

BOARD OF SUPERVISORS  
STAFFORD, VIRGINIA  
MINUTES

Regular Meeting  
February 19, 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 19, 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; Wendy E. Maurer; and Cindy C. Shelton. Mr. Snellings announced that Mr. Tom Coen would participate via telephone due to a family emergency that precluded him from attending the meeting in person.

Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to permit Mr. Coen to participate in the meeting remotely. (Note: All of Mr. Coen's votes were counted and recorded as oral votes.)

The Voting Board tally was:

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

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. Cavalier and Mr. Snellings presented a proclamation to Ms. Alda White recognizing February as Black History Month in Stafford County. Ms. White said she was a "recovering lawyer" and that Stafford (when she worked there) was a wonderful small community, which had in turn become a large, loving, and giving community.

Mr. Xavier Richardson gave a presentation on the Stafford Hospital 5k run, scheduled this year on April 6, 2019. The new name of the event is the "Spring Fever 5k." Mr. Richardson said it was an honor to be at the Board meeting and talked about the upcoming race, the proceeds of which would be used towards the purchase of radiation and oncology equipment, education for cancer survivors, Gwyneth's Gift Foundation, etc. Mr. Snellings said that he walked the race although he missed last year's event and that Hartwood would be #1 in the BOS Challenge set forth by Mr. Richardson. Ms. Bohmke said the competition was on.

Mrs. Maurer motioned, seconded by Mr. Coen, to adopt the regular agenda. There were no additions to the regular agenda; Mrs. Maurer noted that the Closed Meeting was deleted.

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:

Dana Brown - Spoke about the Ferry Farm Elementary School (ES) proposed renovation; attended recent Finance, Audit, and Budget (FAB) Committee meeting where it was very hard not being able to give her comments; attended a School Board work session; talked about the air quality at Ferry Farm ES and passing over the renovation of a high school track in favor of spending an adequate amount on Ferry Farm ES, whose numbers were more than 1.5 years old and would be higher now so the renovation should be done right away; she said it was political hype and the School Board should use School Board money.

Kevin Wydell - Spoke in support of the Lake Carroll (New Business) item regarding additional funding for repairs to the Lake Kennedy Dam; talked about the increased costs due to State inspections and erosion control and the increased cost of materials. He said he and the other residents were surprised by the increased costs but were supportive of the on-going efforts to repair the Dam.

Susan Randall - Had children at Ferry Farm ES from 2003 to 2015 and was the PTA President for five years; the \$10.8 Million renovation cost does not permit doing all the necessary updates to the school and will not gain additional seats, which are needed. She said this was not a pretty project but a useful one that would address some of the health and welfare issues including fuzzy carpet, air quality, toilet issues "in the pink hall," all of which could not be addressed with only \$10.8 Million.

Paul Waldowski - Spoke about Spring Fever and George Washington's birthday on February 22<sup>nd</sup>; Ferry Farm ES being the only school in the George Washington District and there being 29 other schools in the County and there was a School Board member with only one school in his District. He talked about Moncure ES rebuild and tearing down Stafford HS; there were two potholes on Walpole Street at Mt. Ararat. Talked about gerrymandering and going back to log cabin days; the ex-governor backed redistricting and reform; talked about the Dillon Rule, Transfer of Developments Rights on the evening agenda, Anchor Properties redevelopment, and the Chesapeake Bay Watershed.

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 - Spoke about the large military presence in Stafford and thanked Ms. Crystal Cornwall, a resident of the Garrisonville District, for her testimony on Capitol Hill last week regarding the poor condition of military housing throughout the nation. She thanked Ms. Cornwall for her hard work in bringing the poor housing conditions to light with members of Congress. The Central Rappahannock Regional Library (CRRL) received its 2018 final audit report with no material weaknesses; however, the CRRL did have a notation of \$25,000 expenses over revenues for which they used prior year fund balance monies to cover. At Ms. Bohmke's request, CRRL staff was revising the agenda format for the trustees meetings so the process was improved and all agendas and meeting minutes were now available on line. In the months to come, Ms. Bohmke said the trustees would be discussing the CRRL bylaws and outdated Operational Agreement. One of the County's partner agencies, RCASA is hosting its Un-Masquerade Gala on Saturday, March 30th at the Olde Silk Mill. Tickets are \$75 each and the proceeds would go to continuing education of youth about sexual assault and healthy relationships. If you would like to attend, please check the RACASA website for details.

Mr. Cavalier - Deferred his remarks.

Mr. Coen - (Via Phone) Appreciated everyone support at this time, especially the help received from the Fire and Rescue Department. There will be a town hall meeting on the Rappahannock River on Wednesday, February 27<sup>th</sup> at 6:30 p.m. at Falmouth ES; the first half of the meeting will be an information session, the second half will be for citizen input; staff did an excellent job preparing for this meeting.

Mr. Dudenhefer - Spoke about revisions to the Bylaws being discussed as Unfinished Business later in the meeting; he attended Legislative Committee meetings while the General Assembly (GA) was in session and Delegate Bob Thomas carried the ball for Stafford County; there would be some relief on the proffer bill restrictions. He spoke about the benefit of having a delegate in the GA with local government experience adding that people would be surprised at how many Senators and Delegates have no or very little local government experience. A friend, former Supervisor in Prince William County, John Jenkins, passed away. Mr. Dudenhefer said he was a real statesman who was very influential and worked across party lines, who was an old school Democrat that will be missed.

Mrs. Maurer - Attended the VRE/PRTC meetings with Mr. Dudenhefer; there is a slight reorganization, which is contentious, going on within PRTC about which there was much discussion and will be handled partially through attrition and affect three people (reducing bus services). She added that it was difficult when people lose jobs but the three individuals are being helped with finding new positions. Mrs. Maurer was appointed Chair of the FAB Committee; at the earlier FAB meeting there was a discussion about the use of VPSA funds to which the FAB agreed; an at length discussion about renovations at Ferry Farm ES with no recommendation from the FAB Committee; a discussion about an expression of

interest in the sale of County property at the Quantico Corporate Center (9 acres), which would be directed to staff; also discussed was the recently completed Vehicle Replacement Report, which was judicious and well done by staff.

Ms. Shelton - Spoke about Stafford Hospital's 10 years of service and thanked the 557 people that worked there. Regarding Mr. Richardson's presentation about the Spring Fever 5k run and challenge to Board members, Ms. Shelton said that the Aquia District was going to win. She announced that NASCAR has a location in Stafford, she said that all (or most) NASCAR race shops are in North Carolina but one had located in the County, Brandonbilt Motorsports; she said he did not do well in the Daytona 500 but was here in Stafford about which she was very excited.

Mr. Snellings - Spoke about recent severe weather in the County and the predicted storm for the next day and encouraged residents to check the weather before leaving the house on Wednesday, February 20<sup>th</sup>. He said he received many calls and had been in touch with VDOT, as had the other Supervisors about potholes on roads throughout the County, which cannot be fixed in cold weather except by something called a non-permanent cold patch. Once the weather warmed up, Mr. Snelling said that VDOT would be out working on repairing the pot holes in the County.

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

Report of the County Administrator – Mr. Foley introduced Senior Management and Budget Analyst, Ms. Donna Olsen, who gave a report on the Vehicle Replacement Program. Ms. Olsen reported that the purpose was to identify non-public safety vehicles for replacement, being reprogrammed, a reduction of the fleet, and recommendations to extend the life of the vehicles and usage of vehicles currently in the fleet. The goal was to provide a safe and reliable fleet of County vehicles. 14 vehicles from 2005 and older were inspected by Fleet Services; four vehicles were removed from service following the inspections. The Committee also reviewed the age and mileage of targeted vehicles between 13 and 20 years old and vehicles having between 100,000 and 140,000 miles.

The recommendation given by the Committee to the County Administrator was that 15 vehicles be replaced; 7 vehicles were to be reprogrammed; 11 vehicles equaling a 10% reduction in the fleet, were to be removed, and the Committee recommended exceptions to the current fleet services agreement. The Department of Parks, Recreation, and Community Facilities was implementing a procedure to extend the life of its vehicles and a replacement plan for Social Services vehicles was also provide to Mr. Foley. Following the actions shown above, the Committee recommendation left the County's fleet total at 100 vehicles.

