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Prince William Board of County Supervisors Meeting, Tuesday, June 27, 2023

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- Official Board of County Supervisors page (Prince William County): https://www.pwcva.gov/department/board-county-supervisors

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[00:00:06] Good afternoon. It's 2 p.m. on Tuesday, June 27th. For those who wish, please join me in a moment of silence. Thank you.

[00:00:24] If we could all rise for the Pledge of Allegiance. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

[00:00:41] Okay, so we are on to our consent agenda. We have 22 items. Please note that item 3L has been withdrawn, and additionally, we're going to withdraw item 3W for the Colgan Athletics because they weren't available, so we are going to reschedule their accommodation so more of their team can be in attendance.

[00:01:09] Are there any items that anyone wishes to remove from the consent agenda item because they have specific questions or concerns that they haven't been able to have answered before today? Supervisor Weird. Oh, Supervisor Vega.

[00:01:34] Thank you, Madam Chair. 3R. 3R. Okay. Can I get a motion to approve 3A with the exception 3A through 3S with the exception of 3B, 3L, which is withdrawn, 3O, and 3R?

[00:02:01] So moved, Madam Chair. Second. Motion made by Supervisor Bailey, seconded by Vice Chair Bodie. Any further discussion? Seeing none, please vote. Vote unanimous.

[00:02:18] Okay. So that brings us on to 3B. Was that you, Supervisor Weir? Yes, ma'am. I just want to voice my concerns and opposition to this particular item. For those that aren't aware, this is an item where the county will transfer money from economic development to development services to essentially underwrite expedited processing of targeted industries' plans, site plan, site development, and permitting fees.

[00:02:52] One of the most consistent complaints I've gotten in my office over the last couple of weeks are from small businesses about just that. Problems with permitting, problems with site development, problems with inspections, and to such an extent that they are dragging out their opening dates by months and sometimes potentially putting them out of business before they even open.

[00:03:17] I know it's only $68,000, but if small businesses are supposed to be the lifeblood of our county, I think we should be looking out for them more than our targeted large industries. Can I get a motion for 3B, please? So moved.

[00:03:33] Second. Motion made by Supervisor Bailey, seconded by Vice Chair Bodie. Any discussion? Supervisor Bailey? Madam Chair, just quick, I was noticing something. I should have asked this earlier, but with 3D, is there an opportunity for us to add Dumfries to the...

[00:03:53] We're on discussion on B. Oh, I'm sorry. That's all right. That was for D. I had a question for D. Okay, so we have a motion on the floor. Supervisor Bode. Thank you, Madam Chair. Mr. Hugh, I saw you standing up there for a second. Could you go over some of the kinds of industries that are in the target industry list?

[00:04:11] Because, you know, Supervisor, I get his concern there, but could you talk about some of the other businesses? Because I know there are some small businesses that do fall under the target industry list. That just would help. Yeah, Madam Chair, members of the board, Wade Hugh, acting deputy county executive. Yes, this is for targeted industries, so this would be for biosciences.

[00:04:31] This would be for corporate headquarters, for businesses that are relocating to the county. So very seldom is it small business on how we define small businesses. And really the reason for this is because it's targeted, this means they're all hands on deck.

[00:04:46] We're doing faster reviews. We're doing more meetings where we're bringing teams together. There's more cost involved. And since development services is a 100% fee-based program, then for that added service for targeted, then economic development reimburses us when we do the half-price fees.

[00:05:05] Advisor Lawson. Madam Chair, let's be clear. This is also for data centers, right? Yes. Okay. I think we need to make sure that's okay.

[00:05:23] No. I apologize for interrupting. No, no, go ahead. Okay. I'm Nicole Smith. I'm the Director of Operations and Incentives for Economic Development. Data centers are not included in target industries for this reimbursement program, and it hasn't been prior for several years.

[00:05:41] I don't know the exact date, but it was pre-Christina Wynn. And so we have not reimbursed any funds for data centers. Okay. Thank you so much for clarifying that information. Thank you. Thank you. I

was actually going to thank you as well. Can you restate that, though, because Supervisor Bode's question was related to targeted industries, and the answer wasn't, didn't include data, it is targeted industry.

[00:06:08] But this specific item is not applicable to that industry is what you're saying, correct? Correct. So the targeted industry is information communications and technology. Right. Not data center specific. But so for this specific item, the reimbursement of target industry fees does not include data centers.

[00:06:27] Thank you so much for that clarification. You're welcome. Sorry, Wade, I know we put you on the spot on that. Seeing no further discussion, please vote. Motion passes, 6 to 2.

[00:06:43] Supervisors Vega and Weir voting nay. We are on to, oh, you had a question on 3D. No, no, I'm good. You're good? Okay, so excuse me. Okay. We're on to 3-0. Was that Supervisor Weir or Supervisor Vega? That was me. I've just got a question for finance on this.

[00:07:00] Why are we taking roughly or nearly $2 million from capital reserve for a project that, in my view, we could make use of one-time funds from ARPA and leave the reserve alone, start burning up that ARPA money?

[00:07:18] Welcome, Ms. Attree. Hi, good afternoon. Michelle Attree, your CFO. Yeah, so when we closed projects out, and in this particular case, there was a purchase order in place that should have been carried from one year to the next.

[00:07:33] It did not get carried over. There was a conscious decision made not to carry it, incorrect decision. It was not carried over. And so as part of your principles of sound financial management, when we close out projects that have surplus budget remaining, those funds flow to the capital reserves.

[00:07:51] That $1.8 million flowed incorrectly into the capital reserve. It shouldn't have been put there. So it's been sitting there for the last two years. And so we think the right thing to do is to move it back, reestablish the budget, pay out this legal obligation so it contributed to your surplus in the capital reserve over the years so we're essentially taking monies that shouldn't have been put in the reserve taking them back out because we didn't properly close the account out because it didn't carry over due to tomato tomato so on the on the contractual administration of this there was some turnover in

[00:08:30] the contractual administration and as Rob Mancini and IT has taken over the administration he's poured through the contract and determined that that should not have been closed out. And so we are reestablishing it. The vendor is asking to be paid for this now because it is a legal obligation.

[00:08:48] And we thought it most transparent to bring it to the board. I could have almost done this administratively because it is a legal obligation, but we really wanted to make sure that we were transparent in what we were doing and letting you know that we were moving these funds from the capital reserve. So when I report on the capital reserve this fall, after we have the audit, right, I'll give you an update there's always a line on there where you'll see it's um increases from interest from closed projects it this will be a negative flow outward hopefully there'll be enough positives from other things flowing in and it may not in fact impact the overall balance um but but the funds are there we did confirm that it the transaction did move to the capital reserve

[00:09:28] it makes me feel better but it also doesn't make me feel better okay can i get a motion on 3-0 Motion made by Supervisor Lawson, seconded by Supervisor Bailey. Any discussion? Seeing none, please vote.

[00:09:47] Unanimous. That moves us on to 3R, Supervisor Vega. Thank you. I'm not sure who's here to answer questions. Hello. Senator Duckett, Director of Housing.

[00:10:03] Hi. So on page two, it says, whereas COG remains committed to gathering and examining data for patterns of racial bias and segregation. So my question to you is, is COG actually finding examples of racial bias and segregation in housing here in Prince William County?

[00:10:21] So this particular document was to, we had a consultant that came in and looked at all of the regions. There, in the document, it talks about some disparities, but overall, Prince William County was not listed as any findings in that area.

[00:10:38] So I would say no. Thank you for that, because it seems like, you know, that's something that our Human Rights Office already takes on, and I'm just, you know, not sure why. So this was required by HUD. Okay. This particular document was required by HUD, and because of the expansion, so much that had to be put into the document, that was why we did a collaborative regional agreement.

[00:11:05] Okay, and I assume that whatever information is being found, it is being shared with our Office of Human Rights? Yes, with everybody. The draft went out to everyone. Thank you. You're welcome. Can I get a motion on 3R?

[00:11:24] Second. Motion made by Supervisor Franklin, seconded by Supervisor Bailey for the discussion. Supervisor Franklin. Sure, just want to obviously express my support for this particular portion. Obviously, fair housing has been an important part of HUD's work over the past several decades and making sure that localities are in compliance with some of the fair housing mandates and even some of the goals, I think, is critically important, particularly in this county as we continue or really move the discussion around affordable housing forward because I think it kind of all plays together.

[00:12:00] So looking forward to supporting this. Thank you. Supervisor Bailey. Thank you, Madam Chair. I, too, will be supporting this. And, Joni, thank you so much. I know it's a lot of paperwork and a lot of consistent paperwork that you have to maintain.

[00:12:17] And this is historical paperwork. And so just thank you so much for your focus on making sure that our records are clean, and I will be supporting it. Seeing no further discussion, please vote.

[00:12:34] Vote unanimous. Supervisor Weir abstaining from vote. Ms. Madden, did I skip 3T? Did I only go up to 3S? Can you look back? Did I include, it went all the way to 3T?

[00:12:50] Because I drew a line under, it was only to S. Okay, because I drew a line under S. Okay, can I get a motion on 3T? Move to approve 3T. Second. Thank you. Made by Supervisor Bailey, cleaned up by Vice Chair Bodie. Thank you guys for cleaning it up.

[00:13:06] Seeing no other for discussion, please vote. Vote unanimous. And if I could get a motion, maybe Supervisor Lawson on the two commendations, 3U and 3B? Second.

[00:13:22] Motion made by Supervisor Lawson, seconded by Vice Chair Bodie. Any further discussion? Seeing none, please vote. Vote unanimous.

[00:13:39] Supervisor Vega abstaining from vote. And 3W was withdrawn. We'll be back to that another time. If Supervisor Lawson joined me at the podium, we will have our two accommodations.

[00:14:02] Do the gals first. So for everybody wondering what we're about to do, we're going to brag on more of our high school athletes, and we have some more state champions in the chamber.

[00:14:32] I think it was last fall Supervisor Franklin hosted the Freedom High School football team who won the state championship. And now today we want to commend the Brentsville High School girls soccer team who won the state championship.

[00:14:52] So we'll start with the gals. You come on up first. And so bear with me for a minute here.

[00:15:11] So whereas competitive high school sports provides valuable opportunities for young athletes to develop essential life skills, including teamwork, dedication, leadership, self-confidence, and resilience. And the Brentsville High School girls' soccer team has exemplified these qualities through their remarkable achievements, whereas under the exceptional leadership and guidance of coach Scott Kearns, raise your hand, Scott, who has been named Class III girls' soccer coach of the year, that's in the Commonwealth, y'all, the Brentsville Tigers have displayed unwavering commitment to the excellence throughout their season. On June 10th,

[00:15:50] the Brentsville Tigers secured the Class III state championship title with an impressive record of 21-1-0. That's impressive, girls. Showcasing their boundless grit and prowess of the field. And whereas Peyton McGovern, junior midfielder, wait, is Peyton here? Oh, bummer. Midfielder for the Tigers has exhibited extraordinary skills scoring her 31st goal of the year and contributing significantly to the team's success while also earning the title of class three soccer player of the year. The Prince William County Board of Supervisors would like to commend the following

[00:16:29] players for the Brentsville High School girls soccer team for their exceptional talent teamwork and commitment while representing Prince William County and Brentsville High School and I'm going to read off the names quickly. Haley Garber, Eileen French, Mary-Kate Mills, Izzy Demoulis, Aubrey Earman, Emma Cornwell, Kyla Kaczmarek, Maddie Howells, Valenta Nardone, Reese Knutson, Peyton McGovern, Kara Lawhead, Chloe Lane, Madeline Rolander, Savannah Vonderhaar, Nicole

[00:17:07] Goodwin, Kylie Rogers, Zoe Glessner, Peyton Brown, and Riley Combs. Now, therefore, be it resolved that the Board of County Supervisors commends and congratulates the Brentsville High School girls soccer team for their outstanding performance throughout the season, culminating their victory at the Class 3 state championship and their continued success as Brentsville Tigers. And girls and coaches, we just, as leadership of the county, truly do want to thank you for taking the time to come down here so we could show you that we truly are proud of you and thank you for all

[00:17:43] that you're doing to put Prince William County on the map across the Commonwealth. Thank you so much.

[00:17:49] Roger Vega's daughter was on our JV team at Friendsville, so she's got a connection to the school as well.

[00:18:44] As a coach, I'm just so incredibly proud of the kids and the effort that they put in this year. You know, I've been coaching for 27 years, and Coach Silver's been with me quite a few of those years as an assistant coach so um you know this is such a big accomplishment it means a lot to me and i know it's going to be something that the kids remember for the rest of their lives and just things like this are part of it i wish more of our kids could have been here but a lot of kids are actually in san diego playing um uh

and on vacation and stuff but yeah thank you so much for having us and you know i appreciate greatly and i'm sure we're all very appreciative to be

[00:19:17] here thank you okay fellas come on up so let me introduce you to the patriot high school boys track team state champions class six which by the way is the largest class so kudos to you

[00:19:45] gentlemen let me let me i shared with some of you earlier their coach is so proud of you and so excited that mr jason grant who we used to work with texted me late on a saturday night to let me know that you were state champions and then your principal texted me soon after that so just know there's a lot of proud adults cheering for you okay and and then jason i'm going to have you give a few words about and brag on the team whereas competitive high school sports provide

[00:20:24] valuable opportunities for young athletes to develop essential life skills including teamwork dedication leadership self-confidence and resilience the patriot boys track team has exemplified these qualities through their remarkable achievements under the exceptional leadership and guidance of their coaches, DeMarco, Grant, Fell, Gaskin, Hawk, and Peruto, is that, did I say all those right? Yep. Who have invested their passion, time, knowledge, and energy into the student athletes. The Patriot Pioneers have displayed unwavering commitment to excellence throughout the season. Patriot High School Boys track team demonstrated their exceptional

[00:21:02] talent determination and teamwork by winning the cedar run district the region 6b championships and finally for the first time in program history ended the season by securing the vhsl class 6 outdoor track and field championship the board would like to commend the following student athletes linden i'm just going to say your first names okay linden henry caden nicholas malik

[00:21:33] James, Carlos, Aaron, Jameson, Eddie, Chase, Patrick, Jackson, Wathen, Shadrack, Jacaris, Kendall, Carter, Connor, Brian, and Jacob.

[00:21:49] Now, therefore, be it resolved that the Principally and Board of County Supervisors hereby commends and congratulates the Patriot High School Boys Track Team for their outstanding achievements throughout the season, resulting in their victory at the Virginia High School Student League Class 6 State Championship and wishes them continued success as proud representatives of Patriot High School and Prince William County.

[00:22:14] And before you clap, everybody, Mr. Jason Grant, one of their coaches, come over here real quick and brag on these boys and don't forget that record at the national level. So, yeah, and members of the board, again, echo Coach Kearns.

[00:22:34] Appreciate you taking the time to recognize the youth here in Prince William County. This is what you do things for, right, to make this community better for the lives of the people who come after us and the generations here. The leadership that this team has shown throughout the year, a lot of hard work, accomplished goals that we've never accomplished before, and it's a total team effort.

[00:22:52] One of the things that's interesting is we didn't win a single individual event. And the way that track and field works is you can cobble together points from every single place that you hit. second place, third place, fourth place, fifth place, sixth place. We got all those in there across the board. There was not a deeper team than what we had. There were teams that relied on one individual to try to get it. We relied on an entire team effort. And again, one of the things that we always teach and coach is you can learn from sports is the life lessons that it gives us.

[00:23:16] Learn how we work together, the different disciplines that we come together, different backgrounds that we all have. We come together and we competed. And things that this team showed, not only did they do well through the state, even afterward at the national level, we had two relays is a Swedish relay it's 100 200 300 400 they were all-american number five in the country and then our four by 100 meter relay they were all-american number four in the country and one of our freshmen who is also fifth at the fourth at the state meet he was the freshman national champion so he was the number one freshman at nationals in the 800 the talent we have here in track and field and sports

[00:23:54] is amazing the talent in soccer that these women demonstrated all year long if you followed any of the soccer program at Brentsville. It's amazing the tenacity that these youth have. Again, you see me a lot talking about investing in the youth. These are the types of youth you need to invest in. They work hard. They strive to achieve their goals and dreams. They need your support.

[00:24:14] They need your support throughout this community, not just you on the board, everybody here. That's what we strive for is to be better. And it starts by investing in the youth and encourage you to Continue to do that, and I thank you and appreciate all you've done for these kids and the example that they've shined because of you allowing them to do that.

[00:24:32] So thank you very much. We'll get a pick, but one other person real quick that I wanted to point out is, raise your hand, this is Brad Qualls. He is the Activities Director at Patriot High School, and I can tell you every time I go to an athletic event or an extracurricular activity, that man is always there.

[00:24:54] So Brad, thank you for all you do for our community as well. Thank you, Madam Chair, for coordinating this with our office.

[00:25:36] We're so lucky to have so much wonderful youth.

[00:26:12] That moves us on to item number four, public comment time. We'll hear in-person and then remote public comments. For in-person and actually remote, each person will have three minutes to share their views or opinions regarding matters before the board. We said all speakers state their name and their magisterial district or generally where they live at the beginning of their remarks.

[00:26:33] After the first 15 minutes of in-person public comments, we will close the in-person sign-up lists. Today, we have 15 people signed up. I will call, actually 14, I'll call you five at a time, and you can line up in the back and use the back microphone.

[00:26:52] The first five speakers are John Liver, Rachel Ellis, German Gonzalez, Margarita Moyland, and Patrick Harters.

[00:27:10] Please proceed. Oh, he wants to use Elmo. I'm Dr. John Liver from the Gainesville District, and I'm here today to speak about the Prince William Digital Gateway.

[00:27:38] It is something that should not proceed any further. It is environmentally dangerous. It will destroy creatures and habitats. It'll destroy three and a half square miles of agricultural area. It'll destroy history, the Civil War history, the Black American history that's in there.

[00:27:57] It's financially unsound that I'm going to talk about, and it's also a general health hazard. Last week, we had an election in this county, was over one issue. This is primarily what the issue was about, was data centers and their growth.

[00:28:15] Two of the candidates, one from each party, were very much four data centers. Two of the candidates were more looking towards limiting the data center growth. If you add up their votes, there is a 24.8 point difference between the four data center versus limiting data center.

[00:28:37] By the way, 10 points is considered a mandate. Five points is considered significant. So 25-point difference the people have spoken. I mentioned that this is not financially sound.

[00:28:59] Let's look at this chart. The blue chart is based on the county's estimate of the revenue. The colored chart shows the depreciation that was not taken into account, the infrastructure that was not taken into account, Borrowing costs and park costs doesn't come up to turning a positive balance.

