

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

May 16, 2017

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Paul V. Milde, III, Chairman, at 3:00 p.m., on Tuesday, May 16, 2017, in the Board Chambers, at the George L. Gordon, Jr., Government Center, 1300 Courthouse Road, Stafford, VA.

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

Also in attendance were: Thomas C. Foley, County Administrator; Charles Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Cheryl D. Giles, Deputy Clerk; associated staff and other interested parties.

Mr. Milde spoke about the recent PulsePoint event held at Target at Stafford Marketplace and the CPR flash mob, administering hands-only CPR to the Bee Gee’s tune, *Stayin’ Alive*. The application is available to the public and alerts people as to the nearest AEDs and individuals that were CPR-trained in the case of an emergency. He thanked Stafford Hospital and the Gwyneth’s Gift Foundation for its support.

The Virginia Department of Transportation (VDOT) will hold a “Pardon Our Dust” meeting at Colonial Forge High School on Wednesday, May 17th from 6:00 to 8:00 p.m. VDOT is making a huge effort to keep the public informed about the I-95/Exit 140 project as well as the widening of Courthouse Road. Mr. Milde said it was a \$200 million project and will take three years to complete.

Mr. Milde recognized Mr. Jeff Shover, Citizen’s Assistance Manager, who called volunteers to the dais and read a proclamation commending them for their service to Stafford County. This year, more than 33,000 volunteer hours accounted for assistance in the Government Center, with Public Safety, and in the Courts. Mr. Shover said that he worked with volunteers for all 23 years that he has been a full-time Stafford employee; he could not have asked for a better group of people whose dedication to the County made all the difference, and saved over \$1 million in tax payer dollars.

Mr. Milde recognized Deputy Chief Joe Grainger, who called Emergency Medical staff to the dais and read a proclamation honoring EMS personnel during Emergency Medical Services

Week, May 21-27, 2017. Ms. Sellers read the proclamation and said that EMS personnel (both volunteer and career) were invaluable to the safety of the people living in and passing through Stafford County.

Presentations by the Public –

Paul Waldowski; next week is Armed Forces Week and Mission BBQ is offering free sandwiches to current and retired military personnel; still not receiving a water/sewer bill; selling property in the Griffis-Widewater District; be wary of who is on the Board in 2018 because of gerrymandering; there are seven districts/should only be six, and there should be an at-large chairperson voted on by the citizens of the County. Elected officials who get less than 50% of the vote should not be in office.

Martha Newton; signs on Celebrate Virginia Parkway, when turning out of Greenbank Road by the Animal Hospital block the view and make it dangerous, especially at rush hour, to pull out into traffic. (In his report, Mr. Snellings said that he would take care of the sign issue.)

Board Member Presentations Board members spoke on topics as identified:

Ms. Bohmke - Gave an update on the recent Other Post-Employment Benefits (OPEB) meeting saying that this quarter posted the highest quarterly earnings since FY2014; to date, there is \$5.5 million in the fund. Attended the ribbon cutting for 6 Bears and a Goat Brewery, visited again and they were very busy. Attended the Stafford Choral Society annual event at Riverside Dinner Theater; attended the Stafford England Friendship Association Tea at Belmont with her daughter, Natalie. Mrs. Bohmke is a member of the Government Military Affairs Council (GMAC), which is a part of the Chamber of Commerce. Mr. Gerald Childress, from the Childress Agency, was elected chairman and the group discussed its mission and vision statements and assigned committees and committee chairs. Attended the Clearview Heights Civic Association meeting; talked about stormwater issues, speeding concerns, and road repairs, which she is working on with VDOT. Attended FAMPO and GWRC meetings; in the Rideshare Program there are 622 vans are currently enrolled, and 48 vendors; FAMPO completed Phase I of the transportation study, which was for I-95 Exit 143 south to Exit 126. Funding for Phase II has been approved and includes I-95 from Exit 143 south to Exit 110 and will help strengthen the proposed I-95 northbound river crossing project. Also at FAMPO, there was a lively discussion about establishing a Regional Transportation Authority like in Hampton Roads and Northern Virginia. Details will be brought to the Board in the coming months, asking for the Board's input.

Mr. Cavalier - Attended the Stonebridge HOA meeting and the Aquia Harbour Blessing of the Fleet (with Mr. Milde and Mr. Thomas); also attended the QuiC Open House with guests including gubernatorial candidate, Mr. Ed Gillispie, and Congressman Rob Wittman, who was the keynote speaker. The event was crowded. Mr. Cavalier said that Quantico Corporate Center is becoming a reality and is starting to “ramp up.”

Mrs. Maurer - Attended the Workforce Development Board (WDB) meeting in Cape Charles, VA; the WDB helps fund the Workforce Investment and Innovations Act, and is productive in getting non-college bound high school graduates into tech fields; they are working with School Boards to get these students on a career path. An elected officials' board on the WDB is being put together so Mrs. Maurer may be looking for a replacement for her seat on the general WDB. She attended the QuiC Open House. Attended the Eighth & I parade in Washington, D.C., thanked the General and his wife for the invitation and the wonderful ceremony that followed. Corrected a comment made in the recent debate among candidates for retiring Delegate Howell's seat, that the County is no longer doing any rezonings, which Mrs. Maurer said was inaccurate as there was no official decision made by the Board on rezonings.

Mr. Milde - Attended the 6 Bears and a Goat opening; excellent event with good food. Attended the QuiC Open House, which was the best event yet; things are beginning to happen at the Quantico Corporate Center. Attended the VDOT meeting regarding the new southbound I-95 bridge over the Rappahannock River, which was a SmartScale award project; there will be three new lanes constructed in between the existing lanes and that will bypass the Route 17 exit, the rest area, and the Route 3 exit. Mr. Milde said it was a nice design with the same budget as previous designs. Crow's Nest will be designated as an "Old Growth Forest," details are available on the website, www.oldgrowthforest.net and details about a ceremony marking the designation will be forthcoming. Three veterans walked from Camp Lejeune to Arlington National Cemetery. Their path took them to the construction site of the Armed Services Memorial as well as participating in the National Day of Prayer service in front of the Courthouse.

