

BOARD OF SUPERVISORS  
STAFFORD, VIRGINIA  
MINUTES

Regular Meeting

February 5, 2019

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Gary Snellings, Chairman, at 3:00 p.m., on Tuesday, February 5, 2019 in the Board Chambers, George L. Gordon, Jr., Government Center, 1300 Courthouse Road, Stafford, VA.

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

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.

Mr. Snellings presented a plaque to Laura Rudy, Treasurer, and Katie Bailey, Treasury Accounting Manager in recognition of the Treasurer's Office receiving a Certificate of Excellence in Investment Policies and Conformance to Specified Standards of Investment Policy.

Ms. Martha Hutzel, Director of the Central Rappahannock Regional Library (CRRL) presented an update on recent activities at the Stafford branches of the Library. She was accompanied by Ms. Rebecca Purdy, Deputy Director. Following the presentation, Ms. Bohmke spoke about the original CRRL agreement, dated 1993, and recommended a review with an eye to possibly updating it. Mrs. Maurer asked for the last audit report. Ms. Hutzel noted that audit reports were sent annually to the County Administrator. Mr. Foley said that he would provide the last audit reports to the Board.

Mrs. Maurer motioned, seconded by Mr. Coen, to adopt the regular agenda. There were no additions or deletions to the regular agenda.

The Voting Board tally was:

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

Presentations by the Public The following persons addressed the Board:

Gregory Gavan - Power Point presentation regarding Rappahannock River access at Lake Mooney Park as well as the intake site for Lake Mooney Dam at 25 Old Banks Road. He talked about "breeching" the County's Utilities site at 500 Greenbank Road and improved access with a focus on the Trails system that fit in with the moderately difficult and changing topography. He spoke about a pedestrian bridge over Rocky Pen Creek and talked about the Ballard canal ruins, where there was activity back to 1811. Mr. Gavan said that Friends of the Rappahannock were interested and had ideas on how to use the site and improve River access.

Paul Milde - Spoke about Aquia Town Center and the possibility of the Board revoking the tax incentives for Mosaic and expressed his opposition. He said that to date, the County had not given up anything nor had it paid any incentives to Mosaic. He talked about a strip mall at Ferry Farm that was virtually empty and said he was knocking on doors in Aquia Harbour where residents would be very upset if the Board voted to revoke the tax incentive. He said when he was on the Board a lot was done to make Aquia Town Center work; a zoning category was created and the property was rezoned to include a mixed-use development. He said that Aquia Town Center was a County problem, not just an Aquia Harbour problem and if the incentive were to be taken away, the current Board could not say that it was doing all that it could for Aquia Town Center.

Eron Sodi - The owner/developer of Mosaic, he spoke about the nice people in the County who wanted development at Aquia Town Center. He said he was sorry that the initial proposal did not work out and that three years later, they were not able to deliver a plan for the Aquia Town Center. He said it was a tough retail environment; they had been working with Harris Teeter and one confidential perspective in securing an anchor, which was vital to start development, which was not financeable without an anchor on board. He said Mosaic was well-intentioned at the time of the initial agreement and even though Harris Teeter was not signed, they were thought to be on board. Mr. Sodi said not a penny had been paid to Mosaic and nothing would be paid out unless and until Aquia Town Center was developed; that there was no obligation on the part of the County. He spoke also about the 5% escalator, or \$300,000 and how Mosaic was losing \$800,000 net every year that there was not a development; it created a financial hardship for his family. He said Mosaic offered to the County to wipe out the escalator with 0% going forward.

Barry Hill - General Manager of Stafford Soccer; George Washington District resident who spoke about the impact an indoor sports complex would have on membership in Stafford Soccer. He said that Stafford Soccer served over 4000 children and 500 adults every seasonal year, and the concentration of membership was in the northeast quadrant of the County, which encompassed north to the Quantico line, south to Courthouse Road, and west to Eustace Road. Putting an indoor sports complex at Aquia Town Center would serve the majority of its membership and they would spend money on retail and at restaurants while family members

played soccer at the indoor facility. He said the demand for indoor soccer grew with each season and people who wanted that option were going out of the County. Mr. Hill talked about events at the Jeff Rouse Swim and Sport Center and two events that had a combined impact of more than \$1 Million in tourism dollars and on economic development. He said that sports tourism was having a positive effect on the County and asked the Board to imagine the possibility of a competition-ready gymnastics facility and an indoor sports complex. He encouraged the Board to uphold the tax incentive agreement with Mosaic.

Mark O'Quinn - Spoke about the County's tax on recreational vehicles when there were no taxes on boats or airplanes. He said he owned a RV, which was damaged by the dealership. He only had the opportunity to use the RV one time and since July, it has been at the dealership for repairs; the RV was never in Stafford County but he was forced to pay taxes on it in the County. He said that he and others were going out of the County to avoid the RV tax.

Mr. Snellings asked Mr. Foley to have staff contact Mr. O'Quinn to discuss this issue.

Patricia Harmon - Aquia Harbour's General Manager; she spoke on behalf of the President of the Aquia Harbour Property Owner's Association Board of Directors. She requested that the Board honor the tax incentive agreement with Mosaic in hopes that it would lead to development of the Aquia Town Center; and second, that the Board take time to fully vet any and every idea that could facilitate development there. She said that Aquia Harbour residents got worked up when it came to the Town Center and they remember when it was a vibrant, busy, and convenient place of commerce; now, for the last 13 years they have been looking at an empty lot full of rubble. Ms. Harmon repeated that the Board should honor the incentive agreement signed in 2015 and said it was not just about the Town Center or about Aquia Harbour; she said it was a blight on the whole County. In the development world, Ms. Harmon said that three years was not much time and she, personally, gave several tours of Aquia Town Center to perspective anchors (at Mosaic's request), which have not worked out yet.

Lydia Leap - Thanked the Board for its service; resident of the Aquia District who asked the Board to keep the Mosaic tax incentive. She said she drives "past the wasteland" and spends money in Fredericksburg or Woodbridge; she was glad that west 610 was building up with a new theater, shops, restaurants, etc. but said that the eastern portion of the County needed attention. She spoke about lost revenue that could be used for Schools and asked the Board to invest in the Aquia Town Center; that the incentive was very helpful and residents deserved better than a pile of rocks. Ms. Leap said she was missing her son's middle school basketball game, about which he was very unhappy but she explained to him that this was very important and something to be fought for so the Board should "dangle a carrot" to make something happen at Aquia Town Center.

Jennifer Knee - Aquia Harbour resident who said that the Aquia Town Center was blight on the County and an embarrassment. She favored keeping the incentive in place as it cost the County \$0 to date; the County and the Board's word meant everything; it would impact the County's AAA bond rating; and if a traveler came off I-95 and saw the Town Center, they would get back on the road and keep going. She has relatives that have been visiting for years and always ask "are you kidding" when they see the lack of progress at the Aquia Town Center.

Sean Desmond - Former member of the Aquia Harbour Board of Directors who requested that the Board leave the Mosaic tax incentive in place and that Aquia Town Center be developed, not for the sole benefit of Aquia Harbour residents but for the whole County. He said it was a main artery through the County and in what appeared to be an excellent location.

Paul Waldowski - Moved to the County in 1990; said money was made on property west of I-95, not east of I-95, based on running the numbers. Keeping the tax incentive is favoritism; Lady Justice is blindfolded but could have an eye patch on the left or right; mentioned AAA bond ratings. He said he was the inventor of the tri-fold when he worked with the soccer recreational league and drove the van pool for Bob Gibbons. Mr. Waldowski said the County needed streetlights; the recreational vehicle tax was unfair; he learned about Dillon's Law; the Milde Mound (M & M); regarding the Mountain View YMCA, if stormwater comes on his property, he will "get us."

Jo Knight - Said it was not only in the best interest of Aquia Harbour but development of Aquia Town Center was in the best interest of the entire County. She said businesses did not come here due to thinking it was not a good investment; the problem began when the proposed anchor/grocery store wanted a pharmacy and Rite Aid has exclusive pharmacy rights in that location. Ms. Knight said that once it was established, Aquia Town Center would take off. She said it was a "no-brainer."

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 GWRC where Ivan Rucker with the Federal Highway Department gave an update and five-year annual review. Fredericksburg Regional Alliance did an affordable housing study including income levels, housing prices; teachers and public safety personnel could not afford to live in Stafford. Ms. Bohmke spoke about Dr. Millsap with FAMPO and a 2008 affordable housing taskforce and preferring to spend money in the GO VA fund to review affordable housing in the region. She attended the Workforce Bay Consortium Development Board meeting for Area 8. A local plan will be available from February 6<sup>th</sup> through March 6<sup>th</sup> for public comment; it may be found on the Bay Consortium's website. On Thursday of the preceding week, Ms. Bohmke went with Barbara Williams (former County

Administrator C. M. Williams' wife) to Richmond to meet with delegates regarding human trafficking. Virginia is sixth in the County in human trafficking behind California, Florida, Texas and two others and it was time to begin educating boys and girls on how deceptive the traffickers were; legislation has to be passed and there has to be more protection for potential victims and stronger sentences for the criminals. Ms. Bohmke said that she attended the Chamber of Commerce Gala where, at the last minute, Mr. Coen was asked to sing the National Anthem, which he did beautifully; he is very talented.

Mr. Cavalier - Read the following statement, *"This evening and in the future, I voluntarily abstain from any discussion or vote on Agenda Items 13 and 14 pertaining to Hampton Run because I have an affiliation with a business that may be associated with the properties subject to the reclassification and conditional use permit request. The Clerk will please note my abstention and the reason for the record today and in the record at any future meeting where the Board discusses or considers this matter."* Mr. Cavalier attended a Special Olympics event at Brooke Point High School showcasing basketball players from Stafford, Spotsylvania, and Prince William counties; it was a well-attended, happy event. He attended the Chamber of Commerce Gala and Aquia Harbour Board of Directors meeting as well as the Aquia Harbour Lion's Club Reverse Raffle. During the federal furlough, Mr. Cavalier noted that residents of Aquia Harbour stepped up to help with a food pantry and pot luck meals; no questions were asked and no one had to show furlough papers. Gift cards were available to all who needed it; some had no gasoline in their cars. It demonstrated what good people live in the Harbour and in the County, which is what is important; petty things do not mean a lot. He thanked Patricia Harmon and Sean Desmond and all the volunteers that worked to stock the pantry and served food including the Lion's Club and Young Marines. He said it left a very warm feeling in his heart.

