BOARD OF SUPERVISORS
STAFFORD COUNTY, VIRGINIA
MINUTES
REGULAR MEETING
JUNE 6, 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, June 6, 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; Tinesha O. Allen; Meg Bohmke; Darrell E. English; Monica L. Gary; Crystal L. Vanuch.

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.

CHAIRMAN'S COMMENTS

Dr. Yeung stated that the Memorial Day ceremony was held on Friday where they gathered to recognize the holiday as a County. She thanked the keynote speaker of the event, General Craig Crenshaw, the Virginia Secretary of Veterans and Defense Affairs, and she thanked Colonel Wright, the Chief of Staff for Marine Base Quantico, and the Colonel's wife, Ms. Norma Wright. She said several other supervisors attended the event.

Dr. Yeung congratulated the fifth graders who completed the DARE program, originated by Grace Hynden, Christine Hammond, and Jessica Childress. She said the annual program provided the opportunity for fifth graders to build trusting relationships with the Sheriff's Office. She said the program encouraged fifth graders to make positive choices, and the County was safer from the work of the Sheriff's Office, Stafford County Public Schools (SCPS), and local community leaders.

Dr. Yeung announced that the National Association of Counties (NACo) Achievement Awards were given to the Community Engagement Department (CED). She said that CED had recently received the NACo Achievement Award for the Ask Blu campaign to improve the distribution of information to the residents. She congratulated the Utilities department for receiving the NACo Achievement Award for its leadership internship partnership with SCPS.

Dr. Yeung announced that Juneteenth was on June 19, and the Board would approve a proclamation to recognize and celebrate the Juneteenth holiday at the meeting. She explained that Juneteenth was a celebration for African Americans because people were still enslaved in Galveston, Texas until June 19, 1965. She said that freedoms were under attack, and there were attempts to white-wash and erase Black people's histories. She said that slavery continued to exist in different forms. She said that they needed to protect their rights to ensure true equality could continue to exist.

<u>PRESENTATIONS</u>

There were none.

<u>ADDITIONS - DELETIONS AND APPROVAL OF THE REGULAR AGENDA</u>

Mr. Vosburg stated that an additional handout was distributed to the Board related to Item 17, the strikeout-underline version.

Mr. Coen motioned, seconded by Mr. English, to approve the Agenda as amended.

The Voting Board tally was:

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

<u>PRESENTATIONS BY THE PUBLIC - I</u>

Dr. Yeung read the rules for public comment.

1. Kristin Maxson, 1816 Richmond Highway, said she agreed with the Chair about the need to protect freedoms by representing the public. She said that on June 8, the Board would hold a work session on Downtown Stafford, but there was no agenda posted for the event. She said that the work session was to be held in the Public Safety Building Activity Room at 1225 Courthouse Road. She encouraged people to attend the meeting. She said she would rather that the meeting was held in a building that was not adjacent to the police.

   Ms. Maxson said that there was a public issue about not taking the public for private, and it seemed to be an issue that was happening in the County year after year. She said that on May 2, Resolution R23-150 took public for private. She said that on November 17, 2015, the public was taken for private utilities, and the minutes claimed that the representative for the applicant was inaudible which was incorrect.

Ms. Maxson said that they needed their freedoms back, and this was about their freedoms. She said that the speaker said, "if you do this, it will be heard across the country." She said that the Board voted to take the property for private. She said that Lake Mooney would be the water source for the datacenters. She said that the lake was divided into categories and parcels, and each parcel represented $10K per acre. She said that the lake was part of the public.

2. Al Watkins, England Run Lane, said he was speaking on the proposed fourth bridge crossing over the Rappahannock River. He said that he supported methods to ease travel in the County. He said that the purpose of the river crossing study, to provide an alternative to local traffic to avoid a reliance on I-95, was not convincing. He said that a new bridge crossing could alleviate some congestions, and he hoped that the results of the NEPA study would recommend a practical, commonsense crossing.

   Mr. Watkins said that several of the proposals were impractical and would negatively impact the communities. He said that the new crossing would only be a temporary solution since the population was expected to grow to 600K by 2075. He said that Spotsylvania supported a long-term solution west of the current proposals, so the County should partner to create an opportunity for a new study.

REPORTS BY BOARD MEMBERS

Ms. Gary – remarked she attended several events throughout the County since the last meeting, such as graduations and the Memorial Day events. She thanked the members of the public who participated in the meetings and provided public input. She recognized that it was Pride Month, which caused division among people, particularly in a place like the County. She encouraged people to fight to improve themselves and care for people with the same energy that they brought to the things they cared about.

Ms. Vanuch – announced that Clyde "Junior" Bryant, a lifetime County resident of Rockhill, died last week. She said Mr. Bryant was an Army veteran who served in the Korean War and later served as the manager of the Aquia Shell Station. She said that Mr. Bryant was a member of the Ramoth Baptist Church. She thanked Mr. Bryant for his dedication to the community and expressed her condolences to his family.

Ms. Allen – remarked she had been absent from the previous meeting due to a family emergency, and she had been overseas for the past couple of weeks. She congratulated the high school seniors on their graduation. She said that on June 17 at the FredNats Stadium, a Juneteenth celebration event would be held for the district, and it was free of charge. She said the event would include vendors and career fair prior to the celebration, and it would end with food, music, and fireworks.

Ms. Bohmke – remarked that the R-Board had approved the FY24 budget, and it was in the process of updating the Memorandum of Understanding (MOU) with the City. She said that they were collecting plastic bags separately at the landfill to give to a company called Trex, which repurposed the bags for deck products. She said that they had a new composting program funded through a grant from the Department of Environmental Quality (DEQ), and they provided containers to store the compost. She said that compost could be brought to the landfill for disposal, but there was no pickup program.

Ms. Bohmke said that the compost program would increase the available airspace in the landfill cells. She said that she and Dr. Yeung celebrated the retirement of Roy Whaling, a heavy equipment operator, at the landfill. She said Mr. Whaling had worked at the landfill since 1994. She said that Mr. Whaling noted there was an increase in the number of bicycles at the landfill. She proposed that they create a program to refurbish bicycles brought to the landfill. She said that VRE was hosting fair-free Fridays.

Ms. Bohmke said that VRE was hosting a work session on June 16 from 9 a.m. to 3 p.m. She said that the ridership had not returned due to people working from home. She said that a townhall meeting was held on data centers last Thursday related to a proposed data center on Eskimo Hill Road, and no residents from the neighboring development. She said that two citizens attended the meeting, but they were not residents of Kendall Hills.

Ms. Bohmke wished the high school graduates good luck in their next pursuits. She thanked Terry Welbourne Potter, a bus driver for SCPS, for informing the County of deep holes in the road off the Chatham Bridge. She said that VDOT had repaired the damaged sections. She congratulated Aidan Robles, Robert Calvert, and Jonah Unrue, Eagle Scouts from Troop 199, for achieving the highest Boy Scouts achievement.

Mr. Coen – remarked he attended the graduations at North Stafford High School and Colonial Forge High School. He said that there was a volunteer fire and EMT academy graduation held in White Oak. He said that he attended the Joint Board-School Board working committee as the alternate. He said that the Memorial Day ceremony was moving and thanked staff for their work. He said that he attended a behavioral health forum supported by Delegate Durant.

Mr. Coen said that Mr. Neuhard from Stafford County Sheriff’s Office (SCSO) had attended the forum to represent the County. He recognized that it was the anniversary of D-Day and recognized the sacrifice of those who fought. He said that Fire and Rescue had been able to help rescue someone at HPOF who had hit their head on a rock because they were stationed at the park. He thanked Mr. Kyle Bates for helping with the bicycle trail and road along Route 3. He said that it was a problematic area for people coming from the Chatham area. He encouraged people to consult their doctors about the shingles vaccine.

Mr. English – remarked he attended the Volunteer Fire and Rescue Graduation at White Oak with Mr. Coen and Ms. Gary. He said that he attended a memorial service for Freddy Miller on May 24 at Post 290. He said that on June 14 at 2 p.m. in front of the Courthouse, the North Stafford Ruritan Rotary Club would be retiring the flags. He said that the soapbox derby would be hosted June 10 on Reservoir Road by Rocky Run Elementary School. He said that the derby would start at 9 a.m. He recognized that four interns from SCSO were present at the meeting.

Dr. Yeung – remarked she had a death in her family, so she was unable to attend the high school graduation ceremonies. She congratulated the seniors who graduated. She said that a Juneteenth event would be held locally at Embrey Mill. She said that she attended Mr. Whaling's retirement at the landfill and noted the prevalence of bicycles. She said that Mr. Phil Hathcock would make the bicycle program a reality, and she requested that the program be dedicated to Mr. Whaling.

Dr. Yeung said she worked with Rachel Adams Property Management and Mr. Kyle Bates to stripe some of the crosswalks. She said that the proffered parcels had been submitted for the plats for school sites #1 and #2—an elementary school and middle school. She said that the plats were submitted on May 9 for review.

Dr. Yeung said that the residents of Embrey Mill were promised a new school, and the Garrisonville population warranted a new school. She noted that tents were appearing along Mine Road, and she thanked SCSO for working with homeless people to help them find shelter. She recognized Sheriff Nicholas Dominguez who helped find a young child who ran away from his mom. She said that she was hopeful there would be a movie theater in Garrisonville.

REPORT OF THE COUNTY ATTORNEY

Ms. McClendon introduced Ms. Wendy Myer, an Assistant County Attorney who newly joined the County. She said that Ms. Myer had most recently worked as defense counsel in the Fredericksburg region. She said that Ms. Myer would work closely with the department under the community development umbrella to provide legal advice and support related to development impacts, permitting, code enforcement and zoning enforcement.

REPORT OF THE COUNTY ADMINISTRATOR

Mr. Vosburg said that in the packet, there were a Public Safety Committee Action List and a Capital Projects Quarterly Report for informational purposes. He said Mr. Brion Southall would present the Brooks Park Skate Park and the Carl Lewis Community Center updates.

Brooks Park Skate Park Update.
Mr. Brion Southall, Director of Parks, Recreations, Facilities, and Tourism, said that on July 1, 2007, the County assumed the operation and maintenance from the Fredericksburg-Stafford Park Authority of the skate park. He said that several features of the skate park were in disrepair and had to be removed. He said that they purchased replacement equipment and shored up additional ramps. He said that in FY22, the Board approved $470K to renovate the Brooks Park Skate Park, and a community meeting was held at the Rowser Building on May 25.

Mr. Southall said that a concept plan was created for the community and presented in July, and citizens provided further feedback on the design. He said that they were working with the procurement office to advertise the solicitation, and they hoped to advertise by mid-June. He said that they had 120 days from the notice to proceed for completion, and there were 150 days for liquidated damages. He said that the project would be in two phases, and Phase 2 would be included in the CIP.

Ms. Bohmke said that she requested the item to be on the agenda. She said that the project had been in the pipeline for a long time. She said that the skater community deserved to have an upgraded and safer facility. She said she was happy with the outreach to the skating community, and they were building a state-of-the-art facility that would meet the needs of the community. She asked how much the last phase would cost.

Mr. Southall responded that they had not estimated the costs yet.

Mr. Coen said that people of all ages skateboarded. He thanked Mr. Southall for the work on the project.

Mr. Southall said that they hoped to have a grand opening for the park.

Carl Lewis Community Center Update.
Mr. Southall said that on July 25, 2022, the Carl Lewis Center experienced a fire due to a mechanical issue, and the structure was damaged beyond repair and demolished. He said that the County hired Mosely Architects to develop a conceptual drawing for the new center. He said the

former building was approximately 2,600 square feet located on three acres, and there was a small kitchen, restroom, and open space.

Mr. Southall said that the building was historically programmed for community events, parties, and religious gatherings. He said preliminary sketches would be presented at a following public hearing, likely on July 6 in the ABC Conference Room. He said that there was consideration for a future expansion, but it had not been planned. He said that the proposed cost was approximately $2.1M, and there about $500K in proffers.

Mr. English asked whether they could repurpose shipping containers to save money when rebuilding the community center.

Mr. Southall said that he was not aware of the costs. He said that containers could be compartmentalized, but he was unsure about the structural feasibility of using the containers in the community center.

Mr. English said that they used repurposed shipping containers in the storage facility on Route 610.

Mr. Southall said that there would not be storage at the new building because of the costs. He said that they were considering an MOU with the scout troop that used the building to install a shed for storage.

CONSENT AGENDA

Ms. Vanuch motioned, seconded by Mr. Coen, to approve the Consent Agenda as presented.

The Voting Board tally was:

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

ITEM 1. COUNTY ADMINISTRATION; APPROVE MAY 16, 2023 BOARD OF SUPERVISORS MEETING MINUTES.

ITEM 2. COUNTY ADMINISTRATION; REAPPOINT FIRE CHIEF JOSEPH CARDELLO TO THE RAPPAHANNOCK EMERGENCY MEDICAL SERVICES COUNCIL, INC. FOR A TERM ENDING ON JUNE 30, 2026.

ITEM 3. BUDGET AND MANAGEMENT; BUDGET AND APPROPRIATE FEDERAL GRANT FUNDS TO THE SCHOOLS' GRANTS FUND FOR THE PURCHASE OF AIR PURIFIERS AND FILTERS.

Resolution R23-182 reads as follows:

A RESOLUTION BUDGETING AND APPROPRIATING FEDERAL FUNDS TO THE SCHOOLS' GRANTS FUND FOR THE PURCHASE OF AIR PURIFIERS AND FILTERS

WHEREAS, Stafford County Public Schools (Schools) has received a federal grant administered through the Virginia Department of Health to reimburse the costs of COVID-19 supplies; and

WHEREAS, the School Board approved the award of a contract, subject to appropriation, for air purifiers and air purifier filters in the amount of $457,724.60 which qualifies as a COVID-19 reimbursable expense; and

WHEREAS, the Superintendent has requested the Board appropriate the funds via a letter to the County Administrator, dated May 16, 2023; and

WHEREAS, there are no County costs or matching funds required to accept the grant, and all funds are budgeted and appropriated in whole dollars;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that federal grant funds in the amount of Four Hundred Fifty-Seven Thousand Seven Hundred Twenty-Five Dollars ($457,725), administered through the Virginia Department of Health to reimburse the costs of COVID-19 supplies, be and they hereby are budgeted and appropriated to the Schools' Grants Fund.

ITEM 4. BCAPITAL PROJECTS TRANSPORTATION; GRANT A PERMANENT UTILITY EASEMENT TO VERIZON SOUTH, INC. ON A PORTION OF COUNTY-OWNED PROPERTY AT THE GEORGE L. GORDON, JR. GOVERNMENT CENTER, TAX MAP PARCEL NO. 30-29B, RELATED TO THE ROUTE 1 AND COURTHOUSE ROAD IMPROVEMENT PROJECT.

