

BOARD OF SUPERVISORS
STAFFORD, VIRGINIA
MINUTES
Regular Meeting
June 5, 2018

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Meg Bohmke, Chairman, at 3:00 p.m., on Tuesday, June 5, 2018, in the Board Chambers, George L. Gordon, Jr., Government Center, 1300 Courthouse Road, Stafford, VA.

Roll Call The following members were present: Meg Bohmke, Chairman; Gary F. Snellings, Vice Chairman; Jack R. Cavalier; L. Mark Dudenhefer; Wendy E. Maurer; and Cindy C. Shelton. Mr. Thomas C. Coen arrived at 3:16 p.m.

Also in attendance were: Thomas C. Foley, County Administrator; Rysheda McClendon, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Cheryl D. Giles, Deputy Clerk; associated staff and other interested parties.

Ms. Bohmke thanked all first responders for their assistance provided during the flooding caused by recent rainfall and for putting their lives on the line as they do every day.

Mrs. Maurer motioned, seconded by Mr. Snellings, to adopt the agenda as presented with the addition of one item added to New Business, proposed Resolution R18-157: Authorize the County Administrator to Advertise a Joint Public Hearing with the Planning Commission to Amend the County's Zoning Ordinance Regarding Parking Credits for P-TND Zoning Districts; and one item added to the Consent Agenda, proposed Proclamation P18-16: Recognize and Commend Dr. W. Bruce Benson, outgoing School Superintendent. Ms. Bohmke noted that an item originally on the agenda, a presentation by the Stafford Regional Airport Authority, was moved to the Board's June 19th meeting.

The Voting Board tally was:

Yea:	(6)	Bohmke, Cavalier, Dudenhefer, Maurer, Shelton, Snellings
Nay:	(0)	
Absent:	(1)	Coen

Ms. Bohmke presented a proclamation to Dr. Bruce Benson, saying that he was leaving to take a position in North Carolina and would be sorely missed; it was a tremendous loss to Stafford County. She noted that she was on the School Board when Dr. Benson was hired and thanked him for enhancing the working relationship between the Board and the Schools Division. Dr. Benson thanked the Board.

Ms. Bohmke presented a proclamation to Colonel Joseph Murray, outgoing commander of Marine Corps Base Quantico. She thanked him for the Base's help with the Armed Services Memorial and for always being there when called upon. She said the Marines were great role models. Col. Murray thanked the Board for its ongoing support and let everyone know that he and his family have decided to make Stafford County their home.

Ms. Bohmke and Mr. Jeff Shover, Citizen's Assistance Manager, presented a proclamation and recognized Citizen Assistance volunteers including Don Brennan (387 hours); Charlotte Crismond (654 hours); Tom Cummuntzis (672 hours); Valarie Hart (293 Hours); Ernest Hayden (288 hours); Nick Kopchinsky (1765 hours); Doris McAdams (260 hours); Debra Scites (239 hours); Kenna Sanders (527 hours); and Bill Smith (387 hours). Mr. Shover noted that there were more than 100,000 requests responded to and over 30,000 hours of volunteer time donated to the County in 2017. He said he had the easiest job in the world and worked with people that truly made Stafford County a great place to live, play, and work.

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

Holly Hazard - Spoke about a May 31st hit and run accident involving a school bus (there were no injuries) and talked about putting cameras on at least some of the school bus fleet, particularly the special needs buses. She said that on Poplar Road people speed past stopped school buses and there have been complaints. Ms. Hazard said this would be a good opportunity for the County and Schools to work together; that in 2016 the State authorized cameras on buses and closed loopholes so the program could get underway. She said that it may be cost neutral and said she spoke with Mr. Cavalier and the Public Safety Committee about it.

Catherine (last name inaudible) – Spoke about congestion in the Hartwood District and overcrowding at Rocky Run ES, Hartwood ES, Margaret Brent ES, and Falmouth ES and all of those schools being at or over capacity. She said that the cluster ordinance was the only hope but the Courts struck that down; there was no redistricting solution for Hartwood and her family moved there to escape the Route 610 congestion.

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 EDA Business Appreciation reception at Potomac Point Winery, which was a wonderful event; also attended the Sheriff's Awards event, which was stellar as always. She thanked the Falmouth Volunteer Fire Department for being amenable to allowing career staff to work at their station as some volunteers were aging out and unable to ride fire trucks any longer, volunteer numbers were decreasing nationwide. Ms. Bohmke thanked Fire Chief Joe Cardello for making a major step for everyone involved happen.

Mr. Cavalier - Attended ribbon cutting at LTC Corp., welcomed them to the County and wished them great success. He attended the Sheriff's Award ceremony and the Aquia Harbour Board of Directors meeting as well as the EDA Business Appreciation event at Potomac Point Winery. Mr. Cavalier attended the Sheriff's Security Task Force meeting, where real progress was being made and they were moving forward solving school security problems.

Mr. Coen - Attended the EDA Business Appreciation event at the Winery; attended the Sheriff's Awards event and thanked all public safety personnel who put their lives on the line. He attended the Joint Schools Working Committee (JSWC) three-on-three monthly meeting, and the Germanna CC open house and thanked GCC for its expansion in the County. Mr. Coen thanked EMTs for providing assistance when one of his students broke his leg at a Lacrosse game and said that the student's family also praised the EMT response and care given to their son. He attended a roundtable about the crisis in education with Prince William County and Stafford County teachers, and the teacher shortage in Virginia. In Prince William County it is very hard to find suitable land on which to build new schools; the proffer bill, adopted by the Virginia Assembly made that effort doubly difficult and has to be fixed. Purchasing land was now coming out of County revenues rather than proffers, which has to be remediated.

Mr. Dudenhefer - Attended the JSWC meeting and was very disappointed by the number of issues, including consolidated and shared services being pushed back by the School Board representatives on the JSWC saying that the Board was not keeping them informed. He said that the central purchasing officer was a position that made a lot of sense. The JSWC was supposed to be about efficiency and saving money so that the savings could be spent on teacher raises, etc. Mr. Dudenhefer said it was sad and not an enjoyable meeting. Pulled Item #10 from the Consent Agenda.

Mrs. Maurer - Attended the Colonial Forge High School Scholarship night saying there were some incredible seniors and the future looked bright. Mrs. Maurer sits on the Board of AFCEA that provided \$65,000 in scholarships. She attended the Eagle Scout Court of Honor for Vince Carpenter; Stafford County has among the highest number of Eagle Scouts, more than 70, which is a testament to the families, troop leaders, and volunteers working with these incredible teenagers. An update of the Community and Economic Development Committee (CEDC) including a zoning text amendment in the RBC Zone; a new business item regarding policy development, changes to the timeline and frustration that none of what the Board votes on mirrors information in the background report as there were last minute changes to proffers, etc. Also discussed in the CEDC was asking the Stafford Regional Airport Authority to hold more public meetings regarding the proposed runway expansion and thanked Mr. Snellings for helping to make that happen.

Ms. Shelton - Deferred comments – pulled Item 14 from the Consent Agenda.

Mr. Snellings - Frustrated by the judge's order regarding the clusters; most of the growth, if not all in the Hartwood District is by-right, which never came before the Board and was fueled by the Cluster Ordinance; the Board tried to fix it and lost. Mount Olive Baptist Church is the oldest African American church in Stafford County. It was formed by five slaves and the church has endured because the church's members go to church for the right reasons. Mr. Snellings pulled Item 13 from the Consent Agenda.

Report of the County Attorney – Deferred comments.

Report of the County Administrator – Mr. Foley referred to the last item in the Board's Add-on folder, which was a revised way to track projects and different than the statistics provided in what was contained in the Board's monthly report. The add-on list tracked actual projects and listed items. He said that the active projects tracking list was still evolving; that it was tied to the project management schedule. He concluded his remarks saying that he hoped to conclude the budget process today with the adoption of the FY2019-2028 Capital Improvement Program.

APPROVAL OF THE CONSENT AGENDA

Mrs. Maurer motioned, seconded by Ms. Shelton, to adopt the Consent Agenda, minus Items 10, 13 and 14, which were pulled by Mr. Dudenhefer, Mr. Snellings, and Ms. Shelton respectively.

Note: Mr. Coen was absent for the vote on the Consent Agenda.

The Voting Board tally was:

Yea:	(6)	Bohmke, Cavalier, Dudenhefer, Maurer, Shelton, Snellings
Nay:	(0)	
Absent:	(1)	Coen

Item 4. County Administration; Approve Minutes of the May 15, 2018 Meeting

Item 5. Finance and Budget; Approve the Expenditure Listing

Resolution R18-134 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED MAY 15, 2018 THROUGH JUNE 4, 2018

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 5th day of June, 2018 that the above-mentioned EL be and hereby is approved.

Item 6. Finance and Budget; Authorize the County Administrator to Execute Contract Renewals for Insurance Coverage in FY19 with VFIS, VACORP, and Selective Insurance Company of America

Resolution R18-127 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE POLICY RENEWALS WITH VOLUNTEER FIREMEN'S INSURANCE SERVICES, THE VIRGINIA ASSOCIATION OF COUNTIES GROUP SELF INSURANCE RISK POOL, AND SELECTIVE INSURANCE COMPANY OF AMERICA FOR INSURANCE COVERAGE FOR FY2019

WHEREAS, staff reviewed the County's insurance coverage claims experience and related costs for FY2018; and

WHEREAS, the Board budgeted and appropriated funds for the County's insurance needs for FY2019; and

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

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

WHEREAS, Volunteer Firemen's Insurance Services (VFIS) through Kerxton Insurance Agency, Inc. submitted a policy renewal proposal for increased benefits for the Volunteer Fire and Rescue personnel, the Sheriff's Special Deputies, and the Sheriff's Auxiliary Groups; and

WHEREAS, Selective Insurance Company of America, through USI Insurance Services, submitted policy renewal proposals to the County for property, liability, and automobile insurance for the volunteer and career Fire and Rescue Services; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that it be and hereby does authorize the County Administrator to execute the following:

1. Contract renewal with the Virginia Association of Counties Group Self Insurance Risk Pool (VACORP) for general liability, property, automobile, Line of Duty, cyber, animal mortality, and Workers' Compensation insurance; and a new contract and contract renewal with Volunteer Firemen's Insurance Services (VFIS) through Kerxton Insurance Agency, Inc. and VACORP for accident and sickness for the Volunteer Fire and Rescue, Sheriffs' Special Deputies, and Sheriffs' Auxiliary Groups, for FY2019 in an amount not to exceed One Million Seven Hundred Twenty-seven Thousand One Hundred Sixteen Dollars (\$1,727,116); unless amended by a duly executed contract amendment; and

2. Contract renewal with Selective Insurance Company of America through USI Insurance Services, for Fire and Rescue (career and volunteer) for liability, property, and automobile insurance coverage for FY2019 in an amount not to exceed Two Hundred Forty-seven Thousand One Hundred Thirty-one Dollars (\$247,131), unless amended by a duly executed contract amendment.

Item 7. Public Works/Transportation: Petition the Virginia Department of Transportation to Include Section 2 and a Portion of Section 3 of Embrey Mill

Resolution R18-126 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE STREETS WITHIN EMBREY MILL, SECTIONS 2 AND 3, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS, LOCATED WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Apricot Street, Pear Blossom Road, Mariposa Lane, Freesia Lane, Ginger Lane, and Rosemary Lane within Section 2, and Almond Drive and Gardenia Drive within Section 3, all within Embrey Mill subdivision, located between Austin Ridge Drive (SR-1486) and Mine Road (SR-684), into the Secondary System of State Highways; and

WHEREAS, VDOT inspected Apricot Street, Pear Blossom Road, Mariposa Lane, Freesia Lane, Ginger Lane, Rosemary Lane, Almond Drive, and Gardenia Drive 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 5th day of June, 2018, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Embrey Mill, Sections 2 and 3, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Almond Drive (SR-2383)	From: Intersection with Apricot Street (SR-2382) To: Intersection with Freesia Lane (SR-2384)	0.16 mi. ROW 57'
Almond Drive (SR-2383)	From: Intersection with Freesia Lane (SR-2384) To: Intersection with Pear Blossom Road (SR-2385)	0.06 mi. ROW 57'
Almond Drive (SR-2383)	From: Intersection with Pear Blossom Road (SR-2385) To: Intersection with Apricot Street (SR-2382)	0.15 mi. ROW 57'
Apricot Street (SR-2382)	From: Intersection with Alder Drive (SR-2381) To: Intersection with Ginger Lane (SR-2387)	0.05 mi. ROW 68'
Apricot Street (SR-2382)	From: Intersection with Ginger Lane (SR-2387) To: Intersection with Mariposa lane (SR-2389)	0.06 mi. ROW 68'
Apricot Street (SR-2382)	From: Intersection with Mariposa lane (SR-2389) To: Intersection with Rosemary Lane (SR-2390)	0.08 mi. ROW 68'
Gardenia Drive	From: Intersection with Wallace Lane (SR-1929)	0.05 mi.

(SR-2386)	To: Intersection with Ginger Lane (SR-2387)	ROW 57'
Gardenia Drive (SR-2386)	From: Intersection with Ginger Lane (SR-2387) To: Intersection with Mariposa lane (SR-2389)	0.06 mi. ROW 57'
Gardenia Drive (SR-2386)	From: Intersection with Mariposa lane (SR-2389) To: Intersection with Rosemary Lane (SR-2390)	0.06 mi. ROW 57'
Pear Blossom Road (SR-2385)	From: Intersection with Apricot Street (SR-2382) To: Intersection with Almond Drive (SR-2383)	0.10 mi. ROW 57'
Pear Blossom Road (SR-2385)	From: Intersection with Wallace Lane (SR-1929) To: Intersection with Mariposa lane (SR-2389)	0.11 mi. ROW 57'
Mariposa Lane (SR-2389)	From: Intersection with Pear Blossom Road (SR-2385) To: Intersection with Gardenia Drive (SR-2386)	0.04 mi. ROW 57'
Mariposa Lane (SR-2389)	From: Intersection with Gardenia Drive (SR-2386) To: Intersection with Apricot Street (SR-2382)	0.10 mi. ROW 57'
Freesia Lane (SR-2384)	From: Intersection with Apricot Street (SR-2382) To: Intersection with Almond Drive (SR-2383)	0.10 mi. ROW 57'
Ginger Lane (SR-2387)	From: Intersection with Gardenia Drive (SR-2386) To: Intersection with Apricot Street (SR-2382)	0.10 mi. ROW 57'
Rosemary Lane (SR-2390)	From: Intersection with Gardenia Drive (SR-2386) To: Intersection with Apricot Street (SR-2382)	0.10 mi. ROW 57'

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, Section Two Embrey Mill, recorded among the land records of Stafford County, Virginia in Plat Map No. 130000021 with Instrument No. LR130002180 recorded on January 25, 2013; and Section Three Embrey Mill, recorded among the land records of Stafford County, Virginia in Plat Map No. 140000127 with Instrument No. LR140012614 recorded on August 19, 2014; and

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

Item 8. Public Works/Transportation; Budget and Appropriate Proffer Funds for Sight Distance Improvements on Courthouse Road

Resolution R18-137 reads as follows:

**A RESOLUTION TO BUDGET AND APPROPRIATE PROFFER FUNDS FOR
SIGHT DISTANCE IMPROVEMENTS ON COURTHOUSE ROAD, IN THE
ROCK HILL DISTRICT**

WHEREAS, the Board approved Ordinance O13-18 on March 19, 2013, granting the reclassification request for Shelton Woods Subdivision (Property); and

WHEREAS, the proffer statement required the applicant to contribute \$3,042 per single-family unit constructed on the Property to be used for sight distance improvements along Courthouse Road between Lynhaven Lane and Monument Drive; and

WHEREAS, the Board has collected approximately \$127,000 in proffers for this purpose; and

WHEREAS, the Lynhaven Lane intersection with Courthouse Road has deficient sight distance and requires improvements to make the intersection safer and in compliance with Virginia Department of Transportation (VDOT) standards; and

WHEREAS, the residents along Lynhaven Lane have requested sight distance improvement; and

WHEREAS, the design, clearing, grading, paving and sight distance easements necessary to comply with VDOT standards are estimated to cost \$60,000; and

WHEREAS, the funding necessary to complete these sight distance improvements must be budgeted and appropriated for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that it be and hereby does budget and appropriate Sixty Thousand Dollars (\$60,000) in proffer funds to the Transportation Fund for the completion of sight distance improvements at the intersection of Lynhaven Lane and Courthouse Road.

Item 9. Public Works/Transportation; Authorize the County Administrator to Advertise a Public Hearing to Amend and Reordain County Code Sec. 15-56, "Designation of Restricted Parking Areas" within the Leeland Station Subdivision

Resolution R18-141 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS," TO INCLUDE ALL STREETS WITHIN THE LEELAND STATION SUBDIVISION, LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

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

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

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

WHEREAS, the Leeland Station Community Association (Association) has approved a resolution requesting the establishment of a restricted parking area within the Leeland Station subdivision and the resolution satisfies the requirements of Stafford County Code Sec. 15-56; and

WHEREAS, the Certificate of Resolution from the Association, requests that all streets within the Leeland Station subdivision be designated as a restricted parking area; and

WHEREAS, all streets within the Leeland Station subdivision meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board desires to consider public comments concerning the proposed restricted parking area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider amending and reordaining Stafford County Code Sec. 15-56, entitled "Designation of restricted parking areas" to designate all streets within the Leeland Station subdivision as a restricted parking area, as proposed in Ordinance O18-27.

Item 10. Public Works/Transportation; Affirm Commitment to Fund the Locality Share of Projects Under Agreement with VDOT and Provide Signature Authority Mr. Dudenhefer asked that this item be pulled and questioned if funds were available for the projects noted; he spoke about the lack of money in the Transportation Fund and how funds were raided from that account. Mr. Mike Smith, Deputy County Administrator, said that funds were available in the Transportation Fund for the projects identified. Ms. Bohmke said that in the future money in the Transportation Fund would run out. Mr. Cavalier said that you cannot commit to decisions that future Boards would make. Mr. Dudenhefer responded that that was what the Board was doing.

Note: Mr. Coen returned to the dais.

Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R18-149.

The Voting Board tally was:

Yea:	(7)	Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay:	(0)	

Resolution R18-149 reads as follows:

A RESOLUTION AFFIRMING THE COUNTY'S COMMITMENT TO FUND THE LOCALITY SHARE OF PROJECTS UNDER AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND PROVIDE SIGNATURE AUTHORITY

WHEREAS, Stafford County is a recipient of Virginia Department of Transportation (VDOT) funds under various grant programs for transportation-related projects; and

WHEREAS, VDOT requires a resolution to provide assurance of the County's commitment to funding its local share;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that it be and hereby does commit to fund its local share of

preliminary engineering, right-of-way, and construction of the project(s) under agreement with the Virginia Department of Transportation (VDOT) in accordance with the project financial document(s); and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, is authorized to execute all agreements and/or addendums for any approved projects with the VDOT.

