BOARD OF SUPERVISORS
STAFFORD COUNTY, VIRGINIA
MINUTES
REGULAR MEETING
SEPTEMBER 6, 2022

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, September 6, 2022, in the Board Chambers, George L. Gordon, Jr. Government Center, 1300 Courthouse Road, Stafford VA.

ROLL CALL – The following members were present: Crystal Vanuch, Chairman; Pamela Yeung, Vice Chairman; Tinesha O. Allen; Meg Bohmke; Thomas C. Coen; Darrell E. English; and Monica L. Gary.

Also in attendance were Randal Vosburg, County Administrator; Rysheda McClendon, County Attorney; Cheryl Giles, Deputy Clerk; Julia Homes, Assistant Deputy Clerk; various staff members; and other interested parties.

CHAIRMAN'S COMMENTS

Ms. Vanuch commented that she and several other Board members had attended the recent Fredericksburg Area Chamber of Commerce First Responders Appreciation Breakfast, at which Detective Nicholas Riding of the Stafford County Sheriff's Office won the Excellence in Criminal Investigation Award for investigating, finding, and taking into custody the attempted abductor of a young girl in the Embrey Mill subdivision. She expressed her gratitude to the Sheriff's Office on behalf of the County for making this a safe community.

Ms. Vanuch also mentioned the Enon Water Tank and stated that the County is working daily to ensure the delivery of clean, quality water. She said that water is taken for granted here in the County but is a vital issue to human survival, and delivery interruption could mean a crisis in the community. She stated that Board members have worked for years to expand the County's water supply, beginning with the five-billion-gallon Lake Mooney Reservoir more than 20 years ago; today they started a $6.25-million water take on Enon Road, as part of ensuring that citizens have what they need.

Ms. Vanuch reported that the County also initiated "Ask Blue," with a blue heron icon for a new chatbot on the website to ask questions and get responses from staff.

Ms. Vanuch invited residents to an event on September 9, 2022 at 10 a.m. at the entrance to the Government Center to honor and remember the victims and the heroism of 9-11. She stated that they want to remember and memorialize those who gave their lives to save others and the civilians who died while living their everyday lives. She noted that enough time has passed for a generation to be unaware of what happened that day and the significance of the event, and it intends to keep that memory alive so it will not be repeated.

PRESENTATIONS

There were no presentations.

ADDITIONS - DELETIONS AND APPROVAL OF THE REGULAR AGENDA

There were no additions or deletions to the agenda.

Mr. Coen motioned, seconded by Ms. Bohmke, to approve the agenda.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

PRESENTATIONS BY THE PUBLIC - I

Ms. Vanuch read the protocol for public presentations.

1. Ms. Patricia Smith said she represented the Fredericksburg chapter of Virginia Organizing. She said they had raised their voices in support of needed changes for the custodial workers in public schools. She said they celebrated the cancellation of a contract between ABM, the corporation that hired and managed the workers, and the school district. She said the best solution was to hire the workers directly so that compensation packages were no longer invisible and exploitation and retaliation against the workers could not thrive. She said the County should meet with workers to better understand the needs and concerns. She said the only route to better working conditions was if the Board of Education was responsible for ongoing oversight.

   Ms. Smith quoted a statement from a worker for ABM:

   "Sometimes I have lacked strength to move on. I have felt demotivated, frustrated, because I have been subjected to abuse and retaliation by ABM for raising my voice. They suspended me without pay for three weeks with no reason. There have been times that I've thought that we really didn't have anyone with the power to change things to listen to us, to support us, especially if the County had abandoned us and didn't care what we were going through."

Ms. Smith said a core belief of Virginia Organizing was that all people should be treated fairly and with dignity, and every person was entitled to a living wage with a benefits package that was sufficient to provide the basic necessities of life.

2. Ms. Shannon Fingerholz noted the School Board had hosted townhall meetings and would continue to host townhalls. She said the public was requested to show up to the meetings. She said she understood that schools were expensive and funding was limited. She said schools were drastically important and the lack of funding to the schools was limiting the County's progress. She asked what the public had to do to make the Board approve more schools. She said the schools greatly affected home values, and she chose to stay in Stafford because of the quality of the schools. She said she would continue to come before the Board as she could to request funding for the schools.

3. Ms. Fran Larkins, 40 Battery Point Drive – said she would be referring to a map from a FAMPO study. She said she was speaking on the topic of agenda item 19. She noted the Board drafted a letter to FAMPO requesting the study of route options for a Rappahannock River crossing west of I-95. She said a bridge connecting Celebrate Virginia Parkway to Central Park, crossing the Rappahannock River, would serve to alleviate congestion on Route 17 and Route 3.

   Ms. Larkins said the increase in traffic on Celebrate Parkway would be devastating for the Celebrate community. She explained Celebrate was in four sections on the parkway. She said residents had to drive on the parkway to access the amenities for the neighborhood. She said it was a by-proffer gated community, and the gates were installed at all five entrances along the parkway. She said there was room at the gates for two or three cars before traffic would back up onto the parkway. She said the additional traffic from the crossing would make the area unsafe.

   Ms. Larkins suggested an alternative. She said Phase II of the East/West Mobility Study was presented to FAMPO on August 22. She said on page 31 of the study, there was a close-up illustration of the new crossing showing Celebrate Parkway continuing across the Rappahannock River and connecting with Gordon W. Shelton Boulevard. She said the road to the river crossing could instead begin on Route 17, use Banks Ford Parkway and Greenbank Road, and following it to the end at the Lake Mooney entrance to reconnect to the Celebrate Parkway but bypassing the homes of and near the Del Webb neighborhood.

4. Ms. Nancy Rueter, 42 Boulder Drive – said she supported the janitorial service for the school system. She said she was concerned about the warehouse situation because the County was becoming a city of warehouses. She noted the "City of Stafford" proposal and

how it was important for there to be a central downtown location. She said the proposed redistricting for downtown Stafford would create traffic difficulties.

Ms. Rueter said the warehouses would have deliveries arriving and departing, and the people who worked in the warehouses likely could not afford to live in Stafford, so they would be on the road commuting to work as well. She said they had to consider what they wanted to be, as a community. She said she had been a school counselor for 27 years, and she had worked with many school-custodial staff.

Ms. Rueter said they were part of the school community and interacted with the children. She said it was imperative that the school system and the County be the one to hire custodial staff and make decisions regarding employment. She said the County needed to take care of their custodial staff.

5. Ms. Ginny Christina, 204 Taylor Street – said she was speaking in support of completion of the Ferry Farm trail. She noted the project had been in the newspaper and received a lot of community support. She said parks and trails were important by lending a sense of place, and they were popular. She said the completion of the Ferry Farm trail would connect it to larger trail networks—the local network, historic trail networks, and the greenway.

6. Ms. Margaret Mock, 215 North Randolph Road – she said she would discuss the Belmont Ferry Farm trail. She said many people had stopped her to say they were interested in the trail but did not know the Board would not approve the proposal. She requested that the Board reconsider the proposal.

7. Ms. Kristin Maxson, 1816 Richmond Highway – said she appreciated the teachers who wanted development to slow. She said she appreciated the people who supported the trail, and the trail would affect the property owners. She said the land should be properly valued. She noted she had the Potomac Church Farms Preliminary Subdivision Plan before her, originally presented to the Board on December 11, 2019 by Jeffrey Harvey. She said zoning was good if it allowed time. She said there was a schedule for the parks department. She said she was never notified of a transfer development right that was put on her land. She said stormwater management was created as an ad hoc committee.

8. Mr. Joe Brito said he lived on West Rocky Run Road. He said he represented 4,500 people who signed a petition in support of a study for the Fredericksburg Area Interconnector and Trail network. He said a river crossing was being considered on the Board's agenda. He said all of the proposed crossings should be studied. He said some of the crossings would have more impact than others. He said if Celebrate Virginia Parkway was used for the

crossing, then there should be a truck prohibition on the road. He said the County did not have a grid street system, and that created traffic issues. He said there were two north-south roads and 10 east-west roads. He proposed a new north-south road that conformed to the Comprehensive Plan. He said his proposal included connecting five existing roads together with new road construction. He said the road would be a total of 13 miles from Garrisonville to Route 3, but only six miles would need to be constructed.

9. Mr. Paul Milde, 10 Potomac View Lane – said he had lived in Stafford for 35 years. He recounted the history of Stafford County from the Civil War to the 1920s. He said the current courthouse was constructed in 1922. He noted a wall along Courthouse Road was part of the old jail constructed in the 1780s. He said he wanted to celebrate the 100-year anniversary of the courthouse.

10. Mr. Voldymyr Zhukov, 102 Leisure Street – he recounted an issue he had with the police in 2014. He said while returning from work, four police officers were in his garage waiting for him. He said the officers did not have a warrant and would not tell him what the charges were, but they would not let him enter his house. He said the officers arrested him for assault. He asked if the officers who did not care about the law or Constitution had to continue to be employed by the County.

REPORTS BY BOARD MEMBERS

Ms. Bohmke – stated she attended two townhall meetings—one at Rocky Run and one at Conway Elementary—where they covered the school division's growth needs and what collaborative work needed to be done to build new schools. She said the conversation covered High School #6 and elementary schools. She stated the school division had rights to the new ground for High School #6 but they did not legally own it. She said there was a joint meeting with the School Board in October to discuss the CIP. She said she would tour Drew Middle School and Hartwood Elementary School prior to the joint meeting.

Ms. Bohmke thanked Phil Hornung who spearheaded the research on Samuel Langley. She said the event at the airport was great. She explained Samuel Langley created the Aerodrome #5 which made a flight via catapult of 3,000 feet over the Potomac River in 1896 from Chopawamsic Island. She said it was a precursor to the Wright Brothers' inventions. She stated a replica of the Aerodrome #5 would be created and displayed at the airport.

Ms. Bohmke said there was a Landfill CAC meeting on composting and recycling chaired by Matt Kelly, City Council. She said the landfill was a combination of the City and the County. She said more information would be gathered from neighboring counties that had more active compost and recycling programs.

Ms. Bohmke mentioned she had previously attended the Diversion Program in Fairfax County. She said the program would be held again, managed by VACo, and would be held on Thursday from 10 a.m. to 3 p.m. She said she would be attending.

Ms. Bohmke said the medians in Stafford County were abysmal. She explained the major roads were mowed three times a year and the secondary roads two times a year. She noted Fairfax paid extra for its medians to be mowed more frequently. She asked if the Board was willing to look into a contract with VDOT to explore an option of having the medians mowed more frequently.

Ms. Vanuch asked if the item should be added to new business so that it was not a proposal that was tossed to the Board.

Ms. Bohmke said she would bring it as a new business item.

Mr. Coen – thanked Mike Morris, Brion Southhall, the Parks and Recreation, Community Engagement personnel, Chief Cardello, the Swiftwater team, Sheriff Decatur, and the deputies, for the work done to implement the new policy at the Historic Port of Falmouth Park. He thanked Medic 7, Crystal Comers, and Stephen Norman. He thanked Anthony Toigo and John Saunders and their team for help on various constituent issues.

Mr. Coen said he did not attend the school division townhall meetings because he did not know of them until after his calendar was full. He said the Board made changes to the CIP to expedite the construction of an elementary school. He said the Board examined a bond referendum the prior spring as a means to expedite school construction. He said many of the involved stakeholders and decision makers were doing what they could to build more schools.

Mr. English – thanked John Carberry, Seth Rodrick, and Steve Bolton—instrumental in procuring a replacement headstone for John Wallace, a Revolutionary War veteran who served at Valley Forge. He said the presentation on Samuel Langley was excellent, and the website was <www.langfound.org>.

Mr. English stated an extension to the Stafford Airport would open on Friday. He said the runway extension would open with a ceremony, weather permitting. He thanked Mike Cannon for his work with broadband access in Hartwood.

Mr. English announced Ms. Barbara Jean Robinson Hamilton died on July 28, 2022—Ms. Hamilton was a Stafford local, and she served on the Social Service Board for 12 years, selected by Ms. Poindexter from Widewater.

Mr. English announced Mr. Billy Armstrong died on August 31, 2022—Mr. Armstrong was a lifelong member of the Mountainview Rescue Squad, and he leaves behind his wife, Virginia, who is also active in the Mountainview Fire and Rescue, and three children, William Jr., Donna, and Troy.

Mr. English said he attended the Rocky Run townhall meeting. He said he was committed to building a new school for Hartwood Elementary. He said the Chair was not notified that the Governor was visiting the County the previous week. He said it was poor judgment for the Board to not be notified of the Governor's attendance. He said they found out through Facebook.

Ms. Gary – said she attended the VACo County Officials Summit, and she announced she would be joining it. She noted Ms. Bohmke was chairing the summit. She said she attended the First Responders Breakfast and the Langley Flight Foundation event. She said the Langley Foundation was taking donations for the construction of the Aerodrome #5 model.

Ms. Gary said the airport extension would not increase the size of aircraft coming through the airport, but it would increase the efficiency because planes would be able to fuel up for longer trips. She said she attended the townhall meetings on the growth crisis. She said she was aware of the issues, and she noted her children were enrolled in the school system. She shared a story that one of the music teachers for the Stafford Public Schools did not have a classroom and had to carry his class materials on a cart. She said the students should not have to worry about the County funds and how it was impacting the schools.

Ms. Gary said she had attended the Juicy Bucket opening. She explained Juicy Bucket was a new restaurant that opened in the town center area of Aquia. She clarified that the restaurant served seafood. She said she had received many emails regarding the proposed river crossing interconnector.

Ms. Yeung – said on August 17 and 18, a team met with Karen Merrick, the Virginia Secretary of Commerce and Trade, and the Virginia Economic Development Partnership. She said there was a tour that began at the Dahlgren Base, and there was a reception. She said on Wednesday, the community came together at the Fredericksburg Expo to honor first responders and public safety officials, and the Lieutenant Governor presented the keynote address.

Ms. Yeung said on September 1, she attended the PRTC meeting, and at the meeting, they voted on the monthly jurisdictional financial report and an award contracted to Kimley Horn to update the commuter assistance program strategic plan. She said the director discussed the change in ridership—in June 2021, it was 1,900, and a year later it was 51,400. She thanked Phil Hathcock for taking care of the citizens.

Ms. Allen – announced for the entire month of September, VRE was free. She said over the weekend, she volunteered with the group that makes and serves breakfast at the Brisben Center. She noted many County residents utilized the facility despite it being located in the City, so she encouraged people to donate and volunteer.

Ms. Allen apologized for people still experiencing issues with GFL. She said she had met with GFL representatives and had been assured that the services were back to pre-merger levels, but she was still receiving complaints. She said the complaints were shared with GFL.

Ms. Allen said for the residents of the Widewater Beach Association, the POA transfer of the property was still in process. She said the goal was to have the process completed by 2023. She said in regards to the Brent Point Road safety issue due to the narrow width and influx of traffic, the County and VDOT were evaluating ways to widen the road to alleviate the safety concerns.

Ms. Allen said she received a tour from Dominion Energy to explore the lines that serviced Widewater. She said some of the issues that were experienced during inclement weather were illustrated. She noted the forestry and terrain were significant impacting factors for the power lines, and at times, line workers had to navigate the terrain on foot. She said Dominion had worked to create a more resilient grid.

