

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

September 4, 2012

Call to Order The regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 3:02 P. M., on Tuesday, September 4, 2012, in the Board Chambers, at the George L. Gordon, Jr. Government Center.

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

Also in attendance was: 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 No members of the public spoke.

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

Mr. Schieber	-	Deferred
Mr. Snellings	-	Infrastructure Committee (TIF/Tax Increment Financing, FY2014 Revenue Sharing); Hartwood Days
Mr. Sterling	-	Deferred
Mr. Thomas	-	Deferred
Mr. Cavalier	-	Deferred

- Mr. Milde - TDR Sub-committee meeting and recommendations
- Ms. Stimpson - PRTC, Stafford Technology and Research Park Ribbon Cutting on 9/6/12; VRE Audit Issues & New CEO hiring

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Romanello introduced Mr. Larry Hughes, Interim Director of Parks, Recreation, and Community Facilities; September is Employee Appreciation Month; United Way Day of Caring – September 14th; Deletion of Item 16, which will come back on the September 18, 2012 agenda.

Legislative; Additions and Deletions to the Agenda Mr. Sterling motioned, seconded by Mr. Milde, to accept the agenda with the deletion of Item 16.

The Voting Board tally was:

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

Legislative; Consent Agenda Mr. Milde motioned, seconded by Mr. Thomas, to accept the Consent Agenda consisting of Items 2 through 10, omitting Items 4 and 6.

The Voting Board tally was:

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

Item 2. Approve Minutes of August 21, 2012 Board Meeting

Item 3. Finance and Budget; Approve Expenditure Listing (EL)

Resolution R12-275 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED AUGUST 21, 2012 THROUGH SEPTEMBER 3, 2012

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 4th day of September 2012 that the above-mentioned EL be and hereby is approved.

Item 5. Parks, Recreation and Community Facilities; Authorize Renewal of Contracts for Small Project Construction and Repair Services

Resolution R12-270 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO RENEW THE CONTRACTS FOR SMALL PROJECT
CONSTRUCTION AND REPAIR SERVICES

WHEREAS, in 2011, contracts were awarded to Krukenberg Service Company (Primary Responder), W. C. Spratt, Inc., (Secondary Responder), and Capital Contractors, Inc., (Secondary Responder), for various labor classifications and equipment to provide small project construction and repair services for the Department of Parks, Recreation, and Community Services; and

WHEREAS, the contracts included a provision to renew the contract periods for up to four (4) additional one-year periods; and

WHEREAS, the current contracts are in need of renewal; and

WHEREAS, it is the County's desire to renew these contracts for the first one-year renewal period;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2012, that the County Administrator be and he hereby is authorized to renew the contracts with Kruckenberg Service Company as the Primary Responder, and W.C. Spratt, Inc., and Capital Contractors, Inc. as the Secondary Responders, for small project construction and repair services, for a period of one year, in an aggregate amount not to exceed Five Hundred Thousand Dollars (\$500,000), unless amended by a duly-executed contract amendment.

Item 7. Public Works; Petition VDOT to Include Big Spring Drive within the Central Stafford Commerce Center; and London Way within the Colonial Port Subdivision, Section 1C, into the Secondary System of Secondary Highways

Resolution R12-273 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE BIG SPRING LANE WITHIN CENTRAL STAFFORD COMMERCE CENTER INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Virginia Code § 33.1-229, desires to include Big Spring Lane within Central Stafford Commerce Center into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2012, that VDOT be and it hereby is petitioned to include the following street within Central Stafford Commerce Center, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Big Spring Lane (SR-1899)	From: Inter. Eskimo Hill Road (SR-628) To: 0.37 mi. East of Inter. Eskimo Hill Road (SR-628)	0.37 mi. ROW 60'

An unrestricted right-of-way, as indicated above, for this street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Central Stafford Commerce Center recorded in PM11000008 with LR 110002420 on February 1, 2011; and

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

Resolution R12-274 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE LONDON WAY WITHIN COLONIAL PORT SUBDIVISION, SECTION 1C, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Virginia Code § 33.1-229, desires to include London Way within Colonial Port Subdivision, Section 1C, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) inspected this street and found it acceptable; and

