

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

February 16, 2016

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Robert “Bob” Thomas, Jr., Chairman, at 3:00 p.m., on Tuesday, February 16, 2016, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Robert “Bob” Thomas, Jr., Chairman; Laura A. Sellers, Vice Chairman; Meg Bohmke; Jack R. Cavalier; Wendy E. Maurer; Paul V. Milde, III; and Gary F. Snellings.

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

Presentation by Tri County/City Soil and Water Conservation District Mr. Kyle Haynes, District Manager of the Tri County/City Soil and Water Conservation District provided an update of the District’s annual events and accomplishments. Two new members of the District’s Board, representing Stafford County, Mr. Jeff Adams and Mr. Mike Anderson were introduced to the Board. Mr. Haynes gave details about the District’s interaction with students in Stafford County including the Meaningful Watershed Educational Experience (MWEE), the Environthon, and a summer camp at Virginia Tech for which two scholarships were available. Scholarship applications are due by April 16, 2016 and must display the student’s genuine interest in the environment, no examples of past activities are required, but a writing sample must be submitted with the application. Mr. Jeff Adams address the Board saying that his farm was a part of the County’s Purchase of Development Rights program, and noted that the environment could be cleaned up and taken care of before it was necessary, or after when damage had already been done. Mr. Adams took Mr. Snellings on a hayride at his farm. Mr. Thomas thanked Mr. Haynes and Mr. Adams for their service.

HOT Lanes Extension Ms. Marcie Parker, VDOT District Administrator, addressed the Board and introduced Ms. Susan Shaw. Ms. Shaw, the HOT Lanes extension project coordinator, gave a presentation, saying that VDOT was coordinating a 2.2 mile extension with Transurban. Transurban was contributing \$25 Million of the \$50 million estimate of the cost of the extension.

Ms. Shaw said that there would be no new tolling gantries, and no additional toll was planned for drivers on the 2.2 mile extension. A noise-deflecting wall would be built within the VDOT right-of-way in the southbound direction on I-95. Opening was anticipated to be in winter, 2017 or spring, 2018. A meeting on the Hot Lanes extension was scheduled for February 17, 2016, at H.H. Poole Middle School, at which time a presentation would take place and comments from interested parties would be taken under consideration.

Ms. Parker then spoke to the Board about the I-95/Route 630 interchange project, a diverging diamond at Exit 140. An additional bid item, a 4th lane, would be added to the request for proposal. Completion of the project was anticipated in 2020.

Regarding the I-95/Rappahannock River Bridge crossing, Ms. Parker noted that it was a HB2 priority, and would be given to the Commonwealth Transportation Board (CTB) in June 2016 for its approval. The project was recommended for the southbound lanes of I-95, not the northbound lanes. However, Ms. Parker said that the northbound segment could be resubmitted to FAMPO.

Mr. Cavalier said that no new toll on the 2.2 mile extension was a good plan. He asked about the benefit to Transurban to contribute \$25 Million to the project if no new tolls were anticipated. Ms. Shaw said that Transurban's goal was good customer service, that they had a vested interest in the Hot Lanes in northern Virginia and wanted drivers to have a good experience while traveling on them. Mr. Cavalier asked if the agreement of no new tolls was forever or limited. Ms. Shaw said that the agreement was for the 2.2 mile extension only; that if there was additional road miles added, there could be an additional toll for traveling beyond the 2.2 mile extension.

Mr. Milde said that just because there would be no new toll gantries, it didn't mean that the cost of traveling from a northern point on the Hot Lanes to the new 2.2 extension would not go up; a separate toll facility was not necessary to increase the cost of riding on the extension.

Mr. Milde continued asking about the impact of the 2.2 mile extension on north and/or southbound lanes of I-95. Ms. Parker said that the more notable impact would be for travelers headed northbound on I-95.

Mr. Milde said that it may help getting off I-95 onto Garrisonville Road, but not really provide much of an improvement to Interstate travelers. He also inquired about the funding mechanism and \$21 Million left over in the State's seed money. Ms. Parker said that \$50 Million was an estimate and there were hopes that the project would come in under that amount.

Mr. Milde asked about the diverging diamond at Exit 140 and how VDOT arrived at its baseline priorities for that project. He also asked about enlarging the commuter lot rather than only replacing currently available spaces. Ms. Parker said that HB2 provided the funds to rebuild the commuter lot, which was on the same contract as the Interchange project, as well as 3000' of a 12' lane of full-depth asphalt, and a 10' shoulder. Ms. Parker said that since the commuter lot would be paid for using HB2 funds, the 4-lane extension was a #1 priority going to the CTB for approval.

Mr. Milde said that VDOT was modeling southbound issues at Exit 140, and asked if VDOT had looked at northbound congestion at that interchange. Ms. Parker said that southbound presented the worst congestion back-up. Mr. Milde also asked about the Route 610 fly-over southbound to Garrisonville Road westbound, and if there was a way to repurpose that to include the option to travel eastbound on Garrisonville Road. Ms. Parker said that it was not on the list for consideration but that it could be done such as on Route 17. Mr. Milde said that it would be a couple hundred feet at best and asked VDOT to look into it.

Armed Services Memorial Commission Presentation Mr. Snellings spoke to the Board about fund raising for the Armed Services Memorial. He noted that additional members, including Ms. Elizabeth Davis, Ms. Sue Henderson, Mr. John Cox, and Mr. Mark Osborn were added to the Commission. Mr. Dan Chichester was elected Chairman of the Commission. The total cost of the Memorial was estimated to be \$675,000. The Commission and related working group met every other Tuesday, in the A/B/C Conference Room, at 3:00 p.m.

Mr. Milde said that he was still concerned that the plans for the Memorial did not include posting the names of all of the County's armed services veterans and was hoping that the conversation to do so was not dead.

Presentations by the Public No persons desired to speak.

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

Ms. Bohmke - Attended the reception for Martha Hutzel, newly appointed Director of the Central Rappahannock Regional Library; Library staff was very grateful to the County for its \$50,000 contribution toward new library materials; Met with Congressman Rob Wittman at Stafford High School, he was very impressed by the school, especially the science labs; a joint town hall meeting with Mr. Thomas was planned for Thursday 2/18/16, 7:00 p.m., at Falmouth Elementary School.

Mr. Cavalier - Finance, Audit and Budget Committee update including an overview of the new health insurance RFP, which was being considered jointly with the Schools' Division; an update on shared services, which identified "low hanging fruit" including human resources, grounds maintenance, etc.; and a discussion about a Contracts Administrator position; the Schools request for FY2015 carryover funds would be discussed later in the afternoon; changes to the County's financial reporting policies were being considered but would not take place until the new fiscal year (FY2017) and after this year's budget cycle; an engineering study of the Lake Arrowhead Dam was being considered and would cost approximately \$30,000, of which half may be reimbursed by the State; it may appear on the next Board meeting after being considered by the Infrastructure Committee.

Mrs. Maurer - Attended the weekly Legislative Committee meeting; the proposed proffer legislation was passed by the House and Senate with minor changes but not enough to benefit the County, one last push for additional changes was made when Mr. Thomas met with Speaker Howell and Delegate Dudenhefer to push for changes to minimize the impact to the County; Mrs. Maurer said that she was not sure it was successful and was highly concerned; VDOT did an excellent clearing cul-de-sacs in the Rock Hill District after the recent snowfall and she appreciated VDOT's efforts at the local level; Condolences to the Heflin family on their loss; Congratulations to Joey Rohal for winning a silver medal in Tae Kwan Do at the United States Open in Reno, Nevada.

