

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

May 6, 2014

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 3:10 p.m., on Tuesday, May 6, 2014, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Jack R. Cavalier, Chairman; Gary F. Snellings, Vice Chairman; Meg Bohmke; Paul V. Milde, III; Laura A. Sellers; Cord A. Sterling; and Robert “Bob” Thomas, Jr.

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

Presentation of the 2014 Heart Safe Community Award Mr. Cavalier introduced Chief Mark Lockhart and Acting Division Chief, Lori Knowles. Chief Lockhart said that Stafford County was recognized by the International Association of Fire Chiefs and the Physio-Control Corporation as the 2014 recipient of the Heart Safe Community Award for Large Communities. The award recognized agencies and systems that demonstrated creative approaches to improving care for patients with Acute Coronary Syndrome and Sudden Cardiac Arrest through bystander Cardio-Pulmonary Resuscitation (CPR), Auto External Defibrillator (AED) deployment, out-of-hospital 12-lead EKGs, and partnering with local hospitals for improved outcomes from Acute Coronary Syndrome or Sudden Cardiac Arrest.

Also in attendance was Christopher Ramos with the American Heart Institute, as well as members of the Gwyneth’s Law Working Group including Jennifer and Ainsley Griffin, the mother and sister (respectively) of the late Gwyneth Griffin. Following Chief Lockhart’s presentation, Mr. Kevin Dillard, President of the Rappahannock Regional Emergency Medical Services Council, presented an award to Stafford County for being the first locality in the Commonwealth of Virginia to receive the Heart Safe Community Award. Mr. Dillard commended staff, saying that Stafford County raised the bar for other localities in Virginia.

Presentation to Recognize and Commend Mr. James A. “Jim” Lewis for his Service on the Law Enforcement/Private Trespass Towing Advisory Boards Sheriff Charles Jett presented the proclamation to Mr. Lewis saying that Mr. Lewis was a pillar of the community and a true “Staffordian.” Mr. Lewis thanked the Board for the opportunity to serve in various volunteer capacities and recognized Mr. Ray Hodge as being one of the original members of the Tow Board. Mr. Cavalier wished Mr. and Mrs. Lewis well in their retirement and thanked Mr. Lewis for his service to the citizens of Stafford County.

Presentations by the Public No members of the public expressed a desire to speak.

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

Ms. Bohmke	Deferred
Mr. Cavalier	Thanked visitors from England, County staff and volunteers for the various events that took place honoring the Mayor and Councilors from the Borough of Stafford, England.
Mr. Milde	Community and Economic Development Committee update
Ms. Sellers	Deferred
Mr. Snellings	Deferred
Mr. Sterling	Infrastructure Committee update
Mr. Thomas	Deferred

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

Report of the County Administrator Mr. Romanello thanked Department of Parks, Recreation and Community Facilities staff for the hard work and effort required to get athletic fields ready for competition following the storms of the previous week. He also thanked everyone involved with the Founder’s Day Parade and History Fair saying that it was a community-wide effort, attended by 13,000 people.

Mr. Romanello noted that additions to the Agenda included 11b and 11c (appointment to the Private Day School Committee for Ms. Sellers; and appointment to the Fredericksburg Area Metropolitan Planning Organization (FAMPO) to Mr. Sterling. Both appointments replace Mr. Snellings’ seat on the respective committees.

Also added was the seventh “Whereas Clause” to proposed Resolution R14-118, Consent Agenda Item 14, requesting support from the County’s state and federal delegations for the I-95/SR 630 (Courthouse Road) Interchange replacement project.

Legislative; Additions and Deletions to the Regular Agenda Mr. Thomas motioned, seconded by Mr. Snellings, to adopt the Agenda with the additions of Items 11b and 11c, and the additional “Whereas” clause to proposed Resolution R14-118.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Legislative; Consent Agenda Mr. Milde motioned, seconded by Ms. Sellers, to adopt the Consent Agenda consisting of Items 3 through 14, including Items 11b and 11c, and with the additional “Whereas” clause added to Item 14, proposed Resolution R14-118.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Item 3. Legislative; Approve Minutes of the April 15, 2014 and April 28, 2014 Board Meetings

Item 4. Finance and Budget; Approve Expenditure Listing

Resolution R14-110 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED APRIL 15, 2014 THROUGH MAY 5, 2014

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 6th day of May, 2014 that the above-mentioned EL be and hereby is approved.

