

BOARD OF SUPERVISORS  
STAFFORD, VIRGINIA  
DRAFT MINUTES  
Regular Meeting  
June 4, 2013

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 3:03 p.m., on Tuesday, June 4, 2013, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Susan B. Stimpson, Chairman; Jack R. Cavalier; Paul V. Milde III; Ty A. Schieber; Gary F. Snellings; and Cord A. Sterling. Vice Chairman, Robert "Bob" Thomas, Jr., was absent due to a family illness.

Also in attendance were: Anthony Romanello, County Administrator; Charles Shumate, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff, and interested parties.

Presentations by the Public The following members of the public desired to speak:  
Leroy Rinker - Crucible expansion  
Barbara Piatt - Waste-to-Energy facility

Presentations by Members of the Board Board members spoke on the topics as identified:

- Mr. Sterling - Route 17 upgrades; Embrey Mill ground-breaking to include special guests, Speaker of the House, Bill Howell, and Secretary of Transportation, Sean Connaughton
- Mr. Thomas - Absent
- Mr. Cavalier - Deferred
- Mr. Milde - Community and Economic Development Committee Update (Tech Center, Courthouse development, Drainfield Ordinance, Subdivision Code assessment); FAMPO; VRE; PRTC
- Mr. Schieber - Joint Land Use Study (JLUS) Town Hall meeting; Quantico Regional Executive Steering Committee (QRESC)

- Mr. Snellings - Requested staff look into County Code, Chapter 16.1 and provide information prior to his meeting with residents in the vicinity of the Crucible
- Ms. Stimpson - Deferred

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Anthony Romanello, County Administrator, reported that there will be a Business Appreciation Lunch at Riverside on June 6, 2013, at 11:30 a.m.; and a 350<sup>th</sup> Kick-off breakfast on June 11, 2013, at the Stafford Hospital Center at 7:00 a.m. He added that there was an addition to the agenda; Item 31. Planning and Zoning; Transfer of Development Rights (Proposed Resolution R13-199); a deferral to the June 18<sup>th</sup> meeting of Item 21; Discuss Woodstream Trail; and the presentation of proclamations regarding the Civil War Park were deferred to the June 18, 2013 meeting.

Legislative; Additions and Deletions to the Agenda Additions and Deletions were as detailed above in the Report of the County Administrator.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt the agenda including additions and deletions, as presented by Mr. Romanello.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson  
Nay: (0)  
Absent: (1) Thomas

Legislative; Consent Agenda Mr. Milde motioned, seconded by Mr. Cavalier, to adopt the Consent Agenda consisting of Items 3 through 16.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson  
Nay: (0)  
Absent: (1) Thomas

Item 3. Legislative; Approve Minutes of the May 21, 2013 Meeting

Item 4. Finance and Budget; Approve Expenditure Listing

Resolution R13-183 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED MAY 21, 2013 THROUGH JUNE 3, 2013

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June 2013, that the above-mentioned EL be and hereby is approved.

Item 5. Finance and Budget; Authorize an Amendment to a Financing Lease Agreement Between Stafford County and the Virginia Resources Authority

Resolution R13-174 reads as follows:

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AMENDMENT TO A FINANCING LEASE AGREEMENT BETWEEN THE COUNTY OF STAFFORD, VIRGINIA AND THE VIRGINIA RESOURCES AUTHORITY

WHEREAS, the Board adopted Resolution R08-76, which authorized the lease financing of \$9,500,000 through the Virginia Department of Environmental Quality and the Virginia Resources Authority; and

WHEREAS, on April 17, 2008, the Virginia Water Facilities Revolving Fund (the "Fund"), acting by and through the Virginia Resources Authority ("VRA"), entered into a Financing Lease, dated as of April 1, 2008 (the "Original Lease"), between VRA and the County of Stafford, Virginia (the "County"), pursuant to which VRA agreed to loan to the County an aggregate amount not to exceed \$9,500,000, the repayment of which is secured by the Original Lease; and

WHEREAS, the County and VRA desire to amend the Original Lease to reduce the interest rate of the loan; and

WHEREAS, the Board determines that it is in the best interest of the County and the residents to amend the Original Lease as set forth in the Amendment to the Financing Lease (the "Amendment") to reduce the interest rate;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA:

**Authorization of Amendment.** The Board hereby determines that it is in the best interest of the County to cause the execution and delivery of the Amendment. The Board hereby authorizes the execution and delivery of the Amendment.

**Approval of Amendment.** The form of the Amendment submitted to the Board at this meeting is hereby approved. The Board acknowledges that as a condition of granting its consent to the reduction in the interest rate of the Original Lease, VRA is requiring that the County agree not to exercise its right to optionally prepay the lease as set forth in the Amendment. The Chairman of the Board (the "Chairman") and the County Administrator of the County (the "County Administrator"), either of whom may act, are authorized to execute the Amendment in substantially such form, with such completions, omissions, insertions, and changes not inconsistent with this resolution as may be approved by the Chairman or the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery thereof.

**Execution of Documents.** The Chairman, the County Administrator, and the County Attorney or their designees are authorized to execute and deliver on behalf of the County such instruments, financing agreements, escrow agreements, documents, or certificates, and to do and perform such things and acts, including recording the Amendment, as they shall deem necessary or appropriate to carry out the transactions authorized by this resolution or contemplated by the Amendment and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified, and confirmed. The Clerk of the Board is hereby authorized and directed to affix or to cause to be affixed the seal of the County to any and all documents and to attest such seal to such documents as may be executed in connection with the Amendment.

**Arbitrage Covenants.** The County covenants that it shall not take or omit to take any action, the taking or omission of which will cause the Original Lease to be an "arbitrage bond," within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations applicable to thereto (collectively, the "Code"), or otherwise cause interest on the Original Lease to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Original Lease, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Original Lease from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law.

**Other Actions.** All other actions of officers of the County in conformity with the purposes and intent of this resolution and in furtherance of the execution and delivery of the Amendment are ratified, approved, and confirmed. The officers of the County are

authorized and directed to execute and deliver all certificates and other instruments, including, but not limited to, an IRS Form 8038-G, or an amendment to or a new tax certificate related to the Original Lease, that such officer may consider necessary or desirable in connection with the transactions authorized pursuant to this resolution.

**Effective Date.** This Resolution shall become effective immediately upon adoption, this 4<sup>th</sup> day of June, 2013.

Item 6. Public Works; Petition VDOT to Include Decatur Road, Indian View Court, Bella Vista Court, Edrington Court, and Sunset Court within Aquia Overlook, Sections 1 and 2, into the Secondary System of State Highways

Resolution R13-156 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE DECATUR ROAD, INDIAN VIEW COURT, BELLA VISTA COURT, EDRINGTON COURT, AND SUNSET COURT, WITHIN AQUIA OVERLOOK, SECTIONS 1 & 2, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Virginia Code § 33.1-229, desires to include Decatur Road, Indian View Court, Bella Vista Court, Edrington Court, and Sunset Court, within Aquia Overlook, Sections 1 & 2, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013 that VDOT be and it hereby is petitioned to include the following streets, within Aquia Overlook, Sections 1 & 2, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Decatur Road (SR-635)	From: 1.49 mi. SE of William & Mary Lane (SR-719) To: Indian View Court (SR-2120)	0.11 mi. ROW 60'
Indian View Court (SR-2120)	From: Decatur Road (SR-635) To: 0.53 mi. S. Inter. Decatur Road (SR-635)	0.53 mi. ROW 50'
Decatur Road (SR-635)	From: Indian View Court (SR-2120) To: Edrington Court (SR-2121)	0.40 mi. ROW 60'
Edrington Court (SR-2121)	From: Decatur Road (SR-635) To: 0.19 mi. S. Inter. Decatur Road (SR-635)	0.19 mi. ROW 50'
Decatur Road (SR-635)	From: Edrington Court (SR-2121) To: Bella Vista Court (SR-2123)	0.06 mi. ROW 60'
Bella Vista Court (SR-2123)	From: Decatur Road (SR-635) To: 0.14 mi. N. Inter. Decatur Road (SR-635)	0.14 mi. ROW 50'

Decatur Road (SR-635)	From: Bella Vista Court (SR-2123) To: Sunset Court (SR-2122)	0.07 mi. ROW 60'
Sunset Court (SR-2122)	From: Decatur Road (SR-635) To: 0.25 mi. S. Inter. Decatur Road (SR-635)	0.25 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Aquia Overlook, Section 1, recorded in Plat Book 34 on Pages 246-256 with LR 00004011 on March 21, 2000, and Aquia Overlook, Section 2A, recorded in PM 060000217 with LR 060035243 on November 06, 2006; and

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

Item 7. Public Works; Authorize the County Administrator to Award a Public-Private Transportation Act (PPTA) Contract for Construction of Transportation Bond Projects, Garrisonville Road from Onville Road to Eustace Road, and Truslow Road from Berea Church Road to Plantation Drive

Resolution R13-176 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PUBLIC-PRIVATE TRANSPORTATION ACT AGREEMENT FOR CONSTRUCTION OF TRANSPORTATION BOND PROJECTS, GARRISONVILLE ROAD FROM ONVILLE ROAD TO EUSTACE ROAD, AND TRUSLOW ROAD (WEST) FROM BERA CHURCH ROAD TO PLANTATION DRIVE

