

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

September 2, 2014

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 3:06 p.m., on Tuesday, September 2, 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 Platinum Peak Performance Award to the Staff of the Little Falls Wastewater Treatment Plant Mr. Cavalier and Mr. Romanello presented the award to Mr. Brian Green and Mr. Joe Graninger from the Little Falls Run Wastewater Treatment Plant.

Mr. Cavalier presented a proclamation recognizing Constitution Week to Ms. Donna Sayer with the Daughters of the American Revolution. September 17, 2014 marks the 227<sup>th</sup> anniversary of the signing of the Constitution of the United States of America.

Presentation by Dr. Bruce Benson, Superintendent of Schools Dr. Benson addressed the Board and gave a presentation including an update about the Brooke Point High School Library expansion; comparing school divisions in other localities (Albemarle, Chesterfield, Fauquier, Chesapeake, Hanover, Henrico, Loudoun, Prince William, Shenandoah, and Spotsylvania counties); today’s technology and its impact on the classroom; a planned efficiency study; teacher compensation and benefits; and school populations in reference to redistricting.

Mr. Thomas noted that many times he was told that the biggest issues were not always related to money, it was class size and a challenging student-teacher ratio. Dr. Benson responded talking about increased class sizes due, in part, to the elimination of 55 teaching positions, some of which were brought about by attrition. A detailed class-size analysis was in process and would be provided to the Board in October, 2014. Regarding redistricting, Dr. Benson referred to a consulting firm with which the School Board worked, and a recent work session held to address redistricting projections. As part of the redistricting process, plans included a very public and open process and encouragement of residents' feedback. Ms. Bohmke asked Dr. Benson if he anticipated that redistricting would be complete and in place for the next school year. Dr. Benson replied that it was possible but too early in the process to guarantee.

Mr. Sterling asked about the ratio of teachers holding a Bachelor's Degree vs. a Master's Degree. Dr. Benson said that the School Board's study included those teachers holding a Bachelor's Degree, that a Master's Degree stipend was not included. Mr. Sterling asked if other factors such as environmental conditions were included in the compensation and benefits study, adding that a falling-down building did not help to enhance work-life.

Ms. Sellers asked about advanced course work and if the Schools had access, or subscriptions, to the academic data bases required for many advanced degrees. Dr. Benson said that he would find out and report back to the Board.

In talking about tuition reimbursement, Mr. Sterling asked if there was a requirement, or an obligation for the employee to remain with the County for a specified timeframe upon completion of an advanced degree or certificate. Dr. Benson said that such a requirement was a challenge from a legal perspective.

Mr. Snellings asked if after the first day of school, there were any surprises. Dr. Benson replied that there were a few "hot spots" and unreliable student counts, which would be worked out by the end of the first week of classes.

Mr. Cavalier asked if the Brooke Point High School field would be ready for Friday night's game. Dr. Benson said that based on his last report, it would be ready.

Virginia Department of Transportation (VDOT) Quarterly Update Mr. Sean Nelson, VDOT Residency Administrator, spoke with the Board about transportation projects in the County including the bridge over Aquia Creek; a ribbon cutting at the Staffordboro Commuter Lot; the Falmouth Intersection; paving schedules, etc.

Ms. Sellers asked that Mr. Nelson please review Hampton Park Road by the library, saying that it was horrendous. Mr. Sterling concurred, adding that it had to be milled and repaved, not just patched (or repaired).

Ms. Bohmke thanked Mr. Nelson for VDOT's responsiveness to many pot hole repair requests. She talked about the intersection of Route 1 and Route 17. Mr. Nelson said that it was the contractor's responsibility, but that he would ensure that the contractor was made aware of the gravity of the situation, and that potholes in that intersection would be addressed.

Mr. Thomas asked that shrubbery growing onto McCarty Road be trimmed as it was a hazard, particularly to school buses and large trucks. Mr. Nelson said that trimming began and should be completed within the next several days.

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

Ruth Carlone - Truslow Road; Vote to deny Crow's Nest; marvelous teachers; asked that "indifferent" Board members give respect and attention to speakers.

Jack Fellers/Linda Fellers/Alice Stewart – Will award a blue heron statue to Board members that vote against the extension of water/sewer to Crow's Nest Harbour; will award a toy bulldozer to Board members that vote in favor of extending water/sewer.

Ryan Stuart - With the Northern Virginia Conservation Trust; asked that Crow's Nest be protected and that the extension of public water/sewer be denied.

Bill Johnson - Need contingency plans and strategies to deal with issues at the Landfill and with R-Board finances.

Cecelia Kirkman - Do not extend public water/sewer to Crow's Nest.

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

Ms. Bohmke - Attended broadband dinner with Mr. Rick Hurley (UMW) at Brompton, talked about its impact to Stafford businesses; thanked the School Board and Scott Hirons for the turf field at Stafford High School, which was paid for with proffers, not funded through the County or School's General Fund.

Mr. Cavalier - Toured Widewater State Park along with Senator Toddy Puller and Delegate Michael Futrell; full implementation would be a few years out but \$7.5 million was dedicated to the project.

