BOARD OF SUPERVISORS
STAFFORD COUNTY, VIRGINIA
MINUTES
REGULAR MEETING
MAY 16, 2023

CALL TO ORDER – A regular meeting of the Stafford County Board of Supervisors was called to order by Dr. Pamela Yeung, Chairman, at 3:00 p.m. on Tuesday, May 16, 2023, in the Board Chambers, George L. Gordon, Jr. Government Center, 1300 Courthouse Road, Stafford VA.

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

The following member was absent: Tinesha O. Allen

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

PRESENTATIONS

PRESENTATION OF PROCLAMATION RECOGNIZING MAY 21-27, 2023, AS NATIONAL EMERGENCY MEDICAL SERVICES WEEK IN STAFFORD COUNTY.

Dr. Yeung presented the proclamation recognizing National Emergency Medical Services Week to Emergency Medical Services Chief Brian Frankel and members of the EMS staff.

PRESENTATION ON THE RAPPAHANNOCK RIVER CROSSING SLIDE DECK.

Mr. Ian Ollis, FAMPO Administrator, reported that the Policy Committee had approved funding to the three jurisdictions in FAMPO for a range of transportation projects. He said that several millions of dollars of projects were coming to the County.

Mr. Ollis said that they had researched options for a Rappahannock River crossing west of I-95. He said that they performed an east-west mobility study which identified a need for another link across the Rappahannock to I-95. He explained that the roadway grid network contained significant bottlenecks, and they had identified that region of the state as the worst freight bottleneck in the state because there were not enough river crossings. He noted that there were daily delays on I-95 around 4 p.m. because freight traffic entered the region at that time.

Mr. Ollis explained that the FAMPO region carried about 36% more traffic per lane than similar regions in the state in terms of bridge crossings. He said that the number one destination in the region for trips traveling south across the Rappahannock River was Central Park, Fredericksburg, and the second most popular destination for Stafford traffic was the Spotsylvania Town Center. He said the third destination was the hospital in Fredericksburg, and the fourth was downtown Fredericksburg. He said that the first and third most popular destinations for traffic traveling north across the Rappahannock River was the Stafford Gateway, and the second most popular destination was the Walmart.

Mr. Ollis said that there were no opportunities west of I-95 to cross the river while there were multiple opportunities east of the interstate. He said that they used the VDOT travel demand model to determine what the impact of a bridge on traffic would be, and they considered five options—four bridge projects and one project for additional slip lanes from I-95 to Central Park.

Mr. Ollis said that they had to consider the many environmental easements in the area. He said that the Fredericksburg easements allowed a bridge to be built over the river, but certain conditions in the deed had to be met. He said that there were a set of easements provided by the Silver Group that did not allow for a bridge or river crossing to be built. He said there was a gap in the easements to the north where a bridge could be located, and the gap could be relocated to a more suitable location according to the deed.

Mr. Ollis said that there were no provisions for a bridge crossing in the southern part of the river. He said that the easements could be amended, but they would impact an environmentally sensitive area. He said that the regional impact of a bridge crossing would reduce congestion and reduce miles traveled. He said that by 2050, the bridge was anticipated to reduce traffic by 6% and reduce severely congested traffic by 11%. He said that the first option reduced the least amount of congestion. He said that the second option reduced congestion in some areas, but it increased congestion on I-95. He said that the third, fourth, and fifth option reduced more traffic congestion, but they also increased congestion in more places.

Mr. Ollis said that they had considered the impacts of a river crossing at Greenbank Road and Celebrate Virginia Parkway. He explained that the impacts differed depending on where the crossing specifically connected. He said that the first option slip lane was anticipated to have a traffic volume of 10,000 cars, and the other four options ranged between 52K and 58K vehicles, including bi-directional traffic. He said that they could provide high level cost estimates, but they could not provide more accurate estimates until they completed the engineering. He said that the first option, the additional slip lane project, was projected to cost $25M, and the other options ranged from $164M to $233M.

Mr. Ollis said that there were federal and state grants available to fund a river crossing project. He said that a river crossing project would require at least two sources of funding—federal, state, or local. He said that they presented a report of the study to the FAMPO committees which was approved for public comment, and the Policy Committee had agreed to fund the next phase of the NEPA environmental alternatives analysis. He said that the process included public engagement, and the consultant was required to host public meetings and record the public input by law. He said that the aim of the study was to find the lowest-impact alternative route.

Mr. Coen expressed support for Mr. Ollis's team and confidence that they would adequately handle the project.

Mr. English asked what they anticipated the timeline for the bridge crossing would be.

Mr. Ollis responded that it was difficult to provide a timeline. He explained that there were two types of environmental assessment—an environmental assessment (EA) and an environmental impact statement (EIS). He said that EISs took longer and required more environmental studies. He said that it would likely take one to three years to make a decision on the route option. He said that they would have to source funding for the crossing which would also take time. He explained that the NEPA process would certify the proposed alternative for construction, but the funds had to be available before certification.

Ms. Bohmke requested that Mr. Ollis's team work with the County Public Information Office (PIO) to distribute information to the public related to the river crossing as it was made available to FAMPO.

Mr. Ollis responded that he would direct the public engagement officer to coordinate with the County PIO. He noted that two public hearings were required during the NEPA study.

Ms. Gary asked for an overview of how many times a potential river crossing had been considered and discussed by the Board.

Mr. Ollis responded that they had studies going back 20 years which had identified a need for a river crossing for local traffic west of I-95. He said that there had been several proposals, such as the outer connector proposal, a whole road proposal, and the Rappahannock Parkway. He said that each of the previous proposals had failed for varying reasons.

Dr. Yeung requested a report on the studies that had been previously performed so that constituents would be able to review the information. She asked how the NEPA study would be funded.

Mr. Ollis responded that the next phase of the NEPA study was funded through a surface transportation block grant. He said that FAMPO Policy Committee allocated $13M at the previous meeting, and $600K was earmarked for the NEPA study. He said that FAMPO was contributing $85K as a local match for the study. He said that the total funding for the study from the two sources was $685K. He said that the previous study only required staff time, so there was no additional cost component.

Dr. Yeung asked whether the NEPA study would continue on the information that had already been gathered.

Mr. Ollis said that they provided the available information to the consultant, but the consultant was obligated by NEPA to review all of the options again, an option that was not considered, and they had to model the no-build option. He said that if the NEPA process did not certify the final alignment, then the crossing could not be constructed.

Dr. Yeung said that they needed to start emphasizing bicycle and pedestrian modes of transportation in the County.

Mr. Ollis responded that in the east-west mobility study, they proposed two shared-use paths, one in the Chatham area and one in the Stafford downtown area. He said the Policy Committee had voted to earmark funding for a shared-use path in the TMA or northern Stafford area. He said that there were two other studies that needed funding.

ADDITIONS - DELETIONS AND APPROVAL OF THE REGULAR AGENDA

Mr. Vosburg responded that the Board had additional agenda materials before them. He said Items 8 and 13 on the Consent Agenda had additional resolutions included.

Ms. Bohmke requested to add a New Business item to the agenda as Item 20, EDA Business.

Ms. Vanuch motioned, seconded by Ms. Bohmke, to approve the agenda as amended.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

PRESENTATIONS BY THE PUBLIC - I

Dr. Yeung read the protocol for public presentations.

1. Ms. Shannon Fingerholz, 19 Cardinal Forest Drive, spoke about how school counselors were important for students of all ages at all development stages. She expressed concerns about the reliance on the state budget, and she hoped that the Board would be more proactive in the future by working with the School Board.

2. Ms. Alane Callander, 622 Lancaster Street, suggested that the County consider expanding mass transit when it considers the Rappahannock River crossing. She requested that the Board consider removing data centers as a by-right use. She said that open space

contributed to the maintenance of natural resources, clean water and air, and enhanced biodiversity. She said that they needed to be careful about data centers.

3. Mr. Matthew Shilts, 37 Serene Hills Drive, said that the Board should have approved the raise for supervisors because they needed to be compensated appropriately. He said that a salary raise would attract higher quality applicants and people who were able to dedicate full-time expertise to the job. He continued to advocate for a substation on Route 17. He said that the corridor had become dangerous from truck traffic. He said that more signs needed to be installed on the Route 17 corridor. He said that VDOT would perform a holistic review of the corridor.

4. Ms. Kristin Maxson, 1816 Richmond Highway, stated that they should be careful about debt when building schools. She noted that the proposed school budget included an increase in debt. She said that the link to Community and Economic Development on the Civic Clerk portal had changed from ID 27 to ID 42, so there was now a segregated link because it was changed to Economic Development Authority. She suggested that it be continual, not segregated.

5. Ms. Jo Knight, 103 Nautical Cove, stated that the County needed trade schools. She said she had submitted an offer for the Anne Moncure school site, and it proposed to renovate the existing school. She said the proposal was backed by a trust which had been successful in the County. She said that the proposed school would provide scholarships.

REPORTS BY BOARD MEMBERS

Mr. English – remarked that the soapbox derby would be hosted June 10 at 95 Reservoir Road. He said he attended the Sheriff Office's award banquet. He said that Mr. Jack Rowley was awarded the 17th annual Chancellor Award.

Ms. Gary – remarked that she attended a ribbon cutting on May 3 for Vision Craft at the Smart City testbed, and it was the opening of the first US location. She stated that she spoke at the Stafford NAACP Prayer and Scholarship breakfast along with other faith leaders in the area. She said that she attended a transportation meeting the previous Monday, and they received a presentation from the Secretary of Transportation. She said that they had requested their region be considered as mid-sized MPO to open up more project opportunities.

Ms. Gary said that the state had indicated it would review and prioritize projects along Route 1. She said she chaired the Workforce and Affordable Housing Ad Hoc Committee the previous Thursday, and the committee had drafted a charter to bring before the Board for approval. She said she attended the Sheriff Office's annual award ceremony. She said on Saturday, they celebrated the high school fire program graduates. She said she attended the CPMT meeting.

Ms. Vanuch – reminded Lake Arrowhead resident to apply to the service district authority. She said that they would have until June 15 to apply. She said that she attended the FAMPO meeting. She said she attended the Sheriff Office's awards ceremony. She said she attended Fentanyl Awareness Day with the Governor, Lieutenant Governor, and the Attorney General. She said that the event was hosted at Stafford High School to sign legislation and an executive order enabling agencies in the state to take direct action related to the fentanyl crisis.

Ms. Vanuch said she attended the Fire and Rescue high school graduation. She said in terms of cost to compete, Senator Stuart was supportive and understood the importance of cost to compete for the County. She said that Dr. Yeung had met with Senator McPike and had two meetings scheduled in May with Delegate King and Senator Surovell. She said that the Speaker of the House had agreed to meet with the Board, and they were scheduling a date. She said that Delegate Durant's office had indicated it wanted to meet, but they were unsure whether it would be before the primary.

