

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

February 5, 2013

Call to Order The regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 3:00 p.m., on Tuesday, February 5, 2013, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Susan B. Stimpson, Chairman; Robert “Bob” Thomas, Jr., Vice Chairman; Jack R. Cavalier; Paul V. Milde III; Ty A. Schieber; Gary F. Snellings; and Cord A. Sterling.

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

Ms. Stimpson offered condolences on the death of County employee, Nick Stepaniak. Ms. Stimpson shared that Nick was always kind, cheerful, and a respected member (and assistant manager) of the E911 Center. Nick will be missed by his wife, Brandy, his parents, his sisters, and his Stafford County family.

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

Ray Barnett	-	Pump and Haul at 1006 White Oak Road
Joe Littleton	-	Boat Tax
Alane Callandar	-	Medicaid Expansion
Luan Bouy	-	Pump and Haul at 11 Oak Lane

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

Mr. Schieber - Attended the Quantico Regional Executive Steering Committee meeting/discussed a regional fire training facility located on Base/ setting up a roundtable with fire chiefs from other localities to

- explore interest and options; Joint Land Use Study (JLUS) contract awarded, kick-off is February 21, 2013; Hiring veterans event with the Military Affairs Council; FBI relocation/met with Virginia Delegates; Gwyneth's Law Working Group Committee met - HB2028 passed House and Senate, awaiting Governor's signature.
- Mr. Snellings - Attended Blue Ribbon 350th Committee meeting/reporting to BOS on February 19, 2013.
- Mr. Sterling - Finance, Audit and Budget Committee update including audits, RFP for next audit; Funds for new ADA compliant voting machines; Classification and Compensation Study; Federal Health Care laws and associated County costs; Part-time employee hours and the impact with the new Health Care laws.
- Mr. Thomas - Bylaws Committee meeting on February 8, 2013; Attended VACo Chairperson's Institute; CPMT; PRTC/appointed to the Executive Committee/attended orientation.
- Mr. Cavalier - Defer
- Mr. Milde - Four Eagle Scout ceremonies; Attended PRTC; VRE (announced no opposition to Senator Stuart's bill); Jail Board (voted against budget proposal); R-Board (Waste to Energy proposal); FAMPO; Chamber of Commerce Gala; Community and Economic Development Committee Update including Tech and Research Park info; Civil War Park opening April 22, 2013.
- Ms. Stimpson - Exciting times at the Stafford Technology and Research Park; Thanked Dennis McBride and Tim Baroody for their hard work on behalf of the Park; Renewed lease with K. Hovnanian Homes for VRE lot/lot will be re-graveled.

Citizen Satisfaction Survey – Presentation by the Weldon Cooper Center for Survey Research Director of Communications, Cathy Vollbrecht, introduced Dr. Tom Guterbock and Mr. Jim Ellis. Both are with the Weldon Cooper Center for Survey Research at the University of Virginia. Dr. Guterbock gave a detailed overview of all aspects of survey research and why surveys were beneficial to local governments.

Mr. Sterling asked about a time-line. Dr. Guterbock said that a quick turn-around was five to six months. He expanded on that answer saying that interviewing took four to five weeks once the pre-survey work was completed, for a total time of approximately five to six months until results were tallied and ready for review by the Board.

Ms. Stimpson asked what the Board could expect from the Weldon Cooper Center and how the County should move forward with the project. Dr. Guterbock said that he

would recommend a telephone survey (vs. on-line or in-person). The details of what the Center would provide to the County, and the cost, would be included in a Memorandum of Agreement.

Mr. Sterling said that he was concerned that statistics may be gathered on the wrong things, or on items that are inconsequential to citizens. He asked how to identify the priorities of citizens in Stafford as well as looking for other suggestions from citizens about what is being done right (or wrong) in the County. Dr. Guterbock replied that if a survey got too detailed and/or bogged down in specifics, it tended to take over the entire survey and the survey would then not provide optimum results of the over-all picture of citizen satisfaction. He said that a brief list of priorities could be added with responses such as “Very Important, Important, Not Important” answers provided by citizens, after which a “gap analysis” would be provided.

Mr. Sterling asked about the number of residents to be certified. Dr. Guterbock responded that the minimum number of respondents was 700, with an additional 700 surveys done the following year. He noted that in comparing two years of survey results, a 5% change in statistics would be significant. He said that it could be broken down by area (or district) but that the number of respondents must be significantly higher. Approximately 1200-1300 would be a good number, Dr. Guterbock said.

Ms. Stimpson thanked Dr. Guterbock, saying that his presentation was very informative.

Legislative; Closed Meeting. At 3:51 p.m., Mr. Sterling motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM13-03.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution CM13-03 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel regarding the proposed road impact fee ordinance and comprehensive plan amendments; and (2) discussion regarding the potential acquisition of real property for a public purpose(s), including economic development, pertaining to the Technology and Research Park; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors, on this the 5th day of February, 2013, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order At 4:26 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 CM13-03(a).