Resolution R23-193 reads as follows:

A RESOLUTION GRANTING A PERMANENT UTILITY EASEMENT TO VERIZON SOUTH INC. ON COUNTY-OWNED PROPERTY AT THE GEORGE L. GORDON, JR. GOVERNMENT CENTER, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, the Board approved improvements at the intersection of Route 1 and Courthouse Road (SR-60) (Project) in the County's Capital Improvement Program (CIP); and

WHEREAS, the relocation of impacted utilities is necessary for the Project to proceed to construction; and

WHEREAS, Verizon South Inc. has requested a permanent utility easement on the County-owned property, Tax Map Parcel No. 30-29B, also known as the George L. Gordon, Jr. Government Center, to install, operate, and maintain underground conduits and cable lines for the transmission and distribution of telecommunication services; and

WHEREAS, in accordance with Virginia Code § 15.2-1800(B) a public hearing is not required to convey utility easements across County-owned property for a CIP project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023 that it be and herby does grant a permanent utility easement to Verizon South Inc., doing business as Verizon, on Tax Map Parcel No. 30-29B for the installation, operation, and maintenance of underground cable conduits and lines for the transmission and distribution of telecommunication services; and

BE IT FURTHER RESOLVED that the County Administration, or his designee, is authorized to execute a Deed of Easement and any other documents necessary and appropriate to effectuate the Board's desires and this Resolution.

ITEM 5. COMMUNITY ENGAGEMENT; PROCLAMATION HONORING AND RECOGNIZING THE JUNETEENTH HOLIDAY.

Proclamation P23-08 reads as follows:

A PROCLAMATION HONORING AND RECOGNIZING THE JUNETEENTH HOLIDAY

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation in 1863, which technically freed some four million enslaved peoples in both Union and Confederate states; and

WHEREAS, there were enslaved people in some parts of the South who did not receive word of the Emancipation Proclamation; and

WHEREAS, Juneteenth originated with the arrival in Galveston, Texas, of Union General Gordon Granger on June 19, 1865, who issued an order freeing enslaved persons from bondage. This event was two and a half years after President Lincoln signed the Emancipation Proclamation; and

WHEREAS, Juneteenth marks the moment when enslaved persons in the deepest part of the Confederacy learned they were free; and

WHEREAS, over the years, Juneteenth has evolved into a celebration of African-American freedom and achievement while encouraging continuous self-development and respect for all cultures; and

WHEREAS, Juneteenth is a reminder in our country of both the lowest and highest points of American history with the enslavement of African-American people and their subsequent achievements and triumphs;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that it be and hereby does recognize the commemoration of Juneteenth in Stafford County and its role and significance in American history.

ITEM 6. ECONOMIC DEVELOPMENT; BUDGET AND APPROPRIATE FUNDS TO THE STAFFORD COUNTY ECONOMIC DEVELOPMENT AUTHORITY PURSUANT TO AN INCENTIVE AGREEMENT WITH VIRGINIA ONCOLOGY CARE, PC AND CHATHAM HEIGHTS ROAD LLC.

Resolution R23-95 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE FUNDS TO THE STAFFORD COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) PURSUANT TO AN INCENTIVE AGREEMENT WITH VIRGINIA ONCOLOGY CARE, PC AND CHATHAM HEIGHTS ROAD LLC

WHEREAS, the Board entered into a Memorandum of Understanding (MOU) with the Economic Development Authority of Stafford County, Virginia (EDA), 405 Chatham Heights Road LLC (Chatham Heights), and Virginia Oncology Care, PC (Virginia Oncology) dated December 17, 2021 as per Resolution R21-365; and

WHEREAS, the MOU established certain conditions under which certain incentives related to economic development are to be provided to Chatham Heights; and

WHEREAS, Chatham Heights and Virginia Oncology have met such conditions in the MOU as of December 31, 2022, including payments of its real estate property taxes in the amount of $12,274; and

WHEREAS, Chatham Heights is entitled to the first year of incentives as provided in the MOU;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023 that the first-year incentive contemplated under the MOU be and it hereby is approved, and said funds are budgeted and appropriated as follows for payment to the EDA for incentives provided to Chatham Heights Road LLC:

Fund	Purpose	Amount
General Fund	Incentive payment to the EDA	$854

; and

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

ITEM 7. FINANCE; AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACT RENEWALS WITH THE VIRGINIA ASSOCIATION OF COUNTIES GROUP SELF INSURANCE RISK POOL AND BROWN & BROWN INSURANCE AGENCY OF VIRGINIA, INC. FOR INSURANCE COVERAGE FOR FY2024.

Resolution R23-187 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACT RENEWALS WITH THE VIRGINIA ASSOCIATION OF COUNTIES GROUP SELF INSURANCE RISK POOL, AND BROWN & BROWN INSURANCE AGENCY OF VIRGINIA, INC. FOR INSURANCE COVERAGE FOR FISCAL YEAR (FY) 2024

WHEREAS, staff reviewed the County's insurance coverage claims experienced and related costs for FY2023; and

WHEREAS, the Virginia Association of Counties Group Self Insurance Risk Pool (VACORP) submitted a policy renewal proposal to the County for general liability, property, automobile, Line of Duty, cyber, inland marine, animal mortality, volunteer, and Workers' Compensation coverage; and

WHEREAS, VACORP submitted a policy renewal proposal to the County for accident and sickness insurance for the Fire and Rescue Volunteers, the Sheriff's Special Deputies, and Sheriff's Auxiliary groups; and

WHEREAS, VACORP submitted a policy renewal proposal to the County for the County's Fire and Rescue insurance for general liability, property, crime, and automobile; and

WHEREAS, Volunteer Firemen's Insurance Services (VFIS) through Brown & Brown Insurance Agency of Virginia, Inc. submitted a policy renewal proposal, pursuant to a solicitation VACORP performed on behalf of Stafford County in 2015, for increased benefits for the Fire and Rescue Volunteers, Sheriff's Special Deputies, and Sheriff's Auxiliary groups; and

WHEREAS, staff determined that these proposals are reasonable for the scope of services provided;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that the County Administrator be and he hereby is authorized to execute annual contract renewals with the Virginia Association of Counties Group Self Insurance Risk Pool (VACORP) for general liability, property, automobile, Line of Duty, cyber, inland marine, animal mortality, volunteer, and Workers' Compensation insurance in an amount not to exceed One Million Eight Hundred Ninety Thousand Four Hundred Five Dollars ($1,890,405); for accident and sickness insurance coverage for Fire and Rescue Volunteers, Sheriff's Special Deputies, and Sheriffs' Auxiliary groups in the amount not to exceed Seventy-Five Thousand Nine Hundred Ninety-Seven Dollars ($75,997); and for Fire and Rescue general liability, property, crime, and automobile insurance in the amount not to exceed Two Hundred Forty-Seven Thousand Five Hundred Fifty-Eight Dollars ($247,558), unless amended by a duly executed contract amendment; and

BE IT FURTHER RESOLVED, that the County Administrator is authorized to execute the annual contract renewal with Volunteer Firemen's Insurance Services (VFIS) through Brown & Brown Insurance Agency of Virginia, Inc. for increased benefits for Fire and Rescue Volunteers, Sheriff's Special Deputies, and Sheriff's Auxiliary groups in an amount not to exceed Seventy-Two Thousand Eight Hundred Seventy-Nine Dollars ($72,879).

ITEM 8. FIRE AND RESCUE; AUTHORIZE THE COUNTY ADMINISTRATOR TO BUDGET AND APPROPRIATE REVENUE FROM RETIRED VEHICLE SALES FOR THE PURCHASE OF REPLACEMENT VEHICLES.

Resolution R23-185 reads as follows:

A RESOLUTION BUDGETING AND APPROPRIATING REVENUE FROM RETIRED FIRE AND RESCUE VEHICLE SALES FOR THE PURCHASE OF REPLACEMENT VEHICLES AND EQUIPMENT

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, the County realized proceeds of $318,413 in Fiscal Year (FY) 2023 when the Department worked with the Procurement Division to sell retired vehicles from its fleet; and

WHEREAS, the Board budgeted and appropriated $93,800 of the surplus sales revenue with Resolution R23-161 along with FY2021 Capital Improvement Program (CIP) Master Lease funds for the purchase of heavy rescue squad apparatus; and

WHEREAS, the Department desires to use the remaining proceeds of $224,613 to purchase replacement vehicles and equipment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that Two Hundred Twenty-Four Thousand Six Hundred Thirteen Dollars ($224,613) in revenue funds obtained from surplus sales be and it hereby is budgeted and appropriated for the purchase of replacement vehicles and equipment for the Department of Fire, Rescue, and Emergency Services.

ITEM 9. PARKS, RECREATION, FACILITIES & TOURISM; AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT TO PURCHASE AND INSTALL INCLUSIVE PLAYGROUND EQUIPMENT AND PROTECTIVE SURFACE AT WILLOWMERE PARK.

Resolution R23-179 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT TO PURCHASE AND INSTALL INCLUSIVE PLAYGROUND EQUIPMENT AND PROTECTIVE SURFACE AT WILLOWMERE PARK

WHEREAS, the original playground equipment at Willowmere Park was installed in 2001 and needs to be replaced; and

WHEREAS, the County desires to replace the original playground equipment and protective surface with an inclusive playground outfitted with special equipment and surfaces that meet the physical needs of children and adults of all abilities and provides them the opportunity to play; and

WHEREAS, inclusive playgrounds not only embrace the physical aspect of play but also emotional, social, and psychological aspects, encouraging children to interact with one another and build social skills; and

WHEREAS, due to recent changes in legislation, beginning July 1, 2023, the County can cooperatively procure a contract for playground equipment and installation through the Houston-Galveston Area Council's Contract Number PR11-20 with Playground Specialists, Inc.; and

WHEREAS, prior-year funds have been appropriated for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that the County Administrator be and he hereby is authorized to execute a contract with Playground Specialists, Inc., on or after July 1, 2023, to replace the playground at Willowmere Park with inclusive playground equipment and protective surface in an amount not to exceed Three Hundred Eighty-Five Thousand Dollars ($385,000), unless amended by a duly-executed contract amendment.

ITEM 10. PARKS, RECREATION, FACILITIES & TOURISM; RATIFY CONTRACT AND AUTHORIZE ADDITIONAL EXPENDITURES WITH VSC FIRE & SECURITY, INC., FOR FIRE PROTECTION SERVICES AND EQUIPMENT FOR VARIOUS COUNTY FACILITIES.

Resolution R23-184 reads as follows:

A RESOLUTION RATIFYING A CONTRACT AND AUTHORIZING EXPENDITURES WITH VSC FIRE & SECURITY, INC. FOR FIRE PROTECTION SERVICES AND EQUIPMENT FOR VARIOUS COUNTY FACILITIES

WHEREAS, the Department of Parks, Recreation, Facilities & Tourism (PRFT) contracts for fire protection services and equipment for various County buildings; and

WHEREAS, the County may cooperatively procure fire protection services and equipment through a contract with VSC Fire & Security, Inc. (VSC), via the University of Virginia's contract number UVA1990851, Stafford County Rider Agreement #22-069-7110-CI (Contract); and

WHEREAS, as fire protection equipment ages, fire code standards increase, and unexpected events occur, the need for new fire protection equipment and services increases; and

WHERAS, the County has expended $163,374 for fire protection services and equipment during the initial term of the Contract; and

WHEREAS, PRFT anticipates the total Contract cost will be up to $500,000 in FY2023, necessitating Board approval of the Contract; and

WHEREAS, funds are available in the PRFT FY2023 operational budget, and funding for subsequent renewal years is subject to annual budget and appropriation by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that it be and hereby does ratify Rider Agreement #22-069-7110-CI, with an initial term beginning on March 7, 2022 and ending on April 23, 2023, with five additional one-year renewals; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to approve additional expenditures with VSC Fire & Security, Inc., for fire protection services and equipment for various County facilities in a total contract amount not to exceed Three Million Dollars ($3,000,000), unless amended by a duly-executed contract amendment.

ITEM 11. PLANNING AND ZONING; RECEIVE AND ACKNOWLEDGE THE BOARD OF ZONING APPEALS' 2022 ANNUAL REPORT.

ITEM 12. UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A TASK ORDER WITH SAGRES CONSTRUCTION CORPORATION FOR THE WATERLINE REPLACEMENT ON PATRICK HENRY STREET IN THE FERRY FARM SUBDIVISION.

Resolution R23-162 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A TASK ORDER WITH SAGRES CONSTRUCTION CORPORATION FOR WATERLINE REPLACEMENT ON PATRICK HENRY STREET IN FERRY FARMS SUBDIVISION

WHEREAS, the replacement of the watermain along Patrick Henry Street will address aging and deteriorating infrastructure which currently conveys potable water in the Ferry Farms Subdivision; and

WHEREAS, on Patrick Henry Street, from Mercer Lane to the end of Patrick Henry Street, the new piping, gate valves, fire hydrants and service connections will increase water circulation and reliability, significantly reducing service disruptions, and lower annual maintenance costs; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that the County Administrator be and he hereby is authorized to execute a task order with Sagres Construction Corporation for waterline improvements on Patrick Henry Street, from Mercer Lane to the end of Patrick Henry Street, in an amount not to exceed Two Hundred Forty-Nine Thousand Twenty-Four Dollars ($249,024), unless modified by a duly-executed change order.

ITEM 13. UTILITIES; AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER GRANTING A PERMANENT EASEMENT TO DOMINION ENERGY VIRGINIA ON A PORTION OF COUNTY-OWNED TAX MAP PARCEL NO. 30-38.

Resolution R23-176 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER GRANTING A PERMANENT EASEMENT TO DOMINION ENERGY VIRGINIA ON A PORTION OF TAX MAP PARCEL NO. 30-38, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, pursuant to Resolution R22-310, the County executed a lease agreement with Milestone Tower Limited Partnership-IV to construct a free-standing monopole telecommunication tower (Monopole) and base station telecommunications facility on Stafford County Tax Map Parcel No. 30-3B, located on a portion of the Aquia Wastewater Treatment Facility at 71 Coal Landing Road, within the Aquia Election District; and

WHEREAS, an additional permanent utility easement is needed to provide electrical service to the Monopole and base station; and

WHEREAS, Dominion Energy Virginia (Dominion) has requested the County to grant a 10-foot wide permanent utility easement on the Property to Dominion; and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), the Board desires, and is required, to hold a public hearing to consider granting an easement on County-owned property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider granting a 10-foot wide utility easement to Virginia Electric and Power Company, doing business as Dominion Energy Virginia, on County-owned Tax Map Parcel No. 30-3B, located on a portion of the Aquia Wastewater Treatment Facility at 71 Coal Landing Road, to provide electrical service to the telecommunication pole and base station facilities.

UNFINISHED BUSINESS

ITEM 14. BUDGET AND MANAGEMENT; CONSIDER APPROPRIATING THE FISCAL YEAR 2024 BUDGET.

Ms. Andrea Light, Chief Director of Financial Services, stated that the FY24 appropriation was before the Board. She said that the resolution would complete the FY24 budget process. She said that the Board had been requested to hold the appropriation in anticipation of the state providing an updated budget. She said that they had not received the updated budget, and they did not anticipate receiving the update in a timely manner. She said that it was important for the Board to have the appropriation completed so that they could load the appropriation into the financial system and start spending funds on expenditures and payroll beginning July 1.

Ms. Bohmke asked for clarification about the additions and deletions shown at the budget meeting and whether they tallied correctly.

