

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

September 18, 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 18, 2012, in the Board Chambers, at the George L. Gordon, Jr. Government Center.

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

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 spoke on topics as identified:

Alane Callander - Impact Fees; Board of Supervisors meeting start times; Open Government

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

Mr. Snellings - FAMPO 2040 Long Range Plan

Mr. Sterling - Absent

Mr. Thomas - GCC Auto Center Ribbon Cutting, Library Board meeting,

Duff Park/Parks Master Plan

- Mr. Cavalier - Public Safety Committee (CPR training for school staff, Fire Study award of contract deferral, Fire and Rescue training area moved)
- Mr. Milde - Leeland VRE Lot ribbon-cutting; Stafford Technology & Research Park ribbon cutting; Permit Center; Community and Economic Development meeting
- Mr. Schieber - Park Ridge/traffic enforcement and enhancement issues; Joint Land Use and Quantico Regional Executive Steering Committee; Hosted political forum w/ George Allen; Contact legislators about their inability to reach budget resolution
- Ms. Stimpson - Ribbon cuttings at Leeland and at Technology & Research Park; Brooke lot will be completed in a few months; Thanks to Keith Dayton for work on Leeland, thanks to Tim Baroody and Dennis McBride for work on the Tech and Research Park

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Romanello introduced Mr. Keith Dayton, Deputy County Administrator, who gave an update on parks projects in the County. Mr. Mike Smith, Director of Public Works, gave an update on transportation projects in the County. A video produced for the Service Awards event was shown. 30-year certificates were presented to Wayne Sullivan with the Court Services Unit, and to Ricky Hawkins with the Department of Utilities.

Rappahannock Baseball Initiative (RBI) Mr. Bob Hagan addressed the Board and gave a PowerPoint presentation outlining the work involved with region-wide RBI efforts. Following Mr. Hagan's presentation, Mr. Cavalier said that "old-timers" were coming back to play, citing the example of Roger Clemens pitching in an Independent League game. Mr. Milde asked what was next; and Mr. Hagan's expectations from the Board of

Supervisors. Mr. Romanello responded that the presentation was for informational purposes only. No action was expected from the Board at that time.

Legislative; Additions and Deletions to the Agenda Mr. Thomas motioned, seconded by Mr. Schieber, to accept the Agenda with the deletion of the Presentation of the 30th Consecutive GFOA Certificate of Achievement for Excellence in Financial Reporting for the 2011 Comprehensive Annual Financial Report (CAFR) and Item 15. Finance and Budget; Briefing of the FY2012 Preliminary Year End Results.

The Voting Board tally was:

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

Legislative; Consent Agenda Mr. Snellings motioned, seconded by Mr. Thomas, to accept the Consent Agenda consisting of Items 5 through 9.

The Voting Board tally was:

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

Item 5. Approve Minutes of September 4, 2012 Board Meeting

Item 6. Planning and Zoning; Refer to the Planning Commission Consideration of an Amendment to the Subdivision Ordinance Regarding Securities for Amenities

Resolution R12-293 reads as follows:

A RESOLUTION TO REFER SUBDIVISION ORDINANCE AMENDMENTS TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTION 22-134, ENTITLED “REQUIRED AMENITIES”

WHEREAS, currently the amenities in a subdivision must be constructed prior to approval and recordation of the final plat for the corresponding section of the subdivision; and

WHEREAS, it may not be economically feasible to construct all amenities prior to plat approval and recordation where no property owners live to support the amenities; and

WHEREAS, the County can allow developers to post securities at final plat recordation as an alternative option to ensure that amenities will be constructed in the corresponding section of the subdivision; and

WHEREAS, the Board desires to amend Stafford County Code Section 22-134, entitled “Required Amenities,” to allow the posting of securities for the incomplete amenities prior to approval and recordation of the final plat for an individual section of a subdivision; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2012, that the proposed amendments to the Subdivision Ordinance, pursuant to proposed Ordinance O12-11, be and they hereby are referred to the Planning Commission for a public hearing and its recommendations; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications to proposed Ordinance O12-11 as it deems necessary and appropriate.

Item 7. Utilities; Authorize the County Administrator to Execute an Agreement with VDOT Governing the Relocation of Water and Sewer Utilities at the Staffordboro Commuter Lot

Resolution R12-290 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION GOVERNING THE RELOCATION OF WATER AND SEWER UTILITIES IN THE STAFFORDBORO COMMUTER PARKING LOT

WHEREAS, the Virginia Department of Transportation (VDOT) is designing and will construct improvements to the Staffordboro Commuter Parking Lot; and

WHEREAS, certain water and sewer relocations are necessary for VDOT’s proposed construction and completion of the project; and

WHEREAS, the County will bear no cost for the water and sewer relocations; and

WHEREAS, it is necessary for VDOT and the County to enter into an Agreement regarding the relocation of water and sewer utilities necessary for VDOT's proposed construction;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2012, that the County Administrator be and he hereby is authorized to execute an Agreement with VDOT for the relocation of water and sewer utilities at the Staffordboro Commuter Parking Lot.

Item 8. Public Works; Authorize Award of a Contract with Firms for On-Call Engineering and Architectural Services

Resolution R12-291 reads as follows:

A RESOLUTION AUTHORIZING FIRMS TO PROVIDE ON-CALL PROFESSIONAL ENGINEERING SERVICES AND ARCHITECTURAL SERVICES FOR STAFFORD COUNTY

WHEREAS, staff found that it is efficient to have multiple engineering and architectural firms authorized to perform professional services for various County projects on an on-call basis; and

WHEREAS, the County solicited proposals from qualified firms for engineering and architectural services on an on-call basis; and

WHEREAS, staff evaluated the proposals received, and determined that the following firms are the most qualified and provided reasonable proposals for the scope of services proposed; and

WHEREAS, the term of these contracts shall be an initial period of one year, with an option to renew for two additional one-year periods, for a total of three years;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2012, that the following firms be and they hereby are authorized to perform professional services for various County projects on an on-call basis:

A. Industrial Hygiene

- | | |
|---|--------------------------|
| • Apex Companies, LLC | Manassas, VA 20109 |
| • Engineering Consulting Services (ECS) | Fredericksburg, VA 22407 |
| • France Environmental, Inc. | Richmond, VA 23225 |
| • Froehling & Robertson, Inc. (F&R) | Richmond, VA 23228 |
| • Triad Engineering, Inc. | Ashburn, VA 20147 |

