

BOARD OF SUPERVISORS  
STAFFORD, VIRGINIA  
MINUTES  
Regular Meeting  
August 21, 2018

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Meg Bohmke, Chairman, at 3:00 p.m., on Tuesday, August 21, 2018, in the Board Chambers, George L. Gordon, Jr., Government Center, 1300 Courthouse Road, Stafford, VA.

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

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

Ms. Bohmke thanked Public Safety staff and employees with the Department of Public Works for their efforts at clean-up and repairs of the recent flooding on River Road and damage to 62 homes following the microburst on August 12, 2018. She also thanked VDOT for its work on repairing storm-related road damage on Brooke Road and other roads in the County. Public Works staff including Scott Rae, Tom Fecteau, Gary Ervin, Brenda Duckworth, Mimi Faha, Glenn Huffman, Casey Ervin, and Sammie Pixel, were recognized for working through a challenging summer of record-setting rainfall and handling a large amount of weather-related complaints. Ms. Bohmke noted that the Landfill is taking storm refuse, free of charge, through August 26, 2018.

Fire Chief Joe Cardello and Emergency Management Division Chief, Virgil Gray were recognized as being instrumental in Stafford County being once again recognized by the National Weather Service as a Storm Ready Community. Chief Cardello also recognized Katie Carpenter, Assistant Division Chief of the Emergency Management Division for her excellent work on behalf of the County's storm readiness efforts.

Aquia Wastewater Plant Manager, Ed Hayner, was recognized for being chosen by the Virginia Water Environment Association (VWEA) as this year's recipient of the Public Official Award. An individual is chosen each year by the VWEA Board of Directors for outstanding work and dedication to the wastewater industry.

Stafford Hospital Emergency Department Nurse manager was recently awarded the Patriot Award for her support of a nurse in her department that serves in the Naval Reserves. The

Patriot Award is a national Department of Defense recognition that reflects efforts made to support citizen/military through wide-ranging measures including flexible schedules, time off prior to and after deployment, caring for families, and granting leaves of absence if needed.

Ms. Bohmke reminded everyone that Stafford County school students would be returning to the classroom on Tuesday, September 4<sup>th</sup>. She asked that everyone be extra careful as students would be at bus stops and on the roads once school started.

Mrs. Maurer motioned, seconded by Ms. Shelton, to adopt the regular agenda.

The Voting Board tally was:

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

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

Andy Robeson – In favor of the Lynhaven Service District; said that residents there have been working toward this since January, 2012 by researching how to have their road paved and accepted into the rural road system. 75% of residents have signed several petitions in favor of the service district.

Kari Robeson – In favor of the Lynhaven Service District; talked about bad visibility at the intersection with Courthouse Road and the danger to drivers going both directions.

Hannah Robeson – In favor of the Lynhaven Service District; said it was hard for emergency vehicles to navigate the road now with the potholes and narrow lanes.

Aaron Robeson – In favor of the Lynhaven Service District; said that property values would go up, resulting in higher taxes, if the road were paved and brought up to State standards.

Josh Robeson – In favor of the Lynhaven Service District; spoke about the maintenance vehicles traveling on the road heading to the Augustine Golf Course and the road not being maintained well enough to serve heavy vehicles.

Dana Brown – Unable to attend the evening meeting; granted permission by the Chairman to speak about that evening's public hearing on Virginia Public School Authority bonds. Ms. Brown expressed concerns about the cost of purchasing Fredericksburg Christian School (FCS) not being negotiated to the best cost value; and the Schools' having \$1.5 Million "left over" that could be used to buy down the cost of FCS so that less money is borrowed for the purchase.

Iris Lozano – In favor of leaving Ordinance 16-39 unchanged regarding the County's cemetery ordinance; it was approved unanimously by the Planning Commission; there is a documented

source of drinking water near the location of the proposed cemetery; asked that setbacks be left in place.

Glenn Patterson – Spoke about the risks of placing a cemetery so closed to drinking water sources and relayed documented health hazards; agreed with the recommended setbacks in Ordinance O16-39; talked about Health Department regulations and the legal and financial ramifications if the Board were to overturn O16-39 due to potential liability and lawsuits.

Susan Stonehill – New home builder with a house for sale on Lynhaven Lane – in favor of the proposed Service District; Mr. Dayton invested \$20,000 of the County's money in survey and preliminary engineering costs; 85% of the residents there are in favor; there is no HOA with dues to maintain the gravel road, which is in terrible condition.

Todd Lewis – Resident of Lynhaven Lane since 1977 and in favor of Service District; having the golf course maintenance vehicles on that road takes its toll on the condition of Lynhaven Lane; there are safety issues that would be helped if the road were paved and brought into the State system.

Dawn Lewis – Resident of Lynhaven Lane and in favor of the Service District; spoke about snow and the challenges it presents; unable to get out of her neighborhood resulting in many Snow Days for school children; talked about the blind curve at Courthouse Road and the horrible bus stop location; wishes the road was paved so her children could ride their bikes on it.

Debra Fay – A 2-year resident of the Aquia District; spoke about flooding on Brooke Road, which at times leaves her (and her 3 dogs) stranded and unable to return to their house at Marlborough Point; suggested the use of the Girl Scout Road as an alternate. She is okay with no cell signal but not okay with the condition of Brooke Road with its narrow lanes, huge trees bordering the road that should be removed, and the narrow shoulders and non-existent safety features that are badly needed. Encouraged Board members to check out the "Friends of Brooke Road" Facebook page; said that the August 12<sup>th</sup> microburst affected them, too, not just south Stafford County.

Kristi Birchenaugh – Requested that the Board keep Cemetery Ordinance O16-39 in place; she has young children and a well and is nervous about ground-water contamination if a cemetery is allowed on nearby property. She mentioned bombing at Quantico, said her foundation is shifting and is worried about what that is doing to her well.

David Silver – Gave a Power Point presentation about flooding and his well that he said was filled to ground level; encouraged the Board to keep O16-39 intact, as-is, and said that people with wells should be given the same consideration as those people served by public water.

Pedro Rodriguez – Said he was the “wrap-up guy” for the residents worried about their wells being contaminated if a cemetery were to be permitted on nearby land. He encouraged the Board to keep Ordinance O16-39 intact and spoke about the very real risks if unheeded; he said that it could be a disastrous situation if the Board permitted the cemetery.

Evelyn (last name inaudible/no speaker card) – Resident of Lynhaven Lane, in favor of the Service District; said that the road needs improvements to be safe for residents and especially children living there; it floods with heavy rainfall; snow removal is almost impossible due to potholes, etc. She spoke on behalf of her neighbors that did not speak English and said that they were also in favor of the Service District.