Ms. Bohmke – remarked that she attended the BOOTS House. She said that the BOOTS program was founded in 1988 as a 501(c)(3) organization. She said that every year, the program built a house, sold it, and used the proceeds to build another house. She said that the program was seeking land donations. She said that the house was located at 152 Little Whim Road. She said she attended the Sherriff Office's award ceremony. She said she attended the Commonwealth Transportation Board (CTB) meeting along with Ms. Gary.

Ms. Bohmke said that she was doing a walk around Chatham with Mr. Kyle Bates of VDOT to discuss and identify pedestrian safety issues, such as the lack of sidewalk. She said she attended the Fentanyl Awareness Day at Stafford High School. She said she attended the high school graduation for Fire and Rescue. She expressed her condolences to the Payne family for the death of Alvin Abby Payne, who died at 89 and was a lifetime member of the Falmouth Fire Department, a parishioner at Falmouth Baptist Church, and an Army veteran. She said that a funeral service for Alvin Payne would be on Saturday.

Ms. Bohmke requested to pull Items 8 and 13 from the Consent Agenda.

Mr. Coen – remarked that he had met with residents about the river crossing and attended the FAMPO meeting. He said he attended the BOOTS House. He said he attended the Sheriff Office's award ceremony. He said that the high school Fire and Rescue graduation was phenomenal. He thanked the people who worked to have the high school program reinstated. He said in three years, the program had 37 graduates, and 10 were active volunteers while another 10 worked in SCFR. He said that an EMT class was hosted in the high schools. He said he attended the Fentanyl Awareness Day, and many attendees took doses of Narcan in case of an emergency. He wished everyone a happy spring.

Dr. Yeung – remarked that she attended the high school Fire and Rescue graduation, the Sheriff Office's awards banquet, the Governor's visit, the CTB meeting, and the Affordable Housing Ad Hoc Committee meeting. She said she met with Senator McPike who agreed with the County regarding VA benefits and the cost to compete issues. She said she would meet with Senator Surovell next week. She said that she had met with Delegate Durant on several occasions to discuss issues in the County.

Dr. Yeung said that they had to fund the schools with different revenue streams. She spoke about the importance of the CTE programs in the school system. She said that CTE offered a competency program at the middle and high schools. She said that the program offered students opportunities to explore careers. She said that the BOOTS program was important for students' career development. She said she had requested a discussion on business fees and taxes, and the topic was referred to the FAB Committee.

REPORT OF THE COUNTY ATTORNEY

There was no report.

REPORT OF THE COUNTY ADMINISTRATOR

Mr. Vosburg stated that included in the agenda packet were the Monthly Expenditure Listing Report, the May 2, 2023 Community and Economic Development Committee and May 2, 2023 Infrastructure Committee Action Lists for informational purposes.

Mr. Vosburg said he sent the Board members an email regarding setting up a workshop date for the downtown Stafford discussion. He said the workshop was currently scheduled for June 8 at 3 p.m. He said that in terms of the July 5 meeting, it would be scheduled with a light agenda, and they anticipated only a 3 p.m. session with no night session or committee meetings. He said that they would continue to monitor the need for the July 5 meeting as they approached the date.

Ms. Vanuch asked how they determined the 3 p.m. start time for the meeting. She noted she received complaints about hosting work sessions during the workday. She suggested that they try to host events in the evenings to make it easier for the public to participate.

Mr. Vosburg said that the meeting time was selected to enable as many Board members as possible to attend. He said that there was a conflict later in the evening.

Ms. Gary said she had a previously scheduled event that day at 6 p.m.

Ms. Vanuch asked what the alternative meeting dates were.

Mr. Vosburg said that four dates were provided, and they received the most feedback for the June 8 and the June 15 dates.

Ms. Vanuch said that the meeting for downtown Stafford should be held in the evening. She said that they should find another date for the meeting, and it should not begin earlier than 6 p.m. Ms. Gary said that she could do a different day in the evening.

Dr. Yeung said that they would consider the alternative date, but if it was not available, then they would keep the work session scheduled as-is.

Ms. Bohmke expressed concerns about not being able to reschedule the work session. She noted that the meeting was recorded for constituents to watch when convenient.

Mr. Vosburg said that there was a town hall hosted on the evening of June 15.

CONSENT AGENDA

Mr. Coen motioned, seconded by Ms. Gary, to approve the consent agenda and pull Items 8, 9, and 13.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

ITEM 1. COUNTY ADMINISTRATION; APPROVE MAY 2, 2023 BOARD OF SUPERVISORS MEETING MINUTES.

ITEM 2. COUNTY ADMINISTRATION; APPOINT MR. ZACHARY MARTINEZ AS AN AT-LARGE MEMBER TO THE WETLANDS/CHESAPEAKE BAY/COASTAL PRIMARY SAND DUNES BOARD FOR A TERM EXPIRING ON DECEMBER 31, 2026.

ITEM 3. BUDGET AND MANAGEMENT; BUDGET AND APPROPRIATE AVAILABLE FUNDS FOR THE SCHOOLS' HEALTH INSURANCE, NUTRITION, AND OPERATING FUNDS FOR FISCAL YEAR 2023.

Resolution R23-166 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE FUNDING TO THE SCHOOLS' HEALTH INSURANCE, NUTRITION, AND OPERATING FUNDS FOR FISCAL YEAR 2023

WHEREAS, the School Board has identified potential budget shortfalls in the Schools' Health Insurance Fund, Nutrition Fund, and Operating Fund; and

WHEREAS, the Schools' Health Insurance Fund has revenues generated from both employee and employer contributions as well as fund balance to support increased expenditures of $2,000,000; and

WHEREAS, the Schools' Nutrition Fund has charges for services and fund balance to support increased expenditures of $1,500,000; and

WHEREAS, the Schools' Operating Fund has increased state funding and insurance proceeds to support increased expenditures of $1,300,000; and

WHEREAS, the Schools, in a letter from the Superintendent dated April 21, 2023, requests the Board appropriate the above referenced funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that available Stafford County Public Schools funding be and it hereby is budgeted and appropriated, as follows, for fiscal year 2023:

Fund	**Revenue Source**	**Amount**
Schools' Health Insurance Fund	Employee and employer contributions, and fund balance	$2,000,000
Schools' Nutrition Fund	Charges for services and fund balance	$1,500,000
Schools' Operating Fund	Increased state funding and insurance proceeds	$1,300,000

ITEM 4. CAPITAL PROJECTS TRANSPORTATION; AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDING AND REORDAINING STAFFORD COUNTY CODE SEC. 15-56, "DESIGNATION OF RESTRICTED PARKING AREAS" TO DESIGNATE STREETS WITHIN THE HUNTER TRAIL SUBDIVISION AS RESTRICTED PARKING AREAS.

Resolution R23-160 reads as follows:

RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDING AND REORDAINING STAFFORD COUNTY CODE SEC. 15-56, "DESIGNATION OF RESTRICTED PARKING AREAS," TO INCLUDE STREETS WITHIN THE HUNTER TRAIL SUBDIVISION, LOCATED WITHIN THE GARRISONVILLE ELECTION DISTRICT

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

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

WHEREAS, the Hunter Trail Homeowners Association, Inc. (HOA) has submitted a letter requesting the establishment of a restricted parking area within Hunter Trail subdivision (Subdivision), and the letter satisfies the requirements of Stafford County Code Sec. 15-56; and

WHEREAS, the letter from the HOA requests to designate Woods Edge Court (SR- 1676), Timberwood Court (SR- 1679), and Quiet Brook Court (SR-1677) within the Subdivision as a restricted parking area; and

WHEREAS, the above-referenced streets within the Subdivision meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board desires to consider public comments concerning the proposed restricted parking area within the Subdivision;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider amending and re-ordaining Stafford County Code Sec. 15-56, "Designation of restricted parking areas," to include Woods Edge Court (SR- 1676), Timberwood Court (SR- 1679), and Quiet Brook Court (SR-1677) within the Hunter Trail subdivision as a restricted parking area, pursuant to proposed Ordinance O23-13.

ITEM 5. COMMUNITY ENGAGEMENT; PROCLAMATION RECOGNIZING MAY 21-27, 2023, AS NATIONAL EMERGENCY MEDICAL SERVICES WEEK IN STAFFORD COUNTY.

Proclamation P23-07 reads as follows:

A PROCLAMATION RECOGNIZING MAY 21–27, 2023, AS EMERGENCY MEDICAL SERVICES WEEK IN STAFFORD COUNTY

WHEREAS, emergency medical services are a vital public service; and

WHEREAS, May 21-27, 2023, is the 49th annual National Emergency Medical Services Week with a theme of "EMS: Where Emergency Care Begins"; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services have grown to fill a gap by providing important, out-of-hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that it be and hereby does proclaim May 21–27, 2023, Emergency Medical Services Week in Stafford County.

ITEM 6. ECONOMIC DEVELOPMENT; APPOINT MR. PRICE JETT TO THE STAFFORD COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) REPRESENTING THE GEORGE WASHINGTON DISTRICT FOR A TERM STARTING JUNE 5, 2023 AND ENDING JUNE 30, 2027

ITEM 7. ECONOMIC DEVELOPMENT; APPROPRIATE COMMONWEALTH OPPORTUNITY GRANT FUNDS TO THE STAFFORD COUNTY ECONOMIC DEVELOPMENT AUTHORITY PURSUANT TO AN INCENTIVE AGREEMENT WITH EXEL INC. D/B/A/ DHL AND GENESIS LOGISTICS, INC.

Resolution R23-96 reads as follows:

A RESOLUTION TO APPROPRIATE FUNDS TO THE ECONOMIC DEVELOPMENT AUTHORITY PURSUANT TO AN INCENTIVE AGREEMENT WITH VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP AUTHORITY, EXCEL, INC. DOING BUSINESS AS DHL, AND GENESIS LOGISTICS, INC.

WHEREAS, the County entered into a Commonwealth's Development Opportunity Fund Grant Performance Agreement (Performance Agreement) with Virginia Economic Development Partnership Authority (VEDP); Excel, Inc. doing business as DHL (DHL); Genesis Logistics, Inc. (Genesis); and the Economic Development Authority of Stafford County, Virginia (EDA) dated December 15, 2022, pursuant to Resolution R20-403; and

WHEREAS, the Performance Agreement provides for a grant from the Commonwealth's Development Opportunity Fund (COF Grant) to DHL and Genesis (collectively, the Companies) in the amount of One Million Seven Hundred Thousand Dollars ($1,700,000), which shall be disbursed to the Company provided that the amount of capital investment and new jobs required by the Performance Agreement (Targets) have been satisfied; and

WHEREAS, VEDP and the County have confirmed that the Companies have met the Targets and the County has received the COF Grant; and

WHEREAS, the County has the authority, pursuant to Virginia Code § 15.2-953, to make gifts, donations and appropriations of money to the EDA for the purposes of promoting economic development and the EDA has the authority to make grants of money and property in furtherance of its purposes, including promoting economic development;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023 that it be and hereby does budget and appropriate One Million Seven Hundred Thousand Dollars ($1,700,000) of Commonwealth's Development Opportunity Fund (COF) grant funds for payment to the Economic Development Authority of Stafford County, Virginia (EDA) pursuant to the Performance Agreement; and

BE IT FURTHER RESOLVED that the EDA is requested to disburse funds pursuant to the terms of the Performance Agreement.