B. Civil Engineering Services

- ADTEK Engineers Fairfax, VA 22030
- A. Morton Thomas & Associates (AMT) Fredericksburg, VA 22405
- Anderson & Associates, Inc. Middletown, VA 22645
- ATCS, PLC Herndon, VA 20171
- Bowman Consulting Stafford, VA 22406
- Christopher Consultants Fairfax, VA 22031
- Clough, Harbour & Associates (CHA) Richmond, VA 23235
- Greenhorne & O'Mara, Inc. (G&O) Fredericksburg, VA 22401
- Hawkins, Griffels & Pullin, Inc. (HGP) Fredericksburg, VA 22401
- Johnson, Mirmiran & Thompson (JMT) Richmond, VA 23236
- Resource International, LTD Ashland, VA 23005
- Rinker Design Associates, PC (RDA) Manassas, VA 20109
- Sullivan, Donahoe & Ingalls, PC (SDI) Fredericksburg, VA 22408
- The Engineering Groupe, Inc. Woodbridge, VA 22192
- Timmons Group Richmond, VA 23225
- Triad Engineering, Inc. Ashburn, VA 20147
- URS Corporation Germantown, MD 20876
- Webb & Associates Fredericksburg, VA 22408
- Welford Engineering Fredericksburg, VA 22408
- Wiley/Wilson Richmond, VA 23230
- WW Associates, Inc. Charlottesville, VA 22911

C. Environmental and Natural Resource Engineering Services

- A. Morton Thomas & Associates (AMT) Fredericksburg, VA 22405
- Bowman Consulting Stafford, VA 22406
- EEE Consulting, Inc. Mechanicsville, VA 23116
- Engineering Consulting Services (ECS) Fredericksburg, VA 22407
- McCormick Taylor Engineers & Planners Glen Allen, VA 23060
- Michael Baker Jr. Inc. Alexandria, VA 22304
- Resource International, LTD Ashland, VA 23005
- Rinker Design Associates, PC (RDA) Manassas, VA 20109
- Timmons Group Richmond, VA 23225
- Triad Engineering, Inc. Ashburn, VA 20147
- URS Corporation Herndon, VA 20171
- Watershed Consulting, LLC Richmond, VA 23221
- Welford Engineering & Associates Fredericksburg, VA 22408
- Wetland Studies & Solutions, Inc. Gainesville, VA 20155
- Whittman, Requardt & Associates, PC (WR&A) Richmond, VA 23235
- Williamsburg Environmental Group (WEG) Fredericksburg, VA 22406

D. Geotechnical Engineering and Inspection Services

- Atlantic Geotechnical Services, Inc. Ashland, VA 23005
- Dominion Engineering Associates, Inc. Fredericksburg, VA 22407
- ECS Mid-Atlantic, LLC Fredericksburg, VA 22407
- Froehling & Robertson, Inc. Fredericksburg, VA 22408
- GeoConcepts Engineering, Inc. Ashburn, VA 20147
- Geotechnical Consulting & Testing, Inc. Woodbridge, VA 22192
- Hillis-Carnes Engineering Associates Chantilly, VA 20151
- ISM Services, Inc. Purcellville, VA 20132
- RHEA Engineers & Consultants, Inc. Woodbridge, VA 22192
- Specialized Engineering Frederick, MD 21703
- Triad Engineering, Inc. Ashburn, VA 20147
- Whitlock, Dalrymple, Poston & Associates, PC (WDP) Manassas, VA 20110

E. Professional Architectural and Engineering Services

- 3north, PLLC Richmond, VA 23224
- Ballou, Justice, Upton Architects (BJU) Richmond, VA 23229
- BCWH Architects Richmond, VA 23220
- Clough, Harbour & Associates (CHA) Richmond, VA 23235
- Cornerstone Architects Richmond, VA 23220
- Crabtree, Rohrbaugh & Associates Architects (CRA) Charlottesville, VA 22902
- Cunningham / Quill Architects Washington, DC 20007
- Gauthier, Alvarado & Associates (GAU) Falls Church, VA 22046
- Hening, Vest, Covey, Chenault Arch. (HVC) Richmond, VA 23223
- Hughes Group Architects (HG) Sterling, VA 20164
- Kishimoto, Gordon, Dalaya Architecture, PC (KGD) Rosslyn, VA 22209
- Morgan, Gick, McBeath & Associates (MGMA) Falls Church, VA 22046
- Moseley Architects Richmond, VA 23230
- Peck, Peck & Associates Woodbridge, VA 22192
- Samaha Associates, PC Fairfax, VA 22030
- Setty & Associates, LTD Fairfax, VA 22031
- The Lukemire Partnership, Inc. Arlington, VA 22206
- The Princeton Companies (TPC) Purcellville, VA 20132
- Wiley/Wilson partnering with Cooper Carry Richmond, VA 23230

Item 9. Public Works; Authorize a Public Hearing to Consider Condemnation and Exercise of Quick-Take Powers to Acquire Utility Easements for the Poplar Road Improvement Projects

Resolution R12-297 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE PERMANENT UTILITY EASEMENTS TO BE CONVEYED TO AT&T AND VERIZON, ON PORTIONS OF TAX MAP PARCELS 36-22 AND 35-86E, WHICH ARE OWNED BY POPLAR FARMS, LLC, AND STAR LAKE LIBERTY, LLC, AND R&R INVESTMENTS, LLC, RESPECTIVELY, ALL IN CONNECTION WITH THE POPLAR ROAD IMPROVEMENT PROJECT

WHEREAS, the Board identified the completion of road improvements in the vicinity of Warrenton Road (US-17) and Poplar Road (SR-616) as a critical part of Stafford County's road improvement plan; and

WHEREAS, these improvements were recommended in the 2003 Transportation Plan Update, included as part of the Impact Fee Analysis, and financed by fees collected from the Central West Impact Fee District; and

WHEREAS, the Board approved the acquisition of the properties necessary for the completion of the road improvements and County staff is in the process of acquiring the necessary portions of property for permanent utility easements; and

WHEREAS, the Board determined that there are currently portions of two parcels that staff was unable to obtain through negotiations between the property owners and the County's consultant; and

WHEREAS, Tax Map Parcel 36-22 consists of approximately 49.46 acres of land owned by Poplar Corner Farm, LLC; and

WHEREAS, the Board must acquire a permanent easement on Tax Map Parcel 36-22 because the design of the road improvements requires 0.343 acres of permanent easement to be conveyed to AT&T as an exclusive utility easement; and

WHEREAS, fair market value for the required area of Tax Map Parcel 36-22, together with damages, if any, to the remainder of the property is One Thousand Dollars (\$1,000), based upon the 2012 assessed value; and

