

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting
October 2, 2007

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 1:07 P. M., Tuesday, October 2, 2007, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Mark Dudenhefer, Vice Chairman; Peter J. Fields; Robert C. Gibbons; Paul V. Milde; George H. Schwartz; M. S. "Joe" Brito and Jack R. Cavalier, Chairman.

Also in attendance were: Steve Crosby, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

Legislative; Presentation of a Proclamation to Recognize the Week of October 7 -14, 2007, as Fire Prevention Week. The Chairman presented the proclamation to Fire Chief Rob Brown.

Presentations by the Public. The following persons spoke on topics as identified:

- Joe Root - Exemption of local tax and license fees for law enforcement officers.

- Charles Price - Insurance claim for ambulance service.
- Ivy Walsh - Pump and Haul Service.
- Laura Sdao - Pump and Haul Service.
- Lou Silver - Discovery Days participation.
- Item 17 on Regular Agenda; new zoning district.
- Traffic and sprawl.

Legislative; Presentations and Committee Reports by Board Members. Board members spoke on topics as identified:

- Mr. Gibbons - Proclamation for General Ron Christmas.
- Supervisor Joe Brito's recognition by GEICO.

- Mr. Milde - Attended Mt. Ararat Baptist Church groundbreaking.
- Attended Potomac and Rappahannock Transportation Commission meeting.
- Rappahannock Regional Solid Waste Management Board issues.
- Virginia Certified Supervisor course.
- Attended Civilian-Military Relations Council meeting.
- Attended 3-day event at Dumfries on land use.
- Attended Economic Development Authority meeting.
- Attended Museum Committee meeting.
- Attended Fredericksburg Area Metropolitan Planning Organization meeting.
- Attended Cub Scout Merit Badge presentation.
- Attended Virginia Railway Express meeting.
- Attended Cal Ripkin event.
- Attended Marine Corps Foundation event.
- Attended Stafford Area Soccer Association meeting.
- Attended Brooke Post Office meeting.

- Mr. Schwartz - Passed.
- Mr. Brito - Attended Rappahannock River Basin Commission meeting.
- Attended Stafford Regional Airport Commission meeting.
- GEICO expansion.
- Attended Parks and Recreation Commission meeting.
- Hartwood Elementary School water issues.
- Attended Hartwood Days.
- Attended Salute to Stafford Day.
- Attended Cal Ripkin event.
- Mr. Dudenhefer - Attended Museum Committee meeting.
- Attended Pump and Haul Committee meeting.
- Attended Quantico Growth Committee meeting
- Attended George Washington Regional Commission meeting
- Mr. Fields - Attended Board of Social Services and Community Policy and Management Team meeting.
- Attended Rappahannock Regional Solid Waste Management Board meeting.
- Attended Fredericksburg-Stafford Park Authority meeting.
- Attended Rappahannock River Basin Summit.
- Meeting with representatives from the Fraternal Order of Eagles regarding its reclassification.

- Mr. Cavalier
- Attended Mt. Ararat Baptist Church Centennial Celebration.
 - Attended Salute to Stafford Day.
 - Attended Eagle Scout Award to Matt Weber of Troop 840.
 - Attended Cal Ripkin foundation event.
 - Meeting with Reb Benson and the SASA Board of Directors to discuss soccer field issues.

Legislative; Report of the County Attorney. Mr. Joe Howard, County Attorney, commented on the following:

- Additions to the Closed Meeting Agenda.

Legislative; Report of the County Administrator. Mr. Steve Crosby, County Administrator, commented on the following:

- Water restrictions.
- Additions and deletions:
 - Addition: Item 19. Legislative; Discuss Soccer Fields.
 - Deletions: Item 13. Utilities; Authorize a Non-Subsidized Pump and Haul at 29 Mynell Street.

Legislative; Consent Agenda. Mr. Gibbons motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 1 thru 8.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Item 1. Legislative; Approve Minutes of Board Meetings. Regular Meeting of September 4, 2007.

