

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

January 19, 2016

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Robert “Bob” Thomas, Jr., Chairman, at 3:00 p.m., on Tuesday, January 19, 2016, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

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

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

Presentation of a Proclamation to Mr. Larry Ingalls for his Years of Service on the Board of Zoning Appeals (BZA) Mr. Thomas presented a proclamation to Mr. Ingalls thanking him for 34 years of service on the BZA. Mr. Ingalls thanked the Board for recognizing him and named several former Board members that he worked in the past. He thanked staff for its support.

Presentation of a Proclamation to Mr. Ray Davis for his Service to the Citizens of Stafford County as the Registrar and on the Board of Zoning Appeals Mr. Thomas presented a proclamation to Mr. Davis thanking him for his years of service on the BZA as well as the years he served at the County’s Registrar. Mr. Thomas noted that Stafford County has a reputation for having fair, efficient, and professional elections, and thanked Mr. Davis (and current Registrar, Mr. Greg Riddlemoser) for their efforts on the County’s behalf. Mr. Davis thanked the Board for giving him the opportunity to serve on the BZA and gave credit to all of the County’s volunteers.

Presentations by the Public No persons desired to speak.

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

Ms. Bohmke - Attended the One Virginia 2020 conference regarding redistricting, noting that Virginia was the last state in the nation to vote on redistricting and the General Assembly, in 2020, would vote on it.

Mr. Cavalier - Attended the VDOT meeting at Moncure ES about 3 road projects in the County, which would greatly enhance the traffic flow; there was a good turn-out at the meeting including Supervisors Maurer, Milde, and Sellers; Attended the Joint Finance, Audit, and Budget (FAB) Committee meeting with the Schools FAB Committee to discuss the Schools' Capital Improvements Program (CIP), to which there were significant proposed changes; Provided a summary of the FAB Committee meeting including the FY2016 Mid-Year Review presented by Budget Director, Nancy Collins; Attended the Block Advisors ribbon cutting (formerly H & R Block).

Mrs. Maurer - Congratulated the 14 recently graduated firefighters selected out of 798 applicants and who were the "best of the best;" Attended the VACo *New Board of Supervisors Orientation* and was pleased to learn that Stafford County had great ideas and methods working with Schools and running meetings, and were heads and shoulders above some jurisdictions; Attended the grand opening of Alpha, a Mediterranean fast food restaurant.

Mr. Milde - Deferred comments.

Ms. Sellers - Attended the Legislative Committee meeting, which would meet again on Friday, January 22, 2016 at 3:30 p.m. in the County Administration Conference Room, and would meet on subsequent Fridays for the duration of the General Assembly session; Attended the Public Safety Committee meeting where there was a discussion about the County's public safety high turn-over rate.

Mr. Snellings - Deferred comments.

Mr. Thomas - Noted that Ms. Sellers was named Chairman of the Public Safety Committee, and Mr. Cavalier was named Chairman of the Finance, Audit, and Budget Committee; Ms. Martha Hutzel was appointed to lead the Central Rappahannock Regional Library System, which left the CRRL in very good hands; Attended the North Stafford Rotary meeting with Mr. Milde; Attended the VRE meeting also with Mr. Milde; complimented staff for doing an outstanding job no matter the time of day, night or weather conditions, saying that Board members truly appreciated the efforts of "Team Stafford."

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

Report of the County Administrator Mr. Romanello introduced Public Works Director, Chris Rapp who provided a transportation update, and Capital Improvement Projects Administrator, Chris Hoppe, who provided a parks update. Ms. Bohmke noted that she wished to discuss (at another time) the speed bumps on Washington Street, which were a source of constituent concerns.

Mr. Romanello said that the Board’s Infrastructure Committee would discuss House Bill 2 and Mr. Milde’s request for information about a special tax district, at its meeting on February 2, 2016.

Additions/Deletions to the Regular Agenda Item 29 was added to the agenda to approve Ms. Bohmke’s appointment of a member to the Telecommunications Commission representing the Falmouth District.

Ms. Sellers motioned, seconded by Ms. Bohmke, to adopt the agenda with the addition noted above.

The Voting Board tally was:

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

Legislative; Consent Agenda Mr. Milde motioned, seconded by Ms. Sellers, to adopt the Consent Agenda, which consisted of Items 5 through 21. Mr. Milde requested that Item 18 be pulled from the Consent Agenda.

The Voting Board tally was:

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

Item 5. Legislative; Approve Minutes of the January 8, 2016 Board Meeting

Item 6. Finance and Budget; Approve Expenditure Listing

Resolution R16-33 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED JANUARY 06, 2016 THROUGH JANUARY 18, 2016

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 19th day of January, 2016 that the above-mentioned EL be and hereby is approved.

Item 7. Planning and Zoning; Refer to the Planning Commission an Amendment to County Code Regarding Minimum Lot Width in the Pd-2 District

Resolution R16-18 reads as follows:

A RESOLUTION TO REFER PROPOSED ORDINANCE O16-10 TO THE PLANNING COMMISSION TO CONSIDER AMENDMENTS TO STAFFORD COUNTY CODE SEC. 28-55 “PLANNED DEVELOPMENT-2 DISTRICT REGULATIONS”

WHEREAS, the Planned Development-2 (PD-2) Zoning District promotes large mixed-use developments with a variety of housing types and commercial uses; and

WHEREAS, the development community expressed its desire to accommodate additional housing types with smaller lot widths; and

WHEREAS, the Board desires to receive recommendations from the Planning Commission on the proposed amendment to the Zoning Ordinance, pursuant to proposed Ordinance O16-10;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that it be and hereby does refer to the Planning Commission proposed Ordinance O16-10 to consider amendments to Stafford County Code Sec. 28-55 “Planned Development-2 District (PD-2) Regulations, conduct a public hearing, and provide its recommendation.”

Item 8. Planning and Zoning; Grant a Time Extension to the Planning Commission for Review of Comprehensive Plan Amendments Regarding Urban Development Areas and Other Modifications to Serve as a Five-Year Update of the Plan

Resolution R16-26 reads as follows:

A RESOLUTION GRANTING A TIME EXTENSION UNTIL JUNE 30, 2016, FOR THE PLANNING COMMISSION TO CONSIDER AMENDMENTS TO THE COMPREHENSIVE PLAN

WHEREAS, at its meeting on July 7, 2015, the Board requested that the Planning Commission (Commission) consider amendments to the Comprehensive Plan (Plan) regarding Urban Development Areas (UDAs) and a five-year update, including specific consideration of the following during its consideration of amendments to the Plan:

- Adding the Blaisdell tract to the Southern Gateway Targeted Growth Area (TGA); and
- Any other amendments deemed necessary.