WHEREAS, in accordance with 24 Va. Admin. Code § 30-91-140, a Street Surety Bond in the amount of \$2,000 is required to be posted, however, VDOT has agreed to accept said bond in the form of a resolution by the Board; and

WHEREAS, in accordance with 24 Va. Admin. Code § 30-91-140, a Street Maintenance Fee of \$150 and an Administrative Cost Recovery Fee of \$600 is required by VDOT and cannot be waived;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2012 that VDOT be and it hereby is petitioned to include the following street within Colonial Port Subdivision, Section 1C, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
London Way (SR-1572)	From: 0.13 mi. from Inter. Clark Lane (SR-1570) To: 0.10 mi. West of Barclay Lane (SR-1571)	0.05 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for this street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Colonial Port Subdivision, Section 1C, recorded in PM070000241 with LR 070028923 on December 21, 2007; and

BE IT STILL FURTHER RESOLVED, the Board hereby guarantees the performance of the streets requested herein to become a part of the state-maintained Secondary System of State Highways for a period of one year from the date of this resolution and will reimburse all costs incurred by VDOT to repair faults in the streets and related drainage facilities associated with construction, workmanship, or materials as determined exclusively by VDOT; and

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

Item 8. Public Works; Authorize a Public Hearing to Vacate an Ingress/Egress from Mount Hope Church Road to the Civil War Park

Resolution R12-281 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE VACATION OF AN INGRESS AND EGRESS EASEMENT ON TAX MAP PARCEL 39Q-A, AT THE CIVIL WAR PARK

WHEREAS, in March, 2010, Culpeper Investments, LLC granted a 50 foot ingress/egress easement on property identified as Tax Map Parcel 39Q-A to the City of Fredericksburg and to Stafford County, for an entrance to the Civil War Park; and

WHEREAS, the design of the entrance location shifted outside of the easement; and

WHEREAS, on July 24, 2012, Mt. Hope Investments, LLC (formerly Culpeper Investments, LLC) granted a new ingress/egress easement on the property identified as Tax Map Parcel 39Q-10 for the redesigned entrance to the Civil War Park; and

WHEREAS, Stafford County no longer has any use for the easement on Tax Map Parcel 39Q-A; and

WHEREAS, disposition of County-owned property requires a public hearing and Board approval; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2012, that the Board be and it hereby does authorize the County Administrator to advertise a public hearing to consider the vacation of an ingress and egress easement on the property identified as Tax Map Parcel 39Q-A, at the Civil War Park.

Item 9. Public Information; Recognize August 5-11, 2012, as International Assistance Dog Week in Stafford County

Proclamation P12-09 reads as follows:

A PROCLAMATION RECOGNIZING AUGUST 5 – 11, 2012 AS INTERNATIONAL ASSISTANCE DOG WEEK

WHEREAS, assistance dogs transform the lives of their human partners with physical and/or mental disabilities serving as devoted companions, helpers, aides, and best friends; and

WHEREAS, assistance dogs include service dogs, guide dogs, hearing alert dogs, and alert/seizure response dogs; and

WHEREAS, guide dogs assist people with vision loss, leading these individuals around physical obstacles and help with seating, crossing streets, entering or exiting doorways, elevators and stairways, etc.; and

WHEREAS, service dogs assist disabled people with walking, balance, dressing, mobility, retrieving and carrying items, opening doors and drawers, pushing buttons, pulling wheelchairs, and aiding with household chores such as laundry, etc.; and

WHEREAS, hearing alert dogs alert people with hearing loss to the presence of specific sounds such as doorbells, telephones, crying babies, sirens, visitors, buzzing timers or sensors, knocks at the door, and smoke, fire, and clock alarms; and

WHEREAS, seizure alert/seizure response dogs alert or respond to medical conditions, such as heart attacks, strokes, diabetes, epilepsy, panic attacks, anxiety attacks, post-traumatic stress and seizures; and