Item 11. Public Works/Utilities; Authorize the County Administrator to Execute a Contract for Painting the Vista Woods Elevated Water Storage Tank

Resolution R18-131 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH D & M PAINTING CORP. FOR PAINTING THE VISTA WOODS ELEVATED WATER STORAGE TANK LOCATED IN THE ROCK HILL ELECTION DISTRICT

WHEREAS, in order to continue to provide County residents with high quality water, and to protect the structural integrity of the tank, the Vista Woods elevated water storage tank is in need of repainting; and

WHEREAS, a request for proposal was prepared and offered for public bid; and

WHEREAS, six bids were received, and staff determined that the bid submitted by D & M Painting Corp., in the amount of \$312,800, is the lowest responsive and responsible bid, and is reasonable for the scope of services proposed; and

WHEREAS, funds are available in the FY2018 Public Works (Utilities Division) operating budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that the County Administrator be and he hereby is authorized to execute a contract with D & M Painting Corp., in an amount not to exceed Three Hundred Twelve Thousand Eight Hundred Dollars (\$312,800), unless amended by a duly-executed contract amendment, for painting the Vista Woods elevated water storage tank.

Item 12. Public Works/Utilities; Authorize the County Administrator to Execute a Contract for Construction of the Wayside Interceptor Sewer Project

Resolution R18-146 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MIDAS UTILITIES INC. FOR THE CONSTRUCTION OF THE WAYSIDE INTERCEPTOR SEWER PROJECT, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, the Board identified the replacement of portions of the Wayside Interceptor Sewer (Project) as a part of Stafford County's Capital Improvement Program; and

WHEREAS, the Project will serve the existing customers as well as serve the Courthouse Redevelopment Area; and

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

WHEREAS, five bids were received and staff determined that the bid submitted by Midas Utilities, Inc., now operating as Midas Utilities, LLC, for \$1,598,752, is the lowest responsible and responsive bid, and is reasonable for the scope of services proposed; and

WHEREAS, funding for the construction of the Project is in the Public Works Department (Utilities Division) Capital Improvement Program budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that the County Administrator be and he hereby is authorized to execute a contract for the construction of the Wayside Interceptor Sewer Project with Midas Utilities, Inc., now operating as Midas Utilities, LLC, in an amount not to exceed One Million Five Hundred Ninety-eight Thousand Seven Hundred Fifty-two Dollars (\$1,598,752), unless amended by a duly-authorized change order.

Item 13. Public Works/Utilities; Authorize the County Administrator to Execute a Contract for design of the Enon Road Elevated Water Storage Tank Mr. Snellings asked that this item be pulled until he could have further discussion with staff as it was in his neighborhood and he wanted details about the size, placement, etc.

Mr. Snellings motioned, seconded by Mr. Coen, to defer a vote on proposed Resolution R18-146. No return date was specified in Mr. Snellings' deferral motion.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay: (0)

Item 14. Planning and Zoning; Refer to the Planning Commission an Ordinance Amendment re. Parking and Drive Aisles Ms. Shelton asked that this item be pulled to ensure that it would go before the Planning Commission and expressed her concerns about parking ratios per hotel beds. Mr. Coen said that he spoke with Mr. Harvey regarding widening the size of parking spaces now that there were so many larger vehicles on the road. Mrs. Maurer suggested a parking ratio to hotel rooms rather than beds.

Ms. Shelton motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution R18-132.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay: (0)

Resolution R18-132 reads as follows:

A RESOLUTION REQUESTING THAT THE PLANNING COMMISSION
REVIEW, HOLD A PUBLIC HEARING, AND MAKE

RECOMMENDATIONS REGARDING AMENDMENTS TO THE ZONING
ORDINANCE FOR PARKING AND DRIVE AISLE STANDARDS

WHEREAS, the Process Review Committee (PRC) has worked with staff and community stakeholders to evaluate the effectiveness of the County's development review processes; and

WHEREAS, the PRC has recommended that amendments be prepared to the standards for residential and commercial parking, drive aisles and private streets within commercial developments; and

WHEREAS, the Board desires the Planning Commission review, hold a public hearing, and provide its recommendations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that it be and hereby requests the Planning Commission to, pursuant to proposed Ordinance O18-02, review, hold a public hearing, and provide its recommendations and amendments to parking and drive aisle standards; and

BE IT FURTHER RESOLVED, the Planning Commission may make modifications to the proposed Ordinance to address residential and commercial parking, and drive aisles and private streets within commercial development.

Item 15. Planning and Zoning; Refer to the Planning Commission a Comprehensive Plan Amendment to Incorporate a Groundwater Management Element for the Piedmont Geological Area of the County

Resolution R18-139 reads as follows:

A RESOLUTION REFERRING TO THE PLANNING COMMISSION AMENDMENTS TO THE GROUNDWATER MANAGEMENT PLAN ELEMENT OF THE 2016-2036 STAFFORD COUNTY COMPREHENSIVE PLAN TO ADD A NEW DOCUMENT ENTITLED "GROUNDWATER RESOURCES EVALUATION, PIEDMONT AQUIFER OF STAFFORD COUNTY" DATED FEBRUARY 2, 2018

WHEREAS, on October 4, 2005, the Board adopted the Groundwater Management Plan as an element of the Comprehensive Plan; and

WHEREAS, after hearing citizen's concerns about low well yields in the Piedmont geological province of the County, the Board desires to update the Groundwater Management Plan element of the Comprehensive Plan to reflect updated information pertaining to wells in the Piedmont geological province of the County; and

WHEREAS, the Public Works Department prepared amendments to the Groundwater Management Plan element of the Comprehensive Plan, as identified in the document entitled "Groundwater Resources Evaluation, Piedmont Aquifer of Stafford County," dated February 2, 2018; and

WHEREAS, pursuant to Virginia Code § 15.2-2229, the Board desires to send the proposed amendments to the Planning Commission for its review, to hold a public hearing, and provide its recommendations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that it be and hereby does refer the proposed amendments to Groundwater Management Plan element of the 2016-2036 Comprehensive Plan, as identified in the document entitled, "Groundwater Resources Evaluation, Piedmont Aquifer of Stafford County," dated February 2, 2018, to the Planning Commission to hold a public hearing(s), and to provide its recommendations to the Board within 90 days of the adoption of this Resolution; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, shall provide a copy of this Resolution to the Planning Commission.

Item 16. Human Resources; Authorize an Increased Multiplier for VRS for Hazardous Duty Positions

Resolution R18-133 reads as follows:

A RESOLUTION AUTHORIZING AN INCREASED MULTIPLIER FOR
VIRGINIA RETIREMENT SYSTEM (VRS) HAZARDOUS DUTY POSITIONS

WHEREAS, the Board desires to increase the multiplier for those employees covered under the hazardous duty plan from 1.7% to 1.85%; and

WHEREAS, the Virginia Retirement System (VRS) requires a resolution evidencing this approval as detailed below;

BE IT HEREBY RESOLVED that the County of Stafford, Virginia, a political subdivision currently participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Board of Supervisors does hereby elect to have such employees of the County who are employed in positions as full time salaried Law Enforcement Officers/Firefighters/ Emergency Medical Technicians and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective July 1, 2018, to be provided benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in § 51.1-138 of the Code of Virginia including the retirement multiplier of 1.85%, in lieu of the benefits that would otherwise be provided as such code has been or may be amended from time to time, and the County agrees to pay the employer cost for providing such employees such benefits; and

BE IT FURTHER RESOLVED that Thomas C. Foley, the County Administrator and Clerk, is hereby authorized and directed in the name of the County to execute any required contract in order that the above described employees of the County may become entitled to retirement benefits equivalent to those provided for State police officers of the Department of State Police. In execution of any contract which may be required the seal of the County shall be affixed and attested by the Clerk and said officers of the County are hereby authorized and directed to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The Treasurer of the County be and is hereby authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are to be paid by the County and its employees for this purpose; and

BE IT STILL FURTHER RESOLVED by the Stafford County Board of Supervisors approves this Resolution on this the 5th day of June, 2018.

Item 17. Parks, Recreation, and Community Facilities; Authorize the County Administrator to Execute Agreements to Operate Summer Youth Swim Teams at the Mark Lenzi Pool and at the Woodlands Pool

Resolution R18-135 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE AN AGREEMENT WITH THE CURTIS MEMORIAL PARK
SWIM TEAM TO OPERATE THE YOUTH RECREATIONAL SWIMMING
PROGRAM

WHEREAS, the Curtis Memorial Park Swim Team (Team) is presently operating the Youth Recreational Swimming Program at the Mark Lenzi Pool at Curtis Memorial Park (Program) during the summer months, pursuant to an agreement between the County and the Team; and

WHEREAS, the Team has operated the Program successfully; and

WHEREAS, the current agreement between the County and the Team has expired; and

WHEREAS, at its meeting on May 17, 2018, the Parks and Recreation Commission reviewed the agreement and unanimously recommended renewal; and

WHEREAS, the Board carefully considered the recommendations of staff and the Parks and Recreation Commission; and

WHEREAS, the Board finds that continuing an agreement with the Team serves and promotes the welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that the County Administrator, or his designee, be and he hereby is authorized to execute a two-year agreement with the Curtis Memorial Park Swim Team to operate the Youth Recreational Swimming Program at the Mark Lenzi Pool at Curtis Memorial Park.

Resolution R18-136 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE AN AGREEMENT WITH THE WOODLANDS WAHOOS
SWIM TEAM TO OPERATE THE YOUTH RECREATIONAL SWIMMING
PROGRAM

WHEREAS, the Woodlands Wahoos Swim Team (Team) is presently operating the Youth Recreational Swimming Program at the Woodlands Pool (Program) during the summer months, pursuant to an agreement between the County and the Team; and

WHEREAS, the Team has operated the Program successfully; and

WHEREAS, the current agreement between the County and the Team has expired; and

WHEREAS, at its meeting on May 17, 2018, the Parks and Recreation Commission reviewed the agreement and unanimously recommended renewal; and

WHEREAS, the Board carefully considered the recommendations of staff and the Parks and Recreation Commission; and

WHEREAS, the Board finds that continuing an agreement with the Team serves and promotes the welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that the County Administrator, or his designee, be and he hereby is authorized to execute a two-year agreement with the Woodlands Wahoos Swim Team to operate the Youth Recreational Swimming Program at the Woodlands Pool.

Item 18. Parks, Recreation, and Community Facilities; Authorize the County Administrator to Budget and Appropriate Proffer Funds for Musselman Park

Resolution R18-143 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
BUDGET AND APPROPRIATE CASH PROFFERS FOR IMPROVEMENTS
AT MUSSELMAN PARK

WHEREAS, the County owns over 40 acres of designated park property located on Truslow Road, known as Musselman Park (Park); and

WHEREAS, County growth has established a need for the County to provide additional park space for active walking and other passive recreation; and

WHEREAS, proposed improvements would include a small gravel parking lot with a natural trail loop system within the Park; and

WHEREAS, the estimated cost for these improvements is \$105,500, which includes site plan engineering, permitting, an asphalt entrance per Virginia Department of Transportation (VDOT) requirements, a security gate, a 3,780 square foot gravel parking area, and approximately 5,000 feet of nature trails; and

WHEREAS, cash proffers are available to cover most of the cost of this project including \$7,622 from Southgate, and \$97,378 from Celebrate Virginia North;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June 2018, that the County Administrator be and he hereby is authorized to budget and appropriate cash proffers from Southgate in the amount of Seven Thousand Six Hundred Twenty-two Dollars (\$7,622), and Celebrate Virginia North in the amount of Ninety Seven Thousand Three Hundred Seventy-eight Dollars (\$97,378), in the total amount of One Hundred Five Thousand Dollars (\$105,000) to the Parks, Recreation, and Community Facilities budget for the Musselman Park improvement project.

Item 19. County Administration; Authorize the Appointment of Ms. Danielle Davis to the Economic Development Authority Representing the Aquia District

Item 20. County Administration; Authorize the Appointment of Mr. Glenn Goldsmith to the Citizen's Transportation Advisory Committee (CTAC) Representing the Rock Hill District

Item 21. County Administration; Authorize the Appointment of Mr. Davis Star to the Citizen's Transportation Advisory Committee (CTAC) Representing the Aquia District

Item 22. Community Engagement; Proclamation Recognizing Colonel David Murray, Outgoing Commander, Marine Corps Base Quantico

Proposed Proclamation P18-12 reads as follows:

A PROCLAMATION RECOGNIZING AND COMMENDING COLONEL
JOSEPH M. MURRAY, COMMANDER, MARINE CORPS BASE QUANTICO

WHEREAS, Colonel Joseph M. Murray became the Commander of Marine Corps Base Quantico in 2015 and will be leaving the command July 13, 2018; and

WHEREAS, Colonel Murray has been a trusted friend and supporter of Stafford County during his service at the Base by demonstrating a continued high level of cooperation and outreach between Quantico and Stafford County; and

WHEREAS, Colonel Murray's actions and efforts have resulted in a strong relationship between the County and the Base, which greatly benefits the region; and

WHEREAS, Colonel Murray's leadership and spirit of cooperation directly resulted in the many ways Marines from Quantico have supported special events and efforts by Stafford County; and

WHEREAS, Colonel Murray and his family chose to make Stafford County their home and were active members of the community;

NOW THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that it be and hereby does recognize and commend Colonel Joseph M. Murray for his service to the citizens of Stafford County and Marine Corps Base Quantico.

Item 23. Fire, Rescue, and Emergency Services; Authorize the County Administrator to Execute a Contract with Air Specialists of Virginia, Inc. for the Purchase and Installation of Exhaust Capture and Removal Systems

Resolution R18-145 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A CONTRACT WITH AIR SPECIALISTS OF VIRGINIA, INC.
FOR THE PURCHASE AND INSTALLATION OF EXHAUST CAPTURE AND
REMOVAL SYSTEMS

WHEREAS, public safety is one of the identified priorities for the County by the Board;
and

WHEREAS, vehicle exhaust has been shown to contain cancer-causing substances; and

WHEREAS, capture and removal of vehicle exhaust at point of creation would reduce serious health risks to Fire and Rescue Department (Department) members; and

WHEREAS, the Department currently has six Plymovent exhaust capture and removal systems (Systems) installed at six fire and rescue stations in the County; and

WHEREAS, utilizations of the same systems in all County fire and rescue stations enables continuity of operations, centralized purchasing of parts, repair orders, and warranty deeds; and

WHEREAS, Air Specialists of Virginia, Inc. (Air Specialists) is the exclusive dealer for the systems in this region; and

WHEREAS, Air Specialists provided a cost estimate of \$488,627 for the purchase and installation of nine systems; and

WHEREAS, the Department has reviewed this proposal and finds it is reasonable for the scope of work to be performed; and

WHEREAS, the County has budgeted and appropriated \$488,627 in the Department's budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that the County Administrator be and he hereby is authorized to execute a contract with Air Specialists of Virginia, Inc. for the purchase and installation of exhaust extraction systems in an amount not to exceed Four Hundred Eighty-Eight Thousand, Six Hundred Twenty-Seven Dollars (\$488,627), unless amended by a duly-authorized contract amendment.

Add On to the Consent Agenda

Community Engagement; Proclamation Recognizing and Commending Dr. W. Bruce Benson, Outgoing School Superintendent

Proclamation P18-16 reads as follows:

A RESOLUTION TO RECOGNIZE AND COMMEND DR. W. BRUCE BENSON FOR HIS SERVICE TO STAFFORD COUNTY SCHOOLS AND THE COMMONWEALTH OF VIRGINIA

WHEREAS, the Board of Supervisors recognizes and commends Dr. W. Bruce Benson for his four years and two months of service to Stafford County Public Schools (SCPS) and 35 years to schools in Virginia; and

WHEREAS, before his arrival, there was much uncertainty in the school system due to the many changes in the superintendent position. Dr. Benson brought stability and confidence to the Schools that allowed the division to move forward effectively and confidently; and

WHEREAS, Dr. Benson initiated several technological improvements during his tenure including the implementation of an enterprise financial system that integrated the school's accounting, budgeting, human resources and payables into one platform advancing the division into the modern age; and

WHEREAS, while Dr. Benson had many accomplishments regarding the Schools, his efforts on this "side of the street" were what allowed the County and the Schools to forge a closer working relationship than ever before; and

WHEREAS, Dr. Benson, through his dedication, has overseen numerous projects and programs that have made the school division more accessible to parents – especially in solidifying school programs across the division; and

WHEREAS, Dr. Benson worked with County Government to examine how the County and the Schools could share services to create efficiencies, streamline activities and save taxpayer money; and

WHEREAS, Dr. Benson was the first superintendent to provide monthly reports to the Board of Supervisors at Board meetings, keeping communication channels open; and

WHEREAS, Dr. Benson also maintained a close relationship with Stafford's County Administrator, further strengthening ties between County Government and the Schools; and

WHEREAS, Dr. Benson will leave this school system in a much better condition than when he arrived, due to his dedication to excellence in everything he did and the high level of performance he expected of his staff;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that it be and hereby does recognize and commend Dr. W. Bruce Benson for his service to the students, staff and citizens of Stafford County as well as the Commonwealth of Virginia.

UNFINISHED BUSINESS

Item 24. Finance and Budget; Adoption of the FY2019-2028 Capital Improvement Program (CIP) Budget Division Director, Ms. Andrea Light, presented the CIP to the Board. She spoke about the many successes of this year's new joint CIP process and noted that each item on the FY19-28 CIP would be brought back to the Board for a vote; just because an item was listed, it still required Board approval before contracts were issues. She said that it was a planning document that was in accordance with the County's fund balance and fiscally responsible and provided the best information available.

Mr. Cavalier said that he did not see a chart such as the Schools' provided; there were no major line items and he was hoping to see what was normally available in past CIP presentations. Ms. Light said that this year's approach was different from past years. Mr. Foley asked that Mr. Cavalier look at the second page of the third attachment; the Courts were listed in line item 45. Mr. Cavalier said that he would have liked to see the roll-up like the Schools did.

Mrs. Maurer clarified the funding and numbers for the public and noted that high school #6 would be over capacity by 2025. Mr. Foley talked about reasonable accommodation where school capacity numbers were indicated. Ms. Bohmke said that students transfer and the Governor's School, the BOOST program, and any number of things that could change the dynamic of the enrollment numbers. She said that many schools may need trailers.

Mr. Foley said that 132 was the number over school capacity and that capacity numbers for the Courts was still being analyzed and would be incorporated into the CIP. Ms. Light said that Courthouse usage would also be incorporated into the model. Ms. Bohmke asked that the numbers be shared with the Board when it was available. Mr. Foley said that numbers were a few years old and staff would work on caseload numbers as well as actual use vs. not in use numbers for the courtrooms. It would be brought back to the Board before final decisions were made on the Courthouse. Mrs. Maurer spoke about affordability not being in the background report and said that \$1 Million in debt equaled one teacher, one fire-fighter, one deputy, that had to be given up for 30 years. She said it was a heavy decision that had to be made and asked what the County's current debt load was. Ms. Light said that it would be \$45 Million in FY2019. Mrs. Maurer said that was a lot of roads, teachers, staff raises, etc.

Mr. Cavalier talked about the \$10 Million allocated for the renovation of Ferry Farm ES and asked if there was any background on it. Ms. Light said that an architectural and engineering (A & E) firm would work on the design and a list of projects; that the work was scheduled to begin in FY2020 and the technical review committee (TRC) had oversight of the project.