ITEM 8. FIRE AND RESCUE; AUTHORIZE THE DISSOLUTION OF THE LENGTH OF SERVICE AWARDS PROGRAM (LOSAP)

Ms. Bohmke asked for more information about how the leftover funds would be distributed.

Mr. Joe Grainger, Assistant Fire Chief, said that two timeframes were required for the dissolution of LOSAP. He said that the first timeframe was to notify all of the beneficiaries to begin the administrative paperwork. He said that there would be a period of one to two years where they would hold the funds in escrow, but the funds would eventually be returned to the general fund.

Ms. Bohmke asked for information about the payouts for each individual firefighter. She requested that the information be included in an email.

Mr. Grainger responded that the information could be provided to the Board. He said that the total payout was $460K, and the lowest payout amount based on points accrued in the program was about $7K, and the highest payout was around $17K. He said that the maximum payout for the program was $25K, but no one reached that level. He said they performed an analysis of the stations and how much was distributed to members from each station.

Mr. Coen asked for clarification about the purpose of the program.

Mr. Grainger responded that the program was designed as a recruitment and retention effort, but it was not successful.

Mr. Coen asked for information about other programs to help the volunteer pool.

Mr. Grainger responded that they were an accommodation career and volunteer fire and EMS system, and they had a volunteer services coordinator who worked full time to recruit between 15 and 25 new volunteers into the system each month. He said that volunteers were well supported, and they were looking at new initiatives to recruit and train volunteers into the system.

Ms. Bohmke motioned, seconded by Mr. Coen, to approve proposed Resolution, R23-156.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Resolution R23-156 reads as follows:

A RESOLUTION TO DISSOLVE THE LENGTH OF SERVICE AWARDS PROGRAM (LOSAP)

WHEREAS, a Length of Service Awards Program (LOSAP), through Volunteer Firemen's Insurance Services, Inc. (VFIS), was implemented by the Department of Fire, Rescue and Emergency Services (Department) to provide incentives for recruiting and maintaining volunteer fire and rescue personnel; and

WHEREAS, VFIS discontinued administering universal life insurance benefits to members; and

WHEREAS, the discontinuation of life insurance benefits combined with a lack of station participation has resulted in declining enrollment and an ineffective program; and

WHEREAS, the County's Volunteer Fire and Rescue Association unanimously voted to discontinue the current LOSAP at their February 1, 2023 meeting; and

WHEREAS, upon dissolution of LOSAP, VFIS will issue a final payment of the present value of any accrued benefits to the existing members;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that it be and hereby does authorize the dissolution of the Stafford County LOSAP program for fire and rescue volunteer personnel; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute any and all documents that he deems necessary and appropriate to effectuate this Resolution.

ITEM 9. FIRE AND RESCUE; APPROPRIATE MASTER LEASE FUNDS AND BUDGET AND APPROPRIATE UNUSED REVENUE FROM THE SALE OF EQUIPMENT FOR HEAVY RESCUE SQUAD APPARATUS.

Dr. Yeung asked for information about cost savings in the appropriation.

Mr. Grainger stated that the resolution was for the purchase of a heavy rescue squad apparatus. He said that between the 15 Fire and EMS stations, they had two heavy rescue squads, one at the Falmouth fire station and one at the Garrisonville fire station. He said the purchase was from FY21, and it was intended to replace the antiquated equipment at the Garrisonville fire station. He said that they intended to use surplus sales funds from cost savings in the CIP for engine companies.

Mr. Coen motioned, seconded by Ms. Bohmke, to approve proposed Resolution, R23-161.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Resolution R23-161 reads as follows:

A RESOLUTION TO APPROPRIATE MASTER LEASE FUNDS, AND TO BUDGET AND APPROPRIATE SURPLUS SALES REVENUE FOR CHANGE ORDER MODIFICATIONS FOR HEAVY RESCUE SQUAD APPARATUS

WHEREAS, the Department of Fire, Rescue, and Emergency Services (Department) operates emergency response apparatus as part of its all-hazards approach to emergency, fire and medical response; and

WHEREAS, Resolution R20-328 approved the Master Lease financing, and budgeted and appropriated Fiscal Year (FY) 2021 Capital Improvement Program (CIP) Repair, Replacement and Rehabilitation (3R) Projects Master Lease funds in the amount of Eight Hundred Fifty-Five Thousand Dollars ($855,000) for the purchase of an equipped pumper/tanker engine; and

WHEREAS, there was a realized project savings from the FY2021 pumper/tanker engine in the amount of One Hundred Three Thousand Four Hundred Twenty-Five Dollars ($103,425); and

WHEREAS, Resolution R21-189 approved Master Lease financing and appropriated FY2021 CIP Master Lease funds in the amount of One Million Four Hundred Seventy-Four Thousand Dollars ($1,474,000) for the purchase of an equipped heavy rescue squad apparatus; and

WHEREAS, the Department worked with the Procurement Division to sell surplus Department vehicles, which amounted to Ninety-Three Thousand Eight Hundred Dollars ($93,800) in proceeds; and

WHEREAS, inflationary costs have resulted in a price escalation of One Hundred Ninety-Seven Thousand Two Hundred Twenty-Five Dollars ($197,225) for the heavy rescue squad apparatus; and

WHEREAS, the Department desires to use FY2021 Master Lease pumper/tanker engine project savings in combination with the proceeds from the FY2023 sale of surplus Department vehicles to fund the difference in cost;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that it be and hereby does appropriate surplus Fiscal Year (FY2021) Capital Improvement Program (CIP) Master Lease funds in the amount of One Hundred Three Thousand Four Hundred Twenty-Five Dollars ($103,425), and to budget and appropriate revenue funds obtained from surplus sales in an amount not to exceed Ninety-Three Thousand Eight Hundred Dollars ($93,800), for the purchase of the heavy rescue squad apparatus for the Department of Fire, Rescue, and Emergency Services.

ITEM 10. FIRE AND RESCUE; AUTHORIZE THE ADVERTISEMENT OF A PUBLIC HEARING TO CONSIDER AMENDING STAFFORD COUNTY CODE SEC. 12-62, "AMENDMENTS, ADDITIONS, AND DELETIONS TO THE VIRGINIA STATEWIDE FIRE PREVENTION CODE" REGARDING FIRELANE MARKINGS.

Resolution R23-167 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDING STAFFORD COUNTY CODE SEC. 12-62, "AMENDMENTS, ADDITIONS, AND DELETIONS TO THE VIRGINIA STATEWIDE FIRE PREVENTION CODE"

WHEREAS, due to Virginia Department of Transportation's (VDOT) requirements, there are currently two different standards for fire lane markings in the residential areas of the County; and

WHEREAS, VDOT's fire lane standards for roads excludes marking the pavement, while older standards for private roads include pavement stripes and lettering; and

WHEREAS, combining these two requirement standards within a community can create confusion; and

WHEREAS, Virginia Code § 27-97 authorizes the Board, and the Board desires to adopt fire prevention regulations that are more restrictive and/or more extensive in scope than the Virginia Fire Prevention Code; and

WHEREAS, the Board is proposing an amendment to the Fire Prevention Code to update the fire lane marking requirements to a single standard for residential areas; and

WHEREAS, to consider amending the Code, the Board is required and desires to hold a public meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider amending Stafford County Code Sec. 12-62, entitled

"Amendments, additions, and deletions to the Virginia Statewide Fire Prevention Code," pursuant to proposed Ordinance O23-16.

ITEM 11. PLANNING AND ZONING; AUTHORIZE THE ADVERTISEMENT OF A PUBLIC HEARING TO AMEND AND REORDAIN CHAPTER 22A, "PURCHASE OF DEVELOPMENT RIGHTS," TO REMOVE SECTIONS RELATED TO AN APPRAISAL REVIEW COMMITTEE.

Resolution R23-174 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE CHAPTER 22A, "PURCHASE OF DEVELOPMENT RIGHTS"

WHEREAS, the Board established Stafford County Code, Chapter 22A, "Purchase of Development Rights" (PDR Ordinance) in 2007; and

WHEREAS, the Agricultural and Land Conservation Committee (Committee) previously recommended amendments to the PDR Ordinance, including the adoption of provisions regarding the establishment of a three-member appraisal review committee, which the Board adopted in July 2022; and

WHEREAS, the Board desires to consider removing the provisions regarding the three-member appraisal review committee from the PDR Ordinance; and

WHEREAS, the Board desires and is required to hold a public hearing to consider amending Chapter 22A, "Purchase of Development Rights;"

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that the County Administrator, or his designee, be and he hereby is authorized to advertise a public hearing to consider amending and reordaining Stafford County Code, Chapter 22A, "Purchase of Development Rights," pursuant to proposed Ordinance O23-17.

ITEM 12. SHERIFF; AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDING AND REORDAINING STAFFORD COUNTY CODE SEC. 15-169, "CHARGES FOR TOWING AND STORAGE OF MOTOR VEHICLES" TO COMPLY WITH CHANGES MADE TO VIRGINIA CODE SECTION 46.2-1233.1.

Resolution R23-151 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 15-169, "CHARGES FOR TOWING AND STORAGE OF MOTOR VEHICLES" TO COMPLY WITH CHANGES MADE TO VIRGINIA CODE SECTION 46.2-1233.1

WHEREAS, the Virginia General Assembly revised Virginia Code § 46.2-1233.1 to add a $20.00 fuel surcharge fee for each vehicle towed or removed from private property without the consent of the owner; and

WHEREAS, on July 1, 2023 this fuel surcharge will take effect and Stafford County Code Sec. 15-169 needs to be amended to comply with this change in state law; and

WHEREAS, the Board desires and is required to hold a public hearing to consider amending the County Code;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that the County Administrator, or his designee, be and he hereby is authorized to advertise a public hearing to consider amendments to Stafford County Code Sec. 15-169, pursuant to proposed Ordinance O23-14.

ITEM 13. UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO APPROVE ADDITIONAL EXPENDITURES WITH INSTRUMENTATION AND CONTROLS SYSTEMS ENGINEERING, INC. FOR PROFESSIONAL ELECTRICAL SERVICES.

Ms. Bohmke stated that they originally passed R22-250 in September 2022 where they drafted a contract with Spotsylvania not to exceed $200K. She said that they approved a contract in October 2022 for a maximum of $415K. She asked if they were aware there would be additions to the contract at the time of the original resolution.