Item 5. Finance and Budget; Authorize Advanced Refunding of Lease Revenue Bonds

Resolution R14-111 reads as follows:

A RESOLUTION AUTHORIZING AN APPLICATION TO THE VIRGINIA RESOURCES AUTHORITY'S SUMMER, 2014 VIRGINIA POOLED FINANCING PROGRAM FOR THE ADVANCE REFUNDING OF LEASE REVENUE BONDS

WHEREAS, the County has outstanding Lease Revenue Bonds issued in 2006 and 2008; and

WHEREAS, interest rates appear favorable to achieve savings through a refunding of the bonds; and

WHEREAS, the Board is committed to sound financial management of County funds and pursuing appropriate opportunities to save taxpayer dollars;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that it be and hereby does authorize the County Administrator to make application to the Virginia Resources Authority for participation in the Summer, 2014 Virginia Pooled Financing Program for the refunding of some of the 2006 and 2008 Lease Revenue Bonds, not to exceed \$80 million.

Item 6. Public Works; Request Reimbursement from PRTC for Transportation Expenditures During the Second and Third Quarters of FY2014

Resolution R14-102 reads as follows:

A RESOLUTION REQUESTING REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION (PRTC) FOR TRANSPORTATION EXPENDITURES DURING THE SECOND AND THIRD QUARTERS OF FY2014

WHEREAS, the County budgeted funds in the FY2014 Transportation Fund for various programs, including financial services, FREDericksburg Regional Transit, the Stafford Regional Airport Authority, Social Services client transportation, street name signs, road improvements, Revenue Sharing and enhancement grants; and

WHEREAS, the County expended \$1,145,820 in qualifying transportation-related expenses during the second and third quarters of FY2014; and

WHEREAS, the County may request that PRTC reimburse the County for these qualifying transportation-related expenses from the County Motor Fuels Tax Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County One Million, One Hundred Forty-five Thousand, Eight Hundred Twenty Dollars (\$1,145,820) from the County Motor Fuels Tax Fund; and

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

Item 7. Public Works; On Amendments to Stafford County Code Chapter 21.5, “Stormwater Management;” Updates to the Stormwater Management Design Manual; and Changes to the Fee Schedule Associated with the Updated Stormwater Ordinance

Resolution R14-76 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO STAFFORD COUNTY CODE CHAPTER 21.5, “STORMWATER MANAGEMENT” AND THE REVISED STORMWATER MANAGEMENT DESIGN MANUAL

WHEREAS, on September 3, 2011, the Virginia Soil and Water Conservation Board adopted revised stormwater management regulations; and

WHEREAS, in accordance with the revised State regulations, the County is required to revise its stormwater management program to implement the new State regulations; and

WHEREAS, County staff has developed a revised Stormwater Management Ordinance and Design Manual for consideration by the Board; and

WHEREAS, the revised Stormwater Management Ordinance and Design Manual must be submitted to the Virginia Department of Environmental Quality for its approval prior to June 15, 2014; and

WHEREAS, the Board desires, and is required to hold a public hearing on the proposed Stormwater Management Ordinance amendments and revised Design Manual to obtain input from citizens and other stakeholders;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider amendments to Stafford County Code Chapter 21.5, “Stormwater Management” and the revised Stormwater Management Design Manual.

Item 8. Public Works; Authorize a Public Hearing to Vacate a Portion of a Plat to Eliminate a Road Right-of-Way in Section 4 of Poplar Hills Subdivision

Resolution R14-108 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER VACATING A PORTION OF A SUBDIVISION PLAT TO ELIMINATE A PUBLIC RIGHT-OF-WAY, KNOWN AS CONIFER WAY, IN THE POPLAR

HILLS SUBDIVISION, SECTION 4, IN THE AQUIA ELECTION DISTRICT

WHEREAS, the owners of Assessor's Parcel 40B-4-97 and 40B-4-98 requested a partial vacation of a Subdivision Plat in Poplar Hills, Section 4, to eliminate a public right-of-way, known as Conifer Way, recorded in 2003 in the Stafford County Land Records as Plat Map PM040000239, in the Aquia Election District; and

WHEREAS, the right-of-way, known as Conifer Way, is no longer needed; and

WHEREAS, Virginia Code § 15.2-2272(2), requires that a public hearing be held prior to vacating the right-of-way;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider vacating a portion of a plat, specifically a public right-of-way known as Conifer Way, in Poplar Hills Subdivision, Section 4, recorded in 2003 in the Stafford County Land Records as Plat Map PM040000239, in the Aquia Election District.

