

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

November 13, 2014

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 3:01 p.m., on Thursday, November 13, 2014, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

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

Also in attendance were: Anthony J. Romanello, County Administrator; Charles L. Shumate, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff, and other interested parties.

Presentation by Dr. Bruce Benson, Superintendent Dr. Benson addressed the Board saying that the class-size report (provided as a hand-out) was the first time that that level of analysis was seen by the School Board or by the Board of Supervisors.

Ms. Sellers asked Dr. Benson about the meaning of the report and the statistics, and how it affected the County’s students. Dr. Benson replied that, for example, the statistics could be used to demonstrate the need for para-professionals in larger classes; or teachers dividing students into small working groups, allowing teachers to give more one-on-one time and small group instruction rather than working with the entire class as a whole.

Dr. Benson invited Board members to accompany him to visit classrooms. He talked about student-centered learning with teachers facilitating classes led by students. SOL test results were discussed as were SAT scores, the International Baccalaureate program, Advanced Placement courses, dual-enrollment, Junior ROTC, and career and technical classes. Dr. Benson noted that many of the comparison localities offered centrally-located career and technical programs. Mr. Cavalier pointed out that Stafford offered those same classes; they were distributed throughout the County, but not centrally located.

Mr. Snellings said that he heard the the Secretary Commerce speak. One of the points mentioned was a lack of getting students into trades such as carpentry, auto mechanics, etc. He asked Dr. Benson if Stafford schools were where they needed to be in educating students in those trades. Dr. Benson said that the Schools Division did a good job aligning work opportunities in the construction field and with certified auto mechanic courses.

Ms. Bohmke asked about SAT scores (depicted in the hand-out) for Loudoun and Albemarle counties, and the relation of scores to median income levels in those localities. Dr. Benson replied that it had more to do with student access to the SAT format and the curriculum framework in grades K-12 than income levels.

Mr. Cavalier thanked Dr. Benson for his time and presentation to the Board.

Presentations by the Public The following members of the public desired to speak:

Kim Herrigel (with Diamond Communications) - 6th largest tower company in the United States; developed 1000+ towers for Sprint, AT&T and other providers, including Potomac Edison in Virginia (and in 20 other states); Offered \$200,000 a deposit and an increased revenue share over the Milestone Communications contract under consideration by the Board as well as additional enhancements. Mr. Cavalier noted that the Milestone contract would be considered later in the agenda.

Presentations by Members of the Board Board members spoke on the topics as identified:

Ms. Bohmke Attended Germanna Community College Envisioning session; Drew Middle School debate; Grafton Elementary School rededication; RACSB open house; AG Wright Middle School vs. Drew Middle School football game; Town Hall meeting at Falmouth Elementary School, (thanked staff including Joanie Deshazo, and M.C. Moncure for their help at the town hall meeting); attended VACo's annual meeting and completed the first round of the Board of Supervisors' certification classes.

Mr. Cavalier Deferred

Mr. Milde Congratulated Congressman Rob Wittman on his recent reelection; VDOT opened 1000 new spaces at the Staffordboro commuter lot; attended PRTC, wished a happy birthday to the Marine Corps; attended the Fredericksburg Regional Alliance annual meeting; CEDC meeting update including the Courthouse and Centerport utilities update and expansion needed to attract new businesses.

Ms. Sellers Attended the VACo annual meeting and completed the first round of the Board of Supervisors' certification classes; attended Austin Ridge community meeting, residents expressed support for the proposed George Washington Village and had many questions about the Schools redistricting plan.

Mr. Snellings The Chaplin Group Home and Office on Youth merger now complete; attended the Trail of Freedom, ceremonies at the New Hope Baptist Church, and the unveiling of the new mural at the Rowser Building; encouraged everyone to view the mural.

Mr. Sterling Deferred

Mr. Thomas Named to VACo Board of Directors; attended VACo annual meeting, Finance Committee discussed the State’s budget shortfall. K-12 was held harmless in FY15 but that may not be the case in FY16. The State was well above its forecast for the first quarter but being very conservative for the rest of the year.

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

Report of the County Administrator Mr. Romanello introduced Deputy County Administrator, Mr. Keith Dayton. Mr. Dayton updated the Board on the County’s Transportation bond projects. Ms. Sellers asked about Hampton Park Road milling and paving. Mr. Dayton said that VDOT’s contractor began work on the repairs there as well as in the Park Ridge neighborhood. Both projects would be finished up next year.

Mr. Steve Hubble, Acting Public Works Director, gave an update on Parks bond projects.

Mr. Romanello alerted the Board to a meeting and major announcement scheduled for Thursday, November 20, 2014, at 10:30 a.m., at University of Maryland/University College, 525 Corporate Drive, in the Quantico Corporate Center.

On December 1, 2014, the 350th Committee is hosting a red carpet premiere of the movie “Stafford Virginia, Our American Story.” The premiere will take place at Mountain View High School at 6:00 p.m.

Mr. Romanello thanked the Human Resources staff for doing an excellent of job while working short-staffed as HR Director, Shannon Wagner, was out on maternity leave. He thanked Sarah Newlun for doing a great job.

Additions/Deletions to the Regular Agenda There were no additions or deletions to the agenda.

Legislative; Consent Agenda Ms. Sellers motioned, seconded by Mr. Snellings , to adopt the Consent Agenda, which consisted of Items 3 through 15.

The Voting Board tally was:

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

Item 3. Legislative; Approve Minutes of the October 21, 2014 Board Meeting

Item 4. Finance and Budget; Approve Expenditure Listing

Resolution R14-269 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED OCTOBER 21, 2014 THROUGH NOVEMBER 12, 2014

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 13th day of November, 2014 that the above-mentioned EL be and hereby is approved.

Item 5. Utilities; Authorize Amendment to the Virginia Resources Authority Water and Sewer 2009A Bond Financing Agreement to Reduce the Interest Paid by the County

Resolution R14-265 reads as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A FINANCING AGREEMENT BETWEEN THE COUNTY OF STAFFORD, VIRGINIA AND THE VIRGINIA RESOURCES AUTHORITY, AS ADMINISTRATOR OF THE VIRGINIA WATER FACILITIES REVOLVING FUND, AND AN AMENDMENT TO THE STAFFORD COUNTY \$9,606,478 WATER AND SEWER SYSTEM REVENUE BOND, SERIES 2009A, TO DECREASE THE COST OF FUNDS THEREON

WHEREAS, on October 21, 2009, U. S. Bank National Association, on behalf of the Virginia Resources Authority ("VRA"), as Administrator of the Virginia Water Facilities Revolving Fund, acquired from the County of Stafford, Virginia (the "Borrower") a Water and Sewer System Revenue Bond, Series 2009A (the "Local Bond"), in the original principal amount of \$9,606,478, pursuant to a Financing Agreement dated as of October 1, 2009 (the "Financing Agreement") between the Borrower and VRA; and

WHEREAS, the Borrower with the consent of VRA and the Virginia Department of Environmental Quality ("DEQ"), proposes to amend the Financing Agreement to decrease the interest rate on the Local Bond, and to reduce the debt service payments thereunder; and

WHEREAS, a draft of an Amendment to Financing Agreement (the "Amendment Agreement") between the Borrower and VRA, which, among other things, amends certain provisions of the Financing Agreement, including the continuing disclosure covenants and the debt service payments under the Financing Agreement, is on file with the County Administrator; and

WHEREAS, the form of an Allonge (the "Allonge"), which shall be attached to the Local Bond, that evidences the reduction in debt service payments of the Local Bond, is on file with the County Administrator; and

WHEREAS, it appears to be in the best interests of the Borrower to amend the Financing Agreement as set forth in the Amendment Agreement:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA:

Authorization of Amendment Agreement and Form of Allonge. The Board of Supervisors (the "Board") hereby determines that it is in the best interest of the Borrower to execute and deliver the Amendment Agreement and the Allonge for the Local Bond. The Board authorizes the execution and delivery of the Amendment Agreement and the Allonge.

Approval of Amendment Agreement. The form of the Amendment Agreement in the form on file with the County Administrator is hereby approved. The County Administrator and the Chief Financial Officer, either of whom may act, are hereby authorized to execute the Amendment Agreement in substantially such form, with such completions, omissions, insertions, and changes that are not inconsistent with this Resolution, as may be approved by the County Administrator or the Chief Financial Officer, whose approval shall be evidenced conclusively by the execution and delivery of the Amendment Agreement.

Execution of Allonge. The form of the Allonge in the form on file with the County Administrator is hereby approved. The Chairman of the Board and the County Administrator, either of whom may act, are hereby authorized and directed to execute and deliver the Allonge in substantially such form, to reflect the same amended terms as contained in the Amendment Agreement, together with such other completions, omissions, insertions, and changes that are not inconsistent with this Resolution and the Amendment Agreement, as may be approved by the Chairman or County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Allonge. The Clerk or any Deputy Clerk of the Board is hereby authorized to attest or countersign the Allonge and affix the seal of the Borrower thereon;

Tax Covenants. The County Administrator and the Chief Financial Officer, either of whom may act, are hereby authorized and directed to execute and deliver such covenants and certifications as may be required by VRA (the "Tax Documents") in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The Board hereby covenants on behalf of the Borrower that

the Borrower shall comply with the covenants and representations contained in the Tax Documents.

Other Actions. All other actions of the officers of the Borrower in conformity with the purposes and intent of this Resolution, and in furtherance of the execution and delivery of the Amendment Agreement and Allonge are ratified, approved, and confirmed. The officers of the Borrower are authorized and directed to execute and deliver all certificates and other instruments, including, but not limited to, an amendment to or a new tax certificate related to the Local Bond, that such officer may consider necessary or desirable in connection with the transactions authorized pursuant to this Resolution.

Filing of Resolution. The County Attorney or such officer as he may designate is hereby authorized and directed to file a certified copy of this Resolution in the office of the Clerk to the Board and with the Clerk of the Circuit Court of Stafford County, Virginia.

Effective Date. This Resolution shall become effective immediately upon adoption.

