

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

January 24, 2017

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Paul V. Milde, III, Chairman, at 3:00 p.m., on Tuesday, January 24, 2017, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

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

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.

Presentations by the Public -

Amy Hall - Patriot’s Crossing; Sign Ordinance; Need Another High School

Alane Callander - Sign Ordinance/no citizen input; should be deferred

Kim McClellan - Fred. Area Realtors Association/Sign Ordinance Approval

Wendy Spittal - Patriot’s Crossing Issues

Melissa Badami - Patriot’s Crossing Issues

Cord Sterling (via e-mail) Slug Line Signage – *“Whose idea is it to spend taxpayer funds on this? I pick up slugs every day and have never experienced or witnessed a problem. Please tell me that you are not considering using County funds but are at least going to your CTB rep to ask him to spend some of the transportation dollars under his control for this.”*

Board Member Presentations Board members spoke on topics as identified:

Ms. Bohmke - Attended Commonwealth Prayer Breakfast with Mr. Thomas and Mr. Milde, it was very inspirational. At GWRC, reviewed and discussed regional partnerships to determine what else could be done on a regional basis; decided to focus on broadband and the drug core as it relates to the heroin epidemic. At FAMPO, was very disappointed that the northbound Rappahannock River Crossing was not funded in the last round of Smart Scale projects; now inside a two-month appeal period and working with CTB representative, Hap Connors. Excited that VRE platforms for Leeland and Brooke stations were funded at \$22 Million; VRE ridership at 3300 per day, up 6% at Brooke; Leeland passengers have decreased by 100 since the Spotsylvania VRE station came on-line; High Speed Rail environmental study in 60-day comment period; it is a \$5.3 Billion project with no funding; please comment on their

website. Ms. Bohmke, Ms. Sellers, and Mr. Milde attended the dedication of a Smart House to Corporal Garrett Jones and his family, funded by the Gary Sinise Foundation.

Mr. Cavalier - Attend the Joint Schools Working Committee (JSWC) meeting with Mr. Barnes, and Ms. Maurer; stressed shared services cooperation and a joint Capital Improvement Program (CIP); ready to move forward with the Contracts Officer position but there were only two applicants so the position is being readvertised.

Mrs. Maurer - Elected Chair of the Finance, Audit, and Budget Committee (FAB); focus on the CIP and FY2018 budget "racking and stacking" end of year funds; very pleased the School Board is cooperating with joint CIP and shared services. Attend the Quantico Innovation Center (QuIC) Board of Directors meeting; Mr. Vernon Green was appointed Chairman of the QuIC Board of Directors and Ms. Sellers was appointed Treasurer. There will be a kick-off in March at the QuIC. The Legislative Committee met, including Ms. Sellers and nothing on the Board's list of legislative initiatives dropped off the list according to the County's legislative consultants, Eckert and Seaman.

Mr. Milde - Deferred

Ms. Sellers - Elected Chair of the Public Safety Committee (PSC); crime rate is down and the County's population is up, although there were two homicides in recent days; taking on the drug core and working on figuring out the "opioid mess." Ms. Donna Krauss, Human Service Director, the Sheriff's Office, and the Department of Fire, Rescue and Emergency Services have all agreed to work on this initiative in the region. The legislature in Richmond is working on the Lake Mooney tax break and has asked for a cap on the interest rate and that it be only when the property is owner-occupied with the present owners, not future owners.

Mr. Snellings - Deferred

Mr. Thomas - Attended PRTC Executive Council meeting and interviewed additional candidates for the Director position; will report on the decision when available.

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

Report of the Interim County Administrator Mr. Barnes introduced Ms. Andrea Light, Budget Division Director, who gave a presentation and provided the FY2017 mid-year review, saying that at mid-year, the General Fund revenues are projected to be slightly above the adopted budget. Personal property, sales tax, meals tax, hotel tax, permit activity and recordation are strong, while Planning fees continue to decline.

In talking about expenditures, Ms. Sellers asked if Juvenile Detention Center expenses were based on the inmate population. Ms. Light confirmed that they were and there was a tremendous increase in enrollment of Stafford juveniles. She added that the Children's Services Act (CSA) expenditures were likely to exceed budget but that savings in other budgets would be found to

cover the County’s portion. Ms. Sellers said that CSA and CPMT would be quite a bit over budget for private day school funding; that Ms. Donna Krauss, Human Services Director, was working on it and the Board would be approached to cover the overage at a later date.

Ms. Light said that Schools’ expenses were tracking as expected, and the School Board requested the release of a 5% appropriation hold (an item on the Consent Agenda). She said that the North Stafford High School Library renovation was being funded using a FY2017 salary lapse and attrition. Mrs. Maurer noted that the North Stafford High School Library renovation was not a “pop up,” it was always included in the CIP.

Additions/Deletions to the Regular Agenda Added to the agenda were Item 28, Approve the Appointment of Mr. Thomas “Clay” Oliver to the Parks and Recreation Commission Representing the George Washington District; and Item 29, Approve the Appointment of Mr. Frank Rubio as an alternate to the Wetlands Board.

Ms. Bohmke motioned, seconded by Mr. Thomas, to accept the regular agenda with the additions of Items 28 and 29.

Mrs. Maurer made a substitute motion, seconded by Ms. Sellers, requesting that in addition to adding Items 28 and 29, the item Discuss Slug Line Signage in VDOT Commuter Lines, be removed from the agenda. She noted that it should have been an item placed on the agenda under New Business and that no background information was provided. Therefore, it did not rise to the Board’s desired level of transparency. Ms. Sellers offered to work with staff to schedule a community meeting, which would be a better use of everyone’s time. Ms. Sellers said she would provide an update to the full Board following the proposed community meeting. Mr. Milde asked for her timeline. Ms. Sellers said that she hoped to have it scheduled within two weeks.

The Voting Board tally was:

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

Legislative; Consent Agenda Mr. Thomas motioned, seconded by Ms. Sellers, to adopt the Consent Agenda with Item #15 removed by Ms. Sellers for further discussion

The Voting Board tally was:

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

Item 4. Legislative; Approve the Minutes of the January 10, 2017 Board Meeting

Item 5. Finance and Budget; Authorize Release of the FY2017 County and Schools 5% Appropriation Hold; and Budget and Appropriate the Children’s Service Act (CSA) State Funds

Resolution R17-27 reads as follows:

A RESOLUTION AUTHORIZING THE RELEASE OF THE COUNTY'S
FY2017 APPROPRIATION HOLD, AND BUDGETING AND
APPROPRIATING \$660,000 IN CHILDREN'S SERVICES ACT STATE
FUNDS

WHEREAS, to provide financial flexibility, the Board placed a 5% appropriation hold on the adopted FY2017 budgets, with release of the hold pending a mid-year fiscal review; and

WHEREAS, the FY2017 mid-year review projects sufficient revenues to warrant the release of the remaining 5% General Fund appropriation, as well as the following additional appropriation; and

WHEREAS, Human Services staff projects that state and federally-mandated Children's Services Act (CSA) expenditures will exceed the FY2017 budget by Six Hundred Sixty Thousand Dollars (\$660,000) due to increased private day school placements for special education students; and

WHEREAS, the Board desires to budget and appropriate the additional state support received for the increased CSA expenditures in the amount of Six Hundred Sixty Thousand Dollars (\$660,000);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017 that it be and hereby does increase the appropriations to the General Fund budget for FY2017 as follows:

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| <u>General Fund:</u> | <u>Appropriation Release</u> |
|--|----------------------------------|
| Board of Supervisors | 31,848 |
| Capital Projects | 199,609 |
| Central Rappahannock Regional Library | 258,952 |
| Commissioner of the Revenue | 135,864 |
| Commonwealth's Attorney | 157,439 |
| Cooperative Extension | 9,093 |
| Corrections | 326,342 |
| County Administration | 57,391 |
| County Attorney | 54,894 |
| Clerk of the Circuit Court | 75,947 |
| Circuit Court | 14,140 |
| General District Court | 5,862 |
| Juvenile and Domestic Relations Court | 5,735 |
| Magistrate | 441 |
| 15th District Court Services Unit | 18,306 |
| Economic Development | 42,420 |
| Finance and Budget | 85,466 |
| Fire and Rescue | 892,725 |
| Human Resources | 21,535 |
| Human Services, Office of | 252,368 |
| Information Technology | 115,881 |
| Non-Departmental | 143,245 |
| Parks, Recreation and Community Facilities | 595,167 |
| Partner Agencies | 102,440 |
| Planning and Zoning | 125,362 |
| Public Works | 198,068 |
| Public Works - Stormwater | 27,363 |
| Registrar & Electoral Board | 24,834 |
| Sheriff | 1,318,572 |
| Social Services | 353,150 |
| Treasurer | 101,432 |
| Total all Expenditures | <u><u>5,751,891</u></u> |

; and

BE IT FURTHER RESOLVED that Six Hundred Sixty Thousand Dollars (\$660,000) in state support for the increased Children's Services Act expenditures is budgeted and appropriated as follows:

| | |
|----------------|-----------|
| Human Services | \$660,000 |
|----------------|-----------|

Resolution R17-28 reads as follows:

**A RESOLUTION AUTHORIZING THE RELEASE OF THE SCHOOLS’
FY2017 APPROPRIATION HOLD**

WHEREAS, to provide financial flexibility, the Board placed a 5% appropriation hold on the FY2017 General Fund budget, including the Schools’ Operating fund, with release of the hold pending a mid-year fiscal review; and

WHEREAS, the FY2017 mid-year review projects sufficient revenues to warrant the release of the remaining 5% of the FY2017 Schools’ Operating Fund appropriation; and

WHEREAS, the Board desires to release the full remaining 5% of the Schools’ Operating Fund appropriation for FY2017;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that it be and hereby does increase the appropriations to the Schools’ FY2017 Operating Fund as follows:

| | |
|-----------------------------|-----------------------------|
| <u>General Fund:</u> | <u>Appropriation</u> |
| Total all Expenditures | <u>Release</u> |
| | 5,660,040 |

| | |
|--------------------------------------|-----------------------------|
| <u>School Operating Fund:</u> | <u>Appropriation</u> |
| Total all Expenditures | <u>Release</u> |
| | 5,660,040 |

Item 6. Utilities; Authorize the Interim County Administrator to Advertise a Public Hearing to Consider a Lease Agreement on County-owned Property at the Moncure Water Tank for a Cellular Communications Facility

Resolution R17-05 reads as follows:

A RESOLUTION TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER A LEASE AGREEMENT WITH T-MOBILE NORTHEAST LLC FOR A TELECOMMUNICATIONS FACILITY ON THE MONCURE WATER TANK, TAX MAP PARCEL NO. 21-65J, LOCATED IN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, T-Mobile Northeast LLC, desires to lease space for a telecommunications facility on the County-owned Moncure Water Tank (Tank) site, Tax Map Parcel No. 21-65J, located in the Griffis-Widewater Election District; and

WHEREAS, the Board desires and is required to hold a public hearing to consider the proposed lease on County-owned property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that the Interim County Administrator be and he hereby is authorized to advertise a public hearing to consider granting a lease to T-Mobile Northeast LLC for placement of a telecommunications facility on the Moncure Water Tank, Tax Map Parcel No. 21-65J.

