

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

DRAFT MINUTES

Regular Meeting

October 15, 2013

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 3:04 p.m., on Tuesday, October 15, 2013, in the Board Chambers, at the George L. Gordon, Jr. Government Center.

Roll Call The following members were present: Susan B. Stimpson, Chairman; Robert “Bob” Thomas, Jr., Vice Chairman; Jack R. Cavalier; Paul V. Milde, III; Ty A. Schieber; and Gary F. Snellings. Cord A. Sterling arrived at 3:17 p.m.

Also in attendance were: Anthony Romanello, County Administrator; Charles Shumate, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff, and interested parties.

Presentation of the Virginia Association of Counties (VACo) Award for Customer Service “311 Center: Providing More Services with Limited Resources” Mr. Larry Land, Director of Policy Development (Education, Environment, and Agriculture) for VACo, presented a customer service award to the 311 Center. Mr. Jeff Shover and Ms. Jeanine Denno accepted the award. Ms. Stimpson thanked Mr. Land and all citizen volunteers.

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

Bill Johnson	-	Ordinance O13-09 (power generating facilities)
Ruth Carlone	-	Power generating facilities/need for public hearing
Peter Kearney	-	Power generating facilities/Conditional Use Permit
Valerie Setzer	-	Power generating facilities/Conditional Use Permit; Transfer of Development Rights
Fran Larkins	-	Rappahannock River Crossing
Jim McMath	-	Power generating facilities/Conditional Use Permit
Mike Jenkins	-	Transfer of Development Rights/Crow’s Nest
Paul Waldowski	-	Boy Scout Motto; Lane Duck Board; Prohibition; Gerrymandering; Obamacare; Phantom Police Cars; Vertical Parking Garages; Water/Sewer Bills; Transfer of Development Rights; Station 14

- Dana Brown - Inrix Traffic Monitoring System/Invasion of Privacy
 Joe Brito - Waste-to-Energy/Conditional Use Permit; Ferry Farm HI District; Abberly Rezoning
 Cecelia Kirkman - Deny Transfer of Development Rights; Comp. Plan Amendments

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

- Mr. Milde - Deferred
 Mr. Schieber - Hampton Oaks Community Meeting re. Group Homes/Enabling Legislation (#5 Legislative Initiative); Austin Ridge, Traffic Calming Near Anthony Burns Elementary School
 Mr. Snellings - Deferred
 Mr. Sterling - Infrastructure Committee Update; Revenue Sharing; Enhanced Transportation Alternatives Program; Rappahannock River Crossing
 Mr. Thomas - Private Day School Joint Committee w/ School Board; Attended Group Home Respite Care, Commended RACSB, Donation from Doris Buffet
 Mr. Cavalier - 50th Anniversary of the Widewater VFD/The Honorable Bill Howell was the Keynote Speaker
 Ms. Stimpson - Town Hall Meeting 10/23/13, Falmouth VFD/Transportation Issues related to the Falmouth Intersection

Report of the County Attorney Mr. Shumate deferred his report.

Report of the County Administrator Mr. Anthony Romanello introduced Mr. Mike Smith, Public Works Director. Mr. Smith gave an update on Transportation Bond projects. Mr. Chris Hoppe, Capital Projects Administrator, gave an update on Parks Bond projects.

Mr. Romanello advised the Board of the additions of #38 and #39 to the Consent Agenda (Grant Application for the Stormwater Local Assistance Fund and Appointment of Mr. Howard Owen to represent the Falmouth District on the Economic Development Authority, respectively). Changes to the agenda included the addition of a fifth initiative to the Board's legislative agenda (adding Group Homes); a change to the Revenue Sharing resolution; updated and signed proffers for Abberly at Stafford Courthouse; and a revision to the proposed Resolution on a Rappahannock River Crossing. Mr. Romanello noted that it was Boss's Day and thanked the Board for the privilege of working for Stafford County.

Ms. Stimpson thanked Mr. Smith, Mr. Hoppe, and staff for the enormous amount of work that was undertaken. Ms. Stimpson also thanked Cathy Vollbrecht and Shannon Howell for their efforts on keeping the County’s website up-to-date, adding that they were doing a very good job.

350th Anniversary Celebration Update Dr. Harry Crisp, Chairman of the 350th Finance Committee, addressed the Board, gave a Power Point presentation, and shared a sample video (about Government Island), which he stated was among the efforts being undertaken in celebration of the County’s 350th anniversary.

Events commemorating the 350th anniversary are scheduled to kick-off on January 4, 2014 with an event being modeled after National Night Out. A Founder’s Day Parade was scheduled for May 3, 2014; the Celebrate 350th Stage grand opening was scheduled on June 25, 2014. Wings & Wheels was scheduled for October 18, 2014, and a Trail to Freedom tour on November 1, 2014. In addition, there would be signs and historic markers throughout the County in recognition of historic events, people, and places.

The total amount received for the 350th effort (as of October 15, 2013) was \$677,000 that has been applied toward the ultimate goal of \$1 Million to fund the above referenced events and other planned activities.

Dr. Crisp recognized the following volunteers that were in attendance: Michelle Brown (Library), Valerie Cottingim (Schools), Linda Beyer (Friends of Chatham), Alma Withers (FF), Tom Reed (Lions Club).

2014 Legislative Initiatives Kenneth Hutcheson and Patrick Cushing, with Williams Mullen, addressed the Board and talked about the upcoming General Assembly session and the County’s 2014 legislative initiatives. Mr. Cavalier indicated that a fifth initiative, regarding Group Homes, was added to the County’s Resolution. Mr. Schieber said there was a need to establish awareness before Group Homes were placed into neighborhoods; that they occurred without public notice, which created unease and a lack of understanding by neighbors of the residents in the proposed Group Homes.

Legislative; Additions and Deletions to the Agenda Mr. Thomas motioned, seconded by Mr. Milde, to accept the agenda with the addition of Item 38. Public Works; Authorize the County Administrator to Submit a Grant Application for the Stormwater Local Assistance; and Item 39. Approve Appointment of Mr. Howard Owen as the Falmouth District representative to the Economic Development Authority.

The Voting Board tally was:

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

Legislative; Consent Agenda Mr. Thomas motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 5 through 21, omitting Items 8 and 10.

The Voting Board tally was:

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

Item 5. Legislative; Approve Minutes of the October 1, 2013 Meeting

Item 6. Finance and Budget; Approve Expenditure Listing

Resolution R13-348 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED OCTOBER 1, 2013 THROUGH OCTOBER 14, 2013

WHEREAS, the Board 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 15th day of October 2013, that the above-mentioned EL be and hereby is approved.

Item 7. Finance and Budget; Budget and Appropriate Proffer Funds

Resolution R13-316 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE PROFFER FUND
PROCEEDS

WHEREAS, on September 3, 2013, the Board amended proffer conditions for Leeland Station, including \$750,000 in cash proffers to construct an artificial turf field at Stafford High School to be paid as follows: \$400,000 prior to the issuance of the 500th building permit; and an additional \$350,000 to be paid prior to the 50th building permit in Sections 6A, 6B, and 6D; and

WHEREAS, the Board and the School Board desire that construction of the artificial turf field at Stafford High School be completed by August 1, 2014; and

WHEREAS, to complete the artificial turf field by August 1, 2014, design work must begin in October, 2013, with construction in Spring, 2014; and

WHEREAS, the timing of the receipt of the proffer funds may not coincide with the artificial turf field project schedule;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that it be and hereby does authorize the County Administrator to budget and appropriate cash proffer funds as follows:

GENERAL FUND

Transfer to Schools Construction Fund \$750,000

SCHOOLS CONSTRUCTION FUND \$750,000

BE IT FURTHER RESOLVED that any funds used from the Capital Projects Reserve, for cash flow purposes on the artificial turf field project at Stafford High School, shall be reimbursed with Leeland Station cash proffer funds.

Item 9. Public Works; Petition VDOT to Include Towering Oaks Drive within Towering Oaks Estates into the Secondary System of State Highways

Resolution R13-317 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE TOWERING OAKS DRIVE WITHIN TOWERING OAKS ESTATES INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Virginia Code § 33.1-229, desires to include Towering Oaks Drive within Towering Oaks Estates into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of, October 2013 that VDOT be and it hereby is petitioned to include the following street within Towering Oaks Estates, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Towering Oaks Drive (SR-2145)	From: Inter. Southside Drive (SR-1107) To: 0.26 mi. South of Southside Drive (SR-1107)	0.26 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for this street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Towering Oaks Estates, recorded in PM060000135 with Instrument No. 060020866 on June 27, 2006; and

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

Item 11. Public Works; Authorize Acceptance of the Federal Highway Administration Corridor Study for U.S. 1 from the Intersection of Telegraph Road (SR-634) to the Intersection with Joplin Road/Fuller Road (SR-619)

Resolution R13-334 reads as follows:

A RESOLUTION AUTHORIZING ACCEPTANCE OF THE FEDERAL HIGHWAY ADMINISTRATION CORRIDOR STUDY FOR US-1, FROM THE INTERSECTION OF TELEGRAPH ROAD (SR-634) TO THE INTERSECTION WITH JOPLIN ROAD/FULLER ROAD (SR-619)

WHEREAS, Stafford and Prince William Counties formed the Quantico Growth Management Committee (QGMC) to provide funding to the Federal Highway Administration (FHWA), for planning and preliminary engineering needed to develop basic components and alternatives for transportation improvements related to US-1; and

WHEREAS, in February, 2011, Stafford County, acting as the fiscal agent for QGMC, entered into an agreement with the U.S. Department of Transportation, FHWA, Eastern Federal Lands Highway Division of the FHWA, and the Department of Defense's Office of Economic Adjustment, for preliminary engineering for the US-1 widening project from the intersection of Telegraph Rd (SR-634) north to Joplin/Fuller Road (SR-619) ("Corridor Study"); and

WHEREAS, in February, 2013, FHWA completed the Corridor Study and provided information to the County, Prince William County, and the Department of Defense; and

WHEREAS, in accordance with the agreement, the County is required to accept the deliverables provided by FHWA to close out the Corridor Study, after obtaining written concurrence from Prince William County; and

WHEREAS, Prince William County provided written approval of the FHWA deliverables;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the deliverables provided by FHWA in connection with the US-1 Corridor Study are accepted, and the County Administrator or his designee shall provide a copy of this resolution to the FHWA, the Department of Defense's Office of Economic Adjustment, and Prince William County.

Item 12. Public Works; Authorize a Public Hearing for Condemnation and Exercise of Quick-Take Powers to Acquire Right-of-Way; and Utility, Construction, Slope, and Drainage Easements Associated with the Mountain View Road Extension Project

Resolution R13-336 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE RIGHTS-OF-WAY, PERMANENT UTILITY EASEMENTS, AND OTHER TEMPORARY AND PERMANENT EASEMENTS, ON PORTIONS OF TAX MAP PARCEL 18-67H; TAX MAP PARCEL 18-66; TAX MAP PARCELS 18-78E, 18-65, AND 18-65A; TAX MAP PARCEL 18U (2B)-59; TAX MAP PARCEL; 18-79D; TAX MAP PARCEL 18-79C; TAX MAP PARCEL 18U (2B)-19; TAX MAP PARCEL 18U (2B)-20; TAX MAP PARCEL 18-79B; TAX MAP PARCEL 18-79A; TAX MAP PARCELS 18-80A AND 18-80; AND TAX MAP PARCEL 19R-B; ALL IN CONNECTION WITH THE MOUNTAIN VIEW ROAD SAFETY IMPROVEMENTS PROJECT

WHEREAS, the Board identified the safety improvements on Mountain View Road, between Rose Hill Farm Drive and Picket Lane, UPC #101153, as a priority; and

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

WHEREAS, the Board determined that staff is unable to obtain certain rights-of-way, utility easements, drainage easements, and temporary construction and entrance easements necessary for the completion of the Mountain View Road Bond Project (“Project”); and

WHEREAS, there are a number of properties which staff has been unable to obtain through negotiations with property owners and the County’s consultant; and

WHEREAS, the Board must acquire right-of-way and easements on the properties listed below:

Tax Map Parcel 18-67H is owned by Robert L. Bushey and Robert L. Bushey, Jr.

Existing Property Size	1.98 Acres
Post-Acquisition Property Size	1.98 Acres
Verizon Easement	2,247 Sq. Ft.
NOVEC Easement	4,583 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$1,800;

Tax Map Parcel 18-66 is owned by Blaine and Diane Doenberry

Existing Property Size	2.02 Acres
Post-Acquisition Property Size	1.98 Acres
Right-of-Way	5,750 Sq. Ft.
Temporary Construction Easement	3,939 Sq. Ft.
Temporary Entrance Easement	1,212 Sq. Ft.
Permanent Storm Drainage Easement	1,255 Sq. Ft.
Verizon Easement	3,136 Sq. Ft.
NOVEC Easement	6,557 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$21,850;

Tax Map Parcels 18-78E, 18-65, and 18-65A are owned by Ross and Ginger Myers

TMP 18-78E

Existing Property Size	2.1185 Acres
Post-Acquisition Property Size	2.1100 Acres
Right-of-Way	372 Sq. Ft.
Temporary Construction Easement	1,190 Sq. Ft.
Temporary Entrance Easement	2,000 Sq. Ft.
Verizon Easement	252 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$1,650;

TMP 18-65

Existing Property Size	1.00 Acres
Post-Acquisition Property Size	0.903 Acres
Right-of-Way	4,223 Sq. Ft.
Temporary Construction Easement	1,746 Sq. Ft.
Temporary Entrance Easement	1,347 Sq. Ft.
Permanent Storm Drainage Easement	624 Sq. Ft.
Verizon Easement	1,561 Sq. Ft.
NOVEC Easement	2,834 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$9,750;

TMP 18-65A

Existing Property Size	1.00 Acres
Post-Acquisition Property Size	0.896 Acres
Right-of-Way	4,547 Sq. Ft.
Temporary Construction Easement	1,138 Sq. Ft.
Temporary Entrance Easement	297 Sq. Ft.
Permanent Storm Drainage Easement	630 Sq. Ft.
Verizon Easement	1,576 Sq. Ft.
NOVEC Easement	2,834 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$9,650;

Tax Map Parcel 18U (2B)-59 is owned by Robert and Alicia Stuck

Existing Property Size	3.395 Acres
Post-Acquisition Property Size	3.353 Acres
Right-of-Way	1,866 Sq. Ft.
Temporary Construction Easement	7,501 Sq. Ft.
Temporary Entrance Easement	269 Sq. Ft.
NOVEC Easement	2,702 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$4,200;

Tax Map Parcel 18-79D is owned by Rita M. Austin

Existing Property Size	1.00 Acres
Post-Acquisition Property Size	1.00 Acres
Temporary Construction Easement	372 Sq. Ft.
Temporary Entrance Easement	6,507 Sq. Ft.
Permanent Storm Drainage Easement	1,532 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$3,700;

