

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

AMENDED MINUTES

Regular Meeting

March 15, 2011

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 3:09 p.m., Tuesday, March 15, 2011, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Cord A. Sterling; Susan B. Stimpson; and Robert “Bob” Woodson.

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

Tom Coen thanked the Board for hosting another successful Student Government Day.

Legislative; Presentations and Committee Reports by Board Members Board members provided Standing Committee updates as identified:

Ms. Stimpson	-	Community and Economic Development Committee
Mr. Crisp	-	Ten Point Plan – Item 6
Mr. Milde	-	Development Fees Review, Customer Input/Feedback

Mr. Sterling - Finance and Budget Committee; Capital Projects; Deputy Retention; the County Assessor in the Commissioner of the Revenue's Office is retiring. The position will have to be filled.

County Financial Overview Ms. Joanne Carter with Public Financial Management (PFM) presented an overview and said that the County is on very firm footing towards its goal of enhanced Bond ratings. She recommended that the County "stay the course" and congratulated the Board for having financial foresight.

Mr. Sterling commended staff including Mr. Anthony Romanello, Ms. Maria Perrotte, and Ms. Nancy Collins for the great work that they do with the budget, and with management and working toward achieving the County's financial goals.

Infrastructure Financing Alternatives Ms. Bonnie France of McGuire Woods presented an overview of financing alternatives available for infrastructure building and enhancement. After citing an example of the Hampton Mall, Mr. Milde asked Ms. France if the project was completed, in part, with Transportation Impact Fees (TIF). Ms. France confirmed that it did use TIF and involved a Public/Private Partnership. She also talked about a possible Schools CDA, and discussed the benefits of Special Service Districts, and Sanitary Districts.

Finance and Budget; Authorize a Public Hearing for the FY2012 County Budgets and the CY2011 Property Tax Rates Mr. Woodson talked about the average tax bill going down 5% translating to approximately \$48 per house less than was charged in 2009. He added that he would like to see that amount applied to the School's budget. Mr. Dudenhefer said that everyone has different ideas about the allocation of the money. The upcoming Budget work sessions and the Budget public hearing was scheduled to allow time for the Board to make those decisions and to hear citizen input.

Mr. Sterling outlined changes to the proposed FY2012 budget, which the Finance and Budget Committee had discussed at length. Mr. Snellings said that it all sounded good but before he would vote on it, he would like to see it in writing and compare it to the

original budget. Mr. Sterling said that the final Budget would be discussed in future budget deliberations; this proposed resolution only authorized the advertisement of a public hearing. Mr. Snellings said that the Budget is not locked in; money can still be moved around. Mr. Crisp said that he has concerns about the \$1.08 tax rate and whether it is justified. Based on what he heard, Mr. Crisp said that he believes that the Schools are making a concerted effort to live with level funding.

Mr. Dudenhefer, talking about \$1M addition to the Schools budget, said that he was not certain how the Board could be sure that the Schools would not take the \$1M and still have lay-offs. Mr. Sterling said that he had received assurances from School Board members that there would not be a furlough as was originally discussed. Mr. Milde said that he had serious concerns because this matter should be handled by the Joint Committee and to his knowledge, there was no meeting scheduled. He also said that he did not know Mr. Romanello's reaction to the changes. Mr. Sterling said that there was a joint meeting scheduled with the School Board on April 5<sup>th</sup>, and repeated that proposed Resolution R11-95 only authorized the public hearing on April 12<sup>th</sup>.

Following discussion, Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R11-95.

The Voting Board tally was:

Yea: (6) Sterling, Stimpson, Crisp, Milde, Snellings, Woodson

Nay: (1) Dudenhefer

Resolution R11-95 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE PUBLIC HEARINGS ON THE PROPOSED FY2012 COUNTY BUDGETS AS PROPOSED BY THE COUNTY ADMINISTRATOR AS AMENDED

WHEREAS, the Code of Virginia requires that the governing body shall cause to be published in a newspaper having general circulation in the County, a brief synopsis of the budget and notices at a public hearing, at which any citizen of the County shall have the right to attend and state views thereon;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of March, 2011, that the County Administrator be and he hereby is authorized to publish a brief synopsis of the Proposed Fiscal Year 2012 County Budgets for public hearing, with the following amendments:

- Transfer of two cents of the Transient Occupancy Tax to the General Fund continues in FY2012
- Reduce cash-funded capital projects by \$891,000 with the Parking Lot Phase I project to be included in the reduction
- Increase Schools operating transfer by \$1,000,000
- Increase Sheriff's budget by \$391,000
- Distribute the costs of radio communications system to all user departments
- Establish a contingency reserve account in the amount of \$210,000 to offset rising fuel costs for both County and Schools.

Mr. Sterling motioned, seconded by Mr. Milde, to authorize advertisement of a public hearing on Calendar Year 2011 Tax Rates as detailed in proposed Resolution R11-97.

The Voting Board tally was:

Yea: (6) Sterling, Milde, Crisp, Dudenhefer Snellings, Stimpson

Nay: (1) Woodson

Finance and Budget; Authorize a Public Hearing to Consider the Fiscal Year 2012-2017 Capital Improvement Plan Mr. Dudenhefer asked for a presentation on the CIP including what changes, if any, have been made. Mr. Sterling said that no changes have been made and that the Board received a presentation on the Utilities CIP and Schools will present their CIP at the joint meeting scheduled for April 5<sup>th</sup>.

Mr. Milde said that he would like a quick explanation on the entire CIP. Mr. Dudenhefer asked Mr. Romanello if there was a time-line problem. Mr. Romanello said that there was no time requirement but that it should be advertised for public hearing on April 12<sup>th</sup> with the proposed Budget and tax rates.

Mr. Snellings asked for clarification as to whether the advertisements for the Budget, Tax Rates and CIP ads would be run separately. Mr. Romanello confirmed that there would be two separate ads; one for the Budget and Tax Rates and another, separate ad, for the CIP.