WHEREAS, Tax Map Parcel 35-86E consists of approximately 15.17 acres of land owned by Star Lake Liberty, LLC, and R&R Investments, LLC; and

WHEREAS, the Board must acquire permanent easements on Tax Map Parcel 35-86E because the design of the road improvements requires a total of 0.378 acres of permanent easement to be conveyed to AT&T as an exclusive utility easement, and 0.53 acres of a permanent easement to be conveyed to Verizon as a utility easement on Tax Map Parcel 35-86E; and

WHEREAS, fair market value for the required areas of Tax Map Parcel 35-86E, together with damages, if any, to the remainder of the property is Nine Thousand One Hundred Dollars (\$9,100), based upon the 2012 assessed value; and

WHEREAS, the Board, through its consulting negotiator, made bona fide, but ineffectual, efforts to purchase the above-referenced affected areas of the listed properties by offering said determination of value on behalf of the County to the respective property owners; and

WHEREAS, the terms of purchase cannot be agreed upon and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the respective property owners, but will continue to work with the property owners to attempt to reach an acceptable settlement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2012 that the Board be and it hereby does authorize the County Administrator to advertise a public hearing to receive public testimony, and consider the condemnation and use of its quick-take powers to acquire permanent utility easements to be conveyed to AT&T and Verizon on portions of the property owned by Poplar Corner Farm, LLC, Tax Map Parcel 36-22; and Star Lake Liberty, LLC, and R&R Investments, LLC, Tax Map Parcel 35-86E; all in connection with the Poplar Road improvement project in the vicinity of Warrenton Road (US-17) and Poplar Road (SR-616), under the provisions of Virginia Code Sections 15.2-1903(B) and 15.2-1905(C).

Public Works; Authorize a Public Hearing to Amend and Reordain Stafford County Code Chapter 13.5, Article I, Entitled "Impact Fees" Mr. Snellings motioned, seconded by Mr. Cavalier, to refer this item to the Infrastructure Committee.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Planning and Zoning; Authorize a Public Hearing to Amend Fees for Cluster Development Concept Plan Applications Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Harvey clarified that the purpose of the item was to refer the question of fees to the Planning

Commission. Mr. Romanello said that the item had been addressed by the Community and Economic Development Committee and that it was not time sensitive.

Ms. Stimpson noted that she did not feel that the item should have been placed under the heading of Unfinished Business. Mr. Thomas agreed, saying that it was more so an item taken under consideration as New Business. Ms. Stimpson recommended that it be brought back before the Board at the next meeting (October 2, 2012). She requested information about fees being charged in the neighboring localities of Spotsylvania and Prince William counties.

Hearing no objection, the Board deferred this item to the October 2nd Board meeting.

Utilities; Authorize Award of a Contract for Rocky Pen Run Reservoir Clearing Mr. Harry Critzer, Director of Utilities, gave a presentation and answered Board members questions.

Mr. Milde questioned the number of bids received in response to an earlier Request for Proposal (RFP), and why bids were higher in response to the second RFP. Mr. Critzer responded that the award of contract being presented was actually in response to the third RFP, adding that there were a few changes which may have accounted for the higher bids received

Ms. Stimpson asked Mr. Thomas when the Joint Board of Supervisors/Utilities Commission was scheduled to meet. Mr. Thomas responded that another meeting date was yet to be determined. Ms. Stimpson noted that she wanted to know about the goals, dates, targets, etc.

Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Resolution R12-208.

The Voting Board tally was:

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

Absent: (1) Sterling

Resolution R12-208 reads as follows:

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT WITH J. L. KENT & SONS, INC., FOR
ROCKY PEN RUN RESERVOIR CLEARING**

WHEREAS, the Board included funds in the Utilities Department's FY2013 Capital Improvements Projects budget, and budgeted and appropriated the funds for clearing trees and other vegetative growth from the area to be flooded by the Rocky Pen Run Reservoir; and

WHEREAS, the County solicited public bids for the clearing work; and

WHEREAS, three (3) bids were received, with the bid of \$1,199,348 received from J. L. Kent & Sons, Inc., which was determined to be the lowest responsive and responsible bid; and

WHEREAS, staff determined that J. L. Kent & Sons' proposal is reasonable for the scope of services proposed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2012, that the County Administrator be, and he hereby is, authorized to execute a contract with J. L. Kent & Sons, Inc., in an amount not to exceed One Million One Hundred Ninety-nine Thousand Three Hundred and Forty-eight Dollars (\$1,199,348), unless amended by a duly-approved contract amendment, for the clearing of trees and other vegetative growth from the area to be flooded by the Rocky Pen Run Reservoir.

Public Works; Authorize the County Administrator to Execute an Agreement with Celebrate Virginia North, II, LLC, for Celebrate Virginia Parkway

Mr. Snellings motioned, seconded by Mr. Thomas, to refer this item to the Infrastructure Committee.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Public Works; FY2014 Proposed Revenue Sharing Mr. Keith Dayton, Deputy County Administrator, gave a presentation and answered Board members questions.

Mr. Milde noted that Enon Road and Ferry Road was removed from the list. Mr. Dayton said that those roads were still in the CIP and still funded pending Board review and approval. Mr. Milde asked for a complete list of all the roads that were on the list, as well as crash data for the Route 1 and Courthouse Road intersection.

Mr. Romanello told the Board about increased competitiveness with Revenue Sharing funds now that urban areas were allowed to apply for up to \$5M, reducing the state-wide allocation of funds.

Mr. Schieber asked Mr. Dayton to send the full list to the Board and asked who set the priorities, and on what basis. Mr. Dayton responded that staff was responsible for setting the priorities.

Planning and Zoning; Request for Time Extension by the Planning Commission for Recommendation on Urban Development Areas Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Snellings said that while he did not have a problem granting an extension, but he believed that May was too far in the future. He suggested that November, 2012, or March, 2013, would be a better timeframe for a response from the Planning Commission. Mr. Milde said that the Planning Commission should be given the time needed to do the job that the Board requested.

Mr. Milde motioned to adopt proposed Resolution R12-279 with an extension to May 31, 2013.