Tax Map Parcel 18-79C is owned by Tinley and Ellyn Presley

Existing Property Size	11.94 Acres
Post-Acquisition Property Size	11.94 Acres
Temporary Construction Easement	1,798 Sq. Ft.
Temporary Entrance Easement	3,149 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$1,250;

Tax Map Parcel 18U (2B)-19 is owned by Thomas and Nancy Coll

Existing Property Size	3.458 Acres
Post-Acquisition Property Size	3.438 Acres
Right-of-Way	849 Sq. Ft.
Temporary Construction Easement	1,237 Sq. Ft.
Permanent Storm Drainage Easement	602 Sq. Ft.
NOVEC Easement	1,403 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$1,900;

Tax Map Parcel 18U (2B)-20 is owned by Ernest and Markita Gilbert

Existing Property Size	3.052 Acres
Post-Acquisition Property Size	3.052 Acres
Temporary Construction Easement	607 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$200;

Tax Map Parcel 18-79B is owned by Sandra Gault

Existing Property Size	1.0 Acres
Post-Acquisition Property Size	0.999 Acres
Right-of-Way	3.0 Sq. Ft.
Temporary Construction Easement	941 Sq. Ft.
Temporary Entrance Easement	1,340 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$7,100;

Tax Map Parcel 18-79A is owned by Kenneth Urbaniak

Existing Property Size	0.967 Acres
Post-Acquisition Property Size	0.951 Acres
Right-of-Way	699 Sq. Ft.
Temporary Construction Easement	2,542 Sq. Ft.
Temporary Entrance Easement	1,147 Sq. Ft.
Verizon Easement	688 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$4,875;

Tax Map Parcels 18-80A and 18-80 are owned by Larry Barber

TMP 18-80A

Existing Property Size	0.101 Acres
Post-Acquisition Property Size	0.088 Acres
Right-of-Way	570 Sq. Ft.
Temporary Construction Easement	377 Sq. Ft.
Verizon Easement	556 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$1,250;

TMP 18-80

Existing Property Size	0.900 Acres
Post-Acquisition Property Size	0.789 Acres
Right-of-Way	4,853 Sq. Ft.
Temporary Construction Easement	1,400 Sq. Ft.
Temporary Entrance Easement	1,130 Sq. Ft.
Permanent Storm Drainage Easement	744 Sq. Ft.
Verizon Easement	2,459 Sq. Ft.
NOVEC Easement	1,251 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$10,850;

Tax Map Parcel 19R-B is owned by The Gables Homeowners Association, Inc.

Existing Property Size	1.085 Acres
Post-Acquisition Property Size	1.085 Acres
Temporary Construction Easement	1,462 Sq. Ft.

The fair market value based on current assessments for the required areas of the Property, together with damages, if any, to the remainder of the Property is \$1,500;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013 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 power to acquire rights-of-way, utility easements, and other temporary and permanent easements on portions of the properties of Robert L. Bushey and Robert L. Bushey, Jr., Tax Map Parcel 18-67H; Blaine and Diane Doenberry, Tax Map Parcel 18-66; Ross and Ginger Myers, Tax Map Parcels 18-78E, 18-65, and 18-65A; Robert and Alicia Stuck, Tax Map Parcel 18U (2B)-59; Rita M. Austin, Tax Map Parcel 18-79D; Tinley and Ellyn Presley, Tax Map Parcel 18-79C; Thomas and Nancy Coll, Tax Map Parcel 18U (2B)-19; Ernest and Markita Gilbert, Tax Map Parcel 18U (2B)-20; Sandra Gault, Tax Map Parcel 18-79B; Kenneth Urbaniak, Tax Map Parcel 18-79A; Larry Barber, Tax Map Parcels 18-80A and 18-80; and The Gables Homeowners Association, Inc., Tax Map Parcel 19R-B, in connection with the Mountain View Road Safety Improvements Project.

Item 13. Public Works; Authorize a Public Hearing to Convey County Property Associated with the Mountain View Road Extension Project

Resolution R13-338 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING FOR THE CONVEYANCE OF COUNTY-OWNED PROPERTY AS RIGHT-OF-WAY, PERMANENT DRAINAGE EASEMENTS, AND UTILITY EASEMENTS FOR VERIZON AND NORTHERN VIRGINIA ELECTRIC COOPERATIVE, FOR THE MOUNTAIN VIEW ROAD SAFETY IMPROVEMENT PROJECT

WHEREAS, the Board identified the completion of road safety improvements on Mountain View Road between Rose Hill Farm Drive and Pickett Lane as a critical part of Stafford County's road improvement plan; and

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

WHEREAS, for the road improvement project to advance the County must convey portions of Tax Map Parcels 18-64A and 28-9; and

WHEREAS, the property required on Tax Map Parcel 18-64A is One Thousand Two Hundred Eighty-three square feet (1,283 sq. ft.) of right-of-way dedicated to public use, Four Hundred Fifty-two square feet (452 sq. ft.) of utility easement conveyed to Verizon, and Seven Hundred Twelve square feet (712 sq. ft.) of utility easement conveyed to Northern Virginia Electric Cooperative (NOVEC); and

WHEREAS, the property required on Tax Map Parcel 18-64A is Nine Hundred Thirty-six square feet (936 sq. ft.) of permanent drainage easement dedicated to public use, Three Thousand Five Hundred Seventy-six square feet (3,576 sq. ft.) of utility easement to be conveyed to Verizon, and Four Thousand Four Hundred Twenty-two square feet (4,422 sq. ft.) of utility easement to be conveyed to NOVEC; and

WHEREAS, Virginia Code § 15.2-1800(B) requires that the Board hold a public hearing prior to disposing of County-owned property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013 that the Board be and it hereby does authorize the County Administrator to advertise a public hearing to receive public testimony, and consider conveyance of County-owned property as right-of-way, permanent drainage easement, and utility easements to be conveyed to Verizon and NOVEC for the Mountain View Road Safety Improvement project.

Item 14. Public Works; Execute a Contract for the Construction of the Mountain View Road Safety Improvement Project, Phase 1

Resolution R13-339 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR CONSTRUCTION OF PHASE 1 OF
THE MOUNTAIN VIEW ROAD IMPROVEMENT PROJECT

WHEREAS, the Board identified the completion of road improvements on Mountain View Road, from Rose Hill Farm Drive to 0.25 miles north of Joshua Road, as a critical part of the County's road improvement plan; and

WHEREAS, the Board desires to begin construction of the improvements on Mountain View Road (SR-627), from Rose Hill Farm Drive (SR-1245) to 0.25 miles north of Joshua Road (SR-643); and

WHEREAS, the design of the road improvements were completed and offered for public bid; and

WHEREAS, improvements to Mountain View Road will be funded through the County's Transportation Fund and the Virginia Department of Transportation's (VDOT) Revenue Sharing Program; and

WHEREAS, seven bids were submitted, with the low bid provided by J. L. Kent and Sons, Inc., in the amount of \$3,898,159; and

WHEREAS, staff reviewed the bids and determined that J. L. Kent and Sons Inc., is the lowest responsive and responsible bidder; and

WHEREAS, VDOT reviewed the bids and approve the J. L. Kent and Sons, Inc., bid for award;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the County Administrator be and he hereby is authorized to execute a contract with J. L. Kent and Sons, Inc., in an amount not to exceed Three Million, Eight Hundred Ninety-eight Thousand, One Hundred Fifty-nine Dollars (\$3,898,159) for construction of Phase 1 of the Mountain View Road Phase I Improvement Project, unless modified by a duly-authorized change order.

Item 15. Planning and Zoning; Authorize Application for State and Federal Matching Funds for the Purchase of Development Rights Program

Resolution R13-337 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPLY FOR STATE AND FEDERAL MATCHING FUNDS THROUGH THE VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND THE U.S. DEPARTMENT OF AGRICULTURE, TO SUPPORT THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM IN STAFFORD COUNTY

WHEREAS, the County's Purchase of Development Rights (PDR) Program was established in 2007; and

WHEREAS, the PDR Program has \$290,154 available through FY2013 rollback tax revenues for the purchase of development rights on properties in the County; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services (VDACS) announced that \$1.05 million is available in FY2014 in State matching funds for localities with certified PDR programs; and

WHEREAS, the U.S. Department of Agriculture (USDA) announced that funding will be available in November, 2013 in federal matching funds through the Farm and Ranch Lands Protection Program; and

WHEREAS, the Board desires to apply for State and federal matching funds through VDACS by the October 25, 2013 deadline, and through the USDA by the November 15, 2013 deadline; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the County Administrator be and he hereby is authorized to apply for State matching funds through the Virginia Department of Agriculture and Consumer Services in an amount not to exceed Two Hundred Ninety Thousand One Hundred Fifty-four Dollars (\$290,154); and to apply for Federal matching funds through the U.S. Department of Agriculture in an amount not to exceed One Hundred Eighty Thousand Dollars (\$180,000) for the Stafford County Purchase of Development Rights program.

Item 16. Planning and Zoning; Authorize the County Administrator to Request Dedication and Conveyance of Proffered Land in Embrey Mill

Resolution R13-350 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO ACCEPT THE DEDICATION AND CONVEYANCE OF
PROFFERED LAND IN THE EMBREY MILL DEVELOPMENT

WHEREAS, on March 19, 2013, the Board adopted Ordinance O13-22, amending the proffers for the Embrey Mill development; and

WHEREAS, the proffers commit the developer to conveying stormwater management facilities to the County upon completion of construction; and

WHEREAS, Regional Stormwater Management Pond #5 was constructed on Tax Map Parcel 29G-M, owned by Nash Stafford LLC, c/o Newland Real Estate Group LLC; and

WHEREAS, Nash Stafford LLC, c/o Newland Real Estate Group LLC, shall continue to maintain Pond #5 for a period of three years from the date of the conveyance of Pond #5 to the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors, on this the 15th day of October, 2013, that the County Administrator be and he hereby is authorized to accept the dedication and conveyance of Tax Map Parcel 29G-M, containing Regional Stormwater Management Pond #5, approximately 11.45 acres, to the County.

Item 17. Sheriff; Authorize the Purchase of Auto Vehicle Locator Technologies

Resolution R13-329 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT WITH MOTOROLA SOLUTIONS, INC.,
FOR AN AUTOMATIC VEHICLE LOCATION SOLUTION

WHEREAS, the County desires the ability, as a primary function of its updated Computer Aided Dispatch System (CAD), which is currently being implemented, to utilize an Automatic Vehicle Location (AVL) component that will provide greater efficiencies in its response to emergencies; and

WHEREAS, the updated CAD provides the ability within the application, but does not provide the mechanism; and

WHEREAS, Motorola Solutions, Inc., proposed providing an AVL solution, utilizing and integrating the existing public safety radio communications system infrastructure, network, and coverage; and

WHEREAS, the total cost of the AVL solution is \$217,590; and

WHEREAS, \$108,611 is available in an existing CAD grant and the additional \$108,979 is available within the Sheriff's Office FY2014 budget; and

WHEREAS, the Board finds that supporting the AVL application will promote the health, safety, and welfare of the County, its citizens, and its first responders;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the County Administrator be and he hereby is authorized to execute a contract with Motorola Solutions, Inc. for the purchase of Automatic Vehicle Location hardware and system components in an amount not to exceed Two Hundred Seventeen Thousand Five Hundred Ninety Dollars (\$217,590), unless amended by a duly-authorized contract amendment.

Item 18. Sheriff; Authorize the County Administrator to Extend the Existing Agreement Between the County and Motorola, Inc. for the Public Safety Communication System

Resolution R13-330 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN EXTENSION OF THE PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM AGREEMENT WITH MOTOROLA SOLUTIONS, INC.

WHEREAS, the County desires to continue to receive the same discounts and benefits derived from its Agreement with Motorola Solutions, Inc., (formerly Motorola, Inc.), dated December 7, 2007, in support of its public safety radio communications system; and

WHEREAS, portions of the Agreement, including certain discounts, will expire on December 7, 2013, unless the Agreement is extended; and

WHEREAS, the Agreement provides, by mutual agreement of both parties, for Motorola Solutions, Inc., and the County to extend the period of the Agreement; and

WHEREAS, the Board desires that the Agreement be extended for one year, with the option to further extend the Agreement for two additional years; and

WHEREAS, the Board finds that extending this Agreement promotes the 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 15th day of October, 2013, that it be and hereby does authorize the County Administrator to execute an extension of the Agreement between Stafford County and Motorola Solutions, Inc., for up to three (3) one-year periods, from the current Agreement's December 7, 2013 date of expiration.

Item 19. Utilities; Execute a Contract with W.C. Spratt, Inc. for Water Quality Retrofits and Low Impact Development

Resolution R13-341 reads as follows:

A RESOLUTION TO EXECUTE A CONTRACT WITH W. C. SPRATT, INC., FOR WATER QUALITY RETROFITS AT THE RIDGE POINTE SUBDIVISION, AND LOW IMPACT DEVELOPMENT (LID8), AT THE PUPIL TRANSPORTATION FACILITY

WHEREAS, the Board included funds in the Utilities Department's FY2014 Capital Improvements Projects budget, and appropriated funds for mitigation projects relating to the Rocky Pen Run Dam, Reservoir, and Water Treatment Facility; and

WHEREAS, the County solicited public bids for water quality retrofits at the Ridge Point Subdivision and low impact development (LID8) at the Pupil Transportation Facility; and

WHEREAS, four bids were received, with the bid of \$144,754 received from W.C. Spratt, Inc., determined to be the lowest responsive and responsible bid, and reasonable for the scope of work required; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the County Administrator be and he hereby is authorized to execute a contract with W.C. Spratt, Inc., in an amount not to exceed One Hundred Forty-four Thousand Seven Hundred Fifty-four Dollars (\$144,754), for water quality retrofits at the Ridge Point Subdivision, and low impact development (LID8), at the Pupil Transportation Facility, unless amended by a duly-approved contract amendment.

Item 20. Public Information; Recognize Posthumously Rex Scouten for his Contribution in the Preservation of Government Island

Resolution P13-32 reads as follows:

A PROCLAMATION TO POSTHUMOUSLY RECOGNIZE THE INVALUABLE CONTRIBUTIONS OF REX SCOUTEN TO THE PRESERVATION OF GOVERNMENT ISLAND

WHEREAS, Rex Scouten served ten presidents of the United States, starting with President Harry Truman and ending with President Bill Clinton; and

WHEREAS, Rex Scouten was the White House curator when historian Jane Conner asked for his help in saving Government Island; and

WHEREAS, Rex Scouten served as chairman of the Board's Government Island Committee and used his contacts and expertise to secure national experts who served as members of the Committee; and

WHEREAS, Rex Scouten brought attention to the existence of Government Island, and its importance to the community as well as to national historical experts; and

WHEREAS, Rex Scouten’s friendship and dedication to Stafford County directly resulted in the preservation of Government Island;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the day 15th of October, 2013, that it be and hereby does posthumously recognize Rex Scouten’s priceless contributions to the preservation of Government Island.