Ms. Stimpson said that the CIP was not new and that the Board had previously been briefed on what was included, it had been discussed at length. In January, the Board asked Schools to modify their request and charged the Joint Committee to work on this.

Following the discussion, Mr. Sterling motioned to call the question. Mr. Sterling's motion was approved by a vote of 5 – 2 with Mr. Dudenhefer and Mr. Milde voting in the negative.

Mr. Sterling motioned, seconded by Mr. Crisp to adopt proposed Resolution R11-68.

The Voting Board tally was:

Yea: (4) Sterling, Crisp, Stimpson, Woodson

Nay: (3) Dudenhefer, Milde, Snellings

Resolution R11-68 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING ON THE  
FISCAL YEAR 2012-2017 CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, the six-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 on the Fiscal Year 2012-2017 CIP is required;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of March, 2011, that the County Administrator be and he hereby is authorized to advertise a public hearing on the Fiscal Year 2012-2017 Capital Improvements Program.

Website Update – Phase 1 Ms. Cathy Riddle, Public Information Administrator, introduced Ms. Lakesha Cole who presented an overview of Phase 1 of the changes and revisions to the Stafford County website.

Legislative; Closed Meeting. At 5:25 P.M., Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Resolution CM11-05.

The Voting Board tally was:

Yea: (6) Milde, Stimpson, Crisp, Woodson, Dudenhefer, Snellings

Nay: (0)

Absent: (1) Sterling

Resolution CM11-05 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting legal advice regarding Proposed Comprehensive Plan Amendments; 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 County Board of Supervisors on this the 15<sup>th</sup> day of March, 2011, 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. Ms. Stimpson motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM11-05(a).

The Voting Board tally was:

Yea: (6) Stimpson, Crisp, Dudenhefer, Milde, Sterling, Woodson

Nay: (0)

Absent: (1) Snellings

Resolution CM11-05(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MARCH 15, 2011

WHEREAS, the Board has, on this the 15<sup>th</sup> day of March, 2011 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 15<sup>th</sup> day of March, 2011, 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.

Recess At 5:50 p.m., the Chairman declared a recess until 7:00 p.m.

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

Invocation Mr. Dudenhefer gave the Invocation.

Pledge of Allegiance Mr. Milde led the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentations by the Public

The following persons desired to speak:

- Karen Griffin - Alpha Kappa Alpha
- Paul Jacobs - Budget and Proposed Tax Rate
- Gianna Stottlemeyer - Stafford High School replacement
- Sarah Chase - Stafford High School/School Funding
- Sue Gill - Stafford High School replacement
- Togie Payne - Stafford High School replacement
- James Andrews - Stafford High School replacement
- Jennifer Lombardo - Stafford High School replacement
- Sue Altman - Stafford High School replacement
- Jodi Traeger - Stafford High School replacement
- Elizabeth Chase - Stafford High School replacement
- Robert Dreisdadt - Parks and Recreation CIP
- Roger Brown - Stafford High School replacement
- Courtney Harris - Stafford High School replacement
- Heidi Simpson - Parks and Recreation Bond
- Paul Waldowski - 7-Eleven
- Elexxis Brown - Stafford High School replacement
- Joe Gossett - Stafford High School replacement/tax rate
- Zoey Woodaman - Pools
- Megan Simpson - Pools

Recess At 7:52 p.m., the Chairman declared a recess to allow time for those wishing to leave to exit the Board Chambers.

Call to Order At 7:54 p.m., the Chairman called the meeting back to order.

Presentation by Woody Van Valkenburgh – Goodwill Industries Mr. Van Valkenburgh thanked the Board for its support and showed a short video which gave an overview of work being done and individuals employed by Goodwill.

Parks, Recreation and Community Facilities; Authorize Lease of County-Owned Property at 638 Kings Highway Mr. Chris Hoppe, Director of Parks, Recreation and Community Facilities, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following person desired to speak:

Ralph Sutton

The Chairman closed the public hearing.

Mr. Crisp commented that the fields have been kept in wonderful condition and that Mr. Sutton's hard work is helping to keep the area in good order until the County is ready to turn it into a park.

Mr. Crisp motioned, seconded by Mr. Sterling, to adopt proposed Resolution R11-76.

The Voting Board tally was:

Yea: (7) Crisp, Sterling, Dudenhefer, Milde, Snellings, Stimpson, Woodson

Nay: (0)

Resolution R11-76 reads as follows:

A RESOLUTION AUTHORIZING A LEASE OF COUNTY-OWNED  
PROPERTY AT 638 KINGS HIGHWAY

WHEREAS, Duff McDuff Green donated the remaining 125 acres of his property to the County, which contained a house, out-buildings, and farm fields; and

WHEREAS, in recent years, approximately sixty-eight (68) acres of the farm fields have been rented to an area farmer to cultivate and harvest crops for a fee; and

WHEREAS, benefits of continuing this farm use include keeping the fields looking attractive, reducing maintenance by department staff, and generating a modest amount of revenue; and

WHEREAS, definitive plans and funding do not exist to implement improvements that use the farm fields; and

WHEREAS, future uses of the house have not yet been determined by the master planning process; and

WHEREAS, benefits of having the house occupied include reducing degradation by keeping temperatures at optimal levels, keeping the systems operating properly, reducing maintenance by department staff, and generating revenue; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of March, 2011, that the County Administrator or Chairman of the Board be and he hereby is authorized to execute leases for the farming of fields and house at 638 Kings Highway.

Planning and Zoning; Consider a Conditional Use Permit to Allow Motor Vehicle Sales in a B-2, Urban Commercial Zoning District on Assessor's Parcel 21-69, Located at 3263 Jefferson Davis Highway Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Milde asked about proximity to Aquia Creek which borders the property and is in the Aquia district. He also asked how long the applicant was in violation before the Notice of Violation was issued. Mr. Harvey replied that he received the completed application and met with the applicant who has been diligent in responding to the Notice of Violation.

