

BOARD OF SUPERVISORS
STAFFORD, VIRGINIA
MINUTES

Regular Meeting

January 19, 2021

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Crystal Vanuch, Chairman, at 3:00 p.m., on Tuesday, January 19, 2021 in the Board Chambers, George L. Gordon, Jr., Government Center, 1300 Courthouse Road, Stafford, VA. Chairman Vanuch informed everyone that pursuant to Ordinance O20-40 for the Continuity of Government in Stafford County due to the COVID-19 public health emergency, today's Board meeting would be held solely through electronic means. The Board was using a video web conferencing service. The nature of the local declared emergency made it unsafe or impractical for a quorum of the Board to be in a single location. It was necessary for the Board to continue to handle essential government functions required for the continuity of government during this local emergency. The public has been provided notice of this wholly electronic meeting and can access this meeting.

Roll Call The following members were present: Crystal Vanuch, Chairman; Cindy C. Shelton, Vice Chairman; Tinesha O. Allen; Meg Bohmke; Thomas C. Coen; L. Mark Dudenhefer; and Gary F. Snellings. Ms. Allen, Ms. Bohmke, Mr. Coen, Mr. Dudenhefer, and Mr. Snellings participated in the meeting via video web conferencing. (All votes were counted and recorded as oral votes.)

Also in attendance were: Frederick J. Presley, County Administrator; Rysheda McClendon, County Attorney; Cheryl Giles, Deputy Clerk; Julia Holmes, Assistant Deputy Clerk; associated staff and other interested parties.

Chairman Vanuch made the following remarks: "Today's meeting is being held virtually due to the extension of county office closures to public access because of the rise in COVID-19 cases. Myself and Supervisor Shelton have chosen to attend in person for continuity of the meeting and are located in the board chambers. At this time, the County closure has been extended through February 5. However, we assess internal staff quarantine numbers weekly and this date is subject to be updated based on those numbers. Residents can still access all County services online, by phone and for some, by appointment, during this period. Unfortunately, this means the public cannot attend our meetings in-person, a situation we do not take lightly. For that reason, we have deferred any public hearings that may be deemed as controversial and do not intend to take those items up until in person comments may begin again. Residents still can however, submit comments online the day prior to any of our meetings and I want to assure you we will be reading aloud all the submitted online comments. If you would like to send in

comments before the next meeting, please submit them on our website between January 29 and February 1. You may also call the clerk's office with questions.

With regards to Healthy Growth, today we had planned on discussing Healthy Growth but decided to place the matter on our consent agenda with the recommendation to move it to a later date to allow for more public participation, in person. That date is uncertain due to the Coronavirus's unpredictability, but our staff will communicate to the public once it has been determined.

With regards to a COVID-19 update, case counts of COVID-19 have gone up significantly in Stafford County and the Rappahannock Area Health District. The state has started the distribution of vaccines. RAHD has concentrated on vaccinating health care workers and residents of congregant care. MWHC has also opened up registration and has been working diligently on vaccinating teachers, essential workers, and adults age 65 and older. If you fall within the categories of 1a and 1b, please visit www.vdh.virginia.gov/rappahannock. There you will be directed to a survey to sign up to receive a vaccine. Stafford County has been diligently pursuing the ability to assist the health department and we ask everyone to be patient and follow safe health guidelines. The rollout of the vaccine in our particular region has been slow and we are committed to working with the state to hold them accountable on ensuring that we can aggressively move forward with our vaccine rollout. We are encouraged to learn that the state will now start to allowing for vaccinating.

If you have followed the news this weekend, you may be aware this was a particularly eventful weekend for our first responders. I just wanted to extend my deepest gratitude to our Sheriff's Office and Stafford County Fire and Rescue on assisting with the multiple events this weekend and keeping our community safe."

Presentations – There were no presentations.

Ms. Shelton motioned, seconded by Ms. Bohmke, to adopt the regular agenda. There were no additions or deletions to the regular agenda.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, Dudenhefer, Shelton, Snellings, Vanuch
Nay:	(0)	

Presentations by the Public – There were no public presentations.

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. Allen – Deferred her remarks.

Ms. Bohmke – Thanked the Public Safety team for their efforts and service provided over the weekend; thanked the Utilities Department staff for the work they did in repairing water main breaks over the weekend; and pulled item #3 and #9.

Mr. Coen – Praised the Public Safety personnel for the service they provided over the past two weeks in Stafford County and around the country.

Mr. Dudenhefer – Deferred his remarks.

Ms. Shelton – Thanked Ms. Pamela Yeung, School Board member for work she did to culminate an event held at Stafford Marketplace to commemorate Martin Luther King Jr.'s birthday.

Mr. Snellings – Remarked that a lot of senior citizens don't have internet service and requested that a phone number be advertised in the Free-Lance Star or the local media to inform citizens how to register to receive the vaccine.

Ms. Vanuch – Thanked the Utilities Department staff for the work done to repair water main breaks; and thanked Stafford County residents who serve in the National Guard who had been called to action to assist with the peaceful transition in power in Washington DC.

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

Report of the County Administrator – Mr. Presley reported that he would provide an update on the Procurement office and that Ms. Andrea Light would provide the 2021 Mid-Year Financial Review. Mr. Presley noted that with regards to Mr. Snellings comment about providing phone numbers for senior citizens to register for the vaccine, staff was working with VDH to assure phone numbers were available. He stated the County was working with several community partnering agencies to ensure that phone numbers were established and distributed in the County and through social media.

Mr. Presley presented an overview about the Procurement Division and highlighted the following topics:

- Timeline of Procurement Structure Review
- Result of Findings
- Plan Review and Implementation Status
- Future State Review

Mr. Snellings asked if there were plans to reduce the number of employees in centralized Procurement after the four additional end-user positions were hired in decentralized

Procurement. Mr. Presley responded that currently there are not plans to reduce the number of employees in centralized Procurement because the amount of spend that the County currently has justifies the number of positions that are in Procurement.

Ms. Andrea Light, Budget Director presented the FY2021 Mid-Year Financial Review and provided an overview and highlighted the FY2021 revenue, expenditures, and projections for the following Funds: General Fund, Utilities Fund, Transportation Fund, and Tourism Fund.

Ms. Light concluded her presentation with the following financial outlook for Stafford County.

- Revenues were outperforming the budget;
- November unemployment rate is at 4.2%, down from 8.1% in May 2020;
- Strategic use of the CARES Act funding along with first quarter hiring freeze and spending restrictions created expenditure savings;
- Staff anticipates year end savings to be higher than normal; and,
- The Schools are scheduled to present mid-year projections to their Board on January 26.

APPROVAL OF THE CONSENT AGENDA

Ms. Shelton motioned, seconded by Mr. Coen, to adopt the Consent Agenda. Ms. Bohmke pulled item #3 and item #9 from the Consent Agenda.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, Dudenhefer, Shelton, Snellings, Vanuch
Nay:	(0)	

Item 1. County Administration; Approve Minutes of the January 5, 2021 Annual Board Meeting.

Item 2. County Administration; Receive Central Rappahannock Regional Library's Quarterly Report.