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution CM13-03(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON FEBRUARY 5, 2013

WHEREAS, the Board has, on this the 5th day of February, 2013, 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 5th day of February, 2013, 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.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R13-74.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution R13-74 reads as follows:

A RESOLUTION TO REFER AMENDMENTS TO CHAPTER 4, TRANSPORTATION PLAN,” OF THE STAFFORD COUNTY

COMPREHENSIVE PLAN TO THE PLANNING COMMISSION FOR PUBLIC HEARING AND ITS RECOMMENDATIONS, AND TO PROVIDE THE PLANNING COMMISSION'S RECOMMENDATIONS TO THE BOARD WITHIN 60 DAYS OF THE COMMISSION'S RECEIPT OF THIS RESOLUTION

WHEREAS, the Board desires to adopt a County-wide road impact fee to provide funding for road projects which are needed due to anticipated growth in the County during the next 20 years; and

WHEREAS, Chapter 4, "Transportation Plan," of the Comprehensive Plan must be amended to add the new road impact fee service area and road impact fee project list; and

WHEREAS, under Virginia Code § 15.2-2229, the Board may amend the Comprehensive Plan; and

WHEREAS, the Board prepared certain amendments to Chapter 4, "Transportation Plan," of the Comprehensive Plan; and

WHEREAS, pursuant to Virginia Code § 15.2-2229 the Board desires to refer the Board's proposed Comprehensive Plan amendments to the Planning Commission for public hearing and to direct that the Commission hold a public hearing on the Board's proposed amendments and provide its recommendations to the Board on these proposed amendments within 60 days of the Commission's receipt of a copy of this resolution;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 5th day of February, 2013, that it be and hereby does refers the Board's proposed amendments to Chapter 4, "Transportation Plan," of the Comprehensive Plan to the Planning Commission for a public hearing and directs the Commission to provide its recommendations to the Board on these proposed amendments within 60 days of the Commission's receipt of a copy of this resolution; and

BE IT FURTHER RESOLVED that the County Administrator is directed to submit a copy of this resolution to the Commission; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to advertise a public hearing for the Board to consider its proposed amendments to the Comprehensive Plan; and

BE IT STILL FURTHER RESOLVED that the County Administrator is authorized to advertise a public hearing for the Board to consider an ordinance to amend County Code Chapter 13.5, "Impact Fees."

Ms. Stimpson announced that the public hearing scheduled for the 7:00 p.m. session; Item 18. Public Works; Consider Amendment of the Comprehensive Plan Regarding the Transportation Element; Consider Adoption of Changes to the Comprehensive Plan; and

Amend and Reordain Stafford County Code Section 13.5 Entitled “Impact Fees; will not be heard, and the evening portion of the meeting would be cancelled.

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Anthony Romanello, County Administrator, commended Steve Hubble, Assistant Director of Public Works, for being nationally recognized in his field and an asset to the County and to the Public Works Department. Mr. Romanello noted the addition to the agenda of proposed Resolution R13-70, regarding the planned relocation of Anne E. Moncure Elementary School.

Legislative; Additions and Deletions to the Agenda Mr. Thomas motioned, seconded by Mr. Snellings, to accept the agenda with the addition of Item 19. Planning and Zoning; Extend the Planning Commission’s March 2013 Deadline for Action on Extending the USA Boundary in Include the New Moncure Elementary School Site (proposed Resolution R13-70); and no deletions.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Legislative; Consent Agenda Mr. Thomas motioned, seconded by Mr. Snellings, to accept the Consent Agenda consisting of Items 4 through 12, omitting Items 4 and 12.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R13-63 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED JANUARY 22, 2013 THROUGH FEBRUARY 4, 2013

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 5th day of February 2013, that the above-mentioned EL be and hereby is approved.

Item 6. Planning and Zoning; Refer to the Planning Commission Zoning Text Amendments Regarding Building Permits, Certificate of Occupancy Permits and Manufactured Homes

Resolution R13-39 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN AMENDMENT TO THE ZONING ORDINANCE REGARDING THE ISSUANCE OF BUILDING PERMITS BY THE ZONING ADMINISTRATOR AND RELATED REVIEW PROCEDURES

WHEREAS, the Zoning Ordinance currently states the Zoning Administrator shall issue building permits and adhere to the procedures stated for such action; and

WHEREAS, the Virginia Administrative Code states the Building Official shall issue building permits and does not outline a procedure for such action; and

WHEREAS, the Board desires to have all building permits reviewed in compliance with the Zoning Ordinance; and

WHEREAS, the Board desires to have the Zoning Ordinance reflect the requirements of, and be consistent with the Virginia Administrative Code; 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 5th day of February, 2013, that the amendment to Stafford County Code Section 28-183, “Building Permits” pursuant to proposed Ordinance O13-11, be and it hereby is referred to the Planning Commission for a public hearing and its recommendation; and

BE IT FURTHER RESOLVED that the Planning Commission shall return its recommendation to the Board within sixty (60) days.

