

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

December 19, 2006

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Robert C. Gibbons, Chairman, at 2:05 P. M., Tuesday, December 19, 2006, in the Board Chambers, Stafford County Administration Center.

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

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 and Commend Lifecare Medical Transports, Inc. The Chairman presented the proclamation to Lifecare Medical Transports, Inc.

Legislative; Presentation by FLUOR on HOT Lanes. Mr. Jeff Cole, Project Development Manager and Sharon Gookin, Deputy Project Director gave a presentation and responded to Board members questions.

Legislative; Discuss Locality Decal Status. Mr. Milde motioned, seconded by Mr. Cavalier to adopt proposed Resolution R06-527.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-527 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN CHAPTER 15 OF THE COUNTY CODE, ENTITLED "MOTOR VEHICLES AND TRAFFIC".

WHEREAS, it is the desire of the Board to eliminate the need to display County decals on vehicles registered in the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of December, 2006, that the County Administrator be and he hereby is authorized to advertise a public hearing to amend and reordain Chapter 15, Section 15-22 of the County Code entitled "Required Exceptions".

Legislative; Discuss Naming of Interchanges. Mr. Arthur Hart gave a presentation and responded to Board members questions.

Mr. Al Conner commented further.

Mr. Fields motioned, seconded by Mr. Dudenhefer, to request that the Fredericksburg City Council review the naming of interchanges and a financial program and report back.

The Voting Board tally was:

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

Legislative; Discuss Planning and Engineering of Courthouse Road. Mr. Brito motioned, seconded by Mr. Fields, to use gas tax funding for the engineering and planning work for Courthouse Road and request staff bring back an estimate within 30 days.

Discussion ensued.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Milde, to refer this item to the Transportation Commission for further review.

The Voting Board tally was:

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

Legislative; Consider an Amendment to the Land Use Plan Component of the Comprehensive Plan. Mr. Randy Burdette, Director of the Virginia Department of Aviation; Mr. Desi Arnaiz, Prince William representative on the Regional Airport Authority, Mr. Walter George, Stafford County representative on the Regional Airport Authority and Mr. William Cook of the Planning Commission commented and responded to Board members questions.

Mr. Dudenhefer motioned, seconded by Mr. Cavalier, to request the School Board further review this issue and report back to the Board.

Discussion ensued.

The Voting Board tally was:

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

Mr. Schwartz motioned, seconded by Mr. Brito, to adopt proposed Resolution R06-477 to deny.

The Voting Board tally was:

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

Mr. Cavalier motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-476.

The Voting Board tally was:

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

Resolution R06-476 reads as follows:

A RESOLUTION WHICH ADOPTS AN AMENDMENT TO THE  
LAND USE PLAN COMPONENT OF THE COMPREHENSIVE PLAN

WHEREAS, amending the Land Use Plan on Assessor's Parcel 46-62 from Agricultural to Institutional and expanding the Urban Services Area would reflect the future land use in the area located north of Leeland Road along Clift Farm Road; and

WHEREAS, the existing and planned residential developments and expansion of public facilities and urban services has changed the composition of land uses in this area; and

WHEREAS, it would appear that future development in this area would not reflect agricultural use; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of December, 2006, that the Land Use Plan component of the Comprehensive Plan be and it hereby is amended from Agricultural to Institutional, and expand the Urban Services Area to include Assessor's Parcel 46-62.

Budget; Consider the Fiscal Year 2007-2011 Capital Improvements Program and Indicate the Intent to Reimburse Certain Capital Improvement Expenditures. The Deputy County Administrator gave a presentation and responded to Board members questions.

Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-393.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-393 reads as follows:

A RESOLUTION TO ADOPT THE FISCAL YEAR 2007-2011 CAPITAL IMPROVEMENTS PROGRAM (OPTION 2), AND INDICATE INTENT TO REIMBURSE CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

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, a public hearing was held on September 19, 2006; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of December, 2006, that the FY2007-2011 CIP, as directed by the Board, (Option 2) be and it hereby is adopted as part of the Comprehensive Plan; and

BE IT FURTHER RESOLVED that Intent to Reimburse Certain Capital Improvement Expenditures for projects indicated in the FY2007-2011 CIP be and it hereby is adopted as follows:

NOTICE OF INTENT TO REIMBURSE  
CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

Section 1: Statement of Intent. The County presently intends, at one time or from time to time, to finance projects in the FY2007-2011 Capital Improvements Program with tax-exempt or taxable bonds or other obligations (the "Bonds") and to reimburse capital expenditures paid by Stafford County (including expenditures previously paid by the County to the extent permitted by law) in connection with the Projects before the issuance of the Bonds.

Section 2: Source of Interim Financing and Payment of Bonds. Stafford County expects to pay the capital expenditures related to the Projects and incurred before the issuance of the Bonds with an interfund loan or loans from the General Fund or from temporary appropriations or loans from the General Capital Projects Fund. Stafford County expects to pay debt service on the Bonds from the General Fund consisting of general tax

revenues for the projects to be financed in the FY2007-2011 Capital Improvements Program.

Section 3: Effective Date; Public Inspection. This Resolution is adopted for the purposes of complying with Treasury Regulation Section, 1.150-2 or any successor regulation and shall be in full force and effect upon its adoption. The Clerk of the Board shall file a copy of this Resolution in the records of Stafford County available for inspection by the general public during Stafford County's normal business hours.

Recess. At 4:30 P.M., the Chairman declared a recess.

Call to Order. At 4:42 P.M., the Chairman called the meeting back to order in the First Floor Conference Room for a work session with the School Board.

Work Session on FY2008 School Board Budget Priorities. Mr. Andre' Nougaret, Interim School Superintendent, gave a presentation and responded to Board members questions.

Recess. At 5:40 P.M., the Chairman declared a recess to have dinner.

Call to Order. At 5:55 P.M., the Chairman called the meeting back to order.

The Chairman commented.

Discussion ensued.

Recess. At 6:00 P.M., the Chairman declared a recess.

Call to Order. At 6:07 P.M., the Chairman called the meeting back to order in Board Chambers.

Legislative; Closed Meeting Addition. Mr. Fields motioned, seconded by Mr. Schwartz, to add an item to Closed Meeting.

The Voting Board tally was:

Yea: (5) Dudenhefer, Fields, Gibbons, Milde, Schwartz  
Nay: (0)  
Absent: (2) Brito, Cavalier

Legislative; Closed Meeting. At 6:08 P.M., Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Resolution CM06-35.

The Voting Board tally was:

Yea: (5) Fields, Gibbons, Milde, Schwartz, Dudenhefer  
Nay: (0)  
Absent: (2) Brito, Cavalier

Resolution CM06-35 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 regard to the Dominion Transmission Line SCC case, the Nageotte v. Stafford County litigation appeal, the Adult Business Ordinance, and the acquisition of real property for public purpose in regard to the Brooke VRE parking lot project; and

WHEREAS, pursuant to Section 2.2-3711 A7 and A3 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 19<sup>th</sup> day of December, 2006 does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 6:40 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution CM06-35a.

The Voting Board tally was:

Yea:	(5)	Gibbons, Milde, Cavalier, Dudenhefer, Fields
Nay:	(0)	
Absent:	(2)	Schwartz, Brito

Resolution CM06-35a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON DECEMBER 19, 2006

WHEREAS, the Board has, on this the 19<sup>th</sup> day of December, 2006, 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 19<sup>th</sup> day of December 2006, 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.

Legislative: Mr. Dudenhefer motioned, seconded by Mr. Milde, that the Board not file an appeal with the Virginia Supreme Court in the Nageotte v. Stafford County case involving the Route 610 Service District.

