

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting
September 2, 2008

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:03 P. M., Tuesday, September 2, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Harry E. Crisp; Paul V. Milde; George H. Schwartz, Chairman; Cord A. Sterling; Robert “Bob” Woodson and M. S. “Joe” Brito, Vice Chairman. Mr. Dudenhefer was absent.

Also in attendance were: Anthony Romanello, County Administrator; Gail Roberts, Deputy County Attorney and Marty Beard, Chief Deputy Clerk.

Legislative; Presentation by Henry Scharpenberg, on Behalf of the Regional Airport Authority, regarding Personal Property Taxes on Aircraft. Mr. Scharpenberg gave a presentation and responded to Board members questions joined by Mr. Walter George, Chairman of the Regional Airport Authority; Mr. Joel Griffin, Economic Development Authority, and Mr. Randy Burdette, Director of the Virginia Department of Aviation.

Discussion ensued.

Legislative; Report of the VDOT Resident Administrator. Mr. David Stanley, Virginia Department of Transportation Resident Administrator, gave a presentation and responded to Board members questions.

Legislative; Presentations by the Public. The following persons spoke on topics as identified:

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| Patricia Kurpiel | - | Urban Transportation Service Districts. |
| Ted Parks | - | Stafford Regional Airport |
| Lou Silver | - | Agreement between Leeland Station and the Board. |
| | - | Authorization of County Administrator or designee to execute and accept Deeds for Dedication of Public Interest. |
| | - | Helistops in Recreational Business Campus Zoning District |
| | - | Business, Professional and Occupational License Tax. |

Legislative; Presentations and Committee Reports by Board Members. Board members spoke on topics as identified:

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| Mr. Milde | - | Parks and trail development. |
| | - | Attended ribbon cutting for Best Western at Aquia. |
| | - | Crows Nest funding. |
| Mr. Sterling | - | Town Hall Meeting. |
| Mr. Woodson | - | Falls Run Community Center. |
| | - | Attended Virginia Association of Counties summer meeting. |
| | - | Attended meeting with Rappahannock Economic Development Committee (REDCO) officials. |

- Attended ribbon cutting for Mitre Quantico Corporate Center.

Mr. Brito

- Attended meeting regarding improvements to Warrenton Road.
- Parallel road to Warrenton Road.
- Public forum on Warrenton Road Gateway.
- Meeting on redevelopment issues at Riverside Conference Center.

Mr. Crisp

- Attended 21st Anniversary of Central Virginia Housing Coalition.
- Attended meeting with Old Forge Property Owner's Board of Directors regarding property issues.
- Property Maintenance Code.

Mr. Schwartz

- No comments

Legislative; Report of the County Attorney. Ms. Gail Roberts, Deputy County Attorney, reported on the following:

Alan F. Smith

- New Assistant County Attorney Alan F. Smith.

Legislative; Report of the County Administrator. Mr. Anthony Romanello, County Administrator, presented the following:

- Monthly report on Board Deliverables and Projects placed on Board agenda at the first meeting of the month.
- Monthly consolidated statistical report on Board agenda at the second meeting of the month.

- Public notification of Bond Referendum.
- Remove item 10 from Consent Agenda and place with item 12 under Unfinished Business.

Legislative; Additions/Deletions to the Regular Agenda. Mr. Sterling motioned, seconded by Mr. Brito, to remove item 10 from Consent Agenda and place after item 12 under Unfinished Business and remove items 9 and 11 from Consent Agenda.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Sterling, Woodson, Brito, Crisp
Nay: (0)
Absent: (1) Dudenhefer

Legislative; Consent Agenda. Mr. Woodson motioned, seconded by Mr. Sterling, to adopt the Consent Agenda consisting of Items 3 thru 11, deleting Item 6 and omitting Item 9 and 11.

The Voting Board tally was:

Yea: (6) Schwartz, Sterling, Woodson, Brito, Crisp, Milde
Nay: (0)
Absent: (1) Dudenhefer

Item 3. Budget and Finance; Approve Expenditure Listing

Resolution R08-444 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED AUGUST 19, 2008 THROUGH SEPTEMBER 1, 2008

WHEREAS, the Board has 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 2nd day of September 2008, that the above-mentioned EL be and it hereby is approved.

Item 4. Public Services; Authorize Renewal of a Contract for Security Services at County Facilities.