Mr. Milde - Updated the Community and Economic Development Committee meeting including the Readiness and Environmental Protection Innovation (REPI); Purchase of Development Rights (PDR); Stormwater management/State representatives (State will not provide any financial help in meeting new initiatives); Aquia Towne Center was discussed in Closed Meeting; Against Crow's Nest extension of public water and sewer.

Ms. Sellers - Attended Joint School Board/Board of Supervisors Committee meeting; discussed Brooke Point High School library; Mr. Scott Hirons and Ms. Sellers were appointed co-chairs of the Joint Committee, which should begin to meet on a more regular basis.

Mr. Snellings - Deferred - Welcome back to all students!

Mr. Sterling - Attended Infrastructure Committee meeting, SR 630 Interchange project in process for 22 years, but not complete, in spite of federally mandated funding. FAMPO did a briefing of its prioritization project and how it arrived at the SR 630 being the No. 1 regional priority; Courthouse Road widening and the Route 1 widening projects depends on it as well as public safety for response to accidents on I-95, and transport of patients and others to Stafford Hospital; Delegate Futrell attended the Infrastructure Committee meeting as did Quintin Elliott, VDOT Administrator.

Mr. Thomas - High School students on the bus at 5:50 a.m.; Attended Central Rappahannock Regional Library (CRRL) board meeting; all localities provided level funding so there would be no cuts to services but Library staff pay was frozen; thanked staff on behalf of Porter Library for work being done on the Porter Library roof.

Report of the County Attorney – Introduced newly-hired Assistant County Attorney, Mr. Dan Wisniewski.

Report of the County Administrator Mr. Romanello said that he was appointed to serve on the Future Base Commanders panel. He noted that Ms. Sellers wished to remove Item No. 6 from the Consent Agenda for discussion. Nancy Collins, Budget Director, gave a presentation on the FY2014 Budget preliminary year-end results.

Mr. Sterling commented on the State's \$2.4 Billion shortfall, adding that the Governor asked State agencies to cut 5 to 7% from individual agency budgets. Mr. Sterling recommended that everyone should contact the Governor's office to ask that education funds are not cut as a result of the shortfall. Mr. Snellings said that higher education was not exempt and that a hiring freeze was in place at the University of Mary Washington.

Ms. Bohmke asked why there was a deficit. Chief Financial Officer, Ms. Maria Perrotte answered that there were changes in the 2013 tax laws, which resulted in many projects

being reported in 2012 (one-time money that was not carried to future years). Ms. Bohmke said that should have been taken into account when the State was doing its budget.

Additions/Deletions to the Regular Agenda Mr. Sterling motioned, seconded by Mr. Thomas, to add Item 14, SR 630 Interchange Project; and Item 15, Airport Expansion to the agenda; and removing Item 6 from the Consent Agenda.

The Voting Board tally was:

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

Legislative; Consent Agenda Mr. Milde motioned, seconded by Mr. Sterling, to adopt the Consent Agenda, which consisted of Items 4 through 9, omitting Item 6.

The Voting Board tally was:

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

Item 4. Legislative; Approve Minutes of the August 19, 2014 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R14-208 read as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED AUGUST 19, 2014 THROUGH SEPTEMBER 1, 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 2<sup>nd</sup> day of September, 2014, that the above-mentioned EL be and hereby is approved.

Item 7. Fire and Rescue; Authorize the County Administrator to Execute a Contract for the Purchase of Cardiac Monitors and Defibrillators

Resolution R14-207 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR  
TO EXECUTE A CONTRACT FOR THE PURCHASE OF 15 CARDIAC

MONITORS AND DEFIBRILLATORS FROM U.S. BANCORP  
EQUIPMENT FINANCE, INC.

WHEREAS, the Stafford County Fire and Rescue Department (Department) utilizes cardiac monitoring and defibrillation devices as essential equipment for the delivery of advanced life support services; and

WHEREAS, the lease on the 15 cardiac monitoring and defibrillators, currently in use by the Department, will expire on September 30, 2014; and

WHEREAS, the Department desires to purchase the equipment at the fair market value of \$108,300.00, in lieu of renewing the equipment lease; and

WHEREAS, the Department and other County staff reviewed the proposed purchase price and determined that it is reasonable for the equipment provided; and

WHEREAS, sufficient funds are available in the FY2015 Emergency Medical Services Department budget to purchase this equipment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of September, 2014, that the County Administrator be and he hereby is authorized to execute a contract for the purchase of 15 cardiac monitoring and defibrillation devices from U.S. Bancorp Equipment Financing, Inc., in an amount not to exceed One Hundred Eight Thousand Three Hundred Dollars (\$108,300), unless amended by a duly-executed contract amendment.