Item 3. County Administration; Defer Consideration of Healthy Growth Comp Plan and Zoning Amendments Due to Current Limitations of the COVID-19 Public Health Crisis. Ms. Bohmke remarked that she pulled this item because at the October 29, 2020 joint meeting with the Planning Commission, the Planning Commission raised a number of items that they felt the Board should look at. She stated she felt the Board should drill down on some of those items and review them as part of the Healthy Growth discussion.

Mr. Snellings asked when was the Comp Plan due back to the Board for implementation. Mr. Jeff Harvey, Planning and Zoning Director responded that there is a discussion item on today's agenda under Unfinished Business to discuss this subject matter. He stated that in the draft

Resolution, staff recommended June 15, 2021, with the assumption that there would be no comments or questions concerning the Comp Plan. And a cursory review would probably be done to update the Comp Plan. However, if large projects were taken on like Healthy Growth, or other controversial items that could affect the community, that time period might need to be extended. Mr. Harvey also noted that staff set that time period as a recommendation based upon the Board's prior practice of not taking on big controversial issues before an election and the Board's By-laws prohibits the Board from taking-action on land use matters after an election.

Extensive discussion ensued.

Following the discussion, Mr. Coen motioned, seconded by Ms. Shelton to deny proposed Resolution R21-53.

Ms. Bohmke made a substitute motion, seconded by Mr. Dudenhefer to defer this agenda item until the second Board meeting in February when the public could attend.

After the substitute motion, some Board members made comments about why they would or would not support the motion.

Ms. Bohmke asked staff if a Resolution could be prepared to request the Planning Commission investigate and prepare proposed amendments to address the Healthy Growth Initiative for review and discussion at the 7:00 p.m. session. Mr. Harvey responded that the Board could direct the Planning Commission to prepare an Ordinance amendment to implement those options. The options would require separate public hearings. The Planning Commission could forward those options to the Board and provide the description of the means and methods to implement them. Mr. Harvey stated he would have to defer to the County Attorney to determine if a resolution could be prepared for adoption at the 7:00 p.m. session.

Ms. McClendon recommended the current motion and substitute motion that was on the floor be withdrawn. She stated a motion could then be made to table the matter until the 7:00 p.m. session to allow staff time to prepare a Resolution with the proposed amendments.

Ms. Bohmke withdrew her substitute motion. Ms. Bohmke then motioned, seconded by Mr. Dudenhefer to table the item until the 7:00 p.m. session to allow staff time to prepare a Resolution with the proposed amendments.

The Voting Board tally was:

Yea:	(4)	Bohmke, Dudenhefer, Snellings, Vanuch
Nay:	(3)	Allen, Coen, Shelton

Item 4. County Administration; Authorize Recommendation to the Circuit the Appointment of Mr. Robert Grimes as an Alternate Member to the Board of Zoning Appeals.

Resolution R21-54 reads as follows:

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

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

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

WHEREAS, on January 5, 2021, the Board adopted Resolution R21-07, which recommended that Mr. Jeffrey Spinnanger, who was an alternate member of the BZA at that time, be appointed to the BZA as a regular member representing the Falmouth District; and

WHEREAS, the term of such vacant alternate position on the BZA expires on December 31, 2023; and

WHEREAS, the Board desires to recommend to the Circuit Court the appointment of Mr. Robert Grimes as an alternate member on the BZA to fill the vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that

<u>NAME</u>	<u>DISTRICT</u>	<u>EXPIRATION DATE</u>
Robert Grimes	Alternate	December 31, 2023

be and he hereby is recommended for appointment as an alternate member for the term stated above, to the Stafford County Board of Zoning Appeals; and

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

Item 5. County Administration; Appoint and Reappoint Members to the Board of Building Code Appeals for Terms Expiring on December 31, 2022.

Item 6. Community Engagement; A Proclamation to Commend Bill Lehnhardt for his Rescue Efforts.

Proclamation P21-01 reads as follows:

A PROCLAMATION TO RECOGNIZE BILL LEHNHARDT FOR HIS RESCUE EFFORTS

WHEREAS, one of two fishermen in a boat on Aquia Creek experienced a medical emergency, losing consciousness and capsizing the boat; and

WHEREAS, the other fisherman managed to maneuver the man back into the boat and call for help; and

WHEREAS, Bill Lehnhardt responded to the calls for assistance and jumped into the boat and performed cardiopulmonary resuscitation on the man until first responders were able to arrive and continue lifesaving efforts; and

WHEREAS, Bill Lehnhardt's actions that day were selfless and indicated a deep level of compassion for his fellow members of the community; and

WHEREAS, Mr. Lehnhardt's example is one that should be aspired to by all Stafford residents;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that it be and hereby does honor and commend Bill Lehnhardt for his actions in assisting and performing CPR during a medical emergency on Aquia Creek.

Item 7. Community Engagement; A Proclamation to Recognize the Members of 'Changing Stafford's Roads' for Winning a National Award and for Proposing Legislation that Became Law.

Proclamation P21-02 reads as follows:

A PROCLAMATION TO RECOGNIZE THE MEMBERS OF 'CHANGING STAFFORD'S ROADS' FOR WINNING A NATIONAL AWARD AND FOR PROPOSING LEGISLATION THAT BECAME LAW

WHEREAS, seventeen-year-old Colonial Forge student Helen Wang was tragically killed in a car accident due to limited visibility along Kellogg Mill Road at the entrance to the Abel Lake boat ramp; and

WHEREAS, a group of Helen's classmates at Colonial Forge worked with the Board of Supervisors and state legislators to draft and advocate for "Helen's Law," a bill that allows localities to cut back or remove vegetation that obstructs visibility along roads if needed outside of the Virginia Department of Transportation's schedule; and

WHEREAS, the students' road safety bill became law as of July 1, 2020; and

WHEREAS, the students and the organization they founded, "Changing Stafford's Roads," won a 2020 Purpose Award from PR Week, a national magazine for the public relations industry;

WHEREAS, the students won in the category of "Best Student Campaign" for representing the power of positive change;

WHEREAS, the members of Changing Stafford's Roads include: Isabela Motta; Kelcey Webb-Watkins; Corinne Rogers; Ani Sibel; Kaitlyn Fulmore; Josie Guckian; David Sousa; Charlotte Vazquez; Alex Pawlica; Benjamin Motta; Eleanor Motta; Rebecca Chung; and Michelle Snow;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that it be and hereby does honor and commend the members of "Changing Stafford's Roads" for their success in passing legislation and winning awards that make roads safer for everyone.

Item 8. Economic Development and Tourism; Budget and Appropriate Funds for Stafford Cares Program Grant Funded by the Department of Housing and Community Development.