Resolution R08-412 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR SECURITY SERVICES AT COUNTY
FACILITIES

WHEREAS, the Department of Public Services, Property Management Division, desires the services of outside contractors to provide security services at the County Administration Building and the Rowser Complex; and

WHEREAS, the County is participating in a cooperative procurement agreement with Fairfax County through the Metropolitan Washington Council of Governments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of September 2008, that the Board be and it hereby does authorize execution of a contract which shall expire on June 30, 2009, with Securitas

Security Service, USA in an amount not to exceed One Hundred Forty-three Thousand Nine Hundred Seventy-one Dollars (\$143,971).

Item 5. County Attorney; Authorize a Public Hearing to Amend the County Code Regarding Chapter 1, General Provisions, to Reflect the Changes in the State Code Enabling Legislation.

Resolution R08-316 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 1, ENTITLED “GENERAL PROVISIONS”

WHEREAS, the County Attorney’s Office has done a comprehensive review of Stafford County Code, Chapter 1; and

WHEREAS, the Virginia Code was recodified, changing the enabling legislation that authorized the adoption of Chapter 1; and

WHEREAS, the Board desires to amend and reenact County Code, Chapter 1, entitled “General Provisions”, to reflect the correct enabling legislation for the adoption of Chapter 1; 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 2nd day of September, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and

public comment for the purpose of amending and renumbering Stafford County Code, Chapter 1, entitled “General Provisions”.

Item 7. Planning and Zoning; Authorize the County Administrator to Initiate Rezoning and Conditional Use Permit Applications for Three Radio Communications Towers.

Resolution R08-451 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO INITIATE THE APPLICATION PROCESS FOR THREE (3)
TELECOMMUNICATIONS FACILITIES AS PART OF THE COUNTY’S
PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM ON ASSESSOR’S
PARCELS 54-45A, 55-158B, AND 41A-1-8K

WHEREAS, the County is upgrading its public safety communications system which includes the collocation of relay antennas on existing towers and constructing equipment shelters at several sites throughout the County; and

WHEREAS, three of the towers are non-conforming and require reclassification, comprehensive plan compliance review and Conditional Use Permit approvals for the telecommunications facilities to be in conformance with the County’s Zoning Ordinance and State Code; and

WHEREAS, the Board, pursuant to the Code of Virginia Section 15.2-2285, (1950) as amended, desires to initiate the process for consideration of such land use applications; and

WHEREAS, public necessity, convenience, general welfare and good planning and zoning practices requires review and public consideration of such proposed amendments to the zoning map and conditional uses as provided for hereinabove, and for

such other site plan applications and any other County permits as may be determined necessary;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008, that the Board be and it hereby does authorize the County Administrator to initiate applications for Zoning Reclassification, Comprehensive Plan Compliance Reviews, Conditional Use Permits, and site plans and any other County Permits relative to the upgrades to the public safety communications system on Assessor's Parcels 54-45A, 55-158B, and 41A-1-8K.

Item 8. Legislative; Approve a Proclamation to Declare Monday, September 22, 2008, as "Family Day in Stafford".

Proclamation P08-13 reads as follows:

A PROCLAMATION TO DECLARE MONDAY,
SEPTEMBER 22, 2008 AS "FAMILY DAY IN STAFFORD"

WHEREAS, the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute some of the greatest threats to the well-being of America's children; and

WHEREAS, 13 years of surveys by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more time children and teenagers spend with their families, the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS, parents are the key to ensuring that their children are confident and self-controlled, and develop the ambition to do well in school; and

WHEREAS, parents who support their children's interests in sports, music and other extracurricular activities; help with homework; and spend time simply listening and

talking about each day’s events are establishing positive relationships that last a lifetime;
and

WHEREAS, the Board desires to encourage parents to interact with their children to promote open communication and make them feel comfortable talking about the difficult situations and temptations they face each day;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008, that Monday, September 22, 2008 be and it hereby is declared as “Family Day in Stafford.”

Administration; Authorize the County Administrator to Amend the Operational Agreement with the Rappahannock Regional Solid Waste Management Board. Mr. Woodson commented.

Mr. Crisp motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-450.