Item 8. County Administration; Reappoint Mr. Frederick Donahoe to the Social Services Board

Item 9. Public Information; Recognize the 227<sup>th</sup> Anniversary of the Signing of the Constitution – “Constitution Week” in Stafford County

Proclamation P14-23 reads as follows:

A PROCLAMATION RECOGNIZING SEPTEMBER 17 – 23, 2014  
AS CONSTITUTION WEEK IN STAFFORD COUNTY

WHEREAS, September 17, 2014, marks the 227<sup>th</sup> anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to celebrate the longest surviving written charter of government; and

WHEREAS, the Constitution played an important role not only in American history but in the spread of democratic ideals around the world; and

WHEREAS, two of America and Stafford’s most revered native sons, George Washington and George Mason, attended and had significant impacts on the Constitutional Convention of 1787; and

WHEREAS, George Mason wrote the Virginia Declaration of Rights, which became the basis for the Bill of Rights, which then became the first 10 amendments to the Constitution; and

WHEREAS, Public Law 915 guarantees the issuance of a proclamation each year by the President of the United States designating September 17 through 23 as Constitution Week; and

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of September, 2014, that it be and hereby does proclaim the week of September 17 through 23, 2014, as Constitution Week in Stafford County; and

BE IT FURTHER PROCLAIMED that Stafford citizens are encouraged to reaffirm the ideals of our founding fathers by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, the Constitution of the United States of America.

Item 6. Public Works; Approve Design of Garrisonville Road Widening Project Ms. Sellers asked Deputy County Administrator, Mr. Keith Dayton, about stormwater ponds. Mr. Dayton replied that three stormwater ponds were being combined into two ponds, and that a value engineering study was in process for the project. Ms. Sellers asked that the Knight family be notified when the study was complete.

Ms. Sellers motioned, seconded by Mr. Sterling, to adopt proposed Resolution R14-202.

The Voting Board tally was:

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

Resolution R14-202 reads as follows:

**A RESOLUTION APPROVING THE DESIGN OF THE GARRISONVILLE ROAD WIDENING PROJECT**

WHEREAS, the County held the required public hearing on the Garrisonville Road (SR-610) widening project, considered public comments at the public hearing, if any, prepared transcripts of the public hearing, and is prepared to request authorization by the Virginia Department of Transportation (VDOT) for project right-of-way acquisition; and

WHEREAS, Board approval of the road design for this project is required for VDOT to consider approval of the major design features; 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 2<sup>nd</sup> day of September, 2014, that the design of the Garrisonville Road (SR-610) widening project is approved; and

BE IT FURTHER RESOLVED that the County Administrator or his designee is authorized to sign all documents that are necessary and/or appropriate for the administration of the Garrisonville Road (SR-610) widening project.

County Administration; Discuss Board of Supervisors November and December Meeting Schedule Mr. Romanello discussed the Board's meeting schedule for the months of November and December, 2014.

The first meeting in November (11/4/14) was cancelled due to Election Day. The second meeting in November (11/18/14) presented a conflict for Mr. Sterling (he will be out of town on business). It was agreed that the Board would hold one meeting in November, scheduled for Thursday, November 13, 2014.

As in past years, the Board's first meeting in December (12/2/14) will be cancelled in favor of the holiday event celebrated for all members of the County's Boards, Authorities, Committees, and Commissions (BACC), which is scheduled for 12/2/14, at the Riverside Conference Center, 6:30 p.m. to 9:00 p.m. It was agreed that the Board would hold one meeting in December, scheduled for Tuesday, December 16, 2014.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt the Board's above-referenced revised meeting schedule for November and December, 2014.

The Voting Board tally was:

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

Legislative; Closed Meeting. At 4:38 p.m., Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM14-16.

The Voting Board tally was:

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

Resolution CM14-16 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for consultation with legal counsel regarding the Crow’s Nest Harbour comprehensive plan compliance review and appeal; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 2nd day of September, 2014, does hereby authorize discussion of the aforesated matter in Closed Meeting.

Call to Order At 5:20 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM14-16(a).

The Voting Board tally was:

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

Resolution CM14-16(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON SEPTEMBER 2, 2014

WHEREAS, the Board has, on this the 2nd day of September, 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 2nd day of September, 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; Crow’s Nest Harbour Comprehensive Plan Compliance Review and Appeal

Following discussion, Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R14-194, which affirmed the Planning Commission’s decision to deny the request for extension of public water and sewer to Crow’s Nest Harbour.

The Voting Board tally was:

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

Resolution R14-194 reads as follows:

A RESOLUTION AFFIRMING THE DECISION BY THE PLANNING COMMISSION TO DENY A REQUEST FOR THE EXTENSION OF PUBLIC WATER AND SEWER SERVICE OUTSIDE OF THE COUNTY’S DESIGNATED URBAN SERVICES AREA, TO SERVE 260 PARCELS IN A PORTION OF THE CROW’S NEST HARBOUR SUBDIVISION, AS LISTED BELOW AND AS APPLIED FOR BY THE APPLICANTS, IN THE AQUIA ELECTION DISTRICT

