

BOARD OF SUPERVISORS
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

October 18, 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, October 18, 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: C. Douglas Barnes, Interim County Administrator; Charles L. Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Cheryl D. Giles, Deputy Clerk; associated staff and other interested parties.

Presentations by the Public No citizens indicated a desire to speak.

Board Member Presentations Board members spoke on topics as identified:

Ms. Bohmke - Attended the Community Collaborative on Youth and Families, headed by Human Services Director, Donna Krauss, which is dedicated to improving the health of less fortunate families, and to provide a better foundation for their future. Met with Dr. Baker (with Scott Hiron) and talked with students about being an elected official. Attended the Conway ES second annual Conway Elementary School Honor Society for 5th Graders; it is the only school with an honor society for 5th graders.

Mr. Cavalier - Provided an update to the Finance, Audit, and Budget Committee (FAB) including the County being awarded its second AAA credit rating by the Fitch Rating Agency, which is good for interest charged on future borrowing. Discussed shared services, will also be discussed at the October 24, 2016 meeting of the Joint Schools/BOS Working Committee including the Contracts Administrator position and other outstanding issues. Finance provided the FAB with a 1st quarter review and all is in order; visited Widewater ES 1st grade class with Superintendent, Dr. Bruce Benson, and attended a cooking class at Shirley Heim MS, also with Dr. Benson; met with the operators of the Jeff Rouse Swim and Sport Center to discuss issues regarding the oversight of swim meets and the need for additional equipment that should be in place in

time for upcoming meets. The success of the Jeff Rouse Swim and Sport Center is contributing to the County's receipts of meals and lodging taxes.

Mrs. Maurer - Attended HOA meeting at King's Crest and discussed the Blackwell's house fire; thanked Chief Lockhart and Assistant Chief Doyle for attending and discussing lessons learned about fire suppression in rural areas – looking into placing dry hydrants in private ponds; the Fire Marshal reviews plans for fire suppression needs and strategies. Attended the Lake Arrowhead meeting; there are 609 homes and 2 dams, one is considered high hazard and there are no permits or formal mechanisms to manage them. A service district has been proposed; 160 lot owners signed a petition in favor of a service district with only 15 expressing opposition; cost to residents would be approximately \$20-\$30 per month to service the dams; will come back to the full Board when 300 lot owners have signed the petition. Attended the NAACP debate with Mr. Cavalier; toured Mountain View HS, a great facility with a great heart; thanked Principal Mr. James Stemple.

Mr. Milde - Attended PRTC with Mr. Thomas; PRTC is struggling due to a shortage of funds and facing the possibility of service cuts. Attended a sub-committee meeting of the Stafford Technology and Research Park; excited about the real sense of energy about Quantico Corporate Center and the Tech Park. A new director, Mr. Michael Tentnowski, has been hired, as well as Allison John as the office manager. Attended FAMPO; there is not enough money to cover all of the projects requested for Smart Scale funding but believes that the northbound Rappahannock River crossing on I-95 is a project may be funded. Excited about the Onville Road sidewalk project (public hearing later in the meeting) as well as the sidewalk project in the Courthouse area from Red Oak Road to the courthouse complex (on the consent agenda); also about Crow's Nest, Phase III, which will preserve 126 acres at no cost to the County.

Ms. Sellers - Attended the Office on Youth meeting; Garrisonville School Board member, Ms. Nanette Kidby, is resigning and there will be an opening for a representative on the School Board who is a resident of the Garrisonville District; nothing has been advertised yet by the School Board as to the procedure for applying for Ms. Kidby's position. Attended GWRC and FAMPO with Mr. Milde; looking for input to its legislative package and a working towards a regional effort with the General Assembly. Public Safety Committee update, said that the Volunteer meeting went well and they were working toward common ground on the BLS issue; Lifecare will soon undertake a pilot program. The Quantico Corporate Center (QCC) should be at full lease capacity soon.

Mr. Snellings - The groundbreaking for the Armed Services Memorial, located across the parking lot on the hill opposite the Government Center, will take place on March 4, 2017 and the anticipated ribbon cutting will be held on July 15, 2017,

weather permitting. Commemorative bricks may still be purchased for \$200 and are not restricted to Stafford residents. Curtis Park opened a disc golf course; Commonwealth's Attorney, Eric Olsen, is a serious disc golf player and participated in play the day of the grand opening. Best Buds is a reading program where County employees are paired with students at Conway ES and most recently at Hartwood ES. It is a great program; the volunteers and Donna Krauss deserve many thanks.

Mr. Thomas - Deferred comments.

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

Report of the County Administrator Mr. Barnes introduced Public Works Director, Mr. Christopher Rapp. Mr. Rapp provided an update on the County's transportation projects. Mr. Chris Hoppe, Acting Assistant Director of Public Works, provided an update on the County's park projects.

Additions/Deletions to the Regular Agenda There were no additions or deletions.

Legislative; Consent Agenda Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt the Consent Agenda, which consisted of Items 4 through 13. Mrs. Maurer pulled Item 12 for discussion and a separate vote.

The Voting Board tally was:

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

Item 4. Legislative; Approve Minutes of the October 4, 2016 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R16-316 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED OCTOBER 04, 2016 THROUGH OCTOBER 17, 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 18th day of October, 2016 that the above-mentioned EL be and hereby is approved.

Item 6. Finance and Budget; Authorize the Interim County Administrator to Budget and Appropriate Proffers and FY2015 Unspent School Funds in Accordance with the Approved Funding Strategy for Anne E. Moncure Elementary School

Resolution R16-311 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO BUDGET AND APPROPRIATE PROFFER FUNDS AND FY2015 CARRYOVER SCHOOL FUNDS IN ACCORDANCE WITH THE APPROVED FUNDING STRATEGY FOR THE REBUILD OF ANNE E. MONCURE ELEMENTARY SCHOOL

WHEREAS, at its October 4, 2016 meeting, the Board endorsed the revised funding strategy for the rebuild of Anne E. Moncure Elementary School (Moncure ES) to include the use of certain proffer funds and Schools’ savings; and

WHEREAS, School proffer funds in the amount of \$846,730 are available for School projects that add to capacity; and

WHEREAS, the School Board made a request to the Board that \$846,730 in proffer funds be appropriated for the expansion of Colonial Forge High School, and the rebuild of Moncure ES; and

WHEREAS, the expansion of Colonial Forge High School, and the rebuild of Moncure ES are projects that expand capacity and are included in the County’s Capital Improvements Program (CIP); and

WHEREAS, the approved funding strategy for the Moncure ES rebuild includes the use of \$150,270 in parks proffer funds to be used for the community gym in the rebuild of Moncure ES; and

WHEREAS, the FY2015 audit confirmed Schools savings in the amount of \$9.7 million, of which \$3.4 million remains unappropriated and available to be used for the project; and

WHEREAS, the approved funding strategy includes the use of \$3.2 million from the Schools’ FY2015 unspent funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that it be and hereby does budget and appropriate proffer funds and Schools carryover funds as follows:

General Fund Transfer to School Construction Fund:

School Proffer Funds:

Town Center of Aquia for Moncure ES	\$252,966
Embry Mill for Colonial Forge HS	\$271,145
Shelton Woods for Colonial Forge HS	\$187,922