The Voting Board tally was:

Yea:	(6)	Sterling, Woodson, Brito, Crisp, Milde, Schwartz
Nay:	(0)	
Absent:	(1)	Dudenhefer

Resolution R08-450 reads as follows:

A RESOLUTION TO AMEND THE AMENDED AND RESTATED
OPERATIONAL AGREEMENT FOR THE RAPPAHANNOCK
REGIONAL SOLID WASTE MANAGEMENT BOARD (R-BOARD)

WHEREAS, Civil War related areas were identified on the R-Board landfill property; and

WHEREAS, the Board and the City of Fredericksburg, Virginia (the “City”) entered into the Amended and Restated Operational Agreement for the Stafford-Fredericksburg Regional Landfill pursuant to Section 15.2-1300 of the Code of Virginia (the “Agreement”) dated January 24, 2000; and

WHEREAS, the County and City desire to amend the Agreement to address the issue of the management of land within the Landfill (as defined in the Agreement) which has been found to contain sites used in the Civil War which should be preserved and made accessible to citizens while not adversely affecting the operation of the Landfill;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008, that the Agreement be amended to add the following Section:

11. That portion of the Landfill as outlined on the Historic Resource Area drawing dated July 10, 2008, shall be designated as a passive Civil War site. The specific locations of forts, encampments, roads and other features that have been determined to have been used during the Civil War are shown on the indicated drawing. The Rappahannock Regional Solid Waste Management Board shall not use any of the Civil War site for active landfill activities without the approval of both the City and the County. The County agrees to be responsible for providing access to the Civil War Site. The County agrees to maintain the Civil War Site at its cost and to construct and maintain any trails or interpretive signage for the Civil War Site. The Civil War Site shall be posted with appropriate signage indicating that there is to be no trespassing on the property after dark. Security concerns regarding access will be worked out by mutual agreement of the County staff. The County shall be responsible for coordination of use of the Civil War Site with the County firing range. The County agrees that none of the activities on the Civil War Site will impede current or future Landfill activities.

BE IT FURTHER RESOLVED that the remaining provisions of the Agreement shall remain unchanged, and that this amendment shall be effective upon the date when it is approved by both the Fredericksburg City Council and the Board.

Legislative; Amend a Memorandum of Agreement Between Leeland Station LLC and the Board. Mr. Woodson commented.

Discussion ensued.

Hearing no objections from the Board, this item was deferred until later in the meeting.

Legislative; Urban Transportation Service District/Impact Fee Update. Mr. Michael Neuhard, Deputy County Administrator; Mr. Fulton deLamorton, Transportation Administrator; and Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Discussion ensued.

Hearing no objections from the Board, it was requested this item be brought back to a work session at an adjourned Board Meeting on September 9, 2008.

Planning and Zoning; Request the Planning Commission to Develop an Impact Fee Chapter of the Comprehensive Plan. Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-440.

The Voting Board tally was:

Yea:	(5)	Brito, Crisp, Milde, Schwartz, Sterling
Nay:	(1)	Woodson
Absent:	(1)	Dudenhefer

Resolution R08-440 reads as follows:

A RESOLUTION TO REQUEST THE PLANNING COMMISSION TO
DEVELOP AN IMPACT FEE CHAPTER OF THE COMPREHENSIVE
PLAN

WHEREAS, as the County grows in population, new development creates increased demands on public facilities; and

WHEREAS, the Board desires to defray the capital costs of public facilities related to residential development; and

WHEREAS, pursuant to Section 15.2-2329 of the Code of Virginia (1950), as amended, the County may impose impact fees to offset the costs of additional public facilities; and

WHEREAS, a prerequisite of a locality collecting impact fees is to incorporate within its Comprehensive Plan a calculation of the capital costs of public facilities necessary to serve residential uses and methodology for providing credits;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008, that the Planning Commission be and it hereby is requested to develop an Impact Fee Chapter of the Comprehensive Plan and convey it to the Board by October 15, 2008.

Legislative; Authorize the County Administrator or Designees to Execute and Accept Deeds for Dedication of Public Interest in Real Property. Mr. Anthony Romanello, County Administrator, gave a presentation and responded to Board members questions.

Mr. Brito motioned, seconded by Mr. Milde, to amend the minutes of July 1, 2008 to reflect a vote of 7/0 on Resolution R08-359.

Discussion ensued.

The Voting Board tally was:

Yea:	(6)	Brito, Crisp, Milde, Schwartz, Sterling, Woodson
Nay:	(0)	
Absent:	(1)	Dudenhefer

Mr. Brito motioned, seconded by Mr. Sterling, to rescind Resolution R03-153 adopted on March 18, 2003.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Woodson, to suspend the County Administrator's authority to sign deeds of easement for two weeks and bring back at the next meeting.