WHEREAS, the subject parcels include: 49D-A-1, 49D-A-2, 49D-A-3, 49D-A-4, 49D-A-5, 49D-A-6, 49D-A-7, 49D-A-8, 49D-A-10, 49D-A-16, 49D-A-17, 49D-A-18, 49D-A-19, 49D-A-24, 49D-A-25, 49D-A-28, 49D-A-29, 49D-A-32, 49D-A-33, 49D-A-34, 49D-A-36, 49D-A-37, 49D-A-38, 49D-A-39, 49D-A-40, 49D-A-41, 49D-A-42, 49D-A-44, 49D-A-46, 49D-A-48, 49D-A-49, 49D-A-50, 49D-A-58, 49D-A-59, 49D-A-60, 49D-A-62, 49D-A-63, 49D-A-64, 49D-A-65, 49D-A-66, 49D-A-69, 49D-A-70, 49D-A-71, 49D-A-75, 49D-A-76, 49D-A-77, 49D-A-79, 49D-A-80, 49D-A-81, 49D-A-82, 49D-A-85, 49D-A-86, 49D-A-87, 49D-A-89, 49D-A-92, 49D-A-93, 49D-A-94, 49D-A-95, 49D-A-96, 49D-A-97, 49D-A-98, 49D-A-100, 49D-B-1, 49D-B-2, 49D-B-6, 49D-B-7, 49D-B-8, 49D-B-9, 49D-B-11, 49D-B-12, 49D-B-13, 49D-B-15, 49D-B-16, 49D-B-17, 49D-B-18, 49D-B-19, 49D-B-20, 49D-B-21, 49D-B-25, 49D-B-27, 49D-B-28, 49D-B-30, 49D-B-31, 49D-B-32, 49D-B-33, 49D-B-36, 49D-B-37, 49D-B-40, 49D-B-41, 49D-B-42, 49D-B-43, 49D-B-44, 49D-B-45, 49D-B-46, 49D-B-47, 49D-B-48, 49D-B-49, 49D-B-51, 49D-B-52, 49D-B-53, 49D-B-54, 49D-B-55, 49D-B-56, 49D-B-57, 49D-B-58, 49D-B-59, 49D-B-62, 49D-B-64, 49D-B-65, 49D-B-66, 49D-B-67, 49D-B-68, 49D-B-69, 49D-B-70, 49D-B-72, 49D-B-76, 49D-B-77, 49D-B-78, 49D-B-79, 49D-B-80, 49D-B-81, 49D-B-84, 49D-B-85, 49D-B-86, 49D-B-87, 49D-B-88, 49D-B-89, 49D-B-90, 49D-B-93, 49D-B-94, 49D-B-95, 49D-B-96, 49D-B-97, 49D-B-98, 49D-B-99, 49D-B-100, 49D-C-A, 49D-C-103, 49D-C-104, 49D-C-105, 49D-C-106, 49D-C-107, 49D-C-108, 49D-C-109, 49D-C-110, 49D-C-111, 49D-C-112, 49D-C-113, 49D-C-114, 49D-C-115, 49D-C-116, 49D-C-118, 49D-C-119, 49D-C-120, 49D-C-121, 49D-C-124, 49D-C-125, 49D-C-126, 49D-C-127, 49D-C-128, 49D-C-129, 49D-C-130, 49D-C-131, 49D-C-132, 49D-C-134, 49D-C-135, 49D-C-136, 49D-C-137, 49D-C-138, 49D-C-139, 49D-C-141, 49D-C-142, 49D-D-A, 49D-D-B, 49D-D-C, 49D-D-D, 49D-D-E, 49D-D-F, 49D-D-1, 49D-D-2, 49D-D-4, 49D-D-5, 49D-D-6, 49D-D-7, 49D-D-8, 49D-D-10, 49D-D-11, 49D-D-12, 49D-D-14, 49D-D-15, 49D-D-16, 49D-D-17, 49D-D-18, 49D-D-19, 49D-D-20, 49D-D-21, 49D-D-22, 49D-D-23, 49D-D-24, 49D-D-25, 49D-D-26, 49D-D-27, 49D-D-28, 49D-D-29, 49D-D-30, 49D-D-31, 49D-D-32, 49D-D-33, 49D-D-35, 49D-D-38, 49D-D-39, 49D-D-40, 49D-D-41, 49D-D-43, 49D-D-45, 49D-D-46, 49D-D-47, 49D-D-48, 49D-D-49, 49D-D-50, 49D-D-52, 49D-D-54, 49D-D-55, 49D-D-56, 49D-D-58, 49D-D-59, 49D-D-60, 49D-D-61, 49D-D-62, 49D-D-63, 49D-D-64, 49D-D-65, 49D-D-66, 49D-D-67, 49D-D-68, 49D-D-69, 49D-D-70, 49D-D-71, 49D-D-74, 49D-D-76, 49D-D-77, 49D-D-80, 49D-D-81, 49D-D-82, 49D-D-83, 49D-D-84, 49D-D-86, 49D-D-87, 49D-D-88, 49D-D-92, 49D-D-93, 49D-D-94, 49D-D-95, 49D-D-96, 49D-D-97, 49D-D-98, 49D-D-99, 49D-D-101, 49D-D-102, and 49D-D-103; and

WHEREAS, Kamel Tabbara, 7K Investments LLC; David C. Marriott, JCM East LLC; and David C. Marriott, Diversified Mortgage Investors, Inc., (Applicants) submitted a request for a Comprehensive Plan Compliance Review in accordance with Virginia Code § 15.2-2232, for the extension of public water and public sewer to the above-referenced lots within the Crow’s Nest Harbour Subdivision, in the Aquia Election District; and