Westgate for Colonial Forge HS	\$134,697
Parks Proffer Funds:	
Town Center of Aquia for community gym	\$150,270
Carryforward of unspent FY15 school funds	<u>\$3,200,000</u>
Total Transfer	\$4,197,000
School Construction Fund	\$4,197,000

Item 7. Authorize the Interim County Administrator to Execute a Contract for Design and a Highway Safety Improvement Program Agreement with VDOT for the Courthouse Road Sidewalk Project

Resolution R16-272 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A PROJECT ADMINISTRATION AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION, AND A CONTRACT FOR ENGINEERING AND DESIGN SERVICES FOR THE CONSTRUCTION OF A SIDEWALK ALONG COURTHOUSE ROAD, AND TO BUDGET AND APPROPRIATE FY2017 HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS IN THE AMOUNT OF \$544,500

WHEREAS, at its meeting on December 15, 2015, the Board adopted Resolution R15-409, requesting that the Fredericksburg District of the Virginia Department of Transportation (VDOT) submit an application on the County's behalf for FY2017 Highway Safety Improvement Program Funds; and

WHEREAS, the funding request was approved; and

WHEREAS, the County desires to work cooperatively with VDOT to construct a sidewalk along Courthouse Road; and

WHEREAS, the funding award is \$544,500 and the total project amount is \$605,000, and any expenditures exceeding the award amount will be funded primarily by in-kind contributions; and

WHEREAS, the County received a cost proposal from ATCS, P.L.C. in the amount of \$140,655 for the engineering and design of the sidewalk along Courthouse Road; and

WHEREAS, Virginia Code § 33.2-338 authorizes both VDOT and the County to enter into a project administration agreement to construct a sidewalk along Courthouse Road;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that the Interim County Administrator be and he hereby is authorized to execute a project administration agreement with the Virginia Department of Transportation (VDOT) for the construction of the five-foot wide approximately 1,200 to 1,300 linear feet long, concrete sidewalk along Courthouse Road; and

BE IT FURTHER RESOLVED, that the Interim County Administrator, or his designee, shall forward a certified copy of this Resolution to the VDOT Fredericksburg Residency Administrator; and

BE IT FURTHER RESOLVED that the Interim County Administrator be and he hereby is authorized to budget and appropriate Five Hundred Forty-four Thousand Five Hundred Dollars (\$544,500) from the FY2017 Highway Safety Improvement Program Award and place within the Transportation Fund to fund engineering, design, and construction of the sidewalk along Courthouse Road; and

BE IT STILL FURTHER RESOLVED, that the Interim County Administrator, or his designee, is authorized to execute any and all documents necessary and appropriate to effectuate the project administration agreement with VDOT for the construction of the sidewalk along Courthouse Road.

Item 8. Planning and Zoning; Authorize the Interim County Administrator to Execute Deeds of Conveyance for the Purchase of Property for Crow’s Nest, Phase III

Resolution R16-310 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE DEEDS OF CONVEYANCE FOR THE PURCHASE OF PROPERTY IDENTIFIED AS TAX MAP PARCEL NOS. 47-39, 47-39B, 47-39C, AND 47-41, WITHIN THE AQUIA ELECTION DISTRICT, AND TO BUDGET AND APPROPRIATE FUNDS FOR SUCH ACQUISITION

WHEREAS, the County received \$400,000 for Purchase of Development Rights (PDR)/Land Conservation for use in the Aquia Election District to mitigate impacts for development on Courthouse Road; and

WHEREAS, the Comprehensive Plan recommends conservation and protection of water resources, environmentally sensitive lands, biodiversity, wildlife and aquatic habitat; and

WHEREAS, Stafford County and the Virginia Department of Conservation and Recreation are joint owners of the Crow’s Nest Natural Area Preserve; and

WHEREAS, pursuant to Resolutions R16-212 and R16-213, the County Administrator was authorized to seek viable properties for protection in the Aquia District and to apply for State matching funds; and

WHEREAS, the Board desires to acquire four parcels of land identified as Tax Map Parcel Nos. 47-39, 47-39B, 47-39C, and 47-41 (Property) to be added to the Crow’s Nest Natural Area Preserve; and

WHEREAS, the Property owners are willing to sell the Property for \$825,000; and

WHEREAS, the Virginia Land Conservation Foundation (VLCF) awarded State matching funds in the amount of \$433,000 to the County to assist with acquisition of the Property; and

WHEREAS, the Board's Community and Economic Development Committee (CEDC) considered and recommends the acquisition of the Property; and

WHEREAS, the PDR Administrator and the PDR Committee recommend that the Board acquire the Property; and

WHEREAS, the Board carefully considered the recommendations of the CEDC, PDR Administrator, the PDR Committee, and staff, and determined that the Property should be purchased; and

WHEREAS, the Board finds that this purchase conforms to the Comprehensive Plan, and preserves open-space land;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that the Board be and it hereby does authorize the Interim County Administrator, or his designee, to execute Deeds of Conveyance for the purchase of Tax Map Parcel Nos. 47-39, 47-39B, 47-39C and 47-41 in an amount not to exceed Eight Hundred Twenty-five Thousand Dollars (\$825,000) plus associated costs not to exceed \$41,000, with up to Four Hundred Thirty Three Thousand Dollars (\$433,000) reimbursable from the Commonwealth of Virginia; and

BE IT FURTHER RESOLVED that the Interim County Administrator is authorized to budget and appropriate \$433,000 (including acquisition costs and associated closing costs) from the PDR/Land Conservation fund, and \$433,000 in State-matching grant funds to the PDR/Land Conservation fund; and

BE IT STILL FURTHER RESOLVED that the Interim County Administrator is authorized to release payment to the owners of the Property, or another appropriate party, at or upon settlement; and

BE IT STILL FURTHER RESOLVED that the Interim County Administrator is authorized to execute any other document he deems necessary to effectuate this transaction and Resolution.

Item 9. Planning and Zoning; Authorize the Interim County Administrator to Execute an Amended Deed of Declaration for Tax Map Parcel No. 13-33-30D

Resolution R16-315 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE AN AMENDED DEED OF DECLARATION OF COVENANTS, CONDITIONS, AND

RESTRICTIONS FOR TAX MAP PARCEL NO. 31-33-20D, WITHIN
THE AQUIA ELECTION DISTRICT

WHEREAS, on December 13, 2006, the County conveyed Tax Map Parcel No. 31-33-20D to John T. Biddulph by Quitclaim Deed; and

WHEREAS, the deed contains covenants, conditions, and restrictions that run to the favor of the County; and

WHEREAS, John T. Biddulph requested amendments to the covenants, conditions, and restrictions; and

WHEREAS, the Board believes that the requested amendments are reasonable and appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that it be and hereby does authorize the Interim County Administrator to execute an Amended Deed of Declaration of Covenants, Conditions, and Restrictions for Tax Map Parcel No. 31-33-20D.