Ms. Allen mentioned she had attended the First Responders breakfast. She congratulated Pastor Swanson on his retirement from New Shiloh Baptist Church. She said she was in New York City when 9/11 happened, and she was able to see the towers from her school. She encouraged parents to continue to be engaged with the school process. She said there was a lack of infrastructure, and schools were a critical need.

Ms. Vanuch – thanked the staff involved with the Safety-Wedge Widening projects on Winding Creek Road and in the Rockhill and Garrisonville District. She noted the project had been completed. She said for Lake Arrowhead residents, paving was underway, and it would be over in a few months. She instructed people to remove their cars from the side of the road while VDOT paved the roads.

Ms. Vanuch mentioned the growth meetings hosted by the School Board. She said the Garrisonville/Rockhill meeting was scheduled for Thursday, September 8, 7 p.m. at North Stafford High School. She said she would present on the growth challenges at the state level that affected the local level.

Ms. Vanuch announced that on Saturday, 8 a.m. at the FredNats Stadium, the Stafford County Fire and Rescue was hosting a stair climb and coordination with Tunnels to Towers. She said people could show up and register the day of the event to climb the stairs in memorialization of 9/11. She thanked her FAMPO colleagues for their continued support and due diligence in reviewing an additional river crossing west of I-95.

REPORT OF THE COUNTY ATTORNEY

Ms. McClendon had no report.

REPORT OF THE COUNTY ADMINISTRATOR

Mr. Vosburg said the only item he had was the expenditure report which was in the Board's packet.

CONSENT AGENDA

Ms. Vanuch asked if there was approval of the consent agenda minus items 2 and 4 pulled by Supervisor Yeung.

Ms. Bohmke motioned, seconded by Mr. Coen, to approve the consent agenda as amended.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

Ms. Vanuch asked if there was further discussion on the item or if there was a motion for approval.

Ms. Bohmke motioned, seconded by Ms. Vanuch, to approve consent agenda Item #2, Additional One-Half Day Leave For County Staff.

Ms. Yeung said she wanted to pull the item because she felt the County staff had already been given a floating half-day holiday, and she thought it would be best to use that holiday instead of providing an additional half-day. She said it would be fiscally irresponsible to close some of the business that was proposed to close on the half-day.

Ms. Allen asked if there was a final total for the cost of the additional half-day.

Mr. Vosburg said they were waiting on payroll figures from the Sheriff's Office. He said the current figure was approximately $62,000.

Ms. Allen asked if it was known how many employees were eligible to attend.

Mr. Vosburg said they had about 400 eligible employees, and several had already requested vacation time. He said the last figure he received was an informal count of 100 employees wishing to attend.

Ms. Allen asked if there was a policy in place where, if the Board wanted to host a similar event, they were better informed of potential attendance figures. She noted they were making a decision 24 hours before the event.

Mr. Vosburg said the short notice was because of the nature of the event. He said it was contingent on if the team won their game.

Ms. Allen said she did not support the proposal because it was not a good usage of tax dollars and it set a bad precedent for when other teams had tournament games. She said the money could be used for better security at the County Office building.

Ms. Gary said she supported the proposal, but the process could be tweaked for the future. She said many organizations had efforts to encourage team building, and it was not an irresponsible use of tax dollars. She said she was interested in the figures showing the positive economic impact of the proposal.

Ms. Bohmke said she supported the proposal. She said she was unable to attend the event because she was chairing a meeting in Roanoke for VACo. She said she did not like how the proposal was last minute, but it was the nature of the event. She said it was a good opportunity for people who had not been to FredNats Stadium to go with their colleagues. She said she was disappointed more people did not attend the event. She said she wanted the Commissioner of Revenue and the Treasurers' Office to remain open in case people wanted to conduct business, but the offices had closed.

Mr. Coen said not knowing the fiscal impact of the proposal was the most troubling aspect. He said in the future, he wanted to know the fiscal impact and rationale of a proposal to support it. He said he supported the proposal. He noted there were several employees who were out in the field during the day and high heat. He said every division of the organization was still dealing with COVID-19. He said staff were taking on the work of people who were out sick with COVID-19 to meet the needs of the community. He said the County should do something to recognize the work. He agreed there should be a policy that gave the County Administrator discretion to make decisions.

Ms. Vanuch said the County had not had any team-building exercise for its employees since prior to the pandemic in early 2020. She said the proposal was seen as an investment in the staff to encourage them to be invested. She explained that Stafford baseball had made it to the National World Series.

Ms. Vanuch explained that whenever the County had a closure, the departments that received the most payment were the Commonwealth Attorney's Office, the Courts, the first responders, and utility workers. She said every taxpayer essentially paid $0.58 for the first responders to have a $200 bonus. She said the Virginia State Police passed a new pay scale—Stafford deputies could end up making $15,000 to $20,000 more working for the state police and still live in the County. She said retention of first responders had to be considered.

Ms. Vanuch called for the vote.

The Voting Board tally was:

Yea:	(4)	Bohmke, Coen, Gary, Vanuch
Nay:	(3)	Allen, English, Yeung

Ms. Yeung motioned, seconded by Mr. Coen, to defer Consent Agenda Item #4, to Approve an Appointment to the Parks and Recreation Advisory Committee, to the September 20, 2022 Board meeting.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	

Item 1. County Administration; Approve August 16, 2022 Board of Supervisors Meeting Minutes.

Item 2. County Administration; Ratify Authorization of Four Hours of Holiday Pay on Friday, August 19, 2022 to Celebrate and Support the Stafford Warriors in the Babe Ruth World Series Baseball Tournament Played in our Region.

Item 3. County Administration; Appoint Ms. Meg Bohmke to the Bay Consortium Workforce Development Board to Replace Ms. Pamela Yeung.

Item 4. County Administration; Appoint Mr. Michael Parkyn to the Parks and Recreation Advisory Commission Representing the Garrisonville Election District for a Term Ending December 31, 2025.

Item 5. County Administration; Appoint Ms. Ynolde Gillan to the Diversity Advisory Coalition Representing the Garrisonville District for a Term Ending December 31, 2022.

Item 6. County Administration; Appoint Mr. Gary Snellings to the Board of Social Services to Serve for a Term Ending December 31, 2022.

Item 7. County Administration; Appoint Ms. Ann Palbalkar to Represent the Aquia Election District on the Citizens Transportation Advisory Committee (CTAC).

Item 8. Capital Projects Transportation; Authorizes the County Administrator to Execute a Task Order with Whitman, Requardt & Associates, LLP for Construction and Engineering Inspection Services for the Route 1 & Courthouse Road Improvement Project.

Resolution R22-219 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TASK ORDER WITH WHITMAN, REQUARDT & ASSOCIATES, LLP FOR CONSTRUCTION AND ENGINEERING INSPECTION SERVICES FOR THE ROUTE 1 & COURTHOUSE ROAD IMPROVEMENT PROJECT

WHEREAS, the Board identified improvements to Route 1, between the intersections with Hope Road (SR-687) and Courthouse Road (SR-630) (Project), as a critical part of Stafford County's roadway improvement plan; and

WHEREAS, Whitman, Requardt, & Associates, LLP (WRA) is authorized to provide on-call transportation engineering services, pursuant to Contract No. 21-011-9602-WRA-B; and

WHEREAS, WRA submitted a proposal in the amount of $1,056,100 to provide construction engineering, management, and inspection services for the Project; and

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

WHEREAS, funding in the amount of $11,490,586, previously budgeted and appropriated for the construction phase of the Project, is available to fund this task order;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that the County Administrator be and he hereby is authorized to execute a task order with Whitman, Requardt & Associates, LLP to provide construction engineering, management, and inspection services for the Route 1 & Courthouse Road Improvement Project, in an amount not to exceed One Million Fifty-Six Thousand One Hundred Dollars ($1,056,100), unless modified by a duly-authorized contract amendment.

Item 9. Capital Projects Transportation; Petition the Virginia Department of Transportation to Include Stephanies Street and Babs Run within Adeline Estates, and Edgewater Drive and Walden Pond Court within Estates at Rocky Pen into the Secondary System of State Highways.

Resolution R22-227 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CHANGES TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR ESTATES AT ROCKY PEN LOCATED IN THE FALMOUTH-HARTWOOD ELECTION DISTRICT

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Edgewater Drive and Walden Pond Court within Estates at Rocky Pen into the Secondary System of State Highways, as described on the attached VDOT Additions Form AM-4.3; and

WHEREAS, VDOT inspected these roads and found them 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 6th day of September, 2022, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include Edgewater Drive and Walden Pond Court within Estates at Rocky Pen into the Secondary System of State Highways, as described on the attached VDOT Additions Form AM 4.3; and

BE IT FURTHER RESOLVED that an unrestricted right-of-way with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Estates at Rocky Pen, recorded among the land records of Stafford County, Virginia in Plat Map No. PM140000123 with Instrument No. LR140011841 on August 5, 2014; and

BE IT STILL 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.

Resolution R22-228 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CHANGES TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR ADELINE ESTATES LOCATED IN THE FALMOUTH-HARTWOOD ELECTION DISTRICT

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Stephanies Street and Babs Run within Adeline Estates into the Secondary System of State Highways, as described on the attached VDOT Additions Form AM-4.3; and

WHEREAS, VDOT inspected these roads and found them 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 6th day of September, 2022, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include Stephanies Street and Babs Run within Adeline Estates into the Secondary System of State Highways, as described on the attached VDOT Additions Form AM 4.3; and

BE IT FURTHER RESOLVED that an unrestricted right-of-way with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Adeline Estates, recorded among the land records of Stafford County, Virginia in Plat Map No. PM180000067 with Instrument No. LR180010410 on February 20, 2018; and

BE IT STILL 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 10. Capital Projects Transportation; Authorize the County Administrator to Provide a Letter of Support for the George Washington Regional Commission's Safe Streets and Roads for all (SS4A) Safety Action Plan Grant Application and Budget and Appropriate the Required Match from the Transportation Fund.

Resolution R22-234 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO PROVIDE A LETTER OF SUPPORT FOR THE GEORGE WASHINGTON REGIONAL COMMISSION'S SAFE STREETS AND ROADS FOR ALL (SS4A) SAFETY ACTION PLAN GRANT APPLICATION

WHEREAS, the Bipartisan Infrastructure Law (BIL), also known as the Infrastructure Investment and Jobs Act (IIJA), established the new Safe Streets and Roads for All (SS4A) discretionary grant program; and

WHEREAS, the IIJA is funded with $5 billion in appropriated funds over the next five (5) years and provides up to $1 billion in grant funding in federal fiscal year 2022 (FFY22) for the SS4A program; and

WHEREAS, the SS4A program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries; and

WHEREAS, local jurisdictions, including the City of Fredericksburg and the Counties of Caroline, King George, Spotsylvania, and Stafford have expressed interest in the development of a regional, comprehensive safety action plan (Action Plan) to identify potential safety improvement projects; and

WHEREAS, the George Washington Regional Commission (GWRC) is seeking to submit a funding application for the SS4A grant program to secure the necessary funding to develop a regional Action Plan; and

WHEREAS, the cost to develop the regional Action Plan has been estimated at $120,000 and would require a 20% match from participating localities; and

WHEREAS, Stafford County's portion of the match is pro-rated based on the population of the County compared to surrounding localities and would be $9,874; and

WHEREAS, funding in the amount of $9,874 is available in the Transportation Fund and can be budgeted and appropriated for this purpose if and when the grant is awarded; and

WHEREAS, GWRC has requested a letter of support from participating localities to express their approval of the grant application and commitment of required matching funding;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that the County Administrator be and he hereby is authorized to provide a letter of support for George Washington Regional Commission's application for a Safe Streets and Roads for All (SS4A) grant to develop a regional, comprehensive safety action plan for the County and surrounding localities; and

BE IT FURTHER RESOLVED that the Board acknowledges the availability of $9,874 in the Transportation Fund that can be budgeted and appropriated as the County's portion of the matching funds required if the SS4A grant is awarded.

<u>Item 11. Information Technology; Authorize the County Administrator to Execute a Contract with Environmental Systems Research Institute, Inc. (ESRI) for the Purchase of Geographic Information System (GIS) Enterprise Software and Services.</u>

<u>Resolution R22-138 reads as follows:</u>

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. FOR THE PURCHASE OF GEOGRAPHIC INFORMATION SYSTEM (GIS) ENTERPRISE SYSTEM SOFTWARE AND SERVICES

WHEREAS, Environmental Systems Research Institute, Inc. (ESRI) provides the County's geographic information system (GIS), ArcGIS, ArcPro and all extensions, internal and external web-enabled applications, to include ArcGIS Server, ArcGIS Online/Enterprise, and map services; and

WHEREAS, ESRI software is essential in building the hundreds of layers of information to develop maps for the internal GIS use and for the public; and

WHEREAS, the County previously procures ESRI software cooperatively through the Virginia Information Technologies Agency (VITA) Contract# VA-090403-ESRI; and

WHEREAS, ESRI offers an enterprise agreement tailored to local governments which provides more competitive pricing, quicker deployments with unlimited software installations of applications, support all County departments, and the flexibility to adhere to information technology best practice standards to optimize performance and support scalability; and

WHEREAS, purchasing the GIS software under an enterprise agreement has been approved by the Chief Financial Officer as a sole source purchase through ESRI; and

WHEREAS, funds are budgeted in the General Fund and Utilities Fund for FY2023 for ESRI software licenses and maintenance, and subsequent contract years are subject to Board budget and appropriation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that the County Administrator be and he hereby is authorized to execute a three-year contract with Environmental Systems Research Institute, Inc. to purchase geographic information system (GIS) enterprise software and services in an amount not to exceed Three Hundred Ninety Thousand Dollars ($390,000), unless amended by a duly-executed contract amendment.

Item 12. Utilities: Authorize the County Administrator to Approve Expenditures and Ratify Contract with Sherwood-Logan and Associates LLC for Wastewater Equipment, Parts and Related Services.

Resolution R22-194 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE ADDITIONAL EXPENDITURES AND RATIFY A CONTRACT WITH SHERWOOD-LOGAN AND ASSOCIATES LLC FOR WASTEWATER EQUIPMENT, PARTS AND RELATED SERVICES

WHEREAS, pumps are an integral component of the operation of each of the pump station facilities and treatment facilities; and

WHEREAS, for each sewer pump station and treatment plant, the Department of Utilities is required to maintain a minimum of two operational pumps at all times; and

WHEREAS, the County currently has 4 treatment plants, 92 pump stations, 9 booster pump stations and 16 water tanks; and

WHEREAS, the County executed a contract with Sherwood-Logan and Associates LLC, Rider Agreement No. 22-027-5030-CO, which rides a contract awarded by Alexandria Sanitation

Authority, Contract No. 21-014-6, to furnish and deliver wastewater plant equipment, parts, consumables and related services; and

WHEREAS, funds for the purchase of the equipment and related services is available in the Utilities Enterprise Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that the contract with Sherwood-Logan and Associates LLC, Stafford County Rider Agreement No. 22-027-5030-CO, for an initial contract term of September 30, 2021 to August 10, 2026, with two additional one-year renewal terms, be and it hereby is ratified and approved; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to approve expenditures to Sherwood-Logan and Associates LLC to furnish and deliver wastewater plant equipment, parts, consumables and related services in an amount not to exceed One Million Dollars ($1,000,000), unless modified by a duly-executed amendment.