Ms. Sellers - Congratulated Mr. Daniel Hornick, new principal at North Stafford HS. Noted that at a recent "turn-in day," the Sheriff's Office took back over 500 lbs. of unwanted prescription drugs. Sheriff Decatur's office was awarded a CVS grant, which paid for the installation of a permanent drop box located at the Public Safety Building. Mission BBQ's recent campaign netted a donation of \$6,015 to the Fire and Rescue Department's annual "Coats for Kids" initiative. At Mission BBQ's site on Garrisonville Road, there is a flag made entirely of fire hoses donated from Station 9. Ms. Sellers participated in the recent opioid forum; there were 22 overdose deaths in the County and opioid use should be given a hard look for ways to counter-act the problem on the local and national level. Operation Finally Home will present a house to a disabled veteran; the ceremony will take place on Friday, May 19th at 10:45 a.m. in Embrey Mill.

Mr. Snellings - Thanked the speaker at public commentary and said that the sign issue would be handled. Mr. Snellings said that the new 6 Bears and a Goat Brewery was a great new place, behind the Chik-Fil-A off Route 17. Would be attending the opening of the new Farmer's Market, located on the Stafford campus of the University of Mary Washington on Route 17, and a new International House of Pancakes was scheduled for opening on June 9th, also on Route 17.

Mr. Thomas - Attended PRTC where the new Executive Director, Mr. Bob Schneider was bringing his expertise and new life to the strategic planning process. Attended the Central Rappahannock Regional Library Board of Trustees meeting; happy to report that all localities fully-funded the CRRL budget request for FY2018; the City of Fredericksburg has taken over maintenance of the main branch of the Library and provided additional parking; the administrative offices of CRRL will be moving out of the main branch to a new location. Went to visit 6 Bears and a Goat Brewery and was “blown away.” Residents want new restaurants, but not chains, and the food and service at the Brewery was top notch.

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

Report of the County Administrator – Mr. Foley spoke about a shared services staff meeting, which would be reported to members of the Joint Schools Working Committee (JSWC) at its meeting scheduled for May 22nd. The Joint Capital Improvement Program (CIP) will also be discussed at the JSWC meeting. Mr. Cavalier asked Mr. Foley to ensure that the shared services initiative was included on the JSWC meeting agenda.

The newly hired Deputy County Administrator, Mr. Fred Presley, will start work on Tuesday, May 30th and will be introduced at the Board’s June 6th meeting.

Ms. Bohmke asked Mr. Foley about the recently completed Fire and Rescue Study. Mr. Foley said that the Study was shared with the Board’s Public Safety Committee (PCS) at its meeting earlier in the day and included information on volunteers, career-staff, policies and procedures to bring about improvements in a collaborative way to the Department. A strategic plan will encompass future goals, visions and objectives to achieve the recommendations contained in the Study. An action plan was being formulated with the key being that everyone is represented at the table and working together to make it the best combined volunteer/career system in Virginia. Mr. Foley added that regular progress reports would be made to the Board and its PSC.

Mr. Foley called Public Works Director, Mr. Christopher Rapp, to provide an update on road projects in the County. Mr. Rapp reported that the Mine Road Sidewalk Project would be on a Board agenda in June. Mr. Milde noted that the interactive transportation map available on the County website was a great tool to check on any transportation project in the County.

Following Mr. Rapp’s report, Assistant Public Works Director, Mr. Chris Hoppe, gave an update on Parks projects in the County. Mr. Milde asked about the timeline for the Belmont-Ferry Farm Trail, Phase 4. Mr. Hoppe responded that the right-of-way acquisition public hearing was scheduled for June 6th and the project should be underway next year. Mr. Cavalier asked about the scoreboard at Chichester Park. Mr. Foley said it would be installed and ready for the June 30th deadline and future tournaments scheduled at the Park.

Approval of the Consent Agenda No items were pulled from the Consent Agenda. Ms. Bohmke motioned, seconded by Ms. Sellers, to adopt the Consent Agenda.

The Voting Board tally was:

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

Item 4a. Legislative; Approve the Minutes of the May 2, 2017 Board Meeting

Item 4b. Legislative; Approve the Minutes of the May 2, 2017 Joint Meeting with the Planning Commission

Item 5. Finance and Budget; Approve the Expenditure Listing

Resolution R17-145 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED MAY 02, 2017 THROUGH MAY 15, 2017

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 May, 2017, that the above-mentioned EL be and hereby is approved.

Item 6. Fire, Rescue, and Emergency Services; Authorize the County Administrator to Execute a Contract for Services with PST Services (McKesson, Corp.) for Ambulatory Transport, Billing and Collection Services

Resolution R17-144 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH PST SERVICES, LLC FOR ANNUAL AMBULANCE BILLING AND COLLECTIONS SERVICES

WHEREAS, the current contract with MED3000, Inc. for ambulance billing and collection services, through a cooperative procurement based on MED3000 Inc.'s contract with Fairfax County, RQ10-1471-2-11A, dated March 30, 2010, will expire on June 30, 2017; and

WHEREAS, staff solicited proposals for ambulance billing and collection services; and

WHEREAS, staff evaluated the proposals and determined that McKesson Corporation, doing business as PST Services, LLC, was the most qualified and submitted the most reasonable proposal for the scope of services sought; and

WHEREAS, the Stafford County Fire and Rescue Department desires to enter into a contract with PST Services, LLC to provide ambulance billing and collection services from July 1, 2017, through June 30, 2018;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2017, that County Administrator, or his designee, be and he hereby is authorized to execute a contract with PST Services, LLC for ambulance billing and collection services, at a rate of 4.25% of the revenue collected, in an amount not to exceed One Hundred Twenty-Five Thousand Dollars (\$125,000.00), unless amended by a duly-executed contract amendment.