Resolution R21-13 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS TO THE COUNTY'S GRANTS
FUND

WHEREAS, the United States Department of Housing and Urban Development Community Development Block Grant ("CDBG") provides funds for the Virginia Department of Housing and Community Development ("DHCD"); and

WHEREAS, the Stafford Cares project will make use of CDBG funds for the purchase of meal cards from Stafford owned restaurants and distribute those cards to families enrolled in the Supplemental Nutrition Assistance Program; and

WHEREAS, the County has entered into contract with DHCD for completion of the Stafford Cares project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that it be and hereby does budget and appropriate CDBG Revenues in the County's Grants Fund as follows:

County's Grants Fund	Amount
Economic Development	\$782,000
County's Grant Fund Appropriation Total	\$782,000

Item 9. Finance and Budget; A Resolution to Appropriate Virginia Public School Authority (VPSA) Revenue and Reserves to the Schools. Ms. Bohmke remarked she wanted to ensure that the engineers and contractors that were selected to build the tennis courts for the Schools had been vetted. Ms. Andrea Light responded that she spoke with the Schools' staff and they had some of the same concerns about the longevity of the courts. Ms. Light stated that the Schools had taken soil samples to ensure the soils would be good for tennis courts and had engaged a different engineer than was previously used to build the tennis courts.

Ms. Shelton asked if negative past performances of previous contractors were tracked. Ms. Light responded that this was done by Procurement. Mr. Presley added that the contractors that were being used were through the Job Order Contract and had been vetted.

Ms. Bohmke motioned, seconded by Ms. Shelton to adopt proposed Resolution R21-04.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, Dudenhefer, Shelton, Snellings, Vanuch
Nay: (0)

Resolution R21-04 reads as follows:

A RESOLUTION TO APPROPRIATE VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) REVENUE AND FUND BALANCE RESERVES TO THE SCHOOLS

WHEREAS, the Superintendent of Schools has requested the Board appropriate funds for the below projects; and

WHEREAS, on September 15, 2020, pursuant to Resolution R20-278, the Board authorized the issuance and sale of VPSA bonds in an amount not to exceed \$17,355,000; and

WHEREAS, the Schools have Rehabilitation, Replacement, and Rebuild (3R) funds set-aside and available from fiscal years 2020 and 2021; and

WHEREAS, the Board desires to appropriate VPSA funds in the amount of \$908,816 for projects at High School #6, Ferry Farm Elementary School, Gari Melchers Complex, North Stafford High School, H. H. Pool Middle School and Colonial Forge High School; and

WHEREAS, the Board desires to appropriate Fund Balance Reserves which are budgeted for phase 2 of the mechanical system repair at North Stafford High School in the amount of \$59,430;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that it be and hereby does appropriate VPSA funds in the amount of \$908,816 from the County's Capital Projects Fund to the Schools' Construction Fund, and appropriates Fund Balance Reserves in the amount of \$59,430 from the County's General Fund through the County's Capital Project Fund to the Schools' Construction Fund, all as follows:

Fund	Purpose	Amount
General Fund, Fund Balance Reserves	Transfer to Capital Project Fund	\$59,430

Fund	Project	Amount
Schools' Construction Fund	High School #6 – 5% for preliminary work and due diligence	\$500,000
Schools' Construction Fund	Ferry Farm – repair pavement/parking lot lighting	\$86,000
Schools' Construction Fund	Gari Melchers Complex – repair pavement/parking lot lighting	\$92,000
Schools' Construction Fund	North Stafford High School – repair exterior envelope, phase 2	\$116,816
Schools' Construction Fund	HH Poole Middle School – repair interior finishes	\$43,000
Schools' Construction Fund	Colonial Forge High School – replace tennis court	\$71,000
Schools' Construction Fund	North Stafford High School – repair mechanical system, phase 2	\$59,430
Capital Project Fund	Total Transfer to	\$968,246

	Schools' Construction Fund	
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Item 10. Finance and Budget; A Resolution to Budget and Appropriate FY2020 Year-End Sheriff's Department Savings for Purchase of Vehicles.

Resolution R21-39 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE FY2020 YEAR-END SET ASIDE FUNDS FOR THE PURCHASE OF VEHICLES FOR SHERIFF'S DEPUTIES

WHEREAS, at the end of fiscal year (FY) 2020, the Sheriff's Department had budget savings in the amount of \$273,692; and

WHEREAS, the funds have been reserved with the intent to budget and appropriate for the one-time use of vehicles for deputies; and

WHEREAS, the FY2020 audit has confirmed that these funds are available;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that it be and hereby does budget and appropriate FY2020 year-end funds as follows:

<u>Fund</u>	<u>Department</u>	<u>Amount</u>
General Fund	Sheriff	\$273,692

Item 11. Finance and Budget; A Resolution Authorizing Release of the Remaining FY2021 Appropriation Hold and Transient Occupancy Tax.

Resolution R21-40 reads as follows:

A RESOLUTION AUTHORIZING RELEASE OF THE REMAINING FY2021 APPROPRIATION HOLD AND BUDGET AND APPROPRIATE TRANSIENT OCCUPANCY TAX

WHEREAS, to provide financial flexibility and due to the COVID-19 public health pandemic, the Board placed a 25% appropriation hold on the appropriation of the FY2021 budget; and

WHEREAS, on October 20, 2020, pursuant to Resolution R20-327, the Board appropriated 20% of the appropriation hold due to revenues coming in higher than expected; and

WHEREAS, the FY2021 mid-year review projects sufficient revenues to warrant the release of the remaining 5% General Fund and Utilities Fund appropriation hold; and

WHEREAS, Transient Occupancy Tax (TOT) collections for FY2021 were conservatively projected due to the COVID-19 public health pandemic; and

WHEREAS, TOT revenue is anticipated to exceed projections and additional budget and appropriation is necessary to transfer 2% of the 5% tax to the General Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that it be and hereby does appropriate the remainder of the FY2021 appropriation hold in the amount and to the funds as follows:

<u>General Fund:</u>	\$14,114,263
Board of Supervisors	34,031
Commissioner of the Revenue	150,820
County Administration	65,454
County Attorney	59,593
Registrar and Electoral Board	29,547
Finance and Budget	110,675
Geographic Information System	34,319
Human Resources	43,483
Information Technology	123,653
Community Engagement	25,375
Treasurer	117,183
Sheriff	1,393,426
Fire & Rescue Services	1,194,176
15 th District Court Unit	19,072
Code Compliance	259,202
Rappahannock Juvenile Detention Center	71,257
Rappahannock Regional Jail	252,828
Circuit Court	20,124
Clerk of the Circuit Court	87,295
Commonwealth's Attorney	180,965
Court Deputies	159,492
General District Court	5,794
Juvenile and Domestic Relations	5,649
Magistrate	435
Cooperative Extension Program	9,788

Economic Development	31,549
Partner Agencies - Community Development	15,514
Planning and Zoning	122,865
Human Services	347,670
Partner Agencies - Health and Social Services	81,876
Social Services	424,720
Parks and Recreation	370,445
Central Rappahannock Regional Library	263,817
Engineering	16,345
Community Facilities	229,340
Schools' Operating Budget Transfer	6,415,733
Schools' Shared Serviced/Audit	5,765
Public Day School Transfer	31,508
Partner Agencies - Germanna Community College	17,443
Non-Departmental Market Adjustments	21,900
Non-Departmental Reclassifications	1,000
Non-Departmental Public Safety Staffing Planning	176,313
Non-Departmental Economic Development	6,920
Non-Departmental Insurance	48,516
Non-Departmental Operating Budget Contingency Reserve	33,244
Non-Departmental Other Non-Departmental	79,333
Purchase of Development Rights	5,000
Vehicle Replacement Program County	5,000
Vehicle Replacement Program Sheriff	52,593
One-time Projects	856,218
<u>Utilities Funds:</u>	
Utilities Funds - Operating	\$1,425,600
<u>Schools' Operating Fund:</u>	\$32,107,493
Schools' Operating Fund, 20% appropriation hold release in accordance with Resolution R20-327	\$25,685,995
Schools' Operating Fund 5% appropriation hold release	6,421,498

; and

BE IT FURTHER RESOLVED, that Transient Occupancy Tax revenue is budgeted and appropriated from the Tourism Fund to the General Fund as follows:

Tourism Fund:	
Transfer to General Fund	\$60,000

Item 12. Finance and Budget; Approve the Expenditure Listing.

