

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

May 7, 2013

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 3:05p.m., on Tuesday, May 7, 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; Ty A. Schieber; Gary F. Snellings; and Cord A. Sterling. Paul V. Milde III arrived at 3:08 p.m.

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.

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

Paul Waldowski - Budget/SHS Rebuild/Water Bill

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

Mr. Schieber - Central Park Corporate Center Covenants; JLUS Study underway/  
Public Information Meeting @ Hildrup, May 29, 2013

Mr. Snellings - Deferred

Mr. Sterling - Deferred

Mr. Thomas - Deferred

Mr. Cavalier - Widewater Beach Citizen’s Association/Widewater State Park –  
County assisting w/ beach clean-up/FY2014 State funding  
expected; Aquia Harbor HOA; Yacht Club Blessing of the Fleet

Mr. Milde - Blessing of the Fleet; R-Board Meeting re. Waste-to-Energy project; ½ day spent on Capitol Hill w/ Congressman Rob Witman; Bill Shelton, not D.P. Newton mapped area near Civil War Park; CEDC Update – Change to Securities policies; Southern Gateway RDA; Tech Zone; Data Center; Microbreweries; Drainfields

Ms. Stimpson - Deferred

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Anthony Romanello, County Administrator, introduced Maria Perrotte, Chief Financial Officer. Ms. Perrotte gave a Power Point presentation about the sale of “General Obligation Bonds for Voter Approved Parks and Roads.”

Legislative; Additions and Deletions to the Agenda There were no additions or deletions to the agenda.

Legislative; Consent Agenda Mr. Thomas motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 3 through 10.

The Voting Board tally was:

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

Item 3. Legislative; Approve Minutes of the April 23, 2013 Meeting

Item 4. Public Works; Authorize a Contract for Engineering Services Related to the Installation of Trailblazing Signs

Resolution R13-141 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN ENGINEERING CONTRACT FOR SERVICES RELATED TO THE INSTALLATION OF THE TRAILBLAZING SIGNS

WHEREAS, the purpose of the Wayfinding Signage System, which includes the Trailblazing signs and Gateway signs, is to increase tourism revenue, provide a cohesive directional sign program, and enhance community identity; and

WHEREAS, on February 17, 2009, the Board approved the sign design and simultaneously supported the continuation of the programming segment of the Trailblazing sign initiative; and

WHEREAS, the Gateway signs are installed; and

WHEREAS, Webb and Associates submitted an engineering proposal for services related to the cost of engineering and permitting of the Trailblazing signs in the amount of \$296,000; and

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

WHEREAS, funds are available in the Tourism Fund Balance for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of May, 2013, that the County Administrator be and he hereby is authorized to execute a contract with Webb and Associates in an amount not to exceed Two Hundred Ninety-six Thousand Dollars (\$296,000), unless amended by a duly-executed contract amendment, for engineering services related to the installation of the Trailblazing signs; and

BE IT FURTHER RESOLVED, the County Administrator, or his designee, is authorized to execute all documents necessary or appropriate for Stafford County to obtain the required VDOT permits for this project; and

BE IT STILL FURTHER RESOLVED, that the County Administrator be and he hereby is authorized to budget and appropriate funds in the amount of Two Hundred Ninety-six Thousand Dollars (\$296,000) from the Tourism Fund, prior year Fund Balance.

Item 5. R-Board/Landfill; Authorize a Public Hearing to Consider a Lease at the Regional Landfill for a Waste-to-Energy Facility

Resolution R13-145 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE EXECUTION OF A LEASE ON PROPERTY OWNED BY THE RAPPAHANNOCK REGIONAL SOLID WASTE MANAGEMENT BOARD (R-BOARD) TO ENERGY EXTRACTION PARTNERS, LLC (EEP) FOR THE CONSTRUCTION AND OPERATION OF A WASTE- TO-ENERGY PRODUCTION AND DISTRIBUTION FACILITY

WHEREAS, the R-Board entered into an agreement with EEP for the construction and operation of a waste-to-energy facility to be sited on approximately eleven (11) acres of R-Board property identified as Tax Map Parcel 39-26D; and

WHEREAS, this project, when completed and operational, will provide substantial financial benefits to the residents of the County; and

WHEREAS, R-Board property is jointly owned by the County and the City of Fredericksburg; and

WHEREAS, a public hearing is required prior to execution of a lease of County-owned property; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of May, 2013, that the Board be and it hereby does authorize the County Administrator to advertise a public hearing to receive public testimony, concerning the execution of a lease of approximately 11 acres on Tax Map Parcel 39-26D, with Energy Extraction Partners, LLC, for the purpose of constructing a waste-to-energy production and distribution facility.

