

BOARD OF SUPERVISORS
STAFFORD, VIRGINIA
MINUTES
Regular Meeting
October 3, 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, October 3, 2017, in the Board Chambers, George L. Gordon, Jr., Government Center, 1300 Courthouse Road, Stafford, VA.

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: Thomas C. Foley, County Administrator; Charles Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Cheryl D. Giles, Deputy Clerk; associated staff and other interested parties.

Mr. Milde spoke about the tragedy in Las Vegas, Nevada and asked for a moment of silence.

Mr. Milde noted that there were two additions to the agenda. Item 15A; proposed Resolution R17-276 (requested by Mr. Thomas) to be discussed along with Unfinished Business, Item 15, regarding the R-5, Age Restricted Housing County Code Amendment.

Item 24; Approve the appointment of Mr. David Hodge to the Tow Board and Private Trespass Board to fill a vacancy created by Mr. Ray Hodge’s resignation – time sensitive, the next meeting of the Tow Board is scheduled for October 11th.

Ms. Bohmke motioned, seconded by Mr. Thomas, to adopt the regular agenda with the two additions noted above.

The Voting Board tally was:

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

Mr. Milde presented the proclamation to Dan Mechling, Brandon Edwards, and Sarah Griffin for their efforts working on behalf of the Fire and Rescue Department’s 2017 “Fill the Boot Campaign” and congratulated them for exceeding their goal of \$40,000 to aid the Muscular Dystrophy Association.

School Superintendent, Dr. Bruce Benson, gave a presentation to the Board saying that teachers were paid on October 1st; he provided an update on the Moncure ES rebuild. Dr. Benson

reported that Stafford County Public Schools (SCPS) was ranked 17 out of 131 School Divisions. Ten day enrollment comparisons were distributed. Mr. Cavalier asked that Dr. Benson provide information on the number of out-of-zone students enrolled at all five high schools. The Stafford Education Foundation is hosting a 5k fundraiser and food drive at 9:00 a.m. at Pratt Park on Saturday, October 28, 2017. Mr. Cavalier thanked Ms. Holly Hazard, School Board Chairman, for the invitation to golf at the Foundation's recent golf tournament. Mrs. Maurer said that she looked forward to participating in the 5k run. Mrs. Maurer asked that in the next report, Dr. Benson include school capacity numbers. Ms. Sellers asked that Dr. Benson arrange a meeting with the Cub Scout Pack that meets at Park Ridge ES to hear their ideas including payment of minimum wage for attending school and an extra 15 minutes of recess each day. Dr. Benson said he would enjoy meeting with the Scouts. Mr. Snellings congratulated Dr. Benson on the County's graduation rate going down from 4.1% to 2.9%, which was the lowest in the region. Dr. Benson wrapped up his comments saying that water was tested for lead from 1400 sources; 33 need additional testing and mitigation. An update is available on the School's website.

Presentations by the Public The following persons indicated a desire to address the Board:

Gregory Gavan - Did not agree with the Board's decision regarding lighting; presented a Power Point detailing his rebuttal of the Board's decision, saying that it did not enhance public safety or respect his privacy as a homeowner.

Tony DeTora - Thanked the Board for respecting the First Amendment; quoted from the decision of Texas vs. Johnson about First Amendment protection and past and present political leaders that protected the right to free speech.

Jamie Decatur - School Board member; Aquia Harbour opened its back gate, which has a significant impact on traffic on Decatur Road; trees block the line of sight, there is no signage and she stated that she was happy to do whatever was necessary to get signs posted asking drivers to slow down, adding that it was only a matter of time before someone was seriously hurt or killed there. Thanked the Board for repaving Widewater Road. Mr. Milde asked that Mr. Cavalier work on getting signs on Decatur Road and suggested speaking with Public Works Director, Mr. Chris Rapp, about a possible Smart Scale application.

Kristen Maxson - Discussed Jumping Branch Road and extra traffic since Abberly was under construction, as well as water drainage issues on her property. She was never notified by mail, her property was not on the one-mile radius list. *Note: most of Ms. Maxson's comments were inaudible due to the microphone not being close enough to capture her comments.* Mr. Milde requested that Ms. Maxson speak with Citizen Action Officer, Anthony Toigo, to address her concerns.

Paul Waldowski - Did not want to give his address as he was worried about retaliation; talked about a lame duck Board; he tries to be kind; the word "brain" ends in "n;" said he was not a scarecrow but was sometimes a tin man; 2017 is a prime number; mentioned

teenagers in the 21st century and radar detectors being illegal in Virginia; three people run for office without a majority winner; signs are red and white, orange and black, which reminded him of Oklahoma State University. The only one true chairman passed away; gerrymandering; be careful who you vote for in the Garrisonville District; backroom decisions about the chairman position on the Board; fake news; four minute speeches, why not; it is a freedom of speech issue; Rocky Fork Reservoir.

Board Member Presentations Board members spoke on related topics and asked that items as identified be removed from the Consent Agenda for discussion and separate vote:

Ms. Bohmke - Attended the opioid event, saw the movie “Chasing the Dragon” for the third time; it was so painful, she had to close her eyes for portions of the movie; thanked Donna Krauss for her collaboration with Youth and Families on hosting the event. She spoke about a new game that kids are playing where they have several drugs in a bowl and whichever one pops out is the drug they ingest. Attended the suicide walk, put on by Travis Wolfe who lost his father to suicide; the walk was a part of Travis’ healing process. Attended the Chamber of Commerce’s Education Form, Dr. Benson was a panelist. The workforce of young people has to be developed and educated as not everyone graduating from high school will go to college. Attended the I-95 Express Lanes meeting at Stafford High School; also attended the Rappahannock River Basin meeting and the Autism Forum hosted by the Sheriff’s Office. She has a friend with a two-year old that has been diagnosed; Ms. Bohmke said she did not know that it could be diagnosed that young. An update from the Infrastructure Committee (IC) meeting included transportation funding challenges; the possibility of expanding a FRED bus route into the northern part of the County; a discussion about Smart Scale and a possible regional transportation authority; a Utilities discussion about the sewer extension projects on Truslow and Snellings Road; the incomplete groundwater study; and the request for proposal (RFP) for a new field house to include a gymnastics facility.

Mr. Cavalier - Attended a meeting of a new group, Friends of Widewater State Park; asked that the County’s legislative initiatives include a request for operational funding for the Park. Attended the Quantico Innovations Center (QuIC) Board of Directors meeting; attended the 10-year anniversary celebration of Dan’s Pharmacy; Oktoberfest at Aquia Harbour and the Aquia Harbour Board of Directors meeting (with Mr. Thomas); also attended the County picnic at Pratt Park, which was a big success.

Mrs. Maurer - Attended a Workforce Development Board meeting where School Board representatives, one from each County, are now being included as part of the Board, which is good since one focus of the group is on its job training program for the unemployed or under-employed and the need for training for those who do not attend college. Attended the Sheriff’s Autism Awareness event at Gayle Middle School; also attended the Dan’s Pharmacy 10-year anniversary celebration. The owners live in the Rock Hill District and are wonderful people. Mrs. Maurer asked to pull Item 9 off the Consent Agenda.

Mr. Milde - Attended the County picnic, which was a laid back event with no speeches; said he was grateful for all County employees. Attended the opening of the Home2Suites by Hilton, which is a very nice facility. Mr. Milde said that the Board had been accused of saturating the market with all the new hotels but the 70%+ occupancy rate at each property shows otherwise, thanks in part to events at the Jeff Rouse Center and Embrey Mill fields, etc. He said that he did not want to pull Item 10 off the Consent Agenda but wanted to talk about the County's Purchase of Development Rights (PDR) program where land owners were paid a stipend and got tax benefits for putting their land into conservation where it could never be developed. He added that more than 500 acres and multiple farms participated in the program. Mr. Milde said that he hoped that within five years, the County would be able to retire all the applications and an additional 15 to 20 farms would participate.

