

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES
Regular Meeting
August 16, 2011

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 3:05 p.m., Tuesday, August 16, 2011, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Cord A. Sterling; Susan B. Stimpson; and Robert “Bob” Woodson.

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.

Presentation of a Proclamation to Lawrence Roberts, MD Mr. Dudenhefer presented the proclamation.

Presentation of a Proclamation to the Stafford Professional Firefighters Association for the 2011 MDA “Fill the Boot” Drive Mr. Dudenhefer presented the proclamation.

Presentation of a Proclamation to the Family of Alvin York Bandy Mr. Dudenhefer presented the proclamation.

Legislative; Presentations by the Public – No persons desired to speak.

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

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| Paul Milde | - | PRTC; Quantico Executive Committee; Joint Schools Committee; Cardboard Boat Regatta; Fredericksburg Area Association of Realtors; Civil War Park; VRE Retreat; Economic Development Subcommittee; Fredericksburg Chamber of Commerce; Reflected on Mr. Bandy’s contributions to Stafford County |
| Gary Snellings | - | Hartwood Days on September 9th |
| Cord Sterling | - | Deferred |
| Susan Stimpson | - | Marine Corps Museum; Chatham Bridge Light Replacement; Economic Development Committee, launching website/partnership with the State; Overview of the development review processes for subdivision plans and the Technology Park) |
| Bob Woodson | - | Failure to meet AYP in Stafford schools |
| Harry Crisp | - | Ferry Farm Celebration; Civil War Park; Ferry Road/CSX railroad crossing repair |
| Mark Dudenhefer | - | Garrisonville area sidewalks and cross-walks |

Legislative; Report of the County Attorney Mr. Charles Shumate introduced Keith Benston, Assistant County Attorney.

Legislative; Report of the County Administrator Mr. Anthony J. Romanello, County Administrator, introduced B.E.S.T. and Make A Difference County award recipients and reported on additions to the agenda including Item 3a; Election Update – Greg Riddlemoser and Item 22a; Abel Lake Update.

Election Update Mr. Greg Riddlemoser, Registrar, gave an overview of preparation for the election scheduled for Tuesday, August 23, 2011. He said that all systems were in place and talked about the number of new (and/or relocated) polling places and new precincts created as a result of the recent redistricting process.

Mr. Dudenhefer welcomed Mr. Riddlemoser and said he heard great things about him and the work being done in the Registrar's Office. Ms. Stimpson said that the Board has no authority over the election process, only over the budget for the Registrar's Office. She asked about his lack of experience and vision for the office and for Stafford County. Mr. Riddlemoser said there were 500+ applications received in response to the ad to fill two vacancies created when the former staff resigned. He talked about the learning curve and hiring two support staff in his first 30 days, adding that the work, while intricate, was not complicated. He echoed Ms. Stimpson's statement about taking the right to vote very seriously and thanked County staff for their help, including County Administration, Human Resources, Information Technology, and Property Management.

Ms. Stimpson asked if his lack of experience contributed to the voter registration cards being mailed with incorrect information. Mr. Riddlemoser answered that the State Board of Elections was responsible for the mailing. Ms. Stimpson asked for a date when redistricting information was sent to the Department of Justice. Mr. Riddlemoser said it was sent in June and he began work on July 1st.

Ms. Stimpson asked if everyone was in place to staff the polls and to be on hand as needed on August 23rd. Mr. Riddlemoser said that there were five Officers of Election on hand even though the State Board of Elections only requires three. He added that training was scheduled for Wednesday and Thursday (following the Board meeting). Ms. Stimpson asked that Mr. Riddlemoser reiterate that everyone's presence was confirmed and that all duties and responsibilities of the election officials had been verified. Mr. Riddlemoser said, "Yes," everyone was prepared and that members of the Electoral Board would be out in the field on Election Day doing performance evaluations on the Officers of Election, with the exception of Mr. Doug Filler who would be out of town.

Ms. Stimpson asked if Mr. Filler's absence put pressure on Mr. Riddlemoser. She also asked for confirmation that the date of the election was set in February. Mr. Riddlemoser said that it was set on February 17, 2011.

Ms. Stimpson read Virginia Code Section § 24.2-671 concerning whether the Electoral Board can certify the results of an election if one of the three members is absent. She also read from § 24.2-120, the oath that an Electoral Board member takes when he or she is sworn in to office.

Mr. Milde asked how the Electoral Board gets their job and the length of the appointment. Mr. Dudenhefer said that they are recommended by their political party but that a judge must make the actual appointment. Mr. Milde asked if there was any remedy for a member of the Electoral Board not fulfilling his or her duties. Mr. Riddlemoser said that it is a calendar year appointment and there are remedies contained within State Code. Mr. Woodson commented that the previous Registrar worked in the office for twenty-five years, had an excellent reputation, and knowledge of the job. He added that Ms. Persinger received excellent evaluations and asked Mr. Riddlemoser about his experience when he applied for the job. Mr. Dudenhefer said that Mr. Woodson's remarks were not appropriate. Mr. Woodson said that he objected to having his comments censored.