Item 7. Authorize the Interim County Administrator to Advertise a Public Hearing to Consider a Lease on County-owned Property at the Ferry Road Water Tank for a Cellular Communications Facility

Resolution R17-06 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER A LEASE AGREEMENT WITH T-MOBILE NORTHEAST LLC FOR A TELECOMMUNICATIONS FACILITY ON THE FERRY ROAD WATER TANK, TAX MAP PARCEL NO. 55-60A, LOCATED IN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, T-Mobile Northeast LLC, desire to lease space for a telecommunications facility on the County-owned Ferry Road Water Tank (Tank) site, Tax Map Parcel No. 55-60A, located in the George Washington Election District; and

WHEREAS, the Board desires and is required to hold a public hearing to consider the proposed lease of County-owned property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, the Interim County Administrator be and he hereby is authorized to advertise a public hearing to consider granting a lease to T-Mobile Northeast LLC for a telecommunications facility on County-owned Ferry Road Water Tank, Tax Map Parcel No. 55-60A.

Item 8. Utilities; Authorize the Interim County Administrator to Advertise a Public Hearing to Vacate Utility Easements on Tax Map Parcel No. 21/8C

Resolution R17-35 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER VACATING A PORTION OF A SANITARY SEWER EASEMENT ON TAX MAP PARCEL NO. 21-8C

WHEREAS, the Department of Utilities has replaced and re-routed a small section of gravity sewer off of Cliff Circle on Tax Map Parcel No. 21-8C (Property); and

WHEREAS, as a result of acquiring additional easements on the Property, existing portions of the easement are no longer required; and

WHEREAS, the Board desires and is required to advertise a public hearing to consider vacating portions of the sanitary sewer easement on the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that it be and hereby does authorize the Interim County Administrator to advertise a public hearing to consider the vacation of a portion of a sanitary sewer easement on Tax Map Parcel No. 21-8C.

Item 9. Utilities; Authorize the Interim County Administrator to Execute a Contract for the Construction of the Ebenezer Church Pump Station Replacement

Resolution R17-25 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH JOHNSTON ENVIRONMENTAL COMPANY, FOR CONSTRUCTION OF THE EBENEZER CHURCH PUMP STATION PROJECT

WHEREAS, the Ebenezer Church Pump Station Project (Project) is included in the Utilities Capital Improvements Program (CIP) and it is designed to replace the existing Ebenezer Church sewage pump station; and

WHEREAS, the County solicited bids for the construction of the Project; and

WHEREAS, two bids were received, and staff determined that the bid submitted by Johnston Environmental Company, in the amount of \$1,031,082, is the lowest responsive and responsible bid, and the bid is reasonable for the scope of services proposed; and

WHEREAS, funds are available and have been appropriated in the Utilities CIP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that the Interim County Administrator be and he hereby is authorized to execute a contract with Johnston Environmental Company, in an amount not to exceed One Million Thirty-One Thousand Eighty-Two Dollars (\$1,031,082) for the construction of the Ebenezer Church Pump Station Project, unless modified by a duly-authorized change order.

Item 10. Utilities; Authorize Use of a Low Pressure Sewer System on Tax Map Parcel 30-144C

Resolution R17-36 reads as follows:

A RESOLUTION AUTHORIZING THE USE OF A LOW PRESSURE SEWER SYSTEM WITH GRINDER PUMPS ON TAX MAP PARCEL NO. 30-144C, IN THE AQUIA ELECTION DISTRICT

WHEREAS, at its meeting on October 7, 2003, the Board adopted Resolution R03-361, which limits the use of low pressure sewer systems for new residential subdivisions to those specifically authorized by the Board, after the Board determines that such a system is in the best interest of the County; and

WHEREAS, Tax Map Parcel No. 30-144C (Property) is inside the Urban Services Area (USA) as designated in the Comprehensive Plan; and

WHEREAS, County Code Sec. 25-71(b) requires that each subdivision within the USA utilize the public sewer system; and

WHEREAS, there are no public sewer facilities downstream from portions of the Property to permit the use of a gravity sewer and the only available public sewer requires pumping; and

WHEREAS, the Board finds that allowing the Property to use a low pressure sewer system with grinder pumps is in the best interest of the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that it be and hereby does authorize the use of a low pressure sanitary sewer system, with grinder pumps, on Tax Map Parcel No. 30-144C (Property); and

BE IT FURTHER RESOLVED that the owner(s), and any future successor in interest, of the Property shall comply with the following:

1. Each property owner shall be required to maintain a contract with a qualified repair firm for maintenance and repair of the grinder pump system;
2. The recorded subdivision plat and deeds of conveyance for each lot shall contain a notice to the public that the grinder pumps shall be owned by the individual lot owner(s) and that each owner shall be required to carry a maintenance contract with a qualified repair firm for maintenance and repair of the grinder pump system;
3. A grinder pump shall be installed and maintained outside of each house on the Property;
4. A backup power source shall be installed and maintained for each grinder pump; and
5. A manual transfer switch shall be provided and maintained for each grinder pump located outside of each house on the Property.

Item 11. Public Works; Petition VDOT to Include Streets in the Bridlewood Estates Subdivision into the Secondary System of State Highways

Resolution R17-24 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE BRIDLEWOOD LANE, DAHLIA LANE, AND YASMINE COURT WITHIN BRIDLEWOOD ESTATES SUBDIVISION, 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 Bridlewood Lane, Dahlia Lane, and Yasmine Court within Bridlewood Estates Subdivision, located off Hartwood Road approximately 0.6 miles north of Warrenton Road (US-17), into the secondary system of state highways; and

WHEREAS, VDOT inspected Bridlewood Lane, Dahlia Lane, and Yasmine Court, and found them satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January 2017, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Bridlewood Estates Subdivision, into the Secondary System of State Highways:

| Street Name Route Number | Station | Length |
|------------------------------|---|---------------------|
| Bridlewood Lane (SR-2256) | From: Intersection of Hartwood Road (SR-612) To: Intersection of Dahlia Lane (SR-2257) | 0.22 mi. ROW 50' |
| Bridlewood Lane (SR-2256) | From: Intersection of Dahlia Lane (SR-2257) To: 0.12 mi. west of Intersection of Dahlia Lane (SR-2257) | 0.12 mi. ROW 50' |
| Dahlia Lane (SR-2257) | From: Intersection of Bridlewood Lane (SR-2256) To: Intersection of Yasmine Court (SR-2258) | 0.17 mi. ROW 50' |
| Dahlia Lane (SR-2257) | From: Intersection of Yasmine Court (SR-2258) To: 0.12 mi. west of Intersection of Yasmine Court (SR-2258) | 0.12 mi. ROW 50' |
| Yasmine Court (SR-2258) | From: Intersection of Dahlia Lane (SR-2257) To: 0.08 mi. east of Intersection of Dahlia Lane (SR-2257) | 0.08 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, Bridlewood Estates, recorded among the Land Records of Stafford County, Virginia at Plat Map No. PM090000074, with Instrument No. LR090010222, on June 6, 2009; and

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

Item 12. Public Works; Authorize the Interim County Administrator to Submit a Grant Application for the Stormwater Local Assistance Fund for Planning, Design, and Construction of the Stormwater Retrofit Project at the George L. Gordon, Jr. Government Center

Resolution R17-29 reads as follows:

A RESOLUTION TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO SUBMIT A GRANT APPLICATION TO THE STORMWATER LOCAL ASSISTANCE FUND FOR ENGINEERING, DESIGN, AND CONSTRUCTION OF THE STORMWATER MANAGEMENT POND RETROFIT PROJECT AT THE GEORGE L. GORDON, JR. GOVERNMENT CENTER, IN THE AQUIA ELECTION DISTRICT

WHEREAS, the County's Municipal Separate Storm Sewer System (MS4) stormwater discharge permit requires improvements to the County's existing stormwater system to reduce the pollution entering the Chesapeake Bay and its tributaries; and

WHEREAS, the Virginia General Assembly created the Stormwater Local Assistance Fund (SLAF) to provide funding to local governments for the planning, design, and implementation of stormwater best management practices related to reducing water quality pollution; and

WHEREAS, the State announced the solicitation of applications for SLAF grants for stormwater projects; and

WHEREAS, the SLAF grant would help defray the cost of the state-mandated improvements; and

WHEREAS, the County proposes to use SLAF grant funds to engineer, design and construct a retrofit of the stormwater pond located at the George L. Gordon, Jr. Government Center in the Aquia Election District; and

WHEREAS, the estimated cost of the project is \$240,000, with \$120,000 in SLAF grant funds, and a County match of \$120,000;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, the Interim County Administrator be and he hereby is authorized to submit an application for the Stormwater Local Assistance Fund grant to engineer, design, and construct a stormwater management pond retrofit project at the George L. Gordon Government Center, in an amount not to exceed One Hundred Twenty Thousand Dollars (\$120,000), with a County match of One Hundred Twenty Thousand Dollars (\$120,000).

Item 13. Public Works; Authorize the Interim County Administrator to Execute a Contract for Fiber Optic Relocation; and Budget and Appropriate Funds for Fiber Optic Relocation for the Brooke Road Improvement Project

Resolution R17-30 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EXPRESS TECHNOLOGIES, INC. FOR FIBER OPTIC CONDUIT RELOCATION SERVICES FOR THE BROOKE ROAD IMPROVEMENT PROJECT, LOCATED IN THE AQUIA, FALMOUTH, AND GEORGE WASHINGTON DISTRICTS

WHEREAS, the Board identified the completion of road improvements on Brooke Road, south of Eskimo Hill Road (Project), as a critical part of Stafford County's Road Improvement Plan; and

WHEREAS, staff has acquired the necessary rights-of-way, and temporary and permanent easements, and has begun relocating impacted utilities; and

WHEREAS, an existing fiber optic conduit must be relocated to avoid conflicts with the proposed improvements for the Project; and

WHEREAS, a memorandum of understanding exists between Stafford County, MediCorp Properties, Inc. (MPI), and Stafford County Public Schools (SCPS), whereby the County agreed to relocate the conduit, and MPI and SCPS agree to pay for the pulling of their respective fiber optic cable; and

WHEREAS, Express Technologies, Inc. submitted a cost proposal of \$264,362 to install approximately 10,000 feet of new fiber optic conduit and hand holes to avoid conflicts with the proposed improvements for the Project; and

WHEREAS, staff determined that Express Technologies, Inc. is best qualified to provide these services and is reasonable for the scope of work proposed; and

WHEREAS, the County may cooperatively procure a contract with Express Technologies, Inc. under Virginia Information Technologies Agency (VITA) contract VA-160322-EXPR; and

WHEREAS, 50% of the cost of the Brooke Road improvement project will be reimbursed by VDOT as a part of the revenue Sharing program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that the Interim County Administrator be and he hereby is authorized to execute a contract with Express Technologies, Inc. for fiber optic conduit relocation services for the Brooke Road Improvement Project, in an amount not to exceed Two Hundred Sixty-four Thousand Three Hundred Sixty-two Dollars (\$264,362) unless modified by a duly-authorized contract amendment; and

BE IT FURTHER RESOLVED One Hundred Thirty-two Thousand One Hundred Eighty-one Dollars (\$132,181) is budgeted and appropriated from the General Fund and One Hundred Thirty-two Thousand One Hundred Eighty-one Dollars (\$132,181) budgeted and appropriated to be reimbursed by VDOT as a part of the revenue sharing program to the Brooke Road Improvement Project Fund for the fiber optic conduit relocation services.