Mr. Snellings offered a substitute motion, seconded by Mr. Thomas, to adopt proposed Resolution R12-279 with a 90-day extension. Mr. Milde withdrew his motion.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Resolution R12-279 reads as follows:

A RESOLUTION TO GRANT A TIME EXTENSION TO THE PLANNING COMMISSION FOR ITS CONSIDERATION OF AMENDMENTS TO THE COMPREHENSIVE PLAN REGARDING URBAN DEVELOPMENT AREAS

WHEREAS, the Comprehensive Plan was adopted December 14, 2010, with Urban Development Areas as a key component; and

WHEREAS, at that time, Virginia Code § 15.2-2223.1 required the County to incorporate the concept of Urban Development Areas into its Comprehensive Plan; and

WHEREAS, recent amendments to Virginia Code § 15.2-2223.1 make incorporation of Urban Development Areas an optional part, as opposed to a required component of the County's Comprehensive Plan; and

WHEREAS, the Board desires the Planning Commission to study the future need for Urban Development Areas in the County, and to identify any recommendations that should be considered before amending the Comprehensive Plan; and

WHEREAS, the Board previously referred discussion and consideration of amendments to the Planning Commission, pursuant to Resolution R12-165, with a deadline of October 4, 2012; and

WHEREAS, the Planning Commission requested additional time to receive updated population projections (in early 2013) to complete its discussion and to formulate a recommendation; or alternatively requested additional time (in the near term) should the Board desire the Commission to complete its work sooner;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on the 18th day of September, 2012, that the Planning Commission be and it hereby is granted an extension of 90 days to conclude its discussion and make its recommendation to the Board regarding Urban Development Areas pursuant to Resolution R12-165.

Brush Everard Landslide Mediation Presentation Deputy County Administrator, Mr. Keith Dayton, gave a presentation and answered Board member's questions. Property-owner, Mr. O'Leary, was in the audience was acknowledged by the Board. Mr. Schieber

said that there were a lot of “take-aways” from the problems that occurred and thanked the homeowners involved, local residents, vendors, and others who helped to rectify the situation.

Legislative; Closed Meeting. At 4:43 p.m., Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM12-20.

The Voting tally was:

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

Nay: (0)

Absent: (1) Sterling

Resolution CM12-20 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 and consultation with legal counsel regarding the award of a public contract for a Parks and Recreation facility and services; and (2) discussion regarding the potential acquisition of real property for a public purpose(s), including economic development, pertaining to the Technology and Research Park; and

WHEREAS, pursuant to Virginia Code Section 2.2-3711(A)(3), (A)(7), 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 18th day of September, 2012, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order At 5:39 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Schieber motioned, seconded by Mr. Thomas, to adopt proposed Resolution CM12-20(a).

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Resolution CM12-20(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON SEPTEMBER 18, 2012

WHEREAS, the Board has, on this the 18th 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 18th 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.

Recess At 5:39 p.m., the Chairman declared a recess.

Call to Order At 7:00 p.m. the Chairman called the meeting back to order.

Invocation Ms. Stimpson gave the Invocation.

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

Presentations by the Public Citizens spoke on topics as identified:

Rodney Moore	-	Stafford High School Rebuild
Michael Shifflet	-	Greenbank Road closure

Mr. Sterling arrived at 7:10 p.m.

Planning and Zoning; Consider Radley Management Request for a Conditional Use Permit on Property Located at 22 Perchwood Drive Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Milde said that this used to be in the Aquia District and asked about the status of large trucks on Perchwood Road. Mr. Harvey said that Perchwood Road was accepted into the State System and that VDOT now enforced parking along Perchwood Road.

Mr. Sherman Patrick, applicant, addressed the Board and gave a Power Point presentation.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Ms. Stimpson motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-268.

The Voting Board tally was:

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

Nay: (0)

Resolution R12-268 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP1200273 TO ALLOW AUTOMOBILE REPAIR AND MOTOR VEHICLE RENTAL USES IN B-2, URBAN COMMERCIAL, AND HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICTS ON A PORTION OF ASSESSOR'S PARCEL 38-25N WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, Radley Management LLC, applicant, submitted application CUP1200273 requesting a Conditional Use Permit to allow automobile repair and motor vehicle rental uses in B-2, Urban Commercial, and HC, Highway Corridor Overlay Zoning Districts on a portion of Assessor's Parcel 38-25N; and

WHEREAS, the application was submitted pursuant to Stafford County Code, Section 28-35, Table 3.1 of the Zoning Ordinance, which permits these uses in an B-2, Urban Commercial Zoning District after a Conditional Use Permit is issued by the Board; and

WHEREAS, the application was also submitted pursuant to Stafford County Code, Section 28-59(e) of the Zoning Ordinance, which permits automobile repair in an

HC, Highway Corridor Overlay Zoning District after a Conditional Use Permit is issued by the Board; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission, staff and testimony, if any, 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 18th day of September, 2012, that a Conditional Use Permit pursuant to application CUP1200273 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow an automobile repair facility and motor vehicle rental establishment on a 2.78-acre portion of Assessor's Parcel 38-25N. Motor vehicle rental shall be limited to the customers of the automobile repair facility.
2. There shall be no outside storage of unlicensed vehicles.
3. There shall be no outdoor display or storage of automobile parts.
4. All outdoor storage areas shall be screened from view from Jefferson Davis Highway and Perchwood Drive.
5. All automobile service and repair shall be performed inside the buildings. Service bay doors shall be oriented away from Jefferson Davis Highway, and screened from view from Jefferson Davis Highway.
6. Any outside parking of inoperable or totaled vehicles shall be limited on site to a maximum of thirty (30) days. Vehicles shall be prohibited from parking on Perchwood Drive and Tyler Von Way.
7. A pavement striping plan for designated parking areas and travelways shall be submitted to and approved by the Director of Planning and Zoning prior to occupancy of the building, subject to approval of the Fire Marshal.
8. Only passenger vehicles (which includes pick-up trucks and Sports Utility Vehicles (SUVs)) shall be rented on site. No more than twenty (20) parking spaces on site may be utilized for rental vehicles.
9. All building entrances shall be properly illuminated in accordance with Crime Prevention through Environmental Design (CPTED) principles, approved by the Sheriff's Office.

10. There shall be no carnival style flags, banners, lights, balloons, windsocks, or neon used on site, except for one grand opening event which may be held within six (6) months of issuance of an occupancy permit for the building.
11. Prior to issuance of an occupancy permit, the applicant shall demonstrate compliance with all Federal, state, and County sewer use requirements, and also demonstrate the means of preventing hazardous materials spills.
12. 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 code, law, ordinance, or regulation.

Finance and Budget; Authorize Participation in VPSA Borrow and Budget and Appropriate Proceeds Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and answered Board members questions.

Mr. Sterling questioned whether the two borrows were done individually or separately. Ms. Perrotte responded that for the last two years, there was one authorization done for both borrows.

Mr. Milde said that tearing down Stafford High School was a bad idea, adding that he will not vote in favor of the VPSA borrow even though he supported the other projects involved.