The Voting Board tally was:

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

Nay: (0)

Absent: (2) Schwartz, Brito

Legislative: Interim Report on Status of Comprehensive Plan. Mr. Michael Rhodes, Transportation Commission, and Archer DiPeppe, Planning Commission, gave a presentation and responded to Board members questions the Comprehensive Plan revisions.

Legislative: Express Concerns Regarding the Operations at Fort A. P. Hill. Mr. Ted Hontz, President of Military Affairs Council at Fort A. P. Hill, gave a presentation.

Mr. Dudenhefer motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-531.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-531 reads as follows:

A RESOLUTION TO EXPRESS CONCERNS REGARDING  
THE OPERATIONS AT FORT A. P. HILL

WHEREAS, Fort A.P. Hill encompasses almost 77,000 acres of Caroline County and is located adjacent to Spotsylvania County and the Town of Bowling Green; and

WHEREAS, Fort A. P. Hill is one of the premier training facilities in the United States for the Army and is used by other armed services and Federal Agencies such as ATF; and

WHEREAS, the mission and training opportunities at Fort A. P. Hill have expanded over the years and will continue to expand as a result of some BRAC decisions and other determinations; and

WHEREAS, Stafford County wishes to provide those services and facilities that enhance the surroundings of Fort A. P. Hill while retaining the excellent quality of life that the County currently offers; and

WHEREAS, Stafford County has always sought an on-going partnership with the officers and personnel stationed at Fort A. P. Hill; and

WHEREAS, from the time of the inception of the military installation though the present, Stafford County has always tried to create a “home away from home” atmosphere for all military personnel at Fort A. P. Hill; and

WHEREAS, personnel from the Asymmetric Warfare Group will be training at Fort A.P. Hill; and,

WHEREAS, consideration is being given to having the Headquarters functions of the Asymmetric Warfare Group assigned to an installation such as Fort Meade, many

miles from Fort A. P. Hill and the personnel being trained there; and

WHEREAS, the separation of Headquarters functions and personnel training functions creates ineffective, inefficient and counterproductive command and control situations, among other negative impacts for the effective training of military personnel; and

WHEREAS, Stafford, Spotsylvania, and Caroline Counties and the Town of Bowling Green, and the region of which these localities are a part, offer all services, facilities and functions sought by officers and enlisted Armed Services personnel, thereby making the separation of Headquarters and training functions needless;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of December 2006 that the following requests be forwarded to the appropriate military and civilian personnel:

1. That all military and civilian administrative personnel designated to be involved in the decision regarding the location of the Headquarters function of the Asymmetric Warfare Group, give additional extensive consideration to locating such functions at Fort A. P. Hill; and,
2. That such consideration include discussions with the leadership of Spotsylvania County, Caroline County and the Town of Bowling Green in order to receive accurate and current information about our area; and,
3. That representatives of Spotsylvania County, Caroline County and the Town of Bowling Green be given the opportunity to directly relay to Federal decision makers the assets, advantages and benefits our community can provide to senior personnel by locating such Headquarters functions at Fort A.P. Hill.

Call to Order. At 7:00 P.M., the Chairman called the meeting back to order.

Invocation. Mr. Schwartz gave the Invocation.

Pledge of Allegiance. Mr. Brito gave the Pledge of Allegiance to the Flag of the United States of America.

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

- |               |  |
|---------------|--|
| Anita Dodd    | - Proposed Cemetery Ordinance.   |
| Buddy Secor   | - Dominion Power transmission lines.   |
| Kim Robinson  | - Dominion Power transmission lines.   |
| Linda Mueller | - Protecting the Chesapeake Bay.   |
| Lou Silver    | - Commented on the amendment to the Land Use Plan component of the Comprehensive Plan and the proposed Capital Improvements Program. |
|               | - Friendlier Board.  |
|               | - Capitalize on County interests.  |
| Ruth Carlone  | - Abel Lake Reservoir.   |
|               | - Decisions by Board of Supervisors.   |
|               | - Citizens to Serve Stafford Christmas Party at the Red Barn.  |

County Attorney; Amend and Reordain the County Code, Chapter 4, Entitled “Amusements” by Adding Article IV Entitled “Adult Business” and Section 17-9, Entitled “Indecent Exposure”. Mr. Steve Judy, Deputy County Attorney, gave a presentation.

Mr. Jeff Harvey, Director of Planning and Community Development, gave an additional presentation.

The Chairman opened a public hearing on both issues.

The following persons spoke:

Peracha Iffat

Rick Hazlegreen

Becky Reed

Steve Judy

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-93.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-93 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4 OF  
THE STAFFORD COUNTY CODE ENTITLED “AMUSEMENTS” BY  
ADDING ARTICLE IV, ENTITLED “ADULT BUSINESS” TO THE  
STAFFORD COUNTY CODE

WHEREAS, adult businesses, as defined by the ordinance adopted herein, if located within the jurisdiction of Stafford County, will require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as all other citizens of the County; and

WHEREAS, based on reports from other jurisdictions where such businesses have located, adult businesses in such localities are places where frequent unlawful and unhealthy sexually related activities occur, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the County which demands reasonable regulation of adult businesses in order to protect the health and well-being of the citizens; and

WHEREAS, there is convincing documented evidence that adult businesses operating within a jurisdiction have a deleterious effect on both the existing retail and commercial businesses around them as well as the surrounding residential areas adjacent to them, causing or contributing to increased crime and the downgrading of property values; and

WHEREAS, it is recognized that adult businesses, due to their nature, have had serious objectionable operational characteristics thereby contributing to property blight and downgrading the quality of life in adjacent areas as shown by studies conducted throughout other localities in the United States; and

WHEREAS, the Board of Supervisors desires to act in a proactive manner to minimize and control the potential of such adverse secondary effects from occurring within Stafford County and thereby protecting the health, safety, and welfare of the citizenry of Stafford County; and to protect the citizens from potential increases in crime; to preserve the quality of life; to preserve the property values and character of all of its neighborhoods; and

WHEREAS, it is not the intent of these ordinances to suppress the free speech activities of anyone protected under the First Amendment to the Constitution of the United States and Article I, § 12 of the Constitution of Virginia, but to enact content-neutral ordinances which address the potential secondary effects that are well documented to occur as a result of the presence of adult businesses within a locality where unregulated; and

WHEREAS, based on evidence concerning the adverse secondary effects of adult uses on the community presented in the public hearing and in reports made available to the Board, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000); and *Steakhouse, Inc. v. City of Raleigh*, 166 F.3d 634 (4<sup>th</sup> Cir. 1999), *cert. denied*, 70 U.S.L.W. 3460 (2002); and on studies in other communities including the 1996 Newport News, Virginia study and its references to studies conducted by Indianapolis, Indiana, Los Angeles, California, Austin Texas, and St. Paul, Minnesota, and also on findings from the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses* (June 6, 1989, State of Minnesota), and Report To: The American Center For Law And Justice On The Secondary Impacts Of Sex Oriented Businesses produced by Peter R. Hecht, Ph.D., ERG/Environmental Research Group, dated March 31, 1996, the Board of Supervisors finds:

(1) Adult businesses lend themselves to ancillary or secondary unlawful and unhealthy activities. Further, there is presently no existing mechanism within the County Code to prevent or minimize the potential impact of the secondary effects from such businesses should they locate within the County, nor any means to make the owners or operators of these establishments responsible for the activities that occur on or around their premises.

(2) Sexual acts are known to frequently occur at adult businesses.

(3) Offering or providing such space encourages such activities, which creates unhealthy conditions.

(4) Persons frequent adult theaters and other adult businesses for the purpose of soliciting for or engaging in sex or sex related activities within the premises of such adult businesses.