Ms. Sellers - Spoke about the opioid epidemic and suicide prevention efforts; the Sheriff and Emergency Services staff would give a presentation at the next Public Safety Committee (PSC) meeting about both problems plaguing the County. Attended the Mock Trial at North Stafford High School where election questions were on a computer screen, which kept the kids engaged; took a tour of the new NSHS library, which looked incredible and was such a change and an improvement from the library in the 1980's when she was enrolled there. Thanked Commonwealth's Attorney, Eric Olsen, for attending and speaking with the NAACP on legislation intended to manage the opioid epidemic and to engage the public in discussion.

Mr. Snellings - Thanked Mr. Jason Pelt for bringing to staff's attention the errors in the Killed in Action bricks at the Armed Services Memorial. He said that two mistakes have been confirmed and new bricks ordered and the rest of the bricks are being reviewed and will be corrected if errors are found. Attended the viewing of the movie "Chasing the Dragon," which was frightening especially since statistics prove that one in five high school students are into drugs; there were 11 over-doses in Stafford County. There is no lead in the water, none! Older fountains in schools with lead solder that were not properly flushed, which was the problem and it is being corrected. Mr. Snellings asked for a status update on Broadband at the October 17, 2017 meeting.

Mr. Thomas - An update of the Community and Economic Development Committee (CEDC) meeting included a discussion of street lights and a program similar to that in Prince William County, which was deferred to a budget discussion due to the cost being \$100,000 to \$150,000. Also discussed was renaming Big Springs Road, which was a public safety issue due to two roads now having that name; the County's Bicycle and Pedestrian Plan was last updated in 1996; it will be sent down to the Planning Commission for review and to gather community input before offering its recommendation to the full Board.

An ordinance review about the bamboo problem will also be included in the Board's agenda for October 17th. The CEDC also discussed the PDR program and new funds becoming available; the County has 12 applications which will be scored and rated for matching state funds. Attended the opening of a new all-inclusive tennis court, sponsored by the Fried family and others at the YMCA. The YMCA has awarded more than \$1 million in memberships to

families that could otherwise be unable to afford it. Attended the Chamber sponsored Education Forum; also attended the Autism Awareness Forum with about 100 people; saw the movie “Chasing the Dragon” at James Monroe HS; the movie is available on You Tube for those who want to watch it. The take-away is that drug use typically starts with marijuana. The opioid problem has to be tackled and the epidemic cured. He said there was no such thing as trying one pill... after one pill you were done; drug use is rampant and cuts across all boundaries and economic levels. Ms. Donna Krauss is working with a great group of people to make an impact on this problem.

APPROVAL OF THE CONSENT AGENDA (Note, the Consent Agenda was taken out of order and preceded the Report of the County Attorney and County Administrator.)

Mr. Thomas motioned, seconded by Ms. Bohmke, to accept the Consent Agenda, pulling Item 9 as requested by Mrs. Maurer.

The Voting Board tally was:

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

Item 4. Legislative; Approve the Minutes of the September 19, 2017 Board Meeting

Item 5. Finance and Budget; Approve the Expenditure Listing

Resolution R17-264 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED SEPTEMBER 19, 2017 THROUGH OCTOBER 2, 2017

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017 that the above-mentioned EL be and hereby is approved.

Item 6. Human Resources; Authorize a Revision to the County’s Policy Regarding 24-Hour Exempt Employees

Resolution R17-252 reads as follows:

A RESOLUTION TO AMEND THE STAFFORD COUNTY PERSONNEL
RULES AND SALARY ADMINISTRATION POLICY REGARDING THE
COMPENSATION OF EXEMPT COUNTY EMPLOYEES ASSIGNED TO
24-HOUR SCHEDULES

WHEREAS, Stafford County currently provides compensatory time to Fair Labor Standards Act (FLSA) exempt employees who work beyond their assigned schedule; and

WHEREAS, FLSA exempt positions, which are assigned to 24-hour schedules, are required to be staffed at all times in order to ensure appropriate and safe operations; and

WHEREAS, it is more appropriate to fill the Fire and Rescue Department's unit staffing with personnel of the same rank and training; and

WHEREAS, the Board desires to provide compensation as an incentive for FLSA exempt employees assigned to 24-hour schedules to staff field operation units outside of his/her required schedule;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017, that the Stafford County Personnel Rules and Salary Administration Policy allow monetary compensation for Fair Labor Standards Act exempt employees assigned to 24-hour schedules in lieu of compensatory time on an hour-for-hour basis.

Item 7. Public Works; Authorize the County Administrator to Advertise a Public Hearing to Consider Granting an Electrical Easement on TMP 29-98 to Dominion Energy

Resolution R17-248 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER GRANTING A PERMANENT UTILITY EASEMENT ON TAX MAP PARCEL NO. 29-98, TO DOMINION ENERGY, WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the County is the owner of Tax Map Parcel No. 29-98 (Property), which is located along Courthouse Road (SR-630); and

WHEREAS, the Virginia Department of Transportation (VDOT) desires to proceed with the construction of the Interstate I-95/SR-630 Interchange Relocation and Widening project (Project); and

WHEREAS, the construction, maintenance, and operation of the Project necessitates granting a 0.021 acre permanent utility easement on the Property to Dominion Energy; and

WHEREAS, the requested permanent utility easement would be within the VDOT drainage easement on the Property; and

WHEREAS, the Project contains critical road infrastructure that will provide long-term benefits for transportation and economic development needs within the County; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017, that the Board be and it hereby does authorize the County Administrator to advertise a public hearing to consider granting a permanent utility easement on Tax Map Parcel No. 29-98, to Dominion Energy.

Item 8. Public Works; Authorize the County Administrator to Execute a Project Administration Agreement for the Onville Road Sidewalk Funded by a Transportation Alternatives Program (TAP Grant)

Resolution R17-260 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE PROJECT ADMINISTRATION AGREEMENTS WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR A PROPOSED SIDEWALK ALONG ONVILLE ROAD (SR-641), WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, the Board adopted Resolution R16-299 authorizing the Interim County Administrator to apply for FY2018 Transportation Alternatives Program (TAP) funds in the amount of \$440,000, to be used for the planning, design and construction of a sidewalk adjacent to Onville Road (SR-641) (Project); and

WHEREAS, the 20% local match of \$110,000, is available in the County's Garrisonville Road Service District Fund should the County be awarded the TAP funds for the Project; and

WHEREAS, the Board granted authority for the Interim County Administrator, or his designee, to execute project administration agreements for any approved funding associated with the Project; and

WHEREAS, the Virginia Department of Transportation has requested a resolution authorizing the County Administrator to execute project administration agreements for the Project;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors, on this the 3rd day of October, 2017, that the County Administrator be and he hereby is authorized to execute project administration agreements for any approved funding associated with the proposed sidewalk adjacent to Onville Road (SR-641); and

BE IT FURTHER RESOLVED, that the County Administrator, or his designee, is authorized to budget and appropriate One Hundred Ten Thousand Dollars (\$110,000) in the Garrisonville Road Service District Fund.

Item 9. Public Works; Request the Designation of FY2019 VDOT Revenue Sharing Program Funds for the Following: Mrs. Maurer asked that this item be pulled from the Consent Agenda for further discussion. She questioned why there was a shortage in funds to complete the Brooke Road project. Mr. Snellings asked for staff input.