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

Ms. Bohmke - Attended a meeting on August 20<sup>th</sup> with Supervisor Snellings, County Administrator, Tom Foley, and the Chairman and Joint Chairman of the School Board, Ms. Healy and Mr. McOsker respectively. They discussed outstanding items that need to be resolved before the Board votes on the VPSA bond borrow; a commitment for redistricting; an updated status report on construction of the new Moncure ES; and the latest pre-school enrollment calculation formula. The School Board has a work session scheduled for 8/29/18 where they will vote on these items with the intent of hiring a consultant to facilitate elementary school redistricting. There is a Joint Schools Working Committee meeting on Monday, 8/27/18, 6:00 p.m. in the ABC Conference Room, which is open to the public. Ended her term as Chair of the R-Board, the new Chairman is Billy Withers, a member of the Fredericksburg City Council. Ms. Cindy Shelton is the Vice Chairman until 6/30/19. Ms. Bohmke asked that the County’s community engagement staff disseminate R-Board information in Stafford News after each quarterly meeting of the R-Board to keep the public informed. On 7/26/18, the Library Board approved a new Leave Policy (after 30 years); it was a collaborative effort between Spotsylvania County, Stafford County, Westmoreland County, and the City of Fredericksburg. During the report from the Library’s auditor, they were informed that the existing policy was not sustainable and the new policy incorporated changes from each public partner and an attorney that specialized in HR matters; the new policy goes into effect on 10/1/18. She thanked Stafford County’s HR Director, Shannon Wagner, for her assistance with the Library’s process. Regarding Phase 6 of the Belmont-Ferry Farm Train, construction is underway and Phase 6 will connect Chatham Bridge so that walkers can access a pedestrian friendly lane into the City. Ms. Bohmke attended a composting conference at UMW and said that the County cannot continue to dispose of trash as is being done currently; Spotsylvania County has been composting for years as has Arlington and Falls Church; Stafford County needs to look at this from a regional perspective due to the costs associated with operating a composting facility; the conversation will continue through the George Washington Regional Commission Board. Amazon has narrowed its sites to ten finalists and two are in the Commonwealth. The Virginia Association

of Counties (VACo) Board voted to write a letter in support of the Arlington/Fairfax/Loudoun combined site.

Mr. Cavalier - Provided an update on the Public Safety Committee meeting including the School Security Task Force and its innovative solutions including placing a School Protection Officer (SPO) in three elementary schools – currently, there are School Resource Officers in each of the middle and high schools. He said that the SPOs were a pilot program, which would be reevaluated at the end of the school year with possible expansion into other elementary schools and that Stafford County would, if the program was successful, provide a state-wide model. All 57 recommendations made in the recent Fire and Rescue Assessment have been implemented and the Department has made significant strides; a Volunteer Coordinator is being hired who will work closely with volunteers and career staff. There is an effort to reinstate the high school vocational program for early Fire and EMS training.

Mr. Coen - Attended the William J. Howell Library event; the Ebenezer UMC event; three Eagle Scout Courts of Honor for Sean McOsker, Shane Lord, and Eric Foxwell, all from Troop 199; Summer School graduation (held indoors at North Stafford HS), many of the graduates were going into the military. Mr. Coen and Ms. Bohmke toured Ferry Farm ES and spoke about the positive renovations that will be undertaken; met with the newest fire training class with Chief Cardello and Tom Nichols and did a ride-along with paid and volunteer staff; met with Trans-Urban/Hot Lanes representatives; attended a Downtown Stafford workshop with fellow Board members; Stafford Junction donated materials to build a new soccer field in the Old Forge area of the County; thanked Andrew Milliken and Jason Towery for assisting with that project. Fire Rescue staff honored three children for doing the right thing when they called 911 when they saw a fire in a local residence. Worked with Berea Fire Station, A Shift, assembling 250 backpacks; attended National Night Out in a neighborhood in his district and at Stafford Marketplace with Sheriff Decatur; attended the First Responders breakfast, which was very moving; congratulated the Commonwealth's Attorney and Sheriff's deputies for working on an issue involving another state; they did not have to but did the right thing and put citizens first. Mr. Coen spoke about flooding on River Road and the upcoming Yankees in Falmouth on September 8<sup>th</sup> and 9<sup>th</sup>; thanked Fire and Rescue staff, Sheriff's deputies, and staff who responded to more than 100 calls in four hours during the microburst that hit south Stafford on August 12<sup>th</sup>. He concluded his remarks praising citizens who cleared roads and helped neighbors clean up storm damage.

Mr. Dudenhefer - Echoed Mr. Coen's remarks about neighbors helping neighbors during the excessive rain storms that the County has experienced; said the biggest sink hole he ever saw was 100' from his house and thanked VDOT for its responsiveness to fixing it.

Mrs. Maurer - Thanked the residents of the Rock Hill District for coming to a Town Hall meeting, and announced that there would be another meeting scheduled for the next

night, 8/22/18, at 7:00 p.m. at Rock Hill ES for the residents of the Vista Woods and Garrisonville neighborhoods to discuss stormwater management. The discussion would be limited to the County's perspective and to educate homeowners in what they can do to protect their property. She cited instances of 200 year old trees growing in culverts, etc., which were problems that should be remedied.

Ms. Shelton - Said that she used the Board's summer recess to focus on constituent issues in the Aquia District; she attended the R-Board meeting and noted that Ms. Bohmke was the former chair of the R-Board but the new chairman of the R-Board was Billy Withers who was on the Fredericksburg City Council. Ms. Shelton spoke about a trail at the Civil War Park (near the Landfill), resource protection areas and wetlands through which the trail extension went and how she met people hiking on the wonderful trails in that area. She attended the GWRC meeting where work was done along with representatives from the City of Fredericksburg on its legislative agenda. There was also a very important Broadband discussion. She did a ride-along with Engine 9 and got a first-hand view of an accident on I-95 that involved a semi-truck and three vehicles; she spoke about the County's public safety workers who put their lives on the line on a daily basis. Ms. Shelton said it was an eye-opening experience. She went out to look at road issues on Brooke Road, took pictures and said VDOT was aware of the necessary repairs, which would be completed this year. Kyle Andrews with VDOT said that it would redirect resources in order to complete the work on Brooke Road. She said that she was not giving up on transportation issues in the next four years. She knocked on 200 doors; a Broadband survey should be distributed later in the week. Ms. Shelton pulled Items 10 and 11 from the Consent Agenda.

Mr. Snellings - Deferred his comments; pulled Item 25 from the Consent Agenda.

Report of the County Attorney – Ms. McClendon introduced David Honadle, the newly hired Assistant County Attorney. Mr. Honadle said he had been a partner in a private law firm and had prior local government experience working with Culpeper, Haymarket, Occoquan, and Manassas before coming to Stafford County. Ms. Bohmke said that Mr. Honadle was hired after an extensive search and welcomed him to the County.

Report of the County Administrator – Mr. Foley provided an update on the priority projects list saying that it would transition to strategic planning items identified by the Board. He spoke about Downtown Stafford and the work session held the previous week; in an effort to engage the community, there would be a presentation on Downtown Stafford scheduled for the Board's September 4<sup>th</sup> meeting. Ongoing for that project was a gap analysis and market research, details of which will be shared with the Board as they become available.

## **APPROVAL OF THE CONSENT AGENDA**

Mrs. Maurer motioned, seconded by Mr. Coen, to adopt the Consent Agenda. Ms. Shelton pulled Items 10 and 11; Mr. Snellings pulled Item 25.

The Voting Board tally was:

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

Item 4. County Administration; Approve Minutes of the July 10, 2018 Meeting

Item 5. Finance and Budget; Approve the Expenditure Listing

Resolution R18-185 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED JULY 10, 2018 THROUGH AUGUST 20, 2018,

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018 that the above-mentioned EL be and hereby is approved.

