Board of Supervisors of the county of King George, Virginia, board finds that Covid-19 constitutes a continuing, real, and substantial threat to public health and safety and constitutes a disaster and/or major disaster as defined by Virginia code 44-146.16, being a communicable disease, a public health threat, and that on March 16, 2020 the local Director of Emergency Management, declared a local emergency of King George County, which was confirmed on March 17, 2020 by the board, and that on April 16, 2020, a declaration of local emergency was extended through May 15, 2020, and that on May 15, 2020, the declaration of local emergency was extended through June 15, 2020."

0:29:15 Neiman C. Young: "That the local emergency and disaster is and will continue to impose a threat and actual occurrence of emergency and disaster, which is sufficient severity and magnitude to warrant coordinating a local government action to prevent or alleviate the damage, loss, hardship, or suffering and that the County Administrator of the King George County, acting in his capacity as the local Director of Emergency Management, recommends the board consent, confirm, and declare a continuing local emergency pursuant to the Commonwealth of Virginia's emergency services and disaster law, Virginia code 44-146.13.

0:29:45 Neiman C. Young: And now therefore, it is hereby declared, by the Board of Supervisors that the county of King George, Virginia, that local emergency exists and continues to exist throughout the county of King George, Virginia, and it is further declared and ordered that during the existence of this emergency, the powers, functions, and duties of the Director of Emergency Management and the Emergency Management Organization and functions of the county of King George are those prescribed by the laws of the Commonwealth of Virginia and the ordinances, resolutions, and approved plans of the county of King George, in order to mitigate the effects of said emergency. This state of local emergency shall end when this condition of peril has abated or at midnight on July 16, 2020. Board of Supervisors, King George County, Virginia." I'd recommend that the board approve the declaration as presented.
0:30:29 Cathy Binder: Alright, do I have a motion?

0:30:34 Richard Granger: I move to reaffirm the declaration as presented with the modification to say that it was at the King George High School auditorium as opposed to the Revercomb building.

0:30:43 Ann Cupka: Second.

0:30:44 Cathy Binder: Any discussion? Mr. Bueche.

0:30:47 Jeffrey Bueche: Thank you, Madam Chair. I remain opposed to this action and declaration of emergency. My opposition was conveyed earlier to the emergency manager and my colleagues. What I take opposition to is the following, "Where as the local Director of Emergency Management and the board have determined that a local emergency and disaster is and will continue... " Hold on. Sorry... "Is and will continue and pose a threat and actual occurrence of an emergency and disaster, which is of sufficient severity and magnitude to warrant conditioned local government action to prevent or alleviate damage, loss, hardship or suffering." I'm well aware that this declaration could be used as a financial tool, but words must mean something. There are those who disagree with me, but from my vantage point, we are not in the same place we were weeks ago. And do not find that from the resolution. Covid-19 constitutes an ongoing, real and substantial threat to public health and safety and constitutes a disaster and/or major disaster. Again, I know what we were looking at a couple of weeks ago, but the current situation in King George county, I cannot go along with this. So I remain opposed. Thank you, Madam Chair.

0:32:20 Cathy Binder: Thank you, Mr. Bueche. Does anybody else like to... Thoughts, feelings?

0:32:29 Richard Granger: The only thing Mr. Bueche, I appreciate your point and I've thought about this at great length. And I think you bring up some good points. I would just like to say that when you bring up the idea of... Where you were bringing up, "to prevent, alleviate the damage, loss, hardship and suffering," I do believe everyone still is suffering from that. The lockdown has had an impact on everyone. And so I think... Maybe from a health perspective we're not having as much, but there could always be an outbreak, which then the Fire and EMS would have to respond to. And being prepared to handle the situations and being able to handle them. As well as being able to get all the materials they need to in order to be able to handle situations in a safe way for their own employees. I think we still are in the state of emergency from that perspective. We do have damages, we do have loss, we do have hardship, and we do have suffering and... I mean across the board, I think. I appreciate where you're coming from but I think maybe you're looking at solely from just the Covid spreading amongst the people but we have people at home and mental health concerns and... All these kinds of things going on. It can be tough on people, so I think there is still a warranted reason to continue this.

0:33:46 Cathy Binder: Ms. Cupka.

0:33:47 Ann Cupka: Thank you, Madam Chair. I agree with Mr. Granger and I apologize, I
don't normally take my cell phone out during meetings, but I had to because I wanted to share some data that was shared with us by our county administrator today from the King George county Covid-19 dashboard. For today, the last three days number of Fire EMS calls for June 13th, nine calls, number of possible Covid high PPE calls, four. For June 14th, the next day, number of Fire EMS calls, 12, number of possible Covid high PPE calls, four. For June 15th, that was yesterday, 10, number of possible Covid high PPE calls, five. So, I agree with Mr. Granger. I think we need to keep it in place for a little bit longer. I have said over and over again, I view this as a financial tool. And I know you stated that Mr. Bueche, I view this as a financial tool that allows leniency in the procurement process. And it also helps us maintain the fidelity of our CARES Act funding. So I am fully in support. Thank you.

0:35:08 Cathy Binder: Thank you, Ms. Cupka. And as Dr. Young and Mr. Britton can tell you in our agenda meeting I brought it up, and they had a discussion with me about why is it very important, especially as a financial tool, to help our county. I mean I see how many people are here with masks on and it's not a normal time. And if we could have the tools to help take care of our staff and our citizens, that's really important as a financial tool, whether I totally 100% agree with it or not. It's a financial tool to help our county and our citizens to be better prepared. And I respect your opinion, Mr. Bueche, and that you are an A tonight, most likely.

0:35:42 Neiman C. Young: Madam Chair, if I may, I'm sorry.

0:35:48 Cathy Binder: Go ahead, Dr. Young.

0:36:03 Neiman C. Young: So I know that this is a source of contention, and how that can cause potential confusion amongst some in the general public about, this not being aligned with the current state of affairs, actually in the county... When we are fully aware that by remaining under the declaration allows for us to spend procurement action. So, number one, we can procure PPE for our Fire Rescue departments and public safety offices without having to go through an RFP process. And as we stated before, we had a $2.3 million CARES Act that we had to expand before December 30th. By... Eventually revoking the declaration then that requires that we go through the RFP process and getting three different costs for three different competitors and making it that much more difficult to exhaust that $2.3 million funding.

0:36:46 Neiman C. Young: So, I have no doubt that we won't be able to exhaust funding by July 16th and I'm fully aware that, I'm seriously doubtful that we will not be through this pandemic, won't have PPE requirements or procurement requirements for the public safety offices. And after consulting with the attorney I was made aware that, if the board didn't put a date on the expiration of the declaration and just maintain the right to revoke it at the board's will instead of the Director of Emergency bringing it every 30 days and we continue have this debate, we could just... I'd recommend if the board will consider we don't put an expiration date on it and let it have a life span of the six months unless the board decides to bring it back to the discussion and vote to go ahead and expire it. Whether that'd be in July or August or September. That will be at the board's will versus the staff having to keep coming to you all, guaranteed every 30 days to have this debate. So I'm wondering if the board will consider reaffirming, removing the expiration date and then when the board is so moved to entertain another discussion about revoking the declaration, the chairman can add it to the agenda and make it a discussion with the
policy makers.

0:38:02 Cathy Binder: Go ahead Mr. Bueche.

0:38:03 Jeffrey Bueche: Thank you, Madam Chair. One thing that I would like to point out with some of the things that were mentioned. We've been under an emergency declaration for three months, which means we have not had to go through the RFP process for three months. Fire Rescue has been responding to these calls with the appropriate PPE, was enough ordered? Also, the question is, we're talking about how we have to expend the money and stuff, do we necessarily have to be under a emergency declaration for those expenditures to be reimbursed or covered under the CARES Act funding, because what I've seen is that we don't. We're still under a national emergency, and a state emergency, I didn't see anything that articulated that specifically the locality had to be under a declaration of emergency. I'm open and I think everybody brought up good points, and it's obvious I'm probably gonna be the only nay on this tonight, but I could support language if this was strictly a financial tool, but everything else in there, I still stand by the fact that words have meaning and... Yes, there's still potential.

0:39:18 Jeffrey Bueche: There are some people that are susceptible to this and some frankly that are not. But at some point we have to get to some sense of normalcy, and I understand that we wanna do this smartly, and we say this is just a financial tool, but to someone reading this declaration, it could be a 'Oh, heck' moment. "I didn't realize the county was in this situation," and the truth is, in the grand scheme of things we're not. We're not in a state of emergency. We have emergency situations, and we have the proper tools in place to respond to that. We don't have to be under a declaration of emergency to have our EOC stood up. Fire Rescue is still gonna do their job, and we're still gonna have the PPE for them to respond. That's my only objection to it. I would be open if the language was strictly to address the financial concerns, yes, I could support something like that, but as presented, I just can't. Thank you very much, Madam Chair.

0:40:18 Cathy Binder: Thank you. Mr. Britton, you had mentioned also and Dr. Young when we met that the other localities around us still have the state of emergency, correct?

0:40:27 Matt Britton: Yes, to my knowledge. If, Madam Chair if you would...

0:40:32 Cathy Binder: Go ahead, Mr. Britton.