Mr. Smith replied that the initial estimates were too low in part because of the too quick turn-around time required by VDOT where there could only be single lane closures between the hours of 9:00 a.m. and 3:00 p.m. due mostly to school bus traffic on Brooke Road. Wetlands in the area of the proposed improvements were also an issue. The project would be rebid this winter with extended hours granted by VDOT. Mr. Milde asked how far behind the Brooke Road project was. Mr. Smith replied that it was a 2011 Youth Drive Task Force Project from a 2008 bond referendum, approved by the voters; the design was completed and a public hearing held in 2012. There were property acquisition issues, utilities relocation, fiber optic relocation, and funding issues in light of the drop in the transportation fund, but now the project was ready to move forward. The current bids were not accepted as they were much higher than the engineer's estimate. The project was reworked; a new bid request will go out this winter. \$1.8 million has already been spent on the project and with inflation the cost may continue to go up.

Mr. Milde spoke about James Hill and his having to help teen-age drivers up the hill when there was only a light snowfall. There have already been fatal accidents there and Mr. Milde said there were sure to be more if the improvements were not soon completed.

Ms. Sellers said that she would not support spending more money on the Brooke Road project. Mrs. Maurer said that the Schools got beat up if they went \$2, \$3, or \$4 million over and this project was 40% above the original cost estimate. She said that it should not have been put on the Consent Agenda and she would not support it. Mr. Smith said that it was \$1.5 million over the \$4.5 million estimate. Ms. Bohmke asked Mr. Smith why it was over by \$1.5 million. Mr. Smith replied that it was due to spring timing and the short closure time that VDOT (then) would allow, which only left a few hours each day for the contractors to work on the project. He added that now that VDOT relaxed the closure hours, bids should be more favorable. Ms. Bohmke asked if it was not taken into account with the original bid. Mr. Smith said it was not.

Mr. Cavalier said that it was a voter-approved bond referendum project and to him, that overrode the concerns of members of the Board. Mr. Milde said that if you knew James Hill you would vote favorably and not throw away the \$1.8 million already invested, or know that someone else will be killed there. He asked Mrs. Maurer and Ms. Sellers to reconsider.

Brooke Road Safety Improvement Program

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R17-266.

The Voting Board tally was:

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

Resolution R17-266 reads as follows:

A RESOLUTION TO DESIGNATE FY2019 VIRGINIA DEPARTMENT
OF TRANSPORTATION REVENUE SHARING PROGRAM FUNDS
FOR THE BROOKE ROAD SAFETY IMPROVEMENTS PROJECT

WHEREAS, the Board desires to participate in the FY2019 Virginia Department of Transportation (VDOT) Revenue Sharing Program; and

WHEREAS, full funding of the Brooke Road safety improvements project is the Board's first priority for VDOT Revenue Sharing funds; and

WHEREAS, the Board requests VDOT revenue sharing funds in the amount of \$901,459 for the safety improvements along Brooke Road, to be matched equally with County funds; and

WHEREAS, the Board commits to matching \$901,459 in Revenue Sharing funds with \$901,459 in County funds for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017, that the Brooke Road safety improvement project be and it hereby is designated for the FY2019 Virginia Department of Transportation (VDOT) Revenue Sharing Program; and

BE IT FURTHER RESOLVED that the Board requests VDOT to apply Revenue Sharing Program funding for the Brooke Road safety improvement project as its first priority; and

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

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

Garrisonville Road Widening Project

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R17-267.

The Voting Board tally was:

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

Nay: (0)

Resolution R17-267 reads as follows:

A RESOLUTION TO DESIGNATE FY2019 VIRGINIA DEPARTMENT
OF TRANSPORTATION REVENUE SHARING PROGRAM FUNDS FOR THE
GARRISONVILLE ROAD WIDENING PROJECT

WHEREAS, the Board desires to participate in the FY2019 Virginia Department of Transportation (VDOT) Revenue Sharing Program; and

WHEREAS, full funding of the Garrisonville Road widening project is the Board's second priority for VDOT Revenue Sharing funds; and

WHEREAS, the Board requests VDOT Revenue Sharing funds in the amount of \$1,000,000 for the widening of Garrisonville Road, to be matched equally with County funds; and

WHEREAS, the Board commits to matching \$1,000,000 in Revenue Sharing funds with \$1,000,000 in County funds for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017, that the Garrisonville Road Widening project be and it hereby is designated for the FY2019 Virginia Department of Transportation (VDOT) Revenue Sharing Program; and

BE IT FURTHER RESOLVED that the Board requests VDOT to apply Revenue Sharing Program funding for the Garrisonville Road Widening project as its second priority; and

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

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

Route 1/Courthouse Road Improvements Project

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Resolution R17-268.

The Voting Board tally was:

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

Resolution R17-268 reads as follows:

A RESOLUTION TO DESIGNATE FY2019 VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROGRAM FUNDS FOR THE ROUTE 1 – COURTHOUSE ROAD CORRIDOR TRANSPORTATION IMPROVEMENTS PROJECT

WHEREAS, the Board desires to participate in the FY2019 Virginia Department of Transportation (VDOT) Revenue Sharing Program; and

WHEREAS, full funding of the Route 1 Courthouse Road corridor transportation improvement project is the Board's third priority for VDOT Revenue Sharing funds; and

WHEREAS, the Board requests VDOT revenue sharing funds in the amount of \$900,000 for the Route 1 – Courthouse Road corridor transportation improvement, to be matched equally with County funds; and

WHEREAS, the Board commits to matching \$900,000 in Revenue Sharing funds with \$900,000 in County funds for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017, that the Route 1 – Courthouse Road corridor transportation improvements project be and it hereby is designated for the FY2019 Virginia Department of Transportation (VDOT) Revenue Sharing Program; and

BE IT FURTHER RESOLVED that the Board requests VDOT to apply Revenue Sharing Program funding for the Route 1 Courthouse Road corridor transportation improvements project as its third priority; and

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

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

Berea Church Road Safety Improvement Project

Mr. Snellings motioned, seconded by Ms. Bohmke, to adopt proposed Resolution R17-269.

The Voting Board tally was:

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

Resolution R18-269 reads as follows:

A RESOLUTION TO DESIGNATE FY2019 VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROGRAM FUNDS FOR THE BEREA CHURCH ROAD SAFETY IMPROVEMENTS PROJECT

WHEREAS, the Board desires to participate in the FY2019 Virginia Department of Transportation (VDOT) Revenue Sharing Program; and

WHEREAS, full funding of the Berea Church Road safety improvements project is the Board's fourth priority for VDOT Revenue Sharing funds; and

WHEREAS, the Board requests VDOT Revenue Sharing funds in the amount of \$549,212 for the Berea Church Road safety improvements, to be matched equally with County funds; and

WHEREAS, the Board commits to matching \$549,212 in Revenue Sharing funds with \$549,212 in County funds for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017, that the Berea Church Road safety improvements project be and it hereby is designated for the FY2019 Virginia Department of Transportation (VDOT) Revenue Sharing Program; and

BE IT FURTHER RESOLVED that the Board requests VDOT to apply Revenue Sharing Program funding for the Berea Church Road safety improvements project as its fourth priority; and

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

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

Item 10. Planning and Zoning: Authorize New Matching Fund Applications for the Purchase of Development Rights/Land Conservation Program

Resolution R17-259 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPLY FOR MATCHING FUNDS THROUGH VARIOUS LAND CONSERVATION AGENCIES TO SUPPORT THE STAFFORD COUNTY PURCHASE OF DEVELOPMENT RIGHTS/LAND CONSERVATION PROGRAM

WHEREAS, in 2007, the Board established the County's Purchase of Development Rights (PDR) Program; and

WHEREAS, in September, 2017, twelve new applications were submitted to the County for potential easement acquisition under the PDR program; and

WHEREAS, the PDR Program has \$745,983 available in FY2018 funds for the purchase of development rights on properties located in the County; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services (VDACS) has \$308,076.17 available in FY2018 state-matching funds for localities with certified PDR programs; and

WHEREAS, the Board desires to apply for state-matching funds through VDACS by the October 27, 2017 deadline; and

WHEREAS, and the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) has matching funds in the amount of \$631,900 available in FY2018; and

WHEREAS, the Board desires to also apply for matching funds through the NRCS;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017, that the County Administrator be and he hereby is authorized to apply for matching funds through various State and Federal agencies in an amount not to exceed Seven Hundred Forty-Five Thousand Nine Hundred Eighty-Three

Dollars (\$745,983) for the potential acquisition of conservation easements under the County's purchase of Development Rights program.