Item 2. Treasurer; Authorize a Public Hearing to Amend the County Code Regarding Collection of Fees on Delinquent Taxes

Resolution R07-404 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO AMEND SECTION 23-10
OF THE STAFFORD COUNTY CODE AUTHORIZING THE COLLECTION
OF FEES ON DELINQUENT TAXES

WHEREAS, the Board desires to amend Section 23-10 of the Stafford County Code authorizing the collection of fees on delinquent tax bills; and

WHEREAS, Virginia State Code Section 58.1-3958 authorizes the collection of fees to cover the administrative costs and reasonable attorney or collection agency fees incurred in collecting delinquent taxes; and

WHEREAS, the Board desires to consider public comments concerning the proposed amendment to the County Code;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this 2nd day of October, 2007, that the County Administrator be and he hereby is authorized to advertise a public hearing to amend and reordain the County Code authorizing the collection of fees on delinquent taxes.

Item 3. Finance; Approve Expenditure Listing.

Resolution R07-402 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED SEPTEMBER 18, 2007 THROUGH OCTOBER 1, 2007

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of October 2007, that the above-mentioned EL be and it hereby is approved.

Item 4. Fire and Rescue; Accept Department of Homeland Security Grant Funds.

Resolution R07-326 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ACCEPT A GRANT FROM THE DEPARTMENT OF HOMELAND
SECURITY ENTITLED “CITIZEN PREPAREDNESS”

WHEREAS, the Department of Homeland Security has awarded the Fire and Rescue Department a grant in the amount of \$6,500; and

WHEREAS, these funds will be used in partnership with the Citizens Assistance and Volunteer Services to develop the Community Emergency Response Team (CERT);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of October, 2007, that the County Administrator be and

he hereby is authorized to accept grant funding from the Department of Homeland Security in the amount of Six Thousand Five Hundred Dollars (\$6,500).

Item 5. Parks and Recreation; Execute Agreement with the North Stafford Community Improvement League.

Resolution R07-406 reads as follows:

A RESOLUTION TO EXTEND THE USE OF CARL LEWIS PARK
THROUGH AN AGREEMENT

WHEREAS, the North Stafford Community Improvement League (NSCIL) has requested that the Carl Lewis Park property continue to be used as a park for an additional 30 years, and to be allowed to continue to use the building at the Park for a like term; and

WHEREAS, an Agreement has been drafted that continues the use of the Carl Lewis Park for an additional 30 years and authorizes NSCIL to use the building on the property, which agreement is satisfactory to NSCIL; and

WHEREAS, staff recommends approval of the Agreement with NSCIL;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of October, 2007, that the Carl Lewis Park continue to be used as a park for an additional 30 years through an Agreement with NSCIL, which also authorizes NSCIL to continue to use the building on the Park property as scheduled by Parks and Recreation.

Item 6. Transportation; Request PRTC Reimburse the County for Transportation Funds Expended During the 4th Quarter of FY2007 and Release of Encumbered Funds.

Resolution R07-407 reads as follows:

A RESOLUTION TO REQUEST REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION FOR TRANSPORTATION EXPENDITURES THROUGH THE FOURTH QUARTER OF FISCAL YEAR 2007

WHEREAS, the County budgeted funds in the FY2007 Transportation Fund for various programs, including employee compensation and benefits, management services, road improvements, bike trails, social services transportation activities, and street signs; and

WHEREAS, the County expended the following amounts for transportation projects and services during FY2007 through June 30, 2007; and

<u>Item</u>	<u>Amount</u>
Compensation and Benefits	\$111,776
Management Services	7,449
Street Signs	15,041
Garrisonville Road (SR-610) Construction Project	2,825
Bike Trails Program	25,115
Transportation of Social Services Clients	<u>19,342</u>
Total Reimbursement Request	\$181,548

WHEREAS, these funds can be reimbursed from the County fuel tax funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of October 2007, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County One Hundred Eighty-one Thousand Five Hundred Forty-eight Dollars (\$181,548) from the fuel tax funds.