Item 6. Utilities; Authorize the County Administrator to Execute a Statement of Understanding for a Comprehensive Plan Review to Consider the Embrey Mill Water Tank as a Site for a Verizon Cellular Telecommunications Antenna

Resolution R14-275 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN A STATEMENT OF UNDERSTANDING FOR A COMPREHENSIVE PLAN COMPLIANCE REVIEW OF THE EMBREY MILL WATER TANK AS A SITE FOR A VERIZON CELLULAR TELECOMMUNICATIONS ANTENNA

WHEREAS, the Utilities Department is considering the Embrey Mill Water Tank as a site for a Verizon Cellular telecommunications antenna; and

WHEREAS, before negotiations can begin on a lease for the use of the tank as a telecommunications site, it must be evaluated for compliance with the Comprehensive Plan under Virginia Code § 15.2-2232; and

WHEREAS, the Planning and Zoning Department requires an owner's signature on a statement of understanding to start the Comprehensive Plan compliance review process; and

WHEREAS, the Board desires to allow this Comprehensive Plan compliance review request to proceed to the Utilities Commission for its recommendation, and to the Planning Commission for its review and decision;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that the County Administrator be and he hereby is authorized to sign a statement of understanding for a Comprehensive Plan compliance review for a telecommunications antenna on the Embrey Mill Water Tank.

Item 7. Circuit Court; Authorize the County Administrator to Execute a Contract with Logan Systems, Inc.

Resolution R14-263 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LOGAN SYSTEMS, INC., FOR THE MANAGEMENT OF STAFFORD COUNTY'S PERMANENT LAND RECORDS AND OTHER RELATED RECORDS

WHEREAS, the Supreme Court of Virginia mandated standards for the Clerk of the Circuit Court data on secure remote access and public retrieval system sites; and

WHEREAS, the Board desires that the Circuit Court's record keeping comply with the state-mandated standards; and

WHEREAS, on July 17, 2007, the Board adopted Resolution R07-295, which authorized the County Administrator to execute a contract with Logan Systems, Inc., for the management of the County's permanent land records and other related records; and

WHEREAS, the current agreement with Logan Systems Inc., expired; and

WHEREAS, Logan Systems, Inc., proposed a two-year contract for the continued management of the County's permanent land records and other related records in an amount not to exceed an annual cost of \$170,000; and

WHEREAS, the Clerk and her staff reviewed the proposal and determined that it is reasonable for the proposed scope of services; and

WHEREAS, the proposed contract includes turnkey service, including all necessary hardware, software, training, and support; and

WHEREAS, funds for this contract are available in the Clerk's FY2015 approved budget; and

WHEREAS, the Clerk's Office and County staff recommend approval of this contract;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that it be and hereby does authorize the County Administrator to execute a two-year contract with Logan System, Inc., for the management of the County's permanent land records and other related records, including all necessary hardware, software, training, and support, in an amount not to exceed an annual cost of One Hundred Seventy Thousand Dollars (\$170,000).

Item 8. Fire and Rescue; Authorize the County Administrator to Execute a Purchase Agreement for Three Replacement Apparatus

Resolution R14-266 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A PURCHASE AGREEMENT FOR THE PURCHASE OF TWO REPLACEMENT FIRE SUPPRESSION APPARATUS AND ONE LADDER TRUCK; FINANCE THE PURCHASE THROUGH THE MASTER LEASE, AND BUDGET AND APPROPRIATE THE FUNDS

WHEREAS, the County's Fire and Rescue Department (the Department) operates fire engines (pumpers) and ladder trucks as part of its all-hazards approach to emergency response; and

WHEREAS, two of the County's pumpers and one of its ladder trucks have surpassed their recommended service life of ten years established by the Fire and Rescue Department's Fleet Replacement Plan; and

WHEREAS, the pumper currently located at Company 7, White Oak Fire Station, is a 1988 model apparatus (with over 80,000 miles on it), which will be replaced with one new Class A pumper; and

WHEREAS, the pumper currently located at Company 4, Mountain View Fire Station, is a 2004 model apparatus (with over 115,000 miles on it), which will be replaced with one new Class A pumper; and

WHEREAS, the ladder truck currently located at Company 10, Potomac Hills, is a 1994 model apparatus, which will be replaced with the existing Quint located at Company 12 Berea (a 2007 model with 110,000 miles on it); and

WHEREAS, the newly-purchased Class A ladder truck will be assigned to Company 12, Berea, replacing the 2007 Quint, and the 2007 Quint will be moved to Company 10, Potomac Hills; and

WHEREAS, the Department desires to utilize the Houston-Galveston Area Council (H-GAC) cooperative procurement service, a nationally-recognized service, to purchase these fire suppression apparatus and ladder truck, which are manufactured by Rosenbauer Firefighting Technology, and offered through C. W. Williams Fire Equipment Specialists, and

WHEREAS, C.W. Williams Fire Equipment Specialists will provide the two replacement pumpers at a price not to exceed \$1,184,000, and the replacement ladder truck at a price not to exceed \$1,069, 000;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that the County Administrator be and he hereby is authorized to execute a purchase agreement, utilizing the H-GAC cooperative procurement, to purchase three replacement fire apparatus from C.W. Williams Fire Equipment Specialists, in an amount not to exceed One Million One Hundred Eighty-four Thousand Dollars (\$1,184,000) for two replacement Class A pumpers, and One Million Sixty-nine Thousand Dollars (\$1,069,000) for the replacement Class A ladder truck; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to budget and appropriate funds obtained through the Master Lease in an amount not to exceed Two Million Two Hundred Fifty-three Thousand Dollars (\$2,253,000).

Item 9. Public Works; Authorize the County Administrator to Execute a Contract for Design of the Route 1/Courthouse Road Intersection Modifications

Resolution R14-271 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH BOWMAN CONSULTING GROUP, LTD., FOR PRELIMINARY ENGINEERING AND OTHER SERVICES FOR DEDICATED LEFT-TURN LANES AT THE INTERSECTION OF US-1 AND COURTHOUSE ROAD (SR-630), AND THE INTERSECTION OF US-1 AND HOPE ROAD (SR-687)/BELLS HILL ROAD (SR-631)

WHEREAS, the Board identified the improvement of the transportation network in the Courthouse Area as a critical part of the County's road improvement plan and Redevelopment Plan; and

WHEREAS, the recently-completed Route 1 Corridor Study identified improvements including additional dedicated left-turn lanes to the US-1 and Courthouse Road (SR-630) intersection, and US-1 and Hope Road (SR-687)/Bells Hill Road (SR-631) intersection, that would improve the existing level of service (LOS), and reduce congestion and delays; and

WHEREAS, the Board desires to begin preliminary engineering of the dedicated left-turn lanes at the intersections of US-1 and SR-630, and US-1 and SR-687/SR-631; and

WHEREAS, the intersections improvements will be funded through the County's Transportation Fund and Virginia Department of Transportation Revenue Sharing funds; and

WHEREAS, staff determined that Bowman Consulting, Ltd., one of the County's approved on-call engineering firms, is best qualified to provide these services; and

WHEREAS, Bowman Consulting submitted a cost proposal to perform the preliminary engineering services; and

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

WHEREAS, sufficient funds for this project are budgeted and appropriated in the FY16 Transportation Fund budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that the County Administrator be and he hereby is authorized to execute a contract with Bowman Consulting, Ltd., in an amount not to exceed Seven Hundred Ninety-eight Thousand Four Hundred Thirty-one Dollars (\$798,431) for preliminary engineering and other services for improved and additional dedicated left-turn lanes at the intersections of Jefferson Davis Highway (US-1) and Courthouse Road (SR-630), and US-1 and Hope Road (SR-687)/Bells Hill Road (SR-631), unless modified by a duly-authorized change order.

Item 10. Planning and Zoning; Authorize the County Administrator to Submit an Application for State-Matching Funds for the Purchase of Development Rights (PDR) Program; and Authorize the PDR Administrator to Identify Viable Properties for the PDR Program

Resolution R14-280 reads as follows:

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

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

WHEREAS, the PDR Program has \$592,910 available through FY2013 and FY2014 rollback tax revenues for the purchase of development rights on properties located in the County; and

WHEREAS, several agencies, including the Virginia Department of Conservation and Recreation, the U. S. Department of Agriculture Natural Resource Conservation Service, and the U. S. Department of Defense have matching funds available in FY2015 for land conservation purposes; and

WHEREAS, the Board desires to apply for matching funds to leverage the County's PDR allocation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that the County Administrator be and he hereby is authorized to apply for matching funds through various agencies in an amount not to exceed Five Hundred Ninety-two Thousand Nine Hundred Ten Dollars (\$592,910) for the County's Purchase of Development Rights program.

Resolution R14-281 reads as follows:

A RESOLUTION AUTHORIZING THE PURCHASE OF DEVELOPMENT RIGHTS ADMINISTRATOR TO SEEK A LAND OWNER(S) WILLING TO PARTICIPATE IN THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

WHEREAS, in 2007, the Board established County Code Chapter 22A, Purchase of Development Rights (PDR), which enabled the County to acquire conservation easements, voluntarily offered by property owners, to serve as one means of assuring that the County's open space, agricultural and forest lands, and natural and cultural resources, are protected and efficiently used; and

WHEREAS, the Board established a PDR Administrator to administer and implement the PDR program; and

WHEREAS, the Board established a PDR Committee to promote the PDR program in cooperation with and under the guidance of the PDR Administrator; and

WHEREAS, a new program-round for PDR applications was initiated in January, 2013; and

WHEREAS, the PDR Administrator and PDR Committee reviewed the applications submitted under the PDR program and ranked the applications in accordance with the requirements and criteria established in the County Code Chapter 22A; and

WHEREAS, pursuant to Resolution R13-279, the Board authorized the purchase of development rights on the three top ranked properties in 2013; and

WHEREAS, the Board desires to purchase the development rights on other viable properties from the 2013 applications, subject to available funds; and

WHEREAS, matching funds are available through various state and federal land conservation agencies' grant programs; and

WHEREAS, the grant programs typically require identification of a willing land owner(s) that is receptive to negotiation on a project; and

WHEREAS, the Board finds that applying for state-matching funds secures and promotes the health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that the Board be and it hereby does authorize the PDR Administrator to seek a willing land owner(s) from the list of properties on the chart below to consider the purchase of development rights through the County’s PDR program and various matching-grant programs, subject to the availability of funds.