Item 13. Utilities; Authorize the County Administrator to Approve Expenditures and Ratify the Contract with Univar USA, Inc. for Water Treatment Chemicals.

Resolution R22-206 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE EXPENDITURES AND RATIFY THE CONTRACT WITH UNIVAR USA, INC. FOR WATER TREATMENT CHEMICALS

WHEREAS, the County's water treatment facilities require Sodium Hypochlorite for the treatment of water; and

WHEREAS, the County executed a contract with Univar USA, Inc., Rider Agreement #22-041-5030CI (Contract), which rides a contract awarded by Spotsylvania County, Contract #19-08-TV-01 to furnish and deliver the water treatment chemicals; and

WHEREAS, the contract value is anticipated to exceed $200,000 in total costs and further Board action is required for additional expenditures; and

WHEREAS, funds are available in the Utilities Fund Operating Budget and can be used or this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that the contract with Univar USA, Inc. Stafford County Rider Agreement #22-041-5030CI, for an initial term of November 10, 2021 to July 31, 2022, with three additional one-year renewal terms be and it hereby is ratified and approved; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to approve additional expenditures with Univar USA, Inc. to furnish and deliver water treatment chemicals in an amount not to exceed Three Hundred Eighty Thousand Dollars ($380,000), unless modified by a duly-executed contract amendment.

Item 14. Utilities; Authorize the County Administrator to Approve Additional Expenditures for Grounds Maintenance Services at Utilities Locations.

Resolution R22-207 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE ADDITIONAL EXPENDITURES FOR GROUNDS MAINTENANCE SERVICES AT UTILITIES LOCATIONS

WHEREAS, the Department of Utilities requires professional services for the grounds maintenance and landscaping services at water and wastewater treatment facilities, sewer pump stations, water booster pump stations and water tanks throughout the County; and

WHEREAS, the County currently has a contract with GM Lewis Enterprises LLC, pursuant to Invitation for Bid (IFB) #22-008-5090-SB, for grounds maintenance and landscaping services; and

WHEREAS, FY2023 will be the first of the four one-year renewal periods; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that the County Administrator be and he hereby is authorized to approve additional expenditures with GM Lewis Enterprises LLC for grounds maintenance and landscaping services for Department of Utilities facilities in an amount not to exceed Nine Hundred Fifty Thousand Dollars ($950,000), in a total contract amount of $1,074,711, unless modified by a duly-executed contract amendment; and

BE IT FURTHER RESOLVED, subsequent renewal term costs shall not increase by more than the price increases permitted in Invitation for Bid (IFB) #22-008-5090-SB.

Item 15. Utilities; Authorize the County Administrator to Approve Expenditures and Ratify a Contract with Highway Garage, Inc. for Towing and Sublet Services.

Resolution R22-223 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE EXPENDITURES AND RATIFY A CONTRACT WITH HIGHWAY GARAGE, INC. FOR TOWING AND SUBLET SERVICES

WHEREAS, the Department of Utilities maintains a large fleet of various types of vehicles, such as pickup truck, trailers, dump trucks, vacuum trucks, and crane trucks that require professional towing and sublet services; and

WHEREAS, the County executed a contract with Highway Garage, Inc., Rider Agreement No. 21-071-5090CI, which rides a contract awarded by Stafford County Public School Contract No. 20-SPCS-203D, for towing and sublet services; and

WHEREAS, the contract value is anticipated to exceed $200,000 in total costs and Board action is required; and

WHEREAS, funds for these services are available in the Utilities Fund Operations Budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that the contract with Highway Garage, Inc., Stafford County Rider Agreement No. 21-071-5090CI, for an initial term from May 13, 2021 through June 30, 2021, with five optional one-year renewals, be and it hereby is ratified and approved; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to approve expenditures for towing and sublet services in an amount not to exceed Two Hundred Fifty Thousand Dollars ($250,000), unless modified by a duly-executed contract amendment.

Item 16. Utilities; Authorize the County Administrator to Approve Expenditures with Carter Machinery Company, Incorporated for Generator Inspections, Maintenance and Repair Services.

Resolution R22-222 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE ADDITIONAL EXPENDITURES WITH CARTER MACHINERY COMPANY, INCORPORATED FOR GENERATOR INSPECTIONS, MAINTENANCE, AND REPAIR SERVICES

WHEREAS, generators are an integral component to the operation of facilities for Utilities and Parks, Recreation and Community Facilities (PRCF) ; and

WHEREAS, each of the facilities require multiple generators and each require professional maintenance, inspections and repair services that are beyond the County staff; and

WHEREAS, the County has an existing contract with Carter Machinery Company, Incorporated, Rider Agreement No. 21-042-5010CI, for these services; and

WHEREAS, the Utilities Department anticipates expending $600,000, and PRCF anticipates expending $350,000 during the remaining contract year; and

WHEREAS, funds for these services are available in the Utilities Enterprise Fund, Operating Budget and PRCF Operating Budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that the County Administrator be and he hereby is authorized to approve additional expenditures with Carter Machinery Company, Incorporated for generator maintenance, inspections and repair services in an amount not to exceed Nine Hundred Fifty Thousand Dollars ($950,000), unless modified by a duly-executed contract amendment.

Item 17. Utilities; Authorize the County Administrator to Execute a Task Order with Sagres Construction Corporation for Blair Road Waterline Improvements in the Ferry Farms Subdivision.

Resolution R22-226 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TASK ORDER WITH SAGRES CONSTRUCTION CORPORATION FOR BLAIR ROAD WATERLINE IMPROVEMENTS IN THE FERRY FARMS SUBDIVISION

WHEREAS, the replacement of the watermain along Blair Road will specifically address aging and deteriorating infrastructure which currently conveys potable water in the Ferry Farm Subdivision; and

WHEREAS, the new piping, gate valves, fire hydrants and service connections will be more reliable and increase water circulation, reduce service disruptions, increase water flow, and lower annual maintenance costs; and

WHEREAS, the work may be procured via a task order through the Utilities On-Call General Construction Contract with Sagres Construction Corporation (Sagres), Contract #21-003-5030SB-R-SC; and

WHEREAS, staff reviewed the proposal submitted by Sagres and determined it to be reasonable for the scope of work desired; and

WHEREAS, funds are available in the Utilities Capital Improvement Project (CIP) Fund and may be used for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that the County Administrator be and he hereby is authorized to execute a task order with Sagres Construction Corporation for waterline improvements on Blair Road between Mercer Lane and Westwood Drive in an amount not to exceed Four Hundred Two Thousand Six Hundred Thirty Dollars ($402,630), unless modified by a duly-executed change order.

UNFINISHED BUSINESS

Item 18. By-Laws Committee; Consider Proposed Amendments to the Board's By-Laws and Rules of Procedure.

Mr. Coen explained the by-laws committee consisted of himself and Ms. Gary. He said the previous year, he and Ms. Lamb were on the committee, but it was delayed because of the elections so the Board did not address the items identified by the committee.

Mr. Coen said the committee included himself, Ms. Gary, the County Attorney, the County Administrator, and other staff. He said the Board could approve all of the proposed changes, or they could review and discuss the items individually. He said mentioned Section 1-1(B) was to remove the prohibition on a Board member serving as Chair when their seat was up for election. He said there was a strong possibility that each supervisor would be up for reelection due to redistricting. He said last year, it was suggested the rule be struck, but the suggestion this year was to leave the rule in place. He said the reason for the rule was because the position of Chair was powerful as they conducted meetings and controlled the agenda.

Ms. Vanuch asked why the code section had redline edits.

Ms. McClendon explained the committee wanted to ensure the Board had all of the proposed amendments. She said the proposed amendment was to remove the code section, so it was redlined to show the proposal from 2021.

Ms. Vanuch asked Mr. Coen how he wanted to handle the presentation. She asked if the Board would be polled or if they would take individual votes.

Ms. McClendon said it was at the discretion of the Board. She noted that the resolution in the Board packet would adopt the by-laws with only the amendments that the committee had recommended. She said if there was disagreement among the Board members, they could address the amendments one by one.

Mr. Coen reiterated that the Board could vote on the items individually or they could approve them as the committee recommended.

Ms. Yeung suggested that because there were several items, the Board members state where they agreed and disagreed and then comment on the matter.

Mr. Coen explained Sections 3-1(C) and 6-1(B) were a proposal developed several years ago. He said it would require updates to be provided on the committee work to the Board. He said updates could be written or oral.

Ms. Bohmke clarified the rule would only apply to Board committees and did not apply to regional committees.

Mr. Coen responded that Section 3-1(C) was for the local committees, and Section 6-1(B) was for the other committees. He said it would be a way to help communicate County business.

Ms. Bohmke said five minutes was not sufficient to provide an update. She said the committees covered a lot of information, and she did not know how to provide a full update.

Mr. Coen said the update could be in written form.

Ms. Gary said they reviewed the language to ensure it said Board members may also provide updates as required. She said they were allowed to communicate outside of the Board meetings.

Ms. Yeung clarified whether they received updates with the agenda.

Ms. Vanuch asked if they received minutes for the committee meetings.

Ms. Bohmke responded no.

Ms. Vanuch said the question should be doing minutes for the committee meetings. She said she would not write summaries of the meetings for members who did not attend.

Ms. Yeung said they should consider minutes for the committee meetings.

Ms. Allen said for the in-house committees, they could consider minutes. She said in regards to the outside committees, there was a challenge because the Board members served on several committees. She said as their workload increased, they needed to have a discussion about staff helping the Board navigate the information.

Mr. English said they needed to start taking minutes at the committee meetings, but they did not have time to review all of the meetings. He said the minutes could be brief summaries, not verbatim.

Ms. Bohmke asked Mr. Vosburg what he had seen other counties and jurisdictions do in terms of committee updates.

Mr. Vosburg explained Florida and Virginia were different. He said in Florida, Board members could not convene unless they were all together in a public meeting, so committees were different. He noted Florida had liaisons to different boards who would provide verbal updates to the Board, and there was nothing in writing.

Ms. Bohmke asked if the members served on a similar number of committees as Stafford.

Mr. Vosburg said they did not serve on as many committees. He said it was a different model that was not used in his jurisdiction. He noted some meetings were routine, but if significant items came up, then they would brief the Board at the next meeting.

Ms. Gary said the discussion would be brought up again in regards to needing more help.

Ms. Vanuch recommended that they highlight the area and come back to the item. She said it did not have to be approved at the meeting, and it could be approved at a later meeting. She said she did not support requiring updates be provided to members who missed committee meetings. She said there were former Board members who never provided committee updates to the Board. She said it made more sense for the requirement to apply to the at-large boards and committees such as FAMPO rather than the Board's own committees.

Mr. Coen said minutes were a big process. He said they would need to know how much staff time was involved in the process.

Ms. Allen asked if it would be possible to record the committee meetings rather than take minutes. She said the meetings could be accessed for streaming afterwards.

Ms. Vanuch said recording costs an extra $1,000 every meeting.

Ms. Allen said it was worth considering.

Mr. Coen said the next sections were Sections 3-5(B) and 3-10. He said the sections would require that items added onto the agenda would require a 2/3 vote as new business, and they could only be voted on at that meeting if the vote was unanimous. He said Section 3-10 was suggested to suspend the rules to match Section 3-5(B).

Ms. Allen clarified the sections were in relation to same-day meetings.

Mr. Coen said that most of the time, when items were ruled time-sensitive, they usually passed unanimously. He said if an item were to be added on at the last minute, it would take a supermajority of the Board's vote.

Ms. Vanuch said she did not agree. She said there were many times in committees when an item was brought before the Board that needed to be added to the agenda. She said the rule change made it possible for one member to kill an item. She said the proposal was not a good way of doing business. She said she would vote against the whole proposal if the current item was included.

Ms. Gary said after the by-laws committee had decided to include the rule change, she saw a real-life instance of where the rule would not work. She said the rule amendment should be tabled and reconsidered at a later time.

Ms. Bohmke said there were several situations where items were added to the agenda but the Board had not formed an opinion. She said the vote should be 2/3 but not unanimous for last-minute additions.

Ms. Vanuch said when the General Assembly was in session, they often had to write delegation letters that were often heated and passed by 4:3 votes. She said the RTIC proposal had to be approved as new business and time-sensitive.

Ms. Allen said she did not know how unanimous was defined—she asked if a 5:2 vote was unanimous. She said she would rather the rule remain at a 2/3 majority requirement.

Mr. Coen said it seemed the rules for 3-5 and 3-10 would be deferred. He requested staff to provide examples of last-minute agenda additions.

Ms. Bohmke said one of the examples was additional holidays day for County employees.

Mr. Coen said the next rule amendment was for Section 6-1(A). He said the rule was brought forward by staff. He said if Board requests were to include a large amount of staff time, it would have to be a request from the majority of the Board. He said often, there were communication issues with the work expectations.

Ms. Allen said the amendment emphasized the need for more staff. She said if the Board had its own staff, it would lessen the burden on the other staff to perform research for the Board.

Ms. Yeung said new supervisors needed more information. She asked if the Chairman was included in the requirements regarding the use of staff time.

Mr. Coen said it was a good question, but they did not get into the details to provide an answer.

Ms. Vanuch said in the Chair and Vice-Chair meetings, staff would have to be given the authority to craft a resolution, but it did not mean the Board supported the resolutions. She said the need for those types of requests could cause issues due to the wording of the amendment disallowing any Board member from giving staff direction to craft an ordinance or resolution.

Ms. Gary suggested a line-item be added to enable the Chair or Vice-Chair to make necessary requests of staff.

Ms. McClendon said the language could be redrafted. She said the intent was for requests from individual Board members. She said when requests came from the Chair or the Vice-Chair, they were on behalf of the Board. She said the by-laws already addressed some of the questions, and the amendment was to clarify what would entail significant staff time.

Ms. Gary asked if there would be confusion in the language if it was not refined for future Boards.

Ms. McClendon said the language was clear, and if it became an issue, it would end up with the County Administrator discussing with the Board member who made the request of staff time.

Ms. Bohmke said there were situations where certain Board members undertook projects for their own districts without the entire Board's direction, but those came at the expense of the work done by the whole Board.
Ms. Vanuch asked if they could address the language of the amendment.

Mr. Coen said it seemed the whole item would be deferred to another meeting.

Ms. Allen said for new Board members, there was a steep learning curve.

Ms. Vanuch said the amendment was about whether Board members were allowed to make individual requests for staff time. She said Board members should come to the Board first, and the Board should make a request of staff.

Ms. Allen asked if the County Administrator would inform the Board members if their requests were taking up too much staff time.

Mr. Vosburg said staff would still provide the Board with quality services. He said the amendment was to prevent staff time from being used for items that the Board as a whole was uninterested in. He said small research requests were still allowed, but bigger projects from Board members that did not have the entire Board support would need to gain it first before staff would devote worktime to the request.

Mr. Coen asked whether the amendment for 6-1(A) should be deferred.

Ms. Vanuch said it was a good amendment, but she wanted to clarify the use of "resolutions and ordinances" because the Chair sometimes had to give authority for staff to draft a resolution.

Ms. Allen said those requests would represent the decision of the Board, not an individual member.

Ms. Gary said she understood the concern over the language. She said it should be clarified.