Item 10. Fire, Rescue, and Emergency Services; Authorize the Interim County Administrator to Execute a Contract with Mary Washington Medical Group Occupational Medicine for Fire and Rescue Physical Examinations

Resolution R16-314 reads as follows:

A RESOLUTION TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MARY WASHINGTON HEALTHCARE PHYSICIANS FOR FIRE AND RESCUE PHYSICAL EXAMINATIONS

WHEREAS, the Stafford County Fire and Rescue Department (Department) requires fit-for-duty medical examinations, annual physicals, and other occupational medicine services to ensure the health and well-being of its members; and

WHEREAS, the current provider is no longer able to provide those services to the Department in a reasonable fashion; and

WHEREAS, the Mary Washington Healthcare Physicians' Reese Medical Associates has the experience and staff to perform the required services for the Department; and

WHEREAS, Spotsylvania County has a contract in place with Reese Medical Associates which will allow Stafford County to contract for the required services at the contracted price; and

WHEREAS, funds are available in the Department's FY2017 operating budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that the Interim County Administrator be and he hereby is authorized to execute a one-year contract with Mary Washington Healthcare Physicians, with four one-year renewable term options, for physical examinations and occupational medicine services for the Fire and Rescue Department in an amount not to exceed One Hundred Forty-five Thousand Dollars (\$145,000) annually, unless amended by a duly-executed contract amendment.

Item 11. Parks, Recreation, and Community Facilities; Authorize the Interim County Administrator to Execute a Contract Renewal for Custodial Services

Resolution R16-317 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT RENEWAL WITH ROCK SOLID JANITORIAL, INC., FOR CUSTODIAL SERVICES AT VARIOUS COUNTY FACILITIES

WHEREAS, professional custodial services, beyond the capability of County staff, are needed at various County facilities; and

WHEREAS, the current contract with Rock Solid Janitorial, Inc., is due for renewal; and

WHEREAS, funds are available in the FY2017 budget for the contract renewal in the amount of \$332,222; and

WHEREAS, staff determined the proposed renewal, including floor maintenance, is reasonable for the scope of services provided;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that the Interim County Administrator be and he hereby is authorized to renew the custodial services contract with Rock Solid Janitorial Services, Inc. for a one-year renewal term, in an amount not to exceed Three Hundred Thirty-two Thousand, Two Hundred Twenty-two Dollars (\$332,222), unless amended by a duly-executed contract amendment.

Item 13. County Administration; Authorize the Interim County Administrator to Amend and Restate the 2012 Memorandum of Understanding with the Stafford Regional Airport Authority

Resolution R16-309 reads as follows:

RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE AN AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING WITH THE STAFFORD REGIONAL AIRPORT AUTHORITY

WHEREAS, the Stafford Regional Airport Authority (SRAA) is proposing to seek commercially available financing for a proposed new hangar at the Stafford

Regional Airport to allow it to operate a maintenance facility and lease overnight hangar spaces for visiting aircraft; and

WHEREAS, the current Memorandum of Understanding (MOU) between the County and the SRAA, establishing the requirements for repayment of the loan by the SRAA to the County for construction of the airport terminal, contains provisions that will impede the SRAA's ability to obtain financing for the proposed hangar; and

WHEREAS, the current MOU requires that the SRAA reimburse the County with 55% of the total revenues from the new Corporate Aviation Hangar Facilities; and

WHEREAS, amending and restating the current MOU to allow reimbursement to the County with 55% of the net revenues from new hangar facilities which are built, operated, and solely financed by the SRAA is equitable; and

WHEREAS, an Amended and Restated Memorandum of Understanding will allow the SRAA to obtain financing for the new hangar facilities and provide the County with an equitable rate of return in the repayment of the terminal loan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that it be and hereby does authorize the Interim County Administrator to execute an Amended and Restated Memorandum of Understanding with the Stafford Regional Airport Authority.

Item 12. Utilities; Refer to the Planning Commission an Ordinance Amendment to County Code Chapter 22 "Subdivisions;" and Refer to the Utilities Commission an Ordinance Amendment to County Code Chapter 25 "Water, Sewers, and Sewage Disposal" Mrs. Maurer asked that this item be pulled from the Consent Agenda and requested that the Planning Commission also provide its recommendations in accordance with state law.

Mrs. Maurer motioned, seconded by Mr. Milde, to adopt proposed Resolution R16-320 and R16-321.

The Voting Board tally was:

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

Nay: (0)

Resolution R16-320 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 22-118, "WATER AND SEWER"

WHEREAS, on March 18, 2008, the Board adopted Ordinance O08-05, which established minimum standards for on-site sewage disposal systems for lots to be subdivided, including boundary line adjustments; and

WHEREAS, since the adoption of Ordinance O08-05, designers of sewage disposal systems have raised concerns about the disparate size requirements for sewage disposal systems because the ordinance sets minimum size requirements rather than minimum capacity requirements for such systems; and

WHEREAS, the Board desires to investigate whether Ordinance O08-05 meets the intended purpose of preventing drainfield failures; and

WHEREAS, the Board desires to refer proposed amendments to the Planning Commission for its review and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that amendments to Stafford County Code Sec. 22-118, “Water and sewer,” pursuant to proposed Ordinance O16-42, be and they hereby are referred to the Planning Commission for its review, to hold a public hearing, and to provide its recommendation.

Resolution R16-321 reads as follows:

A RESOLUTION TO REFER TO THE UTILITIES COMMISSION AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 25-161, “WHEN REQUIRED; WHEN PROHIBITED;” SEC. 25-162, “CERTIFICATE REQUIRED PRIOR TO CONSTRUCTION;” SEC. 25-165, “TYPE, CAPACITY, LOCATION, ETC.,” AND SEC. 25-166, “INSPECTION”

WHEREAS, on March 18, 2008, and on April 1, 2008, the Board adopted Ordinances O08-06 and O08-07, which established minimum standards for design, capacity, location, permitting, and construction of private sewage disposal systems; and

WHEREAS, since the adoption of Ordinances O08-06 and O08-07, designers of sewage disposal systems have raised concerns about the disparate size requirements for sewage disposal systems because the ordinance sets minimum size requirements rather than minimum capacity requirements for such systems; and

WHEREAS, the Board desires to investigate whether Ordinances O08-06 and O08-07 meet the intended purpose of preventing drainfield failures; and

WHEREAS, the Board desires to refer proposed amendments to the Utilities Commission for its review and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that amendments to Stafford County Code Sec. 25-161, “When required; when prohibited;” Sec. 25-162, “Certificate required

prior to construction;” Sec. 25-165, “Type, capacity, location, etc.,” and Sec. 25-166, “Inspection,” pursuant to proposed Ordinance O16-43, be and they hereby are referred to the Utilities Commission for its review, to hold a public hearing, and to provide its recommendation.

Planning and Zoning; Consider a Text Amendment to the Zoning Ordinance for Regulations of Lot Width in the Planned Development—2 (PD-2) Zoning District
Planning and Zoning Director, Mr. Jeff Harvey, introduced this item and answered Board members questions from an earlier meeting regarding the effect of the text amendment on the existing Embrey Mill Community Development Authority (CDA) and how the reduced lot sizes would fit into the overall scheme of the development. He noted that both issues were address in the background report provided to the Board.

Mr. Gary Scola, applicant, talked about how the proposed 40’ lots would not be clustered together, as that would overwhelm the site. The total number of lots would not change, there would be approximately sixty-seven 40’ lots scattered throughout the development. Ms. Sellers said that substituting the 40’ lots would not impact the viability of the CDA.