Item 14. Public Works; Request the Reallocation of Revenue Sharing and Secondary Road Funds for the Juggins Road Project

Resolution R17-31 reads as follows:

A RESOLUTION TO REQUEST THE REALLOCATION OF REVENUE SHARING AND SECONDARY ROAD FUNDS

WHEREAS, in FY2015/FY2016 Stafford County elected to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for the Enon Road Widening project with a \$1,814,000 County match and a \$1,814,000 State match; and

WHEREAS, the widening of Enon Road (SR-753) (VDOT UPC 105722) was selected as a qualifying project, but it has been deferred due to reduced Transportation Fund revenue, and as a result \$3,226,366 (\$1,613,183 County share and \$1,613,183 VDOT share) remains unused; and

WHEREAS, the Board desires to adopt the reconstruction of Juggins Road (SR-711) (VDOT UPC 75919) as a revenue sharing project; and

WHEREAS, the County would provide a local match totaling \$1,025,000 to the Juggins Road (SR-711) reconstruction project (VDOT UPC 75919);

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 24th day of January, 2017, that it be and hereby does request that the revenue sharing funds in the amount of Two Million Fifty Thousand Dollars (\$2,050,000), which includes a local

match totaling One Million Twenty-Five Thousand Dollars (\$1,025,000), be transferred from the Enon Road Widening project (UPC 105722) to the Juggins Road Reconstruction project (UPC 75919); and

BE IT FURTHER RESOLVED that the Interim County Administrator, or his designee, is authorized to execute all necessary agreements related to this request.

Item 16. County Attorney; Ratify the Settlement Agreement in *Potomac-Stafford Land Company, LLC, ET AL., V. Board of Supervisors of Stafford County, Virginia, CL13-317, and Authorize Additional Actions Necessary to Finalize Settlement of the Case*

Resolution R17-33 reads as follows:

A RESOLUTION RATIFYING THE SETTLEMENT AGREEMENT IN *POTOMAC-STAFFORD LAND COMPANY, LLC, ET AL., V. BOARD OF SUPERVISORS OF STAFFORD COUNTY, VIRGINIA, CL13-317, AND AUTHORIZING ADDITIONAL ACTIONS NECESSARY TO FINALIZE SETTLEMENT OF THE CASE*

WHEREAS, the Board is a defendant in *Potomac-Stafford Land Company, LLC, et al., v. Board of Supervisors of Stafford County, Virginia, CL13-317*; and

WHEREAS, the parties in the above-referenced case have entered into a settlement agreement to resolve the plaintiffs' claims under the terms and conditions discussed in closed session with the County Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that the settlement agreement entered into by the parties in the above-referenced case be and it hereby is ratified and approved; and

BE IT FURTHER RESOLVED that the County Attorney, or his designee(s), in addition to actions already taken, which are hereby ratified, is authorized to take all additional actions necessary to finalize the settlement of the above-referenced case; and

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee(s), in addition to actions already taken, which are hereby ratified, is authorized to refund the plaintiff's cluster concept plan application fees in the amount specified in the settlement agreement.

Item 17. Fire and Rescue; Authorize the Interim County Administrator to Execute a Contract with Maryland Fire, Inc., to Purchase Personal Protective Clothing for Fire and Rescue Personnel

Resolution R17-43 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH MARYLAND FIRE

EQUIPMENT CORPORATION TO PURCHASE PERSONAL PROTECTIVE CLOTHING FOR FIRE AND RESCUE PERSONNEL

WHEREAS, the Fire and Rescue Department desires to purchase personal protective clothing from Maryland Fire Equipment Corporation; and

WHEREAS, Stafford County is eligible to cooperatively procure a contract with Maryland Fire Equipment Corporation for protective clothing under Arlington County, Virginia contract 16-217-ITB-1;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that the Interim County Administrator be and he hereby is authorized to execute contracts with Maryland Fire Equipment Corporation for the purchase of personal protective clothing on an as needed basis at a cost not to exceed Two Hundred Fifty Thousand Dollars (\$250,000), unless amended by a duly-executed contract amendment.

Item 18. Human Services; Approve the Appointment of Mr. Kevin Kozoil to the Americans with Disabilities Act Grievance Board

Item 15. Public Works; Authorize the Installation of “Watch for Children” Signs on Alder Drive and Apricot Street in the Embrey Mill Subdivision Ms. Sellers asked that this item be removed from the Consent Agenda so that the public could be made aware that the “Watch for Children” signs were being stalled in the Embrey Mill Subdivision.

Ms. Sellers motioned, seconded by Ms. Bohmke, to adopt proposed Resolution R17-34.

The Voting Board tally was:

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

Resolution R17-34 reads as follows:

A RESOLUTION AUTHORIZING THE INSTALLATION OF “WATCH FOR CHILDREN” SIGNS ON ALDER DRIVE (SR-2381) AND APRICOT STREET (SR-2382), WITHIN EMBREY MILL SUBDIVISION, IN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, the Board is concerned with transportation safety on residential streets; and

WHEREAS, on February 19, 2008, the Board adopted the Residential Traffic Management Plan (RTMP) to provide Stafford County citizens with various programs to address traffic-related concerns; and

WHEREAS, the installation of “Watch for Children” signs is authorized pursuant to Virginia Code § 33.2-251; and

WHEREAS, the Embrey Mill Homeowners' Association requested the purchase and installation of "Watch for Children" signs within its subdivision; and

WHEREAS, the Virginia Department of Transportation's (VDOT) policy permits the installation of these signs within Embrey Mill subdivision along Alder Drive and Apricot Street; and

WHEREAS, based on the County's current RTMP, the proposed locations meet the essential criteria for the installation of "Watch for Children" signs, as Alder Drive and Apricot Street meet the definition of a residential local road;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that it be and hereby does approve the purchase and installation of "Watch for Children" signs at the following three locations within the Embrey Mill subdivision in the Garrisonville Election District, as permitted by the Virginia Department of Transportation (VDOT):

- Approximately 100 feet past the posted speed limit sign on Alder Drive from Mine Road;
- Approximately 100 feet past the posted speed limit sign on Alder Drive from Shields Road; and
- Approximately 100 feet past the posted speed limit sign on Apricot Street from Shields Road.

; and

BE IT FURTHER RESOLVED that the Interim County Administrator, or his designee, shall transmit a copy of this Resolution to VDOT.

UNFINISHED BUSINESS

Item 19. Planning and Zoning; Consider Amended Proffer Conditions at Patriot's Crossing
Principle Planning, Mr. Michael Zuraf, gave a presentation and answered Board members questions. Mr. Sherman Patrick, for the applicant, also addressed the Board.

At the Board's December 13, 2016 meeting, Mr. Cavalier read the following statement and at today's meeting, he left the Board Chambers at 3:35 p.m. for the discussion on Patriot's Crossing: *"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. Thomas asked about modifying the sight distance around the proposed storage facility; Ms. Bohmke asked if a hotel could be constructed on the property. Mr. Zuraf said that a hotel could be constructed at the proposed site. Ms. Sellers asked Mr. Patrick about a hotel on that site. Mr. Patrick responded that it was not a viable site. Mr. Hart, the developer, said that he would proffer not building a hotel there if so desired by the Board.

Mr. Patrick addressed the Board stating that the developer sent letters and met three times with homeowners of the Park Ridge subdivision. Ms. Sellers said that the developer was responsive to neighbor's concerns about the proposed buffer, which was changed from a board fence to a wrought iron fence similar to the illustration provided to the Board, and as much as possible, existing vegetation would be preserved. Fast-growing evergreen trees would also be planted as an additional buffer to the neighboring properties. Mr. Patrick said that the developer was in negotiations with a "white table cloth" type of restaurant for the site. He spoke about traffic concessions regarding Wolverine Way and an additional right turn lane requested by the Schools, which the applicant would install. Additional transportation proffers would eliminate the need for a U-turn, to which previously there had been strenuous objection.

Mr. Snellings asked for confirmation about whether it was a rezoning or just amended proffers being considered by the Board. Mr. Zuraf confirmed that the Board was being asked to vote on proffer amendments, not a rezoning.

Ms. Bohmke said that the unknown impacts of the development were too great on the surrounding neighborhood and to NSHS, but that Mr. Hart built nice projects. She was very concerned about the lack of a dedicated traffic light at NSHS. Mr. Patrick noted that the Garrisonville Road widening project would be completed before Mr. Hart's proposed project would be at full build-out.

Mrs. Maurer said that office space was switched out for added storage to reduce the traffic by 40%. She inquired of Mr. Patrick if it were possible to switch back to office. Mr. Patrick said that it was not a great location for office space. Mrs. Maurer said she would support it with the current self-storage use. Mr. Zuraf noted that the revision was on the GDP, not the proffers; Mrs. Maurer said that she had a problem with that. Mr. Zuraf added that it would have to come back to the Board at another time for further revisions to revert back to office space.

Ms. Sellers said she read the revised proffers and met three times with staff at North Stafford High School (NSHS), as well as having met on more than one occasion with Park Ridge residents. She said that the proposed project would make it a better community, a walkable community for NSHS students as well as for area residents. Ms. Sellers said that there would be employment opportunities for students and that the proposal was a far better use than the previously approved sports and recreational center.

Mr. Thomas noted that it was a major proffer amendment. Mr. Milde said that he would like more time before voting on the proposed changes, which included proffering not building a

hotel/motel on the site, and that the previously considered office space would be taken off the table; that the self-storage building would be built as it was shown on the revised GDP (in the Board's add-on folder).

The Board agreed that the vote on Patriot's Crossing would be delayed until later in the meeting, following the discussion of Item 21, to permit the Board to review the agreed upon additional proffer amendments.

Mr. Cavalier rejoined the meeting at 4:00 p.m.

Item 20. Planning and Zoning: Consider an Amendment to the Sign Ordinance Zoning Administrator, Ms. Susan Blackburn, gave a presentation and answered Board members questions. Mrs. Maurer inquired if HOA covenants were stronger or out-weighted County sign ordinance regulations. Assistant County Attorney, Mr. Dan Wisniewski, responded that the HOA covenants were stricter and the proposed County sign ordinance did not change that.

Mr. Milde spoke about the City of Alexandria's model to cover sold or rental properties. Ms. Blackburn said that it was not included. Mr. Milde asked when it was removed; Ms. Blackburn said that it was never included.