Item 7. County Administration; Authorize the Appointment of Ms. Jane Yaun to the Community Policy and Management Team (CPMT) Effective July 1, 2017, Replacing Ron Branscome who is Retiring from the Rappahannock Area Community Services Board

Item 8. Public Information; Authorize the County Administrator to Execute a Six-Month Extension to the Cox Communication Cable Franchise

Resolution R17-141 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXTEND THE FRANCHISE AGREEMENT WITH COX COMMUNICATIONS FOR SIX ADDITIONAL MONTHS

WHEREAS, Stafford County has a franchise agreement (Agreement) with Cox Communications (Cox) to provide cable services to Stafford County citizens; and

Whereas, the Agreement and extension will expire on June 6, 2017; and

WHEREAS, while the County continues to negotiate a new franchise agreement with Cox, the Board desires to extend the Agreement for six additional months;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2017, that it be and hereby does authorize the County Administrator to extend the franchise agreement with Cox Communications for six additional months.

Item 9. Public Information; Proclamation Recognizing Ms. Barbara Kirby for her Years of Service on the Historical Commission, the Architectural Review Board, and the Planning Commission

Proclamation P17-15 reads as follows:

A PROCLAMATION RECOGNIZING BARBARA KIRBY FOR HER CONTRIBUTIONS TO HISTORIC PRESERVATION IN STAFFORD COUNTY

WHEREAS, Barbara Kirby has been a champion for preservation of Stafford County's cultural resources since moving to the County in the 1970s; and

WHEREAS, during her tenure on the Planning Commission, from 1994 to 2007, Mrs. Kirby worked with property owners and developers to preserve cultural resource on new development projects; and

WHEREAS, Mrs. Kirby was a member of the Stafford County Architectural Review Board in 1995 and 1996, and from 2001 to 2012; and

WHEREAS, Mrs. Kirby served on the Stafford County Historical Commission from 2009 to 2017, advising the Board on issues related to historic preservation; and

WHEREAS, Mrs. Kirby contributed to the documentation of over 400 cemeteries in the County while serving on the Stafford County Cemetery Committee since 2009; and

WHEREAS, Mrs. Kirby is a Life Member of the Stafford County Historical Society; and

WHEREAS, Mrs. Kirby achieved the status of “Keeper of the Knowledge,” a program established by the Historical Society recognizing individuals whose dedication, special witness, and enduring contributions are a vital link in the recording and understanding of the County’s local, regional, and national history; and

WHEREAS, the Historical Society stated that “Mrs. Kirby is a living resource” on historic County records and its general history; and

WHEREAS, Mrs. Kirby has been a member of the Stafford County museum Committee and its foundation board, promoting the establishment of a new County museum; and

WHEREAS, Mrs. Kirby worked for many years in the Stafford County Records Room conducting research and advocating for archival preservation and restoration of the County’s records; and

WHEREAS, Mrs. Kirby’s research produced a wealth of information about Stafford County’s history and genealogy of its citizens; and

WHEREAS, Mrs. Kirby volunteered much of her time in Stafford County’s libraries, bringing educational opportunities to the general public regarding cultural resources; and

WHEREAS, Mrs. Kirby served the citizens of Stafford County for nearly four decades through her passion and dedication to the preservation of Stafford County history;

NOW, THEREFORE, BE IT RESOLVED by Stafford County Board of Supervisors on this the 16th day of May, 2017, that it be and hereby does recognize Barbara Kirby on her contributions to historic preservation, and for her hard work and dedication to the citizens and history of Stafford County.

Item 10. Public Information; Proclamation Recognizing Mr. David Berreth on his Retirement as the Director of Gari Melcher’s Belmont

Proclamation P17-16 reads as follows:

A PROCLAMATION RECOGNIZING DAVID BERRETH UPON HIS RETIREMENT FROM GARI MELCHERS HOME AND STUDIO AT BELMONT

WHEREAS, Gari Melchers Home and Studio at Belmont (Belmont) is a state-owned historic site and art museum located in Stafford County, Virginia, and was the last home of American Impressionist painter Gari and his wife, Corinne Melchers; and

WHEREAS, David Berreth has served as Director of Belmont since 1990; and

WHEREAS, Belmont has flourished under Mr. Berreth's guidance, with an increase in annual visitors from 8,000 in 1990 to 17,000 in 2016, for: tours of the house, studio, and gardens; special events; education programs and classes; facility rentals; the museum shop; and hiking trails and tourism information; and

WHEREAS, Mr. Berreth created the Friends of Belmont in 1992 to help provide funding for operations and special projects, including care of the hundreds of works by Gari Melchers and other artists that Corinne Melchers left to the state; and

WHEREAS, Mr. Berreth and his staff gained the Garden Club of Virginia's support in 1994 to restore the grounds and gardens as Corinne Melchers envisioned; and

WHEREAS, Mr. Berreth managed building projects that converted the Melchers' carriage house into a visitor center and museum shop in 1995, restored Gari Melchers' stone-walled studio and galleries in 2000, and added the Pavilion, a public-event space and collection-storage facility in 2006; and

WHEREAS, Mr. Berreth and his staff helped acquire and preserve the Fannie Roots House, a workingman's cottage where an African-American activist who knew the Melchers lived, and restored Belmont's smokehouse and cow barn; and

WHEREAS, since 2007, Belmont has served as the official Stafford County Visitor Center, which draws tourists and area residents to the site; and

WHEREAS, during Mr. Berreth's tenure, Belmont has been re-accredited twice by the American Alliance of Museums; and

WHEREAS, Mr. Berreth will retire from his post in June, 2017; and

WHEREAS, the Board of Supervisors recognizes the importance of the impact of tourism to Stafford's economy, and Mr. Berreth's efforts have greatly boosted the number of visitors to Stafford County; and

WHEREAS, the Board wishes to acknowledge the efforts and success of Mr. Berreth upon his retirement for making Belmont a destination for visitors from around the world;

NOW, THEREFORE, BE IT RESOLVED by Stafford County Board of Supervisors on this the 16th day of May, 2017, that it be and hereby does recognize David Berreth for his contributions to the citizens of Stafford County.

