

BOARD OF SUPERVISORS
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

June 7, 2016

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Robert “Bob” Thomas, Jr., Chairman, at 3:00 p.m., on Tuesday, June 7, 2016, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Robert “Bob” Thomas, Jr., Chairman; Laura A. Sellers, Vice Chairman; Meg Bohmke; Jack R. Cavalier; Wendy E. Maurer; Paul V. Milde, III. Gary F. Snellings was absent due to illness.

Also in attendance were: Anthony J. Romanello, County Administrator; Charles L. Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Pamela L. Timmons, Deputy Clerk; associated staff and other interested parties.

Presentation to Tim Baroody, Deputy County Administrator Mr. Thomas presented a proclamation to Mr. Baroody and wished him well as Mr. Baroody leaves Stafford County to assume the position of Fredericksburg City Manager. Mr. Baroody thanked staff saying that everything he was able to accomplish was because it was a team effort, not something that one individual could take credit for. He said that the biggest challenge was to bring jobs so that people could “stay home” and work in their own County.

Presentation by Curry Roberts, Fredericksburg Regional Alliance (FRA) Mr. Roberts gave a presentation about recent activities, initiatives, and outreach undertaken by the FRA. He said there were 33 new projects being tracked in the first nine months of FY2016, as compared to 20 projects in all of FY2015. He thanked Mr. Baroody for his service to the County and help given to the FRA, and said he was glad that Tim was staying in the Region. Mr. Roberts promised to provide the Board with a copy of the report, “Fredericksburg Region Commuter Study.” [Note: the report was provided to the Board on June 8, 2016.]

Presentations by the Public The following persons desired to speak:

Alane Callander - Historic preservation in the Falmouth District; Hiring a historic planner for the County.

Chuck James - Public Affairs for Marine Corps Base Quantico Public Affairs; reminded the Board about the June 8, 2016, Quantico Civ/Mil Social at the Stafford Airport; thanked Mr. Baroody saying that he was an integral part of the Base's excellent relationship with the County.

Ruth Carlone - Concerned that the Architectural Review Board was not well represented by the public; speakers cared about neighbors or they would not take time to speak before the Board; spoke with the DHR, too many changes to the Falmouth District could result in it being de-listed from the Historic Register; Items #11 and #22 should remain under a conditional use permit (CUP); it was the speaker's opinion that staff was losing control of the Falmouth Historic District

Presentations by Members of the Board Board members spoke on the topics as identified:

Ms. Bohmke - Echoed Ms. Sellers remarks about the Stafford Tech and Research Park and the appointments of George Hinckley, Price Jett, and Vernon Green; Attended the ground breaking ceremony for the new American Legion Post; thanked staff for the well-coordinated hazardous waste disposal day, Ms. Bohmke noted it on her Facebook page; Al Conner's service was beautiful, Mr. Conner wrote the service himself; Mr. Conner was to be commended for his contributions to the County and to the nation; Good luck and congratulations to all of Stafford's high school graduates (June 11, 2016).

Mr. Cavalier - Attended the Schools' awards ceremony held at Mountain View High School; Attended the County's Business Appreciation Event at the Jeff Rouse Swim and Sport Center; Attended the Aquia Property Owner's Association Board of Directors meeting; Attended the Chamber of Commerce event at the Fredericksburg Fairgrounds; Participated in the opening of a new business, River Rock Outfitters at Hope Springs Marina; Planning to attend the North Stafford High School graduation; Attended the Memorial Day events at the Courthouse.

Mrs. Maurer - Teamed up with fellow Board members congratulating the honorees at the recent Public Safety banquet; Congratulations to Access Eye Center and Earl's True Value Hardware for being recognized at the recent Business Appreciation event; Honored to present scholarships at Mountain View and Brooke Point High Schools on behalf of the Armed Forces Electronics Commission; said that Mr. Snellings and his Armed Services Memorial Commission were doing a wonderful job; Stafford Tech and Research Park will soon be looking to hire a director; Welcomed the new Tech Park Board of Directors members; Attended the American Legion Post 290 and North Stafford Rotary Memorial Day events; Participated in CCTV interview with Mr. Cavalier; Attended Al Conner's memorial service, which was a fitting tribute to a great man. His wife, Jane, will carry on his legacy and Mr. Conner will be sorely missed.

Mr. Milde - Attended the ribbon cutting ceremony at the Jeff Rouse Swim and Sport Center; charter member of the North Stafford Rotary; Attended VRE meeting and Civil War Park easement dedication (“the Civil War Park has Al Conner’s fingerprints all over it”); Attended the Virginia Land Conservation meeting/\$6 million will be divided for various land conservation efforts; Infrastructure Committee update including HB2 project awards; a sidewalk between the Government Center and Red Oak Drive; and said that the river alignment trail is amazing.

Ms. Sellers - Attended the Stafford Technology and Research Park meeting/new members are Price Jett, Vernon Green, and George Hinckley, which adds a private industry perspective; Attended the Germanna Community College (GCC) Capital Campaign event, GCC expressed gratitude for Stafford County’s support/advocated keeping the process moving forward to build a campus in the County; Attended the Armed Services Memorial Commission fund-raising breakfast, everyone involved doing a great job, thanks to those that attended, said that Mr. Snellings was very proud of the efforts of the Commission.

Mr. Snellings - Absent

Mr. Thomas - Attended PRTC meeting where a budget was passed, Prince William County had to provide funds to cover a shortfall.

Report of the County Attorney Mr. Shumate deferred his report.

Report of the County Administrator Mr. Romanello congratulated County employees that participated in the Relay for Life; in excess of \$8,000 was raised for cancer research; the Dog Park located at Duff McDuff Green Park celebrated its one-year anniversary (or its seventh birthday in human years!).

Legislative; Consent Agenda Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt the Consent Agenda, which consisted of Items 3 through 21, omitting Items 5 and 11 at the request of Mrs. Maurer and Ms. Bohmke, respectively.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
 Nay: (0)
 Absent: (1) Snellings

Item 3. Legislative; Approve Minutes of the May 17, 2016 Board Meeting

Item 4. Finance and Budget; Approve Expenditure Listing

Resolution R16-174 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING
(EL) DATED MAY 17, 2016 THROUGH JUNE 6, 2016

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that the above-mentioned EL be and hereby is approved.

Item 6. Fire and Rescue; Authorize the Use of County Funds for the Falmouth Volunteer Firefighter's Association to Pay Capital Expenses

Resolution R16-164 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT AND MORTGAGE WITH THE FALMOUTH VOLUNTEER FIREFIGHTER'S ASSOCIATION, INC., TO ALLOW IT TO UTILIZE COUNTY FUNDS TO MAKE A LUMP SUM PAYMENT ON ITS DEED OF TRUST ON TAX MAP PARCEL NO. 54F-12-2

WHEREAS, the Board identified public safety as one of the County's top priorities; and

WHEREAS, the Stafford County Fire and Rescue Department is a combination career and volunteer system, operating out of fifteen different stations; and

WHEREAS, some of those stations are owned by the volunteer fire company or volunteer rescue squad and house both career and volunteer members; and

WHEREAS, the Falmouth Volunteer Firefighter's Association, Inc. (FVFA) owns Station 1, located at 250 Butler Road, on Tax Map Parcel No. 54F-12-2 (Property); and

WHEREAS, there is currently an outstanding deed of trust on the Property, entered into in 2014 by FVFA (Deed of Trust); and

WHEREAS, FVFA has sought help from the County and requests to use County Funds to pay down the principal under the Deed of Trust; and

WHEREAS, FVFA has formally requested to utilize the remaining balance of its FY2016 operating budget, approximately \$79,000; and

WHEREAS, FVFA also requests the use of \$75,000 from its FY2017 operating budget; and

WHEREAS, total County funds of approximately \$154,000, is being requested to pay down the principal on the outstanding Deed of Trust before FVFA can refinance for a lower interest rate and lower monthly payment; and

WHEREAS, FVFA has pledged \$65,000 of its own private funds to pay down the principal on the Deed of Trust, as well; and

WHEREAS, the County desires to place conditions on the County funds given to FVFA, pursuant to a Promissory Note and Agreement, and to secure the County funds given by placing a lien on the Property, pursuant to a Mortgage Deed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that it be and hereby does authorize the County Administrator to negotiate and execute an agreement and lien—in substantially the same form with substantially the same terms and condition as the Promissory Note and Agreement, and Mortgage Deed—with the Falmouth Volunteer Firefighter’s Association, Inc.; and

BE IT FURTHER RESOLVED that the County shall provide the remaining balance of FVFA’s FY2016 operating budget, not to exceed Seventy-nine Thousand Dollars (\$79,000), for a lump sum principal payment on the outstanding Deed of Trust on the property; and

BE IT FURTHER RESOLVED that the County shall provide to FVFA, no sooner than July 1, 2016, Seventy-five Thousand Dollars (\$75,000) from FVFA’s FY2017 operating budget, for a lump sum principal payment on the outstanding Deed of Trust on the Property; and

BE IT STILL FURTHER RESOLVED that the County funds utilized by the FVFA, as described herein above, shall be secured by placing a lien in favor of the County on Tax Map Parcel No. 54F-12-2.