Mr. Coen said the next item was related to Section 6-2(A) and 6-2(C). He said the Legislative Affairs Committee had been an ad hoc committee, but it was really a standing committee because it was held every year. He said the amendment codified the change and made the committee officially a standing committee.

Ms. Vanuch clarified the committee had to meet in person regardless of its designation.

Mr. Coen said that was right.

Mr. Coen said amendments to Section 6-2(B) were to clarify ad hoc committee membership. He said the committees were appointed or reappointed annually, but the procedure was vague during redistricting years. He said if there was an ad hoc committee, the membership would continue.

Ms. Yeung asked what would happen if committee members did not want to continue serving. She asked if members could decide to not serve any longer.

Mr. Coen said that was correct.

Ms. Gary mentioned the Day School ad hoc committee. She asked how ad hoc committees would proceed under the amendment.

Ms. McClendon explained that ad hoc committees would continue until their charges were complete or the Board disbanded them. She said because the language in the amendment was new, it was recommended new ad hoc committees be formed. She said the ad hoc committee would continue, but membership would be appointed annually at the Board's annual meeting.

Ms. Allen asked if the language could be changed for certain committees to make them last in perpetuity. She asked what it meant for a committee's charge to end.

Ms. Bohmke explained for the stormwater management committee, the charge was to specifically work on the grant application, and once it was completed, the committee work ended.

Ms. McClendon said staff would ensure they better helped the Board form its charters so that the charges were clear. She explained the redistricting committee was also an ad hoc committee, but the committee itself requested that it be disbanded.

Ms. Allen asked if the committee could be reformed with a different charter if it was deemed necessary.

Ms. Bohmke noted they wanted to reevaluate the stormwater committee after the grants were issued.

Mr. Coen said the next section was Section 6-3(D). He said the amendment required all Board members to be present and vote when considering salaries for the County Administrator, County Attorney, and constitutional officers.

Ms. Vanuch asked what would happen if someone was sick for multiple meetings. She suggested including a line-item excluding members from the requirement if they were absent for two consecutive meetings.

Mr. Coen said members could call in if they were sick.

Ms. McClendon said an exception could be added to the amendment. She said it was in the by-laws, so there was the ability to suspend the rules by a 2/3 vote.

Ms. Allen said the line-item did not need to be added.

Ms. Vanuch said she was fine with the amendment because the rules could be suspended.

Mr. Coen said the next section was Section 6-5. He said the amendment would further restrict supervisors from negotiating with developers while there was an application before the Planning Commission.

Ms. Bohmke said the amendment was common sense.

Mr. Coen said Section 6-7 amendments were suggested by a former Board member, and he and Ms. Gary did not support the amendment. He explained that during lame-duck sessions for Board members, supervisors were not allowed to conduct business from the date of the election through the end of the year. He said the by-laws could be waived to allow business.

Ms. Vanuch said she agreed with the committee.

Mr. Coen clarified the committee did not recommend the amendment, and the rule should be kept.

Ms. Allen said she was elected to serve until December 31, so she should be allowed to make decisions until then.

Ms. Vanuch clarified the decision only applied to land use decisions. She said there was the perception outgoing Board members would pass dangerous residential rezonings.

Ms. Allen said she was elected to serve her term. She said Board members should be allowed to conduct business until the final day of their term, and they should not be restricted.

Ms. Vanuch asked if the majority of the Board wanted to keep the rule from November to December.

Ms. Gary said she would like to keep the rule.

Ms. Bohmke said she wanted to keep the rule. She noted the rules had been suspended for a rezoning before.

Mr. English said he wanted to keep the rule.

Mr. Coen said the next section was Section 1-4(D). He said the amendment would move the language to the appropriate section in the by-laws.

Ms. McClendon said the amendment specified how the Chairman would call the vote roll.

Mr. Coen said Section 7 was an amendment related to the process of meeting if a quorum could not physically be in the room. He said it related to the pandemic.

Ms. McClendon said those provisions were ultimately set by state code, but the by-law amendment would give the Board the ability to have procedures in place to help run the meeting. She said state code only allowed entire electronic meetings without a quorum in one specific location during an emergency.

Ms. Yeung said if a quorum was needed but they did not have one, could they call members to make a quorum.

Ms. McClendon said the question was covered in Robert's Rules of Order—if there was not a quorum present by state law, the meeting had to end. She said Robert's Rules allowed the Board to try to ascertain a quorum, but the Board could not conduct other business.

Mr. Coen said if the Board was approving this, he would move to defer the item to the next Board meeting.

Mr. Coen motioned, seconded by Ms. Allen, to defer the item to the next Board meeting.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

Item 19. Discuss Building a Rappahannock Crossing Parkway; Requested by Chairman Crystal Vanuch, Supervisor Meg Bohmke, And Supervisor Monica Gary.

Ms. Vanuch said at the last meeting, they discussed sending a letter to FAMPO, and a draft of the letter was included in the packet. She said Ms. Bohmke had requested to change the word "study" to "research." She said the letter was a request to research a river crossing and all of the potential options.

Ms. Allen said the issue had been studied twice. She asked how the proposed study would be different from the 2013 and 2019 research. She asked if improvements along I-95 would be considered.

Mr. Ian Ollis, FAMPO Director of Transportation Planning, stated that each study in the past had a specific mandate and provided information in relation to the mandate. He said there had been renewed pressure from the public to perform another study. He said the past studies focused on particular solutions. He said an outer connector was a particular solution that was considered. He said a river crossing was a different option that could be considered. He said previous studies had not examined all of the options. He said VDOT was part of the previous studies. He said there was more work to be done, and there were new tools to provide data analysis for traffic. He said the solutions that tried to bypass the urban areas created urban sprawl.

Ms. Yeung mentioned that the strategic plan and Comprehensive Plan were unfinished. She said she was unsure if the study should be approved before the other plans were finalized. She said the plans and the staff should work together, and then if there were issues, the problem should be addressed regionally.

Mr. Ollis explained a river crossing would span multiple jurisdictions. He said the Comprehensive Plan and Transportation Master Plan stopped at the bank of the river. He explained that FAMPO was a regional body that brought multiple jurisdictions together.

Ms. Yeung said she did not think the work was done within the County—such as the Strategic Plan—to enable them to consider regional transportation solutions.

Ms. Gary motioned, seconded by Ms. Bohmke, to send the letter with the corrections proffered by Ms. Bohmke, to research a river crossing.

Ms. Gary clarified that the reason for the language change from "study" to "research" was because funds would not be spent.

Mr. Coen said transparency was a big topic. He noted there was no support data in the August agenda, and the letter was the only piece of information included in the September agenda. He said the likely crossing would be located at Celebrate Parkway. He said Spotsylvania was not consulted. He said the purpose of the crossing was for commercial interests and to ease traffic bottlenecks. He said the EDA stated there was no economic commercial interest on the Stafford side of the river, so the economic benefit would only go to the City. He said the letter did not discuss an interconnector, and it only addressed a river crossing. He said he was uncomfortable that the City was aware of the proposal and the County staff was unaware. He noted the options listed in the East-West Mobility study. He asked whether more options would be considered in the research. He said he wanted more specificity in the letter, and its current form was vague.

Ms. Allen said she did not have background information for the letter. She noted commuters would end up using the roads in Spotsylvania. She requested the letter address ways to determine the quality of the rural roads and to specify the impact on the rural roads.

Ms. Bohmke said she was interested in the streetlight data analysis. She said people talked about Fredericksburg traffic across the country. She said she was not in favor of an outer connector because it would generate urban sprawl. She said FAMPO included members that were totally different from 2018 and 2013 membership. She said she wanted to change the wording from "study" to "research" because, at FAMPO, studies entailed federal and state funding along with additional requirements.

Ms. Yeung said she believed the buildout analysis would be included in the letter.

Ms. Vanuch clarified that Ms. Gary, Ms. Bohmke, and herself were on a regional commission, and at the commission meeting, they were presented with information that instructed them to gain authority from their respective boards to study an additional river crossing west of I-95 because they had cellphone data that showed where people were going. She said the information had been presented to the Board. She said the only way to open up Route 17 for economic development was by addressing traffic concerns and creating a connector.

Ms. Bohmke explained that as written, the proposal would include an interconnector.

Ms. Gary said the proposal was only requesting further research.

The Voting Board tally was:

Yea:	(4)	Bohmke, English, Gary, Vanuch
Nay:	(2)	Coen, Yeung
Abstain:	(1)	Allen

Ms. Allen stated that because her question was unanswered, she would abstain.

<u>Item 20. Fire and Rescue; Consider Approving the Establishment of Medical Readiness Group, LLC as a Private Emergency Medical Services (EMS) Agency Licensed by the Virginia Office Of Emergency Management Services Pursuant to Virginia Administrative Code Section 12VAC5-31-420.</u>

Ms. Vanuch said the applicant was present. She asked if they Board needed another brief.

Ms. Allen motioned, seconded by Mr. Coen, to approve R22-221.

The Voting Board tally was:

Yea:	(6)	Allen, Bohmke, Coen, English, Gary, Vanuch
Nay:	(1)	Yeung

<u>Resolution R22-221 reads as follows:</u>

A RESOLUTION APPROVING THE ESTABLISHMENT OF MEDICAL READINESS GROUP, LLC AS A PRIVATE EMERGENCY MEDICAL SERVICES (EMS) AGENCY LICENSED BY THE VIRGINIA OFFICE OF EMERGENCY MANAGEMENT SERVICES PURSUANT TO VIRGINIA ADMINISTRATIVE CODE SECTION 12VAC5-31-420 WITHIN THE BOUNDARIES OF STAFFORD COUNTY

WHEREAS, the Medical Readiness Group, LLC (MRG), is a private business based in Stafford County providing medical services for-hire to identified clients for specific events; and

WHEREAS, in order to operate within Stafford County, the Virginia Office of Emergency Medical Services (OEMS) requires any entity engaged in the business, service, or regular activity, whether or not for profit, of transporting or rendering immediate medical care and providing transportation to sick, injured, or otherwise incapacitated people be licensed by OEMS in accordance with Virginia Administrative Code Section 12VAC5-31-420; and

WHEREAS, in order to obtain a license, an EMS agency must obtain approval from the locality where the agency maintains an office, stations an EMS vehicle for response, or is designated as a volunteer EMS agency in accordance with Virginia Code § 15.2-955 and 12VAC5-31-420(C); and

WHEREAS, MRG maintains an office in Stafford County and stations an EMS vehicle within the County for emergency response; and

WHEREAS, MRG will not serve in the 911 EMS response or transport role, nor be affiliated with the Stafford County Department of Fire and Rescue or the County volunteer stations; and

WHEREAS, the Board does not oppose the establishment of MRG as a private EMS agency, unaffiliated with the County's provisions of medical and emergency services, licensed by OEMS to primarily provide EMS-related services within the geographic boundaries of Stafford County;

NOW THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that it be and hereby does approve the establishment of Medical Readiness Group, LLC (MRG) as a private emergency medical service (EMS) agency licensed by the Virginia Office of Emergency Management Services to provide emergency medical support services within the boundaries of Stafford County; and

BE IT FURTHER RESOLVED that the Board's approval is conditioned upon the following:

- MRG is not an agent or representative of Stafford County, Virginia; and
- MRG shall not attempt to provide service to, nor shall it respond to, emergency situations (commonly known as "911 Calls") unless requested by an authorized official of Stafford County Fire, Rescue, and Emergency Services and/or through a written agreement with Stafford County.

NEW BUSINESS

Item 21. Discuss Repeal of Downtown Stafford by Considering the Rezoning of County-Owned Property; Requested by Supervisor Meg Bohmke, Supervisor Darrell English, and Supervisor Crystal Vanuch.

_Ms. Vanuch said the item would be deferred for after the public hearing of the evening session.

RECESS

At 5:19 p.m., the Board adjourned its meeting until the evening session.

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

PRESENTATIONS

There were no presentations.

PRESENTATIONS BY THE PUBLIC

Ms. Vanuch read the rules for presentations from the public.

1. Mr. Voldymyr Zhukov,102 Leisure Street – said he had spoken at the earlier meeting. He asked whether the County would continue to employ police officers who were causing problems in the community. He said he paid taxes to feel safe in his community. He said he tried reaching out to the County for information, but he was not given answers. He said if there were issues with government officials, then citizens should be able to file a complaint and there should be an investigation. He said he wanted to know where he could go for assistance and support. He said the Stafford Attorney Association informed him that because they worked with the Sheriff's Office, they would not sue the office. He suggested there be a complaint hotline. He said he did not feel comfortable paying taxes when he felt unsafe. He asked if the Board could provide answers.

Ms. Vanuch explained there would not be back and forth from the supervisors, and the time was reserved for public comment.

Mr. Zhukov asked if there other ways to contact the Board other than by phone. He explained that when he called the phone number for the Board, the mailbox was full and there was no answer.

PUBLIC HEARINGS

Item 22. Budget and Management; Budget and Appropriate Additional State Funding to the Schools for Fiscal Year 2023 for Ongoing and One-Time Capital Expenses, and to Provide Bonuses.

Ms. Andrea Light, Director of Budget and Management, said the Board was requested to consider additional state funding for the schools. She explained the state budget was adopted after the County's FY23 budget. She said the funding increase would total more than 1% of the adopted budget, so a public hearing was required.

Ms. Light explained there were three increases in funding from the state. She said the first would increase operating funds by over $1.75M. She said the School Board and Superintendent requested the funds be used for 9.8 FTEs for ESOL teachers, procurement staff, and to support the increased cost of fuel. She said there was $8.7M for construction as one-time funding from the state. She said the funds were proposed to be used for unfunded 3R needs identified by the School Board. She said a complete list of needs was provided in the Board's packet. She said the state provided funding for schools across the state to provide a one-time bonus of $1,000 to all teachers. She said the schools would use ESSER funds to supplement the state funds to provide a $1,000 bonus to full-time employees and a $500 bonus to part-time employees. She said the bonuses would have to be disbursed by the end of December.

Ms. Light said staff recommended the approval of the proposed resolution, R22-203.

Ms. Yeung asked whether the bonuses could be held for the next year or if they had to be used immediately.
Ms. Light said the bonuses had to be expended by December.

Ms. Yeung said the employees deserved the money. She said it would help to retain teachers. She said substitute teachers and bus drivers also deserved bonuses.

Ms. Light said she believed bus drivers were included. She said Dr. Taylor could answer questions regarding the substitute teachers.

Mr. Coen confirmed that the list of 3R projects did not include new projects.

Ms. Light confirmed that the schools were using the funds as an opportunity to advance maintenance needs.

Ms. Bohmke said the last time there were state-initiated bonuses, the funding could not be used for substitute teachers.

SCPS Superintendent Dr. Taylor explained there were three classes of substitute teachers. He said one was a daily substitute, assigned to school buildings to fulfill the daily needs. He said there were substitutes that fulfilled the gig economy—people who selected jobs based on needs that arose on a regular basis, and they did not work every day. He said there were long-term substitutes who were an employee class that qualified them for the bonus because they had planning and other responsibilities. He said there were less than 50 long-term substitutes who would qualify for the bonus.

Ms. Yeung asked how much the bonuses for the substitutes would be in total.

Dr. Taylor responded that there were 38 people, and the bonuses were $500, so it was about $15,000.