Resolution R13-40 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN AMENDMENT TO THE ZONING ORDINANCE REGARDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY BY THE ZONING ADMINISTRATOR AND RELATED REVIEW PROCEDURES

WHEREAS, the Zoning Ordinance currently states the Zoning Administrator shall issue certificates of occupancy and outlines the procedure for such action; and

WHEREAS, Virginia Administrative Code states the Building Official shall issue certificates of occupancy and does not outline a procedure for such action; and,

WHEREAS, the Board desires to have all certificates of occupancy reviewed for compliance with the Zoning Ordinance; and

WHEREAS, the Board desires to have the Zoning Ordinance reflect the requirements of, and be consistent with the Virginia Administrative Code; 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 5th day of February, 2013, that the amendment to Stafford County Code Section 28-184, “Certificates of Occupancy” pursuant to proposed Ordinance O13-12, be and it hereby is referred to the Planning Commission for a public hearing and its recommendation; and

BE IT FURTHER RESOLVED that the Planning Commission shall return its recommendation to the Board within sixty (60) days.

Resolution R13-41 reads as follows:

**A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN
AMENDMENT TO THE ZONING ORDINANCE REGARDING WIDTH
AND ZONING STANDARDS FOR A MANUFACTURED HOME**

WHEREAS, the Zoning Ordinance currently states a nineteen foot (19’) dimension width requirement for a manufactured home and the building standards to which it is subject; and

WHEREAS, Virginia Code was amended to state a different width dimension requirement and building standards to which manufactured homes are subject; and

WHEREAS, the Board desires to have the Zoning Ordinance reflect the same requirements of, and be consistent with, Virginia Code; and

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

NOW THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February, 2013, that the amendment to Stafford County Code Section 28-39(C)(1), “Lawful location of Manufactured Homes” pursuant to proposed Ordinance O13-13, be and it hereby is referred to the Planning Commission for a public hearing and its recommendation; and

BE IT FURTHER RESOLVED that the Planning Commission shall return its recommendation to the Board within sixty (60) days.

Item 7. Planning and Zoning; Refer to the Planning Commission a Zoning Text Amendment Regarding Permitted Uses within the Recreation Business Campus Zoning District

Resolution R13-42 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN AMENDMENT TO THE ZONING ORDINANCE REGARDING HOME OCCUPATIONS AS A PERMITTED USE IN THE RECREATION BUSINESS CAMPUS ZONING DISTRICT

WHEREAS, the Zoning Ordinance permits home occupations in all of the zoning districts that permit dwellings, except for the Recreation Business Campus (RBC) Zoning District; and

WHEREAS, the Board desires to allow home occupations in all of the zoning districts that permit dwellings; and

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

NOW BE IT THEREFORE RESOLVED by the Stafford County Board of Supervisors on the 5th day of February, 2013, that the Planning Commission be and it hereby is directed to prepare amendment(s) to the Stafford County Zoning Ordinance to permit home occupations as a permitted use in the Recreation Business Campus Zoning District pursuant to proposed Ordinance O13-14.

Item 8. Planning and Zoning; Authorize a Public Hearing Regarding Granting of Easements to Church on the Rock International Ministries, Inc.

Resolution R13-54 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING REGARDING THE GRANTING OF EASEMENTS TO CHURCH ON THE ROCK INTERNATIONAL MINISTRIES, INC.

WHEREAS, Church on the Rock International Ministries, Inc., requested easements for private sanitary sewer, sanitary sewer construction, and waterline across Tax Map Parcel 45-287, owned jointly by Stafford County and the School Board; and

WHEREAS, the granting of these easements will have no known negative impact on current or future operations of the County; and

WHEREAS, Virginia Code § 15.2-1800 requires that a public hearing be held prior to the granting of such easements;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February 2013, that the County Administrator be and he hereby is authorized to advertise a public hearing regarding the granting of easements on Tax Map Parcel 45-287, to Church on the Rock International Ministries, Inc.

Item 9. Utilities; Execute a Contract for the 310 Water Pressure Zone Upgrades Project

Resolution R13-49 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT WITH GENERAL EXCAVATION, INC.,
FOR THE 310 WATER PRESSURE ZONE UPGRADES PROJECT

WHEREAS, upgrading the 310 Water Pressure Zone with a 12” water line between the Hampton Oaks and Austin Ridge subdivisions is included in the Utilities Department’s FY2013 Capital Improvements Program; and

WHEREAS, the County solicited public bids for this project; and

WHEREAS, six bids were received, with the bid of \$197,700 received from General Excavation, Inc., determined to be the lowest responsive and responsible bid; and

WHEREAS, staff determined that General Excavation, Inc.’s proposal is reasonable for the scope of services proposed; and

WHEREAS, funds are available for construction of this water line;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February 2013, that the County Administrator be and he hereby is authorized to execute a contract with General Excavation, Inc., in an amount not to exceed One Hundred Ninety-seven Thousand Seven Hundred Dollars (\$197,700) for the 310 Water Pressure Zone Upgrades Project, unless amended by a duly-authorized contract change order.