Resolution R21-43 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED JANUARY 5, 2021 THROUGH JANUARY 18, 2021

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 19th day of January, 2021, that it be and hereby does.

Item 13. Information Technology; Authorize the County Administrator to Approve the Contract with EPlus Technology to Purchase Varonis Systems Security Software.

Resolution R21-35 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A CONTRACT WITH EPLUS TECHNOLOGY, INC. TO
PURCHASE VARONIS SYSTEMS SECURITY SOFTWARE

WHEREAS, the County has identified Varonis Systems software (Software) as critical security software that is needed for the Information Technology Department staff to monitor the County's network; and

WHEREAS, the Software is a cloud-based "software as a service" for network security that will benefit the County's ability to protect the County's network from malware and ransomware; and

WHEREAS, the County can cooperatively procure the Software through the University of Virginia contract with the reseller, ePlus Technology, Inc., UVA-AGR-IT-00178-ePlus; and

WHEREAS, funds are available in the Information Technology Departmental FY2021 budget for this purpose, and subsequent renewal years are subject to annual Board appropriation of funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 19th day of January, 2021, that it be and hereby does authorize the County Administrator to execute a contract for one year with two optional one-year renewals with ePlus Technology, Inc. to provide Varonis Systems software, in an amount not to exceed Two Hundred Forty Thousand Dollars (\$240,000), unless amended by a duly-authorized contract amendment.

Item 14. Public Works (Transportation); Petition VDOT to Include Hope Forest Court in the Hope Forest Subdivision into the Secondary System of State Highways.

Resolution R21-06 reads as follows:

~~A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE HOPE FOREST COURT WITHIN HOPE FOREST SUBDIVISION, LOCATED WITHIN THE AQUIA ELECTION DISTRICT, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS~~

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Hope Forest Court within Hope Forest Subdivision into the Secondary System of State Highways; and

WHEREAS, VDOT inspected Hope Forest Court and found it satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Hope Forest Subdivision into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Hope Forest Court (SR-2319)	From: 0.09 mi S. of Inter. with Hope Road (SR-687) To: Inter. with Hope Road (SR-687)	0.09 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for this street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by plat of record entitled, Hope Forest, recorded among the land records of Stafford County, Virginia at Plat Map No. PM18000066 with Instrument No. LR180010244 on June 21, 2018; and

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

Item 15. Public Works (Capital Construction/Utilities); Authorize the County Administrator to Execute a Contract Amendment with Wiley & Wilson, Inc. to Incorporate Prior Contract and to Provide Final Design Modifications, Bid and Contract Administration Services Related to Installation of a Replacement Sludge Centrifuge at the Aquia Wastewater Treatment Facility.

Resolution R21-14 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT WITH WILEY WILSON FOR FINAL DESIGN MODIFICATIONS AND BID AND CONTRACT ADMINISTRATION SERVICES RELATED TO INSTALLATION OF A REPLACEMENT SLUDGE CENTRIFUGE AT THE AQUIA WASTEWATER TREATMENT FACILITY

WHEREAS, Wiley Wilson (Engineer) assisted the County with equipment selection, testing, and pre-purchase for a replacement centrifuge at the Aquia Wastewater Treatment Plant (AWT), pursuant to Purchase Order 359630; and

WHEREAS, the Engineer performed preliminary and final engineering for the installation of a replacement centrifuge (Project) at the AWT plant, pursuant to Purchase Order No. 362122; and

WHEREAS, the Engineer responded to the County's request for two modifications to the design scope of work, provision of bid assistance, and construction contract administration services for the Project, with a proposal dated September 1, 2020, in the total amount of \$131,880.00; and

WHEREAS, the centrifuge installation requires considerable coordination with contractors and suppliers to assure component compatibility with existing equipment; and

WHEREAS, the Public Works Department, Utilities Division, Capital Improvement Program (CIP) has provides funding for the replacement centrifuge; and

WHEREAS, staff reviewed the proposal received from Wiley Wilson and found it to be reasonable and responsive for the services proposed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that the County Administrator be and he hereby is authorized to execute a contract amendment with Wiley Wilson for design engineering modifications and bid and contract administration services related to installation of a replacement centrifuge at the Aquia Wastewater Treatment Plant, in an amount not to exceed

One Hundred Thirty-One Thousand Eight Hundred Eighty Dollars (\$131,880.00), unless modified by a duly-authorized contract amendment.

Item 16. Public Works (Transportation); Authorize the County Administrator to Execute a Contract Amendment with ATCS, P.L.C., for Waterline Design Services for the Berea Church Road Improvement Project.

Resolution R21-16 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT WITH ATCS, P.L.C., FOR WATERLINE DESIGN SERVICES FOR THE BEREA CHURCH ROAD IMPROVEMENT PROJECT, LOCATED WITHIN THE FALMOUTH, GEORGE WASHINGTON, AND HARTWOOD ELECTION DISTRICTS, AND BUDGET AND APPROPRIATE FY2020 YEAR-END UTILITIES FUNDS

WHEREAS, the Board identified the completion of road improvements on Berea Church Road (SR-654) (Project), as a critical part of Stafford County's road improvement plan; and

WHEREAS, the County has an existing contract with ATCS, P.L.C. (ATCS), pursuant to Contract #16-9665-P126, to provide engineering and design services on the Project; and

WHEREAS, during the design phase of the Project, it was determined that roadway improvements would impact a portion of the County's existing water line along Berea Church Road; and

WHEREAS, after discussions with County Utilities staff, it was determined that it would be more cost effective to replace the aging waterline in its entirety; and

WHEREAS, ATCS submitted a cost proposal to amend its current contract to provide additional water line design services, outside of its original scope of work, in the amount of \$130,282; and

WHEREAS, staff reviewed this proposal and determined it to be reasonable and responsive for the scope of work requested; and

WHEREAS, this contract amendment, together with previously executed amendments increases the contract value from the original awarded amount of \$779,554 to a total of \$1,088,745; and

WHEREAS, funds are available in the Transportation Fund for this purpose; and

WHEREAS, a portion of the Project is considered a utilities betterment and will be funded from fiscal year 2020 year-end funds from the Utilities Fund, which the audit has confirmed are available;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that the County Administrator be and he hereby is authorized to execute a contract amendment with ATCS, P.L.C., for additional water line engineering services associated with the Berea Church Road Improvement Project, in an amount not to exceed One Hundred Thirty Thousand Two Hundred Eighty-Two Dollars (\$130,282), unless modified by a duly executed contract amendment; and

BE IT FURTHER RESOLVED that fiscal year 2020 year-end funds are budgeted and appropriated for the purposes contained in this Resolution as follows:

<u>Fund</u>	<u>Department</u>	<u>Amount</u>
Utilities Fund	Utilities	\$71, 932

Item 17. Public Works (Transportation); Authorize the County Administrator to Execute a Contract Amendment with Bowman Consulting Group, LTD., for Additional Survey Services for the Route 1 and Courthouse Road Intersection Improvement Project.