(5) At least 50 communicable diseases may be spread by activities occurring in adult businesses, including the AIDS virus.

(6) Since 1981 and to the present, there have been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.

(7) The Surgeon General of the United States in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to the newborn.

(8) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(9) Sanitary conditions in some adult businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(10) According to studies from other jurisdictions, there is a higher proportional rate of calls to local law enforcement for service and increased reported crime rates in areas of localities where adult businesses are located and such crime problems have a negative impact on adjacent or surrounding properties.

(11) According to studies from other localities, the presence of adult businesses have a negative impact on adjacent and nearby property values and impact the ability of owners to obtain financing.

(12) The findings noted in the preceding 11 paragraphs raise substantial governmental concerns.

(13) The general health, safety and welfare of the citizens of the County will be promoted by the enactment of this adult business ordinance, the amendment to the indecent exposure ordinance, and the amendment to the zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of December, 2006, that Chapter 4 of the Stafford County Code entitled “Amusements” be amended and reordained by the addition of Article IV entitled “Adult Business”, to read as follows, with all other portions to remain unchanged:

## **ARTICLE IV Adult Businesses**

### **4-86 . Definitions**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adult business* means any adult bookstore, adult video store, adult model studio, adult motel, adult movie theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons.

*Adult entertainment* means dancing, modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs, streaming video, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

*Adult merchandise* means magazines, books, other periodicals, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or, lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult model studio means a commercial establishment, including a lingerie store or novelty store, in which a person performs or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

Adult motel means a motel, hotel, or similar commercial establishment that: (i) provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or (ii) offers a sleeping room for rent for a time period of less than ten (10) hours; or (iii) allows a tenant or occupant to subrent the sleeping room for a time period of less than ten (10) hours.

Adult movie theater means an enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons, excluding movies that have been rated "G," "PG," "PG-13," "R," or "NC-17" by the Motion Picture Association of America.

Adult nightclub means a restaurant, bar, club, or similar establishment that regularly features adult entertainment.

Adult store means an establishment dealing in adult merchandise as a principal portion of its business.

Applicant, as used in this article, shall mean i) the owner or proprietor if the business seeking a permit is a sole proprietorship; ii) all owners or proprietors having a ten (10) percent or greater interest if the business is a joint venture or there are multiple owners; iii) all partners, general, limited, or otherwise, who hold a ten (10) percent or greater interest in the business if the business seeking a permit is owned by or operated as

a partnership; iv) all officers, directors, members, managing members and any persons who hold ten (10) percent or more of the outstanding shares of a corporation or a ten (10) percent or greater interest in a limited liability company if the business seeking a permit is owned by or operated as a corporate or limited liability entity; or v) any person or persons who have, or will have, an interest in or an active role in the day to day operation and/or management of the business.

*Employee* means an individual working or performing services for any adult business, including any independent contractor who provides services on behalf of any adult business to the patrons of such business, whether or not the individual receives any remuneration, gratuity, or tips of any kind, or pays the permittee or manager for the right to perform or entertain in the adult business.

*Live entertainment* means entertainment provided in person including, but not limited to, musical performances, music played by disc jockeys, public speaking, dramatic performances, dancing, modeling, or comedy performances.

*Permittee*, for purposes of this article, shall mean not only the business for which the permit is granted, but all persons who are required applicants for such permit on behalf of the business.

*Specified anatomical areas* means less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities* means human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation.

**4-87 . Permit to be obtained from the County; application; issuance; duration; renewal.**

(a) Each adult business either operating as of the effective date of this ordinance or thereafter desiring to operate an adult business within the County shall apply to the County for a permit to conduct such activity. No such business shall be allowed to operate in the County without such permit. All applicants connected with any adult business in operation in the County prior to the effective date of this ordinance shall have ninety (90) days from the effective date of this ordinance to make application. All other applicants shall make application prior to conducting business within the County. Each applicant shall file with the County an application, and such application shall be accompanied by a fee in the amount of ninety -five dollars (\$95.00 ) to defray the costs of the administration of this article. An application and application fee shall be required for each applicant for each location where an adult business is or is intended to be transacted

(b) Information required on and with the application shall include the following:

(1) The applicant's full name, sex, race, individual mailing address, telephone number and date and place of birth.

(2) Whether the applicant has been previously convicted of any felony or misdemeanor offense described in subsections 4-88 (e)(2)-(5) below, and, if so, the nature of the offense, when and where convicted and the penalty or punishment assessed.

(3) Whether the applicant currently holds or has previously held, in the name of this business or any other adult business, any other permits under this ordinance or a similar adult use ordinance from another locality within the past five (5) years; and if so, the names and addresses of such other permitted businesses. “A permit held or previously held” shall mean, for purposes of this article, a permit held for an adult business in which the applicant is currently, or was previously, a sole proprietor, joint proprietor, joint venturer, partner, officer, director, member, operator and/or manager or has or had a 10 percent or greater interest therein.

(4) Whether the applicant has been denied a permit or has had a permit revoked under any statute or ordinance requiring a permit to operate an adult business in this or any other jurisdiction and, if so, when and where the denial or revocation occurred and the reason for such denial or revocation.

(5) A photograph and complete set of fingerprints of the applicant.

(6) Name, including any fictitious names, maiden names or prior married names or any other name/s the applicant has been known by and the street and mailing (if different) address of the business for which a permit is sought.

(7) A completed form for a criminal records check of the applicant shall be provided by the applicant with the application, along with the applicant's written authorization for the Stafford County Sheriff's office to obtain a copy of the applicant's criminal record check and to investigate whether the information provided by the applicant is true and correct.

(8) A complete description of the intended business activity and, if adult entertainment is to be provided, a detailed description of such entertainment.

(9) A written declaration, dated and signed by the applicant, certifying that the information contained in the application is true and correct.

The application shall be deemed complete when it contains the information required by subsections 1-9 above.

(c) The Sheriff of Stafford County or his designee shall act on an application within sixty (60) days of the filing of a complete application containing all the information required by this Article and receipt of payment of the application fee , unless

information requested from other law enforcement agencies is not received within such sixty (60) day period, in which case the Sheriff of Stafford County or his designee shall have an additional thirty (30) days to act on the application. If the Sheriff of Stafford County or his designee has not notified the County of reason to deny the application within ninety (90) days of the date the complete application and fee was officially received, the application shall be deemed approved, and the applicant shall receive the requested permit.

(d) The adult business shall be issued a permit by the County unless the Sheriff's investigation or the information furnished by any applicant applying in connection with the business shows any of the following:

(1) The applicant has failed to provide information required by this article or has falsely answered a question.

(2) The applicant has been convicted of any crime which requires registration of the applicant in the Sex Offender and Crimes Against Minors Registry, as defined in § 9.1-901, et seq., Va. Code Ann., within the past ten (10) years.

(3) The applicant has been convicted of homicide, robbery or malicious wounding within the past ten (10) years.

(4) The applicant has been convicted of a felony within the past five (5) years.

(5) The applicant has been convicted of a crime involving obscenity laws or indecent exposure laws within the past three (3) years.

(6) The applicant has been denied a permit or has had a permit revoked within the past twelve (12) months under any jurisdictional statute or ordinance requiring a permit to operate an adult business. Such a denial or revocation permit shall not be grounds for the Sheriff of Stafford

County or his designee to deny an application if that denial or revocation is undergoing administrative or judicial review.

(7) The application fee has not been paid.

(e) If the application is denied the County shall notify the applicant of the denial by certified mail at the address contained in the application and the notice shall state the reasons for the denial.