Item 6. County Attorney; Authorize a Public Hearing to Amend Stafford County Code Regarding Distracted Driving

Resolution R13-148 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE CHAPTER 15, “MOTOR VEHICLES AND TRAFFIC,” TO REGULATE DISTRACTED DRIVING

WHEREAS, the Sheriff’s Office handles motor vehicle incidents and accidents that result from driver inattention/improper driving; and

WHEREAS, the Virginia Code authorizes the courts to reduce a reckless driving charge to improper driving, but it does not allow for law enforcement to make an initial charge of improper driving; and

WHEREAS, the Board is authorized to adopt ordinances regulating the operation of motor vehicles on highways in the County that are consistent with the Virginia Code; and

WHEREAS, other Virginia jurisdictions have adopted local ordinances that make distracted driving a traffic infraction; and

WHEREAS, the Board desires to ensure and protect the health, safety, and well-being of County citizens and those visiting the County, including while they travel on County roads, streets, and highways; and

WHEREAS, the Board desires to regulate distracted driving in the County; and

WHEREAS, the Board desires to consider amending the Stafford County Code to promote the health, safety, and welfare of the County and its citizens, and all persons utilizing roads, streets, and highways in the County; and

WHEREAS, the Board desires to consider public comments concerning the proposed changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of May, 2013, that the County Administrator be and he hereby is authorized to advertise a public hearing to allow for presentation and public comment for the purpose of amending Stafford County Code Chapter 15, “Motor Vehicles and Traffic,” to regulate distracted driving in the County.

Item 7. Planning and Zoning; Refer a Zoning Text Amendment to the Planning Commission Regarding Certificate of Appropriateness Applications

Resolution R13-143 reads as follows:

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

WHEREAS, the Zoning Ordinance includes processes and regulations for review by the Architectural Review Board (ARB) of Certificate of Appropriateness (COA) applications within Historic Resource Overlay Districts; and

WHEREAS, the Zoning Ordinance requires submittal of a COA application thirty (30) days, or more, prior to an ARB meeting date; and

WHEREAS, the ARB desires to decrease the necessary application submittal time to fourteen (14) days, or more, prior to an ARB meeting date; and

WHEREAS, the ARB also desires to clarify that an application must be complete prior to ARB review and consideration; and

WHEREAS, the Board believes that the change in application submittal times is appropriate; 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 7<sup>th</sup> day of May, 2013 that the proposed amendments to Stafford County Code Section 28-58(d), pursuant to Ordinance O13-31, be and they hereby are referred to the Planning Commission for a public hearing and its recommendations.

Item 8. Legislative; Approve the Appointment of Barbara L. Williams to the Rappahannock Area Community Services Board

Item 9. Legislative; Approve the Reappointment of Catherine Washington to the Germanna Community College Board

Item 10. Planning and Zoning; Authorize a Proffer Amendment Application on Assessor's Parcel 46-93E

Resolution R13-157 reads as follows:

A RESOLUTION TO AUTHORIZE A PROFFER AMENDMENT APPLICATION ON ASSESSOR'S PARCEL 46-93E FOR THE LEELAND STATION DEVELOPMENT LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, H. Clark Leming, on behalf of GTIS-HOV Leeland Station LLC, submitted a reclassification application (RC1300138) to amend proffered conditions on Assessor's Parcels 46-92B, 46-93 (Portion), and 46-93E, located within the Falmouth Election District; and

WHEREAS, Assessor's Parcel 46-93E, 3 acres, is owned by the County; and

WHEREAS, in 1997, pursuant to Ordinance O95-64R (subsequently amended by O04-15), the original developer of Leeland Station conveyed Assessor's Parcel 46-93E to the County for use as a public library; and

WHEREAS, the County does not plan to construct a library on Assessor's Parcel 46-93E; and

WHEREAS, the current developer of Leeland Station desires to use Assessor's Parcel 46-93E for its own purposes and to amend the proffers on that parcel to reconfigure the development plans for the neighborhood; and

WHEREAS, the Board is willing to consider a proffer amendment on Assessor's Parcel 46-93E;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of May, 2013, that it be and hereby does authorize Assessor's Parcel 46-93E to be included in the reclassification application (RC1300138) for the purposes of amending proffers on the parcel.

Legislative; Closed Meeting. At 3:20 p.m., Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM13-10.

The Voting Board tally was:

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

Resolution CM13-10 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for discussion regarding the potential acquisition of real property for a public purpose(s), including an academic presence and/or economic development; and

WHEREAS, pursuant to Virginia Code Section 2.2-3711(A)(3), such discussion may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of May, 2013, does hereby authorize discussion of the aforesaid matter in Closed Meeting.

Call to Order At 4:12 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 CM13-10(a).

The Voting Board tally was:

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

Resolution CM13-10(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MAY 7, 2013

WHEREAS, the Board has, on this the 7<sup>th</sup> day of May, 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 7<sup>th</sup> day of May, 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.

Infrastructure Committee; Provide Direction on Design Elements of the Indoor Recreation Center at Embrey Mill Mr. Keith Dayton, Deputy County Administrator, gave a presentation and answered Board members questions.

Mr. Sterling noted that the Infrastructure Committee received an in depth presentation about the options for consideration and the enhanced usability of the most recent proposal as presented by Mr. Dayton.

Mr. Schieber said that Mr. Dayton covered the key points, adding that the initial design concept was a second YMCA-like facility, which was expanded on. The current proposal came with a substantial cost but was affordable and a good long-term value. Mr. Schieber noted that there were only seven similar facilities in the Commonwealth. He appreciated the exhaustive staff work and due diligence shown as plans were developed, saying that the County had only one shot to do it right and to develop a facility that would work best for the citizens of the County, and that would be a great addition to the County's Parks and Recreation portfolio. Mr. Schieber said the project was a good use of County funds, and if approved, the Board was being a good steward of taxpayer's dollars. The potential \$1.7M economic impact was not trivial. He added that it would cost more in the long-term to remodel or update the facility, than it would to be developed to its full potential in the near-term.