Ms. Gary asked how many ESOL teachers they expected to hire with the funding.

Dr. Taylor explained it would take about a year to fulfill all of the ESOL teacher needs.

Ms. Gary asked how many positions they expected.

Dr. Taylor said it was less than 10 positions.

Ms. Vanuch said it was 9.8 positions.

Ms. Gary asked how many positions were needed.

Dr. Taylor said more than 9.8 positions were needed.

Ms. Vanuch opened the hearing to the public.

1. Mr. Jeff Adams, 449 Kellogg Mill Road – said he had been a substitute teacher and a regular teacher. He said he did not have a problem giving daily substitutes a conditional bonus. He said substitutes who taught a certain number of classes should qualify for the bonus. He said long-term substitutes were similar to regular teachers because they graded assignments, provided input, and made lesson plans, and they deserved the bonus. He said there were substitutes who showed up every day to perform various tasks around the school as needed, including teaching. He said those people also deserved a bonus.

Ms. Vanuch closed the public hearing.

Ms. Yeung motioned, seconded by Mr. Coen, to approve R22-203

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung

No: (0)

Resolution R22-203 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE ADDITIONAL STATE FUNDING TO STAFFORD COUNTY PUBLIC SCHOOLS FOR FISCAL YEAR 2023

WHEREAS, the Commonwealth of Virginia has finalized the FY23/24 biennium budget with significant changes to funding for schools; and

WHEREAS, Stafford County Public Schools is anticipated to receive an increase of $1,756,688 in operating revenue, $3,015,288 to provide bonuses to contract staff, and $8,720,580 for school construction projects; and

WHEREAS, as required by Virginia Code § 15.2-2507, the Board held a public hearing and carefully considered the recommendations of staff and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board desires to increase the FY2023 Budget to account for the increased revenue received from the State, which is greater than 1% of the County's budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that additional funding from the Commonwealth provided for Stafford County Public Schools, as approved in the State's FY23/24 biennium budget, be and it hereby is budgeted and appropriated as follows:

FUND	PURPOSE	AMOUNT
Schools' Operating Fund	Ongoing Cost	$1,756,688
Schools' Grants Fund	Staff Bonus	$3,015,288
Schools' Construction Fund	One Time Cost	$8,720,580
	Total	**$13,492,556**

Item 23. Utilities; Consider Authorizing the County Administrator to Execute a Water Tower Lease Agreement with New Cingular Wireless PCS, LLC for Placement of a Telecommunications Facility on a Portion of the County-Owned Embrey Mill Water Tower, Located on Tax Map Parcel No. 22G-BB, within the Garrisonville Election District.

Mr. Chris Edwards, Director of Utilities, said the public hearing was for a proposal to construct an additional cellular antenna on top of the Embrey Mill water storage tank.

Mr. Edwards explained the County had an agreement with Milestone Communications to market County-owned facilities for the construction of cellular antennas. He said New Cingular Wireless, or AT&T, requested to install six antennas and an equipment building at the water storage tank in the Embrey Mill development.

Mr. Edwards explained the antennas would provide additional AT&T coverage for the area. He said Milestone Communications received approval through the planning department, and the County would receive 3/4 of the revenue—about $28K per year, increasing by about 2% to 2.5% per year for a maximum length of 20 years. He said there would be no adverse impacts to the structure. He said the water tank could only carry two carriers while most other tanks had two to three carriers. He said staff recommended approval of the lease agreement with New Cingular Wireless.

Mr. Edwards said Mr. Oswaldo Reyes of Milestone Communications was present for questions.

Ms. Yeung asked if the contract with Milestone Communications was also with AT&T.

Mr. Edwards explained Milestone marketed the properties for the County. He said the agreement in the proposal was directly with New Cingular Wireless.

Ms. Yeung asked why the proposal was happening now. She asked if AT&T had previously been installed.

Mr. Edwards said the previous antenna belonged to Verizon, and AT&T wanted to expand coverage.

Ms. Yeung asked if the Embrey Mills area was already covered.

Mr. Edward explained Verizon already had coverage, but AT&T customers would gain additional coverage.

Ms. Yeung asked if the impact of the antennas was known. She said she was on the Telecommunications Commission, and she always denied similar proposals because of children in the area, and she did not know the impact on the health of the children from the antennas. She asked if there was data.

Mr. Oswaldo Reyes said an RF study had not been conducted in the area. He explained that generally, the towers where they had conducted studies were less than 1% of the FCC threshold.

Ms. Allen asked why the tower was requested. She asked if Embrey Mills had dead zones. She asked if the goal of the antenna was to amplify or augment the signal.

Mr. Reyes said the need had been identified by AT&T. He said carrier providers identified areas of coverage—either because there was no coverage or because there were capacity issues. He said when too many people connected to an antenna, service dropped.

Ms. Allen asked if the contracts were competitive or noncompetitive. She asked whether T-Mobile could use the space.
Mr. Edwards said yes. He said there were limited spaces on the antenna, so bids were first-come, first-serve. He said the proposal had been under review for about a year and a half. He said AT&T was the first provider after Verizon to request to rent space on the water tank.

Ms. Yeung asked whether the towers would improve dead zones, or if the towers would improve company profits. She said carriers used to rent space from other carriers when there was not enough space. She asked why the Verizon antennas could not be utilized.

Mr. Reyes said AT&T and Verizon used different antennas and equipment, and because they broadcasted the broadband connection at different frequencies, they had to use different equipment. He said the process involved consulting with the landowner first before coming to the Board with a project presentation.

Ms. Vanuch opened the public hearing.

1. Mr. Voldymyr Zhukov said there should be no antennas on the water tower because electromagnetic waves can modify water. He said there would be health impacts. He said the towers should be at least 300 feet from residents and infrastructure.

2. Mr. Jeff Adams said he was a telephone engineer for several years. He said nobody had landline phone service, and cellular service was a reality. He said the more towers, the more coverage. He explained that each company had its own specifications and towers. He said cellular was the way to go. He said he did not have cable or internet at his farm. He mentioned he received a new work computer that was unusable without the internet. He said as more water towers were constructed, there would be more requests to build antennas. He said the dollar figure was not high enough. He said the carriers made millions of dollars from its service and they only offered $28K. He said they needed to offer more.

Ms. Vanuch closed the public hearing.

Ms. Yeung said the applicant did not mention what the company benefit was from the additional antenna. She said the antennas were not healthy for the children. She noted there would be twice as many waves coming from the tower, and she wanted to know the impacts.

Mr. English asked how much other carriers were paying the County.

Mr. Edwards said $28K per year was stipulated in the agreement with Milestone Communications, and the County received 3/4 of the amount and Milestone received 1/4. He said the amount was similar to another jurisdiction that he had worked. He said the funds ended up equating to the cost to maintain and repaint the tank.

Mr. English asked if the County would be able to charge more for the agreement.

Mr. Edwards said he believed it was a term of the contract with Milestone. He said the only way to receive an increased amount would be to put the contract back out to bid.

Ms. Allen noted the market determined the price. She asked how long the current contract had been out to bid.

Mr. Edwards said the bid was originally issued in 2015, and it included a 2% to 2.5% escalator each year. He said the same escalator was built into the contract.

Ms. Allen asked how soon offers came in to fulfill the bid.

Mr. Edwards said he did not know because it was before he worked for the County.

Ms. Allen asked if the market determined the annual amount charged.

Mr. Edwards said he did not know how many bids the County received for the contract.

Ms. McClendon explained that the contract was procured in 2013 through a rider agreement with the City of Manassas. She said there was an amendment in 2020, so the information provided was from 2020. She said the agreement, if renewed, was valid until 2033, but there would be amendments to the agreement coming before the Board, so there may be opportunities to renegotiate the agreement.

Ms. Gary said they should consider amending the escalator amount because inflation was at record levels.

Ms. Bohmke said typically, the agreements stipulated the amount would float with CPI and were not a flat-amount. She said the agreement seemed to be drafted differently. She said she wanted more data as to the health impacts of the towers.

Mr. Reyes said an RF study had not been conducted in the area, so he could not provide figures. He said they recently performed a study at a high school in Fairfax that had two towers, and the documented radiation from the towers was less than 1% of what was accepted by the FCC. He explained the FCC set a standard for what was permissible in terms of radiation for humans.
Ms. Bohmke asked what the process would be to perform a study on the towers.

Mr. Reyes explained they typically hired an external firm that identified different spots around the tower to measure the radiation.

Ms. Yeung asked if Fairfax had concerns.

Mr. Reyes said no. He said as part of the agreement with the schools, they agreed to run RF studies when the schools requested they be done. He said they tried to run a transparent process. He said Fairfax posted the reports on a public website.

Ms. Yeung said in 2017 or 2018 a study was done, and the results could be compared to show whether the waves had increased.

Ms. Allen asked what other jurisdictions were paid for the utilization of their towers.

Mr. Reyes said there were two topics being discussed—the contact and the lease with the carrier. He said the carrier leases were at market rate, and they varied slightly by carrier because of the equipment installed. He said they were charged generally by weight. He mentioned that Dish Network had lighter antenna arrays, so the rent was lower. He said the contract agreements were the same across the board. He said the leases were available to the County for review.

Ms. Vanuch asked what it would take to include an RF study in the agreement.

Mr. Reyes said it would not require anything because Milestone was willing to perform the test.

Ms. Vanuch asked if the study would be performed if it was made a condition of the lease approval.

Mr. Reyes said absolutely.

Ms. Vanuch asked how long it would take for the study to be conducted.

Mr. Reyes responded the studies took a couple weeks to schedule, and the study could be conducted within a week.

Ms. Vanuch asked if the study would be performed on the Verizon tower, or if they would wait for the second carrier to install the antennas and then perform the study.

Mr. Reyes explained there were two studies. He said one was a model study performed while a tower was under construction. He said the model studies assumed a worst case showing towers at maximum capacity at the highest radiation level. He said the other study examined existing towers and provided data on what the tower was actually radiating. He said when they measured the radiation in the field, the data included signals from television, radio, WIFI, and other sources, not just the cellular tower. He said they would measure the existing tower and then request the additional antennas be modeled into the data.

Ms. Vanuch asked if the item could be deferred so that a study could be conducted on the existing Verizon antennas with the impact of the AT&T antenna modeled into the data. She said the item could be deferred to the next September Board meeting or the first meeting in October. She said there needed to be more AT&T antennas for FirstNet to be reliable.
Ms. Gary asked how recently the cost agreements were made.

Mr. Reyes said some agreements were made as recently as two years ago.

Ms. Gary said inflation was a factor to consider when evaluating the figures.

Mr. Reyes said the pressures were high on the industry, and they were not receiving much from the carriers.

Mr. English asked if the 2% escalator was standard.

Mr. Reyes said it was the escalation that the carriers paid. He said the escalator varied depending on the carrier, but it ranged from 2% to 3%.

Ms. Vanuch closed the hearing to the public. She said the item would return as unfinished business.

Ms. Yeung motioned, seconded by Ms. Gary, to defer R22-211 to the first October meeting of the Board pending the results of the RF study.

Ms. Allen said the first responders and residents needed the towers. She said towers had been constructed in the County without issue. She said she did not know what the study would show.
Ms. Yeung said the study would provide the data that would clarify the health impacts.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
No: (0)

Item 24. Planning And Zoning; Consider a Request for a Conditional Use Permit (CUP) to Allow a Drive-Through Facility in Support of a Restaurant Use within the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel Nos. 44-141 And 44-142C (Project Known as Black Rifle Coffee Company).

Mr. Harvey said the applicant was J.R. Anderson, represented at the meeting by Mr. Charlie Payne. He said the property was located off Iras Lane and Warrenton Road. He said the property along with the surrounding properties were zoned B-2 Urban commercial. He said there was an R-1 zoned property that served as a VDOT commuter parking lot. He said it was a highway-oriented location.

Mr. Harvey explained there would be a new building constructed as part of the project. He said there were two buildings on the property—a former restaurant and a former office space. He said both structures would be demolished to make room for the new building. He said there was no entrance onto Route 17 from the property. He said a shared entrance with an adjacent hotel would provide access to the site.

Mr. Harvey said the neighboring property was a Hardees. He said there was existing shared parking and inter-parcel access between the hotel and the proposed restaurant location. He said there was no access to the Hardy's. He said there was a circulation that allowed traffic to enter the site along with an extensive drive-through lane. He said there was no opportunity for a bypass lane for the drive-through, but there was a bailout area so cars could leave the drive-through.

Mr. Harvey said the Planning Commission discussed loading space on the site. He said the space would be located behind the building, adjacent to the dumpsters. He said the Commission included a condition that limited the size of delivery vehicles to the site. He noted Warrenton Road was a divided highway, so there were no left-turns from the entrance. He provided architectural renderings for the project. He said a variety of earth-tone colors would be used along with variations in the facade. He said staff believed the proposal met a number of the County design standards. He noted the inter-parcel connection would be modified so that parking would be internal to the site.

Mr. Harvey said the Comprehensive Plan designated the area for the Berea targeted development area. He said the land use concept recognized the area as a highway commercial corridor, and the proposed use was compatible with the designation.

Mr. Harvey said there were a number of conditions proposed for the development. He said the development would be in accordance with the Generalized Development Plan, there would be no new driveway entrances onto Warrenton Road, and there would be a sidewalk connection between the building and Warrenton Road. He said there would be a landscape berm provided between the building and the sidewalk to screen headlight glare. He said the building would be constructed according to the architectural standards of the County, and hours of operation would be from 4 a.m. to 9 p.m. Monday through Sunday. He said there would be a restriction on the types of delivery trucks.

Mr. Harvey said staff found a number of positives for the application. He said the proposal was consistent with the land use recommendations in the Comprehensive Plan, and the use did not change the established pattern. He said the proposal redeveloped an underutilized property. He said the site was appropriately sized and designed to mitigate impacts. He said that staff was not aware of apparent negative aspects. He said staff recommended approval of the application pursuant to R22-189. He noted the Planning Commission recommended approval with the recommended conditions.

Ms. Yeung said the building followed the general themes, but she asked if the restaurant would be putting images of a rifle on the cup given its name, Black Rifle Coffee Company.

Ms. Vanuch said she did not believe the marketing could be regulated. She said it was the First Amendment.

Mr. Harvey said he would defer to the applicant to explain how the product was marketed.

Mr. Payne said he represented the applicant. He said the applicant was not present because they were attending the grand opening of a store in Ohio. He said the company was unique—it was a bistro coffee shop that had a unique ownership interest.

Mr. Payne explained Black Rifle Coffee Company was founded in 2014 by a former Green Beret. He said there were over 2,100 dealers around the country, and they had international markets in 14 different countries. He said there were 20 existing brick-and-mortar store locations. He said the ultimate goal was to hire 10,000 veterans and first responders in the communities that they served.

Mr. Payne said the proposal included two parcels and a CUP to redevelop the site. He said the site included about 1.4 acres with inter-parcel access with the neighboring Sleep Inn. He said the property had been zoned B-2 since 1978, and it was consistent with the Comprehensive Plan.

Ms. Vanuch opened the public hearing.

1. Ms. Alane Callander, 622 Lancaster Street – said the proposal was not appropriate for Stafford County. She asked why there needed to be another coffee shop on Warrenton Road. She noted several places to get coffee along the corridor. She said the proposal did not add to the quality of the community. She said the architectural rendering was objectionable.