Ms. Stimpson motioned, seconded by Mr. Milde to send a letter to Doug Filler, Electoral Board Chairman, requesting that he be in the County and available during the August 23rd primary.

Mr. Crisp said that he was grateful for the hard work done by Mr. Riddlemoser and his staff in preparation for the upcoming election, but that it was distasteful for the Board to be involved in matters such as this and stated that he would not support a letter to Mr. Filler. He added that Mr. Filler bears the responsibility for his decision to be out of town at the time of an election. Mr. Crisp concluded saying that he wished Mr. Riddlemoser his best for a successful election.

Mr. Snellings said that he wishes Mr. Riddlemoser and his staff all the success in the world, adding that if a mistake is made at the election, the blame would be laid in front of the Board. He said he will reluctantly support the letter. Mr. Snellings added that he wanted reassurance that there is a way to notify citizens who do not have access to computers.

Ms. Stimpson said that she knew that it is distasteful but wanted Mr. Riddlemoser to assure staff and residents that the County is prepared. She said that “It is unconscionable to play around with the right to vote.”

Mr. Woodson said that he would vote against a letter to Mr. Filler.

Mr. Dudenhefer asked if only Stafford was affected by the inaccurate voter cards. Mr. Riddlemoser said that several large cities and towns were involved but that all the corrections were made and replacement cards mailed.

The Voting Board tally was:

Yea: (5) Milde, Snellings, Dudenhefer, Sterling, Stimpson

Nay: (2) Crisp, Woodson

Planning and Zoning: Discuss Zoning Ordinance Amendment Regarding Farmers Markets Ms. Kathy Baker, Assistant Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr Milde motioned, seconded by Mr. Snellings, to adopt proposed Resolution R11-230.

The Voting Board tally was:

Yea: (7) Milde, Snellings, Crisp, Dudenhefer, Sterling, Stimpson, Woodson

Nay: (0)

Planning and Zoning; Results of the Courthouse UDA Small Area Plan Community Meeting Ms. Deanna Rhodside, Mr. Andy Garecki of Christopher Consultants, Ms. Meredith Judy, and Mr. Lee Einsweiller with Code Studios in Austin, Texas, gave presentations and answered Board members questions. Mr. Garecki responded to Mr. Woodson's questions about Transportation Impact Analyses. Mr. Milde said that it seems that UDA legislation supersedes County regulations. Mr. Dudenhefer said that the designs do not recognize that U.S. 1, Jefferson Davis Highway, is the main north/south artery in the County and asked if walk-overs were included in the Small Area Plan. Ms. Judy responded to Mr. Dudenhefer's questions saying that there were no walk-overs planned; all the development would be east of U.S. 1 to avoid the need for them and to ensure the safety of pedestrians. Mr. Milde asked if the Courthouse Streetscape had cross-overs. Mr. Tim Baroody, Deputy County Administrator, said that in the Courthouse Streetscape, there were no fly-overs planned. There would be surface crossings and wide medians where pedestrians would cross Jefferson Davis Highway.

Mr. Sterling talked about the number of small parcels reflected on the design and the cost to owners related to rezoning. Mr. Snellings said that he agreed with Mr. Sterling and talked about taking property rights away from landowners. A discussion ensued about the necessity of pro-active zoning to achieve the vision of a Small Area Plan as well as its use in other localities.

Planning and Zoning; Consider a New Telecommunications Element for the Comprehensive Plan Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Website Presentation This presentation was deferred to the September 6th Board meeting.

Legislative; Closed Meeting. At 5:39 p.m. Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution CM11-13. Mr. Woodson stated that he would vote against going into Closed Meeting due to the subject of the County Attorney's contract being included on the Closed Meeting agenda.

The Voting Board tally was:

Yea: (6) Milde, Stimpson, Dudenhefer, Snellings, Sterling, Crisp

Nay: (1) Woodson

Resolution CM11-13 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting two (2) Real Estate Matters regarding a potential acquisition of Real Property for Public Purpose; and a Personnel Matter regarding the County Attorney's Contract; and

WHEREAS, pursuant to Section 2.2-3711 A.1, and A.3, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 16th day of August, 2011, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At 6:07 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Resolution CM11-13(a).

The Voting Board tally was:

Yea: (7) Sterling, Stimpson, Crisp, Dudenhefer, Milde, Snellings, Woodson

Nay: (0)

Resolution CM11-13(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON AUGUST 16, 2011

WHEREAS, the Board has, on this the 16th day of August, 2011 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 16th day of August, 2011, 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 Ms. Stimpson to adopt proposed Resolution R11-235.