Item 21. County Administration; Amend the Board’s Calendar to Cancel the December 3, 2013 Meeting of the Board of Supervisors

Resolution R13-331 reads as follows:

A RESOLUTION TO CANCEL THE BOARD OF SUPERVISORS
MEETING SCHEDULED FOR DECEMBER 3, 2013

WHEREAS, on January 8, 2013, the Board adopted Resolution R13-02, which established its regular meeting schedule for 2013; and

WHEREAS, the Board desires to cancel its regular meeting scheduled for December 3, 2013, in accordance with Virginia Code § 15.2-1416;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the regularly scheduled meeting on December 3, 2013, be and it hereby is cancelled.

Item 8. County Administration; 2014 Stafford County Legislative Initiatives Following discussion, Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-343 with the addition of the fifth legislative initiative.

The Voting Board tally was:

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

Resolution R13-343 reads as follows:

A RESOLUTION ESTABLISHING STAFFORD COUNTY’S PRIORITY
LEGISLATIVE INITIATIVES FOR THE 2014 VIRGINIA GENERAL
ASSEMBLY

WHEREAS, the Board seeks enabling legislation and amendments to the Code of Virginia to accomplish Stafford County’s legislative initiatives for the 2014 Virginia General Assembly; and

WHEREAS, the Board recognizes that the Commonwealth and its local governments are partners in providing many services to our citizens; and

WHEREAS, the Board opposes efforts to reduce the authority or flexibility of local governments to govern its citizens, or to shift responsibility for shared services to localities alone; and

WHEREAS, the Board opposes any new unfunded mandates or the expansion of any existing mandates upon local governments absent the associated state funding necessary to implement the mandates; and

WHEREAS, the Board desires that the Virginia Association of Counties (VACo) support the legislative initiatives contained herein:

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the members of the General Assembly representing Stafford County be and they hereby are requested to introduce and support the following priority initiatives:

1. **GERMANNA COMMUNITY COLLEGE FUNDING.** Pursue funding to advance establishment of a permanent Germanna presence in Stafford County.
2. **COMPREHENSIVE SERVICES ACT (CSA).** Authorize localities to access CSA pool funding for public day school programs created through collaborative partnerships between local governments and school boards.
3. **JAIL INMATE PER DIEM.** Increase the reimbursement rate for state-responsible inmates held in local and regional jails.
4. **TRANSFER OF DEVELOPMENT RIGHTS (TDR).** Provide localities with the authority to require development that is based on TDRs to comply with any locality-adopted architectural standards for the receiving area in which the development will occur. Provide localities with the flexibility to designate that a specific receiving area(s) may receive TDRs from a specific sending area(s).
5. **ESTABLISHMENT OF GROUP HOMES.** Authorize a locality to require group homes to participate in a public meeting held by a locality when established within the locality's jurisdiction. Authorize a locality to require a group home with eight or less residents to install residential sprinklers within the home as a part of the permit process for occupancy.

BE IT FURTHER RESOLVED that the Board will be kept apprised of legislative and budgetary changes in water quality and storm water management, the Virginia Retirement System, and other matters that may adversely impact Stafford County, its residents, and businesses; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee shall provide a copy of this Resolution to each member of the County's General Assembly delegation.

Item 10. Public Works; Petition VDOT to Add Garrisonville Road to the INRIX® Traffic Monitoring System Following discussion, Mr. Schieber motioned, seconded by Mr. Milde, to defer this item to the November 19th meeting.

The Voting Board tally was:

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

Planning and Zoning; Zoning Text Amendment; Reclassification; and Conditional Use Permit for Apartments in Celebrate Virginia North Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

Mr. Sterling asked whether the applicant proffered to pay Transportation Impact Fees in the amount of \$2995 on each unit. Mr. Milde said the Impact Fee amount discussed at an earlier meeting was \$2500 per unit. Mr. Richard Stuart, for the applicant, said that it was the applicant's intention to pay Impact Fees as dictated by the County's Ordinance. He added that it was virtually impossible to do a RFP, engineering, site plan, etc., by the County's deadline for Impact Fees, which therefore guaranteed that Impact Fees would be paid by the developer. Ms. Stimpson reiterated that no site plan would be approved prior to May 21, 2014. It was also noted that the architecture on the proposed units was modified so that no vinyl or metal siding would be used on the buildings. Mr. Harvey said that at its meeting on October 9, 2013, the Planning Commission recommended approval of the application.

Mr. Sterling left the meeting at 4:42 p.m.

Recess At 4:45 p.m., the Chairman declared a recess.

Call to Order At 4:55 p.m. the Chairman called the meeting back to order.

Mr. Snellings motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O13-50.

The Voting Board tally was:

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

Ordinance O13-50 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SEC. 28-35, TABLE 3.1, “DISTRICT USES AND STANDARDS,” AND SEC. 28-39, “SPECIAL REGULATIONS,” TO ALLOW MULTI-FAMILY DWELLINGS AS A USE PERMITTED WITH A CONDITIONAL USE PERMIT IN THE RBC, RECREATIONAL BUSINESS CAMPUS ZONING DISTRICT

WHEREAS, Chris Hornung, on behalf of the Silver Companies, applicant for the Celebrate Virginia North zoning reclassification, petitioned the County, requesting a text amendment to a portion of the RBC, Recreational Business Campus Zoning District standards that would apply to the proposed development; and

WHEREAS, multi-family dwellings are not a listed use in the RBC Zoning District; and

WHEREAS, the Board desires to amend and reordain Stafford County Code, Sec. 28-35, Table 3.1, and Sec. 28-39, to allow multi-family dwellings to be permitted with a conditional use permit (CUP) in the RBC Zoning District, subject to specific development standards; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that Stafford County Code, Sec. 28-35, Table 3.1, “District Uses and Standards,” and Sec. 28-39, “Special regulations,” be and they hereby are amended and reordained as follows, all other portions remaining unchanged:

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

Table 3.1. District Uses and Standards

RBC Recreational Business Campus.

The purpose of the RBC district is to provide areas for professional office, general office, research and development, hotel, conference facilities, low to medium intensity retail, health and fitness clubs, executive style housing, law enforcement training campuses, retirement housing, active recreational activities, and other specified uses in a business campus environment integrated with activities dependent on significant areas of open space such as golf courses, marinas, and/or nature and wildlife preserves. This district should be located near significant environmental features such as forests, lakes with at least five (5) acres of surface water area and/or rivers, and where there is

provision for adequate access to major collector or higher category roadways and public sewer and water utilities.

(b) *Conditional use permit:*

Multi-family dwelling.

(c) *Requirements:*

(1) *Intensity:*

Allocated density (multi-family dwelling)16 du per acre

Minimum open space ratio (multi-family dwelling)0.25

(3) *Maximum building height.....120 feet*

Maximum building height (multi-family dwelling)50 feet

Sec. 28-39. Special regulations.

(i) *Performance standards in RBC districts.* The following standards shall be the minimum required for all uses in the RBC, recreational business campus district:

(10) The gross area of all commercial retail uses shall not exceed ten (10) percent of the gross area of the district. The gross area of all retirement housing communities shall not exceed thirty (30) percent of the gross area of the district. The gross area of all multi-family dwelling communities shall not exceed one and a half (1½) percent of the gross area of the district.

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

Mr. Snellings motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O13-49.

The Voting Board tally was:

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

Ordinance O13-49 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE AND ZONING MAP BY RECLASSIFYING FROM M-2, HEAVY INDUSTRIAL ZONING DISTRICT, TO RBC, RECREATIONAL BUSINESS CAMPUS ZONING DISTRICT, ASSESSOR’S PARCELS 44W-2 (PORTION) AND 44W-2B, WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Silver Companies, applicant, submitted application RC1300345 requesting a reclassification from M-2, Heavy Industrial Zoning District, to RBC, Recreational Business Campus Zoning District, on Assessor's Parcels 44W-2 (portion) and 44W-2B, consisting of 18.19 acres, located within the Hartwood Election District; and

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

WHEREAS, the Board determined that the requested reclassification 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 15th day of October, 2013, that the Zoning Map and Zoning Ordinance for Stafford County be and it hereby is amended and reordained by reclassifying from M-2, Heavy Industrial Zoning District to RBC, Recreational Business Campus Zoning District, Assessor's Parcels 44W-2 (portion) and 44W-2B, consisting of 18.19 acres, as depicted on the plat prepared by Prime Design Engineering, P.C., dated August 1, 2013, with proffers entitled, "Proffer Statement – Celebrate Virginia North, Portions of Parcel 44W-2, 44W-2B," dated October 8, 2013.

Mr. Snellings motioned, seconded by Mr. Schieber, to adopt proposed Resolution R13-274.

The Voting Board tally was:

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

Resolution R13-274 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP1300346 TO ALLOW MULTI-FAMILY DWELLINGS WITHIN A RBC, RECREATIONAL BUSINESS CAMPUS ZONING DISTRICT, ON ASSESSOR'S PARCEL 44W-2B, WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Silver Companies, applicant, submitted Application CUP1300346 requesting a conditional use permit (CUP) to allow Multi-family Dwellings in a RBC, Recreational Business Campus Zoning District, on Assessor's Parcel 44W-2B, within the Hartwood Election District; and

WHEREAS, the application was submitted pursuant to County Code, Section 28-35, Table 3.1, which permits this use in a RBC, Recreational Business Campus Zoning District, after a CUP is issued by the Board; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that a CUP pursuant to application CUP1300346 be and it hereby is approved with the following conditions:

1. This CUP is to allow multi-family dwellings within the RBC, Recreational Business Campus Zoning District, on Assessor's Parcel 44-2B (the Property).
2. Prior to the issuance of an occupancy permit for any multi-family dwelling unit, the Owner shall extend and connect power to the existing light poles along the Celebrate Virginia Parkway bike trail adjacent to this site.
3. Subject to adjustments for final engineering and to comply with the requirements of the applicable County Code and Ordinances, and Virginia Department of Transportation (VDOT) regulations and standards, development of the Property shall be in general conformance with the Generalized Development Plan (GDP).
4. The maximum number of multi-family dwelling units on the Property shall not exceed 192.
5. The multi-family dwelling units shall contain no more than two bedrooms.
6. All building exteriors visible from Celebrate Virginia Parkway shall be a minimum of 30% brick or stone. Aluminum and vinyl siding shall be prohibited from use on the exterior of the multi-family dwelling units. Openings for windows and doors shall be excluded from the calculation.
7. Building elevations shall be reviewed by the Department of Planning and Zoning staff for conformance with the Neighborhood Design Standards element of the Comprehensive Plan prior to site plan approval.
8. Recreational amenities associated with the multi-family dwelling units shall include a swimming pool, fitness center, and athletic fields/courts. The pool and fitness center shall be constructed prior to occupancy of the first multi-family dwelling unit. The athletic fields/courts shall be constructed within 24 months of occupancy of the first multi-family dwelling unit.

9. All trash receptacles shall be screened on three sides with a masonry wall of the same color and texture as the main buildings and be at least as high as the enclosed dumpster, utility boxes, or trash receptacles. The enclosure shall also incorporate a heavy wooden or vinyl gate; a chain link fence is prohibited.
10. One curb cut for a bus transit stop pull off shall be constructed along Celebrate Virginia Parkway in front of the multi-family dwelling complex prior to occupancy of the first unit. The Property owner shall install and maintain a bench should a transit stop be located at this site.
11. The development sign, if constructed, shall be a monument style sign not to exceed 15 feet in height, shall be located at the main entrance road into the development, and shall be externally illuminated.
12. Should the multi-family dwelling units convert to market-rate housing, bike racks shall be installed for each building. The location of the bike racks shall be in close proximity to the main entrance to each building and shall be oriented to not block sidewalks, parking spaces, or travelways.
13. If fencing is installed along Celebrate Virginia Parkway, fencing shall be made of decorative iron or, if a different material, shall be of similar appearance to a decorative iron fence. Chain-link fencing along Celebrate Virginia Parkway shall be prohibited.
14. No balconies shall be permitted along the facades of buildings fronting on Celebrate Virginia Parkway.
15. A storage locker or closet shall be provided for each multi-family dwelling unit, in a location adjacent to or in a central location on the Property.
16. Handicap accessible entrances shall be provided to all ground floor dwelling units or 33 percent of any building that includes an elevator.
17. Subject to approval by the Virginia Department of Transportation, the applicant shall construct a pedestrian cross-walk across Celebrate Virginia Parkway in front of or in close proximity to the subject property.
18. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, State, or federal law, regulation, ordinance, or requirement.

Planning and Zoning; Consider Requests to (1) Reclassify 22.70 Acres from the B-2, Urban Commercial and B-3, Office Zoning Districts to the UD, Urban Development, Sub-district UD-4 Zoning District, on Assessor's Parcel 39-16L and Portions of Assessor's Parcels 39-16, 39-16B, 39-16H, and 39-16J; (2) Amend the Zoning Ordinance to Establish Processes for Waivers and Technical Modifications of Master Plans and Modifications of Development Standards in the UD, Urban Development, Zoning District; and (3) Deviate from Zoning Ordinance Section 28-39(u)(1), Siting and Configuration, for the Abberly at Stafford Courthouse Reclassification Mike Zuraf, Principal Planner, gave a presentation and answered Board members questions.

Mr. Zuraf went over the proposed proffer changes, including a trail along Old Potomac Church Road; the relocation of the field stones for re-internment of graves; combining the \$20k and \$30k proffered amounts to be used for a cannon at the Civil War Park; and the combination of the two \$400k proffered amounts to equal \$800k for an artificial turf field at Brooke Point High School. Mr. Sherman Patrick, representing the applicant, concurred with the above referenced changes to the proffers. Mr. Milde noted that the applicant did exactly what was discussed at an earlier meeting. Ms. Stimpson asked for reassurance that the applicant would not, following Board approval, ask for transfer of development rights (TDR) consideration on the property. It was agreed that the applicant would include in the proffers that TDR would not be used on the land. Mr. Patrick told the Board that time was of the essence, and that H.H. Hunt agreed to the TDR condition.

Mr. Milde said that it was a rezoning without a single opposition from its neighbors including Stafford Hospital Center. The Germanna Community College site would be underway within the next five years and it was a great jump start to that area of the County. Mr. Cavalier asked when the proffered \$800k would be available. Mr. Harvey replied that it would be with the first site plan approval; the same with the \$50k for the cannon at the Civil War Park. Mr. Cavalier said that the addition of another Germanna campus was a big selling point; that the new campus would be an asset to the County, in particular to Stafford Hospital Center with Germanna's nursing programs, etc.