WHEREAS, citizens expressed concerns about the safety of Garrisonville Road and Truslow Road (West), and these projects were approved as part of the 2008 Transportation Bond Referendum; and

WHEREAS, on July 7, 2009, the Board adopted the County's Implementation Guidelines and Procedures for Public-Private Transportation Act (PPTA) of 1995 (PPTA Guidelines) to address transportation improvement options offered to localities by the PPTA; and

WHEREAS, in August, 2009, the County received an unsolicited PPTA proposal from Lane Construction Corp.; and

WHEREAS, the Board determined that it was in the County's best interest to accept the proposal and solicit competing PPTA proposals; and

WHEREAS, staff received and posted PPTA proposals from three firms for, among other projects, the Truslow Road (West) and Garrisonville Road projects; and

WHEREAS, staff evaluated the three proposals, based on the information provided, and determined that the Branch Highways, Inc., (BHI) proposal was the best proposal for these two projects; and

WHEREAS, with the concurrence of the Board, staff entered into negotiations with BHI, and following extensive negotiations, finalized the terms for a comprehensive agreement; and

WHEREAS, the Board, by the adoption of Resolution R12-364, budgeted and appropriated the funds required for these projects; and

WHEREAS, pursuant to the Public-Private Transportation Act of 1995, Virginia Code Section 55-556 *et seq.*, including, but not limited to, Virginia Code Sections 56-558, 56-560, and 56-566, the Board finds that:

- (a) the actions taken by the County pursuant to the PPTA facilitate the timely construction and operation of the projects;
- (b) there is a public need for the projects;
- (c) the projects, and their interconnections with existing transportation facilities, are reasonable and compatible with the State transportation plan and with the County's comprehensive plans including the County Transportation plan;
- (d) the estimated cost of the projects is reasonable in relation to similar transportation facilities;
- (e) BHI's plans will result in the timely acquisition and construction of the Projects;
- (f) the projects will be owned by the County as public roads and will be turned over to and accepted by the Commonwealth of Virginia for maintenance as a part of the state highway system;
- (g) the design, construction and warranting of the projects as provided by the comprehensive agreement serves the public purpose of the PPTA;
- (h) the terms and conditions of the comprehensive agreement serve the public purpose of the PPTA;
- (i) the contract price, as the same may be adjusted pursuant to the contract documents, reflects a reasonable maximum rate of return on investment for BHI for the purpose of the PPTA;
- (j) no user fees are being provided with respect to the projects by the comprehensive agreement; and

- (k) the projects serve and promote the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that the County Administrator be and he hereby is authorized to execute a comprehensive agreement with Branch Highways, Inc., in an amount not to exceed Nineteen Million Five Hundred Thirty-one Thousand Five Hundred Forty Dollars (\$19,531,540), unless duly amended in writing for the reconstruction of Garrisonville Road (SR-610) from Onville Road (SR-641) to Eustace Road (SR-751); and the reconstruction of Truslow Road (West) (SR-652) from Berea Church Road (SR-654) and Plantation Drive (SR-1706); and

BE IT FURTHER RESOLVED, that the County Administrator is authorized to make minor or technical changes to the comprehensive agreement prior to its execution, including, not limited to, changes requested by VDOT or changes that are otherwise in the public interest that do not increase the dollar amount or materially change the scope of work of the projects authorized by this resolution; and

BE IT STILL FURTHER RESOLVED, that the County Administrator is authorized to execute all other documents that are necessary or appropriate for the administration of this comprehensive agreement.

Item 8. Public Works; Authorize the County Administrator to Pay the Virginia Department of Transportation Partial Funding for the Staffordboro Parking Lot Expansion Project

Resolution R13-182 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PAY THE VIRGINIA DEPARTMENT OF TRANSPORTATION PARTIAL FUNDING FOR THE STAFFORDBORO COMMUTER LOT EXPANSION PROJECT

WHEREAS, Staffordboro Commuter Lot improvements will be completed by the Virginia Department of Transportation (VDOT); and

WHEREAS, on June 21, 2011, the Board, by Resolution R11-201, committed to provide partial funding for the expansion of the Staffordboro Commuter Lot; and

WHEREAS, the Board adopted Resolution R11-292, which designated the Stafford Commuter Lot Expansion Project the Board's top priority; and

WHEREAS, the Board requested VDOT Revenue Sharing Program funds in the amount of \$1,875,000 for the Staffordboro Commuter Lot Expansion, to be matched



equally with \$1,000,000 from the County's Transportation Fund, and \$875,000 from the Garrisonville Service District Fund; and

WHEREAS, the funds have been budgeted and appropriated for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that the County Administrator be and he hereby is authorized to pay One Million Dollars (\$1,000,000) from the Transportation Fund, and Eight Hundred Seventy-five Thousand Dollars (\$875,000) from the Garrisonville Road Service District Fund, to VDOT for use on the Staffordboro Commuter Lot Expansion Project.

Item 9. Utilities; Award Contract for Utilities Billing Services

Resolution R13-170 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT RENEWAL FOR UTILITIES BILLING AND MAILING SERVICES WITH CSG SYSTEMS, INC.

WHEREAS, the Department of Utilities uses CSG Systems, Inc., (formerly DataProse) for electronic utility bill printing and mailing services; and

WHEREAS, outsourcing of billing services has proven to be cost-effective for the County and has provided accurate billing to its citizens; and

WHEREAS, the current contract with CSG Systems Inc., contains a provision for renewal for up to nine (9) additional one-year periods; and

WHEREAS, funds are included in the FY2014 Utilities Administration Operating Budget, and were appropriated for this purpose; and

WHEREAS, staff reviewed the proposed contract renewal amount and determined that it is reasonable and appropriate for the proposed scope of services provided, and the renewal amount is consistent with the FY2013 contract;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that the County Administrator be and he hereby is authorized to execute a contract renewal with CSG Systems, Inc., to provide utility bill printing and mailing services in FY2014, in an amount not to exceed Two Hundred Eight Thousand Seven Hundred Four Dollars (\$208,704) unless amended by a duly-executed contract amendment.

Item 10. Public Information; Recognize Friends of the Civil War Sites for its Initiative and Work on the Civil War Park; and Recognize the National Guard for its Work on Behalf of the Civil War Park

Proclamation P13-16 reads as follows:

**A PROCLAMATION TO RECOGNIZE AND COMMEND THE FRIENDS OF STAFFORD CIVIL WAR SITES FOR THEIR OUTSTANDING SERVICE TO STAFFORD COUNTY IN THE CREATION OF THE STAFFORD CIVIL WAR PARK**

WHEREAS, the Friends of Stafford Civil War Sites worked tirelessly to establish the Stafford Civil War Park, a park that memorializes the experience of the American soldier in Stafford County during the Civil War; and

WHEREAS, the Friends of Stafford Civil War Sites brought the existence of the Civil War Park's site, one of the few remaining of its kind, and the value of preserving it, to the attention of the Board; and

WHEREAS, the Friends of Stafford Civil War Sites secured funding from a coalition of groups to construct the Civil War Park; and

WHEREAS, the Stafford Civil War Park was the recipient of three "Innovative Readiness Training Exercises" from the Virginia Army and Air National Guard, due to the actions of the Friends of Stafford Civil War Sites; and

WHEREAS, the clearing, grading and road building work provided by the Virginia Army National Guard's 276<sup>th</sup> Engineer Battalion, and the Virginia Air National Guard's 203<sup>rd</sup> Red Horse Engineer Squadron allowed the Civil War Park to open this spring; and

WHEREAS, the exhaustive, in-depth, historical research done by the Friends of Stafford Civil War Sites provided the basis for the information and interpretation at the Park, which is now a cultural and economic asset to Stafford County; and

WHEREAS, the actions of the Friends of Stafford Civil War Sites made it possible for the citizens of Stafford County, and visitors, to immerse themselves in the story of the County's role in the Civil War and the story of our Country;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does recognize and commend the Friends of Stafford Civil War Sites for their invaluable contributions and service during the establishment of the County's Civil War Park.

Proclamation P13-20 reads as follows:

**A PROCLAMATION TO RECOGNIZE AND COMMEND THE VIRGINIA ARMY NATIONAL GUARD FOR THEIR ASSISTANCE IN BUILDING THE STAFFORD CIVIL WAR PARK**

WHEREAS, the National Guard holds “Innovative Readiness Training Exercises” yearly and invites groups and localities to compete for the honor of having an exercise held in their community; and

WHEREAS, the Virginia Army National Guard conducted two highly desirable “Innovative Readiness Training Exercises” in Stafford County during the summers of 2011 and 2012 on the site of the Stafford Civil War Park; and

WHEREAS, members of the Virginia Army National Guard’s 276<sup>th</sup> Engineer Battalion employed their many valuable skills to construct the road system through the Civil War Park; and

WHEREAS, the soldiers cleared and graded acres of land for the park, hauled and graded stone for the roads and parking areas, and installed culverts and pipes; and

WHEREAS, the assistance of the Virginia Army National Guard contributed greatly to the building and opening of the Stafford Civil War Park; and

WHEREAS, the contributions of the Virginia Army National Guard enabled Stafford County to preserve a significant piece of history and educate citizens and visitors about the role that Stafford played in the Civil War;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does recognize, commend, and thank the Virginia Army National Guard for its invaluable service during the construction of the Stafford Civil War Park.