Item 9. Public Works; Approve Design of the Truslow Road Reconstruction Project

Resolution R14-109 reads as follows:

A RESOLUTION TO APPROVE THE DESIGN OF THE TRUSLOW ROAD RECONSTRUCTION PROJECT

WHEREAS, the County completed the required public hearing on the Truslow Road reconstruction project, prepared transcripts of the hearing, and is prepared to request authorization by the Virginia Department of Transportation (VDOT) for right-of-way acquisition; and

WHEREAS, Board approval of the road design is necessary for VDOT to consider approval of the major design features of the project; and

WHEREAS, upon VDOT's approval, the County may proceed with the acquisition phase of the project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that the design of the Truslow Road reconstruction project, is approved; and

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

Item 10. County Administration; Authorize Conveyance of an Easement to Dominion Virginia Power for Electrical Service at Chichester Park

Resolution R14-90 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO CONVEY AN ELECTRICAL EASEMENT TO DOMINION VIRGINIA
POWER ON COUNTY-OWNED PROPERTY AT CHICHESTER PARK

WHEREAS, electrical service is needed at Chichester Park; and

WHEREAS, Dominion Virginia Power requested an easement to install, operate, and maintain underground conduit and cable lines for the transmission and distribution of electric service to Chichester Park;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that the County Administrator be and he hereby is authorized to convey an electrical easement to Dominion Virginia Power on County-owned property at Chichester Park.

Item 11a. County Administration; Approve Reappointment of Mr. Harry Johnston to the Rappahannock Area Alcohol Safety Action Program

Item 11b. (add-on) Legislative; Appoint Ms. Sellers to replace Mr. Snellings on the Private Day School Committee

Item 11c. (add-on) Legislative; Appoint Mr. Sterling to replace Mr. Snellings on the Fredericksburg Metropolitan Planning Organization (FAMPO)

Item 12. Public Information; Recognize and Commend Mr. James A. “Jim” Lewis for his Service on the Law Enforcement Towing Advisory Board and the Citizens of Stafford County

Proclamation P14-13 reads as follows:

A PROCLAMATION RECOGNIZING AND COMMENDING MR. JAMES A.
“JIM” LEWIS FOR HIS SERVICE ON THE LAW ENFORCEMENT/PRIVATE
TRESPASS TOWING ADVISORY BOARDS

WHEREAS, Mr. Lewis served for many years on the Law Enforcement and Private Trespass Towing Boards, beginning with the inception of the Law Enforcement Towing Board in 1995; and

WHEREAS, Mr. and Mrs. Lewis graciously opened their home and hosted the National Night Out ice cream social for many years; and

WHEREAS, Mr. Lewis has been a strong and steadfast supporter of, and friend to the Sheriff’s Office and the law enforcement community; and

WHEREAS, Mr. and Mrs. Lewis operated a successful independent insurance business for more than 30 years; and

WHEREAS, Mr. Lewis announced his retirement from the Law Enforcement and Private Trespass Towing Boards;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that it be and hereby does recognize Mr. Jim Lewis for his dedication and service for his service on the Law Enforcement/Private Trespass Towing Advisory Boards and the citizens of Stafford County.

Item 13. Public Information; Recognize and Commend Mr. Ron Billingsley upon his Retirement Following More than 31 Years of Service and Dedication to the Citizens of Stafford County

Proclamation P14-08 reads as follows:

A PROCLAMATION RECOGNIZING AND COMMENDING MR. RON BILLINGSLEY UPON HIS RETIREMENT FOLLOWING MORE THAN 31 YEARS OF SERVICE AND DEDICATION TO THE CITIZENS OF STAFFORD COUNTY

WHEREAS, Ron Billingsley will retire on May 30, 2014 after more than 31 years as a dedicated public servant; and

WHEREAS, Mr. Billingsley started his career with Stafford County on November 2, 1982, working as a Line Crew Worker I in the Department of Utilities; and

WHEREAS, Mr. Billingsley earned his Wastewater Operations Collection license, and was promoted to Manager of Field Operations; and

WHEREAS, in 1997, Mr. Billingsley was named Property Administrator of Public Services, within the Finance Department, and promoted to Director when Public Services became a stand-alone department; and

WHEREAS, Mr. Billingsley became the Assistant Director of Parks, Recreation and Community Facilities when the Public Services Department and Parks and Recreation were combined; and

WHEREAS, an excellent leader, Mr. Billingsley is a great motivator and helps everyone that he works with to reach his or her full potential; and

WHEREAS, Mr. Billingsley has a knack for hiring and developing people into employees with hearts for public service;

NOW THEREFORE BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that it be and hereby does recognize and commend Ron Billingsley for more than 31 years of dedicated service to the citizens of Stafford County.