The Voting Board tally was:

Yea:	(6)	Milde, Schwartz, Sterling, Woodson, Brito, Crisp
Nay:	(0)	
Absent:	(1)	Dudenhefer

Legislative; Amend a Memorandum of Agreement Between Leeland Station LLC and the Board. (this item was deferred earlier in the meeting). Mr. Anthony Romanello, County Administrator, commented.

Mr. Schwartz motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-439.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Schwartz, Woodson, Brito, Crisp, Milde
Nay: (1) Sterling
Absent: (1) Dudenhefer

Resolution R08-439 reads as follows:

A RESOLUTION TO AMEND A MEMORANDUM OF AGREEMENT
BETWEEN LEELAND STATION LLC AND THE BOARD

WHEREAS, in January of 2006, the County executed an agreement with Leeland Station, LLC to use a parcel adjoining the Leeland Virginia Railway Express (VRE) parking lot for additional parking for train riders; and

WHEREAS, the agreement was for 23 months and provided 150 spaces on a gravel parking lot with the only cost that the County incurred for the lot was the installation of temporary lighting; and

WHEREAS, early this year, Leeland Station LLC agreed to renew the agreement for six months ending June 18, 2008 with no lease payment charged, however, the County would be responsible for weed and grass trimming and snow plowing; and

WHEREAS, the Board recently directed VRE to begin environmental work on the possible expansion of the Leeland Station parking area using federal CMAQ funding which will take at least two years to complete; and

WHEREAS, the need still exists for parking at Leeland and staff is recommending a three-year lease extension with Leeland Station LLC; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of September 2008 that the Board be and it hereby does

authorize the County Administrator to execute the amended Memorandum of Agreement between Leeland Station LLC and the County; and

BE IT FURTHER RESOLVED that funding will be provided from the Transportation Fund.

Planning and Zoning; Amend the Stormwater Management Ordinance and Design Manual. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Crisp motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O08-50 and review in a year.

Discussion ensued.

The Voting Board tally was:

Yea:	(5)	Sterling, Woodson, Brito, Crisp, Schwartz
Nay:	(1)	Milde
Absent:	(1)	Dudenhefer

Ordinance O08-50 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE 21.5 “STORMWATER MANAGEMENT” DEFINITION ITEM REGARDING DEFINING OUTFALL, PRETREATMENT REQUIREMENT ON A STORMWATER HOTSPOT, CONDITIONS FOR STORMWATER MANAGEMENT EXCEPTION AND VARIOUS CHANGES IN THE STORMWATER MANAGEMENT DESIGN MANUAL

WHEREAS, the Board is authorized by Section 10.1-603.7 of the Code of Virginia (1950), as amended, to adopt more stringent regulations than the state; and

WHEREAS, the Board desires to amend the Stormwater Management Ordinance to prevent degradation to water resources, stream channel erosion, groundwater resources, and excessive localized flooding;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008, that the Stafford County Code, Chapter 21.5, “Stormwater Management” be and it hereby is amended and reordained as follows:

Sec. 21.5-1 Introduction

(g) Incorporation by reference. For the purpose of this chapter, the following documents are incorporated by references:

(1) Stafford County Stormwater Management Design Manual prepared by Stafford County, Virginia, dated ~~March 2003~~ April 2008 and subsequent modifications and updates thereof.

(h) Definitions:

“Outfall”: Location in a flow-path where stormwater leaves the site or enters the receiving stream.

21.5-2 Stormwater management technical criteria.

(b) Water quality

(7) Stormwater discharges from stormwater hotspots ~~shall~~ may require the use of specific structural BMPs and pollution prevention practices. Stormwater from a hotspot shall not be infiltrated/released to stormwater management system without proper pretreatment.

21.5-7 Exceptions

(c) The minimum requirements for stormwater management may be waived in whole or part provided at least one of the following conditions applies:

(4) The proposed land development project will not generate ~~more than a ten-percent~~ an increase in the two-year and ten-year predevelopment peak discharge rates and the off-site receiving channel is adequate.

Public Services; Authorize Contract for Architectural and Engineering Services for the Juvenile and Domestic Relations Courthouse. Ms. Tammie Ellis, Acting Director of Administration, gave a presentation and responded to Board members questions.