Ms. Snellings asked Mr. Harvey if this passed, would it impact all PD-2 Zones throughout the County. Mr. Harvey said that it would. Mr. Snellings said that he could not support the request because even if it would not increase the number of units in Embrey Mill, it could possibly increase numbers in future developments.

Mr. Milde asked where the extra space would be gained. Mr. Scola replied it would be in Section 2A, adding that the lots would most likely be 45’, 46’ or 47’ and not restricted to an exact 40’ lot size. Mr. Milde said that he had a problem with the lost tax revenue and asked if there were a way to offset or mitigate that loss. Mr. Scola said that he was not convinced that the lost tax revenue numbers were correct because 50’ and 60’ lots had the same assessed value.

Mrs. Maurer asked Mr. Harvey about the approval process if, in the future, another PD-2 Zone was to be located in the County. Mr. Harvey said that the Planning Commission and the Board would have to hold public hearings and that the PD-2 Zone was restricted to land areas with 500 to 850 acres so it would have to be a very large development. Mrs. Maurer noted that approval of the text amendment would not increase the density in Embrey Mill.

Ms. Bohmke expressed concerns about parking and cited problems in the Falls Run development with emergency vehicles reaching residences due to on-street parking, etc. Mr. Harvey said that the streets in Falls Run were private streets and not wide enough to accommodate emergency vehicles and on-street parking. That was not the situation in Embrey Mill where the streets were in the State system and wide enough to accommodate emergency vehicles and on-street parking.

Ms. Sellers reminded everyone that she lived in the Embrey Mill development and that neighbors occasionally complained about other neighbors parking in front of their homes but otherwise, parking was not a problem. She said there was a lot of available parking and she supported the text amendment, adding that it was a great section with two historic sites being preserved, two pools and two recreation centers, as well as a trail system. She said that the developer did a great job and there was a need and a want for smaller homes on smaller lots by people that did not wish to move to the Route 17 area.

Mr. Milde asked if it were possible to change the proffers. Mr. Harvey replied that the developer could submit a request to change proffers but that it would require a separate application. Mr. Milde said that Embrey Mill was a beautiful development and that Mr. Scola was a stellar applicant, but that he thought the rezoning was a bad idea more so for future PD-2 zoned property than at Embrey Mill. He also noted over \$1 Million in lost tax revenue over 20 years if the text amendment was approved.

Mr. Cavalier said that he was not a fan of the smaller lot width size but respected the wishes of the Supervisor from the Garrisonville District so he would vote for approval. He added that Embrey Mill was one of the nicest communities in the County.

Mr. Thomas said that he has been very ambiguous about it but received the specificity that he was looking for and would now support the text amendment.

Ms. Sellers motioned, seconded by Mrs. Maurer, to approved proposed Ordinance O16-23.

The Voting Board tally was:

Yea: (4) Cavalier, Maurer, Sellers, Thomas

Nay: (3) Bohmke, Milde, Snellings

Ordinance O16-10 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-55 “PLANNED DEVELOPMENT—2 DISTRICT (PD-2) REGULATIONS”

WHEREAS, the Planned Development—2 (PD-2) Zoning District promotes large mixed-use development with a variety of housing types and commercial uses; and

WHEREAS, the development community demonstrated the need to accommodate additional housing types with smaller lot width and area requirements; and

WHEREAS, the Board desires to promote the goals and objectives of the Comprehensive Plan to provide a variety of housing types at all income levels within mixed-use developments; 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 desires to amend the Zoning Ordinance to modify the minimum lot width and area requirements in the PD-2 Zoning District to accommodate additional housing types; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of this Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that Stafford County Code Sec. 28-55 “Planned Development—2 District (PD-2) Regulations” be and it hereby is amended and reordained as follows with all other portions remaining unchanged:

Sec. 28-55. - Planned Development—2 District (PD-2) regulations.

(d) *Single-family/duplex residences.* Single-family detached and duplex residential units shall conform to the following requirements.

(3) Minimum lot width per unit shall be ~~fifty~~ forty (5040) feet.

(6) Minimum lot area shall be ~~five thousand (5,000)~~ four thousand 4,000 square feet per dwelling unit.

Planning and Zoning: Consider the Creation of a New Overlay District for the Falmouth Redevelopment Area Mr. Harvey noted that this was being brought back to the Board for additional consideration after taking into account Board member and resident’s concerns with the initial presentation.

Ms. Sellers said that she was excited for the Falmouth area. Mr. Thomas said that it was a great example of public engagement; that there were a lot of fingerprints from caring residents on the final product.

Ms. Bohmke motioned, seconded by Ms. Sellers, to approved proposed Ordinance O16-24.

The Voting Board tally was:

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

Nay: (0)

Ordinance O16-24 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-33, “DISTRICTS GENERALLY;” SEC. 28-34, “PURPOSE OF DISTRICTS;” AND SEC. 28-35, “TABLE OF USES AND STANDARDS;” AND TO ORDAIN SEC. 28-67, “FALMOUTH REDEVELOPMENT AREA OVERLAY DISTRICT”

WHEREAS, the Master Redevelopment Plan, Stafford County, Volume IV, Falmouth Village is an element of the Comprehensive Plan; and

WHEREAS, the Master Redevelopment Plan recommends changes to the Zoning Ordinance in order to facilitate development as envisioned in the Master Redevelopment Plan; and

WHEREAS, the Board desires to establish a Falmouth Redevelopment Area Overlay Zoning District to implement the recommendations of the Master Redevelopment Plan; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that Stafford County Code Sec. 28-33, “Districts Generally;” Sec. 28-34, “Purpose of Districts;” Sec. 28-35, “Table of Uses and Standards” be and it hereby is amended and reordained; and that Sec. 28-67, entitled “Falmouth Redevelopment Overlay District,” be and it hereby is created and ordained, with all other provisions remaining unchanged.

Sec. 28-33. – Districts Generally.

With the exception of the Marine Corps Combat Development Command (MCCDC), the unincorporated areas of the county are hereby divided into the following zoning districts:

Land may also be classified in the following special overlay districts:

FR Falmouth Redevelopment Area Overlay

Sec. 28-34. – Purpose of Districts.

In order to carry out and implement the purposes and objectives of this chapter, the land use districts herein established shall have the following purposes, respectively:

Falmouth Redevelopment Area. The purpose of the FR district is to provide suitable and sufficient opportunities for redevelopment through new construction and reuse of existing buildings while maintaining the historic nature and cultural context of the Falmouth area of the County.

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

Table 3.1, District Uses and Standards

Falmouth Redevelopment Area Overlay (FR)

The purpose of the FR district is to provide suitable and sufficient opportunities for redevelopment through new construction and reuse of existing buildings while maintaining the historic nature and cultural context of the Falmouth area of the County.