Resolution R07-408 reads as follows:

A RESOLUTION TO REQUEST RELEASE OF REMAINING FUNDS
ON POTOMAC AND RAPPAHANNOCK TRANSPORTATION
COMMISSION RESOLUTION 04-09-05 FOR AIRPORT ACCESS
ROAD EXPENDITURES

WHEREAS, in September 2004, the Potomac and Rappahannock Transportation Commission authorized and encumbered funds for the County Airport Access Road project (Resolution 04-09-05); and

WHEREAS, the project is now complete; and

WHEREAS, the County has been reimbursed for its expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of October 2007, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to release the remaining encumbered funds in the amount of Two Hundred Thirty-three Thousand Five Hundred Seventy-seven Dollars (\$233,577) for reimbursement of other County transportation expenditures.

Item 7. Legislative; Change Board Meeting Date.

Resolution R07-398 reads as follows:

A RESOLUTION TO CHANGE THE BOARD OF SUPERVISORS MEETING
DATE

WHEREAS, it is the desire of the Board to schedule meeting dates which will permit attendance at annual meetings of professional associations, accommodate personal schedules and allow adequate time for preparation of meeting materials;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of October, 2007 that the regularly scheduled meeting on Tuesday January 1, 2008, be and it hereby is cancelled; and

BE IT FURTHER RESOLVED that the meeting will be held on Wednesday, January 2, 2008; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is requested to advise Board members should the Regular Agenda become ponderous with issues so an adjourned or Special Meeting may be arranged.

Item 8. Legislative; Approve a Proclamation to Recognize the Week of October 7-14, 2007 as Fire Prevention Week.

Proclamation P07-25 reads as follows:

A PROCLAMATION TO RECOGNIZE THE WEEK OF OCTOBER 7-14,
2007, AS FIRE PREVENTION WEEK

WHEREAS, the County of Stafford is committed to ensuring the safety and security of all those living in and visiting our locality; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, the nonprofit National Fire Protection Association (NFPA) has documented through its research that home fires killed 3,030 people in the U.S. in 2005 – roughly eight people every day; and

WHEREAS, Stafford’s first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Stafford’s residents are responsive to public education measures and are able to take personal steps to increase their safety from fire; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the 2007 Fire Prevention Week theme, “It’s Fire Prevention Week - Practice Your Escape Plan!”, effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Week and year-round.

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 2nd day of October, 2007, that the week of October 7-14, 2007, be and it hereby is proclaimed as Fire Prevention Week; and

BE IT FURTHER PROCLAIMED that the Board urges the citizens of the County to practice fire prevention year round at home, at work and school.

Legislative; Discuss Capital Improvements Program for 2008-2012. The Deputy County Administrator gave a presentation and responded to Board members questions.

Sheriff Charles Jeff commented.

Mr. Gibbons motioned to defer proposed Resolution R07-410 to the next Board meeting.

The motion died for lack of a second to the motion.

Discussion ensued.

Mr. Fields motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-410.

Greg Sager, Director, and Chris Hoppe, Assistant Director, of Parks and Recreation, commented further.

Discussion further ensued.

The Voting Board tally was:

Yea: (6) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (1) Milde

Resolution R07-410 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING ON THE
FISCAL YEAR 2008-2012 CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, the five-year Capital Improvements Program (CIP) is a significant part of the Comprehensive Plan; and

WHEREAS, it is necessary to identify needed capital improvements; and

WHEREAS, financial constraints restrict the ability of the County to fully fund the CIP; and

WHEREAS, a public hearing is required;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of October, 2007, that the County Administrator be and he hereby is authorized to advertise a public hearing on the Fiscal Year 2008-2013 Capital Improvements Program.

Utilities; Discuss Policy for Pump and Haul Sewer Services. The County Administrator commented.

Mr. Dudenhefer and Mr. Gibbons presented Committee reports.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to eliminate the subsidized pump and haul program as it now exits for future applicants and that existing recipients of pump and haul subsidies be given two years to resolve their particular issues with the Virginia Department of Health and that their subsidies be terminated at that time; Stafford County places sole responsibility for issues related to septic failure with the Health Department.

Discussion ensued.

Mr. Gibbons made a substitute motion, seconded by Mr. Brito, to implement the proposed pump and haul rates as indicated in the charts presented basing the fees on the improvements on land, grandfathering no one and to defer the issue for further study.

Discussion further ensued.

The Voting Board tally on the substitute motion was:

Yea: (2) Gibbons, Brito

Nay: (5) Cavalier, Dudenhefer, Fields, Milde, Schwartz

Discussion ensued.