The Voting Board tally was:

Yea: (6) Milde, Stimpson, Snellings, Crisp, Dudenhefer, Sterling

Nay: (1) Woodson

Resolution R11-235 reads as follows:

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE THE EMPLOYMENT CONTRACT DATED AUGUST 16, 2011, WITH CHARLES L. SHUMATE, TO TAKE EFFECT OCTOBER 25, 2011

WHEREAS, the Board appointed Charles L. Shumate as Stafford County Attorney on October 25, 2010; and

WHEREAS, the Board gave Mr. Shumate a highly-rated performance evaluation on July 5, 2011; and

WHEREAS, the Board desires to continue to engage Mr. Shumate as Stafford County Attorney; and

WHEREAS, the Board and Mr. Shumate have negotiated satisfactory terms of an Employment Contract, dated August 16, 2011, to take effect on October 25, 2011;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of August, 2011, that the Chairman of the Board of Supervisors be and he hereby is authorized to execute the Employment Contract, dated August 16, 2011, with Charles L. Shumate, to take effect on October 25, 2011.

Recess At 6:08 the Chairman declared a recess until 7:00 p.m.

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

Invocation Mr. Snellings gave the Invocation.

Pledge of Allegiance Boy Scout Troop 1410 led the Pledge of Allegiance to the Flag of the United States of America.

Presentation of a Proclamation Recognizing International Assistance Dog Week, August 7-13, 2011 Ms. Stimpson presented the proclamation. Delegate Mark Cole attended, and talked about legislation he introduced, “Matthew’s Bill” regarding the use of service dogs; HB214.

Civil War Park Presentation by Glenn Trimmer Mr. Trimmer thanked the Board for their support and assistance and gave an outline of the work accomplished by the National Guard at the Civil War Park Landfill site. He introduced Lt. Col. Steve LeBlanc who passed out commemorative coins to the Board.

Legislative; Presentations by the Public

The following persons desired to speak:

Dean Fetterolf - Comprehensive Plan / UDAs

Planning and Zoning; Reclassify from R-1, Suburban Residential to B-2, Urban Commercial, Assessor’s Parcel 21-63, Located at 3051 Jefferson Davis Highway Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Snellings asked if there would be a restaurant at the location. Mr. Harvey said that there would not be a restaurant on site. Mr. Dudenhefer asked for a definition of ‘extended stay’ and Dr. Crisp asked about encroachment into the RPA and if the property was in the 100 year flood plain. Mr. Sterling asked about the number of units proposed and talked about the potential of it becoming an apartment complex. Mr. Harvey responded that a hotel was the proffered concept, not an apartment complex. The proposed hotel did not have kitchen facilities or amenities that could be misconstrued as an apartment rather than a hotel. Mr. Snellings asked how many bedrooms were in each unit and was told that they are similar to studios or efficiencies with no separate bedrooms.

Mr. Clark Leming, representing the owner, addressed the Board and answered questions. Mr. Woodson asked if the Zoning Administrator gave a favorable determination before the applicant purchased the property. Mr. Woodson said he would vote against this item.

Dr. Crisp said he was for economic development but not supportive of building a major structure in the RPA.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O11-35.

The Voting Board tally was:

Yea: (4) Stimpson, Dudenhefer, Snellings, Sterling

Nay: (2) Crisp, Woodson

Abstain: (1) Milde

Ordinance O11-35 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT, TO B-2, URBAN COMMERCIAL ZONING DISTRICT ON ASSESSOR'S PARCEL 21-63 WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Stafford Hospitality LLC, applicant, has submitted application RC2900193 requesting a reclassification from R-1, Suburban Residential Zoning District, to B-2, Urban Commercial Zoning District, on Assessor's Parcel 21-63; and

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

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16th day of August, 2011, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from R-1, Suburban Residential Zoning District, to B-2, Urban Commercial Zoning District, on Assessor's Parcel 21-63 with proffers entitled "Proffers –Stafford Hospitality LLC," last revised on May 25, 2011.

Planning and Zoning: Consider a Request for a Conditional Use Permit at 419 Forbes Street Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Ms. Stimpson said that she had heard from a concerned resident who received no notice and had no knowledge of the proposed Bed and Breakfast on Forbes Street. Mr. Harvey said that all adjacent (and across the street) property owners had been notified. The notification was sent to the physical, street address. The concerned resident, Mr. W. W. Burton, did not reside at the residence and his tenant may not have forwarded the notice onto him.

Attorney John Kaila spoke representing the owner of the property at 419 Forbes Street stating that there was a public meeting “of sorts” held at which Mr. W. W. Burton attended and added that while Mr. Burton may not have received the most recent mailing, he was aware of the proposed Bed and Breakfast.