(f) The permit shall be valid for twelve (12) months from the date thereof and may be renewed by providing the Sheriff of Stafford County or his designee with an updated criminal records check of each applicant, along with either updated information on any information contained in the original application/s that has changed, or a notarized certification that no information contained in the original application has changed. The Sheriff of Stafford County or his designee shall act on the request for renewal of the permit in accordance with the time limits set forth in section 4-87(d). If the Sheriff of Stafford County or his designee has not provided the County with reason for denial of the request for renewal within the applicable time period, the request for renewal shall be deemed approved, and the permit shall be renewed. The application fee for a renewal permit shall be fifty dollars (\$50.00 per applicant to defray the costs of the administration of this article. No permit shall be transferable.

(g) Any changes in the ownership or the principals of the business entity to which a permit is issued that introduces a new sole proprietor, joint proprietor, a new general or limited partner, a new officer or director or new corporate or other legal entity or a new person holding ten (10) percent or more of outstanding shares in a corporation, or any changes in the day-to-day operators and/or managers of the business shall be reported to the Sheriff of Stafford County or his designee, and an application for such person or persons shall be submitted within thirty (30) days of such changes together with the fee set forth in section 4-87(a). The business may continue to operate during the review of the new application/s. The Sheriff of Stafford County or his designee shall consider the updated criminal records check of the applicant as if it were a request for renewal of the

permit pursuant to section 4-87(g), and shall act on such request in accordance with the time limits set forth in section 4-87(d). If the Sheriff of Stafford County or his designee has not notified the County of reason to deny the request for renewal within the applicable time period, the request for renewal shall be deemed approved, and the permit shall be renewed.

**Sec. 4-88 . Revocation of permit.**

The County may revoke any permit issued pursuant to this article for the following reasons:

(a) Discovery of fraud, misrepresentation or any false statement contained in the application of any applicant connected with the business whether discovered at the time of application or thereafter.

(b) Conviction of a permittee for any felony or crime involving the obscenity laws or indecency laws after the permit is issued.

(c) A permittee has knowingly allowed possession, use or sale of illegal controlled substances in or on the premises.

(d) A permittee has knowingly allowed prostitution or the solicitation of prostitution on the premises.

(e) A permittee or an employee of the adult business, at the time of the offense, committed an offense in or on the permitted premises for which a conviction was obtained constituting one or more of the following:

(1) Aiding, abetting or harboring a runaway child;

(2) Prostitution or promotion of prostitution;

(3) Exposing minors to harmful materials;

(4) Possession, use, or sale of illegal controlled substances in or on the premises;

(5) Dissemination of obscenity,

(6) Sexual assault; or

(7) Any violation of Section 17-9 of this Code.

Such a conviction shall not be grounds for revocation of a permit if the permittee or employee is no longer employed by the adult business and no longer retains an interest in the business. If such a conviction is appealed, revocation of the permit shall be stayed pending the appeal.

(f) A permittee, except a permittee of an adult motel, has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual activity to occur in or on the permitted premises.

(g) A permittee has been operating an adult business not approved under the applicable permit.

(h) A permittee has failed to comply with the provisions of this article.

**Sec. 4-89 . Procedure upon denial of application or revocation of permit.**

If County denies an application or revokes a permit, the County shall notify the applicant or permittee in writing of such action, the reasons therefore, and the right of the applicant or permittee to request a hearing. To receive a hearing, the applicant or permittee must make a written hearing request which must be received by the County within ten (10) days of the date of the notice of denial or revocation. If a timely hearing request is not received by the County , the decision of the County shall be final. If a hearing is properly requested, it shall be held and concluded within ten (10) days from receipt of the hearing request, unless the applicant requests a later date. The hearing shall be presided over by the County's Code Enforcement Administrator, or his designee, and

the Sheriff of Stafford County, or his designee. The applicant or permittee shall have the right to present evidence and argument or to have legal counsel do so. Within five (5) days of the hearing, the County's Code Enforcement Administrator or his designee shall render a decision which shall be final. A permittee must discontinue operation of its business within thirty (30) days of the final decision of the Code Enforcement Administrator or his designee to revoke the permit, unless the permittee files a request for judicial review pursuant to Section 4-90 below.

**Sec. 4-90 . Prompt judicial review.**

After denial of any initial or renewal application or after revocation of a permit by the County, the applicant or permittee may seek prompt judicial review of such administrative action in the circuit court of Stafford County. Any such request for judicial review shall be filed within thirty (30) days of when the administrative action becomes final. The applicant shall be entitled to an expedited hearing within thirty (30) days of filing a request for judicial review, unless the applicant agrees to a later date, and may continue operation of its business unless and until the circuit court of Stafford County rules otherwise upon a motion for a temporary restraining order or preliminary injunction, or by a final determination on the merits.

**Sec. 4-91 . Permit not transferable.**

(a) A permittee shall not operate an adult business at any place other than at the street address designated in the approved permit.

(b) A permittee shall not transfer its permit to another person.

**Sec. 4-92. Violations; other relief available to Sheriff of Stafford County.**

(a) Except as permitted in section 4-87(d), operation of an adult business without a permit is prohibited. Violations of this article shall be unlawful and subject to the provisions of section 1-11 of this Code.

(b) Nothing in this article shall prevent the County from seeking legal relief otherwise available in the circuit court for Stafford County.

Mr. Dudenhefer motioned, seconded by Mr. Brito, to adopt proposed Ordinance O06-94.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-94 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN SECTION 17-9,  
ENTITLED “INDECENT EXPOSURE”, OF THE STAFFORD  
COUNTY CODE

WHEREAS, there are sufficient government interests justifying content-neutral regulations of speech which include preventing harmful secondary effects and protecting order and morality, which are both classic expressions of state and local police powers; and

WHEREAS, the County currently has an ordinance that prohibits and punishes indecent exposure but does not have a specific ordinance that defines or addresses the issue of public nudity; and

WHEREAS, as evidenced by the recent case of Boyd v. County of Henrico; laws addressing indecent exposure and public nudity, wherein the secondary effects of such conduct is addressed have been held to be Constitutional; and

WHEREAS, the County of Stafford, in a concerted effort to confront the potential secondary effects associated with such activity at locations and places where such activity

might be promoted, encouraged, or likely to occur, wishes to amend its ordinance to address the matter in a proactive manner to minimize and control such potential and adverse secondary effects from occurring in Stafford County thereby protecting the health, safety and welfare of the citizenry of Stafford County;

NOW THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this 19<sup>th</sup> day of December, 2006, that Section 17-9, Indecent Exposure, of the Stafford County Code be and it is hereby amended and reordained to read as follows:

**Sec. 17-9. Indecent exposure and public nudity.**

(a) Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or who procures another to so expose himself, shall be guilty of a Class 1 misdemeanor.

(Code 1979, § 19-10)

(b) Definitions. For the purposes of this section, the following phrases shall mean:

"State of nudity" shall mean the exposure, exhibition or display of the human male or female genitals, pubic area, the buttocks, or a portion of the female breast or breasts below the uppermost portion of the areola (the pigmented area surrounding the nipple of the breast), assuming a normal standing position of the female, or to cover any of such parts of the body with less than a fully opaque covering.

"Public place" shall include, but not be limited to all outdoor places owned by or open to the general public, and all buildings, structures and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, dance halls, banquet halls, hotels, motels, party rooms or halls limited to specific members, places restricted to adults or patrons invited to attend, whether or not an admission or cover charge is levied.

(c) Male and female nudity. It shall be unlawful for any person to knowingly, voluntarily and intentionally appear in public or in a public place or in a place open to the public or open to public view in a state of nudity.

(1) Revealing clothing. A violation of this section shall include the wearing of any costume, garment or other material by a person in public or in a public place or in a place open to the public or open for public view which, by virtue of construction or transparency of material, exposes, exhibits, or displays such person's breast, breasts, genitals, pubic area or buttocks under the applicable conditions set forth above.

