

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

December 13, 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, December 13, 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; and Gary F. Snellings.

Also in attendance were: C. Douglas Barnes, Interim County Administrator; Charles L. Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Cheryl D. Giles, Deputy Clerk; associated staff and other interested parties.

Mr. Thomas spoke about the recent event honoring WWII veterans and aired a video taken at the event. Major General Craig Timberlake, Delegate Mark Dudenhefer, Fredericksburg’s Mayor, Mary Katherine Greenlaw, and Mr. Thomas were featured speakers. Thanks were given to the Stafford Regional Airport and to Mission BBQ for volunteering their space and delicious food respectively. Staff was commended for its efforts on behalf of the WWII veterans in the region.

Mr. Thomas read a proclamation and thanked Mr. Brad Johnson for his years of service to the citizens of Stafford County. Mr. Johnson’s last day as Assistant Director of Economic Development is December 30, 2016.

Ms. Bohmke read a proclamation and thanked the Greater Falls Run Lions Club for its service to Stafford County and its citizens. Mr. Paul Watson, President of the Greater Falls Run Lions Club, spoke and thanked the Board for the recognition, saying that his Club was among the largest in the area with 82 members who accounted for \$40,000 in donations and hundreds of volunteer service hours in the community.

Dr. Bruce Benson, Superintendent of Schools, gave a report and provided a hand-out/condensed version of the Schools Strategic Plan. He said it was based on core values,

learners, community, excellence (not status quo), valuing diversity, and integrity. The motto is “to inspire and empower.” The Plan would be adjusted every two years to keep current key strategies and to monitor metrics that were tied to the strategies, which were tied to a scorecard and available on the Schools’ webpage.

Dr. Benson spoke about changing demographics and 2,045 ESOL students who speak a total of 44 different languages. The total student population enrolled as of November 21, 2016, was 28,149, up 500 from last year. He said he appreciated local government support while recognizing areas needing attention including Anne E. Moncure Elementary School and Winding Creek Elementary School, whose populations numbers would be in the red next year, as well as Colonial Forge HS, which would be at 105% capacity in school year 2018-2019. The School Board was looking at possible redistricting to accommodate the overages at some schools while others were under the recommended population density.

Ms. Sellers said that Garrisonville District students were bused out of the area to Moncure, which residents particularly of the Hampton Oaks neighborhood were upset about. She encouraged transparency and promised that residents of the Garrisonville District would be anxiously involved if the Schools’ did not wait until the last minute to announce meetings (many had no knowledge of this evening’s meeting).

School Board Chairman, Holly Hazard, said that that evening’s meeting was about elementary school needs including trailers (now called learning cottages). She said that with the upcoming opening of the rebuilt Moncure ES, she did not want to move students two or three times, but would rather keep the end goal in mind. Ms. Hazard, a former member of the County’s Planning Commission, suggested meetings tailored such as were the UDA meeting with citizen input, adding that they needed more input and opinions. Next week, the meeting would be about high school options. Ms. Sellers again encouraged Ms. Hazard and the School Board to be transparent and inclusive of Garrisonville and all County residents. She said her residents were not happy with the last decisions made by the School Board.

Mr. Milde asked if they were talking about program or design capacity. Dr. Benson said it was design capacity. Mr. Cavalier asked about the number of Colonial Forge HS students not living in that district. Ms. Hazard said it was a negative number since Colonial Forge district students were also transferring out for other program offerings, etc. She said that intake at Colonial Forge HS was closed several years ago.

Mr. Snellings commended the Schools for having all of its schools accredited, adding that only 31 localities in the Commonwealth could make that claim.

Mrs. Maurer said she was troubled by the numbers at Colonial Forge HS and Winding Creek ES but was excited about the traffic signal coming to Colonial Forge. She suggested a committee of two Board and two School Board members to “peel back the layers of the onion” to look at one Capital Improvement Program (CIP) including both

entities. Ms. Hazard said they would look at the impact to all students and do as much as possible with the least possible disruption, especially at the high school level.

Ms. Bohmke noted that the transfer policy was fixed when she was a member of the School Board. Mr. Milde asked if the highest percentage of ESOL students spoke Spanish. Ms. Hazard concurred and said she would get the actual percentage for him.

#### Presentations by the Public

Ruth Carlone - Ms. Carlone was unable to attend but asked that her remarks be included for the record (done so with Mr. Snellings' authorization). "Poor siting of a retail business such as Dollar Store, and especially with entrance/exit situated across from school entrance, is not good planning. A business of lesser volume such as an insurance office, or lawyer, should be considered. The nature of the Dollar Store covers a multitude of items for sale that will attract a significant volume of customers from new and incoming residential subdivisions, and parents coming and going to school. Volume of traffic into Stafford school entrances includes cars, buses, cars, staff members, teachers, deliveries, special meeting, etc. Adjacent to the proposed retail site is the school bus facility, and storage center, plus the Fire and Rescue training facility. Next to that is the funeral facility, which is located on a reverse curve with poor visibility. Higher volume retail customers can make a right onto Courthouse Road without too much of a problem, but those who need to reach Route 1 and Courthouse Road must crossover two lanes to make a left in front school entrance. Please defer to consider lesser volume usage. The architectural drawing is ugly. The County is in process of building a Veteran's Memorial that should be a tourist destination as well as the new swim center and the promotion of the historic Falmouth District. Please in approving construction for whatever business is installed; look at our original architecture/a theme of Historic background or something that attracts visually."

#### Board Member Presentations Board members spoke on topics as identified:

Ms. Bohmke - Attended Military Affairs Council annual meeting/dinner; the County continues to have great relationships with Fort AP Hill and Marine Corps Base Quantico; served a meal to Head Start families with members of the Board and School Board; attended the Legislative Dinner and BACC holiday event/thanked the many County volunteers saying their time and talents were very much appreciated; attended the Rappahannock River Basin meeting in Richmond where EPA and DEQ representatives gave presentations to the group including that Stafford would meet its 2017 goals; excellent news. There was a 35 million pound nitrogen reduction in the Rappahannock River from 1986 to 2015; 11 times more grasses are in the Potomac Underwater Bay, clearer water is making good progress with watermen and there are positive changes in the upper and lower basin of the Rappahannock River. WWII event was the highlight of the year. The Board appointed Mr. Snellings and Ms. Bohmke to meet with commercial developers; had very productive meeting with stakeholders; there

was room for improvement/heard complaints and concerns and they will work with the Board to make the process less costly and overall better and more expedient. Attended Tourism forum at Riverside held by Curry Roberts with the Fredericksburg Regional Alliance (FRA); heard presentations by the Roanoke and Richmond Visitors Bureau, which have a very different approach to tourism; suggested due diligence and proceeding cautiously.

Mr. Cavalier - Happy Holidays.

Mrs. Maurer - Enjoyed first year on the Board; attended the Stafford Tech and Research Park meeting, which will soon be called the Stafford Innovation Center. The incubator lease was signed and should open on February 1, 2017. Attended the Realtors Lunch with Mr. Cavalier; talked about changes to the Sign Ordinance; Attended the Quantico Regional Executive Steering Committee meeting with Mr. Milde; thanked staff for good relationship with Marine Corps Base Quantico and including the Base in the Comprehensive Plan; Attended the joint retirement event for Nancy Collins and Keith Dayton (Anthony Romanello also attended); Visited AG Wright Middle School science class and Garrisonville Elementary School; said it was important for Board members to see demonstrated the teachers and administrators love for learning; commended teachers and principals. Attended a Boost for Business sponsored by the EDA; provided necessary info to vets (35% of the population); Served dinner at Head Start; Attended the Legislative Committee meeting and BACC holiday gathering; Hosted Winding Creek/Berkshire meeting – thanked staff and developers for participating; Thanked Board for its support of a service district at Lake Arrowhead; said that 2016 was an incredible year working with a brilliant team; looking forward to welcoming the new County Administrator, and 2017 will be an exciting year.

Mr. Milde - Attended the Quantico Regional Executive Steering Committee meeting with Mrs. Maurer, and discussed state-wide Joint Land Use Study (JLUS); attended the Legislative Dinner and BACC holiday gathering at Riverside; attended a PRTC meeting; attended Pancakes and Politics at the Fredericksburg Country Club; attended the Quantico Civ/Mil Association holiday event at the Ferlazzo Building, hosted by Prince William County and attended by military officers of allies around the world; it was very impressive to see them in uniform.

Ms. Sellers - Attended a community meeting with VDOT on sound barrier walls – 50% response of directly impacted land-owners was necessary and was at 45% response at the time of the meeting; attended a Thurman Brisben Shelter meeting talking about expenses and financial issues; a small increase would be requested in the next years' budget request from the Shelter; attended the Legislative dinner and BACC holiday gathering at Riverside.

Mr. Snellings - Merry Christmas, Happy New Year.

Mr. Thomas - Mr. Milde said that a 3' obelisk was unearthed at Mile Marker 142 from the 1700's – staff would have to decide how to proceed with moving it. Mr. Thomas thanked his colleagues for his year as Chairman and wished everyone a happy holiday season.

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

Report of the Interim County Administrator Shannon Howell, Public Information Officer, gave an overview of the County's new website, still under construction but expected to be fully functional by February 1, 2017. Mr. Thomas asked that a link to the budget be highly visible on the first page. Ms. Howell thanked Jane Sutherland and Allison Sisson for their hard work.

Mr. Lou Cannon provided an overview of the recently completed FY2016 audit. There were eight findings vs. five findings last year. Staff was in the process of responding to each finding. Five were in the financial statements and three were compliance issues.

Deputy County Administrator, Keith Dayton, provided an overview of the R-Board's finances, saying that the audit was almost complete and confirmed an improvement in operating revenue of +\$1.3 million, up 32% over last year. No funds were withdrawn from the R-Board's reserve in the last fiscal year as the City and County helped with debt service on the construction of Cell F2. \$620,000 was collected in residential fees and flow control contributed \$900,000 for a partial year; that number will increase when in full compliance. Mr. Milde thanked Mr. Dayton and former County Administrator, Anthony Romanello. Said he inherited the landfill as it was located in the Aquia District.

Item 3. Proposed Resolution R16-371 supports the plans of Stafford Hospital to add on a computer tomography (CT) Scanner at its campus in Stafford County.

Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-371.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas  
Nay: (0)

Resolution R16-371 reads as follows:

A RESOLUTION TO SUPPORT THE PLANS OF STAFFORD HOSPITAL TO ADD ON A COMPUTED TOMOGRAPHY (CT) SCANNER AT ITS CAMPUS IN STAFFORD COUNTY

WHEREAS, the Board desires to continue to improve accessibility and affordability of health care services for all of its residents; and

WHEREAS, rapid population growth in the region over the past decade has stressed current local health care service capacity at Stafford Hospital for Computed Tomography (CT) services; and

WHEREAS Mary Washington Healthcare and its affiliates (Stafford Hospital, Mary Washington Hospital, Stafford Hospital Foundation, Mary Washington Healthcare Clinical Services, Mary Washington Hospital Foundation and Mary Washington Healthcare Services) provide health care services to residents of Stafford County and the region surrounding Stafford; and

WHEREAS, Stafford Hospital was established in 2009 as a non-profit acute care hospital to advance and support the provision of health care services to the local community and currently offers diagnostic, surgical, medical and emergent treatment capabilities; and

WHEREAS, Mary Washington Healthcare and its affiliates, including Stafford Hospital provided over \$18 million in unreimbursed health care services to the patients in the region during 2015; and

WHEREAS, the Stafford Hospital Foundation, since 2008, has provided grants for Stafford County totaling \$1,060,282 to Action in Community Through Service, Fredericksburg Regional Transit, Stafford Farmers Market, Rappahannock Area Agency on Aging, S.E.R.V.E., Stafford County Division on Social Services, Stafford County Fire and Rescue, Stafford County Public Schools, Stafford County Head Start, Stafford Education Foundation, Stafford Junction, Inc., and United Faith Christian Ministry; and

WHEREAS, Stafford Hospital provides an important economic benefit to the residents of Stafford, including numerous jobs since 2009; and

WHEREAS, Stafford Hospital has taken care of the health care needs of the residents of Stafford County with state of the art facilities and equipment and is committed to maintaining a standard of excellence in quality patient care; and

WHEREAS, Stafford Hospital has requested the State Health Commissioner of Virginia to issue Stafford Hospital a certificate of public need authorizing the Hospital to add one CT scanner for use in the Stafford Hospital facility, located in Stafford County to meet the health care needs of the local residents;

NOW, THEREFORE BE IT RESOLVED that the Stafford County Board of Supervisors hereby expresses its support for the pending proposal of Stafford Hospital to add a CT scanner and thereby enhance the level of care to the Stafford regions patient population; and

BE IT FURTHER RESOLVED, that the Board be and it hereby does endorse the proposed application of Stafford Hospital to the Virginia Department of Health for a Certificate of Public Need to add one CT scanner for use in the Stafford Hospital facility, located in Stafford County.

Additions/Deletions to the Regular Agenda Item #29, Consider Revisions to the Personnel Policy Regarding Holiday Pay, Proposed Resolution R16-376.

Mrs. Maurer motioned, seconded by Ms. Sellers, to accept the Agenda with the addition of Item #29.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Legislative; Consent Agenda Mr. Milde asked that Item 10 be pulled from the Consent Agenda citing a possible conflict of interest as he owns land adjoining the property in question, and his desire to abstain from voting on that item.

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt the Consent Agenda, omitting Item 10 at Mr. Milde's request.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Item 5a and 5b. Legislative; Approve Minutes of the November 22, 2016 Board Meeting and the December 6, 2016 Special Meeting

Item 6. Finance and Budget; Approve Expenditure Listing

Resolution R16-370 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED NOVEMBER 22, 2016 THROUGH DECEMBER 12, 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 services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the above-mentioned EL be and hereby is approved.

Item 7. Public Information; Proclamation Recognizing the Greater Falls Run Lions Club

Proclamation P16-33 reads as follows:

A PROCLAMATION RECOGNIZING THE GREATER FALLS RUN  
LIONS CLUB

WHEREAS, Lions Club International is the world's largest service club organization; and

WHEREAS, the Greater Falls Run Lions Club (Club) was formed on July 6, 2005 and is a member of Lions Club International; and

WHEREAS, the mission of the Club is "to serve our community and beyond by providing voluntary services and raising funds for humanitarian activities;" and

WHEREAS, the Club is active in many civic initiatives including the Lions Project for Canine Companions and is recognized by the Board each August during International Assistance Dog Week; and

WHEREAS, the Blue Star Mothers of Fredericksburg were aided by Club members in packing and shipping 300 boxes to overseas troops that are away from home during the holidays; and

WHEREAS, in October 2016, Club members participated in vision and hearing screening for 662 Stafford County school children; and also in October, donated a bench to Stafford Junction; and

WHEREAS, the Club's seventh annual Crab Feast took place in September 2016, and 100% of the proceeds were dedicated to community service projects;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does recognize the Greater Falls Run Lions Club for its commitment to Stafford County, its citizens and community organizations.

Item 8. Public Information; Proclamation Recognizing Steven Druiett, Winner of the 2016 Tri-City/County Soil & Water Conservation District's Clean Farm Award

Proclamation P16-34 reads as follows:



A PROCLAMATION RECOGNIZING MR. STEVEN DRUIETT,  
WINNER OF THE TRI-COUNTY/CITY SOIL AND WATER  
CONSERVATION DISTRICT'S 2016 CLEAN FARM AWARD

WHEREAS, each year the Tri-County/City Soil and Water Conservation District recognizes environmentally friendly, conservation-minded farming practices; and

WHEREAS the District has selected Mr. Steven Druiett as the Clean Water/Bay Friendly Farm Award program recipient of Stafford County (Rappahannock Watershed) for 2016; and

WHEREAS Mr. Druiett demonstrated a commitment to the conservation of natural resources through responsible farming practices, which includes installing 2,746' of pipeline; three frost-free watering troughs; and 4,650' of fence to exclude cattle from the stream and wet areas that flow through his farm; and

WHEREAS Mr. Druiett installed several hydrants, which enable him to more intensely manage his forages and rotate his cattle every one to two days; the frequency of this rotation helps control weeds, insects, and disease problems without using chemicals on his farm;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does commend Mr. Steven Druiett for being recognized as the 2016 Clean Farm/ Bay Friendly Award winner.

Item 9. Public Information; Proclamation Recognizing Brad Johnson on his Retirement from Stafford County

Proclamation P16-35 reads as follows:

A PROCLAMATION RECOGNIZING BRAD JOHNSON, ASSISTANT  
DIRECTOR OF ECONOMIC DEVELOPMENT, ON HIS RETIREMENT

WHEREAS, Mr. Johnson has extensive experience in transportation, planning, Geographic Information Systems, redevelopment and economic development, and he brought decades of this diverse background to Stafford County in February, 2007 when he was hired as the County's first Redevelopment Administrator, and

WHEREAS, in this role, Mr. Johnson led one of the most ambitious public engagements in Stafford's recent history, meeting with residents, businesses, and stakeholders dozens of times as the Redevelopment master planning process began in earnest shortly after his hire, and

WHEREAS, that multi-year work produced some 10,000 hours of work (consultant and staff) and approximately 3,000 pages of documentation, and was the first

economic development-focused planning work of its kind in the Commonwealth of Virginia, and

WHEREAS, this work was endorsed by the Board, the Planning Commission, and the Economic Development Authority; it was added as an element of the Comprehensive Plan, and is now a living document being used to promote economic development in the County; and

WHEREAS, Brad was promoted to Assistant Director while retaining his Redevelopment Administrator role, furthering his influence in attracting and retaining investment within the County

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does recognize Brad Johnson on his retirement, and for his hard work and dedication to the citizens of Stafford County.

Item 11. Public Works; Authorize the Interim County Administrator to Advertise a Public Hearing to Consider Condemnation of Property in Connection with the Belmont-Ferry Farm Trail, Phase 4

Resolution R16-348 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER CONDEMNATION OF PROPERTY IN CONNECTION WITH THE BELMONT-FERRY FARM TRAIL, PHASE 4, IN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Board identified the completion of the Belmont-Ferry Farm Trail, to include Phase 4 beginning at Pratt Park and connecting to the sidewalk on Kings Highway (SR-3) at the Chatham Bridge (Project), as a critical part of the Falmouth h Redevelopment Plan to develop the river front as a cultural, historical, and recreational attraction for public use and enjoyment; and

WHEREAS, the acquisition of the easements are necessary for the completion of the Project, and staff is in the process of acquiring the necessary portions of land for temporary and permanent easements; and

WHEREAS, Tax Map Parcel No. 54F-11-2, consisting of approximately 0.4400 acres of land is owned by Robert B. P. Thompson; and

WHEREAS, due to the design of the Project, the Board must acquire 2,489 square feet (SF) of permanent trail maintenance easement, 766 SF of permanent storm drainage easement, 959 SF of permanent wall maintenance easement, and 5,150 SF of temporary construction and grading easement on Tax Map Parcel No. 54F-11-2; and

WHEREAS, the fair market value for the required easement areas of Tax Map Parcel No. 54F-11-2, together with damages, if any, to the remainder of the property is

Two Thousand Six Hundred Dollars (\$2,600), based upon the average price of prior sales of similar properties; and

WHEREAS, Tax Map Parcel No. 54-89, consisting of approximately 16.4313 acres of land is owned by Leah B. Watson and Bajram Gashi; and

WHEREAS, due to the design of the Project, the Board must acquire 218 SF of permanent trail maintenance easement and 979 SF of permanent wall maintenance easement on Tax Map Parcel No. 54-89; and

WHEREAS, the fair market value for the required areas of Tax Map Parcel No. 54-89, together with damages, if any, to the remainder of the property is Seven Hundred Dollars (\$700), based upon the average price of prior sales of similar properties; and

WHEREAS, the Board, through its consultant, made a bona fide, but ineffectual, effort to purchase the affected areas of the listed properties by offering a value based upon the average of prior sales of similar properties on behalf of the County, to the respective property owners; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consultant was unsuccessful in negotiating a final settlement with the property owner of Tax Map Parcel No. 54F-11-2, and with the property owners of Tax Map Parcel No. 54-89, but will continue to work with all the property owners to attempt to reach final settlement; and

WHEREAS, to acquire the easements for the Project by condemnation, the Board desires and is required to hold a public hearing, pursuant to Virginia Code §15.2-1903(B);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Board be and it hereby does authorize the Interim County Administrator to advertise a public hearing to consider condemnation to acquire permanent trail maintenance easement, permanent storm drainage easement, permanent wall maintenance easement, and temporary construction and grading easement on the property of Robert B. P. Thompson, Tax Map Parcel No. 54F-11-2; and permanent trail maintenance easement and permanent wall maintenance easement on the property of Leah B. Watson and Bajram Gashi, Tax Map Parcel No. 54-89; in connection with the Belmont-Ferry Farm Trail, Phase 4, Project, pursuant to Virginia Code § 15.2-1903(B).