Mr. Chris Edwards, Director of Utilities, stated that in the 3R budget, they had about $2M set aside for electrical upgrades. He said that the contract was for one of the tools they used most heavily. He said that they had five pump station control replacements as part of the 3R program.

Ms. Bohmke asked for clarification regarding whether the project was beyond the utility department's capability to do the panels.

Mr. Edwards responded that three of the four replacements were for the entire electrical system at the pump stations. He said that a wholesale changeout was a larger effort than what they wanted staff to handle, so they contracted the equipment replacement to another company. He said that 3/4 of the contract was for the equipment, and 1/4 was for labor. He said they would still be required to purchase the equipment regardless of the installation approach.

Ms. Bohmke asked why R22-250 was not referenced in the example motion. She said that the first resolution should be included, and she noted that R22-270 was included.

Ms. McClendon responded that R22-270 incorporated R22-250, so a reference to the first resolution was not necessary because R22-270 increased the overall contract value.

Ms. Bohmke motioned, seconded by Mr. Coen, to approve proposed Resolution, R23-165.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Resolution R23-165 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE ADDITIONAL EXPENDITURES WITH INSTRUMENTATION AND CONTROLS SYSTEM ENGINEERING, INC. FOR PROFESSIONAL ELECTRICAL SERVICES

WHEREAS, the Department of Utilities requires additional professional electrical services for rehabilitation and replacement of electrical control panels, soft starts and automatic transfer switches for pump stations and treatment facilities to ensure facilities function as intended; and

WHEREAS, the County executed a contract with Instrumentation and Control System Engineering, Inc. (ICSE), Stafford County Rider Agreement #22-036-5030CI which rides a contract awarded by Spotsylvania County Contract #17-07-TV-02, for professional electrical services with a current contract renewal term which ends on July 11, 2023; and

WHEREAS, pursuant to Resolution R22-270, the Board approved expenditures in the amount of $600,000 and a total contract amount of $1,015,993; and

WHEREAS, additional expenditures are needed for the remainder of the contract term, ending on July 11, 2023, which are anticipated to exceed 25% of the previously approved total contract amount; and

WHEREAS, funds for the professional electrical services for the pump station rehabilitation project are available in the Utilities Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that the County Administrator be and he hereby is authorized to approve additional expenditures with Instrumentation and Controls System Engineering, Inc., Stafford County Rider Agreement #22-036-5030CI, for professional electrical services in an amount not to exceed Three Hundred Twenty-Five Thousand Dollars ($325,000), for a total contract amount of One Million Three Hundred Forty Thousand Nine Hundred Ninety-Three Dollars ($1,340,993), unless modified by a duly executed contract amendment.

UNFINISHED BUSINESS

ITEM 14. UTILITIES; CONSIDER AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT WITH SBC TOWER HOLDINGS, LLC FOR THE GARRISONVILLE RADIO TOWER ON SHELTON SHOP ROAD.

Mr. Edwards stated that they only received about $1 per year in revenue from the contract, but expenditures cost about $22K per year for the public safety radio system. He said staff met with SBC Tower to revise the lease agreement to ensure the County received about $21K per year in revenue with a $25K lump-sum payment and a free space for the public safety radio system. He said that the lease term was for 35 years with seven five-year renewal options.

Ms. Vanuch asked who negotiated the contract.

Mr. Edwards said that Mr. Mike Morris negotiated the contract.

Dr. Yeung asked for clarification about the lump-sum payment.

Mr. Edwards responded that there would be a $25K lump-sum payment the first year, and in the following years, there would be a $21K payment that would increase by 3% each year.

Dr. Yeung asked whether they could receive back payment for the years when the contract was set at $1.

Mr. Edwards responded no. He said the $1 rate was in the previous lease agreement.

Dr. Yeung asked whether they planned to review all of the contracts to determine whether they were prepared correctly.

Mr. Edwards stated that County Administration had instructed procurement to review the existing contracts and the terms.

Ms. Donna Krauss, Deputy County Administrator, stated that they were working to catalog the inventory in the procurement office.

Dr. Yeung said that she would like an inventory performed. She asked how the Board could provide assistance.

Ms. Krauss said that staff would evaluate the needs.

Ms. Vanuch suggested that the procurement inventory matter be brought back before the FAB Committee.

Ms. Krauss said that they could bring the item before the FAB Committee.

Ms. Vanuch motioned, seconded by Mr. Coen, to approve proposed Resolution, R23-148.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Resolution R23-148 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT WITH SBC TOWER HOLDINGS, LLC FOR THE GARRISONVILLE RADIO TOWER ON SHELTON SHOP ROAD

WHEREAS, SBC Tower Holdings, LLC (SBC) desires to amend the lease of the Garrisonville radio tower (Tower) on County-owned Tax Map Parcel No. 19-74A, located on Shelton Shop Road; and

WHEREAS, the County signed a lease agreement with Suburban Cellular Inc., predecessor-in-interest to SBC, on February 7, 1991 to rent land to build and operate a radio tower for two 20-year terms due to expire in 2031; and

WHEREAS, SBC proposes to add seven additional five-year terms, extending the lease term to February 6, 2066, if all renewal terms are exercised; and

WHEREAS, in exchange for the extended lease term, SBC will pay an up-front $25,000 lump sum payment and $1,750 per month, or $21,000 annually, with a 3% annual escalation; and

WHEREAS, SBC will provide free space for all Stafford County equipment on the tower, which will result in a $21,816 per year saving to the Sheriff's Office;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that the County Administrator be and he hereby is authorized to execute an amendment to the lease agreement with SBC Tower Holdings, LLC for the Garrisonville radio tower on County-owned Tax Map Parcel No. 19-17A, located on Shelton Shop Road to add seven additional five-year terms, a term ending on February 6, 2066, if all renewals are exercised; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, is authorized to execute any and all documents that he deems necessary and appropriate to effectuate this Resolution.

ITEM 15. DISCUSSION ON REMOVAL OF DATA CENTERS AS A BY-RIGHT USE IN THE B-2, M-1, AND RBC ZONING DISTRICTS; REQUESTED BY CRYSTAL VANUCH.

Ms. Kathy Baker, Director of Planning and Zoning, stated that at the March 29 joint work session between the Board and Planning Commission, the Board had referred to the Planning Commission a request to develop standards for data centers. She said that at the April 4 meeting, they brought forward the item to discuss the removal of data centers as a by-right use in B-1, B-2, M-1, and

RBC zoning districts. She said the Planning Commission subcommittee was meeting weekly to work on the standards.

Ms. Baker said that to remove data centers as a by-right use, staff would work with the Planning Commission, but if they were removed as by-right uses and not addressed in any other way, then data centers would be permitted in any zoning district by CUP. She said staff recommended that the Board consider specifying data centers as a conditional use rather than removing them as a by-right use.

Ms. Baker said that there were two data center projects which had been submitted, and they were being reviewed under the current code provisions. She said if a plan were approved prior to the code change, it would be grandfathered in, but if there were code change prior to approval, the project would need to comply with the new code provisions. She said that the Board could specify that any new regulations would not apply to the application in process.

Ms. Baker explained that any ordinance change was typically referred to the Planning Commission, and any changes developed by the Planning Commission would come back before the Board for approval. She said public hearings would be required with the Planning Commission and the Board.

Ms. Bohmke asked whether the M-2 zoning district should be included.

Ms. Vanuch said that would make sense. She said she wanted to reconsider any district where data centers were by-right. She said that her goal was to remove the by-right use and create a zoning category for data centers. She said that a new zoning category would allow them to target growth. She suggested that they provide the Planning Commission guidance on what issues to review in relation to data centers.

Mr. Coen asked how many parcels currently could have a data center built on them.

Ms. Baker said that the map included in the Board materials displayed the sites that were by-right in the County.

Mr. Coen said that he was apprehensive about implementing a new zoning category for data centers because of the timeframe. He said that the Planning Commission should draft its ideas before the Board provided feedback. He said that data centers may move to other communities if the development process became too difficult.

Ms. Gary stated she wanted to first hear from the Planning Commission before providing feedback.

Mr. English asked what the cost would be to developers if they were not grandfathered in under a zoning change.

Ms. Baker said the cost would be about $10K.

Ms. Bohmke said she was apprehensive about creating a new data center category. She asked if they would lose the ability to obtain proffers.

Ms. Baker said no, unless the Board assigned the district to the properties which were being discussed. She said that staff had discussed the suggestion, and if they set a district specific to one use, there would be unintended consequences. She said that staff did not recommend a specific zoning category.

Ms. Vanuch asked whether there was a timeline for when the Planning Commission would be completed.

Ms. Baker stated the Board had requested that the item come back by June 27.

Ms. Vanuch requested that the Planning Commission provide a presentation to the Board.

Dr. Yeung asked for advantages and disadvantages of removing data centers from by-right uses. She said she supported the Planning Commission reviewing the ordinance and returning with recommendations and a report.

ITEM 16. DISCUSSION ON CATEGORICAL FUNDING.

Ms. Andrea Light, Chief Director of Financial Services, stated that the Board could appropriate funding by lump sum or by category, which included nine broad categories. She said that within each of the categories were several types of expenditures. She said that instruction was the largest expenditure category. She said that through categorical funding, the Board could communicate a certain level of dissatisfaction over the handling of funds by the School Board. She said that budget amendments between categories would come to the Board for appropriation. She said that there was an administrative burden on the schools and County budget staff.

Ms. Light said that categorical funding could have unintended consequences for the use of funds. She said that categorical funding provided a false sense of oversight. She said that the schools already used the categories for its own accounting practices, the annual Superintendent's report, and their financial statements. She said that the categories did not provide additional information as to what the funds were spent on and whether the spending was based on the Board's or School Board's intent.

Ms. Light said VACO had surveyed its members in 2021, and about 51% of members responded, and of the responses, about 50% did categorical funding. She said that Spotsylvania was doing categorical funding. She said that they were bringing the appropriation back before the Board at the June 6 meeting. She said that they would have to work closely with the schools to determine a categorical appropriation resolution if the Board desired.

Mr. English asked whether categorical funding would provide a clear summary of how the funds were being spent by the school system.

Ms. Light stated that the schools already reported their finances by category, and their monthly reports accounted for transactions through the categories.

Mr. English asked if categorical funding would provide more details as to what the funds were spent on.

Ms. Light responded no.

Mr. English asked why localities considered categorical funding. He said that he was interested in categorical funding because it could impose a check on the School Board spending.

Ms. Gary said she did not support categorical funding because it did not accomplish the intended goals.

Mr. Vosburg said that they could discuss the matter with the three-on-three committee, and they could identify either a quarterly report or other information that Mr. English was seeking to provide greater transparency.