**APPROVAL OF THE CONSENT AGENDA**

Mr. Dudenhefer motioned, seconded by Mrs. Maurer, 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 February 1-2, 2019 Annual Meeting Minutes; and the February 5, 2019 Meeting Minutes.**

**Item 2. Finance and Budget; Approve the Expenditure Listing**

**Resolution R19-55 reads as follows:**

**A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED FEBRUARY 5, 2019 THROUGH FEBRUARY 18, 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 19<sup>th</sup> day of February, 2019 that the above-mentioned EL be and hereby is approved.

**Item 3. Public Works (Utilities); Authorize a Betterment Agreement with Shirley Contracting, LLC for Utility Betterments on the I-95/SR 630 Interchange and SR630 Widening Project**

**Resolution R19-56 reads as follows:**

**AUTHORIZE THE COUNTY ADMINISTRATOR TO APPROVE A  
BETTERMENT AGREEMENT WITH SHIRLEY CONTRACTING  
COMPANY, LLC FOR UTILITY BETTERMENTS ON THE INTERSTATE  
95/STATE ROUTE 630 INTERCHANGE AND STATE ROUTE 630  
WIDENING PROJECT**

WHEREAS, the Virginia Department of Transportation (VDOT) is administering the I-95/Route 630 (Courthouse Road) Interchange Project and the Route 630 (Courthouse Road) Widening Project (Project); and

WHEREAS, the Department of Public Works (Utilities Division) desires to upgrade certain portions of the water distribution and sanitary sewer lines encompassed within the limits of the Project; and

WHEREAS, VDOT requires that any betterments for the Project be directly coordinated with the Contractor, Shirley Contracting, LLC; and

WHEREAS, staff reviewed the proposal for the installation of the sanitary sewer betterments and water distribution line betterments and finds the proposal to be reasonable for the scope of work requested; and

WHEREAS, funds are available in the Utilities Fund for these improvements;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that the County Administrator be and he hereby is authorized execute a Betterment Agreement with Shirley Contracting, Company, LLC and the Commonwealth of Virginia, Department of Transportation, for the incorporation of the desired upgrades to certain sanitary sewer lines and water distribution lines encompassed within the limits of the I-95/Route 630 (Courthouse Road) Interchange Project and the Route 630 (Courthouse Road) Widening Project, in an amount not to exceed One Hundred Twelve Thousand Fifty Dollars (\$112,050), unless amended by a duly executed amendment to the Betterment Agreement.

Item 4. Public Works (Code Compliance): Authorize the County Administrator to Submit a Grant Application on Behalf of the Aquia Harbour Property Owners Association

Resolution R19-61 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO  
APPLY FOR GRANT FUNDING FROM THE VIRGINIA PORT AUTHORITY  
ON BEHALF OF AQUIA HARBOUR PROPERTY OWNERS' ASSOCIATION

WHEREAS, in May 2018, the Virginia General Assembly established the Virginia Waterway Maintenance Fund (Fund) for the purpose of supporting dredging and other projects approved by the Virginia Port Authority (VPA) throughout the Commonwealth pursuant to Virginia Code §§ 62.1-132.3:3 and 62.1-132.3:4; and

WHEREAS, the VPA has established the Virginia Port Authority Policy on Grants to Local Governments for Financial Assistance for Dredging Activities to guide the application, allocation and distribution of grants from the Fund; and

WHEREAS, the Aquia Harbour Property Owners' Association (AHPOA) has requested assistance and support from the Board to submit an application to the VPA requesting \$80,000 in grant funds for engineering services in preparation for the next planned cycle of maintenance dredging in Aquia Creek; and

WHEREAS, the AHPOA has a strong history of planning, funding and executing maintenance dredging activities in Aquia Creek since 1992 and, during 2016-2017, completed the removal of 20,000 cubic yards of dredge material and spoils removal at a cost of \$657,122; and

WHEREAS, a professional engineering firm will be engaged to assist in obtaining all required local, state and federal permits, performing bathymetric surveys and volume analysis, preparing dredging and spoils disposal plans, and conducting post-dredging surveying and reporting; and

WHEREAS, the Board desires to support the AHPOA in the grant application process;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that the County Administrator, or his designee, be and he hereby is authorized to apply, on behalf of the Aquia Harbour Property Owners' Association (AHPOA), to the Virginia Port Authority for funding from the Virginia Waterway Maintenance Fund in an amount not to exceed Eighty Thousand Dollars (\$80,000) to be used by the AHPOA to retain the services of a qualified engineer to assist it with providing engineering services in preparation for the next cycle of maintenance dredging in Aquia Creek.

Item 5. Planning and Zoning; Refer to the Planning Commission an Ordinance to Eliminate the Requirement to Screen Service Bays in the Highway Corridor Overlay Districts

Resolution R19-62 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-59, "HIGHWAY CORRIDOR OVERLAY DISTRICT (HC)" TO ELIMINATE SCREENING AND ORIENTATION REQUIREMENTS FOR SERVICE BAYS

WHEREAS, one of the purposes of the HC Zoning District is to prevent distracting visual clutter which may result in danger on the public and private streets; and

WHEREAS, the Comprehensive Plan encourages the development of accessible, convenient and attractive commercial and industrial locations within the Urban Services Area; and

WHEREAS, the HC Zoning District requires service bays to be oriented and/or screened so as not to be visible from corridor highways; and

WHEREAS, screening of service bays in many cases is impractical for properties that front along corridor highways; and

WHEREAS, automobile service and repair businesses are often located along major roadways, including corridor highways, for the convenience of customers; and

WHEREAS, an automobile service and repair business requires a conditional use permit, which may impose conditions to ensure that such businesses mitigate visual impacts on the corridor highways ; and



WHEREAS, the Board desires to consider eliminating the requirement to screen service bays in the HC Zoning District;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that the proposed amendment to Stafford County Code Sec. 28-59, "Highway Corridor Overlay District (HC)," pursuant to proposed Ordinance O19-24, be and it hereby is referred to the Planning Commission for its review, to hold a public hearing, and provide its recommendation to the Board; and

BE IT FURTHER RESOLVED that the Planning Commission is hereby authorized to make modifications to proposed Ordinance O19-24 as it deems necessary and appropriate.  
Item 6; Economic Development; Authorize the County Administrator to Advertise a Public Hearing to Consider an Ordinance to Create a Separate Tangible Personal Property Tax Classification Applicable to Data Centers

Resolution R19-52 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO CREATE A SEPARATE TANGIBLE PERSONAL PROPERTY CLASSIFICATION FOR COMPUTER EQUIPMENT AND PERIPHERALS USED IN DATA CENTERS

WHEREAS, the Board identified technology companies, including data centers, as one of its target sectors in the 2015 Economic Development Strategic Plan; and

WHEREAS, the Board desires to consider this new classification as a means to attract data centers to the County to create jobs and increase its overall tax revenue; and

WHEREAS, the General Assembly authorized the creation of a separate classification of tangible personal property for computer equipment and peripherals used in a data center pursuant to Virginia Code § 58.1-3506(A)(43); and

WHEREAS, the current tangible personal property tax rate for computer equipment related to data centers is not competitive with its comparable peer localities;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February 2019, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider creating a separate tangible personal property classification for computer equipment and peripherals used in a data center, pursuant to proposed Ordinance O19-23.