Mr. Milde - Deferred comments.

Ms. Sellers - Attended Chaplin Group Home meeting, looking for a new location for the group home; Update on the Public Safety Committee including a public safety staffing matrix, and a discussion about volunteer and career staffing in Fire, Rescue, and Emergency Services.

Mr. Snellings - Deferred comments.

Mr. Thomas - Attended PRTC meeting, they were working on budget matters that were important but not of much help to Stafford County, which has cut \$30 million in transportation projects due, in part, to falling gasoline prices;

Attended a CRRL board meeting, which will be held now every other month to work with the new director; Attended Youth First with Ms. Sellers and Mr. Snellings; it was Youth First's 10th anniversary, Ms. Donna Krauss did a great job with it; Attended the VACo Board of Directors meeting and Legislative Day, spoke to the Committee on Towns and Counties re. the proffer bill; Attended the Board's annual planning meeting on February 5, and 6, 2016 and discussed public safety, Economic Development, Utilities rates, and the County's FY2017 budget; the Board also discussed its performance and "stepping up its game" to better perform for its constituents.

Report of the County Attorney Mr. Shumate deferred his report.

Report of the County Administrator Mr. Romanello called Deputy County Administrator, Keith Dayton, to the podium to discuss an item in the add-on folder relative to the design-build for Exit 140 and a 4-lane extension that Ms. Parker (with VDOT) spoke about in her presentation. Mr. Dayton said that it would be 1800' of new connector to Wyche Road. Staff had concerns about the capacity of a two-lane road if the property were to be rezoned Commercial from Industrial. Funding for the additional roadway would come from efficiencies, HB2 funding, and/or surplus funds from transportation bids. VDOT would include it in its design build of the new Exit 140. Mr. Thomas noted that this was very late breaking and time sensitive.

Mr. Milde motioned, seconded by Ms. Sellers, to send a letter to Ms. Parker at VDOT, supporting the four-lane extension as part of the design build for Exit 140.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
Nay: (0)

Additions/Deletions to the Regular Agenda Mr. Romanello said that Item 7 would be removed from the Consent Agenda so that Mr. Snellings could abstain from voting as a family member owned property adjacent to the affected property.

Mr. Romanello said that Item 19 was added to appoint Mr. Brian Baxter to the Telecommunication Commission.

Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt the agenda with the addition and deletion noted above.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
Nay: (0)

Legislative; Consent Agenda Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt the Consent Agenda, which consisted of Items 4 through 8, omitting Item 7.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
Nay: (0)

Item 4. Legislative; Approve Minutes of the February 2, 2016 and the February 5-6, 2016 Board Meetings

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R16-62 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED FEBRUARY 2, 2016 THROUGH FEBRUARY 15, 2016

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 16th day of February, 2016 that the above-mentioned EL be and hereby is approved.

Item 6. Public Works; Petition VDOT to Include Ivy Spring Lane and Rose Cottage Court, within Stafford Lakes Village, Section 14B into the Secondary System of State Highways

Resolution R16-59 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE IVY SPRING LANE AND ROSE COTTAGE COURT, WITHIN STAFFORD LAKES VILLAGE, SECTION 14B, LOCATED IN THE HARTWOOD MAGISTERIAL DISTRICT, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Ivy Spring Lane and Rose Cottage Court within Stafford Lakes Village, Section 14B, located within the Hartwood Magisterial District, approximately 0.15 mile from Village Parkway off Manorwood Drive (SR-2281) into the Secondary System of State Highways; and

WHEREAS, VDOT inspected Ivy Spring Lane and Rose Cottage Court, and found them satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February, 2016, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Stafford Lakes Village, Section 14B, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Ivy Spring Lane (SR-2289)	From: Intersection of Charter Gate Drive (SR-2285) To: Intersection of Rose Cottage Court (SR-2292)	0.22 mi. ROW 50'
Ivy Spring Lane (SR-2289)	From: Intersection of Rose Cottage Court (SR-2292) To: Intersection of Manorwood Drive (SR-2281)	0.20 mi. ROW 56'
Rose Cottage Court (SR-2292)	From: Intersection of Ivy Spring Lane (SR-2289) To: 0.03 mi. E. on Rose Cottage Court (SR-2292) to Cul-de-sac.	0.03 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, Stafford Lakes Village, Section 14B, recorded among the Land Records of Stafford County, Virginia, as Plat Map No. PM120000020, with Inst. No. 120004645 on March 12, 2012; and

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

Item 8. County Administration; Establish a Special Revenue Fund to Receive Charitable Contributions/Donations to Fund Building the Stafford County Armed Services Memorial

Resolution R16-66 reads as follows:

A RESOLUTION ESTABLISHING A SPECIAL REVENUE FUND FOR THE SOLE AND EXCLUSIVE PUBLIC PURPOSE OF RECEIVING CHARITABLE CONTRIBUTIONS/DONATIONS TO SUPPORT THE CONSTRUCTION OF THE STAFFORD COUNTY ARMED SERVICES MEMORIAL

WHEREAS, Stafford County residents have a long and distinguished history of serving in the armed forces; and

WHEREAS, for more than 200 years, men and women from Stafford County have fought in many wars, from the Revolutionary War through Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan; and

WHEREAS, on July 3, 2012, the Board adopted a Resolution to establish an Armed Services Memorial Commission (Commission) to honor the loss of Stafford's brave sons and daughters, and their families; to provide a place to honor the fallen, and to serve as a visible reminder of the men and women who gave the last full measure of devotion to their country; and

WHEREAS, the Commission held a design competition among Stafford’s high school students and on May 10, 2013, picked five designs, one from each high school, on which to base the design; and

WHEREAS, in October 2013, the Commission issued a request for proposal (RFP) to design the Stafford County Armed Services Memorial (Memorial), based upon the students’ submissions, and selected RBT Stone Works, Inc., dba Kline Memorials to construct the Memorial; and

WHEREAS, in June 2015, the Board authorized a Memorial Planning Committee (Committee) to oversee the marketing, fundraising, and construction of the Memorial; and

WHEREAS, the Committee intends to solicit individual and corporate charitable contributions/donations from a wide range of interested parties; and

WHEREAS, these charitable contributions/donations will be used for the exclusive public purpose of constructing the Memorial; and

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this 16th day of February, 2016, that it be and hereby does authorize a special revenue fund, to be known as the Stafford County Armed Services Memorial Fund (Fund), be established for the sole and exclusive purpose of receiving charitable contributions/donations to support the funding and construction of the Stafford County Armed Services Memorial.

Item 7. Planning and Zoning; Express Support for a Break in the Limited Access on Centreport Parkway Ms. Bohmke asked for a presentation on Item 7. Mr. Dayton spoke to the Board saying that the requested break in limited access was west of the Exit 136 interchange, both north and south on Centreport Parkway. The developer asked that a break in the limited access be endorsed by the locality. The break would not be signalized. Mr. Milde asked if the Board’s Infrastructure Committee reviewed the request. Mr. Dayton said, “No.” He said he spoke with Mr. Clark Leming, the applicant’s representative. Mr. Milde asked if it was time sensitive. Mr. Dayton said that it was not really time sensitive but the developer wanted the Board’s approval then would move it on to VDOT and the CTB for its review. There was no state funding involved; it would be paid for by the developer. Mr. Milde said that it should go through the Infrastructure Committee. Ms. Bohmke questioned the ownership of the parcels saying that on the County’s website, on the Commissioner of the Revenue’s page, it showed G & G as the owner (and on a 2007 resolution) but that the new, proposed Resolution R16-60, the owner was shown as Gamp. Mr. Dayton said the property did change ownership, and the change occurred within the past two weeks, which could account for the “old” information on the webpage. Ms. Bohmke said that it was changed and asked that Mr. Dayton do further research about the owner of the property.