Mr. Cavalier said that the project had been around for years and years and there was no list of what needed to be done; things like the HVAC, a new roof, aesthetics, infrastructure and so on. He said that he would need to see a list before he could justify it and vote yes on the CIP. Ms. Bohmke said there was no plan yet, that it was a work in progress. Mr. Cavalier said that it was what the joint CIP process was about but for Ferry Farm ES, there was no plan and asked how the Schools could explain that.

Mr. Coen said that it was typical that when repairs or remodels were in the near time, needed repairs were held off nor were special items that other schools got given to the proposed redo facility. He said that the School Board allocated funds but none for Ferry Farm ES; that it was originally planned for a complete rebuild but now it was being considered for a remodel rather than rebuild, hence the \$10 Million allocation vs. the original \$45 Million request. Mr. Coen said the Schools' should be able to provide a specific list this summer. He praised Ms. Light and the budget/CIP team and said that there was nothing for a decade, then another decade, and he was pleased to see something moving forward for Ferry Farm ES, it was long overdue. Mr.

Coen also praised Dr. Chase's analysis and said he understood Mr. Cavalier's concern and talked about there being an institutional blockage and changing from a rebuild to a remodel having shifted the paradigm.

Mrs. Maurer said that while she appreciated Mr. Coen and Mr. Cavalier's comments, when there is a building manager, and it did not take an engineer or architect, there should be a laundry list such as rats, lighting, HVAC issues, whatever system needed repair or replacement should be kept on a running list. She said that School Board member, Mr. DeWayne McOskey gave her a list but it should not go through him, it should be a building maintenance list. She said that the Schools were waiting to see how much money the Board would give them then produce a list of what they would fix. Mrs. Maurer spoke about paving the parking lot at Ferry Farm ES (unless there was a sink hole), which she said was not as important as (for example) air filters in the fire stations and said she was taken aback that there was no specific list; that a maintenance person should be on the job and have that list readily available so that priorities could be racked and stacked. The health and safety of all in the County was a top priority.

Mr. Cavalier said that he did not question the need for renovations at Ferry Farm ES; he agrees with the project and agrees with putting the money necessary so long as it is reasonable and done in a logical fashion. He said that he did not understand Mr. Coen's term "institutional blockage" but he needed to see a plan before supporting a CIP that spends any money on renovations when they have not been identified.

Ms. Shelton said that while she agreed with having placeholders in the budget, she did not like it. She talked about using cash proffers and available cash for the next 10 years and questioned raising taxes to do what was listed on the proposed CIP. Ms. Light said that staff looked at all funding sources and leveraged the one-time use funds and available fund balance; she said that fiscal responsibility was considered and there would still be funds in the revenue stabilization account and in the fund balance to use if there was an unanticipated downturn in the economy. She said that staff looked at available proffers that were appropriate to the projects listed and did not recommend taking all of the County's available funds. Ms. Shelton asked if the TRC went through the CIP process. Ms. Light replied that the TRC helped to rebuild the joint CIP but did not get down into the details about remodeling Ferry Farm ES or other projects. She added that the referenced 4.5 cent tax increase was over a period of 10 years.

Ms. Bohmke addressed her comments to School Superintendent, Dr. Bruce Benson who was in the audience, talking about Stafford ES, Grafton Village ES, Falmouth ES, and Stafford HS and the Board not getting a lot of information when the Schools were getting ready to do renovations (or a rebuild in the case of Stafford HS). She talked about a lot of schools being older facilities.

Dr. Benson said that they did have a list for the renovation of Ferry Farm ES but that it had to be prioritized after an A & E firm was brought in to provide a professional assessment of the needs. He spoke about renovating the oldest portions of the school first including the library,

music and art rooms, the administration area, and six or seven classrooms and then connecting that renovation to the rest of the building. Dr. Benson spoke about working within the debt limit and said that lighting was a challenge; that LED lighting was planned and Ferry Farm ES would be the first school to have it. He said that if the renovation was done right, it would be a win/win situation for everyone.

Mr. Cavalier asked that Dr. Benson put the money into words and get it back to the Board within two weeks. Mr. Coen talked about \$24 Million to renovate the building in its entirety and now Dr. Benson spoke about only doing the older section, lights, etc., which would not cost \$24 Million. He said he spoke with his member of the School Board about Ferry Farm ES. Dr. Benson said they would provide a narrative but needed an A & E firm to prioritize the needs before they could get back to the Board, and he doubted that could be done in two weeks' time.

Ms. Shelton spoke about looking at the growth models including growth in the Hartwood District, by right developments and a \$2 Million water tank in Centreport and not planning for the next 10 years. Dr. Benson said that there was the issue of where to locate HS #6; would it be in the southern end of the County and possibly co-located with ES #18 like was done with Mountain View HS and Margaret Brent ES. Ms. Shelton said she is bothered by anything going near Route 610 due to the already overwhelming congestion in that area. She said she had a real concern about the purchase of Fredericksburg Christian School (FCS) and putting more school buses on Garrisonville Road. She said that FCS was not the right size, it would be out of space in one to two years, and her overlying concern was congestion.

Mr. Foley said that the information that could be provided in two weeks would be no different than what was provided that day. He said that the Board could defer a vote; that was its prerogative but the CIP process had come a tremendous way; it started with no justification and now the new policy had raised the bar considerably.

The School Board said that the joint CIP process was terrible and wanted to scrub it until it could get additional information and do additional studies. He said that Dr. Benson could come up with the scope of renovations needed at Ferry Farm ES but without a professional A and E assessment, the numbers would be different. Mr. Foley said that the Courthouse assessment was underway as was an assessment of Pre-K capacity but there was a lot more work to be done that could not be accomplished in two weeks.

Ms. Bohmke asked for the will of the Board. Mr. Cavalier said that he could not support the CIP as it was presented. Mr. Cavalier motioned, seconded by Mr. Snellings to defer a vote on the proposed CIP for two weeks, to the Board's June 19, 2018 meeting.

Mrs. Maurer said that she would vote for deferral but did not support the CIP nor was she hitting the "I believe" button due to lack of affordability and the lack of transportation funding. She said that staff should find out how much money was available and work within those parameters. She said that the CIP was a wish list but affordability should be the first consideration. It was the first thing to be looked at and staff should work within those numbers.

She said that the Courthouse numbers were very difficult to swallow what with the Schools being over capacity and there being so many roads that have to be fixed.

Mr. Snellings said that he agreed with Mrs. Maurer but cautioned that it was just a plan that could be changed at any time. Mr. Coen said that it was incumbent upon the Schools to provide the information that the Board needed to approve the CIP. He said he agreed with Mr. Snellings that it was just a plan – a plan that now included HS #6, and Ferry Farm ES, which was dilly-dallied with for a decade and was very frustrating. Mr. Coen said he would go along with a two-week deferral but the Board was still begging for information and getting nothing. He said that words failed and it was disgusting...

Mr. Dudenhefer said that it was no surprise, and as it stood, he could not support front-loading the Courthouse with \$55 Million when schools were not ready, they were already over capacity, and there was no transportation funding in the proposed CIP; it was poor allocation of the County's dollars. Mr. Dudenhefer said that the new Courthouse planned for six Circuit Courts when there were only three Circuit Court judges. He said that the Courthouse could wait and proposed that during the two-week deferral, staff come up with a plan to back load the Courthouse and come up with other critical needs, not catering to the judge's whims as they tried to exert pressure on staff.

Ms. Shelton said that she agreed with Mr. Dudenhefer; that the County could not afford \$55 Million for a new Courthouse; that ES#18 was a better value. She talked about the 4.5 cent tax increase and asked what would happen if the economy tanked. She said it was cutting things too tight and she could not accept it.

Mrs. Maurer agreed that it was a plan; a plan that was not adding money to transportation; it was not bond-funded but eating up all available cash; and in two weeks there had to be a line item added for transportation included in the CIP; with cost-cutting and the County living within its means because as it was, it was unaffordable. Mr. Foley noted that Line 50 did allocate funding for transportation.

Ms. Bohmke said that she was concerned because in the earlier Infrastructure Committee (IC) meeting, there were very few comments. She talked about adding in \$10-\$12 Million for FCS with renovations and additions and \$55 Million for a new courthouse, which was reason for her to not support the CIP, in addition to only \$10 Million going to the Ferry Farm ES renovation. Ms. Bohmke said that more money was needed for the Ferry Farm ES renovation and that she did not agree with it being done in two phases as the second phase would never be done; another project would come along and push Phase Two out of the way. She said that Mr. Foley and Ms. Light had worked hard; it was a team effort on this planning document and she did not see what could change in two weeks. Ms. Bohmke suggested moving back the Courthouse and cutting its cost in half as it was apparently not the will of the Board to support the CIP as it was.

Mr. Foley said that the 4.5 cents was over the course of 10 years, and the proposed CIP was within the County's debt capacity limit. He said he knew there was not enough transportation funding in the proposal to make some Board members happy. The proposal was a planning document, not an appropriation of funds and that staff needed direction. What was proposed was within the Board's financial policies and it was what eventually would go to the bond rating agencies. He said that there was no more revenue to build into the plan.

Mr. Cavalier said he sat with Mr. Foley and Ms. Light and his concerns were simple but game changers; that with seven Board members, there would be seven different CIPs given everyone's self-interest that should have come up in the meetings with individual Board members. Mr. Foley said that he met with all seven members of the Board and this (now) was the moment of truth. He said again that it was a planning document with many challenges on the horizon; that Stafford County was a growing community with infrastructure needs. He said that the Board could adopt the plan without any adjustments then staff would work on a revised plan and remove the 4.5 cent tax increase, which he said would have no impact on the next two fiscal years based on projections. He asked the Board to provide direction and hoped for support.

Mr. Dudenhefer said there were higher priorities than a new courthouse and that it should be pushed out; that the Courthouse was the biggest expense in FY2020 and FY2021 and that it should be pushed out at least five or six years and transportation issues should be added to the immediate horizon. He said that was the only way he would support the CIP.

Mr. Cavalier said that the only thing longer on the CIP than the Courthouse was Ferry Farm ES. He said that the CIP could not and should not be all school projects; that there was other needs and it should be as fair as possible. Removing the Courthouse or the renovations of Ferry Farm ES was not reasonable. He saw a lot of data on the Courthouse but none on Ferry Farm ES but he did not believe in sacrificing the Courthouse for other perceived needs.

Ms. Shelton said that FCS should be sacrificed and ES #18 should be pushed forward as she was opposed to busing north for pre-K students.

Mr. Snellings said that Hartwood ES was bursting at the seams and they would have to go with trailers, which came with serious safety concerns. He said that he supported FCS so as to get some relief in Hartwood as it (FCS) would provide 23 additional classrooms. Ms. Bohmke spoke about children ages 3, 4, and 5 having an hour-long bus ride both ways to school each day, which she said was not acceptable.

Mrs. Maurer suggested doing an up/down vote on the larger items. She said there was consensus on Ferry Farm ES and finishing Moncure ES but the Courthouse was up for debate. Mr. Cavalier said that had never been done before and he thought it was a bad idea.

Mr. Foley asked about bringing back something in particular within the County debt capacity that would eliminate the need for additional revenue but added that after year five, there would still be a need for tax increase. Ms. Bohmke said there was very little input in the IC meeting regarding the Courthouse and that there would not be another IC meeting until July 10th so the Board should give staff direction. Mr. Cavalier said that the Board could have a special meeting.

Mr. Foley said that if it was the mentality of the Board to give the School Board additional funds, staff would make it work and if the money was adjusted for a new high school and ES #18, it would give the School Board time to look at various plan. He recommended that he and staff work with the Board's Chairman and Vice Chairman to come up with a suitable revision to present to the Board on June 19, 2018. He said if there was a clear deferral by the Board, Mr. Foley was not sure what could be accomplished in two weeks, it was not feasible. Ms. Bohmke said that sounded reasonable to her and asked if the Board was comfortable with Mr. Foley working with her and Mr. Snellings. Mr. Snellings asked when it would be sent to the bond rating agencies. Ms. Light replied that it would be in September when a request to hold a public hearing on VPSA bonds would be recommended so that Schools' could participate in the fall borrow.

Mr. Cavalier repeated his motion to defer a vote on proposed Resolution R18-48 for two weeks. Mr. Snellings repeated his second of Mr. Cavalier's motion.

NEW BUSINESS

Item 25. Planning and Zoning: Identify Properties, Pursue and Set Aside Funding for the Purchase of Development Rights (PDR), Current Round Assistant Planning and Zoning Director, Ms. Kathy Baker gave a presentation and answered Board members questions. She gave the background of the PDR program and talked about the 2017 application round.

There were application rounds in 2019 and 2013, which resulted in the acquisition of six properties totaling 450 acres and 115 development rights being retired. She noted that application rounds are based on the availability of funds and that the new application round in 2017 opened with 11 applications.

Landowners submit an application; properties are ranked using criteria specified in Chapter 22A of the County Code; the PDR Committee reviews and makes recommendations to the Board based on rankings; and the Board ultimately recommends properties for easement acquisitions; recommendations are based on available funding. Currently, \$992,000 is available from FY18 (as of April) and additional roll back Funds are likely by the end of FY18. There is a potential for 50% matching funds through various state and federal agencies.

At a subsequent meeting (June 19, 2018) the Board will be asked to prioritize the 2017 application for easement acquisitions; authorize matching grant applications (due July 1st); and consider additional properties as additional fund become available.

Ms. Baker presented three scenarios as was requested by the Board's CEDC Committee. The first scenario was as ranked by the PDR Committee and presented to the CEDC in April. The second prioritizes properties with extenuating circumstances (there is an existing contract with a developer or properties located in the REPI area – adjacent to Marine Corps Base Quantico). The third scenario ranked applications from lowest to highest (not a viable option but one requested by the CEDC and provided by staff). The CEDC also recommended changes to the ordinance for future applications rounds but those changes would not affect the 2017 applications.

Mrs. Maurer expressed concern that the County spent PDR money on a property that did not go through the PDR process; it should have been ranked even though the money was specified for a particular location; and the property owner was a donor to a former Board member. Mr. Snellings stressed that it was a former Board member. Mrs. Maurer said that the County and the Board should adhere to policy.

Ms. Bohmke noted that the Shelton property/application was no relation to Cindy Shelton, the Aquia District Supervisor. Mr. Coen asked about the Moore property in the George Washington District; Ms. Baker responded that the Moor's owned both of the properties. Ms. Bohmke said she did not understand the lowest to highest scenario (#3) as it defeated the whole process. Ms. Baker said it was asked for by a member of the CEDC. She added that staff and the PDR Committee ranked according to scores or rankings and the others were options requested by the CEDC. Mrs. Maurer said the County would exit more development rights with Scenario #1 than with #2 or #3. Ms. Baker said that matching funds were property specific. Ms. Baker will have a resolution for Board consideration at the June 19, 2018 meeting.

Item 26. Discuss AirBNB Violations in Residential Neighborhoods Garrisonville District Supervisor, Mark Dudenhefer, asked that this item be placed on the agenda. Mr. Dudenhefer called Planning and Zoning Director, Mr. Jeff Harvey, to the podium and said that AirBNB's were popping up in his district and it was like having a hotel for your neighbor. He said that the 'guests' parked on other people's driveways and on other's front yards, and were rood people. It was not conducive to a good safe neighborhood feeling. He asked if there were any zoning violations or anything else that could be done to make this less egregious. Mr. Harvey said that AirBNBs not allowed and were pursued by staff inspectors on a case-by-case basis. He said that localities that permit them require business licenses and recreational permits but neither is available in Stafford. He said staff could check with the County Attorney to see if there were any other avenues to be pursued. Mr. Dudenhefer asked if there were zoning violations, could there be a lien placed on the absentee homeowner's property. Mr. Harvey said that there was 30 days to remedy a violation, which would be followed up by Court action, which took time to get on the docket and was costly.

Ms. Bohmke asked if HOA covenants would prevent AirBNBs from setting up in neighborhoods. Mr. Dudenhefer said they could but that most HOAs were formed long before the advent of AirBNBs.

Mr. Dudenhefer talked about inspecting complaints for unusual activities and talked about the length of time a person had to occupy a dwelling to be considered a resident. Mr. Harvey said it was 90 days. Mr. Dudenhefer said that it was becoming more and more of a problem and the Board should be proactive in dealing with it. Mr. Harvey suggested bringing it to the CEDC for further consideration. Ms. Bohmke agreed that the Board would have to deal with it at some point and may as well get started on it. Mr. Dudenhefer compared it to Uber drivers who were battling licensed taxi drivers.

Mrs. Maurer said that the Commissioner of the Revenue, Mr. Scott Mayausky, should be included in future discussions as he did a lot of research and work on the subject of AirBNBs. The Board agreed to add this to the next CEDC meeting agenda.

The Voting Board tally was:

Yea:	(7)	Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay:	(0)	

ADD ON TO NEW BUSINESS

Item 27. Planning and Zoning: A Resolution Authorizing the County Administrator to Advertise a Joint Public Hearing with the Planning Commission and Requesting the Planning Commission's Participation to Consider an Amendment to the County Code, pursuant to Proposed Ordinance O18-26

Mr. Smith said that a like item regarding parking and drive aisles was referred to the Planning Commission with the affirmative vote of the earlier Consent Agenda. This item, the add-on, referred specifically to the Planned Traditional Neighborhood Development (P-TND), which was urban in nature and referred to developments with shared parking and considered if the County's current parking regulations were adequate or if they could be reduced.

The developer of the Garrison was awaiting site plan approval. Financing approval was being considered based on several factors including shared parking at the Garrison development. The P-TND Zoning District was only applicable at Aquia Towne Center, the Garrison, and at the future Downtown Stafford.

Mr. Smith said that this was a small change and that staff was requesting authorization to schedule a joint public hearing with the Planning Commission, tentatively scheduled for July 10, 2018 to consider an amendment to County Code regarding shared parking.

Mrs. Maurer asked how many spaces were currently included in the site plan and how many would there be if the proposed amendment was approved. Mr. Smith replied that 50 new spaces were required with the new site plan; that the number of spaces on the existing site plan was approved. Mrs. Maurer questioned if it was in accord with the current ordinance. Mr. Smith said that it was 1.2 on the GDP whereas the Zoning Ordinance called for 1.1. Mrs. Maurer said that there was no rush to approve the Garrison's current site plan. Mr. Smith said that approval was needed for Mr. Pence to obtain financing.

When questioned about the number on the GDP, Mr. Smith said that the numbers on the GDP were "for illustrative purposes only." Ms. Bohmke asked why it would affect financing. Mr. Smith answered that it was that the developer could prove that he could build what he was obtaining financing for; he added that the comments on the GDP were not binding.

Mrs. Maurer said that she has trust issues with developers and said that everyone was excited about the new movie theater and now wanted to change the County's ordinance to accommodate it even though the GDP was not in accordance with the County's Zoning Ordinance. She said that each saved parking spot saved the developer \$15,000. Mr. Foley said that it was best in the terms of policy and where the Board wanted more dense development. The change would also help with the future downtown Stafford.

Mr. Snellings said to bring it back on June 19th for a vote to authorize the joint public hearing. The Board took no action on this item on June 5th.

CLOSED MEETING

At 5:23 p.m., Mr. Snellings motioned, seconded by Mrs. Maurer, to adopt proposed Resolution CM 18-13.