The Honorable Judge Martin Bass commented further.

Discussion ensued.

Mr. Sterling motioned, seconded by Mr. Milde, to defer proposed Resolution R08-309 to the next Board meeting.

The Voting Board tally was:

Yea:	(6)	Brito, Crisp, Milde, Schwartz, Sterling, Woodson
Nay:	(0)	
Absent:	(1)	Dudenhfer

Legislative; Authorize Signage for Fire and Rescue Station No. 2. The County Administrator gave a presentation and responded to Board members questions.

Rob Brown, Fire Chief, commented.

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R08-445.

Discussion further ensued.

The Voting Board tally was:

Yea: (3) Crisp, Milde, Sterling
Nay: (3) Schwartz, Woodson, Brito
Absent: (1) Dudenhefer

In accordance with the bylaws, this item will be placed on the next agenda.

Legislative; Discuss Campaign Finance Guidelines. Mr. Schwartz commented.

Hearing no objections from the Board, this item was referred paragraph to a Bylaws Committee of Mr. Crisp and Mr. Sterling.

Legislative; Discuss Privatization of Parks Maintenance. Mr. Sterling motioned, seconded by Mr. Woodson, for the staff to look at the privatization of Parks maintenance needs.

The Voting Board tally was:

Yea: (5) Schwartz, Sterling, Woodson, Brito, Crisp
Nay: (0)
Absent: (2) Dudenhefer, Milde

Legislative; Presentation on Purchase of Development Rights Program by Tom Coen, Chairman of the Purchase of Development Rights Committee. Mr. Tom Coen gave a presentation and responded to Board members questions.

Hearing no objections from the Board, staff was requested to bring back to the Board pertinent information for a bond referendum in 2009.

Legislative; Authorize Signage Fire and Rescue Station No. 2. Mr. Brito motioned, seconded by Mr. Milde, to reconsider proposed Resolution R08-445 with an amendment.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Brito, to suspend the Bylaws to reconsider proposed Resolution R08-445.

Discussion further ensued.

The Voting Board tally was:

Yea: (3) Woodson, Brito, Milde
Nay: (3) Schwartz, Sterling, Crisp
Absent: (1) Dudenhefer

Legislative; Presentation of FY2008 Budget Preliminary Year End Report. Ms. Nancy Collins, Director of the Budget Division, and Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and responded to Board members questions.

At 5:58 P. M., the Chairman declared a recess.

Call to Order. At 7:03 P. M. the Chairman called the meeting back to order.

Invocation. Mr. Crisp gave the Invocation.

Pledge of Allegiance. Mr. Crisp lead in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentation of Proclamation to Recognize the Sheriff's Office for Observing "National Night Out 2008" in Stafford County. The Chairman presented the proclamation to the Sheriff's Office and other County organizers.

Legislative; Presentations by the Public No one desired to speak.

Planning and Zoning; Consider a Conditional Use Permit at 275 Shelton Shop Road. Ms. Andrea Hornung, Assistant Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-374.

The Voting Board tally was:

Yea:	(6)	Sterling, Woodson, Brito, Crisp, Milde, Schwartz
Nay:	(0)	
Absent:	(1)	Dudenhefer

Resolution R08-374 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2800385 FOR MULCH AND STONE SALES ON ASSESSOR’S PARCEL 28-128, ROCK HILL ELECTION DISTRICT

WHEREAS, Stafford County, applicant, has submitted application CUP2800385 requesting a Conditional Use Permit for mulch and stone sales on Assessor’s Parcel 28-128; and

WHEREAS, the application has been submitted pursuant to Section 28-37 of the Zoning Ordinance which permits a Conditional Use Permit for nonlisted uses; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff, and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008, that a Conditional Use Permit pursuant to application CUP2800385 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow mulch and stone sales on Assessor's Parcel 28-128.
2. Mulch, stone and landscape materials from stock piles shall not be tracked onto Shelton Shop Road.
3. The landscape features of existing vegetation and street buffers shall be retained.
4. A lighting plan shall be submitted to the Zoning Administrator if the applicant proposes additional lighting in order to ensure compliance with the Stafford County Code.
5. Hours of operation shall be 8 a.m. to 5 p.m. Monday through Saturday including the inbound delivery of bulk materials.
6. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

Mr. Sterling motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-432.