Item 7. Community Engagement; Proclamation Recognizing the American Legion on its 100<sup>th</sup> Anniversary

Proclamation P19-03 reads as follows:

A PROCLAMATION HONORING AND RECOGNIZING THE AMERICAN LEGION ON ITS CENTENNIAL DAY



WHEREAS, the American Legion has been a staunch advocate for veterans and their families since 1919; and

WHEREAS, the American Legion was founded on the four pillars of care for veterans: a strong national defense, Americanism, and care for children and youth; and

WHEREAS, the American Legion has played a leading role in initiatives and breakthroughs that have affected the lives of Americans in every community, from U.S. Flag Code to the GI Bill; and

WHEREAS, Post 290 has fulfilled the Legion's mission since 1947 through its scholarship awards to students, sponsorship of Girls and Boys State participants, aid and support to local needy veterans and their families, and its support of worthwhile community programs and projects, particularly their strong support of Stafford's Armed Services Memorial; and

WHEREAS, the American Legion is celebrating its centennial in 2018-2019;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19th day of February, 2019, that it be and hereby does proclaim February 19, 2019, as American Legion Centennial Day in Stafford County.

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that it be and hereby does proclaim February 19, 2019, as American Legion Centennial Day in Stafford County.

Item 8. Community Engagement, Proclamation Recognizing Black History Month in Stafford County

Proclamation P19-04 reads as follows:

**A PROCLAMATION HONORING AND RECOGNIZING BLACK HISTORY MONTH IN STAFFORD COUNTY**

WHEREAS, African-Americans have made significant contributions in all areas of Stafford's economic, social, cultural, and political life; and

WHEREAS, each year, Americans observe Black History Month by celebrating the histories, cultures and contributions of American citizens whose ancestors came from Africa; and

WHEREAS, Stafford is proud that persons of African-American descent choose to live in our County and have added to and enhanced our community life; and

WHEREAS, persons of African-American descent have impacted business, military service, education, healthcare, science and technology and other areas that propel Stafford forward in jobs and business and education; and

WHEREAS, Our African-American community contributes to the great diversity and unity of Stafford County, with a rich history of different cultures and ethnic impact; and

WHEREAS, as Stafford continues to build a community that welcomes all, we thank our African-American community for its many contributions to both Stafford County and our country;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that it be and hereby does honor and recognize Black History Month, 2019.

Item 9. Community Engagement; Proclamation Recognizing Stafford Hospital on its 10<sup>th</sup> Anniversary

Proclamation P19-05 reads as follows:

A PROCLAMATION HONORING AND RECOGNIZING STAFFORD  
HOSPITAL ON ITS TENTH ANNIVERSARY

WHEREAS, this year marks the tenth anniversary of the founding of Stafford Hospital by Mary Washington Healthcare; and

WHEREAS, the citizens of Stafford County and the surrounding area have benefitted greatly from the mission of Stafford Hospital to improve the health of the people in the communities they serve; and

WHEREAS, Stafford Hospital is a model community partner and provides employment opportunities to many of Stafford's citizens; and

WHEREAS, Stafford Hospital continues to be on the cutting edge of technology and trained personnel, elevating the level of available healthcare in Stafford County to a high level; and

WHEREAS, in addition to healthcare, Stafford Hospital has enriched the community with wellness programs, special events and multiple diverse outreach programs, including the Stafford Hospital 5K; and

WHEREAS, Mary Washington Healthcare and the Stafford Hospital Foundation have been valued community partners with Stafford County, helping sponsor Stafford's 350<sup>th</sup> Anniversary and providing grant money support staff for the SHINE program within Stafford Social Services for additional outreach to those needing health insurance; and

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that it be and hereby does honor and recognize Stafford Hospital on the tenth anniversary of its founding.

Item 10. County Administration; Authorize the Recommendation to the Circuit Court of Adela Bertoldi to the Board of Zoning Appeals to Fill a Vacancy Representing the Falmouth District

Resolution R19-63 reads as follows:

**A RESOLUTION RECOMMENDING THE APPOINTMENT OF A  
MEMBER TO THE STAFFORD COUNTY BOARD OF ZONING  
APPEALS**

WHEREAS, pursuant to Virginia Code § 15.2-2308 and County Code Sec. 28-341, members of the Board of Zoning Appeals (BZA) shall be appointed by the Circuit Court; and

WHEREAS, County Code Sec. 28-341 authorizes the BZA to consist of seven members; and

WHEREAS, Mr. Ernest Ackerman, who represented the Falmouth District and whose term expires December 31, 2021, has resigned from the BZA and relocated out of Stafford County; and

WHEREAS, Falmouth District Supervisor, Ms. Meg Bohmke, recommends the appointment of Ms. Adela Bertoldi to fill the unexpired term of Mr. Ernest Ackerman, representing the Falmouth District; and

WHEREAS, Ms. Bertoldi has indicated her desire to be appointed as a regular member of the BZA, leaving her previously held position as an alternate member of the BZA; and

WHEREAS, the Board desires to recommend to the Circuit Court the appointment of Ms. Adela Bertoldi to represent the Falmouth District on the BZA;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that

<u>NAME</u>	<u>DISTRICT</u>	<u>EXPIRATION DATE</u>
Adela Bertoldi	Falmouth District	December 31, 2021

be and she hereby is recommended for appointment for the term stated above, to the Stafford County Board of Zoning Appeals; and

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

Item 11. County Administration; Authorize the Appointment of Dustin Savage as an At-Large Member of FAMPO's Citizen Transportation Advisory Committee (CTAC)

**UNFINISHED BUSINESS**

Item 12. Bylaws Committee; Consider Amending the Board of Supervisors' Bylaws and Rules of Procedure Mr. Dudenhefer spoke for the Bylaws Committee, which consisted of himself,

Ms. Shelton, and Mrs. Maurer. He detailed the proposed changes to the Bylaws. Ms. Bohmke said that it was a real work in progress with several needed changes were incorporated into the revision. Mr. Snellings echoed Ms. Bohmke's remarks and said that the revised Bylaws would be available on the County's website.

Mr. Dudenhefer motioned, seconded by Ms. Shelton, to adopt proposed Resolution R19-43.

The Voting Board tally was:

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

Resolution R19-43 reads as follows:

**A RESOLUTION TO ADOPT AMENDMENTS TO THE BOARD OF  
SUPERVISORS' BY-LAWS AND RULES OF PROCEDURE**

WHEREAS, the Board functions as a single legislative policy-making body vested with rights and powers conferred by general law; and

WHEREAS, the Board desires to amend its By-Laws and Rules of Procedure in order to establish rules which will further promote the Board's efficient consideration of public business;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that it be and hereby does adopt the amendments to its By-Laws and Rules of Procedure, pursuant to the document entitled "2019 By-Laws and Rules of Procedure, Board of Supervisors of Stafford County, Virginia," dated February 19, 2019.

Item 13. Bylaws Committee; Consider Adopting a 2019 Code of Performance Mrs. Maurer noted that she was not at the last meeting of the Bylaws Committee due her daughter having surgery. Mr. Dudenhefer said the 2019 Code of Performance was a refreshed agreement and served as a guideline for what was expected of Board members as a whole. It was a document that past Boards signed. Mr. Dudenhefer read the Code of Performance.

Mrs. Maurer applauded the Code of Performance and said it reflected how Board members should treat each other, citizens, and staff. She said when she first came on the Board, (then) Supervisor Bob Thomas pulled her aside and said she was harsh. She cited #6 in the Code and talked about passion but being threatening to others due to policy issues, etc. Mrs. Maurer said she fully supported the Code of Performance.

Ms. Bohmke spoke about cyber bullying, which was thankfully not an issue when her children were younger. She said it was willful and harmful and read the definition of cyber bullying, which she said could arise at any level of the organization. Ms. Bohmke said she supported the Code of Performance and that the Board's actions and behavior was of pivotal importance and set the tone for how the County did business.

Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to adopt a Code of Performance.