Item 7. Parks, Recreation and Community Facilities; Authorize Funding for Replacement Parking Lot Lights at Porter Library

Resolution R16-180 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MUSCO SPORTS LIGHTING, LLC, FOR REPLACEMENT LIGHTS AT THE JOHN MUSANTE PORTER LIBRARY

WHEREAS, the John Musante Porter Library (Library) has served Stafford County since 1992; and

WHEREAS, the aging light poles, and the deteriorating PVC pipes and wiring that provide light in the parking lot of the Library need replacing and upgrading; and

WHEREAS, funds are budgeted in Cash Capital for the replacement of the parking lot lights and poles at Porter Library; and

WHEREAS, Stafford County is able to participate in cooperative procurement under the Keystone Purchasing Network's contract with Musco Sports Lighting, LLC;

NOW THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that the County Administrator be and he hereby is authorized to execute a contract with Musco Sports Lighting, LLC, for the purchase of LED lights and poles for the two parking lots at the John Musante Porter Library, in an amount not to exceed One Hundred Eight Thousand Six Hundred Forty-five Dollars (\$180,645), unless amended by a duly-executed contract amendment.

Item 8. Parks, Recreation and Community Facilities; Authorize the County Administrator to Execute a Contract Renewal with Waste Management

Resolution R16-181 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT RENEWAL WITH WASTE
MANAGEMENT OF VIRGINIA FOR REFUSE AND RECYCLING
SERVICES AT COUNTY FACILITIES

WHEREAS, professional refuse and recycling services, which are beyond the capacity of County staff, are needed at County facilities; and

WHEREAS, Stafford County Public Schools have a contract with Waste Management of Virginia for these services, which includes a cooperative procurement provision that the County has utilized; and

WHEREAS, this contract can be renewed annually through June, 2017; and

WHEREAS, funds for these services are available in the Parks, Recreation, and Community Facilities' FY2017 budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that the County Administrator, or his designee, be and he hereby is authorized to execute a contract renewal with Waste Management of Virginia, for refuse collection and recycling services at various County facilities, in an amount not to exceed One Hundred Thirty Thousand Dollars (\$130,000), unless amended by a duly-executed contract amendment.

Item 9. Utilities; Authorize the County Administrator to Execute Contract Renewals for Water and Wastewater Chemicals, Construction for Maintenance, Water Meters, and for Billing and Printing Services

Resolution R16-151 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS AND CONTRACT RENEWALS FOR WATER METERS AND WATER SYSTEM COMPONENTS, PURCHASE OF TREATMENT CHEMICALS, CONSTRUCTION FOR MAINTENANCE, AND BILL PRINTING AND MAILING SERVICES

WHEREAS, the Utilities Department has an annual, sole-source contract with Sensus USA Inc., for water meters and accessories compatible with its automated meter reading system; and

WHEREAS, the Utilities Department has an annual, sole-source contract with Source Technologies, Inc., for proprietary odor-control reagents; and

WHEREAS, the Utilities Department has an annual contract with George S. Coyne Chemical Co., Inc., the sole source distributor for Sterling Waster Technologies' CP78D and CP711 corrosion inhibitors in the region; and

WHEREAS, the Utilities Department has annual contracts with Kruckenberg Service Company (primary responder) and Rising Sun Inc. (secondary responder), for specialized water and sewer maintenance and construction services; and

WHEREAS, the Utilities Department has an annual contract with CSG Systems, Inc., d.b.a. DataProse, for Utilities bill printing and mailing services; and

WHEREAS, each of these annual contracts contains a renewal clause and each is currently in need of renewal; and

WHEREAS, the renewal amount of each of these contracts was closely evaluated and determined by staff to be reasonable and responsive; and

WHEREAS, bids were solicited and received for these chemicals; and

WHEREAS, Univar USA Inc. provided the lowest bid for ammonium hydroxide, caustic soda, sodium hypochlorite, and calcium hydroxide; and

WHEREAS, George S. Coyne Chemical Co., Inc. provided the most effective product qualifications for polymer, Zetag 8846 FS; and

WHEREAS, Chemtrade Chemicals US LLC provided the lowest bid for liquid aluminum sulfate in dry ton; and

WHEREAS, Premier Magnesia, LLC provided the lowest bid for magnesium hydroxide;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that the County Administrator be and he hereby is authorized to execute the following contracts and contract renewals as follows:

Univar USA Inc., to provide water chemicals ammonium hydroxide, caustic soda, and sodium hypochlorite water treatment chemicals, in an amount not to exceed Four Hundred Eighty-six Thousand Eight Hundred Forty-four Dollars (\$486,844); and to provide wastewater chemical, calcium hydroxide, in an amount not to exceed Three Hundred Forty-two Thousand Five Hundred (\$342,500) Dollars;

George S. Coyne Chemical Co., to provide Corrosive Inhibitor CP78D and CP711, in an amount not to exceed One Hundred Twenty-two Thousand One Hundred Sixty-one Dollars (\$122,161), and wastewater chemical, Zetag 8846 FS polymer, in an amount not to exceed One hundred Thirty-two Thousand Seven Hundred Fifty (\$132,750) Dollars;

Chemtrade Chemicals US LLC, to provide aluminum sulfate, in an amount not to exceed One Hundred Seventy-one Thousand Three Hundred Sixty Dollars (\$171,360);

Source Technologies, Inc., to provide odor control chemicals ETX, ESP, STX, and hydrogen peroxide, in an amount not to exceed Two Hundred Twenty Thousand (\$220,000) Dollars;

Sensus USA Inc., to provide meters and accessories, in an amount not to exceed Four Hundred Fifty-one Thousand Three Hundred Seventy-two Dollars (\$451,372);

Premier Magnesia, LLC., to provide magnesium hydroxide in an amount not to exceed Five Hundred Seventy-seven Thousand Five Hundred Forty-one Dollars (\$577,541); and

Kruckenber Service Company, for construction services, primary responder, in an amount not to exceed Three Hundred Thousand Dollars (\$300,000); and

Rising Sun, Inc., for construction services, secondary responder, in an amount not to exceed One Hundred Thousand Dollars (\$100,000);

CSG Systems, Inc., d.b.a. DataProse, to provide utility bill printing and mailing services, in an amount not to exceed Two Hundred Forty-five Thousand Dollars (\$245,000).

Item 10. Planning and Zoning; Refer to the Planning Commission a Zoning Text Amendment for Regulations Regarding Outdoor Lighting

Resolution R16-157 reads as follows:

A RESOLUTION REFERRING TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-87, "OUTDOOR LIGHTING STANDARDS"

WHEREAS, the Stafford County Code (Code) includes standards for the design and location of lighting; and

WHEREAS, the Board desires to amend the lighting standards within the Code; and

WHEREAS, the proposed amendments to the Code will clarify and simplify the current lighting standards; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require consideration of such an ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that proposed amendments to Stafford County Code Sec. 28-87, “Outdoor Lighting Standards,” pursuant to proposed Ordinance O16-23, be and they hereby are referred to the Planning Commission for a public hearing and its recommendations; and

BE IF FURTHER RESOLVED that the Planning Commission may make modifications to the proposed ordinance as it deems appropriate or necessary.

Item 12. Planning and Zoning; Refer to the Planning Commission a Zoning Text Amendment Regarding On-Street Parking on a Primary Street in the P-TND Zone

Resolution R16-182 reads as follows:

A RESOLUTION REFERRING AN ORDINANCE TO THE PLANNING COMMISSION TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-39, “SPECIAL REGULATIONS,” AND SECTION 28-66, “P-TND, PLANNED-TRADITIONAL NEIGHBORHOOD DEVELOPMENT”

WHEREAS, the Planned-Traditional Neighborhood Development (P-TND) establishes standards for the design of streets that include allowing parallel parking along designated principal streets, intended to serve as the main commercial street in a P-TND; and

WHEREAS, a pending development project has requested flexibility in the type of on-street parking to allow for angled parking; and

WHEREAS, the Board has been made aware of additional provisions and regulations in the P-TND Zoning District that should be considered that should be considered for modification; and

WHEREAS, the Board desires to consider the requested amendment to the Zoning Ordinance, pursuant to proposed Ordinance O16-25, and refer the same to the Planning Commission for its review, public hearing, and recommendations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that it be and hereby does refer proposed Ordinance O16-25 to the Planning Commission for a public hearing and its review and to provide its recommendations to the Board; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications, as it deems appropriate, to proposed Ordinance O16-25.