WHEREAS, medical alert/medical response dogs alert or respond to oncoming medical conditions, such as heart attacks, strokes, diabetes, epilepsy, panic attacks, anxiety attacks, post-traumatic stress disorder; and

WHEREAS, International Assistance Dog Week, August 5-11, 2012, provided an opportunity to raise awareness of the selfless way in which assistance dogs aid individuals by mitigating their disability-related limitations; and

WHEREAS, Stafford County joined forces with assistance dog partners, organizations, and concerned citizens throughout the County and America to raise awareness of assistance dogs and observed International Assistance Dog Week;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4th day of September, 2012, that it be and hereby does recognize that the week of August 5-11, 2012 as International Assistance Dog Week in Stafford County.

Item 10. Legislative; Approve Appointment of Mr. Tom Carlson to the Transportation Advisory Group

Item 11. Public Works; Authorize a Public Hearing to Convey County-owned Property to VDOT for Improvements at the Staffordboro Commuter Lot

Resolution R12-282 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONVEY COUNTY-OWNED EASEMENTS, ON PROPERTY IDENTIFIED AS TAX MAP PARCEL 21-65K TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE STAFFORDBORO COMMUTER LOT

WHEREAS, the Board identified the completion of improvements to the Staffordboro Commuter Lot as a top transportation priority; and

WHEREAS, the County owns easements adjacent to the Staffordboro Commuter Lot, on the property identified as Tax Map Parcel 21-65K; and

WHEREAS, the Staffordboro Commuter Lot improvements will be completed by the Virginia Department of Transportation (VDOT); and

WHEREAS, VDOT submitted an appraisal to the County in the amount of Four Thousand One Hundred Five Dollars (\$4,105) for acquisition of a 0.031 acre easement, a 0.063 acre temporary construction easement, and fifty-five (55) linear feet of six (6) feet of chain link fence on a portion of Tax Map Parcel 21-65K; and

WHEREAS, VDOT offered the County \$4,105 for the acquisition of the above-referenced County-owned easements and fence; and

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

WHEREAS, the Board finds that this conveyance 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 4th day of September, 2012, that the Board be and it hereby does authorize the County Administrator to advertise a public hearing to consider the conveyance of a 0.031 acre easement and a 0.063 acre temporary construction easement on a portion of the property identified as Tax Map Parcel 21-65K, and 55 linear feet of six foot chain link fence to the Virginia Department of Transportation for use in the improvements of the Staffordboro Commuter Lot and for the County to receive Four Thousand One Hundred Five Dollars (\$4,105) from VDOT; and

BE IT FURTHER RESOLVED that the proceeds of this conveyance be and they hereby are budgeted and appropriated in the County's Transportation Fund.

Item 4. County Attorney; Approve the Sale to VDOT of Surplus Property Owned by the Stafford County School Board Following discussion, Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R12-262.

The Voting tally was:

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

Nay: (0)

Resolution R12-262 reads as follows:

A RESOLUTION APPROVING THE SALE OF SURPLUS PROPERTY OWNED BY THE STAFFORD COUNTY SCHOOL BOARD TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION

WHEREAS, in April, 2012, the Virginia Department of Transportation (VDOT) notified the School Board that it requires (a) 8.55 acres of real property identified as Tax Map (TM) Parcel 21-65F, and (b) a 0.048 acre portion of TM Parcel 20-136A (“0.048 Acre Portion”), to expand the Staffordboro Boulevard commuter lot and the Juggins Road connector; and

WHEREAS, TM Parcel 21-65F and TM Parcel 20-136A are owned by the School Board; and

WHEREAS, TM Parcel 20-136A is the location of Anne E. Moncure Elementary School; and

WHEREAS, the County and the School Board executed a Memorandum of Agreement (MOA) regarding Anne E. Moncure Elementary School, pursuant to which the County purchased several parcels of real property as the future site of the new Moncure Elementary School, and, in return, the School Board executed a special warranty deed conveying TM Parcel 20-136A to the County, which is being held in escrow and will not be recorded until the new Moncure Elementary School is constructed; and