0:40:33 Matt Britton: If you were to entertain this, the current motion that Mr. Granger made was to affirm. So this would have to be to affirm and amend, and in no circumstance can a declaration of local emergency extend more than six months under state law. So you would... Because the current declaration of emergency by Dr. Young who's the Director of Emergency Management was for one month, so you would... You could affirm that and then you would have to modify it to amend it, and it shall be in place for no longer than six months. And at that time you could revoke it, but the motion would have to be amended because this is just to affirm it, and it's through July 15th. It's not a big amendment, but right now it's just a month, right? And otherwise, Mr. Young is, Dr. Young is correct. We would have to redo this or let it die a natural death by just not bringing it up again.
0:41:31 Matt Britton: As to Mr. Bueche's comment, it's not clear, but the federal government has been asked directly, "When you say there has to be an emergency, Declaration of Emergency, is it national, state, and or local?" And they come out with what's called guidance, interim final rules and final rules. There's never a final rule, but... And then, that has been asked and not answered. So no one knows whether there has to be a local declaration of emergency in order to spend locally allocated funds. Currently, and we've asked that question, and I monitor the interim final rules, which are sometimes updated twice in the same day.

0:42:17 Cathy Binder: Mr. Stonehill, did you have any... So we have a motion that's been properly seconded. Any more discussion? Does anyone wanna entertain adding the six months on or just go for the...

0:42:35 Richard Granger: I'd rather hold off. Maybe it's July, I'll think about it, but for now.

0:42:38 Cathy Binder: Okay, we will meet in July, so that's a good way to go. So a motion properly seconded, had our discussion. All those in favor say aye.

0:42:46 Richard Granger: Aye.


0:42:47 Jeff Stonehill: Aye.

0:42:47 Cathy Binder: Any nays?

0:42:51 Jeffrey Bueche: Nay.

0:42:52 Cathy Binder: Chair votes aye. Motion carries. Thank you. Alright, hold on a second. Alright, next up is our first public hearing. The King George County Board of Supervisors will now hold two public hearings which have been properly advertised to receive public input. The first public hearing is the proposed tax relief for vehicles modified to transport the disabled. I will first ask for the staff report, and then I will then open the floor for public comment on that one matter. I am limiting public comment to three minutes per speaker in order to afford everyone an opportunity to speak, please state your name and address before you comment. 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. I will ask first, is there any correspondence that the board members have received about this matter? No. Is there anybody online or online correspondence? Not for this one. Would anybody out in the audience like to come up to the podium and speak on this one particular topic? I went out of order there, I know. It was staff report.

0:44:09 Neiman C. Young: Yes, Madam Chair.

0:44:14 Matt Britton: Madam Chair, commissioner of revenue is here if you needed anything, but this was... I can handle it if you like. This was brought up, I think Mr. Stonehill originally
raised it, and it's a very simple matter that a few dozen folks have modified their vehicles, in order to... Private vehicles, in order to transport disabled folks around. Usually in their own family, but not always, but it's private, non-commercial. And as a result of that modification, sometimes, I'll make up the numbers, but let's say you have a $40,000 van, you might have to spend $20,000 or $30,000 or $40,000, so you have an $80,000 vehicle, but it destroys the fair market value because it's very difficult to sell. So a lot of the other localities went down, Richmond changed the law and allowed for a tax relief for people who have privately modified vehicles to transport the disabled. And brought this up, there didn't seem to be a lot of discussion necessary... Judy did a impact study, so to speak, it wasn't formal, but there weren't that many vehicles, there's not gonna be a great fiscal impact on the county.

0:45:29 Matt Britton: So, I drafted up a draft, it's been reviewed by the commissioner of the revenue and her staff. Then you gave input, I think Ms. Cupka specifically, and said, and Mr. Stonehill, we don't want it just like to be an extra mirror or you know a grab bar. And so these are seriously modified vehicles with lift gates, really not functional for anything else. And the resale value, you would never re-put it back as a passenger vehicle. So we modified it to allow the commissioner of the revenue to promulgate regulations in order to get whatever documentation, photographs, receipts, that she felt necessary in any given case, and also modified it to Ms. Cupka's direction to ensure that it was a non-commercial vehicle.

0:46:09 Matt Britton: And anything else you might need to know, but it's been reviewed, it only doesn't match our some of the other surrounding localities and some of the ordinances throughout the commonwealth in that it isn't a waiver because I don't believe there's statutory authority in Virginia law to waive tax. So it reduces the amount of tax similar to our disabled veterans and firefighters, volunteer firefighters to 0.001%, which creates a tax bill so low that it's not generated. So it has the same effect. Other localities, I do realize, some of our neighbors just say it is waived, but so that it wouldn't be subject to attack, but which we possibly could not defend. We just do it the same way, and we modeled it after our volunteer first responder vehicle ordinance.

0:47:06 Cathy Binder: Do we have any questions? Anybody?

0:47:10 Richard Granger: I don't have any questions with this one, no.

0:47:12 Cathy Binder: Go ahead, Rich.

0:47:12 Richard Granger: I don't have any questions on this one. I was just going to say... I think we should probably open the up floor again for public comment.

[overlapping conversation]

0:47:18 Cathy Binder: Yeah, I was going to do that anyway. Sorry I'd messed up the order there. Would anybody like to speak on this matter that we have properly heard the staff report? Mr. Baird?

[pause]
Bob Baird: Just a question Madam Chair, about language. You made the statement that these would be privately modified non-commercial vehicles. Okay, I just wanna make sure that I understand that is this when somebody modifies a commercial... A vehicle they have purchased and make the modifications themselves, or is this a vehicle that they purchased that has been modified to meet their special needs? The reason I asked, there is one particular individual I know that purchased a specially modified vehicle to meet their needs as a handicapped veteran, and it was very substantial in cost. And they did not personally handle the modifications. It was commercially purchased. So, I just want to make sure the language is clear.

Cathy Binder: Mr. Britton.

Matt Britton: And Ms. Hart can correct me if I'm wrong, but you have to own the vehicle, and that's when you own the vehicle, it's taxed at the rate of the value of the vehicle. There's nothing in the ordinance, I don't think and I wrote it, that says that you have to have been the one to modify the vehicle. It's just if you own a vehicle as of January 1st, you get tax, we're not a prorated county, so you don't have to have done the modification, you just have to own it and be using it for transport, private transport of a disabled person.

Cathy Binder: Do we have anybody else in the audience who would like to come up to the podium? Go right ahead.

Howard Thomas: My name is Howard Thomas, my address is 14354 Round Hill Road in King George. I take a bit of exception to allowing the regulations to be formed by the office that essentially of the affect of law, so that I would prefer that the ordinance state explicitly what is going to be considered for the waiver. And not relegate the formation of law to an office.

Cathy Binder: Mr. Britton, can you clarify?

Matt Britton: Right, so there's several types of law, one is just an enabling statute which says the EPA shall here by promulgate regulations to protect the Earth. And that's not what this is, and I understand that concern. The only regulations not inconsistent with the ordinance is to find adequate proof of substantial modification. There's no other, anything else, the tax, it isn't the amount of tax, for instance, that would be what I would say, and it would be an impermissible infringement on the regulatory process to the legislative process. So she couldn't say, "Oh, well you've only modified this vehicle a little bit, so I'm just gonna give you a little bit of relief." And it doesn't have that. What the regulation here is is so that the commissioner of revenue can be facile and not have to come back and amend this ordinance every single time we think of a new... She says, "Oh they did this and I didn't think of that, and this is a major modification, I didn't even know this existed for the disabled. Could you amend the ordinance to include this hydraulic lift, this wheel lift, this barrier-free lift and other things?" So that's the purpose of it, but I do understand and we tried to carefully craft it around Ms. Cupka's concern so that it wasn't fiat by regulation, but also allowed a facile way where we didn't have to take someone's word for it.

Cathy Binder: Thank you Mr. Britton. Thank you, sir...
0:51:48 Howard Thomas: Thank you for your consideration.

0:51:48 Cathy Binder: Thank you. Would anybody else would like to come up for public comment? Alright, well I will close public comment right now and get back... Is there any more questions and discussion? Members of the Board?

0:52:08 Richard Granger: I move to approve and adopt the King George County code modification, Section 14-8.2 tax classification for motor vehicle, specially equipped to provide transportation for physically handicapped individuals as presented.

0:52:22 Jeffrey Bueche: Second.

0:52:22 Cathy Binder: Any discussion? All those in favor?

0:52:26 S?: Aye.

0:52:28 Jeff Stonehill: Aye.

0:52:28 Cathy Binder: Any nays? Chair votes aye, motion carries. Thank you Mr. Stonehill and Ms. Cupka for bringing that. Alright next stop, the King George Board of Supervisors will now hold its second public hearing to receive input regarding case number 19-03-Z02. Request by Darrell Hertenstein and Hertenstein Investment Group on behalf of Beverley C. Coates, David F. Clare and Alyce Jeter Jones, villages at King George Crossroads, to rezone with proffers Tax Map 33 Parcels 74 and Tax Map 33 Parcel 78 and 79 from Rural Agricultural, A-2, to General Trade, C-2, total 17.65 acres and Multifamily Dwelling District R-3, total 92.67 acres. Total project area of 110.32 acres. General development plan which is subject to modification proposes to construct a maximum of 450 dwelling units with a proffer of no more than 450 units, a minimum of a 100 units being age restricted. Noted as "Landbay C" with 92.67 acres proposed to be zoned Multifamily Dwelling District R-3. "West Village Landbay A" 8.45 acres of C-2 proposing medical offices, 14,300 square foot pad, "West Village Landbay B" proposing 6.31 acres of C-2, 7500 square foot pad, 2500 square foot pad and 2500 square foot pad. The property is currently zoned Rural Agricultural A-2; the minimum lot size in the agricultural zoning district is two acres. The requested zoning is Multifamily dwelling in R-3 and General Trade C-2.