Mrs. Maurer spoke about the sign height requirement; Ms. Sellers said that it did not include the pole. Mrs. Maurer asked about the limit of three signs. Ms. Sellers said she added that as she really did not want any signs cluttering up the County. Ms. Blackburn said that signs could be erected for two, 60-day periods in a calendar year. Mrs. Maurer asked about getting permits. Ms. Blackburn said that permits were not required on temporary signs.

Mrs. Maurer spoke about the Rhodes' place and that they were very kind to allow candidates, etc., to post signs on their property. She said that some of the proposed restrictions were bad in an election year. Mrs. Maurer noted that incumbents knew the in's and out's but that newcomers to elections would be at a disadvantage.

Mr. Milde said that the only challenges were to remove content only restrictions; that a sub-committee was established to work with the Planning Commission. Ms. Sellers noted that the County was currently out of compliance with the State Code and she was working with Roy Boswell; they would continue to work on the different types of uses. Mrs. Maurer said she was concerned about optics in a campaign year.

Mr. Cavalier said that he was very concerned about the 60-day rule. He said that campaign season started on or around Labor Day and it was more than 60 days to Election Day. Mr. Snellings said that he shared Mr. Cavalier's concerns. He said that primaries were held in June and it would require pulling in all signs; he said it could become a political witch hunt.

Ms. Blackburn noted a needed correction to Section 28.128b regarding electronic signs in a non-residential use, saying that the word “permitted” should be added and the word “prohibited” should be removed.

Ms. Sellers motioned, seconded by Ms. Bohmke, to adopt proposed Ordinance O17-04.

Ms. Sellers said that her motion could be amended to remove the 60-day reference. Mr. Milde said that a number had to be put in the Ordinance. He said that he thought 60 days was fair and that he took down his signs after the primaries and put them back up prior to the general election. Mrs. Maurer suggested 75 days. She also asked that the three sign limit be removed. Ms. Sellers asked if the three sign limit was removed, how many signs should be permitted. Mrs. Maurer said more than eight and cited the Rhodes’ property and Rosner properties as locations for posting signs. Mr. Thomas suggested leaving the three sign limit then requiring a permit for additional signs. Mr. Milde said it should be left as-is and allow the sub-committee to continue working on it. Ms. Sellers said that eight signs were too many. Mrs. Maurer said that eight signs on a 100-acre parcel were not a lot. She said that the new system favored incumbents.

Mr. Cavalier said that small businesses would be affected by the changes, which were unnecessarily onerous and added much more bureaucracy than was needed. He said the County would need sign police and asked where the money was coming from to hire additional lawyers to handle prosecuting offenders and an army of zoning enforcers. He could not support it.

Mr. Milde reiterated that it should be kept as written; that many things were being taken out of context; that the County’s sign ordinance as is was unenforceable. He said that if there were no sign complaints, there was no need for a sign police. He said he would support it.

Mrs. Maurer asked if the three sign limit was new or old. Ms. Blackburn said it came of the sub-committee meetings. Mrs. Maurer asked for the names of the sub-committee members. Ms. Blackburn responded that it was Ms. Sellers and Mr. Milde. Mrs. Maurer said that Mr. Milde was up for re-election. Mr. Milde said that he did not share property with his signs.

Mr. Snellings said that he could not support it as it was too cumbersome, unenforceable, and not ready for prime time. Mr. Thomas said the two Board members should be appointed to the sub-committee and then that it be sent down to the Planning Commission for its appointees.

Ms. Bohmke asked about State Code provision regarding political signage. Mr. Wisniewski said that he was not familiar with State Code regarding political signage. Ms. Bohmke asked if State Code superseded County Code. Mr. Wisniewski said that it did. Mrs. Maurer asked if the State law had provisions regarding what the County was trying to fix. Mr. Wisniewski said that he was not aware if it did.

Ms. Blackburn asked for clarification if the time limit would be changed and if it was the Board’s will to change the word “prohibited” to “permitted” as was discussed earlier. Mr. Milde

said that for now, the time limit would not be changed, and changing the word to “permitted” was acceptable to the Board.

Mrs. Sellers motioned, seconded by Ms. Bohmke, to adopt proposed Ordinance O17-04.

The Voting Board tally was:

Yea: (4) Bohmke, Milde, Sellers, Thomas

Nay: (3) Cavalier, Maurer, Snellings

Ordinance O17-04 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-24, “MEASUREMENTS;” SEC. 28-25, “DEFINITIONS OF SPECIFIC TERMS;” SEC. 28-121, “PURPOSE AND INTENT;” SEC. 28-122, “CERTAIN TYPES PROHIBITED IN ALL DISTRICTS;” SEC. 28-123, “TYPES PERMITTED IN A-1 DISTRICTS;” SEC. 28-124, “TYPES PERMITTED IN A-2 DISTRICTS;” SEC. 28-124.1, “TYPES PERMITTED IN R-1 DISTRICTS;” SEC. 28-125, “TYPES PERMITTED IN R-2, R-3, AND R-4 DISTRICTS;” SEC. 28-126, “TYPES PERMITTED IN B-1, B-2, M-1, AND M-2 DISTRICTS;” SEC. 28-127, “TYPES PERMITTED IN RC, SC, B-3, AND LC DISTRICTS;” SEC. 28-128, “TYPES PERMITTED IN PD-1 DISTRICTS;” SEC. 28-129, “TYPES PERMITTED IN PD-2 DISTRICTS;” SEC. 28-130, “TYPES PERMITTED IN HI DISTRICTS;” SEC. 28-131, “PERMIT TO ERECT;” SEC. 28-132, “APPROVAL OF INTERNAL ILLUMINATION;” SEC. 28-133, “EXCEPTION FROM SETBACK REQUIREMENTS;” SEC. 28-134, “TRAFFIC HAZARD;” SEC. 28-135, “CLEARANCE FOR PROJECTING SIGNS;” SEC. 28-136, “REPAIR AND REMOVAL OF SIGNS;” SEC. 28-137, “TYPES OF SIGNS PERMITTED IN P-TND DISTRICTS;” SEC. 28-138, “TYPES PERMITTED IN THE RBC DISTRICTS;” SEC. 28-273, “NONCONFORMING STRUCTURES;” SEC. 28-277 “ABANDONED NONCONFORMING SIGNS;” AND FURTHER ORDAIN STAFFORD COUNTY CODE SEC. 28-124, “PERMIT NOT REQUIRED;” SEC. 28-128, “TYPES PERMITTED IN AGRICULTURAL AND RESIDENTIAL DISTRICTS (A-1, A-2, R-1, R-2, R-3, R-4);” SEC. 28-129, TYPES PERMITTED IN COMMERCIAL AND OFFICE DISTRICTS (B-1, B-2, B-3, RC, SC, HI);” SEC. 28-130, “TYPES PERMITTED IN INDUSTRIAL DISTRICTS (M-1, M-2); AND SEC. 28-131, “TYPES PERMITTED IN PLANNED DEVELOPMENT AND URBAN DEVELOPMENT DISTRICTS (LC, PD-1, PD-2, P-TND, RBC, RDA-1, UD)

WHEREAS, in 2015, the United States Supreme Court Case ruling in *Reed v. Town of Gilbert Arizona* established new standards for sign regulations; and

WHEREAS, staff reviewed the County sign regulations and determined that changes were necessary due to the Supreme Court ruling; and

WHEREAS, the Board desires to amend the Stafford County Code to remove content-based provisions pertaining to the regulation of signs; and

WHEREAS, the Board considered the recommendation 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 24th day of January, 2017, that it be and hereby does amend and reordain Stafford County Code Sec. 28-24, “Measurements;” Sec. 28-25, “Definitions of specific terms;” Sec. 28-121, “Purpose and intent;” Sec. 28-122, “Certain types prohibited in all districts;” Sec. 28-123, “Types permitted in A-1 districts;” Sec. 28-124, “Types permitted in A-2 districts;” Sec. 28-124.1, “Types permitted in R-1 districts;” Sec. 28-125, “Types permitted in R-2, R-3, and R-4 districts;” Sec. 28-126, “Types permitted in B-1, B-2, M-1, and M-2 districts;” Sec. 28-127, “Types permitted in RC, SC, B-3, and LC districts;” Sec. 28-128, “Types permitted in PD-1 districts;” Sec. 28-129, “Types permitted in PD-2 districts;” Sec. 28-130, “Types permitted in HI districts;” Sec. 28-131, “Permit to erect;” Sec. 28-132, “Approval of internal illumination;” Sec. 28-133, “Exception from setback requirements;” Sec. 28-134, “Traffic hazard;” Sec. 28-135, “Clearance for projecting signs;” Sec. 28-136, “Repair and removal of signs;” Sec. 28-137, “Types of signs permitted in P-TND districts;” Sec. 28-138, “Types permitted in the RBC districts;” Sec. 28-273, “Nonconforming structures;” and Sec. 28-277 “Abandoned nonconforming signs;” and further ordains Stafford County Code Sec. 28-124, “Permit not required;” Sec. 28-128, “Types permitted in agricultural and residential districts (A-1, A-2, R-1, R-2, R-3, R-4);” Sec. 28-129, Types permitted in commercial and office districts (B-1, B-2, B-3, RC, SC, HI);” Sec. 28-130, “Types permitted in industrial districts (M-1, M-2); and Sec. 28-131, “Types permitted in planned development and urban development districts (LC, PD-1, PD-2, P-TND, RBC, RDA-1, UD); all other provisions remaining unchanged;

Sec. 28-24. - Measurements.

Measurements required under this chapter shall be made following these principles:

- (6) *Sign, area of.* That area within lines forming a parallelogram measured from the outer extremities of all letters, figures, characters and delineations, or within a line including the background of the sign, whichever lines includes the larger area. The area shall be calculated by multiplying the length by the width of the parallelogram. In the case of a triangle shaped sign, the area shall be computed by forming a parallelogram by multiplying the length and width of the two longest sides of the triangle and dividing by two. The support for the sign background, whether it be columns, a pylon, or a building or part thereof and structural embellishments or trim, shall not be included in the sign area. Only one side of a double-faced sign shall be included in the computation of sign area; for triangular signs comprised of three sign faces, two faces shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.
- (7) *Sign, height of.* The maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
- a. Existing grade prior to construction; or
 - b. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

Sec. 28-25. - Definitions of specific terms.

Advertising. Any words, symbol, color, design or graphic used to call attention to a commercial product, service, or activity.

Comprehensive sign plan. A plan for all of the permanent signage of a property that includes multiple tenants or owners with shared parking or other facilities.

Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.

Frontage, building. The length of the main wall or longest wall of a building which physically encloses usable interior space, and which is an architecturally designed wall that contains the main entrance into the building for use by the general public.

Holiday Displays. Displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature, of less than ninety (90) days in duration and which contain no advertising material

Marquee. A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather and used for signage.

Public area. Any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

Public Art. Items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas.

Sign. Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include public art, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity not related to a commercial business, product, or service. The term “sign” also does not include the display of merchandise for sale on the site of the display

Sign, A-Frame. A two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape not more than four feet high. These are also referred to as “sandwich board” signs. They are included in the term “portable sign.”

Sign, Animated. A sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a “moving sign.”

Sign area. See this section, "Measurements."