; and

WHEREAS, upon request from the Commission, at its meeting on August 18, 2015, the Board granted a time extension until January 31, 2016, pursuant to Resolution R15-286; and

WHEREAS, the Commission desires to seek additional input from the Board regarding amendments to the Plan; and

WHEREAS, at its meeting on December 9, 2015, the Commission requested additional time to consider the amendments, to the Plan, and receive additional feedback from the Board and the public; and

WHEREAS, the Board desires to provide the Commission with a reasonable time extension;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that the Planning Commission be and it hereby is granted a time extension until June 30, 2016, to consider and/or draft amendments to the Comprehensive Plan consistent with the direction and guidance previously provided by the Board.

Item 9. Planning and Zoning; Refer to the Planning Commission an Amendment to County Code to Increase Review Time Regarding Rezoning/Zoning Text Amendments

Resolution R16-10 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION
AN ORDINANCE TO AMEND AND REORDAIN STAFFORD
COUNTY CODE SEC. 28-204, “REVIEW” AND SEC. 28-334,
“REVIEW”

WHEREAS, Stafford County Code Sec. 28-204 requires the Planning Commission (Commission) to act on any Zoning Ordinance change, to include zoning reclassifications, within 90 days of its first meeting after the amendment was referred to the Commission; and

WHEREAS, if the Commission does not act within that 90-day time period, its lack of action shall be deemed a recommendation of approval of the change; and

WHEREAS, Stafford County Code Sec. 28-334 requires the same 90-day review time limit for zoning text amendments; and

WHEREAS, the Commission has found that 90 days is sometimes too short a time period to adequately conduct a public hearing, receive public testimony, and work through issues with a complicated or controversial project or text amendment; and

WHEREAS, Virginia Code § 15.2-2285 allows the Commission up to 100 days to act on any Zoning Ordinance change, to include a zoning reclassification; and

WHEREAS, the Board desires to forward this proposed text amendment pursuant to proposed Ordinance O16-06, to the Commission for its consideration and recommendations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that it be and hereby does refer proposed Ordinance O16-06 to the Planning Commission for its review, to hold a public hearing, and to provide its recommendations to the Board; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications, as it deems appropriate, to proposed Ordinance O16-06.

Item 10. Planning and Zoning; Authorize the County Administrator to Advertise a Public Hearing to Amend the Garrisonville Road Transportation Service District

Resolution R16-16 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDING
THE GARRISONVILLE ROAD SERVICE DISTRICT

WHEREAS, on July 17, 2007, the Board adopted Ordinance O07-55, pursuant to Virginia Code §§ 15.2-2400, 15.2-2402, and 15.2-2403, which created the Garrisonville Road Service District (GRSD) to provide transportation improvements in a more complete and timely manner; and

WHEREAS, the GRSD is a funding mechanism that pays for improvements to Garrisonville Road, and was last amended by the Board, on December 16, 2014, pursuant to Ordinance O14-41; and

WHEREAS, since the adoption of Ordinance O14-41, there has been a zoning reclassification on Tax Map Parcel No. 20-130, which is within the boundaries of the GRSD; and

WHEREAS, the GRSD must be updated to include the above-referenced property for the GRSD assessment to apply; and

WHEREAS, the Board desires to consider adding the inclusion of parcels that have been zoned P-TND, Planned Traditional Neighborhood Development, to the eligible Zoning Districts within the GRSD;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that it be and hereby does authorize the County Administrator to advertise a public hearing for the purpose of considering an amendment to the Garrisonville Road Service District, pursuant to proposed Ordinance O16-08.

Item 11. Planning and Zoning; Authorize the County Administrator to Advertise a Public Hearing to Amend County Code Regarding Outdoor Music Events

Resolution R16-17 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDING AND REORDAINING PORTIONS OF STAFFORD COUNTY CODE CHAPTER 4, ARTICLE II, REGARDING OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS

WHEREAS, outdoor music or entertainment festival permit applications submitted to the Board at least 21 days before the event and must be acted upon within 10 days of submittal: and

WHEREAS, 21 days before an event is not enough time for adequate review by County Staff, the Sheriff's office, and other local and state entities; and

WHEREAS, the 10 day window in which the Board must act may be problematic and conflict with the Board's meeting schedule; and

WHEREAS, the Board wants to consider amending Stafford County Code Chapter 4, Article II, pursuant to proposed Ordinance O16-09, to address the above referenced issues; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that it be and hereby does authorize the County Administrator to advertise a public hearing to consider amending and reordaining Stafford County Code Chapter 4, Article II, regarding outdoor musical or entertainment festivals, pursuant to proposed Ordinance O16-09.

Item 12. Planning and Zoning; Authorize the County Administrator to Execute a Deed of Easement for the Purchase of Development Rights for Property at 187 Forest Lane Road

Resolution R16-19 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED OF EASEMENT FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON TAX MAP PARCEL NO. 59-21 (JONES PROPERTY) WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, in 2007, the Board adopted Stafford County Code Chapter 22A, Purchase of Development Rights (PDR), to enable the County to acquire conservation easements voluntarily offered by property owners as one means of protecting the County's open space, agricultural and forest lands, and natural and cultural resources; and

WHEREAS, the Board established a PDR Administrator to administer and implement the PDR program; and

WHEREAS, the Board established a PDR Committee to promote the PDR Program in cooperation with and under the guidance of the PDR Administrator; and

WHEREAS, a new PDR application round was initiated in January 2013; and

WHEREAS, the PDR Administrator and PDR Committee reviewed applications, including the Jones' Property submitted under the 2013 PDR application round, and ranked the applications in accordance with the requirements and criteria established in Stafford County Code Chapter 22A; and

WHEREAS, the PDR Administrator and PDR Committee recommended that the Board acquire development rights from Tax Map Parcel No. 59-21 (Property); and

WHEREAS, the Board carefully considered the recommendations of the PDR Administrator, the PDR Committee, and staff, and determined that development rights from the Property should be purchased; and

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

WHEREAS, the Board finds that this purchase conforms to the Comprehensive Plan and preserves and provides open space land;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that the Board be and it hereby does authorize the County Administrator, or his designee, to execute a deed of easement, pursuant to the County's Purchase of Development Rights (PDR) Program, for the purchase of development rights on Tax Map Parcel No. 59-21 (Property) in an amount not to exceed Six Hundred Seventy-five Thousand Dollars (\$675,000), with no less than Three Hundred Thirty-seven Thousand Five Hundred Dollars (\$337,500) reimbursable from the Commonwealth of Virginia; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to budget and appropriate \$337,500 in state matching PDR grant funds, and to release payment to the Jones or another appropriate party at or upon settlement.