Mr. Snellings thanked the applicant for taking time to work through the cemetery issue.

Mr. Thomas said that he was glad to have the first development underway in the Courthouse Urban Development Area (UDA). Ms. Stimpson said that it was a win/win for the County and its citizens, as well as for Germanna and the Civil War Park. She added that it would offer the type of housing that met the needs of a shortfall in the area.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O13-42.

The Voting Board tally was:

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

Ordinance O13-42 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE B-2, URBAN COMMERCIAL AND B-3, OFFICE ZONING DISTRICTS, TO THE UD, URBAN DEVELOPMENT, SUBDISTRICT UD-4 ZONING DISTRICT ASSESSOR'S PARCEL 39-16L AND PORTIONS OF ASSESSOR'S PARCELS 39-16, 39-16B, 39-16H, AND 39-16J WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, HH Hunt, applicant, submitted application RC1200009 requesting a reclassification from the B-2, Urban Commercial and B-3, Office Zoning Districts to the UD, Urban Development, sub-District UD-4 Zoning District, on Assessor's Parcel 39-16L and portions of Assessor's Parcels 39-16, 39-16B, 39-16H, and 39-16J, within the Aquia Election District; and

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

WHEREAS, the Board 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 15th day of October, 2013, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the B-2, Urban Commercial and B-3, Office Zoning Districts to the UD, Urban Development, sub-District UD-4 Zoning District, Assessor's Parcel 39-16L, and portions of Assessor's Parcels 39-16, 39-16B, 39-16H, and 39-16J, in the locations identified on the Exhibit Plat, prepared by Fairbanks and Franklin, dated January 5, 2012, with proffers entitled "Proffer Statement," dated October 14, 2013.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O13-20.

The Voting Board tally was:

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

Ordinance O13-20 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-39, "SPECIAL REGULATIONS"

WHEREAS, the County Code does not allow for any waiver of required Master Plan components, or deviations or modifications to the development standards in the UD, Urban Development Zoning District; and

WHEREAS, the Board desires to amend the County Code to allow for waivers of required Master Plan components, and deviations or modifications of the development standards, in the UD, Urban Development Zoning District;

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that Stafford County Code, Section 28-39, "Special regulations," be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-39. - Special regulations.

(u) *UD urban development.*

(6) *Administration.*

a. *Zoning map amendments (rezoning).* Article XII, "Amendments to Zoning Maps" shall apply to UD districts, as modified below. The following ~~master plan~~ requirements shall be met at the time of any rezoning to a UD district:

1. *UD district master plan.* The UD district request shall include a master plan that shall incorporate the area of the rezoning to a UD district approved by the Board of Supervisors. Future development within the UD district shall be in conformance with the applicable master plan. The master plan shall include, at minimum, the following components:

2. *Waiver of Master Plan Components.* The director of planning and zoning may waive specific components of a master plan when the director determines that the component's application to the subject property does not serve the purposes of the district and the absence of the component(s) does not materially alter the ultimate implementation of the master plan considered in its entire context.

3. Technical modifications or adjustments to the approved master plan may be approved by the director of planning and zoning provided:

- i. The technical modification or adjustment for the shifting of a boundary of a subdistrict does not result in a significant relocation of a subdistrict or switching of a subdistrict, and does not increase the approved density or intensity of the entire Master Plan; or
- ii. The technical modification or adjustment is due to changes in the county code or technical engineering, that may necessitate the shifting of the location of a primary road, civic building and use, or passive and active open spaces.
- iii. The request for a technical modification or adjustment shall be submitted to the director of planning and zoning, in writing, and include a description of the specific features of the neighborhood design standards that the applicant is requesting to be modified or adjusted, and justification as to why the originally planned feature needs to be modified or adjusted.
- iv. The director of planning and zoning shall render a decision in writing within forty-five (45) days from the date of receiving a written request determining (1) whether the request is a technical modification to the master plan and (2) whether the request is approved or denied, in whole or in part.

24. UD district planning principles. The master plan request must provide a written narrative, with any supporting illustrate illustrations to identify and demonstrate how the request conforms to the principles of new urbanism and traditional neighborhood design, including the following:

- ix. Residential densities per gross acre of developable land (excluding open space) demonstrate at least:
 - A. ~~Four (4)~~ Three (3) single-family units;
 - B. ~~Six (6)~~ Five (5) townhouse units; and
 - C. ~~Twelve (12)~~ Eleven (11) multifamily units.

5. Deviation or modification of provisions for UD districts. As part of a rezoning application to the UD district, or for properties presently zoned UD, a deviation or modification to specific siting and configuration standards in county code sec. 28-39(u)(1) may be approved subject to the following provisions.

- i. As part of a rezoning application to the UD district:
 - A. A written justification shall be provided by applicant for all proposed deviations or modifications that demonstrates that the request is necessary due to the unique characteristics of the specific property and demonstrates that such deviations

or modifications will not conflict with the purposes of the UD district.

B. The applicant shall propose an alternative or modified approach to fulfill the intent of the standard being modified.

ii. For properties in a UD zoning district:

A. An application for a proffer amendment shall be submitted by the applicant, along with a written justification for all proposed deviations or modifications that demonstrates that the request is necessary due to the unique characteristics of the specific property and demonstrates that such deviations or modifications will not conflict with the purposes of the UD district.

B. The applicant shall propose an alternative or modified approach to fulfill the intent of the standard being modified.

iii. The board of supervisors may approve or disapprove such request as specifically identified in the board's motion, in whole or in part.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R13-318.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Resolution R13-318 reads as follows:

A RESOLUTION TO APPROVE A REQUEST TO DEVIATE FROM STAFFORD COUNTY CODE, SECTION 28-39(U)(1) "SITING AND CONFIGURATION" FOR THE ABBERLY AT THE STAFFORD COURTHOUSE DEVELOPMENT, ON ASSESSOR'S PARCEL 39-16L AND PORTIONS OF 39-16, 39-16B, 39-16H, AND 39-16J, WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, HH Hunt, applicant, submitted application RC1200009 requesting a reclassification from the B-2, Urban Commercial and B-3, Office Zoning Districts to the UD, Urban Development, sub-District UD-4 Zoning District on Assessor's Parcel 39-16L and portions of Assessor's Parcels 39-16, 39-16B, 39-16H, and 39-16J in the Aquia Election District; and

WHEREAS, County Code, Section 28-39(u)(6)a allows for the deviation or modification from siting and configuration standards in County Code, Section 28-39(u)(1) in the UD Zoning District, provided the request for the deviation or modification is approved by the Board with the reclassification approval to the UD Zoning District; and

WHEREAS, the applicants submitted a request for a deviation from County Code, Section 28-39(u)(1) to deviate from or modify the following sections of the Zoning Ordinance: (1) Section 28-39(u)(1)h(3)A, to increase the maximum building height for apartment buildings to sixty-five feet and four stories; (2) Section 28-39(u)(1)h(3)B, to remove the requirement for ground story first floor elevation of two feet above the exterior grade; (3) Section 28-39(u)(1)h(4)A, to reduce the minimum first floor transparency requirement to fifteen percent; and (4) Section 28-39(u)(1)h(2)B and C, to delete the maximum building setback requirement; and

WHEREAS, the Board determined that the requests are appropriate due to the unique characteristics of the property and that the requested deviations and modifications will not conflict with the purpose of the UD, Urban Development Zoning District;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the Board be and it hereby does approve the following deviations from Stafford County Code, Section 28-39(u)(1), for the Abberly at Stafford Courthouse development:

(1) Section 28-39(u)(1)h(3)A, to increase the maximum building height for apartment buildings to sixty-five feet and four stories;

(2) Section 28-39(u)(1)h(3)B, to remove the requirement for ground story first floor elevation of two feet above the exterior grade;

(3) Section 28-39(u)(1)h(4)A, to reduce the minimum first floor transparency requirement to fifteen percent; and

(4) Section 28-39(u)(1)h(2)B and C, to delete the maximum building setback requirement.

Planning and Zoning; Consider Reclassification of 76.94 Acres to Remove the HR, Historic Resource Overlay District from Assessor's Parcels 54-93 and 54-93A, in the Heritage Interpretation (HI) Zoning District Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

Mr. Thomas said that the original intent was to have a ceremony and unveil a plaque at the time that the rebuild was complete of George Washington's boyhood home. He suggested that the ceremony take place in the near future rather than waiting for completion of the construction.

Mr. Thomas referred to a letter from the Foundation asking that the County appoint a citizen representative to the Ferry Farm Committee. Mr. Thomas motioned, seconded by Mr. Milde, to appoint Dr. Harry Crisp to the Ferry Farm Committee.

The Voting Board tally was:

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

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Ordinance O13-33.

The Voting Board tally was:

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

Ordinance O13-33 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO REMOVE THE HR, HISTORIC RESOURCE OVERLAY ZONING DISTRICT DESIGNATION, ON ASSESSOR'S PARCELS 54-93 AND 54-93A, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, in 1985, the Board amended the Zoning District Map to include Assessor's Parcels 54-93 and 54-93A within an HR, Historic Resource Overlay Zoning District, located within the George Washington Election District; and

WHEREAS, the George Washington Foundation, the property owner, desires to remove the HR Overlay Zoning District designation from the property; and

WHEREAS, the Board, applicant on behalf of the property owner, desires to remove the HR Overlay Zoning District designation from the property; and

WHEREAS, the Board finds that the property no longer requires the HR Overlay Zoning District designation; and

WHEREAS, the Board finds that the public necessity, convenience, general welfare, and good zoning practices require such a reclassification; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to remove the HR, Historic Resource Overlay Zoning District designation on Assessor's Parcels 54-93 and 54-93A.

Planning and Zoning; Authorize a Public Hearing to Amend Fees for Special Exception Applications for Microbreweries in the B-2, Urban Commercial Zoning District Mr. Anthony Romanello, County Administrator, presented this item to the Board.

Mr. Thomas noted that the fee should match the costs incurred by the County. Mr. Harvey confirmed that the current fee was approximately the cost for staff time and advertising.

Hearing no objections, the Board took no action on authorizing a public hearing to amend fees for Special Exception Applications for Microbreweries in the B-2, Urban Commercial Zoning District.

Mr. Sterling returned to the meeting at 5:37 p.m.

Utilities; Execute Contract Amendments for Schnabel; Haymes Brothers; Parsons; and CH2MHill in Connection with the Rocky Pen Run Dam, Reservoir, and Water Treatment Facility Ms. Janet Spencer, Assistant Director of Utilities, gave a presentation and answered Board members questions. Board members questioned, in particular, the mistake made regarding unsuitable soils removal, which was factored into the bid at only 1000 cubic yards when the actual quantity was 44,974 cubic yards of unusable soil. Mr. Bryon Counsel, project coordinator, said that the County would seek to recoup the cost but that it was a legal matter for discussion in Closed Meeting.

Mr. Schieber asked about lessons learned from the mistake. Mr. Counsel responded that it was not indicative of a typical line item, that it was an anomaly and an oversight by the engineer. Mr. Schieber asked for an approximate cost overrun due to wrong guessing. Mr. Counsel replied that overall, there was a \$33-36 Million increase in cost including the unsuitable soil removal line item.

Mr. Snellings asked if a contingency was set up. Mr. Counsel said that the Dam came in \$33-\$36 Million over estimates and there was no contingency. Mr. Snellings said that in the beginning, the Dam was going to cost \$75 Million. Twenty years later, the cost was \$136 Million. Mr. Romanello confirmed that the bid did not contain a contingency, rather it was built in on the County's side, not as part of the contract, which was a lesson

learned. He added that in current contracts, a ten percent contingency was built into the contracted amount.

Ms. Spencer said that the Dam was scheduled for completion next summer. Mr. Milde noted that there was nothing the Board could do and suggested adoption of the proposed Resolution.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-342.

The Voting Board tally was:

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

Resolution R13-342 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CHANGE ORDER FOR HAYMES BROTHERS INC., CONTRACT AMENDMENTS FOR SCHNABEL ENGINEERING, AND CH2MHILL, AND A CONTRACT FOR PARSONS CORP., FOR ADDITIONAL CONSTRUCTION AND CONSTRUCTION RELATED SERVICES FOR THE ROCKY PEN RUN RESERVOIR, DAM, AND WATER TREATMENT FACILITY

WHEREAS, the Board authorized construction of the Rocky Pen Run Dam (Dam) and Reservoir (Reservoir) on January 17, 2012; and

WHEREAS, the Board authorized the construction of the Rocky Pen Run Water Treatment Facility (Facility) on October 4, 2011; and

WHEREAS the Board authorized a contract with Schnabel Engineering on February 21, 2012, to perform construction administration, monitoring, and material testing for the construction of the Dam; and

WHEREAS, the Board authorized a contract with CH2MHill on December 13, 2011, to perform construction administration, monitoring, and material testing for the construction of the Facility; and

WHEREAS, the Board authorized successive contracts with Parsons Corp. to provide field construction administration, monitoring, and inspection for the Utilities Department's Capital Improvement Program; and

WHEREAS, the Board authorized a contract with Haymes Brothers Inc., on March 13, 2012, for construction of the Dam, but the contract amount is not sufficient to complete all the required and necessary work; therefore, an increase of \$4,225,000 is estimated to be required to complete the construction of the Dam; and

WHEREAS, an increase of \$191,990 to the contract with Schnabel Engineering is required to complete the required work on the Dam and Reservoir; and

WHEREAS, an increase of \$1,111,802 to the contract with Schnabel Engineering is required to complete of the required work; and

WHEREAS, it is necessary for an additional contract with Parsons Corp. to perform field construction administration, monitoring, and inspections in the amount of \$200,000; and

WHEREAS, staff confirmed the estimated required increase to the Dam construction contract, reviewed the proposals for continuing construction administration, monitoring, and inspection, and finds them reasonable for the proposed scope of work; and

WHEREAS, staff recommends the increase of \$4,225,000 for the contract with Haymes Brothers Inc.; the increase of \$191,990 and \$1,111,802, respectively; to the contract with Schnabel Engineering and CH2MHill, and a new contract with Parsons Corp. in the amount of \$200,000;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the County Administrator be and he hereby is authorized to execute a change order with Haymes Brothers Inc. in the amount of Four Million Two Hundred Twenty-five Thousand Dollars (\$4,225,000) for construction of the Dam; and

BE IT FURTHER RESOLVED, to execute a contract amendment to the contract with Schnabel Engineering in the amount of One Hundred Ninety-one Thousand Nine Hundred Ninety Dollars (\$191,990) in connection with the Dam; and

BE IT FURTHER RESOLVED, to execute a contract amendment to the contract with CH2MHill in the amount of One Million One Hundred Eleven Thousand Eight Hundred and Two Dollars (\$1,111,802) in connection with the Facility; and

BE IT STILL FURTHER RESOLVED, to execute a new contract with Parsons Corp. in the amount of Two Hundred Thousand Dollars (\$200,000), unless amended by a duly-executed contract amendment.