The Chairman opened the public hearing.

The following persons desired to speak:

Wayne Burton

Jean Dabb

John Kaila for the Applicant

The Chairman closed the public hearing.

Ms. Stimpson said that she was sorry that Mr. Burton had not received the most recent notice. She felt that the number of vehicle trips per day was too high as shown in Mr. Harvey’s report and stated that she would support the application.

Ms. Stimpson motioned, seconded by Mr. Sterling, to adopt proposed Resolution R11-219.

The Voting Board tally was:

Yea: (7) Stimpson, Sterling, Crisp, Milde, Dudenhefer, Snellings, Woodson

Nay: (0)

Resolution R11-219 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP1100150 FOR A BED AND BREAKFAST INN IN AN R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT, ON ASSESSOR'S PARCELS 53-85 AND 53-100 WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, Jenny Holbert, applicant, has submitted application CUP1100150 requesting a Conditional Use Permit to allow a bed and breakfast inn in a R-1, Suburban Residential Zoning District, on Assessor's Parcels 53-85 and 53-100; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-35 of the Zoning Ordinance which permits this use in a R-1, Suburban Residential Zoning District after a Conditional Use Permit has been issued by the Board; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of August, 2011, that a Conditional Use Permit pursuant to application CUP1100150 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow a bed and breakfast inn within the R-1, Suburban Residential Zoning District on Assessor's Parcels 53-85 & 53-100.
2. The bed and breakfast shall have no more than four (4) lodging rooms available for occupancy by guests.
3. The lodging rooms shall be limited to the existing structures on the site at the time of approval of this Conditional Use Permit.
4. Vehicle parking shall be limited to areas designated as "Concrete Driveway" and "Future Guest Parking" on the Generalized Development Plan (GDP) entitled "Forbes Street Bed and Breakfast."
5. Freestanding signage on the site shall not be backlit.
6. Additional landscaping shall be installed in between the future guest parking area and the property line within six (6) months of completion of the parking area.
7. Signage identifying the guest entrance at the north entrance shall be installed prior to the issuance of an occupancy permit.
8. Food service is limited to the guests of the bed and breakfast.

9. The following fire safety measures shall be installed prior to issuance of an occupancy permit for this use.
 - a) Provide smoke alarms throughout the structure in accordance with the Building Code Requirements for new construction, including but not limited to, power source (AC power and battery backup), interconnection, and acceptance testing (obtain a permit from the Building Official for the installation and testing).
 - b) Provide carbon monoxide detectors (listed by UL 2034) in the immediate vicinity outside of each bedroom or sleeping area, and at least one (1) on each floor level (combination smoke alarm and carbon monoxide alarms are acceptable where they meet the requirements for each). This provision also includes the accessory living quarters over the garage.
 - c) Provide and maintain an approved fire safety and emergency evacuation plan as outlined in the Stafford County Fire Prevention Code. This shall include a diagram depicting two (2) evacuation routes, fire extinguishers locations, floor plan, etc. and shall be posted on or immediately adjacent to every required egress door from each bedroom.
 - d) Fire extinguishers (minimum 2A:10BC rated) should be provided and maintained at each exit door, cooking area, and at least one (1) per floor level. This provision also includes the garage, attached areas, and other out-buildings.
10. Deliveries to the site that support the bed and breakfast use shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
11. This Conditional Use Permit shall expire should an occupancy permit for this use not be obtained within three (3) years of approval of this Conditional Use Permit.
12. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, state or federal law.

Utilities; Adoption of a County Water Supply Plan Harry Critzer, Director of Utilities, gave a presentation and answered Board members questions. Ms. Stevenson with the Department of Environmental Quality was also in attendance.

Mr. Sterling asked for a definition of additional water sources and talked about taking possession of the quarry, proffered by Vulcan, and asked for clarification as to why it was not included in the Water Supply Plan. Mr. Snellings talked about the effect of silt build-up in the Rappahannock River.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Ms. Stimpson motioned, seconded by Mr. Milde, to defer this item to the October 4th Board meeting.

The Voting Board tally was:

Yea: (7) Stimpson, Milde, Crisp, Snellings, Dudenhefer, Sterling, Woodson

Nay: (0)

Following the discussion and public hearing on the Water Supply Plan, Mr. Critzer gave the Board an update on Abel Lake stating that there are no health-related concerns, no boil water in effect and no need for user to purchase bottled water as a result of the problem. Mr. Critzer said that Abel Lake would be monitored weekly and steps were in place to remedy the situation.

Legislative; Consent Agenda Mr. Sterling motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 8 thru 17.