Mr. Milde made an amendment to the original motion, seconded by Mr. Schwartz, to give existing customers five years to resolve the issues.

The Voting Board tally on the original motion as amended was:

Yea: (3) Dudenhefer, Milde, Schwartz
Nay: (4) Brito, Cavalier, Fields, Gibbons

Planning and Zoning; Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify from B-1, Convenience Commercial, and M-1, Light Industrial, to B-2, Urban Commercial, 1.13 Acres at 21 Cool Spring Road. Ms. Andrea Hornung, Assistant Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Fields motioned, seconded by Mr. Gibbons, to adopt proposed Ordinance O07-59.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier
Nay: (0)

Ordinance O07-59 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM B-1, CONVENIENCE COMMERCIAL, AND M-1, LIGHT INDUSTRIAL, TO B-2, URBAN COMMERCIAL, ON PROPERTY IDENTIFIED AS ASSESSORS' PARCELS 54E-2-1, 54E-2-6A, 54E-2-6C AND 54E-2-8, GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Fraternal Order of Eagles, applicant, has submitted application RC2600938 requesting reclassification from B-1, Convenience Commercial, and M-1, Light Industrial, to B-2, Urban Commercial, of property consisting of approximately 1.13 acres, located on the east side of Cool Spring Road at the intersection with DeBrien Lane, George Washington Election District; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of October, 2007, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify the parcel of land, as shown on the plat of survey by Sullivan, Donahoe, & Ingalls, dated April 18, 2007, from B-1, Convenience Commercial, and M-1, Light Industrial, to B-2, Urban Commercial, with the following proffers:

1. Use of the Property: The use of the Property shall be limited to the activities of club, lodge, or fraternal organizations.
2. Lighting: All new lighting within the parking area shall be “cut off” lighting that is directed downward and inward away from adjacent uses and public roads.
3. Consolidation of Parcels: The Applicant agrees to consolidate the Property, plus TM 54E ((2)) 6D with Tax Map Parcel 54E ((2)) 6.
4. Site Access: Access to Cool Spring Road (Route 607) by the consolidated parcels shall be limited to the existing entrances.

5. Signs: Any new free-standing sign shall be monument style business sign, constructed of brick, architecturally textured masonry, wood, or similar materials.
6. Landscaping: The horseshoe pits and barbeque area shown on the GDP shall be screened from Cool Spring Road by a mix of plantings to include evergreens.
7. Pedestrian Access: The Applicant shall construct all new sidewalk improvements at a minimum width of five feet (5.0 ft).
8. Fencing: Fencing shall be constructed around the proposed development of the horseshoe pits, tot lots and pavilion, identified on the GDP entitled Fraternal Order of Eagles, dated 4/18/2007, prepared by Sullivan, Donahoe and Ingalls and signed by Larry W. Ingalls, P.E.

Legislative; Tax Exempt Organizations. Hearing no objections from the Board, staff was requested to schedule a work session regarding tax exempt organizations.

Planning and Zoning; Consider Stormwater Management and Erosion/Sediment Control Plan Review Services. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R07-393.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Resolution R07-393 reads as follows:

A RESOLUTION TO AUTHORIZE FOUR FULL-TIME POSITIONS
IN THE DEPARTMENT OF PLANNING AND ZONING

WHEREAS, plan review for Stormwater Management and Erosion and Sediment Control is currently outsourced to GKY and Associates; and

WHEREAS, the County Civil Engineer oversees management of the GKY and Associates contract; and

WHEREAS, the County desires to have plan review conducted in-house to facilitate customer service; and

WHEREAS, the Department of Planning and Zoning has requested that four new full-time positions be considered to handle the plan review services in lieu of GKY and Associates staff; and

WHEREAS, the Civil Engineer will continue with in-house plan review services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of October, 2007, that four full-time positions be and they hereby are authorized for stormwater and erosion and sediment control plan review in the Department of Planning and Zoning; and

BE IT FURTHER RESOLVED that the implementation of hiring will begin on January 1, 2008, with an effective date of hire for the first two positions of April 1, 2008, and the second two positions of July 1, 2008.

Legislative; Discuss Fire and Rescue Funding and Service Levels. Mr. Milde commented.