Item 14. Public Works; Request that the Commonwealth Transportation Board Fully Fund the Route 630 Interchange in the Six-Year Improvement Program

Resolution R14-118 reads as follows:

A RESOLUTION REQUESTING THAT THE COMMONWEALTH TRANSPORTATION BOARD FULLY FUND THE COURTHOUSE ROAD AND INTERSTATE 95 INTERCHANGE RECONSTRUCTION PROJECT

WHEREAS, the existing interchange at Exit 140 on Interstate 95 at Route 630 (Courthouse Road) cannot efficiently handle the current volume of traffic; and

WHEREAS, the Virginia Department of Transportation (VDOT) proposed a project that will fully reconstruct the I-95/Route 630 interchange; and

WHEREAS, on November 29, 2012, VDOT held a public hearing at Colonial Forge High School, which gave the public an opportunity to provide oral and written comments on this project; and

WHEREAS, the draft Six-Year Improvement Program removes \$30 million in funding from this project, which could result in delays to completion, construction cost increases, and potentially lead to the removal of funding; and

WHEREAS, the Board is also concerned that delays in completion of the interchange project will jeopardize economic development and increase congestion in the area and on Interstate 95; and

WHEREAS, the interchange project is the number one transportation priority for the Fredericksburg Area Metropolitan Planning Organization and the Board; and

WHEREAS, the Board requests that its state and federal elected officials endorse and fully support funding for the Courthouse Road and Interstate 95 Interchange Reconstruction Project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that the Board supports the Courthouse Road and Interstate 95 Interchange Reconstruction Project and requests that the Commonwealth Transportation Board (CTB) fully fund this project in the Six-Year Improvement Program; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall provide a copy of this Resolution to the CTB and to Stafford County's state and federal delegation.

Planning and Zoning; Consider Endorsing the Falmouth Master Interpretive Plan Ms. Kathy Baker, Assistant Director of Planning and Zoning, presented the Plan and answered Board members questions. Mr. Snellings asked about parking issues. Mr. Thomas said that the Board’s Community and Economic Development Committee (CEDC) discussed parking at its last meeting. Discussion included moving the fence-line to the other side of the existing parking lot, additional lighting, etc. The CEDC recommended that it be brought before the full Board at its next meeting. Ms. Baker noted that the Plan had to be submitted to the Virginia Department of Transportation (VDOT)

Mr. Thomas motioned, seconded by Ms. Bohmke, to adopt proposed Resolution R14-59.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
 Nay: (0)

Resolution R14-59 reads as follows:

A RESOLUTION ENDORSING THE FALMOUTH MASTER INTERPRETIVE PLAN

WHEREAS, the Falmouth Master Interpretive Plan (MIP) was prepared in accordance with a Programmatic Agreement (PA) between the Federal Highway Administration (FHWA), the Virginia State Historic Preservation Officer (SHPO), the Virginia Department of Transportation (VDOT), and Stafford County; and

WHEREAS, the PA was prepared pursuant to Section 106 of the National Historic Preservation Act to assess any adverse impacts to the Falmouth Historic District as a result of the proposed Falmouth intersection improvements; and

WHEREAS, the PA stipulated preparation of the MIP to assist Stafford County in disseminating information to the public about the Falmouth Historic District; and

WHEREAS, the MIP is intended to be a management tool, which outlines and guides decisions about interpretive programming for the Falmouth Historic District; and

WHEREAS, the County is required to submit the final MIP to VDOT on or before June 11, 2014 in order to receive reimbursement for the MIP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that the Falmouth Master Interpretive Plan, prepared by Management Analysis Incorporated, dated February 5, 2014, be and it hereby is endorsed; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall provide a copy of this resolution, and the endorsed MIP, to VDOT’s Central Office on or before June 11, 2014; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee is authorized to execute any and all other documents related to the MIP and/or the PA that are deemed to be necessary and/or appropriate.

Planning and Zoning; Amend Proffers on 93 Acres Zoned PD-2 at Embrey Mill Ms. Kathy Baker, Assistant Director of Planning and Zoning, gave a presentation and answered Board members questions. Ms. Baker explained that there was a proposed change to the type of multi-family units, reducing the number of senior units, with no change to the overall number of units proposed. An increased amount of the cash proffers, to \$7,250 per unit, was also included in the amended proffers, as well as a specified number of bedrooms per unit in those that would replace the senior apartments.

Ms. Patricia Healy, for the applicant, confirmed that the proffered amount (for 100 units) was \$7,250 per unit. County Attorney, Charles Shumate, said that signed proffers indicating the amended amount of \$7,250 were necessary before the Board would vote on the proposal.

The remainder of the discussion was deferred to the evening session of the Board meeting or until an authorized signatory for the applicant signed and initialed the strike-throughs/changes to the proffer amendment.

Finance and Budget; Consider Establishing a Stormwater Service District Mr. Cavalier noted that two actions were requested of the Board. The first was a vote on the establishment of a Stormwater Service District; the second was a vote on the proposed one-half cent tax levy. Mr. Milde said that he did not support the tax levy and did not see the point to establishing a Service District without adequate funding. He added that he would vote against the tax, saying that he would not support an additional tax burden on residents, but he would support the establishment of a Service District.