Item 11. Public Information; Proclamation Recognizing Emergency Medical Services Week (May 21-27, 2017)

P17-19 reads as follows:

A PROCLAMATION RECOGNIZING MAY 21-27, 2017 AS EMERGENCY
MEDICAL SERVICES WEEK IN STAFFORD COUNTY

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

WHEREAS, members of Stafford County’s Fire and Rescue emergency medical service teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education each year to enhance their lifesaving skills; and

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

WHEREAS, the emergency medical services system consists of emergency room physicians, emergency room nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating a week in their honor;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this 16th day of May, 2017, that it be and hereby does recognize “Emergency Medical Services Week ” May 21-27, 2017, in Stafford County.

Item 12. Planning and Zoning; Refer to the Planning Commission Consideration of the Creation of R-5, Age-Restricted Zoning District

Resolution R17-137 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN COUNTY CODE SEC. 28-33, “DISTRICTS GENERALLY,” SEC. 28-34, “PURPOSE OF DISTRICTS,” SEC. 28-35, “TABLE OF USES AND STANDARDS,” AND SEC. 28-125, “TYPES PERMITTED IN R-2, R-3, AND R-4 DISTRICTS” TO CREATE THE R-5, AGE-RESTRICTED HOUSING ZONING DISTRICT

WHEREAS, a request has been made for a zoning text amendment to create a zoning district that would accommodate multi-family dwelling units for age-restricted housing; and

WHEREAS, a number of zoning districts currently allow retirement housing, but not at sufficient densities for multi-story, multi-family dwellings; and

WHEREAS, Objective 5.3 of the Comprehensive Plan is to “promote housing opportunities for all income ranges, including housing for elderly, disabled and low-income residents, workforce housing, and executive housing;” and

WHEREAS, the Board desires to consider creating the R-5 Zoning District to meet this housing need; and

WHEREAS, the Board desires to refer an amendment, pursuant to proposed Ordinance O17-08, to the Planning Commission for its review and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2017, that proposed Ordinance O17-08 amending Stafford County Code Sec. 28-33, Districts Generally,” Sec. 28-34, “Purpose of Districts,” Sec. 28-35 “Table of

Uses and Standards,” and Sec. 28-125, “Types permitted in R-2, R-3, and R-4 districts,” be and it hereby is referred to the Planning Commission for its review, to hold a public hearing, and provide its recommendations thereon; and

BE IT FURTHER RESOLVED that the Planning Commission may create an alternative ordinance, within the parameters of proposed Ordinance O17-08, hold a public hearing thereon, and provide the same to the Board.

Item 13. Public Works; Authorize the County Administrator to Execute an Engineering and Inspection Contract for the Brooke Road Improvement Project

Resolution R17-142 reads as follows:

AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES WITH A. MORTON THOMAS & ASSOCIATES, INC., FOR THE BROOKE ROAD IMPROVEMENT PROJECT

WHEREAS, the Board identified the completion of road improvements on Brooke Road (SR-608) south of Eskimo Hill Road (Project), as a critical part of the County’s road improvement plan; and

WHEREAS, the Board desires to begin construction of the improvements on Brooke Road and will require construction engineering and inspection services for the Project; and

WHEREAS, staff determined that A. Morton Thomas and Associates, Inc., (AMT) is best qualified to provide these services; and

WHEREAS, AMT submitted a cost proposal of \$737,346 to perform the construction engineering and inspection services for the Project; and

WHEREAS, County and the Virginia Department of Transportation staff reviewed the proposal and determined that it is reasonable for the scope of work proposed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2017, that the County Administrator be and he hereby is authorized to execute a one-year contract with A. Morton Thomas & Associates, Inc., with option to renew, in an amount not to exceed Seven Hundred Thirty-seven Thousand Three Hundred Forty-six Dollars (\$737,346) for construction engineering and inspection services for the Brooke Road Improvement Project, unless amended by a duly executed contract amendment.

Item 14. Public Works; Authorize the County Administrator to Budget and Appropriate Funds for the Juggins Road Improvement Project

Resolution R17-143 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO BUDGET AND APPROPRIATE FUNDS FOR THE JUGGINS ROAD IMPROVEMENT PROJECT

WHEREAS, the Board identified the completion of road improvements on Juggins Road (SR-711), north of Chadwick Drive (SR-766) (Project), as a critical part of Stafford County's road improvement plan; and

WHEREAS, right-of-way must be acquired and utilities lines must be relocated in order to proceed with the Project; and

WHEREAS, funds are requested to be budgeted and appropriated in order to pay for right-of-way acquisition and utility relocation costs, among other improvements for the Project; and

WHEREAS, 50% of the Project costs will be reimbursed by the Virginia Department of Transportation as part of the Revenue Sharing Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2017, that the County Administrator be and he hereby is authorized, to budget and appropriate Two Hundred Thousand Dollars (\$200,000), that was transferred from Stafford County Public Schools to the Transportation Fund for the Juggins Road Improvement Project; and to budget and appropriate Two Hundred Thousand Dollars (\$200,000), to be reimbursed by the Virginia Department of Transportation as part of the Revenue Sharing Program, all from the Transportation Fund to the Juggins Road Improvement Project Fund.