(2) Procuring, assisting or knowingly permitting violations. It shall be unlawful for any owner, proprietor, manager, or any other person lawfully in charge of a tavern, restaurant, or other public place, or any private club or organization wherein dues or membership fees are charged, and where food or beverages are served for compensation, to employ, procure, assist, or knowingly encourage or permit any person to violate the provisions of this section in such place.

(d) Nothing contained in this section shall be construed to apply to the exhibition, presentation, showing or performance of any play, ballet, drama, tableau, production or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher learning, or other similar establishment which is primarily devoted to such exhibitions, presentations, shows or performances as a form of expression of opinion, communication, speech, ideas, information, art or drama as differentiated from commercial or business advertising, promotion or exploitation of nudity for the purpose of advertising, promoting, selling or serving products or services or otherwise advancing the economic welfare of a commercial or business enterprise, including, but not limited to a hotel, motel, bar, nightclub, private club, restaurant, tavern, or dance hall.

(e) No person shall be in violation of this section for engaging in the act of breast feeding a child in any public place or any place where others are present.

(f) A violation of any provision of this Section shall constitute a class 2 misdemeanor which is punishable by confinement in jail for a period of up to six (6) months or a fine of not more than One Thousand Dollars (\$1,000.00), or both.

**Cross references:** Penalty for Class 1 misdemeanor, § 1-11.

**State law references:** Similar provisions, Code of Va., § 18.2-387; definition of nudity, Code of Va. § 18.2-390; authority of county to adopt above Section, Code of Va. § 18.2-389.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-73.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-73 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; SECTION 28-35, TABLE OF USES AND STANDARDS; TABLE 3.1, DISTRICT USES AND STANDARDS; AND, SECTION 28-39, SPECIAL REGULATIONS, OF THE ZONING ORDINANCE

WHEREAS, the issuance of a Conditional Use Permit shall be required for those uses designated as conditional uses in Article III of the Zoning Ordinance; and

WHEREAS, conditional uses are those uses which are generally compatible with other land uses permitted in a land use district but they have some unique character or probable special impacts such that their effect on the surrounding area cannot be determined in advance of the use being proposed in a particular location. As a result, they require individual review of their location, design and configuration and the imposition of special conditions in order to ensure appropriateness of the use at a particular location; and

WHEREAS, adult businesses, as defined by this ordinance, if located within the jurisdiction of Stafford County, will require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as all other citizens of the County; and

WHEREAS, based on reports from other jurisdictions where such businesses have located, adult businesses in such localities are places where frequent unlawful and unhealthy sexually related activities occur, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the County which demands reasonable regulation of adult businesses in order to protect the health and well-being of the citizens; and

WHEREAS, there is convincing documented evidence that adult businesses operating within a jurisdiction have a deleterious effect on both the existing retail and commercial businesses around them as well as the surrounding residential areas adjacent to them, causing or contributing to increased crime and the downgrading of property values; and

WHEREAS it is recognized that adult businesses, due to their nature, have had serious objectionable operational characteristics thereby contributing to property blight

and downgrading the quality of life in adjacent areas as shown by studies conducted throughout other localities in the United States; and

WHEREAS, the Board desires to act in a proactive manner to minimize and control the potential of such adverse secondary effects from occurring within Stafford County and thereby protecting the health, safety, and welfare of the citizenry of Stafford County; protecting the citizens from potential increases in crime; preserving the quality of life, property values and character of all of its neighborhoods; and

WHEREAS, it is not the intent of these ordinances to suppress the free speech activities of anyone protected under the First Amendment to the Constitution of the United States and Article I, Section 12 of the Constitution of Virginia, but to enact content-neutral ordinances which address the potential secondary effects that are well documented to occur as a result of the presence of adult businesses within a locality where unregulated; and

WHEREAS, based on evidence concerning the adverse secondary effects of adult uses on the community presented in the public hearing and in reports made available to the Board, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.* 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.* 501 U.S. 560 (1991); *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000); and *Steakhouse, Inc. v. City of Raleigh*, 166 F.3d 634 (4<sup>th</sup> Cir. 1999), *cert. denied*, 70 U.S.L.W. 3460 (2002); and on studies in other communities including the 1996 Newport News, Virginia study and its references to studies conducted by Indianapolis, Indiana, Los Angeles, California, Austin, Texas, and St. Paul, Minnesota, and also on findings from the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses* (June 6, 1989, State of Minnesota), and Report To: The American Center For Law And Justice On The Secondary Impacts Of Sex Oriented Businesses produced by Peter R. Hecht, Ph.D., ERG/Environmental Research Group, dated March 31, 1996, the Board finds:

- (1) Adult businesses lend themselves to ancillary or secondary unlawful and unhealthy activities. Further, there is presently no existing mechanism within the County Code to prevent or minimize the potential impact of the secondary effects from such businesses should they locate within the County, nor any means to make the owners or operators of these establishments responsible for the activities that occur on or around their premises.
- (2) Sexual acts are known to frequently occur at adult businesses.
- (3) Offering or providing such space encourages such activities, which creates unhealthy conditions.
- (4) Persons frequent adult theaters and other adult businesses for the purpose of soliciting for or engaging in sex or sex-related activities within the premises of such adult businesses.
- (5) At least 50 communicable diseases may be spread by activities occurring in adult businesses, including the AIDS virus.
- (6) Since 1981 and to the present, there have been an increasing cumulative number of reported cases of AIDS caused by the Human Immunodeficiency Virus (HIV) in the United States.
- (7) The Surgeon General of the United States, in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to the newborn.
- (8) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (9) Sanitary conditions in some adult businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

- (10) According to studies from other jurisdictions, there is a higher proportional rate of calls to local law enforcement for service and increased reported crime rates in areas of localities where adult businesses are located and such crime problems have a negative impact to adjacent or surrounding properties.
- (11) According to studies from other localities, the presence of adult businesses have a negative impact on adjacent or nearby property values and impact the ability of owners to obtain financing.
- (12) The findings noted in the preceding 11 paragraphs raise substantial governmental concerns.
- (13) The general health, safety, and welfare of the citizens of the County will be promoted by the enactment of this adult business ordinance, the amendment to the indecent exposure ordinance, and the amendment to the zoning ordinance; and;

WHEREAS, the Board desires such adult businesses to require the issuance of a Conditional Use Permit with additional restrictions; 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 19<sup>th</sup> day of December, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-25, Definitions of Specific Terms; Section 28-35, Table of Uses; Table 3.1, District Uses and Standards; and Section 28-39, Special Regulations, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

**Sec. 28-25. Definitions of specific terms.**

Adult business. Any adult bookstore, adult video store, adult model studio, adult motel, adult movie theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities per Section 4-100 of the County Code or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons.

Adult entertainment. Dancing modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities per Section 4-100 of the County Code or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs, streaming video, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult merchandise. Magazines, books, other periodicals, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specific sexual activities per Section 4-100 of the County Code or specified anatomic areas; instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or, lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult model studio. A commercial establishment, including a lingerie store or novelty store, in which a person performs or stimulates specified sexual activities per Section 4-100 of the County Code, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

Adult motel. A motel, hotel, or similar commercial establishment that; (i) provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities per Section 4-100 of the County Code or specified anatomical areas and advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premise advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, internet web pages; or (ii) offers a sleeping room for rent for a time period less than ten (10) hours; or (iii) allows a tenant or occupant to sub rent the sleeping room for a time period of less than ten (10) hours.

Adult movie theater. An enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities per Section 4-100 of the County Code or specified anatomical areas for observation by patrons, excluding movies that have been rated “G”, “PG”, “PG-13” “R”, or “NC-17” by the Motion Picture Association of America.