[00:29:19] In March of 22, Chair Wheeler personally promised me an infrastructure analysis by May of 2022. I'm still waiting for that analysis, by the way. The county has totally ignored any type of estimation of the infrastructure costs.

[00:29:38] This will result in a billion dollars to taxpayers outside of the county costs and $2 billion of county expenditure. This is the other piece. I know you can't read this. This came out of the second review of the CPA.

[00:29:57] I have turned this information over to Supervisor Weir to investigate. They used the wrong tax rate in this estimate. They didn't properly account for land assessment. They quote 70 watts per square foot. All the data centers use 230 watts per square foot.

[00:30:15] They don't properly, would you please put it back up, please? Please put it up and reset my time, please. And reset the time. Thank you. It does not properly take the difference in the tax rate.

[00:30:34] It makes you wonder whether the tax rates are actually being done. And evaluation, the BTP, they are all over the place. In the assessment, they use two different values. They use almost $10,000 and also use $5,000.

[00:30:50] What the economic development folks are using is $758 a square foot. I believe your term is up. Thank you very much. It is a large mess, and I'm continuing because she stopped me, and I will continue. Thank you. And it's because of that that this county does not know how bad a trouble they are putting in for by pushing this assessment.

[00:31:12] I've turned all this over to Supervisor Weir to really investigate. Thank you now. Next speaker, please. Good afternoon, Chair Wheeler and Supervisors.

[00:31:32] My name is Rachel Ellis, and I live in the Gainesville District. I'm close, sorry. My name is Rachel Ellis, and I live in the Gainesville District. On February 21st, 2023, residents of the Gainesville District came together across party aisles to elect Bob Weir as our supervisor.

[00:31:51] On Tuesday, June 20th, for the second time within five months, the residents across Prince William County again came together across party aisles. We spoke loudly using the only voice that would force this board to listen to us. We used our vote. DeShondra Jefferson won the Democratic primary because residents want an elected official that will actually listen to them.

[00:32:13] When Ms. Jefferson announced she was challenging Chair Wheeler in the Democratic primary, I did something for the very first time in 47 years. I became involved in a political campaign. Over the next several months, I donated my time to write 300 postcards for her. My 17-year-old daughter and I drove an hour each way to help canvas in the Woodbridge, Neabsco, and Aquaquon districts.

[00:32:36] Speaking to county residents on behalf of Ms. Jefferson, I realized something. We are one Prince William. There is nothing that separates or differentiates us other than where we geographically live in the county. We all want our elected officials to be transparent and for us to be able to trust what they are doing and saying.

[00:32:54] I am asking this board to put a pause on data center development until the new board takes office in January. I am asking this board to be transparent and disclose all the locations and number of current data centers that are already approved and being constructed in Prince William County.

[00:33:10] I am asking this board to restore trust and listen to the hundreds of voices that have spoken against Digital Gateway and Devlin Technology Park. The people of Prince William are awake and we are engaged. At Village Place Technology Park in Haymarket, we have watched the land be decimated to put up a concrete monstrosity within feet of homes.

[00:33:32] If this Democrat-led board continues to vote and push through unwanted data centers, Democrats will lose the chair position in November, as well as their own districts. Prince William Democrats have become synonymous with data centers. Data centers with noise violations, data centers towering over middle-class homes, Data centers with an excessive pool on our electric grid and the financial cost of every resident in Prince William.

[00:33:57] Chair Wheeler equals Democrat, which equals data centers, which in turn will equal Ms. Jefferson in November, regardless of her actual position. The average resident votes by party, not each politician's individual stance. Supervisor Angry, Supervisor Bailey, Supervisor Bode, Supervisor Franklin.

[00:34:16] i will say it again in november democrat will equal equal data centers unless you take this issue off the table for the november election please put a pause in the data center development until the new board takes office in january 2023 thank you next speaker please hello my name is herman i'm from the dale city district um let's go i had an idea to um improve the transport the public transportation system in the county of Prince William County. Imagine Ubers, except they

[00:34:56] have bus routes. You could offer to charge half the price of an actual Uber and ask them for tips. So that way they are paid fairly. And it's called you just basically have an Uber, but it just has a bus route. That's all I wanted to say. Thank you. Thank you. Next speaker, please. Margarita Ramoylan, Gainesville District. A year ago, I had no intention of becoming involved in local

[00:35:33] politics. That changed when I saw what this board is doing to Prince William County. At that time, I met wonderful people of diverse backgrounds and political affiliations. We came together to have our voices heard. We do not agree on all issues, but we are united in voicing our opposition to the policies of this board and agree they need to change. Unfortunately, our concerns have been ignored. We have been ridiculed and branded as privileged elitists and out-of-touch NIMBYs.

[00:36:06] Such branding seems to be the way of our current political majority of this group. This can be seen in the concession letter of the current and outgoing chair. The primary election was a way for our voices to finally be heard. We united by reaching out to our network of family, friends, and citizens at all ends of the county. We are engaged, not because we are being paid or expect anything in return, but because we love Prince William County and believe we can do better, and we vote, which appears to be the only way we are heard loud and clear. All the money poured

[00:36:46] into the primary from outside interests could not silence us. Remember, we have another election in five months. If you use this time to force an agenda when you know the people of this county don't agree with, we will do all we can to stop it, and you will feel it at the ballot box.

[00:37:07] Lastly, it is insulting to be referred to as something I am not. I am a proud first-generation Mexican-American and have worked hard my entire life to put myself in a position where I can live in this beautiful county.

[00:37:24] Los hispanos que vivimos aquí lo logramos con mucho trabajo y sacrificio. For those of us who don't speak Spanish, it means Hispanics who live here did it through hard work and sacrifice. The Hispanic community is watching, and I can assure you that our network will work to see that they vote.

[00:37:46] To my fellow Latinos, I leave you with this. Por favor, piensen por sí mismo. No se dejen influir por los políticos que los complacen simplemente para su voto. Recuerden sus valores y votan para dejar un mejor lugar para sus hijos.

[00:38:05] El voto latino es muy importante. Thank you. Thank you. I'm sorry. Maybe if you're new here, you know that we don't allow displays of clapping or booing or cheering. And so for those who are new here and don't know that, I asked you that you keep decorum.

[00:38:24] Thank you. Next. Before the next speaker, I'm going to call up the next five. Emilio Abouhasan, Robin Stroud, Jennifer Cat, Mrs. Johnson, and Bethany Kelly, if you could line up in the back.

[00:38:42] Emilio Abouhasan, Robin Stroud, Jennifer Cat, Mrs. Johnson, and Bethany Kelly. Thank you. Please proceed. My name is Patrick Harters in the Gainesville District, and I've got to say this has been an interesting week.

[00:38:58] every morning I've gotten in my truck and I've blasted Nisam Dura. The song is an opera and it's beautiful because it's talking about the night. And he's more and more looking forward to the daybreak of dawn. And he's saying, in the dawn, in the end, I will win. I will win.

[00:39:17] I will win. And so often we were in the darkness. We were left silent, without a voice, without representation, ignored, smirked at, and totally dismissed. And we had no voice. and so much has changed. And we did what Americans have always done. Americans are willing to stand up against insurmountable odds and face a win that just can't happen, and just keep pushing and keep fighting. And that's what's happened. Republicans and Democrats, all people have come together, and we have seen win after win. And while dawn is not here, dawn is coming. We could

[00:39:55] see the rising sun and victory coming our way. We have seen supervisors resign. We've seen an incumbent lose an election when she had 10 times the amount of money of somebody who's not, doesn't even have, didn't have that much money or experience. We've seen Janine Lawson win a resounding win and Bob Weir win a resounding victory as well. And change is coming. And our focus has completely shifted now to one person. Our focus has gone to Supervisor Bodie. He is the linchpin. He is the one that campaigned on protecting the Occoquan. He was the one that campaigned on protecting the

[00:40:33] rural crescent and the environment. And each time he has been brought in with Ann Wheeler and the rest to vote against those promises, against building data centers without the studies, against building or for the data centers in inappropriate areas. And so we're watching.

[00:40:50] And we're going to look over the next couple of months and even over the next couple of days to see the action that is taken. And if this pattern continues, you will see Republicans and Democrats coming together in the Occoquan going door to door.

[00:41:07] They will be warning the voters there to say this was the promise made and this is what happened during these four years. And it'll be a warning. And the biggest thing I'll say is if this continues on, if we continue to have these 5-2, 5-3 votes and we push this agenda through, there'll be a new term that Prince William will take in their lexicon to be bodied out of office.

[00:41:31] I predict that in the future, This win will be so resounding that future politicians will say, make sure you fulfill your promise, make sure you listen to your constituents, and make sure you do not simply say one thing and take money from everybody else.

[00:41:48] And Mr. Bodhi, I hope you make the right decisions. I hope you see what the will of the people is, and I wish you luck with that. Next speaker, please. Can you hear me? Thank you for the opportunity to address you today.

[00:42:06] My name is Emilio Abul Hassan. I am a longtime resident of Haymarket. My wife and I own properties and a business in Prince William County. I've asked for this time to address a matter that is of great concern to most residents of Prince William County, and that is the proliferation of data centers, known as the Prince William Digital Gateway.

[00:42:27] Due to the potential and actual damage that these data centers have caused in areas where they have been built or are being built, as evidenced by the mammoth monstrosity of a building which is completely out of character in the Gainesville Haymarket area, the need to speak up is primordial for residents of this county.

[00:42:46] In view of the results of the last election in which individuals of the board of supervisors who support this construction of data centers in rural, residential, or near schools in the historic Manassas Battlefield Park, They have been democratically denied their seat on the board by voters of Prince William County.

[00:43:08] Because of the pristine beauty of Prince William County and the undeniable water, air, and most pollution that the residents will be left with by those few who are selling out for millions of dollars to data centers after they move away, I respectfully request that the current Board of Supervisors postpone or delay any voting or decisions affecting the community with data centers until after the newly elected Board

[00:43:37] and Chair take their positions. Thank you. Next speaker, please. Good afternoon, Board of Supervisors, Madam Chair, County Executive Shorter. My name is Robin Stroud. My family and I live in the Coles District. We've lived here since 1995. Since 2017, I've been a part-time non-benefited provisional instructor for Chin and Dale City, and I am also the SEIU 512 Collective Bargaining Organizing

[00:44:14] Committee member. I am a member of them. I want to talk briefly about collective bargaining for prince william county employees and i have specific points our brothers and sisters at richmond city loudon fairfax prince william county teachers prince william county firefighters police have filed had elections or is soon to do so we general non-sworn prince william county employees are next this is not an aberration employees workers need a seat at the table to have a say in their pay, benefits, and working conditions. The collective bargaining ordinance

[00:44:53] that was passed by the Board of Supervisors last November, it's this one, I just printed it off, continues to exclude more than 520 part-time non-benefited provisional employees like me. Prince William County Human Resources sent what was to me a tentatively worded letter stating that the plan was to, and I'm paraphrasing, I don't have the letter in front of me, to explore reclassifying by July 1st. It's June 27th. We more than 500 provisional employees

[00:45:28] into part-time benefited so that we too would have a seat at the table or seasonal employees. Provisional employees are integral to making Prince William County run and must be protected in the ordinance just as full-time employees are. I work at an enterprise center. It's one of the revenue generating centers for Prince William County. Black and brown people make the majority of part-timers in the county. If you exclude provisional workers, that means many people of color will be denied access to a union and a say in their wages benefits. And if the

[00:46:02] ordinance is corrected, a say in their working conditions. Is this going to happen? July 1st is next week. Employees shall have the right to discuss their right to organize, form, or join a union. There seems to be some confusion about this. A notice was posted on the only communications platform that we have that union representatives, of which I'm one, as well as an employee may not speak to an employee on the job. The ordinance reads differently. We are able to talk to our

[00:46:37] co-workers about union organizing as long as we're not interfering with their duties. And lastly, there needs to be some clarification on the restoration of the access for fitness instructors.

[00:46:54] I was told not to get too excited about that by a manager that it was on a trial basis. Thank you. Thank you. Next speaker, please. Good afternoon, board, madam chair, and county executive shorter.

[00:47:13] My name is Jennifer Cook-Katt. I'm from the Woodbridge District, and I'm also a provisional non-benefited part-time employee for the DPRT, working mainly at Chin Fitness Center as a group fitness instructor. Having a stable of part-time workers, many of whom, like me, are seasoned trainers, gives Chin and Sharon Boakum Dale City Rec Center the flexibility to competently cover class offerings, try out new ideas, build loyalty among customers, et cetera.

[00:47:46] Indeed, the vast majority of instruction is done by part-time employees who receive no benefits beyond our hourly wage, which, by the way, does not include the considerable time we spend preparing for our classes. Moreover, it is my understanding that the recently restored benefit of granting provisional part-time employees access to Chin and Dale-Sydney fitness facilities is being done on a trial basis to assess use before it is restored fully.

[00:48:14] We need clarification on that and an assurance that we will indeed receive this benefit going forward. For someone like me to continue teaching as a part-time instructor, I must pay to maintain my multiple certifications, which is not inexpensive.

[00:48:32] I'm weighing now the cost-benefit of getting these certifications if I cannot count on a membership benefit. To be clear, we are the teachers at the county's fitness facilities. We are the ones who create the routines, off the clock, who show up every day to teach our classes and to have established a rapport with our students, students who return in large part because they like our classes and they like us.

[00:48:58] If you lose us, even some of us, I have no doubt it will affect attendance. We are counting on you to ensure that all general employees who work for Prince William County are included in a

meaningful collective bargaining position so we can have a seat at the table when it comes to staffing issues, working conditions, benefits, etc. Thank you.

[00:49:18] Thank you. Next speaker, please. Good afternoon. I'm Bethany Kelly in the Brentsville District. Backlash to data centers prompts political upset in Northern Virginia. This is the Associated Press headline from our election results from last week. And if you question if this is local or if it's gone national, I can assure you it's gone national. I have heard from friends and family all over the country who read this article in their local newspaper. My mother called me from Pennsylvania

[00:49:56] to let me know that her newspaper that prints three times a week had this story in it. This should be a wake-up call to every one of you sitting on this board. We are kind of the laughing stock of the not just area, but at this point of the country and how we're handling our data center development. Other local jurisdictions are taking notice of what is happening in here in Prince William County, and they are trying very hard to learn from our mistakes. Right now, Fauquier County has lawsuits involved over data centers. They also have candidates running openly against

[00:50:35] data center development, and their momentum is growing. Stafford County is going through the same growing pains, and they are stepping back, looking at what has happened here, and realizing they don't want to make the same mistakes. But I find the most interesting story to follow is what's going on in Frederick County, Maryland right now. They have actually put a halt to a recent data center development because they were not following the environmental laws. They had violations, and they literally have turned off power and water to this development because they didn't do what they were supposed to do. In addition to that, Frederick County, Maryland has

[00:51:15] put together a data center working group, and I quote, it is a community-led, government-informed unquote group. There are no data center developers on that working group. There are no attorneys representing the data center developers on that working group. I wish the same could be said about the working group that is working here in Prince William County right now. In addition to that, they just had an executive order in Frederick County pausing the piecemeal rezoning requests for these data centers until that working group has completed their recommendations, and then they will pick up and go from there.

[00:51:54] Prince William County, we need to take note. We need to stop what's going on here. We need to halt all approvals of data centers until this can be worked out. We don't want to be the laughingstock of not just the local area, not just the state, but honestly the whole country.

[00:52:13] Thank you. Before our next speaker, I will call the next five. Actually, this is the next seven. It's just easier. Kathy Kulik, Donna Gallant, Carl Greeton, Lena Schlossberg, Marilyn Karp, and Sean Serker. Kathy Kulik, Donna Gallant, Carl Greeton, Elena Schlossberg, Marilyn Karp, Sean Serker.

[00:52:36] And then we have one more non-resident. Please proceed. Yes, ma'am. Good afternoon, Madam Chair, Board of County Supervisors, County Attorney. My name is Mrs. Johnson, and I am from the Woodbridge District. And, of course, good afternoon to you as well, Mr. Shorter.

[00:52:55] And thank you for everyone that supported me. The baby is not here yet, as you can tell. A few more weeks. I promise a few more weeks, and then I'm going to take a break and be a mom again. I'm continuing to speak as a wife, a mother, expecting mother, youngest advocate in Prince William County, I'll

call it, and families who desire to foster and adopt, ultimately the most vulnerable children within Prince William County.

[00:53:18] Throughout the past few months and most recently days, a resounding message is ever present in my ears. It just keeps going. It says time, it says season, it says time, it says season. Ecclesiastes 3.1, to everything there is a season, and a time to every purpose under the heaven.

[00:53:35] As many of you know, for 33 months and 28 days, we provided care for our foster son we affectionately referred to as Bumpy. We began to hold the Prince William County Department of Social Services accountable. The time changed again, and unfortunately, Bumpy had a change in placement, not related to our care of him.

[00:53:53] We want to make that very clear. Nothing's ever been said about our care of Bumpy, and we haven't seen Bumpy since. I remember that day, clear as day, February 17, 2023, right there at the courthouse. Time kept going, and we began another season. We contacted you, Mr. Shorter, for four months and 29 days until present.

[00:54:11] As of today, we are still asking you to investigate matters related to our treatment with Prince William County Department of Social Services as it relates to us as foster parents. We are asking you to look into documents which were omitted from the information requests. we requested that information last year in 2022 we're asking you to take a position as it relates to how communication was completed with our family such as referring to me as a guinea pig that was said okay and in addition to that saying that our family has doing fine without the money i'm still waiting for that person to explain what that statement means and i hope this doesn't boil

[00:54:50] down to 672 again that's the narrative that's been created about our family that we're money hungry and we only foster children for the money and I hope it doesn't boil down to $672. It looks like it did boil down to $672 and Bumpy's not with us anymore. We're asking you to investigate and complete this investigation based on the names we sent in countless emails. Until these steps are complete, until these steps are complete, we will continue to speak, we will continue to advocate, we will continue to ask for accountability. Ecclesiastes 9-11, I return and saw under the sun

[00:55:27] That the race is not to the swift, nor the battle to the strong, neither yet bred to the wise, nor yet riches to men of understanding, nor yet favor to men of skill, but time and chance happeneth to them all. Mr. Shorter, time and chance are my friend.

[00:55:46] Next speaker, please.

[00:55:59] Good afternoon. I'm Kathy Kulik, HOA Roundtable of Northern Virginia. Last Tuesday, the voters of Prince William County spoke loudly at the ballot box to soundly reject policy of this board to facilitate rampant industrial data center proliferation at any cost.