The Voting Board tally was:

Yea:	(7)	Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay:	(0)	

Resolution CM18-13 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel and briefings by staff members regarding a specific legal matter requiring the provision of legal advice by counsel; and (2) consultation with legal counsel and briefings by staff members pertaining to litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Board; and

WHEREAS, pursuant to Virginia Code § 2.2-3711 (A)(7) and (A)(8) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 5th day of June, 2018, does hereby authorize discussion of the above matter in Closed Meeting.

CLOSED MEETING CERTIFICATION

At 5:59 p.m., Mrs. Maurer motioned, seconded by Mr. Coen, to adopt proposed Resolution CM 18-13(a).

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay: (0)

Resolution CM-18-13 (a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 5, 2018

WHEREAS, the Board has, on this the 5th day of June, 2018, 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 5th day of June, 2018, 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 Closed Meeting certification, Mrs. Maurer motioned, seconded by Mr. Coen, to waive the Board's Bylaws due to time sensitivity of the next item to be voted on.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay: (0)

Following the motion to waive the Board's Bylaws, Mrs. Maurer motioned, seconded by Mr. Snellings, to authorize the County Attorney's Office to appeal the 127 Popular Junior LLC case in accordance with the Board's closed meeting discussion.

The Voting Board tally was:

Yea: (6) Bohmke, Coen, Dudenhefer, Maurer, Shelton, Snellings

Nay: (1) Cavalier

At 6:00 p.m., the Chairman recessed the afternoon session of the June 5, 2018 Board meeting.

At 7:00 p.m. the Chairman called the evening session to order. Ms. Shelton gave the invocation and Mr. Cavalier led the Pledge of Allegiance to the Flag.

Ms. Bohmke invited Mr. Jeff Shover to the dais to help her welcome the student-participants in the YES (Youth Engaged in Stafford) program. The following students were present to accept certificates and County coins: Natally Bisco; Elena Ahwee-Marrah; Dylan Amankwaah; Matthew Stocks; Connor Merk; Sarina Heron; Emily Guerrero; Jarrett Holmes, and Sara Miller. Students that participated but were unable to attend were Erin McCluskey, Catherine Cata', and Amrutha Obbineni.

Mr. Shover said that the YES program was the brainchild of Ms. Donna Krauss and gave teenagers a voice and the program was unique in the Commonwealth. Student participants were encouraged to participate, ask questions, do research about relevant subjects and to bring their ideas to the table. Jarrett Holmes said that he participated in the Telecommunications Commission and spoke about it being a great learning process as to how each internet provider worked in the County and how technology centric everything was today in schools and the community. Sarina Heron participated with the Rappahannock Group Home Commission. She said that understanding its budgeting was challenging. Elena Ahwee-Marrah participated on the Architectural Review Board and said she realized now that there was a lot of work done to preserve historical sites in the County. Sara Milled participated on the Historical Commission and said that though their meetings were brief, there was a lot of work done behind the scenes. Dylan Amankwaah participated on the Community Policy and Management Team (CPMT), which helps at-risk youth and families and he learned about balancing funding with the needs of the families, which took a lot of brainstorming with the CPMT and other localities. Connor Merk worked with the Planning Commission. He said he learned about the dynamic between government and the community. Emily Guerrero worked with the Agriculture/Purchase of Development Rights group, saying that she learned that it was important that everyone was represented, treated fairly, were a part of the community, and it works doing great things to preserve the County. Natally Bisco participated on the Utilities Commission and said that she learned that people take water for granted and it really was a complicated thing to keep a supply of clean water flowing. Ms. Bohmke thanked all of the students and said she hoped they came back next year as YES participants.

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

Paul Waldowski - Gerrymandered Rock Hill District; encouraged getting the YES students to speak publicly; spoke about the 50th anniversary of Robert F. Kennedy's assassination and the upcoming anniversary of his departed father's birthday. He is meeting

with the Board of Equalization at 2:00 p.m. on June 18th because the County assesses property incorrectly and does not use acres correctly so the rich get richer and the poor get poorer. HOA means houses of aristocrats; the Secretary of Education was grilled today by a House subcommittee; the North vs. South working pertains to gerrymandering; the Chesapeake Bay Watershed means something and east of I95 was flooded. His tenants car was towed and he is taking Shank's Towing to Small Claims Court.

PUBLIC HEARINGS

Item 22. Fire, Rescue, and Emergency Services; Authorize Revisions to the Stafford County Fire Code Andrew Milliken, Fire Protection Engineer and Deputy Fire Marshal, gave a presentation and answered Board members questions. He noted that safety was the Department's first responsibility; the existing Fire Code had not been updated for several years and with the advancement in technology, it was long overdue.

Stafford County Code, Chapter 12 "Fire Prevention and Protection" codifies the County's commitment to protecting the lives and property of County residents, businesses, visitors, and first responders from the devastating consequences of fires, explosions, hazardous materials, and other emergencies. Many sections of the Code have not been revised for decades and contain outdated references and requirements. Deputy Chief Milliken said that it was important for safety and economic development to keep pace with current standards, technology, hazards, and available solutions. He noted that recent changes approved by the State Board of Housing and Community Development are set to remove critical technical details and add additional levels of bureaucracy to businesses and staff.

Included in the proposed revisions was adoption of the current edition of the Fire Prevention regulations as they applied today to protect Stafford County from the undesirable, state-level changes expected to take effect this year. It was a complete re-write of nearly the entire chapter, and the vast majority of the changes were directly from existing state, local, or regional regulations or policies. In addition, changes would prohibit unlawful activities such as damage to Fire and Rescue equipment or injuring personnel; reducing the occurrence of faulty fire alarms; enforce penalties for making knowingly false reports of emergencies; ensure clean-up of hazardous material spills; it increases set-back distances for burning near high risk facilities; and add protection for food preparation vehicles, trade/exhibit shows, ten-year smoke alarms, exterior door numbering for first responders, outdoor painting of vehicles, containers for outdoor tire storage, and storage of flammable liquids in hotel rooms or indoor self-storage facilities.

Development of the proposed revision included a comprehensive review of local fire protection code regulations from dozens of peer jurisdictions; a review and input from multiple stakeholders including approval from the Board-appointed Board of Fire Prevention Code Appeals. There was coordinating with the Virginia Department of Environmental Quality (DEQ) regarding its mandatory and model regulations for open burning; it was reviewed and

approved by the County Attorney's Office; the Virginia Air Pollution Control Board reviewed Article V (open burning) and gave its approval in April 2018; and the revisions were recommended by the Board's Public Safety Committee after discussion at its meeting in February, April, and May, 2018.

Ms. Shelton asked about special incineration and if it was preferable to open burning. Deputy Chief Milliken said that there was less smoke with incineration than open burning. Ms. Shelton asked if there were any minors on the County's volunteer fire force. Fire Marshal Roger Sutherland responded that there were approximately 25-30 minors in the Junior Firefighter and EMT programs. Ms. Shelton said she was impressed.

The Chairman opened the public hearing. The following person(s) indicated a desire to speak:
Paul Waldowski
The Chairman closed the public hearing.

Mrs. Maurer motioned, seconded by Ms. Shelton, to adopt proposed Ordinance O18-24.

The Voting Board tally was:

Yea:	(7)	Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay:	(0)	

Ordinance O18-24 reads as follows:

AN ORDINANCE TO WITHIN COUNTY CODE CHAPTER 12, "FIRE PREVENTION AND PROTECTION" (1) REPEAL ARTICLES I THROUGH VI; (2) ORDAIN NEW ARTICLES I THROUGH VI, TO UPDATE THE CHAPTER AND ACCOUNT FOR CHANGES IN STATEWIDE LEGISLATION; AND (3) MAINTAIN ARTICLE VII

WHEREAS, the Board has identified public safety as a top priority; and

WHEREAS, the Board is committed to fostering economic development and protecting the lives and property of residents, business, visitors and first-responders from the devastating consequences of fires, explosions and hazardous materials throughout Stafford County; and

WHEREAS, national model fire codes are frequently updated to address changes in technology, materials, business practices and hazards; and

WHEREAS, Virginia Code § 27-97 authorizes the Board and the Board desires to adopt fire prevention regulations that are more restrictive and/or more extensive in scope than the Virginia Statewide Fire Prevention Code; and

WHEREAS, the Virginia Air Pollution Control Board has approved the revised open burning regulations in proposed Article V; and

WHEREAS, the Board carefully considered the recommendation of the Public Safety Committee and staff, and the testimony, if any, recorded at the public hearing; and

WHEREAS, the Board finds that public health, safety, general welfare and economic development require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that Articles I through VI of Stafford County Code, Chapter 12, "Fire Prevention and Protection," be and they hereby are repealed in their entirety; and

BE IT FURTHER ORDAINED that Articles 1 through VI of Stafford County Code, Chapter 12, entitled "Fire Prevention and Protection" are reordained as follows, all other portions remaining unchanged:

Chapter 12 - FIRE PREVENTION AND PROTECTION

ARTICLE I. - DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES

Sec. 12-1. - Establishment of the department of fire, rescue and emergency services.

The Stafford County Department of Fire, Rescue and Emergency Services ("the department") is hereby established. The department shall provide all fire and emergency medical services and services related to civilian protection and evacuation in disasters and emergencies. The department shall also be responsible for administration of local, state and federal emergency response, assistance and recovery programs within the county.

Sec. 12-2. - Definitions.

Fire and rescue personnel includes emergency responder volunteers and career fire and rescue county employees.

Stafford Fire and Rescue Association shall consist of two (2) representatives from each recognized volunteer company and two (2) career fire and rescue employees.

Sec. 12-3. - Composition of the department of fire, rescue and emergency services.

The department shall be comprised of the officials and staff of the department and the following volunteer fire companies and rescue squads, which are an integral part of the official safety program of the county: Stafford Volunteer Rescue Squad, Mountain View Volunteer Rescue Squad, White Oak Volunteer Rescue Squad, Rockhill Volunteer Rescue Squad, Aquia Harbour Volunteer Rescue Squad, Falmouth Volunteer Fire and Rescue Company, Stafford Volunteer Fire Company, Widewater Volunteer Fire and Rescue Company, Mountain View Volunteer Fire Company, Brooke Volunteer Fire and Rescue Company, Hartwood Volunteer Fire and Rescue Company, White Oak Volunteer Fire Company and Rockhill Volunteer Fire Company.

Sec. 12-4. - Responsibilities of the department of fire, rescue and emergency services.

The department shall be responsible for:

- (a) Regulating and managing the provisions of all prehospital emergency patient care and services, and for regulating providers of either emergency or nonemergency transportation of patients requiring medical services.
- (b) Regulating and managing the provision of fire prevention, protection, investigation, suppression, education and rescue services for enforcing the laws related to fire prevention and for provision of services related to hazardous materials and similar hazards which pose a threat to life and property.
- (c) Any additional related services that are necessary for the provision of fire and emergency medical services.

Sec. 12-5. - Fire and rescue chief.

The head of the department shall be known as the fire and rescue chief, who shall be appointed by the county administrator. The department shall have as many other officers and employees as the board of supervisors may approve. The fire and rescue chief shall have the following duties:

- (a) Provide the general management of the department function and may delegate authority to other officials and staff of the department.
- (b) Establish and enforce departmental regulations. Such regulations shall be consistent with this chapter, but may provide for additional and more stringent requirements applicable to the department. The fire and rescue chief shall have the authority to promulgate standard operating procedures and policies, both operational and administrative, after providing sufficient time for input from the fire and rescue association. The fire and rescue chief shall establish and enforce training and physical standards; equipment specifications for all departmental equipment, both mobile and non-mobile, and shall determine the department's fleet size and function.
- (c) Control of station operations, relating to the provision of fire and rescue services, including staffing, and shall ensure the regulations are applied to all fire and rescue personnel of the department.
- (d) Hire, appoint and terminate officers, staff and volunteers of the department. The fire and rescue chief shall provide for appropriate investigation of staff and volunteer applicants and incumbents, including a review of both criminal history and driving records; disciplinary actions will be taken in accordance with county policy. Termination of volunteers shall not occur until after providing sufficient time for input from the respective volunteer company and the fire and rescue association.
- (e) Provide general management, planning, preparation and response for any disaster that occurs in the county and requires the implementation of the county's emergency response plan and shall function as the coordinator of emergency services pursuant to Code of Virginia, title 44.
- (f) Take all actions, on behalf of the county administrator, necessary to implement and carry out the terms of agreements for mutual aid, disaster preparedness and provision of services related to hazardous materials, rescues, fire suppression, investigation,

medical services or other emergency response services deemed necessary in the judgment of the fire and rescue chief in events exceeding the capabilities of an individual locality or government agency.

- (g) Enter into contracts on behalf of the county and to expend funds after an official disaster or emergency declaration to provide for the public safety during such events in accordance with applicable laws and regulations. The fire and rescue chief shall have the authority to take all actions necessary to obtain funding and assistance from other localities and from state and federal agencies for these purposes. The powers enumerated in this subsection are only authorized at the express direction of the county administrator who serves as the director of emergency services, pursuant to Code of Virginia, title 44.

Sec. 12-6. - Advisors to the fire and rescue chief.

The Stafford County Fire and Rescue Association (fire and rescue association) shall serve as an advisory group to the fire and rescue chief and shall be consulted prior to the issuance of any regulations or policies related to fire or emergency medical operations.

Sec. 12-7. - Criminal and driving record checks.

The fire and rescue chief shall review or cause to be reviewed:

- (a) Criminal records of applicants for employment and volunteer members in the department. The review shall be conducted in the interest of public welfare and safety, to determine if the past criminal conduct of any person with a criminal record would be compatible with the nature of the employment or volunteer service.
- (b) Driving records of applicants for employment or volunteer status may be conducted in accordance with county personnel policies to determine if the record is compatible with employment or volunteer service.

Sec. 12-8. - Compliance with regulations and policies; penalties.

- (a) Compliance with all regulations, directives, policies, and procedures of the department as enforced by the fire and rescue chief, by the entities, officials, and staff, is required by all fire and rescue personnel.
- (b) As the department's enforcing authority, the fire and rescue chief shall have the responsibility to remove, suspend or revoke the privileges of any individual or entity to operate as an Emergency Medical Service (EMS) or fire service provider or officer in the county, for violations of regulations promulgated by the fire and rescue chief or the operational medical director, or for the purpose of protecting public safety. Disciplinary action of volunteers shall not occur until after providing sufficient time for input from the respective volunteer company and the fire and rescue association.
- (c) Volunteer members not in compliance shall be afforded a review process established by departmental regulations and applicable to any removal, suspension, or revocation of privileges.

(d) Any violation of this article for which a penalty is not specified shall be a class 1 misdemeanor. Any misrepresentation made by any person to any county officer or employee in the course of obtaining or renewing a permit or in providing information for a criminal or other record investigation shall constitute a class 1 misdemeanor.

(e) Volunteer appeals of a decision of the fire and rescue chief shall be referred to the fire and rescue association. Fire and rescue association appeals of a decision of the fire and rescue chief shall be referred to the county administrator.

Sec. 12-9. - Volunteer rescue squads and fire companies.

Volunteer rescue squads and volunteer fire companies may be formed, named and dissolved and shall operate in compliance with applicable statutes, provisions of this chapter and regulations, including those issued by the fire and rescue chief. Formation, naming and dissolution shall be effective only if approved by the board of supervisors. Volunteer rescue squads and volunteer fire companies may adopt by-laws for their internal administrative functions.

Sec. 12-10. - Physical examination of firemen or volunteer firemen protected by Line of Duty Act.

Pursuant to Code of Virginia, section 27-40.1:1 every fireman or volunteer fireman protected by the Line of Duty Act shall submit himself for the physical examination required by section 27-40.1 of such Code at the time he becomes a member of any organized firefighting company in the county. Such examination shall be made by a physician employed by the county.

Sec. 12-11. - Participation by minors in activities of volunteer fire company.

(a) Any minor sixteen (16) years of age or older, with written parental or guardian approval, may work with or participate fully in all activities of a volunteer fire company in the county, provided such minor has obtained certification under National Fire Protection Association 1001, level one firefighter standards, as administered by the state department of fire programs.

(b) Any trainer or instructor of a minor mentioned in subsection (a) of this section, or any member of a paid or volunteer fire company who supervises any such minor at the scene of any emergency, shall be exempt from the provisions of Code of Virginia, section 40.1-103 relating to cruelty and injuries to children, provided the volunteer fire company or the board of supervisors has purchased insurance which provides coverage for injuries to, or the death of, such minor in the performance of activities under this section.

Secs. 12-12—12-19. - Reserved.

ARTICLE II. - OFFICE OF THE FIRE MARSHAL

Sec. 12-20. - Office of the fire marshal created; appointment and oath of fire marshal and deputies.

- (a) The office of the county fire marshal ("Fire Marshal's Office") is hereby established. The county administrator shall appoint the fire marshal and such deputy fire marshals as he deems necessary.
- (b) The fire marshal and his deputies and assistants shall, before entering upon their duties, take an oath, before any officer authorized to administer oaths, to faithfully discharge the duties of their office.
- (c) The county fire marshal shall not be appointed for a definite term and shall continue to be an employee of the county subject to the personnel policies of the county.

Sec. 12-21. - Powers and duties.

- (a) The county fire marshal and any deputy fire marshals are designated to act as the enforcement entity for this chapter and shall have all powers as authorized by Code of Virginia, § 27-34 et seq.
- (b) The fire marshal shall investigate or cause to be investigated, the cause and origin of every fire, explosion or hazardous material incident, or reasonably suspected incident, occurring within the county including those of an unknown or suspicious nature or which involves the loss of life or causes injury to persons or causes destruction of or damage to property. Such investigation shall be made at the time of the fire or at a subsequent time, depending on the nature and circumstances of the incident. The investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, as well as the storage, use and transportation of hazardous materials or hazardous waste, environmental crimes, and other offenses involving the calling or summoning of fire or rescue equipment without just cause or other offenses arising out of or incidental to the investigation of the enumerated offenses shall be the responsibility of the fire marshal or his designee.
 - (1) It shall be the responsibility of the department officer-in-charge, or her designee, to file with the fire marshal, in such form as prescribed by the fire marshal, a report of every fire, explosion or hazardous materials incident to which apparatus or equipment responds. Such reports shall be filed at such time and location as prescribed by the fire and rescue chief.
 - (2) The fire marshal or his designee shall take charge immediately of any evidence and, in order to preserve such evidence relating to the cause and origin of any such incident, take means to prevent access by any person or persons to the building, structure or premises until such evidence has been properly processed. The Sheriff's Office, upon request of the Fire Marshal's Office, shall assist in the investigation and security as needed.
- (c) Pursuant to Code of Virginia § 27-98, the fire marshal shall, at a minimum, annually inspect all facilities, properties, systems, equipment and materials stored, used or

handled and all pertinent conditions therein requiring a Fire Prevention Code Permit as outlined in Article VI herein as well as other occupancies as deemed necessary by the fire and rescue chief, to ensure that they are in compliance with the requirements, regulations and standards set forth by this chapter.

(d) The fire marshal shall assist the building official in the review of construction plans for compliance with fire protection and life safety provisions of the Virginia Uniform Statewide Building Code and the review and inspection of all fire protection system permits. Furthermore, the fire marshal shall assist the building official in performing inspections of new systems and structures prior to the issuance of a certificate of occupancy. Likewise, the fire marshal shall assist the department of planning and zoning in the review of site development plans for compliance with this chapter including the Fire Prevention Code.