Mr. English expressed concerns about the $200K spent on convocation, the funds used to send the high school students to Cool Springs, and the funds spent on the annual awards ceremony. He said that constituents should know how the funds were spent.

Ms. Vanuch said that it appeared the School Board budget was presented with less transparency this year than in previous years. She said that the funds were presented as necessary “to keep the lights on” without further explanation. She said that it would reduce confusion to receive a more detailed explanation about the funding requested from the School Board. She suggested that the three-on-three review what was necessary “to keep the lights on” for the schools.

Ms. Gary noted that the school system had unique challenges, and they were limited to the Board’s allocation to meet those challenges.

Ms. Bohmke said she did not support categorical funding. She said that many of the localities which used categorical funding had no relationship with the school division.

Dr. Yeung said she wanted to focus on trusting the school division when it communicated its needs for funding. She said she did not support categorical funding.

NEW BUSINESS

ITEM 17. PLANNING AND ZONING; CONSIDER A REQUEST TO REDUCE THE FIVE-YEAR TIME LIMIT REQUIREMENT FOR A FAMILY SUBDIVISION ON TMP NO. 28-31A (EASTMAN FAMILY).

Mr. Brian Geouge, Principal Planner, stated that the property was located on Winter Wheat Lane. He said that the site was an undeveloped seven-acre parcel zoned A-1. He said the property owners purchased it in April with the intent of dividing four acres to build a home for themselves and to provide a parcel to their son. He said the parcel did not qualify for a traditional subdivision since it was under 12 acres.

Mr. Geouge said that a family subdivision was exempt from the six-acre A-1 density requirement, but the property must be owned for five years before conveying it to a family member. He said that the Board could grant an exception for the time limit requirement if they determined an extraordinary hardship caused by the time limit. He said that the applicants had stated their health and need for their son to remain in close proximity as a care giver created an extraordinary hardship.

Ms. Vanuch stated that the applicant had requested assistance and advice from the County prior to purchasing the property. She said that the property was previously on top of an illegal landfill.

Ms. Vanuch motioned, seconded by Ms. Gary, to deem the item time sensitive due to the health of Mr. Eastman.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Ms. Vanuch motioned, seconded by Ms. Gary, to approve proposed Resolution, R23-163.

Dr. Yeung stated that she would support the motion.

Ms. Gary clarified that the elder Mr. Eastman began experiencing health problems prior to purchasing the property.

Mr. Eastman stated that they began the process to purchase a property, then the diagnosis got worse for his father.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Resolution R23-163 reads as follows:

A RESOLUTION AUTHORIZING THE REDUCTION OF THE FIVE-YEAR PROPERTY OWNERSHIP REQUIREMENT OF STAFFORD COUNTY CODE SEC. 22-5, "FAMILY AND MINOR SUBDIVISIONS," ON TAX MAP PARCEL NO. 28-31A, LOCATED WITHIN THE ROCK HILL ELECTION DISTRICT

WHEREAS, Jerry R. Eastman and Elizabeth Eastman (Eastmans) purchased Tax Map Parcel No. 28-31A (Property) in April 2023; and

WHEREAS, the Eastmans desire to subdivide the Property for the purpose of sale or gift to a member of their immediate family pursuant to County Code Sec. 22-5(a); and

WHEREAS, Stafford County Code Sec. 22-5(a)(2) requires that property used for a family subdivision be owned for at least five consecutive years by the current owner prior to the transfer; and

WHEREAS, County Code Sec. 22-5(a)(14) provides that if the Board finds an extraordinary hardship is being caused by the five-year time restriction, it shall reduce the time period to alleviate the hardship and that the hardship provision shall be noted on the plat or in the deed; and

WHEREAS, the Board finds that the imposition of the five-year ownership requirement as applied to the Eastmans causes an extraordinary hardship pursuant to Stafford County Code Sec. 22-5(a)(14) and that granting a reduction of such time period is appropriate and in the best interest of the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that a reduction of the requirement that property be owned for at least five consecutive years by the current owner, pursuant to Stafford County Code Sec. 22-5(a)(2), be and it hereby is granted to Jerry R. Eastman and Elizabeth Eastman such that the family subdivision of Tax Map Parcel No. 28-31A for the purpose of sale or gift to a member of the immediate family, pursuant to County Code Sec. 22-5 (Family Subdivision), is permitted as of the date of this Resolution; and

BE IT FURTHER RESOLVED that both the plat and deed effecting the Family Subdivision permitted by this Resolution shall contain a note referencing this Resolution number and Stafford County Code Sec. 22-5(a)(14); and

BE IT STILL FURTHER RESOLVED that the property shall still be required to meet all other applicable requirements of the subdivision and zoning ordinances.

ITEM 18. DISCUSSION ON FLEET SERVICES; REQUESTED BY SUPERVISOR DARRELL ENGLISH.

Mr. English requested a report on whether there would be a cost savings if the County managed its fleet services.

Mr. Vosburg said that they could begin discussions with the School Board on the current operations, and they could review how other jurisdictions operated.

Dr. Yeung said she did not support having the County manage the fleet services because it did not have the staff or expertise.

Ms. Vanuch asked whether the school division or local government owned the property operated by fleet services.

Mr. Vosburg said that there was an MOU, but he did not have it available.

Ms. Vanuch requested that the item come back before the FAB Committee.

Ms. Bohmke said she agreed with the request to come back before the committee.
Mr. English said he supported sending the item to committee. He said that they may generate a cost savings for the County.

Mr. Coen asked if they could review whether they would generate operational efficiencies by taking over fleet services.

Ms. Bohmke said that they should review the historical data.

Mr. English said that the Sheriff Office used Jiffy Lube and other services to save money.

Ms. Gary said that they should consider future growth and future needs of fleet services.

ITEM 19. COUNTY ADMINISTRATION; CONSIDER GERMANNA COMMUNITY COLLEGE (GCC) REQUEST FOR A JOINT COMMITTEE TO DISCUSS 25-ACRES PARCEL.

Dr. Yeung said that the CEDC committee recommended not creating the working group but suggested that the item come before the Board.

Mr. Mike Morris, Deputy County Administrator, said that the item was a request by the Germanna College through their Real Estate Foundation to create a joint working group composed of two representatives from the Board, two representatives from Germanna community college, and two representatives from the Stafford EDA.

Mr. Morris said the goal of the working group would be to work on a collaborative agreement or solution for the 25-acre parcel donated by the County to Germanna in 2016 for a new campus. He said Germanna had purchased a new property in northern Stafford, so they requested the joint committee to determine solutions for the 25-acre property. He stated that present from Germanna were Dr. Shashauna Gray, Bruce Davis, and Jack Rowley.

Ms. Bohmke asked if there was a five-year plan for the community college.

Mr. Bruce Davis stated that they went "all in" with this project, with demolition happening soon. He said that one of the buildings would be entirely dedicated to nursing and Allied Health to addressing the workforce shortage. He said the other building would be used for cybersecurity, IT, and early college work. He said that he did not know what the 25-acre site could be used for, and they needed to see the results of opening the other two buildings first. He stated that they may be the next two buildings if those first are successful.

Mr. Davis stated that they needed a little time to see what would happen, and they view themselves as an extension of localities' K-12 education, with money coming from the state and localities but also having to be raised independently when there are new projects. He said that's why they wanted to have a discussion with the Board about the future of Germanna in the County, adding that the land could be used for a CTE center or workforce center. He noted that Governor Youngkin was very pro-workforce development, and the new chancellor for the state community college system was hired for that reason. He added that the entire education environment is changing, and Germanna needs some time to figure this out. He emphasized that Germanna is here to serve the County.

Ms. Vanuch said it was unfortunate that he had not attended the CEDC meeting to discuss this originally, and they talked about the acquisition of the hospital—with a letter was issued to Germanna after that. She said there were needs for schools in the County, and she would be interested in having the contract updated and suggested a five- to seven-year conveyance of the land back to the County.

Mr. Davis said that they would definitely consider the suggestion. He said that they wanted to act as a partner to the County, but they have to figure out what they have to do to best do that.

Ms. Vanuch recommended keeping the matter at the Board level and perhaps having Germanna provide quarterly updates, as well as having it reviewed by CEDC because they have monthly meetings. She noted that the CEDC could work directly with the Board rather than creating an entire new ad hoc committee.

Ms. Gary said she agreed with Ms. Vanuch's recommendation and trusted what Mr. Davis was saying, and she felt they were trying to make decisions without the full information.

Mr. Davis stated that he felt the foundation's cabinet would be amenable to the Board's suggestions.

Mr. Coen expressed concerns that the schools would not be involved. He said he did not understand why there needed to be a new committee with EDA members on it. He said that he started nagging about this whole issue a year ago, and he has been in communication with school officials during that time. He stated that he felt the CEDC was the appropriate agent to handle this. He said that he has taught at Germanna and recognized the need for a dual enrollment system in the County schools, which he has been pushing for 25 years.

Ms. Bohmke stated that she serves on the Workforce Development Board for Bay Consortium. She expressed concern about the CNA and healthcare facilities for elderly people in the County, and she requested that they identify where the workforce emphasis should be focused. She said that there must be a pipeline coming out of K-12, and she felt that the Board could be a partner with Germanna for this.

Mr. Davis responded that it was a problem nationwide.

Mr. English commented that he appreciated the phone call and the work they were doing.

Dr. Yeung stated that it sounded like they did not need to create a subcommittee and would look at the contract, and she requested that more information be brought back before the Board. She stated that she would assign the County Administrator and County Attorney to review the contract. She said that the matter would be directed to CEDC for review, and regular updates would be provided to the Board. She said that they needed to ensure graduates would have jobs in the County. Dr. Yeung stated that she understood that Mary Washington had eliminated the CNA program.

Mr. Davis confirmed that the program was still in existence and just graduated numerous candidates.

Mr. Coen suggested the item be added to the three-on-three discussion so they can work together on this.

Dr. Yeung said the item was not ready for a three-on-three discussion, and they should bring the contract back first.

ADD-ON TO NEW BUSINESS

EDA DISCUSSION; REQUESTED BY SUPERVISOR MEG BOHMKE.

Ms. Bohmke said that the EDA had gone into close session to discuss grant funding at the last meeting. She expressed concerns that the closed session may not have been eligible for closed session. She requested that the County Administrator and County Attorney review the matter for the next Board meeting.

Ms. Gary asked why the meeting was potentially not eligible for closed session.

Ms. Vanuch stated that someone made a complaint to Ms. Bohmke that an unlawful closed session took place. She said that Mr. Vosburg and Ms. McClendon should review the matter to determine what took place.

Ms. Gary asked how the EDA decisions would be impacted.

Ms. Bohmke said that they did not know.

Dr. Yeung directed the County Administrator and the County Attorney to look into the matter.