The Chairman opened the public hearing.
No persons desired to speak.
The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Thomas, to defer this item to the October 2nd Board meeting.

The Voting Board tally was:

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

Utilities; Authorize the County Administrator to Convey Easements to Dominion Virginia Power as Part of the Rocky Pen Run Reservoir Project Mr. Bryon Counsell, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolutions R12-197, R12-198, and R12-199.

The Voting Board tally was:

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

Nay: (0)

Resolution R12-197 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO CONVEY A 0.07 ACRE EASEMENT ON TAX MAP PARCEL 43-31 TO DOMINION VIRGINIA POWER FOR AN EASEMENT IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR AND DAM, AND THE RAPPAHANNOCK RIVER INTAKE PROJECTS

WHEREAS, the Board authorized construction of the Rocky Pen Run Reservoir and Dam, and the Rappahannock River Intake projects (“Projects”); and

WHEREAS, the designs for the Projects require installation of a three-phase electrical service; and

WHEREAS, the designs for the Projects require easements to be granted to Dominion Virginia Power in order to complete the Projects, and provide adequate and permanent power to the Projects; and

WHEREAS, the designs for the Projects require Dominion Virginia Power to acquire an easement on Tax Map Parcel 43-31 to complete the three-phase infrastructure required to complete the Projects; and

WHEREAS, the Board authorized condemnation and quick-take of a 0.07 acre easement on Tax Map Parcel 43-31 by Resolution R12-104, adopted on May 1, 2012;

WHEREAS, on June 28, 2012, the Board filed a Certificate of Take in the Stafford County Circuit Court, thereby vesting defeasible title on the easement on Tax Map Parcel 43-31 to the County; and

WHEREAS, Virginia Code § 15.2-1800, requires the Board to hold a public hearing prior to the conveyance of any real property interest owned by the County; and

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

WHEREAS, the Board finds that the conveyance of this easement promotes the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2012, that it be and hereby does authorize the County Administrator to execute any and all necessary documents to convey a 0.07 acre easement on Tax Map Parcel 43-31 to Dominion Virginia Power in connection with the Rocky Pen Run Reservoir and Dam, and the Rappahannock River Intake projects; and

BE IT FURTHER RESOLVED by the Board that the County Administrator, or his designee, shall provide a copy of this resolution to Dominion Virginia Power.

Resolution R12-198 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO CONVEY EASEMENTS ON A PORTION OF TAX MAP PARCELS 43-26B, 43-27, 43-27A, 43-28, 43-81A, AND 51-2 TO DOMINION VIRGINIA POWER IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR, AND DAM, AND THE RAPPAHANNOCK RIVER INTAKE PROJECTS

WHEREAS, the Board authorized construction of the Rocky Pen Run Reservoir and Dam, and the Rappahannock River Intake projects (“Projects”); and

WHEREAS, the designs for the Projects require installation of a three-phase electrical service; and

WHEREAS, the designs for the Projects require easements to be granted to Virginia Dominion Power in order to complete the Projects, and provide adequate and permanent power to the Projects; and

WHEREAS, the County owns Tax Map Parcels 43-26B, 43-27, 43-27A, 43-28, 43-81A, and 51-2; and

WHEREAS, the designs for the Projects require a 30-foot wide, 6,000-foot long easement on Tax Map Parcels 43-26B, 43-27, 43-27A, 43-28, 43-81A, and 51-2; and

WHEREAS, Virginia Code § 15.2-1800 requires the Board to hold a public hearing prior to the conveyance of any real property interest owned by the County; and

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

WHEREAS, the Board finds that the conveyance of these easements promotes the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2012, that it be and hereby does authorize the County Administrator to execute any and all necessary documents to convey a 30-foot wide, 6,000-foot long easement on Tax Map Parcels 43-26B, 43-27, 43-27A, 43-28, 43-81A, and 51-2 to Dominion Virginia Power in connection with the completion of the Rocky Pen Run Reservoir and Dam, and the Rappahannock River Intake projects; and

BE IT FURTHER RESOLVED by the Board that the County Administrator, or his designee, shall provide a copy of this resolution to Dominion Virginia Power.

Resolution R12-199 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO CONVEY AN EASEMENT ON TAX MAP PARCEL 43-76-2-18 TO DOMINION VIRGINIA POWER IN CONNECTION WITH THE STREET EXTENSION PROJECT ON COOL WELL COURT, AS PART OF THE ROCKY PEN RUN RESERVOIR AND DAM, AND THE RAPPAHANNOCK RIVER INTAKE PROJECTS

WHEREAS, the Board authorized construction of the Rocky Pen Run Reservoir and Dam, and the Rappahannock River Intake projects (“Projects”); and

WHEREAS, designs for the Projects require installation of a three-phase electrical service; and

WHEREAS, designs for the Projects require public road access to be provided to three improved lots on Cool Well Court affected by the inundation of water in connection with the Projects; and

WHEREAS, designs for the Projects require the relocation of power lines in order to provide power to the lots on Cool Well Court affected by the inundation of water in connection with the Projects; and

WHEREAS, designs for the Projects requires an easement to be granted to Virginia Dominion Power on Tax Map Parcel 43-76-2-18 in order to complete the Projects, and provide adequate and permanent power to the Projects; and

WHEREAS, the County owns Tax Map Parcel 43-76-2-18; and

WHEREAS, Virginia Code § 15.2-1800 requires the Board to hold a public hearing prior to conveyance of any real property interest owned by the County; and

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

WHEREAS, the Board finds that the conveyance of this easement promotes the public health, safety and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of September, 2012, that it be and hereby does authorize the County Administrator to execute any and all necessary documents to convey an easement on Tax Map Parcel 43-76-2-18 to Dominion Virginia Power in connection with the completion of the Rocky Pen Run Reservoir and Dam, and the Rappahannock River Intake projects; and

BE IT FURTHER RESOLVED by the Board that the County Administrator, or his designee, shall provide a copy of this resolution to Dominion Virginia Power.

Planning and Zoning; Amend the Solid Waste Ordinance Regarding Regulation and Enforcement of Refuse Containment Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Thomas addressed the issue of farmers who have multiple trash cans (without lids) and asked if the proposed Ordinance could be modified to exclude rural zoned districts. Mr. Snellings agreed with Mr. Thomas, saying that there are not enough inspectors to get through the Hartwood District, and suggested that the proposed Ordinance be rewritten to exclude R-1, R-2, and R-3 districts.