WHEREAS, to effectuate the transfer of the 0.048 Acre Portion to VDOT, the County and the School Board executed a First Amendment to the MOA removing the 0.048 Acre Portion from the conveyance of TM Parcel 20-136A to the County under the MOA; and

WHEREAS, Virginia Code § 22.1-129 requires that the School Board must declare the properties surplus, hold a public hearing regarding the sale, and obtain approval of the sale from the Board of Supervisors prior to selling TM Parcel 21-65F and the 0.048 Acre Portion to VDOT; and

WHEREAS, pursuant to Virginia Code § 22.1-129, the School Board held a public hearing regarding the sale of TM Parcel 21-65F and the 0.048 Acre Portion; and

WHEREAS, the School Board declared TM Parcel 21-65F and the 0.048 Acre Portion surplus during its June 26, 2012 and August 28, 2012 meetings, respectively; and

WHEREAS, pursuant to Virginia Code § 22.1-129, prior to the School Board conveying TM Parcel 21-65F and the 0.048 Acre Portion to VDOT, the Board must adopt a resolution approving the sale; and

WHEREAS, the Board finds that the sale 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 4th day of September, 2012, that it be and hereby does approve of the Stafford County School Board's sale of TM Parcel 21-65F and the 0.048 Acre Portion of TM Parcel 20-136A to the Virginia Department of Transportation for the expansion of the Staffordboro Boulevard commuter lot and the Juggins Road connector.

Item 6. Planning and Zoning; Refer to the Planning Commission an Amendment to the Zoning Ordinance Regarding Medical Clinics in the M-1 Light Industrial and M-2 Heavy Industrial Zoning Districts Following discussion pertaining to the County's definition of a medical clinic, Ms. Stimpson motioned, seconded by Mr. Cavalier, and unanimously agreed upon by the Board, to bring this item up during the evening session.

Planning and Zoning; Refer Transfer of Development Rights (TDR) Ordinance and Comprehensive Plan Amendment to the Planning Commission Mr. Jeff Harvey, Director of Planning and Zoning, gave a Power Point presentation and answered Board members questions. Mr. Pat Taves, consulting attorney, was also available to respond to questions from the Board. Mr. Sterling questioned whether R1, in the TDR as presented, went from 1.5 dwelling units per acre, to 16 dwelling units per acre, and from single family to apartments/multi-family dwellings. Mr. Harvey responded that multi-family was an option in the proposed TDR ordinance. Mr. Milde said to Mr. Sterling that the numbers he questioned were nothing new, that it was included in recent past iterations of the proposed TDR ordinance. He added that it costs a lot more money to serve residents "out in the country" and that the change in R-1 was done to encourage voluntary transfer of units. Mr. Sterling said that as it was presented, it did not make sense. He asked if there was a way to make it comply with the Courthouse RDA concept and added that he wants single-family homes, not apartments.

Ms. Stimpson said that the presentation on TDR was given to the Board at least three or four times and that the cost alone was prohibitive. Mr. Shumate stated that the Board should give clear direction to the Planning Commission, including the model ordinance, and that the Planning Commission could accept or reject the recommendation of the Board. The Planning Commission would hold a public hearing then send their recommendation back to the Board of Supervisors, who has the liberty to do what they choose regarding TDR in the County.

Mr. Thomas asked for fee guidance. Mr. Harvey said that it was the Board, not the Planning Commission, who had jurisdiction over fees associated with TDR. Mr. Milde asked if fees could be dealt with at a later date without re-advertising, adding that it was a very, very expensive advertisement. Mr. Romanello said that the Board could bring a draft fee ordinance as a companion with the other and that both would be heard at one public hearing. If handled in that manner, both the fee structure and the TDR program could be adopted on the same night.

Ms. Stimpson asked for clarification that the Planning Commission had already voted several times TDR. Mr. Shumate responded that TDR had a rather tortured history given lack of specificity, and the Planning Commissions actions opposed the Board's intent, adding that this was another attempt to "get it right." Ms. Stimpson said that the Board voted enough times and spent enough money on TDR.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R12-284.