The Voting Board tally was:

Yea: (7) Sterling, Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Item 8. Legislative; Approve the Minutes of the July 5, 2011 Board Meeting

Item 9. Finance and Budget; Approve Expenditure Listing and Ratify July and August Expenditures

Resolution R11-229 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED JULY 6, 2011 THROUGH AUGUST 15, 2011

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 16th day of August 2011 that the above-mentioned EL be and hereby is approved.

Item 10. Public Works; Authorize a Public Hearing to Amend and Reordain Stafford County Code, Section 15-56, Entitled “Designation of Restricted Parking Areas” to Establish a Restricted Parking Area in the Vistas of Park Ridge Subdivision

Resolution R11-223 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS," TO ESTABLISH A RESTRICTED PARKING AREA IN THE VISTAS OF PARK RIDGE SUBDIVISION

WHEREAS, Section 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorizes the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, on June 15, 2010, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, The Vistas of Park Ridge Community Association approved a resolution, dated June 15, 2011, requesting the establishment of a restricted parking area within The Vistas of Park Ridge Subdivision and the resolution satisfies the requirements of Stafford County Code, Section 15-56; and

WHEREAS, The Vistas of Park Ridge Community Association resolution requests that the following streets be designated as a restricted parking area:

- (A) Heatherbrook Lane
- (B) Sarrington Court
- (C) Stonebridge Court
- (D) Sturbridge Lane
- (E) Watermill Court
- (F) Westchester Court

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board desires to consider public comments concerning the proposed restricted parking area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of August 2011, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider designating a restricted parking area within The Vistas of Park Ridge Subdivision.

Item 11. Public Information; Recognize and Commend:

Proclamation P11-11 reads as follows:

RECOGNIZE AND COMMEND STAFFORD COUNTY
FIRE AND RESCUE DEPARTMENT PERSONNEL
FOR THEIR ANNUAL “FILL THE BOOT” CAMPAIGN

WHEREAS, fire and rescue personnel respond to “all hazards” incidents requiring physical strength and stamina, extensive training, courage, and selfless concern for the welfare of citizens and spend countless hours involved with the community to inform and educate the public; and

WHEREAS, fire and rescue personnel throughout the Commonwealth and the United States have partnered with the Muscular Dystrophy Association for the past 57 years in the fight against neuromuscular diseases; and

WHEREAS, the Muscular Dystrophy Association and the families it serves are extremely grateful to all fire and rescue personnel for their dedication to this worthy cause; and

WHEREAS, the men and women of the International Association of Fire Fighters have raised over \$450 million for the Muscular Dystrophy Association since 1954; and

WHEREAS, Stafford County Fire and Rescue Department personnel raised \$38,222 during their 2010 “Fill the Boot” campaign, with a goal of raising \$40,000 this year; and

WHEREAS, to continue their successful efforts to help discover cures for these devastating diseases, the Stafford County Firefighter's Association – Local 4012 of the

International Association of Fire Fighters will hold a “Fill the Boot” campaign during the Labor Day weekend at major intersections throughout Stafford County; and

WHEREAS, 100 percent of monies collected will be used in the greater Northern Virginia and Washington DC region and will help fund research to eradicate forty neuromuscular diseases, send children to summer camp, and educate health professionals and the general public about Muscular Dystrophy; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere, the outstanding community spirit exhibited by Stafford County Fire and Rescue Department personnel, and to urge citizens to donate generously in support of the Muscular Dystrophy Association;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 16th day of August, 2011, that Stafford County Fire and Rescue Department personnel be and they hereby are recognized and commended for sponsoring the 2011 Muscular Dystrophy Association “Fill the Boot” campaign.

Proclamation P11-12 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND
ALVIN YORK BANDY

WHEREAS, Mr. Alvin York Bandy first entered the public life of Stafford County where he served on the School Board from 1960 to 1967, serving several years as chairman; and

WHEREAS, in 1971 he was elected to the Stafford County Board of Supervisors, where he served until 1999, serving 10 of those years as chairman; and

WHEREAS, Mr. Bandy made important contributions to the growth of Stafford County by putting service before self; and

WHEREAS, he is attributed with his combined efforts and responsible guidance in ensuring a superior education program was a top priority of the School Board and his efforts to protect Ferry Farm which helped lay the foundation for its permanent protection; and

WHEREAS, his dedicated and long-term service with the County has made a major positive impact on the growth of the County and has improved the quality of life for many Stafford citizens; and

WHEREAS, in honor of his service to Stafford County, in 2001 the administrative complex of Stafford County schools was dedicated and named the Alvin York Bandy Administrative Complex; and

WHEREAS, he is a honorary member of the Fredericksburg Rescue Squad, a life member of American Legion Post 290 and a 60-year member of the Odd Fellows; and

WHEREAS, in addition to his many years of public service, Mr. Bandy served in the 15th Cavalry in Germany during World War II, and later became a member of the Virginia Army National Guard unit in Fredericksburg where he served as a unit commander. Mr. Bandy retired as a major in the National Guard after 34 years of service;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 16th day of August, 2011, that Mr. Alvin York Bandy be and he hereby is recognized and commended for his many years of service to County Government and the citizens of Stafford.