Item 6. Finance and Budget; Authorize Three Additional FTE Positions for the Department of Social Services and Budget and Appropriate Additional State Funding for Medicaid Expansion

Resolution R18-199 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO BUDGET AND APPROPRIATE STATE FUNDING, AND AUTHORIZING THREE FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OF SOCIAL SERVICES TO SUPPORT MEDICAID EXPANSION

WHEREAS, on May 2, 2018, the Board adopted Resolution R18-106, which appropriated the FY2019 Budget and included the authorization of two full-time equivalent Benefit Services positions contingent upon approval and funding of Medicaid expansion in the State's FY2019 budget; and

WHEREAS, the State approved Medicaid expansion and allocated \$387,119, of which the County's FY2019 adopted budget has assumed \$112,357 of State revenue; and

WHEREAS, the State allocation can provide for two more full-time equivalent Benefit Services positions, and one full-time equivalent Benefits Programs Supervisor;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018 that the County Administrator be and he hereby is authorized to recruit and maintain three full-time positions up to the authorized full-time strength stated below, which is increased for three full-time equivalent positions in the Department of Social Services:

<b>General Fund</b>	
• Non-Public Safety	354 357

; and

BE IT FURTHER RESOLVED the County Administrator is authorized to budget and appropriate funds obtained through the Medicaid expansion allocations to Stafford County, and to amend and increase the Department of Social Services budget by Two Hundred Seventy-Four Thousand Seven Hundred Sixty-Two Dollars (\$274,762) and appropriate the same.

Item 7. Finance and Budget; Authorize the County Administrator to Budget and Appropriate the Schools' Nutrition Fund Balance  
Resolution R18-202 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO BUDGET AND APPROPRIATE THE SCHOOLS' NUTRITION FUND BALANCE IN ACCORDANCE WITH FEDERAL REGULATIONS

WHEREAS, the Virginia Department of Education (VDOE) allows for school districts to maintain 3.0 times the normal monthly nutrition expenses in fund balance; and

WHEREAS, at the end FY2017, Stafford County Public Schools had 3.29 months of average expenditures exceeding the 3.0 months; and

WHEREAS, the VDOE has accepted the Schools' plan to utilize these funds that are in accordance with federal regulations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that the County Administrator be and he hereby is authorized to amend and increase the Schools' Nutrition Fund budget by Four Hundred Eighteen Thousand Four Hundred Forty Dollars (\$418,440) and to appropriate the same.

Item 8. Fire and Rescue; Authorize the County Administrator to Approve Financing, Budget and Appropriate Proceeds, and Execute a Contract for the Purchase of One Fire Suppression Apparatus and One Ladder Truck

Resolution R18-207 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH ATLANTIC EMERGENCY SOLUTIONS, INC. AND FESCO EMERGENCY SALES FOR REPLACEMENT FIRE SUPPRESSION APPARATUS AND TO APPROVE FINANCING, BUDGET AND APPROPRIATE THE FUNDS

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

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

WHEREAS, the Department desires to utilize the nationally recognized Houston-Galveston Area Council (H-GAC) cooperative procurement service to purchase one aerial ladder truck manufactured by Pierce Manufacturing, Inc. and sold through Atlantic Emergency Solutions, Inc., and one pumper manufactured by Spartan Motors USA, Inc. and sold through FESCO Emergency Sales; and

WHEREAS, Atlantic Emergency Solutions, Inc. will provide the aerial ladder truck at a price not to exceed \$1,203,000, and FESCO Emergency Sales will provide the pumper at a price not to exceed \$775,000; and

WHEREAS, the Department evaluated the prices for the replacement apparatus and find them reasonable for the equipment desired; and

WHEREAS, this purchase is included in the FY2019 Capital Improvement Program and will require Master Lease financing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that the County Administrator be and he hereby is authorized to execute a contract with Atlantic Emergency Solutions, Inc. for the purchase of one replacement Class A aerial ladder truck in an amount not to exceed One Million Two Hundred Three Thousand Dollars (\$1,203,000), and with FESCO Emergency Sales for the purchase of one replacement Class A pumper engine in an amount not to exceed Seven Hundred Seventy-five Thousand Dollars (\$775,000), unless amended by a duly-executed contract amendment; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to approve financing through the Master Lease, and to budget and appropriate funds obtained through the Master Lease in an amount not to exceed One Million Nine Hundred Seventy-Eight Thousand Dollars (\$1,978,000).

Item 9. Authorize the County Administrator to Approve Financing, Budget and Appropriate Proceeds, and Execute a Contract for the Purchase of Personal Protective Equipment for Fire and Rescue Personnel

Resolution R18-208 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH BLUE RIDGE RESCUE SUPPLIERS,

INC. TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT FOR  
FIRE AND RESCUE PERSONNEL

WHEREAS, the Department of Fire, Rescue, and Emergency Services (Department) desires to purchase personal protective equipment on an as-needed basis for its recruits, career and volunteer firefighters; and

WHEREAS, Stafford County may cooperatively procure a contract with Blue Ridge Rescue Suppliers, Inc. for protective equipment under Chesterfield County, Virginia, contract #14-0959; and

WHEREAS, \$125,000 is available in the Department's FY2019 budget, and an additional \$125,000 is available in grant funds received from the Virginia Department of Fire Programs Aid to Localities;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that the County Administrator be and he hereby is authorized to execute a contract with Blue Ridge Rescue Suppliers, Inc. for the purchase of personal protective equipment on an as-needed basis in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00), unless amended by a duly-executed contract amendment.

Item 10. Planning and Zoning; Refer to the Planning Commission an Amendment to the Recreational/Business Campus (RBC) Zoning District Ms. Shelton asked that this item be pulled for discussion so that broadband communication be added to the referral to the Planning Commission. This was due to broadband issues in the Aquia District. Mr. Cavalier said that he opposed this item in its entirety for a number of reasons including that the golf course was being done away with (so the Recreational component of the District was gone); and adding housing took away (or limited) the Business aspect of the District. He said that it made no sense to him at all and he would not vote for in favor of the referral. Mr. Dudenhefer said that it was merely a vote to refer it to the Planning Commission, asking it to do its job; and the residential request was for a 55+ community so there would be no impact on Schools and he would support the referral.

Ms. Shelton motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R18-168 as revised, with the addition of broadband communications

The Voting Board tally was:

Yea: (5) Bohmke, Coen, Dudenhefer, Shelton, Snellings  
Nay: (2) Cavalier, Maurer

Resolution R18-168 (revised) reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY CODE TO REDEFINE THE RBC, RECREATIONAL BUSINESS CAMPUS ZONING DISTRICT TO THE PD-3, PLANNED DEVELOPMENT-3 ZONING

DISTRICT, AND TO MODIFY DISTRICT REQUIREMENTS AND AMEND  
OTHER ZONING ORDINANCE PROVISIONS ACCORDINGLY

WHEREAS, Silver Companies has requested an amendment to the RBC, Recreational Business Campus Zoning District requirements to allow for additional age-restricted housing development in the RBC District; and

WHEREAS, the Board desires to consider amendments to other Zoning Ordinance to ensure compatibility of uses within the district, clarify district requirements, and redefine the district to better reflect the character of development; and

WHEREAS, the Board desires that the Planning Commission include language in the district definition under County Code Sec. 28-34, "Purpose of districts" and 28-35, "Table of uses and standards" which would require the district to be located where there is adequate access to broadband communication infrastructure; and

WHEREAS, the Board desires to send the proposed amendments, pursuant to proposed Ordinance O18-31, to the Planning Commission for its review and recommendations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that proposed amendments to the Stafford County Code, pursuant to proposed Ordinance O18-31, be and they hereby are referred to the Planning Commission to hold a public hearing and provide its recommendations; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications to the proposed Ordinance as it deems appropriate and necessary.

Item 11. Planning and Zoning: Refer to the Planning Commission a Comprehensive Plan Amendment Regarding the Chesapeake Bay Act Ms. Shelton asked that this item be pulled so that she could inquire about how the County was leveraging GWRC's coastal zone management. Staff agreed to provide the Board with additional information on Ms. Shelton's request.

Ms. Shelton motioned, seconded by Mr. Coen, to adopt proposed Resolution R18-197.