Planning and Zoning; Amend Stafford County Code and the Comprehensive Plan Regarding Transfer of Development Rights (TDR) Mr. Jeff Harvey, Director of Planning and Zoning, presented the item and answered Board members questions.

Mr. Sterling noted that the County had a TDR Ordinance and that what was being presented did not expand the physical geography covered by the existing Ordinance. Mr. Milde said that he realized that the Board had no appetite to do what was recommended by the Planning Commission. He said that Option C would not work without a Zoning text amendment.

Mr. Sterling said that the County had not had TDR since 1664, and suggested delaying a vote until July 1, 2014. Mr. Milde disagreed saying that without TDR, the County would be open to more sprawl and increased growth rather than conserving valuable open space. He said that he was not sure that the legislators would ever make a change, that he attended the General Assembly hearings on TDR, that the legislators were sensitive to people's property rights. Mr. Sterling said that it was a voluntary program; that no property rights were being forcefully taken away from citizens.

Ms. Stimpson said that TDR did not stop sprawl and cited the example of a landowner's ability to send three rights, hold back one and build on that one remaining piece of land. Mr. Harvey concurred that Ms. Stimpson's example was a viable option. Ms. Stimpson said that she would vote against TDR.

Mr. Milde said that twenty acres was the minimum to apply for TDR, which immediately put those twenty acres into preservation. Mr. Snellings repeated that there must be a minimum of twenty acres to qualify. Mr. Thomas added that there must be twenty acres, seventeen could be committed and the remaining three could be kept and built on. Mr. Sterling said the liked three-acre communities.

Mr. Milde said that the pilot program was initiated approximately seven years ago, and that it was originally intended to encompass the entire County. He added that it was then relegated to a small corner of Hartwood and to the Brooke area. Mr. Milde said that TDR was never been given an opportunity to show how it would work to save open space in the County.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R13-267, using Option C.

Mr. Sterling made a substitute motion, seconded by Mr. Snellings, to defer this item until July 1, 2014.

The Voting Board tally on the substitute motion was:

Yea: (1) Sterling

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

The Voting Board tally on the original motion was:

- Yea: (3) Cavalier, Milde, Thomas
- Nay: (4) Schieber, Snellings, Sterling, Stimpson

Recess At 6:18 p.m., the Chairman declared a recess.

Call to Order At 7:05 p.m. the Chairman called the meeting back to order.

Invocation Ms. Stimpson gave the invocation.

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

Presentation of a Proclamation to Recognize Posthumously Rex Scouten for his Contribution to the Preservation of Government Island Ms. Jane Conner, with the Historical Commission, received the plaque on behalf of the Scouten family.

Presentations by the Public The following members of the public spoke:

- Mark McGowan - Christmas Parade in Stafford County
- John Alexion - Celebrate Virginia North Apartments
- Vanessa Griffin - Rappahannock River Crossing options
- Paul Waldowski - Henry Ford, JP Morgan, Rockefeller, Cicadas, Embrey Mill, Liberty Knoll, Auto Vehicle Locators, Colonial Forge, Icabod Crane, Headless Horseman, George Washington's Boyhood Home, Washington Nationals, James Madison, James Monroe, Thomas Jefferson, Water/Sewer bills, Planning Commission/BZA conflict of interest, and Prohibition

Planning and Zoning; Amend the Index of Official Road Names to Name and Rename Roads for the Courthouse Road Interchange Reconstruction Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Harvey noted that the proposed changes would take place when the new I-95 interchange was complete. Specific changes were outlined in Ordinance O13-40 and shown in detail on the following two pages.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O13-40.

The Voting Board tally was:

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

Ordinance O13-40 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ADDRESSING ORDINANCE BY AMENDING THE INDEX OF OFFICIAL ROAD NAMES TO NAME AND RENAME ROADS IN THE STAFFORD POSTAL AREA FOR THE RECONSTRUCTION OF THE COURTHOUSE ROAD AND INTERSTATE 95 INTERCHANGE

WHEREAS, the Board established a County-wide system for naming all roads and numbering all principal buildings in the County; and

WHEREAS, Virginia Code § 15.2-2019 authorizes the Board to name County roads; and

WHEREAS, the Virginia Department of Transportation (VDOT) is in the design process for the reconstruction of the Courthouse Road/Interstate 95 Interchange; and

WHEREAS, reconstruction of the Courthouse Road/Interstate 95 Interchange will cause the relocation of certain existing roads and the construction of new roads, causing a need to change the Index of Official Road Names; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the Addressing Ordinance for Stafford County be and it hereby is amended and reordained by amending the *Index of Official Road Names* to name and rename roads in the Stafford Postal area as follows:

<u>Location</u>	<u>Current Road Name</u>	<u>New Road Name</u>
East of Interstate 95 and west of Red Oak Drive	Courthouse Road	Jason Mooney Drive
West side of Jefferson Davis Highway opposite of Hospital Center Boulevard to approximately 1,100 feet west of Jefferson Davis Highway at the future intersection with relocated Courthouse Road and relocated Venture Drive	Unnamed	Hospital Center Boulevard

South side of Courthouse Road opposite of Red Oak Drive south approximately 1,600 feet to the future intersection with relocated Courthouse Road and relocated Venture Drive	Jason Mooney Drive	Courthouse Road
Venture Drive from approximately 1,050 feet northeast of the intersection with Wyche Road approximately 400 feet north to the future intersection with Courthouse Road relocated and Hospital Center Boulevard extended	Unnamed	Venture Drive
Venture Drive from approximately 1,050 feet northeast of the intersection with Wyche Road south to its terminus	Venture Drive	John Sullivan Lane
Intersection of Courthouse Road and relocated Austin Ridge Drive extending east to the future intersection with Venture Drive relocated and Hospital Center Boulevard extended	Unnamed	Courthouse Road
East side of Austin Ridge Drive approximately 800 feet north of its intersection with Courthouse Road extending east approximately 450 feet to its terminus	Unnamed	Israel Rodriguez Drive
East side of Wyche Road approximately 300 feet south of the intersection with Courthouse Road relocated to the south side of proposed Jason Mooney Drive relocated approximately 400 feet west of the intersection with Red Oak Drive and Courthouse Road	Florida Rock Drive	Florida Rock Drive
North side of Courthouse Road approximately 800 feet west of Interstate 95 relocated to approximately 1,200 feet west of Interstate 95	Austin Ridge Drive	Austin Ridge Drive

BE FURTHER ORDAINED that this Ordinance shall become effective upon VDOT's completion of each affected road segment.

Planning and Zoning; Amend the Index of Official Road Names to Rename a Portion of Rocky Run Road Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Harvey noted that staff recommended a name change to Roberson Road.

Mr. Snellings asked whether house numbers would have to change if the street name was changed. Mr. Harvey said that if the point of origin was at the cul-de-sac, house numbers could remain the same.

Mr. Snellings said that he spoke with several residents on the affected portion of Rocky Run Road; that they would be happiest with no change but would accept a change to West Rocky Run Road. Ms. Stimpson said that she was concerned about public safety response time if the two existing segments of Rocky Run Road were not differentiated when the Reservoir was flooded.

The Chairman opened the public hearing.

The following persons desired to speak:

Brian Deering	Joe Brito
David Mancini	Julia Abrams
Paul Waldowski	

Ms. Stimpson reminded Mr. Waldowski to keep his comments relative to the subject matter of the public hearing.

The Chairman closed the public hearing.

Mr. Snellings said that he lived on Enon Road, which had undergone three name changes. He said there was a petition signed by the homeowners on Rocky Run Road that advocated the name West Rocky Run Road, with no change to the house numbers, as being the resident's preference.

Mr. Thomas asked when the road would be severed. Mr. Harvey replied that filling the Reservoir was tentatively planned for December, 2013.

Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Ordinance O13-43, with the road name changed to West Rocky Run Road.

The Voting Board tally was:

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

Ordinance O13-43 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ADDRESSING ORDINANCE BY AMENDING THE INDEX OF OFFICIAL ROAD NAMES TO RENAME AN EXISTING ROAD IN THE FREDERICKSBURG POSTAL AREA DUE TO THE RECONSTRUCTION OF ROCKY RUN ROAD

WHEREAS, the Board established a County-wide system for naming all roads and numbering all principal buildings in the County; and

WHEREAS, Virginia Code § 15.2-2019 authorizes the Board to name roads in the County; and

WHEREAS, the construction of Rocky Pen Run Reservoir will sever Rocky Run Road and require a new road name for the western end, resulting in a need to change the County’s Index of Official Road Names; and

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

WHEREAS, the Board finds that the public necessity, convenience, general welfare, and good zoning practices require adoption of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the Addressing Ordinance for Stafford County be and it hereby is amended and reordained by amending the Index of Official Road Names to rename a road in the Fredericksburg Postal area as follows:

<u>Location</u>	<u>Current Road Name</u>	<u>New Road Name</u>
Rocky Run Road from the intersection with Holly Corner Road approximately 1.4 miles southeast to its future terminus	Rocky Run Road	West Rocky Run Road

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon completion of the road segment designated in this Ordinance.

Mr. Snellings motioned, seconded by Mr. Thomas to adopt proposed Resolution R13-349.

The Voting Board tally was:

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

Resolution R13-349 reads as follows:

A RESOLUTION TO ESTABLISH THE ORIGIN POINT OF A FUTURE ROAD SEGMENT FOR THE RECONFIGURED ROCKY RUN ROAD

WHEREAS, the Board established a County-wide system for naming all roads and numbering all principal buildings in the County; and

WHEREAS, Virginia Code § 15.2-2019 authorizes the Board to name roads and assign addresses in the County; and

WHEREAS, the construction of Rocky Pen Run Reservoir will sever Rocky Run Road, creating an eastern segment originating from Greenbank Road, which will terminate in a cul-de-sac, and a western segment originating from Holly Corner Road, which will terminate in a cul-de-sac; and

WHEREAS, County Code § 28-148(c) states that the origin of a road shall be the end point with the greatest average daily traffic (ADT), as determined from the most current Virginia Department of Transportation counts, when available; and

WHEREAS, once severed, the origin of the western segment of Rocky Run Road would be at the intersection with Holly Corner Road; and

WHEREAS, the Board may, by resolution, establish a road's origin regardless of the end point with the greatest ADT; and

WHEREAS, the Board desires to allow the existing street numbers for 414 Rocky Run Road through 675 Rocky Run Road to remain as is, which would establish the point of origin at the bulb of the cul-de-sac, instead of the intersection with Holly Corner Road;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the point of origin for the western segment of Rocky Run Road, once severed by construction of the Rocky Pen Reservoir, be and it hereby is established at the bulb of the cul-de-sac for the purpose of assigning street numbers; and

BE IT FURTHER RESOLVED that the street numbers for properties currently addressed as 414 Rocky Run Road through 675 Rocky Run Road remain the same.

Sheriff/County Attorney; Amend the County Code Regarding Law Enforcement Requested Towing and the Sheriff's Office Towing Policy Mr. Alan Smith, Deputy County Attorney, and Sheriff Charles Jett, gave presentations and answered Board members questions.

Ms. Stimpson asked how future complaints would be handled. Sheriff Jett responded that complaints would be handled through his office, that his office would remain the point of contact and that the County would step in if the Attorney General’s office did not, or would not, investigate a complaint. He added that over-charging was still covered in the revised Policy. The Sheriff noted that matters would still come before the full Board but added that the Board should consider appointing a committee to review future complaints and concerns.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Schieber, to adopt proposed Ordinance O13-53.

The Voting Board tally was:

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

Nay: (0)

Absent: (2) Milde, Sterling

Ordinance O13-53 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY
CODE CHAPTER 15, “MOTOR VEHICLES AND TRAFFIC”

WHEREAS, the Board is authorized to regulate law-enforcement requested towing in the County; and

WHEREAS, the County Code and the Sheriff’s Office Towing Policy regulate law-enforcement requested towing in the County; and

WHEREAS, during the 2012 General Assembly session, certain Virginia Code provisions concerning law-enforcement requested towing were amended; and

WHEREAS, the Sheriff’s Office and the Law-Enforcement Towing Advisory Board recommended changes to the Sheriff’s Office Towing Policy, which necessitate corresponding changes to the County Code; and

WHEREAS, the Board carefully considered the recommendations of the Sheriff’s Office, the Law-Enforcement Towing Advisory Board, and County staff, and the testimony, if any, at the public hearing; and

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

WHEREAS, the Board finds that this ordinance promotes the health, safety, and welfare of the County and its citizens, and all persons utilizing roads, streets, and highways in the County;

NOW, THEREFORE BE IT ORDAINED, that the Stafford County Board of Supervisors, on this the 15th day of October, 2013, be and it hereby does amend and reordain Stafford County Code Chapter 15, “Motor Vehicles and Traffic,” as follows, all other parts remaining unchanged:

Chapter 15 – MOTOR VEHICLES AND TRAFFIC

ARTICLE VI. LAW-ENFORCEMENT-REQUESTED TOWING

Sec. 15-148. Definitions.

For the purposes of this article, the following words, terms, and phrases shall have the meanings respectively ascribed to them in this section unless the context clearly indicates a different meaning:

Application means an application for law-enforcement-requested towing service in Stafford County.

Authorized ~~tower~~ tow operator means a ~~towing firm or service~~ tow operator which meets the requirements of the ~~Stafford County Sheriff’s Office Towing~~ Policy and has entered into a Towing Service Agreement to provide towing services at the request of ~~the Sheriff’s Office or other~~ law-enforcement personnel.

Board of supervisors means the Stafford County Board of Supervisors.

County means ~~the County of~~ Stafford County.

Emergency means a critical traffic problem; snow storm, ice storm, hurricane, tornado, or other extreme or inclement weather condition; parade or other similar public event or a riot or other public insurrection; disaster, whether natural or manmade; or similar event not ordinarily or usually occurring.

Law-enforcement personnel or law-enforcement agency means ~~a law-enforcement officer of the County or a Sheriff, the Virginia State Police Superintendent, or any other officer with arresting authority in the County, or agency of said officers~~ their agents.

Law-enforcement requested towing or law-enforcement towing request includes all requests made by law-enforcement personnel or law-enforcement agency pursuant to ~~this~~ the towing policy, and towing requests made by a law-enforcement officer at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

Receipt means a clearly legible printed, numerated, and dated receipt that includes, but is not limited to, the ~~company~~ business name, ~~company~~ address, and telephone number, and ~~receipt~~ is signed by the owner/operator or their agent.