Item 13. Planning and Zoning; Authorize the County Administrator to Advertise a Public Hearing to Grant a Partial Plat Vacation for the Ambrose Estates Subdivision

Resolution R16-20 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO CONSIDER A PARTIAL
VACATION OF THE AMBROSE ESTATES SUBDIVISION PLAT,
WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the subdivision plat for Ambrose Estates Subdivision was recorded as Plat Map No. PM120000268, among the Stafford County Land Records on December 11, 2012 (the Plat); and

WHEREAS, the Plat identifies “Limits of Reservoir Buffer Zone” on lots 3, 4, 5, 6, 7, and 8; and

WHEREAS, Brighton Homes at Ambrose Estates LLC (Property Owner) desires to construct a home on lot 7 (Tax Map Parcel No. 44JJ-7), which would locate a reserve drainfield within the “Limits of Reservoir Buffer Zone” as depicted on the Plat; and

WHEREAS, the Property Owner submitted an application and desires to partially vacate the Plat, as to the “Limits of Reservoir Buffer Zone” designation on lots 3-8; and

WHEREAS, pursuant to Virginia Code § 15.2-2272(2) and Stafford County Code Sec. 22-108(2), the Board desires to hold a public hearing to consider this partial plat vacation request;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider partially vacating the Ambrose Estates Subdivision Plat, to remove the “Limits of Reservoir Buffer Zone” designation from the Plat.

Item 14. Public Works; Authorize the County Administrator to Advertise a Public Hearing to Amend and Reordain Stafford County Code Sec. 17-31.5(1), “Other No Wake Areas”

Resolution R16-22 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 17-31.5 ENTITLED “OTHER NO WAKE AREAS”

WHEREAS, the Board is interested in promoting the public health, safety, and welfare, by preventing accidents and injuries caused by boat wakes in the waters of Stafford County; and

WHEREAS, the Virginia Department of Conservation and Recreation (DCR) is concerned about the safety of kayakers, canoeists, and people using the newly constructed boat launch at the Crow’s Nest Natural Area Preserve located on Accokeek Creek; and

WHEREAS, the current no wake boundary on the Accokeek Creek is the entire width of the creek from a “No Wake” sign located at the extended property line between Tax Map Parcel Nos. 49-5 and 49-12, to a “No Wake” sign located at the extended property line between Tax Map Parcel Nos. 49-14H and 49C-1-17 (No Wake Zone); and

WHEREAS, this No Wake Zone is approximately 1.4 miles downstream from the new boat launch at the Crow’s Nest Natural Area Preserve; and

WHEREAS, fast moving watercrafts with limited visibility may cause unsafe conditions to kayakers, canoeists, and people using the boat launch; and

WHEREAS, the Board's Community and Economic Development Committee recommended that a second No Wake Zone be established to include the full width of Accokeek Creek, from the beginning of the Crow's Nest Natural Area Preserve lands on the northerly side of Accokeek Creek to the end of the navigable waters; and

WHEREAS, the Board has the authority, pursuant to Virginia Code § 29.1-744, to establish no wake zones along the waterways within the County in order to protect public safety and prevent erosion damage to adjacent properties; and

WHEREAS, the Board is required and desires to hold a public hearing to consider adding a second no wake area, pursuant to proposed Ordinance O16-07;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider amending Stafford County Code Sec. 17-31.5 to add a second No Wake Zone on Accokeek Creek, pursuant to proposed Ordinance O16-07.

Item 15. Utilities; Authorize the County Administrator to Execute a Contract for the Purchase of Liquid Ferric Sulfate for use at the County's Water Treatment Plants

Resolution R16-11 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT RENEWAL WITH KEMIRA WATER SOLUTIONS, INC., FOR LIQUID FERRIC SULFATE FOR USE AT THE SMITH LAKE AND LAKE MOONEY WATER TREATMENT FACILITIES

WHEREAS, the Utilities Department has a contract with Kemira Water Solutions, Inc., for the purchase of liquid ferric sulfate; and

WHEREAS, this contract contains a renewal clause which allows for up to four additional one-year terms; and

WHEREAS, the renewal amount of this contract has been determined to be reasonable; and

WHEREAS, funds have been appropriated in the FY2016 Department of Utilities operating budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that the County Administrator, or his designee, be and he hereby is authorized to execute the contract renewal with Kemira Water Solutions, Inc. to provide liquid ferric sulfate, in an amount not to exceed One Hundred Forty-five Thousand Fifty Dollars (\$145,050), unless amended by a duly-executed contract amendment.

Item 16. Parks, Recreation and Community Facilities; Authorize Funding for Phase I of the Lake Mooney Park Improvements

Resolution R16-15 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO USE FY2015 CARRY-OVER FUNDS FOR THE LAKE MOONEY PHASE I IMPROVEMENT PROJECT WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the Lake Mooney Improvement Project (Project) would make Stafford County's and Virginia's newest lake accessible to the public for recreational and tourism-related opportunities; and

WHEREAS, the Project would provide site improvements including Americans with Disabilities Act (ADA) accessible amenities, as well as trail access to the lake and river, a restroom facility, floating docks, and a kayak/canoe launch; and

WHEREAS, the property contains historic remains of the old Sanford Plantation farm, and an important slavery-related structure, and these assets present an opportunity to preserve and interpret Stafford history; and

WHEREAS, Phase I of the Project consists of the installation of a 500-square-foot pre-fabricated structure with restrooms and space for staff to assist visitors, as well as infrastructure improvements at the site including utilities connections to the pre-fabricated structure, drain field work, delineated ADA-accessible parking and access to the restrooms, signage, site plan and associated permitting; and

WHEREAS, the preliminary estimate for Phase I of the Project is \$260,000 and is available in FY2015 carryover funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that the County Administrator be and he hereby is authorized to budget and appropriate FY2015 carry-over funds, in an amount not to exceed Two Hundred Sixty Thousand Dollars (\$260,000) for the Lake Mooney Phase I Improvement Project; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute any documents and contracts he deems necessary and appropriate to the completion of Phase I of the Lake Mooney Improvement Project.