Proclamation P13-22 reads as follows:

**A PROCLAMATION TO RECOGNIZE AND COMMEND THE  
VIRGINIA AIR NATIONAL GUARD FOR THEIR ASSISTANCE  
IN BUILDING THE STAFFORD CIVIL WAR PARK**

WHEREAS, the National Guard holds “Innovative Readiness Training Exercises” yearly and invites groups and localities to compete for the honor of having an exercise held in their community; and

WHEREAS, the Virginia Air National Guard conducted a highly desirable “Innovative Readiness Training Exercises” in Stafford County during the summers of 2012 on the site of the Stafford Civil War Park; and

WHEREAS, members of the Virginia Air National Guard’s 203<sup>rd</sup> Red Horse Squadron employed their many valuable skills to construct the road system through the Civil War Park; and

WHEREAS, airmen paved nearly three-quarters of a mile of roads and parking areas; and

WHEREAS, the assistance of the Virginia Air National Guard contributed greatly to the building and opening of the Stafford Civil War Park; and

WHEREAS, the contributions of the Virginia Air National Guard enabled Stafford County to preserve a significant piece of history and educate citizens and visitors about the role that Stafford played in the Civil War;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does recognize, commend, and thank the Virginia Air National Guard for its invaluable service during the construction of the Stafford Civil War Park.

Item 11. Public Information; Recognize and Commend Aaron Brown; Lindsey Hughes; Donald Kelley; Brandon Lindsey; Abriel Maldonado; and Dianna Quijano – Finalists in the Armed Services Memorial Design Competition

Proclamation P13-10 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND AARON BROWN,  
THE GRAND PRIZE WINNER OF THE ARMED SERVICES MEMORIAL  
DESIGN COMPETITION

WHEREAS, Aaron Brown, North Stafford High School, was named grand prize winner of the competition among Stafford's high schools to design an armed services memorial to pay tribute to the many men and women from Stafford who made the ultimate sacrifice for our Country; and

WHEREAS, the design by Aaron Brown met and exceeded the criteria established for the creation of an armed services memorial by the Board of Supervisors in the original resolution establishing the Armed Services Memorial Commission; and

WHEREAS, Aaron Brown created a thoughtful and original design that honors Stafford's service members from more than 200 years of wars and military operations; and

WHEREAS, Aaron Brown's name will be inscribed upon a plaque to be placed on the eventual site of the Armed Services Memorial;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does recognize and commend Aaron Brown for his lasting contribution to the citizens of Stafford County.

Proclamation P13-11 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND BRANDON  
LINDSEY, A FINALIST IN THE ARMED SERVICES MEMORIAL  
DESIGN COMPETITION

WHEREAS, Brandon Lindsey, Colonial Forge High School, was named a finalist in the competition among Stafford's high schools to design an armed services memorial to pay tribute to the many men and women from Stafford who made the ultimate sacrifice for our Country; and

WHEREAS, the design of Brandon Lindsey met and exceeded the criteria established for the creation of an armed services memorial by the Board of Supervisors in the original resolution establishing the Armed Services Memorial Commission; and

WHEREAS, Brandon Lindsey created a thoughtful and original design that honors Stafford's service members from more than 200 years of wars and military operations; and

WHEREAS, Brandon Lindsey's name will be inscribed upon a plaque to be placed on the eventual site of the Armed Services Memorial;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does recognize and commend Brandon Lindsey for his lasting contribution to the citizens of Stafford County.

Proclamation P13-12 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND ABRIEL  
MALDONADO, A FINALIST IN THE ARMED SERVICES MEMORIAL  
DESIGN COMPETITION

WHEREAS, Abriel Maldonado, Brooke Point High School, was named a finalist in the competition among Stafford's high schools to design an armed services memorial to pay tribute to the many men and women from Stafford who made the ultimate sacrifice for our Country; and

WHEREAS, the design of Abriel Maldonado met and exceeded the criteria established for the creation of an armed services memorial by the Board of Supervisors in the original resolution establishing the Armed Services Memorial Commission; and

WHEREAS, Abriel Maldonado created a thoughtful and original design that honors Stafford's service members from more than 200 years of wars and military operations; and

WHEREAS, Abriel Maldonado's name will be inscribed upon a plaque to be placed on the eventual site of the Armed Services Memorial;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does recognize and commend Abriel Maldonado for her lasting contribution to the citizens of Stafford County.

Proclamation P13-13 reads as follows:

**A PROCLAMATION TO RECOGNIZE AND COMMEND DIANNA QUIJANO, A FINALIST IN THE ARMED SERVICES MEMORIAL DESIGN COMPETITION**

WHEREAS, Dianna Quijano, Brooke Point High School, was named a finalist in the competition among Stafford's high schools to design an armed services memorial to pay tribute to the many men and women from Stafford who made the ultimate sacrifice for our Country; and

WHEREAS, the design of Dianna Quijano met and exceeded the criteria established for the creation of an armed services memorial by the Board of Supervisors in the original resolution establishing the Armed Services Memorial Commission; and

WHEREAS, Dianna Quijano created a thoughtful and original design that honors Stafford's service members from more than 200 years of wars and military operations; and

WHEREAS, Dianna Quijano's name will be inscribed upon a plaque to be placed on the eventual site of the Armed Services Memorial;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does recognize and commend Dianna Quijano for her lasting contribution to the citizens of Stafford County.

Proclamation P13-14 reads as follows:

**A PROCLAMATION TO RECOGNIZE AND COMMEND DONALD KELLEY, III, A FINALIST IN THE ARMED SERVICES MEMORIAL DESIGN COMPETITION**

WHEREAS, Donald Kelley, III, Stafford High School, was named a finalist in the competition among Stafford's high schools to design an armed services memorial to pay tribute to the many men and women from Stafford who made the ultimate sacrifice for our Country; and

WHEREAS, the design of Donald Kelley, III, met and exceeded the criteria established for the creation of an armed services memorial by the Board of Supervisors in the original resolution establishing the Armed Services Memorial Commission; and

WHEREAS, Donald Kelley, III, created a thoughtful and original design that honors Stafford's service members from more than 200 years of wars and military operations; and

WHEREAS, Donald Kelley, III's, name will be inscribed upon a plaque to be placed on the eventual site of the Armed Services Memorial;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does recognize and commend Donald Kelley, III, for his lasting contribution to the citizens of Stafford County.

Proclamation P13-15 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND LINDSEY HUGHES, A FINALIST IN THE ARMED SERVICES MEMORIAL DESIGN COMPETITION

WHEREAS, Lindsey Hughes, Mountain View High School, was named a finalist in the competition among Stafford's High Schools to design an armed services memorial to pay tribute to the many men and women from Stafford County who made the ultimate sacrifice for our Country; and

WHEREAS, the design of Lindsey Hughes met and exceeded the criteria established for the creation of an armed services memorial by the Board in the original resolution establishing the Armed Services Memorial Commission; and

WHEREAS, Lindsey Hughes created a thoughtful and original design that honors Stafford's service members from more than 200 years of wars and military operations; and

WHEREAS, Lindsey Hughes's name will be inscribed upon a plaque to be placed on the eventual site of the Armed Services Memorial;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does recognize and commend Lindsey Hughes for her lasting contribution to the citizens of Stafford County.

Item 12. Public Information; Recognize Jo Anne Baker Upon Her Retirement as Principal of Rocky Run Elementary School

Proclamation P13-17 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND MS. JOANNE E. BAKER FOR TWENTY-FOUR YEARS OF SERVICE TO STAFFORD COUNTY PUBLIC SCHOOLS, INCLUDING EIGHT YEARS AS PRINCIPAL OF ROCKY RUN ELEMENTARY SCHOOL

WHEREAS, Ms. JoAnne Baker, Principal of Rocky Run Elementary School, will retire June 27, 2013, leaving behind a history of service and leadership in the Stafford County Public School System; and

WHEREAS, In 1984, Ms. Baker received a Bachelor of Arts in Elementary Education from the University of North Carolina-Wilmington, and, in 1999, earned a Master's Degree in Educational Leadership from George Mason University; and

WHEREAS, Ms. Baker taught fifth grade at Rocky Run Elementary School from 1989 to 1997; and

WHEREAS, from 1997 to 2001, JoAnne Baker taught sixth grade Science and Language Arts, and seventh grade Language Arts and Civics, at H.H. Poole Middle School; and

WHEREAS, from 2001 to 2005, Ms. Baker served as assistant principal at H.H. Poole Middle School; and

WHEREAS, since 2005, as principal, Ms. Baker led the teachers and children of Rocky Run Elementary School for eight years; and

WHEREAS, during twenty-four years of service to Stafford County Schools, Ms. Baker gave much of her time, knowledge, and expertise to her peers, to the parents of her students, and most importantly, to the children, which helped them build strong foundations for educational success and happy and successful lives;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does recognize and commend Ms. JoAnne E. Baker for her accomplished service as principal and educator.

Item 13. Planning and Zoning; Refer to the Planning Commission an Amendment to the Subdivision Ordinance Regarding Drainfield Standards/Boundary Line Adjustments

Resolution R13-185 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AMENDMENTS REGARDING STAFFORD COUNTY CODE SECTION 22-118, "WATER AND SEWER"

WHEREAS, County Code Section 22-118, "Water and sewer," provides drainfield and septic system requirements for lots not served by public sewer; and

WHEREAS, the Subdivision Ordinance requires that for reserve sewage disposal sites with a size capacity at least equal to that of the primary sewage disposal site be identified and provided in accordance with the Virginia Department of Health regulations on lots served by drainfields; and

WHEREAS, the current drainfield provisions apply to all new lots, as well as boundary- line adjustments between existing lots; and

WHEREAS, the Board believes that applying the current standards to boundary-line adjustments of existing lots is burdensome with minimal positive effect; and

WHEREAS, the Board desires to modify the drainfield provisions for existing lots subject to boundary-line adjustments; and



NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that the amendments to Stafford County Code Section 22-118, “Water and sewer,” pursuant to proposed Ordinance O13-37, be and they hereby are referred to the Planning Commission for a public hearing and its recommendations; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications as it deems appropriate to proposed Ordinance O13-37, and shall hold a public hearing and provide its recommendations to the Board.

Item 14. Legislative; Approve Reappointment of John Rowley to the Economic Development Authority Representing the Hartwood District; and Appoint Mark Safferstone to Fill the Position Representing the Griffis-Widewater District

Item 15. County Administration; Authorize the County Administrator to Advertise a Public Hearing to Vacate an Easement at Chichester Park

Resolution R13-161 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR  
TO ADVERTISE A PUBLIC HEARING TO VACATE AN INGRESS/  
EGRESS EASEMENT FOR CHICHESTER PARK

WHEREAS, Chichester Park is accessed through property owned by the School Board (Tax Map Parcel #45-227C); and

WHEREAS, in 2005, the School Board granted an ingress/egress easement on its property to access Chichester Park; and

WHEREAS, the final design of Chichester Park includes a different alignment for park access, which necessitates a new ingress/egress easement; and

WHEREAS, the School Board granted the new ingress/egress easement to Chichester Park based on the new access road alignment; and

WHEREAS, the original ingress/egress easement is no longer needed and should be vacated, which requires a public hearing, pursuant to Virginia Code § 15.2-1800(B);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that the Board be and it hereby does authorize the County Administrator to advertise a public hearing to allow for presentation and comment for the purpose of vacating the original ingress/egress easement for Chichester Park.

Item 16. Economic Development; Authorize a Public Hearing Regarding a Land Transfer to the Economic Development Authority for Chatham Office Park and Courthouse Square

Resolution R13-130 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONVEY COUNTY-OWNED PROPERTY AT CHATHAM OFFICE PARK AND COURTHOUSE SQUARE TO THE ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, on April 23, 2013, the Board adopted Resolution R13-98, which adopted the FY2014 budgets for the various General Government Funds; and

WHEREAS, Resolution R13-98 included the Board's intent to convey properties known as Courthouse Square, and Chatham Office Park, to the Economic Development Authority (EDA), within 90 days of adoption of said resolution, in lieu of annual appropriations for a period of three years; and

WHEREAS, Resolution R13-98 also included the Board's intent that the EDA is encouraged to market and sell these properties immediately to ensure they are returned to the tax rolls, and the EDA is to use the proceeds to advance economic development in the County; and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), the Board must hold a public hearing prior to the transfer of real property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does authorize the County Administrator to advertise a public hearing to convey County-owned property at Chatham Office Park and Courthouse Square to the Economic Development Authority.

Item 17. Public Works; Municipal Separate Storm Sewer System (MS4) and Stormwater Management Update Mr. Steve Hubble, Assistant Director of Public Works, gave a presentation and answered Board members questions.

Ms. Stimpson inquired about a portion of the stormwater management fees being sent to the State. Mr. Hubble confirmed it saying that if the County follows the State's fee schedule, it will not cover the County's cost. Ms. Stimpson noted that it was another case of localities being expected to do more with less.

Mr. Snellings asked about grandfathering. Mr. Hubble responded saying that in both the old and new standards, there was a provision for grandfathering applicants that had a plan reviewed by the County prior to July 1, 2014; and/or if an application for a stormwater permit was filed with the State prior to July 1, 2012.

Mr. Romanello asked for clarification about the State collecting a portion of the fees being charged. Mr. Hubble said that they (the State) would collect 28% of its fees; that the County had the option of charging more to recoup that amount.

Ms. Stimpson asked if State regulations exceeded Federal regulations. Mr. Hubble said, “Yes” to Ms. Stimpson’s question. Mr. Hubble added that accountability was being transferred from the Department of Conservation and Recreation (DCR) to the Department of Environmental Quality (DEQ).

Mr. Milde talked about the possibility of a deficit and how the County could make up the deficit. Mr. Hubble said that inspections were typically fee-supported. Mr. Romanello said that the options were to raise fees or to subsidize with general tax dollars. Ms. Stimpson asked how it would affect County property owners. Mr. Hubble responded that Stafford County had generally more stringent regulations in the County’s Ordinance and that Stafford property owners would not be as heavily impacted as those in counties that did not do stormwater management, citing counties in southwest Virginia as an example.

Ms. Stimpson asked what would happen if the County failed to follow the new State regulations. Mr. Hubble said that the County would be subjected to heavy fines, as much as \$500,000 to \$600,000, which was unlikely but possible. Ms. Stimpson said that she was stunned and wondered how communities could bear all the different requirements coming at them from the top down, adding that it was just the beginning. She asked Mr. Romanello if he had any conversations with his counterparts in other localities. Mr. Romanello said that he and his counterparts talked frequently but that there was no formal push-back at that time.

Responding to Ms. Stimpson’s question about the cost to meet all of the new State requirements, Mr. Hubble said it would cost upwards of \$1 million in capital improvements to retro-fit existing stormwater systems, especially those that pre-dated the Chesapeake Bay Act. Ms. Stimpson said that she was very concerned.

Item 18. Utilities; Presentation of the Department of Utilities Fy2014-2023 Capital Improvements Program (CIP) Mr. Keith Dayton, Deputy County Administrator, gave a presentation and answered Board members questions. Mr. Dayton noted that a public hearing on the Utilities CIP was scheduled for June 18, 2013. Ms. Stimpson said that she believed that the CIP was too aggressive and not affordable; that the County had not reached the ability to prioritize projects, and she was concerned with the aggressiveness of the CIP.

Item 19. Finance and Budget; Budget and Appropriate FY2014 Schools Student Activities Fund Mr. Sterling addressed the Board saying that the School Board intended to “tax” students with \$600k in activities fees. He said that at the May 21, 2013 meeting, the Board passed a Resolution budgeting and appropriating all other funds except for the activities fee, and asked that the School Board pass along additional information about the proposed activities fee. Mr. Sterling said that he looked at the Schools’ responses and he heard from several parents who were uncomfortable with the fee. He added that he would not support the activities fee.

Mr. Schieber said that his gut reaction was the same as Mr. Sterling's; that he received the information yesterday but did not have ample time to digest the information and/or to consider the impact to constituents. He added that he wished he had more time to digest it but that he supported Mr. Sterling's motion to deny proposed Resolution R13-187.

Mr. Sterling said that the School Board should come back to the Board of Supervisors with a decision and a path they intended to take to make the adjustments necessary to provide for teacher's raises, etc. Mr. Sterling talked about the five percent hold-back which could be used instead of charging activity fees.

Mr. Cavalier said that he, too, opposed the \$600k in activities fees and recommended that the Joint Board of Supervisors/School Board Working Committee meet soon to discuss viable alternatives. Mr. Cavalier added that it was not fully vetted and that the School Board proposed funding to non-mandated programs, about which they should take a harder look.

Mr. Milde said that he had two children go through Stafford High School, that it was expensive even before considering \$600k in activities fees, and that if Stafford High School was not slated for demolition, \$3.1 million in debt service would be available and no one would squabble about one-half million dollars.

Mr. Sterling motioned, seconded by Mr. Milde, to deny proposed Resolution R13-187.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson  
 Nay: (0)  
 Absent: (1) Thomas

Item 20. County Attorney; Authorize Memorandum of Agreement Regarding "Gwyneth's Law" Mr. Schieber presented the item saying that minor "wordsmithing" was done, and that the current version, available in the Board's Add-On folder, captured the full record of the Working Group's efforts. \$280,000 start-up costs were consistent; sustainment costs were reduced from \$135,000 to \$101,700.

Ms. Stimpson congratulated Mr. Schieber on being a great negotiator. Mr. Schieber said the real heroes were Joel and Jennifer Griffin, Gwyneth's parents. Ms. Stimpson agreed saying that she sincerely hoped that implementation of "Gwyneth's Law" would save lives.

Mr. Schieber motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-173.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson  
Nay: (0)  
Absent: (1) Thomas

Resolution R13-173 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE SCHOOLS REGARDING THE IMPLEMENTATION OF GWYNETH'S LAW

WHEREAS, Gwyneth's Law allows school boards to require current certification and training in emergency first aid, cardiopulmonary resuscitation (CPR), and the use of automated external defibrillators (AEDs); and

WHEREAS, the Board desires that the School Board implement Gwyneth's Law; and

WHEREAS, on May 7, 2013, the Board adopted Resolution R13-142, which authorized the County Administrator to budget and appropriate \$280,000 for one-time, start-up costs for the implementation of Gwyneth's Law; and

WHEREAS, Resolution R13-142 further provided that the one-time \$280,000 transfer to the Schools' Operating Budget in FY2014 is contingent upon the Board's and the School Board's execution of a Memorandum of Agreement (MOA) regarding the implementation of Gwyneth's Law; and

WHEREAS, the Board desires to enter into a MOA with the Schools regarding the implementation of Gwyneth's Law;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that it be and hereby does authorize the County Administrator to execute a Memorandum of Agreement with the Schools regarding the implementation of Gwyneth's Law.

Item 21. Discuss Woodstream Trail This item was deferred to the June 18<sup>th</sup> Board meeting.

Item 22. Discuss Rescheduling the August 20, 2013 Board of Supervisors meeting Following discussion, Mr. Schieber motioned, seconded by Mr. Sterling, to move the August 20<sup>th</sup> Board meeting to Tuesday, August 13, 2013.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson  
Nay: (0)  
Absent: (1) Thomas

Item 23. Discuss Staffing in Development Agencies Mr. Keith Dayton presented the item saying that the workload was up, that the trend appeared to be continuing for the foreseeable future, and that service levels were dropping. \$900,000 worth of work was taken in-house, which used to be out-sourced, and added to the workload being experienced by staff in the development agencies. That was why Mr. Dayton recommended that the Board approve adding an action item to the June 18, 2013, agenda requesting two new positions; one building inspector and one technician. The approximate cost to add a technician position was \$42,700, and the cost for the building inspector was \$90,000 (higher due to salary, the need for another vehicle, and computer needs). Mr. Dayton added that these costs would be covered by the \$350,000 development fee surplus, although they were not included in the FY14 approved budget.

Ms. Stimpson said that she did not wish to shoot the messenger but that in budget deliberations, she clearly asked about the new construction uptick and possible need for additional staff. Six weeks later, Mr. Dayton was asking for two positions that were not needed at budget time. She added that with Hansen 8, staff was supposed to be more efficient and therefore, there should be no need for two additional staff, which she did not support.

Mr. Milde said that the Board had been warned, at least at the Community and Economic Development Committee level, that permits doubled and that five to six months into the year, it was not predictable. He added that maintaining a high level of service was necessary and if to do so it required hiring two additional staff, he supported it. Ms. Stimpson said that it was putting the cost on taxpayers, not developers.

Mr. Snellings said that he looked at the Background Report, which said that there was an 86% increase, January to April. He asked for more details on that statistic. Mr. Dayton said that there were 45 permits issued in January, 2012. In January, 2013, the number rose to 84 new home permits. In May, 2012, the total was 243, and in May, 2013, the total was 453, accounting for the 86%. Mr. Dayton added that permits were up across the board including decks, garages, residential remodeling, etc. He added that State Code required a 48-hour timeframe on inspections, and that the County preferred to do inspections within 24 hours. If the 48-hour timeframe could not be met, it was necessary to out-source inspections or to call on a neighboring locality for help.

Mr. Snellings said that six inspectors do all (commercial and residential) inspections. That in 2007, there were twelve inspectors and the number was cut in half due to the downturn in 2008. Mr. Sterling asked for historical data, from 2005 to 2013 including annual activities, permits, the number of inspections done each year, and the number of staff on board at that time. He also asked that in-house v. out-sourcing be considered in Mr. Dayton's response. Ms. Stimpson asked in particular for information on the \$900,000 that was formerly out-sourced, now done in-house.

Legislative; Closed Meeting. At 4:19 p.m., Mr. Sterling motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM13-12.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson  
 Nay: (0)  
 Absent: (1) Thomas

Resolution CM13-12 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion of, and consultation with legal counsel regarding, a proposed settlement with a former Fire and Rescue Department employee, (2) discussion regarding the potential acquisition of real property for a public purpose(s), including an academic presence and economic development, (3) consultation with legal counsel regarding the dedication of right-of-way as part of the site plan approval for the Suburban Extended Stay Hotel, and (4) discussion of the County Administrator's annual performance evaluation; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(1) and (A)(7), such discussion may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, does hereby authorize discussion of the aforesated matter in Closed Meeting.

Call to Order At 5:13 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution CM13-12(a).

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson  
 Nay: (0)  
 Absent: (1) Thomas

Resolution CM13-12(a) reads as follows:

**A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 4, 2013**

WHEREAS, the Board has, on this the 4<sup>th</sup> day of June, 2013, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 4<sup>th</sup> day of June, 2013, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Recess At 5:14 p.m., the Chairman declared a recess. The Board traveled to the site of the new Park at Embrey Mill for a ground breaking ceremony.

Call to Order At 7:03 p.m. the Chairman called the meeting back to order.

Invocation Ms. Stimpson gave the Invocation.

Pledge of Allegiance Mr. Schieber led the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Presentation of Proclamations to Student Finalists in Designing the Stafford County Armed Services Memorial Mr. Snellings introduced the following students, finalists in the competition to design the County's proposed Armed Services Memorial: Aaron Brown (Grand Prize Winner) from North Stafford High School; Lindsey Hughes from Mountain View High School; Donald Kelley, III, from Stafford High School; Brandon Lindsey from Colonial Forge High School; and the team of Abriel Maldonado and Dianna Quijano, from Brooke Point High School. Also assisting in presentation of the proclamations was Delegate Mark Dudenhefer and General (Ret.) Ronald Christmas.

Presentations by the Public The following members of the public spoke:

- |                |   |  |
|----------------|---|--|
| R.C. Stephens  | - | Student Athletic Fees                    |
| Paul Waldowski | - | Water bill; population; Embrey Mill pool |



Item 24. Planning and Zoning; Consider Amending the Subdivision Ordinance Regarding Subdivision Appeals Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions. Mr. Sterling asked how the Board’s summer recess would be handled given the proposed 60-day turnaround. Mr. Shumate said that it was worded to read, “At the next regularly scheduled meeting.”

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Schieber, to adopt proposed Ordinance O13-03.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson

Nay: (0)

Absent: (1) Thomas

Ordinance O13-03 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 22-254, “TIME LIMIT FOR ACTING ON APPEALS”

WHEREAS, County Code Sections 22-251 and 22-252 allow an applicant who is aggrieved by a decision of the Planning Commission or the Director of Planning and Zoning (Agent), to appeal that decision, within ten days of the date of notification of that decision; and

WHEREAS, pursuant to County Code Section 22-254, the Board shall act on any appeal filed within fourteen days, unless there is no meeting scheduled, in which case the Board shall act on the appeal at its next regular meeting; and

WHEREAS, fourteen days may not allow adequate time for the preparation of a staff report, and gathering of information, in order for the Board to render its decision; and

WHEREAS, the Board finds that increasing the time period from fourteen days to sixty days is reasonable and appropriate; and

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

WHEREAS, the Board finds that the ordinance promotes and is consistent with good planning practices;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that Stafford County Code Section 22-254, “Time limit for acting on appeals,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 22-254. - Time limit for acting on appeals.**

The board of supervisors shall act upon any appeal filed under this division within ~~fourteen~~ sixty (14 ~~60~~) days of the County receiving the appeal, unless there is no meeting scheduled, in which case the board shall act at its next regular meeting. Failure of the board to act within this time shall be deemed approval of the planning commission's or agent's decision.

BE IT FURTHER ORDAINED that this Ordinance shall take effect on upon adoption.

Item 25. Planning and Zoning; Consider Amending the Subdivision Ordinance Regarding Technical Changes to Approved Subdivision Preliminary Plans Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O13-05.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson

Nay: (0)

Absent: (1) Thomas

Ordinance O13-05 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 22-67, “TECHNICAL CHANGES TO APPROVED PRELIMINARY PLANS”

WHEREAS, the Planning Commission approves all preliminary subdivision plans; and

WHEREAS, subsequent development plans may not exactly match the approved preliminary subdivision plan due to engineering changes or County Code changes; and

WHEREAS, the Board desires to address what changes to approved preliminary plans constitute technical changes; and

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

WHEREAS, the Board finds this ordinance promotes and is consistent with good planning practices;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that Stafford County Code, Section 22-67, “Technical Changes to Approved Preliminary Plans,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 22-67. - Technical changes to approved preliminary subdivision plans.**

(a) Except for technical changes, which may be approved by the director of planning and ~~community development~~ zoning upon request, any change to an approved preliminary subdivision plan for subdivisions, or accompanying data sheets, shall require review of the plan under the procedures of this chapter for original review and approval. Technical changes are changes which comply with the provisions of this chapter in effect at the time of preliminary subdivision plan approval and do not alter the basic design or layout of the subdivision, do not change the functional interrelationship of the individual features of the subdivision to each and surrounding properties, and do not change the traffic patterns or increase the traffic volumes of the subdivision or surrounding properties.

Examples of allowed technical changes shall include:

- (1) ~~Changes to correct demonstrated errors~~ Changes to the location, elimination, or addition of the public right of way, not including additional right of way dedication shown on the approved final subdivision plat, alleyways, driveways, private streets, roads, or access easements;
- (2) ~~Changes to the name of the subdivision or the name of a street~~ Changes to the acreage of the open space;
- (3) ~~Adjustment of the location of lot lines~~ Changes to the location of amenities;
- (4) ~~Removal of lot lines to combine lots;~~ Changes to the acreage of the preliminary subdivision;
- (5) Relocation, addition, or removal of utility easements; or
- (6) ~~Changes in response to amendments to county ordinances;~~ or (6) Other changes which are clearly of a similar technical nature.

Examples of changes that are not allowed as technical changes, but which require approval by the Planning Commission shall include:

- (1) Changes in unit types;
- (2) Changes to approved proffers;
- (3) Changes to increase the number of approved lots; or
- (4) Changes to remove approved amenities.

Examples of changes that are not technical changes nor do they require any change to the preliminary subdivision plan shall include:

- (1) Changes in street names;
  - (2) Changes in side or rear lot line configurations;
  - (3) Changes in lot numbers or addresses; or
  - (4) Other changes that are similar in nature.
- (b) A request for approval of a technical change shall be made in writing to the director of planning and ~~community development~~ zoning. The request shall fully describe the change and provide reasonable justification for granting the change.
- (c) The director of planning and ~~community development~~ zoning shall either approve or disapprove the change within ~~ten (10)~~ thirty (30) working days of receipt of the request. Changes which are approved shall be in writing or by the signature of the director of planning and ~~community development~~ zoning, or his designee, on the face of the revised plat. The director of planning and ~~community development~~ zoning shall, upon request, forward a copy of each letter of approval or disapproval to members of the planning commission and Virginia Department of Transportation (VDOT).

BE IT FURTHER ORDAINED that this Ordinance shall take effect on upon adoption.

Item 26. Planning and Zoning; Consider Amending Stafford County Code Section 28-25, "Definition of Specific Terms;" Section 28-35, "District Uses and Standards;" and Section 28-102, "Off-Street Parking" Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O13-07.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson

Nay: (0)

Absent: (1) Thomas

Ordinance O13-07 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-25, "DEFINITIONS OF SPECIFIC TERMS;" SECTION 28-35, TABLE 3.1, "DISTRICT USES AND STANDARDS;" AND SECTION 28-102, "OFF-STREET PARKING"

WHEREAS, the Comprehensive Plan identifies Redevelopment Areas as well as Urban Development Areas for new forms of growth and development; and

WHEREAS, the Zoning Ordinance limits the ability to use on-street parking, stand-alone public parking lots, and parking structures; and

WHEREAS, the Board believes that Redevelopment Areas and Urban Development Areas will demonstrate a need for on-street parking, as well as stand-alone public parking lots, and parking structures; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this 4<sup>th</sup> day of June, 2013, that Stafford County Code, Section 28-25, "Definitions of specific terms;" Section 28-35, Table 3.1, "District Uses and Standards;" and Section 28-102, "Off-street Parking;" be and they hereby are amended and reordained as follows, all other portions remaining unchanged:

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

On-street parking. Motor vehicle parking spaces located along public or private streets.

Parking lot, public. An open area of land, other than a street, or area within a parking garage/deck available to the public, or as an accommodation to employees, clients, or customers, with or without a fee being charged, but shall not include any area wherein vehicles for sale, repair, or temporary impoundment are kept or stored.

Public Works. Buildings, structures, and infrastructures constructed by Stafford County or the Commonwealth of Virginia or a department of Stafford County or the Commonwealth

of Virginia, in connection with another government agency or department of another county or municipality, at public expense for general public use, such as roads, highways, transit facilities, public parking lots, parks, public building, police, correction and fire protection facilities, and public schools owned and/or operated by Stafford County or the Commonwealth of Virginia.

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

Table 3.1, District Uses and Standards, sets forth the uses and standards for each zoning district in Stafford County. No land or structure shall be used, occupied or developed except in accordance with the standards set forth therein.

**Table 3.1. District Uses and Standards**

*B-2 Urban Commercial.*

(b) *Conditional Use Permit:*

Public parking lot.

*B-3 Office.*

(b) *Conditional Use Permit:*

Public parking lot.

*RBC Recreational Business Campus.*

(b) *Conditional Use Permit:*

Public parking lot.

*PD-1 Planned Development 1.*

(b) *Conditional Use Permit:*

Public parking lot.

*PD-2 Planned Development 2.*

(b) *Conditional Use Permit:*

Public parking lot.

*RDA-1 Redevelopment Area 1, Boswell's Corner.*

(b) *Conditional Use Permit:*

Public parking lot.

*UD Urban Development.*

(b) *Conditional Use Permit:*

Public parking lot.

**Sec. 28-102. Off-street parking.**

Every use, unless otherwise specified in this chapter, shall be provided with off-street parking in accordance with the following standards:

- (3) *Location of required parking.* Required parking spaces for single-family detached residential uses shall be located on the same lot that they are intended to serve. Required off-street parking spaces for single-family attached and multifamily residential uses shall be located on the premises they are intended to serve or located on common areas that serve the property and within one hundred fifty (150) feet of the dwelling which they are intended to serve. Other required off-street parking spaces shall be located on the same lot as the use which they are intended to serve, or upon a lot within three hundred (300) feet of the lot they are intended to serve. In no case shall off-site parking be located more than five hundred (500) feet from the entrance of the building that it is intended to serve.

On-street parking shall be permitted where appropriate in Planned Development-2 (PD-2), Planned Traditional Neighborhood Development (PTND), Redevelopment Area-1, Boswell's Corner (RDA-1), and Urban Development (UD) zoning districts, and Redevelopment Areas as identified in the Comprehensive Plan. Designated on-street and off-street parking spaces may be applied towards the requirements of Table 7.1 and Table 7.2 of this chapter.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon adoption.

Item 27. Planning and Zoning; Consider Amending the Zoning Ordinance Regarding Building Permits, Certificate of Occupancy Permits, and Manufactured Homes Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O13-11, O13-12, and O13-13.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson

Nay: (0)

Absent: (1) Thomas

Ordinance O13-11 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-183, "BUILDING PERMITS"

WHEREAS, the County's current Zoning Ordinance states the Zoning Administrator shall issue building permits and provides the procedure for such action; and

WHEREAS, the Virginia Administrative Code states that the Building Official shall issue building permits, but does not outline a procedure for such action; and

WHEREAS, the Board desires to have all building permits reviewed for compliance with the Zoning Ordinance; and

WHEREAS, the Board desires to have the Zoning Ordinance reflect the requirements of the Virginia Administrative Code; and

WHEREAS, the Board desires to amend and reordain the Stafford County Code, Section 28-183, "Building Permits" to remove the language granting the Zoning Administrator authority to issue building permits, and the procedure for such action, and to ensure that a building permit applications are reviewed for compliance with the Zoning Ordinance; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that Stafford County Code Section 28-183



“Building Permits,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 28-183. - Building permits.**

- (a) *When required.* No building or structure shall be erected, constructed, altered, moved, converted, extended or enlarged without a building permit, and no building permit shall be issued unless it is deemed to be in conformance with the provisions of this chapter by the zoning administrator or his designee. ~~its issuance is approved by the zoning administrator or his designee.~~ No zoning permit shall be issued nor building permit approved by the zoning administrator or his designee except in conformity with the provisions of this chapter.
- (b) *Applications.* Applications for zoning permits shall be ~~made~~ submitted on forms provided by ~~to~~ the zoning administrator or his designee ~~on forms provided to be reviewed for compliance with this chapter.~~
- (c) *Procedure.* ~~Upon receipt of an application for a zoning permit, the zoning administrator or his designee shall review the application for completeness. If the application is not complete, the zoning administrator or his designee shall, within five (5) working days, return the application to the applicant noting the deficiencies. If the application is complete, the zoning administrator or his designee shall review the application and either issue the permit or deny the application. If the proposed use is in conformity with the provisions of this chapter and all other applicable laws and ordinances, as certified to the zoning administrator or his designee by the officers, bodies, or agencies responsible for the administration thereof, the zoning administrator or his designee shall, within five (5) working days, issue the building permit. If the application is denied, the zoning administrator or his designee shall state in writing the reasons for the denial.~~

Ordinance O13-12 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-184, “CERTIFICATES OF OCCUPANCY”

WHEREAS, the Zoning Ordinance states the Zoning Administrator shall issue certificates of occupancy, and outlines the procedure for such action; and

WHEREAS, Virginia Administrative Code states the Building Official shall issue certificates of occupancy, but does not outline a procedure for such action; and

WHEREAS, the Board desires to have all certificates of occupancy be reviewed for compliance with the Zoning Ordinance; and

WHEREAS, the Board desires to have the Zoning Ordinance reflect the requirements of, and be consistent with, the Virginia Administrative Code; and

WHEREAS, the Board desires to amend and reordain Stafford County Code, Section 28-184, “Certificates of Occupancy,” to remove the language granting the Zoning Administrator authority to issue a certificate of occupancy, and the procedure for such action, and to ensure that certificates of occupancy applications are reviewed for compliance with the Zoning Ordinance; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that Stafford County Code Section 28-184, “Certificates of Occupancy,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 28-184. – Certificates of Occupancy.**

- (a) ~~When required.~~ No land shall be used or occupied nor shall any building erected or structurally altered be used or changed in use without ~~the issuance~~ of a certificate of occupancy issued by the building official by the zoning administrator or his designee. Prior to issuance, every certificate of occupancy shall be reviewed by the zoning administrator or his designee for compliance with this chapter. Such certificate shall state that the building or proposed use complies with the building laws and the provisions of this chapter.
- (b) ~~Application~~ Certificates of occupancy shall be applied for within ten(10) days after the erection or alteration of structures that have been completed.
- (c) ~~Procedure~~ Upon receipt of an application for a certificate of occupancy, the zoning administrator or his designee shall review the application for completeness. If the application is not complete, the zoning administrator or his designee shall, within five (5) working days, return the applicant to the applicant noting the deficiencies. If the application is complete, the zoning administrator or his designee shall review the application and either issue the certificate or deny the application. If the proposed use is in conformity with the provisions of this chapter and all other applicable laws and ordinances, as certified to the zoning administrator thereof, the zoning administrator or his designee shall within five (5) working days, issue the certificate of occupancy. If the application is denied, the zoning administrator or his designee shall state in writing the reasons for the denial.

Ordinance O13-13 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-39(C)(1), “LAWFUL LOCATION OF MANUFACTURED HOMES”

WHEREAS, the Zoning Ordinance currently states that a manufactured home must be nineteen feet wide, and is subject to the same standards as a conventional, site-built, single-family dwelling; and

WHEREAS, in 1995, the Virginia Code was amended to remove both the stipulation of nineteen feet width for a manufactured home, and the word “conventional;” and

WHEREAS, the Board desires to have the Zoning Ordinance reflect the requirements of, and be consistent with, the Virginia Code; and

WHEREAS, the Board desires to amend and reordain Stafford County Code, Section 28-39(c)(1), “Lawful Location of Manufactured Homes,” to remove the width requirement of nineteen feet and the word “conventional” from the Zoning Ordinance; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that Stafford County Code Section 28-39(c)(1), “Lawful Location of Manufactured Homes,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 28-39 Special Regulations.**

*(c) Manufactured home parks and subdivisions.*

*(1) Lawful location of manufactured homes.*

- a. It shall be unlawful for any person to permit any manufactured home which is to be used as a dwelling or living quarters to be parked upon any land under his partial or complete ownership, management, supervision, or control, unless such manufactured home is parked in a manufactured home park or manufactured home subdivision meeting the requirements of this chapter and for which site plan approval has been granted, except for those specifically permitted in the A-1 and A-2 districts which are defined in this chapter a ~~minimum of nineteen (19) feet in width~~, on a permanent foundation, and subject to the same development standards as ~~conventional~~ site-built, single-family dwellings.

Item 28. Planning and Zoning; Consider Amending the Zoning Ordinance to Allow Home Occupations as a Permitted Use in Recreational Business Campus (RBC) Zoning District  
Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Snellings, to adopt proposed Ordinance O13-14.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson

Nay: (0)

Absent: (1) Thomas

Ordinance O13-14 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-35, TABLE 3.1, "DISTRICT USES AND STANDARDS"

WHEREAS, the Zoning Ordinance permits home occupations in all zoning districts that permit dwellings, except for the Recreation Business Campus (RBC) Zoning District; and

WHEREAS, the Board desires to allow home occupations as a permitted by-right use in all Zoning Districts that permit dwellings; and

WHEREAS, the Board desires to amend and reordain Stafford County Code Section 28-35, Table 3.1, "Districts Uses and Standards," to include the use of home occupations as a use permitted by-right in the RBC; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that Stafford County Code Section 28-35, Table 3.1, "District Uses and Standards," be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Section 28-35. - Table 3.1 of uses and standards.**

**Table 3.1 District Uses and Standards.**

*RBC Recreational Business Campus.*

(a) *Uses permitted by right:*

Home Occupation.

; and

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon adoption.

Item 29. Planning and Zoning; Consider Amending the Zoning Ordinance to Review the Development Standards in the Highway Corridor Overlay District (HC) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Milde said that continuous sidewalks were a “neat thing.” Mr. Snellings asked about curb and gutter regulations and if they were coordinated with the new regulations that Mr. Hubble spoke about earlier in the meeting. Mr. Harvey responded that the regulations that Mr. Hubble’s referred to had to do with discharge, nothing to do with curb and gutter.

Referring to an earlier public hearing, #24 on the agenda, Mr. Schieber asked if anything was magic about a 60-day limit. Mr. Harvey responded that there was no magic to 60 days; it simply gave the Board an opportunity to defer an item to gather additional information. Mr. Romanello said that it also helped during the Board’s summer recess. Mr. Milde said that all the proposed changes were approved by the Community and Economic Development Committee before being presented to the full Board.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O13-23.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson

Nay: (0)

Absent: (1) Thomas

Ordinance O13-23 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN COUNTY CODE SECTION 28-59, “HIGHWAY CORRIDOR OVERLAY DISTRICT (HC)”

WHEREAS, the Highway Corridor Overlay District (HC) was established to help reduce visual clutter along designated corridor highways, and to promote compatible development; and

WHEREAS, the Board desires to update and amend the development standards of the HC to provide construction flexibility; and

WHEREAS, the Board also desires that the architectural treatment of buildings within the HC comply with the Neighborhood Design Standards element of the Comprehensive Plan; and

WHEREAS, the Board finds that adoption of such an ordinance promotes the health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that Stafford County Code Section 28-59, “Highway Corridor Overlay District (HC)” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 28-59. - Highway Corridor Overlay District (HC).**

- (a) *Purpose of the HC.* In furtherance of the purposes set forth in sections ~~15.1-427, 15.1-489, and 15.1-490~~ 15.2-2280, 15.2-2283, 15.2-2284, and 15.2-2285 of the Code of Virginia, and in general to protect the health, safety, and general welfare of the public by the prevention or reduction of traffic congestion, and distracting visual clutter which may result in danger on the public and private streets, a limitation is hereby placed on certain automobile oriented, fast service, quick turnover uses and related signage, which generate traffic in such amount and in such manner as to present the possibility of increased danger to the motoring public and other impediments to safe travel. This district is created in recognition of the need to provide suitable and sufficient road systems in the county and the need to protect existing and future highways from unsafe use.
- (f) *Development standards.* All nonresidential uses shall be subject to the use limitations and development standards set forth in the underlying land use district(s) and, in addition, shall be subject to the following HC limitations:
  - (2) Pedestrian circulation shall be provided for and coordinated with that generated from or using adjacent properties.

- a. The requirement for the provision of pedestrian circulation for the development of any parcels abutted on both sides along its road frontage to undeveloped parcels may, at the option of the county administrator, be satisfied by the execution and recordation of a sidewalk security agreement between the owner of the property and the county administrator to be prepared by the director of planning. The agreement shall provide for payment of one hundred twenty-five (125) percent of the amount of an engineer's certified cost estimate of the construction of the required sidewalk(s) at the time of permits or by monthly installments during a term not to exceed thirty-six (36) months and shall contain appropriate provisions for acceleration upon the sale or transfer of the property or upon a breach of the terms of the agreement. Payments made pursuant to this section shall also include an administrative fee of one hundred dollars (\$100.00) which shall be payable at the time of the execution of the sidewalk security agreement.
  - b. The requirement for the provision of pedestrian circulation for the development of any parcels abutted on both sides along its road frontage to undeveloped parcels may, at the option of the planning director (agent) or his designee, be satisfied by a payment in lieu of constructing the required pedestrian circulation. The payment shall be in the amount of an engineer's certified cost estimate of the construction of the required sidewalk(s) that is deemed to be acceptable by the agent. Such payment shall be made at the time of permits. The payment shall be deposited in an account designated for pedestrian circulation improvements along the corridor highway that serves the property.
- (4) Parking areas and driveways shall be paved with concrete, bituminous concrete, or other similar material except for low-impact development sites in accordance with the provisions of chapter 21.5 of this Code where pervious paving blocks and other similar materials may be allowed as approved by the agent. Surface treated parking areas and drives shall be prohibited. Concrete curb and gutter shall be installed around the perimeter of all driveways and parking areas, except that concrete curb without a gutter may be permitted where drainage is designed to flow away from the curb, and asphalt curb may be permitted where the property adjacent to a travel lane is undeveloped. Drainage shall be designed so as to not interfere with pedestrian traffic.