Proclamation P11-13 reads as follows:

A PROCLAMATION TO HONOR MICHAEL P. NEUHARD UPON HIS
RETIREMENT FROM STAFFORD COUNTY

WHEREAS, Michael Neuhard has dedicated more than 30 years of his life to serving the public, with 30 years of service with the Fairfax County Fire and Rescue Department and 4½ years of service with Stafford County as Deputy County Administrator; and

WHEREAS, in his role as Deputy County Administrator, he spearheaded the County's community development-related activities, to include Planning and Zoning, Public Works, Utilities and Transportation; and

WHEREAS, Mr. Neuhard is commended for numerous accomplishments as Deputy County Administrator, including his distinguished leadership role in the successful implementation of the County's Purchase of Development Rights program, which enables the County to acquire conservation easements voluntarily offered by property owners as a way to ensure that Stafford's resources are protected and efficiently used; and

WHEREAS, Mr. Neuhard is also noted for his active participation in developing the County's 2010-2030 Comprehensive Plan which provides a vision for where Stafford County will be in the future; and for his exceptional leadership in successfully navigating the redistricting process which led to an approved Redistricting Plan by the Board of Supervisors and the Department of Justice; and

WHEREAS, Mr. Neuhard served as the Board of Supervisors appointed Purchase of Development Rights Administrator and the Americans with Disabilities Act Coordinator; and

WHEREAS, Mr. Neuhard also served on various national, regional, state and county boards and committees, including Fairfax County Domestic Violence Prevention Policy Coordinating Council, Chair of the Washington Metropolitan Council for Governments Fire Chiefs Committee, and as a member of the Virginia Wireless E-911 Services Board; and

WHEREAS, by appointment of the Governor, he continues to actively serve as a local government representative to the Secure Commonwealth Panel, as a member of the

Virginia E-911 Base Initiative Active Team, and as a member of the Virginia Local Government Manager’s Association; and

WHEREAS, Mr. Neuhard is a graduate of Mary Washington College with a Bachelor of Liberal Studies degree; he earned an Associate of Applied Science degree from Northern Virginia Community College and is a graduate of Leadership Fairfax, the Weldon Cooper Center’s LEAD Program, and the University of Virginia’s Senior Executive Institute; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the selfless dedication with which Mr. Neuhard has served Stafford County, other Virginia localities, the local government community and his fellow Americans, and to commend him for his many years of distinguished public service;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 16th day of August, 2011, that the Board be and hereby does recognize Michael Neuhard for his outstanding service as Deputy County Administrator.

Proclamation P11-15 reads as follows:

A PROCLAMATION TO RECOGNIZE AUGUST 7-13, 2011
AS INTERNATIONAL ASSISTANCE DOG WEEK

WHEREAS, assistance dogs transform the lives of their human partners with physical and 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; and

WHEREAS, hearing alert dogs alert people with a hearing loss to the presence of specific sounds such as doorbells, telephones, crying babies, sirens, another person, 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 7-13, 2011, provides an opportunity for us to raise awareness of the selfless way all types of assistance dogs assist individuals with mitigating their disability-related limitations; and

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

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 16th day of August, 2011, that it be and hereby does recognize the week of August 7-13, 2011 as International Assistance Dog Week.

Item 12. Legislative; Approve Appointment to the Community Criminal Justice Board

Resolution R11-222 reads as follows:

A RESOLUTION TO AUTHORIZE APPOINTMENT OF MEMBERS
TO THE COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, § 9.1-178 of the Code of Virginia requires localities which jointly operate a community corrections program to establish a community criminal justice board, and requires representatives of certain offices to be members of the board; and

WHEREAS, the Counties of Spotsylvania, King George, Stafford and the City of Fredericksburg jointly established the Rappahannock Area Community Criminal Justice Board (CCJB) in 1995 and appointed initial members to the Board; and

WHEREAS, the following persons have been recommended by the CCJB to serve two year terms;

NOW THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of August, 2011, that it be and hereby does appoint the following persons to the Rappahannock Area Community Criminal Justice Board, which terms shall begin July 1, 2011 and shall expire June 30, 2013:

1. The Honorable Charles S. Sharp, Circuit Court
2. The Honorable Michael E. Levy, General District Court
3. The Honorable Julian W. Johnson, Juvenile & Domestic Relations Court
4. Mr. Cliff Rose, Chief Magistrate
5. Ms. Keri Gusmann, Deputy Commonwealth's Attorney, Vice-Chairperson
6. Mr. Allen Bareford, Public Defender
7. Mr. Marcus Hodges, Chief Probation Officer, Chairperson
8. Mr. Joseph Higgs, Jr. Superintendent, Rappahannock Regional Jail
9. Mr. Doug Jones, Superintendent, Rappahannock Juvenile Detention Center
10. Sheriff Howard Smith, Spotsylvania Sheriff's Department
11. Mr. C. Douglas Barnes, Spotsylvania County Administrator
12. Mr. Beverly Cameron, City Manager of Fredericksburg

13. Mr. Travis Quesenberry, King George County Administrator
- 14. Mr. Anthony Romanello, Stafford County Administrator**
15. Mr. Vincent Butaitis, Director, 15th District Court Services Unit
16. Mr. Ron Branscome, Executive Director, RACSB
17. Ms. Carol Powell, Executive Director, RAASAP
18. Mr. Benjamin Nagle, Executive Director, Rapp. Area Office on Youth
19. Ms. Betsy Mathias, Program Manager, Regional Adult Education Program
20. Mr. Michael MacNamara, Juvenile Planner

In the event that any of the persons listed in the above list do not remain in their position throughout the term of their appointment to the Community Criminal Justice Board, their successors shall fill the remainder of such term without the necessity of further action from the local governing bodies; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Administrative Officer of the CCJB, Kevin Hudson, Director of Programs and Community Corrections, Rappahannock Regional Jail.

Item 13. Legislative; Approve Appointment of Richard Chichester to the Historical Commission as the Falmouth District Representative

Item 14. Legislative; Approve the Reappointment of Harry Johnston to the Rappahannock Area Alcohol Safety Action Program (RAASAP) Policy Board

Item 15. Finance and Budget; Authorize a Public Hearing to Consider Participation in the Fall 2011 and Spring 2012 VPSA School Bond Sales and to Appropriate the Bond Proceeds

Resolution R11-226 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO
CONSIDER PARTICIPATION IN THE FALL, 2011 AND SPRING,
2012 VIRGINIA PUBLIC SCHOOL AUTHORITY BOND SALES AND
TO BUDGET AND APPROPRIATE THE BOND PROCEEDS

WHEREAS, the Board has received a request from the Superintendent of the Stafford County Public Schools to contract a debt and issue General Obligation Bonds of the County in the maximum amount of \$24,531,430 in one or more series to finance certain capital improvements for public school purposes (the "Bonds") and to sell such bonds to the Virginia Public School Authority ("VPSA"); and

WHEREAS, the Board has determined that it may be necessary or desirable to advance money to pay the costs for such capital projects for public school purposes (the "Projects") and to reimburse such advances with proceeds of one or more financings;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors:

1. The County Administrator is authorized to advertise a public hearing to seek public comment on the issuance of the Bonds and on budgeting and appropriating the proceeds.
2. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County or the School Board of the County of Stafford, Virginia, to pay the costs of acquiring, constructing, and equipping the Projects from the proceeds of the Bonds to be issued in the maximum amount of \$24,531,430.
3. This resolution shall take effect immediately upon its adoption.

Item 16. Public Works; Petition VDOT to Include Apple Tree Lane and Beach Tree Court within Stafford Oaks Section 4B, Subdivision into the Secondary System of State Highways

Resolution R11-231 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE APPLE TREE LANE AND BEECH TREE COURT WITHIN STAFFORD OAKS SUBDIVISION, SECTION 4B INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to include Apple Tree Lane and Beech Tree Court within Stafford Oaks Subdivision, Section 4B into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable; and

WHEREAS, in accordance with 24 Va. Admin. Code 30-91-140, a Street Surety Bond in the amount of \$14,000 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 \$1,050 and Administrative Cost Recovery Fee of \$1,200 is required by the Virginia Department of Transportation (VDOT) and cannot be waived;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of August, 2011 that VDOT be and it hereby is petitioned to include the following streets within Stafford Oaks Subdivision, Section 4B into the Secondary System of State Highways:

<u>Street Name/Route Number</u>	<u>Station</u>	<u>Length</u>
Apple Tree Ln. (SR-2260)	From: Inter. Willow Ln. (SR-1337) To: Inter. Beech Tree Ct. (SR-2261)	0.15 mi. ROW 50'
Apple Tree Ln. (SR-2260)	From: Inter. Beech Tree Ct. (SR-2261) To: 0.11 mi. N. Inter. Beech Tree Ct. (SR-2261)	0.11 mi. ROW 50'
Beech Tree Ct. (SR-2261)	From: Inter. Apple Tree Ln. (SR-2260) To: 0.06 mi. W. Inter. Apple Tree Ln. (SR-2260)	0.06 mi. ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Section 4B Stafford Oaks recorded in Plat Book 35, Pages 9-12, with Instrument Number 000006084, on April 24, 2000; and

BE IT FURTHER RESOLVED, that the Board hereby guarantees the performance of the streets requested herein to become a part of the 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 not to exceed Fourteen Thousand Dollars (\$14,000); and

BE IT STILL FURTHER RESOLVED that a copy of this resolution be forwarded to the Transportation and Land Use Director of the VDOT Fredericksburg District.