[00:56:21] This image is the poster child of all that is wrong with your policy. It's the image of residents, hundreds of residents of the homes directly affected, what they see from their windows and sidewalks. The image thousands see from their cars driving to work to the grocery store and pharmacy.

[00:56:37] that absolutely shocks parents taking their children to school every day, and it's reinforced day after day after day. It is a development you, Chair Wheeler, and you, Supervisor Franklin, declared from this very dais was a great project, and it will get worse.

[00:56:56] As each building goes up, more trees go down, the views of the sky disappear, and the sunlight is blocked from the windows of these homes by the gargantuan buildings you voted for. These residents and those of the local community thought they were getting a town center they could walk to, something to serve and promote quality of life instead of destroying it.

[00:57:14] There will be at least 11 massive data centers on all sides of this intersection, directly adjacent to two schools, one serving children with disabilities, as well as emergency services. This is an atrocity, one of your making by your choice. It follows a long line of mistakes, so it's no one off, and the voters get it.

[00:57:34] Don't think because there may not be data centers going up to schools next to homes and schools in your districts and next to national parks and they're not seeing your destructive policy. They are, in fact, seeing it for what it is. They're wondering if you will lay waste to the hopes and dreams of residents in our district and other districts.

[00:57:52] When will you do the same to them? They're quickly learning. You gave the industry a sweetheart deal and rock bottom tax rate at their expense. and they know the county could realize enormous tax revenue now if only you would simply raise the rate equal to Fairfax, Loudoun, and Falkyear rather than take advantage of the residents of Prince William with massive data center industrialization.

[00:58:13] They saw the enormous funding to you, Chair Wheeler, by the data center entrance and how a smart, savvy newcomer exposed your lack of integrity and respect for voices across the county. They trust her, not you. and they clearly saw how shameful landowners seeking to award himself millions from deals to this industry opportunistically attempted to cloak himself in conservative virtue, only to be defeated in crushing fashion by Supervisor Lawson.

[00:58:42] Congratulations, by the way, Supervisor Lawson. On Tuesday, 64% of voters from across the county rejected this board majority's policy on an industry seeking to engulf our quality of life. Our historic sites are the environs of our schools and homes and our environment and take down the fundamental financial security of our families.

[00:59:02] The results went nationwide into every news market, making clear selling out to the world's most egregiously profitable corporate entities isn't a winning electoral strategy now or in November. Next speaker, please. Good afternoon, ladies and gentlemen of the board.

[00:59:24] My name is Donna Gallant. I didn't prepare a speech today. First, I ditto what Kathy Kulik just said. Second of all, June 20th, what a glorious day for two reasons. One, it was my 31st wedding anniversary, 31 years of marriage.

[00:59:45] Of that, 29 of them, I have lived in my same home that will now be surrounded by data centers. That's nothing to celebrate, but I'll tell you what I did celebrate. I celebrated my freedom and my voice to vote you out, Chair and Wheeler.

[01:00:05] I could not have had a better anniversary gift than the gift of you being gone. The rest of you on this board, the decisions that you make affect the residents that you are there to represent.

[01:00:23] Drive down 55. Look at that poor community with that massive concrete structure right next to them. Shame on all of you. Shame on all of you who voted for it. Shame on all of you who voted for any data centers next to residential.

[01:00:41] My neighborhood will be decimated. Yes, I live in Amberley Station. Thanks to almost every one of you on this board. That's what you've done to my neighborhood, to my livelihood, to my quality of life. Now let's talk about responsible development.

[01:00:59] Do you think that's responsible? No. And Chair Wheeler, I'm not a NIMBY. I'm for responsible growth, responsible development, diversification of our tax base. So let's talk about our tax base. You are selling the residents in this county out for, what, $1.36 to big multi-billion dollar industry.

[01:01:24] All of you, you fought for a $2.11 increase. Do you understand what that calculates out to? To make equivalent revenue of our surrounding counties, at $2.11, we have to have twice as much destruction, twice as much industrialization.

[01:01:44] That is not responsible. So I want to leave you guys with one thing. Think really long and really hard about the decisions that you're going to make because decisions have consequences. Decisions have impact. Yes, your decisions have devastated neighborhoods, have adversely impacted the quality of life.

[01:02:07] But what I will tell you, it will 100% unequivocally impact your position on that board. Thank you very much. Think hard. Next speaker, please. Good afternoon.

[01:02:29] I'm Carl Gretton, and I live in the Gainesville District. We are against the Digital Gateway CPA on Page on Lane and its associated rezoning. Chair Wheeler's statement about the next chair making statements about MAGA is completely accurate. Wheeler has not listened to the statements from the Prince William County citizens that the underlying issue is to make Prince William County great, make Virginia great, and make America great.

[01:02:52] What are you looking for, Chair Wheeler? Make China great? Make Russia great? Make Iran great? This is what Wheeler has not understood. Perhaps you are trying to make another locale, state, or country great. Prince William citizens are working to make Prince William County great and to not bulldoze it.

[01:03:09] For the rest of the Democrat Board of Supervisor members, we are watching your comments, your voting stance, and your financial gains. Prince William County has made amazing progress over the last three and a half years, and all Democrats and Independents must come together to ensure that that continues.

[01:03:26] That is what Wheeler has said. The statement is true because Republicans, Democrats, and independents came together to vote Wheeler out. We will follow the developer and data center bulldozer money as Wheeler passes funds onto other Democrat destroyers. Supervisor Angry, you nearly won your primary election contest.

[01:03:45] Congratulations on winning with just over 100 votes. Your opponent is a newcomer to the Prince William County election process, so this shows you may not be on the firmest ground. Kenny Bodie, you have said this is an opportunity to say, hey, we hear that there needs to be more care and caution when it comes to data centers and where we put them.

[01:04:04] Where have you been for the last two years? This is what citizens have been pounding on you. You're going to have a whole host of Democrat activists, advocates, and volunteers who may have sat out of the primary who are definitely going to be energized in the fall, Bodie said.

[01:04:20] Kenny, you got this wrong. Republicans, Democrats, and Independents came together to vote in a primary to oust Wheeler. Now countywide issues such as the economy, violence, transgenderism, schools and grades that have declined during Democrat rule, abortion term limits, affordable housing, and the socialist agenda will be the issues between the Republican and Democrat position of the Board of Supervisors chair in the election voting starting in September.

[01:04:49] Republican and independents will now vote on multiple issues other than just data centers. The citizens have spoken and the county has heard us. Even though there was apprehension during the primary, the citizens of Prince William County knew what the outcome would be. There is no surprise. The largest surprise is how far-reaching the results have resounded.

[01:05:08] Associated press reports are coming in from Canada, Illinois, Oregon, Florida, Alaska, Georgia, Oklahoma, and Texas, and these are just a few. vote against the Digital Gateway CPA on Pajan Lane and its associated rezoning.

[01:05:24] Next speaker, please.

[01:05:33] My name is Elena Schlossberg. I live in the Gainesville District, and I really look forward to being invited back to the podium where citizens used to speak for decades, and I miss that.

[01:05:58] And I heard someone talk about courage and tenacity. I actually want to commend you, Chair Wheeler, for being here today, and I'll tell you why. Because Pete Canlan often missed meetings that he knew would be uncomfortable.

[01:06:16] And I appreciate you being here and listening to citizens who are pleased to see you gone. I'm not here to see you gloat. I'm not, however I wanted to say that, I'm not gloating to be here. I actually think that you're probably experiencing some pain.

[01:06:34] And I think that that smirk that we see is often just your sense of being uncomfortable with what we're saying. I know that citizens have felt a lot of pain countywide. I'm sharing the New York Times article.

[01:06:51] I was hoping it was going to come out before the election, but it was unnecessary. What we're pointing out is that what is happening in Prince William County is exactly what many of us predicted, which was the digital gateway would be a platform to actually educate the community on what is wrong with data center proliferation.

[01:07:13] And it has happened. And citizens never gave up, in spite of the fact that they came here and often felt demoralized, in spite of the tears and the fear that people felt for their homes and their community. People still showed up.

[01:07:29] There is a challenge facing not just Prince William to every supervisor. I hope that you are listening to me. Kim and I would often talk, what is it going to take for the supervisors to hear us? I'm wearing Kim's earrings.

[01:07:46] I have my mom's pendant on that is the blind lady of justice and her bracelet. And I'm channeling all that energy because I need you to hear this. This challenge, whether you don't approve another data center, we are still going to face this challenge.

[01:08:04] The headline for one of the articles is, power shortages are turning more data into their own utilities. They're not turning, do you know what that means? Can I please have everyone's attention just for

a second? What it means is that those data centers are going to be running on fossil fuel, whether it's natural gas or diesel generators.

[01:08:24] We do not have the generation in this county. We cannot afford to continue to rely on fossil fuel and destroy our environment at the same time. Please put a pause on data center development. As I am sitting in meetings with Dominion Energy, talking about the transmission line for that data center, I'm telling you, there's not enough space and there's not enough power.

[01:08:49] Please take this as an opportunity to turn the chapter on what has not been good policy. Thank you. We have two more speakers, and the last speaker after that is Christopher Kelly, if you want to get in line also, Mr. Kelly. Thank you. Next speaker, please.

[01:09:10] Marilyn Karp, Gainesville. My words are laser-focused on you, Ann Wheeler, and your Democratic water-carrying supporters. What I say to you today is what thousands and thousands of people in this county would like to say to you.

[01:09:27] It's what thousands of people from both parties said when we defeated you, Ann Wheeler, in the June 20th primary. While doing the recall, we had more than 20,000 conversations with people in this community. I don't think you realized how powerful that was.

[01:09:45] In the end, the recall increased our chance of defeating you, Wheeler. We won. You will be gone in January of 2024. We are three for three now. Candlin, Summers, and now you, Wheeler.

[01:10:04] We've taken the out-of-control data center issues and what you are doing here in Prince William County against our wishes, against our pleas, against our thousands and thousands of emails and many, many letters to the editors and article after article after article and made it into a driving force.

[01:10:27] We've spent hours and hours explaining to you here in person in this chamber what you are doing is wrong and why it is wrong. It will harm the very people you took an oath to protect. The AP article went everywhere all over the country and all over the world.

[01:10:48] That, my dear supervisors and elected officials, is the power that the citizens here in Prince William County now have. It's a new game. So, boys and girls, here is the ask. What we would like you to do, what we want you to do, what we hope you will do, and what we demand that you do.

[01:11:08] First and foremost, stop all the data center development until we get a handle on our water supply and our electric grid. Before you go any further, pass a new law that raises the tax rate that you charge these data centers.

[01:11:26] This, my friends, will bring in more money and mean we have to have fewer data centers because they will generate more income. You sold us so cheaply. It really is an embarrassment. Anybody with any business sense, whatever, would realize that what you have done and are doing is just plain stupid.

[01:11:53] Ah, but perhaps there was a reason, and that was your pockets were lined with money from the very data center industries that you were helping. Thank you. Next speaker, please. Good afternoon, Madam Chair and Board of Supervisors, and thank you for the opportunity to be heard.

[01:12:22] My name is Sean Surker. I'm here to represent myself and my wife, Melissa Cox, residents of Woodbridge. I'm not talking about data centers. I feel a lot of love in this room right now. I'm here to make an appeal for your assistance concerning the solar permitting process for the county.

[01:12:39] Last year, my wife and I invested in a solar installation project for our home. We have friends and colleagues who have done the same in neighboring counties with great success. In fact, we hired a contractor recommended to us because of his good work in other counties. We contracted for design, procurement, permitting, and installation process at the cost of about $70,000, which was pretty significant for us.

[01:13:00] We're not wealthy people. The contractor began working through the layered and, frankly, cumbersome quality control and permitting process in February, around the 23rd. Plans were rejected for corrections and resubmitted numerous times, April 11th, April 27th, May 5th, and so on.

[01:13:16] At least eight rejections in quality control and three so far in the plan review phase, with the last being on June 5th. Some of the resubmissions required new fees, and that tally is growing. We as homeowners are supposed to receive updates and notifications, but to date, we've only received one in the entire process when we first submitted.

[01:13:38] My contractor informed me that this process in most counties takes one to two weeks. We have been going through this for over three months without success. He explained that many of the requested corrections were not for design, safety, or engineering. Some of them legitimately were, but some were for formatting.

[01:13:56] The use of tabs or the printing needed to be black and white or so on. There appear to be communication challenges in the layered process with one level of quality control rejecting the changes recommended by the previous level. There appear to be inconsistencies in the customer service model with some staff being very helpful and clear and others less so.

[01:14:20] Our contractor says that while he is committed to helping us get through this process, he is disinclined to accept future contracts in Prince William County. A solar resident group that has reached out to me has let us know that actually four or five other major solar contractors have come to the same decision.

[01:14:39] They won't work here anymore. That is going to negatively impact our county. Clearly, this is a process that needs some scrutiny, and I'm appealing to you to do just that. As a former senior executive member of the federal government, I just retired in April, I used to tell my subordinates that we should not be gatekeepers saying none shall pass, but instead should be partners helping customers to get to yes.

[01:15:05] It will be good for the county, for the residents, for the contractors, and for the environment if we can refine and streamline that process, and that's all I ask. Thank you for your time. Thank you very much. Next speaker, please. Thank you all.

[01:15:23] My name is Christopher Kelly. I'm representing... Can you speak into the microphone more? Maybe just tilt it up. Thank you. My name is Christopher Kelly. I'm representing some tow companies here in Prince William County that there's an ordinance that the county has that we feel that needs to be changed because you all prohibit tow trucks from parking in a residential neighborhood.

[01:15:44] it. We are contracted by Prince William County Police to respond 24-7, 365 to accidents, disabled vehicles. Where we can't park at our home, we can't respond in a timely manner that the county requires of 30 minutes. As you can see, unfortunately, I'm usually high and tight hair, clean shaven. I haven't been able to live at home for two months because of this county ordinance because I have a Karen

that lives next door that found this ordinance. And zoning has come out and told me you can't park in your driveway you can't park on the street in a tow truck so for the last

[01:16:23] two months I've had to live in a trailer in a trailer park to where I've talked to a representative angry about this and he agrees it's it's something that should be changed in the county I've got a copy of the letter and where there's pretty much every tow company on the east and west side that is assigned to the county contract the county um tow coordinator is also on board with trying to get this ordinance changed. I'd like to be able to hand it to you all to where you all can have a copy of it because I've sent it out on through email to a few people, but I hadn't heard back

[01:17:02] from anybody but Mr. Angry's office. Thank you. Thank you. You're welcome to leave those with the clerk of the board right here, Ms. Madden, and she can get those out to us. Thank you very much. That will conclude in-person public comment time, and we'll now go to remote public comment time We're understanding we have a couple people online.

[01:17:24] Thank you, Madam Chair. Ms. Vann, how many folks do we have signed up for this afternoon? We have two people. All right. Thank you so much. As with in-person public comment time, you have three minutes to speak. Please start by identifying where you live and who you are. Thank you so much, Vann. Let's begin.

[01:18:13] We don't want the divisive rhetoric that this board has pushed. We don't want you going back on your promises like this board has done. We don't want our police defunded like this board has pushed.

[01:18:28] We don't want your meals tax, like this board has pushed. We don't want our taxes increased, like this board has pushed. And clearly, we don't want the agenda of Ann Wheeler, like this board has pushed. Now that this board enters its lame duck session, I hope you've heard what voters want.

[01:18:47] I hope you'll take the lessons of last week to heart, and you won't attempt to ram your agenda through. If you didn't understand that lesson of last week, please know that there is always more lessons to be taught in November. It's been a very long three and a half years.

[01:19:03] We've all lost in this because the public was asleep at the wheel and allowed the wrong people with bad intentions to be put into positions where they could violate the public trust. I pray that will never happen again. But unfortunately, we all know Americans have a short attention span.

[01:19:20] I would like to thank those voters who came out to put an end to this charade of a board. We have truly reached the end of an error. For those that did not vote, please educate yourself on the candidates and issues and become an informed voter in November.

[01:19:37] Thank you. Thank you, Mr. Gloss. Next speaker, please. Your next speaker is Mike Kaczmarek. Mike Kaczmarek, Heritage Hunt, Gainesville. Voters in the primary in both parties send a clear signal to this board that they want you to halt any decision on data center approvals, rezoning, or permitting until January when a new board is seated.

[01:20:06] Overall, 62% of voters voted for a chair candidate that wants constraints on data center replacement. Any candidate in a competitive contest should not think that they can push ahead with any decision on data centers. If they do, they will face a terrible voter backlash in the fall.

[01:20:25] Voters want to be heard. Are you listening? This is the second election this year that the Anyplace, Anywhere data center candidate was defeated. I will give you some free advice that your high-

paid consultants never understood. Only a few voters, those who are going to make millions selling their land for data centers, will be all in for data centers.

[01:20:47] A larger number of small land homeowners that will be living near this data center construction for years will oppose them just as hard. The vast majority of voters that would like to see more tax revenue from data centers will not vote against data centers, but they will not be motivated enough to vote and they will just stay home.

[01:21:11] The pro data center candidate will have more money for their campaign than ever before, but it will not matter. The money will only taint their campaign, making them appear to be in the pocket of the data center industry. No matter how much contributions you will receive from self-interested large landowners, it will not give you an effective message.

[01:21:34] Board members, how many of your voters are concerned about clean drinking water, environmental protection, traffic, noise, and other health issues? Then compare that to voters that believe they really will get a small tax break if these data centers are built.

[01:21:53] The fall campaign for chair will be fought over all other issues than data centers. MAGA Republican vice of progressive Democrat. The only data center issue will be what party has the best plan to regulate data center growth. Thank you.

[01:22:09] Thank you, Mr. Kazmierich. Are there any other speakers, Ms. Fan, for this afternoon? No, not at this time. Thank you for your assistance as always. Back to you, Madam Chair. Thank you, Vice Chair Bodie, and thank you, Ms. Vann, as always. That concludes public comment time for this afternoon.

[01:22:25] That moves us on to Agenda Item 5B, our public hearings. Ms. Robel, can I ask you and put you on the spot? I can do consolidated public hearings, correct? Yes, ma'am. Okay, great. I am going to start with opening the public hearings for 5A, 5B, and 5C.

[01:22:45] 5D and E were withdrawn. 5A is a conveyance deed of easement for the Eastern Gas Transmission Line at the Cat Harpen Regional Park. 5B is condemnation and exercise quick-take powers regarding properties on Old Bridge. And 5C is adopting annual amendments to the county code, some of which are mandated by changes in state law.