Mr. Snellings asked about insurance liability, ownership of the facility, and if County swim teams would have to pay a fee to use the proposed facility. Mr. Dayton said that the facility would be County-owned with an operator hired to manage the day-to day operations.



Regarding fees, Mr. Dayton said that consideration would be given to the County’s high schools and swim teams. Mr. Romanello said that the County’s insurance policy would extend to cover the new facility and the firm hired to manage it would also provide its own insurance coverage.

Mr. Milde asked about possible time constraints if the vote was deferred. Mr. Romanello replied that the building designation was necessary to finalize plans for rectangular fields and ball field design. Mr. Dayton said that any delay had no impact on the Indoor Recreation Facility, but had an impact on completion of the site plan including fields, parking, etc. Mr. Milde said that he saw no need to rush the decision.

Mr. Sterling asked about the impact on the fields and parking. Mr. Dayton said any delay would impact the final opening date, adding that there were three deferrals already. Mr. Milde asked when the voters approved the Bond. Mr. Sterling said it was in 2009-2010.

Mr. Thomas motioned, seconded by Mr. Milde, to defer this item to the May 21<sup>st</sup> meeting.

The Voting Board tally was:

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

County Administration; Authorize Funding for Start-up Costs for “Gwyneth’s Law” Implementation Mr. Schieber provided an update on the progress of implementation of “Gwyneth’s Law.” Mr. Romanello said that the Memorandum of Agreement between the Board of Supervisors and the School Board was in process. Mr. Schieber said the MOA would be brought back to the Board for a vote at its May 21, 2013 meeting.

Mr. Thomas expressed concern that if \$280,000 was taken from the Contingency to fund “Gwyneth’s Law” start-up costs, the \$2.4 million for the decal fee would be in jeopardy. Mr. Romanello assured Mr. Thomas that funds for the decal fee were taken into account before the funding recommendation was made for “Gwyneth’s Law.”

Ms. Stimpson expressed her sympathy to the Griffin family on the loss of their daughter, saying that with the implementation of “Gwyneth’s Law,” she hoped something like that would never happen again.

Mr. Schieber motioned, seconded by Mr. Thomas, to adopt proposed Resolution R13-142.

The Voting Board tally was:

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

Resolution R13-142 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO BUDGET AND APPROPRIATE TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$280,000) FOR START-UP COSTS FOR IMPLEMENTATION OF GWYNETH’S LAW

WHEREAS, the Gwyneth’s Law Working Group (Group) was formed in response to the need for an active Cardiopulmonary Resuscitation (CPR) training certification program, as well as a need for up-to-date working Automated External Defibrillators (AED) in each County school and associated school facilities; and

WHEREAS, the impetus for the organization of this Group was the tragic death, on July 30, 2012, of Gwyneth Griffin, a student at AG Wright Middle School; and

WHEREAS, the estimated, initial start-up cost of full implementation, is Two Hundred Eighty Thousand Dollars (\$280,000), including personnel expenses, training materials, and supplemental supplies and materials for every County elementary school, middle school, and high school, as well as other associated school facilities; and

WHEREAS, during the 2013 Session, the General Assembly passed, and the Governor signed, “Gwyneth’s Law” (HB2028), which the Board fully supported as part of the County’s 2013 legislative initiatives;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of May, 2013, that it be and hereby does authorize the County Administrator to transfer Two Hundred Eighty Thousand Dollars (\$280,000) for one-time, start-up costs to the Schools Operating Budget, from Contingency; and

BE IT FURTHER RESOLVED that a Memorandum of Agreement is under development and that the above-referenced transfer is contingent upon the execution of a Memorandum of Agreement between the Board and the School Board.

Planning and Zoning; Discuss Proposed Proffer Guidelines Planning and Zoning Director, Jeff Harvey, and Chief Financial Officer, Maria Perrotte, gave a presentation and answered Board member’s questions.

Mr. Harvey stated that a 25% credit may be given for potential by-right dwellings. Mr. Sterling questioned if that was 25% of by-right or 25% of the totality of dwellings. Mr. Harvey confirmed that it was 25% of what was due by-right. He added that credit would

be given based on future tax payments for debt service for existing capital facilities; that credit for an in-kind construction and dedication value could not exceed calculated recommend public facility contribution except as determined by the Board.

Mr. Milde commented that no one rezones. Mr. Sterling reminded the Board that there was a recent rezoning in his district. Mr. Milde noted that if proffers were not competitive, it would increase sprawl in the County. He said that credits should be considered if there were existing development rights elsewhere in the County. Mr. Sterling said that there were no proffers under the Transfer of Development Rights (TDR) ordinance. Mr. Milde replied that TDR was not the only vehicle.

Mr. Snellings suggested that it be brought back before the Joint BOS/PC Committee and/or the Infrastructure Committee, or that it be scrubbed by the County Attorney's office. Mr. Harvey said that the Joint Committee was looking for feedback before it finalized its work and sent it to the Board for a formal recommendation and final determination to send it to public hearing.

Mr. Milde said that at the Community and Economic Development Committee meeting, they were told that development of new homes in the County doubled, and that the number was as high as it was in 2005. He added that people were unhappy with sprawl; that it did not play well, and that growth should be redirected back to the Urban Services Area (USA).