Ms. Light responded that for the school operating budget, it was $157,994,449, an increase of over $4.2M from the County Administrator's proposed budget. She said that the appropriation would provide enough funding to SCPS to provide the 5% raise across staffing positions, and it removed funding for community engagement events.

Mr. Coen motioned, seconded by Ms. Allen, to approve proposed Resolution R23-76.

The Voting Board tally was:
Yea: (7) Allen, Bohmke, Coen, English, Gary, Vanuch, Yeung
Nay: (0)

Ms. Andrea Light said that there was a 5% appropriation hold that was done for SCPS and local government that would be returned to the Board by mid-year. She said that the hold was done to ensure revenues met projections.

Resolution R23-76 reads as follows:
A RESOLUTION TO APPROPRIATE THE FISCAL YEAR (FY) 2024
COUNTY BUDGETS

WHEREAS, the Board commits to maintaining the undesignated fund balance and desires to retain adequate budgetary control given the economic climate; and

WHEREAS, the Board intends to appropriate funds for FY2024 based on the following general guidance and percentage of the FY2024 budget:

- Debt service 100%
- General Fund transfer to other funds 100%
- Partner agencies funding 100%
- Purchase of Development Rights funds 100%
- All other Departmental budgets in the General Fund 95%
- Schools local funding transfer 95%
- Schools Public Day School Transfer 95%

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that the expenditures in the General Fund, Other Funds, and Schools Funds be and they hereby are appropriated as follows for FY2024:

General Fund	**401,657,533**
Board of Supervisors	786,786

Budget and Management	1,075,838
Commissioner of the Revenue	3,511,727
County Administration	1,550,747
County Attorney	1,536,761
Electoral Board and Registrar	761,936
Finance	1,609,924
Procurement	822,182
Geographic Information System	767,388
Human Resources	1,345,048
Information Technology	4,892,243
Community Engagement	947,128
Treasurer	2,588,947
15th District Court Unit	346,165
Code Compliance	6,032,275
Fire & Rescue Services	34,537,606
Rappahannock Juvenile Center	1,632,804
Rappahannock Regional Jail Authority	8,767,030
Sheriff	43,022,316
Circuit Court	684,923
Clerk of the Circuit Court	1,834,913
Commonwealth's Attorney	4,537,261
Court Deputies	4,250,008
General District Court	111,395
Juvenile and Domestic Relations Court	125,864
Magistrate	8,281
Cooperative Extension	205,817
Economic Development	724,687
Partner Agencies - Community Development	344,299
Planning and Zoning	2,981,818
Human Services	6,374,511
Partner Agencies - Health and Social Services	2,018,101
Social Services	10,539,359
Central Rappahannock Regional Library	5,537,501
Parks and Recreation	9,779,984
Community Facilities	5,256,296
Engineering	850,972
Partner Agencies - Germanna Community College	348,858

Schools Operating Budget Transfer	150,094,727
Schools Public Day School Transfer	1,097,176
Schools Transfer to Designated Repairs, Replacement and Rehab	1,790,477
Schools Transfer for Capital Projects	2,206,858
Schools Debt Service	34,323,041
County Debt Service	7,919,339
Non-Departmental - Human Resources	679,392
Non-Departmental - Insurance	1,185,542
Non-Departmental - Capital and One-Time Projects	6,892,097
Non-Departmental - Other	1,795,698
Non-Departmental - Purchase of Development Rights	250,000
Non-Departmental - Fire and Emergency Services Fund	2,737,698
Non-Departmental - Transfer to Capital Projects Fund	9,597,447
Non-Departmental - Transfer to Transportation Fund	8,038,342

Other Funds:

Asset Forfeiture Fund	320,000
Armed Services Memorial	2,000
Capital Improvements Fund	101,603,179
E-Summons Fund	31,370
Fire and Emergency Services Fund	21,513,145
Fleet Services Fund	4,952,011
Garrisonville Road Service District Fund	1,474,568
Hidden Lake Special Revenue Fund	122,358
Historic Port of Falmouth Parking Fees	60,000
Lake Arrowhead Service District Fund	100,623
Lake Carroll Service District Fund	30,970
Lynhaven Lane Service District	5,500
Tourism Fund	3,256,597
Transportation Fund	19,874,323
Transportation Impact Fee - County-Wide Fund	800,000
Utilities Funds	89,222,578

Schools Funds:

Construction Fund	53,191,213
Grants Fund	16,383,681

Health Services Fund	37,062,970
Nutrition Services Fund	21,066,738
Schools Operating Fund	401,005,804
Workers' Compensation Fund	1,553,454

; and

BE IT FURTHER RESOLVED that the Board intends to consider the appropriation of the FY2024 funds budgeted but unappropriated, following the mid-year review and completion of the FY2023 audit, in consideration of the then current financial conditions; and

BE IT FURTHER RESOLVED that at the close of the fiscal year, all appropriations shall lapse for budget items other than capital projects, commitments, and grants. The following appropriations shall be maintained as noted or until the Board, by resolution or ordinance, changes or eliminates the designated appropriations:

(i) Capital projects, until the completion of the project;
(ii) Commitments; and
(iii) Grant funds for the duration of the grant.

; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to approve insurance settlements less than $100,000, in concurrence with the County's insurance carrier; and

BE IT FURTHER RESOLVED that to comply with Governmental Accounting Standards Board's standards and generally accepted accounting practices, some projects or sets of accounts may need to be moved between funds, and the County Administrator is authorized to make such transfers; and

BE IT FURTHER RESOLVED that to ensure the taxpayers of Stafford County are paying the lowest tax rates possible, all outside funding sources such as state funds, federal funds, proffers, and user fees will be designated to be spent first, with any local matches that are required. After these funds are spent, local tax dollars may be spent; and

BE IT STILL FURTHER RESOLVED that Children's Service Act (CSA) reserve funds are budgeted and appropriated for FY2024 for the purpose of creating an inclusive playground at Drew Middle School for the Heather Empfield students as follow:

Fund	**Purpose**	**Amount**
General Fund	Transfer to Schools' Operating Fund	$85,000
Schools' Operating Fund	Purchase playground equipment	$85,000

NEW BUSINESS

ITEM 15. FINANCE; CONSIDER AUTHORIZING THE COUNTY TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE VIRGINIA RESOURCES AUTHORITY'S FALL 2023 POOLED FINANCING PROGRAM FOR DEBT FINANCING RELATED TO AN UPCOMING CELL CONSTRUCTION PROJECT BY THE RAPPAHANNOCK REGIONAL SOLID WASTE MANAGEMENT BOARD.

Mr. Phil Hathcock, R-Board Director, said that the item is related to debt financing for the next landfill cell. He said that they had approximately 1.2 years of airspace remaining before the new cell would be required. He said that the next cell to be constructed was Cell G-3 and Partial G-1, which would have a total capacity of about 6 years. He said that after G-3 and G-1, the next cell would need to be constructed in 3.2 years.

Mr. Hathcock said that as the landfill was permitted, there were about 22.9 years remaining in airspace capacity. He said that the engineer estimate for the construction was about $5.8M, or $510K per acre for 11.3 acres. He said that preconstruction engineering had started, and they estimated bidding no later than April 2024. He said that construction was anticipated to begin no later than August, 2024.

Mr. Hathcock said that they structured the financing to be approximately $2M of cash funding and $4M of debt funding. He said that they assumed the debt financing would be equally split between the County and the City. He said they had performed direct loans in the past to the R-Board, and they had participated in the VRA Pooled Financing Program. He explained that applications for the VRA Pooled Financing Program were due on August 4, local authorization was due by September 15, and the tentative closing date was November 15.

Mr. Hathcock said that the annual debt service for $4M over 7 years would be $710K to be paid from the R-Board enterprise fund budget. He said that they budgeted about $600K to service the current cell, which would be paid off early next year. He said that staff recommended requesting $4M in debt service for a 7-year term.

Mr. Hathcock said that an aerial survey was due in July, and it would provide a better estimate as to the lifetime of the cells. He said that the deadline for the VRA program was before the next R-Board meeting on August 17. He said that staff requested authorization to submit an application. He explained that the application was non-binding, and it could be withdrawn or amended at any time before the cutoff date.

Dr. Yeung asked whether they could combine the construction of the cells to decrease the costs.

Mr. Hathcock responded that was the plan. He said that Cell G-3 and Partial G-1 would be constructed together to help reduce costs.

Dr. Yeung asked whether the item should be marked time sensitive.

Mr. Hathcock said that the application had to be submitted by August 4.

Mr. Vosburg responded that the item could come back before the Board on June 27.

Mr. Hathcock said that would be fine.

ITEM 16. COUNTY ADMINISTRATION; APPOINT MS. GERALDINE QUITTO-DICKERSON TO THE ADA GRIEVANCE COMMITTEE REPRESENTING THE DISABILITY MEMBER SEAT FOR A TERM EXPIRING ON DECEMBER 31, 2023.

Mr. Paul Santay, Chief Director of Community Development, stated that the ADA Grievance Committee met on a case-by-case basis, and grievances in the community came before the committee for discussion and implementation. He said the committee was short one member according to the bylaws.

Mr. Santay explained the bylaws required one member to have an engineering or structural professional background, two members with a documented ADA disability, two at-large members, and two at-large alternate members. He said that there was only one member on the committee with a documented ADA disability. He said that Ms. Geraldine Quitto-Dickerson had a documented ADA disability, and she had applied to join the committee.

Ms. Vanuch said she had reviewed the application and it looked good. She noted that Ms. Quitto-Dickerson lived in the Garrisonville district. She asked whether Dr. Yeung had communicated with the applicant.

Dr. Yeung said she had not.

Ms. Vanuch said that the applicant was an involved community member. She said that someone should reach out to Ms. Quitto-Dickerson to explain the expectations for the committee because they did not frequently review complaints.

Mr. English asked whether there were other vacancies on the committee.

Mr. Santay said that there was one more vacancy for an at-large alternate, but they were able to hold a meeting and conduct business without the position.

Mr. English said that he knew of a constituent who was considering whether to apply to the committee.

Mr. Santay said that they held one annual meeting to discuss business, but they could not make the annual meeting official until there was a quorum.

ITEM 17. DEVELOPMENT SERVICES; CONSIDER ADOPTING A CHARTER FOR THE WORKFORCE AND AFFORDABLE HOUSING COMMITTEE.

Mr. Santay said that the Workforce and Affordable Housing Committee had developed a draft charter and adopted it at the previous meeting. He said that the charter was required to be presented to the Board for consideration. He said that the charter objectives were to be completed by October.

Ms. Gary noted that there was disagreement in the committee regarding language that should be amended.

Dr. Yeung asked whether they would be able to update the priorities and language before the next Board meeting.

Mr. Santay said that there was a conflict for the next meeting, but the committee would be able to meet before the next Board meeting.

Ms. Vanuch said that the resolution approved by the Board required that a charter be presented to the Board by May 31. She asked whether a vote was needed to provide an extension. She asked how much staff time was being dedicated to the process. She said she believed the committee was redundant to GWRC and CEDC, and she was concerned about the creation of ad hoc committees and the workload on staff.

Ms. Vanuch said that the charter requested the Board to violate its bylaws and allow the committee to provide direction to staff. She said that there were no other County committees which allowed direction to staff separate from the will of the Board. She said she would vote against any proposal, and she did not support providing an extension.

Ms. Gary said that they did not intentionally include items that would violate the bylaws, and staff had helped draft the charter so it was assumed to be orderly and appropriate. She noted that there had been a delay in drafting the charter. She asked what work of the committee would be redundant to GWRC.

Ms. Vanuch said that GWRC had a workforce development strategic plan. She said that the topics were important to the entire Board, so the committee should be a full-Board committee under CEDC. She said Article 4(B) of the charter stated staff would work under the general direction of the committee, and she was concerned because the bylaws stated no staff would be given direction without four Board members providing the direction.

Ms. Gary requested that legal review the charter.

Ms. Bohmke said that she was most concerned about workforce housing in the County. She asked how variety housing was defined. She said that the scope of the committee may be too broad. She said she agreed with Ms. Vanuch's comments regarding Article 4(B).

Mr. English asked whether they had to always have a charter for the committees.

Ms. McClendon said that the Board had done charters for committees in the past, and they typically were addressed for ad hoc committees. She said that the charter was the Board providing the committee direction as to the work and final product.

Mr. English said that the committee should be a full-Board committee. He said he did not support the item. He said that CEDC could address the matter.

Ms. Gary said that the Board had already approved the committee, and the matter before the Board was the charter. She noted that the language needed to be amended and brought back before the Board at the next meeting.

Ms. Allen said she interpreted the bylaws to limit the power of individual supervisors from giving direction to staff, not the power of committees to direct staff.

Ms. Vanuch said that the charter would allow the committee to direct staff in a different direction than that of a majority of the Board. She said that the charter conflicted with the bylaws. She said she had been on committees with charters, and none of them included language regarding staff direction. She said that the work belonged under CEDC, not an ad hoc committee. She said that at the next new business item, she would request to disband the committee before accepting a charter.

Mr. Coen said that the redistricting committee only had three members, and they were able to make requests of staff. He said that the bylaws did not apply to committees. He said that the matter was before the Board to receive feedback and direction. He asked whether the Board needed to take action regarding the May 31 deadline.

Ms. McClendon said that in regard to a legal review of the charter, the County Attorney's Office reviewed the charter. She explained that the Board's direction to the committee was through the charter, so guardrails and limitations were placed on the committee through the charter. She said providing staff support to the committee was expected, but it was limited to what the Board approved in the charter. She said she understood the Board's concern, but staff would be able to operate within the provided limitations.

Ms. McClendon said that if staff had further concerns, those could be brought before the Board. She said that because the item had to return before the Board, if the committee met to amend the charter, it would be considered at the next meeting. She said that it would be at the discretion of the committee whether to move forward with the approved charter or amended charter. She said that if no changes were made, then the charter before the Board had been approved by the committee.

Ms. Gary said that there was a general consensus within the committee to review workforce housing as a priority.

Ms. Vanuch said that the charter had to be before the Board by May 31. She asked whether they had to vote to allow the committee more time to amend the charter. She asked what would happen if they did not provide an extension.

Ms. McClendon said that it was under the purview of the Board. She said that there was no penalty for not meeting the deadline. She said that the committee could not perform its work until the Board approved its charter.

ITEM 18. PLANNING AND ZONING; CONSIDER GRANTING TIME EXTENSIONS FOR RECLASSIFICATION APPLICATION RC20153640 AND CONDITIONAL USE PERMIT APPLICATION CUP22154813, PURSUANT TO STAFFORD COUNTY CODE SECS. 28-162, “REVIEW AND REQUIREMENTS” AND 28-185, “CONDITIONAL USE PERMIT” FOR PROJECT KNOWN AS CLIFT FARM.

Mr. Mike Zuraf, Acting Assistant Director, said that the time limit for the reclassification application was set to June 11, 2023 as a result of a prior extension granted by the Board last year. He said in December 2020, the rezoning application was initially submitted. He said the property consisted of 57 acres, and it was rezoning from A-1 to R-2, and it would allow for 141 single-family retirement dwellings.