Item 15. Public Works; Authorize the County Administrator to Transfer Highway Safety Improvement Grant Funds for Sidewalk Construction on Courthouse Road to the Virginia Department of Transportation (VDOT)

Resolution R17-147 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO TRANSFER FY2017 HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR INCLUSION IN THE I-95 INTERCHANGE / ROUTE 630 WIDENING PROJECT

WHEREAS, the Board adopted Resolution R15-409 which requested the Fredericksburg District of the Virginia Department of Transportation (VDOT) to submit an application on the County's behalf for FY2017 Highway Safety Improvement Program (HSIP) Funds for the construction of a sidewalk along Courthouse Road (Sidewalk Project); and

WHEREAS, the County was awarded \$544,500 in HSIP grant funds for the Project; and

WHEREAS, the Board adopted Resolution R16-272 which authorized a project administration agreement with VDOT and budgeted and appropriated \$544,500 from the HSIP grant funds to the Transportation Fund for the engineering, design, and construction of the Sidewalk Project; and

WHEREAS, the County desires to work cooperatively with VDOT to construct the Sidewalk Project; and

WHEREAS, VDOT has requested that the HSIP grant funds be merged into the I-95 Interchange/Route 630 Widening Project (Interchange Project) and be administered by VDOT; and

WHEREAS, as part of the Interchange project, the original scope of the Sidewalk Project will be enlarged and provide a benefit to the County;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 16th day of May, 2017, that the County Administrator be and he hereby is authorized to transfer Five Hundred Forty-four Thousand Five Hundred Dollars (\$544,500) from the FY2017 Highway Safety Improvement Program Award in the Transportation Fund to the Virginia Department of Transportation for the benefit of the I-95 Interchange/Route 630 Widening Project; and

BE IT FURTHER RESOLVED, that the County Administrator be and he hereby is authorized to execute any and all documents which he deems necessary and appropriate to effectuate the aforementioned transfer.

NEW BUSINESS

Item 17. Discuss Amendments to the Board of Supervisors' By-laws and Rules of Procedure

Mr. Foley said that the first item for discussion was moving approval of the final agenda to the beginning of the meeting immediately following the introduction and roll-call. Next was a proposed change to the election of the Board chairman, where a chairman could not serve for two consecutive years and a Board member could not serve as chairman in the final year of his/her term on the Board. Finally, also discussed was that during the Board's comment time, Board members would use that opportunity to remove items from the Consent Agenda.

Mr. Snellings motioned, seconded by Mr. Cavalier, to accept the changes to the Board's Bylaws as described above.

Mrs. Maurer said that since it was an item under New Business on the agenda, it should not be voted on until the next regularly scheduled meeting. Mr. Snellings asked for the County Attorney to weigh in on whether a vote could or could not be taken. Mr. Shumate replied that it had been brought up at the Board's previous meeting on May 2, 2017; that it was a carry-over item but there was a legitimate argument for New Business v. Old Business as additional items were brought forth for discussion. He added that since there was no effect on the public, and it was self-governance, it could be voted on by suspending the existing Bylaws and adopted by 2/3rd vote of the Board. Mrs. Maurer said that she was supportive of the changes but believed in following protocol. Mr. Milde said that it should be brought to the Board for a vote at its next meeting. Mr. Snellings withdrew his motion.

Mr. Cavalier said that initially, the only discussion was changing the order of the agenda. Mr. Snellings brought up the changes regarding election of the Chairman and non-succeeding terms. He said that it was nothing earth-shattering, there was no public input and he thought it could be a Consent Agenda item at the next meeting.

Mr. Thomas asked for clarification on item 3.1D regarding persons speaking in the afternoon and evening and again during public hearings, so long as all conversations were on different

topics, and public hearing matters were to be discussed only in the evening and at the time of the scheduled public hearing.

Ms. Sellers said that she agreed with Mr. Thomas. She also agreed with the proposed changes regarding the Chairmanship, adding that the Chairman spends a lot more time with staff and she asked if the Board should consider a rotation for that position, such as is done by King George County.

Ms. Bohmke said she agreed with most of the proposed changes but felt there should be a lot more discussion before she voted. She added that she had no problem with a member not being Chairman during an election year; that was not a deal breaker. The one-year only change could be sticky and she wished to have a dialogue and look at how it was handled in previous years.

Mr. Milde said that the timing was great and that he was on the Board when Mr. Snellings, Ms. Stimpson, and Mr. Dudenhefer served two consecutive terms. He said that the real risk was the chance of there being as many as four new Board members next year and that amount of inexperience could be problematic in the Chairman position. Mr. Milde stated that he believed there should be an elected at-large chairman of the Board. Ms. Sellers said that she was not in favor of an at-large chairman position.

Mr. Foley noted that the original Item #6, Approve the 5-year Update of the GWRC Hazard Mitigation Plan; and Item #18, Condemnation of Property in Connection with the Belmont-Ferry Farm Trail, Phase 4, had been deleted from the agenda. Mr. Thomas requested that at future meetings, Mr. Foley announce agenda additions and deletions; that it would be helpful.

CLOSED MEETING

At 4:05 p.m., Ms. Bohmke motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM17-09.

The Voting Board tally was:

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

Resolution CM17-09 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel pertaining to actual litigation, where such consultation in open meeting would adversely affect the litigating posture of the Board, (2) discussion and consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board, and (3) discussion concerning the terms or scope of a public contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board; and

WHEREAS, pursuant to Virginia Code § 2.2-3711(A)(3), (7) and (29) 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 May, 2017, does hereby authorize discussion of the above matters in Closed Meeting.

Legislative; Closed Meeting Certification At 4:47 p.m., Ms. Sellers motioned seconded by Ms. Bohmke, to adopt proposed Resolution CM17-09(a).

The Voting Board tally was:

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

Nay: (0)

Resolution CM17-09 (a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MAY 16, 2017

WHEREAS, the Board has, on this the 16th day of May, 2017, 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 May, 2017, 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.