Mr. Milde motioned, seconded by Ms. Sellers, to refer the item to the Board’s Infrastructure Committee.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Milde, Sellers, Thomas
Nay: (0)
Abstain: (1) Snellings

Parks, Recreation and Community Facilities; Presentation on Embrey Mill Signage; Proposal of Criteria for Selection of Athletes Featured at the Jeff Rouse Swim and Sports Center Display Case Ms. Cathy Vollbrecht, Interim Director of Parks, Recreation and Community Facilities, gave a presentation about proposed signage and the criteria for selection of athletes that would be featured in the Jeff Rouse Swim and Sports Center display case. Mr. Milde inquired who designed the signage. Ms. Vollbrecht said that it was ESM (Eastern Sports Management). Mr. Milde asked if all the recognized athletes were born in Stafford County. Ms. Vollbrecht said, “No,” they were connected by being a County high school graduate or have (or had) residency in Stafford County. Ms. Vollbrecht added that she was aware that there were names missing but what was being presented to the Board was only a representation, or a proposal, of the appearance of the signage and selection criteria for the display case.

Mr. Cavalier said that there had to be a discussion on the criteria before the community was asked to suggest athletes for inclusion in the display case. Parameters must be established as there were many levels of professional athletes and in some sports, there was no “pro” level, or athletes choose not to go “pro” and retain amateur status, such as golfer Bobby Jones. Mr. Cavalier said that becoming an Olympic athlete was the ultimate but criteria should possibly include athletes that achieved Division I and/or All American status. Ms. Sellers pointed out that an athlete may be drafted to a professional team but not necessarily end up a member of that, or any other professional team.

Mr. Thomas said that instead of a list of athletes’ names, the focus should be on the criteria so that no one was left out, and the list should be reviewed on an annual basis. Mr. Thomas recommended that a sub-committee of Board members be formed to meet with Ms. Vollbrecht. Mr. Cavalier, Ms. Bohmke, and Ms. Sellers each volunteered to serve on the sub-committee.

Mr. Snellings asked if Mrs. Lenzi (Mark Lenzi’s mother) had seen the proposal. Ms. Vollbrecht said that the planned meeting was cancelled due to recent snowfall but that she was planning to visit with Mrs. Lenzi the following day and share the proposal with her at that time. Mr. Snellings said that when he was Board Chairman, he promised Mrs. Lenzi that the Board would do as much as possible to meet her wishes.

Ms. Sellers suggested the possibility of high school students painting a mural on the large wall behind the diving well and asked Dr. Benson (School Superintendent, present in the audience) if he would help coordinate that should Mrs. Lenzi wish to go with that idea.

Planning and Zoning; Authorize a Proffer Amendment on 41.72 Acres Zoned R-3, Urban Residential High Density, Colonial Forge Mr. Mike Zuraf, Senior Planner, addressed the Board. Mrs. Maurer said that she would now support the proffer amendment request following receipt of information from staff in response to her questions posed at an earlier meeting.

Mr. Milde asked how many lots could be built without Board action. Mr. Zuraf replied that 800 lots could be built without Board action. Mr. Milde noted that the developer built infrastructure for more than 800 lots. He also spoke about work needing to be done on the proffered athletic fields including moving dirt, retaining walls, and site work. Ms. Bohmke talked about \$250,000 cash proffer for a turf field. Ms. Sellers said that it was related to fields but not specifically turf fields.

Mr. Milde asked for unit types permitted at Colonial Forge. Mr. Zuraf said that there were approximately one-half single-family detached homes, as well as a section of townhouses, and a few multi-family residences that were already built, in the front section of the development. He added that there was one child per dwelling-unit anticipated. Mr. Milde asked about proffered cost for single-family detached dwellings. Mr. Zuraf said that it was \$48,000. Mr. Milde asked for the amount in the Schools' Capital Improvements Program (CIP). Mr. Zuraf said that it was \$25,000 to \$30,000 and the rest was allocated to transportation, fire/rescue, and general government.

Mrs. Maurer spoke about additional proffers including a \$1 Million water tower, a cut-through road and others. Mrs. Milde asked if the developer could take back those things. Mr. Zuraf said that they were already built and could not be taken back by the developer.

Mr. Snellings motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O16-03.

The Voting Board tally was:

Yea: (4) Cavalier, Maurer, Sellers, Snellings
Nay: (3) Bohmke, Milde, Thomas

Ordinance O16-03 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON TAX MAP PARCEL NOS. 29J-2C-85; 29J-2C-86; 29J-2C-87; 29J-2C-115; 29J-2C-116; 29J-2C-117; 29J-2C-118; 29J-2C-119; 29J-2C-120; 29J-2C-121; 29J-2C-122; 29J-2C-123; 29J-2C-124; 29J-2C-125; 29J-2C-126; 29J-2C-127; 29J-2C-133; 29J-2C-134; 29J-2C-135; 29J-2C-136; 29J-2C-137; 29J-2C-138; 29J-2C-139; 29J-2C-140; 29J-2C-141; 29J-2C-142; 29J-2C-143; 29J-2C-144; 29J-2C-145; 29J-2C-146; 29J-2C-147; 29J-2C-148; 29J-2C-149; 29J-2C-150; 29J-2C-151; 29J-2C-152; 29J-2C-153; 29J-2C-154; 29J-2C-D; 29J-2C-E; 29J-4-310; 29J-4-311; 29J-4-312; 29J-4-313; 29J-4-314; 29J-4-315; 29J-4-316; 29J-4-317; 29J-4-318; 29J-4-319; 29J-4-320; 29J-4-321; 29J-4-322; 29J-4-323; 29J-4-324; 29J-4-325; 29J-4-326; 29J-4-327; 29J-4-A; AND PORTIONS OF TAX MAP PARCEL NO. 28-100; ZONED R-3, URBAN RESIDENTIAL – HIGH DENSITY ZONING DISTRICT, WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Stafford Associates Limited Partnership No. 2, applicant, submitted application RC1300296 requesting an amendment to proffered conditions on Tax Map Parcel Nos. 29J-2C-85; 29J-2C-86; 29J-2C-87; 29J-2C-115; 29J-2C-116; 29J-2C-117; 29J-2C-118; 29J-2C-119; 29J-2C-120; 29J-2C-121; 29J-2C-122; 29J-2C-123; 29J-2C-124; 29J-2C-125; 29J-2C-126; 29J-2C-127; 29J-2C-133; 29J-2C-134; 29J-2C-135; 29J-2C-136; 29J-2C-137; 29J-2C-138; 29J-2C-139; 29J-2C-140; 29J-2C-141; 29J-2C-142; 29J-2C-143; 29J-2C-144; 29J-2C-145; 29J-2C-146; 29J-2C-147; 29J-2C-148; 29J-2C-149; 29J-2C-150; 29J-2C-151; 29J-2C-152; 29J-2C-153; 29J-2C-154; 29J-2C-D; 29J-2C-E; 29J-4-310; 29J-4-311; 29J-4-312; 29J-4-313; 29J-4-314; 29J-4-315; 29J-4-316; 29J-4-317; 29J-4-318; 29J-4-319; 29J-4-320; 29J-4-321; 29J-4-322; 29J-4-323; 29J-4-324; 29J-4-325; 29J-4-326; 29J-4-327; 29J-4-A; and portions of Tax Map Parcel No. 28-100, all zoned R-3, Urban Residential – High Density, within the Hartwood Election District; and