~~SCC means State Corporation Commission.~~

~~Sheriff means the executive head of the Stafford County sheriff's office or his designee.~~

~~Storage facility means a storage lot, building, or facility used by a tow operator for services pursuant to a towing service agreement that meets all applicable towing policy requirements.~~

~~Suspension means temporary removal from the county's towing list for a violation of the towing policy or breach of the towing service agreement.~~

~~Termination means permanent removal from the county's towing list and rescission of the towing service agreement.~~

~~Tower means a person or firm engaged in the business of or offering of a vehicle towing service, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to or designed for that purpose.~~

~~Towing Board means the Stafford County Advisory Board on Law-Enforcement Towing, which consists of ~~eleven~~ ten (~~11~~ 10) members: four (4) law-enforcement officers, including a voting representative from the Virginia State Police, ~~the County Attorney or his designee~~, four (4) towing and recovery operators, and two (2) citizens.~~

~~Towing business or business means a single towing operation owned and operated by an individual, corporation, partnership, or firm having legal or equitable title in said operation at one location within the county for a minimum of six (6) months which consists of an office and an appropriately sized storage lot. The office shall have an attendant employed by the towing business on the premises to accept calls and release vehicles at least between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. All zoning regulations of the county shall be met.~~

~~Towing list or list means the list maintained by the sheriff of those ~~towers~~ tow operators authorized to respond to the sheriff's or other law-enforcement personnel's requests for the towing of vehicles.~~

~~Tow operator means~~

~~(a) a person, business, or firm engaged in the business of, or offering of, a vehicle towing service, whereby motor vehicles are or may be towed or otherwise moved from one place to another by the use of a vehicle adapted to or designed for that purpose; and/or~~

~~(b) a single towing business owned or operated by an individual, corporation, partnership, or firm having legal or equitable title in said operation at one (1) location within the County for a minimum of six (6) months which consists of an office and an appropriate-sized storage facility as defined in the Policy. The office shall have an attendant employed by the towing business on premises to accept calls, and release vehicles at least between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. All provisions of the Stafford County Law-Enforcement Requested Towing Ordinance shall be met.~~

Towing panel means a panel of the Towing Board ~~minus the Sheriff and tow member from the zone in which the complaint originates,~~ which hears complaints brought by the Sheriff's Office. In the event that a member of the towing panel lodges a complaint against another tow operator, the towing panel member shall be excused from that hearing. The towing panel shall consist of a quorum of the remaining members compiled from the membership of the towing board, excluding the Sheriff.

Towing policy means the Stafford County Sheriff's Office Towing Policy.

Towing service agreement means the agreement between the sheriff's office and a ~~tower~~ tow operator, pursuant to this article and the towing policy.

Vehicle owner means the owner of record or lessee of the motor vehicle or their agent, or other person lawfully acting on their behalf.

Sec. 15-149. Towing policy.

- (b) The rules and regulations which may be promulgated by the towing board in accordance with subsection (a) above shall be in effect upon approval by the board of supervisors following a public hearing before the board of supervisors. The board of supervisors additionally reserves to itself the authority to amend, alter, or repeal any provision of the rules and regulations so promulgated.

Sec. 15-150. Applications for law-enforcement-requested towing.

Any ~~tower~~ tow operator desiring to perform law-enforcement-requested towing services shall make application with the sheriff in conformance with the provisions of the towing policy. Said application shall be accompanied by an application fee in the amount of one hundred dollars (\$100.00). After completion of an investigation, the sheriff, in his sole discretion, shall determine whether the applicant meets the requirements of the towing policy. If ~~he~~ the sheriff finds the applicant qualified, ~~tower~~ the tow operator and sheriff shall enter into a towing service agreement.

Sec. 15-152. Duties and requirements of authorized ~~towers~~ tow operators.

~~Towers will~~ Tow operators shall be obligated to perform those duties required under the towing policy. Failure to perform said duties may result in suspension or termination from the towing list.

Sec. 15-153. Equipment and maintenance of towing vehicles.

All authorized ~~towers~~ tow operators under this article shall maintain vehicles and equipment required pursuant to the towing policy. All vehicles and equipment ~~is~~ are subject to an annual inspection performed by the sheriff which shall be evidenced by a valid sticker. There shall be an annual inspection fee of twenty-five dollars (\$25.00) charged for each vehicle inspected. The annual inspection of the vehicles will occur each January, unless otherwise set by the sheriff.

Sec. 15-154. Storage and security of vehicles by authorized ~~towers~~ tow operators.

All vehicles towed under this article shall be stored in a secured ~~location~~ storage facility as ~~designated~~ required in the towing policy. All applicable county ~~laws~~ code provisions and ordinances shall apply to storage facilities.

Sec. 15-155. Responsibilities and records maintained by authorized ~~towers~~ tow operators.

- (a) ~~Tower~~ The tow operator shall be required to maintain all records required under state law and ~~in accordance with the provisions of~~ the towing policy.
- (b) ~~Tower~~ The tow operator shall be reasonably responsible for all vehicle(s) towed and any contents, from the time the vehicle is towed until the vehicle is either released or disposed of in accordance with the towing policy, ~~and state and local laws, and county code and ordinances.~~
- (c) There shall be an attendant on duty from the hours of 8:00 a.m. ~~through~~ – 5:00 p.m., Monday – Friday, except on ~~weekends and~~ state holidays, for the purpose of permitting inspections and/or releasing stored vehicles. After hours, the owner or attendant must be available by telephone. The owner or attendant must be available twenty-four (24) hours ~~a~~ per-day, each day of the year, for the purpose of releasing stored vehicles.
- (d) ~~Tower~~ The tow operator shall be required to adhere to all responsibilities and requirements under the towing policy.

Sec. 15-156. Compensation to authorized ~~towers~~ tow operators.

~~Towers~~ Tow operators shall be compensated for their services by the ~~owner or authorized person of the~~ towed vehicle owner. The towing and storage fees charged by the ~~tower~~ tow operator shall be reasonable in light of those charged by other ~~towers~~ tow operators in the county for comparable service. There shall be no additional charges for mileage within their assigned zone. No charges imposed for the storage of vehicles for a period of twenty-four (24) hours or less shall exceed charges imposed for one day of storage.

Sec. 15-157. Towing areas.

There are hereby established regular towing areas as set forth below:

Zone 1: Beginning at the Rappahannock River at the King George County line; thence, westerly along the Rappahannock River to a point west of Holly Corner Road, and east of Jacob's Lane; thence northerly to Warrenton Road at the intersection of Poplar Road (not to include the intersection of Warrenton Road and Poplar Road); thence, northerly following the east side of the state-maintained portion of Poplar Road (not to include Poplar Road) to Truslow Road; thence, northeasterly along Truslow Road, including all intersecting streets, then continuing to the intersection of Enon Road, then northerly on Enon Road, including all streets intersecting with Enon Road, ~~to Mountain View Road; thence, easterly along Mountain View Road, including all streets intersecting with Mountain View Road, to Jefferson Davis~~

~~Highway; thence, northerly on Jefferson Davis Highway to Potomac Creek; to Pine View Drive; thence northerly along Pine View Drive including all streets intersecting Pine View Drive, northerly across Centreport Parkway to Mountain View Road continuing northerly to Potomac Creek; thence, easterly along the Potomac Creek to the Potomac River; thence, southerly following the King George line to the Rappahannock River.~~

Zone 3: Starting at the Potomac River at Potomac Creek; thence, northerly along Potomac River to the Prince William County line; thence, westerly along the Prince William County line to a point parallel to Shelton Shop Road; thence, southerly to the intersection of Shelton Shop Road (not to include the intersection of Shelton Shop Road and Garrisonville Road); thence, southwesterly along the east side of Shelton Shop Road (not to include Shelton Shop Road) to Mountain View Road; thence, southerly along Mountain View Road, including Mountain View Road, ~~to Enon Road; thence, easterly along the north side of Mountain View Road to Enon Road; thence, northerly along the west side of Jefferson Davis Highway to Potomac Creek (not to include Jefferson Davis Highway) to Centreport Parkway, southerly along Centreport Parkway to Mountain View Road, thence northerly along the west side of Mountain View Road to Potomac Creek;~~ thence, easterly along Potomac Creek to the Potomac River.

Sec. 15-159. Solicitation of business by ~~tower~~ tow operator.

- (a) No ~~tower~~ tow operator shall respond to the scene of an accident, ~~scene of an~~ emergency, or mechanical breakdown for the purpose of towing vehicles unless specifically called there by law-enforcement personnel or the person involved in the accident, ~~or emergency, or mechanical breakdown.~~
- (b) No ~~tower~~ tow operator shall respond to the scene of an accident, ~~scene of an~~ emergency, or mechanical breakdown for the purpose of soliciting business.
- (c) Violations of this section shall be punishable as a Class 3 misdemeanor.
- (d) Any authorized ~~tower~~ tow operator violating this section may also be suspended or terminated from the towing list.

Sec. 15-160. ~~Prohibited practices~~ Violations of the towing policy.

Violation of any provision of ~~this~~ the towing policy may subject the ~~tower~~ tow operator to suspension from the towing list, ~~such as including,~~ but not limited to:

- (1) Deliberate failure of ~~tower~~ a tow operator to respond to calls;
- (2) Securing a towing service agreement by fraud or concealment of a material fact ~~which, if known, would cause disapproval of the application;~~
- (3) Violation of the towing service agreement;
- (4) Chronic or repeated violations of the towing policy, even if minor in nature, ~~of this policy;~~ and/or
- (5) A single serious violation of ~~this~~ the towing policy, including but not limited to:
 - Running unauthorized calls;
 - Overcharges that is not otherwise prohibited under Virginia Code § 46.2-118;

- Alcohol or drug use that is not otherwise prohibited under Virginia Code § 46.2-118;
- Tardiness more than five (5) times in a six-month period;
- ~~Failure~~ Failing to immediately notify the sheriff with immediate regarding significant changes regarding to the tow operator or any other changes to information required on the application, including but not limited to: (i) insurance, or (ii) taking on new partner(s), owner(s), agent(s), or corporate officer(s) or any other changes regarding anything listed in the "application for towing service";
- Fraudulent acts with respect to ~~this~~ the towing policy that is not otherwise prohibited under Virginia Code § 46.2-118;
- Employing any persona who is a tow truck driver, as defined under Virginia Code § 46.2-116, who is in violation of any provision of Virginia Code § 46.2-116;
- Continuing to employ an person who is a tow truck driver, as defined under Virginia Code § 46.2-116, while that person's registration required under Virginia Code § 46.2-116 is suspended or revoked pursuant to Virginia Code § 46.2-117 or any other applicable law;
- An order or judgment entered by a circuit court under Virginia Code § 46.2-119 that enjoins, or awards restitution, damages, costs, or expenses for, a violation of Virginia Code §§ 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1;
- Endangering the health and welfare of the public that is not otherwise prohibited under Virginia Code § 46.2-118; or
- Failure to comply with the rules and regulations of this any provision of the towing policy, etc.

Sec. 15-161. Complaints of violations of the towing policy.

- (a) Any ~~tower~~ tow operator who believes he/she has been treated unfairly ~~treated~~ by any law-enforcement personnel may file a complaint against that person. ~~Such complaint~~ Complaints shall be in writing and directed to the sheriff, executive head of the local office of the Virginia State Police, or other applicable that law-enforcement agency.
- (b) Any person who believes that a tow operator has violated or is in a violation of the towing policy, the county code, or county ordinance has occurred may file a complaint against ~~such tower~~ the tow operator. The complaint shall be in writing and directed to the sheriff. The sheriff's office ~~will~~ shall provide the complainant with a complaint form to be filled out and returned to the sheriff. The complaints shall be investigated by the sheriff.
- (d) The local office of the state police shall use the towing list on law-enforcement requested calls in Stafford County. By agreement with the local office of the state police, the sheriff shall investigate towing complaints for both state and county calls. Any ~~imposed~~ disciplinary action shall be binding on all law-enforcement initiated calls for towing service.

Sec. 15-162. Complaints of violations of the Virginia Code.

- (a) Any person who is aggrieved by the actions of a (i) tow truck driver for an alleged violation of Virginia Code §§ 46.2-118(A), 46.2-1217, 46.2-1231, or 46.2-1233.1, or (ii) towing and recovery operator for an alleged violation of Virginia Code §§ 46.2-118(B), 46.2-1217, 46.2-1231, or 46.2-1233.1, may file a complaint with the Division of Consumer Counsel of the Office of the Virginia Attorney General for appropriate action in accordance with Virginia Code § 46.2-119 and any other applicable law.
- (b) Any order or judgment entered by a circuit court under Virginia Code § 46.2-119 that enjoins, or awards restitution, damages, costs, or expenses for, a violation of Virginia Code §§ 46.2-118, 46.2-1217, 46.2-1231, or 46.2-1233.1, shall be considered a violation of the towing policy and may subject the towing and recovery operator to suspension or termination from the towing list. Any such tow truck driver or towing and recovery operator shall be referred to the towing panel for a hearing under the towing policy for the sole purpose of determining whether the driver or operator should be suspended or terminated from the towing list. In such a case, the towing panel shall not hear or decide whether a violation of the towing policy occurred because the circuit court's order shall be dispositive of whether a violation of the towing policy occurred.
- (c) For purposes of this section only, "consumer," "tow truck driver," and "towing and recovery operator" shall have the meanings ascribed to them under Virginia Code § 46.2-116.

Sec. 15-~~162~~ 163. Suspension or termination of authorized ~~towers~~ tow operators.

- (a) ~~The~~ After the sheriff, upon ~~completes his investigation of the facts, may recommend that a tower be heard by the towing panel for any violation of the provisions of this article or of the towing policy, he may refer the tow operator to the towing panel for a hearing on the violation of this article or the towing policy.~~
- (b) ~~The sheriff shall provide the tower tow operator with written notice of said the violation. Notification~~ The sheriff shall also notify the tow operator and the towing panel of the date, time, and location of a hearing on the violation shall also be provided to tower and before the towing panel.

Sec. 15-~~163~~ 164. Hearing and appeals process.