The Voting Board tally was:

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

Resolution R18-197 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN AMENDMENT TO THE "STAFFORD COUNTY, VIRGINIA, COMPREHENSIVE PLAN, 2016-2036," ADOPTED ON AUGUST 16, 2016 (COMPREHENSIVE PLAN), REGARDING SHORELINE AND STREAMBANK EROSION

WHEREAS, Virginia Administrative Code Section 9VAC25-830-170(1)(d) specifies

that local governments shall establish and maintain, as appropriate, an information base from which policy choices are made about future land use and development that will protect the quality of state waters, including shoreline and streambank erosion; and

WHEREAS, Virginia Administrative Code Section 9VAC25-830-170(2)(b)(7) specifies that local governments shall prepare policy statements for inclusion in the Comprehensive Plan regarding shoreline and streambank erosion measures; and

WHEREAS, Chapter 2 of the Comprehensive Plan includes environmental goals, objectives and policies; and

WHEREAS, the Board desires to consider adding additional language regarding shoreline and streambank erosion to Chapter 2 of the Comprehensive Plan in compliance with Sections 9VAC25-830-170(1)(d) and 9VAC25-830-170(2)(b)(7); and

WHEREAS, Virginia Code § 15.2-2229 authorizes the Board to consider amending the Comprehensive Plan, after recommendation by the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that it be and hereby does refer to the Planning Commission proposed amendments to the Comprehensive Plan regarding shoreline and streambank erosion, pursuant to proposed Resolution R18-198 and Exhibit A thereto; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications to the proposed amendments as it deems appropriate.

Item 12. Planning and Zoning; Refer to the Planning Commission an Amendment to the Transfer of Development Rights Ordinance

Resolution R18-196 reads as follows:

A RESOLUTION REFERRING TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN COUNTY CODE SEC.28-359, "CALCULATION OF DEVELOPMENT RIGHTS", AND SEC. 28-364, "DEVELOPMENT APPROVAL PROCEDURES" REGARDING TRANSFER OF DEVELOPMENT RIGHTS

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

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

WHEREAS, interested parties have expressed an interest in participating in the TDR program but believe that amendments to the County Code are necessary to facilitate participation in and use of the TDR Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that proposed amendments to the County Code, pursuant to proposed Ordinance O18-34, regarding Transfer of Development Rights (TDR) program be and they hereby are referred to the Planning Commission for its review, to hold a public hearing, and provide its recommendation to the Board; and

BE IT FURTHER RESOLVED that the Planning Commission may make changes to the proposed Ordinance as it deems appropriate.

Item 13. Parks, Recreation, and Community Facilities; Authorize the County Administrator to Execute a Contract with Southern Air, Inc., for Maintenance and Repair Services on the County's HVAC Systems

Resolution R18-88 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SOUTHERN AIR, INCORPORATED FOR PREVENTIVE MAINTENANCE, REPAIR SERVICES, AND PARTS ON ELECTRICAL, PLUMBING, ENERGY MANAGEMENT, AND HVAC EQUIPMENT AS NEEDED FOR VARIOUS COUNTY FACILITIES

WHEREAS, professional maintenance and repair services, beyond the capability of County staff, are contracted by the Department of Parks, Recreation and Community Facilities (Department); and

WHEREAS, in FY2018, the Department contracted with Southern Air, Incorporated (Southern Air), to provide professional services for preventive maintenance and repair of electrical, plumbing, energy management, and HVAC equipment on an "as needed" basis at various County facilities; and

WHEREAS, based on FY2018 costs and aging systems throughout the County, the Department anticipates these maintenance repair services may cost up to \$250,000; and

WHEREAS, the County may cooperatively procure Southern Air's maintenance and repair services through James Madison University's contract through the Virginia Association of State College and University Purchasing Professionals (VASCUPP), contract number UCPJMU4492, valid through September 28, 2019; and

WHEREAS, funds are available in the FY2019 General Fund Cash Capital budget and the Department's FY2019 Operational budget for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2019, that the County Administrator be and he hereby is authorized to execute a contract with Southern Air, Incorporated for preventive maintenance, repair services, and parts for electrical, plumbing, energy management, and HVAC equipment

on an “as needed” basis for various County facilities in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000), unless amended by a duly-executed contract amendment.

Item 14. Public Works (Utilities); Authorize the County Administrator to Execute a Contract for Utility Bill Printing and Mailing Services

Resolution R18-182 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO  
EXECUTE A CONTRACT WITH DATAPROSE FOR UTILITY BILL  
PRINTING AND MAILING SERVICES

WHEREAS, for the past ten years, CSG Systems, Inc., d.b.a. DataProse (DataProse) has provided the Department of Public Works, Utilities Division, with monthly utility bill printing and mailing services; and

WHEREAS, the contract between DataProse and the County expired on June 30, 2018; and

WHEREAS, based on past service satisfaction and DataProse's historical knowledge with our billing and mailing processes and software, staff recommends that the County remain with the same vendor; and

WHEREAS, the County may cooperatively procure a new contract with DataProse for utility bill printing and mailing services through Arlington County contract number 656-13; and

WHEREAS, the contract between DataProse and Arlington County is valid through 2023; and

WHEREAS, funds are available in the FY2019 Public Works, Utilities Division, operating budget for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that the County Administrator be and he hereby is authorized to execute a contract with CSG Systems, Inc., d.b.a. DataProse for utility bill printing and mailing services, in an amount not to exceed Two Hundred Forty Thousand Dollars (\$240,000), unless modified by a duly-executed contract amendment.

Item 15. Public Works (Utilities); Authorize the County Administrator to Execute a Contract with MSC Equipment for the Purchase of a Replacement Aqua/Tech Jet Vacuum Truck for Maintaining the County’s Sewer Infrastructure

Resolution R18-189 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO  
EXECUTE A CONTRACT WITH MSC EQUIPMENT, INC., FOR THE  
PURCHASE OF ONE AQUATECH JET/VACUUM TRUCK

WHEREAS, the purchase of a new combination jet/vacuum truck will assist in properly maintaining the County's sewer infrastructure, while minimizing the chance of backups which adversely impact its customers; and

WHEREAS, the Board may cooperatively procure a contract to purchase a Aquatech Jet/Vacuum Truck through the National Joint Powers Alliance (NJPA) contract with MSC Equipment, Inc.; and

WHEREAS, MSC Equipment, Inc. can provide the truck at a price of \$413,302, which staff has evaluated and found reasonable for the equipment desired; and

WHEREAS, the purchase of this truck was included in the funds are available in the FY2019 Public Works, Utilities Division Capital Improvements Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that the County Administrator be and he hereby is authorized to execute a contract with MSC Equipment, Inc., for the purchase of a Aquatech Jet/Vacuum Truck, in an amount not exceed Four Hundred Thirteen Thousand Three Hundred Two Dollars (\$413,302), unless modified by a duly executed contract amendment.

Item 16. Public Works (Utilities): Authorize the County Administrator to Execute a Contract with Carter Machinery for the Purchase of a Caterpillar Wheel Loader for Moving and Loading Heavy Repair Materials

Resolution R18-190 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CARTER MACHINERY, INCORPORATED FOR THE PURCHASE OF A CATERPILLAR WHEEL LOADER

WHEREAS, the purchase of a wheel loader will assist the Department of Public Works, Utilities Division, staff when moving, loading and unloading heavy bulk repair materials, stone and pipe, and to assist the County with snow removal from parking areas and entrances to County facilities during the winter months; and

WHEREAS, the County may cooperatively procure a contract to purchase a Caterpillar wheel loader through the National Joint Powers Alliance (NJPA)\_contract with Carter Machinery, Incorporated; and

WHEREAS, Carter Machinery, Incorporated can provide the Caterpillar wheel loader at a price of \$136, 474, which staff has evaluated and found reasonable for the equipment desired; and

WHEREAS, funds for the purchase of the wheel loader were budgeted and appropriated in the FY2019 Public Works, Utilities Division Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that the County Administrator be and he hereby is authorized to execute a contract with Carter Machinery, Incorporated for the purchase of a Caterpillar 918A wheel loader in an amount not to exceed One Hundred Thirty Six Thousand Four Hundred Seventy Four Dollars, (\$136,474), unless modified by a duly-executed contract amendment.