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

WHEREAS, the Board determined that the requested amendment to the proffered conditions is compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to reclassify the subject property by amending the proffered conditions;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of February, 2016, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the proffered conditions on Tax Map Parcel Nos. 29J-2C-85; 29J-2C-86; 29J-2C-87; 29J-2C-115; 29J-2C-116; 29J-2C-117; 29J-2C-118; 29J-2C-119; 29J-2C-120; 29J-2C-121; 29J-2C-122; 29J-2C-123; 29J-2C-124; 29J-2C-125; 29J-2C-126; 29J-2C-127; 29J-2C-133; 29J-2C-134; 29J-2C-135; 29J-2C-136; 29J-2C-137; 29J-2C-138; 29J-2C-139; 29J-2C-140; 29J-2C-141; 29J-2C-142; 29J-2C-143; 29J-2C-144; 29J-2C-145; 29J-2C-146; 29J-2C-147; 29J-2C-148; 29J-2C-149; 29J-2C-150; 29J-2C-151; 29J-2C-152; 29J-2C-153; 29J-2C-154; 29J-2C-D; 29J-2C-E; 29J-4-310; 29J-4-311; 29J-4-312; 29J-4-313; 29J-4-314; 29J-4-315; 29J-4-316; 29J-4-317; 29J-4-318; 29J-4-319; 29J-4-320; 29J-4-321; 29J-4-322; 29J-4-323; 29J-4-324; 29J-4-325; 29J-4-326; 29J-4-327; 29J-4-A; and portions of Tax Map Parcel No. 28-100; all zoned R-3, Urban Residential – High Density Zoning District, as specified in the final proffer statement entitled, “Amended and Restated Proffer Statement,” dated February 4, 2016.

County Administration; Amend the Board’s Legislative Initiatives Regarding HB 770 and SB 549 Mr. Tim Baroody, Deputy County Administrator, gave a presentation and answered Board members questions. He said that proposed Resolution R16-67 would put the County on record as being in opposition of SB549 and HB770.

Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-67.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
Nay: (0)

Resolution R16-67 reads as follows:

A RESOLUTION AMENDING THE BOARD OF SUPERVISORS’
LEGISLATIVE INITIATIVES TO INCLUDE OPPOSITION TO
PROPOSED PROFFER LEGISLATION

WHEREAS, on November 17, 2015, the Board adopted Resolution R15-305(R2), which established Stafford County’s priority legislative initiatives for the 2016 General Assembly session; and

WHEREAS, subsequent to adoption of Resolution R15-305(R2), Senators Mark Obenshain and Dick Saslaw proposed SB549, “*a Bill to amend the Code of Virginia by adding a section 15.2-2303.4 relating to conditional zoning;*” and

WHEREAS, Delegate C. Todd Gilbert introduced a companion bill, HB770, “*a Bill to amend the Code of Virginia by adding sections numbered 15.2-2303.4 and 15.2-2303.5, relating to conditional zoning;*” and

WHEREAS, the Board’s Legislative Committee and staff have reviewed both the Senate and House version of the Bills and found them to be detrimental to the County’s ability to ensure that new development pays for itself; and

WHEREAS, both SB549 and HB770 lack specificity in language dealing with mixed-use projects, and limit public facility improvements that are eligible for proffers to roads, schools, public safety improvements, and public parks, and does not include libraries and/or general government facilities (jails, courts, etc.); and

WHEREAS, the proposed legislation allows a developer to request a proffer amendment to remove prior commitments to public facilities that are not roads, schools, public safety facilities, or parks, and penalizes a locality for merely entertaining a discussion with a developer that is voluntarily offering an unreasonable proffer of its own initiative because its proposed project would not mitigate its impacts and warrant approval; and

WHEREAS, the proposed legislation severely limits the opportunity for on-site land dedication, where the use of the proffered land may benefit a broader community in addition to a specific development and may force developers to give localities cash rather than land or in-kind improvements that may be considered a desired asset to improve the marketability of a project; and

WHEREAS, without the ability to collect proffers, population growth will result in a locality's need to raise taxes or put more pressure on legislators for increased state funding to local governments for libraries, courts, jails, and other government facilities;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February, 2016, that it be and hereby does strongly encourage its legislative delegation to oppose any and all elements of proposed SB549 and/or HB770, and adds this opposition to its list of 2016 legislative initiatives; and

BE IT FURTHER RESOLVED that if Stafford County's legislative delegation cannot defeat these bills in their entirety, they work to amend the bills to ensure the preservation of continued opportunity that allows localities to adopt proffers that offset residential impacts community-wide.

Finance and Budget; Provide Direction to the School Board Regarding the Anne E. Moncure Elementary School Capital Improvements Project Mr. Romanello briefed the Board. School Superintendent, Dr. Bruce Benson, and Schools Capital Projects Manager, Mr. Scott Horan, also spoke with the Board about its proposed new design for Moncure Elementary School. Mr. Romanello told Board members that the proposal was discussed earlier in the day at the Board's Finance, Audit, and Budget Committee meeting. He said that the School Board authorized the design contract and with the new proposal, the CIP would be \$15 Million out of balance for the first five years. He said that the additional costs would be absorbed within the School Board's CIP. He added that if Moncure ES was built with the old design and to old standards, the CIP would have a \$10 Million gap but \$2 Million would go towards the gap from the Schools FY2015 carryover request.

Mr. Milde asked for the percentage of the CIP that involved the Schools. Mr. Romanello said there was no metric for that number. Mr. Milde said that this would put the Schools in competition with other County projects, and Schools should have to absorb the full cost of the new design. He asked who measured the Schools part of the CIP, and for an explanation of the baseline.

Dr. Benson said that the \$5 Million increase was not out of line when compared to other recent builds in the Commonwealth. He said that needs in the community and with students change, especially with ESOL and autistic/special education students. The additional space was necessary to support those needs and to provide a successful school environment for students, as well as use by the community. He said the current elementary school design was 20 years old. Dr. Benson spoke about the recent remodel of the Brooke Point High School Library, saying that usage since the remodel increased from 2,000 student visits in 2014 to more than 4,000 student visits in 2015.

Mr. Cavalier said he supported the new design, which made sense and balanced community needs but was concerned because the School Board already voted on it before giving the Board of Supervisors an opportunity to review and weigh in on it. He added that with the Brooke Point High School library renovation, there was much discussion before it was added to the CIP. Mr. Cavalier said that the School Board voted to approve the new design knowing full well the limit of the CIP. Dr. Benson replied that it was a matter of timing, and the School Board voted because it was now or delay the project for another full year while it worked through the issues. He talked about redistricting and figuring out the needs of the community. He said the new school could be built now or the County would have to wait a full year to serve the needs of its students.