2. Ms. Dana Brown, 41 Saint Williams Way – said she saw the owner of the company featured on national television. She said the company was patriotic, and she hoped the Board would approve the proposal.

3. Mr. Jeff Adams said he did not drink coffee. He said the building currently on the site had not generated sales tax for years. He said an empty building that generated $0 in taxes was as useful as teats on a boar hog. He said people would always buy coffee. He said people lived or died by their brands. He said he would rather people buy coffee than beer at a drive-through.

Ms. Vanuch closed the public hearing.

Mr. Coen said he did not drink coffee and never had. He said he had reviewed the Planning Commission hearing.

Mr. Coen motioned, seconded by Mr. English, to approve R22-189.

Mr. Coen said the site was not generating revenue.

Ms. Allen asked how long the site had been vacant.

Mr. Payne said he was not sure, but the last Yelp review was from 2013.

Ms. Gary said she did not support the proposal. She noted the views of the company owners. She said approving the proposal would be harmful to some people who lived in the County. She said the proposal would be good for tax revenue, but she could not support the project.

The Voting Board tally was:

Yea:	(5)	Allen, Bohmke, Coen, English, Vanuch
No:	(2)	Gary, Yeung

Resolution R22-189 reads as follows:

A RESOLUTION TO APPROVE A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW A DRIVE-THROUGH FACILITY IN THE B-2, URBAN COMMERCIAL AND THE HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICTS ON TAX MAP PARCEL NOS. 44-141 AND 44-142C, LOCATED IN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Victor Alpha Associates III, LLC submitted application CUP22154337, requesting a conditional use permit to allow a drive-through facility in support of a restaurant use in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel Nos. 44-141 and 44-142C (Application), located within the George Washington Election District; and

WHEREAS, the Application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1 and Sec. 28-59(e) which permit this use within the B-2 and HC Zoning Districts, after a CUP is issued by the Board; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that a Conditional Use Permit pursuant to application CUP22154337 (CUP) be and it hereby is approved with the following conditions:

1. This CUP allows for one (1) drive-through facility in support of a restaurant use in the HC, Highway Corridor Overlay and B-2, Urban Commercial Zoning Districts on Tax Map Parcel Nos. 44-141 and 44-142C (Property).

2. Development of the Property shall occur generally as shown on the Generalized Development Plan prepared by Kimley-Horn and Associates, Inc. and entitled, "Black Rifle Coffee Stafford County, Virginia General Development Plan Parcels 44 141 & 44 142C April 18, 2022," dated and sealed April 18, 2022 (GDP). Changes to the improvements depicted on the GDP shall be allowed at the time of site plan review for purposes of final engineering or to comply with federal, state, or local laws.

3. Direct access to the Property shall be via the existing shared entrance with Tax Map Parcel No. 44-141A, as depicted on the GDP. No new driveway entrances onto Warrenton Road shall be permitted.

4. A sidewalk connection shall be provided between the building on the Property and the sidewalk along Warrenton Road, as generally depicted on the GDP.

5. A landscaped berm shall be provided and maintained along Warrenton Road, in the location shown on the GDP, to adequately screen headlight glare from the drive-through. Such berm shall be no less than 3-feet in height.

6. The building on the Property shall be constructed in general conformance with the styles depicted on the architectural renderings prepared by Kardent Design, dated January 14, 2022, as last revised on June 10, 2022, and provided as Exhibit B, "Renderings" of the "Condition Use Permit Application Impact Statement," dated June 24, 2022. Building façade materials shall comply with the Neighborhood Development Standards Plan, last revised January 19, 2021, and use of Exterior Insulation and Finish System (EIFS), corrugated or channeled metal, or simulated masonry as primary materials shall be prohibited.

7. The dumpster on the Property shall be screened from view with masonry and/or brick materials, with type and color similar to that of the primary building located on the Property.

8. The hours of operation shall be limited to 4:00 AM – 9:00 PM Monday through Sunday.

9. The existing residential dwelling on Tax Map Parcel No. 44-142C shall be demolished within eighteen (18) months of approval of this CUP.

10. Delivery vehicles serving the Property shall be no larger than single-unit vehicles with an overall length no greater than thirty-five (35) feet. Deliveries via multi-unit vehicles such as tractor-trailers or 18-wheelers are prohibited.

11. Prior to issuance of a Certificate of Occupancy for any building on the Property, the owner/applicant shall seal and stripe the 33 shared parking spaces serving the motel located on Tax Map Parcel No. 44-141A, as shown on the GDP. Said spaces are the same parking spaces subject to the parking easement recorded amongst the land records of Stafford County, Virginia at Instrument No. LR220009978.

12. This CUP may be revoked for a violation of any of these conditions or any applicable federal, state, or County code, law, ordinance, or regulation.

<u>Item 25. Planning and Zoning; Consider a Request for a Zoning Reclassification, with Proffers, from the B-2, Urban Commercial Zoning District to the M-1, Light Industrial Zoning District on Tax Map Parcel No. 38-80 (Project Known as Venture Business Park, Matan).</u>

Mr. Harvey said the proposal was for a rezoning to allow a 250,000-square-foot industrial building for warehouse and distribution facilities. He said the site was approximately 31 acres in size, and the applicant was Mark Matan, represented by Charles Payne. He said the parcel was between I-95 and Wyche Road. He said the property was in proximity to a large warehouse under construction—the warehouse would be operational later that year. He said the regional jail and juvenile detention center were located nearby.

Mr. Harvey said the property was zoned B-2 Urban Commercial, and the surrounding area had a mixture of commercial zoning categories—B-3 Office, residential, and agricultural. He said the Generalized Development Plan showed the location of the warehouse. He said primary access would be off Bradburn Lane, and there would be a realignment of the access point. He said there was a DHL facility that would use Bradburn Lane. He said the loading bays would face Bradburn Lane. He said the employee parking would be on the north side of the building.

Mr. Harvey said visibility from the interstate was an issue discussed by the Planning Commission. He said the zoning ordinance required a 60-foot-wide buffer along the interstate. He said the applicants intended on retaining as much existing vegetation as possible, and there would be additional plantings of evergreens to screen the facility. He said the Commission wanted to ensure the visual appearance on the interstate was favorable to the County. He said there was a 25-foot elevation difference between the vehicles and the hillside where the building was proposed. He said the warehouse would be about 40 feet tall. He said the existing vegetation should provide adequate screening.

Mr. Harvey displayed the architectural building designs. He said the neighborhood design standards did not apply to industrial buildings. He said the facility surrounded by the site was a VDOT maintenance yard. He said there were a number of industrial uses in the vicinity.

Mr. Harvey said in regards to traffic impacts, there were three intersections that were studied—the site entrance of Bradburn Place and Wyche Road, Wyche Road and Wyche Court, and Wyche Road and Courthouse Road. He said the traffic impacts showed a degraded level of service at the intersection of Wyche Road and Courthouse Road. He said the traffic study showed the need for three left-turn lanes compared to the existing two.

Mr. Harvey explained the Comprehensive Plan recommended they maintain a level of service of C or better. He said if a rezoning dropped the level of service below C, then there should not be further degradation. He said there was further degradation, and the applicant proposed proffers to offset the impacts.

Mr. Harvey said in order to provide an additional left-turn lane, they would have to widen the intersection. He noted the Burns Corner Project had committed to improving the intersection as part of its proffer. He said the applicant provided $100,000 to mitigate traffic impacts.

Ms. Vanuch asked how much a turn lane would cost.

Mr. Harvey said he did not know the cost for the exact location. He said turn lanes could vary in cost depending on the amount of grading or landscaping required. He said the $100,000 could fund a third traffic signal head and mast arm for the signal pole.

Ms. Vanuch asked what the Burns Corner project committed.

Mr. Harvey said the Burns Corner project was committed to improving the intersection with an additional turn lane. He said the Sheetz Gas station was at the intersection. He said there were plans under review for a medical office building, and there were pending site plans for other sites around the intersection.

Ms. Vanuch asked if there were assurances that the level of service would not degrade if one of the projects was not completed.

Mr. Harvey said there was no commitment that the project would wait until the road improvements had been made.

Ms. Vanuch asked if a condition could be added stipulating that the applicant would have to implement the traffic improvements if the Burns Corner project was not complete.

Mr. Harvey said the Chair would have to discuss with the applicant's representative.

Ms. Allen asked if they knew by how much the project would degrade the level of service. She said if the roads were being degraded, then the proffers should be targeted to improving the road conditions, not the traffic conditions.

Mr. Harvey said the $100,000 was not committed to a specific improvement—it could be used toward any other intersection improvement in the nearby vicinity. He said the applicant had provided flexibility to the County. He said the level of service was currently at E with a delay of 64.8 seconds. He said the project would increase the delay to 66.9 seconds. He said the third left-turn lane would allow a greater capacity of vehicles to move through the intersection.

Ms. Gary asked what the level of service was for the intersection.
Mr. Harvey responded the level of service was at E on a scale of A to F.

Ms. Gary asked what the level of service would degrade to.

Mr. Harvey said it would still be a level of service of E, but the delay would be longer—a total of 66.9 seconds.

Ms. Gary said she had concerns about the traffic. She said one of the biggest issues in the County was traffic. She said the type of traffic was important.

Ms. Vanuch said the applicant could address the transportation issues. She said if the additional turn lane were added, then there would not be a degradation of service.

Mr. Harvey said the turn lane would be installed based on the development of Burns Corner. He said the proffer from the applicant was to facilitate the construction of the turn lane or any other appropriate construction in the area.

Ms. Allen asked if there was an estimated completion date for Burns Corner.

Mr. Harvey said the proffers had triggers based on the square footage of traffic volume generated. He said part of it was tied to approvals and the start of construction with the individual projects.

Mr. Harvey said the project was located in the Courthouse Targeted Growth Area. He said the site was located in a business and industrial area, so the requested zoning and existing zoning were compatible with the designation. He said the proffers stipulated the property be developed in accordance with the Generalized Development Plan. He said there were about a dozen uses permitted in M-1 that had been proffered to be excluded from the permitted uses for the property. He said the architectural elevations had been committed. He said the uses on the property would be capped to a maximum of 1,218 vehicle trips per day. He mentioned the applicant proffered $100,000 for transportation improvements.

Ms. Yeung asked who funded the widening of the road for the turn lane.

Mr. Harvey said the proffers for the Burns Corner project committed Burns Corner to building the turn lane. He said the applicant could provide the funds to the County to widen the road if Burns Corner did not move forward, or the funds could be used for other improvements in the area.

Ms. Yeung asked how much a turn lane would cost.

Mr. Harvey said he did not know what the cost would be to construct the left-turn lane.

Ms. Yeung clarified the $100,000 could be used toward the cost.

Mr. Harvey explained the $100,000 could be used for whatever improvement the County deemed necessary. He said staff noted the proposed zoning change was consistent with the Comprehensive Plan, and it was compatible with the industrial uses in the area. He said the proffers would help mitigate the transportation impacts and limit the intensity of the proposed project. He said the proposal would generate less traffic than the B-2 zoning. He said if the property was built out with office buildings, four times as much traffic would be generated. He said the applicant proffered building designs. He said staff recommended approval of the application with proffers pursuant to O22-20. He noted the Planning Commission recommended approval.

Mr. Charlie Payne, the applicant's representative thanked Mr. Harvey for his presentation. He asked the Board if he should answer their questions before showing his PowerPoint.

Ms. Vanuch asked Mr. Payne to address the transportation and proffers.

Mr. Payne said when doing a traffic study, they took into account what was built today and what was to be built, so all of Burns Corner was taking into account the DHL facilities, and all the background traffic at those intersections was also taken into account. He said they were last in for purposes of that analysis; the analysis showed that they would degrade the level of services at Wyche Road and Hospital Boulevard.

Mr. Payne said the recommendation was to proffer or provide a left-turn lane, but they did not have to provide the left-turn lane, because it was already proffered by the Burns development. He said to answer the Chair's question, if they were to beat construction development prior to the Burns development, they were not degrading that intersection, and only when they came online was when the intersection would be degraded, and they were required to put the left-turn lane in.

Mr. Payne said the proffer was intended to address what the contribution was to that intersection. He said DHL was improving Wyche Road in that intersection, and they had worked with a representative of DHL as well as the Burns family on getting right-of-way to improve that intersection for access out of Wyche Road onto Hospital Boulevard.

Mr. Payne said to also remember that this was zoned B2, and at full buildout on the site, they could generate about 3,500 or 3,800 trips per day on that site. He said they agreed to cap it at 1,218 and they could not exceed that number without coming back to the Board. He said they anticipated the traffic would be much less than that, likely no more than 1,000 daily trips. He said the $100,000 they paid at the issuance of the first CO, after they started construction and before it was open for business.

Mr. Payne said this would be various different uses and was different from a DHL facility. He said the plan was not to have a pure warehouse; a warehouse could be a part of the project but would be a mix of tenants, including office, light manufacturing, and warehouse. He said it was not a pure distribution facility. He said for distribution facilities, trucks traveled lightly during the a.m. and p.m. peak hours, and most of the trips during those times were from employees. He said this project was a very positive economic development project, and as staff noted, consistent with the surrounding uses.

Mr. Payne said everything surrounding the site was industrial uses, so this use was consistent with that but not as big or large as a DHL facility, which was double the size of this one. He said they thought it was the best use, and for purposes of their application, they were limiting their impact and proffering the impacts. He said he would be glad to go through the economic development portion, such as the 500 new jobs and hundreds of thousands of dollars in tax revenue. He said it would result in $2.98 million over a 10-year period for the County alone.

Ms. Allen asked how the applicant came up with $100,000 as the number.

Mr. Payne said they would not trigger an impact until they hit the maximum buildout of 1,218 trips per day. He said Burns had already proffered that left-turn lane as part of their project, so the question was what else could be provided to help support transportation in that area, not only in that intersection. He said there were no restraints as to what that money could be used for and was up to the County's discretion. He said they put forward $100,000 as an estimate of what the impact would be.

Ms. Allen asked Mr. John Holden if this project was similar to the project in Quantico center. She said she understood it was not the same applicant but wanted context.

Mr. Holden said it was not similar to something in Quantico Corporate Center, which had more office development. He said this was more related to industrial warehousing.
Ms. Allen said it was mentioned that it would not be solely industrial use.

Mr. Holden said it would be a mix of industrial uses and perhaps some light manufacturing, whereas the Quantico center was more office and technology-related.

Ms. Allen said she was referring to a project approved about two years ago.

Mr. Holden said that was the Merritt property.

Ms. Allen said yes.

Mr. Holden said it was flexible space designed specifically for flex-space and not so much for housing as this one was.

Mr. Payne said to Ms. Allen that this was a spec-build, so construction would begin soon after approval and there would be a new space with a unique mix of tenants. He said their model was to attract interrelated tenants, so if a tenant had an office or development area, they may need a distribution or storage area.

Ms. Gary asked if the trigger for the $100,000 would be the trips per day.

Mr. Payne said no. He said the issuance of the certificate of occupancy would trigger that. He said once the buildings were complete and they were allowed to occupy them, the money would be paid.

Ms. Gary said she thought she had heard that the trigger for the $100,000 for the proffer was trips.