Item 17. Public Works (Utilities): Authorize the County Administrator to Execute a Contract with Midas Utilities, LLC for Construction of the Claiborne Run Force Main (Phase 1A)

Resolution R18-203 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MIDAS UTILITIES, LLC, FOR CONSTRUCTION OF THE CLAIBORNE RUN FORCE MAIN – PHASE 1A PROJECT

WHEREAS, the Claiborne Run Force Main – Phase 1A Project (Project) is included in the Utilities Capital Improvement Program (CIP) and it is designed to increase the capacity of the Claiborne Run Sewage Pump Station and Force Main system; and

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

WHEREAS, five bids were received, and staff determined that the bid submitted by Midas Utilities, LLC, in the amount of \$2,749,150, is the lowest responsive and responsible bid, and the bid is reasonable for the scope of services proposed; and

WHEREAS, funds are available and have been budgeted and appropriated in the Public Works, Utilities division FY2019 CIP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that the County Administrator be and he hereby is authorized to execute a contract with Midas Utilities, LLC, in an amount not to exceed Two Million Seven Hundred Forty-nine Thousand One Hundred Fifty Dollars (\$2,749,150) for the construction of the Claiborne Run Force Main – Phase 1A Project, unless modified by a duly-authorized change order.

Item 18. Public Works (Utilities): Authorize the County Administrator to Execute a Contract with O'Brien & Gere Engineers, Inc., for a Facility Plan for the Little Falls Run Wastewater Treatment Plant

Resolution R18-213 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH O'BRIEN & GERE ENGINEERS, INC. FOR A FACILITY PLAN FOR THE LITTLE FALLS RUN WASTEWATER TREATMENT PLANT

WHEREAS, the Water and Sewer Master Plan (Master Plan) was submitted by O'Brien & Gere, Inc. and approved by the Board in 2018, which identified numerous County Capital Improvement Program (CIP) projects required over the next several years; and

WHEREAS, the conceptualized projects will require facility plans for each wastewater treatment plant, as indicated in the Master Plan, which must be tailored to meet present and future regulatory standards and the operational objectives of each plant; and

WHEREAS, the County solicited and received a proposal for professional engineering services for a facility plan for the Little Falls Run Wastewater Treatment Plant from O'Brien & Gere Engineers, Inc., a firm authorized to provide on-call professional engineering services on CIP projects for the Utilities Division pursuant to Resolution R16-220; and

WHEREAS, staff determined that the proposal received from O'Brien & Gere Engineers, Inc., in the amount of \$125,000 is reasonable for the scope of services proposed; and

WHEREAS, funds are available in the Public Works Department, Utilities Division, CIP budget for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that the County Administrator be and he hereby is authorized to execute a contract with O'Brien & Gere Engineers, Inc., in an amount not to exceed One Hundred Twenty-Five Thousand Dollars (\$125,000) for professional engineering services to develop a facility plan for the Little Falls Run Wastewater Treatment Plant, unless modified by a duly-executed contract amendment.

Item 19. Public Works (Transportation): Authorize the County Administrator to Advertise a Public Hearing to Consider Granting a Permanent Utility Easement on County-owned Property to Dominion Energy

Resolution R18-204 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER GRANTING A PERMANENT UTILITY EASEMENT ON COUNTY-OWNED PROPERTY, TO DOMINION ENERGY VIRGINIA, LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, pursuant to a 2012 Virginia Department of Transportation (VDOT) Programmatic Agreement regarding the Falmouth Intersection Improvements Project, VDOT has conveyed land on the southeast intersection of Cambridge Street (US-1) and Butler Road (SR-218) to Stafford County, formerly known as Stafford County Tax Map Nos. 53D-1-48, 53D-1-49, 53D-1-50, and 53D-1-51 (Property); and

WHEREAS, Dominion Energy Virginia (Dominion) needed to relocate its utilities on the Property, but VDOT and Dominion could not come to an agreement on the easement terms prior to the conveyance of the Property to the County; and

WHEREAS, VDOT and Dominion have requested the County convey a 30-foot wide permanent utility easement on the Property to Dominion; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider granting a 30-foot wide permanent utility easement on County-owned property located at the southeast corner of the Falmouth Intersection of Butler Road (SR-218) and Cambridge Street (US-1), formerly known as Tax Map Parcel Nos. 53D-1-48, 53D-1-49, 53D-1-50, and 53D-1-51 , to Dominion Energy Virginia.

Item 20. Community Engagement; Ratify the Proclamation Recognizing the 50<sup>th</sup> Anniversary of the Globe and Laurel Restaurant

Proclamation P18-17 reads as follows:

A PROCLAMATION COMMENDING AND RECOGNIZING THE GLOBE  
AND LAUREL RESTAURANT ON ITS 50<sup>TH</sup> ANNIVERSARY

WHEREAS, Stafford's much-beloved and world-renowned Globe and Laurel restaurant celebrates its 50<sup>th</sup> anniversary on August 1, 2018; and

WHEREAS, Major Richard T. Spooner and his wife, Gloria, founded the Globe and Laurel Restaurant in the town of Quantico on August 1, 1968, while Major Spooner was still an active duty Marine; and

WHEREAS, the original restaurant, having burned down in 1974, was relocated a mile north of Marine Corps Base Quantico. Prince William County's eminent domain later seized that location, and subsequently Stafford County helped the Spooners relocate the restaurant to its current location off Route 1; and

WHEREAS, the Globe and Laurel Restaurant is a Marine Corps and law enforcement tradition, hosting active, reserve, retired and prior Marines as well as local, state, federal, and international members of law enforcement training at nearby Quantico; and

WHEREAS, Major Spooner's wife, Gloria Spooner, a strong and opinionated symbol of Marine Corps decorum, who passed away in 2012, oversaw the operations, and more importantly, assurance that everyone behaved in accordance with military standards; and

WHEREAS, Major Spooner is an American hero who fought many Marine Corps battles in World War II, including landings at Saipan, Tinian and Tarawa, being awarded the Purple Heart four times. Major Spooner also served during the Korean War and the Vietnam Conflict; and

WHEREAS, Major Spooner has shared his experiences, love for the Corps, and commitment to selfless service with everyone whom has had the great pleasure to join him at his table. He often counsels young and old of all ranks while some have just come to sit and quietly heal their weary minds after long stints overseas; and

WHEREAS, Major Spooner has represented his beloved Marines well through his lifetime, displaying a determination to continue doing business as the Globe and Laurel, despite obstacles, and continuously supporting the Armed Services and members of law enforcement. Major Spooner reflects the human embodiment of Semper Fidelis;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of August, 2018, that it be and hereby does commend and recognize Major Richard T. and Gloria Spooner and the Globe and Laurel on the 50<sup>th</sup> anniversary of this Stafford institution.