0:54:24 Cathy Binder: The minimum lot size in R-3 with both public water and public sewer is 15,000 square feet and town homes 1500 square foot minimum. The minimum lot size in C-2 with both public water and public sewer is 5000 square feet. For the King George County Comprehensive Plan 2019, the property is located in the Route 3, 301 primary settlement area. I will first ask for the staff report and then I will open the floor for public comment. I am limiting public comment to three minutes per speaker in order to afford an opportunity to speak, please state your name and address before you comment. 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. And as a good track coach, I have stop watches to make sure with three-minute time limit. So, first up staff report. Heather, you ready?
First slide, this is on. Can you hear me? No? They've gotta unmute me up at the top box there. Can you hear me now? Alright, villages at King George Crossroads case number 19-03-Z02, rezone 17.65 acres from A-2 to C-2 and 92.67 acres from A-2 to R-3 Tax Map 33 Parcels 74, 78 and 79. Next slide, this is just a recap of what Chairman Binder so eloquently already stated for me. Next slide. As you can see here in the time we have heard this, October 8th, 2019, the joint public hearing with the Planning Commission. Planning Commission in 2012 expressed concerns with the applicant, and which they came back in January 10th with a revised application due to significant changes and a new public hearing was scheduled for February 11th. This presentation and staff report will only discuss the most recent application and final reviews. Next slide, the property is currently zoned Rural Agricultural A-2 with a minimum lot size in the agricultural district as two acres. The requested zoning is Multifamily dwelling R-3, minimum lot size with both public water and public sewer is 15,000 square feet. And town homes is 1500 square feet minimum. The General Trade C-2 has a minimum lot size with both public water and public sewer of 5000 square feet, and the project is located within the 3 and 301 primary settlement area as adopted in the 2019 Comprehensive Plan. Next slide. It's the cover of the Generalized Development Plan. Next slide.

The property is located along the Route 3 and 301 corridor next to the sheriff's office and across from Tabernacle Church. The property is currently vacant and wooded with wetlands throughout. Wetlands have been delineated and confirmed by the Army Corps of Engineers. The delineation does show wetlands and resource protection area throughout the project, and impacts to the wetlands are proposed with the roadway to connect Route 3 and 301, however, disturbance will be in accordance with the Chesapeake Bay Act and buffer restoration mitigation handbook. All appropriate permitting and approvals will be received prior to construction.

Next slide. The GDP proposes 450 residential units. A max of 450 has been proffered. With a minimum of that 450, 100 will be age-restricted. It will be comprised of 150 town homes, 200 apartments, 48 age-restricted villas and 52 age-restricted apartments. This also includes a tot lot and clubhouse on this sheet, age-restricted villas and apartments are shown along the match line and is continued on to the next slide. Next slide. Here at the top of the page is the continued age-restricted villas and apartments. The connector road as shown through Route 3 over to Route 301 is proffered. The exact location of the connector road may be modified from what is shown on the GDP based on final engineering and environmental assessments. Provided that it shall be constructed in accordance with all local and state regulatory rules, regulations and requirements, applicant or its successor shall be required to finalize completion of the connector road within one year from the later to occur of the following: The issuance of the 50th building permit for residential town home or age-restricted unit in Landbay C, issuance of the 50th building permit for a Multifamily unit in Landbay C.

Also shown is a 200 apartments with tot lot and the access to the clubhouse has been shown in the previous sheet. East Landbay D will be comprised of 2.89 acres of C-2 commercial. Next slide. Above here, you see the breakdown of the acreage. The property is located between Route 3 and 301 and the utilities will be provided by King George Service Authority. Next slide. West Village Landbay A will be comprised of 8.45 acres. General Trade
with a proposed 14,300 square foot medical office. West Village Landbay B will be comprised of 6.31 acres of C-2 commercial with a pad of 2.09 acres, future commercial retail building, 7500 square feet. Pad B, 1.12 acres, future commercial retail building, 2500 square feet. And Pad C, 3.10 acres with future commercial retail building, 2500 square feet.

1:00:48 Heather Hall: Landbay C will be comprised of 92.67 acres of the R-3 Multifamily dwelling units zone, dwelling new zoning. 9.87 acres of the land is considered wetlands. The net developable area is 82.8 acres. The GDP proposes 450 residential units, 450 max proffered with a minimum of 100 of those units being age-restricted. Current zoning of A-2 requires a minimal lot size of two acres exclusive of all easement and roadways. Under the current zoning, 82 acres divided into two-acre lots, without the required road, storm water, etcetera, could permit approximately 41 single-family lots. East Village Landbay D will be comprised of 2.89 acres of C-2 commercial General Trade with a pad of 1.19 acres as proposed as a future 5000 square foot retail building, and a pad of 1.70 acres proposed with a future 2500 square foot commercial building. Next slide. The voluntary proffer statement was revised January 10th, 2020. The applicant has offered, if accepted, creates the following conditions. This is a summary of their proffers, the GDP has been revised to show these proffers as well.

1:02:14 Heather Hall: Roadway shall be constructed from Route 3 to 301 as the connector road. As illustrated on the GDP, as well as proffered in number six, transportation. Route 3, full cross-over detail provided on sheet 3 of the GDP. Note of VDOT spacing waiver will be applied for an order to allow for full access of the entrance. If denied, the entrance shall remain in right in, right out with left and turn lanes. VDOT approval is required. Revised layout providing continuous roadways is proffer number 10 from Fire and Rescue, E. Illustrates 150 town homes, 200 apartments, 48 age-restricted villas and 52 age-restricted apartments for a total of 450.

1:02:56 Heather Hall: Proffer number four, residential uses, phases of development, typical design layout of town homes and villas provided on sheet five of the GDP. Illustrates one clubhouse and two tot lots as provided the proffer statement, clubhouse and amenities are further described in the design guidelines. The clubhouse shall begin construction no later than the issuance of the 125th building permit and shall be completed within two years. A pocket park/tot lot to be constructed no later than the issuance of the 50th building permit. Next slide. The applicant has further restricted the following specific service types: Medical office, restaurants, car wash, office space, grocery store, service station, shopping center. Phasing shall be no more than 75 occupancy permits for residential dwelling units during the first year of the rezoning, if approved. And no more than 50 occupancy permits for residential dwelling units every year, thereafter.

1:04:01 Heather Hall: Next slide. This is a capture of the water and sewer service agreement that was adopted by our board on 2/4/2020. Next slide. Fire and Rescue will receive $500 for each residential unit, and the schools will receive $1000 for each non-age restricted unit. Next slide. The design guidelines provide for pedestrian facilities, amenities, landscaping, lighting, signage and architectural patterns. Next slide, this is sheet 5 of the GDP, which provides a general notes regarding the typical town home and villa layout as well as landscaping, fencing and signage. Next slide, traffic impact analysis was prepared by Pennoni Associates and was revised on January 14th, 2020. The development is described with subject to development
projected to generate less than 5000 daily trips. This study is not subject to a VDOT chapter 527 requirements.

1:05:13 Heather Hall: Next slide. The TIA addendum shows the assignments with only right out and left in, but the report also tests side street level of service with left outs with the full cross over at West Village entrance intersection number three. While the subject road section of Kings Highway is classified as a principal arterial and road segment is designated as arterial preservation network, the proposed new crossover on Virginia Route 3 does satisfy the VDOT Access Management spacing guidelines as a new crossover, as a T intersection. As noted in the January 6 meeting, the cross-over spacing on Route 3 for the proposed and existing conditions between the Ridge road and Route 301 signals is below VDOT suggested spacing criteria of 1320 feet for full access, unsignalized spacing including through movements on the side street and cross-over.

1:06:15 Heather Hall: However, on further review of the Access plan and VDOT criteria, the proposed spacing of the meeting crossover for the West Village can be processed at site plan as the spacing exceeds the minimum 750 required feet for a principal arterial at 55 miles per hour. Shifting the intersection east allows 933 feet to the next existing cross-over, the spacing is reduced per the VDOT criteria based on the spacing as a full access/directional crossovers, where throughs on side streets are restricted. As noted in the meeting, spacing is less than 1320 feet. Spacing would require an access management waiver. However, the spacing is less than 1320 feet, can be acceptable at the proposed crossover until such time as redevelopment occurs to the south of Virginia Route 3 and through trips may be created at the proposed crossover.

1:07:08 Heather Hall: Next slide. VDOT submitted the following in their review letter dated January 30th, 2020, the proposed full-access crossover on Route 3 requires a spacing of 1320 feet. And the proposal indicates a cross-over spacing of 933 feet. Entrance is located on arterial preservation network, which has a much higher level of review and requirements for new crossover installations and may not be achievable. Detailed items such as multiple connections, roadway typical sections, pavement designs and all other necessary design items for entrance in public roadways will be reviewed at the site plan phase in accordance with the VDOT Access Management Regulations, SSARs, road design manuals and other applicable manual standards and specifications. These comments can be addressed at the site plan review stage, however, it is anticipated that there will be necessary changes to the GDP layout as currently shown.