APPLICANT	TAX MAP PARCEL(S)	ELECTION DISTRICT	ACREAGE	ZONING	TOTAL POINTS (max 270 pts)	DEVELOPMENT RIGHTS	ESTIMATED COST
Jones	59-21	George Washington	43	A-2	118	27	\$675,000
Harris	25-40	Hartwood	100	A-1	114	25	\$625,000
Tang	17-15E	Hartwood	42	A-1	114	11	\$275,000
Thacker	35-6R, 35-6U	Hartwood	41	A-1, A-2	98	9	\$225,000
Wilson	49-2A	Aquia	50	A-2	90	8	\$200,000
	TOTAL		276			80	\$2,000,000

Item 11. Planning and Zoning; Authorize the County Administrator to Advertise a Public Hearing to Vacate and Remove the Slope, Grading, and Maintenance Easements Across the Front of Parcel 28F-2A-240

Resolution R14-270 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER VACATING A PORTION OF THE SUBDIVISION PLAT FOR AN EASEMENT ON LOT 240, AUGUSTINE NORTH, SECTION 2A, WITHIN THE ROCK HILL ELECTION DISTRICT

WHEREAS, the subdivision plat known as Augustine North, Section 2, was recorded among the Stafford County Land Records (“Land Records”) in Plat Book 26, Pages 38-48, on June 3, 1994, which included a slope, grading, and maintenance easement within the Rock Hill Election District; and

WHEREAS, the plat known as Augustine North, Section 2A was recorded in Plat Book 28, Pages 278-280, among the Land Records on April 11, 1996, within the Rock Hill Election District; and

WHEREAS, the residence on Assessor’s Parcel 28F-2A-240 was constructed partially within the existing slope, grading, and maintenance easement; and

WHEREAS, Kristine and Donnie Blackwell, the owners of Assessor’s Parcel 28F-2A-240, submitted an application to vacate a portion of the slope, grading, and maintenance easement where the residence encroaches into the easement, shown on a house location survey done by Griffin Surveying, PLLC, dated August 18, 2014; and

WHEREAS, the Virginia Department of Transportation reviewed the vacation of this easement and found that it is no longer necessary because Lightfoot Drive is complete; and

WHEREAS, pursuant to Virginia Code §15.2-2272(2) and Stafford County Code Sec. 22-108, a public hearing is required prior to vacating a portion of the plat;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that the Board be and it hereby authorizes the County Administrator to advertise a public hearing to consider vacating a portion of the subdivision plat, Augustine North, Section 2A, for the slope, grading, and maintenance easement on Assessor's Parcel 28F-2A-240.

Item 12. Planning and Zoning; Authorize the County Administrator to Advertise a Public Hearing to Amend the "Noise" and "Weapons" Chapters of the County Code

Resolution R14-227 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO STAFFORD COUNTY CODE SEC. 16-4, "MAXIMUM PERMISSIBLE SOUND LEVELS GENERALLY;" AND CHAPTER 26, "WEAPONS"

WHEREAS, amendments to the Virginia Code necessitate amendments to the weapons ordinance, specifically regarding pneumatic guns and hunting; and

WHEREAS, the Board desires to amend the weapons ordinance to allow for reasonable and safe bow usage; and

WHEREAS, the amendment to the Noise Ordinance will enable easier enforcement of the regulations by law enforcement and staff; and

WHEREAS, the Board carefully considered the recommendations of the Sheriff's Office and staff, and the testimony, if any, at the public hearing; and

WHEREAS, the Board finds that these amendments secure and promote the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that it be and hereby does authorize the County Administrator to advertise a public hearing to consider amendments to Stafford County Code Sec. 16-4, "Maximum permissible sound levels generally," and Chapter 26, "Weapons," pursuant to proposed Ordinance O14-38.

Item 13. Planning and Zoning; Authorize the Zoning Administrator to Accept a Security as a Guarantee of Future Satisfaction of the Proffered Trail Requirement for Leeland Station

Resolution R14-279 reads as follows:

A RESOLUTION AUTHORIZING THE ZONING ADMINISTRATOR TO ACCEPT A SECURITY AS A GUARANTEE OF FUTURE CONSTRUCTION OF THE BIKE/JOGGING TRAIL AND SATISFACTION OF THE TRAIL PROFFER REQUIREMENT AT LEELAND STATION, LOCATED IN THE FALMOUTH ELECTION DISTRICT

WHEREAS, Ordinance O13-44, adopted by the Board on September 3, 2013, amended the proffered conditions on Assessor's Parcels 46-92B, 46-92 (portion), and 46-93E, zoned PD-1, Planned Development 1 Zoning District, in the development known as Leeland Station, located in the Falmouth Election District; and

WHEREAS, proffered condition 6.a. requires completion of a bike/jogging trail system connecting the commercial areas and existing commuter rail station to the residential areas on the property, and accommodating an inter-parcel connection to the adjacent subdivision and properties; and

WHEREAS, the trail must be completed by the issuance of the building permit for the 500th resident unit; and

WHEREAS, GTIS-HOV Leeland Station, LLC, requested that it be permitted to post a security to guarantee the future construction of the bike/jogging trail and satisfaction of proffered condition 6.a., in the proffer statement dated September 3, 2013, adopted by the Board; and

WHEREAS, Virginia Code § 15.2-2299 authorizes the Zoning Administrator to accept a guarantee satisfactory to the Board in the amount sufficient for and conditioned upon the construction of the physical improvements required by the proffered conditions attached to the rezoning; and

WHEREAS, the applicant provided the Planning and Zoning Department with a detailed plan illustrating the trail layout and construction design pursuant to submission of the preliminary plan for Section 6D of Leeland Station; and

WHEREAS, the applicant provided an estimate, prepared by Bowman Consulting, dated October 27, 2014 that the security amount in the amount of \$21,321.20 will be sufficient to fully complete the bike/jogging trail, as required by proffer condition 6.a., and meet the County's Security Policy; and

WHEREAS, County staff reviewed the estimate and determined that the security amount of \$21,321.20 is sufficient to guarantee satisfaction of proffered condition 6.a.; and

WHEREAS, the Board considered the recommendations of staff, and finds that this guarantee is in an amount satisfactory to the Board and will ensure compliance with Proffer 6.a., which was adopted by Ordinance O13-44; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that it be and hereby does authorize the Zoning Administrator to accept a security in an amount no less than Twenty-one Thousand Two Hundred Thirty-one Dollars and Twenty Cents (\$21,231.20), as a guarantee of the future satisfaction of proffered condition 6.a., in the proffer statement, dated September 3, 2013, adopted pursuant to Ordinance O13-44; and

BE IT FURTHER RESOLVED that the bike/jogging trail shall be complete prior to the issuance of the first occupancy permit in Section 6D of Leeland Station.

Item 14. Public Information; Recognize the Power Kix Team, Coach Limas, Taylor MacLeod, and Devon Lewis; National Taekwondo Team Members

Proclamation P14-25 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND POWER KIX
FOR ITS CONTRIBUTIONS TO THE STAFFORD COMMUNITY AND
FOR ITS TRAINING AND SUPPORT OF NATIONALLY RECOGNIZED
ATHLETES

WHEREAS, Arlene Limas, an Olympic gold medalist in Taekwondo, is the owner of Power Kix Martial Arts, a Stafford County business for more than 20 years; and

WHEREAS, Arlene Limas brought recognition and honor to both her business and Stafford County by serving as a coach for USA Taekwondo; and

WHEREAS, Power Kix made a difference in the lives of many community members through their classes, teams, summer camps, and Special Olympics program; and

WHEREAS, Power Kix provides opportunities for its students to compete at local, state, national, and international levels through its Team Power Kix, with many athletes qualifying at national team trials; and

WHEREAS, team member, Taylor MacLeod, earned a spot on the U.S. Junior National Taekwondo Team and represented the United States by participating in the 2014 Junior World Championships; and

WHEREAS, five athletes competed at the USA National Competition at the University of California Berkeley, and team member, Devon Lewis, earned a gold medal and a spot on the USA Taekwondo National Team;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that it be and hereby does recognize and commend Ms. Arlene Limas and the Power Kix coaches and athletes for their superior representation of Stafford County and for their work with the citizens and student-athletes in the County.

Item 15. Fire and Rescue; Approve Appointment of Deputy Chief Lori Knowles to the Rappahannock Emergency Medical Services Council, Inc.

Public Information; Authorize the County Administrator to Execute an Agreement with Milestone Communications for Telecommunication Facility Site Leasing Mr. Thomas said that there were new and significant changes to the original agreement with Milestone Communications. He suggested that the Board return the Milestone agreement to the Telecommunications Commission (TCC), as well as asking the TCC to schedule a meeting with Diamond Communications (public presentations) and compare what Diamond Communications offered to the Milestone agreement.

Mr. Cavalier asked if a new request for proposal was necessary. Mr. Thomas said that Milestone rode on the Manassas, VA contract. He added that the Board should have the TCC's recommendation but that it should not take another two and one-half years.

Mr. Milde motioned, seconded by Mr. Thomas, to refer the item to the Telecommunications Commission for further review and recommendation to the Board.

The Voting Board tally was:

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

Utilities; Consider Residential (Subsidized) Pump and Haul at 1209 Mountain View Road Mr. Mike Smith, Director of Utilities, gave a presentation and answered Board members questions. Mr. Smith said that the property was 1.1 miles from Abel Lake, a drinking water source for the County, which was one of the determining factors for staff's recommendation for subsidized pump and haul at 1209 Mountain View Road.

Mr. Milde said that he did not think that 1.1 miles was too close and questioned the cost to the owner of the property, and if the owner was financially able to pay for another type of system, or non-subsidized pump and haul. Mr. Smith said that the property owner's ability to pay was not a consideration when staff made its recommendation.

Mr. Thomas asked about other options. Mr. Smith replied that the occupants could ask for non-subsidized pump and haul, or move out and have the property condemned as the Health Department would not approve another type of drainage system due to its proximity to Abel Lake. Mr. Milde mentioned another property, and the Board's voting against pump and haul. Mr. Romanello pointed out that that property was not owner-occupied; 1209 Mountain View Road was owner-occupied and met all the required criteria for subsidized pump and haul.