Item 13. Public Works; Petition VDOT to Include Woodford Drive, Tenola Court, and Maroochy Court within Leeland Station Section 5B into the Secondary System of State Highways

Resolution R16-158 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE WOODFORD DRIVE, TENOLA COURT, AND MAROOCHY COURT WITHIN THE LEELAND STATION SUBDIVISION, SECTION 5B, LOCATED IN THE FALMOUTH ELECTION DISTRICT, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Woodford Drive, Tenola Court, and Maroochy Court within the Leeland Station Subdivision, Section 5B, approximately 0.13 mile from Leeland Road off Perth Drive (SR-2345), into the Secondary System of State Highways; and

WHEREAS, VDOT staff inspected Woodford Drive, Tenola Court, and Maroochy Court, and found them satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June 2016, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within the Leeland Station Subdivision, Section 5B, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Woodford Drive (SR-2346)	From: Intersection of Perth Drive (SR-2345) To: Intersection of Tenola Court (SR-2349)	0.05 mi. ROW 60'
Woodford Drive (SR-2346)	From: Intersection of Tenola Court (SR-2349) To: Intersection of Maroochy Court (SR-2350)	0.19 mi. ROW 60'
Tenola Court (SR-2349)	From: Intersection of Woodford Drive (SR-2346) To: 0.14 mi. east on Tenola Court (SR-2349) to Cul-de-sac.	0.14 mi. ROW 52'
Maroochy Court (SR-2350)	From: Intersection of Woodford Drive (SR-2346) To: 0.07 mi. east on Maroochy Court (SR-2350) to Cul-de-sac	0.07 mi. ROW 52'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled Leeland Station, Section 5B, recorded among the Land Records of Stafford County, Virginia, as Plat Map No. PM130000051, with Inst. No. LR130005610 on March 4, 2013; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall forward a copy of this resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Item 14. County Attorney; Approve Freedom of Information Act (FOIA) Policy Update

Resolution R16-173 reads as follows:

A RESOLUTION TO AMEND STAFFORD COUNTY’S FREEDOM
OF INFORMATION ACT (FOIA) POLICY

WHEREAS, the Board adopted Stafford County’s FOIA Policy on May 15, 2012, pursuant to Resolution R12-148; and

WHEREAS, House Bill 818 of the Virginia Acts of Assembly amended Virginia Code § 2.2-3704.1 and created Virginia Code § 2.2-3704.2, thereby making changes to Virginia FOIA laws; and

WHEREAS, the Board finds that Stafford County’s FOIA Policy should be updated in order to comply with these new provisions of the Virginia Code;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that it be and hereby does adopt the amendments to the Stafford County Freedom of Information Act Policy, pursuant to the document entitled “The Rights of Requesters and the Responsibilities of Stafford County under the Virginia Freedom of Information Act,” dated May 15, 2012, as revised June 7, 2016, as provided in the attached Exhibit A; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to administratively update the name and contact information for the County’s FOIA officer in the Policy as need be in the future.

Item 15. Public Information; Recognize Patrick O’Meara for his Service to the Rock Hill Volunteer Fire Department and Enlistment in the United States Navy

Proclamation P16-19 reads as follows:

A PROCLAMATION TO RECOGNIZE PATRICK O’MEARA FOR
SERVICE TO THE ROCK HILL VOLUNTEER FIRE DEPARTMENT
AND ENLISTMENT IN THE UNITED STATES NAVY

WHEREAS, Mr. Patrick O’Meara currently holds the rank of Lieutenant, and the President of Rock Hill Volunteer Fire Department (Department), and works part-time as a paramedic instructor for Associates in Emergency Care (AEC); and

WHEREAS, Patrick is employed by the Spotsylvania County Department of Fire, Rescue, and Emergency Management; and as a firefighter/paramedic for Caroline County; and

WHEREAS, Patrick joined the Department in 2007 at the age of 16, following the footsteps of his father Robert O’Meara, who was a firefighter in Prince George’s County, Maryland; and

WHEREAS, after joining the Department, Patrick quickly became certified as a firefighter; he furthered his training by becoming an Emergency Medical Technician (EMT) in 2009, the same year that he graduated from Mountain View High School; in 2011, Patrick obtained several certifications including Fire Instructor, Fire Officer, Driver Pump Operator, and also became a Medic; and

WHEREAS, Patrick has never stopped continuing his education, and in 2016 became a Paramedic - the highest level of care for pre-hospital providers; Patrick is also pursuing a degree in psychology at Columbia Southern University; and

WHEREAS, in addition to Patrick obtaining several certifications with which to serve the community, Patrick also moved up the ranks and become an officer in the Department. He held the position of Sergeant (2010-2013) and Lieutenant (2013-Present). Patrick also received several awards from the Department to include the Member of the Year award, and Number 3 for most hours served; and

WHEREAS, in 2013, Patrick was elected President of the Department, and during his time as President, he developed a plan that increased the Department’s staffing from 20% to 97% as its peak. With the nearly 400% staffing increase, the Department was able to provide more services to the community. Patrick also updated the Department’s rules, regulations, and guidelines, updating them to improve its administrative structure. Patrick also created the plans, and is responsible for the construction of several training items on Department property, that are used to train new personnel to become firefighters across the County; and

WHEREAS, Patrick has become a released advanced life support (ALS) provider, and made Rock Hill the first volunteer fire company to have ALS staffing in the County; and

WHEREAS, in October, Patrick will begin his career as a corpsman in the United States Navy;

NOW, THEREFORE BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, it be and hereby does recognize Mr. Patrick O’Meara on his many accomplishments, and wishes him all the best in future endeavors.

Item 16. Public Information; Recognize (Former) Sheriff Richard L. Ashby

Proclamation P16-12 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND
RICHARD L. ASHBY FOR HIS SERVICE AND DEDICATION
TO THE CITIZENS OF STAFFORD COUNTY

WHEREAS, Richard L. Ashby served as Stafford County Sheriff from 1972-1990, and for nine years prior, he served as a Deputy Sheriff; and

WHEREAS, Sheriff Ashby was known for his quiet leadership and an uncanny knack for selecting the right personnel for the right position, many of whom are still serving in leadership positions with the Sheriff's Office; and

WHEREAS, during his tenure, Sheriff Ashby worked to ensure that the Sheriff's Office operated at a high level, with well-educated and well-trained personnel;

WHEREAS, Sheriff Ashby's dedication and devotion to his profession was an asset to law enforcement and helped to shape the Sheriff's Office into the professional, high-performing organization that it is today;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that it be and hereby does recognize and commend Sheriff Richard L. Ashby for his service and dedication to the citizens of Stafford County.

Item 17. Public Information; Recognize David Noel on his Retirement as Information Technology Director for Stafford County

Proclamation P16-22 reads as follows:

A PROCLAMATION TO RECOGNIZE MR. DAVID NOEL UPON HIS
RETIREMENT AS INFORMATION TECHNOLOGY DIRECTOR FOR
STAFFORD COUNTY

WHEREAS, Mr. David Noel joined Stafford County in 1987 as the Data Processing Manager; and

WHEREAS, Mr. Noel earned a B.S. in Hotel Restaurant Management from Shepherd College, and a Master's in Management Information Systems from George Mason University; and

WHEREAS, Mr. Noel is a member of the Virginia Local Government Information Technology (IT) Executives, the Fredericksburg Regional Technology Council, and the Government Management Information Sciences, where he currently serves as Chapter President; and

WHEREAS, in 1993, Mr. Noel was promoted to Director of Information Technology, after IT was separated from the Finance department; his primary responsibilities have been network services (managing, securing, and maintaining the local and wide-area network; managing the County's internet, website, email, and Coice Over Internet Protocol (VoIP) telephone services); operations (desktop support for all

hardware, software, and audio visual systems); applications (systems analysis, programming, and application procurement; database administration); and Geographic Information Systems (GIS) (maintaining base maps and layers, and interface with applications and databases); and

WHEREAS, Mr. Noel's work in these areas greatly contributed to Stafford County's advancing in all areas of information technology services; and

WHEREAS, during Mr. Noel's tenure with the County, he created the first network for connecting PCs; developed a County-wide shared resources network for routing and storing Board package documents on a secured network; he created the first IT steering committee for sharing ideas and prioritizing IT needs; and he developed a disaster recovery plan; and

WHEREAS, among the major systems he helped to implement are the first Computer Aided Dispatch/Records Management System; a County-wide document management imaging system; the Hansen Building Permit and Plan Review System; a Y2K-ready Financial, Payroll and Utility Billing System; and a VoIP telephone system; and

WHEREAS, in addition to Mr. Noel's contributions to Information Technology, he will always be remembered by his co-workers as being a caring and compassionate leader;

NOW, THEREFORE BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, it be and hereby does recognize and commend Mr. David Noel for his service and dedication to the citizens of Stafford County.

Item 18. Public Information; Ratify the County Administrator's Execution of a Six-Month Extension to the Cox Cable Franchise Agreement

Resolution R16-179 reads as follows:

A RESOLUTION TO RATIFY THE COUNTY ADMINISTRATOR'S EXECUTION OF A SIX-MONTH EXTENSION TO THE COX CABLE FRANCHISE AGREEMENT

WHEREAS, Stafford County has a franchise agreement (Agreement) with Cox Communications (Cox) to provide cable services to the citizens of Stafford County; and

WHEREAS, the current Agreement expired on June 6, 2016; and

WHEREAS, the County Administrator asked Cox to extend the current Agreement for an additional six months pursuant to the clause below from the contract:

12.03 Continuity of Service Mandatory. Upon expiration and non-renewal or the termination of this Franchise, County may require Grantee to continue to operate the System for an extended period of time not to exceed six (6) months.