Adult nightclub. A restaurant, bar, club, or similar establishment that regularly features adult entertainment.

Adult store. An establishment dealing in adult merchandise as a principle portion of its business.

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

### *Table 3.1. District Uses and Standards*

*B-1 Convenience Commercial:*

*(b) Conditional use permit:*

Adult business

*B-2 Urban Commercial:*

*(b) Conditional use permit:*

Adult business

*RC Rural Commercial*

*(b) Conditional use permit:*

Adult business

*SC Suburban Commercial*

*(b) Conditional use permit:*

Adult business

*M-1 Industrial Light*

*(b) Conditional use permit:*

Adult business

*M-2 Industrial, Heavy*

*(b) Conditional use permit:*

Adult business

**Sec. 28-39. Special regulations.**

(m) Adult businesses. In addition to all other requirements of this Chapter, any adult business shall conform to the following requirements:

1. The business shall be located at least 500 feet away from any residential or agricultural zoning district, or any property designated to be a residential use by an approved General Development Plan, and at least 500 feet from the property line of any land used for any of the following:

- a. A residence;
  - b. A child day care center;
  - c. A school (public or private), college or university;
  - d. A public park
  - e. A public library, museum or cultural center;
  - f. A historic district;
  - g. A church or other place of worship;
  - h. Any other adult business.
  - i. A building used by a Federal, State or County agency or department.
2. Adult merchandise shall not be visible from any point outside the establishment
  3. Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas.
  4. Such business shall not begin service to the public or any outside activity before 9:00 a.m. Hours of operation for any adult business shall not extend after 12:00 Midnight.
  5. Adult merchandise shall be located in a separate room or other area inaccessible to persons under eighteen (18) years of age.
  6. All owners, managers, and employees shall be at least eighteen (18) years of age.
  7. The owner or operator shall provide adequate lighting for all entrances, exists and parking areas serving the adult business, and all areas of the

establishment where the adult business is conducted. “Adequate lighting” means sufficient lighting for clear visual surveillance.

(n) Conditional use permits for adult businesses. Conditional use permit application for adult business shall be acted upon by the Board of Supervisors within ninety (90) day from the date the county receives a completed application for such permit.

Hearing no objections from the Board, the Planning Commission was requested to review further distances.

Planning; Rezone 427.85 Acres from A-1, Agricultural to R-1, Suburban Residential at 134 Den Rich Road for Brentsmill, LLC. The Chairman announced that the applicant requested this item be tabled for 30 minutes.

Planning; Consider Rezoning from A-1 to B-2 0.62 Acres at 963 Garrisonville Road. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened the public hearing.

The following person spoke:

Akhlar Yusufi, applicant

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O06-71.

The Voting Board tally was;

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

Nay: (0)

Ordinance O06-71 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING

ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE  
ZONING DISTRICT MAP TO RECLASSIFY FROM A-1,  
AGRICULTURAL ZONING DISTRICT TO B-2, URBAN  
COMMERCIAL ZONING DISTRICT WITH PROFFERS ON  
ASSESSOR'S PARCEL 19-24, ROCK HILL ELECTION DISTRICT

WHEREAS, Akhtar Yusufi, applicant, has submitted application RC2600334 requesting reclassification of Assessor's Parcel 19-24 from A-1, Agricultural, to B-2, Urban Commercial, consisting of 0.62 acres, located on the south side of Garrisonville Road, approximately 1,100 feet west of Shelton Shop Road, within the Rock Hill Election District; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of December, 2006, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to reclassify from A-1 Agricultural, to B-2, Urban Commercial, Assessor's Parcel 19-24 with the following proffers:

1. Right-of-way Dedication and Improvement – The Applicant shall dedicate eight feet (8') of right of way along Garrisonville Road (SR-610) as indicated on the

Generalized Development Plan (“GDP”), dated August, 2006, by Emsi Engineering.

2. Architecture Treatment - The Applicant shall employ brick and glass for the facades of any building. The building will be constructed in conformance with architectural renderings prepared by Forum International, Inc., dated February 14, 2006.
3. Uses to be Constructed - The Applicant agrees that only the following uses may be established on the Property: (1) adult day care center; (2) bakery; (3) banking and lending institutions; (4) barber/beauty shop; (5) child care center; (6) commercial apartment; (7) dance studio; (8) drug store; (9) dry cleaner/laundry; (10) florist; (11) gift/antique shop; (12) low intensity commercial retail, generating less than fifty average daily trips per one thousand square feet of gross floor area; (13) place of worship; (14) professional office; (15) restaurant without a drive through; (16) retail food shop (17) school; (18) tailor shop; (19) medical/dental office; (20) general office; or (21) a dental or medical clinic.
4. Entrances – Access to the site shall be limited to Soaring Eagle Road, provided all appropriate easements or access rights are authorized by the owners of that road.
5. Existing Building – The existing building(s) on site that do not meet current setback requirements shall be removed within 180 days of the rezoning of the property.

Planning; Rezone 372.85 Acres from A-1, Agricultural to R-1, Suburban Residential at 134 Den Rich Road for Brentsmill, L.L.C. The Chairman announced that the Applicant desired to postpone this item.

Planning; Consider Rezoning from A-1 to SC 6.0 Acres at 14 Ferry Road. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened the public hearing.

The following persons spoke:

Clark Leming, on behalf of the Applicant

Nan Rollinson

Lou Silver

Bill Johnson

Clark Leming

Mr. Fields motioned, seconded by Mr. Milde, to adopt proposed Ordinance O06-72 with a change.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-72 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING  
ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE  
ZONING DISTRICT MAP TO RECLASSIFY FROM A-1, AGRICULTURAL  
ZONING DISTRICT, TO SC, SUBURBAN COMMERCIAL ZONING  
DISTRICT, WITH PROFFERS ON ASSESSOR'S PARCELS 55-61 AND  
63A, GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, H. Clark Leming, Attorney for Bill and Stella G. Kaltsounis, applicant, has submitted application RC2600183 requesting reclassification of Assessor's Parcels 55-61 and 63A from A-1, Agricultural, to SC, Suburban Commercial, consisting of 6.0 acres, located on the south side of White Oak Road, just west of Ferry Road, within the George Washington Election District; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of December, 2006, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to reclassify from A-1, Agricultural, to SC, Suburban Commercial, Assessor's Parcels 55-61 and 63A with the following proffers:

1. Generalized Development Plan - The Applicant agrees that the development of the site shall be in conformance with the Generalized Development Plan ("GDP"), dated February 15, 2006, last revised June 27, 2006, prepared by Dewberry, insofar as location of structures, travel ways, entrances, and improvements to White Oak Road (SR-218) and Ferry Road (SR-606).
2. Transportation
  - a. White Oak Road Improvements – The Applicant shall construct a continuous right-turn lane along the frontage of the Property on White Oak Road as shown on the GDP.
  - b. Ferry Road Improvements – The Applicant shall construct a northbound left-turn lane on Ferry Road at the entrance to the Property as shown on the GDP. The Applicant shall also construct a northbound left turn lane

on Ferry Road at its intersection with White Oak Road as shown on the GDP. In the alternative, and subject to VDOT approval and requested by Stafford County within one (1) year of the date of approval of the reclassification request by the Board of Supervisors, the Applicant shall construct a combined left-turn lane/through lane and a separate right turn lane. In no event shall the Applicant be required to construct more than one (1) additional lane.