Item 11. Planning and Zoning: Refer to the Planning Commission a Review of the County's Cemetery Ordinance

Resolution R17-263 reads as follows:

A RESOLUTION REQUESTING THE PLANNING COMMISSION TO CONSIDER AND RECOMMEND CHANGES TO COUNTY CODE SEC. 28-39(O) REGARDING REGULATIONS FOR ESTABLISHING CEMETERIES

WHEREAS, County Code Sec. 28-39(o) specifies restrictions as to locations of new cemeteries; and

WHEREAS, citizens have raised concerns that some of the restrictions, such as setbacks to private wells and water resources, may be too restrictive; and

WHEREAS, the Board desires to receive recommendations from the Planning Commission on this matter;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of October 2017, that the Planning Commission be and it hereby is requested to discuss and recommend changes County Code Sec. 28-39(o), "Cemeteries" and report its recommendations to the Board in advance of conducting public hearings.

Item 12. Community Engagement (formerly Public Information): Proclamation Recognizing the "Fill the Boot" Campaign

Proclamation P17-32 reads as follows:

A PROCLAMATION RECOGNIZING AND COMMENDING STAFFORD COUNTY FIRE, RESCUE, AND EMERGENCY SERVICES PERSONNEL FOR PARTICIPATING IN THE ANNUAL "FILL THE BOOT" CAMPAIGN

WHEREAS, Fire, Rescue, and Emergency Services personnel respond to "all hazards" incidents requiring physical strength and stamina, extensive training, courage, and selfless concern for the welfare of citizens; and

WHEREAS, Fire, Rescue, and Emergency Services personnel throughout the Commonwealth and the United States have partnered with the Muscular Dystrophy Association for the past 60 years in the fight against neuromuscular diseases and raised over \$500 million for research and education; and

WHEREAS, the Stafford County Professional Firefighters Local 4012 held a "Fill the Boot" campaign with a goal of raising \$40,000, and exceeded that goal in 2017; and

WHEREAS, 100% of the monies collected are used in the greater northern Virginia and Washington DC regions, and help to fund research to eradicate 42 neuromuscular diseases, send children to summer camp, and provide education to health professionals and the general public;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017, that it be and hereby does recognize the staff in the Department of Fire, Rescue, and Emergency Services for its participation in the Muscular Dystrophy's 2017 "Fill the Boot" campaign.

Item 13. Community Engagement (formerly Public Information); Proclamation Recognizing National American Indian Heritage Recognition Month

Proclamation P17-33 reads as follows:

A PROCLAMATION RECOGNIZING NOVEMBER AS NATIONAL
AMERICAN INDIAN HERITAGE MONTH IN STAFFORD COUNTY

WHEREAS, the history and culture of the United States has been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the customs and traditions of American Indians are respected and celebrated as part of their rich heritage; and

WHEREAS, in August 1990, President George Bush designated the month of November as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month, numerous cultural, artistic, educational, and historical activities have been planned throughout the United States;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017, that it be and hereby does recognize November 2017, as National American Indian Heritage Month in Stafford County.

Item 14. Community Engagement (formerly Public Information); Proclamation Recognizing Red Ribbon Week – LCPL Caleb John Powers Young Marines of Fredericksburg

Proclamation P17-34 reads as follows:

A PROCLAMATION RECOGNIZING RED RIBBON WEEK
OCTOBER 23 – 31, 2017 IN STAFFORD COUNTY

WHEREAS, alcohol and drug abuse has reached epidemic stages; and

WHEREAS, the 'Young Marines' is a drug demand reduction program sponsored by the Marine Corps for children ages 8 through 18, and is modeled after Marine Corps values of honor, courage, and commitment, by focusing on teaching youth to live a drug-free lifestyle while teaching the ideals of leadership, teamwork, and discipline; and

WHEREAS, the 'LCpl Caleb John Powers Young Marines' of Fredericksburg participates in and promotes the national Red Ribbon campaign, which offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, business, government, parents, law enforcement, media, medical institutions, religious groups, schools, senior citizens, service organizations, and youth will demonstrate their commitment to a healthy, drug-free lifestyle by wearing and displaying red ribbons during the week of October 23 – 31, 2017;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017, that it be and hereby does recognize Red Ribbon Week in Stafford County.

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

Report of the County Administrator – Mr. Foley thanked the Employee Committee for its hard work towards the very successful employee picnic. He said there was quite a crowd and everyone seemed to have a great time.

Mr. Foley then introduced a new report, the Priority Projects/Initiatives Report and gave an outline of what was contained in the report. He said that all the projects contained therein were tied to one of the Board's priorities; the report would be provided to the Board at the first meeting of each month. At the second meeting, the standard statistical report would be provided along with a construction update. Mr. Foley said that the report was a work in progress; he did not outline each project but spoke briefly about the Leadership Team Development/High Performance Organization Culture and Employee Engagement. He read the Leadership Team's purpose and said that the team developed a charger, which was a living working document outlining the team's commitment to moving the organization forward. They also crafted a vision statement and will begin taking a fresh look at organizational values and philosophy. Mr. Foley spoke about employee engagement, and their input and views of the organization. A climate survey was in the works and its results would be shared with staff to develop a strategy for improvement in morale and building a base for empowerment and employee engagement.

Mrs. Maurer thanked Mr. Foley for his comments and thanked him for providing an updated agenda. Mr. Milde said that while he was sad to see Anthony Romanello go, he thought that Mr. Foley came so far so quickly and the with all the projects in the works, Mr. Foley got it.

UNFINISHED BUSINESS

Item 15. Planning and Zoning; Amend Stafford County Code to Create a R-5 Zoning District for Age-Restricted Apartments and Assisted Living Facilities

Mr. Thomas motioned, seconded by Mr. Milde (for discussion, he said) to adopt proposed Ordinance O17-08.

Mr. Thomas said that he reviewed the proposed Ordinance and had a few minor changes for consideration. He wanted the minimum gross tract size density reduced from 25 to 15, and the allocated density reduced from 24 dwelling units/acre to 15 dwelling units/acre. 24 dwelling units/acre could be considered with a conditional use permit (CIP) with imposed restrictions if approved.

Fire safety was a major concern; the Fire Marshal was happy with the proposed steel, not wood construction, and fire suppression sprinklers planned for each unit. Mr. Thomas asked the Board to send down to the Planning Commission proposed Resolution R17-276, which asks for recommended changes to the Neighborhood Development Standards (NDS) for senior apartments. Mr. Harvey said that the NDS was a part of the County's Comprehensive Plan. If a senior development was in the HCOD, it must comply with the NDS standards. If not, proffers or conditions could be written into the CUP. Mr. Harvey said that most of the properties were outside the HCOD. Mr. Thomas spoke about on-site proffers.

Mr. Snellings asked how many tracts there would be with the reduced number of 15. Mr. Harvey said there could be several hundred that would have to be rezoned. Mr. Snellings said that he could not support the proposal; he felt that safety was the first priority and this did not do enough to address that issue.

Ms. Sellers asked about using another zoning category and age-restricted. Mr. Harvey said that currently there was no zoning category with the required density except in the UD Zone. These properties would have to be in a Targeted Growth Area (TGA) and/or the Urban Services Area (USA) with access to public water and sewer.