Mr. Snellings thanked Dr. Benson and said that the County's great and ever-improving school system could be attributed to him. Mr. Snellings said that he was concerned because the School Board scheduled a community meeting for February 17th without first asking the Board of Supervisors; and he asked, if the Board of Supervisors said no, would the School Board go back to the old design? Dr. Benson said that he hoped not; that certain elements in the new design were key to teaching, learning, and student outcomes. Mr. Snellings asked when the changes first came up. Dr. Benson replied that it was through committee work and it had been a number of years since the elementary school design was reviewed. Mr. Snellings said that based in the chart in the agenda materials, the cost of the new Moncure ES was considerably higher than elementary schools being built in surrounding localities, and he felt that taking on an additional \$5 Million was way out of the ballpark. Dr. Benson said that the Department of Education (DOE), when it shared figures, did not know what exactly went into the school design or the actual cost per square foot and site preparation. He said the DOE numbers did appear higher but it was necessary to delve deeper into the details; that there were lessons to be learned and the County did a good job at value engineering.

Mrs. Maurer talked about shared services and use of the proposed gymnasium by the Department of Parks and Recreation, and asked about design changes that would affect usage by the Parks Department. Mr. Horan said there was no specific cost breakdown of the design of the 11,000 square foot gymnasium but that it would include bleachers, etc., for Parks and Recreation use during basketball games. Mr. Milde asked how much Parks and Recreation currently used elementary school facilities. Mr. Horan said that middle school gyms were used but that elementary schools were used very little. Mr. Milde said that value needed to be taken into consideration. He thanked Dr. Benson for his budget request, which Mr. Milde said was great and not contentious compared to past years.

Mr. Milde asked Mr. Romanello what projects were taken off the CIP. Mr. Romanello said that a number of road projects were removed including Brooke Road, Corporate Center Drive at Quantico Corporate Center, and a number were postponed such as the Animal Shelter and Courthouse improvements. Mr. Milde spoke about debt service. Dr. Benson said that Schools debt service was approximately \$31 Million. Mr. Romanello said the total in FY2016 was \$143.7 Million for both the County and Schools. Mr. Milde said there had to be a way to measure competition for CIP dollars between public safety, Parks and Recreation projects, and Schools, etc. Dr. Benson said he was open to dialogue, moving infrastructure projects, and putting that money into Moncure ES.

Ms. Bohmke said that bus drivers were told they were going to Maryland when their routes took them into the Griffis-Widewater District; there was a need in that area of the County for enhanced facilities for community use. She mentioned Grafton and Falmouth Elementary Schools and said she was a proponent of redoing libraries; that anything else could be cut but not libraries, which were most important.

Ms. Bohmke spoke about value engineering. Mr. Thomas asked about architectural costs increasing with every angle planned in the design. Mr. Horan said that they had not yet started the design but it could be modified if, during the value engineering process, it was determined that architectural changes would save money, then they would be considered.

Mr. Cavalier asked if the Parks and Recreation Department identified shortfalls that led to the addition of the gymnasium at the new elementary school. Mr. Horan said no, but that at a meeting that included Parks and Recreation staff, it was indicated that the space would be put to good use and be of value to the department and the community. Mr. Cavalier asked if a Head Start program was intended for Moncure Elementary School. Dr. Benson replied, “No.”

Mr. Milde asked for the trend of Schools' CIP allocations over the past several years. Mr. Romanello said that High School #6 would take up the entire CIP, if added to the list. Mr. Milde said he was told that a sixth high school would be unnecessary when High School #5 was torn down. Mr. Romanello said that somewhere in the out years, another high school may have to be considered. Mr. Milde asked about the number of empty middle school seats. Dr. Benson said that he did not have that number with him.

Mr. Snellings asked about amenities in the proposed elementary school gymnasium, compared to the Jeff Rouse Swim and Sports Center, or other athletic facilities. Mr. Horan talked about there being nothing extraordinary in the elementary school gymnasium design, but that it would be used for basketball (with bleachers and a wooden gym floor), used for calisthenics, and would have a stage. There would also be room for Parks and Recreation to store its equipment on site, and the gymnasium would have its own bathroom so that students and community members would not have to go into another area of the school to use the restroom. Mr. Snellings said that it seemed like a lot of money to accommodate a very few people.

Mr. Thomas said that his heart said that it needed to be done, but his head was concerned about how to pay for it. He suggested putting off a vote for two weeks so that many of the unanswered questions could be delved into by staff and reported back to the Board.

Mrs. Maurer said that she agreed with Mr. Milde's questions about combined debt service and wanted answers to those questions. Mr. Cavalier said that he was not thrilled with the way the issue of the new elementary school design came about.

Mr. Cavalier motioned, seconded by Ms. Sellers, to defer the item to the March 1, 2016 Board meeting.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
 Nay: (0)

Discuss the Reappropriation of the Schools' FY2015 Carryover Funds Mr. Romanello briefed the Board. \$1.150 million was already reappropriated at the time of the mid-year review. Mr. Snellings asked if the item could be deferred to March 1, 2016. Mr. Thomas agreed to bring back the item to the Board's March 1, 2016 Board meeting.

Mr. Milde said he could support it if the Schools' would come back to the Board with how they planned to spend the money. Mr. Romanello said that could be changed in the proposed Resolution.

Ms. Sellers asked about \$260,000 in driver's education cars and furniture. Mr. Thomas asked about waiting on the forensic audit. Dr. Benson said that the audit was already in progress. Lance Wolff, Finance Manager with the Schools' Division, said that the driver's education vehicles were past their life cycle. \$95,000 of the \$260,000 was for replacement vehicles. The remainder was for classroom furnishings which were in varying levels of disrepair and in need of replacement. Ms. Sellers inquired about a replacement cycle. Mr. Wolff said it was done informally and keeping up with it, was a problem. He said that it was recognized that a plan should be put into place regarding replacing furnishings, driver's education cars, and other items.

Ms. Bohmke said that she did not see repair or replacement of the \$1.2 Million fire alarm system at Colonial Forge High School. Mr. Horan confirmed that the entire system had to be replaced. He said that he was working with Andrew Milliken, with the Department of Fire and Rescue, for 1 1/2 years and the system had to be replaced. Mr. Horan said that the current system was unsupportable, and parts were very difficult to obtain.

Mr. Thomas said that there was potential for action at the Board's next meeting. Dr. Benson said that he really liked it in Stafford County and had he been on board five years ago, the current problems would not exist.

Legislative; Closed Meeting. At 5:23 p.m., Mrs. Maurer motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM16-04.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
Nay: (0)

Resolution CM16-04 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the Board of Supervisors, and (2) discussion of the performance of a specific public employee of the Board of Supervisors; and

WHEREAS, pursuant to Virginia Code § 2.2-3711(A)(29) and (A)(1) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 16th day of February, 2016, does hereby authorize discussion of the above matters in Closed Meeting.

Call to Order At 5:46 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mrs. Maurer motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM16-04(a).

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
Nay: (0)

Resolution CM15-04(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON FEBRUARY 16, 2016

WHEREAS, the Board has, on this the 16th day of February, 2016, 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 16th day of February, 2016, 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.

