

BOARD OF SUPERVISORS
STAFFORD, VIRGINIA
MINUTES
Regular Meeting
October 17, 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, October 17, 2017, in the Board Chambers, 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 noted that there were four additions to the Consent Agenda as follows: 18b. Watch for Children Sign in the Falmouth District; 18c. Watch for Children Signs in the Rock Hill District; 18e. Hispanic Heritage Month Proclamation; and 18f. proposed Resolution R17-292 regarding repairs to Little Lake Arrowhead Dam.

Ms. Bohmke motioned, seconded by Mrs. Maurer, to adopt the agenda with the four additions referenced above.

The Voting Board tally was:

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

Ms. Bohmke read aloud the proclamation recognizing Hispanic Heritage Month, September 15 through October 15, 2017. Mr. Thomas said that an e-mail requesting the proclamation referred to it as being an “oversight” on the part of the Board Chairman. Mr. Thomas noted that it was not an oversight on the part of the Chairman and that while he was happy to support the proclamation, it was new this year and was not ever recognized in previous years when he was the Chairman or a member of the Board.

Mr. Thomas presented a proclamation recognizing Native American Heritage Month to Ms. Sonja Johnson with the Falls of the Rappahannock Chapter of the Daughters of the American Revolution. Ms. Johnson said that the recognition meant a lot and recognized the Patowomeck Tribe in her comments.

Ms. Sellers presented a proclamation recognizing Red Ribbon Week, October 23-31, 2017, also to Ms. Johnson. Private Aleah Mugele and Lance Corporal Tyler Mugele were called to the dais and recognized as members of the LCpl Caleb John Powers Young Marines of Fredericksburg. Ms. Johnson said that one of the pillars of the Young Marines program was to lead positive, drug free lifestyles and to educate and encourage others to do the same. Young Marine units are mandated to teach the Project Alert curriculum, standardized all across the nation. The Project Alert curriculum focuses on the Gateway Drugs, but also stays current with drugs that affect our youth. It also gives senior Young Marines the opportunity to become certified instructors and teach their younger Young Marines and peers.

Mr. Milde presented a proclamation recognizing World Polio Day, October 24, 2017, and Rotary International's contribution to eradicating polio. Those attending to accept the proclamation were Mike Smith, Stafford Rotary President; Sandy Duckworth, Stafford Rotary Foundation Chair and also a member of the Armed Services Memorial Commission; Mr. Jake Almborg, Stafford Rotary Bookkeeper and past President; Mr. Jack Broome, Stafford Foundation Chair; and Mr. Don Duckworth, Stafford Foundation Secretary. Mrs. Duckworth noted that Rotary International took up eradication of polio as a cause and its world-wide efforts began in 1988 working to minimize the (then) 1000 deaths per day from polio. She said that polio has been eradicated in all but three countries in the world, Nigeria, Afghanistan, and Pakistan. Mrs. Duckworth said that in Afghanistan and Pakistan where mountainous regions and on-going fighting made it difficult to vaccinate children; but she noted that on the occasion where Rotary was able to get medical personnel there, the fighting stopped so that the children could be immunized. She noted that when polio was eradicated from India, Pakistan stepped up and soon, hopefully, they will no longer have polio there either.

Presentations by the Public The following persons indicated a desire to address the Board:

Gregory Gavan - Thanked Mr. Milde and Mr. Snellings for their service to the citizens of Stafford County; he met Mr. Milde about 10 years ago. He said that Mr. Milde was young and articulate with a lot of energy and cared about his constituents; they met to discuss the Potomac River in winter after Aquia Beach was closed. Afterwards, the Beach was open year round. Mr. Gavan said that Mr. Snellings was the most responsive civil servant in the County with no equal; he was an elder statesman that returned calls, listens and was kind and considerate and worked tirelessly for the citizens. Mr. Gavan stated that he would vote for Mr. Snellings as Hartwood District Supervisor in the upcoming election.

Mr. Milde acknowledged Delegate Mark Dudenhefer who was in attendance at the meeting.

Board Member Presentations Board members spoke on related topics and asked that items as identified be removed from the Consent Agenda for discussion and separate vote:

Ms. Bohmke - Attended the Mason Dixon Café ribbon cutting and welcomed them to the community; said there was a full house last Thursday and encouraged everyone to

visit the restaurant and enjoy their food and wonderful service. Offered congratulations to the employees that received service awards at the recent luncheon; one employee, Beth Janis, has been a County employee for 45 years, since she was 18 years old, in the Treasurer's Office. Ms. Bohmke said it would be hard to replace all the institutional knowledge that Ms. Janis has when she retires. Attended the Missouri Poverty Simulation at Falmouth ES and participated as part of a family living below the poverty line, which was interesting and heartbreaking. The summary was that people living below the poverty line do not have enough food, and health care needs are not met. If the opportunity presents itself, Ms. Bohmke recommended that anyone who could, should take part in this activity as it was a very eye-opening experience. Attended the University of Mary Washington (UMW) Turning Point Alternative School opening; she was very excited about the new space for teachers and for students who are enrolled in the Program; which, she said was a win-win program. UMW is renting them space during the day since most of their graduate classes are held at night. Pulled #8 from the Consent Agenda.

Mr. Cavalier - Attended the Aquia Harbour Property Owners Association annual meeting; also attended the Fredericksburg Regional Alliance (FRA) meeting and FAMPO (the Fredericksburg Area Metropolitan Planning Organization) meeting as an alternate along with Mr. Thomas.

Mrs. Maurer - Thanked Mr. Gavan for his thoughts during Public Presentations, saying that it was good to hear nice things. Attended the Jr. ROTC event at Mountain View HS; thanked Ms. Healy for the invitation. It is the first Marine unit in the County; all five high schools have Jr. ROTC programs; there are over 200 recruits. Attended the Board of Supervisor candidate's debate and wished good luck to all. Mrs. Maurer met with Mountain View volunteer fire department crews and discussed looking at different ways of budgeting, which they were very interested in. Thanked Mr. Foley for his work on new budgeting methods and procedures.

Mr. Milde - Noted that when he first came on the Board he gave very detailed committee reports and reported on every event he attended, which is a habit of his that was not well received at the time. Due to his being out of town for two weeks, he did not have much to report except to say again that he was very grateful to Mr. Snellings for his work on the Armed Services Memorial Commission and to offer condolences to former Rock Hill Supervisor, Mr. Bob Gibbons, on his mother's passing, and best wishes to Lois, his wife, who has not been well.

Ms. Sellers - Attended the grand opening of the new Office on Youth, which has new programs and is working on changing its fee structure. She was grateful to welcome five new fire fighters/graduates of Recruit Academy 11. Attended FAMPO and GWRC and talked about the "Go Virginia" initiative. Ms. Sellers gave an update on the Public Safety Committee meeting, which included a discussion about funding Fire, Rescue, and Emergency Services; the Community Services Board and its work on the opioid epidemic and public education and awareness of the problem in this Region; as well as their partnering with local

law enforcement regarding services and getting the problem the attention it deserves; and an update on the Multi-Cultural Coalition was provided. Ms. Sellers hosted a meeting of residents/neighbors to the Ebenezer United Methodist Church, which was well attended and led to good conversation. The Coats for Kids initiative of the Department of Fire and Rescue needs volunteers on Thursday, October 26th at Station 12; NBC4 news crew will be filming at 5:30 a.m. Ms. Sellers noted that she wanted to ask for an addition to the November 21st meeting Consent Agenda to give County employees a full day off on Wednesday, November 22nd, the day before Thanksgiving, traditionally it was only a half-day holiday. Mr. Thomas motioned, seconded by Mrs. Maurer, to include that item on the Board's November 21st meeting agenda. The vote was unanimous in favor of the addition to the November 21st agenda and providing a full day off on Wednesday, November 22nd. Pulled #12 from the Consent Agenda.

Mr. Snellings - Was honored to be a speaker at the grand opening of the new American Legion Post 290; attended the opening of the Turning Point Alternative School on the UMW campus; had the honor of swearing in the five graduates of Recruit Academy 11, four men and one woman were sworn in. Regarding water in the Hartwood District, Mr. Snellings said that the Aquifer Study was close to being completed and he would be hosting a town hall meeting to share the results once they were available. He announced that all the bricks with errors were verified and new bricks ordered which, he hoped would be installed in time for a ceremony scheduled for Veteran's Day, Saturday, November 11th at 10:00 a.m. at the Memorial.

Mr. Thomas - Attended the Mountain View HS Jr. ROTC event, and was excited to have a Marine platoon in the County. He spoke about the excellent close order drill, which the Jr. ROTC recruits learned in less time than he had to learn it in boot camp. Attended PRTC where the newly hired Executive Director, Dr. Bob Schneider, continues to impress with his well thought out reorganization of personnel and using the skills of employees to create new and eliminate unneeded positions. Mr. Snellings did a fine job speaking at the American Legion event and Mr. Thomas noted that there was conflict that day with the opening of George Washington's Boyhood Home. He congratulated Ferry Farm on that accomplishment. Mr. Thomas asked that the GWRC Hazard Mitigation Plan be placed on the Board's November 21st Consent Agenda for approval by the Board. At FAMPO, all jurisdictions voted in favor of adding the I-95 northbound Rappahannock River Crossing to the Round 3 Smart Scale applications; traffic on that stretch of I-95 was voted seventh worst in the whole Country.