WHEREAS, at its meeting on July 9, 2014, the Planning Commission voted 7-0 to deny the Applicants’ request; and

WHEREAS, pursuant to Virginia Code § 15.2-2232(B), the Applicants appealed the Planning Commission’s decision; and

WHEREAS, the Board finds that the proposed extension of public water and sewer service outside of the County’s designated Urban Services Area is not substantially in accord with the Comprehensive Plan; and

WHEREAS, the Board determines that the decision of the Planning Commission is correct;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of September, 2014, that the Board be and it hereby does affirm the decision of the Planning Commission to deny the Comprehensive Plan Compliance Review request for the extension of public water and sewer service outside of the County’s designated Urban Services Area, to serve 260 parcels (as hereafter provided), in a portion of the Crow’s Nest Harbour Subdivision, as applied for by Kamel Tabbara, 7K Investments LLC; David C. Marriott, JCM East LLC; and David C. Marriott, Diversified Mortgage Investors, Inc., (Applicants) in the following exhibits: (1) Crow’s Nest Harbour Overall Sewer Exhibit, Stafford County, VA, dated May 16, 2014, prepared by Legacy Engineering; (2) Crow’s Nest Harbour Overall Water Exhibit, Stafford County, VA, dated May 16, 2014, prepared by Legacy Engineering; and (3) Crow’s Nest Harbour Overall Lot Exhibit, Stafford County, VA, dated May 16, 2014, prepared by Legacy Engineering; and

BE IT FURTHER RESOLVED that the extension is not substantially in accord with the Comprehensive Plan; and

BE IT STILL FURTHER RESOLVED, that the 260 parcels, in the Crow’s Nest Harbour Subdivision, which are subject to this resolution, be and they hereby are: 49D-A-1, 49D-A-2, 49D-A-3, 49D-A-4, 49D-A-5, 49D-A-6, 49D-A-7, 49D-A-8, 49D-A-10, 49D-A-16, 49D-A-17, 49D-A-18, 49D-A-19, 49D-A-24, 49D-A-25, 49D-A-28, 49D-A-29, 49D-A-32, 49D-A-33, 49D-A-34, 49D-A-36, 49D-A-37, 49D-A-38, 49D-A-39, 49D-A-40, 49D-A-41, 49D-A-42, 49D-A-44, 49D-A-46, 49D-A-48, 49D-A-49, 49D-A-50, 49D-A-58, 49D-A-59, 49D-A-60, 49D-A-62, 49D-A-63, 49D-A-64, 49D-A-65, 49D-A-66, 49D-A-69, 49D-A-70, 49D-A-71, 49D-A-75, 49D-A-76, 49D-A-77, 49D-A-79, 49D-A-80, 49D-A-81, 49D-A-82, 49D-A-85, 49D-A-86, 49D-A-87, 49D-A-89, 49D-A-92, 49D-A-93, 49D-A-94, 49D-A-95, 49D-A-96, 49D-A-97, 49D-A-98, 49D-A-100, 49D-B-1, 49D-B-2, 49D-B-6, 49D-B-7, 49D-B-8, 49D-B-9, 49D-B-11, 49D-B-12, 49D-B-13, 49D-B-15, 49D-B-16, 49D-B-17, 49D-B-18, 49D-B-19, 49D-B-20, 49D-B-21, 49D-B-