- c. Right-of-Way Dedication - The Applicant shall dedicate right of way along White Oak Road 45 feet from the centerline of White Oak Road, and along Ferry Road 30 feet from the centerline of Ferry Road.
  - d. Sidewalks – The Applicant shall construct sidewalks along White Oak Road and Ferry Road as shown on the GDP.
  - e. Median – The Applicant shall construct a 2-foot wide median on White Oak Drive extending to Myers Drive.
  - f. Traffic Study – The Applicant agrees to implement any other transportation improvements indicated by the “Ferry Farm Plaza Traffic Impact Study,” prepared by Wells & Associates, dated February 15, 2006.
  - g. VDOT Sign - The Applicant agrees, subject to VDOT approval, to install a sign labeled ‘SLOW – HIDDEN DRIVEWAY’ on the east side of Ferry Road near the entrance of Tax Map Parcel 55U-1.
3. Uses Not to be Constructed – The Applicant agrees that the following uses shall not be constructed on the Property: 1) Commercial Apartments, 2) Tattoo Parlors/Body Art and 3) Adult Businesses.
  4. Buffers

- a. Transitional Screening - A mix of evergreen and deciduous trees shall be employed in any transitional screening areas, including Leyland Cyprus and Euonymus trees, in order to supplement the existing cedar trees. The Applicant agrees to preserve the healthy cedar trees located within the transition buffer, and shall field locate the cedar trees and identify the trees on the final site plan. The six-foot (6') privacy fence in the buffer area shall be made of PVC.
  - b. Screening for Tax Map Parcel 55U-1 – In order to mitigate impacts from this project, the Applicant agrees to plant 4 trees (Leland Cyprus, Silver Pine, or comparable) on a location on Tax Map Parcel 55U-1 that is selected by the property owner. The Applicant shall contact the property owner in advance of the start of the landscaping work on White Oak Plaza. Provided the landowner provides a written request for the landscaping and a home location plat within 30 days of receiving such notice from the Applicant, the Applicant shall proceed to plant the trees on Tax Map Parcel 55U-1 within the first 30 days of landscaping work on White Oak Plaza, contingent on appropriate weather and growing season.
5. Fire Protection - The Applicant agrees to install automatic sprinkler systems in all buildings constructed on the Property.
  6. Architectural Treatment and Site Design – The Applicant agrees to utilize a consistent architectural theme replicating a rural village for all buildings, including the pad site, in general conformance with the illustrative renderings entitled “White Oak Plaza,” dated December 4, 2006, prepared by Cornerstone Architects. The Applicant shall adhere to the following guidelines:
    - a. Theme - The Applicant shall design the site to represent a rural village, with unique features and varied fronts.

- b. Architectural - All buildings in the development, including the pad site, shall include segments of varied ornamentation, such as recesses, a bell tower, breezeways, overhangs, varied windows and varied exterior designs, including roofs, to permit the appearance of individualized storefronts. Each segment though distinct shall be consistent with the overall architectural theme for the development. Building materials and design shall vary from segment to segment and shall primarily utilize brick and hardy plank (to provide the appearance of wood clapboard), and shall specifically exclude vinyl, cinder block and unadorned metal.
  - c. Renderings - To insure conformity with these proffers, at the time of submission of building permit applications, renderings of proposed structures shall be simultaneously submitted to the Planning Department for review and approval within ten (10) days.
  - d. Signage – The Applicant agrees to design all signage with coordinated color, designs and materials, using earth tone colors as background for the signs.
  - e. Covenants – The Applicant agrees to establish covenants that will run with the land and require compliance with the architectural and signage standards on current and future occupants of this development.
7. Lighting - The Applicant shall install lighting within the parking area that is directed away from residential properties and White Oak Road (SR-218) and Ferry Road (SR-606).
  8. Existing Building – The existing residential structure on the Property hereafter called the “Jett house,” will be donated to Stafford County, provided that the written request from the County is received within 12 months of the date of the

- approval of the rezoning by the Board of Supervisors, and provided that Stafford County removes the structure from the site within 18 months of the date of the approval of the rezoning by the Board of Supervisors. The Applicant will contribute a maximum of \$15,000.00 toward the cost of relocation of the building off of the site, provided that the sole use of the building will be for preservation and/or museum purposes.
9. Square Footage – The total square footage of all buildings located on the Property shall not exceed 50,000 square feet.
  10. Crime Prevention – The Applicant shall incorporate to the extent practicable the CPTED Guidelines in the design of the site.
  11. Hours of Delivery - The hours for deliveries to the loading area and trash pickup shall be limited to 9:00 a.m. to 6:00 p.m. weekdays and weekends.
  12. Bus Stop – The Applicant agrees to provide a bus stop with a covered bench with the covered walkway at the front of the shopping center for the FRED Bus (Fredericksburg Regional Transit) and/or any other transit service at the time regular service is provided to this site.
  13. Project Name – The Applicant agrees to name the development “White Oak Plaza.”

Administration; Execute A Non-Exclusive Cable System Franchise Agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC. Ms. Cathy Riddle, Public Information Manager, Mr. Bryan Grogin, Cable Attorney for the County, and Marie Schuler, Government Affairs Officer for Comcast Cable, gave a presentation and responded to Board members questions.

The Chairman opened the public hearing.

The following persons spoke:

Brec Wilshusen

Brian Grogan

Carole Starbuck

Lou Silver

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-482

The Voting Board tally was:

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

Nay: (0)

Resolution R06-482 reads as follows:

A RESOLUTION TO EXECUTE A NON-EXCLUSIVE  
CABLE SYSTEM FRANCHISE AGREEMENT WITH  
COMCAST OF CALIFORNIA/MARYLAND/PENNSYLVANIA/  
VIRGINIA/WEST VIRGINIA, LLC.

WHEREAS, Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC (Comcast) officially took over Adelphia Communications cable operations in Stafford and is currently providing service to County residents under an extended franchise agreement that was held by Adelphia; and

WHEREAS, the County and Comcast have negotiated in good faith for terms and conditions for a successor cable system franchise agreement; and

WHEREAS, the County and Comcast have agreed to terms that are incorporated in a cable system franchise agreement, including pertinent exhibits that are incorporated by reference and attached thereto;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of December, 2006, that the County Administrator be and he hereby is authorized to execute a Franchise with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC.

Legislative; Consent Agenda. Mr. Cavalier motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 13 thru 18.

The Voting Board tally was:

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

Nay: (0)

Item 13. Legislative; Authorize a Public Hearing to Amend the County Code Regarding Dangerous and Vicious Dogs

Resolution R06-519 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN SECTION 5-56, DEFINITIONS, AND SECTION 5-57, CONTROL OF DANGEROUS OR VICIOUS DOGS, PENALTIES, OF THE STAFFORD COUNTY CODE

WHEREAS, Section 3.1-796.93:1 of the Code of Virginia, (1950), as amended, has changed its definition of dangerous and vicious dogs and the enforcement process and penalties; and

WHEREAS, the Board desires to amend the County Code to bring it up to state standards to address dangerous and vicious dogs;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of December, 2006, that the County Administrator be and he hereby is authorized to advertise a public hearing for the purpose of amending and reordaining Section 5-56, Definitions, and Section 5-57, Control of Dangerous or Vicious Dogs; Penalties, of the Stafford County Code.

Item 14. Finance; Approve Expenditure Listings

Resolution R06-517 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED DECEMBER 5, 2006 THROUGH DECEMBER 18, 2006

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 19th day of December, 2006, that the above-mentioned EL be and it hereby is approved.