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

Report of the County Administrator – Mr. Foley announced that investiture for newly elected Board members would be held on December 7th, 7:30 p.m., in the Board Chambers.

Chief Financial Officer, Ms. Maria Perrotte, offered the first quarter FY2018 financial review. She noted that most revenues and expenditures were tracking as projected. Real estate and personal property (second half) bills would be ready at the end of October. Sales tax, meals tax,

and hotel taxes are tracking slightly higher than last year at this time; and development fees are also tracking slightly higher than last year. Staff is watching Children's Services Act (CSA), Fire and Rescue overtime, health insurance, and the Juvenile Detention Center expenses.

Public Works Director, Mr. Christopher Rapp, gave an overview of transportation bond projects including Garrisonville Road widening, completion of the Mine Road sidewalk (under budget), the Poplar Road/Mountain View Road intersection, Juggins Road, Brooke Road safety improvements, Belmont-Ferry Farm Trail Phase 4, and Fire Station 14. Ms. Sellers asked about the 610 Car Wash sign. Mr. Cavalier responded that Gary McCollum with Utilities was working on an easement and the sign placement.

Chief Information Technology Officer, Mr. Michael Cannon, gave an update on the Broadband request for proposal (RFP) as requested by Mr. Snellings. Mr. Cannon said that a Request for Expression of Interest (RFEI) was issued and there were 10 responses. Some responses focused on fixed wireless offerings to serve rural and underserved areas while others looked at extending fiber to homes; some proposed a hybrid approach. One of the respondents noted that they intended to submit a Public Private Education Agreement (PPEA), which may involve using the Schools' fiber infrastructure. Mr. Cannon's counterpart at the Schools, Nicole Stewart, was made aware of this proposal. The County Attorney's Office advised that if a PPEA was received, the County would follow the 60-day review process involving the Board, as well as seeking input from the Schools if the proposal involved using its fiber infrastructure. If the PPEA was not received, the County would work on preparing a RFP, which would be challenging to craft, appealing to vendors while avoiding a large financial outlay by the County. In addition to the Schools' fiber infrastructure, another area of focus is the County-owned free standing towers. Brian Roinestad, the County's Telecommunications Commission (TCC) Chairman, and Mr. Cannon took a look at satellite technology and the industry leader, Exede/VIASAT. Their potential rate plan would be \$50 to \$150/month with up to 100Mg download speed, which would be suitable for a vast majority of County residents. Mr. Roinestad and other members of the TCC, along with representatives from Comcast and Verizon, visited nearly all County schools to promote the \$10/month broadband services offered for low income families. Mr. Cannon concluded his presentation saying that staff would continue working to draft the RFP and providing updates to the Infrastructure Committee. Mrs. Maurer asked that Mr. Cannon's notes be provided to the Board. Mr. Milde said that Mr. Roinestad has done a lot for the County with his work on the TCC.

APPROVAL OF THE CONSENT AGENDA

Ms. Sellers motioned, seconded by Mrs. Maurer, to accept the Consent Agenda, pulling Item 8 as requested by Ms. Bohmke, and Item 12 as requested by Ms. Sellers.

The Voting Board tally was:

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

Item 4. Legislative: Approve the Minutes of the October 3, 2017 Board Meeting

Item 5. Finance and Budget; Approve the Expenditure Listing

Resolution R17-275 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED OCTOBER 03, 2017 THROUGH OCTOBER 16, 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 17th day of October, 2017 that the above-mentioned EL be and hereby is approved.

Item 6. County Administration; Authorize the Appointment of Mr. Chad Young to the Agricultural/Purchase of Development Rights Committee Representing the George Washington District

Item 7. County Administration; Authorize the Appointment of Mr. G. Jay Rucker to the Parks and Recreation Commission Representing the Rock Hill District

Item 8. County Administration; Authorize the County Administrator to Execute a Contract for Professional Development Advisory Services Ms. Bohmke asked that this item be pulled for discussion and inquired how the contract would work as there was no fiscal impact included in the background information. Deputy County Administrator, Mr. Fred Presley, responded that there would be no cost involved until a specific project was identified; the requested approval was for an open-ended contract to work on the Courthouse improvement project initially but could be used for projects within RDA's and on other County projects as needed; there would be a cost associated with each item that the Board would vote on if it exceed the \$100k threshold for County Administrator approval. The proposed contract is for one year with four one-year renewal periods. \$230,000 is already been budgeted for work on the Courthouse area. The chosen developer holds contracts with and has done work in Fairfax County and Albemarle County. Mr. Milde said that has been a push for a downtown, walkable Courthouse area, and where a huge investment has already been made with the public safety building, the government center, and the proposed new courthouse. He noted that it takes a lot of planning and vision on how to get there.

Mr. Snellings motioned, seconded by Mr. Milde, to approve proposed Resolution R17-261.

The Voting Board tally was:

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

Resolution R17-261 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH STANTEC CONSULTING SERVICES, INC. FOR PROFESSIONAL REDEVELOPMENT ADVISORY SERVICES FOR THE COUNTY

WHEREAS, the Board determined that it is efficient to have redevelopment advisory service firm to perform professional services for various County development and redevelopment projects that are beyond the capabilities of County staff; and

WHEREAS, the County solicited proposals from firms to provide redevelopment advisory services; and

WHEREAS, staff evaluated the proposals received, and determined that Stantec Consulting Services, Inc. was the most qualified to provide the scope of services requested; and

WHEREAS, the contract would be for an initial period of one year, with an option to renew for four additional one-year periods, for a total of five years;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that the County Administrator be and he hereby is authorized to execute a contract with the Stantec Consulting Services, Inc. for professional redevelopment advisory services for one year with an option to renew for four additional one-year terms, unless amended by a duly-executed contract amendment.

Item 9. County Administration; Authorize the County Administrator to Advertise a Public Hearing to Consider a Proposed Service District for Lake Carroll in Argyle Heights

Resolution R17-282 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF THE LAKE CARROLL SERVICE DISTRICT, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, property owners adjacent to Lake Carroll within the Argyle Heights subdivision (Affected Properties) desire to make improvements to the Kennedy Dam (Dam); and

WHEREAS, the Dam is classified as high hazard, has fallen into a state of disrepair, and is out of compliance with the Virginia Department of Conservation and Recreation regulations; and

WHEREAS, inaction is not an option and the Dam must either be repaired or the Lake Carroll drained in order to protect the health, safety, general welfare, and property of the residents of the Affected Properties and neighboring area; and

WHEREAS, the County has performed preliminary work, and estimates that the cost to repair, construct, and or reconstruct the Dam is between approximately \$300,000 to \$500,000; and

WHEREAS, funding for these improvements could be provided through a service district to allow an annual assessment upon properties within the service district boundaries; and

WHEREAS, the Lake Carroll, LTD owner of Lake Carroll and the Dam, has voiced support of setting up a service district and submitted petitions from the owners of 17 of the 19 Affected Properties; and

WHEREAS, the Board desires and is required to conduct a public hearing to consider establishing the Lake Carroll Service District;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that it be and hereby does authorize the County Administrator to advertise a public hearing to consider establishing the Lake Carroll Service District.

Item 10. County Administration; Approve Naming the Civil War Pavilion “Trimmer Pavilion”

Resolution R17-283 reads as follows:

A RESOLUTION NAMING THE STAFFORD CIVIL WAR PARK PAVILION,
THE “TRIMMER PAVILION”

WHEREAS, in 2006, the Friends of Stafford Civil War Sites and Mr. Glenn Trimmer first raised awareness about the significance of the land on which the Civil War Park (Park) is now located; and

WHEREAS, the Board has preserved the 41.2-acre Park site; and

WHEREAS, the Board desires to honor Mr. Trimmer for his relentless pursuit of and vision for the Park, and his exhaustive and in-depth historical research which provided the basis for the information and interpretation of the Park, which is now a cultural and economic asset to the County; and

WHEREAS, the Board also desires to acknowledge Mr. D. P. Newton, curator of the White Oak Museum, who was also invaluable in sharing his knowledge, and in his dedication to the formation of the Park;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that, notwithstanding the Board’s policy on naming buildings in Resolution R07-147, it be and hereby does name the pavilion within the Stafford County Civil War Park, “the Trimmer Pavilion” in honor of Mr. Glenn Trimmer; and

BE IT FURTHER RESOLVED that a plaque commemorating the efforts of Mr. Glenn Trimmer and Mr. D. P. Newton be erected at the Trimmer Pavilion.