#### Item 12. Public Works; Designate Juggins Road as a VDOT Revenue Sharing Project

Resolution R16-360 reads as follows:

A RESOLUTION TO REQUEST THE JUGGINS ROAD  
RECONSTRUCTION PROJECT AS A FY2018 VIRGINIA  
DEPARTMENT OF TRANSPORTATION (VDOT) REVENUE  
SHARING PROJECT

WHEREAS, the Board desires to submit an application for a reallocation of revenue sharing funds of up to \$1,025,000 for the Juggins Road Reconstruction Project; and

WHEREAS, the Board desires funds to be reallocated from a previously awarded revenue sharing project, the Enon Road project, in the amount of \$1,025,000; and

WHEREAS, staff submitted a Smart Scale application to replace the funding for the Enon Road project; and

WHEREAS, the Board commits to matching \$1,025,000 in revenue sharing funds with \$1,025,000 in funds received through the issuance of debt for the replacement build of Anne E. Moncure Elementary School;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Juggins Road Reconstruction project be and it hereby is requested for inclusion in the FY2018 VDOT Revenue Sharing Program; and

BE IT FURTHER RESOLVED that the Board authorizes the Interim County Administrator, or his designee, to execute project administration agreements and/or other documents that he deems necessary or appropriate for any approved revenue sharing projects; and

BE IT STILL FURTHER RESOLVED that the Interim County Administrator, or his designee, shall send three certified copies of this Resolution to the VDOT District Administrator.

Item 13. Public Works; Petition VDOT to Include Certain Streets into the Secondary System of State Highways

Resolution R16-361 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE PHILLIPS STREET WITHIN HOLLY RIDGE, SECTION 2, LOCATED WITHIN THE GEORGE WASHINGTON 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 Phillips Street within Holly Ridge, Section 2, located 0.2 miles south of White Oak Road (SR-218); and

WHEREAS, VDOT inspected Phillips Street within Holly Ridge, Section 2, and found it 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 13<sup>th</sup> day of December 2016, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Holly Ridge, Section 2, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Phillips Street (SR-1132)	From: 0.06 miles South of Intersection of Holly Street (SR-1147) To: 0.24 miles South of Intersection of Holly Street (SR-1147)	0.18 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for this street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Holly Ridge, Section 2, recorded among the Land Records of Stafford County, Virginia as Plat Map No. PM140000149, with Instrument No. LR140015479 on October 9, 2014; and

BE IT FURTHER RESOLVED that the Interim 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.

Resolution R16-362 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE DONOVAN LANE AND WHISTLER WAY WITHIN POPLAR ESTATES, SECTION 2C, LOCATED WITHIN THE HARTWOOD 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 Donovan Lane and Whistler Way within Poplar Estates, Section 2C, located off Poplar Road approximately 0.9 miles on Donovan Lane; and

WHEREAS, VDOT inspected Donovan Lane and Whistler Way within Poplar Estates, Section 2C, 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 13<sup>th</sup> day of December 2016, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Poplar Estates, Section 2C, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Donovan Lane (SR-2306)	From: Intersection of Evanston Court (SR-2308) To: Intersection of Whistler Way (SR-2309)	0.18 mi. ROW 50'
Donovan Lane (SR-2306)	From: Intersection of Whistler Way (SR-2309) To: Intersection of Waverly Way (SR-2310)	0.43 mi. ROW 50'
Whistler Way (SR-2309)	From: Intersection of Donovan Lane (SR-2306) To: 0.20 miles NE of Intersection of Donovan Lane (SR-2306)	0.20 mi. ROW 50'

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, Poplar Estates, Section 2C, recorded among the Land Records of Stafford County, Virginia as Plat Map No. PM120000285, with Instrument No. LR120027606 on December 28, 2012; and

BE IT FURTHER RESOLVED that the Interim 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. Public Works; Authorize the Interim County Administrator to Advertise a Public Hearing to Consider the Conveyance of County-owned Property, TMP 37-31C, as a Permanent Utility Easement to be Conveyed to Dominion Virginia Power

Resolution R16-367 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER GRANTING A PERMANENT UTILITY EASEMENT TO DOMINION VIRGINIA POWER ON TAX MAP PARCEL NO. 37-31C, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the County is the owner of right-of-way along Moorwood Drive, Tax Map Parcel No. 37-31C (Property); and

WHEREAS, Dominion Virginia Power wishes to proceed with the installation of underground facilities and removal of overhead electric lines on the Property and requires a 15-foot utility easement to place its facilities; and

WHEREAS, the adjoining property owners have already granted Dominion Virginia Power the necessary easements; and

WHEREAS, the Board desires and is required to hold a public hearing to consider granting the utility easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Board be and it hereby does authorize the Interim County Administrator to advertise a public hearing to consider granting a permanent 15-foot utility easement on Tax Map Parcel No. 37-31C to Virginia Dominion Power.

Item 15. Information Technology; Authorize the Interim County Administrator to Execute a Contract to Upgrade the Computer-Aided Dispatch (CAD) Standard SQL Database to an Enterprise SQL Database

Resolution R16-156 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SHI INTERNATIONAL CORP. TO UPGRADE THE ENROUTE COMPUTER-AIDED DISPATCH STANDARD SQL DATABASE SYSTEM TO A MICROSOFT ENTERPRISE SQL DATABASE SYSTEM

WHEREAS, the County's current EnRoute Computer-Aided Dispatch Standard SQL database system (CAD system) utilizes a database that contains critical data relating to the configuration, administration, historical records; and

WHEREAS, since the CAD system was upgraded in 2013, the County's dispatch center has experienced limitations within the Standard SQL database; and

WHEREAS, upgrading the CAD system to a Microsoft Enterprise SQL database system (Enterprise SQL) would allow (a) key functionality to improve reliability and reduce service interruptions; (b) non-critical workloads such as reports and back-ups to be run on a secondary server; and (c) improved system performance; and

WHEREAS, the Board desires to enter into a contract with SHI International Corp. to upgrade the County's CAD system; and

WHEREAS, the contract with SHI International Corp. may be cooperatively procured through the Virginia Information Technologies Agency (VITA) contract, VA-131017-SHI; and

WHEREAS, funds are available in the Cash Capital Fund for technology uses;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does authorize the Interim County Administrator to execute a contract with SHI International Corp. in an amount not to exceed One Hundred Eighty Thousand Dollars (\$180,000) for an upgrade to the EnRoute Computer-Aided Dispatch to a Microsoft Enterprise SQL database system.

Item 16. Sheriff; Consider Support of the Sheriff's Office Application for a Certificate of Waiver/Application for a Public Agency for Use of Unmanned Aircraft Systems

Resolution R16-368 reads as follows:

A RESOLUTION IN SUPPORT OF THE SHERIFF'S OFFICE  
APPLICATION FOR A CERTIFICATE OF WAIVER/APPLICATION  
FOR A PUBLIC AGENCY WITH THE FEDERAL AVIATION  
ADMINISTRATION FOR USE OF UNMANNED AIRCRAFT SYSTEMS

WHEREAS, the Sheriff's Office desires to use Unmanned Aircraft Systems (UAS) to protect life and property through support of law enforcement operations and related activities; and

WHEREAS, the Federal Aviation Administration (FAA) regulates the use of UAS; and

WHEREAS, to qualify for use of the UAS, the Sheriff's Office must apply for and be granted a Certificate of Waiver/Authorization for a Public Agency from the FAA; and

WHEREAS, as part of that application, legal counsel for the County must provide a Public Declaration Letter certifying that the Sheriff's Office is a public agency and that the UAS will be public aircrafts, not intended for commercial use; and

WHEREAS, as part of that application, the Board must recognize, on behalf of the Sheriff's Office, its legal responsibility for the operation of the UAS; and

WHEREAS, the Board desires to support the Sheriff's Office's application;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does support the Sheriff's Office's Certificate of Waiver/Authorization for a Public Agency application, by accepting legal responsibility for the Sheriff's Office's operation of Unmanned Aircraft Systems (UAS); and

BE IT FURTHER RESOLVED that the County Attorney, or his designee, is authorized to draft and transmit a Public Declaration Letter to the Federal Aviation Administration to certify that the Sheriff's Office is a public law enforcement agency and that the UAS will be public aircrafts, not intended for commercial use.

Item 17. County Administration; Authorize the Interim County Administrator to Advertise a Public Hearing to Consider the Establishment of a Lake Arrowhead Service District

Resolution R16-363 reads as follows:

AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO  
ADVERTISE A PUBLIC HEARING TO CONSIDER THE  
ESTABLISHMENT OF THE LAKE ARROWHEAD SERVICE  
DISTRICT

WHEREAS, the Lake Arrowhead community owns two dams that are presently out of compliance with state regulations; and

WHEREAS, the County has determined that these renovations will cost approximately \$700,000 for renovation to both dams; and

WHEREAS, continuing maintenance and permit compliance costs will require approximately \$30,000 per year, and another \$55,600 is necessary to establish a maintenance reserve fund for emergency expenses; and



WHEREAS, funding for these renovations could be provided through a service district to allow an annual assessment upon properties within the service district boundaries; and

WHEREAS, the Lake Arrowhead community has indicated substantial support for establishment of a service district to fund these renovations; and

WHEREAS, the Board desires and is required to conduct a public hearing to consider establishing the Lake Arrowhead Service District;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Interim County Administrator be and he hereby is authorized to advertise a public hearing to consider establishing the Lake Arrowhead Service District.

Item 10. Utilities; Authorize the Interim County Administrator to Execute a Contract for the Centreport Sewer Extension Project This item was pulled from the Consent Agenda at the request of Mr. Milde who cited a possible conflict of interest due to ownership of an adjoining piece of property.

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R16-364.

The Voting Board tally was:

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

Resolution R16-364 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH KELVIC CONSTRUCTION COMPANY INC. FOR THE CONSTRUCTION OF THE CENTREPORT SEWER EXTENSION PROJECT IN THE HARTWOOD ELECTION DISTRICT

WHEREAS, funding for construction of the Centreport Sewer Extension (Project) is in the Utilities Capital Improvement Program and is designed to convey wastewater from the Centreport Parkway area to the Potomac Creek pump station; and

WHEREAS, the County solicited bids for the Project; and

WHEREAS, three bids were received and staff determined that the bid submitted by Kelvic Construction Company Inc., in the amount of \$1,003,987, is the lowest responsive and responsible bid, and is reasonable for the scope of services proposed for the Project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Interim County Administrator be and he hereby is authorized to execute a contract with Kelvic Construction Company Inc., for the construction of the Centreport Sewer Extension Project, in an amount not to exceed One Million Three Thousand Nine Hundred Eighty-seven Dollars (\$1,003,987), unless amended by a duly-authorized change order.

Item 18. Planning and Zoning; Consider a Reclassification from R-1, Suburban Residential, to B-2, Urban Commercial Zoning District, to Allow a Commercial Retail Building Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Milde said that while it was not what he envisioned for that area, he understood that a Dollar General store served the needs of the people. He said that he'd travelled to see many Dollar General stores and that the new elevation proposed by the developer made it the most attractive frontage possible. He said that the building would not be an eyesore and would be able to be put to another use if Dollar General ever went out of business.