1:08:08 Heather Hall: Next slide. As discussed in the proffer statement, the note has been added to the plan to include the VDOT spacing waiver, proffer number 6E, within 120 days from the rezoning approval, provided the same has not been appealed, applicant shall apply to VDOT for a full access to and from Route 3, which application shall include a request for an access management spacing waiver allowing the full left out turn option from the property to the eastbound Route 3 lanes. VDOT is here virtually, should you have any questions?

1:08:45 Heather Hall: Next slide. Route 3 has an existing crossover and the applicant has been provided the entrance detail. Next slide. Service Authority provided a letter on January 2nd, 2020. All previous comments have been addressed, they have also since entered a service agreement with the applicant. Next slide. January 13th, 2020, the King George County Fire and
Rescue Chief provided the following in their memorandum and summary. "I believe that the applicant has addressed our fire and life safety risk reduction concerns as attached and has proposed the means of helping to reduce the fiscal impacts and providing for our services." Next slide. The King George County Superintendent of Schools reviewed the proposal and offered the following in his letter dated January 27, 2020.

1:09:41 Heather Hall: "On behalf of the school division, I appreciate the opportunity to inform the Planning Commission, the Board of Supervisors and petitioners of the potential impact of the proposed project. Having provided such information in my first response, I have no additional comment on the project itself. Regarding the petitioners revised proposal and proffer, I leave it to those responsible, the evaluation of the cash proffer, and the degree to which it will offset any financial impact to the school division, particularly since more than half of the school division's operating budget is appropriated by the King George County Board of Supervisors.

1:10:17 Heather Hall: Next slide. On March 2020, a teleconference was held with King George County staff, Mr. Hertenstein and Brian Jenkins, Vice President of Corporate Counsel and Properties, Mary Washington Healthcare. At that time, both applicant and Mary Washington Healthcare advised that there was no contract between the applicant and Mary Washington Healthcare regarding the villages. While Mary Washington and applicant indicated that they were negotiating a potential contract, today King George County has not received a copy of a contract to build up to 14,300 square foot medical facility. Section 3A in the proffer statement states that such a contract is in place, and that was the information presented to the staff and the Planning Commission, up until the March 20 2020 call. On May 29 2020 a Real Estate Transfer Agreement between Hertenstein Investment Group, LLC and Medicorp Properties, Inc., was provided by Darrell Hertenstein.

1:11:19 Heather Hall: Next slide. The property lies within the Route 3, 301 primary settlement area and has met the requirements listed within the comprehensive plan. Next slide. This is a map of the Route 3 and 301 settlement area. If I had a pointer, I would show that this property is indeed within those boundaries. Next slide. King George County Planning Commission and Community Development staff recommend that King George County Board of Supervisors approve application rezoning application case number 19-03-Z02. While the applicant has intentions to install the crossovers as depicted in the GDP, at this time, there has not been an assurance that a crossover will be provided at the Route 3 entrance location. Proffer number six has been amended to address this. The VDOT letter stated on January 30th, "The proposed full-access crossover on Route 3 requires a spacing of 1320 feet. The proposal indicates the crossover spacing of 933 feet. The entrance located on an arterial preservation network, which has a much higher level of review and requirements for a crossover and may not be achievable.

1:12:39 Heather Hall: Proffer statement number 3E states, "Within 120 days from the rezoning approval provided the same has not been appealed, the applicant shall apply to VDOT for full access entrance to and from Route 3, which application shall include a request for an access management spacing waiver allowing for the left out turn option of the property, eastbound Route 3 lanes. In the event said request is granted, applicant proffers that it will construct said entrance as approved by VDOT. Applicant further proffers and agrees that prior to the submission of said request, applicant will consult with VDOT and applicable professionals to
determine the location, design and structure of the entrance, which will have the greatest likelihood of an approval.

**1:13:22 Heather Hall:** Notwithstanding anything to the contrary contained here in, the applicant shall not be required to submit a plan to VDOT in connection with the request, which would require any extraordinary action on behalf of the applicant to secure approval such as a construction of a tunnel, overpass or bridge. And I also included the traffic impact analysis addendum. And summary states, "Overall without signalization, the intersection turns operate a level of service C or better except for the left turns out at East Village intersection. The Virginia Route 3 site acts... Sorry Route 3 site entrances will operate at a level of service B for the right turn exits of the site to Route 3 westbound and U-turns are at the level of service B for both peak periods. Queues are less than one vehicle for turns, and then full summary was provided in your packet. The end.

**1:14:27 Cathy Binder:** Thank you.

**1:14:27 Heather Hall:** You are welcome.

**1:14:28 Cathy Binder:** Very good. Well done.

**1:14:29 Heather Hall:** Thank you.

**1:14:32 Cathy Binder:** All right...

**1:14:34 Richard Granger:** Madam Chair. May I ask a question?

**1:14:34 Cathy Binder:** Yes. Mr. Granger.

**1:14:35 Richard Granger:** Could we go back to the Mary Wash? Or the medical facility slide?

**1:14:40 Cathy Binder:** Which side was that?

**1:14:41 Richard Granger:** Two or three back.

**1:14:43 Heather Hall:** I think, this... One more? Yes.

**1:14:46 Richard Granger:** So there's no construction contract in place currently. Is that an accurate statement?

**1:14:51 Heather Hall:** That's an accurate statement.

**1:14:52 Richard Granger:** And that is one of the proffers?

**1:14:54 Heather Hall:** It is sir.

**1:14:55 Richard Granger:** So are we saying that the proposal is not accurate to what is going
1:15:01 Heather Hall: I'm saying that the proffers state that they have a contract to construct, and at this time, we do not have a contract to construct with Mary Washington.

1:15:13 Richard Granger: Mr. Britton, does the county have protection in the situation with the current Land Transfer Agreement? Does that satisfy the contract to construct?

1:15:34 Matt Britton: Pulling up the... If I may. The proffer is, I think three, which is the applicant currently has a contract with Mary Washington Healthcare, where by Mary Washington Healthcare has agreed to build up to 14,300 square foot medical facility in Landbay A. After the conversation, the telephone conversation that occurred, I guess we reached out to and got a contract, we did get a Land Transfer Agreement. The Land Transfer Agreement provides that the applicant will transfer this land and cash, I think $500,000, to Mary Washington hospital after an approval period. I think it's 90 days study period. And if they accept that, then it will be Mary Washington hospital's property and money. And it'll be zoned for a medical facility. There is no agreement that we're aware of that says that Mary Washington Hospital is going to build that within a particular time, or at all.

1:16:49 Matt Britton: If Mary Washington Hospital rejects the property within the study period, then I believe the applicant has said, okay, in order to protect the county, within two years, the applicant will transfer the property to the county and the money. But with respect to your specific question, is there anything that the county could enforce to ensure that a medical facility was built by Mary Washington Hospital or any other party. Once it's transferred to Mary Washington Hospital, no, because we're not party to that contract. There is no contract, but even if there was a contract, we wouldn't be a party to it, we can't enforce a third party contract.

1:17:34 Richard Granger: Okay, so what I'm hearing, and please let me know if I'm mistaken, is that there is a material defect in the proposal, that there's an inaccuracy, that they're making a... They've proffered there will be a facility built and then there's no way for... There's no checks and balances to ensure that it will actually be accomplished. If it doesn't get built, we have no recourse, it just doesn't get built. Is that a correct statement?

1:18:00 Matt Britton: The last part, yes. I'm a lawyer. So originally you said a material defect. This appears to be material to the proposal, that's of course up to you and to the proposal, but when this went before the Planning Commission, this contract was purported to be in place.


1:18:28 Matt Britton: And the contract was not in place. And now it's not in place that we know of. There is a Land Transfer Agreement but it's not a contract to construct a hospital.

1:18:38 Richard Granger: But that's not proffered either, there's no proffer about a Land Transfer Agreement...

1:18:41 Richard Granger: Along those lines.


1:18:43 Richard Granger: So that would be in place. But we'd have, again, no...

1:18:47 Matt Britton: That could be rescinded and it is not enforceable. That's correct.

1:18:50 Richard Granger: Okay.

1:18:50 Matt Britton: So... Because it's not proffered.

1:18:52 Richard Granger: Okay.

1:18:52 Matt Britton: So a proffer is as to the applicant.

1:18:55 Richard Granger: Yes.

1:18:56 Matt Britton: Yeah. So then when you said "defect" broadly in terms, that would be a hole in the county's ability to enforce. Even the Land Transfer Agreement.

1:19:08 Richard Granger: Okay.

1:19:08 Matt Britton: The Land Transfer Agreement has been executed, at least a copy that was sent to me, I believe was fully executed but as... Because that's neither a proffer, nor is the county a party to it, there would be no way to enforce it. That's true.

1:19:24 Richard Granger: Understood. Is there any representatives from Mary Washington here? Sir, may I ask you a question?

1:19:31 Cathy Binder: Can you come up to the podium? And just state your name, please.