Item 10. Utilities; Authorize a Public Hearing to Consider Vacating an Existing Access Easement on Tax Map Parcel 54-68 in Connection with the Route 1 North Sewer Replacement Project

Resolution R13-50 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO
ADVERTISE A PUBLIC HEARING TO CONSIDER THE VACATION OF
AN EASEMENT ON TAX MAP PARCEL 54-68, IN CONNECTION WITH
THE CLAIBORNE RUN SEWAGE PUMP STATION GENERATOR
REPLACEMENT PROJECT

WHEREAS, the existing emergency generator at the Claiborne Run Sewage Pump Station is in need of replacement; and

WHEREAS, staff is in the process of acquiring the necessary easements for the construction of the Claiborne Run Sewage Pump Station Generator Replacement Project; and

WHEREAS, the owner of Tax Map Parcel 54-68 previously dedicated 632.25 square feet of permanent access easement to the County; and

WHEREAS, the new Generator Replacement Project requires a larger access easement for maintenance of the equipment; and

WHEREAS, the existing access easement will no longer be needed; and

WHEREAS, the Board must hold a public hearing prior to the disposition of County-owned property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 5th day of February 2013, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider vacation of the Board's easement on Tax Map Parcel 54-68 in conjunction with the Claiborne Run Sewage Pump Station Generator Replacement Project.

Item 11. Utilities; Authorize a Public Hearing to Consider Vacating an Existing Sewer Easement on Tax Map Parcel 21-69B in Connection with the Route 1 North Sewer Replacement Project

Resolution R13-52 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE VACATION OF EASEMENTS ON TAX MAP PARCEL 21-69B, IN CONNECTION WITH THE ROUTE 1 NORTH SEWER REPLACEMENT PROJECT

WHEREAS, the 2006 Water and Sewer Master Plan recommends replacement of a portion of the Route 1 North Sewer; and

WHEREAS, staff is in the process of designing the project and acquiring the necessary easements for the construction of the Route 1 North Sewer Replacement Project; and

WHEREAS, the owner of Tax Map Parcel 21-69B, Mark A. Stephens Ltd., previously dedicated 0.0886 acres of temporary construction easement, and 0.2149 acres of permanent sewer easement, to the County for this project; and

WHEREAS, due to changes in the design of the project, a revised sewer alignment is necessary, which requires different easements; and

WHEREAS, the Board must hold a public hearing prior to the disposition of County-owned property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 5th day of February 2013, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider vacation of the Board’s easements on Tax Map Parcel 21-69B.

Item 4. Approve Minutes of January 22, 2013, Board Meeting Mr. Thomas motioned, seconded by Mr. Sterling, that an addition to the minutes be added to reflect that his absence at the January 22, 2013 meeting was due to a death in his family.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Item 12. Finance and Budget; Budget and Appropriate Proffer Fund Proceeds Following a question about the proceeds of the proffer funds, Mr. Romanello responded that they were going to the Chichester Building. Mr. Sterling motioned, seconded by Mr. Schieber, to adopt proposed Resolution R13-65.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution R13-65 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE PROFFER FUND PROCEEDS

WHEREAS, proffers totaling \$12,978 are available in the General Fund, which may be used to offset the County’s costs associated with Courthouse area improvements;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February, 2013, that the County Administrator be and he hereby is authorized to budget and appropriate proffer funds as follows:

<u>GENERAL FUND</u>	
Transfer to Capital Project Fund	\$12,978
<u>CAPITAL PROJECTS FUND</u>	\$12,978

Planning and Zoning; Urban Development Areas UDA) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Milde asked Mr. Harvey what the Planning Commission was asking for. Mr. Sterling said that he understood that the Planning Commission was going to report back to the full Board with its recommendations, not ask for additional guidance from the Board. He said that the Planning Commission was tasked with putting together a list of recommendations and, of particular interest to Mr. Sterling, was the Courthouse and Southern Gateway UDAs. Mr. Sterling said that the transportation element of the Comprehensive Plan was of great concern given the traffic problems along the Route 1 corridor and on Route 17.

Mr. Harvey said that the Planning Commission was looking for feedback from the Board. Mr. Thomas talked about by-right density, asking if it was included in what was being presented or if it was an addition that the Planning Commission had yet to consider. Mr. Milde talked about twenty-year growth projections, saying that they were generally exceeded in ten years. He asked Mr. Harvey what had to be done to reduce the number of UDAs, or densities, in the Comprehensive Plan.