Ms. Bohmke asked about preventing future litigation if a CUP was to be denied as the denial could be considered arbitrary and capricious. Mr. Harvey said there was nothing that could be done to prevent a law suit. Each application would be reviewed by the Board on a case-by-case basis and considered for compatibility and mitigating impacts. Ms. Bohmke asked about these units fitting in with existing neighborhood development. She said there was no senior housing in south Stafford but expressed concern about the number of by-right properties. Mr. Thomas said they were not by-right, they had to be rezoned. Mr. Milde reminded the Board that they were not voting on specific applications or a specific property, this was merely an issue for future rezoning. Mrs. Maurer spoke about opening up more zoning categories. Mr. Harvey said that any new developments would have to comply with State-regulated proffers.

Ms. Sellers said that she would not support the request. She said they should be located in targeted growth areas, not in rural areas of the County. She added that senior development would be welcomed in the northern end of the County; that it wasn't just the southern end of Stafford that didn't have adequate housing for seniors. There was no Del Webb in northern Stafford.

Mr. Thomas noted that consideration for areas in the Garrisonville District was limited, in part because of its proximity to Marine Corps Base Quantico (MCBQ). Mrs. Maurer said that MCBQ asked that these rezonings not be within its Noise Zone. Ms. Sellers said that north Stafford was considered suburban, and in targeted growth areas.

The Voting Board tally was:

Yea: (4) Bohmke, Cavalier, Maurer, Thomas

Nay: (3) Milde, Sellers, Snellings

Ordinance O17-08 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN COUNTY CODE SEC. 28-33, "DISTRICTS GENERALLY;" SEC. 28-34, "PURPOSE OF DISTRICTS;" SEC. 28-35, "TABLE OF USES AND STANDARDS;" AND SEC. 28-128, "TYPES PERMITTED IN AGRICULTURAL AND RESIDENTIAL DISTRICTS (A-1, A-2, R-1, R-2, R-3, AND R-4)," TO CREATE THE NEW R-5, AGE-RESTRICTED HOUSING ZONING DISTRICT

WHEREAS, a number of zoning districts currently allow retirement housing but not at sufficient densities for multi-story, multi-family dwellings; and

WHEREAS, Objective 5.3 of the Comprehensive Plan is to "promote housing opportunities for all income ranges, including housing for elderly, disabled and low-income residents, workforce housing, and executive housing;" and

WHEREAS, the Board desires to create a new R-5, Age-Restricted Housing Zoning District to meet this housing need; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 3rd day of October, 2017, that Stafford County Code Sec. 28-33, "Districts generally;" Sec. 28-34, "Purpose of districts;" Sec. 28-35, "Table of uses and standards;" and Sec. 28-128, "Types permitted in agricultural and residential districts (A-1, A-2, R-1, R-2, R-3, and R-4)," be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

Sec. 28-33. – Districts generally.

With exception of the Marine Corps Combat Development Command (MCCDC), the unincorporated areas of the county are hereby divided into the following districts:

R-5 Age-Restricted Housing

Sec. 28-34. – Purpose of districts.

In order to carry out and implement the purposes and objectives of this chapter, the land use districts herein established shall have the following purposes, respectively:

R-5 Age-Restricted Housing. The purpose of the R-5 district is to provide areas of high intensity residential uses designed and intended to be multifamily dwellings for persons 55 years in age or older, in accordance with all federal and state laws and regulations. Such districts are to be located within the designated Urban Services Area and outside of the military impact areas in the

Comprehensive Plan, where public water and sewer are available and transportation systems are adequate.

Table 3.1. District Uses and Standards

R-5 Age-Restricted Housing.

The purpose of the R-5 district is to provide areas of high-intensity residential uses designed and intended to be multifamily dwellings for persons 55 years in age or older, in accordance with all federal and state laws and regulations. Such districts shall be located within the designated Urban Services Area, where public water and sewer are available and transportation systems are adequate, and outside of the military impact areas in the Comprehensive Plan.

(a) Uses permitted by-right:

Assisted living facility.

Community use.

Multifamily dwelling.

Retirement housing.

(b) Requirements:

(1) Intensity:

Minimum gross tract size (acres)2

Maximum gross tract size (acres)15

Allocated density15.0 du/acre, gross tract

Open space ratio0.25

(2) Minimum yards: (Feet)

Front..... 15

Side..... 15

Rear..... 20

For multifamily dwelling structures: additional yards of 35 feet from any public right-of-way, and 30 feet from any other structure.

(3) Maximum height3 stories

(4) Maximum floor area ratio (non-residential).....0.7

Sec. 28-128. - Types permitted in agricultural and residential districts (A-1, A-2, R-1, R-2, R-3, ~~and~~R-4, and R-5).

NEW BUSINESS

Item 16. County Administration; Discuss the 2018 Legislative Initiatives Mr. Foley introduced the County's legislative consultant, Ms. Julia Hammond with Eckert Seamans. Mr. Milde said that she would provide a quick overview of proposed legislation. Ms. Hammond said that she met earlier with Human Services Director, Ms. Donna Krauss, about day school funding. Mr. Cavalier said he supported it but felt that it was in the wrong place in the budget. Mr. Thomas

talked about the Arlington model. Ms. Sellers said that budgeting had to be separate as schools could not be reimbursed with Children's Services Act (CSA) money. She said that all of the budgeted funds were not just for public day schools some went to private day school placements. Mr. Foley said that Mr. Cavalier's concerns would be considered during budget deliberations and work sessions.

Ms. Hammond reviewed school nurses as an SOQ funded position saying that not all schools had an assigned nurse. There was also a discussion about teacher licensure requirements by the Virginia Department of Education. She noted that particularly in this area as well as in the Hampton Roads area, the current requirements presented a problem for military spouses. Mrs. Maurer said that the schools did not wish to lower the standards for licensure, but rather to look at reciprocity with other areas where military spouses and veterans were already certified. Ms. Hammonds said this would meet Stafford's needs for qualified teachers but other areas of the Commonwealth as well. Mr. Cavalier said that he thought that if the praxis was passed in a particular area, a provisional license was issued. He suggested that this be discussed off line.

Ms. Hammonds said that the George Washington Regional Commission (GWRC) and the Virginia Association of Counties (VACo) were sending forth legislation regarding amending proffer legislation. Included in Stafford's suggested initiatives was an exclusion of stormwater management facilities from being counted towards required open space in cluster developments.

Regarding wireless communication infrastructure, Stafford would align itself with VACo, staunchly opposing efforts to eliminate or restrict local zoning authority. It was noted if proposed legislation passed; a wireless tower could be constructed in the middle of one of the County's football fields.

Commissioner of the Revenue, Mr. Scott Mayausky, recommended petitioning the General Assembly (GA) for the creation of a new sub-category within merchant's capital tax for distribution companies. Enactment of this new sub-category would aid Stafford in attracting production/manufacturing jobs to the County and spur further economic development without adjusting the existing tax rate for merchant's capital.

Regarding proposed changes to the Smart Scale program, Stafford suggest that average traffic counts used in Smart Scale metrics must cover all seven days of the week instead of only average weekdays. Also, mandates that the total cost be used in Smart Scale's benefit/cost calculations instead of Smart Scale request cost.

Ms. Sellers spoke about a system of accounting with accountability metrics whereby the County would have additional oversight and/or accountability metrics for state-mandated accounting practices. Ms. Sellers said this would apply to the School Board's budget as there was not a sure way to verify how School Board funds were spent and no accountability as to where the

money went. Mr. Milde called it hyper-categorical funding; and Ms. Sellers talked about the \$20 million then \$8 million the next year that were never fully accounted for.

Mrs. Maurer wrapped up the discussion saying that this was an introduction of proposed 2018 GA initiatives and at the next meeting, October 17, 2017, the Board would be asked to vote one-by-one and to choose four or five top priorities for our lobbyists to advocate on the County's behalf. She noted that items in the "resolved clauses" were not top priorities but bore mentioning and bringing to the attention of the County's legislative delegation. Mrs. Maurer added that it was very important that the County took a stand on VACo's priorities. She thanked staff and Ms. Hammond, and thanked the School Board for its participation in this years' discussion.