Mr. Milde asked about waste from Green Ridge. Mr. Smith said that the Aquia Wastewater Treatment Plant processed approximately 4.5 million gallons per day. Mr. Milde asked if his peat moss system was polluting the Potomac River given the proximity from his house to the River. He said that he wanted facts and found it hard to believe that being 1.1 miles from Abel Lake presented a danger to drinking water. He asked for the the number of subsidized pump and haul systems in Stafford. Mr. Smith replied that there were 23, and 2 of the systems were temporary, and that last year it cost the County \$65,000. In response to Mr. Milde's question, Mr. Smith responded that Stafford was the only locality in the state that offered subsidized pump and haul. Mr. Milde asked about the financial status of the property owners. Mr. Smith said that finances were not one of the criteria. Therefore, he could not answer Mr. Milde's question. Mr. Milde asked how many potential applications there were in the County. Mr. Smith said that approximately 6300 properties with drainfields were built prior to 1997. Mr. Milde said that they would all fail eventually. Mr. Smith said it depended on soil conditions, etc., but that an average drainfield would last 20 to 50 years. Mr. Milde said that applicants could be rich but still apply for, and be granted, subsidized pump and haul. Mr. Smith said there was no correlation between what the property owner earned and what they would pay.

Mr. Cavalier reminded the Board that it was dealing with a specific property, not the overall pump and haul policy. Ms. Bohmke said she spoke with the Falmouth District Utilities Commissioner, and he was very interested in the pump and haul sub-committee and very concerned that if an applicant met the established criteria, it must be approved. Mr. Snellings asked how long the current pump and haul policy was in effect. Mr. Smith said that it was approved in the late 1990's. Mr. Snellings said that there were only 23 applications in fifteen years; that the sky was not falling. He asked Mr. Smith for any alternatives to subsidized pump and haul for the property. Mr. Smith said that it could be non-subsidized, whereby the property owner would pay a hauler directly, or the property could be condemned as it had no viable sewage disposable system.

Mr. Milde asked the County Attorney if the Board had to approve the application simply because it met the criteria. Mr. Shumate replied that it was up to the Board's discretion. He said that the current policy was established in 1998, and revisions to the policy may be contemplated, but suggested making those changes following a vote on the request for 1209 Mountain View Road. He said that a "No" vote could be challenged.

Mr. Milde motioned, seconded by Mr. Thomas (for discussion), to approve a non-subsidized pump and haul. Mr. Thomas said that he'd like to see the weight of the full Board behind the initiative to get the sub-committee moving on revisions to the County's current pump and haul policy. He offered a friendly amendment to approve the application and set a specific time frame for the Utilities Commission to move on revisions to the existing policy. Mr. Milde did not agree to Mr. Thomas' friendly amendment.

Mr. Thomas withdrew his second. Mr. Snellings called the question.

Ms. Bohmke motioned, seconded by Ms. Sellers, to adopt proposed Resolution R14-256.

The Voting Board tally on the original motion was:

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

Nay: (1) Milde

Resolution R14-256 reads as follows:

A RESOLUTION TO CONSIDER PROVIDING RESIDENTIAL (SUBSIDIZED) PUMP AND HAUL SERVICE AT 1209 MOUNTAIN VIEW ROAD

WHEREAS, the County has a general permit agreement with the Virginia Department of Health for pump and haul services; and

WHEREAS, the owner of 1209 Mountain View Road requested pump and haul services because the existing drainfield is failing; and

WHEREAS, in 2012, a certified professional soil scientist failed to find a replacement drainfield on the site; and

WHEREAS, 1209 Mountain View Road is certified by the Virginia Department of Health for sewer service in accordance with these arrangements, and must be added to the general permit agreement pump and haul list; and

WHEREAS, the Board finds that 1209 Mountain View Road meets the requirements of the County's residential (subsidized) pump and haul service, last amended on September 5, 2006 by Resolution R06-240; and

WHEREAS, the Board finds that adding this property to the County's general permit agreement with VDH for pump and haul services secures and promotes the health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that it be and hereby does authorize the addition of 1209 Mountain View Road to the County's general permit agreement with the Virginia Department of Health for residential (subsidized) pump and haul service; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute a pump and haul service agreement with the property owner; and

BE IT STILL FURTHER RESOLVED that these services will be discontinued and the property removed from the County's general permit agreement with the Virginia Department of Health if public sewer becomes available to 1209 Mountain View Road.

Finance and Budget; Budget and Appropriate Funds for Construction of the Turf Field at Mountain View High School Ms. Nancy Collins, Budget Division Director, gave a presentation and answered Board members questions. Mr. Sterling pointed out that the request was similar to the one for the turf fields at Stafford and Brooke Point High Schools. Mr. Cavalier said that he met with the Chairman and Vice-Chairman of the School Board and they were on board with the item as presented.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R14-268.

Ms. Sellers asked why it was done that way, adding that Mountain View High School had a perfectly good field. Mr. Sterling said that the process would get underway so that the new field could be installed in time for the 2015 season. He added that maintenance costs for a turf field, as well as the greater utility/use of the field was the reason for going with artificial turf over grass fields.

Mr. Thomas said that at its recent meeting, the School Board did not approve the request to move funds. He added that the School Board requested a letter from the Board of Supervisors indicating that it wanted to put an artificial turf field at Mountain View High School. Mr. Thomas said that the request seemed in order and that staff should check with the School Board to ensure that they want a turf field at Mountain View before the Board approved proposed Resolution R14-268.

Mr. Sterling did not believe a letter to the School Board was necessary, saying that the Board should approve the project and have it in place for next season. Mr. Thomas said that the School Board should be given an opportunity to go on record with the request. Mr. Cavalier said that the School Board's Chairman and Vice-Chairman had no problem with the Board taking action.

Ms. Bohmke said that during her tenure on the School Board, the School Board made the decision then the request was forwarded onto the Board of Supervisors. She added that the School Board did not approve it at its most recent meeting.

Mr. Cavalier said that the proffers were for the express purpose of the turf field. Mr. Romanello said that after a certain time (10 years or so), the proffered funds could be used for another capital project in the Rock Hill District. Ms. Sellers asked why it had to be done then. Mr. Milde said that it could wait a month or so. Mr. Milde withdrew his second to Mr. Sterling's motion. Mr. Sterling seconded Mr. Sterling's motion.

Mr. Thomas asked School Superintendent, Dr. Bruce Benson, for his opinion. Dr. Benson said that he understood, as had Mr. Cavalier, that the School Board Chairman and Vice Chairman were in favor but added that he did not know the sequence of events.

The Voting Board tally was:

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

Resolution R14-268 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE ADVANCED PROFFER FUND PROCEEDS FOR THE CONSTRUCTION OF ARTIFICIAL TURF FIELDS AT MOUNTAIN VIEW HIGH SCHOOL

WHEREAS, amended proffer conditions for Shelton Knolls Schools cash proffers include \$850,000, which can be used to fund artificial turf fields at Mountain View High School, to be paid as \$12,766 per unit, due at the time of each Shelton Knolls occupancy permit; and

WHEREAS, the Board and the School Board desire that the construction of the artificial turf fields be completed by August 1, 2015; and

WHEREAS, to complete the artificial turf fields by August 1, 2015, design work must begin in November, 2014, with construction in the spring of 2015; and

WHEREAS, the receipt of the cash proffer funds may not coincide with the project schedule; and

WHEREAS, the School staff will manage cash flow within the Schools' Construction Fund, but if necessary, the County's Capital Projects Reserve will be available for cash flow purposes, and funds will be set aside in the Capital Projects Reserve for this purpose until the cash proffers are received from the Shelton Knolls developer;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that the County Administrator be and he hereby is authorized to budget and appropriate advanced proffer fund proceeds for the construction of artificial turf fields at Mountain View High School as follows:

GENERAL FUND

Transfer to Schools' Construction Fund	\$850,000
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SCHOOLS' CONSTRUCTION FUND

\$850,000

BE IT FURTHER RESOLVED that any funds used from the County's Capital Projects Reserve for cash flow purposes on this project shall be reimbursed with Shelton Knolls Schools' cash proffer proceeds.

County Administration; Consider Legislative Initiatives for the 2015 General Assembly Session Mr. Ken Hutcheson with Williams Mullen presented the Board's proposed

priority legislative initiatives for discussion. He told the Board that its Legislative Committee met several times and also included Senator Richard Stuart, via conference call, in the discussion. He talked about the state slashing spending and the pending budget shortfall and its impact on local governments. Mr. Hutcheson repeated that K-12 was held harmless in FY2015 but that in FY2016, there was every chance that budget cuts would also impact school divisions in the Commonwealth.

Jail Per Diem – Mr. Hutcheson said that there was an approximate \$10 million shortfall, and included in the Board’s legislative initiatives was a budget request to the Governor to make whole those localities impacted by the jail per diem budget shortfall. Mr. Thomas talked about the Caboose Bill and said that it was discussed at the VACo Finance Steering Committee meeting.

The Admissions Tax – SB1262 (enacted in 2013) authorized the County to impose an admissions tax on certain admissions under Virginia Code § 58.1-3818.02. The authority to impose the tax would expire on July 1, 2015, if no qualifying entertainment venue existed in Stafford County by that date. The County requested that the General Assembly extend the expiration date of the Admissions Tax to July 1, 2018, which extended the window of time to obtain a commitment from an international theme park prospect.

Fire, Rescue, and Emergency Services Background Checks – requested an exception for localities with existing rigorous procedures regarding background checks, for new career and volunteer firefighters, so that the County may be exempted from proposed, costly new procedures. Mr. Hutcheson noted that several other localities expressed similar concerns and that several stakeholders planned to meet to discuss the best avenue to deal with the issue.

Mr. Milde asked why there were only six priorities when there were so many offered for consideration on the memo dated October 23, 2014. Mr. Thomas said that the proposed Resolution offered priorities, and that not all suggestions could be considered a legislative priority. Mr. Milde said that specifically, he was looking for an initiative on Purchase of Development Rights (PDR). Mr. Sterling said that there were several discussions and meetings, after which the Legislative Committee, along with staff and the County’s legislative liaisons, came up with the list of priority initiatives that appeared to have the most chance of moving forward in the General Assembly. He added that in looking at any discussion revolving around proffers, the General Assembly could come back and restrict or cap proffers, which is the exact opposite of the the Board hoped to accomplish. Mr. Milde said that the General Assembly would not get rid of proffers is the Board asked for PDR, which was used to mitigate development and move it into the Urban Services Area (USA). He said that the development lobbyists were in favor of having more than one option and that PDR should be reprioritized over cluster developments and/or the Fire and Rescue background checks.