Resolution R21-17 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT WITH BOWMAN CONSULTING GROUP, LTD., FOR ADDITIONAL SURVEY SERVICES FOR THE ROUTE 1 AND COURTHOUSE ROAD INTERSECTION IMPROVEMENT PROJECT, LOCATED WITHIN THE AQUIA AND HARTWOOD ELECTION DISTRICT

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

WHEREAS, the County has an existing contract with Bowman Consulting Group, Ltd. (Bowman), Contract # #12-9650-P005-BC, to provide engineering and right-of-way acquisition services on the Project; and

WHEREAS, Bowman has submitted a cost proposal to amend its current contract to provide additional surveying services, an increase of the original scope of work, in the amount of \$19,350; and

WHEREAS, staff reviewed this proposal and determined that it is reasonable and responsive for the scope of work requested; and

WHEREAS, this contract amendment, together with previously executed amendments, increases the contract value from the original awarded amount of \$798,431 to a total of \$1,163,849;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that the County Administrator be and he hereby is authorized to execute a contract amendment with Bowman Consulting Group, Ltd., for additional engineering services related to the Route 1 and Courthouse Road Intersection Improvement Project in an amount not to exceed Nineteen Thousand Three Hundred Fifty Dollars (\$19,350), for a total contract amount of \$1,163,849, unless modified by a duly executed contract amendment.

Item 18. Public Works (Capital Construction/Utilities); Authorize the County Administrator to Execute a Contract Amendment with Sullivan, Donahoe & Ingalls, PC, for Additional Engineering Services for Claiborne Run Force Main Project, Phase 1B.

Resolution R21-15 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT WITH SULLIVAN, DONAHOE & INGALLS, PC, FOR ADDITIONAL ENGINEERING SERVICES FOR CLAIBORNE RUN FORCE MAIN PROJECT, PHASE 1B

WHEREAS, pursuant to Contract 16-4111-P102-SDI, Sullivan, Donahoe & Ingalls, a Professional Corporation, (Engineer) provided a proposal to provide design services for the parallel Claiborne Run Force Main Project (Project); and

WHEREAS, the Board approved the design of the Claiborne Run Force Main Project (Project) on July 5, 2017, pursuant to Resolution R17-198; and

WHEREAS, the Project was divided into two segments, Phase 1A and Phase 1B; and

WHEREAS, the Phase 1A portion of the Project is near full construction and the Phase 1B is near full design; and

WHEREAS, recent operational issues surfaced at the Claiborne Run Pump Station (Station), resulting in high expenses to return the Station to reliable operation; and

WHEREAS, a review of the Phase 1B design revealed that a bypass modification at the Station could improve the reliability of the wastewater system and reduce the costs of correction of similar pump station issues in the future; and

WHEREAS, the review also revealed that a minor pump station (Cedar Bluff) could be removed from service with the design of a short sewer segment adjacent to the force main; and

WHEREAS, staff reviewed the proposal received from the Engineer in the amount of \$98,045, and determined it is reasonable for the additional engineering services proposed; and

WHEREAS, funds are available in the Department of Utilities, Capital Improvement Program (CIP) Fund for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that the County Administrator be and he hereby is authorized to execute a contract amendment with Sullivan, Donahoe & Ingalls, a Professional Corporation, for additional engineering and easements for the Claiborne Run Force Main Project, Phase 1B, in an amount not to exceed Ninety-Eight Thousand Forty-Five Dollars (\$98,045), unless modified by a duly-authorized contract amendment.

UNFINISHED BUSINESS

Item 19. Update of Funding Small Business Ventures in Stafford Through the Economic Development Authority (EDA). Mr. John Holden, Economic and Development Director provided an update about this item and addressed the Board's questions. Mr. Holden briefly highlighted the EDA's following three Loan Programs:

- Micro-Loans.
- Gap-Loans renamed "Business Growth Fund."
- Covid-19 Loans.

Item 20. County Administration; Redistricting Committee Update. – Mr. Anthony Toigo, Constituent and Legislative Affairs Officer presented the Redistricting Committee update.

Mr. Coen thanked Mr. Toigo, staff, and the committee for the excellent work they had done. He commented that this was a data driven exercise. He stated the committee was addressing issues that could be addressed now and had been proactive in its deliberations.

Item 21. Discuss Changes to the Board of Supervisors By-Laws. – Ms. Shelton commented that this item was discussed at the January 5, 2021 Board meeting. She stated that some of the

changes that were brought up were related to emergency Board actions. She remarked she would like for those changes to be referred to the By-Laws committee along with other recommendations made by Board members.

Ms. Allen asked if the entire By-laws would be examined or if there were specific items that would be referred to the By-Laws Committee. Ms. Shelton responded she thought it was important to periodically review the By-Laws. She said her two primary concerns were to provide an update about Standing Committee meetings and to change some of the language related to emergency Board actions.

Mr. Coen inquired if a certain date should be given to Board members to provide their recommendations to the By-Laws committee. Ms. Shelton suggested March 1, 2021 as the date to provide recommendations to the By-Laws committee.

Ms. Bohmke requested that when the By-laws are brought back for the Board to review that a redline version also be provided.

Ms. Shelton motioned, seconded by Mr. Coen to refer the By-Laws to the By-Laws Committee for review.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, Dudenhefer, Shelton, Snellings, Vanuch
Nay:	(0)	

Item 22. Planning and Zoning; Discuss Initiation of the Process to Conduct the 5-Year Review and Update to the Comprehensive Plan. Mr. Jeff Harvey presented an overview about this item and addressed the Board's questions.

Discussion ensued about this item.

Following the discussion, Mr. Snellings motioned, seconded by Mr. Coen to adopt proposed Resolution R21-08.

Mr. Harvey asked the Board for clarification regarding the extension of time to the Planning Commission to provide their recommendation. Mr. Harvey said the proposed Resolution has June 15, 2021 as the date to provide their recommendation. Mr. Harvey inquired if the Board still desired the June 15 date or would the Board prefer a different date or to leave it open-ended.

Ms. Vanuch polled the Board to determine if they were amenable to extending the date to the August Board meeting. The Board unanimously agreed to extend the date to the August Board meeting.