CLOSED MEETING

At 5:57 p.m., Mr. Coen motioned, seconded by Ms. Bohmke, to adopt Resolution CM23-10 to authorize closed session.
The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0):	
Absent:	(1)	Allen

Resolution CM23-10 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion concerning the expansion of a prospective industry where no previous announcement has been made of the industry's interest in expanding its facilities in the community; and discussion of the award of a public contract involving the expenditure of public funds, and the terms and scope of such contract, where discussion in an open session would adversely affect the bargaining position and negotiating strategy of the Board; (2) consultation with legal counsel employed by the Board regarding the reacquisition of property, which is a specific legal matter requiring the provision of legal advice by such counsel and where discussion in an open meeting would adversely affect the bargaining position and negotiating strategy of the Board; and (3) discussion of the disposition of a County-owned interest in real property, where discussion in an open meeting would adversely affect the bargaining position and negotiating strategy of the Board; and

WHEREAS, pursuant to Virginia Code § 2.2-3711 (A)(3), (A)(5), (A)(8), and (A)(29) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that it be and hereby does authorize discussion of the above matters in Closed Meeting.

CERTIFY CLOSED MEETING - SEC. 2.2-3711 (A)

At 6:49 p.m., Mr. Coen motioned, seconded by Ms. Bohmke, to adopt Resolution CM23-10(C) to certify the Closed Meeting.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Resolution CM23-10 (C) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE
STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED
MEETING ON MAY 16, 2023

WHEREAS, the Board has, on this the 16th day of May, 2023, 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 16th day of May, 2023, 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.

RECESS

At 6:49 p.m., the Board recessed the meeting.

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

PRESENTATIONS

There were none.

PRESENTATIONS BY THE PUBLIC

Dr. Yeung read the rules for public comment.

1. Mr. Tim Lewis expressed concerns that a supervisor voted against a motion because of an applicant's political speech. He said that the supervisor would punish people who did not agree with her politically. He said that her actions were illegal and violated the oath of office, the 1st and 14th Amendments, Title 18 of US Code 242, and Article 1 § 12 of the Virginia Constitution. He said that the Board refused to take action, and the people he had been directed to contact told him that the supervisor had done nothing illegal. He said they needed to demand that such an action did not happen again, and they needed to demand more from their representatives.

2. Ms. Molly Denham said that teachers were responsible for more than teaching students how to read, write, and add, and many teachers spent more time with children than the parents. She said that teachers were enormous influencers and should be recognized beyond platitudes. She said the schools were underfunded, and the Board made the decision to underfund the entire County. She said that they had to stop relying on the state government for financial support. She suggested making the proposed river crossing a local resident only road. She said that freight and construction vehicles should be forbidden on the new crossing. She expressed concerns about the traffic speed on Route 17 in Hartwood.

3. Ms. Kristin Maxson, 1816 Richmond Highway, said that she tried to search on the Community and Economic Development committees, but they did not appear in the search header because the letterhead was digitized. She said that she was not able to find resolutions or ordinances because the layout was different, and sometimes the data was arranged in a table grid so items were selected vertically and horizontally. She said that the ARB had met on May 1 to vote on the committee, but there were no minutes to review. She said that tax map parcels 68, 54, 42, 39, and 37 had duplicates of GIS parcels. She said that the duplicated information could conceal other associated information. She requested that the accuracy of the GIS data be improved. She said that the infrastructure projects in the comprehensive plan needed more work.

UNFINISHED BUSINESS (CONTINUED)

ITEM 20. PLANNING AND ZONING; CONSIDER A REQUEST FOR (1) A PROPOSED ZONING RECLASSIFICATION, WITH PROFFERS, FROM THE B-3, OFFICE ZONING DISTRICT TO THE B-2, URBAN COMMERCIAL ZONING DISTRICT, AND (2) A CONDITIONAL USE PERMIT TO ALLOW A HOTEL/MOTEL USE WITHIN THE B-2, URBAN COMMERCIAL AND HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICTS ON TAX MAP PARCEL NO. 38-20 (PROJECT KNOWN AS RA-AMIT, LLC).

Ms. Amy Taylor, Planning and Zoning Planner said that the request was to rezone 4.98 acres from B-3 to B-2 urban commercial. She said that a conditional use permit was included to allow a hotel or motel use in the B-2 and highway overlay corridor districts. She said that the parcel was located on TMP No. 38-20. She said that Mr. Raj K. Gupta, RA-Amit LLC, was the applicant and property owner.

Ms. Taylor said that the parcel was located on the east side of Richmond Highway. She said that surrounding zoning districts included B-1 to the north, A-1 to the east and south, and M-1 to the west. She said the property was formerly used for a hotel prior to 1986, and it was later rezoned to B-3 with a special use permit for a nursing home.

Ms. Taylor said the applicant's intent was to refurbish the existing building and reestablish a hotel or motel use. She said that there were two existing entrances to the highway. She said the applicant was granted a waiver of a formal Generalized Development Plan, and the boundary survey provided by the applicant met the basic intent of the Generalized Development Plan.

Ms. Taylor said that the nursing home operations ceased in 2006, and the building had remained vacant. She said the Resource Protection Area (RPA) encumbered the southern portion of the property and affected nearly 1/3 of the existing structure. She said the entire site was within the 100-year flood plain, including a portion of the existing structure. She said due to the structure's location within the flood plain, the building was subject to provisions of the Flood Hazard Overlay district.

Ms. Taylor said the Comprehensive Plan placed the property within the Stafford Targeted Development Area, TDA II, and designated it as business and industry. She said hotels, conference space, and commercial retail uses were among the recommended uses, and staff believed the proposed use was consistent with the Comprehensive Plan recommendation and appropriate in the business and industry area.

Ms. Taylor said the proposed proffers would limit trip generation to no more than 1,000 trips per day based on all combined uses. She said that access to the site would be limited to no more than two entrances, and the southern entrance would be limited to utility access and deliveries. She said that since the May 2 meeting, the applicant met with staff and had modified the proffers to add specific use restrictions for 12 uses. She said that the use restrictions were specifically listed in Proffer 2A of the amended voluntary proffer statement.

Ms. Taylor said the conditional use permit would only allow the development of one hotel or motel, require the site to be developed as shown in the boundary survey, limit use of the southern entrance, require loading spaces to be located behind the primary building, and require installation of a fence on the eastern property line to screen the rear façade. She said the request was consistent with the land use recommendations in the Comprehensive Plan and the established pattern of development in the area. She said the proposed conditions would mitigate potential negative impacts. She said that the impacts from the flood plain could limit future expansion or redevelopment. She said staff recommended approval of the reclassification and conditional use permit applications.

Dr. Yeung questioned why they would continue to build a structure in the flood way zone.

Ms. Bohmke motioned, seconded by Ms. Gary, to approve proposed Ordinance, O23-05.

Ms. Vanuch clarified that a hotel was a by-right use in B-2 districts.

Ms. Taylor responded yes. She said that because the property was located in the highway overlay corridor district, a conditional use permit was required for a hotel or motel use.

Ms. Vanuch asked whether an auto sales facility would be able to be constructed on the site.

Ms. Taylor responded that a conditional use permit would be required for an auto sales use in the B-2 district.

Ms. Vanuch said she would not oppose the potential for a farmers market use on the property.

Ms. McClendon said that the proffers were voluntarily submitted by the applicant, so the applicant would have to change them.

Ms. Bohmke said that the amended proffers would have to be signed by the applicant and notarized.

Ms. Vanuch said she was fine with the proffers as submitted.

The Voting Board tally was:

Yea:	(5)	Bohmke, Coen, English, Gary, Vanuch
Nay:	(1)	Yeung
Absent:	(1)	Allen

Ordinance O23-05 reads as follows:

A RESOLUTION TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE B-3, OFFICE ZONING DISTRICT TO THE B-2, URBAN COMMERCIAL ZONING DISTRICT TAX MAP PARCEL NO. 38-20, LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, RA-Amit, LLC submitted application RC22154436 (Application), requesting a zoning reclassification from the B-3, Office Zoning District to the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 38-20, located within the Falmouth Election District; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the B-3, Office Zoning District to the B-2, Urban Commercial Zoning District Tax Map Parcel No. 38-20, in the location shown on the plat entitled “Boundary Survey Lot 1 The Land of RA-Amit LLC. Instrument #210021054 Aquia Magisterial District Stafford County, Virginia” prepared by Legacy Engineering, dated April 8, 2022, with proffers entitled “Voluntary Proffer Statement” dated May 10, 2023 and signed May 11, 2023.

Ms. Bohmke said she did not want to approve or deny the CUP at this time. She said that there was until August 24 to meet the 12-month deadline for the application for the CUP, and the matter could be left open.

Mr. Gupta said that he would support a deferral.

Ms. Bohmke motioned, seconded by Ms. Gary, to defer the conditional use permit.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

JOINT BOARD OF SUPERVISORS AND VIRGINIA DEPARTMENT OF TRANSPORTATION PUBLIC HEARING

ITEM 21. CAPITAL PROJECTS TRANSPORTATION; JOINT PUBLIC HEARING WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO CONSIDER APPROVAL OF STAFFORD COUNTY'S FY2024-FY2029 SECONDARY SYSTEM SIX-YEAR PROGRAM (SSYP).

Mr. Matthew Lehane, Transportation Planner, explained that the SSYP provided state funding for the secondary roads, and the primary funding source was telefees. He said that they had under $500K available, and they had paved-road funding. He said that they had input as to how the funds would be used, and no local match was required. He said the County had applied the funds to construction priorities for unpaved roads, rural additions, and miscellaneous improvements.

Mr. Lehane said that there were funding deficits for a few projects totaling under $300K. He said that there was excess funding for the Lynhaven Lane project of $167K. He said that the FY24 – FY29 Plan included $6.2M in SSYP. He said that most of the projects had funding in prior years, and some had funding in FY24 and FY25. He said that there were no projects in FY26 – FY29. He said that they had about $2.5M to $3M that could be prioritized for projects throughout the County.

Mr. Lehane said that there were about four unpaved roads that were incomplete, but the roads had to have more than 50 vehicle trips per day to be eligible. He said the roads were Raven Road, Hulls Chapel Road, Glebe Road, and Reids Road. He said that no project-level decisions were required at the public hearing. He said that projects could be added or changed throughout the year. He said the only proposed change was to fund the project deficits. He said that they would discuss a new set of projects in the fall.

Ms. Bohmke asked how crosswalk projects were prioritized.

Mr. Lehane responded that a large part of the Transportation Master Plan was a multi-modal analysis for analyzing the sidewalk gaps and needs in the County.

Dr. Yeung opened the public hearing. There were no speakers on the matter, so Dr. Yeung closed the public hearing and brought the matter back before the Board.