Mr. Stimpson asked about enforcement and the penalty for non-compliance. Mr. Harvey said that enforcement would, as the proposed ordinance is written, fall to the Department of Planning and Zoning, and specifically to him (as Director). Mr. Harvey said that complaints would be investigated, a ten-day notice would be issued to remove the trash and to provide the proper containers. If the violator refused to comply, a contractor

would be hired to remove the trash and the cost would be added onto the land owner's tax bill. Mr. Harvey added that he believed that resorting to such measures would be rare.

Mr. Snellings reiterated that he hated to see the proposed Ordinance enforced in rural areas of the County. Mr. Milde recommended that it be returned to the Infrastructure Committee for additional review and possible revisions based on Board discussion.

The Chairman opened the public hearing.

The following persons desired to speak:

Robert Hopkins

Tom Coen

Rodney Moore

Paul Waldowski

The Chairman kept the public hearing open pending review by the Infrastructure Committee. Mr. Harvey was asked to provide the legal definition of refuse and trash to the Infrastructure prior to their discussion.

Mr. Snellings motioned, seconded by Mr. Milde, to refer this item to the Infrastructure Committee.

The Voting Board tally was:

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

Nay: (0)

Planning and Zoning; Allow Exceptions to the Maximum Permissible Sound Levels in Chapter 16, Stafford County Code Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Harvey noted that County Code does not allow exceptions to the existing Noise Ordinance. He added that, as written, the proposed exceptions would be authorized by the County Administrator. Exceptions where Hot Lanes construction were concerned, were not necessary to be written into County Code as all VDOT projects fall under the category of State Exceptions.

Mr. Thomas cited an example of the gas line at Ferry Farm Elementary School, saying that it exceeded the Noise Ordinance decibel levels but that it was necessary.

Mr. Snellings asked for clarification as to how the request for exceptions would be handled. Mr. Harvey responded that the contractor involved would have to prove hardship, after which a request for approval would go to the County Administrator. Mr. Snellings asked if there would be Board action or approval required. Mr. Harvey said, “No.”

The Chairman opened the public hearing.

The following persons desired to speak:

Robert Hopkins

The Chairman closed the public hearing.

Mr. Milde noted that Mr. Hopkins lived near the firing range at the Landfill and asked what exempts firing guns that exceed the decibel levels in the Ordinance. Mr. Harvey said that the noise level during daylight hours was 65 decibels and 55 decibels at night. If there was a complaint, the Sheriff took a noise meter to the site and checked noise levels.

Mr. Sterling asked if a distance from single-family homes had been set. Mr. Harvey said that he was not aware of anything specific relative to Mr. Sterling’s question. Mr. Sterling recommending deferring the item to the County Attorney (for another measured look) and further suggested reopening the public hearing.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O12-26.

Mr. Sterling made a substitute motion, seconded by Mr. Snellings, to defer this item to the October 2nd Board meeting and to leave open the public hearing.

The Voting Board tally on the substitute motion was:

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

Nay: (0)

Public Works; Convey County-owned Property to VDOT for Improvements to the Staffordboro Commuter Lot Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Robert Hopkins

Paul Waldowski

The Chairman closed the public hearing.

Mr. Sterling addressed several comments made by the public during the public hearing saying that the price of vertical parking was four times the cost of what was being designed. He added that vertical parking was only considered if the cost of the land was more than the cost of the structure. Mr. Sterling said that Anne E. Moncure Elementary School was going to be moved off of Garrisonville Road to provide for a better, larger school.

Mr. Milde said that he, along with (former) Supervisor, Delegate Mark Dudenhefer, worked with FAMPO, to attempt to arrange additional commuter parking at all feasible commercial and retail business in the area, but were unsuccessful. He added that there were a lot of jobs in Stafford County, not all County residents were commuters, and said that the State was paying for most of the thousand new parking spaces.

Mr. Sterling motioned, seconded by Mr. Schieber, to adopt proposed Resolution R12-257.

The Voting Board tally was:

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

Nay: (0)

Resolution R12-257 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO CONVEY COUNTY-OWNED PROPERTY, IDENTIFIED AS A PORTION OF TAX MAP PARCEL NO. 21-65J, 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 one of its top transportation priorities; and

WHEREAS, the County owns property adjacent to the Staffordboro Commuter Lot, identified as Tax Map Parcel No. 21-65J; and

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

WHEREAS, VDOT submitted an appraisal in the amount of \$121,100 for 1.379 acres in fee simple, and 0.049 acres for a permanent utility easement, on a portion of Tax Map Parcel No. 21-65J; and

WHEREAS, VDOT offered the amount of \$121,100 for the acquisition of the above-referenced County-owned property; and

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

WHEREAS, the Board finds 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 18th day of September, 2012, that the Board be and it hereby does authorize the County Administrator to execute any and all necessary documents to convey 1.379 acres in fee simple, and 0.049 acres of permanent utility easement, on a portion of Tax Map Parcel No. 21-65J, to VDOT for use in the improvement of the Staffordboro Commuter Lot, and for the County to receive One Hundred Twenty-one Thousand One Hundred Dollars (\$121,100) from VDOT in consideration for the conveyance; and

BE IT FURTHER RESOLVED that the proceeds be and they hereby are budgeted and appropriated to offset County costs related to the expansion of the Stafford Commuter Lot.

Public Works; Amend and Reordain Stafford County Code Chapter 13.5, Article I, entitled “Road Impact Fees” to repeal Sections 13.5-1; Section 13.5-3 through Section 13.5-8; Section 13.5-10; and Section 13.5-12 through 13.5-14, and Amend Section 13.5-2 and Section 13.5-9 Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members questions.

Mr. Milde said that impact fees kill economic development, adding that they will support residential but not commercial, and that the County should have a way to make development pay for itself.

Mr. Snellings noted that there were two separate ordinances – one in 2003 pertaining to the Hartwood District and another, in 2005, regarding the South-East district. Mr. Snellings stated that impact fees in the Hartwood District were working, they helped to fund much needed improvements to Poplar Road, and said that he did not wish to have them repealed (in Hartwood) at this time. He could not support the proposed Ordinance as written.

The Chairman opened the public hearing.

The following persons desired to speak:

Alane Callander

Paul Gustafson

Robert Hopkins

Donn Hall

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O12-10.

Mr. Thomas made a friendly amendment to repeal impact fees only in the South-East portion of the County. Mr. Milde amended his motion to accept Mr. Thomas' friendly amendment.

Mr. Sterling said that County roads were dangerous and congested and that there was not enough State funding to fix all of them. He said that impact fees were a way of dealing with the impact of residential development. He said that the Board should focus at the same time on new impact fees along with repealing the old, existing ones.