[01:23:07] Ms. Madden, do we have anyone signed up for 5A, B, or C? Is there anyone in chambers who would like, do we have anyone online? Is there anyone in chambers who would like to speak to the public hearings that are now open for 5A, 5B, and 5C? Seeing no one approach the microphone in the back, this will officially close the public hearings for 5A, 5B, and 5C.

[01:23:34] We do have to vote on them individually, Ms. Robel. I would recommend you vote on them individually. Yeah, okay, great, thank you. The first one is in the Gainesville Magisterial District. Supervisor Weird, would you like to make on 5A?

[01:23:49] Second. Motion made by Supervisor Weir, seconded by Vice Chair Bodie. Any further discussion? Seeing none, please vote. Aye.

[01:24:14] Vote unanimous. 5B, Vice Chair Bodie. So moved, Madam Chair. Second. Motion made by Vice Chair Bodie, seconded by Supervisor Bailey. Any further discussion? Madam Chair. Supervisor Bodie.

[01:24:30] Thank you, Madam Chair. For folks listening online or watching, this is part of the Old Bridge Occoquan Road realignment project. I want to again thank McKenna Zollis and his team for their work on

this thus far. Also want to thank them again for their work with Holiness Tabernacle a couple months ago to make sure that they're good with where we're going in this direction.

[01:24:49] This will really improve traffic quality, traffic safety, and flow throughput on Old Bridge Road and Occoquan Road. And a lot of folks that come down from Occoquan, the town, they want to turn right right now onto Old Bridge Road. They can't. This project will improve that.

[01:25:04] So a lot of folks that like walking up towards the town of Occoquan, well, this won't do a full sidewalk all the way up to the sidewalk farther up the street. It will start that process. So this is a really great project. Really appreciate the work our team has done, and I'm happy to support this. Thank you, Madam Chair. Thank you.

[01:25:20] Seeing no further discussion, please vote. Aye. Vote unanimous. And our next one is countywide 5C. If I could get a motion on 5C.

[01:25:36] Move forward. 5C, Madam Chair. Second. Motion made by Supervisor Bailey, seconded by Vice Chair Bodie. Any further discussion? Seeing none, please vote. Aye. And that concludes our public hearings for the day, which brings us on to county executive time.

[01:25:57] Mr. Shorter, the floor is yours. Thank you, Madam Chair and board. I just wanted to bring to your attention a series of memos I sent out to the board yesterday, certainly consistent with the directive, with the board's directive.

[01:26:14] Those memos laid out the fact that the staff have come to a point where we are prepared to provide the amendments for that ordinance. Those amendments consistent with the memorandum I sent to the board in March will be advertised this week.

[01:26:32] We will be coming to the board for your consideration on July 11th and are giving ourselves the two weeks of appropriate public notification. I wanted to also bring to the board's attention that the labor contracts associated with fire and rescue and the police department have started.

[01:26:52] So in one of those memorandums, we lay out the designated representatives that are part of the negotiating team. Those are our representatives and are the bargaining units' representatives, consistent with our ground rules.

[01:27:09] That is the only team that is in position to negotiate. So I just wanted to make sure that the board was aware of those two memorandums and am certainly available for any questions if needed. All right. Thank you, Madam Chair. Thank you very much, Mr. Shorter.

[01:27:27] I guess it moves us on to county attorney time. We have actually something underneath county attorney's time, but Ms. Roble, the floor is yours. Thank you, Madam Chair, members of the board. With regards to closed session, we will have consultation with legal counsel and briefings by staff members pertaining to the discussion or consideration of the acquisition of real property for public purposes where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, with the related discussion concerning an economic development item regarding expansion of a prospective business or industry where no previous announcement has been made of the businesses or industry's interest

[01:28:05] in expanding their facilities in the county, along with the related discussion or consideration of the investment of public funds for the economic development matter where competition or bargaining is

involved, where it made public initially the financial interest of the county would be adversely affected, and where discussion in an open meeting would adversely affect the litigating posture, bargaining position, or negotiating strategy of the public body.

[01:28:28] We will have personnel discussions and considerations relating to the deputy county executive for community development where consultation, briefing, or discussion in an open meeting would adversely affect the bargaining position, litigating posture, or negotiating strategy of the public body. And we will have consultation with legal counsel and briefings by staff members regarding specific legal matters requiring the provision of legal advice by such counsel pertaining to legal advice regarding legislative prayer and governmental prayer where such consultation discussion or briefing in an open meeting would adversely affect the bargaining position negotiating strategy or litigating

[01:29:01] posture of the public body these items are appropriate for closing a from the planning

[01:30:31] department i don't see mr mcgettigan here but i will let ms wilson take over thank you welcome good afternoon members of the board david is on a well-deserved vacation so i'm here in his stead i'm here today to initiate a zoning text amendment to section 32 201.18 to allow greater flexibility and landscape area requirements for lots for public use i'm available for any questions you may have emily wolfson i'm from the planning office for the record thank you very much

[01:31:03] any questions for ms wolfson okay seeing no questions i take a motion on 8a so move manager Motion made by Supervisor Bailey, seconded by Vice Chair Brody. Any further discussion? Seeing none, please vote.

[01:31:26] Vote unanimous. Thank you. You'll have to tell Mr. McGinnon. He missed an easy one. Should have saved that for when he was in town. Thank you very much for coming out today. And that brings us to Supervisor's time. We have some appointments that have been previously noticed, which are 9A through 9E. If I can get a motion on 9A through 9E.

[01:31:52] So moved, Madam Chair. Second. Motion made by Supervisor Bailey, seconded by Vice Chair Bodie. Any discussion? Seeing none, please vote. Vote unanimous. Okay, thank you.

[01:32:08] And that brings us on to going around the horn for Supervisor's time. Last time I started to my left, though you weren't here, Supervisor Angry, and you were last, but I'm going to start to my right with Supervisor Vega. Thank you. Thank you, Madam Chair.

[01:32:23] Just want to remind folks that have a business or reside within the Sudley Road corridor that we are having a safety meeting this coming Thursday, and it's truly unfortunate, as we all know, crime in this county is completely out of control. I am not happy to inform you all that the newest business in our county, the Sprout Supermarket, has been negatively impacted, not just by crime, but by homeless folks also harassing their customers, and so I put a call out to my colleagues on this day as for us to actually do something that is going to turn things around for folks, not just in our communities, but also the business community that is being negatively

[01:32:59] impacted. I know that it's campaign season and we all want to do our very best to try to make promises, but the reality is that over the last four years in this county, we are seeing things that we've never seen before. We just hit our 14th homicide and also want to extend my many, many thanks to the Prince William County Police Department and the officer who is recovering. As you all know, his life was nearly taken by a vehicle during a carjacking call, and so I'm just very happy to report.

[01:33:30] As many of you all know, the officer is recovering. So if you are the president of an HOA or if you have a business around the Sudley Road corridor or just in the Coles District, quite frankly, I don't even care. If you don't live in the Coles District and you want to attend the safety meeting, you're more than welcome to join me.

[01:33:45] It's going to take place at the Western District Station, and if you all would like further information, please don't hesitate to reach out to my office. We're happy to provide that as well. Lastly, I just want to go ahead and wish everybody a happy 4th of July. Despite many imperfections, America is the greatest country in the history of the world.

[01:34:02] That's all I have, Madam Chair. Thank you. Supervisor Franklin. Sure. Really light past couple of weeks, did some graduations, particularly Potomac High School, Osborne Park, Garfield, and Freedom High School. So, again, just want to congratulate those students in the class of 2023.

[01:34:21] Also had a table at the Taste of Woodbridge Festival. It was wonderful to see everyone. The pickleball community was out, so it was great to see them. And then also celebrated Juneteenth alongside Omega Psi Phi fraternity here in Prince William County. So I wanted to thank the Omegas for, number one, the slave cemetery cleanup that they do annually, and then also for hosting the cookout later on that day.

[01:34:45] So thank you to the Omegas. Also want to take this opportunity to recognize Mr. Robert Tyrell, a constituent of the Woodbridge District who passed away on the 22nd. The Tyrell family has been in Woodbridge for at least 100 years.

[01:35:03] They were merchants and ran a general store in Woodbridge. Mr. Tyrell, born in 1927, was raised in Prince William County and stayed in Prince William County to raise his family. He joined the Navy at 17 and served in South Pacific. Mr. Tyrell and four other World War II veterans founded the Prince William County Fair in 1949 and hosted it every summer through 2019.

[01:35:24] He was also a farmer, business owner, a landowner in Prince William County for 70-plus years and was always willing to give back to the community. He also allowed his land to be used for recreation purposes, including for the Woodbridge Little League soccer parking and gardening.

[01:35:43] Julia Tyrell, Robert's mother, was the first woman postmaster in Woodbridge. Frances Tyrell, Mr. Tyrell's wife, joined the Woodbridge Women's Club in 1965 and served in many roles from president to treasurer. And she also joined the Potomac Hospital Auxiliary in 1972.

[01:36:00] And then lastly, in 1972, the Tyrell family built a marina, which many of you may be familiar with. And so I wanted to extend my condolences to the Tyrell family. They still live here in Woodbridge, and I hope everyone can take the time to reach out if you know them and also just extend that grace.

[01:36:20] Also, just want to thank you for bringing up public safety. It's become a big issue, I think, all around the country, and it's no different here in Prince William County. One of the things that I've found that have worked well for our businesses and apartments in Woodbridge is working one-on-one with the captains of our police department to set up a particular plan for certain areas of the district.

[01:36:47] So right now in the Woodbridge district, we're actually focused on North Woodbridge. As many people know, we completely cleaned up the 7-Eleven at Longview. But of course, there are some challenges with other businesses in the area. And so what we've done was convene some of those

businesses to figure out, A, what can they do to increase safety measures, including additional lighting, brushing of wooded areas where we found people to be hanging out, and then, of course, cameras.

[01:37:16] And then on the police side, making sure that we have additional patrols in that area when necessary and just kind of patrolling the area. And we've actually found particularly that that's helped to reduce a lot of the activity. And then particularly with apartment complexes, we've had our police department go out to several apartments and do like a walkthrough.

[01:37:38] And what they basically do is get with the apartment managers and tell them, you know, this could be a hot spot for illegal activity. The parking area, if it's not lit enough, can provide for a haven to do illegal activity. And one example, I won't name the apartment complex, but they actually took into consideration three recommendations from the police department, and service calls have reduced to that particular apartment.

[01:38:03] So it's going to have to be a combination of the business owners and apartments doing their part, as well as us in the police department, making sure that those businesses and apartments feel comfortable. So it is an issue, but I can tell you that it is a solvable issue, and it's really a grassroots solvable issue.

[01:38:21] So I just wanted to kind of throw that out to my colleagues, and with that, I yield. Supervisor Bailey. Proceed to the light. Thank you so much, Madam Chair.

[01:38:36] That's okay. Turn it off, Kath. Good afternoon, everyone. Just want to acknowledge on June 14th I had the opportunity to have a town hall with Potomac Shores community, and I want to thank Mr. Richard Weinman for coming in and assisting me in that town hall to talk about lighting and speed bumps and the concerns with the safety that they have on the main road there and in the community.

[01:39:05] And we've come together for a resolution here in the county, and so I want to thank staff for getting on that immediately. And then I also want to thank my colleague, Supervisor Franklin, for coming and partnering with me on that afternoon to address the citizens. I think they were very appreciative for our visit.

[01:39:22] On June 15th, I just want to thank Andrea Post with the Woodbridge Lions Club for allowing me to come and to present my district and the Prince William County overview in the last meeting, just giving them an overview of the things that the board had talked about in the last two quarters.

[01:39:45] On June 16th, I completed a second portion of my VACO leadership training, And this training is so important when we sit on these boards to represent the county. It's important that the type of training that they offer us to sharpen our skills when we're governing is essential.

[01:40:03] And so I'm participating in the supervisor certification class, and it's really been beneficial. On June 17th, I just want to thank the community for coming and supporting and for a great, successful dumpster and shredding day at Washington Reed Elementary School.

[01:40:20] And I had the honor of speaking for Juneteenth at a couple of Juneteenth events. I participated in Potomac Shores Social Barn for the Brown Sugars, who are the African-American mommies in Potomac Shores. They had their annual Juneteenth celebration.

[01:40:38] And then Madam Chair and I had the honor of participating with the Divine Inspiration Center of the Arts, which is an organization where they take young preteens and teenagers to inspire them not

only in dance, but to elevate their self-esteem, and that was held at Potomac Shores Middle School.

[01:41:00] And then I want to thank the Omega Psi Phi fraternity for always annually honoring Dr. George M. Hampton and their Juneteenth event that they have all the time at Merchants Park, And it was a grand event where we just came together as a community and celebrated Juneteenth.

[01:41:19] On the 19th of June, I participated in the Dumfries Juneteenth Parade, which is always a wonderful celebration. And we had representation from the Divine Nine fraternities and sororities as well as local churches in that event.

[01:41:34] and we walked over to the Slave Cemetery and had a wonderful presentation by our former 2022-23 Port Laureate, Kimberly Miller. She was absolutely wonderful. And then on June 24th, thanks to the Northern Virginia Kappa Achievement Foundation and the Gainesville Manassas Alumni Chapter for honoring me as a woman of achievement, presenting to me a woman of achievement award and it was a wonderful luncheon but just to know that they recognize the work that I'm doing in the community really elevated my heart and so I really

[01:42:13] appreciate that and thanks to the women of Alpha Kappa Alpha Sorority Incorporated my sorority and this chapter here in Prince William County Omicron Chi Omega for the wonderful cleanup that they did in my district and so sorrows I'll be with you next time but I really appreciate you helping me out in that regard. On the 25th, I had the pleasure of attending the Woodbridge Lions Club installation of officers of which I'm a member of. And again, congratulations to our new president, Andrea Post, who is a resident in four seasons. June 26th, I want to thank Ms. Ingrid

[01:42:49] Paris Hinkland, who featured me in her Cox Channel 10 cable television show entitled Ingrid's World. and that will be presented in August. And it's talking about Prince William County and the wonderful things that are happening in the county.

[01:43:09] On June 28th, tomorrow, I will be attending the Dar El Noor Eid Ol Adha prayer. And I'm very excited about that. So blessings to our Muslim community.

[01:43:25] And also participating in the VRE Open House. On the 29th, I'll be attending the adult mental health first aid training that's going to be sponsored by voice here in the community and just to learn a little bit more on how I can support the Crisis Receiving Center.

[01:43:45] Oh, well, I was reading. I wasn't looking that way. Okay. No, I'm going to stop. I yield my time. Happy Fourth of July to everyone. Supervisor Vice Chair Brody. Thank you, Madam Chair. First, housekeeping item, I am putting in my notice of intent to appoint Martin Jeter to the Wetlands Board.

[01:44:04] For folks who know, Kim Hosen, late Kim Hosen, was my appointee up until her passing. So Martin has some big shoes to fill, but I know he's actually been asked by other members of that board to seek my appointment. So I'll be doing that in our next board meeting. Second, wanted to wish everyone both a happy Father's Day and a happy Juneteenth.

[01:44:26] Father's Day is interesting for me every year because my dad's birthday is June 18th, so it always falls in and around Father's Day. So I was able to talk to him a little bit that past Sunday. It was good to catch up. He still lives out in Los Angeles. As with my colleagues on Juneteenth, the 19th, I was able to participate in the Juneteenth Parade in Dumfries.

[01:44:48] We were able to hear from the legendary Willie Tony, which was the grand marshal for the event, so really appreciated that. Also was able to go over to Dale City for their Juneteenth celebration as well. So really happy to support our black-owned business and our African-American community here in the county, especially on a day of liberation like Juneteenth.

[01:45:11] Coming up on the topic of community safety, as I told folks last time, we are going to be postponing our community safety town hall, and we have a date set for that now. That will be on August 10th, 6.30 to 8.30. It will be in person.

[01:45:27] We are currently working with Old Bridge Elementary School to nail that down. We are hopeful we'll get that on the books and secure. So please stay tuned for August 10th from 630, 830, probably Old Bridge Elementary. Because we got a little bit more time, we're able to add to a roster of folks who will be participating.

[01:45:47] We also will be hopefully having the school division take part as well. So Ron Crow from the security folks in the school division will also participate in that. So I know a lot of folks have been talking about crime, public safety, community safety, so it will be a really good conversation. And that's all I have.

[01:46:02] Thank you so much, Madam Chair. Thank you, Vice Chair Boddy. Supervisor Lawson. Thank you, Madam Chair. So I started or we started this board meeting off commending the youth, and I would like to, at this time, give remarks about somebody that we lost in recent weeks from Prince William County who many of us know and cherish Mr. Bill Olson and I'm going to read a few remarks about him I don't know if everybody was aware that Bill passed away and it's fair to say that we lost another great one on June 15th he was 90 and I'm really grateful that I actually

[01:46:41] got to spend a few minutes visiting with him at Kim Hosen's memorial service just a few weeks before he passed away. So I didn't know until I just got a little background on him that Bill actually is a native of Minnesota, and I'm a native of Iowa, so I already feel like I've got an extra connection with him. But Bill had two passions, protecting history and the environment.

[01:47:07] Many local parks and cemeteries were protected as he guided scouts in choosing these sites for their Eagle Scout projects. Bill was a former member of the Prince William County Historical Commission and a supporter of the Historic Prince William Organization. One of his greatest missions was preserving the over 500 small cemeteries in the county, many of which are identified with historical markers due to Bill's efforts. He was often referred to as Mr. Cemetery, and everybody might remember, and I know the board will, just in recent years we were very dependent on Bill's work

[01:47:43] as we were working through the thoroughfare cemeteries, and we still are. And that was immediately, you know, the first thing that came to my mind is all the work that he's done for our cemetery preservation. And volunteer, I might say.

[01:47:59] After history, Bill's next passion was the environment. Following this path, he was one of the founding members of the Prince William Conservation Alliance alongside the late Kim Hosen. Protecting Merrimack Farm and the Royal Crescent were things he greatly supported but Bill Olson's greatest accomplishment was his family he and Joanne nurtured the love of nature and the importance of protection of their and the importance of its protection in their own three children and those children in the turns are passed in those children in turn are passing it on to his grand and great grandchildren Bill was buried at Bacon Race

[01:48:38] cemetery one of the many historical cemeteries he helped preserve and i'll note that when i spoke with him i was fortunate to meet his daughter and his granddaughter that day at kim's memorial service so for the family members bill olson thank you for sharing him with our county and he was beloved by many and elena i know your your heart is um is in in line with mine as we commemorate such a great person and a great friend and then the last thing I want to mention is

[01:49:13] so this is the third time that I've been on the board and it's been an election year in 2015 and 2019 and now in 2023 and it is customary for the board to consider refraining from not taking certain votes, land use votes in particular during the lame duck session of November and December.