25, 49D-B-27, 49D-B-28, 49D-B-30, 49D-B-31, 49D-B-32, 49D-B-33, 49D-B-36, 49D-B-37, 49D-B-40, 49D-B-41, 49D-B-42, 49D-B-43, 49D-B-44, 49D-B-45, 49D-B-46, 49D-B-47, 49D-B-48, 49D-B-49, 49D-B-51, 49D-B-52, 49D-B-53, 49D-B-54, 49D-B-55, 49D-B-56, 49D-B-57, 49D-B-58, 49D-B-59, 49D-B-62, 49D-B-64, 49D-B-65, 49D-B-66, 49D-B-67, 49D-B-68, 49D-B-69, 49D-B-70, 49D-B-72, 49D-B-76, 49D-B-77, 49D-B-78, 49D-B-79, 49D-B-80, 49D-B-81, 49D-B-84, 49D-B-85, 49D-B-86, 49D-B-87, 49D-B-88, 49D-B-89, 49D-B-90, 49D-B-93, 49D-B-94, 49D-B-95, 49D-B-96, 49D-B-97, 49D-B-98, 49D-B-99, 49D-B-100, 49D-C-A, 49D-C-103, 49D-C-104, 49D-C-105, 49D-C-106, 49D-C-107, 49D-C-108, 49D-C-109, 49D-C-110, 49D-C-111, 49D-C-112, 49D-C-113, 49D-C-114, 49D-C-115, 49D-C-116, 49D-C-118, 49D-C-119, 49D-C-120, 49D-C-121, 49D-C-124, 49D-C-125, 49D-C-126, 49D-C-127, 49D-C-128, 49D-C-129, 49D-C-130, 49D-C-131, 49D-C-132, 49D-C-134, 49D-C-135, 49D-C-136, 49D-C-137, 49D-C-138, 49D-C-139, 49D-C-141, 49D-C-142, 49D-D-A, 49D-D-B, 49D-D-C, 49D-D-D, 49D-D-E, 49D-D-F, 49D-D-1, 49D-D-2, 49D-D-4, 49D-D-5, 49D-D-6, 49D-D-7, 49D-D-8, 49D-D-10, 49D-D-11, 49D-D-12, 49D-D-14, 49D-D-15, 49D-D-16, 49D-D-17, 49D-D-18, 49D-D-19, 49D-D-20, 49D-D-21, 49D-D-22, 49D-D-23, 49D-D-24, 49D-D-25, 49D-D-26, 49D-D-27, 49D-D-28, 49D-D-29, 49D-D-30, 49D-D-31, 49D-D-32, 49D-D-33, 49D-D-35, 49D-D-38, 49D-D-39, 49D-D-40, 49D-D-41, 49D-D-43, 49D-D-45, 49D-D-46, 49D-D-47, 49D-D-48, 49D-D-49, 49D-D-50, 49D-D-52, 49D-D-54, 49D-D-55, 49D-D-56, 49D-D-58, 49D-D-59, 49D-D-60, 49D-D-61, 49D-D-62, 49D-D-63, 49D-D-64, 49D-D-65, 49D-D-66, 49D-D-67, 49D-D-68, 49D-D-69, 49D-D-70, 49D-D-71, 49D-D-74, 49D-D-76, 49D-D-77, 49D-D-80, 49D-D-81, 49D-D-82, 49D-D-83, 49D-D-84, 49D-D-86, 49D-D-87, 49D-D-88, 49D-D-92, 49D-D-93, 49D-D-94, 49D-D-95, 49D-D-96, 49D-D-97, 49D-D-98, 49D-D-99, 49D-D-101, 49D-D-102, and 49D-D-103.

Item 14 (Add-on) Request Full Funding be Restored for the 630 Interchange Project Ms. Sellers said that she would support proposed Resolution R14-222, although she felt that the language was too strong, and requested that all personal names be removed.

Mr. Sterling agreed to Ms. Sellers' request and motioned, seconded by Mr. Thomas, to adopt proposed Resolution R14-222, with all personal names removed.

The Voting Board tally was:

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

Resolution R14-222 reads as follows:

A RESOLUTION REQUESTING THAT THE GOVERNOR RESTORE FULL FUNDING FOR THE 630 INTERCHANGE PROJECT AND THAT WORK BE RENEWED IN ORDER TO MITIGATE THE NEGATIVE IMPACT ON VIRGINIA'S ECONOMY, AND ITS PUBLIC EDUCATION, PUBLIC SAFETY, AND QUALITY OF LIFE

WHEREAS, the 630 Interchange on Interstate 95 (Exit 140) is an outdated and unsuitable design to meet the needs of the state and national transportation system; and

WHEREAS, upgrading the 630 Interchange has been on the list of necessary projects for since 1992, when the Federal Highway Administration required the Virginia

Department of Transportation (VDOT) to allocate funding to move and reconstruct the interchange; and

WHEREAS, project funding and action languished for 20 years despite the critical need for it; and

WHEREAS, the project was finally fully funded in the 2014-2019 State Six- Year Plan, and work began to procure the needed right-of-way in advance of construction; and

WHEREAS, the Stafford County Sheriff outlined the public safety needs to upgrade the interchange to respond to motor vehicle incidents in a timely fashion; and

WHEREAS, the project received the Number 1 interstate priority ranking under the Fredericksburg Area Metropolitan Planning Organization using criteria including congestion relief, safety and security, environmental impacts, public support, implementation, and smart growth; and

WHEREAS, Stafford County and VDOT began work on the related Courthouse Road widening project, which will eliminate significant safety problems; and

WHEREAS, the Commonwealth Transportation Board (CTB) was briefed on the economic benefits of transportation infrastructure improvements in September, 2009; and

WHEREAS, the CTB briefing indicated that for every \$1 million invested in transportation improvements, 58.8 jobs are created, business output grows by \$7.8 million, and \$3.8 million is added to the state's economy, with significant additional revenue collected by state and local governments; and

WHEREAS, the Governor recently announced that as a result of the poor economy in Virginia, state revenues would decrease by \$2.4 billion; and

WHEREAS, as a result of this shortfall, the Governor instructed state agencies to plan for across-the-board budget cuts, including public safety and public education; and

WHEREAS, according to multiple studies, a congested transportation network harms economic growth, business opportunities, and quality of life; and

WHEREAS, HB 2 allows projects to proceed without going through the newly-established prioritization process if they were fully-funded in the Six-Year Plan, and had completed the environmental review process; and

WHEREAS, in spite of this, the Governor reduced funding for the 630 Interchange Project (and reportedly 30 other projects) in the latest 2015-2020 State Six-Year Plan, and ordered that work on those projects be delayed; and