The Voting Board tally was:

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

The adopted Code of Performance reads as follows:

WHEREAS, the Board desires to endorse a code of performance to convey to each other, as well as to the citizens of the County, its commitment to conduct the business of the Board and the County in a professional and dignified manner;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that the following Code of Performance be and it hereby is adopted as follows:

STAFFORD COUNTY BOARD OF SUPERVISORS CODE OF PERFORMANCE

Recognizing that persons holding a position of public trust are under constant observation, and recognizing that maintaining the integrity and dignity of public office is essential for securing a high level of public confidence in our institution of government, each member of the Board of Supervisors pledges to adhere to the following performance standards:

1. Make every effort to attend all regularly scheduled and called meetings, as well as committee meetings relevant to my office.
2. Make a conscientious effort to be prepared for each meeting relevant to my office.
3. Maintain an attitude of courtesy toward colleagues, County staff, and citizens during meetings, discussions, and deliberations.
4. Be tolerant, allowing colleagues, County staff, and citizens, sufficient opportunity to present their views and perspectives.
5. Be respectful and attentive, avoiding comments, body language, or distracting behaviors that convey a message of disrespect or a lack of interest.
6. Avoid the use of abusive, intimidating, or threatening language and gestures directed at colleagues, County staff, or citizens.
7. Create a positive atmosphere during public meetings wherein citizens and County staff feel welcomed and comfortable as participants and/or observers.
8. Respect, honor, and adhere to all local, state, and federal laws affecting my elected office.
9. Discharge the duties and responsibilities of my office in an impartial manner without fear or prejudice toward any person or group.
10. The witnessed behavior of the Board of Supervisors in honoring this Code of Performance will be evaluated annually at the Board's planning meeting/retreat.
11. Maintain and keep confidential closed session information and information disclosed to the Board under legally permissible confidentiality agreements.

BE IT FURTHER RESOLVED that this Code of Performance is enforced by each member's responsibility and commitment to upholding this Code and embracing its provisions. Conduct not in conformance with this Code will be reviewed and subject to progressive disciplinary measures by the Board; and

BE IT STILL FURTHER RESOLVED that the Board's commitment to enact and honor this Code of Performance is hereby endorsed by the following signatures:

*(Note: All 7 Board members signed the above referenced document, which is on file in the County Administrator's Office.)*

Item 14. Finance and Budget; Ferry Farm Elementary School Project Review and Budget Approval School Superintendent, Dr. Scott Kizner addressed the Board and acknowledged its support of Stafford County Public Schools (SCPS). He said that discussions about renovations to Ferry Farm ES were ongoing since last year and he worked closely with staff since coming on board. Dr. Kizner then introduced Mr. Chris Fulmer, Schools Chief Financial Officer, who gave a presentation and answered Board members questions.

Mr. Fulmer said that Ferry Farm ES was built in 1955 and had three subsequent additions (in 1966, 1988, and 1991). VMDO was the architectural firm retained to design the remodel. Mrs. Maurer asked about the cost of the 7650 s.f. addition and was it lumped into other costs. Mr. Fulmer said it was approximately \$3 Million. Mr. Fulmer noted that the architect indicated that if additional funds were available, they should be dedicated to the 1966 addition to include \$1.8 Million for HVAC to address air quality concerns and to remediate water damage. Staff and students when in the basement did not get adequate air circulation. Mr. Coen said that it was not just perception, it was a real problem. Mr. Fulmer said it was not actually harmful to staff and students but they were not permitted to spend full days in the basement; there was a need to get fresh air into the basement. Mr. Dudenhefer asked for clarification if the requested additional \$1.9 Million was to rectify air quality issues and the HVAC system. Mr. Fulmer said it would increase the scope of Phase 1 to renovate the 1966 basement wing including addressing air quality concerns (a code violation); the life cycle of the HVAC system; updating the poor learning environment; and remedying the inefficient and underutilized space. Mr. Dudenhefer asked if the basement at Ferry Farm ES was closed. Dr. Kizner replied that it was not closed, it was open. He said that the consultants did not believe that the airflow was acceptable but it was not dangerous. He spoke about it being below ground and the need for additional light and the School Board's concern about academic progress and said they were looking at redistricting issues and putting all educational classes on the main level.

Ms. Bohmke spoke about mold issues at other schools besides Ferry Farm ES. She asked when was the last time there was an air quality test done at Ferry Farm ES's basement. She said that each person had different allergy triggers and when she walked through the school, the mold smell was evident. Dr. Kizner responded that the last air quality test was done in 2005 by an outside contractor who determined that it was not a dangerous situation. Dr. Kizner said that an updated air quality analysis would be scheduled.

Mrs. Maurer asked about a prior construction project, 7,000 s.f. added and the increased capacity with that project. Mr. Fulmer said it was ed spec. Mrs. Maurer said that there was \$3 Million being spent and no capacity being added. She asked how the choices made were prioritized and if capacity and maintenance were the primary focus of the renovation, why were

they now secondary. Mr. Fulmer said that was the first plan; a second plan had to be developed to fit within the budget, which did not allow for extra capacity. Mrs. Maurer spoke about the architect getting a cut of the extra money being requested. Mr. Fulmer said that they could shut down the basement if the additional funds were not available. A comment was made about the School Board holding the County hostage with its threat to shut down the basement if the additional funds were not approved.

Mr. Coen spoke about Phase 1 and additional capacity and the cost exceeding the appropriation. He said that the Schools' kept adding to this project beyond the initial estimate, and what was being proposed did not meet what the Board approved in June. He said that additional capacity would take students out of the basement, which was not a new initiative; it was discussed back in June. Mr. Coen spoke about the safety of the students and staff as well as making the facility handicapped accessible.

Mrs. Maurer asked about budgeting with bond funds through the Capital Improvement Program (CIP). Mr. Foley said there were not four phases in the last version of the CIP. Mrs. Maurer agreed that the \$10.8 Million was in the approved joint CIP, agreed upon by the School Board and not a penny more for the Ferry Farm ES renovation. Mr. Fulmer said the \$1.988 Million was in addition to the Phase 1 cost; that the School Board was not asking the Board for money; that there would be no "new" borrowed funds. There was \$613,914 in FY2018 Schools carry-over funds; two VPSA 3R projects were reprioritized (FY19 to FY20 Mountain View HS track repair for \$750,000 and FY20 to FY21, Poole MS interior finishes repair for \$1,202,000) for a total of \$2,656,914. Mr. Fulmer's presentation indicated that the additional debt capacity created for basement funding was \$577,914.

Dr. Kizner said that \$10.8 Million plus \$1.9 Million would meet the needs of the Ferry Farm ES renovation in years 1-5 of the CIP and funding in years 6-10 could be dismissed as he would not recommend that to the School Board. Mr. Dudenhefer said it did a disservice to the public; the School Board asked for new (or additional) monies, the Board of Supervisors has to say no because of competing projects, which makes it look like the Board is foregoing School needs. Dr. Kizner said this was the first place he ever worked that had a 10-year CIP; that anything beyond years 1-5 had very little credibility and that it was with years 6-10 the School Board struggled. He added there should be a School Board/Board committee to discuss it. Mr. Foley clarified the policy approach to a balanced 10-year CIP. He spoke about the new high school moving up and agreed with Dr. Kizner but said the County needed to know what was in the projection for years 6-10 in the CIP. Ms. Bohmke said that in a growing community like Stafford, there was a need to know and to plan for years 6-10 in the CIP. She asked how many Board members walked through Ferry Farm ES.



Mrs. Maurer talked about the new \$140 Million high school and coming up with the additional debt capacity. She said that the process should be reviewed with an eye toward best practices. Ms. Shelton said she agreed with Dr. Kizner and it was impossible to project projects out so far in the future. But, she said, there needed to be a horizon and the fact that the County did not have the money and could not ask for more debt capacity caused consternation. She talked about missed transportation opportunities due to lack of funding and about having to choose one project over another. Ms. Shelton said that there had to be more transparency in the future from the Schools.

Dr. Kizner said he felt good about his relationship with Mr. Foley and School and County staff working together; he talked about having a system of checks and balances, working closely with staff the last few weeks and the renovation projection being carefully vetted; that the \$10.8 Million figure was off by \$1.9 Million. He agreed with Mrs. Maurer that architects received incentives but an independent review was done prior to this being placed on the CIP.

Mr. Cavalier thanked Dr. Kizner for stating that the \$10.8 Million figure was off by \$1.9 Million, and saying the cost of the renovation was under-estimated. He spoke about it not being new monies and the CIP operating within its debt capacity and the Schools' new CIP projects totaling \$300 Million, none of which were County projects. He said he was reluctant to agree to the additional \$1.9 Million. Dr. Kizner said the additional \$1.9 Million was needed.