Sign, banner. A temporary sign of flexible material affixed to a framework, between poles or flat surface.

Sign, business. A sign, which directs attention to a product, commodity or service available on the premises.

Sign, canopy. A sign attached or as an integral part of a canopy.

Sign, chalk-board. A single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.

Sign, Changeable copy. A sign or part of a sign that is designed so that characters, letters or illustrations can be manually changed or rearranged without altering the face or surface of the sign.

Sign dimensions (height, area). See "Measurements."

Sign, electronic message center (EMC). A sign that displays images, scrolling images or moving images, including video, through the use of a series of grid lights, such as: cathode ray; light emitting diode display; plasma screen; liquid crystal display; fiber optics; or other similar electronic technology with the image changing no less than every five (5) seconds. This definition includes each of the following:

- (1) Signs which present images and/or messages that are similar to those which are ordinarily displayed on color television screens or computer monitors, where the image and/or message is in motion or appears as if it is motion;
- (2) Signs for which the images and/or messages are capable of being changed through any remote means; and
- (3) Signs presenting two (2) or more separate displays of images and/or messages by means of any scrolling cylinder or other scrolling device.

Sign face. The portion of a sign structure bearing the message.

Sign, feather. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.

Sign, flashing. A sign that includes lights that flash, blink, or turn on and off intermittently.

Sign, freestanding. Any non-portable sign supported by a fence, retaining wall, or by a solid structural base not attached to a building.

Sign, illegal. Any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Sign, illuminated. A sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

Sign, minor. A wall or freestanding sign not exceeding four (4) square feet in area, not exceeding five (5) feet in height, and not illuminated.

Sign, monument. A freestanding sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign or a portable sign.

Sign, neon. A sign containing exposed tubes filled with light-emitting gas.

Sign, nonconforming. Any sign which was lawfully erected in compliance with applicable regulations of the County and maintained prior to the effective date of this chapter of the zoning

ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

Sign, off-premises. A sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.

Sign, pole. A sign that is mounted on one (1) or more freestanding poles.

Sign, portable. Any temporary sign not permanently affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

Sign, projecting. Any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted perpendicular to the building or wall and its leading edge extends more than six (6) inches beyond the building or wall.

Sign, temporary. Any sign intended to be displayed for a limited period, not to exceed sixty (60) days in duration for no more than two (2) sixty (60) day periods in a calendar year, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

Sign, vehicle or trailer. Any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service, or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

Sign, wall. Any sign erected or painted on a flat vertical surface of a structure.

Sign, window. Any sign visible outside the window and attached to, or in front of, or behind the surface of a window or door.

ARTICLE VIII. - SIGNS

Sec. 28-121. - Purpose and intent.

(1) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

- (2) Signs not expressly permitted as being allowed by right or by conditional use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Board of Supervisors are forbidden.
- (3) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (4) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (5) These regulations distinguish between portions of the County designed for primarily vehicular access and portions of the County designed for primarily pedestrian access.
- (6) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the County. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (7) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Sec. 28-122. - Certain types prohibited in all districts.

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

- (1) General prohibitions.
 - a. Signs that violate any law of the Commonwealth relating to outdoor advertising.
 - b. Signs attached to natural vegetation or rock land forms.
 - c. Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized county official as a nuisance.
 - d. Vehicle or trailer signs.
 - e. Freestanding signs more than thirty (30) feet in height unless otherwise permitted by this chapter.
 - f. Signs hanging from supports, except where the supports are anchored to a part of a building.
 - g. Any sign displayed without complying with all applicable regulations of this chapter.

- h. Any feather sign.
 - i. Any sign comprised of a balloon or other inflatable devices including devices that use forced air to stimulate movement of fabric or other materials.
 - j. Any sign other than a public sign located within a public right-of-way without permission of the Board of Supervisors or the Virginia Department of Transportation.
- (2) Prohibitions based on materials.
- a. Signs painted directly on a building, except where expressly permitted by this chapter.
 - b. Electronic message center signs. This subsection does not apply to flags expressly permitted under this article or the changing of the message content no more often than once every five (5) seconds.
 - c. Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.
 - d. Signs consisting of illuminated tubing, neon tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.
 - e. Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
 - f. Signs that emit sound.
 - g. Strings of flags.
 - h. Pole signs.
 - i. Any sign, other than a temporary sign, constructed of cloth, canvas, vinyl, paper, cardboard, plywood, fabric, other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.
 - j. Any temporary sign constructed of cloth, canvas, vinyl, paper, cardboard, fabric, other lightweight material not well suited to provide a durable substrate.
- (3) Prohibitions based on location.
- a. Off-premises signs, unless specifically permitted by this chapter.
 - b. Signs erected on public land other than those approved by an authorized County official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
 - c. Signs on the roof surface or extending above the wall of a building or its parapet wall.

- d. Neon signs, except interior to windows.
- e. A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location.
- f. Any wall sign that exceeds two hundred (200) square feet in area.
- g. Any window sign with an opaque area of more than twenty-five (25) percent of the window area.

Sec. 28-123 - Permit to erect.

- (1) In general. A sign permit is required prior to the display and erection of any sign except as provided in section 28-124 of this Article.
- (2) Application for permit.
 - a. An application for a sign permit shall be filed with the Department of Public Works on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.
 - b. The Building Official or designee with concurrence of the Zoning Administrator shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within twenty (20) business days after receipt. Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
- (3) Rejection. If the application is rejected, the County shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (4) Permit fee. A nonrefundable fee as set forth in the uncodified fee schedule adopted by the Board of Supervisors shall accompany all sign permit applications.
- (5) Duration and revocation of permit. If a sign is not installed within six (6) months following the issuance of a sign permit (or within thirty (30) days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed sixty (60) days unless another time is provided in the zoning ordinance. The County may revoke a sign permit under any of the following circumstances:
 - a. The County determines that information in the application was materially false or misleading;
 - b. The sign as installed does not conform to the sign permit application; or
 - c. The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (6) Overlay district regulations. All signs in the Historic Overlay Districts (HOD) require approval of the Architectural Review Board (ARB) except when a sign permit is not required as provided in Section 28-124.
- (7) Conditional Use Permits. Comprehensive sign plans may be approved by conditional use permit. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs,

the total number of square feet of sign surface, and the number of signs to be placed on a site.

Sec. 28-132. – Approval of internal illumination.

Sec. 28-124. Permit not required.

A sign permit is not required for:

- (1) Signs erected by a governmental body or those required by law.
- (2) The changing of messages on marquees, changeable copy signs, electronic message center signs, or an existing permitted sign.
- (3) Temporary signs as follows:
 - a Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
 - b. Three (3) or fewer signs at any given time per lot, no more than thirty-two (32) square-feet in area per sign.
- (4) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.

Sec. 28-125 - Exception from setback requirements.

Except where specified elsewhere in this article, signs Signs shall be exempt from setback requirements in all districts; provided, however, that no sign shall be so located as to interfere with vehicular clear sight triangle distance at intersections or to create a safety hazard.

Sec. 28-126. - Clearance for projecting signs.

No part of any sign projecting more than twelve (12) inches from any wall ~~or from any other support~~ shall be less than ten (10) feet above the level of the ground at that point. Signs projecting over vehicle traffic shall be not less than fourteen (14) feet above ground level.

Sec. 28-127. - Repair and removal of signs.

Whenever the zoning administrator in concurrence with the Building Official, or his designee determines that a sign is structurally unsafe or endangers the safety of a structure, premises, or the public, or is erected or maintained in violation of the provisions of this chapter, the Zoning Administrator or his designee shall order the sign to be made safe or in compliance with this chapter, as the case may be, or to be removed. Such order shall be sent by registered mail, return receipt requested, and shall be complied with.

Sec. 28-128. – Types permitted in agricultural and residential districts (A-1, A-2, R-1, R-2, R-3, and R-4).

- (a) Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Changeable copy signs, electronic message signs and signs with moving parts are prohibited on residential properties in all agricultural and residential districts.

| | | | |
|-------------|------------------|------------------|---------------------|
| TYPE | Temporary | Permanent | Off-premises |
|-------------|------------------|------------------|---------------------|

| | | | |
|----------------------------|--|------------------|--------------|
| Maximum Size (each) | 32 sf/96 sf | 4 sf/4 sf | 32 sf/64 sf |
| Illumination | None | 0.3 foot candles | None |
| Setback | None | None | None |
| Maximum Height | 8 ft. | 4 ft. | 6 ft. |
| Location | Freestanding, _____ wall, or window | Freestanding | Freestanding |
| Maximum Number | 3 | 2 | 2 |

- (a) Except as provided otherwise in this Article, the following signs are permitted as accessory to principal non-residential uses in agricultural and residential districts. Changeable copy signs, electronic message signs and signs with moving parts are permitted as accessory uses for non-residential uses in all residential districts.

| TYPE | Freestanding | Wall signs | Temporary signs |
|----------------------------|---------------------|-------------------|------------------------|
| Maximum Size total) | 25 sf/25 sf | 25 sf/25 sf | 32 sf/96 sf |
| Illumination | 0.8 foot candles | 0.8 foot candles | None |
| Setback | None | None | None |
| Maximum Height | 20 ft. | 20 ft. | 8 ft. |

Sec. 28-129. – Types permitted in commercial and office districts (B-1, B-2, B-3, RC, SC, and HI).

- (a) Generally. Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial and office districts.

| TYPE | Freestanding | Wall | Off-Premises | Temporary signs |
|-----------------------------|--|---|---------------------------------|------------------------|
| Maximum (each/total) | 1 sf per 1 lf of building frontage per 1 lf of building frontage | 2 sf per 1 lf of building frontage not to exceed 1 sf/2sf per 1 lf of building frontage 70% allocation for freestanding wall 30% allocation for remaining walls | 40 sf/40 sf | 32 sf/96 sf |
| Maximum Number | 1 per parcel and public street frontage | 4 on front wall or 1 per tenant 2 per remaining wall | 1 per lot | 3 per lot |
| Illumination | 0.8 foot candles | 0.8 foot candles | As permitted by local ordinance | None |
| Setback | None | None | None | None |
| Maximum Height | 30 ft. | Top of the wall or parapet wall | 20 ft. | 8 ft. |

Sec. 28-130. – Types permitted in industrial districts (M-1 and M-2).

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts. In addition, up to one minor sign per business is permitted as a wall sign.

| <u>TYPE</u> | <u>Freestanding</u> | <u>Wall</u> | <u>Off-Premises</u> | <u>Temporary signs</u> |
|------------------------------------|---|---|---------------------------------|-------------------------------|
| <u>Maximum (each/total)</u> | 1 sf per 1 lf of building frontage/1 sf per 1 building frontage | 2 sf per 1 lf of building frontage not to exceed 100 sf/2 sf per 1 lf of building frontage 70% allocation for front wall 30% allocation for remaining walls | 40 sf/40 sf | 32 sf/96 sf |
| <u>Maximum Number</u> | 1 per lot and 1 per public street frontage | 4 on front wall or 1 per tenant 2 per remaining walls | 1 per lot | 3 per lot |
| <u>Illumination</u> | 0.8 foot candles | 0.8 foot candles | As permitted by local ordinance | None |
| <u>Setback</u> | None | None | None | None |
| <u>Maximum Height</u> | 12 ft. | Top of the wall or parapet wall | 20 ft. | 8 ft. |

Sec. 28-131. – Types permitted in planned development and urban development districts (LC, PD-1, PD-2, PTND, RBC, RDA-1, and UD).

