

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES

Regular Meeting  
March 4, 2008

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:03 P. M., Tuesday, March 4, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Mark Dudenhefer; Paul V. Milde; George H. Schwartz, Chairman; Cord A. Sterling; Robert "Bob" Woodson; and M. S. "Joe" Brito, Vice Chairman and Harry E. Crisp.

Also in attendance were: Anthony J. Romanello, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

Welcome. The Chairman welcomed students from Brooke Point, Colonial Forge, North Stafford, and Stafford High Schools for Student Government Day.

Legislative; Presentation by Mr. Walt Kiwall, C.O.O. of Medicorp Health System, on Stafford Hospital Center. Mr. Kiwall gave a presentation and responded to Board members questions.

Legislative; Presentation by Department of Conservation and Recreation on Widewater State Park. Mr. Robert Munson, Planning Bureau Manager, Division of Planning and Recreational Resources, gave a presentation and responded to Board members questions.

Legislative; Report of the Superintendent of Schools. Dr. David E. Sawyer, Division Superintendent of Schools, gave a presentation on current issues and responded to Board members questions.

Recess. At 2:23 P.M., the Chairman declared a recess.

Call to Order. At 2:31 P.M., the Chairman called the meeting back to order.

Legislative; Report of the VDOT Resident Administrator. Mr. David Stanley, Virginia Department of Transportation Resident Administrator, gave a presentation and responded to Board members questions.

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

- Ovidiu Olariu - Pump and Haul program.
- Martha Newton - Fire and Rescue volunteers.
- Becky Guy - Fire and Rescue volunteers.
- Lou Silver - Purchase of fire and rescue equipment.
- Land values.

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

- Mr. Dudenhefer - Attended school career and technical committee meetings.
- Attended meeting of George Washington Regional Commission (Fredericksburg Area Metropolitan Planning Organization).
- Attended Quantico Growth Management Committee meeting.

- Marine Corps Heritage Outreach Program.
- Youth Driver Task Force.

Mr. Milde - Death of George Gordon.

Mr. Sterling - Attended Quantico Growth Management Committee meeting.  
- Attended Budget Committee meeting.

Mr. Woodson - Attended Quantico Growth Management Committee meeting.  
- Hills of Aquia erosion and sediment issue.  
- Toured County Utility facilities.  
- Attended Social Services meeting.  
- Attended George Washington Regional Commission  
(Fredericksburg Area Metropolitan Planning Organization)  
meeting.  
- Attended tour of Kate Waller Barrett Elementary School.

Mr. Brito - Toured County Utility facilities.  
- Attended Smart Growth Conference.  
- Attended Eagle Scout Court of Order.  
- Attended Parks and Recreation Commission meeting.  
- Attended multi-cultural fair at Hartwood Elementary School.  
- Attended Hartwood Volunteer Fire Department meeting.  
- Four-way stop sign in Austin Ridge Subdivision.  
- Newsletter of Austin Ridge Subdivision.

Mr. Crisp - Attended Eagle Scout Award.  
- Town Hall Meeting.  
- Historic site at the landfill.

Mr. Schwartz - No comments.

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

- Crow's Nest Acquisition.

Legislative; Report of the County Administrator. Mr. Anthony J. Romanello, County Administrator, commented on the following:

- Received AA Bond Rating
- Illegal Immigration Task Force.
- Additions and deletions.

Mr. Milde motioned, seconded by Mr. Crisp, to add item 22, Legislative; Discuss Virginia Railway Express and FRED Subsidy and delete item 15c, Legislative; Amending Section 28-25, Definitions of Specific terms; and Section 28-39, Special Regulations, of the Zoning Ordinance Regarding Setbacks.

The Voting Board tally was:

Yea: (6) Schwartz, Sterling, Woodson, Brito, Crisp, Milde

Nay: (1) Dudenhefer

Legislative; Consent Agenda. Mr. Milde motioned, seconded by Mr. Woodson, to adopt the Consent Agenda consisting of Items 1 thru 6.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Item 1. Legislative; Approve Minutes of Board Meetings. Regular Meeting of February 5, 2008, and Regular Meeting of February 19, 2008.

Item 2. Finance; Approve Expenditure Listing.

Resolution R08-137 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED FEBRUARY 19, 2008 THROUGH MARCH 3, 2008

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 4th day of March 2008, that the above-mentioned EL be and it hereby is approved.

Item 3. Utilities; Authorize a Public Hearing to Amend Article X of the County Code Regarding Sewer Use Standards.