Mr. Coen motioned, seconded by Ms. Bohmke, to adopt proposed Resolution R19-58.

Mr. Dudenhefer made an amended motion, seconded by Mrs. Maurer, to remove all references to phases in proposed Resolution R19-58. Mr. Coen and Ms. Bohmke agreed to the amended motion.

Mr. Coen asked Mr. Fulmer for clarification about periodic updates and normal lifecycle elements to keeping the Schools maintained. Mr. Fulmer said the Schools would use already-funded 3R projects for lifecycle maintenance. Mr. Coen noted that normal replacements and repairs had not been done at Ferry Farm ES due to the "famous rebuild." Mr. Dudenhefer said what needed to be done should be done and he was very pleased with Mr. Fulmer and Dr. Kizner's presentation as well as with the work done by staff done.

Ms. Bohmke said the process was not as anticipated through no fault of Dr. Kizner who came on board mid-stream. She thanked him for his leadership and candor. She said the School Board should work with the Board of Supervisors to improve the process on future construction projects. Ms. Shelton said that she was not going to support this but following the presentation, she became convinced and would now support it.

Mrs. Maurer said that years ago Mr. Cavalier asked what the money was being spent on and got very little response from the schools, which made it very hard for the Board to make informed decisions; the information was needed sooner than two weeks beforehand, particularly when the information was requested more than a year ago. She said it was disappointing and spoke about being held hostage by the School Board where if the \$1.9 Million additional funds were not approved, the basement at Ferry Farm ES would have to be closed and removed from the redistricting numbers; she said it was a hostile act on the part of the School Board and not indicative of a strong working relationship between the two Boards. Mrs. Maurer thanked staff for its efforts and said she would not support this.

Mr. Snellings noted that he intended to vote against this because phases were not included in the adopted CIP, which was a huge concern to him in light of the Schools \$300 Million CIP, which was never presented to the Board. He said he appreciated Dr. Kizner's honest and forthright remarks to the Board and he (Mr. Snellings) changed his mind and would vote in favorably. He said he could not understand why an air quality test had not been done at Ferry Farm ES in more than 14 years; that it should be done immediately for the safety of the students.

The Voting Board tally was:

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

Revised Resolution R19-58 reads as follows:

**A RESOLUTION APPROVING THE BUDGET FOR THE FERRY FARM  
ELEMENTARY SCHOOL RENOVATIONS**

WHEREAS, the FY2019-28 Capital Improvement Program (CIP) approved by the Board on June 19, 2018, included the renovation of Ferry Farm Elementary School (Project); and

WHEREAS, the Project initially included the demolition of the original 1957 section and construction of a new 7,650 square feet addition; and

WHEREAS, since the adoption of the CIP, the School Board has identified additional scope of renovation for the Project, which now includes the renovation of the basement; and

WHEREAS, the Board desires to approve a budget for the Project with the inclusion of a renovation to the basement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that it be and hereby does approve the budget for the remainder of the renovation of Ferry Farm Elementary School renovation including the basement, in the amount of Eleven Million Nine Hundred Twenty-Five Thousand Two Hundred Dollars (\$11,925,200).

Item 15. Finance and Budget; Budget and Appropriate VPSA Interest Funds for a Change Order for A.G. Wright Middle School and Garrisonville Elementary School Interior Finishes  
Budget Division Director, Ms. Andrea Light, presented this item. She explained that bond proceeds from VPSA (Virginia Public School Authority) earned interest while on deposit. The interest could be used to pay costs associated with the projects listed in the application or to reimburse the County for interest costs paid during construction (plus one year). The current interest rate environment provided for larger interest earnings that anticipated. Ms. Light said it was normal practice to “net fund” projects, to anticipate interest earnings and the principle to be the full amount necessary to complete a project. She said that staff monitored interest earnings and provided to the Board, through the annual CIP process, any anticipated interest earnings that could provide additional funding for a project or repay interest paid by the County.

Ms. Light said that Dr. Kizner requested the budget and appropriation of interest earnings on two borrows to provide for a change order, additional work, and to replenish the contingency for the A.G. Wright MS and Garrisonville ES complex project to repair interior finishes. The School Board identified changes to the project and a change order was necessary to accommodate a shorter summer construction schedule. Mrs. Maurer said that she had a number of concerns but would vote in favor and noted that the FAB Committee agreed to go with staff’s recommendations. Mr. Coen said that due to paperwork, he was not sure that there would be a short summer with the Schools starting early; he said he had not seen a full analysis of the impact on schools starting early. Mr. Snellings said the proposed start date was August 12<sup>th</sup> (Mr. Coen originally said August 16<sup>th</sup>). Mr. Foley said there was adequate reason for this; there was flexibility on 3R projects. Mrs. Maurer said it was procedural and within the scope of the particular project although it was not encouraged to budget and appropriate for one thing and to use the money for another.

Ms. Shelton asked about an alternate way to pay down the debt service. Ms. Light said it was repaying the County for interest, which would have an approximate \$30,000 impact on annual debt service. Ms. Light also said that proposed Resolution R19-64 asked the Board to consider the budget and appropriation of available 2017A and 2017C VPSA interest earnings to support the additional change order, the additional items, and to provide 50% of the requested contingency in case of a future change order. She said that it excluded the Schools’ request for funding blackboard skimming and sound attenuation, which were not associated with the scope of the original projects.

Mrs. Maurer motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution R19-64

The Voting Board tally was:

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

Resolution R19-64 reads as follows:

**A RESOLUTION TO BUDGET AND APPROPRIATE VIRGINIA  
PUBLIC SCHOOL AUTHORITY BOND PROCEED INTEREST**

WHEREAS, the 2017A and 2017C Virginia Public School Authority (VPSA) bond proceeds have earned interest in the amount of \$145,768.68 and \$131,562.42, respectively; and

WHEREAS, the County will be reimbursed for interest paid on the 2017A VPSA bond proceeds in the amount of \$145,768.68; and

WHEREAS, due to the shortened summer by the earlier start of the 2019-2020 academic year, the School Board has identified a change order for the A.G. Wright Middle School/Garrisonville Elementary School interior finish projects (Projects) in the amount of \$197,763; and

WHEREAS, \$12,034 of the Projects' contingency funds have been used; and

WHEREAS, the School Board identified an additional project within A.G. Wright Middle School for gymnasium sound attenuation panels; and

WHEREAS, the School Board identified additional project within Garrisonville Elementary School for re-skinning blackboards

WHEREAS, the School Board identified an additional project within Garrisonville Elementary School for ceiling firewall repairs in the amount of \$18,500; and

WHEREAS, the School Board has requested the budget and appropriation of interest earnings on the VPSA bonds to fund these additional projects and replenish the contingency fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that it be and hereby does budget and appropriate Two Hundred Twenty-Two Eight Two Hundred Ninety-Seven Dollars (\$228,297) for the A.G. Wright Middle School/Garrisonville Elementary School projects from the interest earned on Virginia Public School Authority bond proceeds held in the County General Fund to the Schools Capital Project Fund.

Item 16. Planning and Zoning: Refer to the Planning Commission an Ordinance to Amend and Reordain County Code Sec. 28-24, "Measurements" to Reduce Encroachment into Side Yards for Outside Basement Entrances and Ingress-Egress Window Wells Mr. Harvey noted that this item had been presented to the Board at previous meetings and would include lots with previous approvals dated June 14, 2018, and would solve encroachment issues prior to that date.

Ms. Shelton asked if it was really encroachment and if Stafford's peer localities also considered it encroachment, and if not, why is Stafford considering it encroachment. Mr. Harvey replied that some peer localities do and some do not. He spoke about sub-terranean stairs encroaching. He said that Fire and Rescue was concerned because of the narrow distances between dwellings.

Mr. Dudenhefer motioned, seconded by Mr. Coen, to adopt proposed Resolution R19-45.