Item 11. Public Works; Petition VDOT to Include Brass Court, Located within Cranewood, Section 2, into the Secondary System of State Highways

Resolution R17-265 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE BRASS COURT, LOCATED WITHIN CRANEWOOD, SECTION 2, IN THE HARTWOOD DISTRICT, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Brass Court within Cranewood, Section 2, located off Enon Road (SR-753) approximately 0.25 mile from Jefferson Davis Highway (US-1); and

WHEREAS, VDOT inspected Brass Court, and found it satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Cranewood, Section 2, into the Secondary System of State Highways:

| Street Name/ Route Number | Station | Length |
|------------------------------|---|---------------------|
| Brass Court (SR-2081) | From: Intersection with Enon Road (SR-753) To: 0.07 mi. East of Intersection with Enon Road (SR-753) | 0.07 mi. ROW 50' |

An unrestricted right-of-way, as indicated above, for this street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Cranewood, Section 2, recorded among the Land Records of Stafford County, Virginia as Plat Map Number PM110000100, with Instrument Number LR110018289 on October 31, 2011; and

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

Item 12. Public Works; Authorize the County Administrator to Execute a Contract for the Construction of Fire and Rescue Station 14 Ms. Sellers asked that this item be pulled and commented that she was proud this was finally happening and that a new station would be built and come in under budget.

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R17-274.

The Voting Board tally was:

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

Resolution R17-274 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH DANIEL & COMPANY, INC. FOR THE CONSTRUCTION OF FIRE AND RESCUE STATION 14

WHEREAS, the Board acquired property at 53 Shelton Shop Road to construct a permanent Fire and Rescue Station 14 (Station 14), designed to meet the present and future public safety needs for the County and its residents; and

WHEREAS, the Capital Improvement Program (CIP) includes funding for Station 14 in FY2017; and

WHEREAS, the County advertised and received five bids for the construction of Station 14; and

WHEREAS, the bid by Daniel & Company, Inc.'s in the amount of \$4,724,000 is the lowest responsive and responsible bidder; and

WHEREAS, the breakdown of the Daniel & Company, Inc. bid includes a base bid of \$4,515,000, with add alternate bid #1 not executed, add alternate bid #2 of \$199,000, and add alternate bid #3 of \$10,000, for a total contract bid of \$4,724,000; and

WHEREAS, staff reviewed the cost and determined it to be reasonable for the scope of work proposed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October 2017, that the County Administrator be and he hereby is authorized to execute a contract with Daniel & Company, Inc. for the construction of Fire and Rescue Station 14, in an amount not to exceed Four-million, Seven Hundred Twenty-four Thousand Dollars (\$4,724,000), unless modified by a duly-authorized change order.

Item 13. Planning and Zoning; Authorize the County Administrator to Advertise a Joint Public Hearing with the Planning Commission regarding a Proffer Amendment and Conditional Use Permit Amendment for Stafford Hospital

Resolution R17-277 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION AND REQUESTING THE PLANNING COMMISSION'S PARTICIPATION ON DECEMBER 19, 2017, TO CONSIDER REQUESTS FOR A ZONING RECLASSIFICATION AND A CONDITIONAL USE PERMIT TO ALLOW A FAMILY HEALTH CENTER MEDICAL CLINIC IN THE B-2, URBAN COMMERCIAL ZONING DISTRICT, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Medicorp Properties, Inc., applicant, submitted (1) application RC17152031 requesting an amendment to proffered conditions on Tax Map Parcel Nos. 39P-1, 39P-1A, 39R-A, 39R-B, 39R-C, 39R-1, 39R-2, 39R-3, 39R-4, 39R-5, 39R-6, 39R-7, 39R-8,

39R-9, and 30R-10 (Property), zoned B-2, Urban Commercial; and (2) application CUP17152030 requesting a Conditional Use Permit to amend existing conditions for a hospital in a B-2, Urban Commercial Zoning District and HC, Highway Corridor Overlay Zoning District and to allow exception for the height of a hospital in a B-2, Urban Commercial Zoning District, on Tax Map Parcel Nos. 39P-1 and 39P-1A; and to allow for an exception to the maximum height allowed for a fence within the B-2, Urban Commercial Zoning District, on Tax Map Parcel Nos. 39R-A, 39R-B, 39R-C, 39R-1, 39R-2, 39R-3, 39R-4, 39R-5, 39R-6, 39R-7, 39R-8, 39R-9, and 30R-10; and

WHEREAS, as part of the request, Medicorp Properties, Inc. is requesting the Board consider scheduling a joint public hearing with the Planning Commission to consider these requests; and

WHEREAS, pursuant to the Virginia Code, the Board and Planning Commission are permitted to hold a joint public hearing; and

WHEREAS, the Board desires the scheduling of a joint public hearing with the Planning Commission to consider the applicant's requests, which are associated with the proposed family health center on the East Campus of the Stafford Hospital Center complex;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that the County Administrator be and hereby is authorized to advertise joint public hearings to be held on December 19, 2017, with the Planning Commission to receive public comment regarding applications RC17152031 and CUP17152030 for a proposed family health center on the East Campus of the Stafford Hospital Center complex; and

BE IT FURTHER RESOLVED that the Board requests the Planning Commission's participation in the joint public hearings to be held on December 19, 2017; and

BE IT STILL FURTHER RESOLVED that the Board specifically waives Section 6-6 of its By-laws to permit the advertisement of the joint public hearings to consider a rezoning application and conditional use permit in December of an election year.

Item 14. Planning and Zoning; Request that the Planning Commission Prepare an Amendment to the Bicycle and Pedestrian Facilities Element of the Comprehensive Plan

Resolution R17-284 reads as follows:

A RESOLUTION REQUESTING THE PLANNING COMMISSION PREPARE AMENDMENTS TO THE BICYCLE AND PEDESTRIAN FACILITIES PLAN ELEMENT OF THE COMPREHENSIVE PLAN

WHEREAS, the current Bicycle and Pedestrian Facilities Plan (Plan) was adopted in 1996; and

WHEREAS, since adoption of the Plan, no updates have been made to reflect current conditions, facility needs, or related planning efforts; and

WHEREAS, the Board desires to engage the public and other stakeholders in the process of updating the Plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that the Planning Commission be and it hereby is requested to prepare amendments to the Bicycle and Pedestrian Facilities Plan element of the Comprehensive Plan, hold a public hearing, and provide its recommendations to the Board by June 30, 2018.

Item 15. Planning and Zoning; Authorize the County Administrator to Advertise a Public Hearing to Consider Amending County Code Sec. 24 “Vegetation” to Include Provisions to Regulate “Running Bamboo”

Resolution R17-285 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDING AND REORDAINING COUNTY CODE TO REGULATE RUNNING BAMBOO

WHEREAS, the Board has received complaints from citizens about running bamboo; and

WHEREAS, the Board believes that running bamboo can be a nuisance to the community and should be regulated; and

WHEREAS, the Board finds that public necessity, convenience, and general welfare require consideration of such an ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider amending and reordaining the County Code to regulate running bamboo pursuant to proposed Ordinance O17-42.

Item 16. Planning and Zoning; Request the Planning Commission Consider and Prepare Recommended Changes to Neighborhood Development Standards regarding Standards for Senior Apartments

Resolution R17-276 reads as follows:

A RESOLUTION REQUESTING THE PLANNING COMMISSION TO CONSIDER AND PREPARE AMENDMENTS TO THE NEIGHBORHOOD DEVELOPMENT STANDARDS PLAN, REGARDING SENIOR APARTMENTS

WHEREAS, senior housing is already permitted in some zoning districts, and the Board adopted Ordinance O17-08 creating the R-5, Age Restricted Housing Zoning District, which would allow higher density senior apartments; 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 adopted the Neighborhood Development Standards (NDS) Plan, a component of the Comprehensive Plan, in 2012; and

WHEREAS, the NDS Plan includes layout and design standards for new development particularly in higher density areas; and

WHEREAS, the Board desires to include design standards for senior apartments to ensure the health, safety and welfare of senior citizens in the county; and

WHEREAS, the Board desires to receive recommendations from the Planning Commission on this matter;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October 2017, that the Planning Commission be and it hereby is requested to discuss and prepare its recommended changes to the Neighborhood Development Standards Plan element of the Comprehensive Plan, to incorporate design standards for senior apartments, and report its recommendations to the Board in advance of conducting public hearings.

Item 17. Community Engagement; Proclamation Recognizing Ms. Dianna Flett, Northern Virginian of the Year

Proclamation P17-35 reads as follows:

A PROCLAMATION RECOGNIZING DIANNA FLETT FOR BEING NAMED A 2017 NORTHERN VIRGINIAN OF THE YEAR FOR HER CREATION OF THE GIRL SMARTS PROGRAM

WHEREAS, Dianna Flett, a graduate of Rutgers University, is a retired Army Lieutenant Colonel, who served 21 years as a military intelligence officer. Mrs. Flett is a highly decorated officer and combat veteran of Desert Shield/Desert Storm who received several awards including the Bronze Star for her work with deployed units in the desert; and

WHEREAS, upon her retirement from military service after the birth of her fourth son, Mrs. Flett remained committed to serving albeit in a new role in her community; and

WHEREAS, Mrs. Flett served as President of the Margaret Brent Elementary School Parent Teacher Association (PTO) from 2005 through 2008; and

WHEREAS, during her time in Margaret Brent Elementary School and in conversations with her sons about the challenges faced by fourth and fifth grade girls, the idea that a program to empower young women was born; and

WHEREAS, in 2009 Mrs. Flett held the first Girl Smarts class at Margaret Brent Elementary School; the goal of the Girl Smarts program is to support, strengthen, and motivate young girls in fourth and fifth grade and is designed to elevate a girl’s sense of self before they face the challenges of their early teens; and

WHEREAS, the Girl Smarts program quickly spread to other Stafford County elementary schools and as of today the program has been implemented in four counties, including Stafford County, and has touched the lives of more than 3,000 girls; and

WHEREAS, Mrs. Flett works together with the teachers, administration, and parents, and the Girl Smarts' team leader to help make young women strive toward the Girl Smarts' motto that each girl should be confident, capable, and in control; and

WHEREAS, Mrs. Flett, the creator and CEO of Girl Smarts, Inc, was recognized by *Northern Virginia Magazine* as a "2017 Northern Virginian of the Year" for her contributions to the health and well-being of the young women in our community and was invited by the White House to the "United States of Women Summit" in 2016; and

WHEREAS, Stafford County would like to recognize the significant accomplishments and leadership of Mrs. Flett in making a difference in her local community and in the lives of fourth and fifth grade girls who will become the leaders of tomorrow;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that it be and hereby does recognize and commend Dianna Flett for her service to the country and her county, and her achievement in enriching the lives of and empowering young girls.