Mr. Cavalier asked that operational funding for Widewater State Park be included as an additional initiative. He said there were funds for opening the Park, building two ranger residences, a boat launch, and a visitor center, but no funds were allocated for day-to-day operations of the Park.

Item 17. County Administration; Discuss a Regional Transportation Authority (RTA) Deputy County Administrator, Mr. Michael Smith, gave a presentation and answered Board members questions. He said that the Fredericksburg Area Metropolitan Planning Organization (FAMPO) requested a vote at its November 17, 2017 meeting regarding participation in a possible RTA. FAMPO proposed that an RTA be established similar to the Northern Virginia Transportation Authority (NVTA). Recommendations included a regional sales tax of 0.7%, a grantors tax of \$0.15/\$100 on the sale of property, and a transient occupancy tax of 2%. If all member localities agreed to participate, FAMPO anticipated potential funding at \$35 million for FY2018 and approximately \$220 million for FY2018-2023.

Mr. Smith talked about the RTA being set up with a minimum of two adjacent localities and with approval of the GA. He said that if established, the majority of revenue would come from sales taxes. The creation of a RTA would provide additional regional and local transportation funding, which could be used to leverage state/federal funding, Smart Scale, revenue sharing, transportation alternatives, etc. The estimated cost of sales tax would be \$116/year/family.

In response to Mr. Smith's comments about the make-up of the NVTA Board, Mr. Snellings asked who the chief elected officer in Stafford was. Mr. Smith replied that it would be the Chairman of the Board of Supervisors or his/her designee. Mr. Milde emphasized that was how the NVTA was set up, that there wasn't one now in this area and it could be set up however the participating localities wanted it. Mr. Snellings said that it was filled with holes and he did not want to vote on it without obtaining additional information. He added that because it was New Business, it could not be voted on and the County should not rush into anything. In discussing the grantors tax, Mr. Milde said that the County already had a recordation fee. Mr. Snellings said he would not vote for or against something about which he didn't have all the details.

Ms. Sellers pointed out that there was not a senator living in Stafford County, nor did any member of the Commonwealth Transportation Board (CTC) live in Stafford. Ms. Bohmke said that Senator Stuart had a residence in the Falmouth District. Ms. Sellers said that the “devil was in the details” but she needed assurance that an equal portion of the monies collected went to an equal portion of Stafford residents and/or for Stafford projects. Ms. Bohmke said she was not concerned with who was appointed, adding that it would work itself out. She said she needed more information before she could vote on it. Mrs. Maurer said that who sat on the Board was intrinsic to ensuring that taxpayer’s money gets back to the County. Ms. Bohmke said that there was no decision on the landscape of the Board. Mr. Snellings said that he wanted more information on how it worked and the cost to Stafford’s citizens.

Mr. Cavalier suggested that a presentation be given at a community meeting or at a Board meeting. Mr. Milde said that there would be a presentation given in Spotsylvania on October 10, 2017. He said that he was not in favor of a RTA. He asked staff to arrange a presentation, saying that there would be no vote until after a presentation was given and questions answered. Ms. Sellers said that Congress should be responsible for I-95, not the localities through which it was located. Mrs. Maurer said that Stafford County was #1 in the country in transportation issues. A meeting will be scheduled for the Board’s October 17, 2017 meeting to continue the discussion of a RTA.

Item 18. County Administration; Discuss the Option of Including the I-95 Northbound Rappahannock River Crossing as a Round 3 Smart Scale Application Mr. Smith presented this item to the Board. He said that the northbound river crossing was denied two times previously; VDOT adjusted the plan to bring down the cost and asked that the traffic count be for a full seven days, not only five working days each week.

Mr. Milde said that Fredericksburg City Councilman, Matt Kelly, was tired of putting up with problems on I-95 but that Transportation Secretary Lane told him there was no chance of it being funded. There is a discussion scheduled for the next FAMPO meeting and it wanted the Board to take a vote on the northbound river crossing issue. Mr. Foley said it could be brought back at the Board’s October 17, 2017 meeting for a vote. Mr. Milde polled the Board and received a unanimous favorable response to the question of including the northbound Rappahannock River crossing as a Round 3 Smart Scale application. There was no need to bring it back on 10/17/17.

At 5:23 p.m., the Chairman adjourned the afternoon session of the Board meeting.

CALL TO ORDER

Mrs. Maurer gave the Invocation. Boys from Webeloes Pack #1425, and Boy Scout Troops 516 and 850 lead the Pledge of Allegiance to the Flag of the United States of America.

Human Services Director, Ms. Donna Krauss, and Ms. Sellers presented a proclamation to Boy Scout Patrick Griffin for his assistance at the Mass Care exercise.

Drum Majors from the five Stafford County high schools together announced “Band Together to Fight Hunger 2017” including Sydney Scanlon from Brooke Point HS; Andrew Morley, also from Brooke Point HS; Jacob Zimmerman from Colonial Forge HS; Brian Queenan, also from Colonial Forge HS; Caroline Bingham from Mountain View HS; Jazlyn Nguyen from North Stafford HS; Nicholas Alford from Stafford HS; and Michelle Sully, also from Stafford HS. The event will take place on Monday, November 6th at 7:00 p.m. at Mountain View High School. Attendees were asked to bring non-perishable food donations for the Fredericksburg Area Food Bank. The rain date is November 13, 2017.

Presentations by the Public The following persons indicated a desire to address the Board:

Mary Lopez - Symbols are very important and the Confederate flag is a symbol of hate; her grandfather raised an American flag every day and taught what the symbolism of the American flag meant. The first time her son saw the Confederate flag he was very upset; others traveling on I-95 do not know why it’s there and she does not want County to be known as the place with the Confederate flag.

Patricia Joshi - County Attorney Charles Shumate’s words at the last meeting were meant to imply that he was not a bigot and we should trust his legal opinion; all of which was irrelevant to the legal issue of whether an 80’ flag should be allowed to be erected on residential property. It was disingenuous for Mr. Shumate to equate flag burning with limiting the height of the flag pole. The Board has the legal authority to limit the height of flag poles without violating the free speech clause in the Constitution. Again quoted the 4th Circuit case, published in 2001, of which Virginia was a part. It affirmed the right of a locality to limit flag pole height for aesthetic reasons. The Board should have enacted an ordinance but for years has refused to do so. If Mr. Shumate thought his statement would silence “us” it had just the opposite effect; they are now more resolute.

Kim Wyman - Holding two flags; one was the flag of Ft. Sumter. Spoke about her four times great grandfather... Demanded a 30’ flagpole not a 30’ orange rag; asked the Board to speak as individuals about the Confederate flag; it seemed as though some Board members were in favor of the flag. She questioned why we were still fighting the Civil War and said we should lower the enemy flag.

Manfred Slack - Lives across the street from location of proposed 80’ flag pole and Black Lives Matter 50’ flag. He is worried about rioting, property values falling, and lightning hitting the flag pole. He suggested a change in approach and looking at other ways to remove the Confederate flag and other ways to protest it rather than erecting the proposed flag in his neighborhood. He presented the Ferry Farm, Section One Deed of Dedication for Ms. Cozier, to which her house is subject. Covenant #8 says there should be no noxious or offensive activity that is annoying or a nuisance to the neighborhood. He said it was very easy for the proposed flag to become more than a nuisance; he gave a copy of the Covenants to the Board.

Josephine Kamel - The Board is not receptive to the concerns of its citizens. The Confederate flag affects the property value of nearby properties and has a negative effect to businesses on Route 17 near the flag, and will impact future businesses that won’t locate in the County due to the flag’s presence. She does not wish for the County to become national

news but it already has. A complaint has been filed about the flag; doing inspections takes staff time and costs money as well as a potential legal battle, which could be avoided if the Board actually governed and took logical and appropriate action. The Board is being unreasonable and enhancing this travesty; she will vote for Greg Bundrick in November.