Ms. Stimpson asked what would happen if UDAs were eliminated entirely. Mr. Harvey said that it was not the Zoning Department that set the parameters for zoning. Prior to the UDA designation, there was a suburban residential classification, adding that he felt that there was value in creating concentrated growth areas or nodes in the County. Mr. Sterling said that the Comprehensive Plan should contain recommendations of what zoning classifications should be in the County.

Ms. Stimpson inquired what would happen if the Board voted to eliminate UDAs, asking if that would leave the County with no plan in place. Mr. Harvey said that the County would have to reevaluate where to go from UDAs, if to suburban, business, industry, etc.

Mr. Sterling said they would have to go through the Comprehensive Plan amendment process all over again. Mr. Harvey agreed with Mr. Sterling, adding that the Planning Commission laid out areas of importance to be worked on.

Mr. Schieber asked if the question was to remove UDAs altogether in the County. Ms. Stimpson said that initially, the creation of UDAs was mandated by the General Assembly. The decision was reversed by the General Assembly, and now UDAs are optional. Mr. Schieber talked about a targeted growth concept in the County. Ms. Stimpson said that was the purpose of the Comprehensive Plan.

Mr. Sterling motioned, seconded by Mr. Snellings, to refer to the Planning Commission, a Comprehensive Plan amendment for UDAs. The Planning Commission was to come back to the Board with recommendations that include long-term planning, and that conforms to current law.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Planning and Zoning: Consider Appeal of the Architectural Review Board's Decision at 103 West Cambridge Street Ms. Kathy Baker, Assistant Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Norman Schools, Architectural Review Board (ARB) Chairman, and Mr. Paul Eakin, Applicant, also gave presentations and answered Board members questions.

Mr. Sterling asked if County standards called for brick vs. concrete. Ms. Baker said that it did not specify bricks as a requirement, just that materials used were to be compatible with the overall appearance of a property located in the Historic District.

Ms. Stimpson said that there was not an appeal in the time that she was a member of the Board and asked County Attorney, Charles Shumate, to weigh in on the procedure for the Board to follow. Mr. Shumate suggested that first the representative from the ARB be permitted to speak, followed by the applicant. He added that it was not a public hearing and that after each had spoken, the matter would be returned to the Board.

Mr. Norman Schools, Chairman of the ARB, addressed the Board saying the historic district in Falmouth was created 28 years earlier and that there were standards which guide construction, renovation, and materials used in a property with an historical designation. Mr. Schools said that the ARB felt that they gave Mr. Eakin reasonable alternatives and did not deny nor prohibit work on the property located at 103 West Cambridge Street, also known as Amy's Café.

Mr. Sterling asked about Page 7 in the letter provided to the Board, and its reference to the Master Redevelopment Plan. Mr. Schools said that the Zoning Ordinance, not the Master Redevelopment Plan, governed the types of materials that may be used. Mr. Sterling asked if the objection to the proposed materials was because the property directly across the street just installed new brick pavers. Mr. Schools said that the property across the street from Amy's Café was not on the historical registrar; that the property owners chose not to have their property listed.

Mr. Snellings thanked Mr. Schools, saying that he read his book and thoroughly enjoyed it. Then Mr. Snellings asked if the Lightner Building was in the Historic District. Mr. Schools replied that the owners had opted out. Mr. Snellings asked about the property owned by the University of Mary Washington, the one up on poles, and if it was in the Historic District. Mr. Schools said that it was in the Historic District and that the University was in the process of doing something with it.

Mr. Thomas said that the Board really valued all of the County's boards and commissions and thanked Mr. Schools for his work and for that of the ARB. He added that whatever the decision made, it in no way detracted from the work of the ARB or their opinion.

Mr. Thomas talked about viewing historical photographs of the property and that, at one time, there was something that appeared to be an awning on the property. He asked if another awning would be considered in place of the trellis. Mr. Schools said that the ARB looked at the possibility of an awning but did not bring it forward. Rather, they worked on the suggestion of a trellis. He added that the applicant wished to bring the patio up to ADA standards and to use concrete but that the ARB suggested the use of wood decking (rather than concrete). The ARB was open to continue the discussion with the applicant. He said that 103 West Cambridge was from the Federal period and it was a very significant building in historic Falmouth Bottom. He talked about the visibility of a trellis and scored concrete. Mr. Thomas asked about the visibility from the VDOT right-of-way. Mr. Schools said that it could not be seen due to the proposed planter boxes. He said that it would be camouflaged but that it would not be correct by historical standards.

Mr. Cavalier asked if the applicant was willing to revisit the issue and to meet again with the ARB in an attempt to arrive at a viable solution. He suggested that the Board not make a decision until another meeting took place between the applicant and the ARB.

Mr. Thomas asked Mr. Shumate for clarification as to the procedure now that an appeal was filed and whether both parties may reengage before the appeal was heard. Mr. Shumate said that the appeal was before the Board and that the Board had the right to uphold or reverse, whole or in part, the decision of the ARB.