Ms. Sellers motioned, seconded by Ms. Bohmke to adopt proposed Resolution R16-74.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
Nay: (0)

Resolution R16-74 reads as follows:

A RESOLUTION TO EXPRESS A VOTE OF CONFIDENCE
IN THE COUNTY ADMINISTRATOR

WHEREAS, the Board desires to recognize the hard work and dedication of the County Administrator, Anthony J. Romanello; and

WHEREAS, the Board desires to express its confidence in the performance and leadership of the County Administrator;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February, 2016, that the County Administrator,

Anthony J. Romanello, be and he hereby is recognized and commended for his untiring public service on behalf of the citizens of Stafford County, Virginia; his dedication to the professional and ethical conduct of his duties; and his selfless personal attention to the many requirements of his position; and

BE IT FURTHER RESOLVED that the County Administrator, Anthony J. Romanello, be and he hereby is given a vote of confidence to continue to perform his duties in the public service of the citizens of Stafford County, Virginia.

At 5:48 p.m., Mr. Thomas adjourned the afternoon session of the Board meeting.

Call to Order At 7:00 p.m., the Chairman called the evening session to order.

Invocation Mrs. Maurer gave the invocation.

Pledge of Allegiance Mr. Cavalier led the Pledge of Allegiance.

Presentations by the Public – II The following persons desired to speak

Glenn Trimmer - School Board unspent funds

Planning and Zoning; Consider a Partial Plat Vacation for the Ambrose Estates Subdivision Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board member questions. Mr. Milde asked about staff's reservations about approving the partial plat vacation. Mr. Harvey said there were concerns about water quality and the 100' critical resource protection area (CRPA). He said that Ambrose Estates was the only subdivision with this recorded restriction. Mr. Snellings said that the County had three reservoirs, but Ambrose Estates was the only one with this restriction. He said that at Abel Lake, there were homes all around the reservoir with no buffer. Mr. Mike Smith, Utilities Director, said there were no problems at Abel Lake and Smith Lake.

Mr. Snellings asked that, since the reservoirs were not fenced in, what protected the water. Mr. Smith said that chemicals were used in the water treatment facilities to reduce algae, and staff monitored the water and removed dead wildlife. Mr. Smith said that once e coli and bacteria numbers were high, it was hard to get them out of the water supply and staff worked hard at keeping those numbers under control. Mr. Snellings said that he did not believe that one lot was a risk for contamination of Lake Mooney. Mr. Milde said that there were septic systems right up against the Potomac River. Mr. Smith said that rivers and lakes were two different things. He said that if the Department of Environmental Quality (DEQ) designated a lake as tainted, it could not be used as a water source.

Mr. Charles Payne, for the applicant, addressed the Board saying that it was only one lot in the only development in the entire County with the restriction, and/or impacted by an ordinance that did not exist. He said that it was an oddly configured lot on four acres.

The Chairman opened the public hearing.

The following persons desired to speak:

Steven Grimes

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O16-11.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Ordinance O16-11 reads as follows:

AN ORDINANCE TO AUTHORIZE THE PARTIAL VACATION
OF THE AMBROSE ESTATES SUBDIVISION PLAT, WITHIN
THE HARTWOOD ELECTION DISTRICT

WHEREAS, the subdivision plat for Ambrose Estates Subdivision was recorded as Plat Map No. PM120000268, among the Stafford County Land Records on December 11, 2012 (Plat); and

WHEREAS, the Plat identifies “Limits of Reservoir Buffer Zone” on lots 3, 4, 5, 6, 7, and 8; and

WHEREAS, Brighton Homes at Ambrose Estates LLC (Property Owner) desires to construct a home on Lot 7 (Tax Map Parcel No. 44JJ-7), which would locate a reserve drainfield within the “Limits of Reservoir Buffer Zone;” and

WHEREAS, the Property Owner submitted an application and desires to partially vacate the Plat, as to the “Limits of Reservoir Buffer Zone” designation on lots 3-8; and

WHEREAS, pursuant to Virginia Code § 15.2-2272(2) and Stafford County Code Sec. 22-108(2), the Board held a public hearing to consider the partial plat vacation request; and

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

WHEREAS, the Board finds that a partial vacation of the Plat to remove the “Limits of Reservoir Buffer Zone” designation is appropriate; and

WHEREAS, the Board finds that this partial plat vacation is consistent with good zoning and subdivision practices;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of February, 2016, that the “Subdivision Plat Ambrose Estates and Storm Drainage Easement Dedications of the Lands of Celebrate Virginia Corporate Campus, LLC” in the Falmouth-Hartwood Magisterial District, prepared by

William E. Farnam, with Fairbanks and Franklin dated July 14, 2011, as last revised January 23, 2012 and recorded at Plat Map No. PM120000268, among the Stafford County Land Records, be and it hereby is partially vacated, to remove the “Limits of Reservoir Buffer Zone” designation on lots 3, 4, 5, 6, 7, and 8; and

BE IT FURTHER ORDAINED, that the County Administrator, or his designee, shall record a certified copy of this Ordinance in the Land Records of Stafford County, Virginia, in accordance with the provisions of Virginia Code § 15.2-2272(2).

Planning and Zoning; Amend the Garrisonville Road Service District to Consider Inclusion of Stafford Village Center and P-TND Zoning District Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation regarding the Garrisonville Road Service District. He said that the amendment would be effective as of the date of adoption of proposed Ordinance O16-08, which was February 16, 2016.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt proposed Ordinance O16-08.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Ordinance O16-08 reads as follows:

AN ORDINANCE TO AMEND THE GARRISONVILLE ROAD SERVICE DISTRICT

WHEREAS, on July 17, 2007, the Board adopted Ordinance O07-55, which created the Garrisonville Road Service District (GRSD) to provide additional, more complete, and/or more timely transportation improvements in the Garrisonville Road area, pursuant to Virginia Code § 15.2-2400 *et. seq.*; and

WHEREAS, the GRSD is a funding mechanism that pays for improvements to Garrisonville Road by assessing an additional real estate tax levy on eligible properties; and

WHEREAS, the GRSD was last amended on December 16, 2014, pursuant to Ordinance O14-41; and

WHEREAS, since adoption of Ordinance O14-41, there has been a zoning reclassification of Tax Map Parcel No. 20-130 (Property), which is within the boundaries of the GRSD; and

WHEREAS, the GRSD Ordinance must be updated for the additional real estate tax levy to apply to the Property; and

WHEREAS, the Board desires to add the zoned P-TND, Planned Traditional Neighborhood Development Zoning District to the list of eligible zoning districts for inclusion in the GRSD, only as to the commercial and office use on the P-TND zoned parcel; and

WHEREAS, the Board desires to add the Property to the list of parcels attached as Exhibit A; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of February, 2016, that it be and hereby does amend the Garrisonville Road Service District (GRSD) as follows, all other portions of Ordinances O07-55 and O14-41 remaining unchanged:

- The District shall include all properties and buildings used for commercial, industrial, or office uses within the Tax Map Parcel Nos. listed in Exhibit A, dated December 29, 2015 and attached to this Ordinance;
- The District shall exclude the Tax Map Parcel Nos. listed in Exhibit B, dated December 29, 2015 and attached to this Ordinance; and
- Exhibit C is a map of the GRSD, dated December 29, 2015 and is attached to this ordinance.

; and

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

Planning and Zoning; Consider a Conditional Use Permit to Allow a Telecommunications Facility in the A-1 Agricultural District on Tax Map Parcel 25-37V (Portion) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation, saying that the telecom facility would be 170' tall and host five carriers. It would be fenced and screened. Mr. Milde inquired about how a tower could fall in on itself. Mr. Harvey said it was a mono-pole that was widest at the bottom and would fold in rather than fall over. Only one tower was permitted on the property and there were no lights or signs permitted unless required by the FCC. Should the County ever need space on the pole, it would be provided for up to 30 years at no cost to the County.