Mr. Zuraf said that the property was located at the intersection of Clift Farm Road and Leeland Road. He said that the conditional use permit application was submitted later in the process, and the deadline was in March 2024. He said the applicant had worked with VDOT, County utilities, and surrounding property owners to address issues. He said the applicant requested an extension until June 12, 2024 for both applications to allow adequate time for public hearings.

Ms. Bohmke clarified that the Board could take action at the June 27 meeting, and there was no reason to deem the item time sensitive.

Mr. Zuraf said that was how they handled extensions in the past. He explained that if the extension requested was submitted by the deadline, it was accepted and considered by the Board.

Ms. McClendon confirmed that had been the past practice of the Board. She said she did not like the practice because she preferred deadlines. She said that the request had been submitted and the Board was considering the matter in a timely fashion. She said that if there had been a delay in consideration, she would be concerned, but the Board was moving forward with the matter.

ITEM 19. DISCUSSION ON FAMILY SUBDIVISION WAIVER CRITERIA AND PROCESS; REQUESTED BY SUPERVISOR THOMAS COEN.

Mr. Coen said he was uncomfortable requiring people to come before the Board in a public forum to discuss family health issues and crises. He said he was not sure if there was a better way forward, such as sending matters to a committee.

Ms. Allen suggested that staff create a form for applicants to fill out that could be included in the application materials.

Ms. Bohmke said the process was fine as established. She said that staff could have sidebar conversations with families if it was necessary to gather additional information. She said that the uncomfortableness came from supervisors asking questions of the families from the dais. She said the Board had been part of the problem, and there was no reason to change the policy if the conversations were done prior to the hearing. She said that matters could be deferred to gather additional information.

Mr. English suggested that supervisors meet with the applicant families from their district and provided a recommendation to the Board. He said that the Board had asked inappropriate questions of families in the past.

Ms. Vanuch said she agreed that the process should be made easier for families. She said she agreed with Ms. Allen's suggestion regarding a form for families to fill out. She said that the Board should trust the recommendations of supervisors regarding the needs of family applicants.

Dr. Yeung asked for clarification whether there was a form families were required to fill out explaining the issues and reasons for the waiver.

Ms. Kathy Baker, Director of Planning and Zoning, stated that the applicants had been submitting letters to request the waiver. She said that families included whatever information they believed was necessary to justify the hardship. She said that as part of a family subdivision application, an affidavit was required by the applicant stating they complied with the family subdivision regulations.

Dr. Yeung said that there should be a form for family applicants to fill out. She questioned the need for such items to come before the Board. She said that staff should be able to address the applications without the Board.

Ms. Baker stated that the ordinance required approval of the waiver from the Board. She said that the ordinance would have to be amended to allow staff to administratively handle the applications.

Ms. Gary said that a form would be helpful moving forward. She said that the form would be sufficient to ensure they had the appropriate information.

Ms. Vanuch recommended that staff draft a form to be presented to the Board at the next meeting under Unfinished Business.

Ms. McClendon said that staff had the ability to create forms for planning and zoning purposes. She said that the item could be brought before the Board for informational purposes, but it did not require action from the Board. She said that the form could be used for future applications.

ITEM 20. DISCUSS SENDING A LETTER TO THE VIRGINIA GENERAL ASSEMBLY TO CONSIDER THE IMPACT DOMINION ENERGY RISING PRICES ARE HAVING ON STAFFORD COUNTY RESIDENTS; REQUESTED BY SUPERVISOR MONICA GARY.

Ms. Gary said she had received constituent complaints regarding Dominion Energy bills and rates. She asked whether the Board should investigate the concerns and make a statement. She said that the Board was powerless to make changes because there was no other power company.

Mr. English said that people did not want to support his GFL concerns, so he was confused why this item was being considered.

Ms. Gary said she had sent a letter to GFL requesting they investigate the issues, and Mr. English was aware of that letter. She said that GFL was a separate issue that had been addressed. She said she was not basing the decision off of quid pro quo. She said the concern was over the rates constituents paid for electricity.

Ms. Vanuch said that the rising energy costs were the result of action taken by the General Assembly under Governor Northam. She questioned the timing of the matter prior to the primaries and election. She said that the General Assembly was not in session, so it did not make sense to send a letter to them when they were not able to have an impact. She said she did not support the matter based on the timing of the request.

Ms. Allen said that Dominion Energy policy and decisions were controlled by the General Assembly, so if the Board wanted to make change, they would have to start with the General Assembly. She said that they would have to wait until the fall to have something presented before the legislature. She said that the Board should consider sending the letter in the fall.

Mr. Coen said he agreed with Ms. Allen. He said that fact-finding would be beneficial before moving forward.

Ms. Gary said she brought the matter up because there had been longstanding issues with her constituents. She said that the issue still stood regardless of the timing. She said that the General Assembly had the ability to address the matter. She said that they could direct the Legislative Committee to handle the constituent problems.

Ms. Bohmke said that the issue could be brought to the attention of VACo for its legislative priorities. She said that Virginia Power was willing to work with people on payment plans.

Dr. Yeung said that individuals could have problem with other utilities. She said that they should do more data collection. She said that they had a small staff, and the budget funded positions mostly for the SCSO, SCPS, and Homeland Security. She said she agreed with Ms. Bohmke's suggestion to send the matter to VACo.

ITEM 21. ST. CLAIR BROOKS PARK STREAM RESTORATION UPDATE; REQUESTED BY SUPERVISOR BOHMKE.

Mr. John Saunders, Development Services and Environmental Programs Administrator, said the last update the Board received was in September 2022. He said that the project was located in Brooks Park. He said the project was about 1,400 linear feet of stream restoration, and the total cost, including design, permitting, and construction was $1.03M.

Mr. Saunders said the project was in place to meet the Chesapeake Bay total maximum daily load obligations with the goal of removing nitrogen, phosphorous, and sediment from the Rappahannock River and Chesapeake Bay. He said that the project was executed for a total cost-per-pound removal of over $1,000. He said that the project received a DEQ Stormwater Local Assistance Fund (SLAF) grant for $871K with a 50/50 match.

Mr. Saunders said that improvements included placing physical structures in the stream, and they had a flood plain established before performing additional grading. He said that 37 grade control structures were proposed, and seven had been completed. He said the contractor began with the upper section and was working downstream. He said the plan was to start working from downstream moving up to reduce access impacts. He said that they had completed about 150 linear feet installed.

Mr. Saunders said that the preconstruction meeting was held in January, and they were looking to complete the project by Labor Day weekend. He said that they would return about a month after completion to start the vegetation planting and take advantage of the growing season. He noted the first task order for the project was issued in 2017, and the patience had paid off. He said the contractor was experienced and delivered a quality product.

Dr. Yeung asked whether Ms. Bohmke had a recommendation for when the matter should return for another update.

Ms. Bohmke said that another update was not required. She said that the project was phenomenal. She said that the patience and pre-qualification process had paid off.

Mr. Coen said he would like to tour the construction site.

ITEM 22. DISCUSSION ON ECONOMIC DEVELOPMENT AUTHORITY GOVERNANCE (EDA); REQUESTED BY CHAIRMAN YEUNG.

Dr. Yeung said she wanted the Board to be more involved with the EDA. She said that she wanted to have a work session, but Mr. Vosburg recommended they hold one-on-one meetings first. She requested that supervisors meet with their EDA representatives to have a better understanding between the Board and EDA. She said it was important that the EDA and the Board work together.

Mr. Vosburg said they embarked on a plan to improve collaboration between the EDA and the Board, and the first part was to hold one-on-one meetings. He said that they were hopeful to schedule the remaining meetings. He said that after the initial meetings, they wanted to establish a regular joint meeting schedule and reporting mechanism. He said that on Friday, the EDA would consider an MOU with the Board formalizing the relationship and objectives.

Ms. Vanuch said that the joint work session with the EDA had been held the past two years in July, but this year it would likely have to be held in August.

Ms. Allen said she had a good relationship with the EDA members, and she had been to at least three meetings that year.

Mr. English said he thought it was a good idea.

ITEM 23. DISCUSSION ON REQUESTING PERIODIC PRESENTATIONS FROM BOARDS, AUTHORITIES, COMMITTEES, AND COMMISSIONS (BACC); REQUESTED BY CHAIRMAN YEUNG.

Dr. Yeung said that BACCs needed to provide the Board with a regular executive report of their work. She said that they should perform an inventory of the committees and noted that some barely met.

Mr. Vosburg said that they were reviewing the BACCs, and they had reached out to the County Attorney's Office to review the original intents. He said they were reviewing the number of committees, their purposes and intents, and the requirements. He said that they would determine a reporting mechanism for the BACCs. He said that staff wanted to perform a complete inventory of the BACCs, and if changes were required, the matter would be brought back before the Board.

CLOSED MEETING

At 5:01 p.m., Mr. Coen motioned, seconded by Ms. Vanuch, to adopt Resolution CM23-12 to authorize closed session.

The Voting Board tally was:

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

Resolution CM23-12 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for consultation with legal counsel employed by the Board regarding meetings and related requirements under the Virginia Freedom of Information Act and regarding legislative changes to advertising requirements, both of which are specific legal matters requiring the provision of legal advice by such counsel; and 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; and

WHEREAS, pursuant to Virginia Code § 2.2-3711 (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 6th day of June, 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 5:49 p.m., Mr. Coen motioned, seconded by Ms. Vanuch, to adopt Resolution CM23-12(C) to certify the closed meeting.

The Voting Board tally was:

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

Resolution CM23-12(C) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE
STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED
MEETING ON JUNE 6, 2023

WHEREAS, the Board has, on this the 6th day of June, 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 6th day of June, 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 5:49 p.m., the Board recessed the meeting.

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

PRESENTATIONS

Presentation of Historic Preservation Awards.
Ms. Anita Dodd, Vice-Chair of the Stafford County Historical Commission, stated that she and Nancy Kotting, Cultural Resources Specialist, would give this presentation. She said that each year since 2005, the Stafford County Historical Commission had presented historic preservation awards for noteworthy preservation projects and activities.

Ms. Dodd said that these awards were an opportunity for Stafford County to recognize the efforts of property owners, organizations, businesses, and individuals who had made significant contributions to the preservation of Stafford County's historical and cultural resources. She said that the awards encouraged historic preservation and acknowledged that appropriate preservation was a noteworthy contribution to the County's historic heritage.

Ms. Dodd said that this evening, they were recognizing an individual and business that came together to restore the Ennever-Lucas Family Cemetery located at the Manheim Fredericksburg Facility. She said that this cemetery was in very bad shape, two of its headstones had been broken from their bases and removed. She said that these markers that had ended up in Richmond were recently returned to the cemetery. She said that there were several markers that had to be repaired and reset in their original location. She said that the cemetery also needed an extensive cleanup.

Ms. Dodd said that they were awarding the landscaping award to Nathan Best, who chose to clean up the Ennever-Lucas Cemetery for his Eagle Scout project, which included the removal of trees that were a threat to the cemetery and its markers, as well as the general cleanup of the cemetery. She said that they were always pleased to recognize young people who realized the importance of preserving their cultural resources.

Ms. Dodd stated that the historic preserver award was presented to Manheim Fredericksburg. She said that Mr. Craig Amelung was instrumental in seeing that this project was completed, and while he unfortunately was unable to attend tonight's meeting, Mr. Best would accept the award and give it to him. She said that Mr. Amelung's company paid for the restoration and resetting of the headstones in the cemetery and installed a sign identifying the cemetery.

Ms. Dodd said that he had taken an interest in the cemetery that went beyond the restoration, and Mr. Amelung had assembled artifacts found during the archaeological investigation of the property, and historical information about the cemetery and its inhabitants, and created an exhibit in the main building's lobby. She said that he was thanked for his efforts in preserving elements of Stafford County's cultural heritage.

PRESENTATIONS BY THE PUBLIC- II

Dr. Yeung read the protocol for public comment.

1. Molly Denham stated that she was a resident of the Hartwood District. She said that this evening, she would like to talk about the proposed plan to bring a data center or centers to Stafford County. She said that last week, there was an advertised town hall to discuss the plan, and unfortunately, there was some sort of miscommunication, as this was not actually a town hall sponsored by the County but a private event hosted by the real estate development agency and the law team hired by the data center company to talk to those select residents closest to the proposed data center. She said that as that did not include herself, she was politely asked to leave and come again when it was an actual open meeting. She thanked Dr. Yeung and Mr. Vosburg for taking the time to chat with her as she was leaving to encourage her to continue to show up for future events concerning these data centers.

   Ms. Denham said that this evening, she was requesting the Board provide more information to the public as it related to these data centers. She said that at this point she was neither for or against the proposal, and did not have enough information. She said that in addition, when she tried to search through the public records via the County's website, all of the files pertaining to the data centers were not accessible, and each came back with error messages saying that the source file had been removed, the name was changed, or it was temporarily unavailable.

Ms. Denham said that about an hour before this meeting, she was able to access one but not all of the files. She requested the Board to look into these errors so that information needed by the public may be readily accessible. She said that she had a lot of questions about the proposed data centers, and she sent an email to Dr. Yeung and to Mr. English with her initial questions, however, they were just the beginning of her questions. She requested the Board to look at having a more open communication with County residents to inform them of any proposals, as having a data center in the County could have widespread and sometimes unintentional consequences.

Ms. Denham said that Virginia was currently the largest data center market in the world and was home to 35% of all known hyper-scale data centers worldwide, with over 150 in the Commonwealth alone according to the Virginia Economic Development Partnership. She said that with these data centers came valid concerns from local citizens, mainly the impact on the local environment, noise pollution generated, and the impact it could have on the local electrical grid. She said that though many would extoll the virtues of the additional income to the County, she asked they keep in mind that the state had offered an exemption from retail sales and use tax for qualifying data centers, as well as allowing data centers to receive sales tax exemptions, and reduction in computer-related equipment business property tax.

Ms. Denham said that this made her question what exemptions the County was being prepared to offer. She said that she also questioned their human capital plan for their local citizens; the offer to train a local workforce was always listed as an enticement, however it was not always a reality once an established data center came to town. She said that in reading the public documents she could access, it seemed like it would generate about 60 lasting jobs once finished. She said that she urged the Board to have a more active publicity campaign and a more open dialogue to educate constituents.

2. Cliff Heinzer stated that he was a resident of Aquia Harbor. He thanked the Supervisors for all that they did and the dedicated hours they put in to try to keep the County on an even keel. He said that he would speak briefly tonight about affordable housing. He said that affordable housing was an issue for a lot of younger Stafford residents who were starting out in their careers, including teachers and first responders. He said that a $700k or $800k home was pretty stiff if one was starting out in law enforcement or school professions.

   Mr. Heinzer said that while developers were certainly moving through the County aggressively, their equities lied in producing the highest profit they could, which often meant shooting more for the higher end of the market where there was a greater return, but they needed to think about how to keep their young professionals in Stafford County. He said that he thought what they needed was more affordable housing in all Stafford communities. He requested the Board consider this as they were moving forward with housing and what the County may look like.