(a) Except as provided otherwise in this Article, the following signs are permitted as accessory uses associated with primary commercial and multi-family uses in planned development and urban development districts.

| <u>TYPE</u> | <u>Freestanding</u> | <u>Wall</u> | <u>Temporary signs</u> |
|------------------------------------|---|--|-------------------------------|
| <u>Maximum (each/total)</u> | 0.25 sf per 1 lf of building frontage/0.25 sf per 1 lf of building frontage | 2 sf per 1 lf of building frontage not to exceed 100 sf/ 2 sf per 1 lf of building frontage 70% allocation for front wall 30% allocation for remaining walls | 32 sf/96 sf |
| <u>Maximum Number</u> | 1 per lot and 1 per public street frontage | 4 on front wall or 1 per tenant 2 per remaining walls | 3 per lot |
| <u>Illumination</u> | 0.8 foot candles | 0.8 foot candles | None |
| <u>Setback</u> | None | None | None |
| <u>Maximum Height</u> | 20 ft. | Top of the wall or parapet wall | 8 ft. |

(b) Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in planned development and urban development districts. Changeable copy signs, electronic message signs, and signs with moving parts are prohibited on residential properties in all residential transect zones or districts.

| <u>TYPE</u> | <u>Temporary</u> | <u>Freestanding and Wall</u> | <u>Off-premises</u> |
|----------------------------|-------------------------|-------------------------------------|----------------------------|
| <u>Maximum Size</u> | | | |

| | | | |
|------------------------------|---|------------------|---------------------|
| <u>(each/total)</u> | <u>32 sf/96 sf</u> | <u>4 sf/4 sf</u> | <u>32 sf/64 sf</u> |
| <u>Illumination</u> | <u>None</u> | <u>None</u> | <u>None</u> |
| <u>Setback</u> | <u>None</u> | <u>None</u> | <u>None</u> |
| <u>Maximum Height</u> | <u>8 ft.</u> | <u>4 ft.</u> | <u>6 ft.</u> |
| <u>Location</u> | <u>Freestanding, portable wall, or window</u> | | <u>Freestanding</u> |

Sec. 28-273. - Nonconforming structures.

- (a) A nonconforming building or structure, except for off-premises signs which are subject to Code of Virginia, § 33.2-1219, as amended, shall conform to current zoning regulations whenever the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Virginia Uniform Statewide Building Code. The owner of a single-family residential structure may enlarge or alter the structure including any proposed increase in square footage, provided that structure shall not further encroach into the nonconforming area except as provided in this section. Under all other situations, an applicant will be required to apply to the BZA for a variance; however, any building or structure may be altered to decrease its nonconformity without the requirement for a special exception or variance.
- (b) The owner of any building or structure, except for off-premises signs which are subject to Code of Virginia, § 33.2-1219, as amended, damaged or destroyed by a natural disaster or other act of God may repair, rebuild, or replace such building or structure to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance from the BZA. If such building or structure is damaged greater than fifty (50) percent and cannot be repaired, rebuilt or replaced to eliminate or reduce the nonconforming features, the owner may restore it to its original nonconforming condition as long as the building or structure is not repaired, rebuilt, or replaced in a manner which increases its nonconforming characteristic. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building or structure shall be in compliance with the provisions of the Virginia Uniform Statewide Building Code, and any work done to repair, rebuild or replace such building or structure shall be in compliance with the provisions of the Flood Overlay district. Unless such building or structure is repaired, rebuilt or replaced within two (2) years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning district in which it is located. However, if the nonconforming building or structure is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two (2) years for the building to be repaired, rebuilt or replaced as otherwise provided in this subsection. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under Code of Virginia, §§ 18.2-77 or 18.2-80, as amended, and obtain vested rights under this section. "Accidental means" shall not include any intentional act by the property owner to damage or destroy the building or structure.

- (c) If a nonconforming structure is moved for any reason, and for any distance, it shall thereafter, upon relocation, conform to the current regulations for the zoning district in which it is relocated.
- (d) Such buildings or structures, except for ~~general advertising~~ off-premises signs which are subject to Code of Virginia, § 33.2-1219, as amended, shall conform to such regulations whenever they are enlarged, extended, reconstructed or structurally altered.

Sec. 28-277. Nonconforming signs.

- (a) Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
- (b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- (c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- (e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.
- (f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (g) A nonconforming sign structure shall be subject to the removal provisions of section 28-127. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the Zoning Administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Mr. Thomas asked about a send-down motion to the Planning Commission. Mr. Wisniewski said that he did not know. Deputy County Attorney, Ms. Rysheda McClendon, addressed the

Board saying that it would not be a send-down motion, but a request that the Planning Commission appoint two members; that the sub-committee would meet and report back to the full Board. Mr. Cavalier said that it was being done backwards, that the Committee should have met and given a report to the Board afterwards. Mr. Milde said that a committee consisting of him and Ms. Sellers had met and that is what was being brought forth for a vote.

Ms. Sellers motioned, seconded by Mr. Thomas, to ask the Planning Commission to appoint two of its members to a joint sub-committee with two members of the Board to continue discussion about the sign ordinance. Ms. Sellers recommended Mrs. Maurer is appointed to the sub-committee, taking her place. Ms. Bohmke volunteered to serve on the sub-committee. Mrs. Maurer declined so Ms. Sellers said that she would again serve on the sub-committee.

The Voting Board tally was:

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

NEW BUSINESS

Item 21. Discuss the Board of Supervisors Retreat Agenda Mr. Thomas said the wished to have a laundry list of all items competing for end of year funds. Mrs. Maurer wished to discuss the Board's Bylaws and under Rules of Engagement, she requested a thorough review of the Bylaws. Mr. Barnes said that he spoke with Mr. Tom Foley, the newly appointed County Administrator. Mr. Foley would attend the annual retreat and had input as to agenda items for the retreat. Mrs. Maurer asked that the meeting begin at 1:00 p.m., as opposed to 3:00 p.m. like last year. Mr. Milde asked if the Board wanted to go later on Saturday. Mr. Thomas said he had a conflict with All District Band on Saturday. Mr. Barnes said that the appropriate staff would be at the retreat.

Item 19. Patriot's Crossing (continued). Prior to the motion and vote, Mr. Cavalier left the meeting and returned following the vote tally.

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt proposed Ordinance O17-05, which included revisions to the previously submitted proffers including permitted uses including self-storage in the area indicated on the revised GDP; and the addition of 21 and 22, prohibiting the construction of a hotel/motel on the site.

The Voting Board tally was:

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

Ordinance O17-05 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON TAX

MAP PARCEL NO. 20-12 ZONED B-2, URBAN COMMERCIAL ZONING DISTRICT, WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, 799 Garrisonville, LLC submitted application RC15151046 requesting an amendment to proffered conditions on Tax Map Parcel No. 20-12, zoned B-2, Urban Commercial, within the Garrisonville 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 has considered the criteria in Stafford County Code Sec. 28-206 and finds that the requested zoning and proffer amendments meet the criteria and are compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to amend proffered conditions on the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the proffered conditions on Tax Map Parcel No. 20-12 zoned B-2, Urban Commercial Zoning District, as specified in the final proffer statement entitled, “Proffers,” re-revised and dated January 24, 2017.

Legislative; Closed Meeting At 4:43 p.m., Ms. Bohmke motioned, seconded by Mrs. Maurer, to adopt proposed Resolution CM17-01.

The Voting Board tally was:

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

Resolution R17-01 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Board; (2) 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; (3) discussion and consideration of a prospective candidate for employment; and (4) discussion regarding the performance of specific County employees and other personnel matters; 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 24th day of January, 2017, does hereby authorize discussion of the above matters in Closed Meeting.

Call to Order At 5:48 p.m., the Chairman called the meeting back to order.

Legislative: Closed Meeting Certification

Ms. Bohmke motioned, seconded by Mrs. Maurer, to adopt proposed Resolution CM16-01(a).

The Voting Board tally was:

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

Resolution CM17-01(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JANUARY 24, 2017

WHEREAS, the Board has, on this the 24th day of January, 2017, 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 24th day of January, 2017, 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, Ms. Bohmke motioned, seconded by Mrs. Maurer to adopt proposed Resolution R17-47.

The Voting Board tally was:

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

Resolution R17-47 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER TRANSFERRING TAX MAP PARCEL NO. 54-37, TO THE ECONOMIC DEVELOPMENT AUTHORITY, LOCATED IN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, to allow the Department of Utilities to complete a sewer improvement project, the Board accepted a donation of Tax Map Parcel No. 54-37, located at 204 Thompson Avenue, in the George Washington Election District (Property); and

WHEREAS, the County does not currently have a use for the building nor the necessary funds to make the needed repairs/renovations, which would be required to convert the building and Property to a public use; and

WHEREAS, the Economic Development Authority (EDA) has expressed an interest in accepting the Property; and

WHEREAS, the Board desires and is required to hold a public hearing to consider conveying the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that the Interim County Administrator be and he hereby is authorized to advertise a public hearing to consider the transfer of Tax Map Parcel No. 54-37, located at 204 Thompson Avenue, to the Economic Development Authority.

At 5:50 p.m. the Chairman adjourned the afternoon session.

At 7:00 p.m. the Chairman reconvened the meeting.

Ms. Bohmke led the Invocation. Mrs. Maurer led the Pledge of Allegiance.

Mr. Milde presented the 2016 Clean Farm Award to Mr. Steven Druiett. Representatives from the Tri City-County Soil and Water Conservation District were on hand to present a display sign for Mr. Druiett’s farm recognizing his award. Mr. Druiett thanked his wife and said that his farm was a fourth generation farm, which meant a lot to him and his family. He thanked Ms. Etta Lucas of Tri City/County Soil and Water Conservation District for her help and support.

Mr. Milde noted that the farm was in the Hartwood District but that Mr. Snellings was “sick as a dog,” which was why he (Mr. Milde) did the presentation. Mr. Snellings said that he could not talk but he was not “sick as a dog!”

Presentations by the Public – II

- Lonnell Jackson - Signs in Slug Lines in VDOT Commuter Lots
- John Brooks - Mine Road Commuter Lot full by 6:15 a.m., lack of parking
- Irma Clifton - Requested County hire a full-time Historic Preservation Officer; asked that the County consider closed captioning its Board of Supervisors meetings
- William Cobb - Juggins Road paving concerns
- Ruth Carlone - Closed captioning is a good idea; Meeting on 2/14, 7:00 p.m. in the ABC Conference Room on well monitoring west of I-95; HB1460, the Board should be in Richmond lobbying for this bill; status on cluster developments in non-USA zones area; problems on Route 17 & parking lot of motel; survey on FRED looking for the closest stop.