Resolution R08-160 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO  
THE STAFFORD COUNTY CODE ARTICLE X, SEWER USE STANDARDS

WHEREAS, the Environmental Protection Agency has promulgated revisions to the General Pretreatment Regulations found at 40 CFR Part 403 intended to streamline compliance for both the County and its industrial users without adversely affecting environmental protection; and

WHEREAS, some of these revisions require amendments to the existing Sewer Use Standards found at Article X of the Stafford County Code; and

WHEREAS, the Board desires to conduct a public hearing to receive input regarding the proposed revisions to the County Code;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of March 2008, that the County Administrator be and he hereby is authorized to advertise a public hearing to be held on March 18, 2008.

Item 4. Utilities; Modify Pretreatment Program Local Limits for Dischargers to Sanitary Sewers Served by the Little Falls Run Wastewater Treatment Facility.

Resolution R08-162 reads as follows:

A RESOLUTION TO AMEND PRETREATMENT PROGRAM  
LOCAL LIMITS FOR DISCHARGERS IN THE LITTLE FALLS  
RUN WASTEWATER TREATMENT FACILITY SERVICE AREA

WHEREAS, Article X, Section 25-202 of the County Code provides for the establishment of local limits for contaminants to ensure that they do not pass through the wastewater treatment facilities in harmful concentrations or otherwise interfere with the wastewater collection and treatment systems; and

WHEREAS, by Resolution R95-358, the Board adopted local limits for the pretreatment program at its August 15, 1995 meeting; and

WHEREAS, the VPDES discharge permit for the Little Falls Run Wastewater Treatment Facility requires a re-evaluation of these local limits at least every five (5) years;

WHEREAS, the most recent re-evaluation of these local limits indicated a need to modify most of them to better protect wastewater collection and treatment facilities as well as the environment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of March 2008, that the local limits shown in the following table be and they are hereby established for dischargers into the public sanitary sewer system served by the Little Falls Run Wastewater Treatment Facility.

PRETREATMENT PROGRAM LOCAL LIMITS – LITTLE FALLS RUN SERVICE AREA

<u>Parameter</u>	<u>Old Limit</u> (mg/L)	<u>New Limit</u> (mg/L)	<u>Basis</u>
Ammonia	33.3	---	
Arsenic	5.68	2.50	Inhibition – Activated Sludge
Benzene	0.13	0.13	Gas/Vapor Tox. Screening Level
CBOD <sub>5</sub>	399	---	
Cadmium	0.66	0.21	Water Quality - Chronic
Chromium	14.29	6.30	Inhibition - Nitrification
Copper	7.16	2.52	Best Professional Judgment
Cyanide	---	0.91	Inhibition – Sludge Digestion
Lead	5.16	4.64	Water Quality - Chronic
Mercury	0.0008	0.0019	Best Professional Judgment
Nickel	5.52	2.43	Inhibition – Activated Sludge
Oil & Grease	100	265	Best Professional Judgment
Phenol	232	101	Inhibition - Nitrification
Selenium	6.6	0.336	Sludge Quality
Silver	0.2165	0.64	Water Quality - Acute

Toluene	1.36	1.36	Gas/Vapor Tox. Screening Level
TSS	281	---	
Zinc	0.625	0.30	Best Professional Judgment

The above limits apply at the point where the wastewater is discharged to the Publicly Owned Treatment Works (POTW). All concentrations for metallic substances are for TOTAL metal unless indicated otherwise. The Director of Utilities may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

All limits are expressed as daily maximum concentrations.

Item 5. Legislative; Appoint Members to Boards, Authorities, Commissions and Committees.

Resolution R08-157 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE STAFFORD COUNTY BEAUTIFICATION COMMITTEE

WHEREAS, Resolution R06-489 changed the membership of the Beautification Committee; and

WHEREAS, Resolution R06-489 authorized 12 members to be appointed to the Beautification Committee, one to represent Stafford County Public Schools/Community Involvement, Master Gardener, Sheriff’s Office, Extension Office, County Government, and one representative from each of the County's seven election districts; and

WHEREAS, the Board has previously appointed the following:

NAME

EXPIRATION

Laurie Posner (George Washington District)	December 31, 2006
Stan Zack (Rock Hill District)	December 31, 2007
Janice Haughton (Griffis-Widewater District)	December 31, 2008
Gloria Johnson (Garrisonville District)	December 31, 2008
Pamela Haines (Aquia District)	December 31, 2008
Vacant (Falmouth District)	December 31, 2008
Julie May (County Government)	December 31, 2008
Ian Treggett (Extension Office)	December 31, 2008
Deputy Craig Cain (Sheriff's Office)	December 31, 2008
Cynthia Lucero-Chavez (Stafford County Public Schools/ Community Involvement)	December 31, 2008

Linda Dunn  
(Master Gardener)

December 31, 2008

Patrice Promack  
(Hartwood District)

December 31, 2008

WHEREAS, a vacancy exists in the Falmouth district; and

WHEREAS, the term of membership is one year; and

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of March 2008, that

NAME

DATE

Michelle Magrino  
(Falmouth District)

December 31, 2008

be and she hereby is appointed to the Beautification Committee.

Resolution R08-161 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE  
STAFFORD MUSEUM AND CULTURAL CENTER

WHEREAS, at a meeting on July 17, 2007, the Board adopted Resolution R07-253 which authorized the creation of a Board of Directors which shall be composed of one member per election district to serve on the Stafford Museum and Cultural Center; and

WHEREAS, the Stafford Museum and Cultural Center has recommended seven citizens to serve on the Board of Directors; and

WHEREAS, the Stafford Museum and Cultural Center is requesting two Board members to serve as ex-officio members to recognize the public interest, the County's investment in real estate holdings and be the communications link between the two organizations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of March, 2008, that

<u>NAME</u>	<u>EXPIRATION</u>
Harry Crisp (Board of Supervisors ex-officio)	Pleasure of the Board
Paul Milde (Board of Supervisors ex-officio)	Pleasure of the Board
Stephen Gambaro (Aquia District)	Pleasure of the Board
C. M. Williams, Jr. (Falmouth District)	Pleasure of the Board
Barbara Kirby (Garrisonville District)	Pleasure of the Board
Frank White (George Washington District)	Pleasure of the Board

Shirley Heim  
(Griffis-Widewater District)

Pleasure of the Board

John Hennessey  
(Hartwood District)

Pleasure of the Board

Jane Conner  
(Rock Hill District)

Pleasure of the Board

be and they hereby are appointed to the Stafford Museum and Cultural Center.

Item 6. Legislative; Approve a Proclamation to Designate April 2008 as Organ and Tissue Donation Month in Stafford.

Proclamation P08-05 reads as follows:

A PROCLAMATION TO DESIGNATE APRIL 2008 AS ORGAN  
AND TISSUE DONATION AWARENESS MONTH IN STAFFORD

WHEREAS, more than 2,000 people living in the Washington, D.C. metropolitan area are on waiting lists for life-saving organ transplants, and thousands more are in acute need of tissue transplants this year; and

WHEREAS, each day, 18 of the 100,000 Americans awaiting organ transplants will die before they can receive a second chance at life; and

WHEREAS, the Washington Regional Transplant Community is observing more than 21 years of outstanding efforts to educate citizens throughout the region about how they can support the organization's "Gift of Life" programs through organ and tissue donation programs; and

WHEREAS, Stafford citizens can take the first positive step in making the decision to become donors by designating their willingness to participate on their driver's license, by signing up online at [www.save71lives.org](http://www.save71lives.org), and discussing their decision with family members before emergency situations can occur; and

WHEREAS, the Board desires to honor our country's organ and tissue donors and their families, whose decisions to share the Gift of Life through regional donor programs serve as positive examples for all citizens;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of March, 2008, that April 2008 be and it hereby is designated as Organ and Tissue Donation Awareness Month in Stafford.

Planning and Zoning; Consider a Conditional Use Permit to Allow a Street Crossing in a Flood Hazard Overlay District at 275 Holly Berry Road. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Brito motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-82.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling  
Nay: (0)

Resolution R08-82 reads as follows:

A RESOLUTION TO APPROVE AND GRANT A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2700768 TO ALLOW A STREET CROSSING IN A FLOOD HAZARD OVERLAY DISTRICT ON A PORTION OF ASSESSOR'S PARCEL 42-8, HARTWOOD ELECTION DISTRICT

WHEREAS, Harrison Realty and Development Corporation, applicant, has submitted application CUP2700768 requesting a Conditional Use Permit to allow a street crossing in a Flood Hazard Overlay 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 this use in a Flood Hazard Overlay District after a Conditional Use Permit has been issued by the Board; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of March, 2008, that a Conditional Use Permit pursuant to application CUP2700768 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is for a street crossing in a Flood Hazard Overlay District on a portion Assessor's Parcel 42-8 consisting of 2.0 acres.
2. The location of the street crossing shall be in the general location shown on the Generalized Development Plan, titled Revised Preliminary Plan of The Fair Havens, prepared by HGP, Inc., dated August 22, 2007.
3. The applicant shall obtain all applicable Federal, State and County permits and authorizations for stream encroachment, water quality, wetlands, land disturbance, and Chesapeake Bay Preservation Area overlay district requirements.