1:19:38 Philip Brown: My name is Philip Brown.

1:19:40 Richard Granger: Thank you for being here.

1:19:42 Philip Brown: Sure.

1:19:43 Richard Granger: I'll just ask very bluntly, is... Mary Washington intend to build on
this property, and if so, is there a reason they don't wanna provide a construction contract?

1:19:54 Philip Brown: I think it would be fair to say that we do intend to build on that property. Assuming that our phase one, our due diligence in the first 90 days checks out. And the site checks out. We have no reason to not develop on that site within a reasonable time period, and I would suggest that a reasonable time period is construction would commence in about five years.

1:20:25 Richard Granger: So you're asking for at least five years before... And you're saying within five years, guaranteed Mary Washington is gonna build there, guaranteed.

1:20:33 Philip Brown: I don't have the authority to say guaranteed.

1:20:35 Richard Granger: And there's no contract in place. So honestly, at the end of the day, five years could go by and nothing gets built.

1:20:42 Philip Brown: That's possible.

1:20:43 Richard Granger: That's possible. Okay. Thank you. Madam Chair, with hearing what's going on, I do have some concerns. And I'm not trying to usurp the citizens' opportunity to provide public comment, but I feel like we might be usurping the Planning Commission's opportunity to provide insight on the accurate proposal, because they were under the impression there was a construction contract in place that was... What was presented to them, and that is inaccurate, and I feel that the medical facility is a very critical piece to this project. And if it is not guaranteed, I think the Planning Commission should have the opportunity to weigh in and realize that before they make a recommendation to the board. So before we even move to the public comment, I'd like to see if there's any desire from the board to maybe send this back to the Planning Commission and have the developer... However they wanna modify it, but just make sure that it's an accurate proposal to go into the Planning Commission, so that they can review it and provide an accurate recommendation for the board.

1:21:51 Cathy Binder: Alright, I'll ask my other two members here. Mr. Stonehill, go ahead.

1:21:55 Jeff Stonehill: I just have a couple of questions. One Ms. Hall, so there is, just to clarify, there is no contract right now between applicant and Mary Washington regarding the healthcare facility?

1:22:12 Heather Hall: There's only the Real Estate Transfer Agreement.

1:22:15 Jeff Stonehill: Transfer. And Mr. Britton, actually, Ms. Hall, so when the Planning Commission heard this and saw this, we were told and they were told that there was a signed agreement, or there was definitely an agreement to build this.

1:22:31 Heather Hall: That's correct, in the proffer statement, it states that they have a contract to construct with Mary Washington.

1:22:41 Jeff Stonehill: But in fact, they didn't have that...
1:22:42 Heather Hall: Not that they provided to us.

1:22:44 Jeff Stonehill: When the Planning Commission, said that. Mr. Brown, another question for you. Just to clarify or get it from, excuse the pun, the horse's mouth, but as much as you can tell us. So when the Planning Commission heard this back, whenever we were all there for that very late meeting, there was no agreement, no written signed sealed agreement between Mary Washington and the applicant.

1:23:15 Philip Brown: And that's my understanding as well.

1:23:19 Jeff Stonehill: So there was none?


1:23:22 Jeff Stonehill: Okay. So the Planning Commission got bad information. To your knowledge right now there is no... We don't have any plans, nothing signed that Mary Washington is going to do a urgent care facility here, not a lab, not a... You know, some other type of health facility, a dental office, anything like that. So there's nothing now signed.


1:23:54 Jeff Stonehill: Okay.

1:23:54 Philip Brown: Other than this transfer agreement.

1:23:57 Jeff Stonehill: Is Mary Washington looking at other places or anything?

1:24:00 Philip Brown: No.

1:24:01 Jeff Stonehill: Not that you know of?

1:24:02 Philip Brown: Not in King George.

1:24:03 Jeff Stonehill: No, I mean are they looking in Stafford or Caroline or Westmoreland or Colonial Beach? Are you all actively looking for other places...

1:24:12 Philip Brown: I think you're looking for information regarding our strategy, which is proprietary, and I'm not ready to disclose what our plans are for future development of other urgent cares. I can tell you, we have developed a urgent care center in King George, and it's currently in operation, and we'll come up in our first year in November. The plan has always been for us to take that facility at that site, which is both urgent care and lab, and to move it to this site that Darrell Heartstein's group is offering to us to build. So it would be a consolidation of those services there as well as, this is our plan for King George, as well as some of the... We have a primary care site or Dr. Rosier Dedwylder's site, we would plan to take that site and consolidate potentially and expand it. That current site where Dr. Dedwylder's at is pretty limited
at this point in terms of any opportunities to expand, additional providers, this... The site that's being offered to us gives us... Affords us the opportunity to continue or to expand, and that's essentially what we've been thinking about in terms of our strategy here in King George.

1:25:36 Jeff Stonehill: Been thinking about... Yeah, I've been to the one we have now, they're great, super people. Went for an x-ray, for a cracked rib, and so yeah, they're great there. I think they're a great asset to the community, but we've been getting e-bombed from a whole lot of citizens here saying to, you know, support the Mary Washington Health Center. Support the Mary Washington ER. I think that the public is kind of confused about what's actually going... What's being offered up and we're getting these emails and they're not saying anything about housing or anything, it's just the health center, the health center, but I don't see anything that says, well, one, we don't see a signed contract, and two, I don't see a signed contract that says, "Yeah, this is gonna be an urgent care center, like the one we have now, as opposed to a lab, or a dental office, or whatever medical office may come in."

1:26:36 Philip Brown: In all fairness, we don't even know if the property is suitable for that kind of development, 'cause we haven't done any sort of due diligence on the site. So we'd have to do some phase one analysis to make sure that there's no environmental impacts and that sort of thing that would hinder anything that we would propose to do on that site.

1:26:56 Jeff Stonehill: But you all would do that after a rezoning?

1:27:00 Philip Brown: Yes, the approval... We have a 90-day... I think Mr. Britton mentioned that there was a 90-day period where we...

1:27:07 Matt Britton: As I recall, yeah, a 90-day study period is what I recall.

1:27:11 Philip Brown: 90-day study period, yeah. And assuming that all goes well with that 90-day study period, we wouldn't have any hesitation about moving forward within... And we are asking for a little bit more time to do this as you may have read in the paper and other... Heard the news, COVID impact has financially impacted health systems in significant ways. And so a two or a three-year horizon would be challenging given the impact of COVID, which we didn't know before all this started. So the extension to five years would be reasonable for us to kind of recover from the Covid impact and be able to designate the capital for the development of the 14,000 square feet.

1:28:03 Jeff Stonehill: Yeah, I have no doubt that the healthcare system is just completely crushed. What's going on as well, but...

1:28:08 Philip Brown: I am sure the county is as well.

1:28:12 Jeff Stonehill: So really, after your study, I mean there could be a possibility that Mary Washington says, "Eh, you know, this is not a great piece of property that we wanna do, we're gonna stay where we are."

1:28:23 Philip Brown: I mean the site itself is a great site. One that, I think will serve us well
for urgent care, for lab and for expansion of primary care, and potentially even physical therapy services that we've had discussions with a physical therapy provider. So if the site checks out from all the due diligence that we would do from an environmental standpoint, then there's no reason why we wouldn't continue the development.

1:28:56 Jeff Stonehill: Gotcha. Okay, thank you.


1:29:00 Jeff Stonehill: Just to continue on, I mean I just think going with Mr. Granger's idea of, it sounds like the Planning Commission got bad information and everybody that I've talked to who is in favor of this, it's always healthcare system, healthcare system, healthcare system, it's the carrot that everybody is looking at, and if Mary Washington doesn't put it in ink and sign it and say, "Yes, we are coming to King George to develop a urgent care there, I think that the Planning Commission needs to look at again, because it's bad information."

1:29:47 Cathy Binder: Mr. Bueche.

1:29:51 Jeffrey Bueche: Thank you, Madam Chair. So, Mr. Granger did bring up a very valid point about the contract. But a couple of things with that, before we would make a decision on to push this back to the Planning Commission to get clarification or for their reassessment, I would like to give legal counsel and for Mr. Hertenstein an opportunity, because of my understanding is you all had a teleconference, Mr. Britton. So, I'd like to get their perspective on it, too, and see what exactly has come to agreement. Is it the fact that we don't physically have a contract now? Is there something in the works? I'd like to hear that.

1:30:30 Jeffrey Bueche: Aside from that, you're absolutely correct, Mr. Stonehill. I've heard a lot of support about this being a medical venture, and it's the proverbial carrot that people dangle. But I've also heard from a lot more people about its impact to Service Authority. And I heard the meeting before this meeting about Service Authority and the impacts this project has to Purkins Corner in the future. Also, the Planning Commission, while they were looking at the contract and it is icing on the cake, this is the cake. This is our comprehensive plan. Remove the medical facility from it. And I'm... And I agree, don't take me wrong. I agree it is problematic that Planning Commission approved this with a contract in place and that contract's not there. So I understand that.