Item 18. Community Engagement; Proclamation Recognizing World Polio Day, October 24, 2017, and Rotary International's Contribution to Eradicating Polio

Proclamation P17-36 reads as follows:

A PROCLAMATION RECOGNIZING WORLD POLIO DAY, OCTOBER 24,
2017, AND ROTARY INTERNATIONAL'S CONTRIBUTION TO
ERADICATING POLIO IN THE WORLD

WHEREAS, Rotary International was founded on February 23, 1905 and is the world's first and one of the largest non-profit service organizations; and

WHEREAS, Rotary International's motto "*Service Above Self*" inspires members to provide humanitarian service in its 1.2 million members in 35,000 clubs in 200 countries and geographic areas; and

WHEREAS, Rotary International launched its *PolioPlus* initiative and spearheaded the Global Polio Eradication Initiative, which includes the World Health Organization, the U.S. Centers for Disease Control and Prevention, U.N.I.C.E.F., and the Bill and Melinda Gates Foundation; and

WHEREAS, to date, Rotary International has contributed more than \$1.7 billion and countless volunteer hours to the protection and immunization of more than two billion children in 122 countries; and

WHEREAS, polio cases have dropped by 99.9 percent since 1988, and the world stands on the threshold of eradicating the disease;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that it be and hereby does recognize World Polio Day, October 24, 2017 in Stafford County; and

BE IT FURTHER PROCLAIMED that Rotary International is to be recognized and commended for its world-wide efforts in providing much needed operational support, medical personnel, laboratory equipment, education materials, fund raising, and volunteer hours in its tireless effort aimed at eradicating polio in the world's children.

CONSENT AGENDA ADD-ONS

Item 18b. Public Works; Authorize the Installation of a “Watch for Children” Sign on Huntington Drive (SR-1188), Located Within the Huntington Hills Subdivision

Resolution R17-288 reads as follows:

A RESOLUTION AUTHORIZING THE INSTALLATION OF A “WATCH FOR CHILDREN” SIGN ON HUNTINGTON DRIVE (SR-1188), WITHIN HUNTINGTON HILLS SUBDIVISION, LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, the Board is concerned with transportation safety on residential streets; and

WHEREAS, on February 19, 2008, the Board adopted the Residential Traffic Management Plan (RTMP) to provide Stafford County citizens with various programs to address traffic-related concerns; and

WHEREAS, the installation of “Watch for Children” signs is authorized pursuant to Virginia Code § 33.2-251; and

WHEREAS, the residents of the Huntington Hills Subdivision (Subdivision) petitioned for the purchase and installation of a “Watch for Children” sign within the Subdivision; and

WHEREAS, the Virginia Department of Transportation’s (VDOT) policy permits the installation of this sign along Huntington Drive within the Subdivision; and

WHEREAS, the proposed location on Huntington Drive meets VDOT’s essential criteria for the installation as it is a residential local road, based on the current RTMP, “Watch for Children” sign program; and

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

WHEREAS, the approximate cost of the sign, post, and installation is \$300 and is available in the County’s Transportation Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that it be and hereby does approve the purchase and installation of a “Watch for Children” sign approximately 200 feet past the posted speed limit sign on Huntington Drive (SR-1188) near the main entrance of Huntington Hills Subdivision; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, shall transmit a copy of this Resolution to VDOT.

Item 18c. Public Works; Authorize the Installation of “Watch for Children” Signs on Stevens Drive (SR-1200), Located Within the Vista Woods Subdivision

Resolution R17-289 reads as follows:

A RESOLUTION AUTHORIZING THE INSTALLATION OF “WATCH FOR CHILDREN” SIGNS ON STEVENS DRIVE (SR-1200), WITHIN VISTA WOODS SUBDIVISION, IN THE ROCK HILL ELECTION DISTRICT

WHEREAS, the Board is concerned with transportation safety on residential streets; and

WHEREAS, the Board adopted the Residential Traffic Management Plan (RTMP) on February 19, 2008, to provide Stafford County citizens with various programs to address traffic-related concerns; and

WHEREAS, the installation of “Watch for Children” signs is authorized pursuant to Virginia Code § 33.2-251; and

WHEREAS, the residents of the Vista Woods Subdivision (Subdivision) petitioned for the purchase and installation of two “Watch for Children” signs within the Subdivision; and

WHEREAS, the Virginia Department of Transportation’s (VDOT) policy permits the installation of these signs along Stevens Drive within the Subdivision; and

WHEREAS, the proposed locations on Stevens Drive meets the essential criteria for the installation as it is a residential local road, based on the current RTMP, “Watch for Children” Sign Program; and

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

WHEREAS, the approximate cost of the signs, posts, and installation is \$600, which is available in the County’s Transportation Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that it be and hereby does approve the purchase and installation of two “Watch for Children” signs at the following locations:

- Approximately 240 feet west of the intersection of Stevens Drive and Vista Woods Road (facing east); and
- Approximately 230 feet west of the intersection of Stevens Drive and Buck Road (facing west); and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, shall transmit a copy of this Resolution to VDOT.

Item 18d. County Administration; Proclamation Recognizing Hispanic Heritage Month

Proclamation P17-38 reads as follows:

A PROCLAMATION RECOGNIZING NATIONAL HISPANIC HERITAGE
MONTH, SEPTEMBER 15 – OCTOBER 15, 2017

WHEREAS, Hispanics have made significant contributions in all phases of our economic, social, cultural, and political life; and

WHEREAS, each year, Americans observe National Hispanic Heritage Month by celebrating the history, culture, and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America; and

WHEREAS, Stafford is proud that persons of Hispanic or Latino descent constitute more than 12% of Stafford's total population; and

WHEREAS, Hispanic and Latino Staffordians are leaders in business, military service, education, healthcare, science and technology, and other areas that propel Stafford forward in jobs, businesses, and education; and

WHEREAS, Hispanics contribute to the great diversity and unity of Stafford County; and

WHEREAS, the Hispanic community's emphasis on the importance of family strengthens the very foundation of Stafford County; and

WHEREAS, as Stafford continues to build a community that welcomes all, we thank our Hispanic and Latino community for their many contributions to both Stafford and our Country;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that it be and hereby does recognize National Hispanic Heritage Month, September 15 – October 15, 2017.

UNFINISHED BUSINESS

Item 19. County Administration; Authorize the 2018 Legislative Initiatives Mr. Foley introduced this item. Ms. Julia Hammond with Eckert and Seamans was also on hand to answer Board members questions and provide clarification where requested. Mrs. Maurer and Ms. Sellers are members of the Board's Legislative Committee. Citizen Action Officer, Mr. Anthony Toigo noted that the Legislative Committee would meet on a regular basis while the General Assembly (GA) was in session; a spreadsheet detailing GA activities would be made available to all Board members. In addition, a proposed Resolution indicating the Board's support for the 2018 VACo legislative initiatives would be included on the Board's November 21, 2017 Consent Agenda.

Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution R17-245 to include the priority order of initiatives and changes as discussed.

The Voting Board tally was:

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

Resolution R17-245 reads as follows:

A RESOLUTION ESTABLISHING STAFFORD COUNTY'S LEGISLATIVE INITIATIVES FOR THE 2018 VIRGINIA GENERAL ASSEMBLY SESSION

WHEREAS, the Board is seeking enabling legislation and amendments to the Virginia Code to accomplish Stafford County's legislative initiatives for the 2018 Virginia General Assembly session; and

WHEREAS, the Board recognizes that Virginia and its local governments are partners in providing many services to our citizens; and

WHEREAS, the Board opposes efforts to reduce the authority or flexibility of the County to govern its citizens, or to shift responsibility for shared services to localities alone; and

WHEREAS, the Board opposes the implementation of any new unfunded State mandates or the expansion of any existing unfunded State mandates upon the County and County schools; and

WHEREAS, the Board desires that the Virginia Association of Counties offer its support for the initiatives contained herein;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that the members of the General Assembly representing Stafford County be and they hereby are requested to introduce and support the following priority legislative initiatives for the 2018 General Assembly session:

Education

- Cost of Competing Funds Adjustment Inclusion – *Adopted by SCPS*. “Advocate for the re-evaluation of Stafford's current designation as a recipient of 25% of the Cost of Compete Adjustment (COCA) funds and urge Stafford's inclusion as a Northern Virginia locality in light of the I-95 express lanes, federal emissions testing requirements, and inclusion in economic growth figures for Northern Virginia.”
- Public Day School Funding/Establishment of Regional Day Schools –
 1. Support a pilot initiative within the CSA to establish public day schools based on models that are collaborative and demonstrate cost savings for both local and state government.
 2. Adopted by GWRC. “The region supports changes in policy to provide additional state support for community based therapeutic public day schools that operate very

similarly to regional day programs in other communities. Stafford County has documented a potential savings of over 40% per participant annually versus private placements outside the community yet State policy both through the Children's Services Act (CSA) and the Virginia Department of Education (VDOE) forces the higher cost approach. The use of private day school placements for students has skyrocketed among the Commonwealth for many years yet there have not been any policy changes to support innovative approaches to educating these youths within the community school system, further, private day school rates are disparate across the Commonwealth."