Hearing no objections from the Board, staff was requested to provide further information.

Legislative; Discuss Hypothermia Shelter. Mr. Gibbons commented.

Ms. Megan Cotter, Executive Servant-Leader, Micah Ecumenical Ministries, commented further.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to fund the George Washington Regional Commission for a hypothermia shelter in the amount of Four Thousand Seven Hundred Dollars (\$4,700).

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Legislative; Discuss Erosion and Sediment Control, Phasing of Development Requirements. Mr. Schwartz commented.

Mr. Schwartz motioned, seconded by Mr. Fields, to request appropriate County staff to prepare an ordinance dealing with construction phasing and any other additional measures to strengthen erosion and sedimentation control for development.

Mr. Joe Howard, County Attorney, commented.

Mr. Gibbons made a substitute motion, seconded by Mr. Dudenhefer, to table this item to Closed Meeting.

The Voting Board tally on the substitute motion was:

Yea: (5) Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (2) Schwartz, Brito

Legislative; Discuss Fredericksburg Regional Transit System. Mr. Dudenhefer commented.

Hearing no objections from the Board, staff is to provide further information.

Legislative; Discuss Deferred Business Items. Mr. Brito commented.

Hearing no objections from the Board, this item was deferred to the next Board meeting.

Legislative; Closed Meeting. At 4:35 P.M., Mr. Gibbons motioned, seconded by Mr. Fields, to add three items to the Closed Meeting Agenda and adopt proposed Resolution CM07-29.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution CM07-29 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regards to the Crucible litigation, the Crow's Nest condemnation and related litigation, Construction phasing ordinance amendment for Erosion and Sediment control, and one personnel matter regarding the appointment of the Director of Code Administration; and

WHEREAS, pursuant to Section 2.2-3711 A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 2nd day of October, 2007 does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 5:50 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM07-29a.

The Voting Board tally was:

Yea: (6) Cavalier, Dudenhefer, Gibbons, Milde, Schwartz, Brito

Nay: (1) Fields

Resolution CM07-29a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
OCTOBER 2, 2007

WHEREAS, the Board has, on this the 2nd day of October, 2007, 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 October, 2007, 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. No member dissents from the aforesaid certification.

Mr. Brito motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-428.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Resolution R07-428 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT TO THE ZONING ORDINANCE TO THE PLANNING COMMISSION REGARDING THE DEFINITION OF SCHOOLS TO AMEND AND REORDAIN SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; SECTION 28-35, TABLE OF USES AND STANDARDS, TABLE 3.1 DISTRICT USES AND STANDARDS AND TABLE 7.1, REQUIRED PARKING SPACES, OF THE ZONING ORDINANCE

WHEREAS, the Board may amend the Zoning Ordinance, pursuant to the Code of Virginia, when it determines that the health, safety, and general welfare of the public necessitates such change; and

WHEREAS, in furtherance of said purpose, such ordinances shall be designed to give reasonable consideration to facilitate the creation of convenient, attractive, and harmonious communities; and

WHEREAS, the Board desires to encourage location of schools in the County to educate its populace; and

WHEREAS, by definition, there are only three types of schools in the County: industrial schools, schools, and vocational schools; and

WHEREAS, if a facility is designed, constructed or used for education or as an institution in any branch of knowledge excluding a public school or those meeting the definition of vocational school it shall be considered a school; and

WHEREAS, changes in society and the workplace have created a need to provide instructions and/or training in areas of advancement and expertise not meeting the definition of a vocational school and not appropriate for certain zoning districts in which a school is permitted; and

WHEREAS, schools by their nature place unique demands on transportation and sanitation beyond what is normally experienced in certain areas of the County; and

WHEREAS, the Board desires to continue to encourage schools in appropriate locations; and

WHEREAS, public necessity, convenience, general welfare and good zoning practices are served by the initiation of an amendment to establish appropriate definitions for schools to address the needs of institutions;

WHEREAS, the County is involved in litigation and the litigant has challenged Ordinance O06-01 based on a recent Virginia Supreme Court decision alleging that the Board did not meet all statutory requirements; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 2nd day of October 2007, that an amendment to the zoning ordinance regarding the definitions of schools be, and it hereby is, referred to the Planning Commission for a public hearing and recommendation for the Board to take action by December 4th, 2007.