At 4:48 p.m., the Chairman recessed the afternoon session of the Board meeting and announced that the Historical Commission was hosting a reception at 6:00 p.m. in the A/B/C Conference Room on the 2nd floor of the George L. Gordon, Jr. Government Center.

At 7:00 p.m. the Chairman reconvened the meeting. Ms. Bohmke gave the Invocation and Mr. Snellings led the Pledge of Allegiance.

Ms. Anita Dodd and Mr. Ken Pitts with Historical Commission presented awards to the following individuals:

Mr. D. P. Newton was given the volunteer award for his education efforts through the White Oak Civil War Museum; Mr. Donn Hart, Virginia Properties, Inc. was given the preservation award for voluntarily providing a historic structures report on the Mountjoy House at the Patriot's Crossing development; Ms. Irma Clifton was given the volunteer award for efforts in opening the Shelton's Cottage to the public; and Mr. David Berreth earned the lifetime achievement award upon his retirement from Belmont, for his contribution to preservation over

the years. David was present and also received a proclamation from the Board. Ms. Barbara Kirby was unable to attend but was recognized for her years of service on the Historical Commission, the Architectural Review Board, and the Planning Commission. Mr. Cavalier read aloud Ms. Kirby’s proclamation.

Mr. Snellings and Mrs. Maurer presented a proclamation to the Mountain View Volunteer Fire Rescue Squad commemorating its 35th anniversary.

Student-athletes, coaches, and parents from the following County high schools were recognized for: Mountain View HS, Division 5-A State Champion Field Hockey Team; Brooke Point HS, Division 5-A State Champion Wrestling Team; Colonial Forge HS Division 6-A State Champion Girls Basketball and Division 6-A Wrestling Teams; and Stafford HS, Division 5-A State Champion Girls Gymnastics Team.

Presentations by the Public II –

Ruth Carlone - Distributed photographs of the Chatham Center showing the need for refurbishing; she met with Bruce Register and Rick Colbert in Economic Development who agreed to work with the owners of the Center; attention is also needed in the White Oak area; Ms. Kirby was much deserving of the proclamation and recognition.

Irma Clifton - Thanked the Board and Historical Commission for its work on Shelton Cottage; mentioned Marsha Chavez and the Shelton family members involved as well. Thanked Kathy Baker, Assistant Director of Planning and Zoning, and County staff, particularly Reggie Perkins with the Department of Parks and Recreation who was so much help.

PUBLIC HEARINGS

Item 18. Planning and Zoning; Consider Amending Stafford County Code, Chapter 22A, Purchase of Development Rights Ordinance Assistant Director of Planning and Zoning, Ms. Kathy Baker, gave a presentation and answered Board members questions. If approved, the proposed Ordinance would waive the 20 acre minimum lot size, if adjacent to property already included in the PRD program.

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

Ms. Sellers motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O17-22.

The Voting Board tally was:

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

Ordinance O17-22 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SEC. 22A-6, “ELIGIBILITY CRITERIA” AND SEC. 22A-7, “PROPERTY RANKING SYSTEM”

WHEREAS, in 2007, the Board established Stafford County Code, Chapter 22A, entitled “Purchase of Development Rights Program;” and

WHEREAS, the Agricultural/Purchase of Development Rights (PDR) Committee recommends amendments to Chapter 22A to revise the eligibility criteria for property; and

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

WHEREAS, the Board finds that public necessity, health, general welfare, safety, and good planning and conservation practices require adoption of such an Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of May, 2017, that Stafford County Code, Sec. 22A-6, “Eligibility criteria” and Sec. 22A-7 “Property ranking system,” be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

Chapter 22A - PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

Sec. 22A-6. - Eligibility criteria.

In order for a parcel to be eligible for the program, it must meet the following criteria:

- (b) The property(s) must be no less than twenty (20) acres in area or be included in a batch in which the combined area of contiguous parcels is no less than twenty (20) acres in area. A property owner who has a parcel of land currently encumbered by a Stafford County PDR easement may apply through the PDR application process to add additional acreage to the current easement from directly adjoining property with the same owner. If the additional acreage meets all other criteria for inclusion in the PDR program, the Board and the PDR Committee can waive the minimum 20 acres requirement. The additional acreage must be capable of supporting at least one development right.

Sec. 22A-7. - Property ranking system.

- (b) There shall be five (5) categories of criteria for evaluation under the system. In each category, certain factors descriptive of the characteristics of property sought to be included in the purchase of development rights program are included. Each factor is stratified into a range of possible point values ranging from zero (0) to thirty (30). To determine the total points assigned to such property, the values for all five (5) categories are added. Property having the highest total scores shall rank highest in priority of acquisition. The maximum total score is two hundred seventy (270) points. The categories, with their respective factors, are as follows:

PDR Ranking Criteria Point System – Section A		Possible Points	Total Points
(A)	Quality of the parcel (productivity capability) (90		

PDR Ranking Criteria Point System – Section A		Possible Points	Total Points
	Maximum Points)		
(1)	Size of Property	10	
	• 100 acres or more – 10		
	• 90 to 99.99 acres - 9		
	• 80 to 89.99 acres - 8		
	• 70 to 79.99 acres – 7		
	• 60 to 69.99 acres – 6		
	• 50 to 50.99 acres – 5		
	• 40 to 49.99 acres – 4		
	• 30 to 39.99 acres – 3		
	• 20 to 29.99 acres – 2		
	• <u>Less than 20 acres (if eligible) - 1</u>		

PDR Ranking Criteria Point System— Section D		Possible Points	Total Points
(D)	Environmental and aesthetic quality (30 Maximum Points)		
(1)	Virginia Division <u>Department</u> of Conservation and Recreation Ranking (as identified in the Ecological Cores portion of the Virginia Conservation Land Needs Assessment model and scored as a weighted average)		

Item 19. Planning and Zoning; Consider a Conditional Use Permit for a Drive-Through Facility, Zoned B-2 Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Charles Payne represented the application and also addressed the Board. Ms. Sellers asked about signage. Mr. Harvey said it had to be a monument sign, not on a steel pole.