WHEREAS, delaying the 630 Interchange Project unnecessarily increases the cost and jeopardizes the schedule of the Courthouse Road widening project, which further hurts the County and the State; and

WHEREAS, delaying the transportation projects throughout Virginia is artificially choking the State’s economy and reducing local and state revenues; and

WHEREAS, the 630 Interchange Project has already been through a prioritization process, has been on the books for more than 20 years, and is the Number 1 interstate priority in the Fredericksburg Transportation District; and

WHEREAS, the education of Virginia’s children, the safety and quality of life of its citizens, and the broader transportation network in Stafford, Virginia, and the nation, will be harmed as a result of the decision to delay transportation projects, particularly the 630 Interchange Project; and

WHEREAS, the location of the interchange plays an important role in the VDOT funded planning grant for the Courthouse UDA Small Area Plan, as well as providing safe and expedient access to Stafford Hospital;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of September, 2014, that it hereby does respectfully request that the Governor restore full funding for the 630 Interchange Project (and other projects in the Commonwealth that were cut and/or delayed), and that work be renewed as soon as possible in order to mitigate the negative impact on Virginia’s economy, and its public education, public safety, and quality of life; and

BE IT FURTHER RESOLVED that the 630 Interchange Project be exempted from the State’s prioritization process; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee provides a copy of this resolution, along with all presentations and documents referenced in it, to the Governor of Virginia, the Secretary of Transportation, members of the Commonwealth Transportation Board, members of the General Assembly, the VDOT Commissioner, and members of the Virginia Association of Counties.

Item 15 (Add-on) Airport Expansion Mr. Sterling asked that a discussion about expansion at the Stafford Regional Airport, and proposed Resolution R14-223, be tabled and brought to the Board at its first meeting in October (10/7/14).

Legislative; Closed Meeting. At 5:29 p.m., Mr. Thomas motioned, seconded by Mr. Sterling, to adopt proposed Resolution CM14-17.

The Voting Board tally was:

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

Resolution CM14-17 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for discussion of plans related to the security of the County Government Center and other County facilities and buildings, and the safety of persons using such facilities and buildings; and

WHEREAS, pursuant to Virginia Code §§ 2.2-3711(A)(19), such discussion may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 2nd day of September, 2014, does hereby authorize discussion of the aforesated matter in Closed Meeting.

Call to Order At 7:01 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM14-17(a).

The Voting Board tally was:

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

Resolution CM14-17(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON SEPTEMBER 2, 2014

WHEREAS, the Board has, on this the 2nd day of September, 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 2nd day of September, 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.

Invocation Mr. Milde gave the invocation.

Pledge of Allegiance Ms. Bohmke led the recitation of the Pledge of Allegiance.

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

Paul Waldowski - 120 days until a new Board Chairman is appointed; Urban Development Areas; Clifton Farm; Oakenwold; Housing recession; Jobs; Scarred land across from Augustine; Embrey Mill contracts; Retired USAF; Empty Sheriff's vehicles may cause accidents with new law to move over and yield to public safety vehicles.

Planning and Zoning; Consider the Relocation of Chesapeake Bay Regulations from the County's Subdivision and Zoning Ordinances to a Stand-Alone Chapter of the County Code Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Harvey explained that there were three parts, and three separate ordinances. Proposed Ordinance O14-10 removed Chesapeake Bay regulations from the Zoning Ordinance. Proposed Ordinance O14-11 created a new Code section (Sec. 27B) relative to Chesapeake Bay regulations; and proposed Ordinance O14-12 corrects citations in the County's Subdivision Ordinance. Mr. Harvey said staff believed that the above-referenced changes would help to alleviate concerns and confusion with the Chesapeake Bay Act (Act). He added that the State concurred with all of the proposed changes, that they were all acceptable.

Presently, the Board of Zoning Appeals (BZA) was tasked with reviewing and acting on hardship waivers and/or variances. Staff recommended that in place of the BZA, that members of the existing Wetlands Board be appointed as members of a newly-formed Chesapeake Bay Board. Mr. Harvey said that it was a good meld as the Wetlands Board acted on shoreline matters and anything within 100 linear feet from the shoreline. The Planning Commission recommended approval of all three proposed ordinances.

Mr. Snellings pointed out that the Wetlands Board dealt with the shoreline but that the Act went much deeper and included farms, etc. Mr. Harvey said that all resource protection areas, non-tidal shorelines, and perennial streams were included in the Act. Ms. Bohme asked how the Wetlands Board would administrate Chesapeake Bay regulations. Mr. Harvey said the Wetlands Board and the Chesapeake Bay Board would be comprised of the same individuals. The Wetlands Board would entertain its agenda items then, as a separate part of the meeting, work on Chesapeake Bay Board matters. Mr. Milde asked if any other Board acted in a dual capacity. Mr. Harvey noted that the Agricultural/PDR Board did so. Mr. Cavalier asked why two Boards were required, and could they not be combined. Mr. Harvey replied that State Code required both a Wetlands Board and a Chesapeake Bay Board. He added that there were only a handful of items each year, and that the Wetlands/Chesapeake Bay Board would meet as needed. Mr. Snellings asked about an appeal body. Mr. Harvey said that it would be the Board of Supervisors. Mr. Harvey provided an explanation of the difference between a variance

and a hardship stating that a hardship must result from a conflict with property, not a man-made structure. He confirmed that most appeals involved administrative processes.