Mr. Sterling motioned, seconded by Mr. Thomas, to deny the establishment of a Stormwater Service District.

Mr. Milde made a substitute motion, seconded by Ms. Sellers, to adopt proposed Ordinance O14-14 to establish a Stormwater Service District.

Mr. Sterling asked why Mr. Milde was in favor of establishing a Service District without funding. Mr. Thomas asked about an alternative funding mechanism, a Stormwater Utility. Mr. Steve Hubble, Assistant Director of Public Works, addressed the Board and discussed the differences between a Service District and a Stormwater Utility.

Mr. Hubble said that a Utility generated more revenue where there were larger impervious surface areas and more run-off. Mr. Thomas asked if a parking lot had an underneath stormwater solution, would the land-owner get credit. Mr. Hubble said that the County considered that in the early 2000's and credit would be determined by the adequacy of the existing stormwater facility. Mr. Thomas asked about the downside to a Utility. Mr. Hubble said that there was a lot of up-front work; that a consultant would be necessary and initially, it would be similar to the County's assessment process where residences and commercial facilities would have to be visited (toured) to determine stormwater utility charges.

Mr. Milde withdrew his motion to establish a Service District, saying that it would send the wrong message. He agreed with Mr. Thomas that the County ought to look into a Stormwater Utility rather than a Service District.

Ms. Bohmke said that she was not in favor of establishing a Service District if there was no funding, adding that she was willing to look at a Utility instead. She asked where the money would come from if the one-half cent tax levy was not adopted. Mr. Sterling said that Mr. Romanello was tasked with returning to the Board in June, 2014, with a funding mechanism. Mr. Milde said that the money would come from the County's General Fund; that projects had to be done in the prescribed amount of time. Mr. Romanello said that some of the capital projects did not have to be done in FY2015 but could be moved to the out-years and FY2014 year-end funds could be used for the more immediate needs. He said that the issue was operational funds; that staff would reduce the County's budget accordingly and bring it back before the Board in June with a recommendation.

Mr. Sterling restated his motion, seconded by Mr. Thomas, to deny the establishment of a Stormwater Service District.

The Voting Board tally was:

Yea: (5) Bohmke, Cavalier, Milde, Sterling, Thomas
 Nay: (2) Sellers, Snellings

Finance and Budget; Budget and Appropriate Cash Proffers Chief Financial Officer, Ms. Maria Perrotte, presented the item and answered Board members questions. Ms. Bohmke said that South Gate proffers provided funding for the turf field at Stafford High School, although it did not provide sufficient funding to include the "D-Rings" necessary to complete the installation. Mr. Thomas asked if it was at the point of execution. Ms. Perrotte responded, "Yes."

Ms. Bohmke motioned, seconded by Mr. Thomas, to adopt proposed Resolution R14-112.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution R14-112 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE CASH PROFFER FUNDS

WHEREAS, cash proffer funds are available for use on Board-approved Schools' projects; and

WHEREAS, proffers in the amount of \$38,000 are available to support the Schools' completion of the athletic artificial turf field project at Stafford High School;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that it be and hereby does budget and appropriate the following in cash proffer funds:

SCHOOLS: \$38,000
Southgate – Clear Spring Lane

Legislative; Closed Meeting. At 3:52 p.m., Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM14-10.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution CM14-10 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) Consultation with legal counsel regarding proposed and potential property development in the area of the new I-95/Courthouse Road interchange; (2) Discussion regarding the potential acquisition of real property for a public purpose(s), including an academic presence and/or economic development; (3) Discussion of a public contract for the operation of the Embrey Mill Indoor Recreational facility; and (4) Discussion and consideration of confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from the County, for business retention, and County-prepared records related to a business that is considering locating in the County; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(3), (A)(7), (A)(29), and (A)(40), and 2.2-3705.6(3), such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 6th day of May, 2014, does hereby authorize discussion of the aforestated matters in Closed Meeting.

Call to Order At 5:02 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 CM14-10(a).

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution CM14-10(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MAY 6, 2014

WHEREAS, the Board has, on this the 6th day of May, 2014, 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 6th day of May, 2014, 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.

Planning and Zoning; Amend Proffers on 93 Acres Zoned PD-2 at Embrey Mill (continued) Ms. Baker said that the applicant made the needed changes and re-signed the proffers including having initialed the \$7,250 proffered amount per unit. Mr. Sterling asked for clarification about the one and two bedroom requirement being limited to the 100 units removed from the senior designation. He noted that all of the other units could be three or four bedrooms, which would have a higher impact on schools.