(e) Where so designated by the fire marshal, any deputy fire marshals as well as other assistants or staff, herein referred to collectively as the Fire Marshal's Office, shall in the absence of the fire marshal, have the powers and perform the duties of the fire marshal.

Sec. 12-22. - Penalty.

Unless otherwise specified, it shall be unlawful for any owner or any other person, firm or corporation, to violate any provisions of this chapter including the Fire Prevention Code. Any such violations shall be deemed a Class 1 misdemeanor, and any owner, or any other person, firm or corporation convicted of such violation shall be punished in accordance with county code section 1-11. Each day that a violation continues after a service of notice, as provided for in the Fire Prevention Code if applicable, shall be deemed a separate offense.

Sec. 12-23. - Powers for Sheriff or deputies to enforce certain sections.

Unless otherwise indicated in this chapter, the Stafford County Sherriff or deputies shall be authorized to enforce county code section 12-61 (fire lanes) and county code section 12-62 subsection 5610 (fireworks).

Secs. 12-24—12-29. - Reserved.

ARTICLE III. UNLAWFUL FIRES

Sec. 12-30. - Precautions to prevent spread of fire generally.

(a) It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris or other flammable material upon such land, unless he previously shall have taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris or other flammable material, upon such land, unless he shall have taken similar precautions to prevent the spread of such fire to any other land.

- (b) Any person violating any provision of this section shall, upon conviction, incur a penalty as stipulated in county code section 12-22. If any forest fire shall originate as a result of the violation by any person of any provision of this section, such person shall, in addition to the above penalty, be liable to the county for the full amount of all expenses incurred by the county in suppressing such fire.

Sec. 12-31. - Extinguishing fire built near woodland, brush land, etc.

Any person who shall build a fire in the open air, or use a fire built by another in the open air, within one hundred fifty (150) feet of any woodland, brushland or field containing dry grass or other flammable material, shall, before leaving such fire untended, totally extinguish it. Any person failing to do so shall incur a penalty as stipulated in county code section 12-22. Whenever it shall be established that a forest fire originated from such fire, the person building or using such fire shall, in addition to the penalty imposed for violating this section, be liable for the full amount of all costs incurred in suppressing the fire.

Sec. 12-32. - Intentionally allowing fire to spread to land of another.

Any person who intentionally sets or procures another to set fire to any woods, brush, leaves, grass, straw, or any other flammable substance capable of spreading fire, and who intentionally allows the fire to escape to lands not his own, whereby the property of another is damaged or jeopardized, shall incur a penalty as stipulated in county code section 12-22. In addition, such person shall be liable for the full amount of all expenses incurred in fighting the fire.

Sec. 12-33. - Carelessly damaging or jeopardizing property by fire; penalty.

If any person carelessly, negligently sets any woods or marshes on fire, or sets fire to any stubble, brush, straw, or any other substance capable of spreading fire on lands, whereby the property of another is damaged or jeopardized, he shall be guilty of a Class 4 misdemeanor, and shall be liable for the full amount of all expenses incurred in fighting the fire.

Sec. 12-34. - Open flames prohibited.

- (a) No person shall take or utilize an open flame or light in a structure, vessel, boat, or other place where highly flammable, combustible or explosive material is utilized, dispensed or stored, or within 25 feet of such places. This section includes the use of any lighted match, cigar, cigarette, matches, or other flaming, smoking or smoldering, or glowing substance or object.
- (b) No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming, smoking or smoldering, or glowing substance or object on any surface or article where it can cause an unwanted or unlawful fire.
- (c) Any person violating any provision of this section shall, upon conviction, incur a penalty as stipulated in county code section 12-22.

Secs. 12-35 – 12-39 – Reserved.

ARTICLE IV. UNLAWFUL ACTIVITIES

Sec. 12-40. - Damage or injury to department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface any department equipment or vehicle at any time; or to injure, or attempt to injure, or conspire to injure fire and rescue department personnel while such personnel are in the performance of departmental duties.

Sec. 12-41. - Use of fire apparatus, equipment, etc., within the county.

- (a) It shall be unlawful for any person to operate or cause to be operated upon a public highway or street in the county any vehicle or equipment used, intended to be used or designed to be used for the purpose of fighting fires or hazardous material emergencies, unless such vehicle or equipment is owned by a recognized fire or rescue company of the county.
- (b) For the purpose of this section, a recognized fire or rescue company of the county shall be construed to mean one that has been recognized as such by resolution of the board of supervisors.
- (c) This section shall not apply to the operation of emergency vehicles and equipment owned by any recognized fire or rescue company outside of the county when such vehicle or equipment is traveling in or through the county for parade or other non-firefighting purposes or in response to a call from the Emergency Communications Center.

Sec. 12-42. - Unlawful boarding or tampering with department vehicles.

It shall be unlawful for any person, without proper authorization from the fire department officer-in-charge of said vehicle, to cling to, attach himself to, climb upon or into, board, or swing upon any department vehicle, whether such vehicle is in motion or at rest or to sound any warning device thereon or to manipulate, tamper with, or destroy or attempt to manipulate, tamper with, or destroy any lever, valve, switch, starting device, brake, pump or any equipment, protective clothing, or tool on or a part of such department vehicle.

Sec. 12-43. - Impersonation of public safety personnel; penalty.

It shall be unlawful for any person who willfully impersonates, with the intent to make another believe he is, an emergency medical services provider, firefighter, special forest warden designated pursuant to Virginia Code § 10.1-1135, fire marshal, or fire and rescue chief. Such person shall be guilty of a Class 1 misdemeanor and a second or subsequent offense is punishable as a Class 6 felony.

Sec. 12-44. - Unlawful to cross fire line.

It shall be unlawful for any person to cross or to remain within designated fire lines or barricades, which have been established to prevent public access to the scene of a fire(s), wreck(s), explosions(s), crime(s), and/or emergency situations where life, limb or property may be endangered.

Sec. 12-45. - Unlawful or prohibited acts including causing, permitting, concealing.

Whenever in this chapter any act or omission is made unlawful or prohibited, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

Sec. 12-46. - Unauthorized use of fire protection equipment; faulty alarms.

- (a) It shall be unlawful for any person to tamper with, damage, or destroy, to use without just cause or authorization, or to hinder the use of any fire protection system or fire extinguisher installed in any building or structure within the county.
- (b) It shall be unlawful for any person to use, tamper with, damage, or destroy any fire hydrant, valve, or fire protection equipment within the county except that fire departments may use hydrants and equipment for firefighting or training purposes, or a person who has obtained a permit for use from the public authority or utility having jurisdiction over said items. When use is by a person under permit from the authority having jurisdiction, all policies as outlined on said permit or application shall be complied with.
- (c) Whenever faulty or nuisance fire alarm activations occur in an occupancy and exceed three (3) or more times within a thirty (30) day period, the fire marshal may require the owner or occupant to have a licensed fire protection system contractor conduct a full system test, witnessed by the fire marshal or his designee, of the fire protection system associated with the faulty or nuisance alarm.
 - (1) For the purposes of this section, a faulty or nuisance alarm is deemed to occur whenever the fire marshal or department officer-in-charge of the fire alarm response determines, after investigation, that faulty equipment or processes likely initiated the alarm.
 - (2) As soon as practical following the faulty or nuisance alarm, the responding officer-in-charge shall cause the Fire Marshal's Office to be notified in writing of the facts and circumstances supporting the determination that faulty equipment or processes initiated the alarm.
- (d) It shall be unlawful to silence or reset, or to direct another to do the same to, any fire alarm or building evacuation notification system without prior authorization from the fire marshal or his designee. This section shall not apply to law enforcement officers or other first responders in the performance of their duties nor to licensed fire suppression, fire protection or fire alarm system contractors or trained and qualified property owners and their staff when conducting inspection, testing, service or maintenance on fire protection systems.
- (e) Any person violating any provision of this section shall, upon conviction, incur a penalty as stipulated in county code section 12-22.

Sec. 12-47. - Failure to notify of fire or explosion; false report prohibited.

- (a) When an unlawful fire or explosion or the evidence of the occurrence of an unlawful fire or explosion is discovered, even though it has apparently been extinguished or complete, the person making such discovery shall immediately report the same to the fire marshal through the county Emergency Communications Center.
- (b) It shall be unlawful to knowingly give, to cause, or permit a false report, or transmit a false alarm concerning fires, smoke, explosions, hazardous materials releases, the need for emergency medical or rescue services, or the sighting of severe storms such as tornadoes.
- (c) Any person violating any provision of this section shall, upon conviction, incur a penalty as stipulated in county code section 12-22.

Sec. 12-48. - Unauthorized hazardous material release.

- (a) Hazardous materials in any quantity shall not be released into a sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal waterway or on the ground, sidewalk, street, highway or into the atmosphere unless otherwise permitted by the Fire Prevention Code.
- (b) It shall be unlawful for any person to knowingly delay or cause to be delayed the immediate reporting to the fire marshal through the county Emergency Communications Center, any incident related to the willful or accidental release, discharge, leak, spill, or dumping of a hazardous material or hazardous waste.
- (c) The person, firm, corporation, or person-in-charge, who is responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effect of such unauthorized discharge, whether sudden or gradual, at no cost to the county. The fire marshal may require records and receipts to verify cleanup and proper disposal of unauthorized discharges. When deemed necessary by the fire marshal, cleanup may be initiated by the department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator, or person-in-charge who is responsible for the unauthorized discharge.
- (d) When responsibility for the unauthorized discharge is not able to be identified by the fire marshal, the owner and the tenant or other person-in-charge of the premises when a leak or spill occurs, or when a leak or spill is discovered, shall be fully responsible for the containment, cleanup, and disposal of the hazardous materials to the satisfaction of the fire marshal. For the purposes of this subsection, the phrase, "person-in-charge" means any firm, business, corporation, or person who is solely or jointly in control of all or any portion of the premises, facility, building, structure, vehicle, device or other property, substance, material, gas, liquid, chemical, or condition regulated by this chapter. A person-in-charge includes an owner, operator, permit holder, tenant, occupant, manager, employee, agent, contractor, attendant, or other person regardless of rank or authority.
- (e) Any person violating any provision of this section shall incur a penalty as stipulated in county code section 12-22.

Sec. 12-49. - Unlawful possession or use of explosives or hazardous substances prohibited; penalty.

- (a) Any person who (i) possesses materials with which fire bombs or explosive materials or devices can be made with the intent to manufacture fire bombs or explosive materials or devices, or (ii) manufactures, transports, distributes, possesses or uses a fire bomb or explosive materials or devices shall be guilty of a Class 5 felony.
- (b) Any person who constructs, uses, places, sends, or causes to be sent any hoax explosive device so as to intentionally cause another person to believe that such device is a bomb or explosive shall be guilty of a Class 6 felony.
- (c) If any person maliciously causes any other person bodily injury by means of any acid, lye or other caustic substance or agent or use of any explosive or fire, he shall be guilty of a felony and shall be punished by confinement in a state correctional facility for a period of not less than five (5) years nor more than thirty (30) years. If such act is done unlawfully but not maliciously, the offender shall be guilty of a Class 6 felony.

ARTICLE V. Open Air Burning.

Sec. 12-50. - Purpose.

- (a) The purpose of this article is to protect the public health, safety, and welfare by regulating open burning within the county to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development. This article shall supplement the applicable regulations promulgated by the State Air Pollution Control Board and other applicable regulations and laws.
- (b) The provisions of this article shall be enforced by the fire marshal, deputy fire marshals, Sheriff or their designee.

Sec. 12-51. - Definitions.

For the purpose of this article, subsequent amendments or any orders issued pursuant to this section, the words or phrases shall have the meanings given them in this section.

Automobile graveyard means any lot or place that is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and that it would not be economically practical to make operative, are placed, located or found.

Bonfire means an outdoor fire used for ceremonial purposes.

Built-up area means any area with a substantial portion covered by industrial, commercial or residential buildings.

Recreational burning means an outdoor fire which is used to cook food for human consumption such as a campfire, warming fires and bonfires.

Clean burning waste means waste that is not prohibited to be burned under this article and that consists only of (i) 100% wood waste, (ii) 100% clean lumber or clean wood, (iii) 100% yard waste, or (iv) 100% mixture of only any combination of wood waste, clean lumber, clean wood or yard waste.

Clean lumber means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

Clean wood means uncontaminated natural or untreated wood. Clean wood includes, but is not limited to, byproducts of harvesting activities conducted for forest management or commercial logging, or mill residues consisting of bark, chips, edgings, sawdust, shavings or slabs. It does not include wood that has been treated, adulterated, or chemically changed in some way; treated with glues, binders or resins; or painted, stained or coated.

Construction waste means solid waste that is produced or generated during construction remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials must be in accordance with the regulations of the Virginia Waste Management Board.

Debris waste means wastes resulting from land clearing operations. Debris wastes include but are not limited to stumps, wood, brush, leaves, soil and road spoils.

Demolition waste means that solid waste that is produced by the destruction of structures, or their foundations, or both, and includes the same materials as construction waste.

Garbage means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Hazardous waste means a "hazardous waste" as described in 9VAC20-60 (Virginia Hazardous Waste Management Regulations).

Household waste means any waste material, including garbage, trash and refuse derived from households. For purposes of this article, households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) that is regulated by state agencies.

Industrial waste means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include but is not limited to waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Junkyard means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills.

Landfill means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill. See 9VAC20-81 (Solid Waste Management Regulations) for further definitions of these terms.

Local landfill means any landfill located within the jurisdiction of a local government (Rappahannock Regional Landfill).

Open burning means the combustion of any matter in such a manner that the products resulting from combustion are emitted directly into the atmosphere without:

- (1) Control of combustion air to maintain adequate temperature for efficient combustion;
- (2) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- (3) Control of the combustion product's emission such as passing through a stack, duct or chimney.

Open pit incinerator means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion byproducts emitted into the atmosphere. The term also includes trench burners, air curtain incinerators and over draft incinerators.

Refuse means all solid waste products having the characteristics of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination or other discarded materials.

Salvage operation means any operation consisting of a business, trade or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums, and specifically including automobile graveyards and junkyards.

Sanitary landfill means an engineered land burial facility for the disposal of household waste that is so located, designed, constructed, and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes, such as commercial solid waste, nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction, demolition, or debris waste and nonhazardous industrial

solid waste. See 9VAC20-81-10 (Solid Waste Management Regulations) for further definitions of these terms.

Smoke means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash and other material in concentrations sufficient to form a visible plume.

Special incineration device means an open pit incinerator, conical or teepee burner, or any other device specifically designed to provide good combustion performance.

Wood waste means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

- (1) Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
- (2) Construction, renovation, or demolition wastes.
- (3) Clean lumber.

Yard waste means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include construction, renovation, and demolition wastes, or clean wood.

Sec. 12-52 - Prohibitions on open burning.

- (a) No owner or other person shall cause or permit open burning or the use of a special incineration device except as provided in this article. The open burning of garbage, refuse, trash, rubbish and other forms of solid, liquid waste, including but not limited to wastes resulting from residential, agricultural, commercial, industrial, institutional, trade and construction shall be prohibited at all times.
- (b) No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of rubber tires, asphaltic materials, crankcase oil, impregnated wood or other rubber or petroleum based materials except when conducting bona fide firefighting instruction at firefighting training schools having permanent facilities.
- (c) No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of hazardous waste or containers for such materials.
- (d) No owner or other person shall cause or permit open burning or the use of a special incineration device for the purpose of a salvage operation or for the destruction of commercial/industrial waste.

- (e) Open burning or the use of special incineration devices permitted under the provisions of this article does not exempt or excuse any owner or other person from the consequences, liability, damages or injuries that may result from such conduct; nor does it excuse or exempt any owner or other person from complying with other applicable laws, ordinances, regulations and orders of the governmental entities having jurisdiction, even though the open burning is conducted in compliance with this ordinance. In this regard special attention should be directed to Code of Virginia § 10.1-1142 (Forest Fire Law of Virginia), the regulations of the Virginia Waste Management Board, and the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.
- (f) Upon declaration of an alert, warning or emergency stage of an air pollution episode as described in 9VAC5-70 (Air Pollution Episode Prevention) or when deemed advisable by the State Air Pollution Control Board to prevent a hazard to, or an unreasonable burden upon, public health or welfare, no owner or other person shall cause or permit open burning or use of a special incineration device; and any in process burning or use of special incineration devices shall be immediately terminated in the designated air quality control region.
- (g) Prior to and upon the completion of any open burning, notification shall be made to the Fire Marshal's Office through the county Emergency Communications Center.
- (h) The fire marshal shall prohibit open burning when atmospheric conditions or local circumstances make such fires hazardous. The fire marshal or his designee shall order the extinguishment by the owner, other person or the department of any open burning which creates or adds to a hazardous situation or any open burning which has been left unattended.
- (i) Any open burning shall be constantly attended by a competent adult, eighteen (18) years of age or older, until the fire is extinguished. A minimum of one 4-A rated portable fire extinguisher or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck shall be available for immediate utilization.

Sec. 12-53. - Exemptions.

The following activities are exempted to the extent covered by the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution and this article:

- (a) Open burning for training and instruction of government and public firefighters under the supervision of the fire and rescue chief or his designee;
- (b) Open burning for camp fires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, and for warming of outdoor workers;
- (c) Open burning for the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack approved by the Fire Marshal's Office;

- (d) Open burning for forest management, agricultural practices, and highway construction and maintenance programs approved by the State Air Pollution Control Board;
- (e) Open burning for the destruction of classified military documents on government property where approved by the Fire Marshal's Office; and
- (f) Forestry activities conducted under the supervision of state forestry officials.

Sec. 12-54. - Permissible open burning.