The Voting Board tally was:

Yea: (6) Woodson, Brito, Crisp, Milde, Schwartz, Sterling
Nay: (0)
Absent: (1) Dudenhefer

Resolution R08-432 reads as follows:

A RESOLUTION TO INITIATE A MINOR SITE PLAN APPLICATION
FOR MULCH AND STONE SALES ON ASSESSOR’S PARCEL 28-128,
ROCK HILL ELECTION DISTRICT

WHEREAS, a business located at 275 Shelton Shop Road has operated for many years; and

WHEREAS, it has been determined that the nature of the businesses require a minor site plan application to be in compliance with the Zoning Ordinance; and

WHEREAS, the Board desires to authorize initiation of minor site plan applications for this parcel on Shelton Shop Road for mulch and stone sales, identified as 275 Shelton Shop Road, Assessor’s Parcel 28-128; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice requires this action;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008, that the Board hereby authorizes initiation by the County of Minor Site Plan application for mulch and stone sales, identified as 275 Shelton Shop Road, Assessor’s Parcel 28-128; and

BE IT FURTHER RESOLVED that this matter is referred to the Department of Planning and Zoning to process the Minor Site Plan application initiated herein.

Planning and Zoning; Consider a Conditional Use Permit at 78 Shelton Shop Road. Ms. Andrea Hornung, Assistant Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Victor DeBord

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-376.

The Voting Board tally was:

Yea: (6) Brito, Crisp, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Absent: (1) Dudenhefer

Resolution R08-376 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2800386 FOR MULCH AND STONE SALES ON ASSESSOR’S PARCEL 19-23J, ROCK HILL ELECTION DISTRICT

WHEREAS, Stafford County, applicant, has submitted application CUP2800386 requesting a Conditional Use Permit for mulch and stone sales on Assessor’s Parcel 19-23J; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-37 of the Zoning Ordinance which permits a Conditional Use Permit for non-listed uses; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff, and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008, that a Conditional Use Permit pursuant to application CUP2800386 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow mulch and stone sales on Assessor's Parcel 19-23J.
2. Mulch, stone and landscape materials from stock piles shall not be tracked onto Shelton Shop Road.
3. The landscape features of existing vegetation and street buffers shall be retained.
4. A lighting plan shall be submitted to the Zoning Administrator if the applicant proposes additional lighting in order to ensure compliance with the Stafford County Code.
5. A watering truck shall be utilized to aid in the reduction of dust as a result of the mulch and stone sales operation.
6. The inbound delivery of bulk materials shall take place during the hours of 8 a.m. to 4 p.m. Monday through Saturday.
7. The inbound delivery of bulk materials shall not be permitted on Sunday.

8. The hours of operation shall be set to 7 a.m. to 6 p.m. Monday through Friday, 8 a.m. to 5 p.m. Saturday and 8 a.m. to 4 p.m. Sunday.
9. The seasonal hours of operation shall be set from normal business hours to no later than 9 p.m. during the holiday season of November 20 to December 26.
10. The owner shall comply with Chapter 16, Noise of the Stafford County Code.
11. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-431.

The Voting Board tally was:

Yea:	(6)	Crisp, Milde, Schwartz, Sterling, Woodson, Brito
Nay:	(0)	
Absent:	(1)	Dudenhefer

Resolution R08-431 reads as follows:

A RESOLUTION TO INITIATE MINOR SITE PLAN APPLICATION
FOR MULCH AND STONE SALES ON ASSESSOR'S PARCEL 19-23J,
ROCK HILL ELECTION DISTRICT

WHEREAS, the business located at 78 Shelton Shop Road has operated for many years; and

WHEREAS, it has been determined that the nature of the business requires a minor site plan application to be in compliance with the Zoning Ordinance; and

WHEREAS, the Board desires to authorize initiation of minor site plan application for this parcel on Shelton Shop Road for mulch and stone sales, identified as 78 Shelton Shop Road, Assessor's Parcel 19-23J; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice requires this action;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008, that the Board hereby authorizes initiation by the County of Minor Site Plan application for mulch and stone sales, identified as 78 Shelton Shop Road, Assessor's Parcel 19-23J; and

BE IT FURTHER RESOLVED that this matter is referred to the Department of Planning and Zoning to process the Minor Site Plan application initiated herein.

Planning and Zoning; Amend Section 22-221, of the Subdivision Ordinance Regarding Curb, Gutter and Sidewalks. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Sterling, to defer proposed Ordinance O08-54 to the October 7, 2008, meeting.