Legislative; Construction Phasing. Mr. Schwartz motioned, seconded by Mr. Brito, to request staff draft an ordinance on construction phasing.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Recess. At 5:52 P.M., the Chairman declared a recess.

Call to Order. At 7:03 P.M., the Chairman called the meeting back to order.

Invocation. Mr. Fields gave the Invocation.

Pledge of Allegiance. Mr. Brito lead in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentations by the Public. Persons spoke on topics as identified:

- Dennis Shelton - HOT lanes.
- Heather Stefl - Illegal immigration.
- Kevin McTarsney - Swim lanes.
- Steve Ballaster - Swim lanes.
- Randy Coleman - Swim lanes.
- Jose Maguigad - Swim lanes.
- Chris Myers - Swim lanes.
- Don Burlingham - Swim lanes.
- Steven Schmidt - Swim lanes.

Utilities; Consider Mandatory Water and Sewer Connections. Mr. Dale Allen, Assistant Director of Utilities, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Kathryn Flynn
Craig Johnson
Robert Burner
Jo Knight

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Milde, to defer proposed Ordinance O07-44 to a subcommittee of Mr. Brito and Mr. Gibbons to report back at the next Board meeting.

The Voting Board tally was:

Yea: (6) Gibbons, Milde, Schwartz, Cavalier, Dudenhefer, Fields
Nay: (1) Brito

Planning and Zoning; Consider a Conditional Use Permit at 28 Potomac Creek Drive.

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Jerry Brown, Applicant
Skip Cosner
Jo Knight
Ron Ramsey
Reverend Ron Thayer

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-384 .

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Resolution R07-384 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2700376 FOR A PLACE OF WORSHIP IN A M-1, LIGHT INDUSTRIAL, ZONING DISTRICT, ON ASSESSOR'S PARCEL 38-24F WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Jerry Brown, applicant, has submitted application CUP2700376 requesting a Conditional Use Permit to allow a place of worship in a M-1, Light Industrial, Zoning District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to 28-35 of the Zoning Ordinance which permits this use in an M-1, Light Industrial, Zoning District after a Conditional Use Permit has been issued by the Board; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of October, 2007, that a Conditional Use Permit pursuant to application CUP2700376 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow a place of worship in an M-1, Light Industrial District on Assessor's Parcel 38-24F.

2. The Conditional Use Permit shall be limited to 7,500 square feet as shown on the Generalized Development Plan (GDP) “Lot Four, Potomac Creek Industrial Park” prepared by H. Yost and Reverend J. Brown dated July 31, 2007.
3. A minor site plan shall be submitted prior to initial occupancy and any subsequent expansion into other units.
4. There shall be no carnival style flags, banners, lights, balloons, or windsocks used on site.
5. No parking shall be permitted along on-site or off-site drive aisles.
6. If building permits are not obtained within five years from the date of approval, this Conditional Use Permit shall expire.
7. There shall be no child care center or adult day care permitted.
8. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, Federal or State codes.

Planning and Zoning; Amend and Reordain the County Code to Establish the Life are/Retirement Community (LC) Zoning District. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened the public hearing.

The following persons spoke:

Jo Knight

Bruce Hendrick

Reverend Ron Thayer

The Chairman closed the public hearing.

Mr. Fields motioned, seconded by Mr. Gibbons, to defer proposed Ordinance O07-68.

Discussion ensued.

Mr. Schwartz made a substitute motion, seconded by Mr. Milde, to adopt proposed Ordinance O07-68 with a change.