Planning & Zoning

- Amendments to 2016 Proffer Legislation – Proposed change to the 2016 proffer reform legislation, Virginia Code § 15.2-2303.4. "Consider amending State Code regarding residential conditional zoning to allow greater flexibility in the process for determining impacts to be addressed when considering an application for development." There is a growing interest amongst Virginia localities to entertain potential state code changes targeted at reforming the 2016 proffer legislation. In addition, the development community has expressed openness to legislative reform. VACo has not offered a formal position to date. Supporting this initiative should be carefully considered, as regional and VACo support could prove imperative.

Taxation

- Tax Rate for Distribution Companies – Petition the General Assembly for the creation of a new sub-category within the merchant's capital tax category for distribution companies.

Transportation

- Institute a Floor on the Gasoline Tax – Include Stafford as an eligible locality (the same as other Northern Virginia localities) to institute a minimum tax on gasoline irrespective of fuel prices so that more steady revenue can be budgeted for important road projects.

; and

BE IT FURTHER RESOLVED that Stafford County supports the position adopted by Stafford County Public Schools advocating for the inclusion of school nurses as a Standards of Quality (SOQ) –funded position, with the goal of putting a nurse in every public school; and

BE IT FURTHER RESOLVED that Stafford County supports the position adopted by Stafford County Public Schools advocating for the Virginia Department of Education (VDOE) to permit localities additional flexibility regarding the hiring of qualified teachers, set the standards for adequate oversight of teachers who do not meet VDOE standards, and advocate VDOE reexamine the following: reciprocity; technology standards for instructional personnel (TSIP); endorsements for 24 semester hours or less; and experiment route to licensure; and

BE IT FURTHER RESOLVED that Stafford County supports legislation requesting the General Assembly allocate funding for the operational budget of Widewater State Park; and

BE IT FURTHER RESOLVED that Stafford County supports legislation excluding man-made storm water facilities from counting towards the satisfaction of open space requirements in cluster developments; and

BE IT FURTHER RESOLVED that Stafford County opposes legislation limiting local zoning authority by permitting wireless communications providers to erect large, wireless communications towers in public rights of way; and

BE IT FURTHER RESOLVED that Stafford County supports the position adopted by the George Washington Regional Commission (GWRC) advocating for changes to the Smart Scale allocation formula including focusing statewide high priority funding on regional projects, changing average daily traffic count metrics to account for all seven days of the week, and requiring total cost be used in Smart Scale Benefit/Cost calculations; and

BE IT FURTHER RESOLVED that Stafford County supports legislation petitioning the General Assembly to conduct an assessment of water weed build up in State waters, to include measures to mitigate or remove hydrilla and other noxious weeds; and

BE IT FURTHER RESOLVED that Stafford County supports legislation amending Virginia Code § 22.1-115 to allow the County additional oversight and the use of accountability metrics with regards to it and the Schools' State-mandated accounting practices; and

BE IT FURTHER RESOLVED that staff and the County's legislative consultants are requested to keep the Board apprised of legislative changes and other matters that may adversely impact Stafford County, its residences, and businesses; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee will provide a copy of this Resolution to each member of the Stafford County General Assembly delegation.

Item 20. Planning and Zoning; Approve an Amendment to the County's Zoning Ordinance re. Minimum Acreage in the PD-2 Zoning District Mr. Zuraf noted that this item was presented to the Board at a public hearing held on October 3, 2017 and deferred so that a community meeting could be held regarding the proposed amendments. This item was discussed concurrently with Items 21 and 22; voting on each item was held separately. Ms. Sellers said that the community meeting went well and talks about the fence would go forward. Mrs. Maurer asked if there was a change in the proffers included in the Board's add-on folder. Mr. Zuraf noted that the proffers included in the add-on were signed. Mrs. Maurer thanked the Church for its patience.

Ms. Sellers motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O17-27.

The Voting Board tally was:

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

Ordinance O17-27 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY
CODE SEC. 28-34, "PURPOSE OF DISTRICTS," SEC. 28-35, "TABLE OF

USES AND STANDARDS,” SEC. 28-53, “PLANNED DEVELOPMENT DISTRICTS,” AND SEC. 28-55, “PLANNED DEVELOPMENT-2 DISTRICT (PD-2) REGULATIONS”

WHEREAS, the Planned Development-2 (PD-2) Zoning District promotes large mixed-use development, but the regulations lack flexibility to allow the district to expand in smaller increments; and

WHEREAS, the Board desires to amend the PD-2 Zoning District standards to allow the expansion of existing PD-2 zoning districts when certain conditions are met; and

WHEREAS, amending the County Code would only allow for expansion of existing or future PD-2 zoning districts for non-residential purposes; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the 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 such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that Stafford County Code Sec. 28-34, "Purpose of districts;" Sec. 28-35, "Table of uses and standards;" Sec. 28-53, "Planned development districts;" and Sec. 28-55, "Planned Development-2 District (PD-2) regulations," be and they are hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-34. - Purpose of districts.

PD-2 Planned Development-2. The purpose of the PD-2 district is to provide areas of the county of not less than five hundred (500), nor more than ~~eight hundred fifty (850)~~ seven hundred sixty (760) acres which are suitable for a planned, neotraditional mixed use development with a variety of housing types and commercial uses intended to serve the immediate community. This district should be located only where approved water and sewerage are available or planned and where transportation systems are adequate. An exception to the minimum acreage requirement is permitted for reclassification to the PD-2 district of one or more parcels located adjacent to an existing PD-2 district, in accordance with Subsection 28-53(c)(6).

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

Table 3.1. District Uses and Standards

PD-2 Planned Development 2.

The purpose of the PD-2 district is to provide areas of the county of not less than five hundred (500), nor more than ~~eight hundred fifty (850)~~ seven hundred sixty (760) acres which are suitable for a planned, mixed use development with a variety of housing types and commercial uses intended to serve the immediate community in a neo-traditional manner. This district should be located only where approved water and sewerage area available or planned and where transportation systems are adequate.

Sec. 28-53. - Planned development districts.

(a) *General provisions.* All planned development districts shall comply with the following requirements:

- (1) The entire tract shall be under one ownership or control, with the exception of an area subject to expansion of a PD-2 district;
- (2) The site shall have direct access to a major collector or higher classification road as identified in the Stafford County Transportation Plan, with the exception of an area subject to expansion of a PD-2 district; and

(c) *PD-2 site requirements.* In addition to the requirements of subsection (a) of this section, to be considered for classification as a PD-2 district, the tract of land shall conform to the following requirements:

- (1) The total area for a new PD-2 district shall not be less than two hundred fifty (250), nor greater than ~~eight hundred fifty (850)~~ seven hundred sixty (760) contiguous acres.
- (6) One or more properties may be reclassified to allow for the expansion of an existing PD-2 district, and is exempt from minimum acreage requirements provided the total area of the original PD-2 district and any contiguous expansions do not exceed seven hundred sixty (760) acres, when:
 - a) The parcel(s) are adjacent to the original PD-2 district;
 - b) The development is compatible with the existing design standards of the original PD-2 district;
 - c) The development is compatible with the surrounding community, which shall include integration of streets, blocks, view sheds, landscaping, architectural design, and pedestrian network and site access;
 - d) The development will not adversely impact area roads; and
 - e) The development will not create additional residential units.

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

(h) *Open space requirements.* Development within the PD-2 shall comply with all the buffering, landscaping and screening requirements per section 100 of the DCSL, except for section 110.3, Transitional buffer. The following open space requirements shall be met:

- (1) A type C transitional buffer, per section 100 of the DCSL shall be established along all perimeter property lines of the development, except where the perimeter property line of the PD-2 district abuts a public street, and as provided below.

; and

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

Item 21. Planning and Zoning; Approve a Reclassification from the A-1, Agricultural Zoning District, to PD-2, Planned Development-2, on Tax Map Parcel No. 29-49J

Ms. Sellers motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O17-33.