Ms. Sellers said that she would facilitate a meeting on slug line signage and as soon as it was set-up, she would have it announced as to the time and location.

PUBLIC HEARINGS

Item 22. Public Works; Authorize the Interim County Administrator to Convey County-Owned Property on Tax Map Parcel No. 37-31C to Dominion Virginia Power as a Permanent Utility Easement Public Works Director, Mr. Christopher Rapp, gave a presentation.

Mr. Milde opened the public hearing. No one indicated a desire to speak.

Mr. Milde closed the public hearing.

Mr. Snellings motioned, seconded by Ms. Sellers, to adopt proposed Resolution R17-04.

The Voting Board tally was:

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

Nay: (0)

Resolution R17-04 reads as follows:

A RESOLUTION 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 the removal of overhead electric lines on the Property, and therefore requires a 15-foot utility easement on the Property to place its facilities; and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), the Board conducted a public hearing and considered the recommendation 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 24th day of January, 2017, that a 15-foot permanent utility easement on Tax Map Parcel No. 37-31C be and it hereby is granted to Dominion Virginia Power for the purpose of placing its utilities underground; and

BE IT FURTHER RESOLVED that the Interim County Administrator, or his designee, is authorized to execute the easement agreement and any other documents he deems necessary and appropriate to effectuate the Board's desires and this Resolution.

Item 23. Utilities; Authorize Condemnation and the Exercise of the County's Quick Take Powers to Acquire a Permanent Water-Sanitary Sewer Easement Utilities Director, Mr. Jason Towery, gave a presentation and answered Board members questions.

Mrs. Maurer asked if the affected property owners were contributing. Mr. Towery said that a petition in 2013-2014 authorized the extension of a sewer line for failing sewers, and the fees paid by property owners for the extension.

Mr. Milde opened the public hearing.

Robert Marshall

Mr. Milde closed the public hearing.

Mr. Milde said that he spoke with Mr. Gollahan and he wanted to continue the conversation. Ms. Bohmke said she tried two times and left messages for Mr. Gollahan but had no response. Ms. Sellers noted that quick-take did not mean the end of negotiations with the property owner. Mr. Towery said that all easements were otherwise settled. Mrs. Maurer said that Mr. Gollahan was an experienced developer who knew the game. She added that she was sorry for the hold-up and would support the condemnation and quick take.

Ms. Bohmke motioned, seconded by Mr. Thomas, to adopt proposed Resolution R17-19.

The Voting Board tally was:

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

Nay: (0)

Resolution R17-19 reads as follows:

A RESOLUTION AUTHORIZING CONDEMNATION AND EXERCISE OF THE COUNTY'S QUICK-TAKE POWERS TO ACQUIRE A PERMANENT WATER-SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ON A PORTION OF TAX MAP PARCEL NO. 45-110M, OWNED BY ROBERT SCOTT GOLLAHON, WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, the County is in the process of acquiring the necessary easements for the construction of the Truslow Road Neighborhood Sewer Project (Project); and

WHEREAS, Tax Map Parcel No. 45-110M (Property) is owned by Robert Scott Gollahon (Property Owner); and

WHEREAS, the design for the Project requires 0.064-acre of permanent water-sanitary sewer easement and 0.014-acre of temporary construction easement on the Property; and

WHEREAS, the fair market value for the easement areas on the Property, together with damages, if any, to the remainder of the Property is \$500.00, based upon the 2016 tax assessed value; and

WHEREAS, the Board, through the County staff, made bona fide but ineffectual efforts to purchase the easements on the Property, by offering the above amount to the Property Owner; and

WHEREAS, the Property Owner has not consented to the acquisition of the easements; and

WHEREAS, the terms of purchase have not been agreed upon, and County staff was unsuccessful in acquiring a final settlement, but will continue to work with the Property Owner in attempt to acquire the easements; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that it be and hereby does find that public necessity exists for the Board's easement ownership of Tax Map Parcel No. 45-110M, for the construction of the Truslow Road Neighborhood Sewer Project; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Five Hundred Dollars (\$500.00), as just compensation for the 0.064-acre Permanent Water-Sanitary Sewer Easement and the 0.014-acre Temporary Construction Easement, including damages, if any, to the remainder of the Property, that the Board and the Property Owner cannot agree on compensation to be paid or on other terms of purchase and settlement; and

BE IT FURTHER RESOLVED pursuant to Virginia Code §§ 15.2-1903(B) and 15.2-1905(C) that the Board determines it is necessary to do so and hereby declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire the Easements for construction of the Project; and

BE IT STILL FURTHER RESOLVED that the Board does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the Interim County Administrator and Director of Finance and Budget, or their designees, to sign the Certificate of Take, and deposit Five Hundred Dollars (\$500.00), with the Clerk of the Stafford County Circuit Court, for Robert Scott Gollahon's benefit, before entering and taking possession of the Easements in connection with the quick-take condemnation process on behalf of the Board and in accordance with Virginia law.

Item 24. Planning and Zoning; Consider a Conditional Use Permit to Exceed Maximum Height Limitations at the New/Rebuild Anne E. Moncure Elementary School on Juggins Road Mr. Jeffrey Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. He said that the School Board was the applicant and the County was working with VDOT to expand to a two-lane road.

Mr. Cavalier said that paving the full length of Juggins Road was the plan all along, not just to the school entrance. He said that Public Works Director, Mr. Chris Rapp, spoke about money issues with VDOT. Mr. Cavalier said that he hoped to continue the course of action to pave Juggins Road in its entirety.

Ms. Sellers asked about nearby houses and students walking to school. Mr. Milde said that was a discussion for a different time. Mr. Cavalier said those things were up to the School Board, not the Board of Supervisors.

Mr. Harvey said that the planned Moncure elevation exceeded the maximum height by a little more than three feet. He said that Marine Corps Base Quantico had no concerns about the location of school, although there were moderately negative noise impacts as the rebuilt school would be in Area 2 and 3 of the Noise Compatibility Zone. The School Board is looking at noise abatement measures.

Mr. Milde opened the public hearing. No one indicated a desire to speak.

Mr. Milde closed the public hearing.

Deputy County Administrator, Mr. Michael Smith, addressed the Board and said that paving Juggins Road to the School's second entrance was in the Six-Year Plan, revenue sharing funds would be used to pay for the paving. He said that the Six-Year Plan could be adjusted to pave the entirety of the road. Mr. Cavalier said that was not what he was told and the Schools only cared about paving to the entrance to the school. Mr. Milde said that it was a topic for the Joint Schools Working Committee (JSWC).

Mr. Cavalier motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R17-07.

The Voting Board tally was:

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

Nay: (0)

Resolution R17-07 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP16151433 TO ALLOW AN EXCEPTION TO THE MAXIMUM BUILDING HEIGHT FOR AN ELEMENTARY SCHOOL IN THE A-1, AGRICULTURAL ZONING DISTRICT ON TAX MAP PARCEL NOS. 20-66B, 20-66C, 21-15, and 21-16, WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Grimm + Parker Architects (Applicant), submitted application CUP16151433, requesting a conditional use permit (CUP) to allow an exception to the maximum building height of 35 feet for an elementary school in the A-1, Agricultural Zoning District on Tax Map Parcel Nos. 20-66B, 20-66C, 21-15, and 21-16, located within the Griffis-Widewater Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code Sec. 28-38(d), which permits an exception to the height maximum, 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 finds that the request meets the standards of the Zoning Ordinance, pursuant to Stafford County Code Sec. 28-185, for issuance of a CUP; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require approval of this CUP request;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of January, 2017, that a conditional use permit (CUP) request, pursuant to application CUP16151433, to allow an exception to the maximum building height of 35 feet for an elementary school in the A-1, Agricultural Zoning District on Tax Map Parcel Nos. 20-66B, 20-66C, 21-15, and 21-16, be and it hereby is approved with the following conditions:

1. This CUP is to allow an exception to the maximum height permitted for a school building on Tax Map Parcel Nos. 20-66B, 20-66C, 21-15, and 21-16.
2. The maximum height of the school building shall be no greater than 40 feet, as measured from the average elevation of the finished grade at the front line of the building to the highest point of the roof of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge (mid-line of the roof) for a gable, hip or gambrel roof.
3. The school shall be constructed in the general location as depicted on the Generalized Development Plan entitled “Anne Moncure Elementary School”, prepared by Grimm and Parker, dated August 17, 2016 (GDP).
4. A minimum of 100 feet of natural, existing vegetation shall remain undisturbed along the northern and eastern property lines, except where necessary to disturb for utilities, stormwater management, trails or travel-ways installation.
5. Lighting for the site will be Dark Sky compliant, in accordance with International Dark Sky Association standards.
6. The building shall be equipped with an NFPA 14 standpipe system for fire protection.
7. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, state or federal code, law, ordinance, or regulation.

Item 25. Planning and Zoning; Consider a Rezoning Request for the Proposed Winding Creek Development, Tax Map Parcel 29-4 – and –

Item 26. Planning and Zoning; Consider a Conditional Use Permit for the Proposed Winding Creek Development, Tax Map Parcel 29-4

Ms. Kathy Baker, Assistant Director of Planning and Zoning, gave a presentation on both Item 25 and 26 concurrently, and answered Board members questions. Mr. Charlie Payne, for the applicant, also addressed the Board.

Mrs. Maurer said that she hosted a meeting with Berkshire residents who expressed concern about maintenance of the developer’s proposed 14’ retaining wall. Ms. Baker said that the proffers did not specify the exact height of the retaining wall. Mrs. Maurer asked, if the Berkshire HOA was not responsible for the wall, who was? Ms. Baker said that responsibility could revert to the County or to VDOT; that the Board would have the authority to assume responsibility on behalf of the County.

Ms. Baker said that 91 units were available by-right but with the requested conditional use permit (CUP), that number could increase to 137. However, the developer was asking for 97 lots, only six more than the by-right number permitted.

Ms. Sellers said that the developer removed the previously requested connection to Fireberry Blvd. Mrs. Maurer said that there was no net effect on safety by not upgrading Winding Creek Road. Ms. Baker said that in the recommendation in the Comp Plan, that the shoulders would be widened from 5 to 6 feet, and sidewalks would have been included but only in front of the Winding Creek frontage, which was why the developer did not proffer those improvements. Mrs. Maurer said there were 23.8 accidents last year on Winding Creek Road, and 4.7 accidents in the area of the proposed development. She wanted to know if the proposed changes would account for a measurable improvement. Ms. Baker said she would have to defer that answer to the Sheriff.

Mr. Mike Smith addressed the Board about the issue of maintaining the retaining wall. He said that the proffers indicated that the application would be responsible for maintenance, not the HOA. He read the section of the proffers, “If the County or VDOT takes over maintenance...” The developer would set aside \$100,000 earmarked for maintenance of the retaining wall. The County was not obligated to assume maintenance responsibilities. County Attorney, Mr. Charles Shumate, said that if the developer went bankrupt, getting that \$100,000 would be problematic. He said that the obligation could not be forced on the County or on VDOT; that there was no obligation according to the proffers, unless the County chose to step up. Mr. Shumate asked Mr. Payne when the County would get the \$100,000. Mr. Payne said it would be paid at occupancy permit per unit, starting with the first unit and paid in full on or before the occupancy permit was issued for the 21st unit.