Maria Perrotte, Chief Financial Officer, talked about general government calculations saying that the formula used was square footage (s.f.) divided by population. There were 2.54 s.f. government buildings per capita. Mr. Sterling asked if the population numbers were based on the 2010 Census, and based on Stafford's numbers, not those of Northern Virginia. Ms. Perrotte confirmed that all calculations were based on Stafford's population.

Mr. Thomas asked why school numbers for single-family homes were the same for townhouses and multi-family. Ms. Perrotte said that the student generator factor was 1.06; that based on input from the Joint Committee there was no comparison for other dwelling unit types. She added that townhouse and multi-family numbers would be calculated and provided to the Board.

Mr. Schieber said that Mr. Thomas' point raised a significant issue. The School Board based its calculations on newer developments with the highest number of school-aged children. Ms. Perrotte assured the Board that 1.06 was the higher calculation, that the original number was .66.

Mr. Sterling said that Mr. Milde advocated for a County-wide TDR program. Mr. Sterling said that he believed in giving full credit for by-right development to pay for the burden to the County by townhouses and multi-family dwellings. Mr. Harvey said that lot and house size did not determine the number of people who occupy the dwelling. He added that the proposed proffer guidelines were a work in progress.

Mr. Milde talked about the presumption of not doing rezonings outside of the USA; that credit should be given for not developing elsewhere in the County. Mr. Sterling said that the Committee should discuss it. Mr. Milde asked about obtaining a promise from land-owners regarding not developing in certain areas, and giving a credit if they gave rights in another location. He said that the message would then be sent to encourage development in certain areas of the County and discourage development elsewhere.

Ms. Stimpson thanked Mr. Harvey and Ms. Perrotte and told Mr. Harvey that he had several items to bring back to the Joint Committee.

Discuss Potential Lease of County Property to Telecommunication Carriers Mr. Sterling spoke about the locations, in particular those on school property, saying that he removed those from the list of proposed sites in the Rock Hill District, as well as at Winding Creek Elementary School and Colonial Forge High School. They were still on the list and, in his opinion, should be removed.

Mr. Thomas said that he had a discussion with the George Washington District School Board representative. He noted that not all telecommunication towers were 200' high; that they could be affixed to a light pole or something similar. He suggested that school sites be left on the list until the School Board reviewed it.

Mr. Sterling questioned disposition of the list once it was reviewed by the Board. Mr. Dayton said that once the list is reviewed by the Board and sites were agreed upon, the list would be given to the School Board for its input after which, a draft lease document would be finalized. Mr. Thomas said that Fairfax County had telecom tower sites at their schools. Mr. Dayton added that Loudon County Schools did as well.

Public Works; Municipal Separate Storm Sewer Systems (MS4), and Erosion and Sediment Control Update This item was deferred to the May 21, 2013 meeting.

Discuss George Washington Regional Commission Voting Rights (GWRC) Mr. Snellings asked that voting rights be added as an item for discussion. A copy of GWRC's Assessment Analysis was included in the Add-on folder. The Analysis provided a detailed history of each locality's assessment v. the actual payment made to GWRC.

Ms. Stimpson asked about the genesis for Mr. Snellings bringing the matter of GWRC voting rights to the Board. Mr. Sterling said that some members, including Stafford, did not pay their full assessment. Stafford acted as the fiscal agent for GWRC/FAMPO, which added value and therefore, Stafford County did not pay as much as other localities. He said that was explained to the Spotsylvania representatives at a recent meeting; that Stafford County did not charge GWRC the actual value of the services provided by acting as its fiscal agent. It was offered that Stafford would pay "full freight" if Stafford was then paid for its fiscal agency duties.

Mr. Snellings asked if he and Mr. Sterling (Board representatives on GWRC) had full Board support to continue Stafford's work as fiscal agent and not pay the full assessment. Mr. Thomas asked if billing for the inter-agency amount would add up to the full assessment. Mr. Romanello said the County could bill GWRC; that initially a 5% Administrative Fee was imposed but later repealed by the Board (several years ago) and that the fee amounted to approximately \$40,000 - \$50,000.

Mr. Sterling said that Stafford's FY2014 assessment was fully funded. Ms. Stimpson asked for the pleasure of the Board and suggested that it be left up to the discretion of Mr. Sterling and Mr. Snellings, when voting to dismiss members from GWRC who did not pay their locality's full assessment. The vote was scheduled for GWRC's next meeting.

Mr. Cavalier said there were some members (in smaller jurisdictions) that may have had a problem, in years past, coming up with the assessed amount and therefore paid less or only what they could afford. He said that it should be "let go." Mr. Snellings agreed, saying that if it was a hard, fast rule, those who pay less than the assessment would be kicked out, adding that he did not wish to see that happen.

Recess At 5:29 p.m., the Chairman declared a recess.

Call to Order At 7:01 p.m. the Chairman called the meeting back to order.

Invocation Ms. Stimpson gave the Invocation.

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

Presentations by the Public No members of the public spoke.

Public hearings were held concurrently for:

Planning and Zoning; Consider Amendments to the Zoning Ordinance Regarding Dormitory, School, and Multi-Family Dwellings Uses in the RBC, Recreational Business Campus Zoning District; and

Planning and Zoning; Consider Request to (1) Amend Proffer Conditions on a Portion of Assessor's Parcel 52-1, Zoned Recreational Business Campus (RBC), Consisting of 36.79 Acres; and (2) Reclassify from M-2, Heavy Industrial to RBC, on Assessor's Parcel 44-90 (Portion), 44W-2A (Portion), 44W-21, 44W-2B, 44W-5E, Consisting of 91.56 Acres for a Total Combined 128.35 Acres

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation on both items being held as one public hearing, and answered Board members questions. Mr. Chris Hornung, for the Silver Companies, applicant, also gave a presentation to the Board.