Mr. Coen - Attended the Chamber of Commerce gala and said it was a great honor to sing the National Anthem at that event. Mr. Coen announced that Ms. Bohmke was unanimously appointed Second Vice President of the Virginia Association of Counties (VACo). He attended his first GWRC meeting and said the reports on affordable housing was telling and dovetailed with his ride-alongs with the Sheriff and Fire/Rescue personnel who have to live in other communities because they cannot afford to live in Stafford County. He also attended the FAMPO meeting and VDOT's meeting on the I-95/Route 17 Interchange project. Mr. Coen attended the Board's annual planning meeting where some of the information received was disconcerting and based on past financial decisions, which made it very challenging in today's environment. He said that staff was phenomenal and he looked forward to working on whatever comes up next.

Mr. Dudenhefer - Reflected on Ms. Bohmke's comments about the 1993 CRRL Agreement and the number of organizations with which the County may have outdated agreements that needed to be reviewed including GWRC and FAMPO, which are regional organizations that the County has close relationships with. He suggested looking at voting rights and how all participating localities could/should work together. Mr. Dudenhefer gave a briefing of the Infrastructure Committee meeting and spoke about Smart Scale results for the County, which scored very poorly even though it was for funding in 2025, 2026, and 2027. He said it was very disappointing, which was a gross understatement and the County had to relook at its limited transportation funding. He spoke about the transportation study and two lists, one with major projects that were out of reach, funding-wise and the second list that had 32 projects and a \$6 Million commitment to get as many done as possible with creative use of the allocated funds. There will be an update on CMAQ and RSTP funding at the next Board meeting on February 19, 2019, which was not a lot but could make a dent. He said he was disappointed on the work being done to fix the County's numerous transportation and congestion issues but he would not give up.

Mrs. Maurer - Attended VRE with Mr. Dudenhefer where she was appointed Finance Chair; VRE ridership was way down, which looked good in the short term as the County's contributions would be lower but in the long term, it was precarious; they were looking at a 3% fare increase, which could price VRE out of the market. Mrs. Maurer spoke about gasoline prices being down and that consideration of reopening the agreement with VRE and surrounding jurisdictions could cause problems for Stafford; she restated that it was just a consideration. Stafford County did not do well in the SMART Scale allocation but the Mountain View/Stefaniga Road intersection did make the cut so there was a glimmer of hope; that area impacts residents of the Rock Hill, Garrisonville, and Hartwood Districts.

Ms. Shelton - Elected Chairman of the Board's Community and Economic Development (CEDC) Standing Committee where there was a discussion about the Port Authority and a grant to assist Aquia Harbour with dredging; that item will be brought to the full Board for a vote at its meeting on February 19, 2019. She asked that she be contacted for items that should be placed on future CEDC meetings. Ms. Shelton talked about the Transportation Town Hall and transportation challenges in the County and projects that were racked and stacked and about setting priorities. She spoke about VDOT's STAR study where VDOT targeted areas and looked at ways to decrease congestion and have a multi-modal approach; included in this very important study was Port Aquia to Austin's Landing. Ms. Shelton spoke about bridge paths over streams, including Austin Run providing alternate ways to get around without the necessity of getting into a car. She said it was a year-long study.

Mr. Snellings - Offered condolences to the family of State Trooper Lucas Dowell of Farmville, VA, who was the eighth law enforcement officer killed in the line of duty this year. He spoke about elementary school redistricting and the number of calls and e-mails that he received. He let the public know that no one on the Board of Supervisors had any vote or say in the eventual school redistricting process or outcome; those decisions were being made by duly-elected members of the Stafford County School Board and comments should be directed to them. Mr. Snellings asked that everyone keep the Commonwealth of Virginia in prayer saying this was a very difficult time and things were not getting better; that the General Assembly was struggling.

Report of the County Attorney – Ms. McClendon deferred her remarks.

Report of the County Administrator – Mr. Foley discussed priority projects and initiatives and introduced Mr. Anthony Toigo who provided an update on the proceedings of the General Assembly in Richmond. Mr. Toigo noted that cross-over was that day, the deadline for reports to cross over from the house of origin. He spoke about the bill for special training standards required by the Department of Criminal Justice Services (DCJS) for school protection officers working over 80 plus hours per year and the requirement for them to go through the Academy to obtain a Level 1 certification, a process which took 18 weeks. Stafford County proposed an abbreviated eight week training, championed by Senator Richard Stuart (SB1201) and Delegate Bob Thomas (HB2142), which amends State statute 9.1-101-102 to include the definition of a School Protection Officer (SPO), exempts the 18 week Academy and allows local government to train, in-house, its SPOs. SB1201 passed the Senate unanimously and passed the House by a vote of 53-45-1, along party lines. Mr. Toigo said that the Governor opposed the bills but there was dialogue with Brian Moran, Secretary of Public Safety, about a new category needed to enhance school safety.

Mr. Foley introduced Mr. Bryon Counsell, Deputy Director of Public Works/Capital Projects Division, who presented an update on construction and road projects in the County. He spoke about Fire Station #14 and working to mitigate weathers delay on site. The Poplar Road and Mountain View Road Intersection Improvements project was being rebid; construction was anticipated to start in spring 2019, and VDOT applied for additional funding should the new bids come in higher than previous bids.

Regarding the Brooke Road Safety Improvements project, Mr. Counsell noted that the closure of Brooke Road had to be extended to the end of February due to weather delays; work on the first culvert extension was complete and work on the double-box culvert was underway; there was on-going work to mitigate utility relocation delays.



The public-private Transportation Act (PPTA) on Garrisonville Road was discussed. Mrs. Maurer thanked Mr. Counsell (and VDOT) saying that she appreciated the lights being sequenced up and down Route 610. Mr. Counsell said that VDOT accepted roadway maintenance and the alternate signal pole foundation crack repair method was approved by VDOT but cold weather was impacting repairs.

Ms. Bohmke asked about the budgeted amount and if the additional funds came out of the Service District. Mr. Counsell said he did not know the exact breakdown. Mr. Mike Smith, Deputy County Administrator, said it was local bonds that would be paid back from service district funds and there was a local match with VDOT funds. Ms. Bohmke said it was very important that it did not come out of the County's general fund. Mr. Foley said that staff would provide additional fund breakdown in future reports. Mr. Dudenhefer said that the public did not understand service districts and explained that the extra taxes on Route 610 were only used for roads on the Route 610 corridor.

Mr. Counsell said a public hearing was scheduled for February 19, 2019 on exercising the County's quick-take powers and condemnation of needed rights-of-way where 29 parcels were impacted. The remaining appraisals/offer letters were completed in January and County staff was meeting with property owners to address concerns. Utility relocations were anticipated to start in late spring, 2019.

Phase 4 of the Belmont/Ferry-Farm Trail was on hiatus due to weather-related challenges but the initial survey work was complete. The terminus of the Trail was on the Board's Consent Agenda for that day.

Incentives had been offered to the contractor for early or on-time completion of Juggins Road and there were back-up plans in place to ensure completion by the opening of the new Anne E. Moncure Elementary School; work was scheduled to begin in March 2019.

Regarding the Berea Church Road Safety Improvements project, Mr. Counsell said that geotechnical and sub-surface utility conflict investigations were complete; 28 parcels would have right-of-way impacts; and right-of-way plans were submitted to VDOT in January.

Staff received VDOT's comments on preliminary field inspection plans on Route 1/Woodstock Lane Intersection improvements; staff anticipated that it would impact 15 parcels with the project but require no relocations. Staff was working with VDOT and the consulting engineer on tentatively scheduling a public hear in spring, 2019. Mr. Dudenhefer noted that this was an earlier iteration of Smart Scale funding, not the last one about which he spoke during his earlier comments.



Switching to an update on Utilities projects, Mr. Counsell said that tunnel boring was complete and the crew was demobilizing the Claiborne Run Sewer Interceptor project, which was 85% complete and the contractor was working to mitigate weather delays. He said this was the most technical project having been undertaken in the County. Ms. Bohmke asked what staff had learned, and what would staff do differently to make sure the problems that occurred with Claiborne Run did not happen again with the next big projects. Mr. Counsell noted that this project began 10 years before he came to work with the County but there definitely were lessons to be learned.

Mr. Counsell shared that design of the Lower Accokeek Pump Station was complete and ready for construction advertisement; environmental permits were obtained; 40 of the 42 easement agreements were signed and construction bidding was anticipated to start later in February. Wet weather has impacted progress on the Route 1 Wayside Sewer Interceptor project. The contractor imported additional stone and timber mattresses to stabilize the work site.

The Claiborne Run Parallel Force Main, Phase 1, approximately 11,600' of 24" force main would increase the capacity of the Claiborne Run Pump Station to the Little Falls Run Water Treatment Plant. Mr. Counsell said that the left eastbound lane closure on Route 3 was in place and would remain in place until April 2019, noting that the lane closure duration depended on production and could possibly be removed earlier. Pipe installation was underway and about half the project was in the Route 3 median and half was along the south side of Route 3 eastbound with transition near Duff Park.

### **APPROVAL OF THE CONSENT AGENDA**

Mr. Coen motioned, seconded by Mr. Dudenhefer, to adopt the Consent Agenda.

The Voting Board tally was:

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

Item 1. County Administration; Approve the January 22, 2019 Meeting Minutes.

Item 2. Finance and Budget; Approve the Expenditure Listing

Resolution R19-51 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED JANUARY 22, 2019 THROUGH FEBRUARY 4, 2019,

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 5<sup>th</sup> day of February, 2019 that the above-mentioned EL be and hereby is approved.