Resolution R21-08 reads as follows:

A RESOLUTION REQUESTING THE PLANNING COMMISSION TO REVIEW, AND AS NECESSARY, PREPARE PROPOSED AMENDMENTS TO, THE DOCUMENT ENTITLED "STAFFORD COUNTY, VIRGINIA, COMPREHENSIVE PLAN, 2016-2036," ADOPTED ON AUGUST 16, 2016, AS LAST REVISED (COMPREHENSIVE PLAN)

WHEREAS, the Comprehensive Plan was adopted on August 16, 2016, pursuant to Resolution R16-175, with subsequent amendments duly adopted by the Board; and

WHEREAS, the Comprehensive Plan assists in guiding and accomplishing a coordinated, adjusted and harmonious development in the County, which will in accordance with the present and probable future needs and resources of the County, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the County and its citizens; and

WHEREAS, Virginia Code §15.2-2229 establishes the process for amendments to the Comprehensive Plan; and

WHEREAS, Virginia Code §15.2-2230 requires the Comprehensive Plan be reviewed by the Planning Commission to determine whether it is advisable to amend the plan at least once every five years; and

WHEREAS, pursuant to Virginia Code §§15.2-2229 and 15.2-2230, the Planning Commission may prepare and recommend proposed amendments to the Comprehensive Plan; and

WHEREAS, the Board desires that the Planning Commission review the Comprehensive Plan and prepare proposed amendments to the Comprehensive Plan as necessary and appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that the Planning Commission be and it hereby is requested to review the Comprehensive Plan and to prepare proposed amendments to the Comprehensive Plan as necessary and appropriate; and

BE IT FURTHER RESOLVED that the Planning Commission is requested to forward its review and recommended proposed amendments, if any, to the Board by August 17, 2021.

NEW BUSINESS

There were no New Business items.

CLOSED MEETING

There was no Closed meeting.

At 4:55 p.m., Chairman Vanuch recessed the afternoon session of the January 19, 2021 Board meeting until the 5:30 Capital Improvement Program Budget Work Session.

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

Presentations -- There were no presentations.

Presentations by the Public – II – There were no public presentations.

PUBLIC HEARING

Item 23. Planning and Zoning; Consider Amending the Neighborhood Development Standards Plan Element of the Comprehensive Plan to Add Senior Housing Design Standards as a New Chapter. Mr. Jeff Harvey presented background information about this item and addressed the Board's questions.

Chairman Vanuch opened the public hearing.

No persons indicated a desire to speak.

Chairman Vanuch closed the public hearing.

Mr. Coen motioned, seconded by Mr. Shelton, to adopt proposed Resolution R21-03.

The Voting Board tally was:

Yea: (6) Allen, Bohmke, Coen, Dudenhefer, Shelton, Vanuch
Nay: (1) Snellings

Resolution R21-03 reads as follows:

A RESOLUTION TO AMEND THE DOCUMENT ENTITLED "STAFFORD COUNTY, VIRGINIA, COMPREHENSIVE PLAN, 2016-2036," ADOPTED ON AUGUST 16, 2016, AS LAST REVISED (COMPREHENSIVE PLAN) BY ADOPTING PROPOSED AMENDMENTS TO THE "NEIGHBORHOOD DEVELOPMENT STANDARDS PLAN," DATED SEPTEMBER 19, 2012, AS LAST REVISED, AN ELEMENT OF THE COMPREHENSIVE PLAN, REGARDING SENIOR HOUSING DESIGN GUIDELINES

WHEREAS, pursuant to Resolution R17-276, the Planning Commission prepared amendments to the Neighborhood Development Standards Plan element of the Comprehensive Plan to incorporate design standards for senior housing; and

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

WHEREAS, the Board desires to amend the Comprehensive Plan to incorporate design standards for senior housing; and

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

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

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good planning practices support adoption of the proposed Comprehensive Plan amendments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that the Stafford County Comprehensive Plan be and it here is amended by amending the "Neighborhood Development Standards Plan," dated September 19, 2012, as last revised, an element of the "Stafford County, Virginia, Comprehensive Plan, 2016-2036," adopted on August 16, 2016, as last revised, by adding the document as shown in Exhibit A, entitled "Senior Housing Design Standards," dated August

19, 2020, and attached hereto, as a new chapter in the Neighborhood Development Standards Plan, with all other portions of the Comprehensive Plan remaining unchanged.

Item 24. Planning and Zoning; Amend Stafford County Code, Chapter 28, Article VII, Table 7.1, "Required parking and Loading Spaces," Regarding Parking and Loading Space Requirements to Delete "Retirement Housing" as a Listed Use Category. Mr. Jeff Harvey presented background information about this item and addressed the Board's questions.

Chairman Vanuch opened the public hearing.

No persons indicated a desire to speak.

Chairman Vanuch closed the public hearing.

Ms. Bohmke motioned, seconded by Mr. Snellings, to adopt proposed Ordinance O21-04.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, Dudenhefer, Shelton, Snellings, Vanuch
Nay:	(0)	

Ordinance O21-04 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE CHAPTER 28, ARTICLE VII, TABLE 7.1, "REQUIRED PARKING AND LOADING SPACES" REGARDING PARKING AND LOADING SPACE REQUIREMENTS FOR RETIREMENT HOUSING

WHEREAS, pursuant to Resolution R17-276, the Board requested the Planning Commission discuss and prepare recommended changes to the Neighborhood Development Standards Plan element of the Comprehensive Plan, to incorporate design standards for senior housing (Senior Housing Design Standards) and report its recommendations to the Board; and

WHEREAS, during the development of these design standards, the Planning Commission determined that the minimum parking standards for retirement housing in the Zoning Ordinance may be inconsistent with the Senior Housing Design Standards; and

WHEREAS, senior and retirement housing developments offer a variety of housing types and the current minimum parking standard for retirement housing contained in the Zoning Ordinance does not contemplate those differing types of retirement housing; and

WHEREAS, elimination of the minimum parking standard for retirement housing and the use of the current minimum parking standards based on unit type would adequately meet the

parking needs for senior and retirement housing and be consistent with the Senior Housing Design Standards; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that Stafford County Code Chapter 28, Article VII, Table 7.1, "Required Parking and Loading Spaces" be and it hereby is amended and reordained as follows, with all other portions remaining unchanged:

ARTICLE VII. - PARKING, LOADING, ROAD AND ACCESS REQUIREMENTS

Table 7.1
Required Parking and Loading Spaces

Use Category	Number of Parking Spaces Required Per Gross Floor Area (GFA)	Number of Loading Spaces Required with a Minimum Size of 12 × 25 Feet
Dwellings:		
Retirement housing	1.0 per unit	0

Item 25. Planning and Zoning; A Request for a Conditional Use Permit to Allow 168 Multi-Family and 80 Townhouse Retirement Housing Units Within the PD-2, Planned Development 2 Zoning District on a Portion of Tax Map Parcel (Property). The Property Consists of 20.3 Acres, and is Located at the End of Boxelder Drive in the Embrey Mill Subdivision, Project Known as Embrey Mill Phase 2A. Mr. Jeff Harvey presented background information about this item and addressed the Board's questions.