Grantee shall, as trustee for its successor in interest, continue to operate the System under the terms and conditions of this Franchise. In the event Grantee does not so operate the System, County may take such steps as it, in its sole discretion, deems necessary to assure continued Service to Subscribers.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 7th day of June, 2016, that it be and hereby does ratify the County Administrator's execution of a six-month extension to the Cox Cable franchise agreement.

Item 19. County Administration/Human Services; Authorize the Adoption of the 2017-2018 Virginia Juvenile Community Crime Control Act Plan

Resolution R16-166 reads as follows:

A RESOLUTION TO APPROVE THE VIRGINIA JUVENILE
COMMUNITY CRIME CONTROL ACT PLAN FOR FY2017 AND 2018

WHEREAS, pursuant to the Virginia Juvenile Community Crime Control Act (VJCCCA), Stafford County receives funding to create additional delinquency prevention programs; and

WHEREAS, the Board is asked to approve the VJCCA Plan for FY2017 and 2018 (Plan); and

WHEREAS, the Honorable Julian W. Johnson and Mr. Vincent Buitatis, Executive Director, both of the 15th District Juvenile and Domestic Relations Court, found the Plan acceptable and needed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that the Virginia Juvenile Community Crime Control Act Plan for FY2017 and 2018, as prepared by the Fifteenth Judicial District Court Services Unit for the use of these funds, received from the Department of Juvenile Justice, be and hereby is approved; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, is authorized to execute approval of the Plan and any related or necessary documents.

Item 20. County Administration; Authorize the Appointment of Mr. Timothy Hill to the FAMPO Citizen's Transportation Advisory Group

Item 21. Economic Development; Authorize the Reappointment of Mr. Howard Owen, Representing the Falmouth District; and Ms. Heather Hagerman, Representing the Garrisonville District to the Economic Development Authority

Item 5. Finance and Budget; Authorize the County Administrator to Execute Renewal of the County’s Property and Casualty Insurance Policies Mrs. Maurer noted that Worker’s Compensation was reduced by 12%, for a total reduction of \$91,000. She congratulated Ms. Carol Atkinson, the County’s Risk Manager, for her hard work that resulted in savings to the County. Mrs. Maurer noted that the renegotiated health insurance contract would save the County \$1.7 million in FY2017, and she was looking forward to continued work on shared services and the prospect of looking at economy of scale on all insurance policies.

Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-149.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas

Nay: (0)

Absent: (1) Snellings

Resolution R16-149 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE POLICY RENEWALS WITH THE VIRGINIA ASSOCIATION OF COUNTIES GROUP SELF INSURANCE RISK POOL, AND SELECTIVE INSURANCE COMPANY OF AMERICA, FOR THE COUNTY’S INSURANCE COVERAGE IN FY2017

WHEREAS, staff reviewed the County’s insurance coverage claims experience and related costs for FY2016; and

WHEREAS, the Board budgeted and appropriated funds for the County’s insurance needs for FY2017; and

WHEREAS, the Virginia Association of Counties Group Self Insurance Risk Pool (VACORP) submitted a policy renewal proposal to the County for general liability, property, automobile, Line of Duty, cyber, animal mortality, and Workers’ Compensation; and

WHEREAS, VACORP submitted a policy renewal proposal to the County for accident and sickness insurance for the Volunteer Fire and Rescue personnel, the Sheriff’s Special Deputies, and the Sheriff’s Auxiliary Groups; and

WHEREAS, Selective Insurance Company of America, through Wells Fargo Insurance Services USA, Inc., submitted policy renewal proposals to the County for property, liability, and automobile insurance for Fire and Rescue (volunteer and career); and

WHEREAS, staff determined that these proposals are reasonable for the scope of services provided;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that it be and hereby does authorize the County Administrator to execute the following contracts:

1. Renewal with the Virginia Association of Counties Group Self Insurance Risk Pool (VACORP) for general liability, property, automobile, Line of Duty, cyber, animal mortality, and Workers' Compensation. This would include accident and sickness insurance for the Volunteer Fire and Rescue, Sheriff's Special Deputies, and Sheriff's Auxiliary Groups for FY2017, in an amount not to exceed One Million Four Hundred Sixty-six Thousand Five Hundred Thirty-six Dollars (\$1,466,536); and
2. Contract renewal with Selective Insurance Company of America, through Wells Fargo Insurance Services USA, Inc., for Fire and Rescue (career and volunteer) for liability, property, and automobile insurance coverage for FY2017, in an amount not to exceed Two Hundred Twenty-one Thousand Two Hundred Twenty-five Dollars (\$221,225).

Item 11. Planning and Zoning; Refer the Falmouth Redevelopment Overlay District to the Planning Commission Ms. Bohmke noted that it was a long, arduous process that was being referred to the Planning Commission. Mr. Harvey, in response to an earlier citizen comment, said that while there had been no recent discussion with the Department of Historic Resources (DHR), he could assure the Board that the County was in no danger of losing the Falmouth Historic District designation; that there was a localized historic district as well as a State-designated historic district, and the proposed Ordinance amendment would affect neither designation. All changes would funnel through the Architectural Review Board (ARB), which would provide a level of scrutiny over architecture, and any and all proposed changes in the Falmouth area.

Ms. Bohmke motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-169.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
Nay: (0)
Absent: (1) Snellings

Resolution R16-169 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION
CREATION OF A PROPOSED FALMOUTH REDEVELOPMENT
AREA OVERLAY ZONING DISTRICT

WHEREAS, the Master Redevelopment Plan, Stafford County, Volume IV, Falmouth Village, is an adopted element of the Comprehensive Plan; and

WHEREAS, the Master Redevelopment Plan recommends changes to the Zoning Ordinance in order to facilitate development as envisioned in the Master Redevelopment Plan; and

WHEREAS, the Board desires to consider establishing a Falmouth Redevelopment Area Overlay Zoning District to implement the recommendations of the Master Redevelopment Plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that it be and hereby does refer a proposed Falmouth Redevelopment Area Overlay Zoning District, pursuant to proposed Ordinance O16-24, to the Planning Commission for a public hearing and its recommendations; and

BE IT FURTHER RESOLVED, that the Planning Commission may make modifications to the proposed ordinance as it deems appropriate or necessary.

Planning and Zoning: Consider a Reclassification from R-1 to B-2 on County-owned Property (Counting House) Ms. Kathy Baker, Assistant Director of Planning and Zoning, provided a recap of the project and answered Board members questions. She noted that a public hearing on conveyance of the County-owned property would be held later in the evening. Ms. Sellers received confirmation from Ms. Baker that the Board would have prior approval of anything done on the property.

Mr. Thomas asked if there was any way to keep the R-1 designation but stipulating professional office use. Mr. Harvey said there was not. Mr. Thomas asked for examples of the types of uses in an R-1 versus a B-2 zone. Mr. Harvey said that a variety of office uses such as construction offices, buildings with offices but roll-up doors to move materials, warehouses, etc. Mr. Thomas said that he would agree with the reclassification but that it should stipulate professional office use only, with all other uses stricken from the proposed ordinance.

Ms. Bohmke said she was more comfortable with the professional office use only provision as King Street was very narrow; construction or warehouse traffic was not feasible. Mr. Thomas asked if the owner modified the use of the property, would it come back to the Board. Mr. Harvey confirmed that they would be required to renegotiate.

Mr. Thomas motioned, seconded by Mrs. Maurer, to adopt proposed Ordinance O16-05 with changes.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
Nay: (0)
Absent: (1) Snellings

Ordinance O16-05 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT TO THE B-2, URBAN COMMERCIAL ZONING DISTRICT, TAX MAP PARCEL NO. 53D-1-36, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Board of Supervisors (Applicant), submitted application RC15150923, requesting a reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, Tax Map Parcel No. 53D-1-36, located in the George Washington Election District; and

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

WHEREAS, the Board finds that the requested zoning amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of this Ordinance to reclassify the subject property known as the Counting House Property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, Tax Map Parcel No. 53D-1-36, in the location identified on the plat entitled, “Plat, Survey of 0.4109 acres of land located in Falmouth District, Stafford County, Virginia,” prepared by Sullivan, Donahoe, and Ingalls, dated May 18, 1979 (the “Property”); and

BE IT FURTHER ORDAINED that the use of the Property shall be further limited to only professional office.

Finance and Budget; Authorize the Issuance of General Obligation Bonds for Transportation Projects; Budget and Appropriate the Proceeds; and Authorize Payment to VDOT for the Remaining Portion of the Right-of-Way Acquisition Phase of the Courthouse Road Improvement Project Ms. Nancy Collins, Budget Division Director, gave a presentation and answered Board members questions. Ms. Collins noted that the project was included in the adopted Capital Improvement Program (CIP). She said that the Fuels Tax revenue was low and there was not enough in the Transportation Fund to cover the cost, so there would be a temporary loan from the Capital Projects Reserve until spring when the bonds would be sold.

The Board's Finance, Audit, and Budget (FAB) Committee would review the item on June 21, 2016, and action would be taken by the full Board at its June 21, 2016 meeting.

Finance and Budget; Direct the County Administrator to Proceed with Shared Financial

Services Mr. Anthony Romanello, County Administrator, briefed the Board saying that shared services were discussed by the FAB Committee, with the intention of working with the School Board, and Dr. Benson, Superintendent, on shared financial services. Ms. Bohmke said she was concerned because she had not seen an agenda for the Joint Schools Working Committee meeting scheduled for June 13, 2016. Mr. Cavalier said that it was a work in progress and would be set the next day. Ms. Bohmke said her concerns were that the Schools had a lot going on including the conversion to a new financial system and new synergy program, and being in transition mode, there were considerable challenges. Mr. Cavalier said that he wanted to take a vote and would motion to waive the Board's Bylaws. Ms. Bohmke said she was not comfortable with waiving the Bylaws, that it was not necessary to rush a vote on the issue, even though she was in favor of shared services.

Mrs. Maurer motioned, seconded by Mr. Cavalier, to waive the Board's Bylaws.

The Voting Board tally was:

- Yea: (4) Cavalier, Maurer, Milde, Sellers
- Nay: (2) Bohmke, Thomas
- Absent: (1) Snellings

Ms. Sellers said that money was missing; that the School Board spent \$7.1 million without the Board's knowledge or consent; money was going missing, money was being found; class sizes were getting bigger and bigger and bigger, and it was time for the Board to take a stance.

Mrs. Maurer said that shared services was first discussed on June 23, 2004 and after 16 years, it still was not done, and was one of her campaign issues. Among the issues was the discovery of an \$8.3million surplus in the School Division in June 2015, and a lack of transparency about the money the School Board actually has (and needs) when seeking funding from Board. Additionally, the School Board sought to keep funds after discovering the surplus, despite the Board of Supervisors' already approving other funding for the School Division.

Mr. Cavalier motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R16-178.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
Nay: (0)
Absent: (1) Snellings

Resolution R16-178 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PROCEED WITH PLANNING FOR SHARED FINANCIAL SERVICES WITH STAFFORD COUNTY PUBLIC SCHOOLS IN THE AREAS OF PURCHASING, ACCOUNTS PAYABLE, ACCOUNTS RECEIVABLE, PAYROLL, RISK MANAGEMENT, AND FINANCIAL REPORTING

WHEREAS, the Board is committed to responsible, accountable and transparent financial management; and

WHEREAS, comparable localities have shared services between the locality and its school system; and

WHEREAS, the Board believes that shared financial services with the Stafford County Public Schools (Schools) would be more efficient and beneficial to the County, the Schools, and its citizens; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that it be and hereby does authorize the County Administrator to proceed with the planning for shared financial services in the areas of purchasing, accounts payable, accounts receivable, payroll, risk management, and financial reporting; and

BE IT FURTHER RESOLVED that the Chairman of the Board will send a letter to the School Board requesting its cooperation with and the transition to shared financial services; and

BE IT STILL FURTHER RESOLVED that shared financial services will be discussed at the next meeting of the Joint Board/Schools Working Committee.

Sheriff's Office; Discuss the Application for a COPS Grant Sheriff David Decatur briefed the Board saying that the application deadline was June 23, 2016, and he was looking for the Grant to fund 9 deputies. The focus area (a Grant requirement) was building trust. The Sheriff's Office last applied for a COPS Grant was in 1999 following the Columbine, Colorado shootings.

Ms. Bohmke asked about obtaining funding from the Compensation Task Board who currently owed Stafford County 13 deputies. She said that it should be a legislative priority for the Board's 2017 legislative initiatives.

This item will be brought back for a vote at the Board’s June 21, 2016 meeting.

Fire and Rescue; Discuss the Office of Emergency Medical Services (OEMS) Plan Chief Mark Lockhart briefed the Board on the issues and the County’s response to seven key areas, of which three are in process and would be completed by August 31, 2016. The complete Plan would be filed within a week, ahead of the June 30, 2016 deadline. Ms. Sellers said that she attended a volunteers meeting, which went well except for two individuals that were apprehensive. Chief Lockhart said that there were productive, on-going discussions about requiring all volunteers to become EMTs within a reasonable timeframe.

Planning and Zoning; Repeal Current Proffer Guidelines Effective July 1, 2016 Mr. Jeff Harvey, Director of Planning and Zoning, shared the County’s current proffer guidelines, the history of how the Board arrived at its current guidelines, and the changes that would result due to the newly adopted legislation in the 2016 General Assembly session.

Mr. Thomas asked if the item was time sensitive and had to be voted on then. County Attorney, Mr. Charles Shumate, said that it was time sensitive. Mr. Thomas ruled that it could be voted on. Mrs. Maurer said that the County’s current proffer guidelines were being repealed only because the State was forcing localities to do so. Mr. Harvey agreed with Mrs. Maurer. Mr. Thomas said that it was sad and that the County was losing out. Mrs. Maurer said, “It hurts my heart.”

Ms. Bohmke motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-150.

The Voting Board tally was:

- Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
- Nay: (0)
- Absent: (1) Snellings

Resolution R16-150 reads as follows:

A RESOLUTION TO REPEAL STAFFORD COUNTY’S PROFFER GUIDELINES

WHEREAS, the Governor signed SB549 and HB770 into law (“New Proffer Legislation”), which becomes effective July 1, 2016, and will negatively impact the County’s ability to accept voluntary proffers when considering a zoning reclassification request or a proffer condition amendment; and

WHEREAS, Resolution R94-201 revised the County’s Development Control Policy Guidelines for Parks and Recreation Land Requirements for New Residential Developments Subject to Rezoning; and

WHEREAS, the County’s current cash proffer guideline was adopted pursuant to Resolution R05-92; and

WHEREAS, both Resolutions R94-201 and R05-392 are considered to be the current proffer guidelines and may contain policies that would be in conflict with the New Proffer Legislation; and

WHEREAS, it does not apply to any proffers that have been accepted prior to July 1, 2016 or to any Zoning reclassification or proffer amendment application filed before July 1, 2016; and

WHEREAS, the current proffer guidelines and inflationary Index (Marshall and Swift Construction Cost Index) shall remain in effect for those applications filed before July 1, 2016;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that it be and hereby does repeal the current proffer guidelines, pursuant to Resolutions R94-201 and R05-392, as to all Zoning reclassifications requests filed on or after July 1, 2016, and proffer condition amendments seeking to amend reclassifications filed on or after July 1, 2016.

Planning and Zoning; Establish Requirements to Determine When a Reclassification Application has Been Officially Filed Mr. Jeff Harvey, Director of Planning and Zoning, provided details about the item being considered.

Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-170.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
Nay: (0)
Absent: (1) Snellings

Resolution R16-170 reads as follows:

A RESOLUTION ESTABLISHING WHEN APPLICATIONS FOR ZONING RECLASSIFICATIONS (REZONINGS) AND PROFFER CONDITION AMENDMENTS (PROFFER AMENDMENTS) HAVE BEEN FILED WITH THE COUNTY

WHEREAS, Stafford County Code Sec. 28-203 stipulates the submission requirements for rezoning and proffer amendment applications; and

WHEREAS, Stafford County Code Sec. 28-203 requires the submittal of applicable impact analysis, although such analysis is not required when an application is submitted; and

WHEREAS, although the Department of Planning and Zoning (Department) has an administrative process in place, the County does not currently have a written policy stating when a rezoning or proffer amendment application is considered filed; and

WHEREAS, the Board desires to confirm the process already followed by the Department and adopt this policy as to when a rezoning or proffer amendment application is considered filed with the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that it be and hereby does establish the following policy for filing of rezoning and proffer amendment applications with Stafford County:

**STAFFORD COUNTY BOARD OF SUPERVISORS
POLICY FOR FILING ZONING RECLASSIFICATION (REZONING) AND
PROFFER CONDITION AMENDMENT (PROFFER AMENDMENT)
APPLICATIONS**

A rezoning and proffer amendment application shall be **filed** with Stafford County when the following criteria are met:

1. Completed applications, to include all applicable checklists, on forms supplied by the Department of Planning and Zoning (Department), have been submitted to the Department.
2. All applicable application review fees have been processed and paid in full.
3. All required information pursuant to Stafford County Code Sec. 28-203, including applicable impact statements, has been provided.
4. All applicable supplementary forms have been provided.
5. Pursuant to Stafford County Code Sec. 28-203, verification that real estate taxes are paid in full is required. If real estate taxes are no longer considered paid in full or become delinquent, the application shall become incomplete and not considered filed until such time as all real estate taxes due are paid in full.

County Administration; Allocate Funding for Construction of Brooke Road Safety Improvements Mr. Anthony Romanello, County Administrator, briefed the Board. The right-of-way acquisition phase for the safety improvements was underway as was the design phase, which would be out to bid in fall, 2016. State revenue funds were allocated to the County, and it was up to the Board to award the contract.

Mr. Milde questioned why the item was on the agenda as New Business. Mr. Thomas said that it was the first time the public was hearing about it. Mr. Milde said that improvements to Brooke Road had been discussed for 10 years, and was approved by voters; he did not understand why it could not be voted on at that meeting. Mr. Thomas said there was new information on how to pay for the improvements, and it was not brought back Board since Mrs. Maurer was on the Board. Mr. Cavalier said that if a Board committee reviewed an approved item, it should no longer be considered new business. Mr. Thomas said there were no minutes taken at the sub-committee level and projects that involve spending the taxpayer's money should be presented so as to give the public time to review and comment on them. Mr. Milde said that at the Board's retreat, the project was taken out of the CIP, where it had been for years and was "cruising along" and it was not New Business. Mr. Shumate said that it was on the Agenda as New

Business and should be discussed and voted on at the Board’s next regularly scheduled meeting. He said that a Board member could motion to suspend the Bylaws, and if approved by a majority of the Board, a vote could be taken. Mr. Milde asked who decided it was New Business. Mr. Thomas said it was decided on at the Chairman/Vice-Chairman meeting. Mr. Milde said that he hoped no one died on Brooke Road in the meantime. Mr. Cavalier said that the Bylaws Committee should meet and clarify the issue of voting on New Business items.

Legislative; Closed Meeting. At 3:19 p.m., Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM16-12.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
Nay: (0)
Absent: (1) Snellings

Resolution CM16-12 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion and consideration of the resignation of specific public employees of the County, including the Deputy County Administrator and Director of Economic Development positions; and (2) consultation with legal counsel employed by the Board regarding specific legal matters requiring the provision of legal advice by such counsel; and

WHEREAS, pursuant to Virginia Code § 2.2-3711(A)(1) and (7) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 7th day of June, 2016, does hereby authorize discussion of the above matters in Closed Meeting.

Call to Order At 4:19 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM16-12(a).

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
Nay: (0)
Absent: (1) Snellings

Resolution CM15-12(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 7, 2016

WHEREAS, the Board has, on this the 7th day of June, 2016, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 7th day of June, 2016, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Call to Order At 7:00 p.m., the Chairman called the evening session to order.

Mr. Thomas spoke of the recent passing of Al Conner and the impact he had on Stafford County. This was followed by a moment of silence.

Pledge of Allegiance Ms. Sellers led the Pledge of Allegiance.

Presentation of Flags for Heroes – North Stafford Rotary Club Mr. Bob Sollum, President Elect of the North Stafford Rotary, Ms. Roberta Schreiber, and Mr. Andy Gordon, also with the North Stafford Rotary, presented a plaque in appreciation of Flags for Heroes and the 100 flag display in front of the Courthouse. Mr. Sollum thanked staff for its assistance in setting up the flag display. He noted that Mr. Milde was a long-time member of the North Stafford Rotary.

Presentation of the Tri-City/County Soil and Water Conservation District 2015 Clean Farm Awards: Edward Shelton and Chad Young Mr. Kyle Haynes with the Tri-City/County Soil and Water Conservation District, presented signs and plaques to Mr. Edward Shelton for the Potomac Watershed, and to Mr. Chad Young for the Rappahannock Watershed. Mr. Thomas read proclamations from the Board to both Mr. Young and Mr. Shelton and thanked them for their conservation efforts in the County.

Presentations by the Public – II The following persons spoke:

Donald Squires - Builders signs littering the roads on weekends

Planning and Zoning; Consider Conveying County-owned Property on Tax Map Parcel 53-D-1-36, to Rock-River Builders, LLC for the Rehabilitation of the Historic Counting House Mr. Jeff Harvey, Director of Planning and Zoning, provided an update and answered Board members questions. He noted that the Counting House was built around 1840 and was a residence until the 1990's, and vacant ever since. The Counting House was approximately 1200 square feet (s.f.) and because the County had no use for it, a Request for Proposal (RFP) was issued with no responses at first, then River Rock Builders, LLC, responded favorably. The Memorandum of Understanding (MOU) and Deed of Conveyance would specify the use as Professional Office only, following rezoning, if approved by the Board.

Mr. Milde said that he was in favor of the purchase ten years ago during his first term on the Board. However, it turned out to be a “pig in a poke,” and he was in favor of the conveyance to River Rock Builders. Mr. Harvey said that it would cost the County approximately \$100,000 to restore the Counting House. Mr. Thomas clarified that if River Rock Builders, or subsequent owners, did not adhere to the MOU, the Board would have leverage to regain the property. Mr. Thomas asked about parking. Mr. Harvey noted that the County would retain an easement on the property for parking/future use if needed. Ms. Sellers asked if River Rock Builders could sell the property. Mr. Harvey said they could sell it but future owners would be bound by the covenants as recorded in Land Records and the MOU.

The Chairman opened the public hearing.

The following persons desired to speak:

Irma Clifton

Alane Callander

The Chairman closed the public hearing.

Mr. Milde said that it was 10 years in coming and he was glad that the Counting House would be rehabilitated; that staff had been working on a plan and this was another example of a public/private partnership. Ms. Bohmke echoed Mr. Milde's remarks, saying that it was a long-time coming going back to when Dovetail got involved. She was happy with the Professional Office designation. Mr. Thomas said this was such a good thing; that Dr. Harry Crisp and Mr. Baroody worked on several ideas to save the building and the original RFPs had no response. He added that he would love to see other buildings in Falmouth rehabilitated but owners cannot be forced to do so.

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution R16-139.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas

Nay: (0)

Resolution R16-139 reads as follows:

A RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PROPERTY, TAX MAP PARCEL NO. 53D-1-36, TO RIVER-ROCK BUILDERS, LLC, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Stafford County is the owner of Tax Map Parcel No. 53D-1-36 (Property), located within the George Washington Election District; and

WHEREAS, the Board determined that the Property is no longer needed by the County; and

WHEREAS, the Board desires to convey the Property to Rock-River Builders, LLC, for rehabilitation of the historic Counting House structure on the Property; and

WHEREAS, the Board desires to retain an easement on the Property for potential construction of a future public parking lot; and

WHEREAS, the Board desires to restrict the allowed uses on the Property to those specifically incorporated in a Memorandum of Understanding and Deed of Restrict Covenants to be executed by the County; and

WHEREAS, pursuant to Virginia Code § 15.2-1800, the Board may consider the conveyance of County-owned property after a public hearing is held; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that the County Administrator be and he hereby is authorized to execute a deed conveying Tax Map Parcel No. 53D-1-36 (Property) to Rock-River Builders, LLC; and

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, be and he hereby is authorized to execute all documents necessary to affect the conveyance of the Property including, but not limited to, the execution of a Memorandum of Understanding and Deed of Restrictive Covenants.

Planning and Zoning; Consider Granting and Easement Along Wyatt Lane to Dominion Virginia Power Mr. Jeff Harvey, Director of Planning and Zoning, presented a slide with details about the proposed easement. Due to its location in the Hartwood District, and Mr. Snellings absence, it was agreed to take action on granting the easement after holding the public hearing on June 7, 2016, but at the June 21, 2016 meeting.

The Chairman opened the public hearing.
No persons desired to speak.

The Chairman closed the public hearing.

Ms. Sellers motioned, seconded by Mrs. Maurer, to defer this item to the Board’s June 21, 2016 meeting.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
Nay: (0)
Absent: (1) Snellings

Utilities; Consider a Policy to Provide Loans for Onsite Sewage System Repairs Related to the County’s Subsidized Pump and Haul Policy Mr. Mike Smith, Director of Utilities, gave a Power Point presentation and answered Board members questions.

At Ms. Sellers’ request, Mr. Smith described the pump and haul program. Mr. Milde confirmed that the pump and haul program was funded by user fees. Mr. Smith said that Utilities user fees just increased 5%. He confirmed Ms. Bohmke’s question that less than 25 people were on the program. Ms. Bohmke noted that the \$80,000 cost was not a lot of money in view of the County’s overall budget.

The Chairman opened the public hearing.

The following persons desired to speak.

Ivy Walsh

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O16-17.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
Nay: (0)
Absent: (1) Snellings

Ordinance O16-17 reads as follows:

AN ORDINANCE TO AUTHORIZE FINANCING THE REPAIR OF FAILED SEPTIC SYSTEMS WHICH ARE PART OF THE SUBSIDIZED PUMP AND HAUL PROGRAM

WHEREAS, on June 16, 2015, the Board adopted Resolution R15-106, which amended the County’s pump and haul policy and provided an opportunity for property owners that are currently part of the grandfathered subsidized pump and haul system to obtain a loan for the construction of an alternative system, if feasible; and

WHEREAS, it is in the best interest of the County for property owners to have well-functioning on-site sewer disposal septic systems; and

WHEREAS, the County desires to reduce the amount of property owners who are dependent on the grandfathered subsidized pump and haul; and

WHEREAS, the Board desires to authorize financing the repair of failed septic systems for those grandfathered homeowners on the County's subsidized pump and haul program if needed; and

WHEREAS, Virginia Code, §15.2-958.6, requires a local ordinance be adopted to provide loans for the repair of septic systems, and

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

WHEREAS, the Board finds that adoption of this ordinance secures and promotes the public health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that the Stafford County Pump and Haul Loan Program be and it hereby is instituted to provide loans to eligibly subsidized pump and haul property owners to repair failed septic systems by replacing the same with an alternative sewage disposal system; and

BE IT FURTHER ORDAINED that the terms of the Loan Program, and any supporting documents, shall substantially conform to the terms set out hereunder in this ordinance.