Mr. Payne apologized if he was not clear. He said they did not trigger an impact unless they achieve their maximum buildout. He said if they generated 1,218 trips, that was when they triggered an impact at that intersection. He said that impact was based on what was going to be built and not what was there today. He said if they beat Burns or whoever else was coming online, they were not actually impacting the intersection at that point; it was when the other entity came online that the intersection was impacted, and by then, they had already paid the contribution, and Burns or another entity would have to build the left-hand turn lane.

Ms. Gary apologized if she was asking redundant questions. She said she thought that the proffer had something to do with the trips.

Ms. Allen said she asked the question of what determined the proffer, and Mr. Payne explained that the maximum buildout was what determined the $100,000 being able to be given.

Mr. Payne said in lieu of paying it when they hit the maximum, they would pay it up from the limit.

Ms. Gary said she understood.

Ms. Bohmke asked if they stayed at 800 vehicles per day for three years, and Burns built out and they needed an additional turn lane. She asked if they would have to pay.

Mr. Payne said yes. He said if Burns came online before them, Burns built the turn lane and the money would be paid once their building opened. He said they would not pay at the maximum buildout but would pay when it was at 400 or 500 trips.

Ms. Bohmke said that was what she thought at the beginning, but another statement was made.

Mr. Payne said he did not mean to be confusing. He said what Supervisor Allen asked about the $100,000 was based on when they actually impacted the intersection at maximum buildout, which was 1,218. He said when they hit that point, they thought the $100,000 would help improve the intersection or somewhere else in the area, but the proffer was structured so that they paid that up front and when the CO was issued.

Ms. Bohmke said that was what she thought. She thanked Mr. Payne.

Ms. Vanuch said they would hold the public hearing. She said Ms. Bohmke likely wanted to talk to them after that, which may result in a deferral, but that would be decided after the public hearing.

Ms. Vanuch asked if anyone wanted to address the Board on this item.

1. Alane Callander, 622 Lancaster Street, in the Falmouth District – said it as was becoming standard nowadays, the citizens were getting clued in on these things very late. She said they used to benefit from town hall meetings, information meetings, and Supervisors used to have district meetings that kept citizens informed in advance of things coming up. She said she recalled when the DHL project was rushed through at a joint public hearing with the Planning Commission, and she was the only person present to speak. She said she spoke out against it mainly because of truck traffic, but also because industrial was not her vision for Stafford Courthouse, and now a new industrial site was going in right next to the DHL site, right next to Stafford Courthouse.

   Ms. Callander said this $100,000 promised for transportation was a drop in the bucket for what would be needed. She said it was a joke to her. She said not only one intersection would be impacted, but more large trucks and traffic entering I-95 or Route 1 was a big deal. She said these things slipped through very easily, but they knew what had happened to their community with the breakdown of trucks on I-95. She said she could list her concerns regarding the vision they had for the County and the planning for transportation.

   Ms. Callander said if this was going in, they should proffer bus service for employees so that there were not as many individual cars coming in and out of the site. She said any time they put a warehouse or large industrial building of any kind, they should require solar power. She said she was glad some trees would be preserved, but she had a feeling there would be plenty of roof available for solar, and it should be required. She thanked the Board.

2. Mr. Jeff Adams said he would discuss proffers quickly. He said $100,000 came from fishing. He said someone knew how much it would cost, so they put $50,000 on the line and did not get anything, but when putting out $100,000, it was more enticing. He said the developer knew how much the turn lane cost, and they were fishing to see if the County would bite at $100,000. He said if they did, they ate the rest of it. He said he also wanted to comment on saving the trees.

   Mr. Adams said he knew they would try to save those trees, and in his position of teaching environmental science, he had to talk about risk and reward, so he would bet a Dunkin Donuts special that those trees would accidentally be hit by a bulldozer and have to be repaired or replanted. He said the reason they would be accidentally hit was because it was cheaper to knock them down and plant new ones; it was not cheaper to miss them. He said not to accept that proffer, and if they put $100,000 for every tree, they would not be missing a single limb. He said they had to accept proffers, and it was time to turn them around and use them to the Board's advantage and not the developer's advantage.

Ms. Vanuch asked if there were any other speaker. Seeing none, she closed the public hearing. She asked Ms. Bohmke if there were any further questions for the applicant.

Ms. Bohmke said at this point, she would like to not close the public hearing. She asked Ms. McClendon if that was acceptable.

Ms. McClendon said she would recommend they give the applicant their rebuttal time, however that was a requirement of the public hearing.

Mr. Payne said he could answer any questions. He said he would show a slide about economic development. He said for context, typically, the County was very business-friendly but not demanded cash proffers from industrial developers who created jobs in the community. He said usually, County services that were impacted such as schools generated a lot of cash proffer requirements, and that was usually for residential developments. He said the cost for one signal pole was $100,000. He said the Burns family development generated 19,000 vehicle trips per day and had the obligation to build this third lane. He said they likely would open before them, but would not degrade that intersection, but when the Burns development came online, that intersection would be degraded. He said the jobs created and resulting economic benefits were why commercial industrial developments usually did not pay cash proffers, Mr. Payne said there would be an estimated 500 new full-time jobs. He said this client had great experience in bringing high-paying jobs to their communities in which they worked. He said they typically had multi-tenant facilities and they were very interrelated businesses, with very typical UFC defense-like companies in their facilities. He said the average payroll was about $20 million annually in these projects, and $2.9 million in net taxes over a 10-year period, in which $300,000 per year would be generated, with no impacts on schools or parks. He said it was stated earlier how they would address the roads, notwithstanding that all the uses around the site were of similar use.

Mr. Payne said during construction, the County would generate $1.67 million in fees during construction, 160 construction jobs, and the state would generate $865,000 in annual tax revenue. He said the total investment was $32 million, with no impacts on core services. He said he wanted to ensure they understood the context of proffers and when they applied. He said projects like this were positive economic development projects. He said the County was attracting new investment from Tier 1 investors like Met, who got over $6 billion in investment in the Washington metropolitan region. He said it was a great opportunity for the community and he appreciated their time.

Ms. Bohmke said she would like the public hearing to remain open because if they closed it, people would have to come speak at the 3 p.m. meeting, and she wanted to give people the opportunity to speak at a future meeting. She asked for a deferral of this item due to a few outstanding issues that she would like to discuss with the applicant and Mr. Payne.

Ms. Vanuch asked for Ms. Bohmke to state the date she would like to defer to in the form of a motion.

Ms. Bohmke motioned, seconded by Mr. Coen, to bring the item back before the Board on October 4.

Ms. Yeung asked if the other Supervisors should direct their comments and questions to Ms. Bohmke to ask at the next meeting.

Ms. Vanuch said that was fine.

Mr. Coen said he seconded the motion.

Ms. Vanuch asked Mr. Coen to continue his remarks.

Mr. Coen said to Ms. Bohmke that in proffer three, on page two, they discussed trees, but the language extant reasonably possible was a little bit vague, and to plant evergreens or substantially similar trees was odd. He said he was unsure if Mr. Adams was fishing when he grabbed his dollar amount of $100,000. He said he would appreciate it if Ms. Bohmke brought up these issues about trees and buffers in her conversation with Mr. Payne.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
No: (0)

<u>Item 26. Planning and Zoning; Consider Amending Stafford County Code Sec. 28-25, "Definitions of Specific Terms," Sec. 28-35, Table 3.1, "District Uses and Standards," and Sec. 28-39, "Special Regulations," to Amend the Definition of and Change How a Commercial Kennel is Permitted in the A-1, Agricultural Zoning District.</u>

Ms. Vanuch said for this item they would recognize Zoning Administrator Doug Morgan.

Mr. Morgan thanked the Chair and members of the Board. He said about six months ago, this item was referred by the CEDC to the Board of Supervisors, then the Board brought it to the Planning Commission, which created a subcommittee. He said at that subcommittee, they drafted three different ordinances, which were in front of the Board tonight. He said Section 28-25 clarified exactly what the definition of "commercial kennel" was.

Mr. Morgan said Section 28-35 was the district uses and standards, which would change from a special exception requirement to a conditional use permit approval, rather than a special exception. He said finally, the third ordinance was 28-39, regulations and specific standards for a commercial kennel that outlined additional guidelines. He said what was drafted before the Board was approved unanimously by the Planning Commission. He said he would be glad to take any questions.

Ms. Vanuch said she would now open up the public hearing.

1. Ms. Kecia Evans, 39 Bayside Drive in the Falmouth District – said for the record, she was also the Chair of the Board of Zoning Appeals. She said she opposed the amendment of Section 28-35, which was Table 3.1, the commercial kennel use for special exceptions. She said those currently allowed the BZA to hear those cases for conditional use permits, which would now have the Planning Commission and this Board hearing all commercial kennel cases.

Ms. Evans said since August of 2020, the BZA had heard six cases. She said she did not know if it was part of their consideration or not, but she asked if they would consider the cost of bringing a case to the BZA, which was estimated to be $750, versus the cost to bring a CUP to the Planning Commission, which started at around $10,000. She said however, she wanted to express that she did not oppose Section 28-39, which, if adopted, would be the special regulations for the commercial kennels. She said with the recommended special regulations under Section 28-39, if adopted, the BZA would have a set and clear criteria that was needed. She asked the Board to adopt and approve Section 28-39 and not adopt and approve Section 28-35. She thanked the Board.

2. Ms. Dana Brown, 41 St. Williams Way – said she was the Vice-Chair of the Board of Zoning Appeals, but she was representing herself tonight. She said they had not had Board meetings for a couple of months. She said in October of 2019, the previous Board changed the County code to allow commercial kennels in an A1 zone by special exception. She said due to Covid-19, the BZA did not begin hearing these cases until August of 2020, and unfortunately, their assignment did not come with much, if any, minimum criteria or guidelines.

   Ms. Brown said all that was received was a vague, two-sentence definition: "kennel commercial: any establishment in which 10 or more canines, felines, or hybrids of either more than six months of age are kept for the purpose of breeding, training, renting, buying, boarding, selling, or showing." She said this included home-based rescues. She said that was all they had to work with, and the lack of minimum criteria also came with some unintended consequences. She said there was no minimum lot size, no minimum distance from neighbor's homes, no cap on the number of animals, and no lot fencing requirements. She said right now, a resident could ask for a commercial kennel on an unfenced, 1.5-acre lot with up to 1,000 animals.

   Ms. Brown said one of the uses allowed was showing; the County did not have a definition for showing. She asked if it meant raising animals to take to shows or meant having animal shows in the property. She said onsite animal shows would likely fall under a different classification such as an events venue, not a commercial kennel, and the same applied to hunting. She said for clarification, the BZA had broad latitude to set special conditions for each application because every case they heard had different and unique circumstances with no two being the same. She said a commercial kennel was difficult due to the lack of minimum criteria.

   Ms. Brown said it went to the Planning Commission, and while that was not mentioned in the staff report, she also attended those meetings as a guest and wanted to voice her support for some of their recommendations. She said that based on strong and large attendance from the public at her meetings, she thought the suggestion to not allow the use in an A1 platted subdivision would be helpful. She said neighbors who lived close to each other had been opposed to neighbors wanting commercial kennels.

Ms. Brown said she realized there had been a desire among several staff members to change it from the BZA special exception to the Planning Commission CUP, although some of the Commissioners expressed concerns about a lack of criteria. She said if this Board was to create new guidelines and clarity, the BZA could still continue to hear and adjudicate these cases without much difficulty.

Seeing no more speakers, Ms. Vanuch closed the public hearing and brought the matter back before the Board.

Ms. Allen asked why they were removing it from the special exception to the CUP and not just giving special regulations and allowing the BZA to adjudicate as the previous speaker just said.

Mr. Morgan said it was recommended to go to the CEDC for consideration, and at the CEDC they discussed it and decided it should be moved to the Board of Supervisors to refer to the Planning Commission. He said that was all the information he had about its origination. He said that in addition, the original ordinance was a conditional use permit, and in 2019 it was switched to a special exception. He said the idea was to move it back to a conditional use permit to allow more transparency to the Board of Supervisors and Planning Commission.

Ms. Allen thanked Mr. Morgan for that background.

Ms. Yeung said they had volunteers who wanted to do the work of the people. She asked Ms. McClendon if they could split these items, because she would like to vote on 28-35 but did not want to bring the CUP to the Planning Commission and have it remain at the BZA level.

Ms. Vanuch said Ms. Yeung was asking if the changes could be removed in the one section.
Ms. McClendon said she believed the Board could take them up separately.

Ms. Vanuch said she had not discussed this at length with the BZA and Planning Commission to understand why they had two different opinions. She said perhaps the best avenue was to defer this and reach out to their respective BZA and Planning Commission members to understand the variance in opinions before the changes were made.

Ms. Gary said she agreed. She said she had similar questions that she would like to discuss because there seemed to be no consensus on what to do.

Ms. Allen asked how they decided on a 200-foot minimum from the property line for number two of the special regulations.

Mr. Morgan said in looking at lot size and where they were located and trying to decipher as a committee, they were trying to make sure they were not innocuous uses and not infringing on those residents in an A1 zoning district. He said the clear separation of setbacks that they provided for industrial districts.

Ms. Allen said they were used the same way.

Mr. Morgan said that was correct.

Ms. Allen said she wanted to make sure of that.

Mr. Coen said his area dealt with this fairly recently, but he would go with what the will of the Board was.

Ms. Vanuch said hers did as well and that was part of the problem.

Ms. Allen said she was confused but she would go with whatever the Board thought.

Ms. Gary motioned, and Ms. Allen seconded, to defer the item.

The Voting Board tally was:

Yea:	(7)	Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
No:	(0)	

NEW BUSINESS

Item 21. Discuss Repeal of Downtown Stafford by Considering the Rezoning of County-Owned Property; Requested by Supervisor Meg Bohmke, Supervisor Darrell English, and Supervisor Crystal Vanuch.

Ms. Vanuch said several of them had been communicating the challenges around downtown Stafford, and while they did not want it to be a drawn-out conversation, Mr. Harvey was present to discuss some of the options. She said they could discuss what they would like to see if they wanted additional information as it came back as unfinished business at the next meeting to determine what direction the Board would like to move this, if any. She said her perception in bringing this forward was that she would like every residential dwelling unit removed from downtown Stafford. She said she hoped Mr. Harvey had some good ideas for them to discuss at the next meeting.

Mr. Harvey said the Comprehensive Plan was the Board's vision for the future, and they knew there had been discussion and a need for a downtown in the County; since at least 2003 he had been personally involved in that. He said some of the citizen surveys reflected that as well. He said the community wanted a place where they could gather and have restaurants that they could walk to. He said as far as the current plan, if the Board was dissatisfied with the current plan and scale of development or type of development, they could revisit the planning effort and get more input from the Board and citizens.

Mr. Harvey said if the plan changed significantly, his recommendation would be to hire a consultant to assist with that, because pursuant to state code, any amendment to the Comprehensive Plan had to go through VDOT for concurrency review, and VDOT would ask about traffic impacts, which a consultant would need to help with, particularly if they were proposing more commercial development versus residential development because commercial development created more traffic than residential. He said his recommendation would be that if the Board wanted to revisit it, they could push it forward and seek guidance from the Board and Planning Commission.

Mr. English asked Mr. Harvey what the cost of a consultant would be.

Mr. Harvey said he suggested between $100,000 to $200,000 depending upon the level of detail of the study.