Item 17. County Administration; Authorize the County Administrator to Advertise a Public Hearing to Execute a Deed of Easement Related to the Civil War Park

Resolution R16-13 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER GRANTING A DEED OF GIFT OF EASEMENT TO THE LAND TRUST OF VIRGINIA ON TAX MAP PARCEL 39-23A, WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, the County, in partnership with the Friends of the Stafford Civil War Park (Park), two units of the National Guard, and the City of Fredericksburg (City), created the Stafford Civil War Park on Tax Map Parcel No. 39-23A, to preserve and display rare examples of Civil War fortifications and winter encampments; and

WHEREAS, the Commonwealth Transportation Board allocated \$150,000 in funds to offset County expenses in the construction of the Park; and

WHEREAS, these funds were distributed to the Civil War Trust for disbursement to the County; and

WHEREAS, the Civil War Trust requires an easement be dedicated to a third party agency to assure the Park would be protected from any future development inconsistent with the preservation and public display of these historical resources in perpetuity; and

WHEREAS, the Land Trust of Virginia (LTV) has agreed to be the beneficiary of an easement to protect the Park; and

WHEREAS, a Deed of Gift of Easement acceptable to the Board and the LTV has been prepared to preserve the Park for future generations; and

WHEREAS, the Board must hold a public hearing to consider granting this easement as required under Virginia Code § 15.2-1800(B);

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider granting a Deed of Gift of Easement to the Land Trust of Virginia on Tax Map Parcel No. 39-23A, for the preservation of the Stafford Civil War Park.

Item 19. Public Information; Recognize Mr. Scott Hirons Term on the Planning Commission

Proclamation P16-01 reads as follows:

A PROCLAMATION RECOGNIZING C. SCOTT HIRONS FOR HIS
YEARS OF SERVICE TO THE CITIZENS OF STAFFORD COUNTY

WHEREAS, Mr. C. Scott Hirons represented the Falmouth District as a member of the Planning Commission from January 1, 2010 through December 31, 2013, and was elected Vice Chairman in 2012 and 2013; and

WHEREAS, Mr. Hirons served on multiple committees while on the Planning Commission including the Comprehensive Plan subcommittee, the Parks and Recreation Commission, the Architectural Review Board from 2012-2013, and any Technical Review Committee meetings that dealt with issues in the Falmouth District; and

WHEREAS, during his time on the Planning Commission, Mr. Hirons worked to make sure Stafford High School Students had maximum practice time on the football field by working with Leeland Station developers to proffer money for an artificial turf field at the new Stafford High School; and

WHEREAS, during Mr. Hirons' service, the Planning Commission passed a Farmers Market Ordinance, and a Microbrewery Ordinance; and

WHEREAS, Mr. Hirons assisted with Stafford's Comprehensive Plan rewrite and adoption; and

WHEREAS, Mr. Hirons was staunch supporter of the Schools Division, ensuring schools received the proffers negotiated for them;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this 19th day of January, 2016, that it be and hereby does recognize Mr. C. Scott Hirons for his years of service on the Planning Commission, and his dedication to the citizens of Stafford County.

Item 20. Fire and Rescue; Authorize the County Administrator to Execute a Contract Renewal for Westnet

Resolution R16-25 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A TWO-YEAR CONTRACT RENEWAL FOR SERVICES
WITH WESTNET, INC.

WHEREAS, on December 4, 2007, the Board approved Resolution R07-487, which authorized the County Administrator to execute a contract for a public safety radio communications system (System); and

WHEREAS, in 2008, as part of the System project, all fire and rescue stations were upgraded to the Westnet Station Alerting System; and

WHEREAS, maintenance for the Westnet Station Alerting System is no longer covered by the System project’s contract; and

WHEREAS, on January 8, 2013, the Board approved Resolution R13-17, which authorized the County Administrator to execute a contract for services with Westnet, Inc.; and

WHEREAS, the maintenance agreement can be automatically renewed annually through December 2017; and

WHEREAS, maintenance on the Westnet Station Alerting System is provided as a sole source from Westnet, Inc.;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that the County Administrator be and he hereby is authorized to execute a contract for services with Westnet, Inc., in an amount not to exceed One Hundred Fourteen Thousand Dollars (\$114,000) for renewal year 2016, and a subsequent year expiring December 2017, which price shall not increase more than 5% over the current contract amount, unless amended by a duly-executed contract amendment.

Item 21. Legislative; Appoint Members to the Following Boards, Authorities, Committees, and Commissions: Board of Building Code Appeals

Item 18. County Administration; Authorize the County Administrator to Accept a Donated Property in Crow’s Nest Harbour Mr. Milde requested that a thank you letter be sent to the donor of the property in Crow’s Nest Harbour on behalf of the Board.

Mr. Milde motioned, seconded by Ms. Bohmke, to adopt proposed Resolution R16-27.

The Voting Board tally was:

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

Resolution R16-27 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT THE DONATION OF PROPERTY IN THE CROW’S NEST HARBOUR SUBDIVISION, TAX MAP PARCEL NO. 49D-C-123, WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, James G. Boulanger, Estate Administrator for the deceased owner of Tax Map Parcel No. 49D-C-123 (Parcel), located in the Crow’s Nest Harbour Subdivision, within the Aquia Election District, desires to donate the Parcel to the County; and

WHEREAS, as a condition of accepting the donation of the Parcel, Mr. Boulanger is requesting that the County pay any and all closing and recordation costs; and

WHEREAS, the Board desires to accept the donation of the Parcel;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that it be and hereby does authorize the County Administrator to accept the donation of Tax Map Parcel No. 49D-C-123; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute all documents, and pay any and all closing and recordation costs necessary and appropriate to transfer the Parcel to the County.

Public Works; Grant Permanent Access to a Public Right-of-Way on Bonnie Lee Court
Mr. Jason Towery, Acting Assistant Director of the Public Works Department, addressed the Board saying that this item was presented in a public hearing at the Board's October 6, 2015 meeting and deferred after the public hearing was closed.