Ms. Debrarae Kearns addressed the Board on behalf of the Applicant saying that at one time, this property had been used as a junk yard, and that the original intent of the Applicant was to sell mopeds and bicycles at the property. The Applicant intends to

replant the current graveled area and will sell vehicles to visitors to the site and the rest of the sales will be handled via the Internet. He further explained that cars will be purchased by buyers from out of the country and shipped out of the Port of Baltimore.

Mr. Milde asked the Applicant if the proposed dealership was a franchise to which Mr. Mohibi responded, “No.” Mr. Woodson said that it had been referred to the Planning Commission, who recommended approval, with the condition that no auto servicing be done on the property to include no tire changing, oil changes, repair work, etc. There is another condition that prohibited erecting a car stand, banners, windsocks and parking vehicles on the lot other than in designated parking spaces.

Mr. Milde noted that the Resource Protection Area extends 100’ from the creek and that Route 1 will eventually be widened. Ms. Stimpson asked when the Notice of Violation was written. The Applicant said that it was in December, 2009. Mr. Milde said that he never noticed bicycles or mopeds being sold at that location. Ms. Stimpson said that she was struggling with how the application would fit with the Comprehensive Plan. Mr. Harvey said that it was outside the Redevelopment Area, adding that staff thought that it was not near enough whereas the Planning Commission determined that it was. Mr. Harvey said that the term “near” had not been defined.

Mr. Milde talked about not allowing this type of use on main corridors. Mr. Harvey talked about used car dealers near Garrisonville Road and Ramoth Church Road. Mr. Milde said that this parcel is three-quarters inside the Resource Protection Area and added that he is not sure how he feels about used car lots and said that he cannot think of a worse place. It is not what residents of Widewater want. Ms. Stimpson said that it is not consistent with the Comprehensive Plan and that she would be voting against it. Mr. Snellings said that he would vote in support of the application.

The Chairman opened the public hearing. The following persons desired to speak:

Debrarae Kearns for the Applicant

Bari Mohibi – Applicant

Bill Pyle

Paul Waldowski

The Chairman closed the public hearing.

Mr. Woodson motioned, seconded by Mr. Snellings, to adopt proposed Resolution R11-35.

The Voting Board tally was:

Yea: (4) Woodson, Snellings, Crisp, Dudenhefer

Nay: (3) Milde, Sterling, Stimpson

Resolution R11-35 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT, PURSUANT TO APPLICATION CUP1000208, TO ALLOW MOTOR VEHICLE SALES IN A B-2, URBAN COMMERCIAL ZONING DISTRICT, ON ASSESSOR’S PARCEL 21-69, WITHIN THE GRIFFIS - WIDEWATER ELECTION DISTRICT

WHEREAS, Mr. Bari Mohibi, applicant, has submitted application CUP 1000208 requesting a Conditional Use Permit to allow motor vehicle sales in a B-2, Urban Commercial Zoning District, on Assessor’s Parcel 21-69; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-35, Table 3.1 of the Zoning Ordinance which permits this use in a B-2, Urban Commercial 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 and staff, and the 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 15<sup>th</sup> day of March, 2011, that a Conditional Use Permit, pursuant to application CUP1000208, be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow motor vehicle sales on Assessor’s Parcel 21-69.
2. All vehicles for sale shall be parked in designated display spaces. No vehicle belonging to the customer, employee, and/or vehicles for sale shall be stored or parked on the grass or in any area that is not a designated parking or display space.
3. There shall be no carnival style flags, banners, lights, balloons, or windsocks used on site.

4. There shall be no more vehicle display spaces on the site than the minimum number required by the Commonwealth of Virginia’s Motor Vehicle Dealer Board. This condition shall not be construed to limit the space available for other purposes such as employee parking and customer parking.
5. No service activity shall take place on site. There shall be no retail sales of automobile parts.
6. No vehicles shall be placed on ramps or elevated display devices.
7. The loading or unloading of vehicles on Jefferson Davis Highway (U.S Route 1) is prohibited.
8. There shall only be one entrance onto Jefferson Davis Highway (U.S Route 1).
9. Employee and customer parking shall be clearly marked.
10. Applicant shall replant areas within the Resource Protection Area as shown on the GDP, dated January 2011. Within 60 days of the approval of this CUP, a Water Quality Impact Assessment and a proposed planting schedule with a timeline must be submitted to the Director of Planning and Zoning for review and approval. Replanting must be completed and inspected by staff no later than October 30, 2011. The planting schedule must contain a one (1) year maintenance plan, to include replacement of dead vegetation.
11. 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 law.

Planning and Zoning; Amend Stafford County Code, Section 28-25, “Definitions of Specific Terms” of the Zoning Ordinance Regarding Changing the Requirements of a “Residential Facility” Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

Mr. Snellings asked if he owned a large home in any subdivision in Stafford County, and wanted to open a facility of eight beds or less, and went to the Department of Social Services and the Health Department and obtained an Occupancy Permit from the County, could he open a facility without input from his neighbors. Mr. Harvey said that was his understanding of the ordinance. Mr. Sterling said that not only does the state allow it, they require approval of it if it comes up, adding that you cannot oppose it. Mr. Harvey said that there are licensing regulations, but it is treated like a single-family home and protected from local zoning ordinances, but it must meet building code requirements. Mr. Shumate said that the General Assembly did address this issue in its recent session and that it may revisit it in the future. Mr. Dudenhefer asked if the Board should wait to act on it. Mr. Shumate said that the Board should not be precluded from acting on it.

Mr. Snellings said that he could not vote in favor of it and that he was dealing with two situations in the Hartwood District where residences were being turned into these types of facilities. Ms. Stimpson asked for clarification; eight persons mentally disabled, or aged, or infirmed people and said, “Not that we want to,” but is there anything we can do to stop it. Mr. Harvey said that it was a mandated zoning ordinance.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O11-16.