The Voting Board tally was:

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

Resolution R19-45 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-24, "MEASUREMENTS" TO REDUCE THE AMOUNT OF ALLOWABLE ENCROACHMENT INTO A SIDE YARD SETBACK FOR INGRESS/EGRESS WINDOWS WELLS AND OUTSIDE BASEMENT ENTRANCES IN SPECIFIED AREAS WITHIN THE PD-2, PLANNED DEVELOPMENT-2 ZONING DISTRICT

WHEREAS, the Stafford County Code allows for a specified amount of encroachment into a required setback for certain features attached to a structure; and

WHEREAS, a request has been made to reduce the encroachment allowance for ingress/egress window wells and outside basement entrances in the planned development districts which have narrower lot widths; and

WHEREAS, the Board desires to forward a proposed zoning text amendment to the Planning Commission for its consideration and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that a proposed amendment to Stafford County Code Sec. 28-24, "Measurements," pursuant to proposed Ordinance O19-10, be and it hereby is referred to the Planning Commission for its review, to hold a public hearing, and provide its recommendations to the Board; and

BE IT FURTHER RESOLVED that the Planning Commission may make changes to proposed Ordinance O19-10 as it deems necessary and appropriate, within the scope of the proposed amendments.

## NEW BUSINESS

Item 17. Parks, Recreation, and Community Facilities; Discuss Transfer of Operation of County-Run Aquatics Classes at the Jeff Rouse Swim and Sport Center Mr. Michael Morris, Director of Parks, Recreation, and Community Facilities discussed this item with the Board,

adding that there was no Board action necessary and it was for information only and to keep the Board up-to-date on the goings on at the Jeff Rouse Swim and Sport Center (JRSSC). The Board's CEDC Committee also received an update. Mr. Morris said the recommendation to transfer operation of the County-run aquatics classes to Eastern Sports Management (ESM) eased the logistical challenge for the County to continue running the classes. There would be no increase in prices and staff would be retained. Mrs. Maurer asked what would be done if ESM decided to raise prices down the road and how the process would work in out-years. Mr. Morris said the lease agreement gave autonomy to ESM. Mr. Coen said he was uncomfortable that high school instructors would be unemployed and asked Mr. Morris to look into that aspect of it. Mr. Morris said that he was told that ESM intended to hire as many current instructors as wanted to stay on. Mr. Coen said that some of his students were told their positions would be gone. Mr. Cavalier said there was only a finite number of certified aquatics instructors and lifeguards; that they would just not be employed by the County but by ESM. He spoke about the more than adequate programs at the JRSSC, which were better than at Woodlands Pool with the two pools plus the therapy pool at JRSSC and that he felt that this was a win-win situation for the general membership and a good idea.

Item 18. Public Works (Capital Construction); Discuss Modifications to the Terms of Funding the Lake Carroll Service District Dam Renovations Project Manager, Keith Dayton presented this item to the Board. He said that the Lake Carroll Service District (LCSD) was established when the Board adopted O17-41 on November 21, 2017. There was overwhelming support from the 19 property owners on the lake.

Mr. Dayton noted that work on the design of the renovations of Kennedy Dam was nearly complete and it was during the design phase it was determined that the preliminary assumptions regarding the extent of the overflow on the dam were inaccurate and the overtopping extent would be considerably greater. Also, extensive areas of deep erosion were found and the downstream areas of the dam required additional filling. Mr. Dayton said the current project estimate was \$787,528, up from the original estimate of \$550,000. The new estimate included the increased construction costs, design cost, County review and permitting and a 10% contingency. Staff communicated the increased cost to the property owners in the LCSD who indicated a desire to continue with the Dam renovation efforts even at the higher cost. The property owners requested that the Board consider extending the repayment period to 25 or 30 years to lessen the financial impact to property owners. Mr. Dayton said that staff believed that a 30-year repayment option would allow the property owners to complete the required renovations without increasing the financial burden beyond what was initially contemplated. Because this item was presented as New Business there would be no Board action request until the next Board meeting on March 5, 2019.



Mr. Snellings asked if this item was time sensitive. Mr. Dayton said that it was not. Mrs. Maurer said she went through this with Lake Arrowhead and said to work with the Department of Conservation and Recreation (DCR) to give as much grace as possible. She commended the property owners saying this was not an easy decision. Mr. Coen thanked Mr. Dayton, staff, and the residents for all the hard work and going back and forth with the state. He said that Mr. Dayton did a terrific job looking out for the residents.

Item 19. Public Works (Transportation); Endorse Submission of Request Forms for County Projects for Federal Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) Funding Public Works Director, Mr. Jason Towery, gave a presentation and answered Board members questions. He said that Federal CMAQ and RSTP funds were administrated through FAMPO and the funds were allocated each fiscal year through the Commonwealth Transportation Board (CTB) in consultation with FAMPO and VDOT. CMAQ funding was restricted to projects and programs that help improve air quality and reduce traffic congestion such as alternate modes of transportation or projects that improve traffic flow such as providing turn lanes. RSTP funds had fewer restrictions than CMAQ and eligible projects were typically associated with roadway safety improvements, mass transit, and impact studies. Mr. Towery said that new projects would be screened, scored and ranked according to a project prioritization methodology used by FAMPO and based on Federal planning guidance. Federal funding was limited to approximately \$10 Million with the majority of funding occurring in the out years of FY2024 – FY2026.

Mr. Towery said staff recommended the Board authorize the submission of three projects to compete for CMAQ/RSTP funding including the Garrisonville Road STARS Study from US Route 1 to Onville Road (Strategically Targeted and Affordable Roadway Solutions); the Enon Road Intersection Improvements project, which was a continuation of prior funding requests; and the US Route 1/Layhill Road intersection and roadway improvement. Mr. Towery gave a detailed explanation of each project. The first project, Garrisonville Road STARS was estimated to cost \$200,000 with \$75,000 in FY20 RSTP funding that may be available.

VDOT's estimate for the Route 1 and Enon Road intersection improvement project was \$10.1 Million. However, staff estimated that this amount may increase due to right-of-way acquisition and construction costs so the project may be split into two phases to control the scope, timing, and costs. The project need is approximately \$4.5 Million with a request for an additional \$1 Million in FY26 CMAQ funds.

Improvements to the Route 1/Layhill Road intersection were identified in the recently completed comprehensive road study and would have two phases – Route 1/Layhill to Forbes Street would be phase 1; the project cost was estimated at \$5.5 Million

Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to deem this item time sensitive.



The Voting Board tally was:

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

Ms. Bohmke motioned, seconded by Mr. Coen, to adopt proposed Resolution R19-60.

The Voting Board tally was:

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

Resolution R19-60 reads as follows:

ENDORSE THE SUBMISSION OF REQUEST FORMS FOR COUNTY PROJECTS FOR FEDERAL CONGESTION MITIGATION AND AIR QUALITY AND REGIONAL SURFACE TRANSPORTATION PROGRAM FUNDING

WHEREAS, the Board desires to take advantage of all available regional funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive federal Congestion Mitigation and Air Quality (CMAQ) Program funds and federal Regional Surface Transportation Program (RSTP) funds; and

WHEREAS, the Fredericksburg Area Metropolitan Planning Organization (FAMPO) is calling for submission of new CMAQ/RTSP projects, which will be screened, and if screened through, would be scored and ranked according to the Project Prioritization Methodology per federal planning guidance; and

WHEREAS, the Virginia Department of Transportation (VDOT) and FAMPO will recommend new, if ranked high enough to receive federal funding, and existing CMAQ/RSTP projects to the Commonwealth Transportation Board (CTB) for funding in this region; and

WHEREAS, approximately \$10,000,000 in CMAQ/RSTP funding will be allocated to qualifying projects in the Fredericksburg District for FY2020 to FY2026, with most of the funding for the out years – FY2024 to FY2026; and

WHEREAS, staff is proposing to submit request forms for a Garrisonville Road STARS study (from US Route 1 to Onville Road), improvements to Enon Road/US Route 1 Intersection, and improvements to US Route 1/Layhill Road intersection as well as along Layhill Road until its intersection with Forbes Street;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that the Board be and it hereby does authorize staff to submit request forms on the above mentioned Stafford County projects as candidate projects to be considered and to compete for federal Congestion Mitigation and Air Quality (CMAQ)/

Regional Surface Transportation Program (RSTP) funding within the Fredericksburg District; and

BE IT STILL FURTHER RESOLVED, that the County Administrator, or his designee, shall forward a certified copy of this Resolution to the Fredericksburg Area Metropolitan Planning Organization (FAMPO) Administrator.