Item 17. Public Works; Petition VDOT to Include Royal Hills Drive and Tracey Lane in Royal Hills Estates Subdivision; and Chestnut Hill Drive within Centreport Industrial Park into the Secondary System of State Highways

Resolution R11-232 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE ROYAL HILLS DRIVE AND TRACEY LANE WITHIN ROYAL HILLS ESTATES SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to include Royal Hills Drive and Tracey Lane within Royal Hills Estates Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of August, 2011 that VDOT be and it hereby is petitioned to include the following streets within Royal Hills Estates Subdivision into the Secondary System of State Highways:

<u>Street Name/Route Number</u>	<u>Station</u>	<u>Length</u>
Royal Hill Drive (SR-2264)	From: Hartwood Road (SR-612) To: Tracey Lane (SR-2265)	0.23 mi. ROW 50'
Royal Hill Drive (SR-2264)	From: Inter. Tracey Lane (SR-2265) To: 0.17 mi. S. Inter. Tracey Lane (SR-2265)	0.17 mi. ROW 50'
Tracey Lane (SR-2265)	From: Inter. Royal Hill Drive (SR-2264) To: 0.46 mi. W. Inter. Royal Hill Drive (SR-2264)	0.46 mi. ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record, entitled Royal Hills Estates, recorded as PM030000146 with Instrument Number LR 030037598 on September 10, 2003; and Plat of Correction Record entitled Royal Hills Estates recorded as PM040000032 with Instrument Number LR 040006629 on February 18, 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Transportation and Land Use Director of the VDOT Fredericksburg District.

Resolution R11-233 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE CHESTNUT HILL DRIVE WITHIN
CENTREPORT INDUSTRIAL PARK INTO THE SECONDARY SYSTEM
OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to include Chestnut Hill Drive within Centreport Industrial Park into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of August, 2011 that VDOT be and it hereby is petitioned to include the following street within Centreport Industrial Park into the Secondary System of State Highways:

<u>Street Name/Route Number</u>	<u>Station</u>	<u>Length</u>
Chestnut Hill Drive (SR-8901)	From: Centreport Parkway (SR-8900)	0.10 mi.

To: 0.10 mi. W. Inter. Centreport Parkway ROW 60'
(SR-8900)

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Centreport Industrial Park Fed Ex recorded as PM110000028, with Instrument Number LR 110008194, on May 6, 2001; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Transportation and Land Use Director of the VDOT Fredericksburg District.

Recess At 8:50 P.M., the Chairman declared a recess.

Call to Order At 8:58 P.M., the Chairman called the meeting back to order.

Planning and Zoning; Refer Proposed Transfer of Development Rights (TDR) Ordinance to the Planning Commission Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Milde said that he spoke with six members of the Board and was in favor of a pilot program for TDR and wanted to forward the idea to the Planning Commission and instruct staff to draft an ordinance. Mr. Snellings proposed that it come back to the Board at the September 6th meeting.

Mr. Milde stated that he meant to include a reference to a 20 acre minimum unless the land is designated as a park in the Comprehensive Plan.

No vote was taken. The Board instructed staff to work on the proposed ordinance and to bring back TDR on September 6th.

Discuss Comprehensive Plan Amendments Dr. Harry Crisp discussed adding the Blaisdell Tract to the Southern Gateway Urban Development Area (UDA), moving 600 dwelling units from the Centerport UDA. Dr. Crisp requested that Planning and Zoning Department staff be authorized to prepare an ordinance as discussed.

Mr. Dudenhefer asked about how the Board would stop other landowners/developers from attempting to do the same thing. Dr. Crisp said that his request would provide space for single-family detached residents in the Southern Gateway UDA. Mr. Milde said that

it already allows for 3 units per acre. Mr. Harvey said that it would allow for 489 v. 683 for an additional 183 dwelling units.

Mr. Dudenhefer said that he was mainly concerned that this may set a precedent. Mr. Sterling talked about what may happen if developers come forth requesting similar consideration and wanting their land to be included in a UDA.

Mr. Snellings said the he looks at it as a trade-off to reduce the equal number of multi-family dwellings which, from a Schools point of view, is better for the County. Mr. Sterling said that according to statistics, apartments are more expensive to the County than single-family homes. Mr. Snellings ask staff to provide documentation and to give consideration to Mr. Crisp's request. Mr. Milde said that in his opinion, it was a waste of staff's time.

Adjournment At 9:12 P.M., the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Mark Dudenhefer
Chairman