Glenn Trimmer - Power Point presentation showing the newly erected pavilion at the Civil War Park. An Amish company spent two days constructing it and when inspected, there were no write-ups; they did great work; there is a golden eagle on top of the pavilion. He noted that soldiers forgave each other. Mr. Milde said that Mr. Trimmer was a local hero who worked for gather a \$1 million donation to build a one-of-a-kind park.

Logan Pash - Lifelong resident who experienced Stafford going from a small town to booming like it is now. Once off Route 610, inside the entrance to Stafford Marketplace has been the scene of five accidents already. There should be a traffic signal there as drivers ignore the 4-way stop signs. A light would also help First Responders. Also wanted a way to ensure home owners associations (HOA) could not restrict solar panels on residents. He suggested a public/private partnership to get solar on government buildings and encouraged surrounding companies to use solar panels.

Note: the following individuals did not complete speaker forms. The names of the speakers are as was best understood by the Clerk when made at the beginning of their comments.

Bill Johnson-Miles - Assured the Board that he had nothing to do with the vandalism to the Confederate flag pole; he did not approved of it even though it is a symbol of racism and hatred when the goal is peace and equality. He has the First Amendment right to protest and is working with the Sheriff's Office to schedule a rally in March. He has been to the Civil War Park, which is a wonderful way to do history, not the Confederate flag.

Metria Singleton - Disappointed in the Confederate flag and disappointed in the Board's lack of action and effort to have it removed.

Susan Cozier - Displayed the approved permit for her to erect an 80' flag pole and an 80' Black Lives Matter flag on her property. Said it had been an extra ordinary two weeks; that Mr. Shumate gave his statement then the Board adjourned without further discussion, which showed extreme political "cowardness." Said that Fox News and the Washington Post were covering the story and it also appeared on the news in Lithuania. She raised \$7,000 in four days and the 30 x 50 flag was donated, paid in full by a local business. The Board has not said a word about being sorry and she wants to know what the problem is. She said she was a liberal and intended to vote liberal in the upcoming election. She asked Mr. Thomas where he stood since his website said he was pro-life but legal abortion was the law of the land.

Jenn Coolidge - Spoke in (her words) with a fake southern accent as she was a "damn Yankee." She was a Russian interpreter in the United States Air Force; said she was heartened to hear the Pledge of Allegiance to the Flag of the United States of America and not to the flag of the Confederacy. She would like to hear the thoughts of the Board but can never get a straight answer and there was not any courage being shown; she knows that Mr. Milde supports Corey Stewart and she knows where he stands. "These are divisive times and

it is a divisive flag.” The flag is driving economy away from the County with revenue and sales tax being lost. The Board was encouraged to do the right thing and come together and reject what the flag really stands for.

Steve Stepford - Said that he was proud of this Country’s history and felt that it was his responsibility as a parent to explain the Confederate flag to his children, it was not the responsibility of the County or the Board; the flag doesn’t change his position on history and the Board should continue standing up for the advice they’ve received and what the County agrees with.

Tim Mance - Spoke about the Scouts in attendance as being the next generation of future leaders and said his was the largest Scout troop in Stafford. He encouraged working with the School Board to offer more engineering courses in the five County high schools. He noted that Eagle Scouts helped to build several benches at the Civil War Park. There have been 33 Eagle Scouts in the last 12 years to come out of Troop 516. They were helping on Saturday at George Washington’s Ferry Farm event.

Name and most comments inaudible - Why not take the Confederate flag down? It was taken down from the capitol building in South Carolina... Confederate war effort against black citizens; flag is a powerful statement against blacks; take down all Flaggers flags...

Jesse (last name inaudible) - How does Stafford County want to be looked back on in history? He encouraged the Board to do something that would reverberate across the Commonwealth and the Country.

Sarah McClelland - Congratulated the Boy Scouts saying they were a wonderful organization; Read from a statement made by Hubert Wayne Cash re. blacks; said that if the Board did not stand up and say he was wrong it was complicit in the racism flowing through the County; said she’d put a 100’ rainbow flag on her property.

PUBLIC HEARINGS

Item 19. Parks, Recreation, and Community Facilities; Consider Conveyance of Easements on County-owned Property for a Communications Tower Located on TMP 58-35A, Duff McDuff Green Park Mr. Smith presented this item to the Board.

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

Mr. Thomas motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R17-243.

The Voting Board tally was:

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

Resolution R17-243 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
GRANT APPURTENANT EASEMENTS ASSOCIATED WITH A

TELECOMMUNICATIONS TOWER, ON A PORTION OF TAX MAP
PARCEL NO. 58-35A, LOCATED WITHIN THE GEORGE
WASHINGTON ELECTION DISTRICT

WHEREAS, the Board entered into a lease with Milestone Tower Limited Partnership III, a subsidiary of Milestone Communications Management III, Inc., on a portion of County-owned Tax Map Parcel No. 58-35A (Property), for the construction of a cellular telecommunications tower, located within the George Washington Election District; and

WHEREAS, additional appurtenant easements on the Property are required in order to serve the telecommunications tower, such as a utility easement for electricity; and

WHEREAS, the Board carefully considered the recommendations from 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 3rd day of October, 2017, that it be and hereby does grant appurtenant easements, such as a utility easement for electricity, and other related easements necessary to serve the telecommunications tower located on a portion of Tax Map Parcel No. 58-35A; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, is authorized to execute any documents which he deems necessary and appropriate to effectuate these grants of easement.

Item 20. Utilities; Consider an Amendment to County Code Sec. 25-101 regarding Advance Payment When Account Established Mr. Jason Towery, Utilities Director, presented this item to the Board. Mr. Milde asked if this applied only to single-family residences, not to apartments. Mr. Towery confirmed that to start out, it only applied to single-family dwellings and only for those property owners whose accounts were in good standing.

Ms. Sellers told Mr. Towery that she could not transfer her water account from her townhouse to her single-family home, both in the Embrey Mill neighborhood. She had to stop services on her townhouse and go through the whole set-up process again for her new home. She asked how property owners do that when a renter moves out. Mr. Towery said that the owner can, when the leasee moves out, set up an interim account without having to do the advanced payment, so long as the property owner's accounts were in good standing.

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

Mr. Thomas motioned, seconded by Ms. Bohmke, to adopt proposed Ordinance O17-35.

The Voting Board tally was:

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

Mr. Milde spoke about holding the parent account responsible and if there was legal leverage to do so. Mr. Thomas gave the example of Renter A moving out with an account paid in full; there was a two-month lapse in a renter being in the apartment; Renter B moved in and out again in three months without paying the water bill. The water bill is tied to the person, not the property so the property owner would be responsible for attempting to get that money back from his tenant but still had to pay the County, whether or not he got the money from Renter B. Mr. Milde said if the account was delinquent, it went into collection.

Mr. Towery said that the Utilities Commission and the Board's CEDC approved the proposed Ordinance even though the Board had not seen this done in other localities. Mr. Milde said that it sounded risky. Deputy County Attorney, Rysheda McClendon, said that it holds the parent account responsible and that her office could look into it further if that was the desire of the Board. Mr. Milde said he did not want to hold up the vote.

Ordinance O17-35 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 25-101, "ADVANCE PAYMENT WHEN ACCOUNT ESTABLISHED"

WHEREAS, the Board believes that the effect of County Code Sec. 25-101(a) imposes a burden on residential utilities customers who are attempting to rent their single-family properties by requiring the property owner to make advance payments between renters; and

WHEREAS, the Board desires to allow owners of single-family rental properties whose utility accounts are in good standing to set up temporary accounts between renters without requiring an advance payment; and

WHEREAS, the Utilities Commission held a public hearing to consider public testimony, if any, and voted 5 – 0 to recommend approval; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this 3rd day of October, 2017, that Stafford County Code Sec. 25-101, "Advance payment when account established" be and it hereby is amended and reordained as follows, with all other portions remaining unchanged:

Sec. 25-101. - Advance payment when account established.