Ms. Stimpson asked for a definition of M-2, Heavy Industrial. Mr. Harvey described it as manufacturing activities, concrete/asphalt plants, heavy trucks, recycling plants, construction storage lots, etc. Ms. Stimpson asked if those types of uses would be brought to the Board for public hearings. Mr. Harvey said they were a by-right use, adding that Heritage Commerce Park was zoned M-2.

At the north end of the proposed project, the applicant planned on a secure, short-term housing facility with 192 units, exclusively for law enforcement trainees enrolled at the training facility located across the street. Near the southern end, on the south side of Scotts Ford Lane, the applicant proposed to construct 480 multi-family dwelling units. They would be marketed to the public, not as secure housing, although some overflow from the north end of the project would be accommodated there.

Mr. Harvey added that in addition to recreational amenities within the project, the applicant proposed a one-acre community park that would be open to the public, as well as provisions for a trail head/connection to existing trails located along the Rappahannock River, on land owned by the City of Fredericksburg. Mr. Snellings asked if the City Council approved the connection. Mr. Harvey said that he was not aware if the Council passed a resolution approving it. Mr. Snellings talked about safety concerns with trails and asked if the Sheriff was consulted. Mr. Harvey responded that the Sheriff had not been consulted about the proposed trails.

Mr. Harvey talked about a Transportation Impact Analysis (TIA). One access street was shown off of Scotts Ford Lane, with two entrances off Celebrate Virginia Parkway. Mr. Sterling said that the TIA placed emphasis on Celebrate Virginia Parkway but not traffic

impacts to Route 17. He added that there was a significant impact, based on the TIA, to Greenbank Road, which went from a current 576 to 4,116 vehicle trips per day.

Regarding the fiscal impact study, it was estimated that both the north and south developments combined would have estimated real estate tax revenue (annually) of \$593,000 in non-secure housing and \$700,000 in secure housing.

Mr. Harvey said that the north portion of the proposal was included in the Comprehensive Plan under Recreational, Business, and Industry; the south portion was Suburban. Mr. Thomas noted that the Comprehensive Plan was redone to focus on UDAs, at the time when UDAs were part of the General Assembly's plan. He added that RBC and Suburban zonings were most appropriate for future development and that it was his desire to have a "second backstop" to protect the areas surrounding the proposed development; that he was leaning toward a conditional use permit (CUP).

Mr. Thomas asked if the Board opted for a CUP, would the entire application process have to begin again. Mr. Harvey responded that the application, with the CUP, would have to come back to the Board for approval.

Mr. Thomas said that, in reflecting on the the Fire and Rescue stated response time of 9-10 minutes, he drove the route and it only took 5 minutes from Berea Station. Staff requested fire suppression devices in the buildings due to the estimated response time. Mr. Harvey said that the response time was based on computer models from point A to point B, including turn-out. He said that the flash point goal is 8 minutes. Mr. Thomas said the County would need a lot more stations to adhere to an 8 minute response time.

Mr. Snellings said that in his mind, the definition of a dormitory was a three or four story building, accessed by stairs or an elevator, with sleeping space and bathrooms, no kitchen facilities. Mr. Harvey said the concept of dormitories referred to temporary housing for trainees at the law enforcement training facility. Mr. Snellings noted that schools were removed as a by-right use. Therefore, any incoming college would need a CUP. He said that there was M-2 zoning and the training center on the left as he drove on Celebrate Virginia Parkway. Mr. Harvey said that the proposed rezoning was for both sides of the Parkway; the south side was currently zoned RBC.

Mr. Snellings said that the TIA was only done at intersections. Mr. Sterling agreed, saying that was where the worst congestion was, including levels of failure, etc., adding that the Greenbank Road intersection was very narrow.

Mr. Thomas talked about dormitories and other options including executive apartments; executive homes without families, etc., and asked if there was any flexibility to have a non-family classification of housing. Mr. Harvey said that there was no method that would regulate who could live in apartment, aside from age-restricted housing. The number of bedrooms could be regulated, but not who could live in there. Mr. Milde said the size/square footage would minimize the number of school-aged children.

Mr. Chris Hornung, for the Silver Companies, applicant, addressed the Board saying that they worked for two years on the project(s) in an attempt to answer the County's questions and concerns, adding that the proposal(s) represented an infrastructure investment of \$40 million. Mr. Hornung said that Mr. Tim Tedrick, owner of the law enforcement training facility, and Dr. Stephen Fuller, Economist with George Mason University, accompanied him and would address the Board following his presentation. Mr. Hornung gave a Power Point presentation.

Mr. Sterling inquired why there were two separate applications rather than combining them into one. Mr. Hornung said that the one area was not large enough for both uses, that a portion of the project presented an immediate demand, while the other was intended for a spill-over effect and for market-rate apartments.

Mr. Tedrick was asked to respond (later) to Mr. Schieber's question about the increase from \$50,000 to \$150,000, what were the drivers and if it was based on training capacity. Mr. Hornung said that there could be multiple expansions at the facility due to inherent security features.