The Voting Board tally was:

Yea: (6) Crisp, Woodson, Dudenhefer, Milde, Sterling, Stimpson

Nay: (1) Snellings

Ordinance O11-16 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-25, “DEFINITIONS OF SPECIFIC TERMS”

WHEREAS, Virginia Code Section 15.2-2291 was amended, changing the definition of a “residential facility”; and

WHEREAS, the Board desires to define “residential facility” when licensed by the Department of Behavioral Health and Development Services, and when licensed by the Department of Social Services, in Stafford County Code, Section 28-25, entitled “Definitions of Specific Terms”; and

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

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of March, 2011, that Stafford County Code, Section 28-25, “Definitions of Specific Terms,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

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

When used in this chapter, the following terms shall have the meanings herein ascribed to them:

*Residential Facility, Health Department Licensed* means a facility in which no more than eight individuals with mental illness, mental retardation, or developmental disabilities reside, with one or more resident counselors or other staff persons, considered as residential occupancy by a single family. For the purposes of this definition, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Virginia Code § 54.1-3401. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this definition, residential facility means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to the Virginia Code.

*Residential Facility, Social Services Licensed* means a facility in which no more than eight aged, infirm, or disabled persons reside, with one or more resident counselors or other staff persons, considered as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this definition, residential facility means any assisted living facility or residential facility in which aged, infirm, or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority pursuant to the Virginia Code.

BE IT FURTHER ORDAINED that this ordinance shall become effective on March 15, 2011.

Legislative: Additions/Deletions to the Regular Agenda Mr. Milde motioned, seconded by Ms. Stimpson, to adopt the agenda as presented. Mr. Dudenhefer noted that Item #20 would be discussed before Item #19.

The Voting Board tally was:

Yea: (7) Milde, Stimpson Crisp, Dudenhefer, Sterling, Stimpson, Woodson

Nay: (0)

Legislative: Consent Agenda Ms. Stimpson motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 11 thru 16, omitting Item 11a.

The Voting Board tally was:

Yea: (7) Stimpson, Milde, Crisp, Dudenhefer, Snellings, Sterling, Woodson

Nay: (0)

Item 11b. Legislative; Approve Minutes of the March 1, 2011 Board Meeting

Item 12. This item was deleted.

Item 13. Public Works; Petition VDOT to Include Streets in Richland Subdivision, Section 1, into the Secondary System of State Highways

Resolution R11-41 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE MAJESTIC DRIVE AND RENEGADE DRIVE WITHIN RICHLAND FOREST SUBDIVISION, SECTION 1, INTO 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 Majestic Drive and Renegade Drive within Richland Forest Subdivision, Section 1, into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of March 2011 that VDOT be and hereby is petitioned to include the following streets within Richland Forest Subdivision, Section 1, into the Secondary System of State Highways:

<u>Street Name/Route Number</u>	<u>Station</u>	<u>Length</u>
Majestic Dr. (SR-9999)	From: Int. Warrenton Rd. (US-17) To: Renegade Dr. (SR-0999)	0.33 mi ROW 60'
Renegade Dr. (SR-0999)	From: Majestic Dr. (SR-9999) To: 0.01 mi westerly on Renegade Dr. (SR-0999)	0.01 mi ROW 50'

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 Richland Forest, Section 1, recorded in PM0300000091 with Instrument number 030019779 on May 13, 2003 and Plat of Record entitled Plat of Subdivision Right-of-Way and Easement Vacation and Dedication and Boundary Line Adjustment on the lands of Tax Map 34 Parcels 39B and 40 part of Richland Forest recorded in PM 100000010 with instrument number 100001829 on February 9, 2010; and

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

Item 14. Utilities; Authorize a Contract for the Purchase of Liquid Ferric Sulfate

Resolution R11-82 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT WITH GENERAL CHEMICAL PERFORMANCE PRODUCTS, LLC TO EXTEND THE CONTRACT FOR THE PURCHASE OF LIQUID FERRIC SULFATE

WHEREAS, the Board has appropriated funds to be expended in FY2011 for the purchase of Liquid Ferric Sulfate for use at the Smith Lake Water Treatment Facility; and

WHEREAS, the current contract with General Chemical Performance Products, LLC contains a provision for an additional one-year contract renewal; and

WHEREAS, staff has reviewed the renewal price offered by the vendor and found it to be reasonable; and

WHEREAS, purchases made in FY2012 shall be subject to appropriation of funds in FY2012 for these purchases;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of March 2011, that the County Administrator be and he hereby is authorized to execute a contract amendment with General Chemical Performance Products, LLC to extend the current contract for Liquid Ferric Sulfate for an additional one-year period with an estimated total expenditure of Three Hundred Seventy-four Thousand One Hundred Eighty-four Dollars (\$374,184).

Item 15. Petition VDOT to Include Streets in Somerset, Section 1a; Landmark Drive, Master Drive, Club Drive, and Comfort Lane within Seasons Landing, Section 1; and Sanctuary Lane and Sable Lane within Seasons Landing, Section 5 into the Secondary System of State Highways

Resolution R11-86 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE LANDMARK DRIVE WITHIN SOMERSET LANDING, SECTION 1A; LANDMARK DRIVE, MASTERS DRIVE, CLUB DRIVE, AND COMFORT LANE WITHIN SEASONS LANDING, SECTION 1; AND SANCTUARY LANE AND SABLE LANE WITHIN SEASONS LANDING SECTION 5, INTO 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 Landmark Drive within Somerset Landing, Section 1A; Landmark Drive, Masters Drive, Club Drive, and Comfort Lane within Seasons Landing, Section 1; and Sanctuary Lane and Sable Lane within Seasons Landing, Section 5, into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of March, 2011 that VDOT be and it hereby is petitioned to include the following streets into the Secondary System of State Highways:

<u>Street Name/Route Number</u>	<u>Station</u>	<u>Length</u>
Landmark Drive (SR-2125)	From: Int. Pebble Beach Drive (SR-2129) To: Club Drive (SR-2131)	0.10 mi. ROW 52'
Landmark Drive (SR-2125)	From: Club Drive (SR-2131) To: 0.01mi. on Landmark Drive (SR-2125)	0.01 mi. ROW 52'
Club Drive (SR-2131)	From: Landmark Drive (SR-2125) To: Comfort Lane (SR-2132)	0.12 mi. ROW 50'
Club Drive (SR-2131)	From: Comfort Lane (SR-2132) To: Club Drive (SR-2131) Cul-de-sac	0.13 mi. ROW 50'
Master Drive (SR-2128)	From: Club Drive (SR-2131) To: 0.024 mi. west Club Drive (SR-2131)	0.02 mi. ROW 50'
Sanctuary Lane (SR-2132)	From: Club Drive (SR-2131) To: Sable Lane (SR-2133)	0.07 mi. ROW 50'
Sanctuary Lane (SR-2132)	From: Sable Lane (SR-2133) To: 0.02 mi. on Sanctuary Lane (SR-2132)	0.02 mi. ROW 51'
Sable Lane (SR-2133)	From: Sanctuary Lane (SR-2132) To: Sable Lane (SR-2133) Cul-de-sac	0.09 mi. ROW 51'

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 Somerset Landing, Section 1A recorded in PM 040000226 with Instrument number 040037358 on October 28, 2004; and by Plat of Record entitled Somerset Landing, Section 1A recorded in PM 040000226 with Instrument number 040037358 on October 28, 2004; and by Plat of Record entitled Seasons Landing, Section 1 recorded in PM 070000036 with Instrument number 070005300 on March 9, 2007; and by Plat of Record entitled Seasons Landing, Section 5 recorded in PM 090000019 with Instrument number 090001925 on February 9, 2009; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and to the Director of Transportation & Land Use/Area Land Use Engineer (North) at the VDOT Fredericksburg District Office.

Item 16. Finance and Budget; Authorize a Contract Renewal for FY2011 Audit Services

Resolution R11-90 reads as follows:

A RESOLUTION TO AUTHORIZE A CONTRACT RENEWAL FOR  
FY 2011 AUDIT SERVICES

WHEREAS, in March 2010, the Board awarded a contract for external audit services of the County, Schools, and R-Board to Cherry, Bekaert & Holland, LLP; and

WHEREAS, Section 15.2-2511 of the Code of Virginia (1950), as amended, states that every locality shall contract for the performance of an annual audit not later than April 1 of each fiscal year; and

WHEREAS, the County desires to renew the audit services contract for FY 2011; and

WHEREAS, negotiated costs for FY 2011 audit services are \$143,682; and

WHEREAS, funds have been budgeted for this expenditure;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 15th day of March, 2011, that the County Administrator be and he hereby is authorized to execute a Contract Renewal with Cherry, Bekaert & Holland, LLP, for FY 2011 audit services in the amount of One Hundred Forty-three Thousand Six Hundred Eighty-two Dollars (\$143,682).

~~Item 11a. Legislative; Approve Minutes of the February 15, 2011 Board Meeting Mr. Milde motioned, seconded by Ms. Stimpson, to approve the Minutes including changes.~~

~~Mr. Woodson stated that he “would vote against this because what seems to be going on here is that you had a supervisor — Mr. Milde — who came down to the administration building, got with the County Attorney and other County staff and went through the minutes — the DVD — and as a result, wanted to have this removed; this paragraph right here: Be it further resolved that the Planning Commission is requested to consider amending the Comprehensive Plan dated November 17, 2010, as amended, to remove the Widewater area from within the Urban Services Area (USA) boundary and re-establish the USA boundary in that area of the County where it was prior to the Board’s adoption~~

~~of the Comprehensive Plan amendments on December 14, 2010. He wanted that paragraph removed and saying that it's a technicality and it's going to be corrected in Item 19 which includes Brooke UDA; so I'm not going to vote for this and I'm sure not going to vote for the Brooke UDA."~~

~~Mr. Milde said that he expected the minutes to contain an accurate description of what he said. Mr. Shumate said that staff, as well as himself, looked at the video to ensure accuracy and so as to have the actual action taken or words spoken reflected correctly in the minutes. He added that it was a housekeeping matter.~~

The Voting Board tally was:

~~Yea: (6) Milde, Stimpson, Crisp, Dudenhefer, Snellings, Sterling~~

~~Nay: (1) Woodson~~

Note: the following (underlined) text was inserted following a vote by the Board of Supervisors on April 19, 2011 on a motion by Mr. Milde, seconded by Ms. Stimpson, and passed by unanimous vote.

Item 11a. Legislative; Approve Minutes of the February 15, 2011 Board Meeting Mr. Milde motioned, seconded by Ms. Stimpson, to approve the Minutes including changes.

Mr. Milde, "As discussed, I would like to have amended, the minutes in 11a to reflect the actual happenings of February 15<sup>th</sup>."

Mr. Woodson stated that he "would vote against this because what seems to be going on here is that you had a supervisor – Mr. Milde - who came down to the administration building, got with the County Attorney and other County staff and went through the minutes – the DVD – and as a result, wanted to have this removed; this paragraph right here: Be it further resolved that the Planning Commission is requested to consider amending the Comprehensive Plan dated November 17, 2010, as amended, to remove the Widewater area from within the Urban Services Area (USA) boundary and re-establish the USA boundary in that area of the County where it was prior to the Board's adoption of the Comprehensive Plan amendments on December 14, 2010. He wanted that paragraph removed and saying that it's a technicality and it's going to be corrected in

Item 19 which includes Brooke UDA; so I'm not going to vote for this and I'm sure not going to vote for the Brooke UDA."

Mr. Milde, "First of all...most of that – none of that was true...but I..."

Mr. Woodson, "That is...."