Mr. Milde asked if there was a Homeowner's Association (HOA). Mr. Towery replied that there is (or was) an HOA; it was not active and did not collect any money from the Bonnie Lee Court landowners. He added that the County was holding approximately \$11,000 in builder's securities. Bonnie Lee Court would not be available for acceptance into the State System but that application could be made to VDOT upon needed maintenance and repairs. In the interim, it was a privately maintained road, with a cul-de-sac, that was used by residents and school buses.

Mr. Milde asked about a maintenance component or fixed maintenance on the road. Mr. Cavalier said that the applicant wanted a maintenance agreement with the seven current and two new homeowners on Bonnie Lee Court. He added that only adding two new houses was in the proffered agreement for the 19 acres. Mr. Thomas noted that it was not in the proffers or the proposed resolution. Mr. Cavalier said that the applicant was present and would agree to having the resolution cleaned up prior to the Board's vote.

Mr. Thomas deferred vote until a revised resolution could be presented later in the meeting.

Planning and Zoning; Authorize the County Administrator to Amend a Deed of Gift to the Greater Fredericksburg Habitat for Humanity
Mr. Romanello provided the history of the Deed of Gift to Habitat for Humanity. He noted that a new soil study would be done and if the soil was found to be insufficient, there would not be another house built on the property. It would not be a new pump and haul situation, it must have a viable septic system for the amended Deed of Gift to apply to the designated property.

Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-31.

The Voting Board tally was:

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

Nay: (0)

Following the vote, Mrs. Maurer thanked Mr. Tom Carlson for providing a great service, saying that it was a hand up, not a hand out, which changed people's lives.

Resolution R16-31 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDED DEED OF GIFT FOR TWO PARCELS OF LAND CONVEYED TO GREATER FREDERICKSBURG HABITAT FOR HUMANITY, ROCK HILL ELECTION DISTRICT

WHEREAS, on March 1, 2011, the Board adopted Resolution R11-32, which authorized the conveyance of County-owned real estate to the Greater Fredericksburg Habitat for Humanity (Habitat for Humanity); and

WHEREAS, on April 19, 2011, a Deed of Gift was recorded in the Stafford County Land Records as Instrument No. LR110007144, conveying Tax Map Parcel Nos. 8B-G-18 and 8B-G-19 to Habitat for Humanity; and

WHEREAS, Habitat for Humanity owned the adjacent Tax Map Parcel Nos. 8B-G-20 and 8B-G-21 at the time of the Board's conveyance; and

WHEREAS, the Deed of Gift included a restriction that only two single-family homes could be constructed on the four parcels; and

WHEREAS, since recordation of the Deed of Gift, single-family residences have been constructed on Tax Map Parcel Nos. 8B-G-18 and -19; and

WHEREAS, Habitat for Humanity desires to have the deed restriction removed, so it can build one additional home on the remaining parcels to help provide affordable housing to low-income County residents; and

WHEREAS, the Board must authorize an amendment to the Deed of Gift to remove the restriction; and

WHEREAS, the Board desires to remove the deed restriction;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that it be and hereby does authorize the County Administrator to execute an Amended Deed of Gift to remove the restriction regarding the construction of only two homes on Tax Map Parcel Nos. 8B-G-18, -19, -20 and -21.

Finance and Budget; FY2016 Mid-Year Review and Release of 5% Appropriations Hold

Ms. Nancy Collins, Budget Division Director, gave a presentation and answered Board members questions. Mr. Snellings inquired about the Schools’ forensic audit and if it included the \$8.3 million. Ms. Collins said that the financial audit was complete and the forensic audit was underway and did include the \$8.3 Million in FY2015 unspent funds. Mr. Romanello talked about a solid surface for the new playground versus using finely graded mulch, saying that finely graded mulch would save approximately \$50,000 over the cost of applying a solid rubber surface on a new playground. Ms. Bohmke confirmed that the delta was \$50,000. She said that it could be revisited later. Mr. Romanello said that Brion Southall, Assistant Director of Parks, Recreation and Community Facilities said that the solid surface could be installed at any time.

Mr. Cavalier motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-21.

The Voting Board tally was:

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

Resolution R16-21 reads as follows:

A RESOLUTION AUTHORIZING THE RELEASE OF THE COUNTY’S FY2016 APPROPRIATION HOLD, AND BUDGETING AND APPROPRIATING \$115,000 IN BOND PROCEEDS

WHEREAS, to provide financial flexibility, the Board placed a 5% appropriation hold on the adopted FY2016 budgets, with release of the hold pending a mid-year fiscal review; and

WHEREAS, the FY2016 mid-year review projects sufficient revenues to warrant the release of the remaining 5% General Fund appropriation; and

WHEREAS, the Board desires to release the full remaining 5% of the General Fund appropriation; and

WHEREAS, the Board desires to budget and appropriate \$115,000 of the Bond Funds to the Capital Project Fund, to be used towards the ongoing construction and development of the Embrey Mill Park;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that it be and hereby does increase the appropriations to the General Fund budget for FY2016 as follows:

<u>General Fund:</u>	Appropriation Release
Board of Supervisors	31,648
Capital Projects	167,017
Central Rappahannock Regional Library	253,361
Commissioner of the Revenue	131,065
Commonwealth's Attorney	146,060
Cooperative Extension	8,772
Corrections	300,529
County Administration	55,610
County Attorney	53,912
Clerk of the Circuit Court	72,256
Circuit Court	13,736
General District Court	5,087
Juvenile and Domestic Relations Court	3,285
Magistrate	441
15th District Court Services Unit	18,066
Economic Development	41,253
Finance and Budget	77,905
Fire and Rescue	820,941
Human Resources	20,473
Human Services, Office of	248,590
Information Technology	107,646
Non-Departmental	131,179
Parks, Recreation and Community Facilities	557,745
Partner Agencies	86,289
Planning and Zoning	113,763
Public Works	192,339
Public Works - Stormwater	26,561
Registrar & Electoral Board	24,097
Sheriff	1,237,920
Social Services	338,536
Treasurer	94,008
Total	<u><u>\$5,380,090</u></u>

BE IT FURTHER RESOLVED that One Hundred Fifteen Thousand Dollars (\$115,000) of the Bond Funds are budgeted and appropriated as follows:

Capital Projects Fund	\$115,000
-----------------------	-----------

Mr. Cavalier motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-40.