[Additional priorities are included in proposed Resolution R14-278 but were not specifically discussed by the Board.]

Mr. Sterling motioned that proposed Resolution R14-278, seconded by Ms. Sellers, be used as a baseline, be approved by the Board, then the Board would consider other items to be added.

The Voting Board tally was:

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

Mr. Milde offered a second motion, seconded by Mr. Snellings, that PDR be added as the 7th initiative.

The Voting Board tally was:

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

Mr. Romanello asked that the \$6 million dollars be struck from the jail per diem item on proposed Resolution R14-278, leaving only mention of the shortfall.

In speaking about the recently passed constitutional amendment offering tax breaks to the surviving spouses of military members killed in action, Mr. Thomas said that at VACo, he recommended using income tax rather than property tax. He added that more people pay income tax than property taxes.

Resolution R14-278, including Initiative #7, PDR, reads as follows:

A RESOLUTION ESTABLISHING STAFFORD COUNTY’S PRIORITY
LEGISLATIVE INITIATIVES FOR THE 2015 VIRGINIA GENERAL
ASSEMBLY SESSION

WHEREAS, the Board seeks enabling legislation and amendments to the Virginia Code to accomplish Stafford County’s priority legislative initiatives for the 2015 Virginia General Assembly session; and

WHEREAS, the Board recognizes that Virginia and its local governments are partners in providing many services to our citizens; and

WHEREAS, the Board opposes efforts to reduce the authority or flexibility of the County to govern its citizens, or to shift responsibility for shared services to localities alone; and

WHEREAS, the Board opposes efforts to decrease the reimbursement rate for state-responsible inmates held in local and regional jails; and

WHEREAS, the FY2015 jail per diem has a budget shortfall, which will not be made up in the FY2015 Caboose Budget Bill, and that shortfall will fall on localities to fund; and

WHEREAS, the Board opposes any new unfunded mandates or the expansion of any existing unfunded mandates upon the County and County Schools, absent the associated state funding necessary to implement the mandates; and

WHEREAS, the Board desires that the Virginia Association of Counties (VACo) support the legislative initiatives contained herein:

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that the members of the General Assembly representing Stafford County be and they hereby are requested to introduce and support the following priority initiatives:

- **Admissions Tax** – SB 1262 (enacted in 2013) authorized the County to impose an admissions tax on certain admissions under Virginia Code § 58.1-3818.02. The authority to impose the tax will expire on July 1, 2015, if no qualifying entertainment venue exists in Stafford County by that date.

Stafford County requests that the General Assembly extend the expiration date of the Admissions Tax to July 1, 2018, which will extend the window of time to obtain a commitment from an international theme park prospect.

- **Fire, Rescue, and Emergency Services Background Checks** – Stafford County requests an exception for localities with existing rigorous procedures regarding background checks, for new career and volunteer firefighters, so that they can be exempted from costly new procedures.
- **Transportation** – Amend HB 2 (enacted in 2014) to include transit programs in the requirement for prioritization; give the greatest weight of all the criteria to relieving congestion on the interstate highway system in areas that impact commerce and commuters; and create a temporary panel or commission of General Assembly members tasked with approval, or disapproval, of the Commonwealth Transportation Board’s prioritization process before it can proceed.
- **Cluster Development** – Establish standards for open space that require it to be contiguous, usable, and readily accessible.
- **Standards of Learning (SOL) Testing** – Permit middle school students to retake SOLs in an expedited manner under the same criteria as for high school students. (SB1162 was proposed in 2013, but was left in the House Committee on Appropriations. Currently, only high school credit end-of-course tests are eligible for retakes.)

- **Jail Per Diem** – Budget amendment providing sufficient state funding to cover the County’s share of the FY2015 jail per diem budget shortfall.
- **Purchase of Development Rights (PDR)** – Give the County the option of applying cash proffers for purchase of development rights.

; and

BE IT FURTHER RESOLVED that staff and the County’s legislative consultants will keep the Board apprised of legislative and funding changes in stormwater management, the pending roll-out of the A – F grading of individual schools, and other matters that may adversely impact Stafford County, its residents, and businesses; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee will provide a copy of this Resolution to each member of the County’s General Assembly delegation.

Discuss the Board’s Committee Schedule Mr. Snellings said that he was concerned that the Board’s Bylaws did not offer any structure when assigning topics to the standing committee agendas. He suggested that items first be considered by the Board, and that the Board then direct its standing committees to consider individual matters or concerns. Mr. Snellings said that would work better than having staff bring items to standing committee members without the benefit of the full Board giving its consideration.

Mr. Sterling asked if Mr. Snellings was referring to gray areas; that some items are clearly defined and it would not be a good use of the full Board’s time to consider those items that were obviously Public Safety, or Economic Development, Parks & Recreation, etc.

Mr. Snellings noted that when he and Mr. Cavalier were on the Board in a previous term, there was a list kept and Board (or committee) members knew when items were due back and staff did not put things on agendas without first consulting the Board.

Mr. Thomas suggested that on the last page of the Monthly Report it would be helpful to list deferred items and when action was necessary on outstanding matters. Mr. Cavalier said that it could be easily accomplished by each committee. Mr. Milde said that each Board member could add items to agenda and Mr. Cavalier, as Chairman, set the final agenda, but that he could not refuse items requested by other Board members.

Ms. Bohmke said that items should be considered relative to the appropriate committee or commission, such as the Utilities Commission, the Parks & Recreation Commission, etc. Ms. Bohmke also said that an attendance policy was needed to take pressure off those members that attend faithfully and to remove members that did not attend regularly.

Discuss Naming the Indoor Recreation Facility at Embrey Mill Mr. Cavalier said that the Board tasked him with working on a name for the indoor recreation facility at Embrey Mill. He said that Mr. Jeff Rouse was a Stafford resident, an Olympic gold medalist, and former member of the County’s Parks & Recreation Commission. Mr. Cavalier spoke with Mr. Rouse about naming the indoor recreation and Mr. Rouse was honored. Mr. Sterling said that Mr. Rouse was an Olympic gold medalist who set the standard and made definite contributions to his sport of swimming.

Mr. Thomas said that it was typically frowned upon to name facilities after someone who was still alive. In that case, Mr. Thomas said that Mr. Rouse’s accomplishments were remarkable and he was in favor of the name. Ms. Sellers said that even though Mr. Rouse was from south Stafford, by naming the indoor recreation center after him, it brought recognition to north Stafford as well, and she was in favor of it.

Mr. Cavalier said that Mr. Rouse was willing to loan his medals for a display at the center and suggested consideration of having a “Wall of Fame” recognizing all Stafford Olympians.

Mr. Sterling motioned, seconded by Mr. Snellings, to approve proposed Resolution R14-290, naming the Indoor Recreation Facility at Embrey Mill the Jeff Rouse Swim and Sport Center.

The Voting Board tally was:

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

Resolution R14-290 reads as follows:

**A RESOLUTION TO NAME THE INDOOR RECREATION FACILITY
AT EMBREY MILL AFTER JEFFREY N. ROUSE**

WHEREAS, Jeffrey N. Rouse was born on December 6, 1970 in Fredericksburg, Virginia, and graduated from Stafford High School in 1988; and

WHEREAS, Mr. Rouse is a four-time Olympic champion, and former world record-holder in three events, having represented the United States in the 1992 Olympics in Barcelona, Spain, and at the 1996 Olympics in Atlanta, Georgia; and

WHEREAS, in 1992, Mr. Rouse won a gold medal in swimming for the U.S. team in the men’s 4 x 100 meter medley relay, and individually, he also received a silver medal for his performance in the men’s 100-meter backstroke; and

WHEREAS, in 1996, Mr. Rouse earned a gold medal as a member of the U.S. team in the men’s 4 x 100 meter medley relay, and in individual competition, Jeff won a gold medal in the men’s 100-meter backstroke; and

WHEREAS, Mr. Rouse is a member of the Virginia Sports Hall of Fame and the International Swimming Hall of Fame; and

WHEREAS, Mr. Rouse currently resides in Stafford County, and served on the Stafford County Parks and Recreation Commission, representing the George Washington District; and

WHEREAS, in naming the Indoor Recreation Center at Embrey Mill after Mr. Jeffrey N. Rouse, the Board desires to bring to the attention of citizens everywhere his accomplishments as a world record holder and Olympic swimmer, as well as the many volunteer hours Mr. Rouse spent in support of the citizens of Stafford County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that, notwithstanding the Board’s policy on naming buildings in Resolution R07-147, it be and hereby does name the Indoor Recreation Center at Embrey Mill the Jeff Rouse Swim and Sport Center.

Legislative; Closed Meeting. At 4:34 p.m., Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM14-21.

The Voting Board tally was:

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

Resolution CM14-21 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel regarding the proposed Embrey Mill recreation center agreement and scope of services; and (2) discussion concerning a prospective business where no previous announcement has been made of the business’ interest in locating its facilities in the County; and

WHEREAS, pursuant to Virginia Code § 2.2-3711(A)(5) and (A)(7), such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 13th day of November, 2014, does hereby authorize discussion of the above matters in Closed Meeting.

Call to Order At 5:02 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Thomas motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM14-21(a).

The Voting Board tally was:

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

Resolution CM14-21(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON NOVEMBER 13, 2014

WHEREAS, the Board has, on this the 13th day of November, 2014, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 13th day of November, 2014, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

At 5:04 p.m., Mr. Cavalier recessed the meeting.

Call to Order At 7:00 p.m., the Chairman called the meeting back to order.

Invocation Ms. Bohmke gave the invocation.

Pledge of Allegiance The Power Kix team led the recitation of the Pledge of Allegiance.

Presentation to the Power Kix Team, Taekwondo National Team Ms. Sellers presented a proclamation to Ms. Arlene Limas, Coach, Olympic Gold Medalist, and owner of Power Kix Martial Arts. Special recognition was given to Miss Devon Lewis and Miss Taylor MacLeod for their accomplishments. Coach Limas said that she and her athletes were overwhelmed and so grateful for being acknowledged by the Board. She said that success bred success and she was proud of all of her students and thankful for the support of their

parents. Ms. Sellers presented a County flag to Miss Lewis and Miss MacLeod, and 350th commemorative coins to each member of the Power Kix Team.