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At 5:23 p.m., the Chairman recessed the afternoon session of the February 19, 2019 Board meeting. (Note: There was no Closed Meeting at the February 19<sup>th</sup> meeting.)

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At 7:00 p.m. the Chairman called the evening session to order. Mr. Dudenhefer 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:

Fran Larkin - Volunteer with ONEVA 2021 and supports legislation about ending gerrymandering; said that redistricting every 10 years protected the incumbent; Virginia is the most gerrymandered state in the United States. She named the County's legislative delegation and said that County citizens were confused and there should be a bi-partisan, independent redistricting committee appointed tasked with full transparency and no gerrymandering. She asked each member of the Board to contact the County's senators and delegates for support. She said that Patrick Henry was the first in support of gerrymandering.

Paul Waldowski - Resident of the gerrymandered Rock Hill District who also owns property in the gerrymandered Griffis-Widewater District. He talked about the revisions to the Bylaws, feeling welcome and having passion, which got him kicked off expressing his views about a public hearing at the last Board meeting for not staying on topic according to the Board Chairman. He recommended going to the VDOT website to complain about potholes. Said that regarding Lake Carroll, it was playing favorites and Lady Justice wears a blindfold. Mentioned Anchor Properties, Amazon and Long Island, Socialists, 21<sup>st</sup> Century grocery store, Wegmans, not Harris Teeter, Wal-Mart, and being smarter than a 5<sup>th</sup> grader.

### **PUBLIC HEARINGS**

Item 20. Planning and Zoning; Amend and Reordain County Code Sec. 28-359 "Calculation of Development Rights," and Sec. 38-364 "Development Approval Procedures," regarding Transfer of Development Rights (TDR) Assistant Planning Director, Ms. Kathy Baker, gave a presentation and answered Board members questions and noted that the proposed amendments were to Sec. 28-395, "Calculation of development rights," to clarify that eligible lots were

entitled to transfer at least one development right; and Sec. 28-364, "Development approval procedures," to change the timing for landing transferred development rights from preliminary plan to final plat phase. Ms. Baker gave background information on the TDR program, which was established in 2015.

Regarding the first amendment, currently development rights applications required an engineered calculation for determination of rights. Question arose regarding the guarantee of one development right for an existing lot. This amendment would clarify one right for lots under five acres regardless of steep slopes or hydric soil limitations.

Regarding the second amendment, Ms. Baker said that currently, development rights may be affixed to property in a receiving area at the time of preliminary plan. The proposed Ordinance amendment would change the process to final plat stage and would allow contractual owners to have approval of preliminary plan prior to purchase of development rights.

Ms. Baker noted that the Planning Commission expressed concern about the number of development rights in Crow's Nest Harbor. Mrs. Maurer asked about the process for determining a development right. Ms. Baker said that first, the applicant must submit a request for a determination to include total acreage, the presence of hydric soils, steep slopes, and present an engineered plan/plat. Mrs. Maurer said the property owner was guaranteed one development right whether the property was developable or not. Ms. Baker said if the lot would perc, a house could be built on it. However, if it was less than one acre, it was not guaranteed a development right. She added that just because a lot had hydric soil or steep sloped did not render it undevelopable so long as it met setback requirements in County Code.

Ms. Bohmke asked why the Planning Commission was against Amendment #1 (calculation). Ms. Baker said the Planning Commission members questioned the intent of the amendment. Ms. Shelton spoke about how a lot of the property in Crow's Nest Harbor was owned by older residents who owned the property for years and years and may not have a lot of money. She said that an engineering study could cost \$1500. Ms. Baker said it was between \$1200 and \$1500 for an engineering study depending on the size of the property being studied. Ms. Shelton said she supported it because it saved residents \$1500 and there was not much of a downside.

Mrs. Maurer said the whole purpose of TDR was to encourage building on buildable land and not put houses in the rural areas but in the Urban Services Area (USA) of the County. Mr. Dudenhefer said he was not on the Board when TDR came about and said that Crow's Nest Harbor had been a storm cloud over the County for years. He questioned why give building rights on unbuildable lots saying there was no logic to it. He asked how that would benefit the County. He asked Ms. Baker how many were in Crow's Nest Harbor. Ms. Baker said it was

10 out of approximately 350 lots. Mr. Dudenhefer said that was not as many as his Planning Commissioner told him. Mr. Snellings asked about zoning. Ms. Baker said it was A-2.

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

Paul Waldowski

The Chairman closed the public hearing.

Ms. Shelton motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O19-16.

The Voting Board tally was:

Yea: (2) Cavalier, Shelton

Nay: (5) Bohmke, Coen, Dudenhefer, Maurer, Snellings

Mr. Dudenhefer made a motion to reconsider, seconded by Mr. Cavalier, following discussion with the County Attorney who noted that each section/amendment could be voted on separately.

The Voting Board tally on the motion to reconsider was:

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

Nay: (1) Maurer

Ms. Shelton motioned, seconded by Ms. Bohmke, to adopt the portion of proposed Ordinance O19-16 referring to Sec. 38-364.

The Voting Board tally was:

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

Nay: (0)

Ms. Shelton motioned, seconded by Ms. Bohmke, to defer the portion of proposed Ordinance O19-16 regarding Sec. 28-359 to a future Board meeting.

The Voting Board tally was:

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

Nay: (0)

Ordinance O19-16 (revised) reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN COUNTY CODE SEC. 28-364, "DEVELOPMENT APPROVAL PROCEDURES," REGARDING TRANSFER OF DEVELOPMENT RIGHTS

WHEREAS, the County has had an operative Transfer of Development Rights (TDR) program since 2015; and

WHEREAS, the Comprehensive Plan encourages the use of TDR as a growth management tool; and

WHEREAS, interested parties have expressed an interest in participating in TDR but believe that amendments to the code would facilitate additional participation in the TDR Program; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that Stafford County Code Sec. 28-364, "Development approval procedures," be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 28-364. - Development approval procedures.**

- (a) A request to utilize transferred development rights on an eligible receiving property must be in the form of a preliminary subdivision plan or final site plan submitted to the department of planning and zoning in accordance with the requirements of chapter 22 and chapter 28 of the County Code. If such request is made via a preliminary subdivision plan, the plan must state on its face that approval of the preliminary plan is conditioned upon affixing the requisite number of transferred development rights on the property, and without the transferred development rights the plan is void. Prior to approval of such a final recorded plat or final site plan, the director must be provided proof that the transfer of the development rights has been completed and the development rights have been affixed to the zoning of the receiving property.

Item 21. Public Works (Transportation); Consider the Condemnation and Exercise of Quick Take Powers in Connection with the Route 1/Courthouse Road Intersection Improvement Project Mr. Alex Owsiak, Transportation Planner, presented this item and answered Board members questions. In relating the project background, Mr. Owsiak said the main goals were a reduction in roadway congestion and road safety improvement. The County executed an agreement with Bowman Consulting for design and right-of-way acquisition services as there was a need to acquire necessary property rights before utility relocation and construction could begin, which was anticipated in spring 2021. There are 29 parcels impacted by the project and all offer letters were presented to the landowners with there being signed agreements on five properties. 24 parcels remain to be acquired. Mr. Owsiak gave a breakdown of the sequence of contacts for each of the properties being considered for condemnation and exercise of the County's quick-take powers this evening.

Mrs. Maurer asked if the properties in question were on the market for sale. Mr. Owsiak said he did not recall. Ms. Shelton asked how much property would be given up on the third parcel. On Tax Map Parcel 30-63, 30-62 Mr. Owsiak said it was 0.8 acres with 0.63 acres left after acquisition.