Mr. Thomas asked Mr. Shumate to clarify his earlier response. Mr. Shumate said that if the appeal was brought before the Board, but the applicant wishes to have another meeting with the ARB, the appeal could come back to Board at another time or, if the differences are settled, the Board may be left out of the decision entirely.

Mr. Sterling asked about the benefits of having a building in an historic district. Mr. Schools replied that owners may opt out of their property being included, but those that

were included would be permitted to write off their taxes the cost of rehabilitation of the property for seven years before the value of the property was increased. He stated that there were other tax breaks as well.

Mr. Schools stated that the ARB asked the applicant twice for additional details about the patio and trellis but did not receive an answer to either request. Mr. Thomas asked if the ARB could reconsider its decision before the Board acted. Mr. Shumate said that there should be a definite decision by the Board. The Board could advise the ARB to reconsider its decision.

Mr. Paul Eakin, applicant, addressed the Board, thanking them for taking the time to hear his appeal of the ARB's decision. He said that he lives above Amy's Café. The ARB was very cordial and that the appeal stems from a difference of opinion interpreting the standards and guidelines and the inconsistencies therein. Mr. Eakin said that it was his hope to make improvements that would attract businesses and tourists to the area, adding that economic development and historic preservation are not mutually exclusive but rather, they go hand-in-hand.

In referring to the previous discussion about installing an awning rather than a trellis, Mr. Eaking said that the bay windows prevented installation of an awning. He added that the historical fabric of the building was not to be destroyed and attempting to install an awning on the building would ruin the brick façade. He said that installation of a concrete pad and trellis was the highest and best use of the property, and it was in keeping with ADA compliance guidelines.

Mr. Eakins noted that the existing wood decking material permitted water leakage which was destroying the foundation of the building and that replacing it with concrete would solve that problem; that following the written guidelines would not be possible if the wood deck was replaced rather than being removed entirely. He added that the existing architectural features are not original to the building, that the proposed trellis would not touch the structure itself and that the new work would be compatible with the building.

Ms. Sabina Weitzman, architect on the project, addressed the Board. Mr. Sterling asked if the proposed renovations were setting a precedent in the Historical District. Ms. Weitzman said that former ARB Chairman, Ms. Tonya Gosset, said that "every decision would be considered on its own merit and in its own context". Mr. Sterling said that it may become a political challenge, i.e., "why here and not there?" if the Board were to overturn the finding of the ARB. Ms. Weitzman said that the guidelines were purposefully broad and that 103 W. Cambridge may be the most important building in the Falmouth Historic District. She added that the ARB's problem with concrete was

unfounded as concrete was the second most popular building material, aside from asphalt, in Falmouth Bottom.

Ms. Stimpson thanked Ms. Weitzman. Ms. Weitzman said that preservation is not freezing in place; rather it is keeping it in constant use to best preserve a building.

Mr. Cavalier asked Mr. Eakin if he was willing to go back and negotiate with the ARB. Mr. Eakin replied that his hope was that construction would already be underway, that he discussed his plans, at length, with the ARB; that he and the ARB were at a different place; that the ARB would continue to say no to the trellis.

Mr. Thomas asked Mr. Eakin if he met with the ARB. Mr. Eakin said that it was a cordial meeting but that he and the ARB were in different places. He respectfully asked the Board to reverse the decision of the ARB. Mr. Thomas said that the appeal was a last resort, that there were back and forth discussions between Mr. Eakin and the ARB. Mr. Eakin said that he was all for discussion but that it reached the point that it was not getting anywhere. He stated that he felt that his plans were an efficient and compatible, contemporary use of the latitude given by the Guidelines; that he was not setting a precedent but rather, interpreted the Guidelines accurately and in its spirit and intent based on each individual property.

Mr. Milde said that there were compelling issues on both sides but that he would support it and defer to the sitting supervisor. Mr. Sterling said that he would vote to uphold the ruling by the ARB, adding that he looked at the plans and that it looked like definite improvements but that given the favorable tax treatments, getting the benefits of an upgrade and still getting tax credits; he saw the decision by the political body as setting a legal and moral precedent. He said that he believed that the proposed 21st century porch did not fit within the Historical District at Falmouth Bottom.

Mr. Cavalier said that he was originally set to vote for reversal of the ARB's decision but that after further thought, and without further negotiation between the applicant and the ARB, he would vote against overruling the decision.

Mr. Thomas said that the last appeal before the Board was more than a decade ago; it had to do with adding stone to a house down by the river. It was a decision that had no impact on anyone. He added that various alternatives to the appeal were exhausted and that it was up to the Board to resolve the issue.

Ms. Stimpson said that she thought very highly of Mr. and Mrs. Schools. She said that she thought of this appeal as a property rights issue and as such, she would vote to repeal the ARB’s decision.