3. Kristin Maxson stated her address was 1816 Richmond Highway, Stafford, Virginia. She said that she agreed with the first speaker about the data centers, because the information was very difficult to find. She said that a document titled September 21, 2005, which was an architectural study associated with a data center, actually had a letter dated April 19, 2022, so it was mislabeled. She said that someone might see the 2005 and ignore it because that was old data. She said that a lot of the information for the data centers were empty or blackened out.
   Ms. Maxson said that the data centers also were designed on a flood zone, and the first thing that they said was because it was high energy electrical to not have it on a flood zone. She said that one data center ending in 68 had two parcels of over 100 acres when they knew it was only one acre. She said that it would be possibly to hold multiple data, and there were schedulers out there that just sit and wait for data to swap, and they would hate to have the wrong data put in the wrong place. She said that telecommunications facilities, one ending in 41 had two parcels, which they could not have two parcels of the same, so it basically was one parcel.

   Ms. Maxson said that she would not give the full tax map ID for it, but it ended in 41 and there were two of them. She said that Stafford Avenue #4 was an auction for closure and was listed as zero acres. She said that she knew it had acreage, so they might want to go into the database and correct the errors in the database. She said that that was right across from the Stafford Elementary School, which would be handy for extra parking, but they needed to provide the proper data for the people. She said that she volunteered. She said that there was a statement earlier today that people that were concerned about the County can volunteer, and she was a musician and volunteered, which helped the mental anguish tremendously, and she believed in religion, too.

4. Mr. Daniel Cortez stated he resided at 19 Hidden Springs Lane in the Aquia District. He said that he was in support of data centers, because they were in tremendous need of finances and responsible finances. He said that he had confidence that this body would address it responsibly, engage the public, and allow them to move forward and not backward. He said that they lived in the 21st century and they must be forward-thinking, and to be more forward-thinking, they must elect responsible individuals.

Mr. Cortez said that they had an election in about two weeks, and with all of the millions and millions of dollars that they would be getting from data centers, they would need responsible individuals to deal with their money in the Office of the Treasurer. He said that he had examined both candidates very carefully, and that was why he was going to encourage members listening to support Mike Sienkowksi, who had the qualifications, education, and experience to serve that office responsibly. He said that in other offices, such as Senate District 27, they had responsible individuals like Mr. Joel Griffin and Mr. Ben Litchfield, and for those of the liberal persuasion, it was a hard decision.

Mr. Cortez said that on the conservative side, it was a very easy decision, because the Governor, Lieutenant Governor, and Attorney General had endorsed Tara Durant, who was doing a remarkable job as a good Christian woman, and who was supported by the Governor. He said that conservatives should acknowledge that and be respectful of the slate that found that this woman was the best qualified candidate.

Mr. Cortez said that it was shocking that any member that sits in office and was a conservative would slap the face of their Governor and support someone else. He said that her opponent, sadly, was a soldier of fortune seeking profit and had very questionable qualifications. He said that this was a decision for them all to make, and they must make it responsibly, and he knew that they would. He said that when this Governor spoke, regardless that he himself was an independent, he would listen because the Governor knew more than he did.

PUBLIC HEARINGS

ITEM 24. PLANNING AND ZONING; CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A DRIVE-THROUGH FACILITY WITHIN THE B-2, URBAN COMMERCIAL AND HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICTS ON TAX MAP PARCEL NO. 54-94C (PROJECT KNOWN AS FERRY FARM DUNKIN DONUTS).

Ms. Kathy Baker, Acting Director of Planning and Zoning, stated that this was a conditional use permit for a drive-through facility associated with a restaurant in the B-2 and HC Overlay Zoning districts. She said that this was within the George Washington District and the applicant was Dunkin Donuts. She indicated the location map on the slide, with the blue polygon surrounding the subject site, and Kings Highway and Ferry Road bordering the site. She said that the property was zoned B-2, as were the properties to the north and the south.

Ms. Baker said that to the north included the Ferry Farm Shopping Center and to the south was a McDonald's with a drive-through. She said that to the right side of the property there was right-of-way for the CSX railway, and Ferry Farm residential development was to the right, labeled R-1 Residential zoning on the map. She said that on the west side of Kings Highway was the George Washington boyhood home, Ferry Farm, which was zoned HI Heritage Interpretation.

Ms. Baker showed an aerial photograph of the current conditions of the site. She said that it currently a vacant 7-Eleven building that would be demolished. She said that the existing entrance along Kings Highway would remain to serve the site, and to the rear of that was a private access that served the entire shopping center off of Ferry Road. She noted that there were sidewalks along the frontage of Kings Highway and Ferry Road. She displayed a street view of the site from Kings Highway before the 7-Eleven shut down.

Ms. Baker said that on the Generalized Development Plan, it was an approximately 1,600 square foot building that would have a drive-through that goes counterclockwise around to the left side of the building in the diagram displayed on the screen. She said that the entrance on Kings Highway was to the lower portion of the screen and to the back they would have a secondary access to that private access that served the shopping center.

Ms. Baker said that that access exited out to Ferry Road. She said that the existing entrance on Ferry Road halfway between the parking area would be closed off and the sidewalk would be extended across that. She displayed the architectural renderings provided by the applicant, which showed the colonial design to be compatible with the historic district across the street. She displayed the land use map and indicated the commercial node area within the suburban district. She said that this application was consistent with the Comprehensive Plan.

Ms. Baker said that the proposed conditions included that development of the site shall occur generally as shown on the Generalized Development Plan (GDP), direct access to the property shall be via the existing entrance on Kings Highway and the existing prescriptive access easement, as depicted on the GDP, and no new driveway entrances onto Kings Highway or Ferry Road shall be permitted.

Ms. Baker continued that conditions included were that a sidewalk shall be constructed along the east side of the entrance on Kings Highway, as depicted on the GDP, and a crosswalk shall be painted across the drive aisle between the building and the proposed sidewalk. She said that the final proposed condition was that the building shall be constructed in general conformance with the styles depicted on the architectural renderings, and building façade materials shall comply with the neighborhood designs standards plan.

Ms. Baker said that staff found the application consistent with the land use recommendations in the Comprehensive Plan and consistent with that established development pattern along Kings Highway. She said that other positive findings included that the proposed building design incorporated recommendations of the NDS Plan and incorporated colonial design features to complement the historical significance of the adjacent Ferry Farm property, and that the use was sited appropriately to minimize any impacts to the corridor highway. She stated that no apparent negative impacts were noted.

Ms. Baker noted that a site plan had already been submitted and was under review for incorporating all conditions. She stated that staff recommended approval of the application with the conditions pursuant to Resolution R23-115. She stated that on April 12, 2023, the Planning Commission voted 4 to 2, with 1 absent, to recommend approval.

Mr. Coen said that the applicant had proffered the same type of signage for the corner of Kings Highway and Ferry Road that was used at the McDonald's, meaning that it was not a large and gregarious thing, but one that was sensitive to the community.

Ms. Vanuch asked if the subject property was located within a historic district.

Ms. Baker said no.

Mr. Coen said that the site itself was not, but when the 7-Eleven was replacing their sign, they agreed to keep it in the same texture, and he believed this applicant had done the same.

Ms. Baker clarified that there were no proffers, and that had not been addressed in a condition to her knowledge. She said that the sign in the site plan was shown to be about 12 feet high by 6 feet, which was the maximum height permitted in that area. She reiterated that there was no proffer or condition associated with what was permitted on the signage.

Ms. Bohmke asked why two Planning Commissioners voted against the item.

Ms. Baker said that at the meeting, the Commission discussed concerns of the traffic on that particular intersection, and there were concerns about the entrance existing on Ferry Road and taking left turns.

Mr. Coen said that one member had expressed a desire to block access from Kings Highway so that there would be no access, and people would have to go down and come through neighboring parking lots to come in.

Ms. Bohmke said that the entrance was right-in, right-out.

Ms. Gary asked if the proposed use would have less trips generated than the 7-Eleven use.
Ms. Baker said that was correct.

Ms. Gary asked if there was a significant change in trips between the two uses.

Ms. Baker said that there was a reduction of about 553 vehicle trips per day.

Ms. Gary asked how long the 7-Eleven had been vacant.

Ms. Baker said she was unsure, but her estimate was two years.
Ms. Gary asked if there had been much development in the area during that time.

Ms. Baker said that the subject property had been vacant, but the shopping center had some new tenants.

Ms. Gary asked if the residential parts of the area had changed much in that time.

Ms. Baker said no.

Ms. Allen asked how much revenue the current building was generating.

Ms. Baker stated that number would be zero.

Ms. Allen asked if the proposed use would generate tax revenue greater than zero.

Ms. Baker said yes.

Ms. Allen said that she did not see any issues with the proposal.

Dr. Yeung said that she had looked for proffers, but had not seen any in the materials.

Ms. Baker said that this was a conditional use permit, so there were no proffers.

Dr. Yeung said that there was a road that would be closed and a sidewalk installed. She said that there were some changes, and the Board had received an email from a citizen whose traffic concerns they were able to resolve. She asked if VDOT needed to be involved as a part of this process.

Ms. Baker said that VDOT had already been involved. She said that they had commented and had letters that approved the site plan.
Dr. Yeung asked if that documentation was received before the Planning Commission vote.

Ms. Baker said that VDOT on June 1 approved their comments, and the plan itself had not been completed, but they had done their review. She said that prior to that, they had approved the general layout of the Generalized Development Plan and the traffic in March.

Mr. Dan Webb, the Applicant's agent stated that he could answer any questions the Board may have of the applicant. He said that the transportation engineer was also present to answer questions.
Mr. Coen said that the one traffic-related question that was raised was about the entrance to the shopping plaza, which was not on their property. He said that he recalled that the applicant had communicated those concerns to VDOT, but they had not given any indication yet, and that was outside of the applicant's control.

Mr. Webb said that was correct.

Mr. Coen said that there was an existing sign that the 7-Eleven had that fit the aesthetics of the area. He asked if that was what the applicant planned to do.

Mr. Webb said that he had just spoken with one of the owners, and they had said absolutely.

Dr. Yeung noted that there were two words in the application that were misspelled.

Mr. Webb said that he acknowledged those mistakes and said there was no excuse for it.

Dr. Yeung opened the public hearing.

1. Harriet Johnson stated that she lived at 302 Taylor Street, which was in the area in which they were discussing putting the Dunkin Donuts. She said that there was a lot of traffic there with the McDonald's there, and a right turn there could end up being a turn into the back of someone's car. She said that for people trying to visit people or get into where they live, and for herself trying to turn off of Ferry Road and into Taylor, sometimes it was very difficult. She said that people were coming from the other areas off of Cold Brook in that area.

   Ms. Johnson said that she was still new to the area, having moved there in November, and her brother had been in the same area for over 20 years and had seen changes happening.

> She said that she recalled when the 7-Eleven was there, and it did make business. She said that right now, what was picking up the business was a Sheetz down the street off of Ferry Road. She said that they had nothing in the area that was convenient to the residents, because in order to get a carton of milk or loaf of bread, she had to get in her car and drive three miles to do it.
>
> Ms. Johnson said that at the Dunkin Donuts she passed on Route 17, Route 2, and the other big one they were opening, she saw no cars unless they were cars of the police. She said that they should think about putting in the Dunkin Donuts creating the traffic and go back and look at the other ones and see what they had produced. She said that she was retired military, and they wanted quiet as well as good donuts such as Paul's Bakery.
> Ms. Johnson said that they should see it on Sundays when residents tried to leave and go shopping, or go to McDonald's to get breakfast or lunch, when it became a hazard. She stated that if they closed off that one entrance that came by the railroad tracks and put a walkway there, it could create another problem because a lot of people came that way. She said that if they were trying to find ways to get people employed, they should think of a place different than Dunkin Donuts.

Hearing no further comments, Dr. Yeung closed the public hearing and brought the matter back before the Board.

Mr. Coen said that the entrance to be closed would not be the main entrance to the shopping center but the small sliver that led directly into the 7-Eleven, so the other buildings would still be accessible. Mr. Coen said that he had never really liked Paul's donuts, and he liked spending money in Stafford than the city. He said that he had raised many of the traffic issues, and they had mitigated many concerns, and the stacking in particular was such that it should not get into Ferry Road.

Mr. Coen said that one of his neighbors was the gentleman who suggested to the Planning Commission, and the applicant then brought it to VDOT, about having a right-in, right-out from that plaza. He said that with the efforts made by the applicant, particularly to keep it in character with the community and to give them more things in the district, he would move for approval.

Mr. Coen motioned, seconded by Ms. Vanuch, to approve proposed Resolution R23-115.

Ms. Bohmke said that she was very familiar with that intersection, and even though she represented the Falmouth District, she used to take her children to preschool over there a long time ago. She said that it did not matter what business they put there, they still were going to have some of those issues were people were coming out and making that left turn. She said that she was glad that they did a right-in right-out turn to help things, and with the other improvements that they had there at that intersection, it was better than it had ever been.

Ms. Bohmke said that there was not a tremendous amount of growth in that area, or she would consider not supporting this application, but this was not a heavy growth area in Stafford County. She welcomed Ms. Johnson to the County. She said that she would support the item, and it did not matter what business was put there because there would continue to be issues at that intersection.

Ms. Gary said that the growth was difficult to navigate sometimes, but she was glad they were dealing with a small Dunkin Donuts and not an entire development in this case. She said that she understood that it had an impact on residents, and the traffic and noise was a nuisance, but she would be supporting the item as well.

The Voting Board tally was:

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

Resolution R23-115 reads as follows:

A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW A DRIVE-THROUGH FACILITY IN THE B-2, URBAN COMMERCIAL AND HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICTS ON TAX MAP PARCEL NO. 54-94C, LOCATED IN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, AVA Investment Twelve LLC submitted application CUP22154728 (Application), requesting a conditional use permit to allow a drive-through facility in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel No. 54-94C, located within the George Washington Election District; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that a conditional use permit pursuant to application CUP22154728 (CUP) be and it hereby is approved with the following conditions:

1. This CUP permits one drive-through facility in support of a restaurant use in the HC, Highway Corridor Overlay and B-2, Urban Commercial Zoning Districts on Tax Map Parcel No. 54-94C (Property).

2. Development of the Property shall occur generally as shown on the Generalized Development Plan prepared by WW Webb & Associates, PLLC, entitled, "Ferry Farm Dunkin' Donuts Generalized Development Plan," dated October 10, 2022 as last revised and sealed on March 17, 2023 (GDP).

3. Direct access to the Property shall be via the existing entrance on Kings Highway and the existing prescriptive access easement, as depicted on the GDP. No new driveway entrances onto Kings Highway or Ferry Road shall be permitted.

4. The existing access on Ferry Road shall be closed and new sidewalk constructed, as depicted on the GDP.

5. A sidewalk shall be constructed along the east side of the entrance on Kings Highway, as depicted on the GDP, and a crosswalk shall be painted across the drive aisle between the building and the sidewalk.

6. The building shall be constructed in general conformance with the styles and materials depicted on the architectural renderings prepared by Inspire Brands entitled "Inspire Brands. Store #364046 219 Kings Highway Fredericksburg, VA," dated April 17, 2023.