Item 3. Public Works (Transportation); Authorize the County Administrator to Execute a Contract for Construction, Engineering, and Inspection Services on Juggins Road

Resolution R19-46 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH A. MORTON THOMAS & ASSOCIATES, INC., FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES ON THE JUGGINS ROAD IMPROVEMENT PROJECT, LOCATED WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Juggins Road (SR-711) north of Chadwick Drive (SR-766) (Project), as a critical part of the County's road improvement plan; and

WHEREAS, the Board desires to begin construction of the improvements on Juggins Road and will require construction engineering and inspection services for the Project; and

WHEREAS, staff determined that A. Morton Thomas and Associates, Inc., (AMT), an on-call engineering firm selected to provide professional engineering services for roadways or other linear projects with state or federal funds pursuant to Request for Proposal (RFP) #78153, approved by the Board in Resolution R15-266, is best qualified to provide these services; and

WHEREAS, AMT submitted a cost proposal of \$122,966 to perform the construction engineering and inspection services for the Project; and

WHEREAS, County staff reviewed the proposal and determined that it is reasonable for the scope of work proposed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of February 2019, that the County Administrator be and he hereby is authorized to execute a contract with A. Morton Thomas & Associates, Inc., in an amount not to exceed One Hundred Twenty-Two Thousand Nine Hundred Sixty-Six Dollars (\$122,966) for construction engineering and inspection services for the Juggins Road Improvement Project, unless amended by a duly-executed contract amendment.

Item 4. Planning and Zoning; Refer to the Planning Commission an Amendment to the County's Zoning Ordinance to Create a Definition to the Zoning Ordinance for Modular Offices and Classrooms and Provide for the Repair, Maintenance, and Rental of Such Items as a Use in the M-1, Light Industrial and M-2, Heavy Industrial Zoning Districts

Resolution R19-36 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-25, "DEFINITIONS OF SPECIFIC TERMS," AND SEC. 28-35, TABLE 3.1, "TABLE OF USES AND STANDARDS," TO CREATE A DEFINITION FOR MODULAR UNIT DESIGNED FOR TEMPORARY OFFICE OR CLASSROOM AND AMEND THE INDUSTRIAL ZONING DISTRICTS TO PROVIDE FOR SUCH A USE

WHEREAS, the Board desires to consider amending the Zoning Ordinance to create a definition for modular unit designed for temporary office and/or classroom, and to allow for the maintenance, rental, and repair of such modular units as a use permitted by right in the industrial zoning districts in the Zoning Ordinance; and

WHEREAS, the Board desires to forward this proposed amendments, pursuant to proposed Ordinance O19-20 to the Planning Commission for its review, to hold a public hearing, and provide a recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of February, 2019, that the proposed amendments to Stafford County Code Sec. 28-25 and Sec. 28-35, Table 3.1, pursuant to proposed Ordinance O19-20, be and they hereby are referred to the Planning Commission for its review, to hold a public hearing, and provide its recommendations to the Board.

Item 5. Public Works (Capital Construction); Consider Changing the Terminus of the Belmont-Ferry Farm Trail, Phase 6, to Cool Spring Road

Resolution R19-50 reads as follows:

A RESOLUTION ESTABLISHING THE TERMINUS POINT OF THE BELMONT-FERRY FARM TRAIL PHASE 6 AT COOL SPRING ROAD, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, it is necessary to modify the alignment for the Belmont-Ferry Farm Trail Phase 6 (Trail); and

WHEREAS, the Infrastructure Committee and staff reviewed alignment options and recommended the terminus point of the Trail be located at Cool Spring Road (SR-607); and

WHEREAS, the Board carefully considered the alternative alignments and determined that the Trail should be terminated at Cool Spring Road (SR-607);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of February, 2019, that it be and hereby does establish the terminus point for the Belmont-Ferry Farm Trail Phase 6 at Cool Spring Road (SR-607).

Due to the number of people in the audience regarding Agenda Item 9, *Consider Rescinding an Award of Future Incremental Tax Revenues to Mosaic Realty Partners, Associated with Aquia Town Center*, the Chairman moved this item up to follow the Consent Agenda and Closed Meeting.

Mrs. Maurer motioned, seconded by Mr. Dudenhefer, to reorder the agenda and move Item 9 to follow the Closed Meeting, which was moved up to follow the Consent Agenda.

The Voting Board tally was:

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

### **CLOSED MEETING**

At 4:36 p.m., Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to adopt proposed Resolution CM 19-04.

The Voting Board tally was:

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

Resolution CM19-04 reads as follows:

#### **A RESOLUTION TO AUTHORIZE CLOSED MEETING**

WHEREAS, the Board desires to hold a Closed Meeting for consultation with legal counsel employed by the Board regarding a Memorandum of Understanding with Mosaic Realty Partners, which is a specific legal matter requiring the provision of legal advice by such counsel; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors that on this the 5<sup>th</sup> day of February, 2019, that it be and hereby does authorize discussion of the above matter in Closed Meeting.

### **CLOSED MEETING CERTIFICATION**

At 5:08 p.m., Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to adopt proposed Resolution CM 19-04(c).

The Voting Board tally was:

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

Resolution CM19-04(c) reads as follows:

**A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD  
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON  
FEBRUARY 5, 2019**

WHEREAS, the Board has, on this the 5<sup>th</sup> day of February, 2019, 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 provides for certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 5<sup>th</sup> day of February, 2019, 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, and (2) only such public business matters as were identified in the Motion by which the Closed Meeting was convened, were heard, discussed, or considered by the Board.

**UNFINISHED BUSINESS**

**Item 9. Economic Development; Consider Rescinding an Award of Future Incremental Tax Revenues to Mosaic Realty Partners, Associated with Aquia Town Center**

Ms. Shelton motioned, seconded by Mrs. Maurer, to defer this item for 60 days and for staff to work with Mosaic to improve performance on Aquia Town Center.

The Voting Board tally was:

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

Ms. Bohmke confirmed with Ms. McClendon that doing so met all the legal requirements to which Ms. McClendon agreed.

**UNFINISHED BUSINESS, continued**

**Item 6. County Administration; Consider Appointments to the Board's Infrastructure Committee**

Mrs. Maurer motioned, seconded by Mr. Coen, to appoint Ms. Bohmke, Mr. Dudenhefer, and Ms. Shelton to the Board's Infrastructure Committee.

Mr. Cavalier said that he was puzzled as he was the only engineer and had the least amount of Committee assignments where Ms. Bohmke had the most and Ms. Shelton also had a lot more assignments than he did; he said he would not support the motion.

The Voting Board tally was:

|          |     |                               |
|----------|-----|-------------------------------|
| Yea:     | (4) | Bohmke, Coen, Maurer, Shelton |
| Nay:     | (2) | Cavalier, Snellings           |
| Abstain: | (1) | Dudenhefer                    |

Item 7. Planning and Zoning; Refer to the Planning Commission an Ordinance to Amend and Reordain County Code Sec. 28-24, "Measurements" to Reduce Encroachments into Side Yards for Outside Basement Entrances and Ingress-Egress Window Wells Mr. Jeff Harvey presented this item to the Board, noting that it was previously discussed at the Board's January 22, 2019 meeting. Mrs. Maurer asked if Mr. Harvey had seen the feedback from the Fire Marshal. Mr. Harvey replied that he did not see Chief Cardello's response. Mrs. Maurer said that she did not mean to put Mr. Harvey on the spot. Mr. Foley said the bottom line was that from a fire safety perspective, the Fire Chief believed that the Ordinance should remain as is. Mrs. Maurer asked Ms. Shelton include Chief Cardello's e-mailed response in the record. Ms. McClendon said that it could be added to the record.

Chief Cardello responded to Ms. Shelton at 11:56 a.m. on Tuesday, February 5<sup>th</sup> re. Sideyard Encroachments – Section 28-24...*"Hi Supervisor Shelton, We feel that in the interest of fire safety, the ordinance should not be changed. There really isn't a simple solution or retrofit that would solve the problem of the 129 homes that have already been built. Please let me know if you'd like to discuss further."* Joseph A. Cardello, County Fire Chief

Mrs. Maurer asked if the Ordinance was not changed and there were 129 houses in non-conformance, what did that mean when buying or selling those 129 properties. Mr. Harvey replied that if the house was destroyed there would be an issue around rebuilding and ingress/egress for basement bedrooms. Mr. Harvey said like the recently heard parking ordinance, staff could carve out a time span for the 129 homes so they would not be non-conforming but staff would have to be careful as the Zoning Ordinance was meant to be broad and general; being too specific could have unintended consequences. Mr. Dudenhefer said that it was no one's fault and it caused him concern if no one looked out for them. Mr. Harvey said staff could look back and research specified dates and work with the County Attorney's Office on a text amendment to the Ordinance. Ms. McClendon said her office would work with Planning and Zoning staff to incorporate the 129 houses.

Ms. Bohmke said she did not get the letter from the Fire Chief and there may be a difference of opinion between the Fire Chief and the Fire Marshal. Mr. Foley said no, it was just that the Chief was more direct; the primary matter was whether or not to refer this to the Planning Commission. He added that staff recommended no change to the Ordinance.

Ms. McClendon said that with Board approval, this item could be brought back to the Board at its next meeting to discuss a text amendment. The Board agreed (verbally) to defer this item to its February 19, 2019 meeting.

Item 8. County Administration/Planning and Zoning; Redistricting Committee Update Deputy County Administrator, Fred Presley presented this item to the Board. He noted that the Registrar submitted a letter to the Board requesting that a committee be formed to assess the impact of growth on the need to adjust district lines and create new polling locations ahead of the 2020 Census and subsequent 2021 redistricting that would likely result. At its June 9, 2018 meeting, the Board directed staff to form a committee to analyze growth that occurred since the completion of the 2010 Census as well as approved developments in order to determine what, if any, actions may be needed by the Board ahead of the 2021 redistricting.

Mr. Presley said a staff committee was formed consisting of the County Registrar, Greg Riddlemoser; Deputy County Administrator, Fred Presley; Director of Planning and Zoning, Jeff Harvey; GIS Manager, Dave Capaz; and the Stafford County Public Schools Assistant Superintendent of Operations, Scott Horan. The initial findings of the Committee were that the expected results of the 2020 Census would require redistricting. The County's population growth would likely require up to eight additional polling locations and decisions on these matters would need to be made by April, 2021 (about 30 days after receiving the legislative district lines from Richmond). Mr. Dudenhefer said that in 2010, that was not the way it happened. He said the lines were released simultaneously; Mr. Presley said that State law requires that localities be given time to work on redistricting. Mr. Dudenhefer said for public notification purposes to assume it started with the primary in June and that everything would back up from there. He said that the last time it was in late March. Mr. Presley said the County would receive census data in December 2020.