- (a) In the event that a member of the towing panel lodges a complaint against another ~~tower tow operator~~, said towing panel member shall be excused from the hearing.
- (b) The sheriff ~~or his designee~~ shall be responsible for presenting the allegations against a ~~towing company tow operator~~ to the towing panel members and may call witnesses and ask questions of any witness.
- (c) ~~The tower will~~ tow operator shall be allowed to present evidence and/or testimony supporting his/her case to the towing panel. If the complainant is not present, the complaint form will be presented to the towing panel as complainant's evidence and/or testimony.
- (d) The owner or manager of the ~~accused towing company (owner or manager)~~ tow operator shall be allowed an opportunity to attend the hearing and bring any witness(es) that who were directly involved in the incident ~~where the accused towing company was charged with a violation of this policy that is the basis of the~~

- charges(s) that the accused tow operator violated the towing policy. The owner or manager may make an opening statement, ask witness(es) questions, and make a closing statement.
- (1) No attorney(s) ~~will~~ shall be allowed to attend this administrative towing panel hearing. However, the County Attorney or his designee may attend, but shall not participate in in the hearing.
 - (2) No witnesses, except for those being questioned at that time, ~~will~~ shall be allowed in the room during the administrative towing panel hearing.
- (e) The towing panel, after hearing the evidence and/or testimony presented, shall render a decision.
- (1) The sheriff shall not be present during the towing panel's deliberations or voting.
 - (2) When a tow operator (i) employs any person who is a tow truck driver, as defined under Virginia Code § 46.2-116, who is in violation of any provision of Virginia Code § 46.2-116; or (ii) continues to employ any person who is a tow truck driver, as defined under Virginia Code § 46.2-116, while that person's registration required under Virginia Code § 46.2-116 is suspended or revoked pursuant to Virginia Code § 46.2-117 or any other applicable law; the towing panel's sole decision in such a case shall be whether the tow operator should be suspended or terminated from the list. The towing panel shall not hear or decide whether a violation of the towing policy occurred because the Virginia Department of Criminal Justice Services decision to suspend or revoke the tow truck driver's registration under Virginia Code § 46.2-117 shall be dispositive of whether a violation of the towing policy occurred.
- (f) The chairman presiding over the towing panel hearing shall notify the accused ~~towing owner~~ tow operator in writing of the towing panel's decision. A copy of the decision ~~will~~ shall be sent to the sheriff and to the local office of the Virginia State Police, if applicable.
- (g) When a ~~tower~~ tow operator is aggrieved by the decision of the towing panel, he/she may, within ten (10) days of the notification of ~~such~~ the decision, appeal the decision to the board of supervisors ~~(the board)~~. Such The appeal shall be ~~made~~ submitted in writing to the Sheriff and shall state the ~~specific act (or failure to act) and/or the specific~~ reason(s) for the appeal, including any supporting documentation. After the sheriff receives a timely appeal, he shall deliver a complete copy of the towing panel hearing record to the board of supervisors.
- (h) Upon an appeal of a towing panel's decision under section R(6), the board of supervisors, or a committee appointed or designed by the board of supervisors, shall consider whether the decision of the towing panel, based on the record before the towing panel, was based on a reasonable application of the prescribed standards. The hearing by the board of supervisors, or the committee, shall be a de novo hearing. When the board of supervisors, or the committee, determines that ~~finds~~ the towing panel's decision was reasonable, the board of supervisors, or the committee shall affirm the decision. When the board of supervisors, or the committee, determines that the towing panel's decision was; if unreasonable, the board of supervisors, or the committee, may modify and affirm or reverse the decision.

- (i) The board of supervisors, or the committee, shall act upon any appeal filed under this section within ~~fourteen (14)~~ thirty (30) days, unless there is no board of supervisors, or committee, meeting scheduled, in which case the board of supervisors, or committee, shall act at its next regular meeting. Failure of the board of supervisors, or committee, to act within this time shall be deemed approval of the towing panel's decision.
- (j) The decision of the board of supervisors, or the committee, in an appeal under this section, shall be final. In the event, the board of supervisors, or the committee, after hearing the appeal, refers the matter back to the towing panel, the decision of the towing panel shall be final.

Sec. 15-~~164~~ 165. Amendments to the towing policy.

- (b) All ~~proposed~~ revisions proposed by the board of supervisors shall be discussed with the towing board and their input will be considered in each proposed revision.
- (c) Revisions shall be in effect from the date on which they are adopted by the board of supervisors.
- (d) ~~Towers~~ Tow operators on the towing list shall be given written notification of any changes to the towing policy at least ten (10) days prior to the revision being adopted.

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

Mr. Cavalier motioned, seconded by Mr. Schieber, to adopt proposed Resolution R13-290.

The Voting Board tally was:

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

Resolution R13-290 reads as follows:

A RESOLUTION TO AMEND THE SHERIFF’S OFFICE TOWING POLICY

WHEREAS, the Board is authorized to regulate law-enforcement requested towing in the County; and

WHEREAS, the County Code and the Sheriff’s Office Towing Policy establish the requirements and regulations regarding law-enforcement requested towing in the County; and

WHEREAS, the Sheriff’s Office and the County’s Law-Enforcement Towing Advisory Board recommended changes to the Sheriff’s Office Towing Policy, including to incorporate recent significant Virginia Code amendments; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that it be and hereby does adopt the amendments to the Stafford County Sheriff's Office Towing Policy, dated September 3, 2013.

Public Information; Consider Allocation of a Public Access Channel to Central Virginia Public Access Television Corporation Ms. Cathy Vollbrecht, Director of Communications, gave a presentation and answered Board members questions. Mr. Charles Thomas, President of CVTV was also present. Ms. Vollbrecht told the Board that productions shown on the referenced public access channel would be locally focused, family-oriented, and education-based. She said that Spotsylvania County signed an agreement with CVTV and the City of Fredericksburg was considering it at an upcoming City Council meeting.

Mr. Snellings asked if the County would have control over programming. Ms. Vollbrecht said that aspect would be worked out in the final agreement with CVTV. She added that the Telecommunications Commission, while recommending the agreement with CVTV (with reservations) did not discuss programming. Ms. Stimpson asked how to approach the issue of programming. Ms. Vollbrecht told the Board that prior to giving final approval it would review the agreement to ensure that it covered programming issues.

Mr. Thomas said that the proposed Resolution referred the channel allocation to a specific entity. He asked that staff work on the agreement and a Request for Information (RFI) to other vendors that may wish work with the County. He added that he was a former member of the Telecommunications Commission and worked hard to get CVTV off the ground; that he had no problem with CVTV but was interested in exploring all the County's options. Mr. Milde said that the content was good, it was what would be imagined for a public access channel.

The Chairman opened the public hearing.

The following persons desired to speak:

Joe Brito

The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-347 with modifications to request a third channel, to issue a Request for Information (RFI) from other companies that may be interested in providing programming on the third channel, and to direct staff to prepare an agreement that would govern how programming was provided on the third channel.

The Voting Board tally was:

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

Resolution R13-347 reads as follows:

A RESOLUTION TO REQUEST A THIRD CABLE CHANNEL FOR PUBLIC ACCESS FROM STAFFORD COUNTY'S CABLE TELEVISION PROVIDERS, ISSUE A REQUEST FOR INFORMATION FROM OTHER COMPANIES WHO MAY BE INTERESTED IN PROVIDING PROGRAMMING ON THIS CHANNEL, AND DIRECT STAFF TO PREPARE AN AGREEMENT THAT WOULD GOVERN HOW PROGRAMMING IS PROVIDED ON A THIRD CABLE CHANNEL FOR PUBLIC ACCESS

WHEREAS, Stafford County's cable franchise agreements with each of its cable television providers – Comcast, Cox, Verizon, and Cavalier – requires the providers to give two PEG channels to the County to air non-commercial PEG access programming; and

WHEREAS, these two PEG channels are currently used to broadcast Stafford County Government information, including the live broadcast of Board of Supervisors and Planning Commission meetings, as well as other Stafford Government information, and the second channel is used by Stafford County schools for educational programs, including the broadcast of School Board meetings; and

WHEREAS, the franchise agreements provide for a third PEG channel to be programmed at the County's sole discretion; and

WHEREAS, currently, there is no programming being broadcast on the third PEG channel; and

WHEREAS, Central Virginia Public Access Television Corporation (CVTV), a 501(c)(3) corporation, is requesting the allocation of one Public, Educational and Governmental (PEG) access channel for public access programming; and

WHEREAS, in order to obtain the third channel, the franchise agreements require the Board to conduct a public hearing and vote in favor of the third PEG channel, and provide six months advance written notice to the cable providers requesting the third PEG channel; and

WHEREAS, the cable provider can provide the third PEG channel on any tier of their service available to County subscribers, it does not need to be provided on the basic cable service tier, which could result in cable providers charging subscribers to view the programming; and

WHEREAS, the Telecommunications Commission (TCC) reviewed a presentation by CVTV at its meeting on August 22, 2013, and approved the allocation of a third PEG channel, but advised the Board of its TCC's concerns; and

WHEREAS, a third PEG channel would allow coverage of local people, issues, and events that would inform and entertain viewers; and

WHEREAS, the Board held a public hearing on Tuesday, October 15, 2013 and inquired about other companies who might be interested in providing programming on a public access cable channel; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October 2013, that it be and hereby does request that the County's cable television providers allocate a third PEG channel to Stafford County for family and educational programs, sports, local news, community affairs, and the arts, and

BE IT FURTHER RESOLVED that the Board directs staff to issue a Request for Information to determine if there are companies interested in providing programming on a third PEG channel; and

BE IT FURTHER RESOLVED that the Board directs staff to prepare an agreement for its review that would govern how a company would provide programming on a third PEG channel; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee shall provide a copy of this resolution to Stafford County's cable television providers (Comcast, Cox, Verizon, and Cavalier) and to CVTV.

Planning and Zoning; Authorize a Partial Vacation of a Plat to Eliminate an Emergency Access Easement I Meadowbrook Estates Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Eric Kelley

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O13-55.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Snellings

Ordinance O13-55 reads as follows:

AN ORDINANCE TO VACATE A PORTION OF A SUBDIVISION PLAT KNOWN AS MEADOWBROOK ESTATES, SECTION 2, WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, the subdivision plat known as Meadowbrook Estates, Section 2, was recorded on Plat Map PM04000133, Instrument Number 040022576, among the Stafford County Land Records on July 15, 2004 (the Plat), in the Aquia Election District; and

WHEREAS, Sharon Kelley, the owner of Assessor's Parcel 39J-2-48, requested a partial vacation of the Plat to eliminate the 30-foot emergency access easement, known as Hearst Lane; and

WHEREAS, Virginia Code § 15.2-2272(2) requires that a public hearing be held prior to vacating such an easement; and

WHEREAS, the Board desires to vacate a portion of the Plat, eliminating the 30-foot wide emergency access easement, known as Hearst Lane, pursuant to Virginia Code § 15.2-2272(2); and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that a portion of the subdivision plat of Meadowbrook Estates, Section 2, recorded at Instrument Number 040022576 and Plat Map PM040000133 in the Office of the Clerk of the Stafford County Circuit Court on July 15, 2004, specifically a 30-foot emergency access easement, known as Hearst Lane, be and it hereby is vacated.

Legislative; Consider a Recommendation to the Virginia Department of Transportation (VDOT) and to the Fredericksburg Area Metropolitan Planning Organization (FAMPO) Regarding Alternatives for the Rappahannock River Crossing Mr. Keith Dayton, Deputy County Administrator, gave a presentation and answered Board member questions.

Mr. Milde said that he wanted the Celebrate Virginia option removed. He added it was not built to the standard to serve as a bypass with the additional traffic that would use a proposed bypass. Mr. Milde added that the Spotsylvania proposal was the most expensive of all of the options.

Mr. Sterling thanked Keith Dayton and staff for undertaking the amount of work required to put together the information presented to the Board. He said that there were various options being presented around the region and that Stafford's was just a recommendation for VDOT's consideration of the alignments that would work best and a request for further analysis.

Mr. Sterling noted that the Board's Infrastructure Committee, at its earlier meeting, discussed the River crossing at length and recommended moving forward asking VDOT to develop a set of recommendations; adding that FAMPO may have to concur with a proposed final alignment. He said that whatever VDOT and FAMPO approve, Mr. Sterling would suggest that it move forward as early as January, 2014 with the design, engineering, and right-of-way phase. Mr. Sterling said that due to his position on the Commonwealth Transportation Board, he would abstain from any vote taken by the Board.

Mr. Thomas said that while he was not a traffic professional, he wished to modify proposed Resolution R13-345 to approve a study but to not ante up any money from the County. Mr. Snellings said that he wished to send a recommendation to VDOT, giving them leverage to look at any option they wished but without allocating County funds. Mr. Sterling said that VDOT's time and resources should not be wasted.

Mr. Schieber said he researched the information at length, including estimated costs, and supported exploring the alternatives and what each option would resolve traffic-wise. Mr. Schieber said that no matter which alternative is chosen, it would affect a lot of people. Ms. Stimpson introduced FAMPO Chairman and Fredericksburg City Councilman, Matt Kelley. She said that from her perspective, she admired the Spotsylvania Board for their presentation to localities but that she did not support the Spotsylvania proposal.

Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-351, which expressed the Board's opposition to the proposed Spotsylvania Bypass.

The Voting Board tally was:

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

Resolution R13-351 reads as follows:

A RESOLUTION FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION REGARDING STAFFORD COUNTY'S POSITION IN OPPOSITION OF THE PROPOSED SPOTSYLVANIA BYPASS

WHEREAS, congestion and traffic along I-95 at the Rappahannock River have been a problem for many years impacting the localities and the entire State; and

WHEREAS, the Virginia Secretary of Transportation requested that each member locality of the Fredericksburg Area Metropolitan Planning Organization (FAMPO) provide a resolution identifying its support for one of the alternatives for crossing the Rappahannock River; and

WHEREAS, representatives of the Spotsylvania County Board of Supervisors presented the Board with their proposal for a Spotsylvania Bypass, extending from the terminus of the County's "Berea" Parkway west through Stafford and Culpeper Counties, into Orange County, ending at State Route 3; and

WHEREAS, the Board studied this option and determined that it is not the best solution for resolving transportation problems on I-95;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the Board does not support the Spotsylvania Bypass Proposal; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall provide a certified copy of this resolution to VDOT and to FAMPO.

Mr. Schieber motioned, seconded by Mr. Milde, to adopt revised proposed Resolution R13-346, which was modified to include recommendations from the Infrastructure Committee. Ms. Stimpson abstained from voting due to her feeling that she did not have adequate time to study the alternatives. Mr. Sterling abstained due to his position on the Commonwealth Transportation Board.

The Voting Board tally was:

Yea: (5) Cavalier, Milde, Schieber, Snellings, Thomas
Nay: (0)
Abstain: (2) Sterling, Stimpson

Resolution R13-346 reads as follows:

A RESOLUTION FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION REGARDING STAFFORD COUNTY’S POSITION ON A RAPPAHANNOCK RIVER CROSSING

WHEREAS, congestion and traffic along I-95 at the Rappahannock River has been a problem for many years impacting the localities and the entire State; and

WHEREAS, the Virginia Secretary of Transportation requested that each member locality of the Fredericksburg Area Metropolitan Planning Organization (FAMPO) provide a resolution identifying its support for one of the alternatives for a Rappahannock River crossing; and

WHEREAS, many alternatives have been presented with various alignments and costs for the Board’s consideration, including the North-West portion of the Outer Connector; the I-95 Rappahannock River Crossing; the Spotsylvania Bypass proposal; and alternatives to the Spotsylvania Bypass proposal;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the Board supports the study of the I-95 Rappahannock River Crossing, Rappahannock Parkway, Spotsylvania Bypass Alternatives (Options 1, 1a, and 2), Outer Connector (Western Bypass), Outer Connector (Eastern Bypass) alternatives; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall provide a certified copy of this Resolution to VDOT and to FAMPO.