Ms. Bohmke asked where the proposed site deviated from Neighborhood Design Standards. Mr. Payne talked about the cornices and the proposed color scheme of the building. He said that black and white was the prototype for Steak N Shake restaurants but the applicant agreed to use a cream color in place of the white.

Mr. Thomas asked if the traffic flow was one-way, would there be the same number of parking spaces. The project engineer, Ryan Foughi, said that there would not be the same number of spaces. He added that a two-way traffic pattern was tried at a different location and it confused patrons as to which way to go when pulling out of parking spaces to exit the parking lot. He said that using slanted spaces dictated which way drivers would exit.

The Chairman opened the public hearing. The following persons indicated a desire to speak:

- Billy Lonziak - Concerned about drainage onto his property and traffic concerns
- Dan Sklora - Concerned about hours of operation

The Chairman closed the public hearing.

In response to the concern about the hours of operation, Mr. Payne said that typical hours of operation in other localities were 24/7. To be consistent with the nearby Taco Bell, the hours for this location would be 7:00 a.m. to 2:00 a.m.

Mr. Foroughi gave a detailed explanation about drainage methods that would be used on the site to prevent drainage problems on surrounding properties. He noted that it would be an underground set-up, not relying on vegetation or trees to capture run-off. Mrs. Maurer asked for confirmation that the surface of the parking lot would be asphalt, not the bad surface material used by the new Verizon and Chiptole. Mr. Foroughi confirmed that it would be asphalt. Trash pick-up and the facility's dumpster had been moved from the back of the site and placed as far from existing homes as possible.

Regarding traffic concerns, he said that VDOT determined that the site was too close to Eustace Road to warrant a traffic signal. It would be a right in/right out and eventually, the Kingsland access may be closed once the upgrades to Garrisonville Road are complete.

Ms. Bohmke asked how many locations began operating on a 24/7 schedule but readjusted the hours of operation when 24/7 was not successful. Mr. Payne said he did not know. Mr. Snellings asked about water flow into the proposed stormwater management system. Mr. Foroughi said it was in a catch-basin; there was planned curb and gutter that would funnel the run-off underground.

Mr. Cavalier motioned, seconded by Ms. Sellers, to adopt proposed Resolution R17-100 with the items formalized regarding stormwater management and neighborhood design standard adherence.

Mr. Snellings said that he was not satisfied with the hours of operation; his main concern was that area would not support the proposed hours of operation and he could not support the project.

Mr. Thomas said that he favored the project but wished there was two vs. one-way traffic flow but that he supported staff's recommendation.

Ms. Sellers said that she would support the project and talked about the applicant's efforts to mitigate stormwater run-off; that the hours of operation were no more than a nearby McDonald's.

Ms. Bohmke said that she was hopeful that Ms. Sellers was correct but once the Board approved the conditional use permit (CUP), the approved hours of operation (7:00 a.m. to 2:00 a.m.) were set. She said she still had concerns about stormwater mitigation and that there was no real protection for nearby property owners, and she would not support the project.

Mr. Cavalier said that he made the motion, it was in his District, and he supported the project; that Garrisonville Road was one of the top commuter corridors in the County and this was a premiere piece of property and a good location for the County's first Steak N Shake. It would produce good tax revenue and provide a good service to residents and travelers. He added that he had no problem with the design; that branding was important and the County should be flexible if it wanted to attract more commercial business.

Mrs. Maurer said that she, too, would support the application. Speaking about stormwater management, she said the Rock Hill and Falmouth Districts were probably the most fraught with issues and that if mitigation was done right, there would be no problems at this site.

Mr. Milde said that he would not support the application; that the design standards were in place for a reason; the style was a box with metal sides and the County's standards were not being met, which was not acceptable to him. He questioned whether its location, more than two miles from I-95 would attract travelers from the interstate.

Mr. Payne said that his client was willing to pull back on the required architectural features and would work with the County to arrive at an acceptable design. Mr. Milde said if that was the case, he would then support the project.

The Voting Board tally was:

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

Nay: (2) Bohmke, Snellings

Resolution R17-100 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP16151555 TO ALLOW ONE DRIVE-THROUGH FACILITY IN THE HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT, ON A PORTION OF TAX MAP PARCEL NO. 20-4, LOCATED WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Steaks of Virginia, LLC (Applicant), submitted application CUP16151555 (Application) requesting a conditional use permit (CUP) to allow one drive-through facility in the HC, Highway Corridor Overlay Zoning District, on a portion of Tax Map Parcel No. 20-4, located within the Griffis-Widewater Election District; and

WHEREAS, the Application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1, which permits this use in a HC, Highway Corridor Overlay 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 Stafford County Code Sec. 28-185, and finds that this Application meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2017, that a conditional use permit (CUP) pursuant to application CUP16151555 be and it hereby is approved with the following conditions:

1. This CUP is to allow for one single-lane drive-through facility associated with a restaurant use within the HC, Highway Corridor Overlay Zoning District, on a 1.019-acre portion of Tax Map Parcel No. 20-4 (Property), as shown on the Generalized Development Plan prepared by Bagby, Foroughi and Goodpasture, PLLC, entitled, “Kingsland Square Steak ’n Shake 610,” dated November 18, 2016, as last revised February 24, 2017 (GDP). Minor changes to the general location and treatment of improvements depicted on the GDP shall be allowed on site plan review for purposes of engineering reasons or to comply with changes to federal, state, or local laws.
2. The hours of operation shall be limited to 7:00 a.m. to 2:00 a.m., seven days a week.
3. Site access to and from Garrisonville Road shall utilize the existing inter-parcel access easement and entrance shared with the adjoining property, Tax Map Parcel No. 20-4D. The access point off of this inter-parcel access easement that is closest to Garrisonville Road shall be designed to only permit enter-only vehicle movements, as depicted on the GDP. There shall be no additional direct vehicle access points to the Property from Garrisonville Road.
4. A travel-way connecting the Property to Kingsland Drive shall be constructed prior to issuance of the certificate of occupancy.
5. This CUP may be revoked or conditions modified for violations of these conditions or any applicable federal, state, or county code, law, ordinance, or regulation, after the owner/applicant has been notified in writing by the County of the violation(s), and the owner/applicant is given an opportunity to cure the violation(s).