Mr. Dudenhefer, "Gentlemen, please...one at a time."

Mr. Milde, "Simply...I'm asking that an accurate depiction... the minutes are a written record of what occurred already on February 15<sup>th</sup> here and I'm only asking that the truth be told and reflected in the minutes...I like to tell the truth..."

Mr. Woodson, "You don't like to tell the truth..."

Mr. Milde, "...the County Attorney would give his version...I did not create this, I pointed out the inconsistency in the minutes. I have brought to us as a whole the corrected minutes."

Mr. Shumate, "In simplified fashion, this morning it was called to the attention of several staff members – myself included – that there was a possibility that the resolution of February 15, 2011 and the accompanying minutes of that date might be in error. Several staff members – myself included – looked at the video of those proceedings – looked at it several times – and concluded that these former minutes that we prepared for adoption tonight were in error – they have now been corrected to correctly reflect what transpired among the Board members that night of February 15, 2011. That is the extent of what you have before you. It is an attempt of a housekeeping nature to correct an error that we discovered today. We apologize for that but it did happen and now we have them corrected before you and that's the entire purpose of what we are trying to achieve tonight – just accomplish some housekeeping and make sure things accurately reflect what happened."

Mr. Milde, "I will move approval of the accurate and corrected minutes." Mr. Milde motioned, seconded by Ms. Stimpson, to adopt the February 15, 2011 meeting minutes.

The Voting Board tally was:

Yea: (6) Milde, Stimpson, Crisp, Dudenhefer, Snellings, Sterling

Nay: (1) Woodson

End of amended excerpt to March 15, 2011 minutes.

Planning and Zoning; Amend and Reordain the Zoning Ordinance by Amend Proffered Conditions at 904 Garrisonville Road; and Planning and Zoning; Approve a Minor Amendment to a Conditional Use Permit at 904 Garrisonville Road Jeff Harvey, Director of Planning and Zoning gave a presentation on both items and answered Board members questions.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Ordinance O11-11.

The Voting Board tally was:

Yea: (7) Sterling, Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Ordinance O11-11 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE PROFFERED CONDITIONS ON ASSESSOR'S PARCEL 19-71A, ZONED B-2, URBAN COMMERCIAL, ROCK HILL ELECTION DISTRICT

WHEREAS, Garrisonville Road Realty, LLC has submitted application RC1000368 requesting an amendment to proffered conditions on Assessor's Parcel 19-71A zoned B-2, Urban Commercial, consisting of 8.53 acres, located on the north side of Garrisonville Road, at the intersection with 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 amendment to proffered conditions is appropriate; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to amend the proffered conditions on the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of March, 2011, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to amend proffered conditions on Assessor's Parcel 19-71A, zoned B-2, Urban Commercial dated February 7, 2011.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R11-58.

The Voting Board tally was:

Yea: (7) Sterling, Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Resolution R11-58 reads as follows:

A RESOLUTION TO AMEND A CONDITIONAL USE PERMIT, PURSUANT TO APPLICATION CUP1000369, TO ALLOW VEHICLE FUEL SALES WITH CONVENIENCE STORE AND TWO DRIVE-THROUGH FACILITIES IN AN HC, HIGHWAY CORRIDOR, OVERLAY ZONING DISTRICT ON ASSESSOR'S PARCEL 19-71A, ROCK HILL ELECTION DISTRICT

WHEREAS, Garrisonville Road Realty, LLC, applicant, has submitted application CUP1000369 requesting an amendment to a Conditional Use Permit to allow vehicle fuel sales with convenience store and two drive-through facilities in an HC, Highway Corridor, Overlay Zoning District on the above-described property; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-35, Table 3.1 of the Zoning Ordinance, which permits vehicle fuel sales with convenience store and two drive-through facilities in an HC, Highway Corridor, Overlay Zoning District only 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 the testimony at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of March, 2011, that application CUP1000369 be and it hereby is approved with the following conditions:

Conditions:

1. This Conditional Use Permit is to allow drive-through facilities and vehicle fuel sales with convenience store in an HC, Highway Corridor Overlay, Zoning District, on Assessor's Parcel 19-71.
2. This Conditional Use Permit shall be limited to one (1) vehicle fuel sales facility with convenience store and two (2) drive-through facilities for the affected parcel, as shown in the general locations depicted on the Generalized Development Plan (GDP) prepared by Vanasse Hangen Brustlin, Inc., dated June 27, 2006.
3. Fuel sales shall be limited to vehicles less than five (5) tons gross volume weight (GVW).
4. Any canopy lighting shall be recessed within the canopy.

5. Loading spaces and truck delivery spaces, except for fuel delivery, shall be located outside of any required travel lane. Such spaces shall be designed to allow for adequate turning radius to accommodate free-flowing turning movements to prevent temporary obstruction of travel lanes.
6. Loading areas, dumpster pads and trash compactors shall be located in a manner so as to be screened from view from Garrisonville Road.
7. Drive-through lanes shall be oriented in a manner so as to minimize headlight glare onto state maintained roadways. Where orienting the drive-through away from the corridor highway is not feasible, applicant shall screen the drive-through utilizing berms and evergreen plantings to eliminate headlight glare on the corridor highway.
8. Entrances for drive-through lanes shall not have direct access from any primary travel lane that serves more than one building pad.
9. Customer parking shall not have direct access to any primary travel lane that serves as access to more than one building pad.
10. Stacking lanes for drive-through facilities shall be designed as to not impede traffic circulation.
11. All drive-through facilities shall include a by-pass lane for vehicles not utilizing the drive-through area.
12. All drive-through and fuel canopies shall be of coordinated color and materials as the primary structure on-site.
13. A double row of white pines shall be planted along the rear property line of the service station and drugstore properties.
14. Signage for the convenience store and gasoline canopy shall comply with the “7-Eleven Proposed Convenience Store” exhibit, dated December 10, 2010, and incorporated by reference.
15. Building facades for the convenience store and gasoline canopy supports shall be constructed of Pinehall CVS red brick.
16. The applicant shall install a board-on-board fence up to eight-feet in height along the common property lines with lots in the Eastern View subdivision. The final height of the fence shall be determined upon consultation with the adjacent lot owners.
17. Along Garrisonville Road, the applicant shall plant a double row of flowering shrubs and small deciduous trees (e.g., crape myrtle, allee elm, London plane), on a staggered basis with a minimum distance of thirty feet (30’) between the shrubs/trees on each row. The second row of trees/shrubs shall be planted at the approximate midpoint between the trees on the front row. Adjustments may be made, if necessary, to comply with County ordinance or in accordance with good horticultural standards, provided that the intent of this condition is retained.
18. 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; Discuss the Planning Commission’s Request Regarding Residential Density Allocation for the Proposed Boswell’s Corner Redevelopment Area Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Woodson asked if this matter was time sensitive. Mr. Harvey replied that the Board had given the Planning Commission sixty (60) days to hold a public hearing.