Mr. Charles Payne, for the applicant, said that the property was 52 acres but that the pole would only use 0.6 acres and the closest residence was 500' away from the pole.

The Chairman opened the public hearing.
No persons desired to speak.
The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R16-41.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
Nay: (0)

Resolution R16-41 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP15150828 TO ALLOW A TELECOMMUNICATIONS FACILITY IN THE A-1, AGRICULTURAL ZONING DISTRICT, ON TAX MAP PARCEL NO. 25-37V (PORTION), WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the applicant, Cellco Partnership, d/b/a/ Verizon Wireless (Verizon) submitted application CUP15150828 requesting a conditional use permit (CUP) to allow a telecommunications facility in the A-1, Agricultural Zoning District, on Tax Map Parcel No. 25-37V (portion), located within the Hartwood Election District; and

WHEREAS, the application was submitted pursuant to County Code Sec. 28-35, Table 3.1, which permits this use in the A-1, Agricultural Zoning District, after a CUP is issued by the Board; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February, 2016, that a conditional use permit (CUP), pursuant to application CUP15150828, be and it hereby is approved with the following conditions:

1. This CUP is to allow one telecommunications facility on a portion of Tax Map Parcel 25-37V (Property), zoned A-1, Agricultural Zoning District.
2. There shall be one monopole type tower permitted on the Property at a maximum height of 170 feet.

3. The location of the telecommunications facility on the site shall be in conformance with the Generalized Development Plan (GDP) entitled “Verizon Smokehouse,” last revised on November 13, 2015.
4. There shall be no lights on the telecommunications tower unless required by the Federal Aviation Administration (FAA).
5. There shall be no signs on the telecommunications tower other than an identification sign required by the Federal Communications Commission (FCC) or other federal or state agency.
6. Once the tower is no longer in use, written notice shall be sent to the County Administrator specifying the discontinuance of the use of the facility. The original Applicant, or its successor, shall be responsible for the removal of all facilities and structures within 6 months of cessation of commercial public telecommunications use. The site must then be restored by the Applicant or its successor to its original condition.
7. Prior to building permit approval, the Applicant, or its successor, shall submit and obtain approval of an engineer’s cost estimate, post a letter of credit, surety bond, or other security acceptable to the County for 110% of the cost of removal of the tower and facility.
8. The tower shall be designed to accommodate five carriers.
9. Prior to issuance of a final zoning permit for the facility, the Applicant, or its successors, shall provide to the County copies of a certified as-built survey for the tower. The as-built survey shall identify the mean surface elevation for the base of the tower as well as the top of the tower, to include any lightning rods or similar appurtenances.
10. Any frequencies or signals emitted by equipment at the facility shall not interfere with or be incompatible with communications frequencies associated with the County’s Emergency 911 system or the Stafford Regional Airport. Applicant, or its successors, must provide an intermodulation study showing that the proposed telecommunications equipment will not interfere with the County’s Emergency 911 system or the Stafford Regional Airport prior to obtaining a building and/or zoning permit.
11. In the event that a County department, County agency, and/or the County Sheriff’s Office desires to locate its telecommunications equipment on the facility, the Applicant shall provide adequate space on the tower and in the ground lease area for a period of 30 years at no cost to the County. The parties shall mutually agree to the location of the antenna and equipment.
12. The Applicant, or its successors, shall ensure that Alcott Way is returned to the same condition as it was prior to construction of the telecommunications facility.

- 13. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, federal, or state laws, codes, regulation, or ordinances.

Planning and Zoning; Amend Stafford County Code Regarding Outdoor Music Events

Mr. Jeff Harvey, Director of Planning and Zoning, addressed the Board giving an overview of current County Code and the necessity for amending it regarding outdoor music events in the County.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O16-09.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Ordinance O16-09 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 4-24, “DEFINITIONS;” SEC. 4-36, “REQUIRED;” SEC. 4-37, “APPLICATION GENERALLY;” SEC. 4-38, “STATEMENTS, PLANS, ETC., TO ACCOMPANY APPLICATION;” SEC. 4-39, “COPY OF APPLICATION TO BE SENT TO BOARD MEMBERS;” SEC. 4-40, “APPLICANT TO FURNISH PERMISSION FOR ENTERING PROPERTY;” SEC. 4-41, “GRANT OR DENIAL;” AND SEC. 4-42. “REVOCATION;” AND CREATE STAFFORD COUNTY CODE SEC. 4-27, “ADMINISTRATION OF ARTICLE”

WHEREAS, outdoor music or entertainment festival permit applications are submitted to the Board at least 21 days before the event, and must be acted upon within 10 days of submittal; and

WHEREAS, 21 days prior to an event does not provide enough time for adequate review by County Staff, the Sheriff’s office, and other local and state entities; and

WHEREAS, the 10-day window in which the Board must act may be problematic and conflict with the Board’s regular meeting schedule; and

WHEREAS, the Board desires to amend the Stafford County Code to allow outdoor music or entertainment festivals to be approved by the County Administrator, or his designee, and to increase the time for staff review; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of February, 2016, that Stafford County Code Sec. 4-24, "Definition;" Sec. 4-36, "Required;" Sec. 4-37, "Application generally;" Sec. 4-38, "Statements, plans, etc., to accompany application;" Sec. 4-39, "Copy of application to be sent to the board members;" Sec. 4-40, "Applicant to furnish permission for entering property;" Sec. 4-41, "Grant or denial;" and Sec. 4-42, "Revocation;" be and they hereby are amended and reordained as follows, and Sec. 4-27, "Administration of article" be and it hereby is created as follows, with all other portions remaining unchanged:

ARTICLE II. - OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS

DIVISION 1. - GENERALLY

Sec. 4-24. - Definition.

As used in this article, the term "musical or entertainment festival" or "festival" shall mean any gathering of groups or individuals in excess of ~~twenty five (25)~~ 100 persons for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces on private property and not within an enclosed structure or other structure designed to accommodate groups of persons.

~~Secs. 4-27 – 4-35. - Reserved~~

Sec. 4-27. - Administration of article.

- (a) The county administrator, or his designee, is hereby appointed as the agent for administration of this article.
- (b) The county administrator, may from time-to-time establish reasonable administrative procedures not inconsistent with the provisions of this article.
- (c) Any decision of the agent pursuant to this article may be appealed to the board of supervisors within 30 days. The appeal shall be submitted, in writing, to the department of planning and zoning.

~~Secs. 4-27 8–4-35. - Reserved~~

DIVISION 2. - PERMIT

Sec. 4-36. - Required.

No person shall stage, promote or conduct any outdoor musical or entertainment festival in the unincorporated areas of the county, without first obtaining a permit ~~so~~ to do so issued pursuant to this division.

Sec. 4-37. - Application generally.

An application for a permit required by this division shall be in writing on forms provided for the that purpose and filed in duplicate with the clerk of the board of supervisors department of planning and zoning at least twenty-one (21) 60 days before the date of the proposed festival. Such application shall have attached thereto and made a part thereof the Plans, statements, approvals, and other documents required by this division for consideration and approval of the permit shall be attached to the application.

Sec. 4-38. - Statements, plans, etc., to accompany application.