Item 20. Planning and Zoning; Consider a Conditional Use Permit for a Drive-Through Facility, Zoned P-TND Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. The site is an undeveloped pad site at Aquia Town Center for which no user has been identified. Mr. Ryan Foroughi, engineer for the applicant, also addressed the Board.

Mr. Milde questioned if the site had design standards that were more stringent than the (just approved) Steak N Shake. Mr. Harvey said that it did, and a future operation would adhere to the County’s design standards before approval. Mr. Thomas asked for assurance that the conditions were contained in the proposed resolution. Mr. Harvey said that they were included.

Mr. Foroughi repeated that there was no user identified but they were hoping for something akin to Dunkin Donuts or Starbucks; that the size and configuration of the site would dictate what type of facility that could be located there.

In discussion about the proposed hours of operation, Mrs. Maurer said that the nearby McDonald's was a 24/7 operation; Kentucky Fried Chicken was open until 11:00 p.m. on Friday and Saturday, and 10:00 p.m. the other nights of the week. Ruby Tuesday was open until Midnight, and Mick's was open until 2:00 a.m. She said that she hoped the eventual tenant would have hours consistent with other local establishments.

The Chairman opened the public hearing. The following person indicated a desire to speak:

Ruth Carlone - Project is ludicrous; needs a family-friendly restaurant without a drive-through out of respect to the nearby apartments.

Dan Scolara - Opposed to the project; hoping for a place where neighbors could hang-out and children could be safe (without a drive-through).

In the applicant's rebuttal, Mr. Foroughi said that the land mass would not support a sit-down, family-style restaurant; that the applicant was putting forth the best use for an awkward piece of land. There were conditions to mitigate sound and light issues with neighbors in the close-by apartment buildings. Outdoor seating was proposed and shown in detail on the Generalized Development Plan (GDP). A future FRED bus stop was planned as were pedestrian walk-ways around the site to keep people off the busy travel-ways.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R17-102.

Mr. Thomas said that the Board could not pick the café; it was the private sector that would find an occupant for the very constrained parcel. He said that as it sat, it was an eyesore.

Mrs. Maurer said she agreed with the proposal and with the Planning Commission's 5 – 0 vote. She would support the CUP.

Ms. Sellers said that she, too, would support the application and asked about getting a Dairy Queen, which she said, was sorely missed by residents in the northern end of the County. She said that she liked that the applicant was not asking the Board or the County for money or tax incentives for this proposal.

Ms. Bohmke said that while she was not crazy about the proposed drive-through, she thought it would be an ideal location for a mini-Starbucks.

Mr. Snellings said he was fine with the application as it was presented.

Mr. Cavalier said that it was an outparcel, market-driven, and the applicant was trying to do the best for the site in a blighted shopping center; he was not bothered by the hours of operation or the drive-through.

Mr. Milde noted that the developers of the apartment complex were made aware of the potential use for the site before they signed on to build the apartments at that location.

The Voting Board tally was:

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

Resolution R17-102 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP16151584 TO ALLOW ONE DRIVE-THROUGH FACILITY IN THE HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT, AND THE P-TND, PLANNED-TRADITIONAL NEIGHBORHOOD DEVELOPMENT ZONING DISTRICT, ON TAX MAP PARCEL NO. 21CC-2, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Becker Venture, LLC (Applicant) submitted application CUP16151584 (Application) requesting a conditional use permit (CUP) to allow one drive-through facility in the HC, Highway Corridor Overlay Zoning District, and the P-TND, Planned-Traditional Neighborhood Development Zoning District, on Tax Map Parcel No. 21CC-2, located within the Aquia Election District; and

WHEREAS, the Application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1, which permits this use in a HC Overlay Zoning District, and the P-TND 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 Stafford County Code Sec. 28-185, and finds that the Application meets the standards for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of May, 2017, that a conditional use permit (CUP) pursuant to application CUP16151584 be and it hereby is approved with the following conditions:

6. This CUP is to allow for one single-lane drive-through facility associated with a restaurant use within the HC, Highway Corridor Overlay Zoning District, and the P-TND, Planned-Traditional Neighborhood Development Zoning District, on a 0.7271-acre parcel known as Tax Map Parcel No. 21CC-2 (Property).

7. Only one loud speaker shall be permitted, and it shall not be angled in an easterly direction towards the adjacent apartments.
8. No illuminated signage shall be permitted on the eastern façade of the building.
9. Any monument signage shall be oriented to the western end of the Property.
10. The dumpster enclosure shall consist of masonry materials, with type and color similar to the primary building.
11. The usage of bay doors for the drive-through facility shall be prohibited.
12. The hours of operation shall be limited to 5:00 a.m. to 11:00 p.m. Sunday through Thursday, and 5:00 a.m. to 12:00 a.m. Friday and Saturday.
13. Deliveries to the Property are not permitted between the hours of 12:00 a.m. and 7:00 a.m.
14. This CUP may be revoked or conditions modified for violations of these conditions or any applicable federal, state, or county code, law, ordinance, or regulation after the owner/applicant has been notified in writing by the County of the violation(s) and the owner/applicant is given an opportunity to cure the violation(s).

Adjournment At 9:12 p.m., the Chairman adjourned the Board of Supervisors meeting.

Thomas C. Foley
County Administrator

Paul V. Milde, III
Chairman