Mr. English motioned, seconded by Mr. Coen, to approve proposed Resolution, R23-147.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

PUBLIC HEARINGS

ITEM 22. PLANNING AND ZONING; CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO PERMIT A BUILDING TO EXCEED THE MAXIMUM HEIGHT LIMITATION WITH A HEIGHT OF UP TO 50 FEET FOR A HIGH SCHOOL IN THE A-1, AGRICULTURAL ZONING DISTRICT ON A PORTION OF TAX MAP PARCEL NO. 36-37 (PROJECT KNOWN AS STAFFORD COUNTY PUBLIC SCHOOLS - HIGH SCHOOL #6).

Ms. Baker said that the proposed High School #6 would exceed the maximum height of a school building up to 50 feet. She said the maximum allowed height in the A-1 zoning district was 35 feet. She said the site was 83 acres, and it was part of a larger 127-acre site in the Hartwood district. She said SCPS was the applicant.

Ms. Baker said the site had been partially timbered. She said a stub street called Stafford Plaza Drive would be extended to Truslow Road to provide another access point. She said the property was currently zoned A-1 along with surround properties to the north, south and east, and the adjacent commercial properties were B-2. She said that the Generalized Development Plan showed a roundabout at the intersection of South Plaza Drive and Truslow Road, but the site plan showed a standard four-leg intersection. She said there was a critical resource protection area along Falls Run to the south of the property.

Ms. Baker said that the highest building elevation would almost reach 50 feet. She said that there was a 265-foot setback from Truslow Road, and the nearest residence was about 400 feet away. She said that to the west, the nearest residence was 1,185 feet to the property line. She said that mechanical screening on top of the building added additional height, but it was not figured into the calculations.

Ms. Baker said the Comprehensive Plan designated the area as suburban, and it was within the Urban Services Area. She said the proposed conditions limited the height of the school to a maximum of 50 feet. She said the general location had to be depicted on the overall site plan. She said the building had to be a minimum of 200 feet from the property line on Truslow Road and a minimum of 100 feet from the future right-of-way for Stafford Plaza Drive.

Ms. Baker said the Planning Commission had requested a 35-foot wide planting buffer and an eight-foot tall board on board fence along the western property line. She said the building lights could be mounted no higher than 35 feet from ground level. She said staff found the proposal was consistent with the land use designations in the Comprehensive Plan. She said the Planning Commission recommended approval at the March 22 meeting.

Dr. Yeung asked for clarification about the negative impacts.

Ms. Baker said that staff believed the proposed conditions would mitigate the potential impacts, specifically the visual impacts.

Ms. Bohmke asked why one commissioner voted against the proposal.

Ms. Baker said that the vote against the measure on the Planning Commission was due to potential traffic impacts on Truslow Road.

Dr. Yeung asked if the field lights would be mounted at 35 feet.

Ms. Baker said no, only the lights mounted on the building would be limited to 35 feet. She said the conditions did not address field lighting.

Dr. Yeung opened the public hearing.

1. Ms. Kristin Maxson, 1816 Richmond Highway, stated that the GIS contained four identical parcels for the same tax map parcel in the study ending in 37. She said that the parcels were each 127 acres. She said that one was near Willow Road Court, one was near Central Breeze Circle, and another one was along Truslow Road. She said the GIS needed to be improved because it contained several errors.

Dr. Yeung closed the public hearing and brought the matter back before the Board.

Ms. Vanuch motioned, seconded by Mr. Coen, to approve proposed Resolution, R23-117

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Mr. Jason Towery, SCPS Executive Director of Facilities and Maintenance, said they anticipated breaking ground for the project in the fall and opening the doors by 2026. He said the approved budget was $183M. He said the capacity would be 2,150 students in a 298k square foot building. He said that the new building would relieve pressure on all of the schools through redistricting. He said that the materials used in construction were similar to the other high schools. He said that they proposed a new layout which they hoped would provide flexibility in the future. He said that the extension of Stafford Plaza Drive would serve the elementary school and high school.

Mr. Towery said that the main entrance to the school would be on Stafford Plaza Drive, and there would be a right-in/right-out entrance on Truslow Road. He said that a three-story layout provided cost savings of $1M in construction fees, and it enabled them the potential to extend the academic wings in the future. He said that they would add a 1,000-seat auditorium to the school with balcony seating and an orchestra pit which could be covered to extend the stage.

Mr. Coen asked whether the hallways and cafeteria were constructed to accommodate for expansion.

Mr. Towery said that they had wider hallways in the schools to allow for future expansion, and they were no longer installing lockers.

Ms. Bohmke asked where they would be able to expand the building.

Mr. Towery said that they would be able to extend the academic wings.

Ms. Bohmke asked how wide they were constructing the hallways.

Mr. Towery responded that they had added one foot onto the width. He said the hallways would be a total of 13’ 4”. He said they had originally proposed a lot of open collaborative space but had later removed it for a more standard design.

Ms. Bohmke asked what the exterior of the building would look like.

Mr. Towery said they had selected to use more standard materials throughout the design to reduce costs. He provided renderings of the exterior of the building. He said that in comparison to Stafford High School, they tried to reduce the amount of glass on the exterior. He said that High School #6 had a higher wall to glass ratio, but both schools had similar amounts of glass to maintain similar daylight exposure.

Mr. Towery said that they expected to have a cost estimate for the project in the coming weeks. He said they had removed some of the underground stormwater infrastructure and paved areas. He said the revised intersection at Truslow Road and Stafford Plaza Drive provided about $3M in savings. He said they had a total of about $10M in savings.

Ms. Bohmke asked for clarification about the tennis courts.

Mr. Towery responded that they originally proposed eight courts, but they reduced it to the minimum required of six.

Mr. Coen clarified that the stairwells went to the third floor.

Mr. Towery said yes.

Ms. Bohmke asked if there was a contract prepared and whether they had a holdback in funds.

Mr. Towery said that they brought in an outside consultant, McDonough Bolyard Peck (MBP), who specialized in school construction. He said the consultant would be onsite daily to work with the construction contractor. He said that they were working through the contract details and would protect the public funds.

Dr. Yeung stated she was a certified project manager and noticed that the project was nearing cost overrun and scope-creep. She clarified that information about the cost of the project would be brought back before the Board. She asked what other costs existed if they had realized savings on the project.

Mr. Towery said that they anticipated a difficult bidding market. He said they were making as many preparations as possible to ensure the project would remain within budget.

Mr. English asked what the budget for the project was.

Mr. Towery said that it was $183M, and it included design costs, the cost of the road, and the rest of the project.

Resolution R23-117 reads as follows:

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A STRUCTURE TO EXCEED THE MAXIMUM HEIGHT LIMITATION IN THE A-1, AGRICULTURAL ZONING DISTRICT ON TAX MAP PARCEL NO. 36-37, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Stafford County Public Schools submitted application CUP22154763 (Application), requesting a conditional use permit to allow a structure to exceed the maximum height limitation in the A-1, Agricultural Zoning District on Tax Map Parcel No. 36-37, located within the Hartwood Election District; and

WHEREAS, the Application was submitted pursuant to Stafford County Code Sec. 28-38(d), which permits an exception to the height requirements for a structure in the A-1 Zoning District after a CUP is issued by the Board; and

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

WHEREAS, the Board has considered the criteria in Stafford County Code Sec. 28-38(d) and 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 16th day of May, 2023, that a conditional use permit pursuant to application CUP22154763 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit (CUP) allows for an exception to the maximum height permitted for a school building on Tax Map Parcel No. 36-37 (Property).

2. The maximum height of the school building shall be no greater than fifty (50) feet.

3. The school building shall be built in the general location depicted on the site plan entitled "Overall Site Plan Stafford HS #6 Stafford Plaza Drive Fredericksburg, VA 22406," prepared by Grimm + Parker Architects, dated January 31, 2023.

4. The school building shall be located a minimum of two hundred (200) feet from the property line along Truslow Road and a minimum of one hundred (100) feet from the right-of-way of the future Stafford Plaza Drive.

5. A minimum of a thirty-five (35) feet wide, type B landscaping buffer with one hundred fifteen (115) plant units per one hundred (100) feet including two (2) staggered rows of trees that are a minimum of six (6) feet to eight (8) feet tall at time of planting and an eight (8) feet tall board on board or sight tight fence shall be maintained on the Property along the property line with Tax Map Parcel No. 36-28E.

6. Building mounted lights on the school building shall be located no higher than thirty-five (35) feet from ground level.

7. 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 23. PLANNING AND ZONING; CONSIDER AMENDING THE "STAFFORD COUNTY VIRGINIA, COMPREHENSIVE PLAN 2016-2036: 2021 5-YEAR UPDATE," ADOPTED ON NOVEMBER 6, 2021 (PROJECT KNOWN AS SOLAR FACILITIES AND ENERGY STORAGE FACILITIES COMP PLAN AMENDMENT).</u>

<u>ITEM 24. PLANNING AND ZONING; CONSIDER AMENDING THE ZONING ORDINANCE, STAFFORD COUNTY CODE SEC. 28-25 "DEFINITIONS OF SPECIFIC TERMS;" SEC. 28-35, TABLE 3.1, "TABLE OF USES AND STANDARDS;" AND SEC. 28-39, "SPECIAL REGULATIONS" (PROJECT KNOWN AS SOLAR FACILITIES AND ENERGY STORAGE FACILITIES ZONING ORDINANCE AMENDMENT).</u>

Mr. Doug Morgan, Zoning Administrator, stated that the hearing was for Items 23 and 24, a Comprehensive Plan amendment and a zoning text amendment. He said solar energy facilities and energy storage facilities had common land use issues and impacts. He said the Comprehensive Plan included general goals, but it lacked additional details and land use guidelines. He said no guidelines currently existed for energy storage.

Mr. Morgan said the zoning ordinance allowed for public utilities, including generating facilities. He said that staff worked with a committee to formulate special regulations for solar facilities and energy storage. He said that on September 27, a joint work session of the Board and Planning

Commission requested the establishment of a committee to review the Comprehensive Plan and zoning ordinance.

Mr. Morgan said on September 28, the Planning Commission subcommittee was formed to review the Comprehensive Plan. He said the committee met for several months between October and December. He said on December 14, the Planning Commission forwarded a draft proposal to the Board, and the Board referred the amendments to the Planning Commission for a public hearing on January 17. He said on February 8 and 22, the items were discussed at the public hearing, and on March 22, the Planning Commission took action on the item.

Mr. Morgan said changes included additional guidelines for a new section to the future land use map in Chapter 3. He said they provided County-wide siting guidelines for larger-scale or utility scale facilities. He said the siting criteria included a number of items in the Comprehensive Plan, such as minimized land use conflicts, enhanced screening and setbacks, assurance of emergency access, environmental and wildlife protection, construction impacts, and height limits. He said new guidelines were added to the Comprehensive Plan regarding energy storage.