1:31:31 Jeffrey Bueche: But what I'm also saying is that the overall evaluation of this, there's other things at play. Today, doing my research, I pulled up three articles from the Free Lance-Star regarding medical. This is from 2016. Mr. John Jenkins and his lovely wife are on the cover talking about their desires to look into medical. And there's one thing that stuck out, the very end of this article. "Local officials recognize that their medical dilemma won't be fixed overnight but they've got to start somewhere. Having 30 people around a table representing local government planning districts and hospitals is a good beginning. It is a very healthy conversation to be having." We've been having this conversation since 2016. We finally got Mary Washington here. I've got a representative from Mary Washington sitting right there that just said that they have every intention to build and expand and everything that King George has witnessed, especially,
with this recent COVID, we do not have resources. It's sad that our ambulances have been our hospitals, our emergency rooms. We are an hour away from anything. We've got to do something.

1:32:52 Jeffrey Bueche: So at this point, I like that carrot. That's just me. For a representative to say our intention is building and you're actually looking at doing the study is further than we have ever gotten. But we've always talked about it. We've had roundtables. Ms. Brabo's had a couple of them when she was the at-large supervisor. And we had senators, we had representatives from other medical facilities and we've gotten absolutely nowhere. So, I would like to get clarity on this contract thing, which is what the original point Mr. Granger brought up 'cause it is a valid point. But before we make a decision on that, Madam Chair, I would like to hear from Mr. Hertenstein's legal counsel and what exactly their side of this is. Thank you.

1:33:41 Cathy Binder: So I have one more question, Mr. Britton, is if we chose to, after we heard their legal case counsel, to move it back to the Planning Commission, can we hear the public comment before that or can we not? Does it have to be remanded back down to the Planning Commission? 'Cause there's a lot of people who came here to speak and I don't know if any of them would have been swayed either way by that was Mr. Granger's and Mr. Stonehill's point.

1:34:13 Matt Britton: I don't recall whether Mr. Granger made a motion.

1:34:17 Cathy Binder: No, just [1:34:17] ____.

1:34:18 Matt Britton: It's entirely up to the Chair's discretion how far you take the public hearing. If a motion has not been made, you couldn't hear anything further in the midst of... I assume he didn't make the motion. That's why he called up Mary Washington. But yes, because this is not discussion. Once a motion is made, there has to be a second or no second, and if it's seconded, then there couldn't be any discussion other than from the people here on the board. But yes, you could hold as much or as little until someone made a motion to do whatever it is that they wish to do. You could hold as much or as little of the public hearing at your discretion, Madam Chair.

1:34:55 Cathy Binder: Okay. I just want to clarify that. Thank you, 'cause there was a lot of people who came here to speak and we did receive a lot of correspondence. I have a whole folder here and there are people online. Mr. Davis, did you wanna...

1:35:13 Davis: Good evening and thank you all for the opportunity to address this issue. I think that... I can see where the confusion arises. It arises over one sentence in a relatively lengthy, half-page paragraph here and I think the sentence that is raising the confusion is that applicant currently has a contract with Mary Washington Healthcare, whereby MWH has agreed to build up to a 14,300 square foot medical facility on Landbay A. It then goes on for a... The paragraph then goes on to talk about how the donation will take place, how the donation of the $500,000 will take place. And it also says at the end as a catch-all because we did have this agreement with Mary Washington Healthcare and they said, "Hey, we're not gonna commit to anything. We're not gonna spend any resources on this property until we know that it's been rezoned and it's actually gonna happen. And we're gonna need 90 days or something after the rezoning occurs to
do a phase one environmental study, to study the site for bad soil and see how costly the development would be, 'cause there's always the off chance that $500,000 wouldn't really go that far."

1:36:27 Davis: And so, as a stop-gap, as a protective net for the county in this, we have always said in this proffer that if the land is not donated to Mary Washington, if Mary Washington does not accept the land, that we would donate it to the county along with the $500,000. So from the very beginning, there's been this implicit statement within this paragraph that, to me, if you say that, "Hey, if we don't donate to Mary Washington, we give it to the county," that's in itself, I think, putting everybody on notice that, "Hey, there is the off chance that this doesn't get built." That very statement, in and of itself, is, "Hey, if Mary Washington doesn't accept this, and decides not to move forward with building the facility, we're gonna give it to the county, and we're gonna give the money to the county."

1:37:14 Davis: That, in and of itself, puts everybody on notice that, like I said, there's the off chance that this facility may not get built. And I think what's important here is that... I agree that that sentence, that's causing a confusion is unfortunate, and I think it's a hold over from... Some of you on the board may remember this, this project was originally slated for another property down Route 3 farther east, and with that property, there was a actual development agreement in place. When the property was moved to the... When the project was moved to this new property, that line of the proffers stayed in there, and to be quite frank, maybe it shouldn't have because it may 'cause... I can see why this confusion has come up, but again, I think if you have a diligent person who's reading this entire paragraph here, they couldn't walk away from it and say, "Oh well, they're guaranteeing 100% that this urgent care facility is gonna be built here." I don't think a reasonable person could say that.

1:38:16 Davis: Another thing that I would point out is that, we do absolutely have, at this point, a written contract with Mary Washington Hospital, where we have committed to donating the land to Mary Washington Hospital, if they want it. We have committed to donating the $500,000 to Mary Washington Hospital, if they want it. And we have proffered that Landbay A can never be anything but a medical facility or a hospital or a medical laboratory. And the reason we put the medical laboratory or an urgent care facility or a medical laboratory, and the reason we put the medical laboratory in there is because a lot of times, the hospital would like to put a laboratory right next door to the facility, so that patients can have easy access to those services and don't have to drive again back to Fredericksburg or wherever they would have to go in order to get lab tests done. So again, I understand and I appreciate where your concern is coming from, Mr. Granger, but again, I think if you read this paragraph as a whole, you can't...

1:39:25 Richard Granger: Sir, can I ask you a question, at least?

1:39:27 Davis: Yes sir.

1:39:28 Richard Granger: So, Land Transfer Agreement, let's say it goes through, Mary Washington looks at it, 90 days they decide they want it. Then decides never... They get $500000, they have the land and then decides never to build on it. Can they do that?
1:39:42 Davis: Currently, they can. And yes, currently, they can.

1:39:47 Richard Granger: So, I appreciate what you're saying, that there's certain language in there that says, that is not 100% guarantee it's gonna be built. But now what we're saying is, land's going to Mary Wash, money is going to Mary Wash, they might not build. And that proffer just... There's no way to enforce it. So, I just don't see... It's a real concern for me, seeing it that way.

1:40:09 Davis: And I certainly appreciate that concern. What I would say is that from the very beginning, I think it's important to keep in mind that even as far back as the joint meeting in October with the Planning Commission and the board, that Mr. Brown and Mary Washington has been there and they have publicly said and publicly stated that they're committing to building this project. From my client's point of view and our perspective, our ability to absolutely 100% promise that a 14,300 square foot, urgent care facility is gonna be here is relatively limited. Mr. Hertenstein has agreed to donate this 8.45-acre parcel, he's agreed to donate $500,000, and I would submit that that is quite a lot, and possibly towards the limits of what any reasonable person would be willing to do. Mr. Britton and I did have a call with Mary Washington Healthcare's legal counsel on... I forget the date.

1:41:11 Davis: It might have been Monday, or it might have been Friday, I don't remember, where Mr. Britton had brought the exact issue you just raised up as a point of concern saying, "Hey, it looks like you have it covered, if Mary Washington, within the 90-day study says, we don't wanna do this, right, it seems like you have that covered because you agreed to give it to the county." However, what you don't have covered is the exact situation you brought up, which is that, what happens if Mary Washington takes it and takes the $500,000 and then just kinda sits on it forever? Now, I would again, submit to this board that Mary Washington has no reasonable reason to do that, so I don't know if that concern is really a practical concern or one that's merely kind of academic.

1:41:55 Richard Granger: Un-enforcible, is what it is.

1:41:58 Davis: The concern or the contract?

1:42:02 Richard Granger: I'm just saying that, me, Richard Granger would look at 'em and say, "I'd like to believe you."

1:42:09 Davis: Yeah.

1:42:09 Richard Granger: From the county perspective though, there's holes in this agreement that could be to the detriment of our county, I believe, and it's just not addressed, and I don't think the Planning Commission had the opportunity to see that, and I think this is a material piece of this project and I think that's important. I feel like we are usurping the opportunity for the Planning Commission to provide guidance, because that's what their role is, they look at this stuff very deeply and then they provide a recommendation to the board. I think it's very important that they have the opportunity to understand, really what's going on here and all the possibilities that could happen. I guarantee you, because you seem very unhappy to be able to
say, "Yes, it's possible they could take the property, or they could take the money and build nothing." Was that ever mentioned at the Planning Commission meeting?

1:42:55 Davis: It wasn't, but that was certainly... That was no secret. I mean, they could have reached the same reasonable conclusion that you just reached based on the language...

[overlapping conversation]

1:43:03 Richard Granger: But it also does say there's a contract in place and there is no contract in place.

1:43:09 Davis: Well, there is a contract in place to donate...

1:43:10 Richard Granger: Not a construction contract to build it though.

1:43:14 Davis: Right. And again, I mean, I would just encourage you to read the entire paragraph A there. And I don't think you can walk away after reading that and think that there's 100% chance that a...