The Voting Board tally was:

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

Ordinance O17-33 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE A-1, AGRICULTURAL ZONING DISTRICT TO THE PD-2, PLANNED DEVELOPMENT-2 ZONING DISTRICT, TAX MAP PARCEL NO. 29-49J, LOCATED WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, Trustees of Ebenezer United Methodist Church (Applicant), submitted application RC17151649, requesting a reclassification from the A-1, Agricultural Zoning District to the PD-2, Planned Development-2 Zoning District, on Tax Map Parcel No. 29-49J, located within the Garrisonville Election District; and

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

WHEREAS, the Board finds that the requested zoning amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the A-1, Agricultural Zoning District to the PD-2, Planned Development-2 Zoning District, Tax Map Parcel No. 29-49J, in the location identified on the plat entitled, "DEDICATION PLAT-EMBREY MILL ROAD EXTENSION – TAX MAP 29 PARCEL NO. 49A & 49J THE LAND OF EBENEZER UNITED METHODIST CHURCH LR 140011678 and DEED BOOK 895 PAGE 613 Rockhill Magisterial District Stafford County, Virginia" prepared by The Kniseley Group, Inc., dated September 25, 2014, as last revised September 8, 2015, with proffers entitled, "PROFFERS," dated July 12, 2017.

Item 22. Planning and Zoning; Approve Amended Proffer Conditions on Tax Map Parcel No. 29-53G, Zoned PD-2, to Replace Proffers Associated with Embrey Mill, with New Proffers that Commit to Expansion of an Existing Place of Worship

Ms. Sellers motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O17-34.

The Voting Board tally was:

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

Ordinance O17-34 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON TAX MAP PARCEL NO. 29-53G, ZONED PD-2, PLANNED DEVELOPMENT-2, LOCATED WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, Trustees of Ebenezer United Methodist Church (Applicants), submitted application RC17151648, requesting an amendment to proffered conditions on Tax Map Parcel No. 29-53G, consisting of 3.94 acres, zoned PD-2, Planned Development-2, located within the Garrisonville Election District; and

WHEREAS, Tax Map Parcel No. 29-53G is subject to proffered conditions pursuant to Ordinance O13-22, adopted by the Board on March 19, 2013; 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 the requested proffer condition amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained to amend proffered conditions on Tax Map Parcel No. 29-53G, zoned PD-2, Planned Development-2, as specified in the proffer statement entitled, PROFFERS, dated July 12, 2017.

CLOSED MEETING

At 4:42 p.m., Ms. Bohmke motioned, seconded by Mrs. Maurer, to adopt proposed Resolution CM 17-17.

The Voting Board tally was:

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

Resolution CM17-17 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel employed by the County regarding a specific legal matter requiring the provision of legal advice by such counsel, (2) discussion and consideration of a special award, and (3) discussion regarding vacancies in the Department of Public Works; and

WHEREAS, pursuant to Virginia Code § 2.2-3711(A)(1), (8) and (11) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 17th day of October, 2017, does hereby authorize discussion of the above matters in Closed Meeting.

Closed Meeting Certification. At 5:17 p.m., Ms. Bohmke motioned, seconded by Mrs. Maurer, to adopt proposed Resolution CM 17-17(a).

The Voting Board tally was:

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

Nay: (0)

Resolution CM-17(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON OCTOBER 17, 2017

WHEREAS, the Board has, on this the 17th day of October, 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 17th day of October, 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 5:18 p.m., the Chairman adjourned the afternoon session of the Board meeting.

CALL TO ORDER

At 7:00 p.m. the Chairman reconvened the meeting.

Ms. Bohmke gave the Invocation. Member of the “Boys in Blazers” from Hartwood ES lead the Pledge of Allegiance to the Flag of the United States of America.

Mrs. Maurer presented a proclamation to Ms. Dianna Flett. Ms. Flett thanked supporters of the Girls Smart program, saying that thanks to word of mouth, there were currently 298 participants in the Girls Smart program from Fairfax County to Spotsylvania County.

Mr. Snellings introduced Mr. Scott Elchenko, Principal of Hartwood Elementary School. He said that Hartwood ES was one of the best schools in the County with terrific teachers, students, and principal. Mr. Elchenko recognized Assistant Principal, Mr. Khale. He said that the program began with a faculty discussion in spring, 2017. He said that participating students signed a “gentlemen’s agreement” and wear blazers to school on the days they meet. They are held to a higher level of expectation and to making high level choices. He thanked School Board Chairman, Ms. Holly Hazard, for her support of the program. This group of boys will graduate soon and another group of 15 boys will enter the program. Mr. Snellings promised to attend the graduation ceremony. Mr. Milde noted that “you guys are what’s right!”

Presentations by the Public The following persons indicated a desire to address the Board:
Paul Waldowski - Spoke about the seven dwarfs; a lame duck Board; took away four minute speeches; does not receive a water/sewer bill and is not alone in that; stated that one person makes a difference; he was an elementary school chess coach and a student taught him that there are corners on the chess board; spoke about Malloy’s Dress for Success; he opens doors for people as his mother taught him; there are seven dwarfs; seven utilities commissioners; 95 counties in Virginia; 46 states and four commonwealths in the Country, which is not good for the 21st Century; need representative government; 20 years active duty; seven Planning Commissioners get a \$10k stipend.

Sam Tiddle - Has been travelling or she would have been to an earlier Board meeting to support the Board’s position on the Confederate flag; spoke about the 1957/1958 17th Congress and subsequent memorials that were erected; the Confederate flag is about heritage; mentioned the Black Lives Matters flag going up in Ferry Farm; said that if that Confederate flag came down, the American flag would be right behind it.

Ruth Carlone - Said she was flabbergasted by traffic on County roads and that Board members needed to get a handle on development; gave the numbers of motor vehicle accidents on certain County roads and noted that the Board should look long term or the number of accidents would continue to rise; said it was like Christmas every day for developers in Stafford County. She spoke with Delegate Mark Cole about cluster subdivisions. He said that it cannot be deleted but it could be amended; said that no cluster developments would be approved without existing water/sewer lines available.

Jennifer Williams - The Confederate flag is offensive to those who have slaves in their family history and represented treason on the part of Southern states as they took up arms against soldiers; the Board should take note of Governor Hayden in South Carolina,

who took down the Confederate flag from atop the State Capitol; mentioned the man that killed nine African Americans in Charleston, SC.

Susan Cozier - Said that over the past three months she got to know better all seven members of the Board; all of whom behaved politely and respectfully. She said that she hated public speaking and it took a lot of courage for her to address the Board in a public setting. She had a conversation with her neighbor who spoke at the last meeting regarding the planned Black Lives Matter flag in her yard. She said the only way he could stop her was to file a lawsuit and fortunately, he liked her too well to do that. Asked who the public servants were serving; said it was not her neighbor or her. Encouraged people to vote in the election in three weeks and to not vote in those who did not deserve a promotion or an extension of his or her term; she reminded the Board that they worked for her.

Bill Johnson-Miles - Thanked the Board for the stationary notice on the website about the County's position but said they had to do more regarding the Confederate flag; he was in Charlottesville and saw Confederate flags next to Nazi flags; he did not serve 20 years in the United States Navy to defend a Confederate flag, which was a symbol of protecting the rights of slave owners in the South; said that the KKK, neo-Nazis and white supremacists were all hate groups; it was the land owner's right under the First Amendment to not remove the flag but the County should do something to explain that it does not represent the views of the County. Was planning a protest march and rally on October 29th but his permit was denied for safety reasons; a new permit will be requested for November 12th at the Courthouse with the NAACP. Members of the Board were encouraged to attend and invited to speak.

Tony diTora - Thanked the Board for upholding the Constitution of the United States; said that fighting the freedom of speech with more speech was a novel concept; said it was not the role of the government to tell its citizens how to express themselves.

Alphonso Martin - Worked in the military police then in the Secret Service then as a Special Deputy Marshal and now for the Department of Justice as Chief of Investigations. Said he loved the Lord; had relatives on the Union and Confederate side of the Civil War; mentioned the Angel of Marye's Heights, Richard Kirkland who was a "white guy" who brought water to both Union and Confederate troops; everyone should not focus on differences but how we are more alike; the color of a person's skin should not matter at all.

PUBLIC HEARINGS

Item 23. Planning and Zoning: Consider a Reclassification from R-1, Suburban Residential to R-2, Urban Residential on Tax Map Parcel No. 46B-1-14 Mr. Zuraf gave a presentation and answered Board members questions. He spoke about existing conditions with the pool and also about the disadvantage of "spot zoning." Mr. Zuraf said that the proposed use was consistent with the County's Comprehensive Plan and adjacent uses. He noted that the pool would be removed on or before April 30, 2018; the application was for three lots, 1/4 to 1/3 acre in size with a lot width of 90' to 100' and there being three, two-story single-family dwellings approximately 2100 s.f. in size.

In Mr. Zuraf's remarks, he said that adequate capacity existed at Falmouth ES, Drew MS, and Stafford HS, for the two new students generated in that attendance zone. Ms. Sellers said that Stafford HS was over capacity and students were being bused out of zone to Colonial Forge HS.

The impact to public facilities included St. Clair Brooks Memorial Park and Falmouth ES Park, which according to the 2017 Parks Utilization Plan had adequate capacity. The Fire and Rescue Station (Falmouth) would be impacted and therefore, \$1202 cash proffers per unit was included in the application. A negative finding was that R-2 could be considered spot zoning. Staff recommended approval of proposed Ordinance O17-38 with proffers. At its meeting on September 13, 2017, the Planning Commission voted 5 – 2 to also recommend approval.