The Voting Board tally was:

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

Resolution R16-40 reads as follows:

**A RESOLUTION AUTHORIZING THE RELEASE OF THE SCHOOLS’
 FY2016 APPROPRIATION HOLD**

WHEREAS, to provide financial flexibility, the Board placed a 5% appropriation hold on the adopted FY2016 General Fund budget, including the Schools’ Operating fund, with release of the hold pending a mid-year fiscal review; and

WHEREAS, the FY2016 mid-year review projects sufficient revenues to warrant the release of the remaining 5% of the FY2016 Schools’ Operating Fund appropriation; and

WHEREAS, the Board desires to release the full remaining 5% of the Schools’ Operating Fund appropriation for FY2016;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that it be and hereby does increase the appropriations to the Schools’ FY2016 Operating Fund as follows:

<u>General Fund:</u>	Appropriation Release
Operating Budget Transfer to Schools	5,626,391
Public Day School	25,900
School Bus Capital	209,000
Total	<u>\$5,861,291</u>

<u>School Operating Fund:</u>	
Operating Budget Transfer to Schools	5,626,391
Public Day School	25,900
School Bus Capital	209,000
Total	<u>\$5,861,291</u>

County Administration; Endorse a Stafford County Multi-Cultural Coalition Mr. Doug Taylor with the NAACP addressed the Board and introduced prospective Coalition members that were present in the Board Chambers. Following Mr. Taylor’s presentation, Mr. Thomas recommended that the item be forwarded to the Board’s Community and Economic Development Committee for consideration at its earliest convenience.

Legislative; Closed Meeting. At 3:48 p.m., Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM16-02.

The Voting Board tally was:

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

Resolution CM16-02 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 probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the Board, and (2) consultation with legal counsel employed by a public body regarding a specific legal matter requiring the provision of legal advice by such counsel; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 19th day of January, 2016, does hereby authorize discussion of the above matters in Closed Meeting.

Call to Order At 4:38 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Ms. Sellers motioned, seconded by Ms. Bohmke, to adopt proposed Resolution CM16-02(a).

The Voting Board tally was:

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

Resolution CM15-02(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JANUARY 19, 2016

WHEREAS, the Board has, on this the 19th day of January, 2016, 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 19th day of January, 2016, 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.

Item 22. Bonnie Lee Court - A vote on the previously-discussed item was taken following the Board's Closed Meeting.

Mr. Cavalier motioned, seconded by Mr. Milde, to adopt revised, proposed Resolution R16-28(R).

The Voting Board tally was:

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

Resolution R16-28(R) reads as follows:

**A RESOLUTION GRANTING PERMANENT ACCESS EASEMENT TO
A PUBLIC RIGHT-OF-WAY ON BONNIE LEE COURT**

WHEREAS, the right-of-way for Bonnie Lee Court was dedicated to public use on May 15, 1998, pursuant to the recording of the Serena Forest Subdivision plat among the Stafford County Land Records in Plat Book 31 at Page 267; and

WHEREAS, Bonnie Lee Court has not been constructed to the Virginia Department of Transportation (VDOT) secondary street acceptance requirements, and has not been accepted into the Secondary System of State Highways; and

WHEREAS, the owners of Tax Map Parcel No. 20-58 (Property) desire to have permanent access to the public right-of-way on Bonnie Lee Court; and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), the Board conducted a public hearing and considered the recommendation of staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board believes that it is appropriate to provide the Property permanent access to the public right-of-way on Bonnie Lee Court with conditions imposed; and

WHEREAS, the Board desires to restrict the future subdivision of the Property, limiting the Property to three total lots, to preserve and protect the road surface of Bonnie Lee Court;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that a permanent access easement to the public right-of-way on Bonnie Lee Court be and it hereby is granted to Tax Map Parcel No. 20-58 (Property), subject to the execution of an Agreement with the County whereby the Property Owners contribute to the completion of the road maintenance activities; and

BE IT FURTHER RESOLVED that the Property shall only be allowed to subdivide two lots using Bonnie Lee Court subject to all federal, state, and local environmental, zoning, and subdivision regulations, requirements, ordinances, and laws; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee is authorized to sign the Agreement and any other documents he deems necessary and appropriate to effectuate the Board’s desires and grant of a permanent access easement to the public right-of-way on Bonnie Lee Court.

Add-on Item 29. County Administration; Approve Appointment of Mr. Krikor “Greg” Kolandjian as the Falmouth Representative to the Telecommunications Commission

Ms. Bohmke motioned, seconded by Ms. Sellers, to appoint Mr. “Greg” Kolandjian to the Telecommunications Commission representing the Falmouth District

The Voting Board tally was:

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

At 4:40 p.m., the Chairman adjourned the afternoon session of the meeting.

Call to Order At 7:00 p.m., the Chairman called the evening session to order.

Invocation Ms. Bohmke gave the invocation.

Pledge of Allegiance Mrs. Maurer led the Pledge of Allegiance.

Mrs. Maurer presented a proclamation to Mr. Bob Gibbons thanking him for his years of service, in many capacities, to the citizens of Stafford County. Mrs. Lois Gibbons was also at the dais for presentation of the proclamation to her husband.

Ms. Bohmke presented a proclamation to Mr. C. Scott Hirons thanking him for his service on the Planning Commission, and noting his service on the School Board as well.

Presentations by the Public – II No persons desired to speak.

Planning and Zoning; Authorize a Proffer Amendment on 41.72 Acres Zoned R-3, Urban Residential – High Density, Colonial Forge Mr. Mike Zuraf, Principal Planner, gave a presentation and answered Board members questions. Mr. Charlie Payne, for the applicant also addressed the Board.

Ms. Sellers inquired about the undeveloped portion of the property. Mr. Zuraf said that some was graded, and the overall appearance was not good. Ms. Sellers asked about current number of units. Mr. Zuraf replied there were 654 units with 236 more units until build-out and project completion. Mr. Milde spoke about the total number on all three sites being 927 total units, with 799 proffered. Mr. Zuraf said that the current zoning allowed the total number of 927. He added that all units in the Augustine South portion of the property were zoned commercial, there was no residential planned for Augustine South, and that Augustine North was at build-out.

Mrs. Maurer asked when the current developer was no longer in control of Augustine South. Mr. Zuraf said that he believed that it was in the 2000's but deferred to the applicant for the exact timeline. Mrs. Maurer questioned grading all 890 lots even though the developer was unable to sell that number. She said that the builder could have created a hazardous condition if the Board did not approve a change to the proffers.