The Voting tally was:

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

Nay: (1) Stimpson

Resolution R12-284 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION FOR A PUBLIC HEARING AND ITS RECOMMENDATIONS PROPOSED ORDINANCE O12-02, AS AMENDED, AND PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN, INCLUDING A

SENDING AND RECEIVING AREAS MAP, IN ORDER TO
ESTABLISH A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM
FOR STAFFORD COUNTY

WHEREAS, Virginia Code § 15.2-2316.2 allows localities to provide for a Transfer of Development Rights (TDR) program; and

WHEREAS, Virginia Code § 15.2-2316.2 requires the adoption of an ordinance, among other things, in order to establish a TDR program; and

WHEREAS, Virginia Code § 15.2-2316.2 also requires a locality to incorporate a map into its Comprehensive Plan designating sending and receiving areas under any TDR program adopted in such locality; and

WHEREAS, the Board desires to consider the adoption of a TDR ordinance and Comprehensive Plan provisions, among other things, as part of a TDR program for Stafford County; and

WHEREAS, the TDR Committee, comprised of members of the Board, recommended approval of proposed Ordinance O12-02 and proposed Resolution R12-03, which relates to certain proposed amendments to the Comprehensive Plan, including a Sending and Receiving Area Map, to establish a TDR program for Stafford County; and

WHEREAS, County staff proposed increasing the allowable density using TDRs in the A-1 District from 4 dwelling units per acre to 5 dwelling units per acre as an amendment to proposed Ordinance O12-02; and

WHEREAS, the Board concurs with staff's proposal to amend proposed Ordinance O12-02 with regard to the density allowed for TDRs in the A-1 District; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices require the adoption of proposed Ordinance O12-02, as amended; and

WHEREAS, the Board believes that proposed Resolution R12-03, and the accompanying Comprehensive Plan amendments, including the Sending and Receiving Area Map, are consistent with good planning practices;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2012, that proposed Ordinance O12-02, as amended, and proposed Resolution R12-03 and the accompanying textual amendment to the Comprehensive Plan, including a Sending and Receiving Areas Map, be and they hereby are referred to the Planning Commission for the Commission to hold at least one public hearing on said amendments and provide its recommendations to the Board; and

BE IT FURTHER RESOLVED that the Planning Commission be and it is hereby directed to work with staff to incorporate into proposed Ordinance O12-02, as amended, all Zoning Ordinance amendments adopted by the Board since proposed Ordinance O12-02 was initially drafted through such time as the Commission authorizes the public hearing, ensuring that all adopted Zoning Ordinance provisions in proposed Ordinance O12-02, as amended, reflect the current Zoning Ordinance; and

BE IT FURTHER RESOLVED that the Planning Commission is directed to hold a public hearing and provide the Board with its recommendations on proposed Ordinance O12-02, as amended, with any modifications as contemplated in the preceding paragraph, and proposed Resolution R12-03 and the accompanying textual amendment to the Comprehensive Plan, including a Sending and Receiving Areas Map, within sixty (60) days of the Commission's receipt of this resolution; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee shall provide the Commission with a copy of this Resolution.

Discuss Tax Increment Financing (TIF) Ms. Bonnie France, with McGuire Woods, and Mr. Craig Robinson, with PFM, attended the meeting, gave the Board an overview of TIF and answered Board members questions. Discussion ensued about creation of Community Development Authorities (CDA) and/or TIFs by Agreement (synthetic TIFs). Staff was directed by the Board to look at the first steps required to establish a CDA or TIF by Agreement with the developers of Aquia Towne Center. Mr. Sterling asked Ms. France to provide points of contact for the Economic Development Authority for Short Pump in Richmond, VA.

Mr. Milde motioned, seconded by Mr. Cavalier, to instruct staff to work to establish a CDA at Aquia Towne Center.

The Voting tally was:

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

Following the vote, Mr. Snellings noted that the Hartwood District has CDA and that it was not a good deal for residents living within its boundaries. He added that he was gun

shy about the formation of another CDA in the County. Mr. Snellings also said that the landowners are struggling to meet their obligation at the CDA in his district.