Mr. Thomas said that he agreed with Mr. Sterling's County-wide approach. He said that the County needs more opportunities for shopping and restaurants but that the cost kills the deal, adding that there ought to be a happy medium.

Mr. Cavalier said that he was on the Board for both the 2003 and 2005 votes and that Stafford was, at that time, breaking new ground as they petitioned state legislators for the authority to impose impact fees. He said that ultimately, impact fees were decided on for the Hartwood and the South-East areas, not County-wide, as there was no rationale or merit to force them on everyone. Mr. Cavalier added that he was okay with the district approach.

Mr. Sterling repeated that he thought a vote should be deferred to the November meeting and vote taken on County-wide impact fees at that time. He asked Mr. Harvey when impact fees are levied. Mr. Harvey responded that they were imposed prior to receipt of the Occupancy Permit.

Mr. Sterling motioned, seconded by Mr. Cavalier, to defer proposed Ordinance O12-10 to the November 20, 2012, meeting of the Board, and to vote on County-wide impact fees and the repeal at the same time.

The Voting Board tally was:

Yea: (3) Sterling, Cavalier, Schieber

Nay: (4) Milde, Snellings, Stimpson, Thomas

Mr. Schieber asked if the vote to repeal passed, and a vote was taken in November on County-wide impact fees passed, what would happen to those developers with projects already in process. Mr. Romanello said that they would not have to pay, that with a lot of record, impact fees cannot be assessed.

Ms. Stimpson said that she did not feel that it was equitable to have only certain segments of the County paying impact fees, adding that she thought that both should be repealed.

The Voting Board tally on Mr. Thomas' friendly amendment was:

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

Nay: (2) Sterling, Schieber

Ordinance O12-10 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE CHAPTER 13.5, "IMPACT FEES," TO REPEAL SECTION 13.5-1; SECTIONS 13.5-3 THROUGH 13.5-8; SECTION 13.5-10; SECTIONS 13.5-12 THROUGH 13.5-14; AND TO AMEND SECTIONS 13.5-2, 13.5-9, AND 13.5-11

WHEREAS, the Board desires to amend and reordain Stafford County Code, Chapter 13.5, "Impact Fees," to repeal Section 13.5-1, Sections 13.5-3 through 13.5-8, Section 13.5-10, and Sections 13.5-12 through 13.5-14, and amend Section 13.5-2, Section 13.5-9, and Section 13.5-11; and

WHEREAS, upon adoption of this ordinance, the County will not assess, impose, or collect any road impact fees for any area of the County except the Central West Impact Fee Area, until the Board adopts the necessary road impact fee ordinance provisions, a revised road impact fee schedule (including the underlying needs assessment and projections), and a revised road improvement plan; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of September, 2012, that Stafford County Code, Chapter 13.5, "Impact Fees," be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

CHAPTER 13.5 – IMPACT FEES

ARTICLE I. – ROAD IMPACT FEES

Sec. 13.5-1. - Short title, authority, and applicability.

- (a) This article shall be known and may be cited as the "Road Impact Fee Ordinance."
- (b) The board of supervisors has the authority to adopt this article pursuant to section 15.2-2317, Code of Virginia, (1950), as amended.
- (c) Except as specifically provided herein, this article shall apply, upon the effective date thereof, to new development of all land contained in a designated impact fee service area in Stafford County to generate revenue to fund or recover the costs of reasonable road improvements necessitated by and attributable to new development.

Sec. 13.5-2 13.5-1. - Definitions.

(a) *Cost* includes, in addition to all labor, materials, machinery and equipment for construction, (i) acquisition of land, rights-of-way, property rights, easements and interests, including the cost of moving or relocating utilities; (ii) demolition or removal of any structure on land so acquired, including acquisition of land to which such structure may be moved; (iii) survey, engineering, and architectural expenses; (iv) legal, administrative, and other related expenses; and (v) interest charges and other financing costs if impact fees are used for the payment of principal and interest on bonds, notes or other obligations issued by the locality to finance the road improvement.

(b) *Impact fee* means a charge or assessment imposed against new development contained in a designated impact fee service area in order to generate revenue to fund or recover the costs of reasonable road improvements necessitated by and attributable to the new development in said area. Impact fees may not be assessed and imposed for road repair, operation and maintenance, nor to expand existing roads to meet the demand that existed prior to the new development.

(c) *New development* means all new use and development of lands in a designated impact fee service area except for new development by religious organizations exempt from taxation under article X, section 6 of the Constitution of Virginia, and new development designated in the county's capital improvements program to be financed and constructed with public funds.

(d) *Impact fee service area* means land designated by ordinance within the county, having clearly defined boundaries and clearly related traffic needs and within which development is to be subject to the assessment of impact fees.

(e) *Road improvement* includes construction of new roads or improvement or expansion of existing roads as required by applicable construction standards of the Virginia Department of Transportation to meet increased demand attributable to new development. Road improvements do not include on-site construction of roads that a developer may be required to provide pursuant to sections 15.2-2241 through 15.2-2245, [Code of Virginia 1950].

Sec. 13.5-3. - Imposition of road impact fees.

(a) Except as provided in section 13.5-7 of this article, any person who, after the effective date of this article [June 30, 2003], seeks to engage in new development in a designated impact fee service area by applying to Stafford County for the approval of a subdivision plat or plan of development or the issuance of a building permit shall be required to pay a road impact fee in the manner and amount set forth in this article.

(b) No occupancy permit for any activity requiring payment of a road impact fee in a designated impact fee service area shall be issued unless and until the road impact fee has been paid as provided herein.

Sec. 13.5-4. - Road impact service area.

There is hereby established a road impact fee service area in the western portion of the county as more particularly designated in exhibit A, attached to Ordinance No. O03-32 ~~and in the eastern portion of the county as designated in the document entitled "Stafford County Virginia Transportation Plan Update and Impact Fee Analysis", by Patton Harris Rust and Associates, PC, revised on October 29, 2004,~~ which is on file in the office of the county administrator.

Sec. 13.5-5. - Road impact fee schedule.

(a) The amount of the road impact fee shall be determined by the schedule attached to this article as exhibit B, ~~and exhibit D,~~ ("Stafford County Transportation Plan updated Impact Fee Analysis", dated November, 2004), which are incorporated herein by reference.

(b) The amount of road impact fees to be imposed for a specific project or development shall be determined as provided by the schedule before or at the time the subdivision plat or site plan is approved. For projects or developments where the subdivision plat or the site plan was approved prior to the effective date of this article [June 30, 2003], or for specific projects for which no subdivision plat or site plan is required, the amount of the road impact fee or fees shall be determined as provided by the schedule at the time of issuance of any building permit or permits.