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

8. No portable or temporary signage may be used within the front yard setback along Kings Highway and Ferry Road. All signage shall be of a complimentary color and design. All monument signage shall consist of materials similar to that of the primary building.

9. 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.

ITEM 25. PLANNING AND ZONING; CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW AN INDUSTRIAL SCHOOL IN THE M-1, LIGHT INDUSTRIAL ZONING DISTRICT ON TAX MAP PARCEL NO. 35-22 (PROJECT KNOWN AS CRUCIBLE).

Mr. Mike Zuraf stated that this request was for a conditional use permit to allow an industrial school in the M-1 Light Industrial Zoning District. He said that the subject property was Tax Map Parcel No. 35-22, located in the Hartwood District, with Team Crucible, LLC as the applicant, Crucible Properties II, LLC as the owner, and John Garman was representing the applicant.

Mr. Zuraf displayed a location map and indicated the site outlined in red. He said that the location was the end of Jack Ellington Road, off of Richard's Ferry Road. He said that the size was approximately 88 acres. He displayed a zoning map of the site and surrounding area, and indicated the site shaded light blue for the M-1 Light Industrial zoning, to the west and south was A-1 agricultural zoned property in light green, and to the north and east was R-1 Suburban Residential zoned property.

Mr. Zuraf said that the site had been zoned M-1 Light Industrial since 1978, and there were no proffers on the property. He said that currently on the site, there was high-level security training and management facility, which was classified by the County as an industrial school. He said that the industrial school use required a conditional use permit in the M-1 zoning district. He said that the industrial school use was adopted as a specific use in the zoning ordinance after the facility was already in operation. He said that as a result, the facility was considered a legal nonconforming use, so approval of the use permit would bring the site into conformance with the zoning ordinance.

Mr. Zuraf displayed an aerial photograph of the existing site conditions, and indicated the western side of the site with four buildings where the operations were conducted, and there were other outbuildings and a large storage canopy in this area. He said that to the east of the buildings, there were five outdoor shooting ranges, and dirt and gravel roads that meandered through the site. He said that the majority of the site was wooded with a mix of deciduous and evergreen trees, and there were no perennial streams or flood plains on the property.

Mr. Zuraf said that there were large lot residential uses located to west and to the south of the site. He said that to the north and east, the site was wooded, and there was a planned Westlake residential development that was approved for approximately 700 single-family homes that included home sites that would immediately abut this property. He said that to the south was a vacant property that had approval for a future quarry.

Mr. Zuraf displayed the Generalized Development Plan submitted with the application, which identified the existing features of the site and the facility, which were all proposed to remain, and some limited improvements would occur. He indicated on the screen the highlighted areas which were the features of the site. He said that the site access was off of Jack Ellington Road, and there was a paved travelway highlighted with a blue dashed line that ran through the site to the different buildings.

Mr. Zuraf said that the main buildings and outbuildings were highlighted in this plan, and the five shooting ranges were located in the middle of the site, highlighted in yellow, and the orientation of the shooting ranges was indicated by blue arrows shown on the screen. He said that the tree cover was highlighted in green, and open areas were unshaded. He said that the existing structures and uses were proposed to remain, and there was no new activity or facilities proposed as part of this.

Mr. Zuraf said that the exception was the addition of an 8-foot-tall chain-link fence around the perimeter of the property, and two sound mitigation structures at the firing points of shooting ranges 4 and 5, which were the closest points to the proposed Westlake site. He said that there would also be a 50-foot-transitional buffer along most of the perimeter of the site, and the existing tree cover was located within the transitional buffer, so proposed conditions required preservation of the existing trees in that area and other tree areas as shown on the development plan.

Mr. Zuraf stated that the Comprehensive Plan identified this site within the Agricultural-Rural land use designation, which had uses that supported farmland, conservation, and low-density residential development. He said that this area was outside of the Urban Services Area, and the Comprehensive Plan did not recommend industrial uses on property within this Ag-Rural planned use district. He said that however, the property was already zoned for Light Industrial development, and generally industrial uses were recommended for inside the Urban Services Area.

Mr. Zuraf said that this was a unique situation and use that would likely not be compatible with most areas even within the Urban Services Area, and may be more appropriate in sparsely populated areas. He said that adjacent to the site was the existing large lot residential uses to the west, and the planned Westlake Suburban Residential neighborhood to the north and east was within the services area and supported the higher density residential use. He said that applying the conditions to the existing use provided an opportunity to mitigate impacts to surrounding properties and bring the site into more conformance with the rural character of the surrounding area.

Mr. Zuraf said that additional evaluation considerations were that the proposed use was expected to have little to no impact on transportation networks or level of service, and use was estimated to generate 270 vehicle trips per day. He said that because the proposal was not including any increase to the operations, it would not change. He said that the site was located outside of the Urban Services Area so it utilized private well and septic drain fields. He said that there may be noise impacts associated with the shooting ranges on the site, and the Westlake development may be the most impacted due to their approved home sites on lots immediately abutting the property.

Mr. Zuraf said that the County regulated noise with maximum permissible sound levels, however, this site was an approved shooting range, so it was not subject to the same decibel level restrictions. He said that the closest firing point on range 5 was approximately 280 feet from the closest property line where Westlake would be located. He said that staff proposed conditions for mitigation, which included the preservation of the existing trees around the transitional buffer and installation of the shooting baffles to help mitigate some of the noise impacts.

Mr. Zuraf said that other proposed conditions intended to mitigate potential impacts included that development of the site shall occur generally as shown on the Generalized Development Plan, live fire weapons and driver training shall take place only between the hours of 8 a.m. and 10 p.m., and there was a requirement for an 8-foot-tall security fence around the perimeter of the property within five years of approval.
Mr. Zuraf said that other proposed conditions were the requirement of a 50-foot buffer with preservation of existing trees, no additional shooting ranges permitted, maintaining current line of fire, requirement of shooting baffles at ranges 4 and 5, and detonation of high explosives and high-performance driver training prohibited.

Mr. Zuraf said that the positive findings in staff's evaluation included that the use had existed for several years with no known violations of local state and federal regulations, the application would eliminate a nonconformity with the zoning ordinance, and it offered the ability to impose conditions on a use that could otherwise continue operating without any mitigation of impacts.

Mr. Zuraf said they also found that the facility would not be expanding operations, the addition of fencing, noise baffles, and preservation of the vast majority of dense trees on the site helped to ensure safety and mitigate noise and visual impacts, and the proposed conditions would mitigate potential negative impacts.

Mr. Zuraf said that the negative findings of staff included that the use was not in accordance with the land use recommendations of the Comprehensive Plan as listed in evaluation criteria 6, and the noise generated by the activities may be in conflict with the planned suburban development on the adjacent property to the north and east.

Mr. Zuraf said that overall, staff recommended approval pursuant to Resolution R23-137 with the conditions proposed. He stated that the Planning Commission voted 6 to 0, with one 1 absent, to recommend approval on April 16, 2023. He noted that should the request be denied, the facility would still be able to operate as a legal nonconforming use as long as the use did not cease for more than two years, however the ability to improve or expand the facility would be limited under that nonconforming status.

Mr. English asked for clarification that the current use could continue regardless of the Board's approval or denial of the subject application.

Mr. Zuraf said that was correct.

Mr. English asked if the facility did any operations on Saturdays or Sundays. He asked if they could restrict the operation of the facility so that they did not shoot on those days.

Mr. Zuraf stated that there may be some operations done on those days. He said that the applicant could speak further about this.

Mr. English asked if there would be no new buildings or a racetrack or anything of that sort.
Mr. Zuraf said that was correct. He said that in the application, it was stated that they performed high-performance driver training at the Dominion Speedway.

Ms. Gary said that that she had received contact from citizens concerned about noise impacts of this use, and under staff findings it stated that it would be in conflict, and the people who lived there already knew that, but this was talking about planned residential. She said that it did not seem like they were putting the people first by saying that and then recommending it. She said that she was unsure if there were specific questions to be answered but there appeared to be a general conflict that she did not think was worked out yet.

Ms. Vanuch said that she recalled from her time on the Planning Commission when there was a rezoning at the Crucible, but what she realized in this situation was that they were before the Board to proactively get a conditional use permit to improve the property and not make additional uses on it. She asked if that was correct.

Mr. Zuraf said that was correct.

Ms. Vanuch said that because the areas was already zoned M-1, as a nonconforming use the applicant could not build anything else on it, but if they wanted to increase buffers, put up new fencing, and make the area nicer, they could not do that, because it was currently a nonconforming use.

Mr. Zuraf said that they could likely keep the trees and install fencing, but yes, a nonconforming use would be impacted in the ability to make improvements that might help better the site.

Ms. Vanuch said that the company was coming here proactively, and it cost a lot of money to do a conditional use permit, and they could already do everything they were doing currently. She said that they were coming before the Board risking the Board being able to put limitations on some of what they were doing, such as restricting hours of operation as Mr. English brought up. She said that she had more comments to make when the applicant approached the Board, but she hoped that this discussion helped the public and Board understand the context of this conditional use permit.

Mr. Coen asked for clarification about the rule regarding two years of use under the nonconforming use.

Mr. Zuraf said that if the use ceased for over two years, the right went away.

Mr. Coen asked if that was only if the operations stopped for two years.

Mr. Zuraf said yes.

Mr. Coen said that listed under positives for this application, it was stated that the application offered the ability to impose conditions. He asked when those conditions would be imposed by the Board.

Mr. Zuraf said that once it was adopted.

Mr. Coen asked when the applicant met with the public. He said that he had received conflicting reports on when and if there was a public outreach effort.

Mr. Zuraf said that he would have to return with that information, but the applicant may be able to better address it.

Ms. Gary said that she had also been contacted about the same issue. She asked what the existing condition and what the operations of the site currently were.

Mr. Zuraf said that it was a security training facility, so they contracted out to provide defensive training for people who, after training, would provide security in conflict areas.

Ms. Gary asked if that already entailed the shooting ranges.

Mr. Zuraf said it included the shooting ranges, hand-to-hand combat, and driver training not related to high speeds.

Dr. Yeung said that the item was introduced as an industrial school, so it sounded like a straightforward training school with a shooting range. She said that she was not understanding how it came out after talking for five minutes that it was a shooting range. She asked if the applicant had to provide these fixes because it would be more beneficial to the contract of the applicant. She said that if nothing were changing and they could continue on with the work, she did not understand why they were present.

Mr. Zuraf said that he would have to refer to the applicant to answer that question.

Ms. Vanuch said that the materials provided to the Board included that the facility trained individuals with agencies including the Department of Justice, State Department, Department of Defense, and other United States security private companies. She said that they were technically a shooting range that was utilized by the police and Quantico personnel as well for teaching how to go through barricades and force use.

Ms. Vanuch said that with the nonconforming use, their use as it was approved previously under M-1, was allowed, and because the M-1 uses were different now, it was a nonconforming use. She said that adding a bathroom on the property was an example of something they could not do without becoming a conforming use. She said that even if they denied this application, they would not stop the current use unless the applicant ceased their own operations for two years.

Ms. Vanuch said that this was an opportunity for them to work with the applicant so that if the public had issues with items such as the hours of operation and did not want them shooting Monday through Friday 8 a.m. to 10 p.m., but limited to only five times per month doing dark exercises until 10 p.m., that would be a great negotiation point that the Board could do to grant them this CUP. She said that otherwise, they would continue to operate as a nonconforming use doing their current operations without any limitations on that. She said that the conditions statement was located under the proposed resolution in the materials.

Ms. Gary said that the emails and phone calls she had received from citizens had given her the impression that there would be some new use that would happen that did not happen before, but that did not seem to be the case with what was provided and what Ms. Vanuch had explained. She said that it sounded like the applicant just needed to have the ability to do upgrades, but she needed more time to understand what the real concerns were from constituents.

Dr. Yeung asked if the applicant could approach the Board.

Mr. John Garman stated that he was representing the Crucible and this conditional use permit. He said that the Director of Operations and manager of the site, Jack Davis, was also present with him. He said that he had six slides to present that hopefully would answer some of the Board's questions. He said that he appreciated the discussions and hoped that they would get there, and he would certainly answer any questions that they had.

Mr. Garman said that the Generalized Development Plan was fairly explained by Mr. Zuraf with regard to the project itself and the environment around it. He said that the plan was black and white and had a lot of data that was difficult to see on the slide, so he encouraged the Board to refer to their larger drawings to see the details. He said the aerial photograph gave a good representation of what the site currently was. He said that at the Crucible, they trained the U.S. government's Department of Defense agencies across four disciplines, which were driving, small arms weapons and tactics, hand-to-hand combat, and tactical medicine. He said that they had operated in those four disciplines since 1999 on this site.

Mr. Garman said that they opened their company in 1993 in Spotsylvania County and moved to the present location in 1999. He said that since then, they had operated on a site that actually began in 1966 and had been there since then, so that was why they were before the Board to have the use become more appropriate to the zoning laws that had happened over time to get them to today. He said that one-point worth discussing was that their site was outside of the Urban Services Area, which stopped at the border of their site, and did not include the site.

Mr. Garman said that in 1978, the site was zoned as industrial, and the area that encouraged industrial was not included in that site. He said that they were not given any reasons why, and the only thing he could figure as they reviewed it was that the Urban Services Area pointed to an area to where utilities would be brought to and included in the development of the County, and their site did not use the sewer, but had well and septic. He said that while they were adjacent to, but not inside the Urban Services Area, they were industrial before the Urban Services Area was even identified. He said that it was curious, and things happened as an entire County was run.

Mr. Garman said that they had been on the site for 24 years doing what they did, and they had become very familiar with the local neighbors around them. He said that even as far back as 2014, they had the goal of getting a conditional use permit. He said that that process included many upgrades, which were new buildings, a new welcome center in the front, and more road services to service the property, with the goal of adding to the feng shui of the property.

Mr. Garman said that because the growth was not voted on as favorable by the Planning Commission, they decided to stop and would continue to perform their current operations. He said that if growth was not what the Planning Commission wanted, that was enough for them. He said that at the current time, they understood that the nonconformity brought a problem into the County with their presence there, and they had identified after the drawdown and major conflict of Iraq and Afghanistan that their business had changed.

Mr. Garman said that they had decided that their current footprint that had afforded them for almost a quarter of a century, turned out to be adequate. He said that they were willing to work with the County to get this property off of the nonconforming use and make it a conforming use, and at the same time, if they could afford them the ability to put a perimeter fence around it, put some structures here, and improve the site slightly for noise and safety, it could be something they both were happy about as they moved forward.

Mr. Garman said that the activity began in 1966, the area was zoned M-1, Light Industrial as part of the 1978 comprehensive rezoning, and the most recent zoning determination was in 2014. He said that it was important to recognize this, because he understood there was a letter of concern from the developer adjacent to them that received their zoning after 1978, and they were the same firm that asked for a zoning determination in 2014.

Mr. Garman said that this developer understood that this was a legal use, and they were trying to seek a way to make it conforming. He said that their current operations were compliant with all county, state, and federal laws for the past 24 years, and they were most proud that since 1999, there had been zero safety incidents involving the public, and zero noise ordinance infractions since 1999.