Based on the Committee's finding, Mr. Presley reported the following recommendations: Staff would work on the analysis; the Board would consider forming a sub-committee of the Board members to continue working on the issue; and the Board would consider citizen involvement. The operational charter/guidelines for the Board to consider included: Not splitting neighborhoods into multiple election districts or precincts; Precincts should not cross major bodies of water or I-95; Polling places should be placed in government-owned buildings to the maximum extent possible to ensure longevity and compliance with election requirements; Election districts and precincts should be of equal size in order to accommodate growth and minimize creation of new precincts due to voter compliance requirements; and other issues as identified by the Registrar.



The tentative timeline through 2021 was outlined by Mr. Presley and included: December 2020 – County receives data from the U.S. Census Bureau; March 2021 – County received information from the State House of Delegates and Senate election district boundaries; and April 2021 – the County completes its recommendation for changes to election districts, precincts, and polling places, and advertises for a public hearing; Early May 2021 – the Board adopts an ordinance establishing new election district boundaries, precinct names and boundaries, and polling places; Late May 2021 – new voter registration information sent out in advance of primary election; and June 2021 – primary election as needed. Mr. Presley said that government-owned buildings were recommended so as to be ADA compliant. Election districts should be of equal size and allow for growth with no more than 5000 registered voters per precinct (voters in a Presidential election cannot exceed 4000 per precinct).

Mr. Coen said he read the report and had great consternation about the assumption that the Schools Division was in agreement with using school facilities as polling places and asked if Mr. Presley had spoken with them. Mr. Presley said that Scott Horan was on the Committee; that the Schools were fully supportive of using school facilities as polling places. Ms. Bohmke spoke about a sad story at Ferry Farm Elementary School and said that a policy and process had to be firmly in place and adhered to. She said she was not sure who from the Schools would be responsible for that and said that the school principals should be the first ones involved as they may not wish for their particular school to be used as a polling place. Mr. Presley said that Mr. Horan had communicated with them. Ms. Bohmke then spoke about school safety and how schools should be closed on election days. Mr. Coen said that when he was on the Planning Commission, the School Board articulated its concern from the dais but never to staff about using school buildings as polling places. Ms. Bohmke noted that the General Assembly voted to close schools on days of general elections but not on primary election days. Mr. Coen spoke about Brooke Point High School and there being no security and if a voter used the restroom, they would then have full access to the school. He said there had to be some synergy on this; he was leery about not having the whole story. Mr. Coen volunteered to be on the Board's committee saying that he had two degrees in Political Science and loved this kind of thing.

Mr. Dudenhefer said that census data when received was in blocks all over the map; there were blocks inside of blocks that did not only divide neighborhoods, it divided streets within neighborhoods, which caused significant changes to precincts and polling places. He spoke about people living behind Lowe's, Aquia Harbour being split, and said the County should ask the census providers to provide blocks to the County in advance to ensure there were no blocks within blocks. Mr. Presley said the Committee looked at the blocks. Mr. Dudenhefer said the County had to look hard at the data; that the State grabbed the magisterial districts and the County knows it needs eight new polling places. The County should be able to modify what the State comes up with and make changes to the old districts.

Mr. Dudenhefer said they were not happy last time; he spoke about a “deer in the headlights” look and needing time to look at the numbers after which there still could be split precincts. He said the Census Bureau sent software. Mrs. Maurer noted that the Registrar, Greg Riddlemoser, was in the audience and invited him to speak to the Board. Mr. Snellings asked when Mr. Presley needed the Board appointments. Mr. Presley said it would be needed in the fall, 2019.

Mr. Riddlemoser said that time was of the essence, which was why he brought it up a year ago so that decisions could be pre-made including the question about schools; are eight new precincts enough; was the Board aware that the General Assembly outlawed split precincts; and eight was not enough. He said he needed equipment in place and had to send a first class letter to everyone in the County, which could all not be done in the last 60 days; he said there was a lot to do before the Census hit. Mrs. Maurer said some Boards of Supervisors were larger or smaller than Stafford and asked if there was a number of how much to expand. Ms. McClendon said that the number of supervisors was determined by the Board, not by population. Mr. Riddlemoser said it was time to put together the people; that schools were not in session during the June primary; and Election Day was a State holiday in November. He would recommend quarterly meetings; that this could not all be done in the last six weeks.

### **NEW BUSINESS**

Item 10. Human Resources: Consider a Phased-In Approach to Modifying Medicare Retiree Health Insurance Premiums Human Resources Director, Ms. Shannon Wagner, gave a presentation and answered Board members questions. She noted that the County currently had 175 retirees receiving health insurance benefits. 35% of the retirees were under the age of 65 and remained on the health insurance plans offered to active employees as designated by State code. 65% of the retirees were age 65 or older and eligible for Medicare. The County offered a Medicare supplement plan, including Part D coverage for prescriptions, for these retirees and they required to be enrolled in Medicare Part A and B.

Ms. Wagner said that Virginia Retirement Systems (VRS) offered a health insurance credit to retirees with at least 15 years of service of \$1.50/year of service, for a maximum of \$45/month, to select groups of employees. Stafford elected to offer this benefit to all employees and it was received as additional pay in the retiree's monthly retirement check. This benefit reduced the overall impact of any health insurance contributions the retiree was responsible for.

The current County policy on retiree health insurance stated: Employees who retired with less than 15 years with the County are eligible for retiree health insurance, but at the full premium cost; Employees with at least 15 years of continuous service and who were at least 50 years of age pay the same rate that an active employee paid; and the retiree was responsible for the full cost of any dependent (spouse or child) included in the Plan. Ms. Wagner said that the current health insurance contributions of Medicare retirees were not in compliance with this policy and

recommended that the Board consider a three-year phased-in approach to bring those contributions into compliance with County policy. The 2019 impact for 84% of the retiree population would be \$20/month.

Ms. Wagner noted that no Board action was necessary at that time; the item would come back for a Board vote at its February 19, 2019 meeting.

Item 11. Economic Development; Authorize the County Administrator to Advertise a Public Hearing to Consider an Ordinance Amendment to Provide a Separate Tax Classification for Data Centers Mr. John Holden, Director of Economic Development and Tourism presented this item to the Board saying that Data Centers were one of the County's targeted sectors and were generally large facilities with a high volume of highly valuable business personal property. Data Centers could be segregated with regards to business personal property tax pursuant to Virginia Code § 58.1-3506 (43) for tax rate purposes. Mr. Holden spoke about a regional approach so as to be competitive with surrounding regions and Commissioners of the Revenue from Caroline, King George, Spotsylvania, Stafford counties and the City of Fredericksburg signed a Memorandum of Understanding in support of a depreciation schedule.

Authorization for the County Administrator would be brought to the Board for a vote at the next Board meeting. Mrs. Maurer asked if it would be brought back on the Consent Agenda. Mr. Snellings said he would rather the public hear the presentation and suggested that it be brought back as Unfinished Business. Following approval by the Board to authorize a public hearing, staff would schedule the public hearing to set a different classification for taxation purposes and the Board will establish the separate classification. At the time the Board sets the tax rates in April 2019, the Commissioner of the Revenue will set the depreciation schedule. Economic Development and Tourism staff will work to alert prospects of Stafford's value as a place to locate data centers.

Item 12. Public Works (Utilities); Authorize the County Administrator to Execute the Documents Necessary for Stafford County to Participate in a Lawsuit Against Persons and/or Entities for Anti-Competitive Conduct related to the Sale of Aluminum Sulfate; and to Retain AquaLaw PCL and Ballard Spahr LLP to Serve as Counsel for the County Public Works Director, Mr. Jason Towery, presented this item to the Board saying that aluminum sulfate was used in water treatment facilities and the County was impacted by the "bid-breaking," which inflated the cost of the materials used. Mr. Towery said that before bringing this to the Board, staff discussed it with the County Attorney's Office. The item is time sensitive; there would be no cost to the County to participate in the class action lawsuit.

Ms. Bohmke motioned, seconded by Mr. Dudenhefer, to determine this item as time sensitive and therefore, able to be voted on as a matter of New Business.

The Voting Board tally was:

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

Ms. Bohmke motioned, seconded by Mrs. Maurer, to approve proposed Resolution R19-53.

The Voting Board tally was:

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

Resolution R19-53 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS NECESSARY FOR STAFFORD COUNTY TO PARTICIPATE AS A CLASS MEMBER IN THE LIQUID ALUMINUM SULFATE ANTITRUST LITIGATION CLASS ACTION LAWSUIT FILED IN UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

WHEREAS, Stafford County received notification from the United States District Court District of New Jersey of its right to join in the settlement of a class action lawsuit known as *In re: Liquid Aluminum Sulfate Antitrust Litigation*, Civil Action No. 16-md-2687 ("Lawsuit") to recover a portion of the settlement; and

WHEREAS, Stafford County will have no out of pocket expenses associated with joining the Lawsuit as a class member and all fees and costs are to be recovered by class counsel on a court approved contingency fee basis paid from the suit proceeds; and

WHEREAS, the Lawsuit may result in settlements from a number of companies that were involved;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of February 2019, that the County Administrator be and he hereby is authorized to execute any and all documents necessary for the County to participate as a class member in the lawsuit known as *In re: Liquid Aluminum Sulfate Antitrust Litigation*, Civil Action No. 16-md-2687, and to execute any and all documents related to settlement.

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At 6:02 p.m., the Chairman recessed the afternoon session of the February 5, 2019 Board meeting.

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At 7:00 p.m. the Chairman called the evening session to order. Ms. Shelton gave the invocation, and Mr. Snellings led the Pledge of Allegiance to the flag of the United States of America.

**Presentations by the Public – II The following person addressed the Board:**

Paul Waldowski - Spoke about an anchor in a development and said there was a Harris Teeter in Bristow, Virginia ("population 3"); there was a Wegman's from Rochester, NY; a Giant; a Weis; and a Food Lion. He was gone for a portion of the afternoon session, he played minute chess; talked about using space correctly and Milde's Mounds; apartments that were a furnished rental located by the back gate at Quantico. He was sorry that Mosaic was losing \$800,000; talked about FANG (Facebook, Amazon, Netflix and Google); his stock in IBM and said to not invest east of I-95.