Mr. Snellings said that he could not support it due to its proximity to the elementary and high schools, the funeral home, and the Fire and Rescue training facility. He added that it would create a traffic nightmare. Ms. Bohmke agreed with Mr. Snellings and said that she could not support it for those same reasons, and cited traffic problems already encountered by residents on Hope Road. Mrs. Maurer asked how many houses could be built if the property were rezoned. Mr. Harvey said there was one house on the property.

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O16-33.

The Voting Board tally was:

Yea: (5) Cavalier, Maurer, Milde, Sellers, Thomas  
Nay: (2) Bohmke, Snellings

Ordinance O16-33 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. 30-70, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Par 3 Development Group, LLC (Applicant), submitted application RC16151104, requesting a reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, Tax Map Parcel No. 30-70, located within the Aquia 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;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 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. 30-70, with proffers entitled “PROFFERS,” dated November 8, 2016 (rev).

Item 19. Planning and Zoning; Consider Revoking a Special Use Permit (SUP) for an Automobile Sales Facility in the B-2, Urban Commercial Zoning District, on a Portion of TMP 45-68 Zoning Administrator, Ms. Susan Blackburn, gave a presentation and answered Board members questions. She indicated that on 11/29/16 there was a violation in the location of the vehicles but not in the number of vehicles on the property. The owner moved the vehicles and on 11/30/16, was in full compliance with the SUP. Staff rechecked the location on 12/13/16 and found the owner to be in compliance with the SUP.

Mr. Thomas said six months ago, he asked for deferral to ensure that the lot owner remained in compliance with the SUP and that good progress was made. He recommended permanent deferral of this item. No vote was taken.

Item 20. Finance and Budget/Public Works; Authorize the Interim County Administrator to Approve the Funding Authorization; Appropriate Proceeds; and Execute a Contract for Construction of the New Animal Shelter Mr. Dayton gave a presentation and answered Board members questions. He said that the existing shelter was too small and out of compliance with State regulations. The new shelter would be located next to the Rappahannock Regional Jail, near the Rowser Building. Taft Construction, out of Culpeper, was the most responsible and responsive bidder at \$3.827 million including \$700,000 in site development costs.

Mr. Snellings motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R16-313.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Resolution R16-313 reads as follows:

A RESOLUTION AUTHORIZING THE FINANCING OF UP TO  
\$5,750,000 OF THE COSTS OF THE NEW ANIMAL SHELTER  
FACILITY

WHEREAS, the Board desires to finance the costs of (a) a new animal shelter for the County (as more particularly described in the County's FY2017 Capital Improvement Program) (Project), and (b) the closing costs associated with the financing; and

WHEREAS, the Board has determined that it is necessary and expedient to finance up to \$5,750,000 of the costs of the Project; and

WHEREAS, the financing is expected to either be structured as lease revenue bonds issued by the Economic Development Authority of Stafford County, Virginia, or a financing lease or other arrangement between the County and the Virginia Resources Authority (collectively, such financing arrangements are referred to as Bonds); and

WHEREAS, the Board has determined that it may be necessary or desirable to advance money to pay the costs for the Project and to reimburse such advances with proceeds from one or more series of Bonds.

NOW, THEREFORE, BE IT RESOLVED ON THIS THE 13<sup>TH</sup> DAY OF DECEMBER, 2016, BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to finance the costs of the Project from the proceeds of Bonds in an aggregate principal amount not to exceed \$5,750,000.

2. Declaration of Intent. The Board hereby adopts this declaration of official intent under Treasury Regulation § 1.150.2. The Board reasonably expects to reimburse advances made or to be made by the County to pay the cost of the Project.

3. Evaluation of Financing Alternatives. The Board hereby authorizes and directs the staff of the County to evaluate the available financing alternatives and, if applicable, prepare and submit an application to the Virginia Resources Authority.

4. Payment. All payment terms of a series of Bonds shall be set forth in a subsequent resolution that approves the details of such series of Bonds.

5. Execution of the Financing Documents. The County shall not enter any financing arrangement related to a series of Bonds until the Board adopts a subsequent resolution approving of and setting forth the details thereof.

6. Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

7. Further Actions. Subject to the limitation on the execution of Bonds set forth in Section 6, the County Administrator, the Chairman of the Board, and

all such other officers, employees and agents of the County as either of them may designate are hereby authorized to take such action as the County Administrator or the Chairman of the Board may consider necessary or desirable in connection with the financing of the Project and any such action previously taken is hereby ratified and confirmed.

8. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Stafford, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on December 13, 2016, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Stafford, Virginia, this 13<sup>th</sup> day of December, 2016.

Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Resolution R16-369.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Resolution R16-369 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO BUDGET AND APPROPRIATE FUNDS, AND AWARD A CONTRACT FOR THE CONSTRUCTION OF THE NEW STAFFORD COUNTY ANIMAL SHELTER

WHEREAS, the existing animal shelter is inadequate in size, and out of compliance with State requirements for animal shelters; and

WHEREAS, the County could be assessed fines of up to \$1,000 per day for continuing to operate an animal shelter that does not meet the State's requirements for animal care; and

WHEREAS, the Board approved approximately \$5.7 million in funding to replace the existing shelter with a new animal shelter (Shelter) that meets current standards for animal care; and

WHEREAS, the Board also authorized the design and early site preparation for the Shelter; and

WHEREAS, staff solicited public bids for the construction of the Shelter; and

WHEREAS, the County received nine bids, with the bid from Taft Construction, Inc. of \$3,827,000 being the lowest responsive bid; and

WHEREAS, staff reviewed this bid and determined it to be reasonable for the scope of services requested; and

WHEREAS, the Board intends to issue debt for financing the Shelter at a later date when the optimum financing strategy has been developed; and

WHEREAS, the Board previously budgeted and appropriated \$1,458,000 for design, site work, and project management costs, but must still budget and appropriate \$4,826,000 to allow construction of the Shelter;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does budget and appropriate Four Million Eight Hundred Twenty-six Thousand Dollars (\$4,826,000) for the construction of a new animal shelter; and

BE IT FURTHER RESOLVED that the Interim County Administrator is authorized to execute a contract with Taft Construction, Inc., in an amount not to exceed Three Million Eight Hundred Twenty-seven Thousand Dollars (\$3,827,000) for the construction of the new animal shelter, unless amended by a duly-authorized change order; and

BE IT FURTHER RESOLVED that the Board may consider issuing debt to finance the construction of the new animal shelter at a later date; and

BE IT STILL FURTHER RESOLVED that the Board declares its intent to reimburse for the costs associated with the construction of the new animal shelter by adoption of the following:

NOTICE OF INTENT TO REIMBURSE  
CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

Section 1: Statement of Intent. The County presently intends to finance the new animal shelter with tax-exempt or taxable bonds or other obligations (Bonds) and to reimburse capital expenditures paid by the County (including expenditures previously paid by the County to the extent permitted by law) in connection with the new animal shelter before the issuance of the Bonds.

Section 2: Source of Interim Financing and Payment of Bonds. The County expects to pay the capital expenditures related to the new animal shelter incurred before the issuance of the Bonds with an inter-fund loan or loans from the General Fund or from temporary appropriations or loans from the Capital Reserve Fund. The County expects to pay debt service on the Bonds from the General Fund consisting of general tax revenues for the new animal shelter.

Section 3: Effective Date; Public Inspection. This Resolution is adopted for the purposes of complying with Treasury Regulation Section 1.150-2, or any successor regulation, and shall be in full force and effect upon its adoption. The Clerk of the Board shall file a copy of this Resolution in the records of the County available for inspection by the general public during the County's normal business hours.

Ms. Bohmke said that a 12% contingency seemed high. Mr. Dayton said that he hoped that it was high and would not be spent if not needed but variables such as getting power to the site and a decision about fiber optics would have to be taken into account. Mr. Thomas said that “nice to haves” that could be done later were often used to spend the contingency and he hoped that would not be the case with the new shelter.

Mr. Milde said that he spent most of his years on the Board advocating for a new shelter and voted against the CIP whenever the shelter was not included. He said that Captain Mike Null did the best he could with what he had to work with but the current shelter was abysmal. It smelled, was noisy, and uninviting to take children to adopt an animal. More than 1000 cats were euthanized because of the inadequate facilities. He said he was thrilled that the County would be getting a new shelter.

Item 21. Planning and Zoning: Refer to the Planning Commission the Integrated Corporate and Technology Park Overlay District as Originally Crafted Mr. Harvey gave a presentation and answered Board members questions. He said that when the proposal was originally referred to the Planning Commission (PC), the PC removed the option of multi-family homes being located in the Overlay District. It was the Board’s preference that the multi-family option be left in as a possible use in the Overlay District. The two areas being considered were Quantico Corporate Center and Riverside Business Park.

He said the Board could rezone a specific area or the property owners could petition the Board to rezone their properties. He said that standard multi-family had a much lower density than current zoning.

Mr. Thomas asked if there was a definition of workforce housing. Mr. Harvey said no but the hope was to provide housing for people that worked in the area and that three-bedroom units would comprise no more than ten percent of the building; it was not a development aimed at families although there may be some children living there. Mr. Thomas said that would be hard to enforce.

Ms. Sellers asked about occupancy rates at Aquia Towne Center. Mr. Cavalier said it was about 50%. Ms. Sellers said that people were interested in living in mixed-use areas. Ms. Bohmke asked how the County would mitigate uses and account for school-aged children living in the proposed multi-family areas without a conditional use permit (CUP).

Mr. Cavalier motioned, seconded by Ms. Sellers to adopt proposed Resolution R16-375.

The Voting Board tally was:

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

Mr. Cavalier asked that the word “not approved” be removed from the language of the proposed Ordinance. Mr. Milde asked if the Board could add a CUP requirement. Deputy County Attorney, Rysheda McClendon, confirmed that the Board could request a CUP. Mr. Snellings said that in Spotsylvania County, when an item is referred to its Planning Commission, the PC makes recommendations but returns the ordinance to the Board in its original format with a request that the recommendations of the PC be considered by the Board. Mr. Milde agreed with that approach. Mr. Thomas said that a change like that should be considered at the Board’s 2017 annual meeting.