Mr. Garman said that they appreciated being good neighbors, and while their use was low-visibility, they tried to be very innocuous as a business and as a neighbor. He said that they had worked with and begun to know their neighbors during their 25 years, and the fact that they had been good neighbors for that time hopefully afforded them a track record that the Board could use in their decision-making.

Mr. Garman said currently, their uses today were in conformity, they would like to reduce their uses. He said that they would like to acknowledge that what they had been doing for the last 25 years had been appropriate, and they had already limited shooting to the hours of 8 a.m. and 10 p.m., but they wanted to put it into code so that it continued to be the case in the future.

Mr. Garman said that it also allowed them to place sound mitigation structures at those shooting lines closest to the proposed development that was coming in, which was an idea that came up through their conversations with the developer in 2014. He said that it also provided them the ability to install a perimeter fence, because while for the last 25 years perimeter access had not been a concern, they acknowledged the fact that a perimeter fence could certainly help, so they were willing to do that.

Mr. Garman said that because they had received some calls as well, they wanted to codify that they had not asked to put any more buildings up, not asked to put any firearms ranges, not asked to put a high-performance track on there. He said that currently, their driving track occupied 115 acres in Thornburg, and they could not do what they needed to do on this site even if they wanted to. He said that in August 2022, they had their neighbor meeting, and after taking feedback, they constructed the application and submitted it in November 2022. He said that he did not think the meeting was detached from the application process, and the neighbors who were there expressed concern over traffic and residential development.

Mr. Garman said that this item also appeared before the Planning Commission to add single-family homes to this site, and that was when their neighbors became most supportive of their current use. He said that while it was anecdotal, he believed this to be the case. He said that they would like to eliminate the nonconformity with their presence there.

Mr. Garman said that there were 11 conditions worked on with County staff and the Planning Commission, and they felt that these conditions were adequate and something they were willing to commit to on the site. He said that they felt this would help them protect against another zoning determination like they had to in 2014. He said that the plan allowed for increased perimeter security, limited shooting hours, and provided for additional sound mitigation.

Mr. English asked if shooting could be limited to none on Saturdays and Sundays.

Mr. Garman stated that that was a point brought up in 2014, and at the time, they were very busy with government contracts and operational tempo was a concern. He said that since then, the operational tempo had decreased, and their neighbor relationship had picked up, so they had actually started a shooting club for their neighbors. He said that the traction of that club was mainly on the weekends, so it was felt that ceasing to shoot on the weekends would be a step too far for their company to eliminate as shooting days, and it would stall some of the recent good relations developed with neighbors.

Mr. English asked if there could be a limitation on shooting on Sundays.

Mr. Garman said that 8 a.m. to 10 p.m. was the preferred schedule.

Mr. English said that he would prefer there to be less on Sundays. He said that perhaps from 9 a.m. to 5 p.m. would be appropriate on Sundays, because people were trying to relax and likely would not want to hear shooting, regardless of if they were affiliated with it or not. He said that he would like for that to be part of the stipulations.

Mr. Garman said that he understood. He said that what they heard at the last Planning Commission meeting was that most of their neighbor shooting occurred on the weekends.

Mr. English said that he just wanted to limit the operations on Sundays.

Dr. Yeung said that when she was under the impression that this was a school, she thought that the hours of 8 a.m. to 10 p.m. were very long. She said that they had not yet had meetings with the 11 individuals who would be buying homes there because they had not yet bought the homes, so she would like to know how many individuals from the neighborhoods came to the meetings.

Mr. Garman said that he did not have the roster in front of him, but it was approximately six or eight individuals.

Dr. Yeung asked how many neighbors they contacted.
Mr. Garman stated that 87 invitations were sent out to neighbors.

Dr. Yeung asked if six individuals showed up.

Mr. Garman said yes.

Dr. Yeung asked if those six individuals were part of the weekend shooting club.

Mr. Garman said no.

Ms. Vanuch said that those individuals were opposed to it.

Dr. Yeung asked if the work with the federal government was through grants or if they had individuals also coming to shoot on the range.

Mr. Garman said that the club had individuals, but the business model was through contracts with the federal government. He said that if an Army unit ABC had identified some essential task list that they were unable to achieve through their normal training pipeline, they would call and write a contract or an SF182, and then designed the program with them, the clients showed up to be taught the course by their company, then they were done. He said that there was not a set class schedule, but clients called them and they worked with them that way.

Dr. Yeung asked if Stafford County was a client of the business.

Mr. Garman said yes, they worked with the police department locally, but they were not a regular client. He said that there were more federal employees than local employees. He clarified that the industrial school designation was not the business’s choice, but was a designation given to them by the County by their interpretation of their operations and facilities.

Dr. Yeung asked if the well and septic on the site was of issue, and if the CUP would help with the sewage issues.

Mr. Garman said that he was unsure exactly of how they would connect to public water and sewer. He said that whether or not it helped them depended on how much it cost to build the infrastructure to make that happen.

Dr. Yeung asked if the 11 conditions were developed with the developers, or if they were developed by the company.

Mr. Garman said no, the 11 conditions were decided on with staff, the Crucible, and the Planning Commission.

Dr. Yeung asked who the experts were among the three groups.

Mr. Garman said that that depended on what exactly Dr. Yeung was referring to.

Ms. Bohmke asked if the clients who came to use this facility were staying in Stafford County hotels.

Mr. Garman said yes. He said that typically, the training courses were between 3 and 5 days, so clients traveled on government per diem, stayed in hotels, and then left.

Ms. Gary said that it seemed the applicant was doing what was appropriate by requesting the Board to allow this so that they could ask for additional things. She asked how the 87 people were notified.

Mr. Jack Davis, Director of the Crucible, stated that he spoke to a little over 40 people in total, and they were all in support of Crucible and wanted them there. He said that the residents basically did not want development coming, and had asked what could be done to support the facility.

Ms. Gary asked if the residents understood what they were asking for and the existing use.

Mr. Davis said yes.

Dr. Yeung opened the public hearing.

1. Mr. Mike Coughlin stated that he was the attorney for Westlake Development, accompanied by Dan Snyder, who was with Pleasants Development, who was in control

of the Westlake community. He said that the community was a 701-home community north of the Crucible, which had been zoned for residential use since 1989, prior to the Crucible's operations, and was moving forward. He said that they had posted millions of dollars in bonds, site work was commencing this summer, and home sales were beginning next year. He said that there were 19 homes that shared a common border with Crucible, some within 300 feet of the shooting ranges, and almost the entire community was within one mile of the ranges.

Mr. Coughlin said that the Crucible had a bit of a complicated history. He said that in 2005, the Crucible attempted to move to another location in the County off of Mount Olive Road, and in the case brought by the Stafford Board of Supervisors, the Supreme Court determined that the Crucible had no vested right to operate a school on the Mount Olive Road property, and they ultimately abandoned their efforts to move to that location.

Mr. Coughlin said that in 2014, there was a conditional use permit application that was ultimately withdrawn, and as a part of that process, the Zoning Administrator determined that two of the proposed uses, detonating IEDs and the outdoor driving courses of either hard-surface or soft surface, were not permitted in the M-1 district because all uses within that district must be within enclosed buildings. He said that more recently, the Crucible attempted to move to Spotsylvania County, but ultimately a rezoning application that would have allowed them to operate was denied in 2021.

Mr. Coughlin said that this application was not as benign as it seemed, as it sought to enshrine a use that was fundamentally incompatible with the surrounding properties. He said that they submitted a letter to the Board raising many questions about this application, and the main question for the Board tonight and in the future was what were the neighbors, Board, and staff getting out of this application. He said that it was a built fence five years from today that the Crucible could install today if it wanted to, and two shooting baffles with no study that indicated if they would actually mitigate the noise and that did not address the other five shooting ranges.

Mr. Coughlin said that in return for the approval of the CUP, there was question about what the limitations were being imposed, which appeared to be very few. He said that the applicant was permitted to shoot unlimited rounds from high-powered rifles from 8 a.m. to 10 p.m. seven days a week and drive cars and SUVs off-road when that use was not allowed in the M-1 district. He requested the Board to defer this application and give it more time so that they could impose conditions that were more meaningful.

2. Ms. Molly Denham said that she had property that was almost directly behind this facility, and as retired military, she could appreciate the mission they had. She apologized for not knowing there was a 2022 meeting, which she completely missed. She said that however, she had had no issues with noise and what this area and school did. She said that it was something that was heard all the time in their neighborhood because some people even had shooting ranges in their backyard, so this was not something unusual and she had no problem with it.

   Ms. Denham stated that while they talked about buffering the area, there was no buffer because it was extremely rural and sound traveled as part of the character of the area. She said that as someone who had lived in the area for a while, she had not noticed that they had any live fire after dark, which was her biggest concern when she saw that they wanted to do it until 10 p.m., but it had never bothered them or was something she noticed.

   Ms. Denham said that the only issue or question she had was if this were approved, would this mitigate or encourage them from expanding in the future to something that was more large-range, for large-caliber shells, automatic fire, or other ordinance disposal. She reiterated that she had no problems with them and they had been good neighbors.

Hearing no further comments, Dr. Yeung closed the public hearing. She asked if the applicant had a rebuttal.

Mr. Garman said that after discussion, it was decided that it was appropriate to limit the hours on Sundays to 9 a.m. to 5 p.m. if that were something that could be done tonight.

Dr. Yeung asked if the 8 a.m. to 10 p.m. hours could be reduced to 9 a.m. to 9 p.m.

Mr. Garman said unfortunately not at the time. He said that the 10 p.m. limitation allowed them to shoot after dark, and after dark in the summertime, it only afforded them about 90 minutes. He said that a 9 p.m. cease-time may not allow them to fulfill some of the contracts they had, so the 8 a.m. to 10 p.m. was important to them as a business.

Dr. Yeung said that she understood the needs of the business, but was cognizant of the people and young children who lived nearby and wanted to sleep at that time.

Ms. Vanuch asked if the County’s noise ordinance went until 10 p.m.

Mr. Zuraf said yes.

Ms. Vanuch said that she lived in Rock Hill, which was in the shoot zone as well as those in the Hartwood District, meaning that residents could shoot legally outside. She asked if the only limitation to that was the noise ordinance at 10 p.m.

Mr. Zuraf said yes.

Mr. English asked if the limitations for Sunday hours should be amended before voting.

Mr. Zuraf said that it was imposed by the County, so they could work through the language, but it may be good to state it and how it should be modified in the conditions.

Mr. English motioned to approve proposed Resolution R23-137 with the condition that Sunday hours of operation would be from 9 a.m. to 5 p.m.

Ms. McClendon said that that referred to Condition 3, which stated that live fire weapons and driver training shall only take place between the hours of 8 a.m. to 10 p.m., Monday through Saturday, and Sunday 9 a.m. to 5 p.m.

Mr. English stated that was correct.

Ms. Vanuch seconded the motion.

Ms. Gary asked if there was any opportunity to defer the item.

Mr. English said he did not think so, because the operations would continue regardless.

Mr. Coen said that his concern with deferring was that the public outreach was a year ago, and it stated there were six people, but Mr. Davis said he talked to 40. He said that it was illegal to put things in people's mailboxes, which was what he understood the process of communication to be. He said that he was apprehensive on this issue. He understood the point clearly, but he knew that if he himself were living in that area and received a notification in his mailbox mixed in with other letters and did not go, he would feel awkward that it was now a fait de complete.

Ms. Bohmke said that people were busy in these times, and many people received invitations for things that they were not interested in going to. She said that if they sent out 87 and spoke to 40 people, and if they were a bad neighbor, as they knew from the issues with GFL, the Board would know about it. She said that she held a solar town hall meeting in which three people were there, and they had more staff with the developer than they did residents, and that was after door knocking, letters sent, postings on Facebook, and staff community outreach. She said that there was no reason to defer and she was ready to vote.

Dr. Yeung asked if Ms. Bohmke was saying that GFL was a bad neighbor.

Ms. Bohmke said that she did not mean that.

Ms. Vanuch said that the applicant did not have to be present to do this, but they were trying to do the right thing and knew that Westlake was going to happen and they would have more residential homes around them, so they were preparing for that. She said that they were in a shooting zone already, where their neighbors shot and could shoot up until 10 p.m. She said that she agreed with Ms. Bohmke that if they were a bad neighbor, the Board would certainly have heard about those challenges and issues at the time.

Ms. Vanuch said that this was a proactive approach to keep from being heckled by the developers, because they likely would keep trying to put in zoning determinations to get the facility shut down in order to put more houses. She clarified that their code required by law that adjoining property owners got a notice of public hearings, so they already would have gotten that notice from the Planning Commission and the Board of Supervisor meetings in the mail.

Ms. Vanuch said in closing, she would support this and in reading the entire application, the statement that resonated with her was that this facility was necessary for national security efforts and partners, with many of their local military training facilities, including Quantico. She said that she lived right across the street from Quantico and could hear it, and they were very right that it was called the sounds of freedom, and if they were moving to Stafford, they were going to hear gunfire and going to hear bombs, and they were going to have to learn to like it.

The Voting Board tally was:

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

Ms. Gary explained that she abstained because there was not enough information from the community members at this time, and while information had been disseminated, she had received communications from people who were against it and did not feel that she had enough input to properly vote on this. She thanked the applicant for their time.

Resolution R23-137 reads as follows:

A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN INDUSTRIAL SCHOOL IN THE M-1, LIGHT INDUSTRIAL ZONING DISTRICT ON TAX MAP PARCEL NO. 35-22, LOCATED IN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Team Crucible, LLC submitted application CUP22154730 (Application), requesting a conditional use permit to allow an industrial school in the M-1, Light Industrial Zoning District on Tax Map Parcel No. 35-22, located within the Hartwood Election District; and

WHEREAS, the Application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1 which permit this use within the M-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. 28-185 and finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that a conditional use permit pursuant to application CUP22154730 (CUP) be and it hereby is approved with the following conditions:

1. This CUP allows an industrial school within the M-1, Light Industrial Zoning District on Tax Map Parcel No. 35-22 (Property).

2. The Property shall be developed in general conformance with the Generalized Development Plan (GDP) prepared by Freeland Engineering, PC, entitled "General Development Plan Crucible Properties II LLC Conditional Use Permit," last revised and sealed January 30, 2023.

3. Live fire weapons and driver training shall only take place between the hours of 8:00 A.M. through 10:00 P.M. Monday through Saturday, and Sunday 9:00 A.M. to 5:00 P.M.

4. An eight (8) foot tall security fence shall be constructed and maintained around the perimeter of the Property. Construction of said fence shall be completed within five (5) years from approval of this CUP.

5. A fifty (50) foot wide transitional buffer shall be provided in the locations identified on the GDP. Existing trees shall be preserved in the transitional buffer and areas defined as "Dense Trees" on the GDP, except for tree removal necessary for the installation of the perimeter security fence required by Paragraph 4 of this CUP and for any trees that are dead, diseased, or dying.

6. Shooting ranges shall be limited to those identified on the GDP. Existing outdoor shooting ranges shall continue to be oriented with the line of fire as shown on the GDP.