**PUBLIC HEARINGS**

NOTE: Items 13 and 14 public hearings were heard concurrently but voted on separately.

Item 13. Planning and Zoning; Amend and Reordain the Zoning Ordinance to Amend the Zoning District Map to Reclassify from R-1, Suburban Residential to R-3, Urban Residential – High Density (1.39 Acres), and B-2, Urban Commercial (0.46 Acres), and from the B-2 Zoning District to R-1 (1.92 Acres) and R-3 (3.03 Acres); and Proposed Proffer Amendments on 13.61 Acres Zoned B-2, on Tax Map Parcel Nos. 20YY-2 and a Portion of TMP No. 20YY-1 Mr. Harvey gave a presentation and answered Board members questions. For the applicant, Mr. Sherman Patrick was also present and addressed the Board.

Mr. Harvey said the request was to reclassify property from R-1, Suburban Residential to R-3, Urban Residential (high density) on 1.39 acres and B-2, Urban Commercial (0.46 acres); and from B-2 to R-1 (1.92 acres) and R-3 (3.03 acres). There were also proposed proffer amendments on 13.61 acres. He said that an assisted living facility was compatible with the existing zoning and while it would be located in Quantico's Noise Zone 5. The facility would reduce the traffic impact by 2000 vehicle trips per day (VTPD). Recommended improvements in the Traffic Impact Analysis included three exit lanes from the development at the intersection of Mine Road and the commuter lot; a third southbound shared through/right lane on Mine Road; and modification of traffic signals and coordinated, optimized signal timing. VDOT recommended the applicant revise its analysis to better determine impacts and add an additional southbound lane on Mine Road extended to Highpointe Blvd. to achieve acceptable levels of service at the commuter lot/main entrance intersection. Mr. Harvey said that to date, a revised analysis that addressed VDOT's concerns was not submitted.

Mrs. Maurer asked if the applicant was proffering an assisted living facility, not townhomes. Mr. Harvey confirmed there would be no townhomes; that this was an assisted living facility. Mrs. Maurer said she knew the answer but wanted to be transparent. Mr. Harvey noted that a revised, signed proffer statement was handed out to the Board. He said there were no anticipated impacts to Parks and Recreation; libraries provided adequate service levels; and regarding public safety, Fire and Rescue response time standards was 8 minutes 90% of the time and the Aquia station was currently not meeting that standard so a service level deficiency existed for public safety.

The project was subject to new proffer legislation; the proffer statement included cash contributions to mitigate public safety deficits of \$26,048 lump sum (\$352.00 x 74 residents). Proposed proffers included property access and inter-parcel connection; right-of-way dedication and construction of a southbound lane, transitions and pedestrian facilities along Mine Road; modification of the main entrance intersection (expansion of the northbound left turn lane on Mine Road, restriping the commuter lot exit, and pedestrian signals and crosswalks); restriping and reconfiguring turn lanes for westbound Greenspring Drive; a \$25,000 contribution for design and construction of nearby transportation improvements (commenced within three years of the first occupancy permit and complete within five years of payment); provide an area for a FRED bus stop; bicycle racks within the B-2 area; evergreen trees within screening areas; limit the total VTPD to 9,035; and prohibit adult businesses, building materials sales/storage; funeral homes; and indoor flea markets within the B-2 area; building materials limited within B-2 and require signage consistent with architecture; one AED within each commercial building in B-2; parking area lighting directed away from abutting residential properties and Mine Road; re-subdivision, vacation, and/or consolidation of parcels within the Property so that property lines were consistent with Zoning boundaries; demolition of existing structures prior to issuance of the first occupancy permit; R-3 zoned area to be used as an assisted living facility; architecture of assisted living facility to be consistent with provided renderings; limit height of the assisted living facility to one story; and \$26,048 prior to issuance of building permit for assisted living facility to offset impacts to Fire and Rescue facilities.

Mr. Harvey said the County would receive \$25,000 for shoulder widening, which would allow VDOT the opportunity to have pedestrian access on a widened, paved walkway. Ms. Shelton questioned if this was considered an off-site improvement. Mr. Dudenhefer said the property did not go all the way to Highpointe Blvd, there was a 400' gap and this would permit pedestrian access where there was none prior. He said it was a long-time goal to go all the way to Courthouse Road and to the Wal-Mart. Ms. Shelton asked about a FRED bus stop and if staff was working with FRED. Mr. Harvey said it was not specifically discussed but it would be considered at site plan review.

Regarding Item 14, the request for a conditional use permit, those conditions included limiting the assisted living facility to 64 units and no more than 74 beds; require access to be generally as shown on the GDP; require a fire suppression system; require that mechanical equipment; dumpsters and loading areas be screened; enclosures match building materials; and require disclosure notices be provided regarding proximity to Quantico and possible noise impacts.

Mr. Harvey said that staff found that the application was consistent with land use recommendations in the Comprehensive Plan; it was consistent with established development patterns; the proffers ensured that architectural design would be consistent with the NDS Plan; proffers included additional transportation improvements and ensured that maximum development would result in fewer VTDP compared to existing potential B-2 development; and public safety facility impacts were being adequately mitigated. One negative was that the Transportation Impact Analysis was not revised in accordance with VDOT recommendations and therefore, it was uncertain if impacts to the transportation system would be addressed in accordance with Comprehensive Plan policy. Mr. Harvey said that staff was generally supportive of the proposal but recommended that VDOT's comments be addressed.



At its meeting on November 14, 2018, the Planning Commission voted 6 – 0 (Ms. Vanuch was absent) to recommend approval of proposed Ordinance O19-05 and Resolution R19-16.

Mr. Richard Ebie (sp?) with Bickford Senior Living, applicant, gave a presentation and said that his was a family-owned business out of Kansas City, Kansas and had been in business over 20 years (his mother-in-law was the first resident at their first facility). They have four properties in Virginia and the planned facility in Stafford would have 48 assisted living and 16 memory care units. He said it would be a good transition between the residential and planned commercial in the area. There would only be two or three deliveries with food each week and two trash pick-ups; less than 1% of the residents would have a car; stormwater detention would be sub-surface.

Mr. Dudenhefer said that the level of pedestrian access was very important, including the sidewalk along Mine Road, which he said was a major issue for him and if the applicant drove down the road, he would understand why. He spoke about proffered curb and gutter and VDOT's shared 10' wide path. Mr. Dudenhefer said he was very pleased with the application and it would be a great addition to the neighborhood and the County. He mentioned this was owned by the Hylton Company out of Prince William County.

Ms. Bohmke said she was very impressed by the use of hardi-plank siding, which lasts a long time and never shows wear and tear. Ms. Shelton questioned resident transportation which was never defined except for on one of Mr. Ebie's slides. She said it was part of normal service provided in order for them to be competitive.

The Chairman opened the public hearing. The following persons indicated a desire to speak:

Jo Knight

Paul Waldowski

Ruth Carlone

The Chairman closed the public hearing.

Mrs. Maurer said there was a clear need for assisted living facilities in the County and she would support this project.

Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to adopt proposed Ordinance O19-05.

The Voting Board tally was:

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

Nay: (0)

Abstain: (1) Cavalier

*"This evening and in the future, I voluntarily abstain from any discussion or vote on Agenda Items 13 and 14 pertaining to Hampton Run because I have an affiliation with a business that may be associated with the properties subject to the reclassification and conditional use permit request. The Clerk will please note my abstention and the reason for the record today and in the record at any future meeting where the Board discusses or considers this matter."*



Ordinance O19-05 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO [1] RECLASSIFY FROM THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT TO THE R-3, URBAN RESIDENTIAL-HIGH DENSITY (1.39 ACRES) AND B-2, URBAN COMMERCIAL (0.46 ACRE) ZONING DISTRICTS; [2] RECLASSIFY FROM THE B-2 ZONING DISTRICT TO THE R-1 (1.92 ACRES) AND R-3 (3.03 ACRES) ZONING DISTRICTS; AND [3] AMEND PROFFERED CONDITIONS ON 13.61 ACRES ZONED B-2, ON TAX MAP PARCEL NOS. 20YY-2 AND A PORTION OF 20YY-1, LOCATED WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, Mine Investments, LLC, applicant, submitted Application RC17151743, requesting a [1] reclassification from the R-1, Suburban Residential Zoning District to the R-3, Urban Residential-High Density (1.39 acres) and B-2, Urban Commercial (0.46 acre) Zoning Districts; [2] reclassification from the B-2 Zoning District to the R-1 (1.92 acres) and R-3 (3.03 acres) Zoning Districts; and [3] to amend proffered conditions on 13.61 acres zoned B-2, on Tax Map Parcel Nos. 20YY-2 and a portion of 20YY-1, located within the Garrisonville Election District; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of February, 2019, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to [1] reclassify from the R-1, Suburban Residential Zoning District to the R-3, Urban Residential-High Density (1.39 acres) and B-2, Urban Commercial (0.46 acre) Zoning Districts; [2] reclassify from the B-2 Zoning District to the R-1 (1.92 acres) and R-3 (3.03 acres) Zoning Districts; and [3] amend proffered conditions on 13.61 acres zoned B-2, on Tax Map Parcel Nos. 20YY-2 and a portion of 20YY-1, in the locations shown on the plat entitled "Zoning Plat...Hampton Run," prepared by The Engineering Groupe Inc., dated November 16, 2017, as sealed on June 27, 2018, with proffers entitled "PROFFERS," revised October 29, 2018.

Item 14. Planning and Zoning: Consider a Conditional Use Permit to Allow an Assisted Living Facility in the R-3, Urban Residential – High Density Zoning District; on Portions of Tax Map Parcel Nos. 20YY-1 and 20YY-2 – this item was heard concurrently with Item 13.

Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R19-16.