Item 15. Public Services; Petition VDOT to Include Streets within Tamerlane in the Secondary System of State Highways

Resolution R06-494 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT  
OF TRANSPORTATION TO INCLUDE TAMAR CREEK LANE WITHIN  
TAMARLANE SUBDIVISION, SECTION 1, IN THE SECONDARY SYSTEM  
OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Tamar Creek Lane within Tamarlane subdivision in the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of December 2006, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Tamarlane in the State Secondary Road System:

<u>Street</u>	<u>Station</u>	<u>Length</u>
Tamar Creek Lane	Fr: Inter. Jefferson Davis Highway To: 0.18 mi. east inter. Jefferson Davis Highway	0.18 miles  56' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Tamarlane Subdivision, Section 1, LR 030048052, recorded November 17, 2003; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Residency Administrator of VDOT.

Item 16. Public Services; Petition VDOT to Include Streets within Mansfield Manor Subdivision in the Secondary System of State Highways

Resolution R06-495 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE BLACKBERRY LANE AND JOHNSON MILL RIDGE WITHIN MANSFIELD MANOR SUBDIVISION, SECTIONS 2A, 2B, 2C, 2D AND 3 IN THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Blackberry Lane and Johnson Mill Ridge within the Mansfield Manor Subdivision in the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of December 2006, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Mansfield Manor in the State Secondary Road System:

<u>Street</u>	<u>Station</u>	<u>Length</u>
Blackberry Lane	Fr: Inter. of Greenbank Road To: Inter. Johnson Mill Ridge	0.17 miles 50' ROW
Johnson Mill Ridge	Fr: 0.15 mi SW of Blackberry Lane To: Inter. Blackberry Lane	0.15 miles 50' ROW

Johnson Mill Ridge	Fr: Inter. of Blackberry Lane	0.10 miles
	To: 0.10 mi. NE inter. Blackberry Lane	50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Mansfield Manor Subdivision, Section 2A, LR 000021081 recorded December 27, 2000; Section 2B, LR 020006370 recorded March 7, 2002; Section 2C, LR 020030993, recorded October 21, 2002; Section 2D, LR 030049734, recorded December 1, 2003; and Section 3, LR 000020198, recorded December 8, 2000; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Residency Administrator of VDOT.

Item 17. Legislative; Appoint Members to Industrial Development Authority of the County of Stafford and City of Staunton

Resolution R06-526 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF STAFFORD AND THE CITY OF STAUNTON, VIRGINIA, (“THE AUTHORITY”)

WHEREAS, the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia, (“The “Authority”), was established by Ordinance O03-34 on June 3, 2003, by the Board; and

WHEREAS, a total of seven (7) Directors are to be appointed initially for staggered terms of four (4) years and subsequent terms shall be four years; and

WHEREAS, one of the four positions will be a “rotating seat” to be filled by the County in its initial first four-year term; and

WHEREAS, the City of Staunton will appoint three individuals to The Authority and will be entitled to fill the rotating seat in its second four-year term;

WHEREAS, the Board has previously appointed the following:

<u>NAME:</u>	<u>EXPIRATION:</u>
Tibor Baksy, Jr. Member at Large	June 30, 2009
James McMath Member at Large	June 30, 2008
Terry Payne Member at Large - Rotating	June 30, 2007
Rob Alling Member at Large	June 30, 2006

WHEREAS, Rob Alling has submitted his resignation; and

WHEREAS, the Board feels at this time that it should have the rotating position vacant as the bylaws require the City of Staunton to fill the rotating seat in its second four-year term which will be June 30, 2007;

WHEREAS, thus the Board desires to reposition Terry Payne from the rotating seat and reappoint;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of December, 2006, that

NAME:

EXPIRATION:

Terry Payne

June 30, 2010

Member at Large

VACANT

June 30, 2007

Member at Large - Rotating

be and he hereby is appointed to the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia.

Item 18. Legislative; Approve a Proclamation to Recognize and Commend Lifecare Medical Transports Inc.

Proclamation P06-39 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND  
LIFECARE MEDICAL TRANSPORTS, INC.

WHEREAS, LifeCare Medical Transports, Inc., based in Stafford County, was founded by Kevin Dillard and Dan Wildman in 1994; and

WHEREAS, LifeCare employs more than 300 associates in 14 locations to provide emergency medical transportation to citizens throughout the Fredericksburg region; and

WHEREAS, LifeCare has grown into one of the largest Emergency Medical Services agencies in the Commonwealth, and offers aid to jurisdictions including Westmoreland, Essex and Wythe Counties; and

WHEREAS, the founders and employees of LifeCare are committed to maintaining a high level of professionalism and expertise, and strive to participate in the communities they serve through both charitable giving and volunteer activities; and

WHEREAS, LifeCare was recruited by the Federal Emergency Management Agency to render critical assistance in Louisiana following the devastation caused when Hurricane Katrina made landfall in August 2005; and

WHEREAS, Virginia Governor Timothy M. Kaine has awarded LifeCare with the 2006 Governor’s Award as an Outstanding Emergency Medical Services Agency; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the dedication, compassion and skill with which the LifeCare staff provide care to citizens in their time of greatest need;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19th day of December, 2006, that LifeCare Medical Transports, Inc. be and it hereby is recognized and commended for its service to the community.

Mr. Dudenhefer motioned, seconded by Mr. Cavalier, to authorize Mr. Brito and Mr. Milde as participating non-voting members to the Steering Committee for the Comprehensive Plan.

The Voting Board tally was:

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

Nay: (0)

Additions to the Regular Agenda. Mr. Fields motioned, seconded by Mr. Cavalier, to add proposed Resolution R06-528 and proposed Resolution R06-530 to the Regular Agenda.

The Voting Board tally was:

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

Nay: (0)

Legislative; Accept the Conveyance of 7.83 Acres, Parcel 44W-5, from Silver Companies and Authorize the County Administrator to Execute the Deed of Conveyance to Evidence Such Acceptance. The Deputy County Administrator gave a presentation.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-528.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-528 reads as follows:

A RESOLUTION WHICH ACCEPTS THE CONVEYANCE OF  
7.83 ACRES, PARCEL 44W-5, FROM SILVER COMPANIES AND  
AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE  
THE DEED OF CONVEYANCE TO EVIDENCE SUCH ACCEPTANCE

WHEREAS, the Silver Companies has executed a Deed of Gift conveying to the Board a parcel of land totaling 7.83 acres, Parcel 44W-5; and

WHEREAS, the Code of Virginia requires that all deeds of real estate be approved by the County Attorney, accepted by the Board by resolution, and executed by the County Administrator to evidence such acceptance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of December, 2006, that the Board of Supervisors hereby accepts the conveyance of such property from Silver Companies; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute the deed.

Administration; Authorize the County Administrator to File Application for Special Exception with the Board of Zoning Appeals for the Rocky Pen Run Reservoir Project.

Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-530.

The Voting Board tally was:

Yea:	(6)	Fields, Gibbons, Milde, Schwartz, Cavalier, Dudenhefer
Nay:	(0)	
Abstain:	(1)	Brito

Resolution R06-530 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO FILE APPLICATION FOR SPECIAL EXCEPTION WITH THE  
BOARD OF ZONING APPEALS FOR THE ROCKY PEN RUN  
RESERVOIR PROJECT

WHEREAS, the Board has authorized staff to proceed with the Rocky Pen Run Reservoir Project; and

WHEREAS, it is necessary to construct a dam across Rocky Pen Run in connection with this Reservoir Project; and

WHEREAS, in order to construct a dam, a Special Exception is required from the Board of Zoning Appeals (BZA); and

WHEREAS, staff recommends filing this Special Exception with the BZA in connection with the construction of the dam across Rocky Pen Run to permit the Reservoir Project to proceed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of December 2006 that the County Administrator, or his designee, be and he hereby is authorized to sign the appropriate application for a Special Exception with the Board of Zoning Appeals in connection with the Rocky Pen Run Reservoir Project and the construction of the required dam.

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

---

Steve Crosby  
County Administrator

---

Robert C. Gibbons  
Chairman