Mr. Cavalier said that the homeowners in the CDA, previously established in the Widewater District, were not happy and that it was repealed. He added he still feels that there were a lot of good reasons to work towards establishing a CDA at Aquia Towne Center.

Fire and Rescue; Approve Formal Request to the Metropolitan Washington Council of Governments for Participation in the Urban Area Security Initiative (UASI) Mr. Mark Lockhart, Acting Fire Chief, gave a presentation and answered Board members questions. Mr. Sterling questioned Chief Lockhart about Stafford County’s obligation if UASI membership was approved. Chief Lockhart said that there is no local match and no obligation the County aside from maintenance of any equipment acquired by the County.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R12-283.

The Voting tally was:

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

Resolution R12-283 reads as follows:

A RESOLUTION TO APPROVE A FORMAL REQUEST TO THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS FOR PARTICIPATION IN THE URBAN AREA SECURITY INITIATIVE (UASI)

WHEREAS, the United States Department of Homeland Security’s Federal Emergency Management Agency offers and oversees the Urban Area Security Initiative (UASI) program to assist those localities in defined urban areas in building an enhanced and sustainable capacity to prevent, protect against, mitigate, respond to, and recover from acts of terrorism; and

WHEREAS, the National Capitol Region is one of thirty-one identified UASI regions in the nation, and Stafford County is a contiguous locality to the defined UASI region; and

WHEREAS, Stafford County provides mutual aid response and support to other localities within the UASI region; and

WHEREAS, Stafford County desires to participate in UASI region projects that are of regional and local importance to public safety;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2012, that it be and hereby does desire to make a formal request for the inclusion of Stafford County as a contiguous locality for UASI projects, and further requests that this inclusion be endorsed for approval by the UASI Senior Policy Group and the National Capital Region Chief Administrative Officers Homeland Security Executive Council; and

BE IT FURTHER RESOLVED the County Administrator or his designee forward a copy of this resolution to the Metropolitan Washington Council of Governments for consideration.

Discuss Transportation Impact Fees Mr. Snellings stated that the Infrastructure Committee had a discussion on Impact Fees, and approved of the original impact fees that were approved by the Planning Commission. The Infrastructure Committee's recommendation would be offered at the September 18, 2012, meeting of the Board.

Recess At 4:30 p.m., the Chairman declared a recess. Board members, along with members of the School Board, toured the newly renovated Falmouth Elementary School.

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

Invocation Mr. Snellings gave the Invocation.

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

Presentation of a Proclamation Recognizing August 5-11, 2012 as International Assistance Dog Week in Stafford County Ms. Stimpson made the presentation and welcomed six assistance dogs and their handlers including Juanita Maley, from the County's Victim Witness Office, handler to Stafford's own Courthouse Dog, Kahn.

Presentations by the Public Citizens spoke on topics as identified:

Paul Waldowski - Home Owners Associations; two members on both

the Planning Commission and the Board of Zoning Appeals, stated that he believes that this is not legal.

Planning and Zoning; Amend and Reordain Stafford County Code Section 28-108; Restricted Access Entrances Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Sterling asked why this was ever on the books. Mr. Harvey responded that it was a tool used to delineate the boundaries between public and private property.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Ms. Stimpson motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O12-21.

The Voting Board tally was:

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

Nay: (0)

Ordinance O12-21 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-108, ENTITLED “RESTRICTED ACCESS ENTRANCES”

WHEREAS, the County Code requires that residential developments of 35 or more dwelling units that have private streets shall establish and maintain restricted access entrances from public streets; and

WHEREAS, several neighborhoods were constructed with restricted access entrances with gate arms at the entrances; and

WHEREAS, staff noted a number of safety and maintenance concerns with restricted access entrances; and

WHEREAS, citizens and neighborhood representatives contacted staff with concerns about restricted access entrances; and

WHEREAS, residential communities inquired about removing the restricted access entrances requirement; and

WHEREAS, removal of restricted access entrances is not permitted under the existing County Code; and

WHEREAS, the Board desires to make the requirement to have restricted access entrances optional, rather than mandatory; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4th day of September, 2012, that Stafford County Code, Section 28-108, entitled “Restricted Access Entrances,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-108. Restricted access entrances.