The Voting Board tally was:

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

*"This evening and in the future, I voluntarily abstain from any discussion or vote on Agenda Items 13 and 14 pertaining to Hampton Run because I have an affiliation with a business that may be associated with the properties subject to the reclassification and conditional use permit request. The Clerk will please note my abstention and the reason for the record today and in the record at any future meeting where the Board discusses or considers this matter."*

Resolution R19-16 reads as follows:

A RESOLUTION TO APPROVE A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN ASSISTED LIVING FACILITY IN THE R-3, URBAN RESIDENTIAL-HIGH DENSITY ZONING DISTRICT, ON PORTIONS OF TAX MAP PARCEL NOS. 20YY-1 AND 20YY-2, LOCATED WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, Mine Investments, LLC, applicant, submitted Application CUP17151742, requesting a conditional use permit to allow an assisted living facility in the R-3, Urban Residential-High Density Zoning District, on portions of Tax Map Parcel Nos. 20YY-1 and 20YY-2, located within the Garrisonville Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code, Sec. 28-35, Table 3.1, which permits this use in the R-3 Zoning District, after a CUP is issued by the Board; and

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

WHEREAS, the Board considered the criteria in Stafford County Code Sec. 28-185 and finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of February, 2019, that a conditional use permit (CUP) pursuant to application CUP17151742 be and it hereby is approved with the following conditions:

1. This CUP is to allow an assisted living facility within the R-3, Urban Residential-High Density Zoning District, on a 1.39-acre portion of Tax Map Parcel No. 20YY-1 and a 3.03-acre portion of Tax Map Parcel No. 20YY-2, as identified as areas "C" and "D" respectively on the plat entitled "Zoning Plat...Hampton Run," prepared by The Engineering Groupe, Inc., dated November 16, 2017, as sealed on June 27, 2018 (Property).
2. The assisted living facility shall be limited to 64 units and include no more than 74 beds.

3. Vehicular access to the Property shall be limited to a single entrance, in the location generally shown on the plat entitled "Generalized Development Plan Hampton Run Commercial Rezoning," prepared by The Engineering Groupe, Inc., dated March 15, 2017, as sealed on October 29, 2018 (GDP). No direct access to the Property is permitted onto Mine Road.
4. The assisted living facility shall be equipped with a fire suppression system.
5. All mechanical equipment, dumpsters and loading areas shall be screened from public view. Enclosures shall consist of materials similar to the primary building.
6. Disclosure notices shall be provided to potential residents regarding the developments proximity to the Marine Corps Base Quantico and associated noise impacts.
7. This CUP may be revoked for violations of these conditions or any applicable federal, state, or County code, law, ordinance, or regulation.

Note: Items 15 and 16 public hearings were held concurrently but voted on separately.

Item 15. Planning and Zoning; Amend and Reordain the County's Zoning Ordinance by Amending the Zoning Map to Reclassify from the PD-2, Planned Development-2 to B-2, Urban Commercial Zoning District on a 0.67 Acre Portion of Tax Map Parcel No. 29-53-B; and Amend Proffered Conditions in the B-2 Zoning District on Tax Map Parcel Nos. 29-72 and 29-72B Mr. Jeff Harvey gave a presentation and answered Board members questions. He said this was a request to reclassify property from the PD-2 Planned Development-2 to B-2, Urban Commercial on 0.67 acres. No traffic impact analysis was provided or required and the proposed development would result in reduced VTPD. The proposed proffers and conditional use permit conditions require conformance with the architectural renderings. They would also permit an additional access point on Sunflower Drive (right in/right out); and require construction of an 8' wide sidewalk along Sunflower Drive. For the CUP, conditions allow for one single-lane drive through, located as shown on the GDP, require a bypass lane, and require that the canopy styles/materials be consistent with the architectural renderings.

Regarding the sliver of land across the street, Mrs. Maurer asked if the applicant would be subject to landscaping regulations on it. Mr. Harvey said that since it was undeveloped, it would go back to its wooded conditions.

Mr. Harvey said that staff found the application to be consistent with land use recommendations in the Comprehensive Plan; consistent with established development patterns; architectural treatment was consistent with the NDS Plan; and proposed proffers and the CUP would help mitigate impacts. There were no negatives aspects noted by staff.

At its meeting on December 19, 2018, the Planning Commission voted 6 – 0 (Mr. Apicella was absent) to recommend approval of these applications.

The applicant, Mr. Tom Haller with Barnett Properties, addressed the Board. He said his company was family-owned, founded in 1972 in Henderson, NC and had developed 30 grocery store anchored centers and they could not wait to get started on this site. He said it would bring 100-110 full and part time jobs to the area and associated retail in the center would bring an approximate 100 more jobs. He said it was a first class operation that was the proposed anchor grocery. Mrs. Maurer asked about the sliver of land across the street. Mr. Haller responded that the anchor would not permit it to become an eyesore and would add bushes to the undevelopable site if that would help with Mrs. Maurer's concerns. He said that this anchor was anal about the way things looked.

The Chairman opened the public hearing. The following person indicated a desire to speak:  
Virginia Clement

The Chairman closed the public hearing.

Mr. Dudenhefer said this was just the beginning of what would be developed and he was really excited about what would become a major retail focal point in the County.

Mr. Dudenhefer motioned, seconded by Ms. Bohmke, to adopt proposed Ordinance O19-17.

The Voting Board tally was:

|      |     |  |
|------|-----|--|
| Yea: | (6) | Bohmke, Coen, Dudenhefer, Maurer, Shelton, Snellings |
| Nay: | (1) | Cavalier   |

Ordinance O19-17 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE PD-2, PLANNED DEVELOPMENT-2 ZONING DISTRICT TO THE B-2, URBAN COMMERCIAL ZONING DISTRICT ON A 0.67-ACRE PORTION OF TAX MAP PARCEL NO. 29-53B; AND TO AMEND PROFFERED CONDITIONS IN THE B-2 ZONING DISTRICT ON TAX MAP PARCEL NOS. 29-72 AND 29-72B, LOCATED WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, Barnett Properties, LLC, applicant, submitted Application RC18152466, requesting a reclassification from the PD-2, Planned Development-2 Zoning District to the B-2, Urban Commercial Zoning District on a 0.67-acre portion of Tax Map Parcel No. 29-53B; and to amend proffered conditions in the B-2 Zoning District on Tax Map Parcel Nos. 29-72 and 29-72B, located within the Garrisonville Election District; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of February, 2019, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the PD-2, Planned Development-2 Zoning District to the B-2, Urban Commercial Zoning District on a 0.67-acre portion of Tax Map Parcel No. 29-53B; and to amend proffered conditions in the B-2 Zoning District on Tax Map Parcel Nos. 29-72 and 29-72B, in the locations shown on the plat entitled "Embrey Mill" prepared by VHB, dated November 19, 2018, with proffers entitled "PROFFERS," dated November 7, 2018.

Item 16. Planning and Zoning; Consider a Conditional Use Permit to Allow a Drive Through Facility in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 29-72 This item was held concurrently with Item 15.

Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R19-27.

The Voting Board tally was:

|      |     |  |
|------|-----|--|
| Yea: | (6) | Bohmke, Coen, Dudenhefer, Maurer, Shelton, Snellings |
| Nay: | (1) | Cavalier   |

Resolution R19-27 reads as follows:

A RESOLUTION TO APPROVE A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A DRIVE-THROUGH FACILITY IN THE B-2, URBAN COMMERCIAL ZONING DISTRICT ON TAX MAP PARCEL NO. 29-72, LOCATED WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, Barnett Properties, LLC, applicant, submitted Application CUP18152477, requesting a conditional use permit (CUP) to allow a drive-through facility in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 29-72, located within the Garrisonville Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code, Section 28-35, Table 3.1, which permits this use in the B-2 Zoning District after a CUP is issued by the Board; and

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

WHEREAS, the Board has considered the criteria in Stafford County Code Sec. 28-185 and finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of February, 2019, that a conditional use permit pursuant to application CUP18152477 be and it hereby is approved with the following conditions:

1. This conditional use permit (CUP) is to allow one (1) single-lane drive-through facility in a B-2, Urban Commercial Zoning District, on Tax Map Parcel No. 29-72, consisting of 15.86 acres (Property).
2. The drive-through facility shall be located generally as shown on the plat entitled "Generalized Development Plan Embrey Mill Commercial," dated March 13, 2015 and prepared by Pennoni Associates, as revised on November 7, 2018 by VHB. Changes to the location and treatment of the drive-through facility depicted on the GDP shall be allowed at site plan review for purposes of engineering or to comply with changes to federal, state, or local laws.
3. The drive-through facility shall include a bypass lane for vehicles that are not utilizing the drive-through area.
4. The styles and materials of the drive-through canopy shall be consistent with the architectural renderings in the GDP.
5. This CUP may be revoked for violations of these conditions or any applicable federal, state, or County code, law, ordinance, or regulation.

Item 17. Public Works (Transportation); Consider Amending and Reordaining Stafford County Code Sec. 15-56, "Designation of Restricted Parking Areas" within the Woodstream, Oakley Farms, and Port Aquia Subdivisions Transportation Program Manager, Mr. Alex Owsiak, gave a presentation and answered Board members questions. He said that in August and September 2018, staff received a petition or letter from the Woodstream, Oakley Farms, and Port Aquia community associations requesting the establishment of a restricted parking area within their respective subdivision.

Mr. Owsiak said that all of the requested state-maintained streets met the definition of a "public highway" as defined by Stafford County Code Sec. 15-55 and the Board authorized the public hearing at its meeting on November 27, 2018 for further consideration of these requests. If approved, County Code would be amended and reordained designating the requested streets in Woodstream, Oakley Farms, and Port Aquia under their own new restricted parking areas. Mr. Owsiak displayed maps of the streets in each of the three areas for the Board's review.

The Chairman opened the public hearing. The following persons indicated a desire to speak:

Scott Haller                      Paul Trautman

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O19-07 (Woodstream).