The Voting Board tally was:

Yea: (6) Brito, Cavalier, Dudenhefer, Gibbons, Milde, Schwartz

Nay: (1) Fields

Ordinance O07-68 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; SECTION 28-33, DISTRICTS GENERALLY; SECTION 28-34, PURPOSE OF DISTRICTS; SECTION 28-35, TABLE OF USES AND STANDARDS, TABLE 3.1, DISTRICT USES AND STANDARDS; SECTION 28-39, SPECIAL REGULATIONS; SECTION 28-108, RESTRICTED ACCESS ENTRANCES, TABLE 7.1, REQUIRED PARKING SPACES; AND SECTION 28-127, TYPES PERMITTED IN RC, SC, B-3 AND RBC DISTRICTS, OF THE ZONING ORDINANCE

WHEREAS, the Comprehensive Plan promotes housing options for all segments of the County population; and

WHEREAS, the Board believes that providing a transition of housing for continuing care for the elderly would provide a valuable community service for the citizens of the County; and

WHEREAS, establishing a Life Care/Retirement Community (LC) Zoning District provides the ability for the County to have a community which shall provide the continuing care for the elderly consisting of transitional housing progressing from independent living and culminating in nursing home care, where all related uses are located on the same tract of land; and

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

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of October, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-25, Definitions of Specific Terms; Section 28-33, Districts Generally; Section 28-34, Purpose of Districts; Section 28-35, Table of Uses and Standards, Table 3.1, District Uses and Standards; Section 28-39, Special Regulations; Section 28-108, Restricted Access Entrances, Table 7.1, Required Parking Spaces; and Section 28-127, Types Permitted in RC, SC, B-3 and RBC Districts, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

Sec. 28-25. Definitions of specific terms

~~Dwelling, congregate housing~~ Assisted living facility. A ~~multi-family dwelling facility~~ providing shelter and services ~~for the elderly~~ which may include meals, housekeeping, temporary nursing care and personal care assistance where the residents can maintain a semi-independent lifestyle and do not require more intensive care as provided in a nursing home.

Dwelling, employee. A dwelling unit for the employee and the immediate members of their family of a business within a community or development which has restrictions as to who would be eligible to reside, if at all, in the community or development. This term shall not include accessory dwelling and dwellings for watchman or caretakers on premises.

Dwelling, independent living unit. A condominium unit with multiple rooms, within a life care/retirement community providing independent living arrangements for the occupant(s), and may include permanent provisions for cooking. The life care/retirement community may provide medical or social supervision for the occupant(s). The unit may be within a multifamily building or have the appearance of a single-family detached dwelling, duplex, townhouse, or weak-link townhouse. This term shall not include assisted living facility or nursing home.

Sec. 28-33. Districts generally.

LC- Life Care/Retirement Community

Sec. 28-34. Purpose of districts.

LC-Life Care/Retirement Community. The purpose of the LC district is to provide areas for the continuing care of elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home care, where all related uses are located on the same lot or adjacent lots (which includes lots separated by a public right-of-way). The community may include life care facilities that provide services integral to the personal and therapeutic care of the residents thereof and shall be licensed and regulations as a home for adults under Section 63.1 of the Code of Virginia, as amended, or any successors legislation. Such districts are to be located only where approved water and sewerage are available and where transportation systems are adequate.

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

Table 3.1. District Uses and Standards

R-2 Urban Residential—Medium Density

(b) Conditional use permit:

~~Congregate housing.~~

Assisted living facility

R-3 Urban Residential—High Density

(b) Conditional use permit:

~~Congregate housing.~~

Assisted living facility.

PD-1 Planned Development 1

(b) Conditional use permit:

~~Congregate housing.~~

Assisted living facility.

PD-2 Planned Development 2

(b) Conditional use permit:

~~Congregate housing.~~

Assisted living facility.

LC – Life Care/Retirement Community

(a) Uses permitted by-right:

Adult day care center

Assisted living facility

Community use.

Dwelling, independent living unit

Nursing home

(b) Conditional use permits:

Place of worship

(c) Special exception:

Dwelling, employee

Home occupation

(d) Requirements:

(1) Intensity:

Minimum gross tract size (acres)20.0

Allocated density 15.0 du/acre

Open space ratio 0.35 ratio

(2) Minimum yards

Front35

Side 15

Rear 35

(3) Maximum height 65

(4) Distance between buildings (feet) 20

Sec. 28-39. Special regulations

(r) Life care/retirement community

1. The community shall be administered in such a manner as to restrict occupancy of independent living units only to persons 62 years of age or older unless used for employee dwellings. When two (2) persons desire to live together as a family in a life care unit, only one such person must satisfy the 62 years of age or older requirement.