Mr. Sterling motioned, seconded by Mr. Milde, to defer action for thirty (30) days, to communicate with Marine Corp Base Quantico, to consider the general plan that Dr. Crisp outlined, and to extend the Planning Commission’s timeline for an additional thirty (30) days.

Mr. Milde added, and Mr. Sterling accepted, that there be an amendment to the original motion stating the Board’s intent not to have a UDA in Boswell’s Corner. Mr. Snellings asked why there is no UDA in that area when the bulk of new commercial development was going to take place near Quantico yet it seemed that all the new housing was being planned for the southern part of the County. Mr. Milde reiterated to separate out the military operations area and Boswell’s Corner.

The Voting Board tally was:

Yea: (7) Sterling, Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson  
Nay: (0)

Planning and Zoning; Refer Comprehensive Plan Amendment to the Planning Commission Regarding the Allocation of Dwelling Units in Urban Development Areas

Mike Zuraf, Principal Planner, gave a presentation and answered Board members questions.

Mr. Zuraf introduced Mr. Pat Taves and said that he was there to provide legal advice as needed. Mr. Milde requested that the Board receive a copy of the Brooke Community Plan (dated 1992) as referred to by Mr. Zuraf.

Mr. Woodson stated that in December, he voted to accept the 2010 Comprehensive Plan because he was assured that Stafford Station (“more commonly known as Widewater”) and Brooke Point would be removed as possible Urban Development Areas (UDA). He added that Mr. Milde was trying to restore them as possible UDAs when that was not the intention of the Board at the time it voted on the matter. Mr. Shumate said that the vote

on Resolution R10-377, taken on December 14, 2010, in no way precluded the Board from looking at Widewater or Brooke at some point in the future. He added that the Board always has the right to “revisit” a decision. After Mr. Shumate’s comments, Mr. Snellings noted that both the Planning Commission and the Board of Supervisors must hold public hearings before the matter is finalized.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R11-94 including changing the word “should” to “shall” in the adopted Resolution.

Mr. Woodson made a substitute motion, seconded by Mr. Crisp, to adopt the March 2, 2011, Planning Commission version which included deleting Brooke Station as a possible UDA.

The Voting Board tally on the acceptance of the substitute motion was:

Yea: (2) Crisp, Woodson

Nay: (5) Milde, Sterling, Dudenhefer, Snellings, Stimpson

The Voting Board tally on the original motion was:

Yea: (5) Milde, Sterling, Dudenhefer, Snellings, Stimpson

Nay: (2) Crisp, Woodson

Resolution R11-94 reads as follows:

A RESOLUTION IN ACCORDANCE WITH § 15.2-2229 OF THE CODE OF VIRGINIA (1950), AS AMENDED, TO (1) REFER THE BOARD’S PROPOSED AMENDMENTS TO THE STAFFORD COUNTY COMPREHENSIVE PLAN, DATED MARCH 15, 2011, AS AMENDED, TO THE STAFFORD COUNTY PLANNING COMMISSION FOR PUBLIC HEARING AND DIRECT THAT THE COMMISSION CONDUCT A PUBLIC HEARING AND PROVIDE ITS RECOMMENDATIONS TO THE BOARD ON SAID AMENDMENTS WITHIN 60 DAYS OF THE COMMISSION’S RECEIPT OF THIS RESOLUTION; AND (2) DIRECT THE COUNTY ADMINISTRATOR TO SUBMIT A COPY OF THIS RESOLUTION TO THE COMMISSION FORTHWITH, ALONG WITH A COPY OF THE BOARD’S PROPOSED MARCH 15, 2011 PLAN AMENDMENTS, AS AMENDED

WHEREAS, under § 15.2-2229 of the Code of Virginia (1950), as amended, the Board may amend the Comprehensive Plan; and

WHEREAS, the Board has prepared certain proposed amendments to the Comprehensive Plan, dated March 15, 2011 (“the Board’s March 15, 2011 Plan amendments”); and

WHEREAS, pursuant to § 15.2-2229 of the Code of Virginia (1950), as amended, the Board desires to refer the Board’s March 15, 2011 Plan amendments, as amended, to the Planning Commission (“Commission”) for public hearing and to direct that the Commission conduct a public hearing and provide its recommendations to the Board on said amendments within 60 days of the Commission’s receipt of a copy of this Resolution; and

WHEREAS the Board wishes to amend its March 15, 2011, Plan amendments to replace the last sentence of the proposed Plan text for the Brooke Station Urban Development Area on page 3-40 with the following: “The Board of Supervisors may desire to adopt a transfer of development rights program. Upon the adoption of a transfer of development rights program, residential development associated with this UDA shall, if possible, be tied to the retiring of development rights for properties east of the CSX railroad tracks, with the southern boundary being the Potomac Creek and the northern boundary being Aquia Creek”; and

WHEREAS, the Board wishes to direct the County Administrator to submit forthwith a copy of this Resolution to the Commission, along with a copy of the Board’s March 15, 2011 Plan amendments, as amended, as the Board’s written request under §15.2-2229 of the Code of Virginia (1950), as amended, referring the Board’s March 15, 2011 Plan amendments, as amended, to the Commission for public hearing and directing that the Commission conduct a public hearing and provide its recommendations to the Board on said amendments within 60 days of the Commission’s receipt of a copy of this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 15th day of March, 2011, be and it hereby accepts the amendment as set forth above to the language on page 3-40 of the Board’s March 15, 2011 Plan amendments, refers the Board’s March 15, 2011 Plan amendments, as amended, to the Commission for public hearing, and directs that the Commission conduct a public hearing and provide its recommendations to the Board on said amendments within 60 days of the Commission’s receipt of a copy of this Resolution; and

BE IT FURTHER RESOLVED that the County Administrator is hereby directed to submit forthwith a copy of this Resolution to the Commission, along with a copy of the Board’s March 15, 2011 Plan amendments, as amended, as the Board’s written request under § 15.2-2229 of the Code of Virginia (1950), as amended, referring the Board’s March 15, 2011 Plan amendments, as amended, to the Commission for public hearing and directing that the Commission conduct a public hearing and provide its recommendations to the Board on said amendments within 60 days of the Commission’s receipt of a copy of this Resolution; and

BE IT FURTHER RESOLVED that this Resolution shall supersede Resolution R11-78 (adopted by the Board on February 15, 2011); and

BE IT STILL FURTHER RESOLVED that the remaining deadline (number 6) on page 3 of Resolution R10-377 (adopted by the Board on December 14, 2010) is modified as set out in this Resolution.

Discuss Legal Counsel for the Board of Zoning Appeals Following a discussion of the request, and hearing from BZA alternate, Ms. Heather Stefl, that the funding request is based on a calendar year, and after hearing no objection, the Board deferred this item.

Discuss SAFER Grant Mr. Snellings updated the Board on questions and answers discussed at a special meeting of the Public Safety Committee held on March 10, 2011, including a conference call with a representative (Ms. Cathie Patterson) from the Federal Emergency Management Agency (FEMA) regarding the SAFER Grant. Hearing no objection, the Board deferred this item to the April 5<sup>th</sup> meeting.

County Attorney; Appropriate Funds to the Trustees of the Union Church Historic Site

Mr. Shumate gave a presentation and answered Board members questions. Mr. Shumate stated that the request for funding, and the tax status of the group, is in proper legal order for Board consideration. Dr. Crisp said that there was a need for emergency stabilization funds equaling \$6792.00, plus ancillary costs, so the amount being requested was \$10,000. The church ceased being used in the 1930's and the main body of the church collapsed in the 1950's. Only the façade is left standing of this national landmark which is considered a centerpiece of the Falmouth area. Mr. Dudenhefer asked for further clarification that there would be no future financial obligation on the part of the County. Dr. Crisp assured the Board that the group has no intention of asking for future funding, the trustees have launched their own fund-raising effort. In answer to Mr. Milde's question about a historic study, Dr. Crisp said that at no charge, the architectural study was done by the Department of Historic Resources.

Dr. Crisp motioned, seconded by Ms. Stimpson to adopt proposed Resolution R11-83.

The Voting Board tally was:

Yea: (7) Crisp, Stimpson, Dudenhefer, Milde, Snellings, Sterling, Woodson  
Nay: (0)

Resolution R11-83 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO APPROPRIATE FUNDS TO THE TRUSTEES OF THE UNION  
CHURCH HISTORIC SITE FOR EMERGENCY STABILIZATION OF  
THE UNION CHURCH

WHEREAS, pursuant to § 57-8 of the Virginia Code, the circuit court of a county may appoint trustees to effect the purpose of conveyance of land to an unincorporated church wherein legal title to such land shall be vested in the trustees; and

WHEREAS, at the Board meeting on February 15, 2011, pursuant to a presentation given by Supervisor Harry Crisp, the Board discussed an emergency stabilization of the Union Church pursuant to a request from the Trustees of the Union Church Historic Site (TUCHS); and

WHEREAS, the Board desires to appropriate \$10,000 from the Tourism Fund to be dedicated to the emergency stabilization of the Union Church; and

WHEREAS, by Deed dated May 19, 1868, as evidenced by Deed Book Vol. 26-A, Page 509, of the Stafford County land records, the Stafford Circuit Court vested legal title to all that tract of land on which the Union Church stands, together with the land extending the distance of thirty feet on three sides from the walls of said Church and in front of said building the distance of twenty four feet, to the Trustees of the Union Church; and

WHEREAS, pursuant to § 15.2-953 of the Virginia Code, any locality may make appropriations of public funds to any nonprofit association provided they are not controlled in whole or in part by any church or sectarian society; and

WHEREAS, on October 26, 2009, the Internal Revenue Service assigned an Employer Identification Number to the Union Church Preservation Project; and

WHEREAS, on July 6, 2010, the Internal Revenue Service declared the Trustees of the Union Church Historic Site was a public charity under the Internal Revenue Code; and

WHEREAS, the Trustees of the Union Church Historic Site meets the requirement allowing a locality to make gifts to any and all public nonprofit organizations as stated in § 15.2-953 of the Virginia Code; and

WHEREAS, monies in the Tourism Fund are generated by the County's Transient Occupancy Tax which the Commonwealth of Virginia requires that at least 3% of the monies are used to support tourism efforts and the balance may go to the General Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of March, 2011, that it be and hereby does authorize the County Administrator to appropriate Ten Thousand Dollars (\$10,000) from the Tourism Fund to the Trustees of the Union Church Historic Site for the emergency stabilization of

the Union Church with the funds made payable to the Union Church Preservation Project as required by Article II of the Bylaws of the Trustees of the Union Church Historic Site.

Adjournment At 10:20 p.m., the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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Mark Dudenhefer  
Chairman