Planning and Zoning; Refer to the Planning Commission Consideration of an Amendment to County Code Section 28-35, Table 3.1, “District Uses and Standards” Regarding Power Generating Stations Including, But Not Limited to Waste-to-Energy Facilities Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

Ms. Stimpson questioned why the matter had to be referred back to the Planning Commission, adding that she felt it could be dealt with at that time. Mr. Schieber asked how it coincided with the “do-over” on Waste-to-Energy. Mr. Romanello replied that the vote on proposed Resolution R13-352 was in front of Waste-to-Energy. He added that the R-Board planned to have a Request for Proposal (RFP) ready by the third week in November and responses were expected over several months.

Mr. Milde talked about Dominion Virginia Power lines and how, with Speaker Bill Howell’s assistance in Richmond, the power lines were buried rather than placed overhead, adding that there was nothing sinister about it.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-352.

The Voting Board tally was:

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

Resolution R13-352 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION CONSIDERATION OF A REPEAL OF ORDINANCE O13-09, WHICH AMENDED AND REORDAINED STAFFORD COUNTY CODE, SECTION 28-35, TABLE 3.1, “DISTRICT USES AND STANDARDS,” REGARDING POWER GENERATING FACILITIES

WHEREAS, at its meeting on March 19, 2013, the Board adopted Ordinance O13-09, which amended and reordained Stafford County Code, Section 28-35, Table 3.1, “District Uses and Standards,” regarding power generating facilities; and

WHEREAS, at its meeting on March 19, 2013, the Board added a caveat to the adoption of Ordinance O13-09 that the Board would revisit the issue of power generating facilities in October, 2013; and

WHEREAS, the Board determines that it is necessary for the Planning Commission to review, and consider a repeal of, Ordinance 13-09, which amended and reordained County Code Section 28-35, Table 3.1, “District Uses and Standards,” regarding power generating facilities including, but not limited to, waste-to-energy facilities;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the day of , 2013, that it be and hereby does refer to the Planning Commission consideration of a repeal of Ordinance O13-09, which amended and reordained County Code, Section 28-35, Table 3.1, “District Uses and Standards,” regarding power generating facilities including, but not limited to, waste-to-energy facilities, for its review and recommendations; and

BE IT FURTHER RESOLVED that the Planning Commission will return its recommendations to the Board within 90 days of the date of this Resolution.

Public Works; Designate FY2015 VDOT Revenue Sharing Program Funds Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members questions.

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-332, with a modification to include adding \$100k to design Brent Point Road, with the \$100k coming from the Ferry Road project. Mr. Thomas said that there was nothing additional added and it was well within the budget.

The Voting Board tally was:

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

Resolution R13-332 reads as follows:

**A RESOLUTION TO DESIGNATE FY2015 VIRGINIA DEPARTMENT
 OF TRANSPORTATION REVENUE SHARING PROGRAM FUNDS**

WHEREAS, the Board desires to participate in the FY2015 Virginia Department of Transportation (VDOT) Revenue Sharing Program; and

WHEREAS, the full funding of the Courthouse Road widening project, between Cedar Lane and Ramoth Church Road, is the Board's first priority for VDOT Revenue Sharing funds; and

WHEREAS, the Board requests VDOT Revenue Sharing funds in the amount of \$6,437,000 for the Courthouse Road widening project, as the Board's first priority project, to be matched equally with County funds; and

WHEREAS, the Board requests additional VDOT Revenue Sharing funds in the amount of \$1,563,000 for the improvements to the Jefferson Davis Highway and Courthouse Road intersection, as the Board's second priority project, to be matched equally with County funds; and

WHEREAS, the Board requests additional VDOT Revenue Sharing funds in the amount of \$1,400,000 for the Enon Road widening project, from Jefferson Davis Highway to the bridge over I-95, as the Board's third priority project, to be matched equally with County funds; and

WHEREAS, the Board also requests VDOT Revenue Sharing funds in the amount of \$500,000 for the intersection of Kings Highway and Ferry Road, as the Board's fourth priority project, to be matched equally with County funds; and

WHEREAS, the Board also requests additional VDOT Revenue Sharing funds in the amount of \$100,000 for design of Improvements to Brent Point Road, as the Board's fifth priority project, to be matched equally with County funds; and

WHEREAS, the Board commits to matching \$10,000,000 in Revenue Sharing funds with \$10,000,000 in local matching funds for the listed projects;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013 that the following projects be and they hereby are designated for the FY2015 VDOT Revenue Sharing Program:

First Priority: Courthouse Road widening project, between Cedar Lane and Ramoth Church Road; Six Million Four Hundred Thirty-seven Thousand Dollars (\$6,437,000) in Revenue Sharing Program funds, with; Six Million Four Hundred Thirty-seven Thousand Dollars (\$6,437,000) in matching local revenue;

Second Priority: Intersection of Courthouse Road and Jefferson Davis Highway; One Million Five Hundred Sixty-three Thousand Dollars (\$1,563,000) in Revenue Sharing Program funds, with One Million Five Hundred Sixty-three Thousand Dollars (\$1,563,000) in matching local revenue;

Third Priority: Enon Road widening from Jefferson Davis Highway to the I-95 bridge; One Million Four Hundred Thousand Dollars (\$1,400,000) in Revenue Sharing Program funds, with One Million Four Hundred Thousand Dollars (\$1,400,000) in matching local revenue;

Fourth Priority: Intersection of Ferry Road and Kings Highway; Five Hundred Thousand Dollars (\$500,000) in Revenue Sharing Program funds, with Five Hundred Thousand Dollars (\$500,000) in matching local revenue;

Fifth Priority: Design of improvements to Brent Point Road necessary to enhance public access to Widewater State Park; One Hundred Thousand Dollars (\$100,000) in Revenue Sharing Program funds, with One Hundred Thousand Dollars (\$100,000) in matching local revenue; and

BE IT FURTHER RESOLVED that the Board requests VDOT apply Revenue Sharing Program funding to the projects in priority order as stated in this Resolution; and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Administrator or his designee to execute project administration agreements and/or other documents that are necessary or appropriate for any approved revenue sharing projects; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee sends three certified copies of this Resolution to the VDOT District Administrator.

Public Works; Authorize the County Administrator to Request VDOT FY2015 Transportation Alternative Program Funding for the Design and Construction of the Belmont-Ferry Farm Trail System, Phase 6 Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members questions.

Mr. Milde thanked Mr. Sterling for his efforts on behalf of transportation in the County. Ms. Stimpson thanked staff and Tim Baroody for the great job on the Belmont Ferry-Farm Trail.

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-333.

The Voting Board tally was:

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

Resolution R13-333 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO REQUEST FUNDING FROM THE FY2015 VIRGINIA DEPARTMENT OF TRANSPORTATION, TRANSPORTATION ALTERNATIVES PROGRAM FOR THE DESIGN AND CONSTRUCTION OF THE BELMONT-FERRY FARM TRAIL SYSTEM, PHASE 6

WHEREAS, the VDOT Transportation Alternative Program (TAP) is a part of the Moving Ahead for Progress in the 21st Century Act (MAP-21), which replaces Transportation Enhancement activities; and

WHEREAS, VDOT is currently accepting applications for TAP and will select applications to forward to the Fredericksburg Area Metropolitan Planning Organization (FAMPO) and the Commonwealth Transportation Board (CTB) for project selection; and

WHEREAS, eligible projects include construction of pedestrian and bicycle facilities; safe routes for non-drivers to access daily needs; removal of outdoor advertising; rehabilitation of historic transportation facilities; vegetation management in transportation rights-of-way; and archeological and environmental activities related to transportation projects; and

WHEREAS, VDOT, FAMPO, and the CTB will only consider projects for FY2015 appropriation on which the Board has held a public hearing prior to submission of an application; and

WHEREAS, the Courthouse Streetscape and the Belmont-Ferry Farm Trail System projects are existing projects eligible for TAP funding, and on which the Board held a public hearing; and

WHEREAS, design work for the Courthouse Streetscape project is dependent on the Courthouse Road/ Route 1 Intersection design; and

WHEREAS, the Belmont-Ferry Farm Trail System, Phase 6, is ready for design and construction; and

WHEREAS, in accordance with VDOT's TAP application procedures, it is necessary that the Board, by Resolution, commit to the sponsorship of the projects and to verify the availability of a 20% local match; and

WHEREAS, the Board desires to request TAP funding in the amount of \$1,000,000 for the design and construction of the Belmont-Ferry Farm Trail System, Phase 6, with a County match of \$250,000 for the project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the County Administrator be and he hereby is authorized to request One Million Dollars (\$1,000,000) in FY2015 VDOT TAP funds for planning and construction of the Belmont-Ferry Farm Trail System, Phase 6, and to verify that the 20% local match, in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000), is available from the Transportation Fund should the funds be awarded to the County; and

BE IT FURTHER RESOLVED that the County Administrator or his designee is authorized to execute project administration agreements for any approved TAP funding associated with the Belmont-Ferry Farm Trail System, Phase 6.

Planning and Zoning; Authorize Time Extension to the Planning Commission for Clift Farm Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Harvey explained that the request for additional time was due to a legal challenge, the trial was scheduled for January, 2014. Ms. Stimpson said that the Falmouth Planning Commission representative voted against a time extension and she agreed with that vote.

Hearing no objections, the Board took no action on the requested time extension for Clift Farm.

Public Works; Authorize the County Administrator to Submit a Grant Application for the Stormwater Local Assistance Fund Mr. Anthony Romanello, County Administrator gave a presentation and answered Board members questions. The application deadline was November 15, 2013. It involved \$125k in grant funds with a \$125k County match.

Mr. Sterling motioned, seconded by Mr. Schieber, to adopt proposed Resolution R13-368.

The Voting Board tally was:

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

Resolution R13-368 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SUBMIT A GRANT APPLICATION FOR THE STORM WATER LOCAL ASSISTANCE FUND FOR PLANNING AND DESIGN OF STORMWATER BEST MANAGEMENT PRACTICE FACILITIES WITHIN THE WHITSONS RUN WATERSHED

WHEREAS, the County's Municipal Separate Storm Sewer System (MS4) stormwater discharge permit requires improvements to the County's existing stormwater system to reduce the pollution entering the Chesapeake Bay and its tributaries; and

WHEREAS, the Virginia General Assembly created the Storm Water Local Assistance Fund (SLAF) to provide funding to local governments for the planning, design, and implementation of stormwater best management practices related to reducing water quality pollution; and

WHEREAS, the State announced the solicitation of applications for SLAF Grants for stormwater projects; and

WHEREAS, the SLAF Grant would help defray the cost of the State-mandated improvements; and

WHEREAS, the County proposes to use any SLAF Grant to design and construct or retrofit up to three stormwater management facilities or improvements within the Whitsons Run watershed, as part of the Whitsons Run watershed management plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that it be and hereby does authorize the County Administrator to submit a grant application for the Stormwater Local Assistance Fund for stormwater best management practice facilities within the Whitsons Run watershed, in an amount not to exceed One Hundred Twenty-five Thousand Dollars (\$125,000), with a County match not to exceed One Hundred Twenty-five Thousand Dollars (\$125,000).

County Administration; Approve Appointment of Mr. Howard Owen as the Falmouth District Representative to the Economic Development Authority Ms. Stimpson motioned, seconded by Mr. Milde, to appoint Mr. Howard Owen to the Economic Development Authority. A copy of Mr. Owen's Board Bank Application was provided in the Board's Add-on folder.

The Voting Board tally was:

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

Legislative; Closed Meeting. At 8:54 p.m., Mr. Thomas motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM13-17.

The Voting Board tally was:

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

Resolution CM13-17 reads as follows:

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion and consultation with legal counsel regarding the development of Chichester Park; (2) discussion and consultation with legal counsel regarding *Commissioner of Highways v. Stafford County, et al.*, Case No. 13-615; (3) discussion and consultation with legal counsel regarding a notice of claim letter sent to the Rappahannock Area Community Services Board; and (4) discussion and consultation with legal counsel regarding *Rocky Ridge Joint Venture v. Stafford County Board of Supervisors, et al.*, Case No. 11-1369; and

WHEREAS, pursuant to Virginia Code Section 2.2-3711(A)(7), such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 15th day of October, 2013, does hereby authorize discussion of the aforesated matters in Closed Meeting.

Call to Order At 9:09 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Thomas motioned, seconded by Mr. Sterling, to adopt proposed Resolution CM13-17(a).

The Voting Board tally was:

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

Resolution CM13-17(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON OCTOBER 15, 2013

WHEREAS, the Board has, on this the 15th day of October, 2013, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 15th day of October, 2013, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Mr. Thomas motioned, seconded by Mr. Schieber, “to authorize the County Attorney to execute any and all documents necessary to settle Rocky Ridge Joint Venture v. the Stafford County Board of Supervisors, Case No. 11-1369. The agreement shall include the following visions: 1) the County will provide Richard Wolfe, as RRJV’s principal agent, \$62,582.50, which represents the amount of security at issue in the case; 2) the County shall not appeal the Circuit Court’s decision; and 3) the party shall execute mutual release provisions.”

The Voting Board tally was:

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

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-367.

The Voting Board tally was:

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

Resolution R13-367 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY AND COUNTY ADMINISTRATOR TO EXECUTE A SETTLEMENT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION REGARDING *COMMISSIONER OF HIGHWAYS FOR THE COMMONWEALTH OF VIRGINIA V. BOARD OF SUPERVISORS OF STAFFORD COUNTY, ET AL.* (CASE NO. CL13-615)

WHEREAS, the Commissioner of Highways for the Commonwealth of Virginia (the Commissioner) has filed a Petition for Condemnation against the County and other parties to acquire a fee simple interest and easements on a portion of Tax Map Parcel 21-65K comprising approximately 0.1 acres (the Property); and

WHEREAS, the Virginia Department of Transportation (VDOT) needs the Property for the Staffordboro Commuter Lot Project (the Project); and

WHEREAS, the County supports the Project and desires to settle the condemnation lawsuit filed by the Commissioner; and

WHEREAS, the Commissioner has offered the Board \$2,110 to settle the condemnation lawsuit, and the Board finds this offer acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of October, 2013, that the County Attorney and the County Administrator, or their designees, be and they hereby are authorized to execute any and all documents that are necessary to settle *Commissioner of Highways for the Commonwealth of Virginia v. Board of Supervisors of Stafford County, et al.* (Case No. CL13-615).

Adjournment: At 9:10 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Susan B. Stimpson
Chairman