Item 21. County Administration; Authorize the Appointment of Mr. Tom Coen to Replace Mr. Gary Snellings on the Healthy Generations Board of the Rappahannock Area Agency on Aging

Item 22. County Administration; Authorize the Appointment of Ms. Crystal Gouldman to Represent the Health Department on the Community Policy and Management Team (CPMT)

Item 23. County Administration; Authorize Participation in a Class Action Law Suit Regarding the Payment in Lieu of Taxes (PILOT) Act

Resolution R18-206 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE DOCUMENTS NECESSARY FOR STAFFORD COUNTY TO PARTICIPATE AS A CLASS MEMBER IN THE LAWSUIT FILED BY KANE COUNTY, UTAH AGAINST THE UNITED STATES IN UNITED STATES COURT OF FEDERAL CLAIMS AND TO RETAIN ALAN I. SALTMAN AND THE FIRM OF SMITH, CURRIE & HANCOCK, LLP TO REPRESENT STAFFORD COUNTY AS A MEMBER OF THE CLASS

WHEREAS, Stafford County received notice from the United States Court of Federal Claims of its right to join in the class action suit known as *Kane Cty, Utah, v. United States*, Nos. 17-739C; 17-1991C (Consolidated) to recover any money that may be due Stafford County under the Payments in Lieu of Taxes Act; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that the County Administrator be and he hereby is authorized to execute all documents for Stafford County to participate as a class member in the lawsuit known as *Kane County, Utah, v. United States, 17-739C; 17-1991C* (Consolidated) and for Alan I. Saltman and the firm of Smith, Currie & Hancock, LLP to represent Stafford County as a class member in that lawsuit.

Item 24. County Administration/Human Services; Authorize the Adoption of the 2018-2019 Virginia Juvenile Community Crime Control Act Plan

Resolution R18-192 reads as follows:

A RESOLUTION TO APPROVE THE VIRGINIA JUVENILE  
COMMUNITY CRIME CONTROL ACT PLAN FOR FY2019 AND  
FY2020

WHEREAS, pursuant to the Virginia Juvenile Community Crime Control Act (VJCCCA), Stafford County receives funding to create additional delinquency prevention programs; and

WHEREAS, the Board is asked to approve the VJCCCA plan for FY2019 and FY2020 (Plan); and

WHEREAS, the Honorable Julian W. Johnson and Mr. Vincent Buitatis, Executive Director, both of the 15<sup>th</sup> District Juvenile and Domestic Relations Court, found the Plan acceptable and needed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that the Virginia Juvenile Community Crime Control Act Plan (Plan) for FY2019 and FY2020, as prepared by the 15<sup>th</sup> Judicial District Court Services Unit for the use of these funds received from the Department of Juvenile Justice, be and it hereby is approved; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, is authorized to execute the Plan and any related or necessary documents.

Item 25. Sheriff; Ratify Application for the School Violence Prevention Program Grant Mr. Snellings asked that this item be pulled to provide an opportunity for Sheriff Decatur to update the Board on the Grant application.

Mr. Snellings motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R18-212.

The Voting Board tally was:

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

Resolution R18-212 reads as follows:

**A RESOLUTION RATIFYING THE GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS), FOR A FY2018 COPS OFFICE STOP SCHOOL VIOLENCE/SCHOOL VIOLENCE PREVENTION PROGRAM GRANT TO FUND UP TO SIX SCHOOL SECURITY PROJECTS**

WHEREAS, the U.S. Department of Justice Office of Community Orientated Policing Services (COPS) provides funding directly to states, units of local government, or Indian tribes to improve security at schools and on school grounds in the jurisdiction of the grantee through evidence-based school safety programs; and

WHEREAS, the Stafford County Sheriff's Office, Stafford County Schools and Stafford County Government desire to improve security at schools; and

WHEREAS, the School Violence Prevention Program (SVPP) would fund up to \$500,000 towards school security improvements, with a 25% required match from the grant awardee over a 24-month period; and

WHEREAS, the Sheriff's Office desires to seek grant funding jointly with the County and Stafford County Public Schools for up to six projects through the SVPP in FY2019; and

WHEREAS, the County and Sheriff's staff became aware of the grant following the Board's July 10, 2018 meeting; and

WHEREAS, the application deadline was July 30, 2018, prior to the Board's next regularly scheduled meeting on August 21, 2018; and

WHEREAS, the County Administrator and the Sheriff found it to be in the best interest of the County and Schools to submit an application for the grant and request the Board to ratify the application pursuant to this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2018, that the application to the United States Department of Justice, Office of Community Oriented Policing Services (COPS), for a FY2018 COPS Office STOP School Violence: School Violence Prevention Program grant be and it hereby is ratified and approved up to a grant funding request in the amount of \$500,000; and

BE IT FURTHER RESOLVED that the actions already taken by the County Administrator and Sheriff, or their designees, to submit the above-referenced grant are hereby ratified.

**UNFINISHED BUSINESS**

Item 26. Public Works (Transportation): Consider Establishing of the Lynhaven Lane Service District Mr. Keith Dayton gave a presentation and answered Board members questions. Mr. Dayton said that Lynhaven Lane was a private road serving 18 lots off Courthouse Road. There were 15 platted single-family lots, 13 homes, a cemetery, a remnant lot, and a golf course maintenance facility. It was a dirt and gravel road, narrow with poor drainage and very rough. Although the road meets age-in-service and use requirements for acceptance by the State, the road would need to be brought up to State standards. The estimated cost for the needed

improvements is \$380,000. 78% of the residents, owning 60% of the area returned petitions requesting the formation of the Lynhaven Lane Service District; no opposing petitions were received and the response exceeded the minimum State requirements for establishment of a service district. The Board held a public hearing on August 15, 2017 and deferred action. The proposed Ordinance establishes the service district. The Board will be asked at a future meeting to set a tax rate to fund the improvements.

Mrs. Maurer noted that several of the speakers during Public Presentations were residents of Lynhaven Lane and all expressed support for establishment of the service district. Ms. Bohmke asked about the undeveloped lot and possible future use. Mr. Dayton replied that it was owned by the original landowner, the Fritter Family, assessed at \$100 so no taxes were paid. In response to a question about the amount of additional taxes that would be assessed, Mr. Dayton said it would be 20 years at 2.5% interest and would cost residents between \$438/annually and \$2500/annually (for the golf course maintenance facility). Mrs. Maurer asked about eligibility for State funding. Mr. Dayton said that it would be eligible for revenue sharing and secondary six-year program funding.

Mrs. Maurer motioned, seconded by Mr. Coen to adopt proposed Ordinance O18-33

The Voting Board tally was:

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

Ordinance O18-33 reads as follows:

AN ORDINANCE TO ESTABLISH THE LYNHAVEN LANE SERVICE DISTRICT LOCATED WITHIN THE ROCK HILL ELECTION DISTRICT

WHEREAS, the Board desires to establish the Lynhaven Lane Service District (Service District) to provide more complete and timely services of the government to the property owners along Lynhaven Lane (Community), located within the Rock Hill Election District, than is desired or necessary in Stafford County as a whole; and

WHEREAS, the Community is served by Lynhaven Lane, a private road, which has fallen into a state of disrepair and does not meet the Virginia Department of Transportation (VDOT) standards necessary for acceptance into the Secondary System of State Highways for maintenance; and

WHEREAS, the Community desires to provide funding to improve Lynhaven Lane to meet VDOT standards in order to protect the health, safety, general welfare, and property of those in the Community relying upon Lynhaven Lane; and

WHEREAS, the County has completed a preliminary survey and engineering work, and estimates that the cost to improve Lynhaven Lane to meet VDOT standards is approximately \$380,000, which would be funded by the Service District; and