The Voting Board tally was:

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

Nay:                      (0)

Ordinance O19-07 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SEC. 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS," TO ALL STATE-MAINTAINED STREETS WITHIN THE WOODSTREAM SUBDIVISION, LOCATED WITHIN THE GRIFFIS-WIDEWATER DISTRICT

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

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

WHEREAS, Ordinance O10-37 establishes criteria for the designation of restricted parking areas; and

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

WHEREAS, portions of Woodstream Boulevard and Short Branch Road, and all of Pike Place within the Woodstream subdivision meet the established criteria to be designated as a restricted parking area; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this, the 5<sup>th</sup> day of February 2019, that Stafford County Code Sec. 15-56, entitled "Designation of restricted parking areas," be and it hereby is amended and reordained as follows, all other portions remain unchanged:



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

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

(20) Woodstream Subdivision on the following named streets:

- (A) Woodstream Boulevard (from intersection with Staffordboro Boulevard (SR-684) to 0.13 miles northeast of intersection with Short Branch Road (SR-2279)):
- (B) Pike Place;
- (C) Short Branch Road (from intersection with Pike Place (SR-2278) to intersection with Woodstream Boulevard (SR-2277)).

Mr. Snellings motioned, seconded by Mrs. Maurer, to adopt proposed Ordinance O19-08 (Oakley Farms).

The Voting Board tally was:

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

Ordinance O19-08 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SEC. 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS," TO ALL STREETS WITHIN THE OAKLEY FARMS SUBDIVISION, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

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

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

WHEREAS, Ordinance O10-37 establishes criteria for the designation of restricted parking areas; and

WHEREAS, the Oakley Farms Homeowners Association, Inc. has approved a policy resolution requesting the establishment of a restricted parking area within the Oakley Farms subdivision and the resolution satisfies the requirements of Stafford County Code Sec. 15-56(e); and

WHEREAS, all streets within the Oakley Farms subdivision meet the established criteria to be designated as a restricted parking area; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this, the 5<sup>th</sup> day of February 2019, that Stafford County Code Sec. 15-56, entitled "Designation of restricted parking areas," be and it hereby is amended and reordained as follows, all other portions remain unchanged:

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

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

(21) Oakley Farms Subdivision on the following named streets:

- (A) Janney Lane;
- (B) Gibson Drive;
- (C) McPherson Drive;
- (D) Tyson Court;
- (E) Burke Drive.

Ms. Shelton motioned, seconded by Mr. Coen, to adopt proposed Ordinance O19-09 (Port Aquia).

The Voting Board tally was:

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

Ordinance O19-09 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SEC. 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS," TO INCLUDE ALL STATE-MAINTAINED STREETS WITHIN THE PORT AQUA SUBDIVISION, LOCATED WITHIN THE AQUA ELECTION DISTRICT

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

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

WHEREAS, Ordinance O10-37 establishes criteria for the designation of restricted parking areas; and

WHEREAS, the Port Aquia Townhome Owners Association, Inc. has approved a letter requesting the establishment of a restricted parking area within the Port Aquia subdivision and the letter satisfies the requirements of Stafford County Code Sec. 15-56(e); and

WHEREAS, Schooner Way and Port Aquia Drive within the Port Aquia subdivision meet the established criteria to be designated as a restricted parking area; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this, the 5<sup>th</sup> day of February 2019, that Stafford County Code Sec. 15-56, entitled "Designation of restricted parking areas," be and it hereby is amended and reordained as follows, all other portions remain unchanged:

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

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

(22) Port Aquia Subdivision on the following named streets:

(A) Schooner Way;

(B) Port Aquia Drive.

Item 18. Public Works (Capital Construction); Authorize the County Administrator to Execute Conveyance of a Deed of Easement for a Portion of County-owned Property Located on Tax Map Parcel 30-29G to VDOT for Construction of a Sidewalk Along Courthouse Road  
Construction Project Manager, Ms. Kathy Fox, gave a presentation on this item. Ms. Fox said that Board authorized the public hearing at its meeting on November 27, 2018. The proposed safety improvements would connect the sidewalk just east of the George L. Gordon, Jr. Government Center entrance and run parallel to Courthouse Road (on the north side) heading west to tie into the existing 5' wide sidewalk located just west of the Public Safety building entrance. Ms. Fox said the project contained infrastructure that would provide long-term benefits for pedestrian and economic development needs in the County.

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

The Chairman closed the public hearing.

Ms. Shelton motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R19-03.

The Voting Board tally was:

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

Nay: (0)

Resolution R19-03 reads as follows:

A RESOLUTION AUTHORIZING THE CONVEYANCE OF EASEMENTS ON COUNTY-OWNED TAX MAP PARCEL NO. 30-29G TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A SIDEWALK ALONG COURTHOUSE ROAD, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, the County is the owner of the Public Safety Building property, Tax Map Parcel No. 30-29G (Property), along Courthouse Road (SR-630); and

WHEREAS, the Virginia Department of Transportation (VDOT) desires to proceed with the construction of a sidewalk along the front of the Property as part of the Interstate I-95/Route 630 (Courthouse Road) Interchange Relocation and Widening project (Project); and

WHEREAS, the Project will connect the sidewalk from Red Oak Drive (SR-1336) to the entrance into the County Government Center parking lot entrance on Route 630 (Courthouse Road), and provide long-term benefits for pedestrians and economic development needs within the County; and

WHEREAS, construction of the Project necessitates the conveyance of a portion of sidewalk, drainage, and temporary construction easements on the Property to VDOT; and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), the Board conducted a public hearing and considered the recommendation of staff, and the public testimony, if any, received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of February, 2019, that the Board be and it hereby does authorize the County Administrator to grant sidewalk, drainage, and temporary construction easements on Tax Map Parcel No. 30-29G to the Virginia Department of Transportation to construct a sidewalk along Courthouse Road as part of the Interstate I-95/Route 630 (Courthouse Road) Interchange Relocation and Widening project; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute the deed and any other documents that he deems necessary and appropriate to effectuate the Board's desires and this Resolution.

Item 19. Public Works (Utilities); Consider the Imposition of an Extension Fee and Associated Proposed Amendments to the County's Water and Sewer Extension Policy Mr. Jason Towery gave a presentation and answered Board members questions. In October 2017, the Board requested revisions to the extension policy after which the Utilities Commission discussed and proposed revisions to the Policy. At its meeting on October 2, 2018, a presentation was given to the Infrastructure Committee; it was discussed with the full Board on November 27, 2018, a public hearing was authorized on December 11, 2018 and on January 8, 2019, the Utilities Commission held a public hearing.

Mr. Towery said that the current, established Water/Sewer Extension Policy was organized into four categories; the CIP, short extension projects, neighborhood projects, and large scale projects. Construction costs per lot were approximately \$18,000-\$19,000 and did not include the costs to make expansions at water/sewer treatment facilities. Mr. Towery noted that these were the costs that staff was primarily concerned with and asking the Board to address. He said staff recommended reducing the liability to the Department by limiting the scope of the projects covered by the extension policy (simplify the process, documented well or septic failures, administrative approval of extension projects limited to \$50,000, U/C approval required for projects between \$50,000 and \$100,000, and Board approval for projects exceeding \$100,000).

The "extension fee" would be \$15,000 for properties requesting water and sewer. Mr. Snellings asked for clarification that it was \$15,000 for water and another \$15,000 for sewer. Mr. Towery said that Mr. Snellings was right; it was \$15,000 for each (water and sewer). Design and construction of extension projects would be "in house" and subject to the availability of the Department to accommodate; the Department would carry the costs through CIP funds; the policy does not apply to new construction; and the proposed policy also allows for the extension fees to be financed at a 0% rate for five years.

Mr. Towery said that the Infrastructure Committee recommended \$100,000 for projects with costs in excess of \$100,000 may pursue other permissible alternatives to fund the extension of public water and sewer, like a service district. Staff recommended \$250,000 for consideration of a service district

The Chairman opened the public hearing. The following person indicated a desire to speak:  
Ruth Carlone

The Chairman closed the public hearing.

Mr. Snellings asked about in the Urban Services Area, about the connection fee. Mr. Towery said it would be approximately \$8500 for a lateral run. Mr. Snellings said it would be a \$15,000 extension fee if it was down the street or 1000' from the sewer they wished to hook up to. Ms. Bohmke asked if it were possible to defer this to the next meeting. Mr. Towery said there was no urgency and no items up for immediate consideration. Mr. Coen asked about building new homes. Mr. Towery said this was for existing homes, not new construction. Mr. Dudenhefer asked how it would apply to cluster developments. Mr. Towery said it was not related to clusters in any way. Mr. Towery went over variations to the policy and said the Utilities Fund had borne the cost and was losing money. This extension fee would help recoup facility fees for water treatment plant expansions that were necessary.

Mr. Cavalier spoke about the fees for water and for sewer and the fees being set without regard to the number of linear feet being extended. Mr. Towery said the policy contemplates up to 300 linear feet, 400' and beyond presents water quality issues. Mr. Cavalier said it was an arbitrary cost. Mr. Towery said it was based on historical analysis. Mr. Cavalier said a 2000' extension would cost the same as a 200' extension and he could not support it.

Mr. Towery said the proposed fee was \$15,000 but the average was \$18,000 or \$19,000 with the contractor's fee. The \$15,000 amount was calculated for a smaller project, done in-house. Mr. Cavalier said the County was supposed to break even, not make money, and this was neither fair nor equitable. Mr. Snellings said he could not support it. Mr. Dudenhefer, in response to the citizen comment at the public hearing, noted that the Board had been discussing this issue since October 2017, not just in the past few weeks.

Ms. Bohmke motioned, seconded by Mr. Snellings, to defer a vote on this item to the Board's February 19, 2019 meeting.

The Voting Board tally was:

|      |     |                                       |
|------|-----|---------------------------------------|
| Yea: | (3) | Bohmke, Coen, Snellings               |
| Nay: | (4) | Cavalier, Dudenhefer, Maurer, Shelton |

Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to adopt proposed Ordinance O19-22.