Mr. English asked if they had ever completed a traffic study for that area.

Mr. Harvey said some traffic analysis had been completed, but it did not get to the level of detailed intersection analysis as a traffic impact study would, but it looked at the good network of streets and traffic volumes associated with those streets.
Mr. English asked what the consequence would be if they said they did not want to go forward at all and cease construction. He said he believed once it was done, it was done. He asked for clarification.

Mr. Harvey said if the Board wanted to request the Planning Commission to remove parts of the Comprehensive Plan amendment, it could certainly be done. He said he would suggest they retained the part that dealt with the courthouse, because prior to the Comprehensive Plan amendment for downtown Stafford, they did not have the courthouse identified in the Comprehensive Plan. He said under state code, for them to spend money on a capital facility, it had to be identified in the Comprehensive Plan. He said the plan also proposed a number of street and sidewalk connections, which, from a planning perspective, could be valuable for the area, so he would suggest that certain parts be considered for removal but other parts be retained.

Ms. Yeung said she was one of the people asking for additional information and asked for the study. She said it was about Stafford County as a whole, so if this was something the prior Board had voted on, regardless of what the vote count was, that was what was decided and the plan and money put up for the consultant to do that. She said as she understood it, the strategic plan they had at that time required a certain number of units with rooftops to make it profitable. She said Mr. English's question about throwing it all out was a good question, but they could not split something and say they only wanted commercial or residential, because it was a scale where one would give up the other.

Ms. Yeung said if they could go back and analyze whether the plan was feasible with the other plans that must be assessed. She said she would continue reading, but she was not finished. She asked if they could have more time to look at this, especially for those who just joined the Board recently. She said she wanted to make sure she made the best decision for her constituents.

Ms. Bohmke said with a new Board and new County Administrator, they had the ability, because they were the Board, to make the best decisions for the County. She said things had changed since the pandemic and when they voted on this, so she thought it was good to go back and reassess what decisions were made and why, and if they were still good decisions in light of the current market conditions and the desires of Stafford County. She said she had a recent conversation about being panic-stricken over 2,500 units in downtown Stafford and what that would do to their community. She asked if that was possible to be sustained in their community. She said they should look into the composition of the community and what they wanted. She asked Mr. Vosburg with his limited knowledge of this situation and his breadth of experience if he had any input.

Mr. Vosburg said from his perspective as a planner, when discussing a project like this, it was about viability and sustainability of the project. He said the extremes were going forward with the project as it was or going forward with nothing at all, and then there was the in-between. He said gauging the market and what it would bear was related to the viability piece. He said traditional development in this would be a mixed-use development that made it a more viable project, but when looking at Stafford, to some degree, they were retail-starved, so people went to Fredericksburg or Garrisonville, so they must ask if they had the rooftops in the surrounding area to support a core commercial downtown with less residential.

Mr. Vosburg said the market would speak to that, but they had a community that wanted the retail, so they must look and see if the community would support that retail or commercial activity there. He said they had residential that had kicked off on the edge of the property, so there was some there, but it was a question of viability. He said they had a totally viable project if it was mixed-use, and while it was challenging without it, it did not mean it could not happen. He said this spoke to the sustainability of the project going forward, because they did not want to create something that would result in blight.

Ms. Allen said she disagreed with Ms. Bohmke. She said as a Board, when it came to certain projects, they did not need to engage in revisionist history, because it was expensive. She said once they went down a path, they must go down it. She said they already spent money on this for years, so they could not keep switching something that was supposed to be a main economic driver of the community, because it sent a bad message to businesses, and eventually when there was a future Board, or even their current Board, who said that they were ready to commit or not commit, developers would notice the years of waffling, and they may not get the best offer.

Ms. Allen said as it related to Mr. English's question about only having commercial, Mr. Vosburg answered partially about blight, but in addition, they did not have walkability or the connectivity to allow for that. She said if it was a more connective neighborhood in this area, she could see the foot traffic or vehicle traffic being enough to sustain certain commercial, but in Aquia and the Falmouth area, for the downtown area atmosphere they desired, the connectivity and walkability pieces were lacking. She said the last time she checked, when they voted to put a sidewalk project in Griffis-Widewater last year, it was $1 million per mile for sidewalk, so they could not even take on a connectivity project due to the expense.

Ms. Allen said they had concerns about infrastructure such as roads or schools, but if she was not mistaken, they were told that they lost $600 million per year to economic retail in other jurisdictions. She said even if they were to capture 10% of that, it could help their budget offset building schools and fire stations and improving road conditions. She said she did not want Stafford County to continue to be a drive-by county as it was currently. She said their budget this year was over $600 million, so that meant they lost as much as was in their budget to surrounding counties because they did not offer amenities and services to the residents.

Ms. Allen said when they did the survey, people talked about wanting walkability and the downtown atmosphere. She said the residents were asking for it, so if they walked it back any further, it was something they would have to answer for. She said if they were worried about people's minds changing, they should ask Community Engagement to do a new survey to ask residents what they thought about the potential downtown, knowing the needs of the County. She said people knew they had needs for schools and an influx of development, but they still wanted a downtown, which meant they were willing to outweigh the cons to have this piece of development in the County. She said they should utilize Community Engagement so they could gauge where the residents stood on this matter before making a decision.

Ms. Gary said she did not think it was an all-or-nothing, and there were things they should look at, but they did not necessarily have to do a new study or hire a new consultant. She said they should take into account the change in the residential units that had gone in and were about to be created in the area. She said she was not on the Board at the time, but she reviewed the study extensively. She said there was a $1.3 billion retail gap, and she would like to know how that had changed and in what areas.

Ms. Gary said there were new residential units, and there were some accounted for in Embrey Mill in that study, so the additional units in Embrey Hill should be accounted for now. She said they should see what numbers needed to be changed, and perhaps they should just limit density as opposed to changing the zoning. She said it would be responsible to do that. She said they had a unique opportunity with County-owned land and could do something that made sense for their community to close that retail gap, which they needed to close desperately.

Ms. Vanuch asked Ms. McClendon about the rezoning passed on a 4-3 vote in May of 2021, if the developer presented a plan to build that, whether there would be any required public hearings.

Ms. McClendon asked if Ms. Vanuch was talking about the County-owned property.

Ms. Vanuch said yes.

Ms. McClendon said it depended on what type of agreement they would be entering in with them. She said if the Board was entering into a lease or if the Board was going to convey the property to them, there would be a public hearing because they were disposing of a property interest.

Ms. Vanuch asked if there was a possibility that there may not be a public hearing depending on what was presented.

Ms. McClendon said there was a possibility, but even if the Board did not convey the land and did a lease, that would still require a public hearing.

Ms. Vanuch asked for Mr. English to state his comments.

Mr. English said that they should consider Embrey Mill there and the development occurring there. He said it would not work with downtown Stafford there. He said a testbed would be Embrey Mill, where if people flocked there and they created sidewalks, but putting that in the downtown was wrong, because the traffic was a problem, and there were due to be six schools in 10 years along with other things coming in. He said he thought they should cancel the plan in its entirety, take their losses, and go. He said he did not want to hire another consultant, so Mr. Harvey's office was capable of telling them something.

Ms. Vanuch asked if Mr. Harvey could bring some options related to the current residential capacity, what it would take to remove those residential units, and to kill the entire thing, as well as another part that analyzed if they could put only businesses there. She said it was originally said to be 2,000 walkable dwelling units, so they should see if they had enough in Embrey Mill and the other 200 across the street that was by-right. She said it would be helpful to understand what development was coming in versus what they said was needed. She said when she served on the Planning Commission, the consultant told her that anywhere between 2,000 and 10,000 units to build a viable downtown.

Ms. Vanuch said it had been approved for almost two years and they had not done anything with it. She said she agreed with Supervisors Bohmke and Gary in that she did not want to kill it, but she would like to see these ideas, because the route they were going did not seem viable or understood by the community. She said residents believed downtown would be a lot of shops, but when discussing apartments and townhouses being put on the 29-acre parcel, they were shocked. She said the schools were holding growth crisis meetings twice a week, so it did not make sense to discuss adding more density. She said they owed it to their community to provide much better options as a new Board. She said they should definitely look at what was voted on under a previous Board.

Ms. Yeung said there were two options so far, which were to erase everything or move forward with no units. She said they needed a third one, which was to bring this back with updates. She asked if Germanna was no longer viable.

Mr. Harvey asked if Supervisor Yeung was referring to the property next door to the Abberly project that was slated for the Germanna campus.

Ms. Yeung said yes.

Ms. Vanuch said that was not in downtown Stafford.

Mr. Harvey said it was part of the larger courthouse planning area, but was not part of what they had termed as downtown Stafford. He said in 2010 or 2012, there was an amendment to the Comprehensive Plan that identified the urban development area at Stafford, which included part of this area that was currently termed "downtown," but the plan that existed in that point in time identified the County's property for future courthouse use.

Ms. Yeung said she thought what had been provided to them was about downtown Stafford.

Mr. Harvey said what was provided in their discussion was downtown Stafford, and the Aberly part was not part of what was downtown Stafford but part of the larger Stafford planning area.

Ms. Yeung said she would like to slim down the area of downtown Stafford that was either to be erased, updated, or minimized in terms of uses. She asked if there was a version of that to look at.

Mr. Harvey said per the Chairman's request, staff could come back with options and analysis. He asked if he could have more than two weeks.

Ms. Vanuch said if she said two weeks, she did not mean for that to be the timeframe.

Ms. Yeung said the third one would be downtown Stafford as they had envisioned.

Ms. Vanuch said that was what she had just been referring to.

Mr. Coen said they had the options to repeal, stay the course, or lower density. He said he thought it was worthy to look at when it was brought up to him two weeks ago, because there was a compelling case about the impact on schools, and that meant they could not do the commercial aspect. He said to say that he did not know that nothing had changed over the past two years, but they needed the EDA and to know if there were still plans and people working on this so that they had an idea of what was out there. He said that they may need to have a closed session, but it may end up being a moot point, where density may not be needed in the way they thought. He said he attended almost every roundtable about downtown Stafford and heard people who wanted that sense of place that a town center provided.

Ms. Allen said if they approved the zoning last year, it had only been a year since. She said to Mr. English's remark about Embrey Mill, they could have multiple sites of economic development and it did not have to be the all-or-nothing concept. She said the more economic viability in zones they had, the more beneficial it was to residents and diversification of their tax base. She said Embrey Mill could thrive alongside another area that thrived. She said for people who lived in Widewater, it was easier to come to where they were to engage in amenities than to go to Embrey Mill.

Ms. Vanuch said they did not need to go back and forth.

Ms. Allen said they all could have stories about people saying they did not want things, so instead of having anecdotal stories with constituents, they should utilize Community Engagement to find out explicitly from residents what they thought about the known difficulties of schools and infrastructure. She said if people still wanted a downtown in the current climate, they were aware of these issues and still desired to go forward with this, and that meant the Board had to take that into consideration.

Ms. Vanuch said this item would be coming back as unfinished business.

Ms. Gary said she would be concise in her comment. She said they would come back to take a look at new residential units in the area and their impact to this project.
Ms. Vanuch said that was correct.

Ms. Gary said that there were still very rural areas of Stafford County, and when making a rural downtown, she had learned from her reading that it hinged on an actual sense of community, so she had the idea of having more unity in envisioning this together, rather than a do-we-or-don't-we argument.

Ms. Yeung said when talking about the units, being subjective about the pros and cons did not matter either way, but for firefighters and teachers, they lived outside of their area. She said there seemed to be prejudice against the ideas of apartments versus family homes, but they must realize that they had working people who needed somewhere to live because they worked in Stafford, but they lived in surrounding counties and that was why they shopped there. She said she did not know if it was against zoning or policy if the units were for adults living and working there versus buildings for children.

Mr. Harvey said the Board had been cognizant of that concern, and a number of development projects had limited the number of bedrooms for the individual dwelling units. He said they talked with the school staff, and projects that had three-bedroom units generated schoolchildren versus one-bedroom or two-bedroom, just by virtue of the needs of the families. He said one-bedroom units tended to be occupied by single adults, young families, or retirees.
Ms. Yeung said those one-bedrooms ended up being two-bedroom because they were in that one-bedroom.

Ms. Vanuch said the direction had been given on what they would like to see with unfinished business. She asked how much time Mr. Harvey needed.

Mr. Harvey said staff could be prepared for the October 4 meeting.

Ms. Vanuch said October 18 would be preferable because October 4 had a full schedule.

Mr. Harvey thanked Chairman Vanuch.

CLOSED MEETING

At 9:25 p.m., Ms. Yeung motioned, seconded by Mr. Coen, to adopt Resolution CM22-20 to authorize closed session.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung

No: (0)

Resolution CM22-20 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion of plans to protect public safety as it related to vulnerabilities in briefings by staff members and law enforcement members concerning plans related to the security of a governmental facility, building, or structure and the safety of such persons using such facility, building, or structure, (2) discussion and consideration of the disposition of publicly-held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the Board, and (3), discussion and consideration of the acquisition of real property for recreational and fire facilities purposes, where this discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the Board, and (4), consultation with legal counsel pertaining to probable litigation challenging a County Ordinance, where such consultation or briefings in an open meeting would adversely affect the litigation posture of the Board, and (5) discussion of the performance and discipline of a specific employee of the Board.

WHEREAS, pursuant to Virginia Code § 2.2-3711 (A)(1), such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that it be and hereby does authorize discussion of the above matters in Closed Meeting.

CERTIFY CLOSED MEETING

At 10:13 p.m., Ms. Yeung motioned, seconded by Ms. Bohmke, to adopt Resolution CM22-20(C) to certify the closed meeting.

The Voting Board tally was:

Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
No: (0)

Resolution CM22-20 (C) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON SEPTEMBER 6, 2022

WHEREAS, the Board has, on this the 6th day of September, 2022, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act provides for certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 6th day of September, 2022, that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the Motion by which the Closed Meeting was convened, were heard, discussed, or considered by the Board.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
No: (0)

Ms. Vanuch asked if there were any other actions.

Ms. Gary motioned, seconded by Mr. Coen, to approve R22-242.

The Voting Board tally was:
Yea: (5) Allen, Bohmke, Coen, English, Gary
No: (2) Vanuch, Yeung

Resolution R22-242 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND THE COUNTY ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO

SETTLE AND RESOLVE THE CASE BETWEEN GEORGE WINGATE AND STAFFORD COUNTY, VIRGINIA

WHEREAS, the Board and George Wingate are parties in the above referenced case; and

WHEREAS, the Board and Wingate have agreed to enter into a settlement agreement to resolve Wingate's claims against Stafford County and the Board under the terms and conditions discussed in closed session with the County Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2022, that the County Administrator and the County Attorney, or their designees, be and they hereby are authorized to execute a settlement agreement and any other documents that deems necessary to dispose of the plaintiff's claims in *George Wingate v. Stafford County, Virginia, Case No.:* 1:22-cv-815, under the terms and conditions as discussed in closed session.

ADJOURNMENT
At 10:13 p.m., Chairman Vanuch adjourned the September 6, 2022 Stafford County Board of Supervisors meeting.

Randy Vosburg

Randal E. Vosburg
County Administrator

Crystal Vanuch

Crystal L. Vanuch
Chairman