Mr. Schieber said he thought that with further dialogue between the applicant and the ARB, the issue could be resolved and that they could find a middle ground. Mr. Schieber indicated that he would vote against overturning the decision of the ARB.

Mr. Snellings said he had safety concerns about the current decking materials, which was not safe and had a difficult incline for older people to navigate. He said that historic buildings are kept intact by the people who occupy them and that if the building were not occupied, it would deteriorate. Mr. Snellings said that he would support a vote to overturn the ARB’s decision.

Mr. Thomas motioned, seconded by Mr. Milde to adopt proposed Resolution R13-36.

The Voting Board tally was:

- Yea: (4) Milde, Snellings, Stimpson, Thomas
- Nay: (3) Cavalier, Schieber, Sterling

Resolution R13-36 reads as follows:

A RESOLUTION TO REVERSE THE DECISION OF THE ARCHITECTURAL REVIEW BOARD TO DENY A COMPONENT OF THE CERTIFICATE OF APPROPRIATENESS APPLICATION FOR 103 WEST CAMBRIDGE STREET

WHEREAS, Paul Eakin, applicant and owner, submitted an application for a Certificate of Appropriateness (COA) for improvements to a structure located at 103 West Cambridge Street within the Falmouth Historic District, pursuant to Stafford County Code Section 28-58(d), “Historic resource overlay district regulations”; and

WHEREAS, the Architectural Review Board (ARB) denied a component of the COA (Component 5) regarding construction of a new concrete patio and installation of a new, free-standing trellis; and

WHEREAS, pursuant to Stafford County Code Section 28-58(e)(1), Paul Eakin appealed the decision of the ARB regarding denial of construction of the new patio and installation of the trellis; and

WHEREAS, upon appeal, and after consultation with the ARB, the Board may reverse the decision of the ARB, in whole or in part, or affirm the decision of the ARB; and

WHEREAS, the Board carefully considered the decision of the ARB and the recommendations of staff; and

WHEREAS, the Board determines that the decision made by the ARB was inappropriate;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 5th day of February, 2013, that the decision of the Architectural Review Board denying a component of the Certificate of Appropriateness (Component 5) for the construction of a new concrete patio and installation of a new, free-standing trellis, as applied for by Paul Eakin, for improvements to a structure located at 103 West Cambridge Street within the Falmouth Historic District, be and it hereby is reversed.

Utilities; Consider Residential (Subsidized) Pump and Haul at 1006 White Oak Road Mr. Dale Allen, Assistant Director of Utilities/Engineering, gave a presentation and answered Board members questions. Mr. Allen said that the Utilities Commission considered the request from applicant and voted 5 – 1 to approve subsidized pump and haul at 1006 White Oak Road.

Mr. Sterling said that the letter from the Health Department appears to qualify the property for subsidized pump and haul. He said if the property would be put on the County's utility system, it would add to the customer base and it would benefit the homeowner and rate payers.

Mr. Milde. regarding subsidized vs. non-subsidized; said that Stafford County is the only county in the Commonwealth that still offers subsidized pump and haul. He added that eventually every septic system in the Count was going to fail and that the cost would be astronomical. He said that as unfair as it was for this to happen to the homeowner, his responsibility was to the taxpayers who would have to pick up the cost.

Mr. Sterling said that this happened through no fault of the homeowner but that he would defer to the district supervisor, Mr. Thomas.

Mr. Snellings said that Virginia is a "Buyer Beware" state and asked how many subsidized pump and hauls there were in the County. Mr. Allen replied that it was approximately thirty. Mr. Snellings said that pump and haul was based on a 1996 ordinance and that so long as it was on the books, it was the responsibility of the Board to take care of the problem, adding that it would continue until the Board changed the rules.

Mr. Thomas said that this was the first case in his time on the Board and that he agreed with Mr. Snellings. He suggested that the Infrastructure Committee take up the issue as soon as possible.

Mr. Thomas motioned, seconded by Mr. Sterling, to adopt proposed Resolution R13-43.

The Voting Board tally was:

Yea: (6) Cavalier, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (1) Milde

Resolution R13-43 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO PROVIDE RESIDENTIAL (SUBSIDIZED) PUMP AND HAUL SERVICE
AT 1006 WHITE OAK ROAD

WHEREAS, the County has a General Permit Agreement with the Virginia Department of Health for pump and haul services; and

WHEREAS, the owner of 1006 White Oak Road requested pump and haul services; and

WHEREAS, 1006 White Oak Road is certified by the Virginia Department of Health for sewer service in accordance with these arrangements, and must be added to the General Agreement pump and haul list; and

WHEREAS, the Board finds that 1006 White Oak Road meets the requirements of the County's residential (subsidized) pump and haul service last amended by Resolution R06-240 on September 5, 2006;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February, 2013, that the County Administrator be and he hereby is authorized to add 1006 White Oak Road to the Agreement with the Virginia Department of Health for residential (subsidized) pump and haul service at 1006 White Oak Road; and

BE IT FURTHER RESOLVED that the County Administrator be and be hereby is authorized to execute a pump and haul service agreement with the property owner; and

BE IT FURTHER RESOLVED that these services will be discontinued and the property removed from the Agreement with the Virginia Department of Health when public sewer becomes available to 1006 White Oak Road.