Financing the repair of failed septic systems which are part of the subsidized pump and haul program.

A grandfathered subsidized pump and haul customer, as defined in the County's Pump and Haul Policy, may contract with the Department of Utilities, for a loan in the amount required to repair a failed septic system by the construction of an approved alternative system. The loan program will include the following:

- (a) Loans will be provided for the repair of a septic system, by replacement with an alternative system that will restore on-site sewage disposal. The system must have been designed by an Authorized On-Site Soil Evaluator and approved and permitted by the Virginia Department of Health (VDH)
- (b) Property owners must currently own a septic tank for the storage of wastewater on the property that is part of the County's subsidized pump and haul program as a grandfathered customer.
- (c) Loans are not available for measures installed before a promissory note is signed.
- (d) The loan will be for a 10-year term, at 5% interest, and no penalty for early payoff. The minimum loan amount is \$5,000, and the maximum amount is \$40,000.
- (e) All payments will be due on or before the 5th of each month and will incur a 10% late payment penalty if not received by the 5th of each month.

- (f) There will be a one-time administrative application fee of \$125.00 dollars due at the time of application submission.
- (g) Loans will be disbursed as funding is available. If insufficient funds are available for all interested parties, those property owner’s that can demonstrate they are eligible as a grandfathered customer under the Pump and Haul Policy will be given priority, all others will be on a first come first serve basis.
- (h) The County Administrator, or his designee, will be the authorized person to enter into these contracts on behalf of the Board of Supervisors.
- (i) The contract shall specify the following terms and conditions:

DRAFT SEPTIC SYSTEM REPAIR AGREEMENT

IMPORTANT NOTICE

THIS INSTRUMENT CONTAINS A CONFESSION OF JUDGMENT PROVISION WHICH CONSTITUTES A WAIVER OF IMPORTANT RIGHTS YOU MAY HAVE AS A DEBTOR AND ALLOWS THE CREDITOR TO OBTAIN A JUDGMENT AGAINST YOU WITHOUT ANY FURTHER NOTICE.

THIS AGREEMENT for the repair of a failed septic system by the purchase and installation of an alternative sewer system to the following property:
 (address) Stafford, VA 22 Tax Map Parcel No. _____ (Borrower), is entered into this _____ day of _____ 201_, by and between _____, current owners of the Property, , and STAFFORD COUNTY, VIRGINIA a political subdivision of the Commonwealth of Virginia (Creditor).

WITNESSETH:

WHEREAS, Borrower currently owns a septic tank for the storage of wastewater on the Property as part of the County’s subsidized pump and haul program as a grandfathered customer, as defined in the Pump and Haul Policy; and

WHEREAS, the Borrower seeks to have an alternative sewer system built on the Property and desires to obtain a loan from the Stafford County Department of Utilities to install said system. Only those systems which have been designed by an Authorized On-Site Soil Evaluator, and approved and permitted by the Virginia Department of Health (VDH) are eligible for a loan thru this program; and

NOW, THEREFORE, in consideration of the sum of \$125.00 paid at the time of application by the Borrower to the Creditor and for other good and valuable consideration including the mutual promises contained herein, the parties agree as follows:

1. The total sum the Borrower is requesting and receiving under this Agreement for the installation of an alternative septic system on the Property is \$_____, to be paid in monthly installments at 5% interest, for a monthly payment amount of \$_____. Payments are to be paid on or before

the 5th day of each month, beginning with the month of _____, 201____, and continuing each month until paid in full, but not later _____, 20____. Any payment not received by the 5th of the month will incur a 10% late payment penalty.

2. Borrower will be billed monthly for loan installment payments by Utilities.
3. In the event that Borrower or his/her successor, at any time wishes to pay the balance due under this Agreement, he/she may do so without penalty.
4. Upon installment of the alternative septic system to the property and Utilities transmitting payment to the contractor who installed the system, this Agreement cannot be terminated by Borrower except by full payment of all monies due hereunder.
5. Creditor will no longer provide pump and haul services to the Property upon completion the installation of an alternative septic system.
6. IN THE EVENT BORROWER TRANSFERS OWNERSHIP OF THE PROPERTY BY SALE OR OTHERWISE, ALL REMAINING MONIES DUE UNDER THIS AGREEMENT SHALL BECOME DUE AND PAYABLE ON THE EFFECTIVE DATE OF SUCH TRANSFER. A LIEN WILL BE RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE OF STAFFORD COUNTY, AS SECURITY FOR THIS TRANSACTION.
7. IN THE EVENT THAT BORROWER FAILS TO MAKE ANY OF THE TIMELY MONTHLY INSTALLMENT PAYMENTS DUE UNDER THIS AGREEMENT, THE ENTIRE REMAINING DEBT SHALL BECOME IMMEDIATELY DUE AND PAYABLE, AND THE BORROWER CONFESSES JUDGMENT THE AMOUNT DUE PAYABLE UNDER THE AGREEMENT. The attached Confession of Judgement is an integral part of this Agreement, and must be completed but will be only filed and pursued if Borrower defaults on the term of this Agreement.
8. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.
9. This Agreement is further subject to such rules, regulations, and laws as may be applicable to similar agreements in this state. The Borrower will obtain any such permits, verifications, or the like, as may be required to comply therewith.
10. Borrower hereby agrees to use any availability fees and/or connection fees refunded from Utilities as payment against the principle due under this agreement.
11. Borrower hereby expressly waives the benefit of any homestead exemption as to this debt and waives demand, protest, notice of presentment, notice of protest, and notice of non-payment and dishonor of this note.

12. Borrower expressly agrees to submit to personal jurisdiction in Virginia and agrees that the forum for any litigation pursuant to this Agreement or any other contract between Creditor and Borrower, whether suit is brought by Creditor or Borrower, shall be the General District or Circuit Court of Stafford County, Virginia.
13. Borrower hereby constitutes and appoints any one of the following Stafford County Employees: Michael Smith, Director of Utilities; Julie Elliot, Utilities Fund Manager; Jeanine Denno, Customer Service Manager; and Lynn Clements, Utilities Accounting Technician, as his true and lawful attorney-in-fact, with full power and authority hereby given him to appear and present this Agreement and associated note before the Clerk of the Circuit Court of Stafford County, Virginia, at any time after maturity or default on any of the installments hereunder and to waive the issuance and service of process and to confess judgment against him/her in favor of the Creditor for the amount of money due plus interest and costs, plus attorney's fees in an amount equal to 33% of the amount of money due, less credit for payments made.

Ms. Bohmke motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R16-63.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
Nay: (0)
Absent: (1) Snellings

Resolution R16-63 reads as follows:

A RESOLUTION ESTABLISHING A POLICY THAT WILL PERMIT THE COUNTY TO PROVIDE LOANS FOR ON-SITE SEWAGE SYSTEM REPAIRS RELATED TO THE STAFFORD COUNTY PUMP AND HAUL POLICY

WHEREAS, the County's Pump and Haul Sewer Service Policy (Policy) was revised in June 2015; and

WHEREAS, the Policy includes provisions for a loan from the County for a septic system repair or replacement if one is found to be feasible on property covered by the County's subsidized pump and haul program; and

WHEREAS, the Board finds that the proposed Stafford County Pump and Haul Loan Policy provides for the health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of June, 2016, that it be and hereby does approve and adopt the Stafford County Pump and Haul Loan Policy document dated June 7, 2016.

Public Works; Consider Abandonment of a Drainage Easement in Association with the Poplar Road Phase II Improvement Project Mr. Jason Towery, Assistant Director of Public Works, briefed the Board. Due to its location in the Hartwood District, and Mr. Snellings absence, it was agreed to take action on abandoning the drainage easement after holding the public hearing on June 7, 2016, but at the June 21, 2016 meeting.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Ms. Sellers motioned, seconded by Mrs. Maurer, to defer this item to the Board's June 21, 2016 meeting.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas

Nay: (0)

Absent: (1) Snellings

Planning and Zoning; Consider Revoking a Special Use Permit SUP94-03, for an Automobile Sales Facility in the B-2, Urban Commercial Zoning District on a Portion of Tax Map Parcel 45-68 Ms. Susan Blackburn, Zoning Administrator, gave a Power Point presentation and answered Board members questions. Ms. Blackburn explained that as of earlier in the day, the car lot was found to be in compliance with the requirements of the SUP. Previously, however, the car lot exceeded the permitted number of vehicles on the lot as well as not abiding by the required 30' set-back.