The Applicant's representative, Mr. Larry Caruthers of Newland Real Estate Group, LLC presented additional details about the project via video web conference and addressed the Board's questions.

Chairman Vanuch opened the public hearing.

Mr. Harvey read the following public comment that was submitted online to the Board of Supervisors.

1. Heidi B., 754 Warrenton Road – (*speaker card attached*).

Chairman Vanuch closed the public hearing.

Mr. Caruthers remarked that all of the soils had been tested. He said there were acidic soils in that area, but in the area where the units were located, the soils were not acidic. He stated that with every (inaudible) permit submitted in Stafford County, soil acidic information was identified. Steps to ensure that it was not a problem were part of the conditions of the building permit. He said that additionally, a number of tests have been conducted on acidic soils and the information has been distributed to their border partners and residents of HOA meetings. He said this information would be part of the disclosure in the homebuyer's packet. With regards to the comment about radon, he stated he was not aware of a radon issue in the area and could not speak to that subject matter.

Mr. Dudenhefer motioned, seconded by Ms. Shelton, to adopt proposed resolution R21-18.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, Dudenhefer, Shelton, Snellings, Vanuch
Nay:	(0)	

Proposed Resolution R21-18 reads as follows:

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW RETIREMENT HOUSING IN THE PD-2, PLANNED DEVELOPMENT-2 ZONING DISTRICT ON A PORTION OF TAX MAP PARCEL NO. 29-53, LOCATED WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, Newland Real Estate Group, LLC submitted Application CUP19152654 (Application), requesting a conditional use permit to allow retirement housing in the PD-2, Planned Development-2 Zoning District on a portion of Tax Map Parcel No. 29-53, within the Garrisonville Election District; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that a CUP pursuant to application CUP19152654 be and it hereby is approved with the following conditions:

1. This conditional use permit allows for up to 168 multi-family retirement housing units and 80 single-family attached retirement housing units within the PD-2, Planned Development-2 Zoning District on a 20.3-acre portion of Tax Map Parcel No. 29-53 (Property), in the location shown on the Generalized Development Plan (GDP) prepared by Kimley Horn, entitled, "Embrey Mill - Phase IIA CUP General Development Plan," dated February 1, 2019 as last revised and sealed July 8, 2020.
2. Development of the Property shall be in general accordance with the GDP. Minor changes to the general location and treatment of improvements depicted on the GDP shall be allowed at the time of site plan review for engineering purposes or to comply with federal, state, or local laws.
3. Emergency access for ingress/egress shall be constructed in the location shown on the GDP.
4. Buildings shall be constructed in general conformance with the styles, colors, and materials shown on the exhibit entitled "Building Elevations – Embrey Mill." Non-combustible exterior wall materials shall be constructed around at least the entire first above-grade level for buildings containing multi-family units.
5. All dumpster enclosures shall consist of masonry materials, with type and color similar to the primary buildings located on the Property.
6. NFPA 13 commercial fire sprinkler system and NFPA 14 standpipe system for fire protection shall be provided and maintained in all multi-family buildings.
7. All multi-family buildings shall contain at least one elevator with emergency power.
8. An emergency evacuation response plan in accordance with the Fire Prevention Code approved by the Fire Marshal and County Office of Emergency Management shall be prepared, maintained and updated annually, which shall include provisions for at least 72-hours of operation and off-site evacuation.
9. The open space park located between Pepperidge Drive and Smokebush Drive shall be constructed prior to the first occupancy permit for Phase 2A, Section 12.

10. As part of the Application, Newland Real Estate Group, LLC provided and committed to the document entitled "Embrey Mill Senior Housing Guidelines," dated December 1, 2020 (Guidelines). The Property shall be developed in accordance with Sections 1, 2, 3, and 5 of the Guidelines.
11. This CUP may be revoked or conditions modified for violation of these conditions or any applicable federal, state, or County code, law, ordinance, or regulation.

Item 26. Planning and Zoning; A Proposed Zoning Reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District on Tax Map Parcel Nos. 44-64 and 44-65 (Property), Consisting of 4.037 Acres, to Allow for the Development of a Commercial Retail Use. Mr. Jeff Harvey presented background information about this item and addressed the Board's questions.

Chairman Vanuch opened the public hearing.

No persons indicated a desire to speak:

The Applicant's representative, Mr. Jack Wilson, III of Jack Wilson, III PLC thanked Mr. Harvey for the presentation. He stated they were supportive of the Planning Commission and staff's recommendation of approval. He said that prior to the Planning Commission's public hearing, he had a virtual meeting with a number of Cardinal Forest subdivision residents to discuss and address their concerns.

He said the Applicant had made two commitments they were able to provide to the Cardinal Forest community. He stated the first commitment was to add some additional landscaping in the rear corner to provide even greater screening to the community amenities. He noted the Applicant had also committed to put in some additional landscaping in the rear corner. He said that if due to site plan restrictions, the additional landscaping could not be put on the Applicant's property, then it could be put in on the HOA's property.

He stated for the second commitment, the Applicant proffered to put a sidewalk along the entire frontage of their property. If the appropriate Right-of-ways and easements are received, they have committed to extend the sidewalk across the adjacent property to Cardinal Forest so there would not be a gap from Cardinal Forest to get to the sidewalk that would be installed.

Chairman Vanuch closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Snellings, to adopt proposed Ordinance O21-05.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, Dudenhefer, Shelton, Snellings, Vanuch
Nay: (0)

Ordinance O21-05 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE A-1, AGRICULTURAL ZONING DISTRICT TO THE B-2, URBAN COMMERCIAL ZONING DISTRICT TAX MAP PARCEL NOS. 44-64 AND 44-65, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Primax Properties submitted Application RC20153216, requesting a zoning reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District on Tax Map Parcel Nos. 44-64 and 44-65, located within the Hartwood Election District; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19th day of January, 2021, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District Tax Map Parcel Nos. 44-64 and 44-65, in the location shown on the plat entitled "Plat Showing Boundary Survey of Tax Parcel 44-64 & Tax Parcel 44-65" prepared by Anthony Scott Thompson, P.L.S, dated and sealed November 5, 2019, with proffers entitled "20SN0562 Proffer Statement," dated and signed January 12, 2021.

CONSENT AGENDA ITEM 3 (CON'T)

At 8:12 p.m., Ms. Bohmke motioned, seconded by Mr. Dudenhefer to move forward with item #3 that was tabled at the 3:00 p.m. session. (Defer Consideration of Healthy Growth Comp Plan and Zoning Amendment Due to Current Limitations of the COVID-19 Public Health Crisis)

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, Dudenhefer, Shelton, Snellings, Vanuch
Nay: (0)

At 8:13 p.m., Chairman Vanuch recessed the meeting for two minutes to allow Board members an opportunity to review proposed Resolution R21-64.

At 8:15 p.m., the meeting resumed.

Ms. Bohmke motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution R21-64, a Resolution Requesting the Planning Commission Investigate and Prepare Proposed Amendments, as Necessary, to the Zoning Ordinance Applicable to the A-1, Agricultural Zoning District to Address Healthy Growth and to add language recommended by Ms. Shelton regarding "environmental protections."