- (9) Architectural treatment shall be designed so that all building facades of the same building (whether front, side, or rear) will consist of similar architectural treatment in terms of materials, quality, appearance, and detail pursuant to the Neighborhood Design Standards Plan element of the Comprehensive Plan. No facade portion of a building constructed of unadorned cinderblock, corrugated metal or sheet metal shall be visible from the corridor highway. Mechanical equipment shall be shielded and screened from public view and designed to be perceived as an integral part of the building.

Item 30. R-Board/Landfill; Consider a Lease at the Regional Landfill for a Waste-to-Energy Facility Mr. Keith Dayton, Deputy County Administrator, gave a presentation and answered Board members questions. Mr. Travis Hollingsworth, for the applicant, also addressed the Board.

Mr. Sterling said that if the facility was required to obtain federal discharge permits, he wished to know what would be discharged from the facility. Mr. Dayton replied that it would be exhaust from the engine. Mr. Milde said it was the equivalent of an automobile exhaust. Mr. Dayton said it was a high-powered, internal combustion engine, comparable to what was currently in use at the Landfill. Mr. Dayton added that it was not incineration, but steam and heat used to breakdown components. The proposed system was not used in the United States, but that systems were used all over Europe, Africa, and South Korea, that they had been tested and were reliable, practical, and met air quality standards.

Mr. Dayton said that EEP was providing \$1 million up front, which would be used for Eskimo Hill Road improvements, plus an additional \$100,000 annual fee for the twenty-year term of the lease. Mr. Sterling asked if there would be additional truck traffic on Eskimo Hill Road due to the new venture. Mr. Milde said, “No.” Mr. Dayton said that the Landfill would continue to handle waste from Stafford County and the City of Fredericksburg, and there would be no outside transfer of trash to the Landfill, which was a requirement under the R-Board’s current operating agreement.

Mr. Milde said that the venture would increase the life of the Landfill from thirty years to one-hundred years plus. He added that the equipment would be located on the other side of the original landfill cell. Mr. Dayton said it was hoped that it would be fully operational in late 2014, pending obtaining the required permits. If permits were not obtained, or not issued/declined, the County bore no liability. Mr. Sterling asked if there was a timeframe for permits to be obtained. Mr. Dayton said that it was not specified in the Lease, that he hoped to give EEP as much time as was needed.



Mr. Sterling said that it could drag out indefinitely if there was not date-specific timeframe. Mr. Dayton said that EEP offered a \$1 million good-faith estimate. Mr. Sterling asked if there was a sunset clause; Mr. Dayton said that had not been discussed.

Mr. Milde asked why EEP chose Stafford County's Landfill. Mr. Dayton replied that it was the right size, with the right quantity, and Dominion Virginia Power lines were close to the proposed facility. EEP had an agreement to sell its product to Dominion.

Mr. Milde noted that the Stafford County Landfill achieved an E3 designation, that the highest designation was E4 and that Stafford County's Landfill was one of only two in the Commonwealth to be rated E3. Mr. Dayton said that the noise would be housed within the facility and the location of the facility would help to mitigate the noise problem. EEP planned to use only 4 of the 11 acres, the remainder of which was forest, which would act as an additional noise buffer. Mr. Romanello said that there currently was a methane gas internal combustion engine on site and that there were no noise complaints, or negative impacts.

Mr. Milde said that the R-Board was running low on funding due to the economic downturn. That eventually, it would require that there be a charge or hours be reduced. Mr. Dayton said that reserve funds were being used to sustain operations. He added that if approved, EEP's operation would allow for a dramatic drop in operating costs. Mr. Dayton added that EEP's operation was privately financed, if it failed, EEP could remove its mechanical components but the infrastructure remained the property of the R-Board. Mr. Milde stated that if there was a reduced need for County staff working at the Landfill, EEP promised to give first hiring choice to existing Landfill employees. In addition, EEP promised a 10% charitable donation, based on generated revenue, to a Stafford County charity.

The Chairman opened the public hearing.

The following persons desired to speak:

Frank Piatt

Alane Callander

Bob Hopkins

Paul Waldowski

Barbara Piatt

The Chairman closed the public hearing.

Mr. Schieber asked about decibels generated by the proposed turbine engines. Mr. Hollingsworth said that it would be approximately 95 decibels, that the turbines would be housed in one enclosure, which would be contained within a second enclosure.

Mr. Schieber noted that a lawn mower (at three feet) generated 107 decibels. Mr. Milde said that the facility would be sunken in a low spot on the property.

In reference to a comment made at the public hearing, Mr. Milde said that R-Board meetings were not held in secret, they were noticed to media outlets and on the County's website. He added that the idea that a conditional use permit was killed to enhance the proposed facility was untrue. That action was taken to stop Dominion Virginia Power from draping overhead power line throughout the County, adding that now there were five miles of buried power line. Mr. Milde said that he e-mailed editors at the Free Lance-Star and made them aware of the proposed project.

Mr. Milde motioned, seconded by Mr. Snellings, to adopt proposed Resolution R13-159.

The Voting Board tally was:

Yea: (5) Cavalier, Milde, Schieber, Snellings, Stimpson

Nay: (0)

Absent: (1) Thomas

Abstain: (1) Sterling

Resolution R13-159 reads as follows:

A RESOLUTION TO EXECUTE A LEASE ON PROPERTY OWNED BY THE STAFFORD COUNTY BOARD OF SUPERVISORS AND THE CITY OF FREDERICKSBURG AT THE SITE OF THE RAPPAHANNOCK REGIONAL LANDFILL TO ENERGY EXTRACTION PARTNERS, LLC, FOR THE CONSTRUCTION AND OPERATION OF A WASTE-TO-ENERGY PRODUCTION AND DISTRIBUTION FACILITY

WHEREAS, the Rappahannock Regional Solid Waste Management Board (R-Board) entered into an Agreement with Energy Extraction Partners, LLC, for the construction and operation of a waste-to-energy facility to be sited on approximately eleven (11) acres of R-Board property identified as Tax Map Parcel 39-26D; and

WHEREAS, this project, when completed and operational, would provide substantial financial benefits to the residents of the County and the City of Fredericksburg; and

WHEREAS, R-Board property is jointly owned by the County and the City of Fredericksburg; and

WHEREAS, the Board desires to enter into a lease of 11 acres on Tax Map Parcel 39-26D with Energy Extraction Partners, LLC; and

WHEREAS, the Board conducted a public hearing, and carefully considered the recommendations of staff and the R-Board, and the testimony, if any, provided during the public hearing; and

WHEREAS, the Board finds that granting this lease promotes the health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of June, 2013, that the Board be and it hereby does authorize the County Administrator or his designee to the execute a lease of 11 acres on Tax Map Parcel 39-26D, with Energy Extraction Partners, LLC, for the purpose of constructing a waste-to-energy facility; and

BE IT FURTHER RESOLVED that the County Administrator or his designee is authorized to execute any additional documents that are necessary or appropriate to this Lease.

Item 31. Planning and Zoning; Transfer of Development Rights (TDR) Mr. Milde motioned, seconded by Mr. Cavalier to adopt proposed Resolution R13-199, which specified August 31, 2013 as the date specific by which the Planning Commission shall return its recommendations on TDR back to the Board of Supervisors.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson  
Nay: (0)  
Absent: (1) Thomas

Resolution R13-199 reads as follows:

A RESOLUTION REQUESTING THE PLANNING COMMISSION PREPARE AMENDMENTS TO THE ZONING ORDINANCE AND COMPREHENSIVE PLAN FOR THE TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

WHEREAS, on May 21, 2013, the Board adopted Ordinance O13-29 as a key component of a Transfer of Development Rights (TDR) Program; and

WHEREAS, the TDR Program is comprised of provisions in the County Code and Comprehensive Plan; and

WHEREAS, the Board requests that the Planning Commission prepare amendments to the County Code and Comprehensive Plan for the TDR Program in accordance with the Board's directions below; and

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

WHEREAS, the Board finds that such amendments to the Comprehensive Plan are consistent with and promote good planning practices;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of June, 2013, that it be and hereby does request that the Planning Commission prepare amendments to the County Code and Comprehensive Plan for the TDR Program; and

BE IT FURTHER RESOLVED that the Planning Commission shall include the following in its amendments to the County Code and Comprehensive Plan for the TDR Program:

- Establish a minimum two-acre lot size for eligible sending properties in the area designated for Park Land Use in the Comprehensive Plan;
- Change the Receiving Area zoning densities to (1) accommodate potentially severed development rights with options to change the A-1, Agricultural Zoning District receiving zone densities to a maximum of 3.0 dwellings units per acre; (2) include the R-4, Manufactured Home Zoning District as a receiving zoning district; and (3) include the B-3, Office Zoning District as a receiving zoning district for mixed-use and commercial apartments;
- Expand the boundaries of the Receiving Areas; and
- Do not reduce the boundaries of the Sending Areas.

BE IT STILL FURTHER RESOLVED that the Planning Commission shall conduct a public hearing on its proposed amendments to the County Code and Comprehensive Plan for the TDR Program and provide its recommendations to the Board on such amendments to the County Code and the Comprehensive Plan by August 31, 2013.

Adjournment: At 8:45 p.m. the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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Susan B. Stimpson  
Chairman