Ms. Bohmke said that in 2013, the applicant addressed the Planning Commission and requested an answer within one month, then did not return to the Board until 2015. She asked what happened (or did not happen) in the ensuing two years. Ms. Bohmke asked if Embrey Mill was not over budget, would staff support the applicant's request. Mr. Romanello noted that Embrey Mill was not over budget for the current phase and if the Board approved the request, it would move forward in the CIP with five additional fields.

Mr. Snellings asked about accessibility to the parks if they were to be built by the owner of the Augustine South property. Mr. Zuraf said that additional roads and infrastructure would be needed. Mr. Snellings asked if proffers included the size and maintenance of the proposed fields. Mr. Zuraf said the fields could be maintained by the developer but that neither the size nor maintenance of the fields was included in the proffers.

Mrs. Maurer asked of the \$974,000, how much was dirt from the Colonial Forge site? Mr. Zuraf said it was \$432,000 or more than one-half of the dirt would be removed from the Colonial Forge site, which had to be removed to stabilize in-place. Mrs. Maurer talked about the lost value of the commercial development, including not only taxes but jobs, etc.

Mr. Snellings talked about the \$10,000 per unit proffers and if it exceeded current Parks & Recreation proffers. Mr. Zuraf said it was not a per-unit value and mentioned a \$1 Million water tower. Mr. Milde asked about current proffers for comparable single-family dwelling, which was \$50,000. Proffers on an apartment were \$27,000 and \$40,000 on townhouses.

Ms. Sellers asked about transportation impact fees. Mr. Zuraf said that transportation impact fees did not apply as the development was already approved but said that he would double check to ensure the accuracy of that statement. Mr. Cavalier asked about Park proffers. Mr. Zuraf said that Park proffers were \$7,880. Mr. Cavalier noted that that exceeded the current number.

For the applicant, Mr. Charlie Payne addressed the Board. He said that in answer to Mrs. Maurer's question, Augustine South has been under control of a different owner since 1999, and the current owner of Augustine Central and Augustine North had no control over Augustine South. Mr. Payne said that the fields would be graded and seeded but not maintained by the developer, that the County could maintain the fields once established. Regarding the question about use of the dirt, Mr. Payne said that it could be sold. He said that the commercial application was no longer viable due to its location, which was not near or close enough to Interstate 95. He added that there would be \$1 million in-kind Parks proffers with no impacts to schools and roads, and added that the request was compatible with the Comprehensive Plan.

Mr. Milde talked about proffers without a trigger and the commercial requirement still attached to Augustine South. He said that it was an old "Silver trick" to get the residential sites all over the development then walk away from the commercial component. He said that as a member of the R-Board, he knew that dirt did not sell and that the applicant could use the dirt at other developments.

Ms. Sellers said that she was concerned about losing the commercial element. She said that Embrey Mill was not complete, that this was just the next phase of development. She said that additional rooftops were attractive to commercial developers. Mrs. Maurer noted that the owners never had control of Augustine South and knew that they were limited to 800 units at Colonial Forge. Mr. Payne said that Augustine South was 1200 acres of commercial, which would be built eventually, further east.

Mrs. Maurer questioned that grading was done beyond 800 lots. Mr. Payne responded that with infrastructure, you did not stop but rather for efficiency sake, completed infrastructure “down the road.”

Ms. Bohmke asked about the proposed day care center. Mr. Payne said that it had been planned as a stand-alone center for which there was no current market and it was not feasible to build. Mrs. Maurer asked if the day care center was planned for the Colonial Forge site. Mr. Payne said that it was at the Augustine South site.

Ms. Sellers questioned the delivery date for the retaining wall. Mr. Romanello said that the March 17th St. Patrick’s Day tournament was the targeted date. Mr. Dayton talked about moving forward with the amended design with Colonial Forge doing its part and the County taking over immediately after completion of that portion of the Park. He added that the fields would be stable in 2017. Ms. Bohmke asked why the retaining wall. Mr. Dayton explained about the boundaries on the developable site and a retaining wall and/or border on nearly every field to maximize the size of the fields. He said that two additional fields maximized the opportunity for revenue producing tournaments coming to the County. Mr. Snellings asked about the use of County funds pulling money from another project. Mr. Dayton said that the Board approved bond funding and an eventual build-out of 11 fields. Mr. Dayton said the County was short \$750,000 to \$1 million. Mr. Romanello said that would be a part of the upcoming CIP discussion.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Ms. Sellers, to defer this item to either February 2nd or February 16th.

The Voting Board tally was:

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

Nay: (0)

Planning and Zoning; Authorize Amended Proffer Conditions on 1.07 Acres Zoned B-2 to Allow for Outdoor Display of Vehicles; and Authorize a Minor Conditional Use Permit Amendment on Tax Map Parcel 20-99, Zoned B-2 Urban Commercial Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Clark Leming, for the applicant also addressed the Board.

Ms. Sellers asked if the property in question wasn't condemned by the Board as part of the Garrisonville Road widening project. Mr. Harvey said that it was just a very small portion of the property plus utilities easements.

Mrs. Maurer asked for a definition of specialty cars and how, in the future, the County would ensure that wrecks were not for sale in the requested outdoor spaces. Mr. Harvey said that proffers would limit the sale to specialty or collector/custom vehicles to include aesthetically pleasing or high-performance vehicles. Mr. Harvey noted that the proffers stayed with the property so future owners would be bound by the same specifications.

Mr. Snellings asked if the applicant would want specialty vehicles outside and unprotected from the weather. He also talked about the restriction of test drives through surrounding neighborhoods, saying that from past experience in the car industry, that was impossible to monitor or prevent. Mr. Harvey agreed that it was very difficult to enforce.

For the applicant, Mr. Clark Leming addressed the Board reminding the Board that the adjusted fee schedule it approved a few months ago pertained to this case. He added that changes in demand and in the local economic climate led to the requested changes in the application. The cost of construction a one-story rather than a two-story building was significantly less and the proffered GDP specified which outdoor spaces would be used for displaying vehicles, approximately 32 outside spaces. In response to Mr. Snellings' question about leaving specialty cars outdoors, Mr. Leming said that the vehicles would be covered with canvas covers and others would be inside the proposed one-story building. He noted that property was within the boundaries of the Highway Overlay District, which determined the appearance of the building. He said that selling specialty vehicles was not out of the ordinary but noted that the term "specialty" was not defined in County Code.