Resolution R16-375 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-33, “DISTRICTS GENERALLY;” SEC. 28-34, “PURPOSE OF DISTRICTS;” SEC. 28-35, “TABLE OF USES AND STANDARDS;” SEC. 28-39, “SPECIAL REGULATIONS;” AND SEC. 28-102, “OFF-STREET PARKING”

WHEREAS, corporate and technology parks have been established in the M-1, Light Industrial Zoning District; and

WHEREAS, the M-1 Zoning District does not permit the variety of uses that support corporate and technology parks, such as child care centers, clinics, commercial retail, convention facilities, hotels, and employee housing; and

WHEREAS, the Board desires to consider creating an Integrated Corporate and Technology Park Overlay Zoning District to allow for a variety of uses for specific areas of the County where corporate and technology parks exist; and

WHEREAS, the Board desires to refer a proposed amendment pursuant to proposed Ordinance O16-40 to the Planning Commission for its review and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that amendments to Stafford County Code Sec. 28-33, “Districts generally;” Sec. 28-34, “Purpose of districts;” Sec. 28-35, “Table of uses and standards;” Sec. 28-39, “Special regulations;” and Sec. 28-102, “Off-street parking,” pursuant to proposed Ordinance O17-03 be and it hereby is referred to the Planning Commission for its review, to hold a public hearing, and to provide its recommendation; and

BE IT FURTHER RESOLVED that the Planning Commission shall make a recommendation on proposed Ordinance O17-03 within 45 days of adoption of this Resolution.

Add-on – Item 29. Consider a Change to the Personnel Policies Regarding Holiday Pay

Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-376.



The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas  
Nay: (0)

Resolution R16-376 reads as follows:

**A RESOLUTION TO CONSIDER A CHANGE TO THE PERSONNEL  
POLICY REGARDING HOLIDAY PAY**

WHEREAS, at its meeting on December 13, 2016, the Board's Finance, Audit, and Budget Committee approved a motion to send consideration to the full Board for a change to the County's policies related to premium pay on a holiday; and

WHEREAS, when a holiday falls on a Saturday, the County observes that holiday on the Friday before the holiday, and when a holiday falls on a Sunday, the County observes that holiday on the following Monday; and

WHEREAS, eligible employees who are required to work on a County observed holiday are granted premium pay for those hours worked calculated at one-half of the employee's hourly rate; and

WHEREAS, in the County's current leave policy, an employee who works the actual holiday when it falls on a weekend does not receive premium pay but an employee who works on the County's observed holiday does receive premium pay; and

WHEREAS, the recommendation, which was supported by the Finance, Audit, and Budget Committee, is to change the policy such that, when the holiday falls on a weekend, eligible employees who work on the actual holiday are credited with premium pay, and eligible employees who work the County's observed holiday would not receive premium pay;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Board be and it hereby does authorize a change to the County's personnel policy regarding holiday pay.

At 4:51 p.m., the Chairman adjourned the afternoon session.

At 7:00 p.m., the Chairman reconvened the evening session.

Mr. Barnes gave the invocation. Eagle Scout Drew Goshorn led the Pledge of Allegiance.

Ms. Bohmke commended Drew Goshorn on attaining the rank of Eagle Scout. His project was building picnic benches at Falmouth ES, which were now being used as an outdoor classroom. Ms. Bohmke presented Drew with a County flag, commemorative coin, pin, certificate, and letter of congratulations.

Mr. Thomas aired the WWII event video and again expressed thanks for all the veterans for their service to the country. He again thanked Mission BBQ and Stafford Airport and County staff for their participation in the very successful event.

Mr. Thomas noted that County offices would be closed on Friday, 12/23/16; Monday, 12/26/16; and again on Monday, 1/02/17 in celebration of the Christmas and New Year holidays. The County's annual Christmas parade would take place on Saturday, 12/17/16 from 5:00 to 7:00 p.m. Shuttle parking would be available.

### Presentations by the Public II

Ken Gryder - Talked about the mural at the entrance to the Government Center and Pocahontas being kidnapped; needing a reliable source of employment; paying rent; false arrest; inactivity of property inspectors; his wife is Filipino with a Ph.D; spoke out against insulters and was fired from the World Data Bank; would not vote or recite the Pledge of Allegiance.

Item 22. Planning and Zoning: Consider Amended Proffered Conditions at Patriot's Crossing Mr. Jack Cavalier read the following statement then left the meeting at 7:15 p.m. He returned to the meeting at 8:17 p.m. following a vote to defer Agenda Item No. 22 to the Board's January 24, 2017 meeting.

*"I am voluntarily abstaining from any discussion or vote on Agenda Item No. 22 relating to Patriot's Crossing this evening and in the future because I have an employment arrangement associated with the property involved in the transaction. The Clerk will please note my abstention and the reason in the record today and in the record at any future meeting where the Board discusses this matter."*

Mr. Mike Zuraf, Senior Planner, gave a presentation and answered Board members questions. Mr. Milde spoke about a left turn lane to Wolverine Way and possible alternatives to the U-turn, including restricting U-turns between the hours of 7:00 and 9:00 a.m. each morning that school was in session. Mr. Zuraf noted that VDOT would have to evaluate the traffic issue and grant permission for any road/lane changes. He said that with the prior approved development, the level of traffic was an "F" but with the proposed Patriot's Crossing, the level was reduced to a "D." Mrs. Maurer said she was concerned about the transportation impact even though, according to the background report, it was better with the proposed project that was previously approved for that location.

Ms. Sellers said that she walked the property with representatives from North Stafford HS (NSHS) and talked about NSHS needs and wants on the property line, and removal of the trees would enable a better line of sight for tennis matches. Fields could be moved off of Garrisonville Road to the back of the School property.

For the applicant (Don Hart), Mr. Sherman Patrick, gave a presentation and addressed the Board. He talked about working with surrounding community neighbors, preserving the Park Ridge buffer and taking out the inter-parcel connector, and addressing neighbors noise concerns about restaurants being located too close to houses in that subdivision. He said that some of the transportations issues that came up were out of the developer's hands and the Board was trying to force answers and solutions to problems not yet happening. VDOT would have final say on all road improvements/changes. He said the developer committed to installing a trail between schools but if there were wetlands, he

asked that the County be responsible for permits. There was a cemetery at the site and if an architectural study was needed, the County should pay for that as well.

The Chairman opened the public hearing. The following persons spoke:

Joyce Mountjoy Curry  
Mary McMann  
Meredity Day

Jo Knight  
Mike Eustep (sp?)  
Matthew Klinger

The Chairman closed the public hearing.

In Mr. Patrick's rebuttal to citizen comments, he noted that the 3-story self-storage unit came about in response to concerns about the activity center. He said there were three homes within 90' of the self-storage unit, which was quieter and had less light impact. Mrs. Maurer asked if it was a climate-controlled, indoor storage facility. Mr. Patrick said it was an "urban style" and there would be one or two outdoor units. Mr. Snellings asked if it was going to be two or three stories and how tall. Mr. Patrick said the height on the current plan was 30' to 40'.

Mrs. Maurer commended Ms. Sellers for her working with the NSHS, the community and the developer aimed at getting a better use, one that usurped the use for the building once the County built the Jeff Rouse Swim and Sport Center. Mr. Thomas noted that the Jeff Rouse Swim and Sport Center was planned and known about well before the previous applicant proposed an indoor swimming/activities center.

Mr. Snellings said he had concerns about the 50' buffer and if trees lost leaves each year, the visibility would be too great unless Leyland cypress or the like were planted as a year-round buffer.

Mr. Milde motioned, seconded by Ms. Bohmke, to defer a vote to January 24, 2017.

The Voting Board tally was:

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

Mr. Milde said that a deferral would give time for the Schools to respond and to continue to work on transportation issues. He said he was serious about limiting hours for U-turns. Mr. Hart, he said, was a thoughtful, quality developer whose word was gold.

Ms. Sellers said that the idea was infuriating that the School did not have enough time. She said that NSHS received the same e-mail as she and not until she contacted them by phone the previous night did they provide a response. She said it took her two months for them to respond to her request to walk the property. Ms. Sellers added that she and her three sisters all worked at the local McDonald's and she felt that the applicant was offering much needed places for high school students to work and congregate. And although she would go along with the deferral, she did not feel it was necessary.

Mr. Snellings said that the Schools had enough time to provide a response and did not. He asked that the applicant take another look at the buffer, saying that overall it was a good project.

Ms. Bohmke said she seconded the deferral because of her concern with the uses, buffers, and transportation issues; that coming up from a LOS F to a D was not much and she'd rather see it move up to a LOS B or LOS C. If she had to vote then, she would vote against it because of the unknowns.

Mr. Thomas said that the former and current projects were night and day; that the developer was passionate about it and it was a good project.

Item 23. Planning and Zoning: Consider an Amendment to the Zoning Ordinance Regarding Signs Zoning Administrator, Ms. Susan Blackburn, gave a presentation and answered Board members questions. She cited Supreme Court Case Reed vs. the Town of Gilbert, AZ and a ruling that localities cannot regulate sign content. Ms. Blackburn noted that the PC voted 7 – 0 to deny the proposed changes to the sign ordinance. Mrs. Maurer brought up language suggested by the local realtors association. Ms. Blackburn said it was added but had been received subsequent to the PC meeting, discussion, and vote.

Mr. Milde said that he and Ms. Sellers worked on this issue and it was very complicated. Prohibited materials for permanent signs included cloth, canvas, vinyl, paper, cardboard and/or plywood. Signs are not designated by specific zoning district but rather by category (residential, commercial, office, industrial, or planned development). Temporary signs do not require a permit, there is a time limit and the size of the signs is regulated. A permit was needed for a window sign with no more than 25% of the window to be covered. Any sign 2 s.f. in area was no longer exempt from a permit unless it was a temporary sign.

Mr. Thomas noted that having the slides ahead of the presentation would have been very helpful. Mr. Milde said that it would be very hard to enforce and if so, why change the law.

The Chairman opened the public hearing. The following persons spoke:

Laura (last name inaudible)

Jo Knight

Roy Boswell

The Chairman closed the public hearing.

Ms. Blackburn cleared up the confusion of Items I and J as being contradictory. She noted that Item I referred to any sign other than temporary, which were permanent signs. Item J referred to temporary, not permanent signs.

Mr. Milde asked how having a permit could be proved. Mr. Dan Wisniewski, Assistant County Attorney, said that the burden of proof was on the owner of the sign. Mr. Milde said if a sign was already illegal, it would continue to be illegal unless the owner could prove its lawful status at one time (or having a permit at one time).

Mr. Thomas asked that a red-line version be included in future agenda materials, and that they include the Realtors version, and said he was in favor of deferral until additional information showing all the changes was received and reviewed by the Board.

Mr. Milde motioned, seconded by Mrs. Maurer, to defer Item No. 23 to January 24, 2017.

Mr. Cavalier asked about pre-existing signs on businesses and how a change in the rules would affect those signs already in place. He said the County needed a clear base-line from here on out. He also questioned if the business were to be sold, would the sign be “grandfathered” or would the new owner be required to obtain a permit for the sign. Mr. Cavalier wanted to know who would enforce the new sign ordinance and if the number of staff was sufficient to do so, adding that enforcement troubled him.

Mr. Thomas spoke about the Ferry Farm McDonald’s and the shopping center across the street from McDonald’s and other businesses protected within certain cultural areas. Mr. Harvey said that they would be protected. Mr. Thomas said that was not reflected in the draft and should be. Mr. Milde said that he did not wish to be on any future committees related to the sign ordinance. Mr. Barnes said it could undergo further review without the need for another public hearing.