- (a) There shall be an advance payment for each account established. Upon termination of service, the advance payment will be credited to the balance of the final bill.
- (b) Upon written request of the owner of a single-family rental property, whose current or previous Utility accounts are in good standing and who has set up an account between renters, the Director of Utilities, or his designee, will exempt the owner from making the advanced payment as required in subsection (a) directly above upon turnover of the single-

family rental property. Commercial properties and multi-family residences shall not be granted an exemption.

(c) At the option of the county administrator, a customer whose account has been current during the past twelve (12) months and who desires to transfer the advance payment from one address to another within the county's utility service area may be permitted if the request is in writing, to transfer the advance payment to the new address. It is also agreed that the balance due the county after the generation of a final bill on the discontinued account will be transferred to the new account.

Note: Public Hearings (Items) 21, 22, and 23 were held concurrently and were presented by Mr. Mike Zuraf, Principal Planner. As the motion was deferral, the one motion, second, and vote was accepted for all three items.

Item 21. Planning and Zoning; Consider an Amendment to the County's Zoning Ordinance regarding Minimum Acreage in the PD-2 Zoning District

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

Item 22. Planning and Zoning; Consider a Reclassification from the A-1, Agricultural Zoning District, to PD-2, Planned Development-2 on TMP 29-49J A summary of the proposed amendments includes exempt expansion to original PD-2 Zoning Districts from minimum acreage requirements when a proposal meets certain conditions; a reduction in the maximum acreage from 860 acres to 760 acres; and exempts the PD-2 district perimeter buffer requirement where the edge of the district abuts a public street.

Ms. Sellers asked if residents of the neighboring Autumn Ridge development were contacted and given an opportunity to express their views about the proposed reclassification and proffer amendments. For the applicant, Ms. Debrarae Kerns, stated that the residents of Autumn Ridge had not been contacted. Ms. Sellers said that she wished to defer a vote for two weeks to allow her to call a community meeting regarding the proposed fence along the Ebenezer UMC property line. Ms. Kerns suggested rather that property owners would meet at site plan review and the vote no the three not be delayed for two weeks. Ms. Sellers said that she wanted to have the meeting prior to votes being taken.

The Chairman opened the public hearing. The following persons indicated a desire to speak:
Pastor Rob Lowell Jerry Fleming

Ms. Kerns said that there was not a 35' fence as expressed by Mr. Fleming during the public hearing. She noted that the existing conifer trees were approximately 35' high and the County, at site plan approval, would approve either a 6' board-on-board fence or a berm.

The Chairman closed the public hearing.

Mrs. Maurer inquired about a berm or fence. Mr. Zuraf said that a berm was a 3' earthen area with a tall slope on either side, which would require removal of some of the existing trees and was therefore, a less desirable option. The fence could be installed on the current grade, and on the church side of the trees. Mrs. Maurer spoke about the landscape buffer with the mature trees and about the width of the buffer. Ms. Kerns said it was 35' wide. Mrs. Maurer asked if the fence would be inside the tree line. Ms. Kerns replied that the fence would be installed so as to retain as much of the tree cover as possible.

Ms. Bohmke asked about the number of residences that would be looking at the fence. Ms. Kerns said that the fence would be on the church side of the trees rather than between the trees and the residences, which numbered about 10 single-family homes. Ms. Bohmke asked about the height of the existing trees. Pastor Lowell said they were about 25' to 30' high. He noted that the proposed expansion was in the opposite direction of the ten homes; that the site plan was intended to bring neighbors together as they mattered very much to the church. Mr. Snellings asked who would maintain the fence. Ms. Kerns said that maintenance of the fence would be the church's responsibility.

Mr. Cavalier said that he was a member of the church but he would remain objective. He said that nothing would change from the neighbor's perspective and it would be better than before. Ms. Kerns agreed saying there would be no negative impacts at all to the neighborhood. Ms. Sellers repeated that she wished to hold a meeting prior to a vote. Mr. Cavalier said that it had already been a long process and that Ms. Sellers had ample time to call a community meeting and exercise her due diligence. He added that the church grew by 1000% without adding a single house.

Mr. Cavalier offered a substitute motion, seconded by Mrs. Maurer, to vote for approval of the three items. Mrs. Maurer said that the item came before the CEDC two times and before the Planning Commission, and the applicant had been very patient.

Ms. Sellers asked Mr. Zuraf why letters had not been sent out to the neighbors. Mr. Zuraf said that abutting letters did go out. Mrs. Maurer said that it was listed in the background report. Mr. Snellings asked if the letters talked about the fence. Mr. Zuraf replied that they did not. Mr. Snellings said that he did not remember a time when the Board refused to defer a vote when asked for by the sitting Supervisor. He said that perception was reality and a two-week delay would not hurt anyone. It would give Ms. Sellers time to reach out to the neighbors and hear their concerns. Ms. Bohmke agreed with Mr. Snellings. Mr. Thomas said that he was concerned that two weeks was a very quick turn-around and after the October 17th meeting, there could be no land issues voted on until January, 2018 when the new Board was seated. Mr. Milde said that he could not support deferral just because the letters did not contain information about the fence, and he was concerned about a hastily arranged meeting. Mr. Cavalier said he never supported automatic deferrals; that time was money in attorney fees, etc. and October 17th was the last possible date to vote.

Mr. Snellings said that he supported the church but that Ms. Sellers deserved the right to go out to the community; that a deferral was not a vote against the church. Mr. Milde said that if the substitute motion failed, consideration of the original motion would be voted on. Ms. McClendon clarified rules of procedure and Mr. Cavalier withdrew his substitute motion.

Item 23. Planning and Zoning: Consider Amended Proffer Conditions on TMP 29-53G, Zoned PD-2, to Replace Proffers Associated with the Embrey Mill Development with New Proffers that Commit to Expansion of an Existing Place of Worship

Ms. Sellers motioned, seconded by Mr. Snellings, to defer proposed Ordinance O17-27, proposed Ordinance O17-33, and proposed Ordinance O17-34 to the October 17, 2017 meeting.

The Voting Board tally was:

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

Item 24. Add-on; Authorize the Appointment of Mr. David Hodge to the Tow and Trespass Boards

Ms. Bohmke motioned, seconded by Mr. Thomas, to approve Mr. David Hodge's appointment to the Tow and Trespass Boards.

The Voting Board tally was:

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

CLOSED MEETING

At 8:58 p.m., Ms. Bohmke motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM 17-16. Note: Ms. Sellers abstained from the discussion of Closed Meeting, Item #1.

The Voting Board tally was:

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

Resolution CM17-16 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel employed by the County regarding a specific legal matter requiring the provision of legal advice by such counsel; (2) discussion and consideration of the Director of Economic Development vacancy; and (3) discussion and consideration of a special award; and

WHEREAS, pursuant to Virginia Code § 2.2-3711(A)(1), (8) and (11) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 3rd day of October, 2017, does hereby authorize discussion of the above matters in Closed Meeting.

Closed Meeting Certification. At 9:41 p.m., Ms. Bohmke motioned, seconded by Mrs. Maurer, to adopt proposed Resolution CM 17-16(a).

The Voting Board tally was:

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

Resolution CM-16(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
OCTOBER 3, 2017

WHEREAS, the Board has, on this the 3rd day of October, 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 3rd day of October, 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.

Adjournment At 9:42 p.m., the Chairman adjourned the October 3, 2017 meeting of the Stafford County Board of Supervisors.

Thomas C. Foley
County Administrator

Paul V. Milde, III
Chairman