7. A shooting baffle, partial enclosure, shed or other similar physical structure shall be installed on the Property to attenuate sound propagating in a northeasterly direction on range # 4 at the 250 yard line and Range # 5 at the 300 yard line, in the firing point locations shown on the GDP and identified as "Proposed 12' x 100' 3 Sided Roofed Structure for Sound Mitigation" and "Proposed 12' x 30' 3 Sided Roofed Structure for Sound Mitigation." Said installations shall occur within one (1) year of approval of this CUP.

8. The detonation of high explosives and high-performance driver training is prohibited on the Property.

9. Ammunition and weapons shall be stored in secure buildings on the Property.

10. Outdoor lighting shall be oriented downward and away from the perimeter of the Property.

11. 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.

ITEM 26. PLANNING AND ZONING; CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW THE EXPANSION OF A WAREHOUSE, MINI-STORAGE FACILITY WITHIN THE B-2, URBAN COMMERCIAL ZONING DISTRICT ON TAX MAP PARCEL NO. 54-126E (PROJECT KNOWN AS LEELAND PLAZA EXTRA SPACE STORAGE).

Mr. Zuraf stated that this item was a conditional use permit to allow an expansion to the existing warehouse, mini-storage facility in the B-2, Urban Commercial zoning district. He said that the site was located within the Falmouth District on Tax Map Parcel no. 54-126E, the applicant was Extra Space Storage, the owner was MHC 98 (Fredericksburg VA), LLC, and the agent was Logan Burnett.

Mr. Zuraf said that the site was located on the east side of Leeland Road and approximately 150 feet north of Deacon Road, shown outlined in blue on the zoning map on the slide. He said that zoning map of the site and surrounding area showed that it was zoned B-2, with more B-2 to the south and west, and all other sides of the site were surrounded by R-1 Residential zoning. He said that the property had been zoned B-2 since before 1978, and also did not have any proffers on it.

Mr. Zuraf displayed an aerial view of the property which showed existing conditions. He said that the site had already been developed with the mini-storage warehouse to the east and behind an existing retail center. He said that the mini-storage facility did not require a conditional use permit when it was developed in the early 1990s. He said that the property access was off of Leeland Road, and there was a parking lot and vacant retail building closest to Leeland Road, and the six buildings in the north-south orientation were the existing storage facility buildings. He said that there was a 7-Eleven convenience store to the south of the site, and residential uses were around to the north and west. He displayed a street view photograph of the property from Leeland Road.

Mr. Zuraf said that the site layout provided with the application showed the 11,000 square foot vacant retail building, which was in front of the property and outlined in blue on the slide. He said that to the right of that were the six existing storage buildings of various sizes, and were all single-story. He said that the proposed expansion of the mini-storage use would utilize the existing vacant retail building footprint and expand the storage capacity into that building. He said that it would maintain the existing footprint, and the conversion of the building would consist of interior renovations for the indoor storage units only.
Mr. Zuraf said that the current access to the site via Leeland Road would not be changed, there would be no changes to the parking areas, there was an existing gated access point on the side of the existing retail building to get back to the storage facility, and there were existing landscape buffers around the site. He said that there was limited landscaping in the front of the site along Leeland Road, so they had a condition proposed to add some landscaping along the front edge. He said that the Comprehensive Plan's land use map identified the site as a commercial node within the suburban land use designation, and this type of use was consistent with this land use designation in this location.

Mr. Zuraf said that the summary of proposed conditions recommended by staff to offset potential negative impacts included the existing retail building being converted to mini-storage warehouse as depicted on the survey, prohibition of any new driveway entrances to the site, requirement of vehicular travelways to be kept clear for emergency vehicle access, and in the conversion of the retail building, and the limitation access of storage units to interior corridors only, which meant there would not be big garage doors facing Leeland Road. He said that also included was prohibiting placement of new storage units or storage of other things in front of the existing retail building that would be converted over, and also limiting all buildings to single-story.

Mr. Zuraf said that in the overall evaluation, there were several positive staff findings, which were that it was generally consistent with the land use recommendations in the Comprehensive Plan, it made use of an underutilized vacant building, which limits the potential for degradation of streetscape aesthetics of this area of Leeland Road, and the proposed conditions would help ensure that any negative impacts were mitigated. He said that no apparent negative impacts were noted by staff. He said that staff recommended approval of the application with conditions pursuant to Resolution R23-135, and on April 26, 2023, the Planning Commission voted 6 to 0 with 1 absent to recommend approval.

Mr. Coen asked what was happening to the front strip mall.

Mr. Zuraf said that it would be converted to storage units on the inside of the building. He said that the front would remain the same.

Mr. Coen asked if there was access from the back.

Mr. Zuraf said that they may have existing access with suite doors, and there would be internal corridors to the actual units.

Dr. Yeung asked if since they were expanding and getting more income, it affected the revenues of the County.

Mr. Zuraf said that there would be some increased revenue to the County from an occupied use, which was better than the vacant building.

Dr. Yeung asked if the applicant wished to address the Board.

Ms. Logan Burnett said that she worked with Hirschler and was representing the applicant tonight. She said that the property currently consisted of 7.7 acres and was known as Tax Map Parcel Number 54-126E. She said that the property included 11,341 square feet of vacant retail space known as Leeland Plaza, and 79,311 square feet of mini-storage space units within six different buildings, known as Extra Storage Space. She stated that they were requesting a CUP under the B-2 zoning district to convert the vacant retail space to indoor, climate controlled, mini-storage warehousing.

Ms. Burnett said that in response to Supervisor Allen's earlier comment, this would take the revenues from zero to a positive number for the County, making use of vacant land. She said that the retail space in front, indicated in purple on the slide shown, faced Leeland Road and had been vacant for some time, due to its location not being in a viable retail or restaurant corridor. She said that what had been valuable was the mini-storage market in this area, because the applicant had indicated that 97% of the existing units were occupied, so additional demand could be met by having these uses here. She stated that the site was located within the County's USA and was designated as suburban land use under the Comprehensive Plan.

Ms. Burnett displayed the existing floor plan of the vacant retail space on the screen. She stated that there were 44 existing units already within the property, and they would be expanding to have 63 units within this existing footprint. She said that this was also an opportunity to dress up this area. She said that mentioned by Mr. Zuraf was their condition of landscaping, which was a new opportunity to make this a project they were all proud of in this County. She said that they were not expanding outside of this footprint but adding units into this building.

Dr. Yeung asked if there were any questions of the applicant. Hearing none, she closed the public hearing and brought the matter back before the Board.

Ms. Bohmke motioned, seconded by Ms. Allen, to approve proposed Resolution R23-135.

Ms. Bohmke said that they had struggled with this strip mall, and she slightly disagreed that while it was not in a heavy retail area, it was in an area where they absolutely would love to and had had a restaurant or two there over the years. She said that there had been a myriad of things, and the best was probably the Boston House Pizza that had been there about 15 years ago. She said that another family came in and used a lot of their family savings to put up the Leeland Grill, and she did not know exactly why but they did not make it, so it had been vacant.

Ms. Bohmke said that it broke her heart to allow it to continue to be an expansion of the storage facility, but she was glad that they were going to clean it up with some landscaping. She said that it was unfortunate that they did not have something that could have gone in there and been successful, because they all knew that they needed restaurants in southern Stafford. She said that she was supporting this and was glad that they were collecting money for their Commissioner of Revenue.

The Voting Board tally was:

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

Resolution R23-135 reads as follows:

A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR THE EXPANSION OF A WAREHOUSE, MINI-STORAGE FACILITY IN THE B-2, URBAN COMMERCIAL ZONING DISTRICT ON TAX MAP PARCEL NO. 54-126E, LOCATED IN THE FALMOUTH ELECTION DISTRICT

WHEREAS, MHC 98 (Fredericksburg VA) LLC submitted application CUP22154671 (Application), requesting a conditional use permit to allow for the expansion of a warehouse, mini-storage facility in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 54-126E, located within the Falmouth Election District; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that a conditional use permit pursuant to application CUP22154671 (CUP) be and it hereby is approved with the following conditions:

12. This CUP allows an expansion of a warehouse, mini-storage facility in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 54-126E (Property) in the location shown on the Land Survey entitled "Safe Place Mini Storage & Leeland Plaza 10 Leeland Road Fredericksburg, Virginia 22405" prepared by Zoning Info, Inc., as last revised September 14, 2020 (Land Survey).

13. The existing building identified as "1-STORY STRIP MALL" shall be converted to warehouse, mini-storage, as shown on the Land Survey.

14. Access to the Property shall be via the two existing entrances on Leeland Road, as depicted on the Land Survey. No new driveway entrances onto Leeland Road shall be permitted.

15. The warehouse, mini-storage buildings on the Property shall be no greater than a single-story design, as depicted on the Land Survey.

16. No portable signage may be used on the Property. All signage shall be of coordinated color and design.

17. A landscaped area shall be provided along the Property's frontage on Leeland Road, between both entrances to the Property, and shall provide nine (9) understory trees, and twenty-seven (27) small shrubs and/or ornamental grasses. All plantings shall be located outside the limits of all easements, and shall consist of a mix of deciduous and evergreen species, with trees spaced a minimum of twenty-five (25) feet on center. Such landscaped area and all plantings shall be installed prior to issuance of any occupancy permit for the expanded warehouse, mini-storage building.

18. Vehicle travelways shall be kept clear for emergency vehicle access.

19. No storage units shall be directly accessible along the front façade of the building identified as "1-STORY STRIP MALL," as shown on the Land Survey. All units shall be accessed via interior corridors.

20. Storage of motor vehicles, boats, recreational vehicles (RV) or placement of new storage units or portable units in front of the building identified as "1-STORY STRIP MALL" on the Survey, shall be prohibited.

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

ITEM 27. FIRE AND RESCUE; CONSIDER ADOPTING AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 12-62, "AMENDMENTS, ADDITIONS, AND DELETIONS TO THE VIRGINIA STATEWIDE FIRE PREVENTION CODE" REGARDING FIRE LANE MARKINGS.

Andrew Milliken, Fire Protections Engineer, said that he would give a brief overview of the ordinance proposal to modify the Fire Prevention Code with regards to fire lanes in the residential areas. He said that currently, they had two standards of marking fire lanes in their residential areas due to VDOT requirements, and they were moving to consolidate that to a single requirement. He said that the gist of the requirements was that both of them required marking the curbs yellow with signs, and the other standard required marking the pavement with striping and lettering.

Mr. Milliken said that the change here was to reduce that to one single standard so there was consistency throughout the community. He said that the proposal was to revise the fire lane markers to a single standard, and the new standard would simply be painting the curb yellow and providing yellow fire lane signs, and there would no longer be a requirement to provide pavement markings in some areas.

Mr. Milliken said that this would provide a consistent method for marking fire lanes in the community and would apply primarily to new construction, however existing developments could choose to revise to the new standard if they chose to do so. He said that this was supported by the Public Safety Committee and there was no action requested of the Board today.

Dr. Yeung clarified that this was a public hearing so there would be action. She asked if there were any questions of Mr. Milliken. Hearing none, she opened the public hearing.

Seeing no speakers, Dr. Yeung closed the public hearing and brought the matter back before the Board.

Mr. Coen motioned, seconded by Ms. Allen, to adopt proposed Ordinance O23-16.

The Voting Board tally was:

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

Ordinance O23-16 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 12-62, "AMENDMENTS, ADDITIONS, AND DELETIONS TO THE VIRGINIA STATEWIDE FIRE PREVENTION CODE" REGARDING FIRE LANE MARKINGS

WHEREAS, due to Virginia Department of Transportation (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 more extensive in scope than the Virginia Fire Prevention Code; and

WHEREAS, the Board carefully considered the recommendation of the Public Safety Committee and staff, and the testimony, if any, recorded at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and safety require adoption of this ordinance;

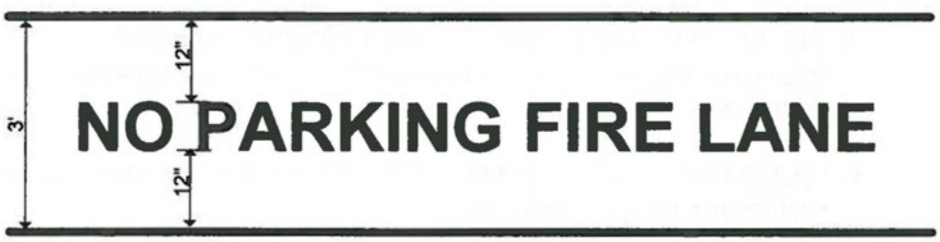
NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 6th day of June, 2023, that the Stafford County Code Sec. 12-62, "Amendments, additions, and deletions to the Virginia Statewide Fire Prevention Code," be and it hereby is amended and reordained as follows, with all other portions remaining unchanged:

Sec. 12-62. - Amendments, additions, and deletions to the Virginia Statewide Fire Prevention Code.

503.3 Marking. *Add the following at the end of this section:* Specifications for the ~~fire lane marking established by the fire official~~ location and manner of fire lane marking shall be in accordance with the following:

~~Pavement Marking:~~

(a) For non-residential private roads not to be accepted into the state system, the curb (painted top and face) or edge of pavement ~~payment~~ (striping), and the following: ~~shall be as follows:~~



(1) The "NO PARKING FIRE LANE" lettering shall be centered between fire lane signs.

(2) Lettering size shall be 12 inches in height and located 12 inches from the painted curb and striping.

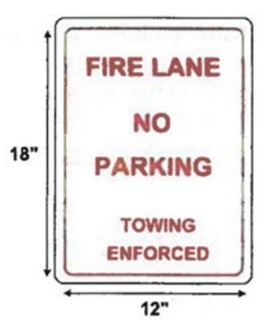
(3) Striping shall be 4 inches wide striping for curb and gutter pavement located 3 feet from the edge of the curb along with curb face and top painted.

(4) Striping shall be 6 inches wide striping for pavement without curb and gutter located 3 feet from the edge of the pavement and along the edge of the pavement.

(5) Yellow Virginia Department of Transportation (VDOT) highway grade paint shall be used on all striping and lettering.

(b) For residential and all state-maintained roads, curb painted yellow (~~painted~~ top and face) ~~or edge of pavement (striping)~~ only.

(c) Signs shall be as follows:



(1~~a~~) A reflective metal sign. Color: WHITE background with RED lettering.

(2~~b~~) The words FIRE LANE and NO PARKING shall be in 2 inch letters. The words TOWING ENFORCED shall be in 1 inch letters.

(3~~c~~) Sign border shall be 3/8 inch wide and RED in color.

(4~~d~~) For fire lanes greater than 20 feet in length, signs shall be posted at the beginning and the end of all designated fire lanes and spaced a maximum of 100~~50~~ feet apart when needed.

(5~~e~~) For fire lanes 20 feet in length or less, only one fire lane sign is required and it shall be posted at the mid-point.

(6~~f~~) In single-family home developments, fire lane signs are not required where "NO PARKING FIRE LANE" is painted in 4 inches tall black letters every 50 feet along the face of the yellow curb.

ADJOURNMENT

At 8:47 p.m., Chairman Yeung adjourned the June 6, 2023 Stafford County Board of Supervisor's meeting.

Randal E. Vosburg	Dr. R. Pamela Yeung
County Administrator	Chairman