- (a) Residential open burning is permitted on site for the destruction of leaves and tree, yard and garden trimmings located on the premises of private property, provided that all the following conditions are met:
 - (1) The burning takes place on the premises of the private property;
 - (2) The location of the burning is not less than 300 feet from any occupied building unless the occupants have given prior written permission, and is at least 50 feet from combustible construction or other buildings located on the property on which the burning is conducted;
 - (3) No regularly scheduled collection service for such trimmings is available at the adjacent street or public road; and
 - (4) The fire must be constantly attended by a competent adult, eighteen (18) years of age or older and the burning conducted in a fashion as to minimize any nuisance to neighbors.
- (b) Recreational burning including bonfires, campfires, or warming fires, are permitted where the fuel consists only of seasoned dry firewood ignited with a small quantity of paper, and are in accordance with the Fire Prevention Code and the following:
 - (1) The fire shall not be used for waste disposal purposes and the fuel shall be chosen to minimize the generation of air contaminants. No trash, oil, tires, etc. are to be used; and
 - (2) Large recreational burning such as bonfires shall be no more than five (5) feet by five (5) feet in size and shall burn not longer than three (3) hours. The size and duration of a bonfire shall only be increased by the fire marshal when it is determined that fire safety requirements of the situation and the desirable duration of burn warrant the increase.
- (c) Open burning is permitted on site for destruction of debris waste resulting from land and site clearing operations, the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or from any other clearing operations that may be approved by the Fire Marshal's Office and the required permit issued provided all the following site conditions are met:

- (1) All reasonable effort shall be made to minimize the amount of material burned, with the number and size of the debris piles approved by the Fire Marshal's Office;
 - (2) The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;
 - (3) The burning shall be at least 1,000 feet from any occupied building unless the occupants have given prior written permission, and is at least 50 feet from combustible construction or other buildings located on the property on which the burning is conducted;
 - (4) The burning shall be conducted at least 2,500 feet from highways, air fields, schools, and healthcare facilities;
 - (5) The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced. Open burning shall be constantly attended by a competent person, eighteen (18) years of age or older, until the fire is extinguished. Any permit holder found in violation of this subsection shall have his permit revoked for a period of sixty (60) days or until court action restores the permit;
 - (6) The burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials and debris shall not be burned and fires shall not be fed between Friday, 12:00 noon and Monday, 7:00 A.M.; and
 - (7) The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area and burning shall be strictly prohibited from any property within the Urban Services Area as designated on the county's Comprehensive Plan.
- (d) Open burning is permitted for destruction of debris on the site of local landfills provided that the burning does not take place on land that has been filled and covered so as to present an underground fire hazard due to the presence of methane gas, provided that the all following conditions are met:
- (1) The burning shall take place on the premises of a local sanitary landfill that meets the provisions of the regulations of the Virginia Waste Management Board;
 - (2) The burning shall be attended at all times;
 - (3) The material to be burned shall consist only of brush, tree trimmings, yard and garden trimmings, clean burning waste, clean burning debris waste, or clean burning demolition waste;
 - (4) All reasonable effort shall be made to minimize the amount of material that is burned; and
 - (5) No materials may be burned in violation of the regulations of the Virginia Waste Management Board or the State Air Pollution Control Board. The exact site of the burning on a local landfill shall be established in coordination with the regional director and Fire Marshal's Office; no other site shall be used without

the approval of these officials. The Fire Marshal's Office shall be notified of the days during which the burning will occur.

(e) Except as permitted by county code section 12-54 (a) and (b), no owner or other person shall cause or permit open burning or the use of a special incineration device May 1 through September 30.

(f) Fires between February 15 and April 30 of each year shall only occur between the hours of 4:00 P.M. and 12:00 midnight unless otherwise permitted under Code of Virginia § 10.1-1142.

Sec. 12-55. - Permits.

(a) When open burning of debris waste (county code section 12-54(c)) is permitted to occur within the county, the person responsible for the burning shall obtain a permit from the Fire Marshal's Office prior to the burning. Such a permit may be granted only after confirmation by the Fire Marshal's Office that the burning can and will comply with the provisions of this ordinance and any other conditions that are deemed necessary to ensure that the burning will not endanger the public health and welfare or to ensure compliance with any applicable provisions of the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution. A separate permit shall be required from each burn location and shall expire ninety (90) days from the date of issuance. Permits are non-transferable and a copy shall be maintained on site at all times during the burning operation.

(b) Prior to the initial installation (or reinstallation, in cases of relocation) and operation of special incineration devices, the person responsible for the burning shall obtain a permit from the Fire Marshal's Office, such permits to be granted only after confirmation by the Fire Marshal's Office that the burning can and will comply with the applicable provisions in Regulations for the Control and Abatement of Air Pollution and that any conditions are met that are deemed necessary by the Fire Marshal's Office to ensure that the operation of the devices will not endanger the public health and welfare. Permits granted for the use of special incineration devices shall at a minimum comply with all the following conditions:

(1) All reasonable effort shall be made to minimize the amount of material that is burned. Such efforts shall include, but are not limited to, the removal of pulpwood, sawlogs and firewood;

(2) The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;

(3) The burning shall be at least 300 feet from any occupied building unless the occupants have given prior written permission, and is at least 50 feet from combustible construction or other buildings located on the property on which the burning is conducted; burning shall be conducted at least 1,000 feet from highways, air fields, schools, and healthcare facilities. If the fire marshal determines that it is necessary to protect public health and welfare, he may direct that any of the above cited distances be increased;

- (4) The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced. Under no circumstances should the burning be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials. Open burning shall be constantly attended by a competent person, eighteen (18) years of age or older, until the fire is extinguished. Any permit holder found in violation of this subsection shall have his permit revoked for a period of sixty (60) days or until court action restores the permit;
- (5) The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area. Such burning shall be strictly prohibited from any property within the Urban Services Area as designated in the county's Comprehensive Plan;
- (6) The use of special incineration devices shall be allowed only for the destruction of debris waste and shall not be burned and fires shall not be fed between Friday, 12:00 noon and Monday, 7:00 a.m.; and
- (7) Permits issued under this subsection shall be limited to a specific period of time deemed appropriate by the fire marshal. A separate permit shall be required from each burn location and shall expire no more than ninety (90) days from the date of issuance. Permits will be non-transferable.
- (c) An application for a permit under county code section 12-55(a) or 12-55(b) shall be accompanied by a processing fee as designed by the Board of Supervisors.
- (d) Applications for open burning shall be submitted in writing at least ten (10) days before the fire is to be set and shall contain such information as required by the Fire Marshal's Office. Such applications shall contain, at minimum, information regarding the purpose of the proposed burning, the nature and quantities of material to be burned, the date when such burning will take place, and the location of the burning site.

Sec. 12-56 - Penalties for violation.

- (a) Any violation of this article is punishable as a Class 1 misdemeanor. (See Code of Virginia § 15.2-1429.)
- (b) Each separate day of an offense or separate incident shall be considered a new violation.

Secs. 12-57—12-59. - Reserved.

ARTICLE VI. FIRE PREVENTION CODE

Sec. 12-60. - Fire Prevention Code adoption and enforcement; penalty.

- (a) There is hereby adopted by the board, for the purpose of prescribing regulations to safeguard life and property from the hazards of fire or explosion arising from the

improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, wherever located, that certain code known as the Virginia Statewide Fire Prevention Code, 2012 Edition save and except such portions as are deleted, modified or amended by this article, and the same is hereby adopted and incorporated as fully as if set out at length herein.

- (b) It shall be unlawful for any owner or any other person, firm, or corporation to violate any provisions of the Fire Prevention Code. Any such violation shall be deemed a Class 1 misdemeanor, and any owner, or any other person, firm, or corporation convicted of such violation shall be punished in accordance with the provisions of county code section 12-22.

Sec. 12-61. - Fire Lanes.

- (a) The fire marshal or his designee shall designate fire lanes on public streets and on private property where necessary for the purpose of preventing parking in front of or adjacent to fire hydrants and department connections and to ensure access to buildings and structures for firefighting and rescue apparatus. Fire lanes shall have a minimum width of twenty (20) feet.
- (b) Signs and markings to delineate fire lanes as designated by the fire marshal shall be provided, installed, and maintained in a method and manner approved by the fire marshal or his designee.
- (c) Designated fire lanes shall be maintained free of obstructions and vehicles at all times.
- (1) It shall be unlawful for any person to park, stop, stand in or otherwise obstruct such designated and marked areas.
- (2) In any prosecution under this article, proof that the vehicle described in the complaint, summons or warrant was parked in violation of the code, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle in the place where and for the time during which such violation occurred.
- (3) In addition, the vehicle parked in violation of this section may be impounded.
- (d) All designated fire lane signs shall be maintained in a clean and legible condition at all times and replaced when necessary to ensure adequate visibility.
- (e) It shall be unlawful for any person to deface, injure, tamper with, remove, destroy or impair the usefulness of any posted fire lane sign installed under the provisions of this section.

Sec. 12-62. - Amendments, additions, and deletions to the Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code adopted by county code section 12-60(a), is hereby amended and changed pursuant to Virginia Code § 27-97 in the following respects:

101.1 Title. *Delete this section and replace with the following:*

The regulations set forth herein, as modified and amended in County Code section 12-62, together with the additional regulations in county code chapter 12, shall be known as the “Fire Prevention Code,” and herein referred to as such.

Add the following subsection:

106.3.2. Inspection by others. The fire official may designate other persons as he deems necessary and appropriate, to make fire safety inspections. Such persons may use the Fire Prevention Code as the basis for such inspections.

107.2. Permits required. *Delete this section and replace with the following:*

Operational permits shall be required by the fire official in accordance with Table 107.2. Fees for such permits, as set by the board, shall be paid prior to issuance of the permit.

Exception: Such permits shall not be required for the storage of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson investigator listing all storage locations.

TABLE 107.2

Type	When Required	Duration
Section 1: Facilities, Occupancies and Precautions Against Fire		
<u>Assembly/ Educational Occupancies</u>	<u>Facilities operating in an assembly or educational occupancy classification</u>	<u>Annual</u>
<u>Aviation Facility</u>	<u>Facilities involving aviation operations / storage</u>	<u>Annual</u>
<u>Covered Mall Building</u>	<u>Facilities designated as or in a covered mall (by main address, not individual suites)</u>	<u>Annual</u>
<u>Commercial Open Burning</u>	<u>Site and land clearing operations for commercial, industrial, or residential land development</u>	<u>Per Burn Site (90 Days Max)</u>
<u>Dry Cleaning Facility</u>	<u>Facilities where textiles are cleaned by using solvents</u>	<u>Annual</u>
<u>Exhibit or Trade Shows</u>	<u>Facilities operating temporary indoor exhibit or trade shows involving more than 50 vendors</u>	<u>Per Event (90 Days Max)</u>
<u>Hazardous Production Materials Facility (HPM)</u>	<u>Facilities using NFPA 704 classification 3 or 4 materials involved with semi-conductor manufacturing or other hazardous material processing</u>	<u>Annual</u>
<u>Lumber Yards and Woodworking Operations</u>	<u>Facilities storing or processing more than 100,000 board feet of lumber</u>	<u>Annual</u>
<u>Mobile Food Preparation Vehicles</u>	<u>Mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors. Exception: Recreational vehicles used for private recreation.</u>	<u>Per Event (90 Days Max) or Annual</u>
<u>Organic Coating</u>	<u>Facilities manufacturing more than 1 gallon of organic</u>	<u>Annual</u>

<u>Manufacturing Facility</u>	<u>coatings per day</u>	
<u>Private Fire Hydrants</u>	<u>Fire hydrants not serviced by Stafford County Utilities</u>	<u>Annual</u>
<u>Special Amusement Occupancies</u>	<u>Temporary or permanent amusement facilities where the means of egress is not readily apparent, is intentionally confounding, or is not readily available.</u>	<u>Per Event (90 Days Max) or Annual</u>
<u>Tents, Canopies and Membrane Structures</u>	<u>Any individual or adjacent tent(s), canopy, or air-supported structure(s) covering an area of more than 900 square feet unless used exclusively for recreational camping purposes. Separate permits are required for every 15,000 square feet of total tent coverage area.</u>	<u>Per Event (90 Days Max)</u>
<u>Vehicle Display Inside of a Building</u>	<u>Any display, operation or demonstration of a liquid or gas fueled vehicle in an assembly occupancy building</u>	<u>Per Event (90 Days Max)</u>
<u>Vehicle Repair Shop Garages</u>	<u>Facilities conducting motor vehicle (including boat) repairs</u>	<u>Annual</u>
<u>Waste Handling Facility</u>	<u>Facilities conducting operations similar to wrecking yards, junk yards, and waste material handling or recycling centers</u>	<u>Annual</u>
<u>Section 2: Combustible Storage and Hazardous Operations</u>		
<u>Aerosols</u>	<u>Facilities operating with more than 500 pounds of class 2 or 3 aerosol products</u>	<u>Annual</u>
<u>Combustible Dust-Producing Operations</u>	<u>Facilities such as grain elevators, flour or feed mills, or other pulverizing processing producing combustible dust</u>	<u>Annual</u>
<u>Combustible Fibers</u>	<u>Facilities storing or handling more than 100 cubic feet of combustible fibers, rags, or scrap textiles</u>	<u>Annual</u>
<u>Compressed Gases</u>	<u>Facilities storing or using INERT compressed gasses when exceeding 6000 cubic feet of gas (such as nitrogen but does NOT include LPG)</u>	<u>Annual</u>
<u>Flammable Finishes</u>	<u>Spraying or dipping operations utilizing flammable or combustible products or flammable floor refinishing operations exceeding 350 square feet in size</u>	<u>Per Event (90 Days Max) or Annual</u>
<u>Fruit and Crop Ripening Operations</u>	<u>Facilities conducting fruit or crop ripening using ethylene gas</u>	<u>Per Event (90 Days Max)</u>
<u>Fumigation and Insecticidal Fogging Operations</u>	<u>Facilities or enclosed areas using flammable or toxic fumigation or insecticidal fogging</u>	<u>Per Event (90 Days Max)</u>
<u>High-Piled and Combustible Storage</u>	<u>Facilities storing more than 500 square feet of materials in arrangements greater than 12 feet in height</u>	<u>Annual</u>
<u>Industrial Oven Operations</u>	<u>Facilities operating large industrial size ovens or "furnaces"</u>	<u>Annual</u>
<u>Magnesium Operations</u>	<u>Facilities that melt, cast, heat or grind more than 10 pounds of magnesium</u>	<u>Annual</u>
<u>Tire Storage and Rebuilding Operations</u>	<u>Facilities storing more than 2,500 cubic feet of tires including scrap tires or operating tire rebuilding plants</u>	<u>Annual</u>
<u>Welding and other Hot Work</u>	<u>Facilities conducting welding, open torches, or other hot work (except where used for construction purposes)</u>	<u>Per Event (90 Days Max)</u>

<u>Hot Work Program</u>	<u>When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.</u>	<u>Annual</u>
Section 3: Fireworks and other Explosives		
<u>Blasting</u>	<u>Operations involving the use of explosives in any amount for demolition, stone removal, or other purposes</u>	<u>Per Blast Site (90 Days Max)</u>
<u>Explosive or Fireworks Storage</u>	<u>Manufacture, storage or handling of any amount of fireworks or other explosives</u>	<u>Annual</u>
<u>Fireworks: Aerial Display</u>	<u>Operations involving an outdoor aerial display of fireworks</u>	<u>Per Event</u>
<u>Fireworks: Indoor Pyrotechnics Display or Special Effects</u>	<u>Operations involving indoor display of fireworks, pyrotechnics or other special effects</u>	<u>Per Event</u>
<u>Fireworks: Itinerant Vendor</u>	<u>Temp facilities selling fireworks from June 1 to July 15</u>	<u>As noted</u>
<u>Fireworks: Distributor or Wholesaler</u>	<u>Facilities distributing or selling fireworks to only permanent or itinerant vendors</u>	<u>Annual</u>
<u>Fireworks: Permanent Vendor</u>	<u>Facilities selling fireworks from a permanent address and permanent structure throughout the year</u>	<u>Annual</u>
Section 4: Hazardous Materials (Use Appendix E of the International Fire Code for further classification and information)		
<u>Corrosive Materials</u>	<u>Facilities using, storing or handling more than 55 gal. or 1000 lbs.</u>	<u>Annual</u>
<u>Cryogenic Fluids</u>	<u>Facilities using, storing or handling more than 1 gallon inside or 50 gallons outside</u>	<u>Annual</u>
<u>Flammable and Combustible Liquids</u>	<u>Facilities using, storing, manufacturing, processing or handling more than:</u> <u>Class 1 Liquids: 5 gal. Inside or 10 gal. Outside</u> <u>Class 2 or 3A Liquids: 25 gal. Inside or 60 gal. Outside</u> <u>Except for:</u> <ol style="list-style-type: none"> <u>1) The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, mobile heating plant, unless such storage in the opinion of the fire official, would cause an unsafe condition;</u> <u>2) The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days; and</u> <u>3) The storage of fuel oil used in connection with</u> 	<u>Annual</u>

	<u>oil-burning equipment.</u>	
<u>Flammable Gases</u>	<u>Facilities using, storing or handling more than 200 cubic feet</u>	<u>Annual</u>
<u>Flammable Solids</u>	<u>Facilities using, storing or handling more than 100 pounds</u>	<u>Annual</u>
<u>Highly Toxic Materials</u>	<u>Facilities using, storing or handling more than 10 gallons, or 100 pounds, or any amount of toxic gas.</u>	<u>Annual</u>
<u>Liquefied Petroleum Gas (LPG)</u>	<u>Facilities using, storing or handling ANY amount of LPG with exception to single containers or aggregate quantity of less than 500 gallon water capacity for residential use.</u>	<u>Annual</u>
<u>Organic Peroxides</u>	<u>Facilities using, storing or handling ANY amount of class 1 through 4 (permit not required for class 5)</u>	<u>Annual</u>
<u>Oxidizers</u>	<u>Facilities using, storing or handling more than 55 gallons, 500 pounds or 504 cubic feet (see VSFPC for specifics)</u>	<u>Annual</u>
<u>Pyrophoric Materials</u>	<u>Facilities using, storing or handling ANY amount</u>	<u>Annual</u>
<u>Pyroxylin Plastics</u>	<u>Facilities using, storing or handling more than 25 pounds</u>	<u>Annual</u>
<u>Unstable Materials</u>	<u>Facilities using, storing or handling more than 10 gal. or 100 lbs.</u>	<u>Annual</u>
<u>Water-Reactive Materials</u>	<u>Facilities using, storing or handling more than 55 gal. or 500 lbs.</u>	<u>Annual</u>

Add the following subsection:

107.5.1 Duration of permit. Permits shall remain in effect for no more than 12 months from the date issued unless otherwise specified in Table 107.2 or unless suspended or revoked in accordance with the code.

Add the following subsection:

107.10.1 Non-refundable fees. All required permit fees identified in table 107.2 are non-refundable once the required inspection is completed.

Add the following section:

109.4. Approvals. Approval as the result of an inspection shall not be construed to be an approval of any violation of the provisions of the Fire Prevention Code or another regulation. Inspections presuming to give authority to violate or cancel provisions of the Fire Prevention Code or any other regulation shall not be valid.

Add the following section:

109.5 Inspections performed outside business hours. Inspections may be performed outside of normal government business hours when approved by the fire official. Fees for these inspections may be assessed at the overtime rate for the inspector in addition to any permit fees.

Add the following section:

110.7. Imminent threat to human health or safety or to property. If the fire official shall determine that the violation creates an imminent threat to human health or safety or to property, the fire official may restrain, correct or abate such violation and institute appropriate legal proceeding to collect the full cost of such response from the owner and the tenant or other person in control of the premises.

202. General Definitions. Add or replace the following words, terms and definitions:

Corrosive: A chemical that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the point of contact. A chemical shall be considered corrosive if, when tested on the intact skin of albino rabbits by the method described in DOTn 49 CFR 173.137, such chemical destroys or changes irreversibly the structure of the tissue at the point of contact following an exposure period of 4 hours. This term does not refer to action on inanimate surfaces. A substance shall be considered corrosive if it has a pH less than or equal to 2, or a pH greater than or equal to 12.5 on a pH scale of 0-14.

Fire Chief: The head of the Stafford County Department of Fire, Rescue and Emergency Services, also referred to as the fire and rescue chief, county fire chief, or chief of the fire department.

Fire Lane: An area designated by pavement markings or signs in which parking shall be prohibited, whether on public or private property, to ensure ready access for and to fire fighting and rescue equipment and facilities. A fire lane is a type of fire department access road.