~~All R~~ residential developments ~~with thirty five (35) units or more~~ that have access from private travel lane(s) or private access easement(s) ~~shall~~ may establish and maintain restricted access entrance(s) to the development from any public street pursuant to the following provisions:-

- (a) *Access restriction.* Restricted access entrances shall be designed in a manner to inhibit free movement of vehicular traffic to and from private travel lanes or private access easements to public streets. Restricted access entrances shall include one (1) or more of the following mechanisms to restrict vehicular traffic:
 - (1) Gatehouse(s) or sentry box(es) manned by security guard(s);
 - (2) Gate arms, fences of vehicular obstructions that are remotely controlled by the owner of a unit or persons or vehicles possessing a special access pass; or
 - (3) Remote control camera(s) monitored by security guard(s).

- (b) *Design Criteria.* Restricted access entrances shall be constructed to meet the following additional design criteria:
 - (1) Turn around areas shall be provided for vehicles that are unable to obtain entry to the private travel lane(s);
 - (2) Gate arms, fences, or vehicle obstructions shall be located a minimum of one hundred (100) feet from any public street; and
 - (3) Automated provisions shall be made to permit emergency response vehicles to enter through the restricted access entrance(s).

- (c) *Maintenance.* Restricted access entrances shall be operated and maintained on a twenty-four-hour per day basis, three hundred sixty-five (365) days a year.

Owners of a development upon which restricted access entrances are required shall adequately assure Stafford County of such perpetual operation and maintenance.

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

Planning and Zoning; Amend and Reordain Stafford County Code Section 28-62; Chesapeake Bay Preservation Area Overlay District Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Thomas said that there was a note on the documents when he purchased his house regarding these regulations. He asked if this amendment would bring the County into compliance with state regulations. Mr. Harvey responded, “yes.”

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Ordinance O12-20.

The Voting Board tally was:

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

Nay: (0)

Ordinance O12-20 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-62, ENTITLED “CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT”

WHEREAS, the Chesapeake Bay Local Assistance Board conducted a compliance evaluation for the County’s Chesapeake Bay Preservation Act program; and

WHEREAS, the Chesapeake Bay Local Assistance Board recommended that the Board amend the County Code to require specific notes on plans of development pursuant to the Chesapeake Bay Act and 9 VAC 10-20-191(A)(§)(i)-(iii) of the Regulations; and

WHEREAS, staff requires these notes where appropriate, but the requirement is not codified in the County Code; and

WHEREAS, the Board desires to amend Stafford County Code, Section 28-62, Chesapeake Bay Preservation Area Overlay District, to incorporate the Chesapeake Bay Local Assistance Board’s recommendation; and

WHEREAS, the Board carefully considered the recommendations 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 practices require the adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4th day of September, 2012, that Stafford County Code, Section 28-62, entitled “Chesapeake Bay Preservation Area Overlay District,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-62. Chesapeake Bay Preservation Area Overlay District

(h) *Plan of Development Process*

(6) *Final plans of development.* Final plans of development for all lands within CBPAs shall include the following additional information:

e. The following statements shall be included when applicable:

1. “Under Stafford County Code, Section 28-62, Chesapeake Bay Preservation Area Overlay District Ordinance, the lots shown hereon are subject to having sewage disposal systems pumped out every five years. The primary and the 100% reserve sewage disposal sites cannot be altered by construction or excavation.”

2. “The 100-foot wide vegetated CRPA buffer shall remain undisturbed in accordance with Stafford County Code, Section 28-62. Only water dependent facilities or redevelopment are permissible in CRPA and the 100-foot wide buffer area.”