(a) Uses permitted by right. All uses permitted in the underlying zoning district, unless otherwise specifically made a conditional use by this section. Additional by-right uses shall be:

Apartment, commercial

Bed and breakfast inn

Community use

Farmers market (in accordance with subsection 28-39(v))

Home business
Live/work unit
Place of worship
Public art

- (b) Conditional uses. All conditional uses permitted in the underlying zoning district. Additional conditional uses shall be:

Any permitted or conditional uses which include drive-through facilities
Adult day care
Fleet Parking
Hotels or motels
Wholesale business

(c) Prohibited uses: The following uses shall be prohibited in the FR district:
Automobile repair
Auto Service
Car wash
Lumber/building/electric/plumbing supply
Machinery sales and service
Motor vehicle sales
Outdoor flea market
Plant and tree nursery/greenhouse
Recreational enterprise
Vehicle fuel sales
Warehouse, mini storage
Warehouse, storage

- (d) Requirements:

- (1) Intensity:

Maximum floor areaAs in the underlying zoning district

Open space ratioAs in the underlying zoning district

- (2) Minimum yards:

Front, side, backAs in the underlying zoning district

- (3) Maximum height:

Three stories or as in the underlying zoning district, whichever is less

- (4) Minimum lot width:

As in the underlying zoning district

The property owner may request relief from the maximum floor area, minimum open space ratio, yard, and lot width requirements pursuant to Sec. 28-351(a).

Sec. 28-67. – Falmouth Redevelopment Area Overlay (FR).

- (a) Purpose of the FR district. The FR district is created in furtherance of the purposes set forth in Virginia Code §§ 15.2-2280, 15.2-2283, 15.2-2284, and 15.2-2285, and in general to protect the health, safety, and general welfare of the public by establishing regulations to allow for redevelopment efforts consistent with the recommendations of the Master Redevelopment Plan element of the Comprehensive Plan. This district is also created in recognition of the need to

provide suitable and sufficient opportunities for redevelopment through new construction and reuse of existing buildings while maintaining the historic nature and cultural context of the Falmouth area of the County.

- (b) Establishment of districts. The FR district shall be designated by the board by separate ordinance and will overlay all other zoning districts where it is applied so that any parcel of land lying in the FR district shall also lie within one or more other zoning districts provided for by this chapter. The regulations and requirements of both the underlying zoning district(s) and the FR district shall apply; provided, however, that when the regulations applicable to the FR district conflict with the regulations of the underlying zoning district, the more restrictive regulations shall apply with the exception of compliance with Sec. 28-57, Sec. 28-58 and Chapter 27B of this code, where those provisions shall prevail.
- (c) District boundaries. The FR district boundaries shall be as designated on the official zoning map.
- (d) Development standards. All uses shall be subject to the use limitations and development standards as set forth in the underlying zoning district(s) and shall also be subject to the following FR limitations:
 - (1) 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 125% 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 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 \$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.

- (2) Outdoor storage of goods shall be prohibited in any front yard, and shall be completely screened from view of the public street. Outdoor storage shall include the parking of company owned and operated vehicles, with the exception of passenger vehicles. Outdoor display areas shall be permitted in any front yard or street-facing side yard from dawn to dusk. Outdoor displays by businesses with first floor frontage are permitted during business hours. The merchandise must be stored inside when the business which displays it is closed.

Merchandise shall not be placed in the public right-of-way, nor shall it obscure the architectural features of a building (columns, railings, belt courses, balconies or other decorative features) or extend past the length of the storefront. Permanent display tables or racks or other permanent display pieces are prohibited outside of buildings. All items and displays shall be safe and stable with no risk of overturning due to wind or contact. No signs may be placed upon or hung from outdoor merchandise.

- (3) Parking areas and driveways that serve more than 24 parking spaces shall be paved with concrete, bituminous concrete, brick, concrete pavers or other similar material except for pervious paving blocks and other similar materials may be allowed for stormwater management purposes and 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. Drainage shall be designed so as to not interfere with pedestrian traffic.
- (4) Utility lines such as electric, telephone, cable television, or similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within a project. All junction and access boxes shall be screened. All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.
- (5) Loading areas, service entrances, and service bays shall be oriented and/or screened so as to not be visible from the public street and adjacent residential uses.
- (6) Dumpster and other waste disposal or storage areas shall be completely screened from the public view by means of a board-on-board fence and/or landscaping, or similar opaque material approved by the zoning administrator.
- (7) Construction of any new buildings or building additions shall be in compliance with the Neighborhood Design Standards and Stafford County Master Redevelopment Plan, Volume IV, Falmouth Village Element of the Comprehensive Plan. Architectural Review Board review and approval of all building elevations for compliance with the above reference standards and for compatibility with nearby architectural styles of buildings in the district is required.

- (8) Area and bulk regulations in the FR district shall be the same as for the underlying zoning district(s), except that:
- a. The height of buildings or structures shall not exceed three (3) stories or forty-five (45) feet, whichever is less;
 - b. The height of accessory structures shall not exceed twenty-five (25) feet;
 - c. No individual multi-family building shall exceed a length of two hundred fifty (250) feet; and
 - d. The minimum open space ratio on a lot shall be 0.10.
- (9) A landscaping and planting plan shall be submitted in conjunction with site plan submittal.
- a. Such landscaping and planting plan shall be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials and areas. Landscaping and planting plans shall be prepared by persons practicing in their area of competence.
 - b. All plant materials shall be living and in a healthy condition. Plant materials used in conformance with the provisions of these specifications shall conform to the standards of the most recent edition of the "American Standard for Nursery Stock," published by the American Association of Nurserymen.
 - c. Preservation of existing trees is encouraged to provide continuity, improved buffering ability; pleasing scale and image along the corridor. Any healthy, existing tree on-site may be included for credit towards the requirements of this section.
 - d. The owner, or his designee, shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required or approved within the scope of these provisions.
 - e. New development that requires submittal of a site plan pursuant to Article XIV of this chapter shall be exempt from the provisions of Sec. 110.2, Street buffering along arterial and major collector streets, and Sec. 110.3, Transitional buffers of the Design and Construction Standards, Landscaping, Buffering, and Screening (DCSL). Screening pursuant to Sec. 130 of the DCSL shall be reviewed for compliance with the Neighborhood Design Standards and Stafford County Master Redevelopment Plan, Volume IV, Falmouth Village Element of the Comprehensive Plan. The Architectural Review Board shall review and approve all screening for compliance with the above referenced standards and for compatibility with nearby architectural styles of buildings in the district.
- (10) Restaurants with outdoor seating shall comply with the following standards:
- a. The use of outdoor seating shall be limited from 7:00 AM to 11:00 PM.
 - b. Outdoor seating shall not obstruct the movement of pedestrians on any sidewalk or through any areas intended for public use.

- (11) All minimum yards shall be as specified in the underlying zoning district. The property owner may request relief from the minimum yard requirement pursuant to Sec.28-351(a) of this Chapter.

16. County Administration; Discuss the Board’s Legislative Initiatives for the 2017 General Assembly Session Mr. Thomas began the discussion by reviewing items from the Board’s 2016 list of legislative initiatives. As a result of that discussion, the following items were considered (from 2016):

To be included in the 2017 initiatives:

- State funding of Unfunded Mandates should be included in the 2017 initiatives;
- Public Day School Funding should be included in the 2017 initiatives;
- The Gasoline Tax Floor should remain a priority to demonstrate a local united front. GWRC may also take up the cause of a floor on the gasoline tax;
- Cluster developments use of open space and the exclusion of stormwater ponds as part of the open space, should be included with the 2017 initiatives; and
- Support of Constitutional Officers has budget implications and should be included.