Mr. Milde asked if the owners knew about the violations. Ms. Blackburn replied that inspectors paid visits to the lot and spoke with the owner as well as mailing a certified, return receipt requested, letter. Mr. Milde asked how long they were in violation. Ms. Blackburn replied, "September, 2015." She added that so long as the owner had shown a good faith effort at regaining and maintain compliance, the Zoning Department was willing to work them.

Mr. Cavalier repeated that the car lot was in compliance as of the Board's meeting. Ms. Blackburn said that the Notice of Violation (NOV) was abated as of June 7, 2016. Ms. Sellers asked where they could park vehicles if not on display. Mr. Thomas said that they were only permitted to have 50 vehicles per the restrictions of the SUPs. Ms. Sellers asked if they could build a fence. Ms. Blackburn said that SUP 94-33 permitted 30 vehicles on the western side of the property; SUP91-01 permitted 20 vehicles on the eastern portion, for a total of 50 vehicles. She added that at times, as many as 90 vehicles were on the property as noted at staff's inspection. Mr. Milde said there was blatant disregard for the conditions of the SUPs.

Mr. Cavalier said that a NOV was issued on September 21, 2015 but only for SUP94-33. It was then discovered that there was another SUP on the property, SUP91-01. Therefore, in Mr. Cavalier's view, the NOV was issued in error. Mr. Dan Wisniewski, Assistant County Attorney, said that the NOV was not deficient as it was only a revocation of SUP94-03. Mr. Cavalier said that the owners were not given an opportunity to appeal. Mr. Wisniewski said that there was an opportunity for the owners to appeal to the Board of Zoning Appeals. Mr. Cavalier said that a common sense approach was to give them another chance.

Mr. Milde said that under either scenario, they were still in violation. Mr. Wisniewski said that under the provisions of both SUPs, they exceeded the maximum number of permitted vehicles on the lot. Mr. Cavalier said that the County should try to work with people and that as of that day, they were in compliance. Ms. Sellers asked if this was owner-operated. Ms. Blackburn replied that it was leased property.

Mr. Clark Leming, on behalf of the applicant, said that on Friday of last week, his client was in compliance with the SUP and that all vehicles were moved to the paved areas. He said that there was a house on a middle parcel that burned down about 10 years ago. He got a site plan and plat in 1994, it was the site of the old Stoney's Restaurant. It was cost-prohibitive for the owner to apply for a revision to the SUP, now called a conditional use permit (CUP). Mr. Leming said there was initially some confusion about the conditions of the original SUPs but that now his client was in full compliance and the NOV was abated. Mr. Milde asked if Mr. Leming's client only owned that one car lot. Mr. Leming said he did not know. He said that his client did what he thought was necessary to abate the violation. Mr. Milde asked if the NOV was unclear.

Mrs. Maurer asked if all car lots on Route 17 had a limit to the number of cars they could display. Ms. Blackburn said that the number of permitted vehicles had to do with the number of parking spaces on the property. Ms. Sellers asked if the property owners had to disclose the restrictions to tenants. Ms. Blackburn deferred that question to the County Attorney.

Mr. Cavalier asked Ms. Blackburn if the numbers of cars were routinely counted at car lots in the County. Ms. Blackburn replied that if the inspectors were out checking for compliance, the numbers of vehicles were counted. Mr. Thomas said that after problems at the Auto Auction, staff was asked to be proactive with car lots on Route 17. Ms. Bohmke noted that there were other car lots on Route 1 that were out of compliance.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Thomas said that he wished to defer action, no date certain but with staff instructed to watch the lot for continued compliance with the conditions of the SUPs. Mr. Wisniewski said that he would prefer if it were date certain, giving a specific date by which staff would report back to the Board, then this item would be dispensed with. He suggested the Board's December meeting. Ms. Sellers asked if it could come back to the Board before December. Mr. Wisniewski said that it would have to be readvertised. Mr. Milde said they could have 100 cars on the lot and get rid of them by December. He asked if the NOV was difficult to understand.

Ms. Blackburn read from the NOV, "304 Warrenton Road, the date, the violation and State Code, and a list of each violation." Mr. Cavalier said that he was not convinced that the County sent out the correct NOV; that staff was wrong and he could not support it. Ms. Blackburn reiterated that the NOV was abated. Mr. Thomas said that the NOV covered one parcel. Ms. Blackburn said that she met with the owners that day and they fully understood the conditions of the SUP.

Mr. Cavalier asked if the applicant considered combining the two SUPs. Mr. Leming said that to do so was not inexpensive and would trigger a number of other Ordinance requirements. Mr. Cavalier said that common sense did not prevail. Mrs. Maurer said that there was not a formal motion on the floor and that she had a problem with revoking both SUPs to get the desired effect; that it did not make sense.

Mr. Shumate said that he was comfortable with date certain, December 13, 2016, or it could be readvertised and brought back to the Board prior to that date. Mrs. Maurer said that she could not support it procedurally; that if it was for only one SUP, it was for only one-half of the property and should be readvertised for both parcels.

Mr. Milde said there was still a violation so why not issue the NOV based on the one-half that was clearly out of compliance. He added that was a more measured approach and asked if a NOV could not be issued, what was the County's alternative.

Mr. Cavalier said that the Board worked with NOVs all the time and if this lot was in compliance, why was there a motion for deferral; it should be dispensed with and fully resolved. Mr. Thomas said that the problem could rear its ugly head again and he wanted the County to be proactive in assuring that conditions of both SUPs were maintained. If in violation in three months, swift action could be taken to deal with the problem. Mr. Cavalier said that he disagreed; that holding the hammer above their heads was not the way the County did business. Ms. Sellers said that people push the limits every day and it hurts those businesses that did the right thing. Mrs. Maurer said that cars were big things, a fire sale could not be held to get rid of them in a hurry, they weren't like widgets, and

there was a progression of compliance. She said that she believed that the County had to readvertise. Ms. Bohmke said she would have to disagree, saying that if you gave an inch, car lots would take a mile. She said that she was in favor of deferral to December. Mr. Cavalier said that the Board should be careful to not single out car lots as not all car lots were in violation. Mr. Milde said he would go along with the deferral.

Mr. Thomas motioned, seconded by Mr. Milde, to defer this item to the Board's December 13, 2016 meeting.

The Voting Board tally was:

Yea: (4) Bohmke, Milde, Sellers, Thomas
 Nay: (2) Cavalier, Maurer
 Absent: (1) Snellings

Add-on: Included in the Board's Add-on folder was a memo suggesting that the one-time stipend related to increases in health insurance premiums and deductibles be increased from \$300 to \$475. Mr. Romanello explained that the original stipend was \$300, which was previously agreed upon by the Board. Subsequent to that approval, the School Board announced that it was giving Schools' employees a \$475 stipend to account for health insurance rate increases and increased deductibles in the combined County/Schools health insurance plan(s).

Mr. Milde noted that the Schools' had a much better health insurance plan, which was why it cost more than what the County offered. Mr. Romanello said that the Schools' paid less for dependent coverage and the County paid more for 'employee only' plans. He said that now the plans would be identical, except for premiums. Discussion ensued.

Mr. Cavalier said that the School Board was conscious of the \$300 stipend then it deliberately increased it by \$175 for Schools' staff. He said that by the County doing the same thing, it only compounded the problem; that the School Board chose to not do the right thing. He spoke about categorical funding and the Schools' getting larger raises than County staff in FY2017, and that he did not want to be party to matching the School Board's actions.

Mrs. Maurer said that she often "feels like she is in a bad marriage with people across the street that are on some bender with a credit card that has no limit." She said that the Board approved the \$300 stipend. The School Board had \$7.1 million prior to the expressed need for an additional \$2 million for the Moncure Elementary School rebuild. There were \$1.8 million in capital expenses and \$858,000 for schools buses, and paying off the new financial system. Mrs. Maurer said that the Board asked for a joint audit and the School Board responded by asking what that meant. She said that there was more and more evidence of the need to take over the Schools' finances; that they were trying to one-up the County by giving their employees \$475.

The issue was not that she did not want County employees to have an additional \$175; that County employees were very much appreciated, but it was not good fiscal management and rushing to do parity with the Schools exemplified why there was a need for one financial system. She said that it was time to stop the maddening behavior, and to act like adults.

Mrs. Maurer asked if this went to the FAB Committee. Mr. Thomas said that it had not but that it was time sensitive in order to give Payroll the needed time to include it in the second paycheck in June.

Ms. Bohmke motioned, seconded by Ms. Sellers, to approve the additional \$175 stipend.

The Voting Board tally was:

Yea: (3) Bohmke, Sellers, Thomas

Nay: (3) Cavalier, Maurer, Milde

Absent: (1) Snellings

Pursuant to the Board's Bylaws, because of the tie vote, the item would be reconsidered at the Board's June 21, 2016 meeting.

Adjournment At 8:43 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Robert "Bob" Thomas, Jr.
Chairman