Utilities; Consider Residential (Subsidized) Pump and Haul at 11 Oak Lane Mr. Dale Allen, Assistant Director of Utilities/Engineering, gave a presentation and answered

Board members questions. Mr. Allen said that the applicant was aware of the issues but did not anticipate the degree of the problem. The Health Department certified that the system failed and that there were no reasonable alternatives. The Utilities Commission voted 5 – 1 to approve subsidized pump and haul at 11 Oak Lane.

Mr. Milde said that in thirty to forty (or eventually), all the septic tanks in the County would fail and that the cost of pump and haul, for the property being considered, would eventually exceed the value of the home.

Mr. Sterling motioned, seconded by Mr. Snellings, to adopt proposed Resolution R13-46.

The Voting Board tally was:

- Yea: (6) Cavalier, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (1) Milde

Resolution R13-46 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PROVIDE RESIDENTIAL (SUBSIDIZED) PUMP AND HAUL SERVICE AT 11 OAK LANE

WHEREAS, the County has a General Permit Agreement with the Virginia Department of Health for pump and haul services; and

WHEREAS, pump and haul services were requested by the property owners of 11 Oak Lane; and

WHEREAS, 11 Oak Lane is certified by the Virginia Department of Health for sewer service, in accordance with this Agreement, and must be added to the General Permit Agreement pump and haul list; and

WHEREAS, the Board finds that 11 Oak Lane meets the requirements of the County’s residential (subsidized) pump and haul service policy, last amended by Resolution R06-240 on September 5, 2006;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February, 2013, that the County Administrator be and he hereby is authorized to add 11 Oak Lane to the Agreement with the Virginia Department of Health to provided residential (subsidized) pump and haul service at 11 Oak Lane; and

BE IT FURTHER RESOLVED that the County Administrator be and be hereby is authorized to execute a pump and haul service agreement with the property owners; and

BE IT FURTHER RESOLVED that these services will be discontinued and the property removed from the Agreement with the Virginia Department of Health when public sewer becomes available to 11 Oak Lane.

Discuss the Board's Goal Setting/Metrics Mr. Sterling asked that this item be deferred to the February 19, 2013, meeting.

Add On; Planning and Zoning; Request that the Planning Commission Conduct a Public Hearing and Make its Recommendations on a Comprehensive Plan Amendment for the Planned Relocation of Anne E. Moncure Elementary School

Mr. Cavalier motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-70.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution R13-70 reads as follows:

A RESOLUTION REQUESTING THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING AND MAKE ITS RECOMMENDATIONS ON A COMPREHENSIVE PLAN AMENDMENT TO INCLUDE ASSESSOR'S PARCELS 20-66B, 20-66C, 21-15, AND 21-16 IN THE URBAN SERVICES AREA FOR THE PLANNED RELOCATION OF ANNE E. MONCURE ELEMENTARY SCHOOL

WHEREAS, the Board and the School Board entered into a Memorandum of Agreement for the purchase of land and the planned relocation of Anne E. Moncure Elementary School; and

WHEREAS, on March 6, 2012, the Board adopted Resolution R12-74, which authorized the County Administrator to take any necessary steps to meet the terms of the Agreement, including a Comprehensive Plan amendment to include Assessor's Parcels 20-66B, 20-66C, 21-15, and 21-16 in the Urban Services Area; and

WHEREAS, staff prepared the proposed Comprehensive Plan amendment; and

WHEREAS, the Planning Commission postponed a public hearing on the proposed Comprehensive Plan amendment due to comments provided by staff at Marine Corps Base Quantico (Quantico); and

WHEREAS, the Board entered into an agreement with Quantico and surrounding jurisdictions to conduct a Joint Land Use Study (JLUS); and

WHEREAS, the Board desires that the Planning Commission consider information obtained during development of the JLUS in its consideration of the Comprehensive Plan amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February, 2013, that the Planning Commission be and it hereby is requested to conduct a public hearing and make its recommendations on a proposed Comprehensive Plan amendment to include Assessor's Parcels 20-66B, 20-66C, 21-15, and 21-16 in the Urban Services Area, for the planned relocation of Anne E. Moncure Elementary School; and

BE IT FURTHER RESOLVED, that the Planning Commission is hereby requested to consider information obtained during development of the JLUS in making its recommendations to the Board no later than August 31, 2013.

Ms. Stimpson restated that the evening session of the February 5, 2013, meeting was cancelled.

Adjournment: At 6:03 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Susan B. Stimpson
Chairman