Discussion ensued.

The Voting Board tally was:

Yea: (4) Sterling, Woodson, Brito, Crisp

Nay: (2) Milde, Schwartz
Absent: (1) Dudenhefer

Planning and Zoning; Amend Section 28-295, Zoning Administrator, of the Zoning Ordinance Pertaining to Zoning Administrator Determinations. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Ordinance O08-36.

Discussion ensued.

Mr. Woodson made a substitute motion, seconded by Mr. Schwartz, to adopt proposed Ordinance O08-54.

The Voting Board tally was:

Yea: (4) Schwartz, Woodson, Brito, Crisp
Nay: (2) Sterling, Milde
Absent: (1) Dudenhefer

Ordinance O08-54 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE
STAFFORD COUNTY CODE BY AMENDING SECTION 28-295,
ZONING ADMINISTRATOR

WHEREAS, the Code of Virginia (1950), as amended, and the Stafford County Code vest the Zoning Administrator with the legal authority to interpret zoning

regulations and to make final decisions about how the regulations may or may not apply to a specific property or situation; and

WHEREAS, any person or entity may request official determinations from the Zoning Administrator; and

WHEREAS, the Zoning Administrator's response is documented in formal correspondence to the person or entity making the request; and

WHEREAS, appeals by any party aggrieved by a determination of the Zoning Administrator must be made to the Board of Zoning Appeals within thirty (30) days of the determination; and

WHEREAS, the Board desires to provide the public with notice when the Zoning Administrator has rendered a final determination; and

WHEREAS, the Board desires that properties adjoining any property subject to a Zoning Administrator's determination be given written notification when a determination is rendered; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff, and the testimony at the public hearing; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008, that the Stafford County Code be and it is hereby amended and reordained by amending Section 28-295 of the Zoning Ordinance, with all other portions remaining unchanged:

Sec. 28-295. Zoning Administrator

- (a) There shall be a zoning administrator who shall have the powers and duties granted to him by the Code of Virginia and such other powers and duties as may be delegated to him by the board of supervisors.
- (b) The Department of Planning and Zoning shall develop an application form and procedure for all requests for zoning determination. These applications shall be entered into the department zoning application tracking system.
- (c) A required fee established by the Board of Supervisors shall be charged for all requests for a zoning administrator determination.
- (d) Upon receipt of an application for a zoning administrator determination, the Department of Planning and Zoning shall provide written notice by certified mail to all adjoining property owners. The notice shall include a descriptive summary of the requested determination and a reference to the place or places within the locality where copies of the application for a zoning administrator determination may be examined. The last known address of any such owner, as shown on the current real estate tax assessment books of the county, shall be deemed adequate compliance with this requirement.
- (e) At least thirty (30) days but no more than ninety (90) days shall elapse between the notification of adjacent property owners and the making of the zoning administrator determination.
- (f) When the determination has been made, written notice of the determination shall be provided to the applicant and to all adjoining property owners by the Department of Planning and Zoning by certified mail. The last known address of any such owner, as shown on the current real estate tax assessment books of the county, shall be deemed adequate compliance with this requirement.

BE IT FURTHER ORDAINED that this ordinance shall become effective on September 2, 2008.

Planning and Zoning; Amend Section 28-25, Definition of Specific Terms, of the Zoning Ordinance Pertaining to Signs for Chesapeake Bay Act Resource Protection Areas. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Steve Hubble read a letter on behalf of John Tippett, Friends of the Rappahannock

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-303 with a change.

Discussion ensued.

Mr. Woodson made a substitute motion, seconded by Mr. Crisp, to adopt proposed Resolution R08-303.

Discussion further ensued.

The Voting Board tally on the substitute motion was:

Yea:	(3)	Crisp, Schwartz, Woodson
Nay:	(3)	Brito, Milde, Sterling
Absent:	(1)	Dudenhefer

In accordance with Bylaws, this item will be placed on the next agenda.

Planning and Zoning; Amend Section 28-35, Table of Uses and Standards and Table 3.1, District Uses and Standards, of the Zoning Ordinance Pertaining to Conditional Use Permits for Helistops in the Recreational Business Campus Zoning District. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O08-60.