Mr. Hornung clarified Mr. Snellings' question about the uses of the proposed 192 secured units for the training facility and another 480 at the far end of the road. Mr. Hornung said that the 192 were secured with gated access. The additional 480 units were not secure and access could not be denied. He said that the training facility had different levels of training and trainers, some of which were on-site for two to six months and some as long as a year. Only trainees would occupy the 192 units while the 480 units were market-rate apartments. In response to Mr. Sterling's question, Mr. Hornung said that Phase I included 230 units.

Mr. Thomas asked about the Transient Occupancy Tax. Mr. Hornung said that it was subject to the Transient Occupancy Tax for those who stayed under thirty days, adding that the majority of stays would be for a two-week period of time. Mr. Thomas asked if there was no way to build an extended stay hotel instead. Mr. Horning replied that the issue was financing on a hotel v. the proposed units.



Mr. Sterling talked about the appearance, on the slide presentation, of stormwater ponds, community centers and pools, stating that it did not look big enough to provide recreational elements for 1000-1500 residents. Mr. Hornung said that it was merely a graphic illustration; that the 480 units would have two pools and two community centers and would be developed as Class A apartments, none of which currently existed in the County. He talked about the average household/tenant income being \$82,000 at similar facilities located in Spotsylvania County and the City of Fredericksburg. Mr. Snellings asked for a breakdown of the federal government's per diem rates.

Mr. Milde asked if Silver Cos. would retain ownership of both the north and south proposed properties. Mr. Hornung replied that Mr. Tetrick would own the north, 192 units. Mr. Sterling talked about supply and demand saying that adding 670 units to the supply, if the demand was not there, could cost the County a loss in revenue.

Mr. Hornung said that apartment assessment rates continued to climb and that his was a project unique to any other location in Stafford County. He noted that apartments were assessed at \$17,000 per unit. Mr. Milde said that open space must also be considered.

Mr. Hornung talked about proffered maintenance. Ms. Stimpson asked how it would be enforced. Mr. Hornung showed a maintenance log, stored at each facility, with 40-hour per week access by inspectors from the County or anyone wanting to ensure that proffers were being met. He said that non-maintenance resulted in a zoning violation.

Mr. Sterling asked about the square footage of the planned apartments saying that the numbers shown by Mr. Hornung did not add up. A discussion ensued about market price v. the actual rental rates negotiated by facility managers on individual apartments.

Mr. Snellings said that he felt that there was too much concentration on Celebrate Virginia Parkway and not enough on the effect the proposals would have on Route 17.

Dr. Stephen Fuller addressed the Board talking about the changing economy and housing market. Mr. Snellings asked how the project proposed for Stafford County compared to the one in Fredericksburg and what Dr. Fuller thought would attract empty-nesters to the Route 17 area, as there was nothing there. Dr. Fuller said it was the same amenities that attracted people to any new development. He said that the proposal was far removed from Route 17 and did not have the image of a typical multi-family dwelling. Mr. Sterling said that if it should not be compared to complexes in Fredericksburg and Spotsylvania, but was used as a model for demographics, what should be used as a comparison? Dr. Fuller replied that they were all somewhat different markets and that some people liked peace and quiet while others placed an emphasis on activities, etc.

[Mr. Sterling asked Dr. Fuller for a copy of the Study that he referred to. Dr. Fuller provided a copy to Mr. Sterling at the conclusion of his remarks.]

Dr. Fuller noted that Stafford County was not really considered a high-density area compared to Ballston, Arlington, etc., that there was not a serious mixed-use opportunity in Stafford. Mr. Thomas said that in preparation for the meeting, he visited The Haven and found that the rental rates being offered were at the low end of the spectrum compared to what was presented in Mr. Hornung's presentation. Mr. Hornung said that the numbers were 10% to 15% below actuals and that the occupancy rate at The Haven was 31%.

Mr. Thomas said that statistics proved that new housing starts were up two times over last year and asked Mr. Hornung if that caused him any concern when developing a new apartment complex. Mr. Hornung said that it was hard to predict; that apartments were a niche market and added that Canon Ridge Golf Course, after improvements were finished, would re-open next year, which would be an added draw to his proposed development.

Mr. Snellings asked about future proffer credits. Mr. Harvey responded saying that the County had no guidelines for accepting credits.

Ms. Stimpson asked about the existing CDA, in particular what would happen if the project went under and would it then become a burden to the remaining home-owners. Mr. Shumate called on Assistant County Attorney, Rysheda McClendon, but then responded that routine bankruptcy proceedings would come into play. Ms. Stimpson asked if the terms of the CDA could be renegotiated. Mr. Shumate asked for clarification as to where Ms. Stimpson's questions were going. Ms. Stimpson said that if the project was to fail (hypothetically) what did that mean to existing residents. Mr. Shumate said that a CDA default would be a major catastrophe. He added that bonds were sold and each property had its own allocation. Therefore, if a user defaulted, it did not affect the rest of the residents, and that the more users (the more rooftops), the better the health of the CDA.

Recess: At 8:53 p.m., the Chairman declared a recess.

Call to Order: At 9:04 p.m., the Chairman called the meeting back to order.

The Chairman opened the public hearing.