Ms. Bohmke asked about what would happen if the applicant did not execute the plan, even if the R-2 zoning request was granted. Mr. Zuraf said that the proffer statement carried with the land and it would be developed according to plan. If a future property owner wished to make a change, the new application would have to request a proffer amendment, which the Board would have to vote on following a public hearing. Mr. Cavalier asked about the \$1202 cash proffers (per unit). Mr. Zuraf clarified that it was for Fire and Rescue only; other facilities were deemed to be adequate.

Mr. Roy Wingrove, applicant, addressed the Board. He spoke about the anticipated timeline and the houses being under construction by February-March, 2018. He said that building only one house was not sufficient to fund removal of the pool, which would cost \$40-\$50,000. Mr. Milde questioned why the pool could not be filled in and built next to, or reinforced and used as a basement for a future house.

The Chairman opened the public hearing. The following persons desired to speak:

| | | |
|-----------------|-------------------|----------------|
| Ruth Carlone | Kathleen Perkins | Carlos Perkins |
| Barbara Cannon | Jennifer Williams | Greg Bundrick |
| Alane Callander | Paul Waldowski | |

In the applicant's rebuttal, in response to a citizen comment, Mr. Wingrove said that building one house would not recoup the cost of pool removal; that currently there was less than 4" of water in the pool and that the April 30, 2018 timeframe for complete pool removal was to offer a cushion in case of bad winter weather. He hoped that the pool would be removed before April 30th.

In response to a question about possible clustering, Mr. Zuraf said that a cluster would require 50% open space, which was impossible to do and still build three houses. Mr. Milde said that clustering was not possible and the proposed approximate size of the lots was consistent with other existing lots in the area.

Mr. Cavalier questioned by Mr. Wingrove did not drain the pool completely; why he left 4" of water in the pool. He noted that he owns a pool and can drain it completely with the use of a sump pump. Ms. Bohmke said that she was on site with Deputy County Administrator, Mr. Mike Smith. Mr. Smith said that they visited the pool site two times, 30 days apart.

The Chairman closed the public hearing.

Mr. Smith said that the applicant did mow the grass around the pool site but the majority of the site was wooded, which was the natural state of the property. Ms. Bohmke asked about West Nile or the Zika Virus. Mr. Smith said that the Health Department could recommend but did not have the regulations to enforce the applicant to take additional steps to mitigate the mosquito problem. He noted that with the onset of winter, the cold weather would help to eradicate mosquitos in that area. In the second of his two visits, Mr. Smith said there was nothing alive in the pool. Mr. Cavalier said that chlorine would work for a while but more had to be added to be consistent in killing insects, frogs, larvae, etc. He suggested again that sump pumps be used to remove the remaining water and to make it dry as a bone to ensure no mosquitos there. Mr. Smith said that there was no electricity on site. Mr. Cavalier questioned why the pool was not filled with dirt and grass planted on top. Mr. Smith said that there was no maintenance code and the County could not force the owner to go that route. Mr. Cavalier said that he believed that the County should keep the R-1 zoning.

Mr. Thomas asked if the generalized development plan (GDP) with set-backs permitted the construction of three single-family dwelling units. Mr. Zuraf confirmed that it did. Mr. Thomas suggested proffering out townhouses and multi-family units. Mr. Milde asked about Code to cover the mosquitos and vermin in the area.

Deputy County Attorney, Ms. Rysheda McClendon said that there was State Code if it was proven to be imminent danger to the public; Chapter 9, General Provision State Code 15.2. Mr. Milde said that if the property was in disrepair, it was less valuable and therefore, it would not be assessed at its highest value. It was noted that the Commissioner of the Revenue would have to address that issue.

Ms. Bohmke thanked Mr. Wingrove and citizens for coming to the public hearing. She said that as soon as she was made aware of the problems she visited the site, contacted County staff, and began working towards a solution. Ms. Bohmke added that there was nothing to hide, all conversations were up front; she held a town hall meeting and had letters sent to all residents.

Ms. Bohmke motioned, seconded by Mr. Thomas, to defer a vote on proposed Ordinance O17-38 until the second meeting in January, 2018.

Mr. Snellings said that he visited the “mess.” He conferred with staff and was sympathetic to the plight of neighboring property owners. He was worried about spot zoning and that it would set a precedent; he would not vote in favor of the proposed Ordinance.

Mr. Thomas asked that Mr. Zuraf confirm if it was or was not spot zoning. Mr. Zuraf said that a R-2 designation would be considered spot zoning. Mr. Thomas thanked Mr. Bundrick for the e-mail exchange noted during public comment. He said that Ms. Bohmke went out of her way to ensure that the proposed new builds would match the surrounding neighborhood; she held a town hall meeting and went above and beyond to work on creative solutions to the problems with the pool and alternate uses for the property. Mr. Milde added that Ms. Bohmke’s had very high integrity.

Mr. Cavalier said that in 14 years, he never saw a better example of spot zoning and asked why staff and the Planning Commission had supported this application. He said that the pool

should be filled in; he supported keeping the R-1 zoning and building one house next door to the pool. He thought that the amount of the cash proffers was insulting.

Mr. Milde asked if anyone suggested getting two houses on ¼ acre lots. Mr. Zuraf said they had not; that it would require a whole new application. Mr. Milde said that he did not like small-lot subdivisions and had rarely supported applications for them. He was not convinced that getting rid of the pool cost as much as the applicant said. He said that his kids used to swim in the pool; that the removal is being overblown; that the proffers were not enough to make up for three houses and it was bad business except for keeping the neighbors happy. He was not in favor of it.

Mrs. Maurer said that there was a motion to defer, seconded by Mr. Thomas, and asked when it would come back to the Board.

Mr. Cavalier made a substitute motion, seconded by Mr. Snellings, to deny the application.

Mr. Thomas said they should redo the numbers and come back to the Board. He asked what would happen to the pool if the item was deferred. Ms. McClendon said the one year deadline was May 2018.

Mr. Cavalier withdrew his substitute motion.

The Voting Board tally was:

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| Yea: | (5) | Bohmke, Maurer, Milde, Snellings, Thomas |
| Nay: | (2) | Cavalier, Sellers |

Item 24. Consider Requesting Funding from the FY2019 VDOT Transportation Alternatives Program (TAP) Funding Set-Aside for a Proposed Sidewalk along Flatford Road Public Works Director, Mr. Chris Rapp, gave a presentation and answered Board members questions. He noted that the sidewalk was 5' wide x 1400' in length. In response to Mr. Snellings' question about the overall cost of the project, Mr. Rapp responded that VDOT's estimate of \$650,000 included a foot bridge and the cost of potential right-of-way acquisition. The local County match was \$130,000. Mr. Milde said it was much needed and it was a low dollar match.

The Chairman opened the public hearing. The following persons desired to speak:

Mar. McMahan

The Chairman closed the public hearing.

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R17-250.

The Voting Board tally was:

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

Resolution R17-250 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO REQUEST FUNDING FROM THE FY2019 VDOT TRANSPORTATION

ALTERNATIVES SET-ASIDE PROGRAM (TAP) FOR A PROPOSED
SIDEWALK ALONG FLATFORD ROAD (SR-709)

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 FY2019 appropriation that have held a public hearing prior to submission of an application; and

WHEREAS, the Flatford Road sidewalk project (Project) is eligible for TAP funding and the Board conducted a public hearing on October 17, 2017, 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 Road Service District Fund to provide the required local match of \$130,000;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors, on this the 17th day of October, 2017, that the County Administrator be and he hereby is authorized to apply for FY2019 Transportation Alternatives Set-Aside Program (TAP) funds in an amount not to exceed Five Hundred Twenty Thousand Dollars (\$520,000), to be used for the planning, design and construction of a sidewalk adjacent to Flatford Road (SR-709); and

BE IT FURTHER RESOLVED that the Board verifies that the 20% local match, in the amount of One Hundred Thirty Thousand Dollars (\$130,000), is available in the County's Garrisonville Road Service District Fund and could be used for this purpose should the County be awarded the TAP funds; and

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, is authorized to execute project administration agreements for any approved funding associated with the sidewalk adjacent to Flatford Road.

Item. 25. Planning and Zoning; Consider a Reclassification for Del's Auto Parking Lot Expansion Planning and Zoning Director, Mr. Jeff Harvey, presented this item and the public hearing was held concurrent with Item 26. Separate votes were taken on both items.

Item 26. Planning and Zoning; Consider a Conditional Use Permit for Del's Auto Parking Lot Expansion Mr. Harvey gave a presentation, combined with Item #25 (above).

Mr. Harvey said that this was a request for a reclassification and approval of a CUP for an automobile service and repair facility (the expansion of a parking area. It is zoned A-1 and is located in the HC, Highway Corridor Overlay. Use would be limited to parking and open space to serve the adjacent business. Parcels would be consolidated and the development is in general accordance with the GDP. The applicant will provide a 6' screening fence along the west, south, and east property lines. Access would be limited to the existing access for Del's Auto and all services would be conducted within bays; no inoperable/unlicensed vehicles would remain on the property for more than 60 days.