Mr. Morgan said energy storage uses were recommended to be located in the business industry and future land use areas in the urban service area. He said the guidelines recommended additional screenings and setbacks as well as connections to public water. He said that if the energy storage were associated with a solar facility, it had to be located on the internal site where the solar panels would be located. He said they would consider agricultural, rural, and suburban areas if impacts were minimized.

Mr. Morgan said the proposed changes to § 28-25 of the zoning ordinance were the definitions, which included new definitions for solar facilities and energy storage facilities. He said § 28-35 was the table uses and standards, and they were amended to require a CUP for A-1, M-1, and M-2 zoning districts. He said the changes for § 28-39 included new regulations, such as increased equipment setbacks, landscape buffers, roadway access, land coverage, and anti-reflective measures. He said sites had to include a chain link fence at least six feet tall. He said required decommissioning had been included, and a series of criteria were included for when the site was out of commission.

Mr. Morgan said staff believed it was important the County's land use policies reflected the latest innovations in land use. He said staff supported both applications. He said on March 22, the Planning Commission recommended approval.

Dr. Yeung opened the public hearing.

1. Mr. Justin Vandebroek spoke in support of the two applications before the Board. He said that staff had been supportive, informative, and responsive.

2. Ms. Kristin Maxson stated that no plan was shown to the public in terms of the Comprehensive Plan. She said that it was vague as to where energy storage facilities would be located. She requested that the Board be more considerate of the public when presenting information.

Dr. Yeung closed the public hearing and brought the matter back before the Board.

Ms. Bohmke motioned, seconded by Mr. Coen, to approve proposed Resolution, R23-10

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Resolution R23-10 reads as follows:

A RESOLUTION TO AMEND THE "STAFFORD COUNTY, VIRGINIA, COMPREHENSIVE PLAN 2016-2036, 2021 5-YEAR UPDATE," ADOPTED NOVEMBER 16, 2021, AS LAST REVISED (COMPREHENSIVE PLAN), CHAPTER 2, "THE FOUNDATION FOR THE FUTURE," AND CHAPTER 3, "THE LAND USE PLAN," REGARDING SOLAR FACILITIES AND ENERGY STORAGE PROJECTS

WHEREAS, solar energy is an emerging industry with growing demand throughout the Commonwealth of Virginia; and

WHEREAS, there are common land use issues and potential impacts related to solar facilities and energy storage projects (Solar Facilities) that may be considered by a locality depending on the characteristics of each individual site and surrounding area; and

WHEREAS, the Comprehensive Plan includes recommendations for utility-scale solar facilities and general goals and recommendations related to the development and location of Solar Facilities, but does not address specific land use guidelines for the evaluation of Solar Facilities; and

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

WHEREAS, the Board desires to amend the Comprehensive Plan to establish specific land use guidelines for the evaluation of Solar Facilities pursuant to **Exhibit A** to this Resolution; and

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

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

WHEREAS, the Board finds that adoption of the proposed Comprehensive Plan amendments is consistent with good planning practices;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that amendments to Chapter 2, "The Foundation for the Future," and Chapter 3, "The Land Use Plan" of the "Stafford County Virginia Comprehensive Plan 2016-2036, 2021 5-Year Update," adopted on November 16, 2021, as last revised, as identified in **Exhibit A**, be and they hereby are adopted with all other portions of the Comprehensive Plan remaining unchanged.

Ms. Bohmke motioned, seconded by Ms. Gary, to approve proposed Ordinance, O23-01

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Ordinance O23-01 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-25 "DEFINITIONS OF SPECIFIC TERMS;" SEC. 28-35, "TABLE OF USES AND STANDARDS;" AND SEC. 28-39 "SPECIAL REGULATIONS" TO AMEND THE DEFINITION FOR PUBLIC UTILITIES AND ESTABLISH STANDARDS FOR SOLAR FACILITIES AND ENERGY STORAGE FACILITIES

WHEREAS, Stafford County Code does not define solar facilities or energy storage facilities (Solar Facilities) nor does it provide for development standards or regulations for such uses; and

WHEREAS, the Board desires to establish zoning and development standards for Solar Facilities; and

WHEREAS, upon the Board's request, the Planning Commission and staff developed proposed definitions and regulations for Solar Facilities in Stafford County; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that Stafford County Code Sec. 28-25, "Definitions of specific terms;" Sec. 28-35, "Table of uses and standards;" and Sec. 28- 39 "Special regulations," be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

Sec. 28-25. - Definitions of specific terms.

When used in this chapter, the following terms shall have the meanings herein ascribed to them:

Decommission. The removal and proper disposal of solar energy equipment, facilities, or devices on real property subject to Code of Virginia § 15.2-2232, as amended, which includes the reasonable restoration of the real property upon which such solar equipment, facilities, or devices are located, including soil stabilization and revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

Decommissioning agreement. A written agreement between the county and an owner, lessee, or developer regarding removal and proper disposal of solar energy equipment, facilities, or devices on real property.

Energy storage facility. Energy storage equipment and technology capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored.

Solar facility. A commercial facility primarily consisting of activities, applications or devices designed to convert sunlight to electricity for storage and/or distribution from one property to other properties through a utility grid. Solar facility excludes residential or non-residential properties containing solar technology used to generate electricity for use on-site only.

Solar panel. A panel designed to absorb the sun's rays as a source of energy for generating electricity or heat.

Solar project site. The parcel(s) on which an energy storage facility or solar facility is located.

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

Table 3.1. District Uses and Standards*A-1 Agricultural.*

(b) *Conditional use permit:*

Energy storage facility.

Solar facility.

M-1 Industrial Light.

(b) *Conditional use permit:*

Energy storage facility.

Solar facility.

M-2 Industrial, Heavy.

(b) *Conditional use permit:*

Energy storage facility.

Solar facility.

Sec. 28-39. - Special regulations.

(z) ~~reserved.~~ Special provisions applicable to solar facilities and energy storage facilities.

(1) Such projects shall be located within two and one-half (2.5) miles of electric transmission lines.

(2) Solar panels shall cover no more than eighty percent (80%) of the total land area of the solar project site.

(3) The solar project site shall have access to a major collector road (or higher) as designated in the comprehensive plan unless the board of supervisors finds the amount of traffic generated by the project is such that frontage on a public road with a lesser designation will not cause an undue impact on neighboring properties or adversely affect safety or road usage.

(4) All equipment shall be placed at least one hundred (100) feet from any property line or habitable structure located on adjacent properties unless such modification is approved by the board of supervisors.

(5) All equipment and panels shall be at least five hundred (500) feet from the edge of any right-of-way identified as a Corridor of Statewide Significance by the state, unless such modification is approved by the board of supervisors. The setback may be modified by the board of supervisors upon demonstration that the panels will not impact the viewshed from the identified corridor.

(6) Solar panel components shall have a UL listing and shall be designed with an anti-reflective coating. Individual arrays/solar panels shall be designed and installed in order to prevent glare toward buildings on adjacent properties and nearby vehicular traffic.

(7) The solar project site shall be enclosed with chain link fencing not less than six (6) feet in height, include an appropriate anti-climbing device, and shall be secured with gates. Fencing shall be installed on the interior of the buffer required in subsection (z)(8) below.

(8) A vegetated buffer shall be required around the solar project site consisting of a landscaped strip at least fifty (50) feet wide measured from each boundary line of the solar project site around the entire perimeter. The solar project site shall be landscaped and maintained with a buffer of plant materials that are mature enough to effectively screen the view to eight (8) feet above ground level of the solar panels from adjacent properties all year round. Non-invasive plant species, pollinator–friendly and wildlife-friendly native plants, shrubs and trees shall be used.

(9) The solar project site, including the area underneath the solar panels, shall be vegetated. Solar panels shall be adequately spaced to ensure sufficient sunlight penetration to promote vegetation growth.

(10) When a buffer is not required based on the results of a viewshed analysis, buffer requirements may be reduced or eliminated when the adjoining property is subject to an active agricultural use and the reduction or elimination is approved by the board of supervisors.

(11) All newly installed utilities, including but not limited to electric or fiber lines, serving the solar project site shall be placed underground.

(12) Any change of ownership or management of the solar facility or energy storage facility shall be reported to the zoning administrator within ninety (90) days of such change.

(13) The zoning administrator shall be notified in writing at least one hundred eighty (180) days in advance of any intent to repower the facility. Such notification shall include full details for the proposed changes to the site for review and may require new permits, inspections or a site plan.

(14) Conditional use permits applicable to solar facilities and energy storage facilities may include conditions permitted by Virginia Code § 15.2-2288.8, as amended.

(15) A proposed decommissioning agreement shall be submitted as part of the conditional use permit application. Decommissioning shall include the removal of all solar panels, collectors, cabling, electrical components, fencing and all other associated equipment, facilities and structures to a depth of at least thirty-six (36) inches from the ground surface of the property with site rehabilitation establishing preconstruction conditions of the solar project site.

In addition to the terms required by Virginia Code § 15.2-2241.2, such agreement, which shall be recorded in the land records of the Stafford County Circuit Court, shall include the following:

a. A description of any agreement (e.g. lease) with all landowners regarding decommissioning shall be included on the site plan;
b. The identification of the party currently responsible for decommissioning;
c. The types of panels and material specifications used at the project site;
d. Standard procedures for removal of facilities and project site rehabilitation, including, but not limited to, recompacting, planting and reseeding;
e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other

associated facilities above ground or up to thirty-six (36) inches below grade; and

f. A deadline for completion of decommissioning.

(16) The zoning administrator shall be notified in writing within thirty (30) days of the abandonment or discontinuance of the solar facility or energy storage facility use.

CLOSED MEETING

At 8:24 p.m., Mr. Coen motioned, seconded by Ms. Vanuch, to adopt Resolution CM23-11 to authorize closed session.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Resolution CM23-11 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for discussion of the disposition of a County-owned interest in real property, where discussion in an open meeting would adversely affect the bargaining position and negotiating strategy of the Board; and

WHEREAS, pursuant to Virginia Code § 2.2-3711 (A)(3) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2023, that it be and hereby does authorize discussion of the above matters in Closed Meeting.

CERTIFY CLOSED MEETING - SEC. 2.2-3711 (A)

At 8:42 p.m., Mr. Coen motioned, seconded by Ms. Vanuch, to adopt Resolution CM23-11(C) to certify the Closed Meeting.

The Voting Board tally was:

Yea:	(6)	Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay:	(0)	
Absent:	(1)	Allen

Resolution CM23-11 (C) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MAY 16, 2023

WHEREAS, the Board has, on this the 16th day of May, 2023, 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 16th day of May, 2023, 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.

ADJOURNMENT

At 8:43 p.m., Chairman Yeung adjourned the May 16, 2023 Stafford County Board of Supervisor's meeting.

Randy Vosburg

Randal E. Vosburg
County Administrator

Yeung

Dr. R. Pamela Yeung
Chairman