[overlapping conversation]

1:43:24 Richard Granger: I don't. But again, that one scenario that I keep bringing up and it hasn't been addressed. It's not addressed. Planning Commission hasn't had their opportunity to weigh in on the fact that it wasn't addressed. I don't think they realized it. It happens sometimes, things kind of slip through, and I think it's important for them to understand this piece of information and be able to weigh in on it. I appreciate you wanna get this project pushed through right now, but I think it's a really big piece and they have to have the opportunity to weigh in on it.

1:43:47 Davis: And I certainly appreciate that, Mr. Granger. And all I would say to that is that from the Planning Commission's perspective... Well, first, let me address the fact that you've really brought up two different concerns. The first being that this says that there was a contract in place that promises that a hospital facility will be built and that that wasn't the case. And again, I would just reiterate what I've said earlier that you can't walk away after reading this paragraph and think that there's 100% guarantee that this facility is built. The second point you brought up is that what happens if Mary Washington accepts it and then just sits on it. And I do think that's a valid concern, and that's a concern Mr. Britton and I addressed with Mr. Jenkins from Mary Washington Healthcare on the phone call.

1:44:34 Davis: And Mary Washington Healthcare saw the hole that Mr. Britton had found, or that someone had found and passed on to Mr. Britton. And said, "Hey, that's a valid concern." And we think that they would be willing to amend the agreement to provide that if the facility is not built with, or the construction on the facility has not begun with five years from the date of the rezoning approval, that the land and the money would revert to the county, and that would plug that hole. And so I would understand the board's desire to maybe defer this until such time as we have that amendment in place. As far as referring it back to the Planning Commission
though, again, I would just say that the Planning Commission could have... With the information they had, they could have arrived at the same conclusion you just arrived at. There was nothing...

1:45:30 Richard Granger: So does that mean you're changing your proffers though to include that clause?

1:45:34 Davis: Yes. We will amend the proffers to include that clause.

1:45:36 Richard Granger: If the proffers are changing, then I feel like it needs to go back to the Planning Commission for them to have the opportunity to weigh in on it. You can... You're welcome to argue with me. [chuckle] You really are, but I feel very, very strongly about this. I feel like what it would be doing would be usurping the Planning Commission's purpose to change the proffer. I think it's a material change. I think it's a significant change that they need to be aware of, and they have to have the opportunity to consider, weigh, and make a recommendation.

1:46:06 Davis: And again, I certainly respect your opinion. And I don't wanna just sit up here and argue with you, and I don't know how much good that'll do me, to be honest with you. But I would just say that the... Again, the Planning Commission could have arrived at the same conclusion that you did. There wasn't any information that would cause them to not be able to think of the fact that, "Hey, Mary Washington could just accept this and never build it." There is... So I guess we just differ on that.

1:46:42 Cathy Binder: I wanna make a statement because there are a lot of positives with this project, but I know for a lot of residents is that medical part that is very important. And to me and a lot of people that know me, know words matter. And right here, it says, "Applicant currently has a contract with Mary Washington Healthcare." Those words matter. They mean something, and it's your opinion that they should have read, but you can't know everyone in this room what they're thinking. And it says, "Has a contract." And that bothers me, and the fact that you stated just a minute ago that, "Oh, well, it was on the other property and it moved over here and we didn't take it out." Well, it's your job to take it out, if it's not part of the proffer, and that's what bothers me the most. And then this very lengthy document that I read three times and highlighted, and it's mentioned several times, "Applicant currently has a contract." And that's the part that really bothers me, and I'm the one who's the biggest supporter of the Service Authority and trying to save it and everything. And that's the part that bothers me the most.

1:47:48 Jeffrey Bueche: Madam Chair.

1:47:52 Cathy Binder: Go ahead, Mr. Bueche.

1:47:53 Jeffrey Bueche: I think looking at this in the absence of a contract is absolutely problematic. However, I think it's substantive, but it doesn't change the whole application. My recommendation would be I think maybe this body should defer voting. Absolutely, we should defer on voting on this. I think we should defer the public hearing to a point where the citizens can have the accurate information too. My recommendation is that we do not push this back to the Planning Commission, however, as long as a contract can be in place. So what I would like to
see is the Hertenstein Investment Group can have adequate time to get with Mary Washington and hatch out a contract that addresses the utilization of the property, a time frame, everything that was brought up tonight. And we defer this because we need the citizens that wanna comment on this to have the full accurate picture. We need the full accurate picture to know the parameters in which we're operating, and it sets everybody up for success. So I don't know if I need to make a motion, but I would like to... I would suggest giving direction to the applicant to obtain a contract. And we defer a public hearing until a point where a contract is in place, because the Planning Commission's recommendation obviously came that there was a contract.

1:49:35 Cathy Binder: And Mr. Bueche, but yes on that is the Mary Washington representative said they can't give 100% assurance.

1:49:42 Jeffrey Bueche: They can't give a 100%... What I heard was they couldn't give a 100% assurance that an actual facility will be built on such and such a day to such and such parameters, but something would be built that fits within what was described in here, and it has to be done within a certain time period which what needs to be in place, like Mr. Granger brought up. His second point was, if they accept the property and the property transfers over to Mary Washington, can they just sit on it and as the way it stands right now? Yes, they can just sit on it. The good thing is, is that the property is zoned for medical, so even if it reverts back to the county, whatever they work out in the contract, maybe that's a tool the EDA can use to recruit some kind of medical institution coming into King George or something to that effect, but until we have a contract... That's getting side bar. The point is, we don't have a contract right now. The Planning Commission's recommendation came off of a contract, I'd like to just defer this until Mary Washington and Hertenstein Investment Group can work that out and have a contract to meet our requirements.

1:50:51 Philip Brown: If I can explain my intent, I couldn't give you assurances tonight that we would make that same decision. As you know with any organization, it takes time to make that kind of...

1:51:05 Cathy Binder: And nothing is a 100%.

1:51:06 Philip Brown: Correct. If I could make one last comment here. Going back to 2016, we had not developed the site where our current urgent care is located. It would have been our preference to develop on the Hertenstein site from the very beginning. The site where we are at now is Plan B, so to speak, in terms of what our preference was in development. We had always intended to work with Mr. Hertenstein and his development group to put the urgent care, and the services that we have today are the urgent care. We have walk-in imaging services, we have lab, all of which would have been developed on a Hertenstein site had we had permissions to do that back in 2016. And so I don't think our intent has changed as an organization, I just can't give you the guarantee tonight that that would...

1:52:13 Cathy Binder: You have to take it up with your board and everything. I understand, totally understand.

1:52:17 Cathy Binder: You're just representing.

1:52:18 Philip Brown: Thank you.

1:52:20 Cathy Binder: Mr. Britton, can you give us some...

1:52:26 Matt Britton: Well, we did have a telephone call with counsel and counsel for Mary Washington did bring up this concern about... To say it strictly the... If Mary Washington rejects the proffer, the gift of the property and the $500,000 during or after the study period, then the property goes back and eventually the county would have it. It wouldn't have a medical facility but it would essentially be in the market to get someone to build a medical facility, be a realtor for a medical facility. If the Mary Washington were to accept the property and as a result of whatever, a downturn in the economy, deciding to go somewhere else, whatever is up to them, then there would be no guarantee that they would have to build the facility in a timely fashion or at all. So we did discuss that. I think we, they said... We're sort of trying to make lemonade, and they said that they wouldn't have time, but they would be willing to turn the property over to the county if they had not put a shovel in the ground with a construction contract in five years. And that's what you would be looking at.

1:53:38 Matt Britton: I think you just heard from Mary Washington's representative correctly, that there's no way that they can tell you that they're gonna have a construction contract to build before they've done the study period about whether it's suitable to build on it. So if you're continuing it or suspending this and continuing to hearing in order to get a construction contract to build, it's gonna be a long continuance. I think Mary Washington or Mr. Davis will tell you. But if you're continuing it to amend the current Land Transfer Agreement to have a five-year reversion clause, I think that's what we're talking about. And if that's sufficient to the county and members of the board would entertain that as a sufficient safety net, stop-gap, then that is what from our conversation, I understood. Mr. Davis can correct me or perhaps Mary Wash... It's a different fellow on the phone for Mary Washington as their counsel, but can correct me, but that's what they're looking at. There's not going to be a study period until after the public hearing, if it were granted, and there's not going to be a construction contract understandably unless that... So it would be a contract, an amendment of the Land Transfer Agreement to have a reversionary clause back to the applicant and then back to the county in the event that they didn't break ground in five years.

1:55:04 Cathy Binder: So the thing is, they have to do that 90-day study period to obviously look at the property and make sure that they could build a medical facility, but they cannot do that until the property is rezoned. Is that correct?

1:55:16 Matt Britton: I mean, they wouldn't, that's what they said on the phone.

1:55:18 Cathy Binder: Right, I'm just...

1:55:19 Matt Britton: I guess they could go out and do a study period, it would cost a lot of money...
1:55:21 Cathy Binder: I'm just trying to clarify that.

1:55:23 Matt Britton: Yeah on a property that they don't own, I guess they could... They would be spending a lot of money. Phase one environmental, but if they got permission to get on it, I guess they could do it.