- (a) A permit ~~required by this division~~ shall not be issued unless the following conditions are met and the following plans, statements, approvals and other items are submitted with the application:
- (1) A copy of the ticket or badge of admission to the festival, containing the date or dates and time or times of the festival, together with a statement by the applicant of the total number of tickets to be offered for sale ~~and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.~~
 - (2) A statement of the names and addresses of the promoters of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at the festival.
 - (3) A statement of the nature and location of the proposed festival, the name and address of the owner of the property on which the festival is to be held, and the interest of the applicant therein. In addition, a layout plan shall be submitted illustrating the location of all activities to include the location of parking, entertainment area, sanitation facilities, food, etc.
 - (4) A plan describing for how adequate sanitation facilities and garbage, trash, and sewage disposal for persons at the festival will be provided. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations, and shall be approved by the ~~health officer~~ department of health.
 - (5) A plan ~~for describing how~~ providing the provision of food, water, and lodging for the persons at the festival will be provided. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations, and shall be approved by the ~~health officer~~ department of health.
 - (6) A plan, approved by the fire chief, for describing how adequate medical facilities for persons at the festival ~~approved by the health officer~~ will be provided.
 - (7) A plan, approved by the sheriff's office and/or the department of public works as applicable, for describing how adequate parking facilities and traffic control in and around the festival area will be provided.
 - (8) A plan ~~for describing how~~ adequate fire protection will be provided. This plan shall meet the requirements of all state and local statutes, ordinances, and regulations, and shall be approved by the fire marshal.

- (9) A statement specifying whether any outdoor lights are to be utilized, and if so, a plan showing the location of such lights, light fixtures, ~~and~~ shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located.
- (10) A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall violate any provision of County Code chapter 16, “Noise” ~~of the County Code~~.
- (11) As necessary, the applicant shall be responsible for obtaining all required permits.

Sec. 4-39. - Copy of application to be sent to ~~board members~~ county departments.

~~On the day an application for a permit is filed under this division, the clerk of the board of supervisors shall send a copy of the application, by certified mail, to each member of the board. Upon submittal of a complete application to the department of planning and zoning, the application shall be routed to the appropriate county departments for review and approval.~~

Sec. 4-40. - Applicant to furnish permission for entering property.

No permit shall be issued under this division, unless the applicant ~~shall~~ shall furnishes to the ~~board of supervisors~~, agent, written permission for the ~~board agent~~, its lawful agents, and duly constituted law-enforcement officers to go upon the property at any time for the purpose of determining compliance with the provisions of this article.

Sec. 4-41. - Grant or denial.

The ~~board of supervisors~~ agent shall act on an application for a permit under this division within ~~ten (10)~~ 60 days from the filing of the same. If granted, the permit shall be issued in writing on a form provided for ~~the that~~ purpose and mailed by the ~~clerk of the board agent~~ to the applicant at the address indicated. If denied, the refusal shall be in writing, with the reasons for such denial stated therein, and mailed by the ~~clerk agent~~ to the applicant at the address indicated.

Sec. 4-42. - Revocation.

The county administrator and the board of supervisors shall have the right to revoke any permit issued under this division upon noncompliance with any of its provisions and conditions.

Public Works; Amend and Reordain County Code Sec.17-31.5(1), “Other Wake Areas”
Mr. Chris Rapp, Director of Public Works, gave a presentation and answered Board member questions. Mr. Milde pointed out several things about Crow’s Nest on a slide that was a part of Mr. Rapp’s presentation. He added that he disliked “No Wake Zones” but would honor the system.

Mr. Mike Lott, with the Department of Conservation and Recreation also addressed the Board and answered questions about the proposed amendment to County Code.

The Chairman opened the public hearing.
No persons desired to speak.
The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O16-07.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
Nay: (0)

Ordinance O16-07 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 17-31.5 ENTITLED “OTHER NO WAKE AREAS”

WHEREAS, the Board is interested in promoting the public health, safety, and welfare, by preventing accidents and injuries caused by boat wakes in the waters of Stafford County; and

WHEREAS, the Virginia Department of Conservation and Recreation (DCR) is concerned about the safety of kayakers, canoeists, and people using the newly constructed boat launch at the Crow’s Nest Natural Area Preserve located on Accokeek Creek; and

WHEREAS, the current no wake boundary on the Accokeek Creek is the entire width of the creek from a “No Wake” sign located at the extended property line between Tax Map Parcel Nos. 49-5 and 49-12, to a “No Wake” sign located at the extended property line between Tax Map Parcel Nos. 49-14H and 49C-1-17 (No Wake Zone); and

WHEREAS, this No Wake Zone is approximately 1.4 miles downstream from the new boat launch at the Crow’s Nest Natural Area Preserve; and

WHEREAS, fast moving watercrafts with limited visibility can cause unsafe conditions to kayakers, canoeists, and people using the boat launch; and

WHEREAS, the Board’s Community and Economic Development Committee recommended that a second no wake zone be established to include the full width of Accokeek Creek from the navigable waters in Accokeek Creek, and extending approximately 10 miles downstream; and

WHEREAS, the Board has the authority, pursuant to Virginia Code § 29.1-744, to adopt an ordinance to establish a no wake zone along the waterways of the County in order to protect public safety and prevent erosion damage to the adjacent property; and

WHEREAS, the Board considered the recommendation of staff, and the public testimony, if any, at the public hearing; and

WHEREAS, the Board desires to amend the Stafford County Code to add a second no wake area on Accokeek Creek;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of February, 2016, that Stafford County Code Sec. 17-31.5 “Other no wake area,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 17-31.5. - Other no wake areas.

The following areas are hereby designated as no wake areas:

- (1) The entire width of Accokeek Creek from a “No Wake” sign and a point located at the extended property line (~~extended~~) between Tax Map Assessor's Parcels Nos. 49-5 and 49-12 to a “No Wake” sign and point at the extended property line (~~extended~~) between Tax Map Assessor's Parcels Nos. 49-14H and 49C-1-17.
- (2) The entire width of Accokeek Creek from a “No Wake” sign and a point located at the beginning of the Crow’s Nest Natural Area Preserve, on the northerly side of Accokeek Creek, to the end of the navigable waters of Accokeek Creek.
- ~~(2)~~ (3) The entire width of the Rappahannock River from the Railroad Bridge to the Ferry Farm/Mayfield Bridge.
- ~~(3)~~ (4) The entire width of Potomac Creek from Brooke Road (SR-608) to three hundred (300) feet east of the most eastern portion of Big Marsh.
- ~~(4)~~ (5) The entire width of the Rappahannock River from one hundred (100) yards upstream of the center of the boat launch ramp at Little Falls Run Wastewater Treatment Plant to one hundred (100) yards downstream of the center of said boat launch ramp.

; and

BE IT FURTHER ORDAINED that the County Administrator or his designee shall forward a copy of this ordinance to the Department of Game and Inland Fisheries and the Virginia Department of Conservation and Recreation, Fredericksburg Districts.

Add-on Item 19. County Administration; Approve Appointment of Brian A. Baxter to the Telecommunications Commission Representing the Hartwood District

Mr. Snellings motioned, seconded by Mrs. Maurer, to approve the appointment of Mr. Baxter.

The Voting Board tally was:

- Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas
- Nay: (0)

Adjournment At 7:51 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Robert “Bob” Thomas, Jr.
Chairman