Fire Marshal's Office: The county fire marshal, and, under the authority of the fire marshal, deputy or assistant fire marshals, and members of the fire marshal's staff, also referred to as the Fire Prevention Division or the fire official.

Fireworks: Any article, device, or any substance or combination of substances designed for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, regardless of its name or form of construction. This shall include, but not be limited to, those items known as firecrackers, cherry bombs, Roman candles, torpedoes, skyrocketes and any other substance or thing of whatever form of construction containing nitrates, chlorates, oxalate, sulfide of lead, barium, antimony, nitroglycerine, phosphorus or any other explosive or flammable compound or substance.

Fireworks Retailer: Any person selling fireworks or offering fireworks for sale at retail within the county which shall include itinerant fireworks retailers and permanent fireworks retailers.

Fireworks Wholesaler: A person, firm or corporation offering fireworks for sale or selling fireworks to a retailer. Such term shall include a manufacturer of fireworks, a representative of any such manufacturer, a distributor, a jobber and a middleman of any description dealing in fireworks, any of whom shall sell or offer to sell or offer to sell fireworks to a retailer within the county.

Immediately: Without delay.

Itinerant Fireworks Retailer: Any person selling fireworks or offering fireworks for sale at retail within the county from a temporary location from June 1 to July 15 each year.

Legal Counsel: County Attorney or the Commonwealth's Attorney for the County of Stafford.

Mobile Food Preparation Vehicle: Vehicles and enclosed trailers able to be occupied by persons during cooking operations that contain cooking equipment that utilize open flames or produce smoke or grease laden vapors for the purpose of preparing and serving food to the

public. Vehicles used for private recreation shall not be considered mobile food preparation vehicles.

Occupant: Any person physically located or situated in or on any property, structure, space or vehicle irrespective of the length of time or the reason for such occupancy.

Permanent Fireworks Retailer: Any person selling fireworks or offering fireworks for sale at retail within the county from a permanent address and a permanent structure throughout the year.

301.3 Occupancy. Add the following to end of this section: When a certificate of occupancy is not available for a building, the owner or owner's agent shall obtain occupancy approval from the building official and conspicuously post the certificate of occupancy on site for future reference.

307.1 General. Delete this section and replace with the following: A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with subsections 307.1.1 through 307.5 and Article V of this chapter.

Add the following section:

SECTION 319

MOBILE FOOD PREPARATION

319.1 General. Mobile food preparation vehicles that are equipped with appliances that utilize open flames or produce smoke or grease laden vapors shall comply with this section.

319.2 Permit required. Permits shall be required as set forth in subsection 107.2.

319.3 Seating. Seating for the public within any mobile food preparation vehicles is prohibited.

319.4 Exhaust hood. Cooking equipment that produces grease laden vapors shall be provided with a kitchen exhaust hood in accordance with NFPA 96, Annex B.

319.5 Fire protection. Fire protection shall be provided in accordance with subsection 319.5.1 through 319.5.2.

(319.5.1 Fire protection for cooking equipment.) Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.3.

(319.5.2 Fire extinguisher.) Portable fire extinguishers shall be provided in accordance with subsection 904.12.5.

319.6 Appliance connection to fuel supply. Gas cooking appliances shall be secured in place and connected to fuel supply piping with an appliance connector complying with ANSI Z21.69/CSA 6.16. The connector installation shall be configured in accordance with manufacturer's installation instructions. Movement of appliances shall be limited by restraining devices installed in accordance with the connector and appliance manufacturer's instructions.

(319.6.1 Construction and modifications.) Following initial construction and any modifications of the fuel system, the system (including hoses) shall be proven free of

leaks by performing a pressure test in accordance with NFPA 58 at not less than the normal operating pressure.

(319.6.2 Leak detection.) Gas systems shall be inspected prior to each use and following fuel tank replacement or refill in one of the following methods:

1. A water/soap solution shall be applied to every accessible connection or connection manipulated during the replacement or fueling and observed for evidence of gas leakage; or
2. Pressure testing in accordance with Annex L of NFPA 58.

(319.6.3 Leaks.) When leaks are discovered during inspections and testing, the fuel supply shall be secured in the "off" position or disconnected from the appliance and the appliance shall not be operated until serviced by a qualified person.

319.7 Cooking oil storage containers. Cooking oil storage containers within mobile food preparation vehicles shall have a minimum aggregate area volume not to exceed 120 gallons (454L), and shall be stored in such a way as to not be toppled or damaged during transport.

319.8 Cooking oil storage tanks. Cooking oil storage tanks within mobile food preparation vehicles shall comply with subsection 319.8.1 through 319.8.5.

319.8.1 Metallic storage tanks. Metallic cooking oil storage tanks shall be listed in accordance with UL 142 or UL 80, and shall be installed in accordance with the tank manufacturer's instructions.

319.8.2 Nonmetallic tanks. Nonmetallic cooking oil storage tanks shall be installed in accordance with the tank manufacturer's instructions and shall also comply with all of the following:

1. Tanks shall be listed for use with cooking oil, including maximum temperature to which the tanks will be exposed to during use.
2. Tank capacity shall not exceed 200 gallons (757L) per tank.

319.8.3 Cooking oil storage system components. Metallic and nonmetallic cooking oil storage system components shall include but are not limited to piping, connections, fittings, valves, tubing, hose, pumps, vents and other related components used for the transfer of cooking oil.

319.8.4 Design criteria. The design, fabrication and assembly of system components shall be suitable for the working pressures, temperatures and structural stresses to be encountered by the components.

319.8.5 Tank venting. Normal and emergency venting shall be provided for cooking oil storage tanks.

319.8.5.1 Normal vents. Normal vents shall be located above the maximum normal liquid line, and shall have a minimum effective area not smaller than the

largest filling or withdrawal connection. Normal vents are not required to vent to the exterior.

319.8.5.2 Emergency vents. Emergency relief vents shall be located above the maximum normal liquid line, and shall be in the form of a device or devices that will relieve excessive internal pressure caused by an exposure fire. For nonmetallic tanks, the emergency relief vent shall be allowed to be in the form of construction. Emergency vents are not required to discharge to the exterior.

319.9 LP-gas systems. Where LP- gas systems provide fuel for cooking appliances, such systems shall comply with NFPA 58, Chapter 61 and subsections 319.9.1 through 319.9.5.

319.9.1 Maximum aggregate volume. The maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed 200 pounds propane capacity.

319.9.2 Protection of container. LP-gas containers installed on the vehicle shall be securely mounted and restrained to prevent movement.

319.9.3 LP-gas container construction. LP-gas containers shall be manufactured in compliance with the requirements of NPFA 58.

319.9.4 Protection of system piping. LP-gas system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage, and damage from vibration.

319.9.5 LP-gas alarms. A listed LP-gas alarm shall be installed with the vehicle in the vicinity of LP-gas system components, in accordance with manufacturer's instructions.

319.10 CNG systems. Where CNG systems provide fuel for cooking appliances, such systems shall comply with subsections 319.10.1 through 319.10.4.

319.10.1 CNG containers supplying only cooking fuel. CNG containers installed solely to provide fuel for cooking purposes shall be in accordance with subsection 319.10.1.1 through 319.10.1.3.

319.10.1.1 Maximum aggregate volume. The maximum aggregate capacity of CNG containers transported on the vehicle shall not exceed 1,300 pounds water capacity.

319.10.1.2 Protection of container. CNG containers shall be securely mounted and restrained to prevent movement. Containers shall not be installed in locations subject to direct vehicle impact.

319.10.1.3 CNG container construction. The construction of CNG containers shall be approved.

319.10.2 CNG containers supplying transportation and cooking fuel. Where CNG containers and systems are used to supply fuel for cooking purposes in addition to being used for transportation fuel, the installation shall be in accordance with NFPA 52.

319.10.3 Protection of system piping. CNG system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage, and damage from vibration.

319.10.4 Methane alarms. A listed methane gas alarm shall be installed within the vehicle in accordance with manufacturer's instructions.

319.11 Maintenance. Maintenance of systems on mobile food preparation vehicles shall be in accordance with subsections 319.11.1 through 319.11.3.

319.11.1 Exhaust system. The exhaust system, including hood, grease-removal devices, fans, ducts and other appurtenances, shall be inspected and cleaned in accordance with chapter 6.

319.11.2 Fire protection systems and devices. Fire protection systems and devices shall be maintained in accordance with chapter 9.

319.11.3 Fuel-gas systems. LP-gas containers installed on the vehicle and fuel-gas piping systems shall be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation to re-qualify LP-gas cylinders, to ensure that system components are free of damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every three years in a qualified service facility. CNG containers shall not be used past their expiration dates listed on the manufacturer's container label. Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel-gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.

319.12 Outdoor cooking. All outdoor, commercial cooking with deep fat fryers, woks utilized for deep fat frying, or similar outdoor cooking devices using hot oil, grease or producing grease laden vapors, shall be conducted in a mobile food preparation vehicle with a vented hood and an approved fire suppression system in accordance with this section or be located in a cooking tent in accordance with subsection 3104.15.5.

Add the following section:

401.9. Posting of fire safety instructions. The fire official may issue instructions which require the owner, tenant, or management agent of buildings to post signs where, in the professional judgment of the fire official, such signs are deemed to be effective in minimizing the danger to persons and property in case of fire.

Add the following subsection:

403.7.1.1.1 Fire evacuation plan. The fire evacuation plan required by section 404 shall include a description of special staff actions. In addition to the requirements of section 404, plans in Group I-1 Condition 2 occupancies shall include procedures for evacuation through a refuge area in an adjacent smoke compartment and then to an exterior assembly point.

Add the following subsection:

403.7.1.1.2 Fire safety plans. A copy of the fire safety plan shall be maintained at the facility at all times. Plans shall include the following in addition to the requirements of section 404:

1. Location and number of resident sleeping rooms; and
2. Location of special locking or egress control arrangements.

403.7.1.4 Drill Frequency. *Replace this subsection with the following:*

In addition to the evacuation drills required in section 405.2, employees shall participate in drills an additional two times a year on each shift. Twelve drills with all occupants shall be conducted in the first year of operation. Drills are not required to comply with the time requirements of section 405.4.

Replace the following subsection:

403.7.2.1 Fire evacuation plans. The fire safety and evacuation plans required by section 404 shall include a description of special staff actions. Plans shall include all of the following in addition to the requirements of section 404.

1. Procedures for evacuation for patients with needs for containment or restraint and post-evacuation containment, where present.
2. A written plan for maintenance of the means of egress.
3. Procedure for a defend-in-place strategy.
4. Procedures for a full-floor or building evacuation, where necessary.

Add the following subsection:

403.7.2.1.1 Fire safety plans. A copy of the plan shall be maintained at the facility at all times. Plans shall include all of the following in addition to the requirements of section 404:

1. Location and number of patient sleeping rooms and operating rooms;
2. Location of adjacent smoke compartments or refuge areas;
3. Path of travel to adjacent smoke compartments;
4. Location of special locking, delayed egress or access control arrangements; and
5. Location of elevators utilized for patient movement in accordance with the fire safety plan, where provided.

Add the following subsection:

403.9.3.1.1 Fire safety plans. A copy of the plan shall be maintained at the facility at all times. Plans shall include the following in addition to the requirements of Section 404:

1. Location and number of resident sleeping rooms; and
2. Location of special locking or egress control arrangements.

403.9.3.4 Drill frequency. *Replace this subsection with the following:*

In addition to the evacuation drills required in section 405.2, employees shall participate in drills an additional two times a year on each shift. Twelve drills with all occupants shall be conducted in the first year of operation.

403.11.2 Public Safety Plan for gatherings. *Delete the following phrase from this subsection: “In other than Group A or E occupancies”*

Add the following subsection:

403.11.2.1. Plan Submittal. The public safety plan shall be submitted for approval at least 30 days prior to the event start date or as otherwise indicated by the fire official.

Add the following subsection:

403.12. Indoor Trade Shows and Exhibitions. The operation of indoor trade shows and exhibitions shall be in accordance with appendix N of the 2018 International Fire Code.

Add the following section:

404.5. Posting of fire evacuation plan diagrams. In occupancies required to be provided with fire evacuation plans, approved diagrams that illustrate a floor plan (with current location), exits, stairs, elevators, fire hose valve connections, and fire extinguishers shall be permanently posted outside of each stairwell and elevator lobby on each floor as well as near the main entrance to the building and other locations as directed by the fire official or this code.

Replace Table 405.2 with the following table:

Table 405.2

FIRE AND EVACUATION DRILL FREQUENCY AND PARTICIPATION

<u>GROUP OR OCCUPANCY</u>	<u>FREQUENCY</u>	<u>PARTICIPATION</u>
<i>Group A</i>	<i>Quarterly</i>	<i>Employees</i>
<i>Group B^b</i>	<i>Annually</i>	<i>All occupants</i>
<i>Group E</i>	<i>Monthly^a</i>	<i>All occupants</i>
<i>Group F</i>	<i>Annually</i>	<i>Employees</i>
<i>Group I-1</i>	<i>Semiannually on each shift</i>	<i>All occupants</i>
<i>Group I-2</i>	<i>Quarterly on each shift^a</i>	<i>Employees</i>
<i>Group I-3</i>	<i>Quarterly on each shift^a</i>	<i>Employees</i>
<i>Group I-4</i>	<i>Monthly on each shift^a</i>	<i>All occupants</i>
<i>Group R-1</i>	<i>Quarterly on each shift</i>	<i>Employees</i>
<i>Group R-2^c</i>	<i>Four Annually</i>	<i>All occupants</i>
<i>Group R-4</i>	<i>Semiannually on each shift^a</i>	<i>All occupants</i>
<i>SRCF</i>	<i>Monthly</i>	<i>All occupants</i>

a. In severe climates, the fire code official shall have the authority to modify the emergency evacuation drill frequency.

b. Emergency evacuation drills are required in Group B buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.

c. Emergency evacuation drills in Group R-2 college and university buildings shall be in accordance with section 403.9.2.1. Other Group R-2 buildings shall be in accordance with 403.9.2.2.

Add the following subsection:

503.1.2.1 Residential Development. Development projects having or causing more than 200 dwelling units to be served by a single fire apparatus access road shall be provided with and maintain at least two separate and independent fire apparatus access routes as approved by the fire official. In no case shall any new development cause existing development to be in further violation of this section.

Add the following subsection:

503.1.2.2. Commercial Development. Non-residential development projects having or causing more than 250,000 square feet of total building footprint area or designed to hold more than 2,500 occupants and served by a single fire apparatus access road shall be provided with and maintains at least two separate and independent fire apparatus access routes as approved by the fire official. In no case shall any new development cause existing development to be in further violation of this section.

Add the following subsection:

503.1.2.3 Remoteness. Where two independent fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

Add the following subsection:

503.1.2.4 Aerial Fire Apparatus Access. Where structures are more than 3-stories or more than 30 feet in height as measured from the lowest level of fire apparatus access to the floor level of the highest occupied floor, approved aerial fire apparatus access shall be provided along the front and rear (or two largest where approved) side of a building. This section shall not apply to one and two family dwellings.

Add the following subsection and table:

503.2.2 Fire Lane Location and Parking Prohibition. Required markings and parking prohibitions shall be based on the street width (curb-to-curb or paved surface) as in Table 503.2.1.1 unless otherwise ordered by the fire official pursuant to county code section 12-22.

Table 503.2.1.1

Street Width	Parking	Fire Lane Markings
<u><28 feet</u>	<u>No parking allowed on either side</u>	<u>Both sides marked as fire lanes</u>
<u>28 to 36 feet</u>	<u>Parallel parking allowed on one side as determined by the fire official</u>	<u>One side marked as a fire lane</u>
<u>>36 feet</u>	<u>Parallel parking allowed on both sides</u>	<u>No fire lane markings required unless otherwise directed by the fire official</u>

503.3 Marking. *Add the following at the end of this section:* Specifications for fire lane marking established by the fire official location and manner of fire lane marking shall be in accordance with the following:

Pavement Marking:

- (a) For private roads not to be accepted into the state system, the curb (painted top and face) or edge of pavement (striping) shall be as follows:



- (1) The “NO PARKING FIRE LANE” lettering shall be centered between fire lane signs.
- (2) Lettering size shall be 12 inches in height and located 12 inches from the painted curb and striping.
- (3) Striping shall be 4 inches wide striping for curb and gutter pavement located 3 feet from the edge of the curb along with curb face and top painted.
- (4) Striping shall be 6 inches wide striping for pavement without curb and gutter located 3 feet from the edge of the pavement and along the edge of the pavement.
- (5) Yellow Virginia Department of Transportation (VDOT) highway grade paint shall be used on all striping and lettering.
- (b) For state-maintained roads, curb (painted top and face) or edge of pavement (striping) only.

Signs shall be as follows:



- (a) A reflective metal sign. Color: WHITE background with RED lettering.
- (b) The words FIRE LANE and NO PARKING shall be in 2 inch letters. The words TOWING ENFORCED shall be in 1 inch letters.
- (c) Sign BORDER shall be 3/8 inch wide and RED in color.

- (d) For fire lanes greater than 20 feet in length, signs shall be posted at the beginning and the end of all designated fire lanes and spaced a maximum of 50 feet apart when needed.
- (e) For fire lanes 20 feet in length or less, only one fire lane sign is required and it shall be posted at the mid-point.
- (f) In single-family home developments, fire lane signs are not required where “NO PARKING FIRE LANE” is painted in 4 inches tall black letters every 50 feet along the face of the yellow curb

Add the following subsection:

503.3.1. Fire lane sign tampering. It shall be unlawful for any person to deface, injure, tamper with, remove, destroy or impair the usefulness of any posted fire lane sign installed under the provisions of this code.

Add the following section:

503.8. Special event access. It shall be the responsibility of the owner, operator or other person responsible for the establishment, erection or operation of any special event, carnival or circus to establish, erect and operate such special event so that there is provided and maintained an access lane, at least 20 feet in width and capable of supporting fire and rescue apparatus in all weather conditions and so arranged as to afford access to within 50 feet of all booths, tents, rides and other equipment, buildings, and structures used as part of or in conjunction with the special event.

504.1 Required access. *Add the following to the end of this section:* At least one fire apparatus access road shall be located no less than 100 feet from the main building entrance or other location approved by the fire official.

Add the following subsection:

505.1.1 Rear address. Commercial structures occupied by multiple businesses, such as shopping centers, etc., shall have the address posted on the rear door in 4” black numbers or letters on a white background. Numbers shall be Arabic numerals.

Delete the word “nonstandardized” in the title and all applicable portions of the following subsection:

506.1.2 Key boxes for fire service elevator keys.

Add the following subsection:

506.1.3 Fire Alarm Access. All buildings, with the exception of one or two-family dwellings and townhouses, equipped with a fire alarm system shall provide a fire department access key box system as approved by the fire official. This requirement may be waived by the fire official for 24-hour facilities or other approved arrangements.

Add the following subsection:

506.2.1. Access keys. Fire department access key boxes shall contain at least one key to access the premises served, fire alarm keys, and other keys as determined by the owner or occupant. All keys shall be clearly labeled as to their function. High-rise buildings shall be provided with

at least five sets of keys and securely stored within the fire command room or other approved location.