2. The completed community shall provide independent living units, an assisted living facility and a nursing home.

3. The assisted living facility shall provide a minimum number of beds equal to or greater than fifteen (15) percent of the total number of independent living units proposed/constructed within the community.

4. The nursing home shall provide a minimum number of beds equal to or greater than twenty five (25) percent of the total number of independent living units proposed/constructed within the community.

Sec. 28-108. Restricted Access Entrances

Table 7.1 Required Parking Spaces

Use Category	Subcategory or Condition	Space Required
<u>Assisted living facility</u>	<u>per 4 beds</u>	<u>1.0</u>
<u>Congregate housing</u>	<u>Per 2 d/u</u>	<u>1.0</u>
<u>Independent living unit</u>	<u>Per unit</u>	<u>0.8</u>

Sec. 28-127. Types permitted in RC, SC, B-3, LC, and RBC districts.

The following types are permitted in RC, SC, B-3, LC, and RBC districts:

Finance; Establish the Transportation Service District Tax Rates for Garrisonville Road and Warrenton Road. The County Administrator commented.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-375.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution R07-375 reads as follows:

A RESOLUTION TO ESTABLISH A TAX RATE FOR THE
GARRISONVILLE ROAD TRANSPORTATION SERVICE DISTRICT

WHEREAS, the Board has established the Garrisonville Road Transportation Service District; and

WHEREAS, the Board desires to assess a tax in the district to fund transportation needs in the district; and

WHEREAS, the Board has considered the recommendation of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of October 2007, that there is hereby levied a service district tax rate of \$0.10 per hundred dollars in assessed value on all taxable commercial and industrial real property located in the Garrisonville Road Transportation Service District, as identified in O07-55 adopted on July 17, 2007; and

BE IT FURTHER RESOLVED that the Commissioner of Revenue and Treasurer are instructed to assess and bill for the December 2007 collection, one-half of the advertised tax rate hereby levied as a service district tax in the Garrisonville Road Transportation Service District.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-389.

Mr. Brito made a substitute motion, seconded by Mr. Fields, to defer proposed Resolution R07-389.

Discussion ensued.

The Voting Board tally on the substitute motion was:

Yea: (2) Schwartz, Brito
Nay: (5) Fields, Gibbons, Milde, Cavalier, Dudenhefer

The Voting Board tally on the original motion was:

Yea: (5) Dudenhefer, Fields, Gibbons, Milde, Cavalier
Nay: (2) Schwartz, Brito

Resolution R07-389 reads as follows:

A RESOLUTION TO ESTABLISH A TAX RATE FOR THE
WARRENTON ROAD TRANSPORTATION SERVICE DISTRICT

WHEREAS, the Board has established the Warrenton Road Transportation Service District; and

WHEREAS, the Board desires to assess a tax in the district to fund transportation needs in the district; and

WHEREAS, the Board has considered the recommendation of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of October 2007, that there is hereby levied a service district tax rate of \$0.10 per hundred dollars in assessed value on all taxable commercial and industrial real property located in the Warrenton Road Transportation Service District, as identified in O07-56 adopted on July 17, 2007; and

BE IT FURTHER RESOLVED that the Commissioner of Revenue and Treasurer are instructed to assess and bill for the December 2007 collection, one-half of the advertised tax rate hereby levied as a service district tax in the Warrenton Road Transportation Service District.

Legislative; Closed Meeting. At 9:10 P.M., Mr. Milde motioned, seconded by Mr. Schwartz, to adopt proposed Resolution CM07-30.

The Voting Board tally was:

Yea: (5) Gibbons, Milde, Schwartz, Cavalier, Dudenhefer
Nay: (2) Brito, Fields

Resolution CM07-30 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regards to the Crow's Nest condemnation and related litigation; and

WHEREAS, pursuant to Section 2.2-3711 A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 2nd day of October, 2007 does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 9:30 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM07-30a.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

Resolution CM07-30a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
OCTOBER 2, 2007

WHEREAS, the Board has, on this the 2nd day of October, 2007, 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 October, 2007, 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. No member dissents from the aforesaid certification.

Adjournment. At 9:30 P. M., the Chairman declared the meeting adjourned.

Steve Crosby
County Administrator

Jack R. Cavalier
Chairman