Mr. Sterling added that the reported 31-61 student impact was figured using only the 100 units that formerly held the senior designation, not the entire proposed development.

Mr. Sterling asked about apartments to be built above the commercial development, saying that it appeared that they would not be built until there was a market for commercial development. Ms. Sellers said that commercial must be built first, that phasing-in was included in the amended proffers. Mr. Sterling said that there was already much empty commercial development in the County. He added that he did not wish to see more apartments, particularly given that there might be an impact on schools, particularly Rodney Thompson Middle School and Colonial Forge High School, both of which were at capacity. Mr. Sterling said that the School Board would not consider redistricting. Ms. Bohmke reminded the Board that there was a new School Superintendent.

Ms. Sellers motioned to adopt proposed Ordinance O14-05. The motion died due to the lack of a second. Mr. Milde asked Ms. Sellers to clarify the value to the County of the proposed changes. Mr. Sterling said that his main concern was overcrowding at the impacted schools.

Ms. Sellers said that it was not fair to place the burden on the developer when it was the School Board that should decide which schools students should attend. Mr. Sterling said that the “town center” idea made sense but that the applicant should stick to the original plan. Mr. Cavalier asked Ms. Sellers to expound on the value to the County. Ms. Sellers responded that the County could use high-end apartments that would accommodate residents, not only seniors, adding that the neighborhood and location was right for the planned development. She added that she was unclear why the proposal was being denied. Mr. Sterling said that it was not only about senior housing. It was about eliminating senior housing altogether, whereas the original plan called for a mixed-use community, and the amended proffers eliminated the mix entirely.

Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Resolution R14-07.

The Voting Board tally was:

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

Nay: (1) Sellers

Resolution R14-07 reads as follows:

A RESOLUTION TO DENY A REQUEST TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON ASSESSOR'S PARCEL 29-53B, ZONED PD-2, PLANNED DEVELOPMENT 2, WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, the Board, applicant on behalf of North Stafford Associates, LC, submitted Application RC1300240 requesting an amendment to proffered conditions on Assessor's Parcel 29-53B, zoned PD-2, Planned Development 2, within the Garrisonville Election District; and

WHEREAS, Assessor's Parcel 29-53B is subject to proffered conditions pursuant to Ordinance O01-08, adopted by the Board on March 6, 2001; and

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

WHEREAS, the Board determined that the requested amendments to proffered conditions are incompatible with the surrounding land uses and zoning;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that application RC1300240 be and it hereby is denied.

Recess At 5:13 p.m., the Chairman declared a recess until 7:00 p.m.

At 6:30 p.m., Board members welcomed the Mayor of the Borough of Stafford, England and Councilors. Mr. Cavalier and Mayor Lochran participated in the rededication of the Knot Garden, located between the County's George L. Gordon, Jr., Government Center and the Stafford County Courthouse.

Call to Order At 7:02 p.m. the Chairman called the meeting back to order.

Invocation Ms. Bohmke gave the invocation.

Pledge of Allegiance Mr. Sterling led the recitation of the Pledge of Allegiance.

Presentation of a Proclamation Reaffirming the Friendship Between the Borough of Stafford, England and Stafford County, Virginia; Congratulating the Borough of Stafford, England on the 400th Anniversary of its Mayoralty Mr. Cavalier presented a proclamation to Mayor Lochran, saying that the Board appreciated having friends from England visiting Stafford and helping to celebrate the County's 350th anniversary. He noted that a small delegation from Stafford County was traveling to England to join in the celebration of the Borough's 400th anniversary.

The Mayor presented a large "charger" to Mr. Cavalier and gave a brief history of the Knot and illustrations displayed on it, including the ancient "High House," the oldest timber building in England, built in 1585, and located in the Borough of Stafford, England. She said that she was honored and thrilled to have been included in the festivities honoring Stafford County's 350th anniversary.

Presentation of a Proclamation to the State Champion Mountain View High Schools Girls Field Hockey Team Mr. Sterling read the proclamation and introduced the team coach, Pattie Sullivan, the assistant coach, Kimberly Sullivan, and players Morgan Lowry (Captain); Rachel Gregor; Camile Unruh; Lawren Graves; Morgan LaRowe; Emily Johnson; Gretchen Geisler; Sam Quaye; and Bailey McCarthy (Captain).

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

Paul Waldowski - Water bill; 159 representatives in the Borough of Stafford, England

Planning And Zoning; Amend Proffered Conditions on Assessor's Parcels 19-31a, 19-31b, 19-31c, 19-32, and 19-32a, Zoned B-2 Urban Commercial, for Vehicle Fuel Sales and Convenience Store Use; and Consider a Conditional Use Permit to Allow Motor Vehicle Fuel Sales/Convenience Store on 2.3 Acres Zoned B-2, Urban Commercial, Within the Highway Corridor Overlay District Ms. Kathy Baker, Assistant Director of Planning and Zoning, gave a presentation and answered Board members questions. Ms. Patricia Healy, for the applicant also addressed the Board.