507.1. Required Water Supply. *Add the following to the end of this section:* In one or two family residential areas not provided or required to be provided with a fire hydrant system for fire protection, an approved water supply complying with the latest edition of NFPA 1142, shall be identified within 3 road miles of any facility, building or portions of buildings constructed.

507.3 Fire flow. *Add the following to the end of this section:* Where approved by the fire official, Appendix B of the 2012 International Fire Code may be considered as an alternative standard. Any reduction in fire flow requirements shall not to exceed 50 percent of the value indicated by Table B105.1.

Add the following subsection:

507.5.3.1 Rural fire protection features. Features such as dry hydrants, underground water storage tanks and related water supply accessories shall be maintained by the property owner in accordance with the latest edition of NFPA 1142.

Add the following subsection:

507.5.7. Water distribution system failures. Any private or municipal water department shall notify the Emergency Communications Center immediately of any failure in their water distribution system, hydrant repair, main breaks, pump failures, or other interruptions of water supply that may affect water supply for fire control purposes. Any required repairs shall be performed immediately. Permanent removal of any fire hydrant or portion of the water supply system for fire protection shall be approved by the fire official.

508.1 General. *Add the following to the end of this subsection:* Fire Fighter Air Replenishment Systems (FARS) shall be in accordance with Appendix L of the 2018 International Fire Code.

Add the following subsection:

508.2. Fire command center procedure book. All buildings equipped with a fire command center shall contain an operations procedure book. The contents of the book shall be approved by the fire official. The book shall be placed in the fire command center in a manner and location approved by the fire official. The building owner shall maintain the book and update it whenever necessary.

609.3.1 Ventilation system. *Add the following to the beginning of this subsection:* Commercial cooking operations shall only be conducted where provided with approved ventilation in accordance with the applicable building code.

Add the following subsection:

610.1.1 Waste cooking oils. All facilities storing waste cooking oils shall secure these storage containers to prevent spilling or unlawful tampering.

610.2 Storage Tanks. *Add the following to the end of this subsection:* Nonmetallic cooking oil storage tanks shall be listed in accordance with UL2152 and shall be installed in accordance with the tank manufacturer's instructions. Tank capacity shall not exceed 200 gallons (757 L) per tank.

Add the following subsection:

907.9. Smoke alarms in existing buildings and structures. Pursuant to Virginia Code § 15.2-922, smoke alarms shall be installed and maintained in (i) any building containing one or more dwelling units, (ii) any hotel or motel used or offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and (iii) rooming houses used, offered, or intended to be used to provide overnight sleeping accommodations. Unless otherwise recommended by the manufacturer's published instructions, smoke alarms shall be replaced when they fail to respond to tests and shall not remain in service longer than 10 years from the date of manufacture.

Add the following subsection:

907.9.1. General specifications. All smoke detectors installed pursuant to this section shall be UL217 listed detectors capable of sensing visible products of combustion and must have an operating audible alarm. The smoke alarms must also be either battery operated with a 10-year battery or AC powered with battery backup.

Add the following subsection:

907.9.2. Standards and time for installation. All smoke detectors required by this article shall be installed in accordance with, and shall be placed in locations specified in, the applicable sections of the Virginia Uniform Statewide Building Code within ninety (90) days of the adoption of the ordinance from which this article is derived. Appropriate electrical permits shall be obtained for detectors connected to alternating current.

Add the following subsection:

907.9.3. Responsibilities of owners and tenants as to maintenance in multi-family residential buildings.

- (a) The owner or agent of the owner of a multi-family residential building containing four or more dwelling units shall provide and maintain smoke detectors as required by this article adjacent to the sleeping areas in each dwelling unit and in enclosed public hallways and shall maintain such detectors in good working order.
- (b) The owner or agent of the owner of a multi-family residential building or dwelling unit which is rented or leased shall furnish to the tenant, at the beginning of each tenancy and at least annually thereafter, a written certificate that all smoke detectors required by this article are present, have been inspected and are in good working order.
- (c) The tenant of any dwelling unit shall be responsible for reasonable care of the smoke detector installed pursuant to this article in accordance with Code of Virginia § 55-248.16, for interim testing thereof and for providing written notice to the owner requesting immediate repair of any malfunctioning smoke detector. In accordance with Code of Virginia § 55-248.13, the owner shall be obligated to provide and pay for service, repair or replacement of any malfunctioning smoke detector. Such service, repair or replacement must occur within five (5) days after receipt of written notice from the tenant that a smoke detector is in need of service, repair or replacement.
- (d) The owner or agent of the owner of a dwelling unit which is leased or rented in a multi-family residential building containing four (4) or more dwelling units shall

provide written notification to each tenant of the responsibilities and duties imposed by subsection (c) of this section.

Add the following section:

907.10 Posting of monitoring company information. The name, telephone number, and account number of the current central station or other approved monitoring company shall be posted and maintained inside the fire alarm control panel. If the fire alarm system is not monitored, that fact shall be posted and maintained inside the fire alarm control panel.

1030.3. Obstructions. *Add the following to the end of this section:* No person shall sit or stand or otherwise obstruct any means of egress or element of means of egress.

Add the following subsection:

1030.3.1 Overcrowding. The fire official, upon finding any condition which constitutes a life safety hazard or where the reliability of the means of egress has been reduced as a result of overcrowding, shall be authorized to cause the event to be stopped until such conditions or obstructions are corrected.

1030.9 Door and stairwell identification signs. *Delete this section and replace with:* Stairwell floor identification signs shall be provided in accordance with section 1022.9 and maintained in an approved manner. In buildings with assembly occupant loads exceeding 1,000 persons or where required by the fire code official, exterior doors shall be provided with approved signs on the interior and exterior of doors for each set of doors providing interior access to the building. Doors shall be numbered starting with the main entrance and proceeding clockwise around the building.

Add the following section:

1030.10 Marking the path of egress. The fire official may require the means of egress through storage, manufacturing or similar areas with undefined egress paths to be marked in an approved manner and the owner or their agent shall be responsible for marking and maintaining such aisles as required.

Add the following section:

2404.10. Location of spray-finishing operations. Spray finishing operations shall not be conducted outside of structures unless located within an approved outdoor enclosure manufactured for that purpose, located least 20 feet from buildings and meeting the requirements of subsections 2404.9.1 through 2404.9.4.

Delete this section and the exceptions and replace with:

3103.2 Approval required. Tents and membrane structures having an area in excess of 900 square feet (3784 m2) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official in accordance with table 107.2.

Add the following subsection:

3013.2.1 Multiple Tents. The aggregate area of multiple tents separated by less than 12 feet (3658 mm) shall not exceed 900 square feet unless approved in accordance with section 3103.2.

Add the following section:

3404.7 Improper disposal. Property owners or business operators found in violation of Code of Virginia § 10.1-1418.2 shall immediately remove such waste tires from the county. Pursuant

to Code of Virginia 10.1-1417, the fire marshal or other law enforcement designee is authorized to enforce this section of the Code of Virginia.

Add the following subsection:

3405.4.1 Non-combustible containers. Where separation distances from lot lines or buildings are not able to be obtained, tire piles greater than 500 square feet in size shall be stored in an approved, non-combustible enclosure and secured from unauthorized access.

5001.5.1. Hazardous materials management plan. *Add the following to the end of this subsection:*

10. Information on hazardous material handling and chemical compatibility; monitoring methods; security precautions; hazard identification; inspection procedures; spill/release prevention measures, spill/release control and emergency response procedures; employee training; and available emergency equipment.

Add the following section:

5001.7. Filing fee. A filing fee shall be paid to the county for each material safety data sheet (MSDS) or other filing required by the Superfund Amendments and Reauthorization Act (SARA) of 1986. The filing fee shall be set by the board.

Add the following subsection:

5003.9.11. Rain protection. All storage containers for hazardous material products or wastes located outside of structures shall be protected from the entry of rainwater.

Add the following subsection.

5604.2.1. Improper storage. If at any time Division 1.3G fireworks, explosives or explosive materials are found not properly stored in a magazine, it shall immediately be reported to the fire official who will take possession thereof for the purpose of safeguarding or disposal of such explosives. Regardless of the type of magazine used, indoor storage of explosives or explosive materials in non-sprinklered buildings is prohibited.

Add the following subsection:

5604.4.1. Control in wholesale and retail stores. The storage or display of explosives and blasting caps in wholesale and retail stores is prohibited. The sale or storage of any explosives or fireworks is prohibited on the property of another without the written permission of the owner.

Add the following section:

Section 5610 FIREWORKS

5610. Generally. The manufacture of fireworks is prohibited within the county. The display, sale or discharge of fireworks shall comply with the requirements of this section. These provisions are adopted pursuant to Code of Virginia, Title 27, Chapter 9.

5610.1 Unlawful use and approval.

(a) Except as hereinafter provided, it shall be unlawful for any person, firm or corporation to transport, manufacture, store, possess, sell, offer for sale, expose for sale or to buy, use, ignite or explode any fireworks.

(b) The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner.

(c) The sale of fireworks to those under 18 years old shall be prohibited unless they are accompanied by a parent, legal guardian or responsible adult.

(d) The sale of fireworks by a minor shall be prohibited.

5610.2. Prohibited fireworks.

(a) Any fireworks which have a quick-match fuse, explodes, rises into the air or travels laterally, or which fires projectiles into the air other than sparks are prohibited.

(b) Any fireworks which emit flame or sparks to a distance greater than 16.4 feet (5 m) are prohibited.

5610.3. Approved fireworks.

(a) The sale of those fireworks approved by the fire marshal pursuant to this section is permitted, provided that a permit is obtained from the fire marshal.

(b) Fireworks permitted under this section shall have a hard-coated or slow-burning fuse at least one and one-half (1½) inches long a burning rate of not less than four (4) seconds.

(c) Approved fireworks shall be used only on private property with the approval of the owner.

(d) The provisions of section 5610.1(a) shall not apply to fireworks which have been approved by the fire marshal.

5610.4. Approval of permissible fireworks. Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the fire marshal for approval at least five (5) samples of each firework intended to be sold or delivered by such fireworks wholesaler, together with complete specifications including the manufacturer and trade name of such fireworks and a chemical analysis of each such firework so submitted. Said samples, specifications and chemical analysis shall be submitted to the fire marshal no later than ninety (90) days prior to the proposed sale date in the county. No fireworks wholesaler shall sell or deliver in the county any fireworks other than those so approved.

5610.5. Records. Each fireworks wholesaler shall maintain full and complete records of all purchases and sales of fireworks and each fireworks retailer shall maintain full and complete records of all purchases of fireworks. The fire marshal or his designated agent is authorized to examine the books and records of any fireworks wholesaler or fireworks retailer as they relate to the purchases and sales of fireworks within the county.

5610.6. Permit.

(a) It shall be unlawful for any person, firm, or corporation, fireworks wholesaler or fireworks retailer to sell, offer for sale or expose for sale any fireworks within the county without a permit from the fire marshal's office.

(b) This permit shall be valid for the period June 1 to July 15 of each year. Such permit shall be issued only after the applicant files with the fire marshal's office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least five million dollars (\$5,000,000.00) combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

(c) Retailing of fireworks shall be done only from a fixed location. Such locations shall comply with all county rules and regulations applicable to such sites.

5610.7. Permit required for permanent fireworks retailer. The permit issued by the fire marshal's office for a permanent fireworks retailer shall be valid for one year from the date of the permit. Permanent fireworks retailer shall sell only those fireworks which have been approved by the fire marshal.

5610.8. Permit for itinerant fireworks retailer.

(a) The permit issued by the fire marshal's office for an itinerant fireworks retailer shall be valid for the period June 1 to July 15 of the year applied for.

(b) Retailing of fireworks shall be done only from a fixed location. Such locations shall comply with all county rules and regulations applicable to such sites.

5610.9. Permit required for display of aerial fireworks.

(a) The fire marshal's office may issue permits, upon application in writing, for the display of aerial fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks or by any organization, individual, or group of individuals; provided such display is in general accord with the applicable sections of the National Fire Protection Association Code Standard 1123, as listed in appendix A of this code. After such permit has been issued, sales of fireworks may be made for use under such permit and the association, organization, group or individual to whom it is issued may make use of such fireworks under the terms and conditions of such permit.

(b) No permit shall be issued until the applicant files with the fire marshal's office a certificate of issuance which shows that the applicant has liability insurance in the amount of at least five million dollars (\$5,000,000.00) combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the display of aerial fireworks. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

5610.10. Seizure and destruction of certain fireworks.

(a) Any law-enforcement officer arresting any person for a violation of this section shall seize the fireworks in question in the possession or under the control of any person so arrested and shall hold the same until final disposition of any criminal proceedings against such person. If a judgment of conviction be entered against such person, the court shall order destruction of such article upon expiration of the time allowed for appeal of such judgment of conviction.

(b) Where no criminal proceedings can be instituted due to lack of knowledge as to who owns or is responsible for the fireworks, the fireworks in question shall be destroyed after thirty (30) days.

Add the following subsection:

5704.1.1. Prohibited Storage. The indoor storage of flammable and combustible liquids shall be prohibited in dwelling and sleeping units of occupancy use groups R-1 and R-2 as well as in indoor S-1 and S-2 self-storage facilities.

Add the following subsection:

5706.1.1 Mobile Fueling Operations. Delivery of Class I, Class II, and Class III liquids to the fuel tank of a highway vehicle from a tank vehicle, tank(s) carried on a vehicle, or non-portable container is prohibited.

Exceptions:

1. The refueling of highway vehicles in an emergency.

2. The refueling of vehicles in compliance with subsections 5706.5.4.1 through 5706.5.4.5.

3. Vehicles used for farm operations and machinery.

Secs. 12-63—12-80. - Reserved.

; and

BE IT STILL FURTHER ORDAINED that this Ordinance shall take effect on July 1, 2018.

Item 29. Public Works/Utilities; Authorize Amendments to the County's Water and Sewer Master Plan Assistant Director of Public Works, Utilities Division, Mr. Bryon Counsell gave a presentation and answered Board members questions. Mr. Counsell said that consultants from the engineer firm of O'Brien and Gere were in the audience if anyone had questions for them. He said that there were changes in needs, investments priorities, and operational enhancements that necessitated the long overdue amendments to the Master Plan. Revisions were aligned with planned development and the presentation would provide a cost summary of all proposed changes.

Mr. Counsell said that the Utilities Enterprise Fund was financially independent, funded entirely by water sales, availability and connection fees. No County taxes were used for Utilities

Division operations. Objectives of the 2018 Master Plan were to provide capacity for growth and development, to meet or exceed regulatory requirements, and to maintain the system's reliability. Guiding principles for the process were excellent customer service, proactive planning, sustainability, fiscal responsibility, and adaptability.

Since the 2006 Master Plan, approximately 35 water and sewer projects, including the Lake Mooney water supply, were completed. Projected water demands under build-out conditions reduced since 2006 and projected sewer flows were also reduced since 2006. These reductions were due to changes in the County's Comprehensive Plan and related land use; limiting new water service outside the Urban Service Area (USA); changes in customer behavior; and improved control of peak sewer flows (less infiltration and inflow). Near-term investment priorities are focused on economic development, reliability, and regulatory compliance. The water supply and treatment capacity is adequate through 2030, even if there is a major new water user. Wastewater treatment capacity is also adequate for projected near-term growth (2028). The 2018 Master Plan includes \$47 Million for near-term infrastructure projects to support planned economic development.

Regarding reliability, major treatment assets (Aquia WWTP, Smith WTP, and Little Falls Run WWTP) are currently, or will be 30 years old in the near-term, and require investments to maintain reliability. Increased funding is recommended for rehabilitation/replacement of water and sewer pipelines to address water quality and an aging infrastructure. Regarding regulatory compliance, the Department is preparing for more stringent wastewater treatment permit limits from regulatory agencies, which could be enacted near-term. "Placeholder" projects will be updates when new NPDES permits are issued in 2018 (Aquia WWTP) and 2020 (Little Falls Run WWTP).

Recommended changes to the County's water distribution system include consolidating water system pressure zones from 10 zones down to 8, which took advantage of the new Lake Mooney supply in the southern part of the County; it simplifies operations; and reduces water quality problems associated with dead-end water mains. In addition, four water storage tanks will be decommissioned to avoid unnecessary maintenance issues. Mr. Snellings asked what four; Mr. Counsell replied it would be Route 17; Crane's Corner; Ferry Road; and the Hospital Tank/Courthouse Road old tank. The existing Enon Road tank would remain in service for a while and as soon as he and Mr. Snellings have a chance to talk about the item pulled from Consent today regarding a design contract for a new Enon Road tank, the old tank would be removed upon completion of the new tank. Mr. Counsell said that another tank was needed to supply the 342 pressure zone, it would be a 2 million gallon elevated storage tank, pending property acquisition. Seven wastewater pumping stations would be decommissioned, which avoids unnecessary maintenance and operating costs.

Build-out flow projections are being coordinated with the County's Department of Planning and Zoning and are based on the County current Comprehensive Plan. Near-term CIP projects

include capacity improvements at Centreport (\$19 Million), and Courthouse (\$28 Million) areas to support economic development and are available in 2018, to be completed in 2022. The updated water and sewer system computer models allow rapid assessment of capacity for future developments.

The Chairman opened the public hearing. The following person(s) indicated a desire to speak:
Paul Waldowski

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Coen, to adopt proposed Resolution R18-68.

The Voting Board tally was:

Yea:	(7)	Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay:	(0)	

Resolution R18-68 reads as follows:

A RESOLUTION TO AMEND THE STAFFORD COUNTY COMPREHENSIVE PLAN IN ACCORDANCE WITH VIRGINIA CODE § 15.2-2229, BY ADOPTING A NEW DOCUMENT ENTITLED “STAFFORD COUNTY, DEPARTMENT OF UTILITIES, DRAFT WATER AND SEWER SYSTEM MASTER PLAN,” DATED JANUARY 9, 2018, AS REVISED MAY 14, 2018

WHEREAS, the Board adopted the 2016-2036 Comprehensive Plan (Comprehensive Plan) on August 16, 2016, with updated future land use recommendations; and

WHEREAS, the Board desires to update the Water and Sewer Master Plan element of the Comprehensive Plan to reflect the latest conditions and future land use recommendations and objectives; and

WHEREAS, pursuant to Virginia Code § 15.2-2229, the Board may amend the Comprehensive Plan; and

WHEREAS, the Department of Public Works (Utilities Division) prepared amendments to the Water and Sewer Master Plan element of the Comprehensive Plan, as identified in the document entitled “Stafford County, Department of Utilities, Draft Water and Sewer System Master Plan,” dated January 9, 2018, as revised May 14, 2018 ; and

WHEREAS, the Planning Commission and Utilities Commission conducted a joint public hearing on the proposed Comprehensive Plan amendments and provided its recommendations to the Board; and

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

WHEREAS, the Board finds that adoption of the proposed Comprehensive Plan amendments are consistent with good planning practices;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2018, that it be and hereby does amend the Stafford County 2016-2036 Comprehensive Plan, by replacing the current Water and Sewer Master Plan with a new document entitled “Water and Sewer System Master Plan, Stafford County, VA, Department of Public Works,” dated January 9, 2018, as revised May 14, 2018.

Adjournment At 7:44 p.m., the Chairman adjourned the June 5, 2018 meeting of the Stafford County Board of Supervisors.

Thomas C. Foley
County Administrator

Meg Bohmke
Chairman