The Chairman opened the public hearing for all three properties. No persons indicated a desire to speak. The Chairman closed the public hearing.

Ms. Shelton motioned, seconded by Ms. Bohmke to adopt proposed Resolution R19-08.

The Voting Board tally was:

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

Resolution R19-08 reads as follows:

A RESOLUTION AUTHORIZING THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A PERMANENT DRAINAGE EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT ON TAX MAP PARCEL NO. 30-87A, IN THE AQUIA ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements at the intersection of Route 1 and Courthouse Road (SR-630) (Project) as a critical part of the County's road improvement plan; and

WHEREAS, acquisition of the land and easements necessary for the completion of the Project; and

WHEREAS, Tax Map Parcel No. 30-87A (Property) consists of approximately 0.8744 acres of land owned by David G. Brickley and Mary L. Pfizner (Property Owners); and

WHEREAS, due to the design of the Project, the Board must acquire 540 square feet of permanent storm drainage easement and 271 square feet of temporary construction easement on the Property; and

WHEREAS, the fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Four Thousand Two Hundred Fifteen Dollars (\$4,215), based upon the an appraisal dated April 13, 2018, prepared by a certified appraiser; and

WHEREAS, the Board, through its acquisition consultant, made a bona fide but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, pursuant to Virginia Code §§ 15.2-1903(B) and 15.2-1905 (C), the Board conducted a public hearing on February 19, 2019, to determine the necessity for condemnation and exercise of quick-take powers, and has carefully considered the recommendations of staff and the public testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its condemnation and quick-take powers to enter and take the above-referenced permanent storm drainage easement and temporary construction easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that it be and hereby does find that public necessity exists for the Board's ownership of a permanent storm drainage easement and a temporary construction easement on Tax Map Parcel No. 30-87A (Property) for the Route 1 and Courthouse Road Intersection Improvement Project (Project); and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Four Thousand Two Hundred Fifteen Dollars (\$4,215) as just compensation for the permanent storm drainage easement and a temporary construction easement, including damages, if any, to the remainder of the Property, that the Board and David G. Brickley and Mary L. Pfitzner (Property Owners) cannot agree on the terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise quick-take powers to enter upon and immediately acquire 540 square feet of permanent storm drainage easement and 271 square feet of temporary construction easement, on the Property for the construction and operation of the Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Attorney to file a Certificate of Take (Certificate) among the land records of Stafford County, and authorizes the County Administrator and the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Four Thousand Two Hundred Fifteen Dollars (\$4,215) with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the permanent storm drainage easement and a temporary construction easement, in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Ms. Shelton motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R19-09.

The Voting Board tally was:

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

Resolution R19-09 reads as follows:

A RESOLUTION AUTHORIZING THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A PERMANENT TRAFFIC CONTROL EASEMENT ON TAX MAP PARCEL NO. 30-87, LOCATED WITHIN THE AQUIA ELECTION DISTRICT



WHEREAS, the Board identified the completion of road improvements at the intersection of Route 1 and Courthouse Road (SR-630) (Project) as a critical part of the County's road improvement plan; and

WHEREAS, the acquisition of the land and easements necessary for the completion of the Project; and

WHEREAS, Tax Map Parcel No. 30-87 (Property) consists of approximately 0.6096 acres of land owned by David G. Brickley, and C. Barry Pfitzner, Successor Trustee, and Raymond J. Morley, Jr., Successor Trustee, Trustees of the G. Richard Pfitzner Revocable Inter Vivos Trust (Property Owners); and

WHEREAS, due to the design of the Project, the Board must acquire 68 square feet of permanent traffic control easement on the Property; and

WHEREAS, the fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Five Hundred Fifty-nine Dollars (\$559), based upon the appraisal dated April 13, 2018, prepared by a certified appraiser; and

WHEREAS, the Board, through its acquisition consultant, made a bona fide but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, pursuant to Virginia Code §§ 15.2-1903(B) and 15.2-1905 (C), the Board conducted a public hearing on February 19, 2019, to determine the necessity for condemnation and exercise of quick-take powers, and has carefully considered the recommendations of staff and the public testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its condemnation and quick-take powers to enter and take the above-referenced permanent traffic control easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of February, 2019, that it be and hereby does find that public necessity exists for the Board's ownership of a permanent traffic control easement on Tax Map Parcel No. 30-87 (Property) for the Route 1 and Courthouse Road Intersection Improvement Project (Project); and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Five Hundred Fifty-nine Dollars (\$559) as just compensation for the permanent traffic control easement, including damages, if any, to the remainder of the Property, that the Board and David G. Brickley, and C. Barry Pfitzner, Successor Trustee, and Raymond J. Morley, Jr., Successor Trustee, Trustees of the G. Richard Pfitzner Revocable Inter Vivos Trust (Property Owners) cannot agree on the terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise quick-take powers to enter upon and immediately acquire 68 square feet of permanent traffic control easement, on the Property for the construction and operation of the Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Attorney to file a Certificate of Take (Certificate) among the land records of Stafford County, and authorizes the County Administrator and the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Five Hundred Fifty-nine Dollars (\$559) with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the permanent traffic control easement, in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Ms. Shelton motioned, seconded by Mrs. Maurer, to defer a vote on proposed Resolution R19-10 to the Board's meeting on March 5, 2019.

The Voting Board tally was:

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

**Item 22. Public Works (Transportation); Amend and Reordain County Code Sec. 15-56, “Designation of Restricted Parking Areas” within the Austin’s Landing Subdivision** Mr. Owsiak gave a presentation and answered Board members questions. In November 2018, the County received a letter from the Austin’s Landing HOA requesting the establishment of a restricted parking area within their subdivision. The letter requested Carnaby Street and Belcroft Drive be designated under a restricted parking area as these were the only two identified streets meeting the definition of a “public highway” as defined in County Code Sec. 15-55.

The Chairman opened the public hearing. The following persons indicated a desire to speak:  
Mark (last name inaudible) HOA President Paul Waldowski  
The Chairman closed the public hearing.

Ms. Shelton motioned, seconded by Mrs. Maurer, to adopt proposed Ordinance O19-19.

The Voting Board tally was:

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

Ordinance O19-19 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SEC. 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS," TO INCLUDE CARNABY STREET AND BELCROFT DRIVE WITHIN THE AUSTIN'S LANDING SUBDIVISION, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

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

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

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

WHEREAS, the Austin's Landing Homeowners Association has provided a letter requesting the establishment of a restricted parking area within the Austin's Landing subdivision and the letter satisfies the requirements of Stafford County Code Sec. 15-56; and

WHEREAS, Carnaby Street and Belcroft Drive within the Austin's Landing subdivision meet the established criteria to be designated as a restricted parking area; and

WHEREAS, the Board has conducted a public hearing in accordance with Virginia Code § 15.2-1427; and

WHEREAS, the Board has 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 19<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, with all other portions remain unchanged:

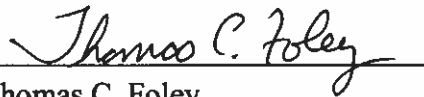
**Sec. 15-56 - Designation of restricted parking areas.**

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

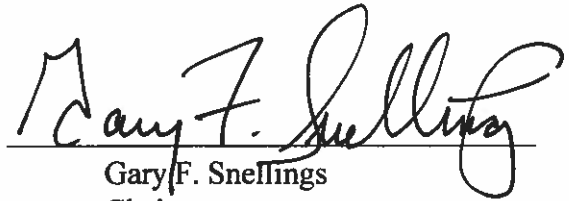
(23) Austin's Landing Subdivision on the following named streets:

- (A) Carnaby Street;
- (B) Belcroft Drive.

Adjournment At 7:55 p.m., the Chairman adjourned the February 19, 2019 meeting of the Stafford County Board of Supervisors. He announced that schools were closed the following day due to impending bad weather and encouraged those that could to stay home.



Thomas C. Foley  
County Administrator



Gary F. Snellings  
Chairman