Sec. 13.5-6. - When road impact fees to be paid.

Road impact fees shall be paid in full to the county at the time of issuance of a certificate of occupancy unless the county administrator has agreed to accept installment payments at a reasonable rate of interest for a fixed number of years.

Sec. 13.5-7. - Credits against road impact fees.

(a) An estimate of funds received by the county for fuel and highway user's taxes attributable to various types of development have been included as a credit against the road impact fees as set forth in exhibit B.

(b) Credit shall be given for the cost of any dedication, contribution or construction by a property owner for approved off-site road improvements within the impact fee service area. As a condition of receiving this credit, the property owner shall provide the county with an engineer's certificate of the cost for said offsite improvements with supporting documentation satisfactory to the county.

(c) To the extent that credits have not previously been considered under subsections (a) and (b) above, credits shall also be calculated and applied against road impact fees to the extent that (i) new development has already contributed to the cost of existing roads which will serve the development; (ii) new development will contribute to the cost of existing roads; and (iii) new development will contribute to the cost of road improvements in the future other than through impact fees.

Sec. 13.5-8. - Exemption from payment of road impact fees.

No road impact fee shall be assessed or imposed upon new development if the owner or developer has proffered conditions pursuant to sections 15.2-2298 or 15.2-2303, Code of Virginia, (1950), as amended, for off-site road improvements, and the proffered conditions have been accepted by the county.

Sec. 13.5-9 - Road impact fee trust fund.

(a) There is hereby established a road impact fee trust fund for the impact fee service area as set forth above.

(b) All funds collected through road impact fees shall be deposited in an interest-bearing account for the benefit of the impact fee service area. Interest earned on each deposit shall become funds of the account.

(c) The expenditure of funds from the account shall be only for road improvements ~~within~~ benefitting the designated impact fee service area as set forth in Ordinances O03-32 and O05-36. ~~in the road improvement plan for said area.~~

Sec. 13.5-10. - Refund of road impact fees.

(a) The county shall refund all or a pro-rata portion of any road impact fee with any interest earned if construction of a project within the designated impact fee service area which was proposed at the time the fee was imposed is not substantially completed within fifteen (15) years after the time the fee was paid.

(b) Upon completion of a major project, the county shall recalculate the road impact fee based on the actual cost of the improvements, and refund any difference if the road impact fee exceeds the actual costs by more than fifteen (15) percent.

(c) Any refunds shall be made to the record owner of the property at the time the refund is required to be made.

Sec. 13.5-11 13.5-3. - Appeals.

(a) There is hereby established the impact fee appeals board. The board shall consist of five (5) members including the county administrator or his designee, the county treasurer, the VDOT resident engineer or his designee, and two (2) citizens appointed by the board of supervisors, one of whom shall be a representative from the development industry.

(b) Any person aggrieved by any administrative decision or determination regarding the imposition of road impact fees may appeal to the road impact fee appeals board.

(c) The appeal shall be taken within thirty (30) days after the decision or determination appealed from by filing with the county administrator a notice of appeal specifying the grounds thereof.

(d) Upon receipt of a notice of appeal, the board shall set and hold a hearing to consider the appeal within sixty (60) days. The board shall issue its written decision on the appeal within thirty (30) days following the completion of the hearing.

Sec. 13.5-12. - Updating plan and amending road impact fees.

(a) The county shall update the needs assessment and the assumptions and projections underlying the road impact fee schedule at least once every two (2) years.

(b) The road improvement plan shall be updated at least every two (2) years to reflect the current assumptions and projections.

(c) The road impact fee schedule may be amended to reflect any substantial changes in such assumption and projections.

Sec. 13.5-13. - Severability.

If any section, phrase, sentence, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Sec. 13.5-14. - Effective date.

This article assessing and imposing impact fees on new development shall become effective on June 30, 2003.

Public Works; Consider condemnation and Exercise Quick Take Powers to Acquire Right-of-Way, Utility Easements, and a Temporary Construction Easement for the Mountain View Road Improvement Project Mr. Mike Smith, Public Works Director, gave a presentation and answered Board members questions.

The Chairman opened the public hearing on Resolution R12-244.

The following persons desired to speak:

Larry Page (for the owners)

Paul Waldowski

The Chairman closed the public hearing.

Staff was asked to provide performance bond information on the Denes property. Ms. Rivers noted that she was willing to attempt to negotiate a settlement on her property, that she hired an attorney, and would be in touch with County staff.

The Chairman opened the public hearing on Resolution R12-245.

The following persons desired to speak:

Kathy Rivers

Paul Waldowski

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Milde, to defer this item to the October 2nd Board meeting.

The Voting Board tally was:

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

Nay: (0)

County Attorney; Amend and Reordain Stafford County Code, Chapter 23, “Taxation” to Assume the Power to Consider Petitions for the Creation of Community Development Authorities Mr. Charles Shumate, County Attorney, gave a presentation and answered Board members questions. Following discussion, Ms. Stimpson asked that Board members be provided with a copy of Henrico County’s ordinance.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Ordinance O12-32.

The Voting Board tally was:

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

Nay: (0)

Ordinance O12-32 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE CHAPTER 23, “TAXATION,” TO ASSUME THE POWER TO CONSIDER PETITIONS FOR THE CREATION OF COMMUNITY DEVELOPMENT AUTHORITIES

WHEREAS, in 2005, the General Assembly amended Virginia Code § 15.2-5152, requiring that any county that desires to consider petitions for the creation of community development authorities (CDAs) must first adopt an ordinance to assume the power to consider petitions for the creation of CDAs; and

WHEREAS, the Board desires to assume the power to consider petitions for the creation of CDAs; and

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

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

NOW, THEREFORE BE IT ORDAINED, that the Stafford County Board of Supervisors, on this the 18th day of September, 2012, be and it hereby does amend and reordain Stafford County Code Chapter 23, “Taxation,” as follows, all other parts remaining unchanged:

Chapter 23 - TAXATION

ARTICLE XII. – COMMUNITY DEVELOPMENT AUTHORITIES

Sec. 23-228. - Power to consider petitions for the creation of community development authorities.

The county assumes the power to consider petitions for the creation of community development authorities in accordance with Virginia Code Title 15.2, Chapter 51, Article 6.

State law reference: Virginia Code § 15.2-5152.

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

Adjournment: At 9:08 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Susan B. Stimpson
Chairman