The following persons desired to speak:

Robert Evans	Lisa Musante	Jackie Brooks	Steve Saffose
Alyssa Kaufman	Leon Rose	Mark Warlow	Perry Garley
Terry Canifrid	Mike Corbin	Shawn Woodson	Will Robinson
John Elexion	Joseph Bailey	Mark Lewis	Philip Smith
Eddie Montero	Patricia Gridley	Robert Altman	Kurt Ward
Alane Callander	Marianne Robinson	Tamara Polson	Holly Hazard
Milla Coldeman	Debbie Foley	Katherine O’Halloran	Carol Guy

The Chairman closed the public hearing. Mr. Snellings thanked everyone for coming, saying that “it was not a bad project, just in the wrong place, and with proffers of \$1,000 per unit, why bother?”

In a rebuttal from the applicant, Mr. Hornung told the Board that staff and the Planning Commission’s recommendation against the application(s) did not meet the intent of the Comprehensive Plan and that the Comprehensive Plan did not match zoning in the area. He said that Silver Cos. owned the farm that a speaker at the public hearing talked about as having fields of corn. He said that it was purchased with the intent to develop it and that it would not stay a corn field very much longer.

Mr. Hornung addressed a lack of restaurants on Route 17 saying that Silver Cos. was already bringing a Panera to Route 17 and that there were not enough rooftops currently to attract big-name chain restaurants to the area. He added that the proposed projects, if approved, would help to alleviate that problem. He said that people traveling along the Route 17 corridor were transient, heading to I-95 and commuting out of the area. Mr. Hornung said that it was 5 ½ minutes from the Berea Fire Station to the development site. Mr. Hornung said that apartment dwellers had the capacity to get into their vehicles to travel to amenities, just like single-family home owners.

Mr. Sterling talked again about unit rental rates and supply v. demand saying that the bulk of demand was for units priced below \$1,250/month which was different than the numbers outlined in Dr. Fuller’s study. Mr. Thomas said that the rates in the flyer he got at The Haven were higher than those used in the analysis.

Mr. Snellings motioned, seconded by Mr. Sterling, to deny proposed Ordinances O13-01 and O13-16.

Mr. Milde made a substitute motion, seconded by Mr. Thomas, to defer a decision on O13-30 for at least 45 days allowing for further negotiation.

The Voting Board tally on the substitute motion was:

Yea: (5) Cavalier, Milde, Schieber, Stimpson, Thomas  
Nay: (2) Snellings, Sterling

Mr. Milde made a second motion, seconded by Mr. Thomas, to defer a decision on O13-01 and O13-16 for at least 45 days.

The Voting Board tally on the substitute motion was:

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

Ms. Stimpson asked for clarification as to whether the public hearing should be reopened. Mr. Shumate said that it was not necessary to reopen the public hearing and that it should be deferred to a date specific. Mr. Snellings said that it had been going on for two years and he did not understand what difference 45 days would make. It was in the Hartwood District and he would vote “no” on the project(s). Mr. Sterling also asked what Mr. Milde hoped would come of a 45 day deferral. Mr. Milde said that he wished to give the applicant time to address the concerns expressed by the Board and by speakers at the public hearing. Mr. Hornung said that he would prefer a deferral; that he came before the Board looking for feedback, that he knew Mr. Snellings’ opinion of the project.

Mr. Milde said that, in his opinion, it was too big, in the wrong place, and that the proffers were laughable but added that he liked the secured area idea. Mr. Snellings said that he did not know that public hearings were for feedback, that all members of the Board had the agenda packet in plenty of time to review it and to have made a decision. Mr. Thomas said that he thought that public hearings were for the Board to get feedback from speakers and to give the Board an opportunity to look at proposals from different perspectives.

Mr. Shumate said that it was not necessary to reopen the public hearing unless there were changes to the proffers; in which case it would have to be re-advertised and at that time, would come back before the Board of a full re-hearing. Mr. Milde reiterated his desire to defer both items for “at least 45 days.”

Public Works; Joint Public Hearing with VDOT to Consider the FY2014-FY2019 Secondary System Six-Year Improvement Program Mr. Mike Smith, Director of Public Works, 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. Milde motioned, seconded by Mr. Schieber, to adopt proposed Resolution R13-92.

The Voting Board tally was:

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

Resolution R13-92 reads as follows:

A RESOLUTION TO ADOPT THE VIRGINIA DEPARTMENT  
OF TRANSPORTATION FY2014-FY2019 SECONDARY SYSTEM  
SIX-YEAR IMPROVEMENT PROGRAM

WHEREAS, on May 7, 2013, pursuant to Virginia Code § 33.1-70.01, the Board and representatives of the Virginia Department of Transportation (VDOT) conducted a joint public hearing on the proposed FY2014-FY2019 Secondary System Six-Year Improvement Program (SSYP); and

WHEREAS, the Board sets priorities for the road improvement projects in the County for the SSYP; and

WHEREAS, the Board desires to receive the funding to complete road improvement priorities in the County as provided by the proposed FY2014-FY2019 SSYP; and

WHEREAS, the Board considered the recommendations of County staff, VDOT representative(s), and the testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that the adoption of this resolution promotes the health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of May, 2013, that the FY2014-FY2019 Secondary System Six-Year Improvement Program be and it hereby is adopted; and

BE IT FURTHER RESOLVED that the County Administrator or his designee provides a copy of this resolution to the VDOT Residency Administrator.