The Voting Board tally was:

Yea:	(7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
Nay:	(0)

Item 24. Planning and Zoning: Consider Amendments to the County’s Cemetery Ordinance Mr. Jeff Harvey and Ms. Crystal Vanuch (Planning Commissioner) presented this item and answered Board members questions. Ms. Vanuch said that the PC recommended adoption of the proposed amendments to the Cemetery Ordinance. She spoke about state laws being incorporated into the amendments and the 900’ setback requirements, particularly where drinking water supplies were nearby. She said that all regulations pertain to cemetery size and boundaries, not the body count buried at said cemetery.

In response to Ms. Vanuch's discussion about wells and drinking water contamination, Mr. Snellings clarified that wells in the Hartwood District were not contaminated and had nothing specifically to do with the Cemetery Ordinance.

Mr. Milde thanked Ms. Vanuch, saying that it was a great report. Mr. Thomas thanked Ms. Vanuch and the Planning Commission for its work.

The Chairman opened the public hearing. No persons indicated a desire to speak. The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O16-39.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Ordinance O16-39 reads as follows:

AN ORDINANCE TO REPEAL COUNTY CODE CHAPTER 8, "CEMETERIES," AND TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 17-22, "ENTERING CHURCH OR SCHOOL PROPERTY AT NIGHT," AND SEC. 28-39, "SPECIAL REGULATIONS"

WHEREAS, Stafford County Code Chapter 8 has standards pertaining to the establishment of cemeteries; and

WHEREAS, Stafford County Code Chapter 8 is not consistent with Virginia Code § 57-26; and

WHEREAS, the Board desires to repeal Stafford County Code Chapter 8 in its entirety and applicable provisions be relocated to other appropriate Sections of the Stafford County Code; and

WHEREAS, the Board acknowledges that studies have found cemeteries can be a source of pollution affecting water quality from surface water run-off and groundwater intrusion that negatively affects drinking water supplies; and

WHEREAS, the Board 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 public necessity, convenience, general welfare, and good zoning practices require adoption of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that Stafford County Code Chapter 8, "Cemeteries," be and it hereby is repealed in its entirety, and Stafford County Code Sec. 17-22, "Entering church or school property at night" and Sec. 28-39, "Special

regulations,” be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

## **~~Chapter 8—CEMETERIES REPEALED~~**

### **~~ARTICLE I. -- IN GENERAL~~**

#### **~~Sec. 8-1. -- Entering cemetery at night.~~**

~~No person shall, without the consent of the owner, proprietor or custodian, go or enter, in the nighttime, upon the premises, property, driveways or walks of any cemetery, either public or private, for any purpose other than to visit the burial lot or grave of some member of his family. Any person violating this section shall be guilty of a Class 4 misdemeanor.~~

### **~~ARTICLE II. -- PERPETUAL CARE CEMETERIES~~**

#### **~~DIVISION 1. -- GENERALLY~~**

##### **~~Sec. 8-16. -- Violations of article~~**

~~Unless otherwise specifically provided, a violation of any provision of this article shall constitute a Class 1 misdemeanor.~~

##### **~~Sec. 8-17. -- Authorization to establish required; location with respect to residences.~~**

~~No perpetual care or endowed cemetery shall be established within the county, unless authorized by ordinance of the board of supervisors, nor shall any such cemetery be established within two hundred fifty (250) yards of any residence without the consent of the owner of the legal and equitable title of the residence; provided that, subject to the foregoing, if the location for the proposed cemetery is separated from any residence by a state highway, it may be established upon such location without the consent of the owner of such residence, if it is not less than two hundred fifty (250) feet from the residence at its nearest point thereto.~~

##### **~~Sec. 8-18. -- Minimum size.~~**

~~The establishment of a perpetual care or endowed cemetery shall not be authorized by ordinance of the board of supervisors, unless the tract of land upon which it is to be situated is at least twenty-five (25) acres in size.~~

##### **~~Sec. 8-19. -- Application for authorization to establish.~~**

~~Any person desiring to establish a perpetual care or endowment cemetery shall file an application for authorization with the board of supervisors containing the following information:--~~

- ~~(1) A survey of the tract of land proposed to be used as a cemetery showing its dimensions, size and location.--~~

- ~~(2) Full plans showing the layout of the proposed cemetery, including lots, drives, buildings and planned landscaping.~~
- ~~(3) The names of adjoining land owners and distances to any residences thereon.~~
- ~~(4) The zoning of the property at the time the application is filed.~~
- ~~(5) The name and address of the owner of the property and of the applicant, if different.~~
- ~~(6) A statement of what provisions will be made for perpetual care of the cemetery.~~
- ~~(7) The name and address of the trustee of the endowment care fund to be appointed by the person owning, operating or developing the cemetery.~~
- ~~(8) The name and address of the bank in which the trust funds will be deposited, along with a copy of the irrevocable trust fund agreement required by this article.~~
- ~~(9) The written consent of the owner of any residence which will be closer to the boundary of the cemetery than the distance permitted in section 8-17.~~

Each such application shall be accompanied by a fee of twenty dollars (\$20.00) to cover the costs of advertising the public hearing provided for in section 8-20.

**~~Sec. 8-20. -- Notice of public hearing on application filed pursuant to section 8-19.~~**

~~After receipt of an application pursuant to section 8-19, an ordinance authorizing the establishment of the cemetery shall be introduced to the board. Notice shall then be given to the public, by publication in a newspaper of general circulation in the county, of the intention of the board to consider the application and to propose an ordinance to authorize the same for passage. The notice shall run once a week for two (2) successive weeks between the time it is introduced to the board and the time it is considered. The notice shall also advise the public of the time and place of the hearing thereon and shall contain a description of the property which is reasonably calculated to give the public notice of its location.~~

**~~Sec. 8-21. -- Conditional use permit.~~**

~~Upon authorization of the establishment of a perpetual care or endowed cemetery by appropriate ordinance, a conditional use permit may be required by the board of supervisors, containing such limitations and restrictions as it may deem to be in the best interest of the county.~~

**~~DIVISION 2. -- ENDOWMENT CARE FUND~~**

~~Any person authorized by ordinance to establish a perpetual care or endowed cemetery shall comply with the following sections of this division in each and every respect.~~

**~~Sec. 8-31. -- Compliance with division~~**

~~Any person authorized by ordinance to establish a perpetual care or endowed cemetery shall comply with the following sections of this division in each and every respect.~~



**Sec. 8-32. -- Definitions.**

~~For the purposes of this division, the following words and terms shall have the meanings ascribed to them in this section:--~~

~~*Cemetery* means any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes on church grounds shall not constitute the creation of a cemetery.--~~

~~*Endowment care fund or care fund* means a fund created to provide a sufficient income to a cemetery which will enable such cemetery to provide care, maintenance, administration and embellishment of such cemetery adequate to the circumstances. It includes the term "perpetual care fund."--~~

~~*Interment* means all forms of final disposition of human remains including, but not limited to, earth burial, mausoleum entombment and niche or columbarian inurnment. The sprinkling of ashes on church grounds shall not constitute interment.--~~

**Sec. 8-33. -- Initial requirements.**

~~No person owning, operating or developing any cemetery shall sell or offer to sell, either as principal or otherwise, any lot, parcel of land or burial or entombment right in such cemetery, and in connection therewith represent to the public in any manner, express or implied, that the entire cemetery, a single lot therein or burial or entombment right therein will be perpetually cared for, unless adequate provision has been made for the endowment care of the cemetery and all lots and burial or entombment rights therein as to which such representation is made. Each person who shall undertake to develop any such cemetery shall deposit in a bank or savings and loan association in this state, in an irrevocable endowment trust fund, a minimum of twenty-five thousand dollars (\$25,000.00) before the first lot, parcel of land or burial or entombment right has been sold.~~

**Sec. 8-34. -- Deposits following sales of lots, burial rights, etc.**

- ~~(a) Each person owning, operating or developing any perpetual care or endowed cemetery shall deposit in a bank or savings and loan association in this state a minimum of ten (10) percent of the receipts from the sale of lots, interment rights and above ground crypts and niches, excluding below ground burial vaults, which amount shall be paid in cash and deposited with the trustee of the endowment care fund not later than thirty (30) days after the close of the month in which such receipts are paid to such owner.--~~
- ~~(b) In the event ten (10) percent of the sales price of the items mentioned in subsection (a) above has been deposited in the endowment care fund, no fund deposit shall again be required on subsequent sales of the same lot, crypt or niche.--~~

**Sec. 8-35. -- Recovery of amount of original deposit.**

~~Whenever a person owning, operating or developing a cemetery has deposited in the endowment care fund a sum equal to twice the amount of the original deposit as provided for in section 8-33, exclusive of such original deposit, the trustee shall then allow such person owning, operating or developing such cemetery to recover the original deposit by withholding up to twenty-five thousand dollars (\$25,000.00) of the amount thereafter due the care fund or until the amount of the original deposit in the care fund has been recovered.~~

**~~Sec. 8-36. -- Use of fund income.~~**

~~The income from the endowment care fund provided for in this division shall be used solely and exclusively for the general care, maintenance, administration and embellishment of the cemetery and shall be applied in such manner as the person owning, operating or developing such cemetery may from time to time determine to be for the best interest thereof.~~

**~~Sec. 8-37. -- Appointment and bond of trustee; applicability of Code of Virginia, title 26.~~**

- ~~(a) The trustee of the endowment care fund provided for in this division shall be appointed by the person owning, operating or developing the cemetery and shall be removed only as provided in section 57-35 of the Code of Virginia. The trustee, other than a banking institution operating under the laws of this state or a national bank operating within the state, maintaining a trust department, or a state or federally chartered savings and loan association located in the state with federal insurance of accounts and authorized to do business in the state, shall furnish a fidelity bond with a corporate surety thereon, payable to the trust established, which shall be designated "Endowment Care Fund (or Perpetual Care Fund) for (name of cemetery)," in a penal sum equal to not less than fifty (50) percent of the value of the principal of the trust estate at the beginning of each calendar year, which bond shall be deposited with the commissioner of accounts of the county.~~
- ~~(b) Trustees appointed pursuant to this section shall be governed in their conduct by the provisions contained generally in title 26 of the Code of Virginia, except as provided otherwise in this division.~~

**~~Sec. 8-38. -- Reports of trustee generally; owner's affidavit.~~**

~~A trustee appointed pursuant to section 8-37 shall report, within four (4) months after the close of each fiscal year, to the commissioner of accounts of the county the following information:--~~

- ~~(1) The total amount of the principal of the endowment care fund held by the trustee.~~
- ~~(2) The securities in which the endowment care fund is invested and the amount of cash on hand at the close of the fiscal period.~~
- ~~(3) The income received from the endowment care fund during the preceding fiscal year.~~