Mr. Cavalier asked for clarification about the number of vehicles that would be displayed outdoors. Mr. Leming called the applicant, Mr. Mabudian, to the podium. Mr. Mabudian agreed to 32 vehicles being displayed outdoors. Mr. Cavalier asked about the number of vehicles that would be on display indoors. Mr. Leming responded that it would be no more than one dozen.

The Chairman opened the public hearing.

The following persons desired to speak:

Michael Whitford

Jennifer Wiener

The Chairman closed the public hearing.

Mr. Leming offered to revise the proffers to specify that no more than 32 vehicles would be displayed outdoors at the site. He noted that due to safety concerns, VDOT would not approve more than one entrance/exit onto Garrisonville Road. The property was zoned commercial so a used car lot was already an approved use of the property. Ms. Sellers asked about an inter-parcel connector, which based on comments made during the public hearing, was doubtful. Mr. Leming said they would welcome an inter-parcel connector as ingress/egress to the east was an environmental issue and to the west, an existing buffer.

Mr. Cavalier said that there were a lot of unanswered questions and he wanted to know the number of vehicles both indoors and outside, adding that the total number of vehicles on the site would tell a lot about safety issues. He said that he did not wish to make an 11th hour decision and wanted to defer the vote until his questions were answered.

Mr. Milde said that the property was directly across Garrisonville Road from the biggest and best development approved in the County and a used car lot would look horrible. He said that the highest and best use of the property was not a used car lot; that the County did not need another used car lot. Mr. Milde cited Aquia Glass that just shut down after being adjacent to a used car lot; he said he hoped there was no correlation.

Ms. Sellers agreed with Mr. Milde saying that the County did not need another used car lot and suggested that the applicant may wish to take another look at the GDP. Mr. Cavalier said that the site was already zoned for a used car lot. Mr. Milde said that the previous plan to display vehicles inside a building was different than cars being outside.

Mr. Cavalier motioned, seconded by Mrs. Maurer, to defer this item to a future meeting, non-date-specific.

The Voting Board tally was:

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

Nay: (1) Sellers

Planning and Zoning; Authorize a Conditional Use Permit to Allow a 190-Foot Telecommunications Tower on 71.34 Acres Zoned A-1; and Authorize a Lease Agreement for a Telecommunications Facility and Ancillary Compound on Tax Map Parcel 39-26B (Portion) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Harvey said that a public meeting was held and there was no opposition of the proposed tower. Mr. Milde spoke about a neighbor that was hoping to make a deal to have a tower on her property but the tower at the Landfill was being considered instead.

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

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-07.

The Voting Board tally was:

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

Resolution R16-07 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP15150891 TO ALLOW A TELECOMMUNICATIONS FACILITY IN THE A-1, AGRICULTURAL ZONING DISTRICT, ON TAX MAP PARCEL NO. 39-26B (PORTION), WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Donohue and Stearns, PLC, applicant, submitted application CUP15150891 requesting a conditional use permit (CUP) to allow a telecommunications facility in the A-1, Agricultural Zoning District on Tax Map Parcel No. 39-26B (portion), located within the Aquia Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code, Sec. 28-35, Table 3.1, which permits this use in the A-1, Agricultural 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 public testimony, if any, received at the public hearing; and

WHEREAS, the Board has considered the criteria in Stafford County Code Sec. 28-185 and finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that a conditional use permit (CUP) pursuant to application CUP15150891 be and it hereby is approved with the following conditions:

1. This CUP is to allow one telecommunications facility on a portion of Tax Map Parcel No. 39-26B (Property).

2. There shall be one lattice type tower permitted on the Property at a maximum height of 190 feet.
3. The location of the telecommunications facility on the site shall be in conformance with the Generalized Development Plan (GDP) entitled “Stafford County Landfill,” last revised on September 17, 2015.
4. The tower shall be lighted and painted in accordance with Federal Aviation Administration guidelines for towers over 200 feet in height, with a preference for a white strobe-type light, if permitted.
5. There shall be no signs on the tower other than an identification sign required by the Federal Communications Commission (FCC) or other federal or state agency.
6. Once the tower is no longer in use, written notice shall be sent to the County Administrator specifying discontinuance of use of the facility. The original applicant or its successor shall be responsible for the removal of all facilities and structures within six months of cessation of commercial public telecommunications use or the expiration of the lease, whichever comes first. This obligation shall be secured by a letter of credit, surety bond, or other security acceptable to the County. The Property must then be restored by the applicant or its successor to its original condition.
7. Prior to building permit approval, the applicant shall submit and obtain approval of an engineer’s cost estimate, post a Letter of Credit or other security acceptable to Stafford County for 110% of the cost of removal of the tower and facility.
8. The tower shall be designed to accommodate five carriers.
9. Prior to issuance of a final zoning permit for the facility, the applicant shall provide to the County copies of a certified as-built survey for the tower. The as-built survey shall identify the mean surface elevation for the base of the tower as well as the top of the tower, to include any lightning rods or similar appurtenances.
10. Any frequencies or signals emitted by equipment at the facility shall not interfere with or be incompatible with communications frequencies associated with Stafford County’s Emergency 911 system or the Stafford Regional Airport. The applicant and any future lessees must provide an intermodulation study showing that the proposed telecommunications equipment will not interfere with Stafford County’s Emergency 911 system or the Stafford Regional Airport prior to obtaining a building and/or zoning permit.
11. In the event that a County department, County agency, the Stafford County Sheriff’s Office, and/or the Virginia Railroad Express (VRE) desires to locate its telecommunications equipment on the facility, the applicant shall provide adequate space on the tower and on the ground lease area for a period of 30 years at no cost to the County and/or VRE. The parties shall mutually agree to the location of the antenna and equipment.

12. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, federal, or state codes.

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-24.

The Voting Board tally was:

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

Resolution R16-24 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH MILESTONE COMMUNICATIONS MANAGEMENT III, INC., ON A PORTION OF TAX MAP PARCEL NO. 39-26B (PORTION), WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Milestone Communications Management III, Inc., proposes leasing a portion of County-owned Tax Map Parcel No. 39-26B, for the construction of a cellular telecommunications facility, within the Aquia Election District; and

WHEREAS, the Board held a public hearing on the proposed lease of the County-owned property; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of January, 2016, that it be and hereby does authorize the County Administrator, or his designee, to execute a lease agreement for a portion of Tax Map Parcel No. 39-26B with Milestone Communications Management III, Inc., for the construction of a cellular telecommunications facility.

Adjournment At 9:00 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Robert “Bob” Thomas, Jr.
Chairman