Public Works; Consider Requesting that VDOT Implement a Through-Truck Restriction on Town and Country Drive Mr. Mike Smith, Director of Public Works, 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. Milde to adopt proposed Resolution R13-116.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Stimpson, Thomas  
Nay: (0)  
Abstain: (1) Sterling

Resolution R13-116 reads as follows:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO RESTRICT THROUGH-TRUCK TRAFFIC ON TOWN AND COUNTRY DRIVE (SR-1161)

WHEREAS, the Board desires to promote public health, safety, and welfare, including the prevention of accidents and injuries potentially caused by large truck traffic in residential areas; and

WHEREAS, large trucks travel between Ferry Road (SR-606) and White Oak Road (SR-218), using Town and Country Drive (SR-1161), which is a residential street; and

WHEREAS, large truck traffic (using these streets) creates a safety concern for the residents of this residential area; and

WHEREAS, the County commits to enforcing the proposed through-truck restriction on Town and Country Drive (SR-1161); and

WHEREAS, in accordance with Virginia Code § 46.2-809, the County is required to conduct (and transcribe) a public hearing for the proposed restriction of through-truck traffic on certain road segments; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of May, 2013, that the Virginia Department of Transportation (VDOT) be and it hereby is requested to restrict through-truck traffic on Town and Country Drive (SR-1161); and

BE IT FURTHER RESOLVED that Ferry Road (SR-606) from Town and Country Drive (SR-1161) to White Oak Road (SR-218) to Town and Country Drive (SR-1161) be designated as the alternate route for said truck traffic; and

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, will provide a certified copy of this resolution to the VDOT District Administrator.

Public Works; Authorize Quick-Take of Property for the Staffordboro Sidewalk Project

Mr. Mike Smith, Director of Public Works 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. Cavalier motioned, seconded by Mr. Schieber to adopt proposed R13-125.

The Voting Board tally was:

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

Nay: (0)

Resolution R13-125 reads as follows:

A RESOLUTION TO AUTHORIZE THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE RIGHT-OF-WAY ON A PORTION OF TAX MAP PARCEL 21-26P, OWNED BY BODDIE-NOELL ENTERPRISES, INC., FOR THE COMPLETION OF A SIDEWALK PROJECT ALONG STAFFORDBORO BOULEVARD

WHEREAS, the Board identified the completion of a sidewalk along Staffordboro Boulevard as a transportation priority; and

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

WHEREAS, at the request of former Board Chairman, L. Mark Dudenhefer, the Virginia Department of Transportation (VDOT) included pedestrian accommodations and proposed crosswalks, as a part of the Mine Road and Onville Road project, in order to connect to the County's proposed sidewalk along Staffordboro Boulevard; and

WHEREAS, the Board determined that staff, after repeated efforts, is unable to obtain right-of-way necessary for the timely completion of the sidewalk project; and

WHEREAS, Tax Map Parcel 21-26P (“the Parcel”) is a commercial property of approximately 2.18 acres of land, owned by Boddie-Noell Enterprises, Inc. (“the Property Owner”); and

WHEREAS, the Board must acquire right-of-way on the Parcel because design of the sidewalk project requires 0.0371 acres of right-of-way on the Property; and

WHEREAS, a certified appraisal determined that fair market value for the Property, together with damages, if any, to the remainder of the Parcel to be Thirty-three Thousand Nine Hundred Eighty Dollars (\$33,980); and

WHEREAS, the appraisal noted that the remainder of the Parcel would not be negatively impacted by the sidewalk project; and

WHEREAS, the Board must acquire the Property, in order to proceed with the sidewalk project; and

WHEREAS, the Board made a bona fide, but ineffectual, effort to purchase the Property by offering said determination of value on behalf of the County to the Property Owner; and

WHEREAS, the terms of purchase cannot be agreed upon, but the County will continue to work with the Property Owner to attempt to reach an acceptable settlement; and

WHEREAS, in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C), the Board conducted a public hearing to determine the necessity for condemnation and the use of the County’s quick-take powers; and

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

WHEREAS, the Board declares its intent to use its quick-take powers to enter and take the above-referenced 0.0371 acres of right-of-way on the Parcel;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of May, 2013, that the Board be and it hereby does find that public necessity exists for the Board’s ownership of right-of-way on Tax Map Parcel 21-26P to complete a sidewalk project along Staffordboro Boulevard; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board’s bona fide offer of Thirty-three Thousand Nine Hundred Eighty Dollars (\$33,980) as just compensation for the right-of-way, including damages, if any, to the remainder of the Parcel, that the Board and Property Owner cannot agree on compensation to be paid or on other terms of purchase and settlement; and



BE IT FURTHER RESOLVED that the Board determines that is necessary to do so and hereby does declare its intent to exercise the County's quick-take powers to enter upon and immediately acquire 0.0371 acres of right-of-way on Tax Map Parcel 21-26P for the construction of a sidewalk along Staffordboro Boulevard, under Virginia Code § 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board be and it hereby does authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Chief Financial Officer, or their designees, to sign the Certificate of Take, and to deposit Thirty-three Thousand Nine Hundred Eighty Dollars (\$33,980) with the Clerk of the Stafford County Circuit Court, for the Property Owner's benefit, before entering and taking possession of the portions of Tax Map Parcel 21-26P necessary for the completion of a sidewalk along Staffordboro Boulevard, in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Adjournment: At 10:42 p.m. the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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Susan B. Stimpson  
Chairman