~~The trustee shall further submit an affidavit by the person owning, operating or developing the cemetery stating that all provisions of this article and article 3.1 of chapter 3 of title 57 (§ 57-35.1 et seq.) of the Code of Virginia have been complied with.~~

~~Sec. 8-39. Owner's records and reports of receipts and expenditures generally.~~

~~Each person owning, operating or developing any cemetery subject to this article shall record and keep, in a book maintained for that purpose, detailed accounts of all transactions, receipts and accounts receivable subject to section 8-34, and of all expenditures under section 8-36. Each such owner, operator or developer shall report annually to the commissioner of accounts the totals of all receipts subject to section 8-34, and of all expenditures under section 8-36.~~

~~(Code 1979, § 8-17)~~

~~**State Law reference**—Similar provisions, Code of Virginia, § 57-35.8:1.~~

~~**Sec. 8-40. – Audit of trustee's reports and inspection of owner's records.**~~

~~The commissioner of accounts shall audit reports tendered by a trustee pursuant to section 8-38, as well as any sources thereof which he deems necessary, at least annually and shall have full power, including power of subpoena, to inspect the records of the cemetery owners or operators. Failure to comply with a subpoena of the commissioner shall constitute a misdemeanor.~~

## **Sec. 17-22. - Entering cemetery, church, or school property at night.**

(a) No person shall, without the consent of the owner, proprietor or custodian, go or enter, in the nighttime, upon the premises, property, driveways, or walks of any cemetery, either public or private, for any purpose other than to visit the burial lot or grave of some member of their family. Any person violating this section shall be guilty of a Class 4 misdemeanor.

(b) It shall be unlawful for any person, without the consent of some person authorized to give such consent, to go or enter upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property. Any person violating this section shall be guilty of a Class 4 misdemeanor.

## **Sec. 28-39. - Special regulations.**

(o) Cemeteries

(1) Establishment of cemeteries. The following requirements shall apply to the establishment of any cemetery:

a. Restrictions as to location of cemeteries.

(1) No cemetery shall be established within the County unless authorized by an ordinance duly adopted by the Board; provided that

authorization by ordinance shall not be required for interment of the dead in any churchyard or for interment of members of a family on private property.

(2) No cemetery shall be established within 250 yards of any residence without the consent of the owner of the legal and equitable title of the residence. However, consent shall not be required if the location for the proposed cemetery is separated from any residence by a state highway, the proposed cemetery is not less than 250 feet from the residence at its nearest point thereto. Such prohibition and restriction shall not apply where the tract of land intended for use as a cemetery is separated from any residence by a state highway and now contains a public or private burial ground.

(3) No cemetery shall be hereafter established, and no burial made in any part of any cemetery, other than a municipal cemetery, located within 900 feet of any property owned by the Board or the County, upon which or a portion of which are now located driven wells from which water is pumped or drawn from the ground in connection with the public water supply.

(4) No cemetery shall be established within 900 feet of any terminal reservoir or any perennial stream that drains into a terminal reservoir. No cemetery shall be located within 900 feet of any private well used as a drinking water supply.

b. *Size of cemeteries.* No cemetery, other than for the interment of the dead in any churchyard or for the interment of members of a family on private property, shall be established on any tract of land less than 25 acres in size or greater than 300 acres in size.

c. *Site plan required.* No cemetery shall be established without receiving approval of a site plan pursuant to Article XIV of this Chapter. In addition to the standards set forth in Article XIV, an application for approval of a site plan shall demonstrate compliance with owner consent, setback and distance requirements as described in paragraph a above.

d. *Application to establish a cemetery.*

Any application petitioning the Board for adoption of an ordinance to establish a cemetery shall be filed on forms provided by the Department of Planning and Zoning for a zoning reclassification. Such applications shall be processed similar to an amendment to the zoning map as described in Article XII of this Chapter.

(1) In addition to the applicable requirements described in Article XII and Article XIII of this Chapter, the application shall demonstrate compliance with owner consent, setback and distance requirements as described in paragraphs a and b above. Notice of any public hearings

shall be sent to owners of any property located within 900 feet of the proposed cemetery.

- (2) In approving an application for establishment of a cemetery, the Board may set conditions of approval to mitigate impacts of the cemetery and its accessory uses and activities.

(2) Preservation of existing cemeteries. The following requirements shall apply to cemeteries within all development plans:

- a. (1) Parcels containing cemeteries that are not on its own separately platted lot, not established by an easement within the boundaries of such parcels, or otherwise clearly marked with places of burials delineated, shall be required at the time of site or subdivision plan review to have a professionally prepared archaeological delineation of the limits of burials within the cemetery. The delineation shall be conducted in accordance with the Virginia Department of Historic Resources and their standard archaeological practices, such as, but not limited to, the removal of topsoil around the perimeter of the visible areas of the cemetery to allow a view of any grave shaft soil discolorations beyond the apparent burials, or systematic probing with rods that detect differences in soil compaction. The archaeological delineation shall determine the limits of burials and it shall be used to establish the perimeter of the cemetery on the site plan or subdivision plat and plan. Soil removed during the delineation process shall be replaced within one month of its removal and in a manner that will not disturb the identified burials. Any associated vegetation shall be replaced in a manner that will not disturb the identified burials.
- b. (2) The perimeter of a cemetery shall be indicated on a site development plan, subdivision plan and subdivision plat.
- c. (3) Pedestrian access to the cemetery shall be provided on a site development plan, subdivision plan and subdivision plat either with a minimum of fifteen (15) feet of frontage on a street or as an easement that shall be a minimum of fifteen (15) feet wide from a street or other point of public ingress.
- d. (4) A minimum thirty-five-foot wide buffer area shall be established around the perimeter of the cemetery as delineated per subsections (2)(a) and (b) (e)(1) and (2) directly above and indicated on a site development plan, subdivision plan and subdivision plat.
- e. (5) The cemetery and associated buffer area shall be indicated as an easement or as a separate cemetery parcel on the development plan, subdivision plan and subdivision plat.
- f. (6) Temporary fencing shall be installed around the perimeter of the cemetery and buffer area as indicated on the plan or plat, prior to receiving construction or grading plan approval. The fence shall be located outside the exterior edge of the buffer area and not within the buffer area.

~~g. (7)~~ Permanent fencing between three (3) and four (4) feet tall shall be placed around the boundary of the cemetery including the buffer, after any surrounding site work is completed. The fence shall be located outside the exterior edge of the buffer area and not within the buffer area. The type of fence shall be determined on a case-by-case basis, as approved by the county agent, and shall include a gate for public access.

~~h. (8)~~ Signage identifying the cemetery by its family association, as recorded in the Stafford County Cultural Resource Database, or by another name as deemed appropriate by the county agent, shall be placed on a freestanding sign located adjacent to the cemetery entrance or affixed to the fencing. The sign shall be a brass plaque or a comparable equivalent. The signage and its content shall be approved by the county agent prior to erection.

~~i. (9)~~ The cemetery grounds, fence and buffer area shall be maintained and the responsibility for maintenance shall be established either on the site plan, subdivision plan, or subdivision plat, or by a separate recordable document submitted to the county agent along with the plan and plat. The cemetery and associated buffer area shall be conveyed to an appropriate entity that would be responsible for perpetual maintenance of the cemetery as well as the associated buffer and fence.

The party responsible for maintenance shall be indicated as one of the following:

~~(1) 1-~~ Owner of the property on which the cemetery is delineated;

~~(2) 2-~~ Homeowners' association, in the case where a homeowners' association is established and the cemetery is created as a separate out-lot, easement, or part of the common open space within a subdivision; or

~~(3) 3-~~ Other applicable association or entity, such as a business association, trust or foundation, with appropriate documentation demonstrating the entity's assent to the maintenance responsibilities and ability to carry out the maintenance responsibilities.

~~j. (10)~~ Preservation of grave markers, including repair or cleaning, shall comply with the Virginia Department of Historic Resources standards.

~~k. (11)~~ No grading shall occur inside the buffer and cemetery area. Grading shall not be sloped at a ratio more than three (3) to one from the existing grade of the cemetery for a distance of fifty (50) feet beyond the perimeter of the buffer area.

~~l. (12)~~ All cemeteries shall be recorded at the county and state level. Along with the development plan, subdivision plan and subdivision plat, a completed Stafford County Cemetery Survey Form, and a completed Virginia Department of Historic Resources Cemetery Form shall be submitted to the county agent.

~~m. (13)~~ Cemetery removals and/or disinterment shall be conducted in accordance with the Virginia Code, Virginia Administrative Code and the Virginia Department of Historic Resources standards and



requirements, including but not limited to, obtaining the required permit to conduct such removal and disinterment. Every effort shall be made to contact any living relatives of the proposed body to be disinterred for permission to remove the remains. Reasonable reinterment wishes of the relatives shall be complied with. Removal of cemeteries and/or disinterment shall not occur until a reinterment location has been determined and all reinterment information, including location and contact information for the new burial location, has been provided to the county agent.

~~n.(14)~~ Nothing in this section shall preclude removal and reinterment of burials in accordance with the Code of Virginia, Virginia Administrative Code, County Code and any other applicable legislation.

Item 25. Planning and Zoning; Consider a Conditional Use Permit to Allow a 150' Monopole Style Telecommunications Facility at Duff McDuff Green Memorial Park on TMP 58-35A – and –

Item 26. Planning and Zoning; Consider Leasing a Portion of TMP 58-35A at Duff McDuff Green Memorial Park for the Purpose of Constructing a 150' Monopole Style Telecommunications Facility and Ancillary Equipment

Mr. Harvey gave a presentation and answered Board members questions. Mr. Thomas noted that this and the hearing on the property lease would be heard concurrently. Mr. Harvey noted that the Mary Washington Foundation agreed that the telecommunications facility was considered an acceptable use of the property and submitted that acceptance in writing.