[01:49:39] And I am offering a resolution or introducing a resolution that I would like to be added to the July 11th calendar. It's intent to refrain from scheduling land use public hearings from November 7th through December 31st. And I'll specifically read the, be it resolved, of the Prince William Board of County Supervisors does hereby indicate its intent to refrain from scheduling any land use public hearings during the period from the 7th through the end of the term of the current board through December 31st unless such action on the application

[01:50:15] is consistent with the applicable provisions of the Virginia Code and unless such applications received a recommendation from the Planning Commission after being considered on its expedited agenda so essentially the board will not take controversial votes votes that have opposition from the from the residents and i'm going to pass this out i have copies for everybody and i'm asking madam chair that you schedule this resolution to be voted on july 11th two things did you have uh ms roble review it i did okay so that's it just so that and um is there someone

[01:50:55] else who can isn't doesn't someone have to second that I'll second it so uh every right it'll be on July 11th thank you supervisor weird sorry I'm a little just it's his fault um I don't have anything to report really I've been on vacation so I've kind of missed all the drama in the county

[01:51:32] although I've had to deal with family drama over vacation um I do did come back to um a series of issues however and I don't know if this really rises to the level of a directive but without objection I would like for the county exec to meet with until I haven't done this in a while that service authority with Tom Smith's department to public public works there yes that's what I

[01:52:11] was looking for with public works regarding two issues over at Balls Ford one is signage issues because of the changes to the Ballsford Road and people having issues getting into and out of the facility as well as any opportunities we have to add two, hopefully, hazardous waste pickups, one hopefully on the weekend.

[01:52:39] It's apparently been ceased for the time being, but we'd like to get that rolling again. That's all I've got. Madam Chair. I'm sorry to interrupt. Supervisor Anger, if you could wait one second.

[01:52:56] I appreciate that. I just remembered that I was actually invited to the same town hall at Western District Station that I believe Supervisor Vega and we are attending. We've noticed it. We've already notified. Thank you so much. I took care of that.

[01:53:12] Thank you. Supervisor Anger. Thank you, Madam Chair. I want to thank Principal Sang for inviting me to speak to his fifth grade graduating class. I also want to thank Principal Sang for his service. This is his last year as a principal of Neopsco Elementary.

[01:53:31] And so thank you, sir, for your service. I'm going to read just this quick note. I got a note from a young man on, what's that program? LinkedIn, that's it. Yeah. So his name is Huffet. He said, around 12 years ago, you volunteered to interview students at Beville Middle.

[01:53:50] I recall that during our interview, I was wearing a red tie, and you made a comment about how it symbolizes power. It may have seemed like a small detail, but that stuck with me, and I've warned one to every engineering interview. Now this man works for DevOps Engineering 12 years ago.

[01:54:08] So you just never know the power of words when you're talking to the young people. So whatever I told you all in this fifth grade graduating class, pay attention to it. No, I know what I told you. I just want you to pay attention to that. Also, thank you to the OmniRide for the Senior Summit. They held a great senior summit over at the Palazzo Building.

[01:54:25] It was excellent. Neopsicle Baptist Church held a community festival. It went very well. Thanks for putting that on. The community enjoyed it. I want to thank Audrick Brown, who's the vice president of Two Brothers Incorporated, who put on the Juneteenth Jubilee Parade in Dale City. That was a great event.

[01:54:41] We're going to do bigger and better things next year. I missed this, but I want to acknowledge American Radio Relay Field Day, an old Virginia ham event. Every year they do this, and they did it over the weekend, Saturday and Sunday. I wasn't able to make those events.

[01:54:56] I really hate that, but I just want to acknowledge that they do an awesome job with our youth and folks at Just Love Radio. I want to announce that Neopsicle Baptist Church, making great headway in the community, we're working out between my office a dumpster day and a shred day, which will be in October.

[01:55:15] So we're going to lock that date down, so stay tuned. The date will be forthcoming. I also want to give my, well, first of all, I will be at the EAD event at Dara Noor. They're going to be doing that over at the Fistner Stadium tomorrow, 8 o'clock and a 10 o'clock service. So if you're out, you want to participate in EAD, please stop by.

[01:55:34] And I want to give my notice of intent to appoint Joseph George to the Parks and Rec Commission, and his resume is on file with the clerk. Thank you, Madam Chair. Thank you, Supervisor Angry. Supervisor Lawson. Do you have a vacancy? Yes, I do now.

[01:55:50] You do? Okay. Just a few things. On Wednesday, I got to attend the Prince William Chamber of Commerce Economic Breakfast, where our transportation people gave a great show about all the transportation projects that were going on. I attended the American Legion post-364.

[01:56:08] I'm located at Woodbridge, their flag retirement ceremony done with some of the Boy Scouts. That was really wonderful. The Chamber of Commerce annual meeting and the installation of their board of directors was great. Over the weekend, I got to attend three of our Juneteenth events, The Dumfries Parade, Dale City, as Supervisor Angry mentioned, the Divine Inspiration of the Arts presentation, that was a performance that was great.

[01:56:34] Last weekend, my office attended another PwC Department of Police Criminal Justice Academy basic law enforcement graduations. So we keep on adding to our law enforcement ranks, which is exciting. A great class there. and also my office attended the Mayor Derek Wood's annual Town of Dumfries State of the Town Address.

[01:56:55] Also, on Saturday, I got to go to the Women of Achievement Luncheon, hosted by the Northern Virginia Kappa Achievement Foundation, where they honored my own seatmate, wonderful supervisor, Andrea Bailey, which was really wonderful on Saturday. So that was a wonderful, really inspiring of all these women who do so much in our community.

[01:57:14] So I didn't, did you mention that? I don't know if you mentioned that. Okay, well, I was worried that I cut you off, and so I wanted to make sure I included it. Okay, well, I got to include that. And last but not least, I'd like to waive the rules of procedure in that we'd like to amend the Board of County Supervisors calendar to remove the evening of July 11th meeting.

[01:57:34] We don't have any land use cases. And so I'd like to, do I need a motion to? Second. it okay so we've got a motion to to not waive it but just to waive the rules of procedure if we could vote on that and then we'll vote on get it all in one okay great and that's to get rid of the the evening meeting not the daytime meeting but the evening meeting on July 11th okay I couldn't tell who shut it

[01:58:00] out okay awesome so with that we can vote vote unanimous okay great and with that we're gonna go into closed session when we come out of closed session we'll report out, and then we will the board will take a recess until our 7.30 evening meeting after we come out

[01:58:28] of closed session. Thank you. We're

[01:59:12] back from closed session. We have nothing to officially report out, but I will turn it over to Ms. Oh, whoa, sorry, yes. Can I get a motion to certify? So moved. Second. Motion made by Vice Chair Bodie, seconded by Supervisor Bailey. Any further discussion? Please vote. Vote unanimous. Awesome, and with that I will turn it over to Mr. Shorter.

[01:59:38] Thank you, Madam Chair and Board. Very excited to announce the appointment selection with your concurrence during closed session of our new Deputy County Executive for Community Development, Wade Hugh.

[01:59:54] Wade, I want to invite you up to say a few words. Congratulations, and I won't say welcome to the county because you've been with us for 27 years, but certainly welcome to this new leadership role. We are happy to have you. Thank you very much. Madam Chair, members of the board, Wade Hugh, I'm honored, I'm humbled with this appointment. I want to thank Mr. Shorter for his confidence in me to be able to perform this job at its highest level. As I shared with you, I just celebrated 27 years with the county and I can

[02:00:31] say what has been the most rewarding career is working with the wonderful people that we have at the county and the excitement I get when we work with citizens and we help them and we help them reach their goals and in the world that I kind of came up in in the county and development it's everything as small as the citizen that wants to finish a deck or build a deck to the small business owner to the corporation whoever it is just the smiles enough satisfaction when you see that they achieve their goal and that's what keeps bringing me back and so I'm really looking forward to this next chapter thank you very much and as a board we commit you giving the resources to make

[02:01:08] your job more successful so we look forward to that so thank you thank you very good with that we are going to recess for dinner um the board tonight is going to the uh the black sheep um

[02:01:21] and we'll be back hopefully in time for our okay good evening um we are to our 7 30 uh public

[02:04:50] hearings um then we're going to begin our evening session we have two items under our stand agenda for the evening our first item is a rezoning for interstate drive in the potomac district and i believe we'll be hearing from the applicant first and then staff is that correct okay very good ah miss cameron welcome good evening my name is jonelle cameron with walsh koluchy luboli and

[02:05:24] walsh here tonight on behalf of the applicant interstate drive llc me here tonight is perna Doku the property owner Darius Sadie and Hobie Mitchell the applicant team development team Matt Marshall the civil engineer with LDC and Jessica Pfeiffer also with Walsh Colucci we are here tonight seeking a rezoning to M2 light industrial which also includes the inclusion of a distribution center by right the property is located at 16781 interstate drive and is a little

[02:05:57] over 21 acres in size interstate drive is an industrial corridor that fronts on i-95 the property is currently zoned a1 agricultural and comprehensively planned i3 industrial with the t3 transact the proposed rezoning aligns with the comp plan designation and the existing zonings along interstate drive this slide is a colored illustrative the end user is not known at this time. However, the applicant has proffered a building envelope and developable area. The

[02:06:32] applicant is proposing to construct a little over 275,000 square feet of light industrial uses on the property. In proffer two, the applicant has provided prohibited uses, including data center uses. That was based on input and feedback from the community. In addition to address input from the meeting held with the adjoining residential neighborhood the applicant has proffered a fence in the location here and prohibited again several of the uses including data center this slide shows

[02:07:08] the images of the fence that will be board on board fence with similar qualities as shown here on your screen it was important to the adjoining neighborhood that the fence doesn't look like an industrial fence but looks like a fence that belongs in their backyard with this proposal only 20 percent of open space is required and the applicant is proposing 30 percent open space of which 25 percent is undisturbed open space and five percent is disturbed open space. The applicant is providing 50 foot buffers adjacent to the residential development and a 15 foot buffer

[02:07:45] adjacent to the industrial use to the south and a 10 foot landscape strip along industrial drive. When meeting with the community it was important for them to understand what would they see from their decks and backyards and the distances to the buildings. In the image, the building is located 155 feet away from the property line. The applicant is proposing a 50-foot buffer in this area in here and then there is 30 feet of HOA property. So there's 80 feet of vegetation in between the

[02:08:19] residential lot and the property line. This slide also shows the line of sight further down in this area in here. So again, it's 155 feet away from the building. A 50-foot buffer is being provided, and there's 30 foot of buffer adjacent to the residential lot that's owned by the HOA.

[02:08:44] If you look at this screen, if somebody is standing on their deck here with all of the existing vegetation, they would maybe see the top of the proposed parapet wall and not see the building. We also did this from other vantage points. So from this vantage point here, these are townhomes. The building is 80 feet away from the property line. There's the 50-foot buffer of the vegetation. Then there's an existing 40 feet of buffer area on the HOA property, which is 90

[02:09:20] feet of buffer in between the property line and the travel way. And this slide shows the same thing again. The building is 84 feet away, 50 foot of buffer, an existing 40-foot buffer for 90 feet of

vegetation and again looking through the existing vegetation in trees they would see the top of the parapet wall we also did it from this side here which is adjacent to the stormwater management facility so there's the existing 50 foot vegetation the property line and then there would be the

[02:09:58] stormwater management facility in this area in here the applicant as i mentioned earlier does not have an end user but has proffered design standards for buildings and what you see on the screen our proffered building elevations for the concept designs and to be pretty much the same quality similar to what's shown here. The applicant did extensive outreach with the adjoining properties. The applicant worked with the community before even submitting the application to address some concerns that the community had. So I'll walk through what those concerns were on

[02:10:35] the next slide. But we submitted the application in March 2022 and continued outreach with the community we were supposed to go to the planning commission last fall and met with the community in august before the planning commission to walk through what that final plan was we did not go to the planning commission in the fall but instead went this spring our office reached out to the hoa management company to schedule meetings before the planning commission and board if they wanted and did not hear any responses back i should note that planning staff the applicant have not heard from that community and nobody showed up the night of the planning

[02:11:13] commission public hearing and this slide is just to walk through some of the changes that were made to address the community concerns when we first met with the community there were three access points on interstate drive that you see here here and here what the community asked is that this access point here be moved as far back from their property line as possible apparently they have people that are walking up interstate drive through their backyards, which is also why they wanted a fence. And so the applicant moved, relocated the entrance points further down and

[02:11:49] consolidated two of them. So now there are only two entrance points into the property. The community also had a concern about orientation of buildings. So essentially they wanted the truck court to be flipped and the building to be closer to their property line. So the applicant was willing to do that and agreed to that as well and then as i mentioned earlier the applicant did provide a fence along this property line here when meeting with supervisor bailey she asked that we continue the communication even after a rezoning and so she asked that we provide a courtesy review

[02:12:26] to the princeton woods edition hoa and the applicant has agreed to proffer that and we've actually provided you updated proffers dated June 27, 2023. That includes that courtesy review language. And that concludes my presentation with a positive staff report and recommendation of approval from both planning staff and the planning commission. We ask that this board approve the application and I can answer any questions that you may have. Thank you, Ms. Cameron. Are there

[02:13:00] any questions at this time for the applicant? Okay, don't see any questions. I believe we have a staff presentation also. Hi, good evening, Madam Chair and members of the board. Maggie Costello with the planning office here at Prince William County, and I'm going to try to make this brief as you've probably seen quite a bit of the material I'm about to show you. So the applicant

[02:13:37] is requesting to rezone 21 acres to M2 to allow for light industry. Staff is recommending approval. The site is zoned A1. Long-range land use is designated as I3 industrial tech flex. This site is predominantly wooded surrounded by the Princeton Woods neighborhood on the northern and eastern

border and abuts an existing concrete contractor to the south and of course I-95 runs western to the border of the site. The long-range land use designation for the site and the area to the south

[02:14:11] is also I-3. This designation allows for tech flex uses such as light manufacturing, startup businesses, small assembly businesses, and office uses. The long-range land use designation to the north and east of the site is RN4, Neighborhood Residential. The implementing zoning district for I3 includes M2, which is the requested rezoning designation, O, and PBD. The site does have a large portion of land within the Environmental Resources Protection Overlay. Within this area are two intermittent streams and some steeply sloped forested areas with highly erodible soils.

[02:14:51] In the environmental constraints analysis, intermittent streams, wetlands, steep slopes, and highly erodible soils were identified and shown on a map provided by the applicant in the analysis. As a result, staff recommended the applicant revise the proposed layout to preserve a minimum of 50 feet along the western tributary stream and the two locations where clearing is proposed to the stream edge in order to be consistent with environmental plan policies 1.5, 5.1, and 5.3. In addition, the analysis also identified three specimen trees on the site.

[02:15:24] The applicant has not provided the recommended revisions to the development plan or guarantee of preservation of the three specimen trees. The ECA also identified through the U.S. Fish and Wildlife Services the potential presence on or near the site of two plant and flower federally protected species as well as potential presence for the endangered northern long-eared bat. The ECA stated that the site does not appear to have suitable habitat for the plant and flower species and that the site is not within 150 feet of a known bat maternity roost or known winter shelters. However, it is still unknown whether either actually exists on the site. Staff

[02:16:03] suggested the applicant conduct a study to at least rule out the potential presence of the long-eared bat, but the applicant did not feel it was necessary based on the results of the ECA. As a note, we also have county staff here tonight from environmental management to answer any questions related to environmental constraints on the site. The applicant did provide a general development plan showing two proposed building envelopes, access, limits of disturbance in areas of preservation. As a note, the long-range land use designation I-3

[02:16:35] recommends a floor area ratio between 0.23 and 0.57 FAR. The applicant is proposing a 0.30 FAR, which is well within those limits. In the M-2 district, the minimum open space is required, is 20% required open space. The applicant is proposing to develop 10.16 acres of the 21 acres and offers 30% open space, which is well above the required.

[02:17:05] The M2 district limits outdoor storage to no more than 40% of the total lot area, provided that all outdoor storage is screened from adjacent properties and abutting streets. Staff would have preferred additional preservation of environmental resources and attention to the possible existence of endangered and federally protected flora and fauna on the site.

[02:17:25] However, the applicant has also worked continuously with the neighboring Residential Homeowners Association and with staff to reduce impacts by reducing the building envelope sizes, increasing buffers between residential uses, and providing more open space.

[02:17:41] They are also providing a tree preservation plan to protect the existing buffer to the north of the site. In addition, the applicant is proffering out data centers as a potential use for the site. The

proposed use is a targeted industry that does align with the county's strategic plan.

[02:17:58] Increases in traffic will not be significant to and from the site. As you saw, the applicant did provide several architectural concept images. These all align with the comprehensive plan, and you've seen the line-of-sight renderings that the applicant has provided as well.

[02:18:24] The proposed use aligns well with the land use section of the comprehensive plan and is a targeted industry as identified in the strategic plan. In addition, the proposed proffers help to mitigate impacts to neighboring development and avoid some areas of environmental concern on the site. In balancing this application's strengths and weaknesses, Staff recommends approval of REZ2022-00021 subject to the updated proffers dated June 27, 2023.

[02:18:53] I'm happy to answer any questions. And again, we also have staff here from Environmental Management. Thank you. Are there any questions for Ms. Costello? Okay. Seeing no questions for Ms. Costello, we will go to the public hearing for this item.

[02:19:11] Ms. Madden, do we have anyone signed up for 11A? Do we have anyone online for 11A? If there is anyone in chambers who wishes to, I will officially open the public hearing for Item 11A. If anyone in chambers wishes to speak on Item 11A, please approach the microphone in the back.

[02:19:32] Seeing no one approach the microphone in the back, this will officially close the agenda item, the public hearing for Agenda Item 11A. Supervisor Bailey, would you like to provide a motion for approval? Yes, Madam Chair, I would. But prior to, I just wanted to note a couple of things before I make the motion.

[02:19:50] I really, really appreciate the advocates and the adjustments that you've made to support the community. I see this as a win-win project. We have worked long and hard on this project, and I know that you've been in constant communication as much as you could with the community.

[02:20:09] And the community, I know, because of the responses we've had in the office, is very secure and very respectful of the adjustments that you've made. I also see this as a win-win because this is an example of how we can start a commercial tax base within our county.

[02:20:26] I know you have plans for the industrial piece. You're making that known by the plans that you have in making sure that this building, this environment is occupied. I know that you've made a special adjustment in terms of the special preservation of the trees in the area, which is also real important, makes it a win-win for the community as well.

[02:20:51] And there's also an adjustment that you've made in terms of safety for the community and the concerns that they had with just people walking around in the area with the fencing. So I'm very appreciative of that. I'm also appreciative that you've proffered out the data centerpiece.

[02:21:07] That was very important to the community. But it's important to the community, but it's also important to us. after you did that it's also a part of the targeted industry that we have here in the county so it's compatible in that way as well as with our strategic plan so with all of that put together it is a win-win project it took a little time I was a little impatient but I think the respected thing is just collaborating with the community and making sure that that was planned out in a very strategic way and so with that madam chair i motion that we approve this project as written

[02:21:45] second motion made by supervisor bailey seconded by vice chair bodie any further discussion supervisor weir madam chair with some trepidation i'm going to support the application i'm somewhat against my better judgment i'm still question how m2 can be compatible with joining residential anywhere in the county uh that being said i'm going to step on my soapbox one one last time and hopefully this is the last time we will see this uh but i'm still having an issue with staff

[02:22:21] making the determination on balance whether it comports with various chapters of the cop plan in this case particularly the environment plan and community design chapters it seems to me the weaknesses at very least are on par with if not outweigh the strengths and I would prefer that this board doesn't get boxed in by staff recommendations. I know this is falling on deaf ears to some extent but hopefully a new process will be evolving in the coming weeks

[02:22:53] and we won't have this problem. That's all I've got. Supervisor Lawson. Thank you Madam Chair. I I just want to also commend the applicant for working diligently with the community. The fact that nobody's here tonight to speak against the project tells me that you have done a lot to hear the concerns of of the residents that are nearby i mean one thing i've learned is it's incredibly rare to have a perfect project with no weaknesses it's i can only think of maybe one case where that

[02:23:31] where i've experienced that the environmental constraints concern me but the fact that you have worked diligently to buffer that area next to the community and reduce your footprint is going to tip me to the to the favorable but just wanted to let you know i appreciate your work and clearly you worked with supervisor bailey to get to this point so just wanted to

[02:23:59] make those comments seeing no further discussion please vote vote unanimous great thank you thank you for doing business in prince william county thank you have a good evening so next up is item 11B, which is the resolution for the proffer amendment for the Regency at Kedharp and Creek in Gainesville Magisterial District. Do we have an applicant presentation?

[02:24:35] We do? Okay. We're just going to go up and down.

[02:24:59] That makes it go forward? That goes forward? Okay. Sorry about that. Thank you, Madam Chairman, members of the Board. My name is Patrick Vi. I'm an attorney with the law firm of Reese Broome in Tyson, Virginia.

[02:25:15] Tonight I'm here on behalf of the Regency at Cat Harp and Creek, which is a homeowner association in Prince William County. It consists of approximately 208 homes, and tonight they're here to request a proffer condition amendment.

[02:25:30] The crux of this issue really concerns equity in that the homeowner association, the members of that community, are now being asked to pay for what amounts to a public burden, a public improvement. The association is asking this board to switch that obligation, which should have been originally and now more appropriately lies with the county.

[02:25:59] As I said, the applicants, the Regency at Creekside, Homeowner Association, you'll notice there's two. Originally it was called Regency at Cat Harp and now it's Regency at Creekside. The property owner is Mr. Joel William Bell, and the reason he's on this application is the trail E, for which we're asking to be relieved of maintenance, and the bridge is located on private property, Mr. Bell's property.

[02:26:25] At the time this application was approved in 2014, Mr. Bell granted an easement to Toll to allow the amenities to be built, to allow the public trail and bridge to be built. And that easement agreement provided that the Homeowner Association, which legally existed, but of course the community wasn't there yet, that they would be the ones to maintain the bridge and maintain the trail.

[02:26:54] So pursuant to proper number 27, toll was required to construct the eight-foot-wide asphalt trail on Mr. Bell's property. The trail is identified as Trail E, also referred to as the Fallen Oak Trail, and it's on the Master Transportation and Utility Plan, and it's on Sheet 3.

[02:27:17] You'll see the arrow points to that trail. After the rezoning was approved, Toll Brothers obtained all the necessary easements. It was executed and recorded, and Trail E was constructed.

[02:27:37] It was designed specifically to provide inter-parcel access from the association's property to a neighboring association to the north called Oak Valley, and we're also serving as a connector to the county's existing trail network.

[02:27:53] So the existing deed of easement that has been recorded, it obligates the association to maintain the land and the trail, including the pedestrian bridge.

[02:28:09] I would note this is a heavily constructed pedestrian bridge. I think the cost was estimated to be $250,000 to $300,000 at the time of its construction. There's also a trail associated with that.

[02:28:33] All right, so you can see kind of photos of the bridge that I just described, photos of the trail. So there's really two reasons staff has provided that they're in objection, in opposition to this proposal.

[02:28:52] The first is budget recommendations. They've stated that it's typically VDOT that would maintain a trail that's in the VDOT right away, and this trail is not in the VDOT right away. on private land. They've also stated that because it's in private land, it would not be normal for the county to go ahead and accept maintenance of such. They also have said in the staff report that it's uncertain as to what those budgeting limitations would be. It is the position of the Homeowner Association that they have accepted similar trails, that the county certainly has

[02:29:31] the resources to be able to determine what that budget would be and therefore this is not an insurmountable obstacle. The second reason they give for objecting or opposing this proposed proffer condition amendment is the precedent that it would set. First off they said if the county approved this application with proffers the association knew or should have known that it

[02:30:07] was going to have to maintain this bridge at some point in the future, and therefore nothing has changed to justify this change in a proffer. I would argue that, in fact, this would set a good precedent for the county. This should have never been imposed upon the residents.

[02:30:24] This is a significant improvement. This is something that Toll Brothers came up with. It allowed Toll Brothers to build a community to make significant amounts of money, And then thereafter, throw the obligation off on the unknowing homeowners who, again, didn't exist yet as far as this community goes.

[02:30:44] I would also suggest to you that having this trail be maintained by the county, having the easement granted in the county's name, would be consistent with the plans for the mobility plan.

[02:31:04] And Mobility Policy 9 specifically states that one goal is to continue to allow to expand the recreational trail opportunities and to acquire fee simple or easement interest in trails throughout the

county. What we're suggesting to you is, in fact, that would do exactly that.

[02:31:23] In sum, what we're suggesting to you is that this should have never been approved in the manner that it was approved. The residents, upon taking over the association, had no idea that they were going to be obligated to maintain this trail and this bridge in perpetuity. And that by allowing this proper condition amendment, you would resolve that situation and put this trail and bridge maintenance obligation where it more properly belongs, which is with the county.

[02:31:52] I'll be happy to answer any questions. Do you have any? Thank you very much. Are there any questions at this time for the applicant? Seeing none, do we have a presentation from staff?

[02:32:11] Hello again. Good evening. My name is Emily Wolfson, and I'm here to talk about Regency at Creekside, Cat Harpen Creek, Proffer Amendment, REZ 2022-00028. I will try to be brief, as many of my slides cover what the applicant has talked about in terms of background.

[02:32:33] So the property is located on the west side of Cat Harpen Road, which is approximately half a mile north of the intersection with Fieldstone Way, and is addressed as 5550 Ketharpen Road. Trail E extends the length of G-PIN 7398977129, and the applicant mentioned is owned by Joe William Bell.

[02:32:56] Staff is recommending denial of this project. I just want to take an opportunity to discuss the unique request here. It's rather unique because there's no specific land use changes being proposed, but rather a change to the maintenance obligations that is limited to a shared use path feature.

[02:33:15] The planning office, as you know, generally focuses on land use matters, but the unique aspect of this application is more about the fiscal implications of this change. Having said that, the request is a proffer amendment, and the staff has attempted to look at existing policies and has limited its analysis to how the proposed proffer amendment impacts a few of the key county agencies, specifically parks, recreation, and tourism, and the Department of Transportation, as those are the county agencies that deal with shared use paths and or trails in the county. No other changes are being proposed to the previously

[02:33:52] approved plan. The planning office is therefore relying heavily on the analysis of the Department of Parks, Recreation, and Tourism and Department of Transportation. They're also available to address any concerns or clarify any issues you have after this presentation. The site is designated as AF, Agriculture and Forestry, and is located within the Environmental Resource Protection Overlay, or ERPO, and the site is zoned A1 Agricultural. This request, as I mentioned, does not propose any changes to the previously approved uses. So just some brief background

[02:34:27] here. The applicant at the time of the rezoning, which was TOL, developed the HOA property subject to proffers, and these specific proffers obligated the developer to construct a series of trails, both through the HOA property and on Bell's property, which is the subject parcel of this application. Trail E, which is circled in the red, is not located in the association's common area or any lot subject to the HOA. Pursuant to Proffer 27, the developer was required to construct an eight-foot-wide asphalt shared youth path along Cat Harbin Road from Fallen Oaks Place. The trail

[02:35:04] and subsequent bridge were to be constructed subject to the applicant obtaining all required off-site easements and necessary county approvals. Toll obtained all necessary easements and approvals for the construction of Trail E as evidenced by the deed of easement, which is also attached to the staff report. After the rezoning and site plan process, the developer maintained control of the HOA for a period

of time. Pursuant to the reference deed of easement, the grantor, the Bells, conveyed onto the HOA a 15-foot-wide pedestrian access easement. So as shown in both

[02:35:43] the larger map on the left and inset map on the right, Trail E is highlighted in yellow, which connects to Trail D, which is continuation of the trail across HOA property, immediately to the south, as well as Trail A, which is part of the county's planned Cat Harpen Creek Greenway Trail system, which connects to the west. Both Trail A and Trail D were required to be constructed within a 15-wide public access easement for use by the general public pursuant to proffer number 17.

[02:36:16] Since Trail E crosses Cat Harpen Creek, the bridge was required within this easement, and the deed of easement for Trail E provides that the HOA shall be responsible for the maintenance of the land and trail, including the pedestrian bridge located within the easement.

[02:36:33] Staff notes that while Trail E is referred to as a trail in the rezoning application by design and location, it was intended to serve as a shared use path to be consistent with the county's current nomenclature. Shared use paths are most often located adjacent to roadways within the Virginia Department of Transportation, VDOT's right-of-way, and are subsequently maintained by VDOT. The applicant of the original rezoning chose to locate the shared use path outside of the VDOT right-of-way, and as such, the county at the time stipulated that it would not maintain Trail E. The deed of easement that conveyed Trail E to the HOA also conveyed Trail A to the county,

[02:37:12] and this was part of the county's planned Cat Harpen Creek Greenway Trail system. The county accepted maintenance responsibility of Trail A, with that responsibility subsequently being delegated to the Department of Parks, Recreation, and Tourism as a managing entity of this Greenway Trail segment. Department of Parks, Recreation, and Tourism does not maintain nor manage shared used paths along roadways, so comparing trail E to trail A is not considered a valid comparison.

[02:37:41] A separate deed of easement stipulated that the maintenance of trail D shall be the responsibility of the HOA. So, oops, we've seen some photos. Ah, going backwards. I have to start the whole thing over. Can you do that? I was moving too fast. Thank you. There we go. The applicant had showed some photos of the bridge, so I won't spend too much time on that, but here's some photos of the

[02:38:18] bridge. The bridge is approximately 110 feet in length, 8 feet and wide, and is constructed of steel and wood. The bottom left photos show trail E heading south, and the bottom right photo shows trail E heading north. It's approximately 1,300 feet in length, and as stated previously, not located upon the HOA's common area or any lot subject to the HOA. So staff finds the proposals inconsistent with the relevant components of the transportation plan for the following two reasons. One, budget and fiscal implications are unknown. As the proffer is currently drafted,

[02:38:57] the maintenance of trail E shall be transitioned to the Prince William County Board of Supervisors or as designated agency for maintenance. The statement has been provided without further qualification or elaboration. It can be assumed that maintenance would include repair or replacement of the structured day-to-day upkeep, including snow or debris removal, among others.

[02:39:20] Costs associated with this day-to-day upkeep are unknown, and as such, the full budgetary implications are also unknown. Second reason for the transportation inconsistencies is the applicant received a credit for the public improvement.

[02:39:36] To transfer the maintenance of the trail to the county sets a precedent of the board approving entitlements with specific conditions and then taking on financial maintenance of proffered improvements. The proffer provided that the applicant would receive a credit against the transportation level of service contribution identified in proffer 15E that would be equivalent to the value of the design and construction costs for trail E subject to approval by DOT.

[02:40:01] This credit was approved by the Board of County Supervisors on November 22, 2022. Furthermore, staff finds that the proposal is inconsistent with the relevant components of the parks open space and trails plan analysis for the following two reasons budget and fiscal implications are unknown the cost to maintain trail e and the subsequent bridge were raised as concerned by the hoa while department of parks recreation tourism acknowledges these concerns it's difficult to estimate the cost for maintaining trail e and the bridge over the long term department of rec recreation parks and tourism does not currently track costs for maintenance of similar

[02:40:41] features given the nature of repairs and maintenance work varies from project to project as well as from location to location. There's also cost fluctuations created by material supply issues that are an unknown factor moving forward. Maintenance of trail E could be as minor as replacing cracks in the asphalt or as major as replacing the entire bridge. Bridge replacement costs will ultimately be dependent on material design and other associated labor costs when it needs to be replaced. The costs associated with maintaining the asphalt trail cannot be projected but it will be similar to what the HOA will encounter in maintaining the section of the same

[02:41:20] trail, Trail D, that continues across our property to the south. While an act of nature could damage the bridge at any time, we anticipate the life cycle replacement term of the weathering steel bridge to be over 100 years old. Weathering steel has lasted several decades with little maintenance And the item that will require the most maintenance on the bridge is likely the decking, which is yellow pine and very durable, but issues like cracking will periodically need to be addressed.

[02:41:52] The second reason is that Department of Parks, Recreation, and Tourism does not maintain nor manage shared youth paths along roadways. public maintenance of trails and shared youth pass fall into two broad categories trails and shared youth pass along roadways and within the public right-of-way are maintained by vdot the department parks and recreation and tourism means pains plan trails that are part of the county's greenway corridors the latter is the case with trail a which is also part of the cat harpen green green creek greenway system and it was included as part of the development

[02:42:29] The county accepted maintenance responsibility of Trail A, with that responsibility subsequently being delegated to the Department of Recreation and Tourism as a managing entity of the Greenway Trail segment. Although Trail E is a shared use path and extends along the frontage of Cal Tarpon Road, it is not within the public right-of-way, and as such, Trail E does not fall within either of the two scenarios noted above.

[02:42:53] There are other HOAs in the county that have accepted maintenance responsibilities for shared use paths. adjacent to roadways specifically where the shared use path is outside the VDOT right-of-way as is the case with Trail E. We are unaware of any HOAs that have accepted maintenance and then tried to revert back to county maintenance. Doing so as part of this application would set a precedent. There are a few materially relevant issues to the case. One is if any amendment to

[02:43:28] the deed of easement must be at the agreement of all parties subject to the easement. Second is in the event that the property is dedicated to the county or in the event that the property is redeveloped, the county could request that the 15-foot easement that houses Trail E be dedicated as right-of-way for Cattabon Road. VDOT would then assume maintenance of this trail at this point. I would want to note, just as a caveat, this might be a long way off, and it's not a guarantee, so just wanted to note that. Okay, finally, the Planning Commission motion both

[02:44:04] failed to carry for both approval and denial, and the Planning Commission did not make a recommendation within the 90 days from the date of its first public hearing. Thus, the PC is deemed to have made a recommendation of approval pursuant to Section 32, 700.42 of the Zoning Ordinance.

[02:44:22] Staff is ultimately recommending denial of this proffer amendment, and should the board opt to recommend approval, any motions should be subject to proffers dated November 10, 2022. That's the of my presentation happy to answer any questions thank you ms wolfson i'm just going to start just for a moment i just sort of have two basic questions sure maybe three if this were closer to the to the road it would be in the vdot right of way and vdot would maintain it is that correct correct and it is there a reason it wasn't closer to the road um george do you know the answer to

[02:45:00] that question this was did the topography preclude it from being closer to the road of where the bridge went and things like that i honestly don't know the answer to that question okay and and my second question is this runs along cat harpen road and the public uses it up and down cat harpen road is that correct the public it's not just the hoa it's the public using it up and down cat harpen road correct do we know if it's widely used do we know that there are a lot of people walking up and

[02:45:36] down we don't know i mean it's open to the public there's not been a survey to say but it is sort of the sidewalk along Karpon Road. Correct, yeah. Okay, okay, thank you. Sure. Supervisor Weir. Thank you, Madam Chair.

[02:45:51] I've got two real quick questions. First, can you point to specific proffer that requires or that requires the HOA to pay for the maintenance for the portion of the trail that's on the third-party parcel? There's no portion of the proffer.

[02:46:07] It's in the deed of easement that states that. I'm going to remember you said that. And can you point to any other shared-use paths with HOA maintenance on third-party parcels anywhere else in the county that this would serve as a precedent for?

[02:46:25] Third-party parcels? Correct. I can tell you of other shared use paths that are maintained by HOAs that are owned by HOA properties. But are any of the other HOA maintenance requirements for shared use paths, does that maintenance requirement cover a portion of a trail or a trail in its entirety that's on a third-party parcel?

[02:46:51] There is one example, I believe, that might answer your question. I need to find it, so give me a second. So there's River Falls HOA, which is a trail in an easement maintained by the HOA.

[02:47:19] This trail easement crosses private lots. Okay. So I think that answers your question. So we've got one instance in the county, one other instance. Okay. You just said that the condition for maintenance is not in the proffers, correct?

[02:47:35] It's in the deed of easement? Explicitly stating that the HOA should maintain it is not in the proffers. Then why are we doing a proffer amendment, and why have we been doing this for two years? If a proffer amendment cannot cure this, why has staff not suggested a deed change?

[02:47:54] Do you want to? Sure. I can attempt to answer that, but I feel like, Alex, you want to try, and then I can jump in as well. Supervisor Weir, that's a good question. It's primarily a matter of process. The correct language needs to occur in the proffer, and in this case, the maintenance responsibility, that was not done prior, but it needs to be done.

[02:48:19] Subsequently, the platen deed will be updated to reflect the language that occurs in the proffer. So just like the original proffer statement was approved April 15, 2014, The deed of easement was executed about a year later.

[02:48:37] So usually what we try to do is have the proffer language correct, which is what is being requested now, and then the deed of easement would need to be updated to reflect that language in the proffer. Again, I repeat the question. If there's nothing in the proffers, the adopted proffers, that requires them to bear the maintenance cost across the third-party parcel, Why are we considering a proffer amendment that doesn't change the underlying condition?

[02:49:09] It's primarily for clarification because right now it's kind of ambiguous. It's just assumed. So this will provide clarification. And then with the deed of easement and the plat being updated, then everything will be consistent.

[02:49:25] That's all I have for the moment, Madam Chair. Supervisor Franklin. Sure. Do we have an associated cost with us taking on the responsibility? this point like i mentioned the cost for the bridge replacement was about 250 or for it putting in is 250 000 at the time of it being put in sure so we can assume that it would cost that plus inflation for maintenance for the replacement of the replacement i'm sorry yes and then i guess my question we kind of hit around it but you know i could support this because uh the public use portion of this. I think it

[02:50:04] can make a lot of sense. But my question is going to precedents, which I think we kind of touched on throughout the presentation. You know, if we're comfortable supporting this tonight, I do think we may have to have a conversation maybe as a board in terms of, well, what do other requests look like in terms of similar support, right? To make sure that we're not setting a precedence where any and every private entity, or HOA can come and ask the county for relief, essentially. Some may actually need relief, and some may just not want to take on the responsibility or maintain the responsibility

[02:50:44] themselves. So we do have to figure out kind of where to draw the line. But again, I think this is probably a little bit different, even from River Falls, the example there. But this is probably different because a good portion of the public outside of the community also uses this particular shared path so I think that's a good way to justify this particular project and maybe that's how we justify potential projects moving forward I mean hopefully this won't be a continuous thing but if it is maybe that's the measurement by which we assess each each of those potential situations so I guess it's not really a question but something that you know my colleagues you know

[02:51:24] we do need to to think about moving forward. And just as a point of clarity, I mean the question that you asked Supervisor Weir was very specific to third party. There are many at least eight that I dug up in the time that I had today to point to residential rezonings that have HOA common areas, trails, parks

that are maintained by the HOA. So we're looking at you know not third party necessarily but to your point could potentially be precedent setting. I've got more questions but We'll just get on the list, Supervisor Angry, then Supervisor Lawson, then Supervisor Vega.

[02:52:02] Thank you, Madam Chair. Emily. Yes. Has that bridge been, I guess, any maintenance done on it? It looks pretty new now. So are we talking the bridge needs to be replaced or? It's new. It's new. I mean, beyond just minor maintenance, like cleaning.

[02:52:19] So who paid for that? The HOA. The HOA paid for that. Okay, so what happened? They just realized they paid too much, and now I want to give it to the county. I'm just trying to find out. The developer built the trail. Yeah, 12 brothers built it, so the HOA inherited it.

[02:52:37] Correct. And is this the first version of this bridge, or has the bridge been? This is the first version of the bridge. Okay, and so the bridge is having, if I recall, Supervisor Callum brought this to us, and I wasn't on board then when he brought it to us. I don't believe I was. I just want to say, because I remember the conversation now, but now we're back with this, I guess, to finalize what we're going to do, if we're going to inherit this.

[02:53:00] Now, we replaced Cloverdale Bridge in Dell City. It costs $600,000 plus, somewhere around there. You can get stuff to give you the real numbers. So this now will be a taxpayer's burden to do this bridge. Now, I hear you saying it's got public access, but I heard you say it's on private property.

[02:53:19] Correct. There's an easement. There's an easement. Okay. I'm just wishy on this. Okay. This last question I got, because I'm really trying to put this together. You said all parties.

[02:53:37] There's a slide up there. I don't know. I think it was maybe slide seven. You said all parties would have a responsibility. Who are all parties? Of the deed? Yes. Give me one second to look that up. So every homeowner, that's if we go through.

[02:53:57] So the Board of County Supervisors, Toll, and the Regency at Creekside Homeowners Association are all parties. All parties it is. So what right now is the county's responsibility to this? So we're not discussing So the trail Oh, I'm sorry I'm sorry we can't have these conversations That's a point of clarity Patty, do you want to clarify what I just said Because the deed of easement Refers to

[02:54:35] Trail A and Trail E So I want to clarify What I just said Patty, do you want to come up and correct me? Thank you I'm sorry, good evening madam chair and members of the board um i'm patty paclow with the uh department of parks recreation and tourism and i just wanted to i'm sorry if i was listening in um the clarification is on that deed is we're a part the county is a party to it that deed because there's also the greenway trail as emily mentioned so the greenway trail extends westward from cat harpin road along cat harpin creek it was planned to be part of our cat harpin greenway um there's a

[02:55:14] separate proffer that addresses that. That maintenance did, we accepted that maintenance when that trail was constructed, so that is a park trail. That's why the county is a party to that deed. The trail along Cat Harpin Road is a deed, the easement is with the private property owner and the HOA, and that was established by toll and assigned to the HOA along with the maintenance responsibility therein so that section i just wanted to clarify that the county is not a party

[02:55:48] to that so to answer supervisor weir's question is the county isn't a party to that easement so there is no action to be taken by us to just change the easement because we're not we're not a party to that

so that's why it was determined i think with in conjunction with staff is that it had to go through the proper amendment process in order to be looked at okay and i will say just in my closing here because and thank you for that clarification i think if we're expecting an answer tonight that's not going to be that that's not i think that's disingenuous because i think we need

[02:56:26] to know what that cost burden is for this maintenance of this bridge and what that looks like going forward for the county before we can just arbitrarily or say that we're going to assume this because it's clear that the Toll Brothers wrote this and HOA accepted it and now we're today trying to change that so I would want to know what that cost burden is because now of course this affects 488,000 people of the county and not particularly one community so I understand that I just think given what I've heard from Department of Parks and Recreation and Tourism that's really

[02:57:02] hard to come up with the number. So I think that's where we're at right now. That estimation is we don't know. And I hear you say that. So if we approve this, then we don't even know what we're approving and how much it's going to cost the county. Right. Or which agency is going to take that on, which is part of the problem. Thanks. Supervisor, and I will say if the applicant does want to say something, we're actually going to, we also need to have the public hearing, Just so we know, Supervisor Lawson, Supervisor Vega, then I have another question, and then Supervisor Weir.

[02:57:41] Thank you, Madam Chair. Emily, you kind of answered me, or maybe Patty did. One of the questions I had is, does Mr. Bell play a part in this? So the easement is between HOA and Mr. Bell. Is he willing for a deed restriction to be lifted or a deed change of some type?

[02:58:07] I'm going to let the applicant speak to that. I mean, because Alex said that it's, you know, the proper amendment is part of the process, but if we clear this hurdle tonight, then there's still another hurdle to clear between the other two parties, meaning the Creekside and Mr. Bell, right?

[02:58:23] Correct. Supervisor Lawson, Mr. Bell is on board. He had to sign the application and give consent to go forward. At the end of the day, it doesn't really affect him either way because a third party is going to maintain it. Right now, HOA maintains it under the easement.

[02:58:41] If the proffer condition amendment is approved, the county will be the one to maintain it. So either way, Mr. Bell. It will affect him if nobody maintains it. It will affect his value, won't it? Well, I mean, right now we're obligated to the county, and so if we did not maintain it, there could be enforcement action against us.

[02:58:58] If the county took on its obligation pursuant to this proffer, we would change the deed, and he's agreed to that. Then the county would have the obligation. And I guess if the county didn't fulfill its obligation, I don't know what would happen. Okay. Thank you. Sure. That clears up my question regarding the property owner.

[02:59:16] And, Emily, it sounds like of your research, we can only find two HOAs, two cases where you have, like, basically public access on third-party land, right? That would be maintained by the HOA.

[02:59:34] Maintained by the HOA. Correct. Right. So I can't help but wonder, did the county staff back in 2014 recommend this proffer not be approved and the board approved it anyway?

[02:59:52] You mean the original rezoning? Yeah, like the rezoning. This obviously was a rezoning, and I'm assuming this proffer was at some point added. It could have been added on the dais that day, for all

we know. What do you know about this? Because this is so unusual.

[03:00:09] I can't imagine that staff didn't weigh in on it at some point. Did you do homework on the 2014 rezoning? No. I didn't work on that, so I don't know the history of whether. No, I know you didn't, but did you pull the archives and look at it?

[03:00:27] To find out whether that proper amendment was added last minute? Yeah, like I'm just curious, like how did we get here? Because it's so unusual, and I frankly have a sense of responsibility to fix it because it's so unusual.

[03:00:48] And the last question or comment, if I recall correctly, that's okay. If I recall correctly, Toll Brothers put the bridge in, not at the expense of the HOA, but, of course, you inherit that expense like all of us do in our communities once they've put an amenity in.

[03:01:08] Right. But your amenity, if you have a swimming pool, isn't open to the public. So that's what's just so unusual about this, and I would imagine the life of the bridge is hopefully many years, but at some point we all know it'll have to be replaced, and it'll be even more expensive then.

[03:01:33] So Supervisor Vega, then myself, and then Supervisor Weir. Would the county have to obtain insurance on the bridge? If, yeah, I mean, if it was maintained by, if it was switched maintenance, yes. And do we know how much that would cost?

[03:01:49] no is there any way that we can find out before we have to vote on this we can we can certainly look into that um it's just a really unique situation right i just want to have all of the information needed before i make a decision that can potentially have drastic consequences for other cases in the future understood thank you um so a couple of questions down the street

[03:02:22] from this is a very similar heavy duty bridge um and that is was also put in by toll brothers is that correct which bridge are you referring to the one further down the road that they put in on the other side of the road hunters heritage hunt well there was no there was another bridge on the left hand side that toll brothers also had to put in at some point and they had it was like there was a sale on bridges and they got these two heavy i'm not sort of joking but like these two heavy-duty bridges and they're very similar can anybody talk to me about that and who maintains

[03:02:58] that that was in the vdot right away that was but that was also put in at the same time i believe is that correct do you know i don't know the timing of it okay well maybe when someone we have the public hearing someone might be able to edify us on that about the history people have lived there um you know and and i guess ultimately you know we have seen i'm just going to say as a comment. We have seen when sometimes communities can't maintain things themselves and we step in

[03:03:32] to help them, right, like we have in the past. And, you know, I suspect if this bridge fails in 40 years, the HOA is not going to have the money to replace it anyway. And so we might as well maintain it and take it over ourselves. I'm just sort of saying that sort of at a quarter of a million dollars, it's difficult for any HOA that's only 200 homes to take over or something like that.

[03:03:54] And I think we'd end up having to take care of it anyway, just for what it's worth. But Supervisor Weir. Thank you, Madam Chair. Ms. Robel, three quick questions. Is it the county attorney's position that this proffer amendment cures anything?

[03:04:12] Madam Chair, members of the board, when this issue was brought up by Supervisor Canlan some time ago, then Deputy County Executive Rebecca Horner looked at it. And because this item came before the board as a transportation waiver as part of a proffer, the Deputy County Executive Horner's position was because the board acted to adopt it, that it needed to have board action to do the proffer amendment, and then you would need the second piece to be done with the deed of easement to be amended to switch the...

[03:04:49] But because originally this was presented to the board as a transportation waiver, which included the trail and the bridge on an off-site, staff's position was that it needed to come back to the board and we can legally defend that position. So in other words, this is only half the process.

[03:05:07] There's two parts. If the board approves this tonight as a proffer amendment, staff would have to work with the property owner and the HOA and a new deed of easement would have to be created and then brought back for the board for the board to authorize whomever to sign the new deed of easement switching the maintenance over to the county question two uh since the deed has three parties including the county even though the county isn't party to the maintenance of this particular trail or bridge it would still require the county to sign off on that new deed because it contains provisions related to the county's maintenance

[03:05:47] to the other trail all three parties would have to agree correct i believe so okay last question Do we have a timeline for action on this, or is it open at this point in time? There's nothing telling us we have to approve it in a certain amount of time.

[03:06:06] I'm sure the applicant would disagree with that, but at this point, legally, no. And Madam Chair, members of the board, the General Assembly did adopt a statute that will go into effect on July 1.

[03:06:24] If this comes back, if you set this to a date certain, coming back, no, we don't have another meeting before July. We were going to be providing you legal advice on that on your July 11th board meeting.

[03:06:41] If you defer this matter, it would be our advice that we need to re-advertise and hold another public hearing based upon the code change. So it is your prerogative if you'd like to go ahead and defer this to get some more information. but we would advise that whether you set it to a date certain or a time to be determined to have another advertisement and another public hearing.

[03:07:05] Let's go back to the first question then. That's a curveball I wasn't expecting. So if we adopt the resolution tonight, there still has to be phase two, which is the deed.

[03:07:21] Do we direct staff to do that tonight, or how would you suggest that we handle the second component because this process is useless without Part 2. Correct. If it's the board's prerogative to amend the proffer, the resolution would also then direct staff to work with the property owner and the HOA to amend the deed of easement and come back before the board with the easement approved as to form by the county attorney and then designate either the county executive or the planning director to sign that easement.

[03:08:03] Thank you. Okay, seeing no further questions at this time, maybe we should hear from the public. We have some people signed up for the public hearing on item 11B, the proper amendment of rezoning 2022-00028.

[03:08:20] Right now we have four people signed up. I'll call them up five at a time, but it's only four. Please state your name and generally where you live and line up at the back microphone. You'll have three minutes to comment on this public hearing.

[03:08:36] This will officially open. The public hearing for item 11B, our four people are Hardy Rosner, Ron Murphy, Bill DeMorest, and Rich Stephen. Please proceed.

[03:08:57] Thank you, Madam Chair. I am Hardy Rosner, the President of the Regency at Creekside HOA. You're actually allowed five minutes since you're the President. Thank you, Madam Chair. The Regency at Creekside is relatively a new community with 208 homes, as you know, built by Toll Brothers.

[03:09:14] and they agreed to the profit that we wish to amend. They built this substantial bridge, as you heard, as part of TRAIL-E when they were in charge of the HOA without any homeowner input. In fact, there were only a few homes built when the bridge and trail and infrastructure were constructed.

[03:09:32] When it was turned over, quote, to the HOA, it was a forward pass by toll to themselves since they were running the HOA. We have, as a board, we did not hear about this until 2020 when we were trying to engage in transition activities with toll and we're not aware that we were responsible for this bridge in Trail E.

[03:09:55] So we were caught completely unaware. As you've noted, this bridge is rated at 6,000 pounds, can easily support a car, SUV, pickup truck. It's a sizable structure. There was mention made, I just made a note here, a question about the second bridge, which was also put in by toll down by Heritage Hunt.

[03:10:15] Both bridges were built approximately at the same time, within months of each other, I would presume. And the Trail E that we're discussing is used a lot by the communities to our north as they walk down to Heritage Hunt, past Heritage Hunt, to the shopping center that's down there.

[03:10:35] So it's of great value to the communities that are to the north of us. Per your staff, and this was new information that Emily put out, when we asked in the fall if there were any other communities that were responsible for such infrastructure, the answer that we received from the staff was that they could not find any.

[03:10:55] So this was new information this evening that we certainly were not aware of at that time. Your staff report states the applicant received a PwC credit for the bridge and trail public improvement cost. It's true. Toll Brothers, a large and very profitable company, received the credit for building the bridge and trail, but not for the maintenance.

[03:11:16] Toll Brothers has not, nor is obligated to, provide any financial compensation to this HOA for the upkeep and maintenance of the infrastructure. As was noted, the cost of the bridge alone was in excess of $250,000.

[03:11:32] Thus, the applicant, Regency at Creekside HOA, has not received any financial benefit from Prince William County or Toll Brothers for this structure. In summary, Regency at Creekside, I think, still is the only HOA responsible for the maintenance, repair, replacement, and insurance of such a significant infrastructure not located on HOA property.

[03:11:56] It was constructed without homeowner input or approval. Toll received a substantial financial credit, not the HOA, leaving us at a financial disadvantage. I respectfully request you approve our application to change the maintenance responsibility from the Regency at Creekside HOA to the county.

[03:12:17] Thank you very much, Madam Chair and Board. Thank you. Next speaker, please. My name is Ron Murphy and also a board member of the Regency at Creekside Homeowners Association. I'm trying to be brief and not cover what's already been discussed.

[03:12:36] Key aspect, this trail grew out of the need to correct a dangerous curve when this subdivision was built. And it was to the county's benefit that this curve be straightened out.

[03:12:52] And there had been a lot of accidents and wanted to prevent a lot more. That, I believe, is how the trail got located where it is. And the trail from Trail D was right where the curve was and coming into where the bridge was.

[03:13:09] You couldn't really move it over into a right-of-way. So it's my understanding it was built the way it was. Another aspect is, you know, building on what Hardy had said, these were 2014 when the so-called HOA signed on to this.

[03:13:31] But the first home was not closed until 2017. Not a single homeowner member of that board for three years. We didn't know about this that was coming down to Pike. Talk about precedent. To leave this the way it is would set a precedent in and of itself because we've been advised by county staff that there is no other trail in this county that has both on another, not on a property that contains such a bridge.

[03:14:06] And that's a distinction from those other trails. It has both of those features. The public uses this trail primarily not our community. It's public at Heritage Hunt uses it up at Oak Valley.

[03:14:22] It was put in place to allow Oak Valley pedestrian access to Heathcote, where all these commercial establishments are. Credit, we've already talked about.

[03:14:38] We get nothing from that. I will just say that as far as insurance goes, we had a quote or estimate from an insurance company is $500 to $1,000 a year.

[03:14:56] Staff indicates this is a very durable bridge, could last 100 years. I don't know if it will or not. It was $250,000. It'll be many years, presumably, before it has to be replaced. So I think the county is in a better position to handle this budget-wise, maintenance on a yearly basis, than what a 208-member homeowner community is.

[03:15:22] And that's it. Thank you for your time. Thank you very much. Next speaker, please. William Demarest. I'm a resident of Creekside.

[03:15:39] A few points I'd like to make. This is an extension of a trail system that really begins a mile and three-tenths south of there at Heathcote. And at that point, it connects with sidewalks that serve communities along Heathcote, including Heritage Hunt.

[03:16:01] That trail on the east side of Ketharpen turns at the entrance to Creekside, crosses Ketharpen, and continues northward on HOA property.