To be omitted from the 2017 initiatives:

- Cable Franchises were close to an agreement and would not be included in 2017;
- HOT Lanes project is underway, although not as far as Massaponax, but should be omitted from the 2017 list; and
- Imposition of fees by DEQ, while not a high level priority, it could remain as a “resolved clause” but VACo is taking this up on behalf of smaller localities; and there are no violations so it should be omitted from the 2017 list.

Discussion ensued and the following items were added for consideration to the 2017 General Assembly:

To be included in the 2017 initiatives:

- Teacher Protection Act to include categorical funding for classroom instruction/salaries and benefits, and classroom instruction/operating and capital;
- Surviving Spouse Real Estate Tax Break with the suggestion that if the tax break was given on Income Tax, it would be applicable to many more military spouses that do not own real estate; also change verbiage to read, “killed in the line of duty” vs. “killed in action”;
- Lake Mooney Tax Relief to consider roll-back tax on property for homeowners whose property is bordered by Lake Mooney; recommend freezing tax bills with a payment due of five years back taxes at the time the property is sold;
- Lake Arrowhead Dam Funding, subsequent to the meeting, Mrs. Maurer asked that this item be included in the list of 2017 legislative initiatives.

To be omitted from the 2017 initiatives:

- AirBNB, VACo is covering this issue on behalf of its member counties;
- Well Standards will be discussed by the Board’s Infrastructure Committee on November 1st; the Board needs to better understand the pros and cons of the Planning Commission’s requested legislation;
- Cluster Development, the Planning Commission requested changing the word “shall” to “may” to preserve open space and that it would apply to any county or city with a population growth of 10% or more according to the Census. (The Board feels that it needs additional information and real world examples before adding this to the list.)
- Wireless Communication Infrastructure, Mr. Thomas will check with VACo to see if it has this item on its agenda.

Mr. Barnes was asked to schedule a meeting with the Board’s Legislative Committee (Mrs. Maurer and Ms. Sellers) prior to the next Board meeting to finalize a resolution for vote by the full Board on November 1, 2016. Mr. Thomas noted that items that may come up subsequent to the adoption of a resolution could be added at a later time.

Legislative; Closed Meeting At 4:22 p.m., Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM16-23.

The Voting Board tally was:

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

Resolution CM16-23 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion or consideration of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and (2) consultation with legal counsel employed by the Board regarding a specific legal matter requiring the provision of legal advice by such counsel; and

WHEREAS, pursuant to Virginia Code §§ 2.2-3711(A)(3) and (A)(7) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 18th day of October, 2016, does hereby authorize discussion of the above matters in Closed Meeting.

Call to Order At 4:56 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM16-23(a).

The Voting Board tally was:

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

Resolution CM16-23(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON OCTOBER 18, 2016

WHEREAS, the Board has, on this the 18th day of October, 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 18th day of October, 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.

Adjournment At 4:57 p.m., the Chairman adjourned the afternoon session.

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

Invocation Ms. Bohmke gave the invocation.

Pledge of Allegiance Eagle Scout Patrick Cobb led the Pledge of Allegiance.

Mr. Thomas spoke about Restaurant Week in Stafford County, with twelve participating restaurants. If a patron visits four or more restaurants and gets stamps on the passport provided, they were eligible for free tickets to the Riverside Dinner Theater.

Again this year, Stafford County has been awarded Stafford County was awarded an Innovation Award from the Virginia Government Finance Officers' Association for our Partner Agency Funding process. It was a collaborative effort between Human Services and Budget to make a uniform budgeting process for all of Planning District 16, which includes Spotsylvania, Caroline, King George, Stafford, and Spotsylvania counties, and the City of Fredericksburg. The association received applications from small, medium, and large local governments, and Stafford was one of only two localities to win an award. Mr. Thomas thanked County staff and its partners in local government and agencies for working together to streamline the funding process.

Ms. Bohmke introduced Eagle Scout Patrick Ryan Cobb Patrick is a member of Troop 516, the troop that meets at Andrew Chapel United Methodist Church in the Aquia District. Attaining the Eagle Scout rank is an incredible honor that results from years of dedication to scouting. Ms. Bohmke pointed out that Patrick was in good company. Gerald Ford, Sam Walton and Neil Armstrong were all Eagle Scouts. Patrick earned his Eagle Scout by building a sensory garden at Helping Hands, Inc., a pediatric occupational therapy practice in Stafford. She concluded the presentation presenting a County flag, a certificate and a Stafford County coin, saying that the Board was very proud of him and knew that he had an exciting future ahead of him.

Presentations by the Public – II The following person desired to speak:

Ken Gryder - Used to live in Stafford, evicted, damaged credit and now a criminal record; County needs a property manager/inspector; lived in a hotel with disruptive neighbors and was denied basic necessities; refused job at Patent Office because of his record.

Item 17. Planning and Zoning; Consider an Amendment to Stafford County Code Sec. 28-25, “Definitions of Specific Terms,” and Sec. 28-35, “Table of Uses and Standards,” in the M-1, Light Industrial Zoning District Mr. Harvey gave a presentation saying that the Planning Commission did not support the proposed amendments and expressed concerns and its preference that a conditional use permit (CUP) be required.

The Chairman opened the public hearing. No persons indicated a desire to speak.

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mrs. Maurer, to adopt proposed Ordinance O16-38.

Ms. Bohmke offered a substitute motion, seconded by Mr. Snellings, to include a CUP for parking lots and hotels so that it could be voted on by the Board on a case-by-case basis. Mr. Snellings asked if that would require another public hearing. Deputy County Attorney, Ms. Rysheda McClendon said that it would not.

Mr. Milde noted that there may be things permitted in the M-1 Zone that the Board did not wish to see in the County but added that he could not imagine that a parking lot would not be acceptable, and without the need for a CUP. Mr. Thomas said that it would be safer if it came to the Board but without a CUP it would proceed without Board input and authorization.

Mrs. Maurer said that the Board received a great 1st Quarter report for economic development and the County meals and lodging tax revenue. She said, however, that it was harder and harder to do business in the County; that the County had become a “certifiable,” not “certified” business community. Quantico Corporate Center and the

Riverside Business Center were both in M-1 zoned areas and would attract more government use but that it required parking. She added that the County could not expect to continue to earn the revenue on meals and lodging taxes then make it hard for hotels and parking facilities to locate in Stafford.

Mr. Thomas asked if a CUP could be required for hotels but not for parking. Ms. McClendon replied that that would be okay.

Mr. Cavalier said that he thought there was over-regulation there; that a CUP took six to twelve months to go through the process and the Planning Commission was making it hard for commercial enterprises to locate in Stafford County. He added that he did not see a problem and that Quantico Corporate Center was not an eyesore; that it needed another nice hotel but the Planning Commission voted down just about anything and it was time for the Board to take control of the situation.

Mr. Milde asked about the Potomac Creek/Route 1 area. Mr. Harvey said that it had some industrial and some commercial zoning. Mr. Milde mentioned SE Freight as being zoned M-1/M-2, combo zoning but mostly M-1. Mr. Thomas said the County could end up with a \$69/night Motel 6 that the County may not want to be located there. Mr. Milde said that he did not see many \$69/night motels being built, and inquired about the cost for a CUP. Mr. Harvey responded that it could be between \$10,000 and \$12,000 but there were other costs to the applicant, not County-related, including attorney fees, architectural design, environmental studies, and such that could impact the overall cost of a project.