WHEREAS, over 50% of the property owners who own not less than 50% of the property to be served by the Service District have petitioned the Board to create the Service District, as required by Virginia Code § 15.2-2403; and

WHEREAS, notice of the Board's intent to conduct a hearing to consider establishing the Service District was published once a week for three consecutive weeks in a newspaper having general circulation within Stafford County, and such hearing was held no sooner than ten days after the second notice was published, all in accordance with Virginia Code § 15.2-2400; and

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

WHEREAS, the Board determined that the establishment of the Service District is in the best interest of the County, residents, and property owners in the Community;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, that it be and hereby does create and establish the Lynhaven Lane Service District as follows:

1. The name of the service district shall be the Lynhaven Lane Service District (Service District).
2. The boundaries of the Service District shall be as displayed in the attached **Exhibit A** entitled "Lynhaven Lane Service District Boundaries" (Boundaries), and shall consist of the entire area of Tax Map Parcel Nos. 28-120, 28-120A, 28-120B, 28-124, 28-124A, 28-124B, 28-124C, 28-124D, 28-124E, 28-124F, 28-124G, 28-124H, 28-124I, 28-124J, 28-124K, 28-124L, and 28-124M, and a portion of Tax Map Parcel No. 28-67A.
3. The purpose of the Service District is to raise funds and use said funds to complete required improvements to Lynhaven Lane to allow acceptance into the Secondary System of State Highways for maintenance (Purpose).
4. The services to be provided within the Service District are to acquire right-of-way, and to repair, construct, reconstruct, and improve Lynhaven Lane to the standards necessary for acceptance into the Secondary System of State Highways (Services).
5. The plan for providing the Services within the Service District is based on a special tax assessment, as further described below, to cover the costs of the Services. Additionally, from time to time, as the Board of Supervisors sees fit and in conformance with all federal, state, and local laws, ordinances, and requirements, the Board may provide advanced funding for the Services. Any such advanced funding or other reimbursable funds provided shall be repaid by funds collected from the Service District.
6. The Service District will benefit from the Services by enhancing the public's and the resident's safety, convenience, and wellbeing by improving vehicular traffic flow and transportation safety; providing faster access by fire, rescue, and emergency medical services; and providing an enhanced ability to maintain the quality of life for the residents using Lynhaven Lane.
7. A special tax assessment for the properties within the Boundaries shall be assessed at a rate to be set annually by the Board of Supervisors. The special tax assessment shall be levied and collected within the Service District at the same time as Stafford County's general real property tax is levied and collected. All rules and regulations of the County

regarding the levy and collection of taxes shall apply to such special tax for the Service District.

8. The Board hereby creates the Lynhaven Lane Service District Fund (Fund). The Treasurer of Stafford County, Virginia is hereby requested to collect and deposit the special taxes collected into the Fund, and to segregate the proceeds on the books and records of the County through appropriate accounting.

9. The Service District shall be governed by the Stafford County Board of Supervisors and shall have all those powers, as provided in Virginia Code § 15.2-2403, as such powers pertain to the Purpose and Services authorized in this Ordinance for the Service District.

### **CLOSED MEETING**

At 4:35 p.m., Mr. Snellings motioned, seconded by Mrs. Maurer, to adopt proposed Resolution CM 18-16.

The Voting Board tally was:

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

Resolution CM18-16 reads as follows:

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

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel and briefings by staff members pertaining to actual litigation— *Allen v. Stafford County* —where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Board, (2) consultation with legal counsel and briefings by staff members regarding the Department of Justice’s investigation and the establishment of cemeteries, the use of service districts, and the 2015 Memorandum of Understanding with Mosaic Aquia Capital L.L.C., which are specific legal matters requiring the provision of legal advice by counsel, and (3) discussion concerning a prospective business whose proposed inventory would solely fill at least 100,000 square feet of a structure at least 100,000 square feet in size, where no previous announcement has been made of the business’ interest in locating its facilities in the community; and

WHEREAS, pursuant to Virginia Code § 2.2-3711 (A)(5), (A)(7), and (A)(8) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of August, 2018, does hereby authorize discussion of the above matter in Closed Meeting.

### **CLOSED MEETING CERTIFICATION**

At 6:07 p.m., Mrs. Maurer motioned, seconded by Mr. Snellings , to adopt proposed Resolution CM 18-16(a).

The Voting Board tally was:

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

Resolution CM-18-16(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD  
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON  
AUGUST 21, 2018

WHEREAS, the Board has, on this the 21<sup>st</sup> day of August, 2018, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 21<sup>st</sup> day of August, 2018, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened, were heard, discussed, or considered by the Board.

### **NEW BUSINESS**

Item 27. Planning and Zoning; Discuss Establishment of New Cemeteries Director of Planning and Zoning, Mr. Jeff Harvey, gave a presentation and answered Board members questions. Mr. Harvey said that the most recent amendments to the County's Code were adopted on December 13, 2016 (Ordinance O16-39). The All Muslim Association of America (AMAA) owns property at 1508 Garrisonville Road at which it intends to establish a cemetery; they expressed concerns that County Code requirements may impede their ability to establish a cemetery on their property. On October 3, 2017, the Board adopted Resolution R17-263, which resulted in the Planning Commission reviewing the Code and making recommendations for potential changes.

County Code is compliant with State Code §§ 15.2-2288.5 and 57-26 regarding the meaning of the term cemetery and restrictions as to the location and maximum size of a cemetery. County Code has additional standards including a 900' setback from a terminal reservoir or perennial stream draining into a terminal reservoir; 900' setback from a private drinking water well;

minimum 25 acre size; a clearly stated site plan requirement; a requirement to use the zoning classification form; a public hearing process similar to a zoning map amendment; and that the Board would set conditions of approval. The Planning Commission established a sub-committee to review cemetery Code requirements, and the sub-committee held three public meetings. Its review consisted of a review of State code provisions; comparative locality processes; prior analysis of potentially eligible parcels; studies related to groundwater impacts of cemeteries; the Stafford County Piedmont Groundwater Study; and information provided by AMAA and concerned citizens.

At its meeting on May 9, 2018, the Planning Commission voted 6 – 0 – 1 (Ms. Vanuch abstained) to recommend that County Code remain unchanged. At the Board's Community and Economic Development Committee (CEDC) meeting on July 10, 2018, it was recommended that consideration be sent to the full Board. Subsequent to the CEDC meeting, staff conducted an additional study of potential parcels that may be eligible for establishment of cemeteries. The first parcel study did not include the 900' setback requirement. Staff conducted further analysis and verified that multiple properties are eligible to establish cemeteries (an estimated 379 parcels zoned A-1, 25 acres or greater, no residence within 900' of a terminal reservoir or a stream draining into a reservoir). The study excluded existing cemeteries, government property and conservation easements.

There were no comments by Board members following Mr. Harvey's presentation.

Item 28. Planning and Zoning; Update the Memorandum of Agreement with the Tri-County/City Soil and Water Conservation District Mr. Harvey noted that this was housekeeping item. The TCCSWCD managed data and reviewed best management practices of the County's Chesapeake Bay regulations and identify responsibility to adherence of regulations by farms, agricultural areas, resource protection areas, etc. This item will be brought back on the Board's Consent Agenda at its September 4, 2018 meeting.

Item 29. County Attorney; Discuss Revisions to the Board of Supervisors' Bylaws – by mutual agreement of the Board, this item was deferred to the September 4, 2018 meeting.