Presentations by the Public - The following members of the public desired to speak:

Elise Whitworth - Princess Boot Camp, Mountain View High School, 11/22/14, 2:00 to 5:00 p.m., \$10/adult & \$5/child to profit St. Jude’s Children’s Hospital.

Power Kix Team Athletes - Two athletes (no names given) presented plaques in appreciation of Ms. Sellers and Mr. Milde’s support of Power Kix Martial Arts.

Sheriff; Amend and Reordain Stafford County Code Chapter 5, “Animals and Fowl”

Captain Michael Null, Animal Control, gave a presentation to the Board about the requested amendment to Stafford County Code, Chapter 5, “Animals and Fowl.” Captain Knoll said that it was a housekeeping measure aimed at keeping County Code conformed to Virginia Code. Mr. Thomas pointed out that the word “pound” was still included in Sec. 5.3 of proposed Ordinance O14-39. A clerical correction was made to correct the oversight.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Snellings, to approve proposed Ordinance O14-39.

The Voting Board tally was:

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

Nay: (0)

Ordinance O14-39 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 5, “ANIMALS AND FOWL”

WHEREAS, the Virginia Code authorizes the Board to adopt and amend an animal control ordinance; and

WHEREAS, the Board finds that the County Code provisions involving animal control should be updated and amended; and

WHEREAS, the General Assembly has amended various Virginia Code provisions involving animal control; and

WHEREAS, the Board carefully considered the recommendations of the Sheriff's Office and County staff, and the public testimony, if any, at the public hearing; and

WHEREAS, the Board finds that adoption of this ordinance secures and promotes the public health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that Stafford County Code, Chapter 5, "Animals and Fowl," be and it is hereby amended and reordained as follows, all other portions remaining unchanged:

Chapter 5 ANIMALS AND FOWL

Sec. 5-1. Definitions.

Adequate water means provisions of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, ~~but at least once every twelve (12) hours~~ appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

Animal control officer means a person appointed as an animal control officer or deputy animal control officer as provided in ~~section 3.1-796.66 [of the Code of Virginia]~~ Virginia Code § 3.2-6555.

Animal shelter ~~means a facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity including, but not limited to, a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.~~

Boarding establishment means a place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

Commercial dog breeder means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

Commercial kennel means any place in or at which six or more animals more than six months of age are kept, boarded, groomed, bred, or trained for pecuniary gain on a regular basis.

Dealer means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) Any person who transports companion animals in the regular course of business as a common carrier shall not be considered a dealer; or (ii) any personal whose primary purpose is to find permanent adoptive homes for companion animals.

Facility means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

Foster-care provider means ~~an individual~~ a person who provides care or rehabilitation for companion animals through an affiliation with a ~~pound,~~ public or private animal shelter, home-based rescue, or other releasing agency, or other animal welfare organization.

Foster home means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

Highway means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

Home-based rescue means ~~any person or organization that accepts (i) more than twelve (12) companion animals or (ii) more than nine (9) companion animals and more than three (3) unweaned litters of companion animals in a calendar year~~ an animal welfare organization that takes custody of companion animals for the purpose of finding permanent adoptive homes for the companion animals facilitating adoption and houses the such companion animals in a private residential dwelling or uses foster home or a system of housing companion animals in private residential foster homes.

Humane investigator means a person who has been appointed by a circuit court as a humane investigator as provided in ~~section 3.1-796.106 [Code of Virginia]~~ Virginia Code § 3.2-3558.

Hybrid canine means any animal that is or can be demonstrated to be a hybrid of the domestic dog and any other species of the Canidae family; that at any time has been permitted, registered, licensed, or advertised as such; or that at any time has been described, represented, or reported as such by its owner to a licensed veterinarian, law-

enforcement officer, animal control officer, humane investigator, official of the Virginia Department of Health, or State Veterinarian's representative.

Incorporated means organized and maintained as a legal entity in the Commonwealth.

Livestock includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in ~~section 3.1-73.6~~ ~~[Code of Virginia]~~ Virginia Code § 3.2-2600 and enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

Noncommercial kennel means a place in which six or more dogs or cats more than six months of age are kept and maintained by a householder, within or adjoining a private residence. Occasional sale of such animals shall not be construed as making such place a commercial kennel.

Private animal shelter means a facility that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

Public animal shelter means a facility operated by the Commonwealth, the county, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with the county or any other locality.

Releasing agency means a ~~pound~~, (i) a public animal shelter, or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue; that releases companion animals for adoption.

State law reference – Virginia Code §§ 3.2-6500 and 46.2-100.

Sec. 5-2. Animal control officer generally.

- (a) Pursuant to ~~section 3.1-796.104, Code of Virginia,~~ Virginia Code § 3.2-6555 the position of animal control officer for the county is hereby created. The animal control officer and his deputies, if any, shall be appointed as prescribed in such section of the state law. The animal control officer and his deputies, if any, shall report to the sheriff.
- (b) The animal control officer and his deputies, if any, shall discharge the duties and responsibilities set forth in ~~section 3.1-796.104, Code of Virginia,~~ Virginia Code § 3.2-6555 and in this chapter and such others as may be required by the board of supervisors from time-to-time.

Sec. 5-3. Fees or charges for impounding, boarding, etc., animals at county shelter ~~or pound.~~

- (a) Nothing in this county Code or the ordinance(s) adopting or amending this county Code shall affect any ordinance prescribing fees or charges for impounding and boarding animals at the county animal shelter ~~or pound~~, ~~or~~ for reclaiming or adopting animals so impounded, or for any other service rendered at such shelter ~~or pound, and all.~~ All such ordinances are ~~hereby~~ recognized as continuing in full force and effect of the same extent as if set out at length in this county Code.
- (b) In addition to any other fees or charges that may be imposed under the county code, county ordinance, or Virginia Code, if any animal confined pursuant to this chapter of the county code or the Virginia Code is claimed by its rightful owner, such owner may be charged with the actual expenses incurred in keeping the animal impounded in the county animal shelter, including, but not limited to, veterinary care and food.

State law references – Virginia Code § 3.2-6546.

Sec. 5-6. Care of animals by owner; penalty.

- (a) Each owner shall provide for each of his companion animals:
- (1) Adequate feed;
 - (2) Adequate water;
 - (3) Adequate shelter that is properly cleaned;
 - (4) Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
 - (5) Adequate exercise;
 - (6) Adequate care, treatment, and transportation; and
 - (7) Veterinary care when needed or to prevent suffering or disease transmission.

The provisions of this section shall also apply to every public or private animal shelter, ~~pound~~, or other releasing agency and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.

- (b) Game and wildlife species shall be cared for in accordance with regulations promulgated by the board of game and inland fisheries by January 1, 1994.
- (c) Violation of this section is a class 4 misdemeanor. A second or subsequent violation of subsection (a)(1), (a)(2), (a)(3), or (a)(7) of this section is a class 2 misdemeanor. A second or subsequent violation of subsection (a)(4), (a)(5), or (a)(6) of this section is a class 3 misdemeanor.

State law reference – Virginia Code § 3.2-6503.

Sec. 5-7. Cruelty to animals generally.

- (a) Any person who:

- (1) Overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates or kills any animal, whether belonging to himself or another;
- (2) Deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment;
- (3) Sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes;
- (4) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal;
- (5) Carries or causes to be carried, in or upon any vehicle or vessel or otherwise, any animal in a cruel, brutal or inhumane manner, so as to produce torture or unnecessary suffering; or
- (6) Causes any of the above things, or being the owner of such animal permits such acts to be done by another; shall be guilty of a class 1 misdemeanor. Prosecution for violations of this section shall commence within five (5) years after commission of the offense. Prosecutions of this subsection regarding agricultural animals shall commence within one (1) year after commission of the offense.

In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

- (b) Nothing in this section shall be construed to prohibit the dehorning of cattle in a reasonable and customary manner.
- (c) Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation or cruelly and unnecessarily beats, maims or mutilates any dog or cat that is a companion animal whether belonging to him or another and (ii) as a direct result causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, shall be guilty of a class ~~6-felony~~ 1 misdemeanor. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall not overrule county code section 5-26, or section 5-30, section 5-57, or section 5-58.
- (d) Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibit

- of any kind, unless such administration of drugs or medications is under the supervision of a licensed veterinarian and solely for therapeutic purposes; (iii) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; (iv) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv); or (v) causes any of the actions described in clauses (i) through (iv), or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection (a) of this section, is guilty of a Class 1 misdemeanor if the current violation or any previous violation of this subsection or subsection (a) of this section a resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection or subsection (a) of this section.
- ~~(d)~~(e) Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.
- (f) This section shall not prohibit authorized wildlife management activities or hunting, fishing, or trapping as regulated under other titles of the Virginia Code, including Title 29.1, or to farming activities as provided under Virginia Code Title 3.2 or regulations adopted under that title.
- (g) It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur, or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor.

State law reference – Virginia Code § 3.2-6570.

Sec. 5-9. Failure of dealer or pet shop to provide adequate care, etc.; penalty.

- (a) Any dealer, commercial dog breeder, or pet shop that fails to adequately house, feed, water, exercise, or care for animals in his or its possession or custody as provided for under this chapter shall be guilty of a class 3 misdemeanor. Such failure shall also constitute grounds for revocation of a permit or certificate of registration after public hearing.
- (b) Such animals shall be subject to seizure and impoundment, and, upon conviction of such person, the animals may be sold, euthanized, or disposed of as provided by ~~section 3.1-796.96, Code of Virginia,~~ Virginia Code § 3.2-6546 for licensed, tagged, or tattooed animals.
- (c) Any funds that result from such sale shall be used first to pay the costs of the county for the impoundment, care, and disposition of the animal(s); ~~and a~~ Any funds remaining shall be paid to the owner, if known. If the owner is not found, the remaining funds shall be paid into the state literary fund.

State law reference – Virginia Code § 3.2-6544.

Sec. 5-10. Misrepresentation of animal's condition; penalties.

- (a) No person shall misrepresent the physical condition of any animal at the animal's sale, trade, delivery, or other method of transfer. For the purpose of this section,

"misrepresentation" shall include selling, trading, delivering or otherwise transferring an animal to another person with the knowledge that the animal has an infection, communicable disease, parasitic infestation, abnormality or other physical defect that is not known to the person receiving the animal. The sale of an agricultural animal that has external or internal parasites that are not made known to the person receiving the animal shall not be a violation of this section unless the animal is clinically ill or debilitated due to such parasites at the time of sale, trade, delivery or transfer of the animal.