Mr. Harvey noted that staff recommended approval and at its meeting on September 13, 2017, the Planning Commission voted 7 – 0 to recommend approval.

Mr. Samer Shalaby, for the applicant, thanked the Board for its consideration and said that the business had been in place since 1982; the applicant plans to fix drainage problems on the site and there would be no cars on Seneca Lane.

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

Item 25. Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O17-36.

The Voting Board tally was:

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

Ordinance O17-36 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE A-1, AGRICULTURAL ZONING DISTRICT TO THE B-2, URBAN COMMERCIAL ZONING DISTRICT, A 0.27-ACRE PORTION OF TAX MAP PARCEL NO. 19-25, LOCATED WITHIN THE ROCK HILL ELECTION DISTRICT

WHEREAS, Christopher and Kimberly Della Puca, applicants, submitted application RC17151813, requesting a reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District, a 0.27-acre portion of Tax Map Parcel No. 19-25, located within the Rock Hill Election District; and

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

WHEREAS, the Board finds that the requested zoning amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District, a 0.27-acre portion of Tax Map Parcel No. 19-25, in the location shown on the plat entitled "A Parcel of Land Along the East Side of Seneca Lane Containing 0.267 Acres Being a Portion of Parcel ID: 19 25 Rock Hill District, Stafford County, Virginia," prepared by AES Consulting Engineers, dated May 17, 2017, sealed May 19, 2017, with proffers entitled "PROFFER STATEMENT," dated August 1, 2017, as last revised August 8, 2017.

Item 26.Mrs. Maurer motioned, seconded by Ms. Sellers to adopt proposed Resolution R17-230.

The Voting Board tally was:

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

Resolution R17-230 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP17151814 TO ALLOW AN AUTOMOBILE SERVICE AND REPAIR FACILITY IN THE B-2, URBAN COMMERCIAL AND HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICTS, ON A 0.27-ACRE PORTION OF TAX MAP PARCEL NO. 19-25, LOCATED WITHIN THE ROCK HILL ELECTION DISTRICT

WHEREAS, Christopher and Kimberly Della Puca, applicants, submitted application CUP17151814 requesting a conditional use permit (CUP) to allow an automobile service and repair facility in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts, on a 0.27-acre portion of Tax Map Parcel No. 19-25, located within the Rock Hill Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1, which permits this use in B-2, Urban Commercial Zoning District and Stafford County Code Sec. 28-59(e), 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 has considered the criteria in Stafford County Code Sec. 28-185 and finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2017, that a conditional use permit (CUP) pursuant to application CUP17151814 be and it hereby is approved with the following conditions:

1. This CUP is to allow for the expansion of parking area associated with an automobile service and repair facility use in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts, on a 0.27-acre portion of Tax Map Parcel No. 19-25 (Property). Development of the Property shall occur as shown on the Generalized Development Plan (GDP) prepared by AES Consulting Engineers, entitled "Del's Auto Parking 41 Seneca Lane Stafford VA," dated May 18, 2017, as last revised July 31, 2017. Changes to the general location and treatment of improvements depicted on the GDP shall be allowed at site plan review for purposes of engineering reasons or to comply with changes to federal, state, or local laws.
2. Vehicular access to the site shall be limited to one entrance on Garrisonville Road as shown on the GDP.
3. All vehicle service and repair shall be conducted within designated service bays.
4. There shall be no inoperable or unlicensed vehicles parked on the Property for a period of more than 60 days.
5. All vehicles in the process of service or repair that will be stored overnight shall be screened from public view by the primary building or a board-on-board wood fence at least six feet in height.
6. All petroleum products, anti-freeze, and hazardous materials, shall be disposed of in accordance with the Stafford County Fire Prevention Code and all applicable federal and state laws, regulations, and requirements.
7. There shall be no outdoor display or storage of automobile parts.
8. No portable signage may be utilized on the Property. All signage shall be of a complimentary color and design.
9. 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.

Item 27. Planning and Zoning; Consider Revoking Special Use Permit SUP80-11 for a Used Automobile Sales and Service Facility Located on Tax Map Parcel No. 21-44, in the B-2, Urban Commercial Zoning District, 24 Derrick Lane Mr. Harvey presented this item and answered Board members questions. He noted that a notice of violation (NOV) was first issued in December, 2015 for vehicles parked on property (25 Derrick Lane) that was not zoned for such use. Subsequent NOV was issued in September 2016, March 2017, and May 2017. A pattern was established of violations, NOV issued, with compliance being met near the end of the 30 day deadline. Staff used vehicle identification numbers to match cars parked at 25 Derrick Lane with cars listed for sale by Premier Auto Sales on its website. Mr. Harvey noted that the most recent NOV was abated on September 14, 2017, and as of October 17, 2017, there were no vehicles parked at 25 Derrick Lane. Staff was informed by Mr. Clark Leming, legal counsel for the property owner, that the property owner terminated the lease with the operator of Premier Auto and plans to operate the lot himself. The Planning Commission considered the matter at its meeting on September 27, 2017 and recommended not revoking the SUP at that time, but to defer the decision for six months to permit staff to monitor the site for compliance.

Mr. Milde said there were numerous violations on that property and that residents of Derrick Lane found the operators of the car lot to be unresponsive to their complaints of speeding vehicles being test driven on Derrick Lane; large trucks blocking traffic while loading or unloading vehicles; and vehicles parked at 25 Derrick Lane and along the street in front of their properties. Mr. Harvey noted that the neighbors were very helpful to staff in reporting the violations.

Mr. Thomas said that he heard from Mr. Leming about a similar situation in his district. Mr. Milde asked Assistant County Attorney, Mr. Dan Wisniewski, for his opinion about allowing the applicant to speak. Mr. Wisniewski said that it was not general practice but was up to the Board. He noted that the Planning Commission had recommended deferral for a period of six months to permit staff to work with the owner and show good faith that the owner would remain in compliance of SUP 80-11 and County Code.

Mr. Leming, for the property owner, said that Mr. David Atai lived in Chantilly, VA and leased the property in question to Premier Auto, which was owned by Mr. Atai's nephew, who lived in Nokesville, VA. He added that Mr. Atai had no interest in Premier Auto and that staff failed to properly notice Mr. Atai about the repeated NOV; notice went to his nephew and was delivered to the property itself, but did not make it to Mr. Atai in Chantilly. He said that the SUP ran with the property owner not the tenant. When Mr. Atai found out about the repeated NOV, he did a site visit and terminated the lease with the tenant; Mr. Atai plans to reopen a dealership there, that he will be responsible for, not a tenant. Mr. Atai said that his nephew never informed him of the NOV and that he, Mr. Atai, cancelled a trip to New York to be on hand for the public hearing and to handle the issues at 24 Derrick Lane. He said that he spoke with Ms. Susan Blackburn, Zoning Administrator, and took immediate action to rectify the situation.

Mr. Cavalier asked if Mr. Atai or his tenant had an arrangement with the property owner across the street to store cars there. Mr. Atai made reference to building a hotel there but would not due to the neighbors' concerns. Mr. Milde said there would be an access problem for the hotel, not the neighbors. Mr. Atai said he wished h had received the NOV.

The Chairman opened the public hearing. The following persons desired to speak:

Darlene Pack

Sharon Goodchild

Sylvia Pendleton

Bob Goodchild

The Chairman closed the public hearing.

Mrs. Maurer said she felt for Mr. Atai; the Planning Commission's recommendation to give Mr. Atai six months to abate the NOV was a good middle ground. Mr. Wisniewski noted that the deferral would be until April 17, 2018.

Mr. Milde said that the Board could expect a legal challenge. Mr. Wisniewski said that the site could be monitored for six months then reconsider revocation of the SUP. Mrs. Maurer asked about there being no improvement, and could it be brought back to the Board prior to April 17,

2018. Mr. Wisniewski said that it could and that staff and the Board would have to go through the entire process again regarding revocation of the SUP.

Ms. Bohmke talked about the number of times, 11 in 16 months that there was an issue on the property. Mr. Thomas said that with proper notice or not, the owner was unaware of or did not follow up on the reported problems. Mr. Milde said he was kept abreast of the problems created by Premier Auto to residents on Derrick Lane. Mr. Cavalier said that the residents suffered way too long no matter if it was the fault of the tenant or the absentee property owner; that a technical glitch did not make it right that the owner did not take any responsibility while his tenant was in violation of the SUP and/or County Code. Mr. Cavalier added that Chantilly was not so far away as to preclude Mr. Atai from visiting the property. He said that he would not support the move for denial. Mr. Milde said that he agreed with Mr. Cavalier; he talked about the right-of-way set-back and cars being parked on the edge of the road; the inconvenience of Derrick Lane being blocked; cars being test driven on Derrick Lane, etc. He said that he would not support deferral either.

Mrs. Maurer motioned, seconded by Ms. Sellers to defer action on this request for a period of six months. The item will return to the Board on or before April 17, 2018.

The Voting Board tally was:

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

Adjournment At 9:42 p.m., the Chairman adjourned the October 17, 2017 meeting of the Stafford County Board of Supervisors.

Thomas C. Foley
County Administrator

Paul V. Milde, III
Chairman