Item 30. Sheriff; Discuss Classification and Compensation for Emergency Communications Officers Sheriff David Decatur presented this item to the Board and discussed hiring and retention challenges presented by the current salary (which is below comparative localities) and the lack of night shift differential pay and/or payment for classifications that recognizing varying levels of training and certification. Sheriff Decatur noted that a stipend was given to EC workers last year, which was set to expire on September 1<sup>st</sup> this year and there was great concern that if there was no action taken to improve classification and compensation, there would be even greater turn-over. Sheriff Decatur said that this was a nation-wide problem which presented a critical lack of qualified, trained E-911 dispatchers. He said that working over-time and fatigue due to staffing shortages were problems that led to burnout, which contributed to the high turn-over rate. Ms. Bohmke thanked Sheriff Decatur for his

presentation. Mr. Foley noted that this was planned and budgeted for. Ms. Bohmke asked if Fairfax were taken out of the equation, how much of a difference that would make. The Sheriff said that it would not make much of a difference, if any. He thanked Mr. Foley and the budget staff for the collaborate effort in helping to resolve this issue. Ms. Bohmke noted that this would be brought back to the Board on the Consent Agenda at its September 4<sup>th</sup> meeting.

Item 31. County Administration/Human Services; Discuss Affordable Housing and the Definition of a Housing Authority in Virginia (Requested by Mr. Snellings) – by mutual agreement of the Board, this item was deferred to the September 4, 2018 meeting. Mr. Snellings requested that the County Attorney’s Office give a presentation on the powers and responsibilities of housing authorities in Virginia. Ms. McClendon agreed to provide the information requested by Mr. Snellings.

At 6:32 p.m., the Chairman recessed the afternoon session of the August 21, 2018 Board meeting.

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

Mr. Dudenhefer gave the invocation; Mr. Snellings led the Pledge of Allegiance to the Flag of the United States of America.

Item 32. Representatives from the North Stafford Rotary Club gave a presentation and recognized staff from the Department of Parks, Recreation, and Community Facilities for providing assistance in the Flags for Heroes presentation in front of the Government Center and Courthouse. 180 flags and 20 service flags were displayed for the third year. The event is being recognized district-wide and 56 Rotary Clubs are now doing or considering doing the same thing in their localities. Certificates were presented to Chris Atkins, Jarrett Goins, Mike Phillippe, Tim Trice, Josh Wine, and Travis Sullivan. Ms. Bohmke thanked the North Stafford Rotary and staff for the awesome display. A representative from the North Stafford Rotary spoke about being in Minnesota where he met fellow Rotarians at a fund-raiser and told them about Flags for Heroes.

Mr. Adam Lynch with Friends of the Rappahannock gave a report on the Rappahannock River (River). He introduced Ms. Katherine Herrigan, Executive Director, and talked about it being a grassroots effort that began in 1985 and now has a full-time staff of eight, plus part-time workers and many volunteers. Mr. Lynch outlined the Rappahannock River Report Card and gave scores on 16 indicators that reviewed the conditions and health of River. Four categories were human health, stream ecology, riparian buffers, and aquatic degradation. There are 11 sub-water sheds that feed into the River from the localities of Caroline, King George, the City of Fredericksburg, Spotsylvania, and Stafford. Mr. Lynch gave several recommendations

including protecting forests; cover crops on agricultural land; cattle exclusion from streams that feed into the River; keeping construction away from Greenfield sites; and identifying and repairing sanitary sewer leaks. Another suggestion offered was naming streams, which had a positive effect on creating a sense of ownership by residents in the area and in keeping those named streams clean of debris and pollution. Storm drain markers (small crab decals) was another method of aiding in keeping the River clean so that no trash is thrown into drains that eventually makes its way to the River.

Mr. Snellings asked about dredging. Mr. Lynch said that it stirred up pollutants but that Friends of the Rappahannock had not taken an official stand on dredging the River. Ms. Bohmke displayed a Friends of the Rappahannock decal. Mr. Coen said that he and Ms. Shelton spoke about this and getting the schools involved with stormwater retention ponds, rain gardens, and hands-on work with the River. He suggested the Mr. Lynch reach out to the School Board. Mr. Lynch said he would love to be involved and working with local schools.

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

Ron Scott – Spoke about stormwater management in the Ridgepoint subdivision and it costing \$18,000 to have a ditch repaired; he wondered by homeowners and communities have to suffer the consequences of the County's poor stormwater management and said that the County or VDOT should take responsibility for stormwater maintenance and repairs.

Jacob Pasterwick – Resident of the Ridgepoint subdivision with a house built in the 1990's that has a failing stormwater infrastructure and is at risk of sink holes due to streams under his yard and a failing V ditch for which VDOT should assume responsibility but will not. He said the road would have to be compromised in order for VDOT to repair the V ditch. He said it should not be the responsibility of private property owners to fix failing infrastructure that was County approved and in place prior to his home being built. He said it was a Chesapeake Bay issue and there should be legislative efforts on stormwater management in localities and assistance to private citizens.

Chris Clifford – Resident of Wallace Farm Lane with a culvert failure resulting in the integrity of his driveway being compromised, which would cost him over \$10,000 to fix; it was a design flaw. Three culverts divert into one pipe that runs under his driveway, a design flaw that he is stuck with because inspectors did not do their jobs at the time of construction. He worked with Scott Rae and Jason Towery in Public Works who explained stormwater regulations to him; he also worked with Bob Waslow in Planning and Zoning who said that the County had no jurisdiction over development on private land. He said he was counting on the County to do its job and review and remedy his situation.

Andrew Mongeon – Resident of Brooke Road; inquired about Purchase of Development Rights (PDR) funding and was told there were no future plans in the works; said the County needs PDR as the Transfer of Development Rights (TDR) program was “robbing Peter to pay Paul.” Attended several meetings of the Telecommunications Commission and was awaiting details from Milestone about locating a cell tower on his property, which would help improve cell signal in the Brooke Road area. He received a \$20,000 bill from Comcast but he was happy to designate a portion of his land for a cell tower. He was told that the holdup was a legal issue that Milestone was working through. He asked that the Board use its voice to get it kick-started.

Paul Waldowski – Talked about Resolution R82-341 but still not receiving a water bill; that it was a waste of time asking the Board to do anything about it. He said when taxes were due to go to the Board of Equalization. There are design flaws all over the County, he said, and that forests were being ripped out and the County did not care about ground cover. “Sorry is a board game and there are no issues, just opportunities.”

## **PUBLIC HEARINGS**

Item 33. Finance and Budget; Authorize Issuance of Virginia Public School Authority Bonds  
Budget Division Director, Ms. Andrea Light, addressed the Board saying that this was not a time-sensitive issue that could be brought back to the Board at one of its September meetings. Ms. Bohmke said that it was talked about in the recent Finance, Audit, and Budget (FAB) Committee meeting.

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

Paul Waldowski

The Chairman closed the public hearing.

Mrs. Maurer motioned, seconded by Mr. Coen, to defer proposed Resolution R18-191 to the September 4, 2018 Board meeting.

The Voting Board tally was:

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

## **CLOSED MEETING, continued**

At 7:50 p.m., Mr. Snellings motioned, seconded by Mrs. Maurer, to adjourn to resume Closed Meeting discussion.

The Voting Board tally was:

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

**CLOSED MEETING CERTIFICATION**

At 8:54 p.m., Mrs. Maurer motioned, seconded by Mr. Snellings , to recertify the actions of the Board in Closed Meeting.

The Voting Board tally was:

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

Adjournment At 8:55 p.m., the Chairman adjourned the August 21,, 2018 meeting of the Stafford County Board of Supervisors.

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Thomas C. Foley  
County Administrator

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Meg Bohmke  
Chairman