Mr. Cavalier asked about the current government per diem. Ms. Sellers said that it was roughly \$110/day for hotels. Mr. Snellings said that there were some nice hotels on the Route 17 corridor but that he understood and agreed with Mr. Thomas. He asked Mr. Harvey if a map was available that showed all M-1 zoned properties in the County. Mr. Harvey said that he could have GIS produce one but that there was not one available.

Ms. Bohmke said that she disagreed with Mr. Cavalier and that the Planning Commission was doing a great job. She added that the additional oversight of a CUP was a benefit to the Board and to the County.

Mrs. Maurer asked how long it took to get a CUP. Mr. Harvey said that it was four to six months depending on staff review and the public hearing process. He added that with certain conditions, it could take longer.

Mr. Milde asked if hotels could be built by-right. Mr. Harvey said they could in the B-1 and B-2 Zoning District but in the Highway Corridor, a CUP was required and along any major corridor, a CUP may be required. Mr. Milde said that during his term on the Board, no cheap hotels had been built and he thought the fear of seedy hotels springing up was unfounded. Ms. Sellers said that she agreed that the requirement for a CUP

should not be included as it delayed the process. She added that not all \$69/night motels are seedy.

The Voting Board tally on Ms. Bohmke’s substitute motion was:

Yea: (2) Bohmke, Thomas

Nay: (5) Cavalier, Maurer, Milde, Sellers, Snellings

Mr. Snellings made a second substitute motion, seconded by Ms. Bohmke, to defer a vote to the next meeting so that a map of the M-1 Zoning Districts could be provided.

Mr. Thomas said that there was not need to rush the process. Ms. Sellers asked if a hotel was ready at the Quantico Corporate Center. Mrs. Maurer replied that a hotel was ready to go there. She said she met with staff and talked about unintended consequences and the need to move forward and make the County more business-friendly.

Mr. Snellings disagreed, saying that the County was business-friendly and that a two-week delay would not hurt, and he did not want a Motel 6 across the street from his house. Mr. Cavalier suggested a two minute recess to look at the zoning maps in the Board’s closed meeting room.

The Voting Board tally on Mr. Snellings’ substitute motion was:

Yea: (3) Bohmke, Snellings, Thomas

Nay: (4) Cavalier, Maurer, Milde, Sellers

The Voting Board tally on the original motion was:

Yea: (5) Cavalier, Maurer, Milde, Sellers, Thomas

Nay: (2) Bohmke, Snellings

Ordinance O16-38 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-25, “DEFINITIONS OF SPECIFIC TERMS,” AND SEC. 28-35, “TABLE OF USES AND STANDARDS”

WHEREAS, the County’s Comprehensive Plan identifies future areas to encourage Business and Industry land uses; and

WHEREAS, the M-1, Light Industrial Zoning District currently does not permit hotels, or parking lots not associated with a principal use of a lot; and

WHEREAS, the Board believes that hotels and stand-alone parking lots are complimentary to other uses allowed in the M-1, Light Industrial Zoning District; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of October, 2016, that Stafford County Code Sec. 28-25 “Definitions of Specific Terms,” and Sec. 28-35 “Table of Uses and Standards,” be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

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

Parking garage/deck. An above grade and/or below grade structure used as a parking lot ~~or intended to be used~~ for the off-street parking of operable vehicles on a temporary basis, under public or private ownership.

Parking lot, public. ~~An open area of land, other than a street, or area within a parking garage/deck.~~ A parking area forming the principal or accessory use of a lot available to the public, or as an accommodation to employees, clients, or customers of a use on an adjacent or nearby lot, 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.

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

M-1 Industrial Light.

The purpose of the M-1 district is to establish areas of the county to provide for certain types of business and industrial uses characterized by light manufacturing, fabrication, warehousing and wholesale distribution, which are relatively free from offensive activities and which, with proper performance standards, will not detract from residential desirability of adjacent properties. It is intended that the M-1 district encourage the development of parks for the location of these uses. These [This] district should be located only where all necessary public utilities are available and where transportation systems are adequate.

(a) *Uses permitted by right:*

Hotel - Public parking lot

Item 18. Planning and Zoning; Consider a Reclassification from R-1, Suburban Residential to B-2, Urban Commercial Zoning District, to Allow a Commercial Retail Building Mr. Harvey gave a presentation saying that the property in question consisted of 1.24 acres and was across Courthouse Road from Stafford Elementary School in the B-2 Zoning District. He said that due to site constraints, the building could not be located closer to the road. The architectural elements included brick veneer with glass in front and faux windows on the side of the building.

Mrs. Maurer inquired about the view shed from westbound to the Courthouse and asked if this building was considered in the Courthouse development design plan. Mr. Harvey said if the Historic Gateway were established, this building may be included.

Mr. Milde asked if this Dollar General store was an upgraded version of their location at Leeland in the Falmouth District. Mr. Harvey said that store had no columns or faux windows. He added that no Transportation Impact Analysis was required for the property in question. The applicant would be applying for a VDOT waiver but subsequent to many meeting with VDOT, it was anticipated that the waiver would be granted. He added that the planned additional turn lanes at the intersection of Courthouse Road and Route 1 would help with traffic flow. Mr. Milde asked if there was a view of the Courthouse when traveling westbound from the site on Courthouse Road. Mr. Harvey said no, that there was a curve in the road that would preclude a view of the Courthouse.

Mr. Milde asked about an earlier RFP for that area. Mr. Harvey said that the County was looking for a developer to take over a project that would include land to the Hospital but there were no acceptable responses to the RFP. He added that they were looking for something to work within the small area plan, a targeted growth area (TGA) designation, and for the property within the Courthouse Redevelopment Area. Mr. Milde asked if the proposed Dollar General store fit within that description. Mr. Harvey said that it did not.

Mr. Snellings asked about Covenant Funeral Home and if there were any hour restrictions on when funerals could be held due to traffic constraints. Mr. Harvey said he would look it up and let Mr. Snellings know but he did not think so. Mr. Snellings said that in addition to the elementary school, there would be traffic issues with the middle and high schools located on Courthouse Road.

Mr. Clark Leming, for the applicant, addressed the Board saying that Dollar General was a nation-wide company with more than 6,000 stores located in all 50 states, and there were other locations in Stafford County. He said that the generalized development plan (GDP) was proffered and that the store was a lower traffic generator than other potential uses. He said that the Planning Commission had good receptivity to the architectural elements of the proposed store and was pleased with the renderings. Transportation issues were exhausted at the Planning Commission level and VDOT weighed in on them.

Mr. Snellings asked about the hours of operation. Mr. Rich Smith, with Par 3 Developers said they would operate from 6:00 a.m. to 10:00 p.m. He said that they anticipated a lot of walk-in business. Mr. Snellings said that he did not think that would be the case for this store. The engineer (name inaudible) said that the store based its traffic numbers on the ITE manual's numbers for free-standing, discount stores in the 9,000 s.f. range. Mr. Milde asked where the closest store was with the same design proposed for the Courthouse Road store. Mr. Smith said Isle of White and there were three or four stores in Henrico County on Nine Mile Road or Williamsburg Road, that were similar

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

The Chairman closed the public hearing.