Mr. Snellings asked if the proposed Resolution only applied to the options that the Planning Commission provided and/or was the original proposed ten-acre lot still applicable.

Ms. Vanuch responded the proposed Resolution was only to have the Planning Commission draft ordinances to address the two items discussed regarding the Cap and Zone and the Sliding Scale options. The downzoning proposal would still be before the Board for consideration.

Mr. Snellings expressed that he was concerned that the two options were very confusing and that certain property owners would be (inaudible).

Mr. Coen commented that requesting the Planning Commission bring forth additional information acknowledged that what was before the Board, was flawed. He stated he thought it would be cleaner to deal with the item that was presented at the public hearing. He said it should be voted either up or down and then sent to the Planning Commission. He said it was ironic that the Board did not want to move forward with the vote on downzoning without the public's input, but yet would vote on a resolution that had not been known to the public.

Ms. Bohmke commented that she thought it was in all of the Board members best interest to vet this item. She stated she did not think there was any damage being done by vetting the information that the Planning Commission brought to the Board's attention. She said it was important that while we were still in the pandemic, the Planning Commission could have a sub-

committee working on this. She stated the Board would be doing the community a disservice if they did not review the details of the two proposed options.

Mr. Dudenhefer inquired if the Planning Commission had adequate time and resources to complete the request in the amount of time provided by the Board in the proposed Resolution. Mr. Harvey responded that one of the big projects that the Planning Commission was currently working on were the issues related to Downtown Stafford. They were working on the Comp Plan Amendment, the Zoning Ordinance Amendment, and Rezoning Application. The Planning Commission was working toward holding a public hearing the end of February or the beginning of March. These items would coincide with some of the work for the Healthy Growth Initiative. There were also a number of Land Use cases and a joint public hearing with the Board scheduled for February 16 regarding an economic development prospect. He said staff was willing to assist the Commission to obtain the desired end date.

Ms. Vanuch remarked that she spoke with Mr. Apicella, the Planning Commission Chairman and he stated that 60 days would be adequate to complete the request.

Mr. Dudenhefer inquired when would the item come back to the Board. Ms. McClendon responded that the date would be March 20, 2021. Mr. Dudenhefer asked if the item should be requested to be brought back at the March 16 Board meeting. Mr. Dudenhefer expressed that he thought it was important to receive the information prior to the March 16 Board meeting to allow time to review it. Ms. Vanuch inquired if March 10 would be a better day to bring the item back to the Board. Ms. Bohmke remarked that she was acceptable to amending her motion to adjust the date change.

Ms. Bohmke motioned, seconded by Mr. Dudenhefer to amend her motion to adopt proposed Resolution R21-64 to add language regarding "environmental protections" and to change the date to request the Planning Commission forward the proposed ordinance to the Board for review by March 10, 2021.

The Voting Board tally was:

Yea:	(3)	Bohmke, Dudenhefer, Vanuch
Nay:	(4)	Allen, Coen, Shelton, Snellings

The motion failed.

The original motion made by Mr. Coen, seconded by Ms. Shelton to deny proposed Resolution R21-53 was brought back for a vote.

The Voting Board tally was:

Yea:	(3)	Allen, Coen, Shelton
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Nay: (4) Bohmke, Dudenhefer, Snellings, Vanuch

The motion failed.

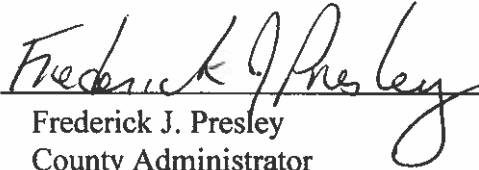
Mr. Dudenhefer motioned, seconded by Ms. Bohmke to adopt proposed Resolution R21-53.

The Voting Board tally was:

Yea: (4) Bohmke, Dudenhefer, Snellings, Vanuch

Nay: (3) Allen, Coen, Shelton

Adjournment At 8:53 p.m., Chairman Vanuch adjourned the January 19, 2021 Stafford County Board of Supervisors meeting.


Frederick J. Presley
County Administrator


Crystal Vanuch
Chairman

Print

Speaker Card - Submission #18912

Date Submitted: 1/17/2021

STAFFORD COUNTY SPEAKER CARD

Citizens may provide comments to be added to the record in lieu of speaking, and directly provided to the Board of Supervisors. If you are signing up to speak, please put that in the "written comments" section below, and make sure to put 3:00 p.m. or 7:00 p.m. PLEASE NOTE THAT SIGNING UP TO SPEAK FOR PUBLIC PRESENTATIONS ENDS AT THE CLOSE OF BUSINESS THE DAY BEFORE ANY PUBLIC MEETING, OTHERWISE YOU MUST SHOW UP TO A FIRST COME, FIRST SERVE PROCESS.

First Name*

Heidi

Last Name*

B

Address1*

754 Warrenton Road

City

Fredericksburg

State

VA

Zip

22406

Select an option*

January 19, 2021 Proposed Resolution R21-18 Consider CUP to Allow

I have learned by living in Embrey Mill that the acidity of the soil in Embrey Mill are severe and cause landscaping to die. I was never informed this by the community but found out through a neighbor who had this same issue. I had my soil tested and upon testing of the soil, it was discovered that my soil's ph was 4.1 (very acidic) and needed approximately 360 pounds of lime per 1,000 square feet. When I initially bought the property, I was informed I needed to lime, but not at these levels. In the Embrey Mill builder's handbook it states that a homeowner should lime at the rate of 50 pounds per 1,000 square feet. As you can see this is quite a substantial difference in the levels of lime needed. In addition, I learned from researching online that the radon levels of this area are extremely high as well. I have several questions regarding these issues since both could cause significant health concerns for people if not remedied or addressed in time. These same issues need to be addressed as part of the new phase zoning, considering the soil in the new phase just from outward appearance is extremely red in color and the new homeowners moving into that phase more than likely will encounter these same soil issues. 1. Did the developer test the ground soils previously before purchasing the land? a. If so, why were they not disclosed in an accurate fashion to all homeowners before purchasing? 2. There are several orange & red stains from rain and water run-off throughout the sidewalks and portions of the community. In some places you can observe that there has been erosion of the sidewalks already. Is this a result of sulfuric acid being present in the soil? 3. Was the developer aware of radon issues in the community? a. If so, why weren't radon mitigation solutions provided as part of the new home building process or radon test results provided to the potential new homeowner? 4. Have the ph levels of the soil or radon levels in the new phase been tested? a. If so, will new homeowners be provided with these test results? b. Will these test results be published for potential new homeowners? c. Will the developer ensure builders provide the necessary mitigation to each and every homeowner for soil and radon issues in the new phase? d. Is the developer aware of any health concerns that highly acidic soils can cause for current residents via continued exposure through air consumption or drinking water?

If you plan to speak at the meeting and you are signing up. Please say in these comments that you plan to speak. Thank you.

ADDITIONAL COMMENTS:
