

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

February 4, 2014

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 3:01 p.m., on Tuesday, February 4, 2014, in the Board Chambers, at the George L. Gordon, Jr. Government Center.

Roll Call The following members were present: Jack R. Cavalier, Chairman; Meg Bohmke; Paul V. Milde, III; Laura A. Sellers; Cord A. Sterling; and Robert “Bob” Thomas, Jr. Gary F. Snellings, Vice Chairman; was absent due to illness.

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

Historical Commission Presentation on Endangered Sites in Stafford County and Commission’s 2013 Accomplishments Ms. Anita Dodd, Chairman of the Historic Commission, addressed the Board and outlined projects in which the Commission had been involved as well as historic resources located in Stafford County that were in need of attention and could be considered to be “endangered.” Ms. Dodd requested that the position of preservation-planner be restored, saying that the services of a preservation-planner would prove to be invaluable to the County and its historic resources.

Mr. Milde complimented Ms. Dodd and members of the Commission saying that it was an invaluable brain trust and agreed that the position of preservation-planner was something that the Board should consider. He added that he supported funding for that position, even in light of the difficult budget season ahead.

Ms. Bohmke noted that she attended a Commission event and particularly enjoyed the presentation given by Mr. John Bachman, adding that the event was standing room only.

Rappahannock River Crossing Presentation Mr. Sterling gave a brief introduction of Emily Burnett and Alexis Vukmanic, students at A.G. Wright Middle School.

Mr. Sterling asked Miss Burnett and Miss Vukmanic to act as research interns on the Rappahannock River Crossing, to give it a fresh perspective, and to share their finding with the Board. Mr. Sterling noted that he had not previewed the student's presentation.

Miss Burnett and Miss Vukmanic advocated for a bypass, parallel to, and west of I-95 from Exit 126 (Massaponax/Spotsylvania) to Exit 136 (Centreport Parkway). The students noted that the proposed bypass had an estimated cost of \$800 million.

Mr. Cavalier said that the proposal made the most sense of any that he had seen, and thanked the students for doing a very good job. Mr. Sterling asked if widening the Rappahannock River Bridge (on I-95) was considered. Miss Burnett replied that it was a logical and implied given that it was a necessity. Mr. Sterling noted that VDOT and the CTB agreed 100% with ideas brought forth in the student's presentation; adding that Miss Burnett and Ms. Vukmanic's peers would inherit what was eventually done with a bypass.

Presentations by the Public The following members of the public desired to speak:

Bill Johnson - Incinerators at the Landfill

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

| | |
|---------------|--|
| Ms. Bohmke | Update on Public Safety Committee meeting including Sheriff Jett and Chief Lockhart's public safety staffing plan and the need for an additional staff in both Fire Rescue and the Sheriff's office; proposed training center site; and FRES response times |
| Mr. Milde | R-Board did look at water consumption at time of the Waste-to-Energy consideration; being revisited at present with new proposals; appointed VRE Chairman, Governor McAuliffe is a proponent of the rail system; average 19,000 trips per day on VRE; Transfer of Development Rights passed the Senate unanimously |
| Ms. Sellers | Attended first Rappahannock Regional Jail Authority meeting and toured Jail; need for increased Jail capacity (or a new jail); toured CPMT Stafford sites; recognized Taylor McCloud for Tae Kwan Do accomplishment and subsequent trip to compete in China; recognized Kailey Andrews, Spelling Bee Champion |
| Mr. Snellings | Absent |

- Mr. Sterling Update on Finance, Audit and Budget Committee meeting, which included the School's Finance Committee; good discussion included health care increase and increased state mandates; recommended an equalized tax rate for FY2015 budget deliberation; update on the Infrastructure Committee, which included a parks project update, transportation and sidewalks; Transportation Impact Fees; the Courthouse Streetscape; and the future Fire and Rescue Training Center (possible shared facility with Marine Corps Base Quantico); Chichester Park is moving along, planned opening in May, 2014; Curtis Park Pool, planned re-opening, Memorial Day weekend, 2014; Parks at Embrey Mill, planned opening, Spring, 2015; Belmont-Ferry Farm Trail, planned for Spring, 2016; Woodstream Trail is progressing
- Mr. Thomas One possible change to the Board of Supervisors' Bylaws, a meeting of the Bylaws Committee to be scheduled for the following week
- Mr. Cavalier Attended Route 17 WaWa grand opening; dedication of the Stafford Regional Airport Terminal; Linda Musselman threw the switch at the Rocky Pen Run Reservoir dedication, it will be the largest source of water in the County; participated in a conference call with the Secretary of Commerce, and will participate in a follow-up meeting in the coming week; the State will participate in Legoland, it is down to New York or Stafford for the venture, which would bring a lot of jobs to the County; good-bye to Free Lance-Star reporter, Katie Thisdell, her presence at Board meetings will be missed, she did a fair and accurate job of reporting.

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

Report of the County Administrator Mr. Anthony Romanello introduced Public Works Director, Mr. Mike Smith. Mr. Smith provided a transportation/roads update.

Mr. Romanello mentioned County staff and the outstanding job done in managing the recent weather events, which aided in keeping the County and its facilities open as much as possible. He noted that Mr. Ron Billingsley, Assistant Director; Parks, Recreation and Community Facilities, announced his retirement, adding that Mr. Billingsley was a consummate public servant.

Legislative; Additions and Deletions to the Regular Agenda Mr. Milde motioned, seconded by Mr. Thomas, to accept the Agenda with the deletion of Item 22. *Public Works; Authorize the Condemnation and Exercise of Quick-Take Powers to Acquire Right-of-Way, Temporary Construction Entrance Easement, Drainage Easement, and Utility Easement on a Portion of Tax Map Parcel 18-66, in Conjunction with the Mountain View Road Safety Improvement Project Phase II (Proposed Resolution R14-10).*

Legislative; Consent Agenda Mr. Milde motioned, seconded by Mr. Thomas, to adopt the Consent Agenda consisting of Items 4 through 14, deferring to the February 18, 2014 Board of Supervisors' meeting, Item 9 *Public Works; Budget and Appropriate the Fourth Installment of Available Grant Funding and Authorize Contracts for the Construction and Construction Inspection of Phase IA of the Streetscape Project.*

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
Nay: (0)
Absent: (1) Snellings

Item 4. Legislative; Approve Minutes of the January 7, 2014 and January 14, 2014 Board Meetings

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R14-27 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED JANUARY 7, 2014 THROUGH FEBRUARY 3, 2014

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 4th day of February, 2014 that the above-mentioned EL be and hereby is approved.

Item 6. Public Works; Authorize the County Administrator to Enter into an Agreement with Dominion Virginia Power for Payment of Utility Line Relocation Services for the Poplar Road Phase II Safety Improvements Project

Resolution R14-04 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT TO PAY DOMINION VIRGINIA POWER FOR UTILITY LINE RELOCATION SERVICES FOR THE POPLAR ROAD PHASE II SAFETY IMPROVEMENTS PROJECT

WHEREAS, the Board identified the completion of Poplar Road (SR-616), between Truslow Road and Cedar Crest Lane, as a critical part of the County's road improvement plan. In 2011, the Board approved these improvements as resident's concerns regarding the curves north of the Poplar Road Phase I Project were not being addressed; and

WHEREAS, these improvements were included in the 2008 Transportation Bond Referendum; and

WHEREAS, the County is responsible for the cost of the relocation services for all lines and facilities located outside of the road right-of-way; fifty percent of the funding for this project is from the County's Transportation Fund and fifty percent is from the Virginia Department of Transportation Revenue Sharing program; and

WHEREAS, Dominion requires payment of the utility line relocation services for the project to proceed; and

WHEREAS, Dominion estimates the County's cost for the relocation of the utility lines at \$437,164;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of February, 2014, that the Board be and it hereby does authorize the County Administrator or his designee to enter into an agreement with Dominion Virginia Power to pay for utility line relocation services in an amount not to exceed Four Hundred Thirty-seven Thousand One Hundred Sixty-four Dollars (\$437,164); and

BE IT FURTHER RESOLVED that the funds are budgeted and appropriated from the County's Transportation Fund for this purpose.

Item 7. Public Works; Petition VDOT to Include Renegade Drive, Regal Lane, and Rogue Court, Section 3 of the Richland Forest Subdivision into the Secondary System of State Highways

Resolution R14-22 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE RENEGADE DRIVE, REGAL LANE, AND ROGUE COURT WITHIN RICHLAND FOREST, SECTION 3 INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.1-229, the Board desires to include Renegade Drive, Regal Lane, and Rogue Court within Richland Forest, Section 3, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) inspected these streets and found them satisfactory to be accepted into the Secondary System of State Highways;

WHEREAS, in accordance with Section 24 Va. Admin. Code, § 30-91-140, a Street Surety Bond in the amount of \$44,000 is required to be posted; however, VDOT has agreed to accept said bond in the form of a resolution by the Board; and

WHEREAS, in accordance with 24 Va. Admin. Code, § 30-91-140, a Street Maintenance Fee of \$3,300 and Administrative Cost Recovery Fee of \$2,700 is required by VDOT and cannot be waived;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of February, 2014, that VDOT be and it hereby is petitioned to include the following streets within Richland Forest, Section 3, into the Secondary System of State Highways:

| Street Name/ Route Number | Station | Length |
|------------------------------|---|---------------------|
| Renegade Drive (SR-2245) | From: 0.01 miles SW of intersection Majestic Drive (SR-2244) To: 0.20 miles SW intersection Majestic Drive (SR-2244) | 0.19 mi. ROW 50' |
| Renegade Drive (SR-2245) | From: 0.20 miles SW intersection Majestic Drive (SR-2244) To: Intersection with Regal Lane (SR-2246) | 0.24 mi. ROW 50' |
| Renegade Drive (SR-2245) | From: Intersection with Regal Lane (SR-2246) To: Intersection with Rogue Court (SR-2247) | 0.21 mi. ROW 50' |
| Renegade Drive (SR-2245) | From: Intersection with Rogue Court (SR-2247) To: 0.15 miles W of intersection with Rogue Court (SR-2247) | 0.15 mi. ROW 50' |
| Regal Lane (SR-2246) | From: Intersection with Renegade Drive (SR-2245) To: 0.19 miles S of Renegade Drive (SR-2245) to cul-de-sac | 0.19 mi. ROW 50' |
| Rogue Court (SR-2247) | From: Intersection with Renegade Drive (SR-2245) To: 0.11 miles S of Renegade Drive (SR-2245) to cul-de-sac | 0.11 mi. ROW 50' |

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Richland Forest Section 3, recorded in PM 100000016 with LR 100003802 on March 16, 2010; and

BE IT FURTHER RESOLVED, that the Board hereby guarantees the performance of the street requested herein to become a part of the state maintained Secondary System of State Highways for a period of one year from the VDOT effective date and will reimburse all costs incurred by VDOT to repair faults in the streets and related drainage facilities associated with construction, workmanship or materials as determined exclusively by VDOT; 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 8. Public Works; Authorize an Agreement to Purchase Wetland Credits for the Mountain View Road Construction Project

Resolution R14-11 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE PURCHASE AGREEMENTS FOR WETLAND AND STREAM MITIGATION CREDITS FOR THE MOUNTAIN VIEW ROAD IMPROVEMENT PROJECT

WHEREAS, the U. S. Army Corps of Engineers and the Virginia Department of Environmental Quality (DEQ) have issued permits requiring that the County acquire 1.15 wetland and 388 stream credits from DEQ-approved mitigation banks as mitigation for the wetland and stream impacts caused by the Mountain View Road improvement project construction activities; and

WHEREAS, the purchase of the required credits was advertised for public bid; and

WHEREAS, three bids were submitted for the wetland credits with Peters Farm (Northern Regional Environmental Bank) providing the lowest responsive bid; and

WHEREAS, one bid was submitted for stream credits with Hampstead Mitigation Bank as the lone bidder; and

WHEREAS, staff determined that the bids were reasonable for the credits provided and were consistent with other wetland and stream mitigation credits purchased by the County in the area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of February, 2014 that the County Administrator be and he hereby is authorized to execute purchase agreements with Peters Farm (Northern Regional Environmental Bank) in an amount not to exceed Seventy-four Thousand Seven Hundred Fifty Dollars (\$74,750) for the purchase of 1.15 wetland credits; and with Hampstead Mitigation Bank in an amount of One Hundred Seventy-nine Thousand Nine Hundred Eighty-two Dollars (\$179,982) for the purchase of 388 stream mitigation credits for the Mountain View Road Improvement project.

Item 10. Planning and Zoning; Refer to the Planning Commission Amendments Regarding Membership of the Architectural Review Board

Resolution R14-28 reads as follows:

A RESOLUTION REFERRING TO THE PLANNING COMMISSION
AN ORDINANCE TO AMEND AND REORDAIN STAFFORD
COUNTY CODE SECTION 28-58, “HISTORIC RESOURCE (HR)
OVERLAY DISTRICT”

WHEREAS, Stafford County Code Sec. 28-58 establishes regulations regarding the County’s Historic Resource (HR) Overlay Zoning District; and

WHEREAS, Stafford County Code Sec. 28-58 establishes an Architectural Review Board (ARB) to administer the HR Zoning District regulations; and

WHEREAS, Stafford County Code Sec. 28-58(b) currently requires that the membership of the ARB consists of five members, and a quorum of three members; and

WHEREAS, the Board desires to increase the membership of the ARB to seven members, and a quorum of four members; and

WHEREAS, the ARB also desires to increase the membership size and quorum requirement; 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 RESOLVED by the Stafford County Board of Supervisors on this the 4th day of February, 2014, that an amendment to Stafford County Code Section 28-58, “Historic Resource Overlay District (HR),” pursuant to proposed Ordinance O14-07, be and it hereby is referred to the Planning Commission for a public hearing and its recommendations; and

BE IT FURTHER RESOLVED that the Planning Commission is authorized to make modifications as it deems necessary or appropriate to proposed Ordinance O14-07.

BE IT STILL FURTHER RESOLVED that the Planning Commission is hereby requested to recommend its appointment to the Architectural Review Board within thirty (30) days.

Item 11. Utilities; Authorize a Public Hearing to Consider Leasing County Property at the Stone River Water Tank for a Cellular Communication Facility

Resolution R14-19 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO CONSIDER LEASING
COUNTY PROPERTY AT THE STONE RIVER WATER TANK TO A
CELLULAR COMMUNICATIONS FIRM

WHEREAS, New Cingular Wireless PCS, LLC, proposes leasing space in and upon the County-owned Stone River Water Tank site for a cellular communications facility; and

WHEREAS, the Board is required to hold a public hearing prior to leasing County property; and

WHEREAS, the Board desires to receive public comment on the proposed lease of County property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of February, 2014, that it be and hereby does authorize the County Administrator to advertise a public hearing to consider leasing space in and upon the Stone River Water Tank to New Cingular Wireless PCS, LLC, for a cellular communications facility.

Item 12. Utilities; Authorize Renewal of a Contract for Odor Control Chemicals

Resolution R14-26 reads as follows:

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT RENEWAL WITH PREMIER MAGNESIA,
LLC, FOR ODOR CONTROL CHEMICALS**

WHEREAS, the Department of Utilities uses odor control chemicals to eliminate hydrogen sulfide generation at a number of its wastewater pump stations, and in its wastewater collection system; and

WHEREAS, the Board previously awarded the current contract for these chemicals to Premier Magnesia, LLC; and

WHEREAS, the current contract with Premier Magnesia, LLC, first authorized in 2010, contains a provision for four additional one-year contract renewals; and

WHEREAS, staff reviewed the renewal prices offered by Premier Magnesia, LLC, and determined that they are reasonable for the chemicals provided; and

WHEREAS, funds are included in the FY2014 Facilities Maintenance and Aquia Wastewater Treatment Facility Operating budgets, and are appropriated for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of February, 2014, that the County Administrator be and he hereby is authorized to execute a contract renewal with Premier Magnesia, LLC, to provide magnesium hydroxide (Thioguard) for odor control and to help prevent pipe and manhole damage, in an amount not to exceed Three Hundred Fifteen Thousand Five Hundred Twenty-two Dollars (\$315,522), unless amended by a duly-authorized contract amendment.

Item 13. Parks, Recreation and Community Facilities; Execute a Contract for Roof Replacement at the George L. Gordon, Jr. Administration Building

Resolution R14-36 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH GARLAND/DBS, INC., FOR REPAIR/REPLACEMENT OF THE ROOF ON THE GEORGE L. GORDON, JR., ADMINISTRATION BUILDING

WHEREAS, the roof on the George L. Gordon, Jr., Administration Building is over twenty years old and must be replaced because portions of it can no longer be repaired; and

WHEREAS, Garland/DBS, Inc., submitted the most responsive and responsible proposal for completing this project; and

WHEREAS, staff reviewed the proposal and determined that it is reasonable for the proposed scope of services; and

WHEREAS, Garland/DBS, Inc., is a qualified contractor and a participant in the U. S. Communities contracting program; and

WHEREAS, the estimated cost of the roof repair/replacement is \$257,250; and

WHEREAS, funds for the roof repair/replacement are available in FY2014 Cash Capital Infrastructure funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of February, 2014, that the County Administrator be and he hereby is authorized to execute a contract with Garland/DBS, Inc., for roof repair/replacement on the George L. Gordon, Jr., Administration Building, in an amount not to exceed Two Hundred Fifty-seven Thousand Two Hundred Fifty Dollars (\$257,250), unless amended by a duly-executed contract amendment.

Item 14. Public Information; Recognize the Fifth Anniversary of Stafford Hospital

Proclamation P14-01 reads as follows:

A PROCLAMATION RECOGNIZING THE FIFTH ANNIVERSARY OF STAFFORD HOSPITAL

WHEREAS, February 27, 2014, marks the fifth anniversary of the opening of Stafford Hospital; and

WHEREAS, the citizens of Stafford County and the surrounding area benefit greatly from the mission of Stafford Hospital to improve the health of the people in the communities they serve; and

WHEREAS, Stafford Hospital, part of Mary Washington Healthcare, serves Stafford’s residents with cutting edge technology and a commitment to providing its patients with the highest quality healthcare, while encouraging each patient to actively participate in the recovery process; and

WHEREAS, in addition to healthcare services, Stafford Hospital continues to enrich the community with wellness programs, special screening events, and outreach programs; and

WHEREAS, Stafford Hospital is a model business citizen and a major employer in Stafford County; and

WHEREAS, Stafford Hospital is a valued and much appreciated sponsor of Stafford County’s 350th Anniversary;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4th day of February 4, 2014, that it be and hereby does recognize Stafford Hospital on its fifth anniversary for its invaluable service to Stafford County.

Utilities; Consider the Use of a Low Pressure Sewer System on Tax Map Parcel 28-8J

Mr. Dale Allen, Assistant Director of Utilities; presented this item and answered Board members questions. Mr. Milde inquired about the cost to the County. Mr. Allen replied that the cost was only maintenance to server lines. Mr. Allen provided an explanation of a low pressure sewer system, saying that a grinder pump was used to discharge up hill to a gravity line. Mr. Sterling asked if the applicant intended to apply for a rezoning.

Following discussion about the applicant’s intent at a possible rezoning, Mr. Sterling motioned, seconded by Mr. Thomas, to defer this item.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
Nay: (0)
Absent: (1) Snellings

Legislative; Closed Meeting. At 4:00 p.m., Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM14-02.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
Nay: (0)
Absent: (1) Snellings

Resolution CM14-02 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for consultation with legal counsel regarding the request for a community septic system for the proposed Albion Community; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 4th day of February, 2014, does hereby authorize discussion of the aforestated matter in Closed Meeting.

Call to Order At 4:15 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM14-02(a).

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
Nay: (0)
Absent: (1) Snellings

Resolution CM14-02(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON FEBRUARY 4, 2014

WHEREAS, the Board has, on this the 4th day of February, 2014, 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 4th day of February, 2014, 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.

Planning and Zoning; Consider a Request for a Community Septic System for the Proposed Albion Community Mr. Jeff Harvey, Director of Planning and Zoning, gave a

presentation and answered Board members questions. He noted that there was no increase in lot yield, and that the community septic system would be permitted through the Virginia Department of Health.

In response to the question about other community septic systems already in the County, Mr. Harvey said that there are two existing systems; on Ramoth Church Road in the Hartwood District, and in the Aquia District, Canterbury Estates. Mr. Milde asked Mr. Harvey to describe Canterbury Estates. He noted that one-half of the lots are water front. Mr. Harvey said that like-systems exist in Loudoun and Caroline Counties. Staff spoke with Mr. John Tippett, with Friends of the Rappahannock, who said that there is no specific policy regarding community septic systems; that it is most desirable that systems be maintained by localities as there was a concern with Home Owner's Association (HOA) issues. Mr. Tippett said that the Friends of the Rappahannock suggested a bond for each system.

Mr. Sterling asked what, if any, were Mr. Harvey's concerns with maintaining the proposed Albion system or other existing systems in the County. Mr. Harvey responded that there was an on-going need to maintain vegetation with a mower and/or bush hog.

Mr. Thomas motioned, seconded by Mr. Milde, to approve proposed Resolution R14-16.

Mr. Thomas talked about individual v. community septic systems, saying that there was no way to enforce the requirement that individuals have their system cleaned every "X" number of years. Mr. Harvey noted that the community system would be approved by the Virginia Department of Health, and inspected by a certified soil scientist or civil engineer. He said that the State pre-certified individuals before they were permitted to do inspections. Mr. Harvey did not recall if the operational permit was annual or bi-annual. Mr. Milde inquired about the qualifications of certified soil scientists. Mr. Harvey said that the State licensed them and provided authorization; that licenses were revoked if there were complaints filed against the scientists/engineers. Mr. Milde talked about the clay soil at Marlborough Point and inquired about the soil at the proposed Albion development. Mr. Harvey said that it was sandy soil, much better than clay soil for septic systems, either individual or community.

Mr. Thomas asked about a back-up generator to ensure power. Mr. Harvey assured Mr. Thomas that back-up generators were a part of the required equipment for a community septic system.

Mr. Sterling said that if the system failed it would fall upon Stafford County taxpayers to bear the cost of a replacement (or repairs to the) system. He added that an affirmative vote would be taking on responsibility for future Boards, with citizens picking-up the tab,

and that it was not a good way to go. He asked for an opinion from the new Attorney General, saying that he was uncomfortable with the proposed system.

Mr. Sterling made a substitute motion, seconded by Mr. Cavalier, to defer a vote to the February 18, 2014 meeting.

The Voting Board tally was:

Yea: (3) Cavalier, Sellers, Sterling
 Nay: (3) Bohmke, Milde, Thomas
 Absent: (1) Snellings

Mr. Charles Shumate, County Attorney, stated that a tie vote failed and the matter should be passed along to the next regularly scheduled meeting. The question came up about how to dispose of the first, primary motion. Mr. Shumate said that it was the Chairman's prerogative. Mr. Cavalier questioned if the Board should go to the primary motion or wait until the next meeting. Mr. Milde said that he understood it differently, that the primary motion should be voted on, that the tied vote on the substitution motion did not dispose of the primary motion. Mr. Milde said that if a vote on the primary motion passed, the Virginia Department of Health would have to approve the plans. Ms. Sellers asked how long it would take for another opinion from the Attorney General's office. Ms. Rysheda McClendon, Assistant County Attorney, responded that three opinions were already given by the AG's office and that given its workload; the AG might not offer a ruling for six to nine months. Two previous rulings were handed down in 2012, one in 2010.

Ms. Sellers asked if the system failed, would the County be responsible for hooking the development up to County sewers. Mr. Thomas asked how many like-systems in the County failed. Mr. Harvey said that two in the County failed, that they were privately maintained and it did not cost the County's taxpayers any money. He added that the applicant did not request a zoning change. Mr. Milde said that if it failed, it could be connected to the County's system, which was less than one mile away. Mr. Harvey said there was limited sewer service in that area. He added that the applicant did not intend to increase density. Mr. Sterling asked about lot size. Mr. Harvey said that 1-acre lots were in A-2. Mr. Sterling said that the proposal was zoned A-1, 3-acre lots; adding that he was not in a rush to pollute the Rappahannock River.

The Voting Board tally on the original motion was:

Yea: (4) Bohmke, Milde, Sellers, Thomas
 Nay: (2) Cavalier, Sterling
 Absent: (1) Snellings

Resolution R14-16 reads as follows:

A RESOLUTION TO APPROVE THE USE OF A PRIVATE COMMUNITY SEWAGE DISPOSAL (DRAINFIELD) SYSTEM ON ASSESSOR’S PARCELS 59-72B AND 59-75A, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Stafford County Code Section 22-118(4)(g) requires the Board to approve the use of community sewage disposal (drainfield) systems; and

WHEREAS, Virginia Properties, Inc., Applicant, submitted a plan requesting approval of a private community drainfield system for development of a proposed 49-lot cluster subdivision on Assessor’s Parcels 59-72B and 59-75A; and

WHEREAS, the submitted plan proposes use of individual treatment septic tanks and pump-lift systems on each residential lot, a sewage collection system with low-pressure force mains, aerobic treatment unit chamber tanks, pump station, and common drainfield; and

WHEREAS, the submitted plan proposes that the individual septic tanks and aerobic treatment unit tanks will have capacity to accept an additional one-quarter to three-quarters of a day’s worth of septic tank effluent in the event of a power outage; and

WHEREAS, the submitted plan proposes that individual septic tank pumps on residential lots will be designed with check valves to prevent sewage back-flow into residences and the capability to be operated by remote power generators; and

WHEREAS, the submitted plan proposes that the pump(s) aerobic treatment unit tanks have a dedicated electrical generator for emergency back-up power; and

WHEREAS, the submitted plan proposes that the community drainfield system be designed to facilitate connection to the County’s public sewer system if such connection becomes available in the future; and

WHEREAS, the Board finds that the requested community sewage disposal (drainfield) system promotes the recommendations of the Comprehensive Plan to preserve open spaces and environmentally-sensitive areas; and

WHEREAS, the Board finds that this resolution is consistent with and promotes good zoning practices;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of February, 2014, that it be and hereby approves the use of a private community sewage disposal (drainfield) system on Assessor’s Parcels 59-72B and 59-75A as requested by Virginia Properties, Inc.; and

BE IT FURTHER RESOLVED that the submitted plan as proposed by Virginia Properties, Inc., be and it hereby is incorporated herein by reference as if restated in full.

County Administration; Boards, Authorities, Committees, and Commissions Appointments Mr. Thomas noted an Add-on for his nomination to the Telecommunications Commission, Mr. Daniel Lawlor. Mr. Thomas also nominated three individuals to the Architectural Review Board (and noted that the item to extend the ARB membership to seven members was approved in the Consent Agenda). The three appointees were: Mark Osborn, Paul Eakin, and Jeromy Range. Mr. Osborn and Mr. Range were appointed as members at large; Mr. Eakin was appointed a a resident of the Historic District.

Mr. Thomas motioned, seconded by Mr. Sterling, to approve all appointments.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
Nay: (0)
Absent: (1) Snellings

Planning and Zoning Refer Urban Development Areas to the Planning Commission

Mr. Sterling motioned, seconded by Mr. Milde to defer this item to the February 18th meeting, or when all seven Board members were present.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
Nay: (0)
Absent: (1) Snellings

Finance and Budget; Mid-Year Review Ms. Nancy Collins, Budget Director, gave a presentation and answered Board members questions.

Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Resolution R14-32.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
Nay: (0)
Absent: (1) Snellings

Resolution R14-32 reads as follows:

A RESOLUTION TO INCREASE THE FY2014
APPROPRIATION FOLLOWING THE FY2014 MIDYEAR REVIEW

WHEREAS, to provide financial flexibility, the Board placed a 5% appropriation hold on the adopted FY2014 General Fund budget, with release of the hold pending a mid-year fiscal review; and

WHEREAS, the FY2014 mid-year review shows sufficient revenue to project positive results of operations and sufficient to appropriate the remaining FY2014 General Fund Budget, as well as the following additional appropriations; and

WHEREAS, the state-approved matching funds through the Virginia Department of Agriculture and Consumer Services in the amount of Three Hundred Seventy-six Thousand Eight Hundred-eight Dollars (\$376,808) for the County's Purchase and Development Rights programs; and

WHEREAS, Human Services staff projects that state and federally-mandated Comprehensive Services Act (CSA) expenditures will exceed the adopted FY2014 budget by Two Hundred Thousand Dollars (\$200,000) due to increased private day school placements for special education students; and

WHEREAS, additional state support for increased CSA expenditures in the amount of One Hundred Ten Thousand Dollars (\$110,000) is available to be appropriated; and

WHEREAS, with full release of the 5% appropriation hold and careful management of all budgets, additional appropriation for locally-funded CSA expenditures funds is not expected to be necessary;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of February, 2014, that it be and hereby does increase the appropriations to the General Fund Budget for FY2014 as follows:

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| | |
|--|------------------|
| <u>General Fund:</u> | 5,210,192 |
| Board of Supervisors | 29,585 |
| Capital Projects | 137,383 |
| Central Rappahannock Regional Library | 253,361 |
| Commissioner of the Revenue | 136,176 |
| Commonwealth's Attorney | 147,803 |
| Cooperative Extension | 8,613 |
| Corrections | 313,648 |
| County Administration | 54,304 |
| County Attorney | 54,196 |
| Clerk of the Circuit Court | 73,542 |
| Circuit Court | 13,720 |
| General District Court | 5,087 |
| Juvenile and Domestic Relations Court | 3,329 |
| Magistrate | 466 |
| 15th District Court Services Unit | 15,927 |
| Economic Development | 37,155 |
| Finance and Budget | 78,966 |
| Fire and Rescue | 792,981 |
| Human Resources | 20,622 |
| Human Services, Office of | 166,976 |
| Information Technology | 108,087 |
| Non-Departmental | 148,759 |
| Parks, Recreation and Community Facilities | 542,947 |
| Partner Agencies | 80,401 |
| Planning and Zoning | 120,169 |
| Public Works | 213,605 |
| Registrar & Electoral Board | 22,980 |
| Sheriff | 1,194,801 |
| Social Services | 336,846 |
| Treasurer | 97,757 |

BE IT FURTHER RESOLVED that the Board be and it hereby does approve an increase to the FY2014 budget and appropriation as follows:

| | |
|-----------------------|-----------|
| Human Services | \$110,000 |
| Capital Projects Fund | \$376,808 |

Reassessment Mr. Scott Mayausky, Commissioner of the Revenue, gave a presentation and answered Board members questions. Mr. Sterling asked why properties were appraised at 93%, why not at full value. Mr. Mayausky said that the County's appraisals were different than bank appraisals; that the goal was to never over-assess anyone and therefore, 93% was the fair percentage.

Ms. Bohmke asked about the number of appeals presented each year. Mr. Mayausky said his office anticipated approximately 500 appeals, or about 1% of the total parcels.

Legislative; FY2015 Budget Guidance Mr. Sterling said that he wanted to give guidance to the County Administrator to set an equalized tax rate when deliberating the FY2015 budget. Mr. Milde said that he agreed with setting the tax rate at an equalized \$1.01. Ms. Sellers suggested waiting to hear from the Schools. Mr. Sterling said that his position, regardless of the Schools requested, was to maintain an equalized tax rate of \$1.01 as the targeted amount. Mr. Cavalier noted that the targeted rate was merely to give guidance to the County Administrator as he prepared his budget, it was not carved in stone; the Board was not setting the tax rate at that time.

Ms. Sellers repeated that she would rather wait until hearing a presentation from the Schools and keep open the Board's options. Mr. Sterling said that the County Administrator could not do an efficient budget without a targeted tax rate, nor could he wait another two weeks to begin the process. Mr. Thomas agreed with Mr. Sterling, saying that the Board could not wait until the School Board's budget; it would not give enough time.

Mr. Cavalier noted that it was a targeted rate, that it the Board had the latitude to adjust the rate if it appeared necessary once the County Administrator presented his budget. Ms. Sellers said that she would agree to send forth an equalized rate but that she did not think it was fair to tie the School Board's hands, adding that the School Board recognized the current, tough financial situation. Mr. Thomas said that the County was facing a tough financial situation, too. He said that his company just laid off four employees and that no pay raises were given; financial stress was across the whole spectrum.

Mr. Milde asked for information on per pupil expenditures, capital v. operating, and talked about almost all debt capacity being given to the Schools, which left very little to fill in the gaps.

Ms. Bohmke said that she was leaning toward an equalized tax rate but wished to hear from the Schools, adding that she attended the Finance, Audit and Budget Committee/Schools Finance meeting and heard its budget presentation, saying that there was a lot to talk about.

Mr. Cavalier assured everyone that the Board would work closely with the School Board. He talked about state-mandated expenses and categorical funding. Mr. Sterling said that savings could be found, that everyone would be forced to look at trade-offs. Regarding technological purchases, Ms. Bohmke said that the teachers were hamstrung due to categorical funding, some not even being able to purchase toner for printers due to categorical funding. She added that last year, \$4 million was released too late for teachers to carry out their mission.

A discussion ensued about the equalized tax rate vs. the effective tax rate. Ms. Sellers asked the County Administrator to do a side-by-side comparison with the equalized and the effective tax rates.

Legislative; Closed Meeting. At 5:40 p.m., Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM14-03.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
 Nay: (0)
 Absent: (1) Snellings

Resolution CM14-03 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion and consideration of confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from the County, for business retention, and County-prepared records related to a business that is considering locating in the County; (2) consultation with legal counsel regarding *In re: June 25, 2013 Decision of the Board of Zoning Appeals for Stafford County, Virginia on Variance Application – V13-02/1300245*, CL13-843, and *In re: June 25, 2013 Decision of the Board of Zoning Appeals for Stafford County, Virginia on Appeal Application – A13-01-1300088*, CL13-844; and (3) consultation with legal counsel regarding *North Stafford Associates, LC v. Stafford County, et al.*, Case Nos. CL09-1542, CL10-401, CL10-134, CL12-1427, and CL12-1426; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(7), (A)(40), and 2.2-3705.6(3), such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 4th day of February, 2014, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order At 6:41 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM14-03(a).

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
Nay: (0)
Absent: (1) Snellings

Resolution CM14-03(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON FEBRUARY 4, 2014

WHEREAS, the Board has, on this the 4th day of February, 2014, 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 4th day of February, 2014, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Recess At 6:42 p.m., the Chairman declared a recess.

Call to Order At 7:04 p.m. the Chairman called the meeting back to order.

Invocation Ms. Bohmke gave the invocation.

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

Stafford Hospital Update and Presentation of a Proclamation Recognizing Stafford Hospital's Fifth Anniversary Ms. Cathy Yablonski, Senior Vice President and Administrator of Stafford Hospital gave an update on the hospital and talked about partnering with Children's National Medical Center and the Virginia Breast Cancer Center, among others.

“In-Quicker” was a new way to register to be seen at the Emergency Room. \$740,000 was donated to the community by the Hospital Foundation.

Mr. Thomas said that his eighth child was born at Stafford Hospital, nine months prior, and that Stafford Hospital was the best by far, it was top notch and cutting edge, and a real asset to the community.

Mr. Cavalier presented Ms. Yablonski with a proclamation honoring Stafford Hospital on its fifth anniversary.

Presentations by the Public - The following members of the public desired to speak:

- Bill Johnson - Was told to hold his comments until the public hearing scheduled for later in the evening regarding power generating facilities.
- Paul Waldowski - Commented on treatment at the hospital; VDOT response to wintery roads; 20kw generator at residence; Gerrymandering; outdated pictures; too many Board members; dysfunctional v. non-functional; Planning Commission member that did not live in district he/she represented; Stafford High School not paid for.

Planning and Zoning; Consider Reclassification and Conditional Use Permit for Shelton Knolls Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Milde asked about the total acreage involved and if any off-site open space was allocated. Mr. Harvey said that it was 47 total acres; no off-site open space was included.

Ms. Bohmke asked, when Shelton Shop Road was expanded to four-lanes, how would that effect Shelton Knolls. Mr. Harvey replied that the applicant proffered right-of way for the expansion of Shelton Shop Road.

Mr. Sterling asked if there was a requirement that open space be contiguous. Mr. Harvey said that it was not a requirement in either State or County Code. Mr. Sterling noted that open space was figured at 30% but that it was not a contiguous 30%. Mr. Milde talked about open space being allowed off-site to benefit the rural areas of the County. Mr. Sterling said it was a good idea; that maybe proffer guidelines could be changed overall.

Mr. Charlie Payne, for the applicant, gave a presentation and answered Board members questions. Ms. Sellers asked about the proffered amount and the old YMCA site between the high school and Margaret Brent Elementary School.

Mr. Payne said that project had an anticipated completion date of three to five years subject to market conditions.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Sterling talked about connectivity of the trails and a combined HOA with Shelton Woods. Mr. Payne said that connected trails would have to cross a stream and there would be undesirable impacts to an environmentally sensitive area.

Mr. Milde said that the proposal was for a nice subdivision but that he was concerned about sprawl and therefore, would vote against it. He talked about attaching proffers to the Purchase of Development Rights program as an allowable component to proffers. Mr. Sterling said that it was a new concept and one on which he would gladly work with Mr. Milde. Mr. Milde asked if anyone on the Board had any objections, Mr. Cavalier said “none at that time.”

Mr. Romanello said that the Planning Commission dispersed with proffer guidelines and were ready for a presentation to the full Board. Mr. Milde asked that the legality of his suggestion be looked into.

Mr. Sterling motioned, seconded by Mr. Milde, to defer this item to the February 18th meeting.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas

Nay: (0)

Absent: (1) Snellings

Public Works; Authorize Conveyance of County-owned Property as Road Right-of-Way and a Drainage Easement to Verizon and Northern Virginia Electric Cooperative in Conjunction with the Mountain View Road Safety Improvements Project Phase II Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Resolution R14-14.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
Nay: (0)
Absent: (1) Snellings

Sheriff; Amend and Reordain County Code Chapter 15, Article III, “Parking” Mr. Alan Smith, Deputy County Attorney, gave a presentation and answered Board members questions. Mr. Sterling asked about a timeframe for towing. Mr. Smith responded that State Code called for ten days on private property; that private property owners could “self-help” but would have to pay for towing. Mr. Sterling clarified that abandoned vehicles, on public roads, could be towed immediately. Mr. Smith agreed.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Ordinance O14-01.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
Nay: (0)
Absent: (1) Snellings

Planning and Zoning; Consider the Planning Consider Amendments to the HI, Heritage Interpretation Zoning District Requirements Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions. Mr. Thomas mentioned that Ferry Farm was removed from the Historic District; that it already received a lot of oversight; and that Dr. Harry Crisp was appointed to a Ferry Farm committee so there was no need for another level of oversight.

Ms. McClendon noted that the requested action was to clean-up an error in Table 3.1 C1, which was incorrectly cross-referenced. Mr. Sterling said that it was a technical amendment due to a Scribner’s error. Mr. Thomas talked about striking additional “Whereas” clauses.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Mr. Sterling, to to defer this item to February 18, 2014.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas

Nay: (0)

Absent: (1) Snellings

Planning and Zoning; Consider Amending the Subdivision Ordinance Regarding Drainfield Requirements Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Ordinance O14-03.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas

Nay: (0)

Absent: (1) Snellings

Ordinance O14-03 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 22-118, "WATER AND SEWER"

WHEREAS, the Subdivision Ordinance includes standards for drainfields and septic systems for lots not served by public sewer; and

WHEREAS, the Subdivision Ordinance sets standards for reserve sewage disposal sites with a size capacity at least equal to that of the primary sewage disposal site, which shall be identified and provided in accordance with the Virginia Department of Health regulations; and

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

WHEREAS, the Board finds that applying the current standards to boundary-line adjustments of existing lots may be too burdensome and ineffective; and

WHEREAS, the Board desires to amend the standards for existing lots subject to boundary-line adjustments; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4th day of February, 2014, that Stafford County Code Section 22-118, “Water and sewer,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 22-118. Water and sewer.

(4) *On-site sewage disposal systems:*

(e) For lots to be served by individual or community septic tanks, a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be identified and provided in accordance with Virginia Department of Health regulations. In all cases, except as specified in Section 22-118(4)(f) below, there shall be a reserve drainfield area that is equal to one hundred (100) percent of the primary drainfield capacity but in the case of a system dispersing secondary effluent or better, the reserve area shall be no less than two thousand five hundred (2,500) square feet. This percentage is based on both, absorption capacity and land area.

(f) Lots served by on-site sewage disposal systems shall have the disposal site located on the lot which they serve. No easements shall be permitted for on-site sewage disposal systems. Easements may be permitted for community sewage disposal systems. In no case, shall a boundary-line adjustment reduce or give away the absorption capacity of a primary or reserve drainfield. All such lots shall have a primary and reserve drainfield of equal absorption capacity.

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

Planning and Zoning; Consider Amending the Zoning Ordinance Regarding Power Generating Facilities Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Milde asked that Mr. Harvey give a brief history of the item. Mr. Harvey said that it came out of the earlier Waste-to-Energy discussion. Mr. Milde said that this item was changing back to what was changed the previous year. Mr. Harvey said that the Ordinance was changed several years ago due to location of a power-line and sub-station facilities requiring a conditional use permit.

The Chairman opened the public hearing.

The following persons desired to speak:

Bill Johnson

Paul Waldowski

Pamela Williams

The Chairman closed the public hearing.

Mr. Milde mentioned an incinerator located in Lorton, VA. Mr. Thomas said that he was absent the night of the Waste-to-Energy vote, but that it would be located on government land, two public hearings would be heard both for granting the land and for the conditional use permit.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O14-04.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas

Nay: (0)

Absent: (1) Snellings

Ordinance O14-04 reads as follows:

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

WHEREAS, the Zoning Ordinance includes power generating facilities in the definition of public facilities/utilities; and

WHEREAS, public facilities/utilities are permitted on County-owned land as a by-right use; and

WHEREAS, the Board finds it is desirable to allow the location of electricity generating facilities on County-owned land only after Board approval of a conditional use permit; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this 4th day of February, 2014, that Stafford County Code Section 28-35, Table 3.1, “District Uses and Standards,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

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

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

Table 3.1 District Uses and Standards

A-1 Agricultural.

(a) Uses permitted by-right:

~~Public facilities/utilities. Public facilities/utilities shall not include: (i) generating facilities (except generating facilities that are located on land owned by the county, the Commonwealth of Virginia, or another county, a city, or a political subdivision, which are permitted as by right uses), (ii) substations, (iii) switching stations, (iv) wastewater treatment facilities which are permitted as a conditional use, and (v) propane and heating fuel distribution facilities.~~

Public facilities/utilities but not including generating facilities, substations, switching stations, and wastewater treatment facilities which are permitted as a conditional use permit, and not including propane and heating fuel distribution facilities

M-2, Industrial, Heavy.

(a) Uses permitted by-right:

~~Public facilities/utilities. Public facilities/utilities shall not include: (i) generating facilities (except generating facilities that are located on land owned by the county, the Commonwealth of Virginia, or another county, a city, or a political subdivision, which are permitted as by right uses), (ii) substations, (iii) switching stations, (iv) wastewater treatment facilities which are permitted as a conditional use, and (v) propane and heating fuel distribution facilities.~~

Public facilities/utilities but not including generating facilities, substations, switching stations, and wastewater treatment facilities which are permitted as a conditional use permit, and not including propane and heating fuel distribution facilities.

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

Utilities; Consider Vacation of a Portion of a Sewer Easement on Tax Map Parcels 38F-1-A and 38F-2-3 at Taylor Bott Industrial Park Mr. Harry Critzer, Director of Utilities, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Mr. Sterling, to adopt proposed Resolution R14-03.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas

Nay: (0)

Absent: (1) Snellings

Resolution R14-03 reads as follows:

A RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF A SEWER EASEMENT ON TAX MAP PARCELS 38F-1A AND 38F-2-3, IN CONNECTION WITH THE FINAL ACCEPTANCE OF THE PLAT FOR TAYLOR BOTT INDUSTRIAL PARK, LOCATED AT THE END OF BLACKJACK ROAD

WHEREAS, a plat was recorded in the land records of the Stafford County Circuit Court Clerk's Office at the close of the Taylor Bott Industrial Park Lot 6 project, including a sanitary sewer easement; and

WHEREAS, the initial building design was changed from one building to two separate buildings; and

WHEREAS, the Utilities Department no longer needs a portion of the 20-foot wide sanitary sewer easement on Tax Map Parcels 38F-1A and 38F-2-3; and

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

WHEREAS, the Board desires to vacate 0.051 acres of sanitary sewer easement on Tax Map Parcels 38F-1A and 38F-2-3; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 4th day of February, 2014, that the Board be and it hereby does find that public necessity exists for the vacation of a portion of the County’s sewer easement on Tax Map Parcels 38F-1A and 38F-2-3; and

BE IT FURTHER RESOLVED that it vacates a portion of the existing sewer easement on Tax Map Parcels 38F-1A and 38F-2-3, and authorizes the County Administrator or his designee to execute any further documentation that is necessary and/or appropriate in order to do so.

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

Anthony J. Romanello, ICMA-CM
County Administrator

Jack R. Cavalier
Chairman