[03:16:19] And there's no request to change the maintenance of that portion of the trail on our property down to the segment in question. This trail is used by the public. It's used by people going between areas, including Trail A, and is unique in that respect.

[03:16:44] The public uses this trail, not just the homeowners. I think that's an important consideration. Under the current situation, if the homeowners don't maintain this public use, the only person that can enforce the maintenance requirement is Mr. Bell, who granted the easement.

[03:17:07] The county, which is responsible for protecting the public interest, doesn't have a say in that regard unless the easement is changed. And that's what we're proposing to do. I noted that the presentation by the staff was a little misleading because it said that the staff recommended, in bold letters, denial.

[03:17:32] What it didn't say was right above it that the zoning commission, by reason of a tie vote, approved the recommendation. That's not there in bold. It's a very one-sided presentation you got tonight.

[03:17:52] My time is about to expire, and that's about all I think I have to say, other than to Commissioner Vega's question about the cost of insurance. The county has a tremendous amount of assets, hundreds of millions, if not billions of dollars, that are insured.

[03:18:13] The additional cost of this asset has to be lost in the rounding numbers. There can't be even a dollar additional premium to cover this asset. Thank you.

[03:18:30] There is one more person signed up to speak tonight. Okay, very good. And so, Ms. Mann, do we have anyone online? So we have no one online. Before I close the public hearing, if there's anyone else who isn't signed up who wants to go to the back microphone and speak, do so now.

[03:18:53] Seeing none, that will close the official public hearing for item 11B. We've heard from the public. We've asked questions. I don't know if people have any further questions. Supervisor, we're aware this is in your district.

[03:19:10] Is there something you would like to do? Madam Chair, members of the board, I'm going to grudgingly move adoption, approval of this but i want to make a comment first can we get a second and then we'll be officially in discussion and we can all take our terms if we want thank you they make a um observation more than a comment um the manner in which this proffer slash deed slash easement

[03:19:45] was done is troubling to me um quite frankly the board didn't look out for the interest of its future residents. The board looked out for Toll Brothers. They did Toll Brothers a favor. This was a hidden expense masked with a transportation waiver, and the developer made out again and left the future HOA holding the bag. In fact, it left the future HOA holding the bag at a point where they didn't become aware of it until after the time that Toll Brothers

[03:20:22] was no longer the declarant in control of their own HOA. I think this was poorly considered by previous board. I think this never should have been adopted. I think this always should have been a county responsibility from a safety and a maintenance perspective. I'm a little annoyed at assertions that nobody in the county, whether the transportation department or the parks department, can't find a couple of nickels in the couch to cover maintenance of an asphalt trail

[03:20:54] and a bridge that's built to withstand a Cat 5 hurricane plus. Ideally, I would move to defer this. I can't do that because the amount of time that has been spent on this is atrocious. And the fact that we've only come to a half measure and we still have half to go bothers me when staff and the applicant have had this for two years and couldn't work this out prior to coming to the board. That being said, I'll move adoption with an additional directive to staff to work with the

[03:21:33] applicant's attorney to amend the easement documents in a form acceptable to the county attorney. Supervisor Lawson. Madam Chair, I seconded Supervisor Weir's motion, but I'm going to ask him, is that directive separate from the resolution for the vote? Ms. Lawson, I would presume that it all

needs to be done together. I accept that. Otherwise, the proffer amendment is useless. Okay. We'll work with the clerk's office to make sure that the resolution for

[03:22:10] adoption of the minutes reflects that um so i just have a few comments and i'm thank you for clarifying supervisor we are because i want the public to know that none of the eight of us sitting up here uh approved the rezoning it was prior to all of our time um but i'm sensitive to your frustration because i have a unique uh issue and in the brentsville district with a small community and a golf course related to a private septic system.

[03:22:44] And it's a bit of an anomaly, and we've been working on it literally for years, and it was something approved back in the early 90s. So I'm certainly sensitive to your frustration. And I asked Supervisor Weir up here just quietly, he said, how many homes are in this community?

[03:23:01] Because I don't think you're that big of a community. And he said about 200, 204, 200. So this could absolutely be a significant burden on your budget. The reason I asked Emily earlier about the rezoning in 2014, and she wasn't there in the planning department, at least I don't think you were, Emily, is because my guess is that staff probably did wave some red flags since this is so unusual.

[03:23:30] Maybe the county attorney's office did. I don't know. It's water under the bridge at this point, no pun intended. yeah but um but i also you know of course we're going to be mindful of the cost because this is the cost to the public it'll be transferred to the public you know everything we do up here is paid for by you the taxpayers but to supervisor weir's point i mean we have a park and rec department that that has a lot more needs than this and it to the gentleman's point whether it's

[03:24:05] insurance or the cost of maintenance or someday replacing it you know on the grand scheme of things it's pretty minor um but obviously we still have to have that discussion um so anyway so i'm happily going to support it and i commend supervisor weir for kind of taking the bull by the horns on this project and finally getting it across at least part of the finish line maybe that maybe that 50 yard line and then we'll obviously see it through with the the deed of easement supervisor are angry thank you madam chair i mean you know i got a lot of concerns here can someone staff can

[03:24:45] you talk to me about dale city and easements and and particularly we had a similar case of this um and it's over in the q the q section behind um um maple dale plaza but there was a discussion about this that we had and when we say pennies to this how many more pennies are we gonna do this too if we open this box because there are other communities in this very similar situation and I know for a fact we have it in Dale City so this now opens Pandora's box for this situation so we

[03:25:20] can talk about this being pennies now but it's going to turn into dollars soon and so either we're going to do something grand and big and bold on this board for the county or we're not going to do it for one community I hate to say that because it's an issue but it's a huge issue that is bigger than what's before us right now so I want to let that be known because I've had this similar issue right now going on in Dale City and probably two communities were trying to verify the second so let's just kind of slow the roll and think about what it is that we're approving here and how we're gonna handle this going forward with other communities that have this very similar problem

[03:25:57] maybe not with a bridge but with easements and that's what we're discussing here so just want of putting out on the table. Thank you, Supervisor Angry. Before Supervisor Weir takes his second discussion point, I'm just going to say, you know, I remember when that those bridges went in because I

would drive up and down Cat Harpin and they were huge bridges and they were, I wasn't joking when I said it looked like there was a sale on heavy industrial bridges and they just happened to buy too. I remember when I actually talked to Supervisor Canlin when the Bell property was sold and said, well, no matter what you put there, that's fine.

[03:26:34] Just make sure you fix the curve because we all know that that curve was really, really bad. And so I don't know if that affected where the bridge went or where the easement went. But, you know, and they did fix the curve because it was really, really dangerous and it was coming up to Bull Run. And I don't know, I would always go up and down Cat Harpin.

[03:26:52] You know, the fact of the matter is, and it's Supervisor Ang, we are trying to expand our trail system and we are trying to expand our sidewalk system. as the county someone you know will have to commit to making sure those things are maintained and it will be a quality of life issue for all of us in the county if we want to have the walkability or the trail ability or the bike ability you know where we might have to go in and step in and fix things if you know to put a burden on an HOA of 200 a bridge that costs 250,000 dollars of a 200 home HOA as I said you know my opinion is that you know eventually we you know the county would

[03:27:29] end up maintaining it anyway because the HOA wouldn't have the wherewithal. And, you know, just so for what it's worth, my office has worked on this for at least a year and a half with Supervisor, when Supervisor Canlin, thank you, when Supervisor Canlin was here, we had my constituent person working on it.

[03:27:51] And I know that Supervisor Canlin supported the change from the HOA as my office did. And we understand the practical implications, and I appreciate staff not wanting to set a precedent. I think this is strange enough, the fact that it's on third-party land makes it a little bit of a, this is an HOA land that, you know, we have lots of HOAs with trails that they have to maintain.

[03:28:14] This isn't on HOA land. And so it's a little bit of a different case where I'm comfortable supporting taking over the maintenance of it. And plus, it's a public right-of-way, and it's used up and down a major corridor, and we're the county, and I think we should be responsible for it.

[03:28:31] But I'm just one of the, as Supervisor Lawson would say. With that, Supervisor Weir. Thank you, Madam Chair, and I actually agree with you. I would argue that this doesn't set a precedent. If the county staff can only identify two HOAs in the entirety of this county that have a maintenance requirement on a third-party parcel, and I can't think of any with all of the ones that I've watched over the years, I don't think there's much danger of this setting a precedent because this is specific to a third-party parcel.

[03:29:05] And I think that distinction is clear in the proffer amendment and clear in the set of circumstances. So I'm not concerned about this causing any great precedent to be used by other HOAs to escape maintenance responsibilities of property, common property that the HOA maintains and owns.

[03:29:27] Thank you. Supervisor Bode, then Supervisor Bailey. Thank you, Madam Chair. This is messy. You all know that you've been dealing with it. You've been living this for a while. Putting on my professional hat for a while, I know that the transition from a developer control board to an HOA board is also usually messy but usually the kind of common elements we talk about are as we said before pools clubhouses maybe a foot path trail here and there but not a heavy duty bridge that costs a quarter of a million dollars um so you could all people can always point fingers hey

[03:30:04] told brother should have done this the developer should have done that you know i know that you guys use cardinal management for your management company maybe they had some institutional knowledge that may have been needed to be forwarded on to you if they were part of that transition maybe you hired someone else along the way. I can't speak to that. What I can't speak to is the fact that this is a messy situation with the transition between a developer-controlled board that was able to make decisions unilaterally without homeowner input because there was no homeowner representation on your board when the decisions were made, and now you're living with those consequences.

[03:30:36] That being said, even though we know that this is a unique aspect with the third-party uh parcel involved here we know that there are other homeowners associations that have dicey transitions with their developers in other parts of this county it's county countrywide we can't escape that so we don't know what we don't know exactly when it comes to that but at the same time we do know that in this case this is right now basically a publicly used trail that's being maintained at least in theory by an association that it's off property from where their association

[03:31:14] ground is we have all sorts of trails throughout the county ones that we're building that go through hoas and private property the county is going to maintain as part of larger greenway trail networks to me the public good here outweighs some of the the risk and the concern that folks have i appreciate staff doing their analysis looking at all this and coming with their their their recommendation here it's clear the planning commission couldn't reach a decision on this either which is why they were hung on both motions that they made so in the end of the day I'm going to lean on the side

[03:31:50] of the community here and support this approval and the district supervisor who put this forward but I don't want to completely discount supervisor angry's concerns that there may be other communities like this that we just don't know about. Thank you, Madam Chair. Thank you, Supervisor Bailey.

[03:32:07] Thank you, Madam Chair. I'm going to support my colleagues' recommendation and motion as well because this reminds me of a similar situation, though different, when we had a little thing called the Montclair drainage pipe, and that came up, and it opened the door for us to look at other areas within the county that needed that level of service with stormwater management and old infrastructure. Fortunately, your infrastructure is new, but I commend you for coming forward and

[03:32:44] supporting your community and advocating for your community, because that is what makes it collaborative as well, because we may not have known about this, and so we're grateful that you brought it forward. And for that, I think that we do need to support you and respect that, because you had no clue that this was happening. And so, Bob, thank you for taking us on the journey and helping us to understand, you know, just kind of some common sense kind of things. But I want to offer also to staff, you did a great job in bringing forth the information, but there's one piece

[03:33:21] that Supervisor Vega brought about that I would encourage you to look at it a little bit deeper. When we talk about spending the taxpayer's money, we need to have answers before we make a decision. And I don't know is not a good answer. So I just want to offer that to you, not to reprimand you, but to say that before we make said decision, we need to be armed with that kind of information. Okay. Seeing no one else for further discussion,

[03:33:59] If you want to clear the speaker queue. No, mine's not clear, but that's all right. Okay, great. Okay, seeing no further discussion, I believe we're ready to vote.

[03:34:22] Motion passes, 6 to 2. Supervisors angry, and Supervisors Vega voting nay. Very good. I guess we have more to do, but thank you for coming out this evening.

[03:34:40] With that, I believe our next and last item is public comment time. Ms. Madden, do you have a list of people? Is there anybody? Okay.

[03:35:01] We'll just wait for the room to clear and then we'll start public comment time. And Ms. Madden, do we have anyone online?

[03:35:19] Okay. Okay, this brings us to item number 12, public comment time.

[03:35:35] We have three people signed up tonight for public comment time. Please state your name and generally where you live or your magisterial district at the beginning of your comments. That you will be timed and have three minutes. The three speakers are Mary Riley, Bill Billard, Jalen Custis.

[03:35:58] Please proceed. Hi, this is Mary Riley. I'm the Gainesville District. I have two items tonight that I'd like to talk to you guys about. One is our wasted opportunities for additional affordable housing in western Prince William County.

[03:36:16] And two is the Prince William County primary results and expectations for the next six months. The first one is that Prince William County and this board has made it very clear that we need additional affordable housing. I don't disagree with that, yet this board has already squandered an opportunity when it authorized rezoning of the parcels on Route 55 across from the Tyler Elementary School and next to the townhomes and was rezoned from retail residential to data center.

[03:36:52] This is a huge loss of opportunity for housing capacity at affordable cost. There it was sat walking distance to Gainesville, walking distance to Haymarket, very close to the commuter lot with lots of employment opportunities, transportation capabilities and such right there.

[03:37:11] And we've lost that opportunity now. The second one is the county's being asked to rezone a Gainesville parcel off of 29, is currently affordable housing and camping.

[03:37:26] This is a mobile home community. And they're being asked to rezone it to data centers. Again, an opportunity to have additional affordable housing that's being asked to turn to data centers.

[03:37:43] And on top of this, it is property that is already affordable housing. I implore this board not to authorize the zoning change, rather take advantage of the opportunity for additional affordable housing in an area that has infrastructure to support it, access to transportation close to the commuter lot and the businesses of Gainesville and Haymarket.

[03:38:07] One has already been squandered. Let's not squander the second. The second one is the Prince William County primary results. I believe it has made it very clear the priorities of county residents. Controlled growth, lower taxes, data center placement in the industrial zone, not the Rural Crescent, and any other willy-nilly spot a developer can find.

[03:38:31] I believe the citizens of Prince William County expect this board to act with these priorities in mind, to hold off on entertaining any land use rezoning for Dana Centers until the new board is seated. Thank you. Thank you, Ms. Riley. Mr. Custis, you're up, please.

[03:38:48] Thank you very much. Good evening. My name is Jalen Custis, and I live in the Woodbridge District. I have two things to talk about really quickly. I'm going to talk about this, I think, a few meetings

ago. I know there's kind of been a push to try to remove the ordinance about having firearms in the park. I would like to say that criminals are still going to conceal the weapons in a park if they wanted to at the end of the day. I don't believe that we should restrict licensed gun owners from having firearms inside of a park. I feel totally fine, feel totally safe, because we are living in a world that is very hectic and there are very bad people out there.

[03:39:23] And what do we do when there's a crime reported or, God forbid, a mass shooting? We call the police. And what the police have? They have firearms, you know, and police come after the fact. So I'm very in strong support of keeping the ordinance. I don't think there has been any problems recently to have any reason to repeal that ordinance.

[03:39:42] I just wanted to say that. Secondly, this is a Woodbridge issue. I live near the abandoned megachurch on Route 1, 2200 Valleyway, near their vintage drive. There are apartments over there. And apparently, now that I know what the Board of County Supervisor does, apartments have been approved there.

[03:40:03] Now, I don't know who did it or how that has been done, but it is very frustrating to see that that plot of land has been used to build apartments there. First of all, the plot of land is totally small, in my opinion. I think it should have been used for possibly a park or something else.

[03:40:19] It's already congested in there. I've talked to several of my neighbors, and they agree that it is too congested over there to continue to develop over there. I think we need to have somewhere else to push development. We are having more homes and houses than we have schools, and we wonder why there are trailers outside, you know?

[03:40:37] So it's just kind of common sense things. And so I just want to stress those two issues, and thank you for your time, and have a good one. Thank you. Next speaker, please. Madam Chair, Mr. Vice Chair, members of the board, I think we learned that unconstitutional, unprofessional, and immoral actions— Could you please give us your name and generally where you live?

[03:41:04] Oh, hi. I'm Bill Billard. I live in the Manassas-Coles area. Well, we learned that unconstitutional, unprofessional, and immoral actions have consequences. Rolling your eyes at people during public comment time is unbecoming of an elected public servant, and also attacking your colleague as a far-right, dangerous, MAGA-extremeless Republican during a concession statement is beyond despicable.

[03:41:32] I think we're truly living in dangerous times if you call someone who believes in lower taxes, constitutional rights, wildlife and battlefield preservation, and individual responsibility as an extremist. Now, this past month, we have seen some unruly things after that Pride Month proclamation was passed on this board.

[03:41:54] And to give you all a bit of history, the pride movement was founded by a man named Harvey Milk. And he stood up for gay rights, which is a good thing. And it's because of him and his actions, people were able to hold jobs and hold elected office regardless of their sexual orientation.

[03:42:15] You got to give credit where credit's due. And I believe he was the first openly gay man to be elected to public office. I mean, that's great. That's history. I mean, what two consenting adults in the bedroom is nobody's business, especially the government.

[03:42:32] And that's what any decent person should believe. However, there is a dark side to this man. He preyed on teenage boys. One was young as 15. Another killed himself shortly after that relationship. And that shadow carries on to this day.

[03:42:49] You have people in pride parades shaking their backsides and private parts in front of children, chanting things like, we're here, we're queer, we're coming for your children. They're even trying to add children with autism to the radical alphabet activism.

[03:43:08] Now, I'm not getting this from some far-right, religious-right, homophobic extremist. I'm getting this from LGP people who are fed up with this abomination. And it goes to show you that Pride Month, these days, during this time, it's not about LGBTQ rights.

[03:43:28] It's not about love and acceptance, which I wholeheartedly support. It is about sexual lifestyle coercion. It is an attack on children's innocence It has become demonic Therefore in the name of the Father, Son, and the Holy Spirit I renounce this evil And I call everyone here to repent From that satanic proclamation Because if you remember in the Holy Scriptures The little children came to Jesus And he did not teach them about sexuality He embraced their innocence And he blessed them So let's embrace Jesus And protect children's innocence Thank you

[03:44:06] That will conclude our public comment time For this evening with Matt and we don't have anyone on line, correct? Okay, with that, we'll go to item number 13 for a motion to adjourn. So moved. Second. Motion made by Supervisor Bailey, seconded by Vice Chair Bodie.

[03:44:26] Is there any discussion? Seeing none, please vote. Supervisor Vega, is it? You guys already? Oh, vote unanimous. We are adjourned.

[03:44:42] Thank you.

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