Mr. Sterling asked if the proposed Sheetz was subject to similar landscaping and set-back requirements as the WaWa on Garrisonville Road. Ms. Baker said that the proposed Sheetz' buffering would be in full compliance with the County's new standards.

Ms. Baker noted that a clerical correction was made to Condition Two on proposed Resolution R14-62, which indicated a right-in/right-out entrance to/from the location.

The Chairman opened the public hearing.

The following persons desired to speak:

Alane Callander
Glenn Patterson
Paul Waldowski
Irene Lombardi

The Chairman closed the public hearing.

Ms. Healy, for the applicant, noted that the architecture and site plan was different from the Sheetz located in Ferry Farm; that the applicant worked diligently with staff to ensure all County standards were met. She noted that the Planning Commission voted 7-0 to approve, and the Levels of Service were consistent with the County's Comprehensive Plan.

Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O14-13.

Ms. Sellers asked about office/retail space in the general vicinity of the proposed Sheetz. Mr. Sterling said that the office space was mostly occupied but that the retail space was largely unoccupied. Ms. Sellers asked about the existing pond on the property. Ms. Baker said that it was an old farm pond, she did not know if it was man-made or a natural pond but added that it would be turned into the Sheetz’ stormwater facility.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Ordinance O14-13 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON ASSESSOR’S PARCELS 19-31A, 19-31B, 19-31C, 19-32, AND 19-32A ZONED B-2, URBAN COMMERCIAL ZONING DISTRICT, WITHIN THE ROCK HILL ELECTION DISTRICT

WHEREAS, Furn 610 LLC, applicant, submitted application RC1300427 requesting an amendment to proffered conditions on Assessor's Parcels 19-31A, 19-31B, 19-31C, 19-32, and 19-32A, zoned B-2, Urban Commercial, within the Rock Hill Election District; 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 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 6th day of May, 2014, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the proffered conditions on Assessor’s Parcels 19-31A, 19-31B, 19-31C, 19-32, and 19-32A zoned B-2, Urban Commercial Zoning District, as specified in the final proffer statement entitled, “Proffers,” dated April 10, 2014.

Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Resolution R14-62.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution R14-62 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP1300428 TO ALLOW MOTOR VEHICLE FUEL SALES IN A B-2, URBAN COMMERCIAL ZONING DISTRICT, AND HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT, AND A CONVENIENCE STORE IN A HC OVERLAY ZONING DISTRICT, ON ASSESSOR'S PARCELS 19-31A (PORTION) AND 19-32A, WITHIN THE ROCK HILL ELECTION DISTRICT

WHEREAS, Furn 610, LLC, applicant, submitted application CUP1300428 requesting a Conditional Use Permit (CUP) to allow motor vehicle fuel sales in a B-2, Urban Commercial Zoning District, and HC, Highway Corridor, Overlay Zoning District, and a convenience store in a HC Overlay Zoning District, on Assessor's Parcels 19-31A (portion) and 19-32A within the Rock Hill Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1, which permits these uses in a B-2 Zoning District and HC Overlay 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, received at the 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 6th day of May, 2014, that a CUP pursuant to application CUP1300428 be and it hereby is approved with the following conditions:

1. This CUP is to allow the motor vehicle fuel sales and convenience store, as shown in the general location depicted on the Generalized Development Plan (GDP) prepared by Fairbanks and Franklin, entitled, "Sheetz – Furnace Road Development – Stafford County, Virginia," dated December 30, 2013.
2. Access to the subject property from Garrisonville Road shall be limited to one ~~right-in only~~ right-in/right-out entrance and one entrance from Furnace Road in the approximate location designated on the GDP.
3. The building and signage shall be constructed in general conformance with the architectural rendering entitled, "New Sheetz Store – Stafford County," dated October 2, 2013. The canopy and canopy columns shall be constructed in general conformance with the architectural rendering entitled, "Sheetz at Furnace Road," dated May 12, 2014. The color of the brick panels used on the columns shall be generally consistent with the brick used on the building.
4. All rooftop mechanical equipment shall be completely screened from view from Garrisonville Road.