The Voting Board tally was:

Yea: (6) Crisp, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

Absent: (1) Dudenhefer

Ordinance O08-60 reads as follows:

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

WHEREAS, helistops are permitted by-right in the Recreational Business Campus (RBC) zoning district; and

WHEREAS, the Board believes that potential impacts to nearby communities should be considered for the location of helistops in order to minimize community impacts; and

WHEREAS, a by-right use does not allow community input for the location of helistops in the RBC zoning district; and

WHEREAS, the Board desires to permit helistops in the RBC zoning district as a Conditional Use Permit to allow for community input and comment as to their location and operation; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008 that Stafford County Code, Section 28-35, Table of Uses and Standards, Table 3.1, District Uses and Standards of the Zoning Ordinance be and it hereby is reordained as follows, with all other portions remaining the same:

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

Table 3.1. District Uses and Standards

RBC Recreational Business Campus

(a) Uses permitted by right:

Helistop

(b) Conditional use permit:

Helistop

BE IT FURTHER ORDAINED that this ordinance shall become effective on September 2, 2008.

Planning and Zoning; Amend Section 28-35, Table Of Uses and Standards and Table 3.1, District Uses and Standards, of the Zoning Ordinance Pertaining to Prohibiting Commercial Apartments as a Permitted Use in Commercial Zoning Districts. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing

No one desired to speak.

The Chairman closed the public hearing.

Mr. Woodson motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O08-61.

The Voting Board tally was:

Yea:	(5)	Schwartz, Sterling, Woodson, Brito, Crisp
Nay:	(1)	Milde
Absent:	(1)	Dudenhefer

Ordinance O08-61 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-35, TABLE OF USES AND STANDARDS, TABLE 3.1, DISTRICT USES AND STANDARDS, OF THE ZONING ORDINANCE

WHEREAS, commercial apartments are permitted by the issuance of a Conditional Use Permit in the B-1, Convenience Commercial; B-2, Urban Commercial; B-3, Office; RC, Rural Commercial; and SC, Suburban Commercial zoning districts; and

WHEREAS, the density of commercial apartments within a property is controlled by the square footage of the commercial center and the potential financial impact to County services cannot be compensated by the issuance of a Conditional Use Permit; and

WHEREAS, planned zoning districts allows commercial apartments in the context of large development projects; and

WHEREAS, the Board believes that commercial apartments are no longer desirable on individual parcels in the B-1, B-2, B-3, RC and SC zoning districts; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of September, 2008 that Stafford County Code, Section 28-35, Table of Uses and Standards, Table 3.1, District Uses and Standards of the Zoning Ordinance be and it hereby is reordained as follows, with all other portions remaining the same:

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

Table 3.1. District Uses and Standards

B-1 Convenience Commercial

(b) Conditional use permit:

~~Commercial apartment.~~

B-2 Urban commercial

(b) Conditional use permit:

~~Commercial apartment.~~

Dwelling for watchman or caretaker on premises.

B-3 Office.

(b) Conditional use permit:

~~Commercial apartment.~~

RC Rural Commercial

(b) Conditional use permit:

~~Commercial apartment.~~

SC Suburban Commercial

(b) Conditional use permit:

~~Commercial apartment.~~

BE IT FURTHER ORDAINED that this ordinance shall become effective on September 2, 2008.

Legislative; Closed Meeting. At 8:40 P.M., Mr. Brito motioned, seconded by Mr. Woodson, to adopt proposed Resolution CM08-18.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Sterling, Woodson, Brito, Crisp
Nay: (0)
Absent: (1) Dudenhefer

Resolution CM08-18 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting Legal Advice regarding the Gymnastics lease negotiations/ possible PPEA project; and

WHEREAS, pursuant to Section 2.2-3711 A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 2nd day of September, 2008, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 8:50 P. M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM08-18a.

The Voting Board tally was:

Yea: (6) Schwartz, Sterling, Woodson, Brito, Crisp, Milde
Nay: (0)
Absent: (1) Dudenhefer

Resolution CM08-18a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
SEPTEMBER 2, 2008

WHEREAS, the Board has, on this the 2nd day of September, 2008, 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 2nd day of September, 2008, 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. No member dissents from the aforesaid certification.

Adjournment. At 8:52 P.M., the Chairman declared the meeting adjourned until Tuesday, September 9, 2008 at 6:30 P. M..

Anthony J. Romanello, ICMA-CM
County Administrator

George H. Schwartz
Chairman