1:55:36 Jeffrey Bueche: Thank you, Madam Chair. And that brings me back to a point. This is a rezoning. We're not approving, this is not the site plan, this is not the final plat. All that, every step that before they can put a shovel in the ground, they have to go back to community development office. That has to go to the Planning Commission, that has to come to the board. And that process, as far as I understand, takes a year or two years. Mr. Davis, question for you. With this being a rezoning and the group having to go through all those stages before you can actually do anything: Put a shovel in the ground, the site plan, preliminary plat, all that stuff. What is that time period? So we're looking at Mary Washington saying if you haven't built anything within five years, and we're saying that they have to do a study within 90 days, I would like to know in realistic time frame, what are you looking at even if everything was cut and dry. If there was a contract in place and we move forward tonight and you got your rezoning, how long would it still take before you could put a shovel in the ground after that... Or would that be an engineering question? Mr. Foroughi, would you mind addressing that, sir?

1:57:06 Ryan Foroughi: Madam Chairman, members of the board. Ryan Foroughi, Bagby, Foroughi and Goodpasture, engineer of record for the project. I could say that we can speak with some experience on this. I think our firm has done pretty much every project for Mary Washington in the last 20 years, including the Stafford Hospital. So I would tell you from a standpoint of length of time, Mary Washington is not gonna spend any money to do any due diligence until they know they have a viable project. Nobody would. I mean, you wouldn't buy a house or spend any money on trying to build a house if you didn't own the piece of property. So they're not gonna expend any money, they would contact an environmental company very first within the first 90 days, just to make sure that there are just no, literally graves that we have to be worried about. There's a Civil War site or anything just completely a deal killer. So they would do that, then they would probably contract us to probably do a feasibility, lay out the project, lay out the building, lay out the parking, let do some grading just to give them some actual cost, some actual feedback.

1:58:12 Ryan Foroughi: And we haven't even come to the county yet at all. So, I mean, there's probably... Just in that time period alone, there's probably... Forgetting about the 90 days, there's probably additional 90 days to maybe even six months beyond that, depending on how we go through multiple iterations. They may have a CAN footprint that they want us to do, they may want to have to adjust some things. They may have learned some things throughout some of their other projects that they want us to implement. You're talking... And then the permitting process through the county is we submit... The permitting process to the county is at least six months, if not, probably, closer to nine. And that's just on the site development side. So we're talking from day one right now, at least 15 to probably 18 months, and that's with no hiccups. Nothing, no, no,
nothing at all.

1:59:05 **Cathy Binder:** Do we have any other questions? From...

1:59:09 **Richard Granger:** For... Make a motion.

1:59:10 **Ann Cupka:** Madam Chair, your indulgence.

1:59:13 **Cathy Binder:** Alright.

1:59:14 **Ann Cupka:** Thank you. Madam Chair, in abundance of caution, and in order to avoid any impropriety and the appearance of impropriety, I am recusing myself from participation in this public hearing and all related matters including discussion and voting. This conflict arises as a result of having received and properly reported in kind campaign contributions from the applicant, today and going forward.

1:59:41 **Cathy Binder:** Thank you, Ms. Cupka for clarifying that for the audience.

1:59:45 **Jeffrey Bueche:** Madam Chair, I'd like to make a motion to defer the public hearing of this application that's before us until such time a contract or the concerns can be addressed. And once that is obtained, then we conduct the public hearing, but I'd not like to move on the matter this evening. I'd like to table it until that comes. I don't know if that's an appropriate motion, Mr. Britton.

2:00:18 **Matt Britton:** I think you would move to suspend the public hearing indefinitely until the applicant has fulfilled the direction of the board. If they so choose to, they may give you notification, if they're not going to, and then you can end it. The only issue it does have to be acted on within a year. I realized that there are some issues because of COVID-19, and we talked about it in the declaration of emergency, there have been some delays, so there may be a tolling of some of that, but we would have to figure out. It would have to be, I think it's technically a suspension or continued from time to time, but either way the motion reads. It would have to take into account that and also directing staff that it must be brought back within the statutory period, which I'd have to calculate.

2:01:06 **Cathy Binder:** And that is for a public hearing, correct?

2:01:09 **Matt Britton:** Well, we would be actually suspending and then continuing. You would come back right where you were now, you wouldn't have...

2:01:14 **Cathy Binder:** Continuing on a later date.

2:01:15 **Matt Britton:** That's right, and then you would just have an update to the staff report, we wouldn't have to go through the whole thing again, and then you'd move into whatever... However you wanted to have it. That would be one way to do this, as long as we act finally within the statutory period.
2:01:33 Cathy Binder: Did you want to amend your motion?

2:01:38 Jeffrey Bueche: Can I amend my motion to reflect what Mr. Britton just said?

2:01:42 Cathy Binder: Yes, you can.

2:01:42 Jeffrey Bueche: There you go.

[laughter]

2:01:45 Cathy Binder: Do we have a second? Without a proper second, the motion dies.

2:01:54 Richard Granger: I move to remand to the Planning Commission in order to evaluate the developer's proposal with any changes that they desire to make in order to address the concerns.

2:02:07 Cathy Binder: One question on that. Would that also be that at a certain time frame... That has to be done in a certain time frame?

2:02:12 Matt Britton: No.

2:02:14 Cathy Binder: So remanding it back, protects the applicant from that year window, correct? Or is that...

2:02:20 Matt Britton: Yes, research collect, because it has to be referred from the Planning Commission and there'd be... The application can be changed... Another issue, which when you say "protect the applicant", once a public hearing has started, no material change can be made to any proffer. So, the board would have to rule that any such new contract substituting for this proffer would not be a material change. This, you wouldn't have to do it that way. On remand to the Planning Commission, it struck, it zeroes out the time frames.

2:02:53 Cathy Binder: Okay. And what I meant for the applicant, it means that that clock starts over again and there's not a...

2:03:00 Matt Britton: Yes. And it also allows them to amend the proffers without permission of the board finding that it's not a material change.

2:03:05 Cathy Binder: Right. I just wanted to clarify that.

2:03:07 Matt Britton: But it also sends it backwards in time.

2:03:11 Cathy Binder: Okay. I just wanted to clarify that so we understood. So, we have a motion. Do we have a second?

2:03:21 Jeff Stonehill: I'll second it. I hate to throw it back to the Planning Commission, but I think they got some bad information and it was glossed over. And I hate to have them look at it
again but it's a major, major part of this application. So, I'm gonna second that.

**2:03:39 Cathy Binder:** I have a motion and it's been properly seconded. Do I have any discussion? I'll call the vote. All those in favor?

**2:03:49 Richard Granger:** Aye.

**2:03:50 Jeffrey Bueche:** Aye.

**2:03:52 Jeff Stonehill:** Aye.

**2:03:53 Cathy Binder:** Any nays? Chair votes aye. Motion carries. That would conclude the public hearing. Next up, the county administrator's report. Thank you everyone for coming and thank you for everybody online that waited.

2:04:18 Neiman C. Young: Thank you, Madam Chair. I received correspondence from The Rappahannock Emergency Medical Services Council or REMSC. The REMSC would like to advise the Board of Supervisors of the fact that Chief Moody's term on the Board of Directors will expire this month. The REMSC has asked that the Board of Supervisors re-appoint Chief David Moody to the REMSC Board of Directors for another three-year term.

**2:04:42 Richard Granger:** So moved.

**2:04:42 Jeffrey Bueche:** Second.

**2:04:43 Cathy Binder:** Any discussion? All those in favor?

**2:04:47 S?:** Aye.

**2:04:48 Cathy Binder:** Any nays? Chair votes aye. Motion carries.

2:04:53 Neiman C. Young: The Department of Housing and Community Development or DHCD has awarded the King George County a Community Development Grant in the amount of $31,550. This grant was awarded in support of the planning and design of the fiber infrastructure in the Northern Neck communities as detailed in the Dominion Power broadband initiative. According to the CDBG award letter, King George County must appoint a local committee to act as a consultant throughout the regional planning process. After discussions with DHCD and the Board of Supervisors, I'd like to recommend that the Board of Supervisors appoint the following individuals to the CDBG grant local committee. See the attached correspondence from the economic development department in this packet.

[background conversation]

**2:05:34 Cathy Binder:** Do we have a motion.

2:05:40 Neiman C. Young: Those individuals... Oh, I'm sorry. Go ahead, ma'am.
2:05:43 Richard Granger: I move to appoint the individuals as presented in the packet.

2:05:48 Cathy Binder: Second?


2:05:51 Cathy Binder: All those in favor? Any discussion? All those in favor?

2:05:54 S?: Aye.


2:06:00 Neiman C. Young: Madam Chair, that concludes my report.

2:06:03 Cathy Binder: Thank you, sir. Is that all we have for tonight?

2:06:05 Jeffrey Bueche: Yeah.

2:06:06 Cathy Binder: Dr. Young, that's all we have for tonight, correct?

2:06:09 Neiman C. Young: Yes, Madam Chair.

2:06:10 Cathy Binder: Okay, do we have a motion for adjournment?

2:06:12 Richard Granger: Move to adjourn until Tuesday, July 14th, at 6:30 PM in the King George High School.

2:06:17 Cathy Binder: Do we have a second?

2:06:19 Jeffrey Bueche: Second.

2:06:20 Cathy Binder: Any discussion? All those in favor?

2:06:22 S?: Aye.

2:06:23 Cathy Binder: Chair votes aye. Motion carries. This meeting is adjourned. Thank you, everyone, again.