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

Item 6, continued. Planning and Zoning; Refer to the Planning Commission an Amendment to the Zoning Ordinance regarding Medical Clinics in the M-1, Light Industrial, and M-2, Heavy Industrial, Zoning Districts Following additional discussion, Ms. Stimpson withdrew the suggestion made in the afternoon session to require the Planning Commission to review the County’s current definition of “medical clinics,”

saying that she did not support allowing medical clinics in Industrial zoning districts. Mr. Sterling stated that he did not support it, adding that it was worded too broadly and that he was not convinced that this amendment to the Zoning Ordinance was not the way to go. Mr. Milde told the Board that this agenda item only referred the item to the Planning Commission, adding that any applicant would still be required to apply for a Conditional Use Permit, which would then have to be approved by the Board. Mr. Sterling said that medical clinics should look at clustering near hospitals and in commercially zoned areas, not industrial zoning.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-289.

The Voting Board tally was:

Yea: (5) Milde, Thomas, Cavalier, Schieber, Snellings

Nay: (2) Sterling, Stimpson

Resolution R12-289 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN AMENDMENT TO THE ZONING ORDINANCE TO ALLOW MEDICAL AND DENTAL CLINICS AS A CONDITIONAL USE IN THE INDUSTRIAL ZONING DISTRICTS

WHEREAS, medical and dental clinics are not a listed use in the Industrial Zoning Districts; and

WHEREAS, the Board desires to refer proposed Ordinance O12-37 to the Planning Commission for a public hearing and its recommendation on an amendment to the Stafford County Zoning Ordinance to allow medical and dental clinics as a conditional use in the Industrial Zoning Districts; 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 the 4th day of September, 2012, that the Planning Commission be and hereby is directed to conduct a public hearing on and make recommendations to proposed Ordinance O12-37, a prepared amendment to County Code Section 28-35, "Table 3.1 District Uses and Standards," to allow medical and dental clinics as a conditional use in the M-1, Industrial Light, and M-2, Industrial Heavy Zoning Districts; and

BE IT FURTHER RESOLVED that the Planning Commission shall hold its public hearing and provide its recommendations to the Board no later than November 14, 2012.

Legislative; Closed Meeting. At 7:27 p.m., Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution CM12-19.

The Voting tally was:

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

Nay: (0)

Resolution CM12-19 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to hold a Closed Meeting for (1) discussion regarding the potential acquisition of real property for a public purpose pertaining to the Park Bond Referendum projects; and (2) discussion regarding the award of a public contract for a Parks and Recreation facility and services; and

WHEREAS, pursuant to Virginia Code Section 2.2-3711(A)(3) and (A)(29) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 4th day of September, 2012, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order At 9:02 p.m., the Vice-Chairman called the meeting back to order. Ms. Stimpson left the meeting.

Legislative; Closed Meeting Certification Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution CM12-19(a).

The Voting Board tally was:

Yea: (6) Milde, Thomas, Cavalier, Milde, Schieber, Snellings,

Nay: (0)

Absent: (1) Stimpson

Resolution CM12-19(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
SEPTEMBER 4, 2012

WHEREAS, the Board has, on this the 4th day of September, 2012, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 4th day of September, 2012, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Mr. Milde motioned, seconded by Mr. Schieber, to adopt proposed Resolution R12-276.

Mr. Thomas offered a substitute motion to strike the acquisition phase of SASA. The substitute motion failed for lack of a second.

The Voting Board tally was:

Yea: (5) Milde, Schieber, Cavalier, Snellings, Sterling

Nay: (1) Thomas

Absent: (1) Stimpson

Resolution R12-276 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO INITIATE PARKS BOND PROJECTS

WHEREAS, in November, 2009, citizens of Stafford County approved a Parks Bond Referendum in the amount not to exceed \$29 Million; and

WHEREAS, the Board would like to meet the greatest needs of its citizens with the implementation of the 2009 Park Bond Referendum;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2012, that the County Administrator be and he hereby is authorized to initiate Parks Bond projects as indicated below:

- Initiation of the design of Embrey Mill Park to include design-build of an indoor recreation facility (to be operated by the bidder) with a 50-meter pool
- Acquisition phase of SASA property
- Authorization of design of Curtis Park pool renovation

Adjournment At 8:19 p.m. the Vice-Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Susan B. Stimpson
Chairman