Mrs. Maurer asked, if it were ten years from now, the wall needed maintenance and there was a new Board of Supervisors in place who knew nothing about tonight’s discussion, and the applicant had moved on, and the County nor VDOT had assumed maintenance for the wall, was no one responsible? Mrs. Maurer said it was very problematic and she was more concerned about ten or twenty years from now.

Mr. Payne said that the Winding Creek application was three years in the making; that it was turned down by the Board in 2015 because of the Fireberry Blvd. connection. He said the Board approved a waiver so they could reapply before one calendar year had passed, and before the July 1, 2016 deadline when new proffer legislation would go into effect. Mr. Payne said there were two meetings with residents of the Berkshire development/HOA.

The Traffic Impact Analysis did not require the developer to make any off-site improvements but they took on the realignment of the dangerous curve. He said that future improvements on Winding Creek Road were not in the County’s ten-year plan; that fixing the curve with a 400’ sight line improvement was most important to residents of the area. He added that no more than 20 units could be constructed before the sight line improvements were made. Off-site

improvements were going to cost \$900,000. He said that proffers ran with the land and he was confident it would be a successful project of \$500,000 to \$550,000 homes.

Mrs. Maurer asked about the estimate of \$930,000 in open space. Mr. Payne said it was the highest and best use. Mrs. Maurer asked how it was the highest and best use if the County's Parks and Recreation Department was not interested in the land. Mr. Payne replied that the residents of Berkshire expressed a desire for that open space.

Mrs. Maurer asked how long Winding Creek, LLC had been in partnership. Mr. Payne said it was just for the duration of the Winding Creek development. Mrs. Maurer asked how, if they were only in partnership for the duration of the build-out of the development, the LLC would be responsible for maintenance of the retaining wall. Mr. Payne said that the wall was proffered and proffers ran with the land. Mrs. Maurer reminded Mr. Payne that the retaining wall was going to be on land owned by the Berkshire HOA. She said that in full disclosure, she was a member of the Berkshire HOA, and it did not want to take on responsibility for the wall. Mr. Payne said that \$100,000 was being set aside and the developer could set aside more if that was what the Board wanted; and that the developer was fixing the curve, which was what the Berkshire residents want.

Mr. Milde said he's never seen an off-site proffer before. Mr. Shumate said it was okay when the proper safeguards built into the proffers. Mrs. Maurer said it was not outlined in the proffers that a future Winding Creek HOA would not have an obligation to maintain the retaining wall that was on Berkshire HOA property.

Mr. Milde opened the public hearing. The following individuals spoke:

| | | | |
|-------------------|--------------|--------------|--------------|
| Denise Savoi | Melvin Alley | Joan Tracy | Sean Arner |
| Phil Kanoia (sp?) | Amy Hall | Ruth Carlone | Todd Brown |
| Willy Canty | Paul Tracy | Maria Arner | Charles Hall |
| Alane Callander | | | |

Cord Sterling (via e-mail) *“Are you seriously considering a rezoning request after the state passed the “we love developers and hate the people who have to manage the counties” legislation? On top of that, Winding Creek doesn't get upgraded to the standard outlined and THEN someone, whose brilliance must exceed that of Einstein, redirects \$30k of road funds from the project to the Belmont Museum – a museum? Winding Creek and Courthouse Road is one of the most dangerous intersections in the County – AND MY CHILDREN ARE ON IT EVERYDAY.*

In the applicant's rebuttal, Mr. Payne said that in the 2015 public hearing, there were residents lined up out the door to complain about the Fireberry Blvd. connection so the developer reworked the plans and removed that connection because he was concerned about the surrounding communities. He said that the cluster CUP was a responsible approach to growth and the needs of the community. 54% of the property would remain undeveloped. He repeated that the TIA did not require any off-site improvements but the developer was committed to making \$900,000 in investments and to fix the curve on Winding Creek Road, at the request of

the Berkshire residents. Mr. Payne said that the retaining wall would be 10', not 14' as referred to by Mrs. Maurer. He said that \$500,000 homes pay for themselves on a per capita basis.

Mr. Milde closed the public hearing.

Ms. Sellers said that the applicant had been very patient. She said that in the Fireberry neighborhood, it took days to get a snow plow there and that avoiding Fireberry Blvd. was a win for everyone. She said that Winding Creek Road should be moved up on the CIP. Ms. Sellers added that denying the application was not the answer; she was going to move for deferral until all the attorneys could get on the same page about the retaining wall; she supported the project.

Ms. Sellers motioned, seconded by Mrs. Maurer, to defer a vote on proposed Ordinance O17-02. There was no return date specified in the deferral motion.

The Voting Board tally was:

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

Ms. Sellers motioned, seconded by Mrs. Maurer, to defer a vote on proposed Resolution R17-10. There was no return date specified in the deferral motion.

The Voting Board tally was:

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

Item 27. Planning and Zoning; Consider a Conditional Use Permit for Telegraph Road Vehicle Sales and Storage, Tax Map Parcel 12-8 Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. He said that it currently was being used for vehicle storage, and was accessible from Route 1 and from Telegraph Road. There were no buildings or physical structures on the site and the CUP application was a short-term use for property on which the applicant had future development plans. Mr. Harvey said that the Planning Commission recommended denial by a vote of 6 – 0 citing concerns about the number of vehicles at the locale.

Mr. Milde asked if the site was wooded and if there was a resource protection area on the property. Mr. Harvey said it was wooded and there was a drainage ditch in front of the nearby hotel.

The applicant, Mr. Kim, spoke to the Board and thanked the Planning and Zoning staff as well as Mr. Wisniewski for being courteous and helpful. He said that his use of the property was less intense than the previous use, which was a U-Haul dealership. He said it was a passive use in the Boswell's Corner Redevelopment Plan. Mr. Kim said that there would be no changes to the infrastructure, no noise or lighting or traffic impacts to the area.

Ms. Bohmke asked how long the applicant had been in violation. Mr. Kim said it was one or two months; that a contractor he hired did not do the work he promised. Mr. Harvey said the notice of violation (NOV) was issued in March, 2016. Mrs. Maurer asked about the timeframe from the NOV to the time of the appeal. Mr. Harvey said that he did not remember but the taxes were not paid so the appeal did not proceed. Ms. Sellers asked how long the taxes were not paid. Mr. Harvey said that they were a few payments in arrears but worked out a payment plan and there was no outstanding balance.

Mr. Milde said that 150 cars were taking up one-quarter of the site and asked for the number of cars proffered. Mr. Kim said there were two parking areas, one on the lower side of the property and one closer to Route 1. Mr. Milde asked about the average number of cars on the property. Mr. Kim said it was between 100 and 150. Mr. Cavalier said it was the level area on the back end of the property and the topography of the site limited the number of vehicles to the area currently in use. Ms. Sellers asked if the vehicles stored there were new or used. Mr. Kim said they were new vehicles there now.

Mr. Milde opened the public hearing. No one indicated a desire to speak.
Mr. Milde closed the public hearing.

The applicant's attorney (name inaudible) said that his client had long-term plans for the site, which did not include vehicle storage. He added that in correction of Mr. Kim's earlier statement, the site was not in the Boswell's Corner Redevelopment Plan.

Mrs. Maurer said that she would support the application but she had concerns because it was not in the Redevelopment Area, although it was an excellent interim use of the property.

Ms. Bohmke talked about the number of car lot violations in the County, including some in her district.

Mr. Milde said that he did not support the application, that he worked a long time on redevelopment in that area and a car lot was not the highest and best use of that property.

Mr. Cavalier noted that it was not a used car lot and that Mr. Kim had future plans that did not include cars. He said he was confident that the future plans would be in accordance with the Redevelopment Plan.

Ms. Sellers asked if there was monetary fine associated with the NOV. Mr. Harvey said that if it had gotten to the Courts, a monetary fine could have been assessed but that since the NOV was abated, a monetary fine was not an issue.

Mr. Cavalier motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R17-22.

The Voting Board tally was:

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

Nay: (1) Milde

Resolution R17-22 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP16151094 TO ALLOW MOTOR VEHICLE SALES IN THE B-2, URBAN COMMERCIAL ZONING DISTRICT, ON TAX MAP PARCEL NO. 12-8, WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Telegraph Property, LLC, applicant, submitted application CUP16151094 requesting a conditional use permit (CUP) to allow motor vehicle sales in the B-2, Urban Commercial Zoning District, on Tax Map Parcel No. 12-8, located within the Griffis-Widewater Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code, Section 28-35, Table 3.1, which permits this use in the B-2, Urban Commercial 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 24th day of January, 2017, that a CUP pursuant to application CUP16151094 be and it hereby is approved with the following conditions:

1. This conditional use permit (CUP) shall limit the use of Tax Map Parcel No. 12-8 (Property) to the storage of motor vehicles for delivery to off-site location for sale.
2. No customers shall be permitted on the Property.
3. There shall be no storage of inoperable vehicles or motor vehicle parts on the Property.
4. There shall be no storage of tractors, trailers or box trucks on the Property.
5. There shall be no servicing of vehicles on the Property.
6. There shall be no dispensing of fuel on the Property.
7. There shall be no pick-up or delivery of vehicles between 9:00 PM and 7:00 AM.
8. There shall be no flags, banners or attention attracting devices used on the Property.
9. No permanent buildings or structures are permitted within 100 feet of the common property line with Tax Map Parcel Nos. 12A-1-A and 12-10.
10. Outdoor storage of vehicles shall be screened from public view from Telegraph Road, Jefferson Davis Highway, and residential uses. Privacy fencing shall be installed, as depicted on the GDP (defined below), within 90 days of the approval of this CUP.
11. Two points of emergency vehicle access to the Property shall be maintained at all times.

12. The existing tree-line shall be maintained except for the proposed future vehicle storage area as depicted on the Generalized Development Plan, Telegraph Vehicle Sale/Storage, dated January 29, 2016, last revised June 1, 2016 (GDP).
13. An office space shall be established and maintained on the Property pursuant to this CUP.
14. This CUP may be revoked by the Board for violation of these conditions or any applicable federal, state or local laws, regulations, or ordinances.

Item 28. County Administration; Approve the Appointment of Mr. Thomas “Clay” Oliver to the Parks & Recreation Commission Representing the George Washington District

Mr. Thomas motioned, seconded by Ms. Bohmke, to approve the appointment of Mr. Oliver to the Parks & Recreation Commission representing the George Washington District.

The Voting Board tally was:

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

Item 29. County Administration; Approve the Appointment of Mr. Frank Rubio as an Alternate on the Wetlands Board

Mr. Cavalier motioned, seconded by Ms. Bohmke to approved the appointment of Mr. Rubio as an alternate on the Wetlands Board.

The Voting Board tally was:

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

Adjournment At 9:34 p.m., the Chairman adjourned the meeting.

C. Douglas Barnes
Interim County Administrator

Paul V. Milde, III
Chairman