The Chairman opened the public hearing. No persons indicated a desire to speak. The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R16-338.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas  
Nay: (0)

Resolution R16-338 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP16151421 TO ALLOW A TELECOMMUNICATIONS FACILITY IN THE A-1, AGRICULTURAL ZONING DISTRICT, ON TAX MAP PARCEL NO. 58-35A, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Milestone Tower Limited Partnership, III, submitted Application CUP16151421 requesting a conditional use permit (CUP) to allow a telecommunications facility in the A-1, Agricultural Zoning District on Tax Map Parcel No. 58-35A, located within the George Washington Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code, Sec. 28-35, Table 3.1, which permits this use in the A-1, Agricultural Zoning District, after a CUP is issued by the Board; 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 has considered the criteria in Stafford County Code Sec. 28-185 and finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that a conditional use permit (CUP) pursuant to application CUP16151421 be and it hereby is approved with the following conditions:

1. This CUP is to allow one telecommunications facility in the A-1, Agricultural Zoning District located on Tax Map Parcel No. 58-35A.
2. One tower is permitted on the property. The tower shall be a monopole type construction no more than 150 feet in height with a six foot lightning rod.
3. The location of the telecommunications facility on the site shall be in conformance with the Generalized Development Plan (GDP) entitled “McDuff Green Park,” last revised June 17, 2015.
4. Clearing associated with the facility shall be limited to the area designated on the GDP.
5. There shall be no lights on the telecommunications tower unless required by the Federal Aviation Administration.
6. There shall be no signs on the telecommunications tower other than an identification sign required by the Federal Communications Commission or other federal or state agency.
7. Once the tower is no longer in use, written notice shall be sent to the County Administrator specifying the discontinuance of use of the facility. The applicant or its successor shall be responsible for removal of all facilities and structures within six months of cessation of commercial public telecommunications use or the expiration of the lease, whichever comes first. This obligation shall be secured by a letter of credit, surety bond, or other security acceptable to the County. The site must then be restored by the applicant or its successor to its original condition.



8. Prior to building permit approval, the applicant shall submit and obtain approval of an engineer's cost estimate, post a Letter of Credit or other security acceptable to the County for 110% percent of the cost of removal of the tower and facility.
9. The tower shall be designed to accommodate five telecommunications providers.
10. The tower shall be designed with a break point and maximum fall radius of 80 feet.
11. Prior to issuance of a final zoning permit for the facility, the applicant shall provide to the County copies of a certified as-built survey for the tower. The as-built survey shall identify the mean surface elevation for the base of the tower as well as the top of the tower, to include any lightning rods or similar appurtenances.
12. Any frequencies or signals emitted by equipment at the facility shall not interfere with or be incompatible with communications frequencies associated with the County's Emergency 911 system or the Stafford Regional Airport. The applicant and any future lessees must provide an intermodulation study showing the proposed telecommunications equipment will not interfere with the County's Emergency 911 system or the Stafford Regional Airport prior to obtaining a building and/or zoning permit.
13. In the event that a County department, County agency, and/or the County Sheriff's Office desires to locate its telecommunications equipment on the facility, the applicant shall provide adequate space on the tower and on the ground lease area for a period of 30 years at no cost to the County. The parties shall mutually agree to the location of the antenna and equipment. Any installation shall comply with the terms of the executed lease agreement with the County, specifically Section 1(e).
14. Construction of the tower shall utilize a gradient paint scheme in order to blend with the landscape.
15. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, federal, or state codes.

Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-372.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas  
 Nay: (0)

Resolution R16-372 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH MILESTONE TOWER LIMITED PARTNERSHIP III, ON A PORTION OF TAX MAP PARCEL NO. 58-35A, WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Milestone Tower Limited Partnership III, a subsidiary of Milestone Communications Management III, Inc., proposes leasing a portion of County-owned Tax Map Parcel No. 58-35A, for the construction of a cellular telecommunications facility, within the George Washington Election District; and

WHEREAS, the Board held an advertised public hearing on the proposed lease of the County-owned property; and

WHEREAS, the Board carefully considered the recommendations of 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 13<sup>th</sup> day of December, 2016, that it be and hereby does authorize the Interim County Administrator to execute a lease agreement with Milestone Tower Limited Partnership III, Inc. for the construction of a cellular telecommunications facility on a portion of Tax Map Parcel No. 58-35A.

Item 27. Public Works; Amend County Code regarding Parking Restrictions in the Somerset Landing and Seasons Landing Subdivisions Director of Public Works, Mr. Christopher Rapp, gave a presentation on proposed parking restrictions.

The Chairman opened the public hearing. No persons indicated a desire to speak. The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mrs. Maurer, to adopt proposed Ordinance O16-44.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas  
Nay: (0)

Ordinance O16-44 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SEC. 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS," TO INCLUDE STREETS IN THE SOMERSET LANDING AND SEASONS LANDING SUBDIVISIONS, WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Virginia Code §§ 46.2-1222.1 and 46.2-1224 authorize the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, on June 15, 2010, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, by resolution the Somerset Landing Homeowners Association, Inc. (HOA) requested the establishment of restricted parking areas within the Somerset Landing and Seasons Landing subdivisions; and

WHEREAS, the streets requested for inclusion meet the established criteria to be designated as restricted parking areas; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that Stafford County Code Sec. 15-56, entitled “Designation of restricted parking areas” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 15-56. - Designation of restricted parking areas.**

(f) The following constitute the restricted parking areas within Stafford County where the provisions of this ordinance are in full force and effect:

(17) Somerset Landing Subdivision on the following named streets:

- (A) Masters Drive;
- (B) Pebble Beach Drive;
- (C) Persevere Drive;
- (D) Piedmont Drive;
- (E) Pinehurst Lane;
- (F) Regal Court;
- (G) Sawgrass Court.

(18) Seasons Landing Subdivision on the following named streets:

- (A) Club Drive;
- (B) Comfort Lane;
- (C) Cornerstone Drive;
- (D) Fountain Drive;
- (E) Horizon Lane;
- (F) Invicta Drive;
- (G) Landmark Drive;
- (H) Opportunity Lane;
- (I) Sable Lane;
- (J) Sanctuary Lane;
- (K) Snow Drive;
- (L) Sunland Drive;
- (M) Wizard Court.

Item 28. Public Information; Authorize the Interim County Administrator to Execute a Cable Franchise Agreement Public Information Officer, Ms. Shannon Howell presented this item to the Board saying that the County was in negotiations with Comcast for five years. The effective date of the Agreement was the date of the meeting if approved by

the Board. She thanked Ms. Marie Schuler with Comcast, and Mr. Brian Roinestad and Ms. Katie Hulse-Lawlor with the Telecommunication's Subcommittee, for their ongoing efforts to arrive at a mutually beneficial agreement.

Ms. Howell also recognized Chief Technology Officer, Mr. Michael Cannon, and GIS Manager, Mr. David Capaz for their assistance in negotiating the Agreement.

The Chairman opened the public hearing.

Marie Schuler (w/ Comcast)

The Chairman closed the public hearing.

Mr. Thomas noted that he spent his first two years with the County working on the Telecommunications Commission. He thanked staff and Comcast for working together on the Agreement. Mrs. Maurer also thanked staff and Comcast. She said that she attended several meetings, which were well run models of a volunteer committee.

Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-328.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Resolution R16-328 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A NEW CABLE FRANCHISE AGREEMENT WITH COMCAST CABLE

WHEREAS, the County's current cable franchise agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC (Comcast) expires on December 19, 2016; and

WHEREAS, the County has been in negotiations with Comcast for 18 months on a new franchise agreement; and

WHEREAS, County representatives and Comcast completed negotiations on October 27, 2016; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Board be and it hereby does authorize the Interim County Administrator to execute a new cable franchise agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC.

Legislative; Closed Meeting At 9:22 p.m., Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM16-27.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas  
Nay: (0)

Resolution R16-27 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Board; (2) consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Board; (3) discussion of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; (4) consultation with legal counsel employed by the Board regarding a specific legal matter requiring the provision of legal advice by such counsel; (5) discussion and consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; (6) discussion and consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and (7) discussion regarding the performance of specific public employees of the County; and

WHEREAS, pursuant to Virginia Code §§ 2.2-3711(A)(1), (A)(3) and (A)(7) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, does hereby authorize discussion of the above matters in Closed Meeting.

Call to Order At 10:47 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification

Mrs. Maurer motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM16-27 (a).

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas  
Nay: (0)

Resolution CM16-27(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE  
STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED  
MEETING ON DECEMBER 13, 2016

WHEREAS, the Board has, on this the 13<sup>th</sup> day of December, 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 13<sup>th</sup> day of December, 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.

Following the Closed Meeting certification, Ms. Bohmke motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R16-365.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas  
Nay: (0)

Resolution R16-365 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN  
ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY  
CODE SEC. 22-118, "WATER AND SEWER"

WHEREAS, on March 18, 2008, the Board adopted Ordinance O08-05, which established minimum standards for on-site sewage disposal systems for lots to be subdivided, including boundary line adjustments; and

WHEREAS, since the adoption of Ordinance O08-05, designers of sewage disposal systems have raised concerns about the disparate size requirements for sewage disposal systems because the ordinance sets minimum size requirements rather than minimum capacity requirements for such systems; and

WHEREAS, the Board desires to investigate whether Ordinance O08-05 meets the intended purpose of preventing drainfield failures; and

WHEREAS, the Board with Resolution R16-320 previously referred proposed amendments to the Planning Commission but desires to consider additional amendments; and

WHEREAS, the Board desires to refer these proposed amendments to the Planning Commission for its review and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that amendments to Stafford County Code Sec. 22-118, “Water and sewer,” pursuant to proposed Ordinance O16-42, be and they hereby are referred to the Planning Commission for its review, to hold a public hearing, and to provide its recommendation.

Ms. Bohmke motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R16-366.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas  
Nay: (0)

Resolution R16-366 reads as follows:

A RESOLUTION TO REFER TO THE UTILITIES COMMISSION AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 25-161, “WHEN REQUIRED; WHEN PROHIBITED;” SEC. 25-162, “CERTIFICATE REQUIRED PRIOR TO CONSTRUCTION;” SEC. 25-165, “TYPE, CAPACITY, LOCATION, ETC.,” AND SEC. 25-166, “INSPECTION”

WHEREAS, on March 18, 2008, and on April 1, 2008, the Board adopted Ordinances O08-06 and O08-07, which established minimum standards for design, capacity, location, permitting, and construction of private sewage disposal systems; and

WHEREAS, since the adoption of Ordinances O08-06 and O08-07, designers of sewage disposal systems have raised concerns about the disparate size requirements for sewage disposal systems because the ordinance sets minimum size requirements rather than minimum capacity requirements for such systems; and

WHEREAS, the Board desires to investigate whether Ordinances O08-06 and O08-07 meet the intended purpose of preventing drainfield failures; and

WHEREAS, the Board with Resolution R16-321 previously referred proposed amendments to the Utilities Commission but desires to consider additional amendments; and

WHEREAS, the Board desires to refer these proposed amendments to the Utilities Commission for its review and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that amendments to Stafford County Code Sec. 25-161, “When required; when prohibited;” Sec. 25-162, “Certificate required prior to construction;” Sec. 25-165, “Type, capacity, location, etc.,” and Sec. 25-166, “Inspection,” pursuant to proposed Ordinance O16-43, be and they hereby are referred to the Utilities Commission for its review, to hold a public hearing, and to provide its recommendation.

Adjournment At 10:49 p.m., the Chairman adjourned the meeting.

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C. Douglas Barnes  
Interim County Administrator

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Robert “Bob” Thomas, Jr.  
Chairman