The Voting Board tally was:

|      |     |                                   |
|------|-----|-----------------------------------|
| Yea: | (4) | Coen, Dudenhefer, Maurer, Shelton |
| Nay: | (3) | Bohmke, Cavalier, Snellings       |

Ordinance O19-22 reads as follows:

**AN ORDINANCE TO ADOPT WATER AND SEWER EXTENSION FEES**

WHEREAS, the County's Water and Sewer Line Extension Policy (Policy) provides for the extension of public water and sewer services; and

WHEREAS, the rates and fees to extend water and sewer lines must be commensurate with the cost of constructing the lines and providing service in order for the Department of Public Works, Utilities Division Fund to be self-supporting; and

WHEREAS, the Board desires to consider establishing a separate fee for water and sewer lines extensions in accordance with the Policy; and

WHEREAS, such fee is authorized by Virginia Code §§ 15.2-2111, 15.2-2122, and 15.2-2243; and

WHEREAS, the Utilities Commission held a public hearing on January 8, 2019; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of February, 2019, that the water and sewer fee for the extension of water or sewer services pursuant to the County's Water and Sewer Line Extension Policy be and it hereby is adopted as follows, with all other fees remaining unchanged:

Water and Sewer Line Extension Fee:

| <u>Current Fee</u> | <u>Proposed Fee</u> |
|--------------------|---------------------|
| \$0.00             | \$15,000.00         |

Mr. Dudenhefer motioned, seconded by Ms. Shelton, to adopt proposed Resolution R19-30 (\$250,000).

The Voting Board tally was:

|      |     |  |
|------|-----|--|
| Yea: | (6) | Bohmke, Coen, Dudenhefer, Maurer, Shelton, Snellings |
| Nay: | (1) | Cavalier   |

Resolution R19-30 reads as follows:

A RESOLUTION TO ADOPT A NEW WATER AND SEWER LINE  
EXTENSION POLICY

WHEREAS, the County has a Neighborhood Water and Sewer Line Extension Policy which was adopted pursuant to Resolution R03-03, and was last revised on July 13, 2004, pursuant to Resolution R04-217 (Policy); and

WHEREAS, clarifications to the selection criteria in the Policy are desirable; and

WHEREAS, the Board no longer desires to consider extension projects which exceed \$250,000 under the Policy; and

WHEREAS, projects with costs in excess of \$250,000 may pursue other permissible alternatives to fund the extension of public water and sewer, like a service district; and

WHEREAS, the Utilities Commission recommends that the Policy be revised to clarify project selection guidelines; and

WHEREAS, the Board desires to revise the Policy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of February 2019, that the Neighborhood Water and Sewer Line Extension Policy, adopted and revised pursuant to Resolutions R03-03 and R04-217, be and it hereby is rescinded in its entirety; and



BE IT FURTHER RESOLVED that the Stafford County Water and Sewer Extension Policy, attached hereto as **Exhibit A**, with a limit on extension projects under the policy to \$250,000, be and hereby is adopted.

### **EXHIBIT A**

#### **Stafford County Water and Sewer Extension Policy**

The Stafford County Board of Supervisors desires to protect the public health, safety, and welfare of Stafford County citizens. The majority of the County's developed properties are serviced by public water and sanitary sewer services; yet, there are developed areas within Stafford County that are not serviced by public water and sanitary sewer services. Public health concerns arise when these properties experience failing septic tanks and wells.

#### **I. Purpose**

The purpose of this policy (hereinafter referred to as "Policy") is to establish an equitable, documented, uniform, and systematic mechanism by which Stafford County Department of Public Works (Utilities Division) (hereinafter referred to as the "Department") can plan and extend its public water and/or sanitary sewer utility services to those developed properties not currently served by the same and that experience documented well and/or septic system failure. This policy replaces all previous policies related to the extension of water or sanitary sewer services to existing residential neighborhood and/or individual private parcels or properties.

#### **II. Definitions**

Under this Policy, the following terms shall be defined as follows:

*Design Deposit* shall mean the percentage of costs that must be paid by an Eligible Property Owner in order to proceed with the design of a Project. Design Deposits must be accompanied with an executed payment agreement and are non-refundable once the Design Phase commences.

*Design Phase* shall mean the design of the public water and/or sanitary sewer facility extension performed by the Department, or through its agents or contractors.

*Eligible Property* shall mean an existing and developed lot within the Extension Area. In addition, upon the discretion of the Department, documented evidence of the well or septic system's failure or state of failure may be required from (1) a Virginia licensed Onsite Soil Evaluator (OSE), (2) a Virginia licensed Professional Engineer (PE) and (3) the Virginia Department of Health (VDH).

*Eligible Property Owner(s)* shall mean the title holders and record owners of an Eligible Property within the Extension Area as listed in records of the Stafford County Commissioner of Revenue, that have obtained certification from (1) a Virginia licensed Onsite Soil Evaluator (OSE), (2) a Virginia licensed Professional Engineer (PE) and (3) the Virginia Department of Health (VDH), that states that no other suitable, onsite disposal system is available for the Eligible Property.

*Extension Area* shall mean an area of developed lots, subdivision, or development that is within 300 feet of a public water or sewer line, as defined by the Department.

*Private Connection Costs* means the costs to Eligible Property Owners for pipes, labor, availability and connection fees, and other appurtenances that may be necessary to properly connect a dwelling unit to the public water and/or sanitary sewer system.

*Project* shall mean the construction, installation, and extension of the public water and/or sanitary sewer facilities and all action necessary to administer the same.

*Utility Extension Application* shall mean the Departmental form that permits property owners to submit a written request to extend public water and/or sanitary sewer services to an Extension Area.

### **III. Extension of Water or Sanitary Sewer**

Eligible Property Owner(s) may petition the County for extensions of public water or sanitary sewer utilities within the scope of this policy. Any extension that is determined by the Department to be outside of this scope will not be considered under this Policy.

#### **A. Extension Projects (EP)**

An EP is an extension of up to 300 feet of public water or sewer per Eligible Property within an Extension Area, with the remaining Private Connection Costs being required of the Eligible Property Owner(s). All EPs are subject to available funding. The Department may consider EPs with costs in excess of available County funding, or for extensions greater than 300 feet of public water or sewer per Eligible Property, if those excess costs are born entirely by the Eligible Property Owners.

#### **1. EP Requirements.**

Each EP is permitted to extend water and/or sewer to Eligible Property (s) within an Extension Area. All EPs are subject to the following conditions:

- (a) EPs are subject to the ability of the Department to accommodate the request at the discretion of the Director of Public Works or their designee.
- (b) In his/her consideration of the request, the Director of Public Works shall consider the number of Eligible Property Owner(s), size of the Extension Area, cost savings of connecting multiple parcels in one Project, good engineering practices, and all other conditions deemed applicable by the Department.
- (c) EPs shall conform to the Stafford County Comprehensive Plan, good engineering practices as determined by the Director of Public Works, and all standards for design, construction, maintenance and performance.

### **IV. EP Process**

#### **(a) General EP Requirements**

- Eligible Property Owner(s) shall submit a Utility Extension Application and in the case of a Public Sewer Extension request shall provide certifications from (1) a Virginia licensed Onsite Soil Evaluator (OSE), (2) a Virginia licensed

Professional Engineer (PE) and (3) the Virginia Department of Health (VDH), that states that no other suitable, onsite disposal system is available for the Eligible Property. In the case of a Public Water Extension request the Eligible Property Owner shall submit a Utility Extension Application and provide certifications from (1) the VDH and (2) a certified well driller that states that no other suitable well site is available for the Eligible Property. No Utility Extension Application will be accepted without the required certifications.

- The Director of Public Works or their designee will establish a preliminary alignment and cost of Project, and determine if the Project will comply with all standards and the ability of the Department to accommodate the request.
- All Eligible Property Owner(s) must provide the Design Deposit and payment agreement to the Department before any Design Phase will proceed. Design Phases are required prior to the construction of the Project.

**(b) EPs Less than \$50,000**

- EPs that are estimated to cost less than \$50,000 may be approved administratively by the Director of Public Works or their designee.
- Approved EPs will proceed to the Design Phase as provided under subsection (e) below.

**(c) EPs Greater than \$50,000**

- EPs that are estimated to cost more than \$50,000, will be sent to the Utilities Commission (UC) for consideration. The EP must obtain the majority support from the UC for a recommendation of approval.
- Once UC approval is obtained, and if the EP's cost is less than \$100,000, the EP will proceed with the Design Phase as provided under subsection (e) below.

**(d) EPs Greater than \$100,000**

- EPs that are estimated to cost more than \$100,000, but less than \$250,000, require the majority support of the BOS.
- The BOS may consider the request and recommendation of approval from the UC, and determine if the EP should proceed to the Design Phase.
- If BOS approval is obtained, the EP will proceed with the Design Phase as provided under subsection (e) below.
- Projects with an estimated cost greater than \$250,000 shall not be allowed under this policy but may be pursued under a Service District. The County may terminate a Project for excessive costs.

**(e) Design Phase**

- The Department must receive a non-fundable Design Deposit and an executed payment agreement from each Eligible Property Owner.
- The Department, or its agent, will design the Project and acquire the necessary easements from the adjacent Eligible Property (s) and any other affected property owner.
- Eligible Properties that connect to the public water or sewer line as a result of the EP shall not be compensated for easements. Properties that received compensation for easements that do not connect at the time of construction shall be required to return those funds prior to connection.

**(f) Final BOS Approval**

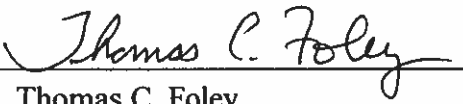
- Following the Design Phase, the EP will be submitted back to the BOS for approval of the construction of the Project.
- If the BOS approves the project for construction, the County will bid the Project for construction. At that time the Eligible Property Owner(s) must pay the Extension, Water and Sewer Availability and all other applicable fees, as described in Section IV., in full or enter into a payment plan with the County.
- Final construction costs and the EP construction contract will be presented to the BOS for approval.

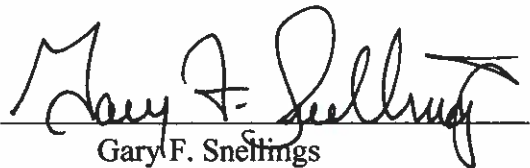
#### V. FEES

The following fees shall be required once EP is approved by the BOS.

- Extension Fee: \$15,000 per property for each water or sewer (includes Connection Fee) Design
- Deposit: \$1,500 per property for each water or sewer
- Water and Sewer Availability Fees: Reference Water/Sewer Availability, Connection, and Service Fees Schedule

Adjournment At 8:55 p.m., the Chairman adjourned the February 5, 2019 meeting of the Stafford County Board of Supervisors.

  
Thomas C. Foley  
County Administrator

  
Gary F. Snellings  
Chairman