The Chairman opened the public hearing.

The following persons desired to speak:

Gail Clark

Paul Waldowski

Arthur Hart

Alane Callander

The Chairman closed the public hearing.

Mr. Milde asked that Mr. Harvey address concerns expressed by Mr. Hart on behalf of the Tri-County/City Water and Soil Conservation District. Mr. Harvey said that the new language continues to carry over, that the agricultural regulations were in place for the past ten years, that Tri-County/City was the signatory. Mr. Milde asked if the language did not change, did Tri-County/City's problem go away. Mr. Harvey said that is was still a compliance issue, adding that the State had nothing codified with Tri-County/City.

Mr. Cavalier said that the proposed ordinance moved Chesapeake Bay regulations to a stand-alone chapter, that there were no other changes. Ms. Amber Forstier, Environmental Planner, noted that without the requested changes, the County would not be in compliance with new agricultural regulations. Mr. Cavalier said that it was just tightening up the County's Code. Ms. Forestier agreed with Mr. Cavalier's assessment of the requested Board action.

Mr. Snellings said that it concerned him as several farmers did a lot of work to get up to State standards. Ms. Forestier noted that very few farms were not in compliance with State regulations.

Mr. Milde motioned to adopt proposed Ordinances O14-10, O14-11 (removing paragraphs E and F), and O14-12. The motion failed due to lack of a second.

Mr. Milde motioned, seconded by Ms. Sellers, to defer this item including proposed Ordinances O14-10, O14-11, and O14-12 (no return date was specified).

The Voting Board tally was:

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

Nay: (0)

Planning and Zoning; Consider Amended Proffer Guidelines Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Sterling questioned the numbers shown for debt service, \$3,391 debt service credits as identical for single-family, town house, and multi-family dwellings. He said that it should reflect student generation ratios of 9.8% for single-family, 23% and 27% credits respectively for town houses and multi-family dwellings.

Ms. Perrotte said that it was a typographical error that would be corrected and that the correct credits were on Page 12 of the proposed Proffer Guidelines document. Mr. Shumate suggested that the Board hold its public hearing and permit staff to give its presentation; then defer its vote until such time that a corrected document could be provided to the Board. Mr. Harvey noted that State Code did not require a public hearing on proffers. Mr. Romanello added that the advertisement for the public hearing was not specific on the amount of debt service; therefore it would not have to be re-advertised. Mr. Shumate reiterated that the Board should hold the public hearing, adding that it may glean other concerns based on public commentary. Referring to the public hearing advertisement, Mr. Harvey said the ad was silent on credits.

Mr. Thomas asked why debt service was only for ten years. Ms. Perrotte said that debt previously issued was added to previous growth. Mr. Thomas said there ought to be a way to give credit for debt service and proffers previously paid, that it should be considered so as to alleviate paying twice. Mr. Sterling said that the market would determine what developers charge perspective home-owners (to include proffers, debt service, etc.).

Mr. Thomas asked about age-restricted housing, saying that it had a lesser impact on schools and on all other categories except for fire and rescue services. Mr. Harvey said that age-restricted was categorized as multi-family, which was an issue of debate with the Planning Commission regarding its level of impact.

The Chairman opened the public hearing.

The following persons desired to speak:

Chris Hornung

Debrarae Karnes

Alane Callander

Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde asked about the \$380 million in debt service/transportation CIP, and if that only included County costs, and not matching state and federal numbers. Mr. Romanello said project costs shown were irrespective of funding sources. Mr. Sterling asked what was in the bond projects in the CIP, or what was included in bond projects with state

and/or federal funding. Ms. Perrotte said that transportation numbers were based on the list of projects beyond the CIP.

Mr. Milde said that it was all too important to be guessing and recommended deferral of the proposed proffer guidelines. He asked staff to provide the number of units that were by-right, with and without proffers, and by-right vs. proffers paid to the County over the past eight years. Mr. Harvey said that in FY 12-13, approximately 18% paid proffers, offering to dig deeper to provide exact proffer numbers.

Mr. Milde said that he did not know of a single rezoning that paid full proffers. Mr. Harvey said that the Board approved a number of rezonings but that they did not offer full proffers including developments such as West Lake and Shelton Woods, which applied credits toward proffers (38 at West Lake; 26 at Shelton Woods; 8 at Stafford Nursing). Mr. Harvey said that approximately \$8 million in proffers were collected in the past ten years. Mr. Milde said that more State legislative support was needed.

Ms. Sellers asked if the County could collect cash proffers for use as purchase of development rights (PDR) funds. Mr. Milde said it would take legislative action. Mr. Romanello said that it could be taken as a park proffer, and that park proffers could be used to pay parks debt service.

Mr. Milde motioned, seconded by Ms. Sellers, to defer this item (no return date was specified).

The Voting Board tally was:

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

Adjournment: At 8:32 p.m. the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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Jack R. Cavalier  
Chairman