- (b) Violation of this section shall be punishable as a class 3 misdemeanor.

State law references – Virginia Code § 3.2-6509.

Sec. 5-11. Maiming, killing, or poisoning animals or fowl, etc.

- (a) If any person shall maliciously shoot, stab, wound, or otherwise cause bodily injury to, or administer poison to, or expose poison with intent that it be taken by, any horse, mule, pony, cattle, swine, or other livestock of another, with intent to maim, disfigure, disable, injure, or kill the same, or if he do any of the foregoing acts to any animal of his own with intent to defraud any insurer thereof, he shall be guilty of a class ~~5 felony~~ 1 misdemeanor.
- (b) If any person does any of the foregoing acts to any fowl or to any companion animal with any of the aforesaid intents, he shall be guilty of a class 1 misdemeanor, ~~except that any second or subsequent offense shall be a class 6 felony if the current offense or any previous offense resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this section.~~

State law reference – Virginia Code § 3.2-6544.

Sec. 5-12. Abandonment of animal; penalty.

- (a) No person shall abandon or dump any animal. Violation of this section is a class 3 misdemeanor.
- (b) Nothing in this section shall be construed to prohibit the release of an animal by its owner to a ~~pound~~, public or private animal shelter, or other releasing agency.

State law reference – Virginia Code § 3.2-6504.

Sec. 5-13. Seizure and impoundment and disposition of animals; hearing required.

- (a) Any animal found abandoned, neglected, cruelly treated, or rendered in such a condition as to constitute a direct and immediate threat to its life, safety or health may be seized and impounded by any humane investigator, law-enforcement officer or animal control officer pursuant to ~~section 3.1-796.115, Code of Virginia,~~ Virginia Code § 3.2-6569 and humanely disposed of by sale, adoption, or euthanasia at the discretion of the animal control officer;

- (1) After ten ~~(10)~~ days following the date on which the animal was seized; or
 - (2) In accordance with a judicial determination by the general district court that the owner is unable to adequately provide for the animal or is not a fit person to own the animal.
- (b) The hearing required by ~~section 3.1-796.115, Code of Virginia,~~ Virginia Code § 3.2-6569 shall be held not more than ten ~~(10)~~ business days from the date of seizure; however, said hearing may be continued to a later date if the owner of the animal provides a cash or corporate surety bond in accordance with county code section 5-14 below.

Sec. 5-14. Security required.

- (a) A person claiming an interest in an animal confined pursuant to ~~section 3.1-796.115, Code of Virginia,~~ Virginia Code § 3.2-6569 may prevent disposition of the animal after the ten-day period set forth in section 5-13 by posting a bond, cash, or surety with the treasurer prior to the expiration of the ten-day period.

Sec. 5-18. ~~Reserved~~ Care of agricultural animals by owner; penalty.

- (a) Each owner shall provide for each of his agricultural animals:
1. Feed to prevent malnourishment;
 2. Water to prevent dehydration; and
 3. Veterinary treatment as needed to address impairment of health or bodily function when such impairment cannot be otherwise addressed through animal husbandry, including humane destruction.
- (b) This section shall not require an owner to provide feed or water when such is customarily withheld, restricted, or apportioned pursuant to a farming activity or if otherwise prescribed by a veterinarian.
- (c) There shall be a rebuttable presumption that there has been no violation of this section if an owner is unable to provide feed, water, or veterinary treatment due to an act of God.
- (d) This section shall not apply to agricultural animals used for bona fide medical or scientific experimentation.
- (e) Violation of this section is a Class 4 misdemeanor.

State law reference - Virginia Code § 3.2-6503.1.

Sec. 5-19. Livestock running at large.

- (a) It shall be unlawful for the owner or manager of any livestock to permit any such livestock to run at large beyond the limits of his own lands within the county.
- (b) Any person violating this section shall be guilty of a Class 4 misdemeanor.

State law reference – Virginia Code § 3.2-6544.

Sec. 5-20. Trespass by ~~livestock~~ animals.

- (a) It shall be unlawful for the owner, possessor, or custodian of any ~~livestock animals~~, after being requested by the owner or tenant of any premises not to allow the same to trespass upon such premises, to allow such ~~livestock animal~~ animal to go upon such premises.
- (b) It shall be unlawful for the owner, possessor, or custodian of any ~~livestock animals~~ to willfully allow the same to trespass and run at large upon the public highways of the county, whether such highways be enclosed by a fence or not.
- (c) Any person violating this section shall be guilty of a class 4 misdemeanor.

State law reference – Virginia Code § 15.2-1218.

Sec. 5-28. Impoundment and disposition of dogs running at large.

All dogs found running at large in violation of any provision of this article shall be captured and impounded by the animal control officer or other officer and disposed of in accordance with the provisions of ~~section 3.1-796.96, Code of Virginia~~ Code § 3.2-6546.

State law reference – Virginia Code §§ 3.2-6538 and 3.2-6546.

Sec. 5-30. Dogs killing, injuring, or chasing livestock or poultry—Generally.

- (a) It shall be the duty of the animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to seize or kill such dog forthwith, whether such dog bears a license tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight, as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock.

State law reference – Virginia Code § 3.2-6552.

Sec. 5-31. Same—Compensation for owner of livestock or poultry.

- (a) Any person who has any livestock or poultry killed or injured in this county by any dog or hybrid canine not his own shall be entitled to receive from the county, as compensation, the fair market value of such livestock or poultry not to exceed ~~four hundred dollars (\$400.00)~~ \$750.00 per animal or ~~ten dollars (\$10.00)~~ per fowl, provided that:
 - (1) The claimant has furnished evidence, within ~~sixty (60)~~ days of discovery, of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog or hybrid canine;
 - (2) The animal control officer or other officer was notified of the incident within ~~seventy-two (72)~~ hours of its discovery;
 - (3) The claimant first has exhausted his legal remedies against the owner, if known, of the dog or hybrid canine doing the damage for which compensation under this section is sought. Exhaustion shall mean a

judgment against the owner of the dog or hybrid canine upon which an execution has been returned unsatisfied; and

- (4) The animal control officer has conducted an investigation and his investigation supports the claim.
- (b) Upon payment under this section, the board of supervisors shall be subrogated, to the extent of compensation paid, to the right of action of the owner of the livestock or poultry against the owner of the dog or hybrid canine and may enforce the same in an appropriate action at law.

State law references – Virginia Code §§ 3.2-6553 and 3.2-6584.

Sec. 5-40. Permit required; pet shops and dealers.

- (a) Any person operating a pet shop, operating a boarding establishment, operating as a commercial dog breeder, operating as a commercial kennel, or operating as a dealer in companion animals shall obtain a permit in the amount of ~~fifty dollars (\$50.00)~~ from the treasurer on or before January 1 and not later than January 31 of each year.

Sec. 5-52. Disposition of unlicensed dogs of unknown ownership.

- (b) Prior to the disposition of any dog under this section by euthanasia or otherwise, all provisions of ~~section 3.1-796.96, Code of Virginia~~ Virginia Code § 3.2-6546, shall be complied with.

Sec. 5-53. License sales record book.

The treasurer shall enter in a dog license sales record book, containing original perforated and duplicate leaves, the date of sale of dog tags, kennel licenses and pet shop, boarding establishment, commercial dog breeder, operating as a commercial kennel, or dealer permits, the names and addresses of persons to whom sold, the kind of tag or kennel and the serial number and the amount of the license tax or permit fee paid. The treasurer shall tear the original perforated sheets from his dog license sales record book monthly and deliver the same to the animal control officer on or before the fifth day of the succeeding month.

Sec. 5-56. Definitions.

Dangerous dog means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. ~~However, w~~When a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite; ~~or~~ (ii) if both animals are owned by the same person; ~~;~~ (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian; ~~;~~ or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, ~~;~~ or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or

participating in an organized, lawful dog-handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.

Serious injury means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.

Sec. 5-57. Control of dangerous or vicious dogs; penalties.

- (a) ~~Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Code of Virginia, § 3.1-796.119. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Code of Virginia, § 19.2-260 et seq. The county shall be required to prove its case beyond a reasonable doubt.~~
- (b) ~~No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or~~

- injury, or was protecting itself, its kennel, its offspring, its owner, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.
- (c) — If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (d) — The owner of any animal found to be a dangerous dog shall, within ten (10) ~~45~~ days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of fifty dollars (\$50.00), in addition to other fees that may be authorized by law. The animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same a fee of \$85.00 and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the state veterinarian.
- (e) — All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable; (ii) that the animal has been neutered or spayed, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least one thousand dollars (\$100,000.00), that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least one thousand dollars (\$100,000.00).
- (f) — While on the property of its owners, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (g) — The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under [Code of Virginia,] § 3.1-796.93:3, within forty five (45) days of such a finding by a court of competent jurisdiction.
- (h) — The owner shall also cause the local animal control officer to be promptly notified of:

- ~~(i) — The names, addresses, and telephone numbers of all owners;~~
- ~~(ii) — All of the means necessary to locate the owner and the dog at any time;~~
- ~~(iii) — Any complaints or incidents of attack by the dog upon any person or cat or dog;~~
- ~~(iv) — Any claims made or lawsuits brought as a result of any attack;~~
- ~~(v) — Tattoo or chip identification information or both;~~
- ~~(vi) — Proof of insurance or surety bond; and~~
- ~~(vii) — The death of the dog.~~
- ~~(i) — After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within ten days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.~~
- ~~(j) — Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

 - ~~1. — Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or~~
 - ~~2. — Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury.~~

~~The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.~~~~
- ~~(k) — The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of the article shall be guilty of a class 1 misdemeanor.~~
- ~~(l) — All fees collected pursuant to this article, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this article, shall be paid into a special dedicated fund for the purpose of paying the expenses of any training course required under Code of Virginia, § 3.1-796.104:1.~~
- (a) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog shall apply to a magistrate serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal control officer

- shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. The court, upon finding the animal to be a dangerous dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code Title 19.2, Chapter 15, Article 4 (§ 19.2-260 *et seq.*). The Commonwealth shall be required to prove its case beyond a reasonable doubt.
- (b) No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.
- (c) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (d) The owner of any animal found to be a dangerous dog shall, within 45 days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of \$150, in addition to other fees that may be authorized by law. The local animal control officer or treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of \$85 and in the same manner as the initial certificate was obtained. The animal control officer shall post registration information on the Virginia Dangerous Dog Registry.
- (e) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older

- who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable; (ii) that the animal has been neutered or spayed; and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (a) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (b) the animal has been permanently identified by means of electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000, that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.
- (f) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided for according to Virginia Code § 3.2-6503. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (g) The owner shall cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) chip identification information; (vi) proof of insurance or surety bond; and (vii) the death of the dog.
- (h) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; or (iii) is sold, is given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within ten days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.
- (i) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:
- (1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;
 - (2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

(3) Class 1 misdemeanor if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

This subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

(j) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal.