5. Loading spaces and truck delivery spaces shall be located outside of any required travel lanes. Such spaces shall be designed to allow for adequate turning radius to accommodate free-flowing turning movements to prevent temporary obstruction of travel lanes.
6. Loading areas, dumpster pads, and trash compactors shall be located in a manner to be completely screened from view from Garrisonville Road.
7. No carnival style, signs, banner, lights, balloons, or windsocks shall be utilized on the property, except for periodic special events such as grand openings and anniversaries. This business may utilize such banners, flags, and balloons on a strictly temporary basis related to grand openings and anniversaries. The use of electronic or variable message signs and flashing signs shall be prohibited at all times.
8. Required street landscape buffers along Garrisonville Road and Furnace Road shall be in general conformance with the Landscape Plan included as part of the GDP, in addition to meeting the minimum requirements in the Zoning Ordinance.
9. This CUP may be revoked or conditions modified for violations of these conditions or any applicable federal, state, or County Code, law, ordinance, or regulation after the applicant has been notified in writing by the County of the violation(s) and the applicant is given an opportunity to cure the violation(s).

Public Works; Consider Granting the Use of a Public Right-of-Way on Skywood Court for Driveway Construction Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members questions. Mr. Smith explained that the applicant could not access the back of the property due to the location of the existing drainfield, which was why she was requesting that the County grant use of a public right-of-way on Skywood Court.

The planned usage was to build a horse barn, and for future delivery of hay and farrier services. A discussion ensued about the responsibility for maintenance of Skywood Court. Mr. Smith said that the road was designed for inclusion into the State System, that it remained the responsibility of the developer until the road was accepted by VDOT. At present, the other home owners assumed responsibility for maintain Skywood Court.

Mr. Sterling asked who owned Skywood Court. Mr. Smith responded that it was deeded for public use. Mr. Thomas asked why there was a need for special permission if the road was deeded for public use. Mr. Smith said that the applicant needed access to the deeded right-of-way. Mr. Cavalier asked if the County was the applicant. Mr. Romanello clarified that the County was not the applicant but rather the decision-maker.

The applicant, Crystal Vanuch, addressed the Board and gave a detailed explanation of the history and reasons why she requested permission from the Board to use the public right-of-way on Skywood Court. Mr. Snellings noted that he did not believe that access could be denied on a public right-of-way. Mr. Shumate explained that the back portion of Ms. Vanuch's property was not a part of the original subdivision and that an agreement was necessary with the owner of the right-of-way, in this case, the County. Mr. Snellings said that it seemed right to give access and asked why the matter was brought before the Board. Mr. Shumate said that Virginia Code § 15.218 required that a public hearing be held.

Mr. Thomas suggested that based on the picture there was an obvious buffer of trees left between the applicant's property and the other residents of Skywood Court. He said that it appeared that Ms. Vanuch had a good relationship with the other neighbors. Mr. Sterling asked how many horses were planned for the property. Ms. Vanuch replied that there would be three horses (and maybe a pony if she and her husband ever had children). She noted that regulated by County Code, there could only be seven horses on a seven acre property. Mr. Cavalier thanked Ms. Vanuch.

The Chairman opened the public hearing.

The following persons desired to speak:

Patricia Healy	Dave Vanuch
Eric Illemszky	Jim Frye
Paul Waldowski	David Silver
Glenn Patterson	Pedro Rodriguez

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Resolution R14-101.

Ms. Bohmke spoke about an equestrian center established at the end of a private road, which changed the view for homeowners on that road. She said that she wished to protect everyone, adding that it may behoove the County to include the number of horses allowed on the property. Mr. Thomas said that limiting the number of horses permitted on the property infringed on the rights of any future property owners, and that it was already limited by virtue of the specification in County Code for the property size. Ms. Bohmke said that she agreed with Mr. Thomas' statement.

The Voting Board tally was:

Yea:	(7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay:	(0)

Resolution R14-101 reads as follows:

A RESOLUTION TO GRANT USE OF A PUBLIC RIGHT-OF-WAY ON
SKYWOOD COURT FOR CONSTRUCTION AND USE OF A
DRIVEWAY

WHEREAS, on September 21, 1973, the right-of-way for Skywood Court was dedicated to public use; and

WHEREAS, Skywood Court was not constructed to the Virginia Department of Transportation (VDOT) Secondary Street Acceptance Requirements, and has not been accepted in to the Secondary System of State Highways; and

WHEREAS, the owners of Tax Map Parcel 19-3H desire to access Skywood Court to construct, maintain, repair, and use a driveway to access the rear portion of their property; and

WHEREAS, the Board finds that it is appropriate to provide access to this public right-of-way; and

WHEREAS, the owners of Tax Map Parcel 19-3H have agreed to execute an appropriate agreement with the County regarding the granted access to this public right-of way; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2014, that the County Administrator be and he hereby is authorized to execute an agreement with the owners of Tax Map Parcel 19-3H granting the use of a public right-of-way on Skywood Court for construction, maintenance, repair, and use of a driveway.

Adjournment: At 8:33 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Jack R. Cavalier
Chairman