Mr. Milde motioned for a deferral to the November 22, 2016 Board meeting. The motion was seconded by Ms. Bohmke.

Mr. Milde said that he did not like the look of the store and was concerned that the architecture was not in keeping with the look of the Courthouse area. He said that the Hospital did a wonderful job with its architecture but he was not seeing it from the

drawings provided by the applicant. Mr. Thomas said that it was a balancing act and that Dollar General was a certain brand with maybe the ability to tweak its design and push the envelope. Ms. Sellers talked about another possible entry to the store. Mrs. Maurer said she would support deferral and wanted the Board to be clear about what was desired in the look and design. She thanked the developer for being willing to discuss possible modifications.

The Voting Board tally was:

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

Nay: (0)

Item 19. Public Works; Consider the Proposed Onville Road Sidewalk Project Public Works Director, Christopher Rapp, gave a presentation on the proposed sidewalk project. He noted that there would be a required 20% local match, which would be paid out of funds from the Garrisonville Service District. The Board's Infrastructure Committee voted 3 – 0 to recommend the project.

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

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-299.

The Voting Board tally was:

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

Nay: (0)

Resolution R16-299 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO REQUEST FUNDING FROM THE FY2018 VDOT TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FOR A PROPOSED SIDEWALK ALONG ONVILLE ROAD (SR-641)

WHEREAS, the Transportation Alternatives Program (TAP) is a part of the *Moving Ahead for Progress in the 21st Century Act* (MAP-21), which became effective on October 1, 2012 and replaced the Transportation Enhancement (TE) Program; and

WHEREAS, the Virginia Department of Transportation (VDOT) is accepting TAP applications established by MAP-21, and will select applications to forward to the Fredericksburg Area Metropolitan Planning Organization (FAMPO) and the Commonwealth Transportation Board (CTB) for project selection; and

WHEREAS, qualifying activities include, but are not limited to, infrastructure projects such as sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools; and

WHEREAS, VDOT, FAMPO, and the CTB will only consider projects for FY2018 appropriation that have held a public hearing prior to submission of an application; and

WHEREAS, the Onville Road sidewalk project (Project) is eligible for TAP funding and the Board conducted a public hearing on October 18, 2016, to consider the recommendations of staff and the public testimony, if any, at the public hearing; and

WHEREAS, the Project is ready for design and construction; and

WHEREAS, in accordance with VDOT's TAP application procedures, the Board must adopt a resolution committing to the sponsorship of the Project and verifying the availability of the 20% local match; and

WHEREAS, sufficient funds are available in the County's Garrisonville Service District Fund to provide the required local match of \$110,000;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors, on this the 18th day of October, 2016, that the Interim County Administrator be and he hereby is authorized to apply for FY2018 Transportation Alternatives Program (TAP) funds in an amount not to exceed Four Hundred Forty Thousand Dollars (\$440,000), to be used for the planning, design and construction of a sidewalk adjacent to Onville Road (SR-641); and

BE IT FURTHER RESOLVED that the Board does hereby verify that the 20% local match, in the amount of One Hundred Ten Thousand Dollars (\$110,000), is available in the County's Garrisonville Service District Fund should the County be awarded the TAP funds; and

BE IT STILL FURTHER RESOLVED that the Board hereby grants authority for the Interim County Administrator, or his designee, to execute project administration agreements for any approved funding associated with the sidewalk adjacent to Onville Road.

Item 20. County Administration; Amend County Code Sec. 1-21.1 to Allow for the Assessment/Collection of the Courthouse Construction Fee Deputy County Administrator, Mr. Michael Smith, gave a presentation saying that the request for the fee was initiated by the Courts. The State Department of General Services did an assessment on August 30, 2016 and found the Courts to be noncompliant in the following areas:

- Circulation patterns- Judges must use public access and prisoners are in direct contact with staff and the public;
- Parking-safety issue, proximity to prisoners;
- Lack of sufficient handicapped accessible restrooms;
- Jury deliberation area deficiencies;
- Lack of sally port entrance and other security features; and
- Insufficient juvenile holding facilities

If approved by the Board, the fees will be held in a separate account and can only be sued for the future courthouse improvement project. Mr. Thomas asked about the amount of

fees that were anticipated for collection. Mr. Smith said it would be approximately \$75,000 annually.

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 O16-37

The Voting Board tally was:

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

Ordinance O16-37 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 1-12.1 REGARDING THE FEES FOR COURTHOUSE CONSTRUCTION SERVICES

WHEREAS, pursuant to Virginia Code § 17.1-281, the Board is authorized to set reasonable fees and charges for (i) each civil action filed in the district or circuit courts located within the County of Stafford and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance; and

WHEREAS, Stafford County Code Sec. 1-12.1, authorizes the assessment of fees for construction, renovation, or maintenance of courthouse, jail, and court-related facilities as part of costs in civil, criminal, or traffic cases; and

WHEREAS, at the request of the Circuit Court Judge, the Board directed staff to research the procedure to enact the additional fee allowed under state law for the building and maintenance of courthouse facilities; and

WHEREAS, the Virginia Department of General Services conducted an evaluation of the courthouse and found that it to be non-compliant with the Virginia Courthouse Facility Guidelines; and

WHEREAS, the Board carefully considered the recommendations of the 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 18th day of October, 2016, that Stafford County Code Sec. 1-12.1 be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 1-12.1. - Assessment for construction, renovation, or maintenance of courthouse, jail, and court-related facilities as part of costs in civil, criminal, or traffic cases.

(a) *Amount of fee:* A fee of two dollars (\$2.00) shall be assessed for each and every qualifying civil and criminal or traffic action filed in the courts located within the boundaries of the County of Stafford. The assessments provided for herein

shall be in addition to all other costs prescribed by law but shall not apply to any action in which the commonwealth or any political subdivision thereof or the federal government is a party and in which costs are assessed against the commonwealth, political subdivision thereof, or federal government.

- (b) Additional fee: An additional fee of three dollars (\$3.00) shall be assessed for each and every civil, criminal, or traffic case filed in the courts located within the boundaries of the County of Stafford. The assessments provided for herein shall be in addition to any other fees prescribed by law, and shall be required in each felony, misdemeanor, or traffic infraction case, regardless of the existence of a local ordinance requiring their payment. Such fee assessed under this subsection shall not be assessed in any civil action if the amount in controversy is \$500 or less.
- (bc) Collection of fees: The assessed fees shall be collected by the clerk of the court in which the action was filed and remitted to the county treasurer.
- (ed) Payment of fees: The treasurer shall hold said fees collected from the initial fee of two dollars (\$2.00) subject to disbursements by the Stafford County board of supervisors for the construction, renovation, or maintenance of courthouse, jail, and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance. The assessment of the additional fee of three dollars (\$3.00) shall be held by the treasurer subject to disbursements by the Stafford County board of supervisors solely for the construction, reconstruction, renovation of, or adaptive re-use of a structure for a courthouse.

BE IT FURTHER ORDAINED that the Interim County Administrator shall transmit a copy of this Ordinance to the Stafford County Circuit Court Clerk, the General District Court Clerk, and the Treasurer.

Adjournment At 8:25 p.m. the Chairman declared the meeting adjourned.

C. Douglas Barnes
Interim County Administrator

Robert “Bob” Thomas, Jr.
Chairman