Upon conviction, the court may (i) order the dangerous dog to be disposed of by a local governing body pursuant to Virginia Code § 3.2-6562 or (ii) grant the owner up to 45 days to comply with the requirements of this section, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a local governing body pursuant to Virginia Code § 3.2-6562. The court, in its discretion, may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

(k) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry, shall be paid into a special dedicated fund in the county treasury for the purpose of paying the expenses of any training course required under Virginia Code § 3.2-6556.

State law reference – Virginia Code § 3.2-6540.

Sec. 5-58. Control of vicious dogs; penalties.

(a) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a vicious dog shall apply to a magistrate serving the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant

- facts pertaining to his belief that the dog is vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Virginia Code § 3.2-6562. The court, upon finding the animal to be a vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or to the estate of any person killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such vicious dog from the time the animal is taken into custody until such time as the animal is disposed of. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Virginia Code Title 19.2, Chapter 15, Article 4 (§ 19.2-260 *et seq.*). The Commonwealth shall be required to prove its case beyond a reasonable doubt.
- (b) No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a vicious dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a vicious dog.
- (c) Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a Class 1 misdemeanor. This subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

State law reference – Virginia Code § 3.2-6540.1.

Secs. 5-58 59—5-64. Reserved.

Sec. 5-68. Report of existence of rabid animal; procedure.

- (a) Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the health department the existence of such

animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies. Dogs or cats showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the state veterinarian as provided in ~~section 3.1-796.96~~ Virginia Code § 3.2-6546.

Sec. 5-69. Procedure when dog or domestic cat exposes person to rabies.

- (c) At the end of the period of confinement under this section, if the dog or cat has not developed active symptoms of rabies, it may be released to its owner. If the dog or cat was confined at the county animal shelter, the owner shall pay the impoundment fee, transport fee, and daily charges authorized by this section. If the dog or cat was confined in a kennel or veterinarian hospital, the owner shall pay the standard boarding fee charged by such kennel or hospital. Should a dog or cat confined under this section die prior to expiration of the ten-day confinement period, the owner shall still be required to pay confinement costs to the date of death of the dog or cat.
- (d) Any dog or cat confined under this section and not claimed by its owner as herein provided for may be disposed of as provided in ~~Section 3.1-796.96, Code of Virginia Code § 3.2-6546~~. State law reference – Virginia Code §§ 3.2-6522 and 3.2-6546(A).

Planning and Zoning; Consider a Zoning Text Amendment Regarding Minor Work in the Historic Resource Overlay District Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Ms. Bohmke to adopt proposed Ordinance O14-28.

The Voting Board tally was:

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

Nay: (0)

Ordinance O14-28 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-58, “HISTORIC RESOURCE OVERLAY DISTRICT (HR)”

WHEREAS, the Zoning Ordinance exempts minor work or actions that are deemed not to have a permanent effect upon the character of a historic property from full review by the Architectural Review Board (ARB); and

WHEREAS, under the Zoning Ordinance, exterior painting that does not result in a color change is considered minor work; and

WHEREAS, the ARB determined that exterior painting resulting in a color change does not have a permanent effect on the character of historic structures, with the exception of painting an unpainted masonry surface; and

WHEREAS, the ARB found that reviewing all exterior color changes is an unnecessary burden on property owners; and

WHEREAS, the ARB desires to lessen the burden on property owners within the Historic Resource Overlay Districts; and

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

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that Stafford County Code Sec. 28-58, "Historic Resource Overlay District Regulations," be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-58. - Historic Resource Overlay District (HR).

(d) Historic resource overlay district regulations...

- (9) Minor work or actions, deemed by the agent or his designee not to have a permanent effect upon the character of the historic property or district, shall be exempt from full review by the ARB. Instead, such minor work or actions shall be reviewed and approved or disapproved by the agent or his designee. Decisions made regarding minor work shall be rendered in writing. An applicant may appeal the decision of the agent or his designee to the ARB and of the ARB to the board of supervisors, in accord with the procedures hereinafter established. The term "minor work" shall include, but not be limited to, the repair or replacement of existing materials on exterior surfaces or appurtenances, such as steps, gutters, chimneys, windows, or exterior painting, ~~which does not result in a color change~~ except on unpainted masonry surfaces; and

BE IT FURTHER ORDAINED that this ordinance shall take effect on upon adoption.

Planning and Zoning; Authorize Elimination of the Requirement for Board of Supervisors Approval of Community Drainfields Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Harvey noted that the current language in the County Code conflicted with Virginia Code.

Mr. Snellings said that he would vote against the item due to his belief that community drainfield issues should come before the Board for approval (or denial). Mr. Sterling said that he intended to also vote against proposed Ordinance O14-31. Mr. Milde said that he was reluctant to support the proposed ordinance but would do so to bring it into conformity with State Code.

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

Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O14-31.

Mr. Sterling offered a substitute motion that the issue of community drainfields be added as the Board’s 8th legislative initiative. The substitute motion died for lack of a second.

The Voting Board tally was:

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

Ordinance O14-31 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 22-118, “WATER AND SEWER,” TO ELIMINATE THE REQUIREMENT FOR BOARD OF SUPERVISORS APPROVAL OF THE USE OF COMMUNITY SEWAGE DISPOSAL SYSTEMS FOR SUBDIVISIONS

WHEREAS, County Code Sec. 22-118(4)(g) requires that the Board approve the use of community sewage disposal systems (community drainfields) for new subdivisions; and

WHEREAS, pursuant to Virginia Code § 15.2-2157, the County cannot prohibit the use of, nor require maintenance standards for, alternative onsite sewage disposal systems (AOSS); and

WHEREAS, Virginia Administrative Code Sec. 12VAC5-613-10 defines a community drainfield as a large AOSS; and

WHEREAS, the Board finds that Virginia Code § 15.2-5157 renders County Code Sec. 22-118(4)(g) ineffective; and

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

WHEREAS, the Board finds that this ordinance is consistent with good planning practices;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that Stafford County Code Sec. 28-118, “Water and sewer,” be and it hereby is amended and reordained as follows, with all other portions remaining unchanged:

Sec. 22-118. - Water and sewer.

The following requirements apply to the provision of water and sewer:

(4) *On-site sewage disposal systems:*

~~g. The board of supervisors shall approve the use of all community sewage disposal systems.~~

h g. These standards are in addition to those contained in section 25-165 of the County Code regulating utilities.

; and

BE IT FURTHER ORDAINED that this ordinance shall become effective upon adoption.

Planning and Zoning; Consider Zoning Text Amendments Regarding Minimum Tract Size and GDP Requirements for Planned-Traditional Neighborhood Developments Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Thomas said that the previous requirement of 75 acres was reduced to 30 acres and was (now) increased to 40 acres. Mr. Harvey said that there was not as many opportunities for in-fill development and that the Community and Economic Development Committee discussed, and agreed, that 40 acres was a good compromise.

Ms. Bohmke noted that if/when the number was decreased there would be several new projects on hand. She asked Mr. Harvey if he was aware of any specific projects. He replied that there was one project in the Garrisonville Road area with both commercial and residential components.

Mr. Milde said that Aquia Towne Center had 35 acres and that TND was a great development, just that there had been no market for it in the County. He added that there was no downside to proposed Ordinance O14-33.

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

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O14-33.

The Voting Board tally was:

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

Ordinance O14-33 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-35, TABLE 3.1 “DISTRICT USES AND STANDARDS,” AND SEC. 28-56 “APPLICATION FOR PLANNED DEVELOPMENTS”

WHEREAS, County Code Sec. 28-35 establishes standards for development within the P-TND, Planned-Traditional Neighborhood Development Zoning District; and

WHEREAS, County Code Sec. 28-56 establishes application requirements within the P-TND, Planned-Traditional Neighborhood Development Zoning District; and

WHEREAS, the minimum gross tract area within the P-TND Zoning District is 75 acres, except for certain development areas; and

WHEREAS, the Board desires to reduce the minimum gross tract area within the P-TND Zoning District to 40 acres; and

WHEREAS, the Board desires to include language stipulating that development within the P-TND Zoning District will conform to the generalized development plan submitted and approved with reclassification applications; and

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

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13th day of November, 2014, that Stafford County Code Sec. 28-35, Table 3.1, “District uses and standards,” and Sec. 28-56, “Applications for planned developments,” be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

Sec. 28-35. Table of uses and standards.

Table 3.1, District Uses and Standards

P-TND Planned-Traditional Neighborhood Development

(c) Requirements:

(1) Intensity:

Minimum gross tract area/acres~~75~~ 40

(Except for redevelopment, provided there is no increase of impervious area greater than ten (10) percent, no minimum gross tract area/acres for such redevelopment.)

Sec. 28-56. Application for planned developments.

(a) *Effect of approval.* Upon approval of the complete application submitted under this section, the applicant shall have one hundred twenty (120) days in which to submit a preliminary subdivision/site development plan for the entire development. All final plans must comply with the stipulations and concepts approved by the board of supervisors during the rezoning, and all future development within the P-TND district shall be in conformance with the applicable generalized development plan approved by the board of supervisors at the time of rezoning. The approval of the initial application package by the board of supervisors shall in no manner obligate the county to approve any final plan. The final plan shall be prepared and submitted in accordance with the requirements of Article XIV, Site Plans, of this chapter.

; and

BE IT FURTHER ORDAINED that this ordinance shall become effective upon adoption.

Adjournment: At 7:31 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Jack R. Cavalier
Chairman