4. The applicant shall, at the conclusion of construction, obtain a Letter of Map Revision (LOMR) for the project to reflect the as-built condition of the culvert.
5. Construction of the road crossing shall be limited to the hours of 7:00 A. M. to 8:00 P. M. daily, and weekends and holidays 8:00 A. M. to 8:00 P. M.
6. The applicant shall submit to the County and receive approval of a major water quality impact assessment for the area affected by this application prior to constructing the access road culvert.
7. The applicant shall notify the Department of Code Administration upon commencing work on the access road culvert and associated fill areas along Horsepen Run.
8. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

Utilities; Consider Pump and Haul Services at 518 Widewater Road and 390 Truslow Road. Mr. Dale Allen, Assistant Director of Utilities-Engineering, gave a presentation and responded to Board members questions.

Mr. Woodson motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-122.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Brito, Crisp, Schwartz, Sterling, Woodson  
Nay: (2) Dudenhefer, Milde

Resolution R08-122 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO PROVIDE SUBSIDIZED PUMP AND HAUL SERVICES AT 518  
WIDEWATER ROAD

WHEREAS, the County has an Agreement and General Permit with the State Health Department for pump and haul arrangements; and

WHEREAS, a property has been certified by the Virginia Department of Health for sewer service in accordance with these arrangements and must be added to the general agreement pump and haul list; and

WHEREAS, by the adoption of Resolution R98-29, the Board has established a Pump and Haul Service Policy which requires the property owner and the County to enter into a contract for pump and haul service;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of March, 2008 that the County Administrator be and he hereby is authorized to add the following property to the agreement with the Virginia Department of Health:

518 Widewater Road – Griffis-Widewater District; and

BE IT FURTHER RESOLVED that the County Administrator be and be hereby is authorized to execute a pump and haul service agreement with the property owner.

Mr. Brito motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-127.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito  
Nay: (0)

Resolution R08-127 reads as follows:

A RESOLUTION TO DENY PUMP AND HAUL SERVICE AT 390  
TRUSLOW ROAD

WHEREAS, the County has an Agreement and General Permit with the State Health Department for Pump and Haul services; and

WHEREAS, the owner of 390 Truslow Road has requested pump and haul service; and

WHEREAS, Resolution R06-240 established the County's policy for residential customers; and

WHEREAS, authority to enter into pump and haul agreements rests with the Board; and

WHEREAS, the Board desires to limit the scope of the pump and haul program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of March, 2008, that the request of the owner for 390 Truslow Road be and it hereby is denied.

Planning and Zoning; Consider An Appeal of the Decision of the Zoning Administrator Regarding Proffers for Westlake Development, LLC. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Clark Leming, on behalf of the Applicant, commented.

Mr. Brito motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-147.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Resolution R08-147 reads as follows:

A RESOLUTION TO UPHOLD THE PROFFER DETERMINATION  
OF ORDINANCE O06-67 BY THE ZONING ADMINISTRATOR  
REGARDING WESTLAKE DEVELOPMENT, LLC

WHEREAS, Westlake Development LLC, applicant, has submitted an appeal of the proffer determination of Ordinance O06-67 by the Zoning Administrator; and

WHEREAS, Section 15.2-2299 of the Code of Virginia (1950), as amended, authorizes the Zoning Administrator to administer and enforce proffers approved as part of a rezoning; and

WHEREAS, the Zoning Administrator made such a determination; and

WHEREAS, the applicant has appealed the decision of the Zoning Administrator to the Board; and

WHEREAS, the Board finds no reason to overturn the Zoning Administrator's decision;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of March, 2008, that the Board be and it hereby does uphold the decision of the Zoning Administrator.

Code Administration; Authorize a Public Hearing to Set Tax Rate and Issue Debt for Hidden Lake Service District. Mr. Barry Fitz-James, Assistant Director of Code Administration, gave a presentation and responded to Board members questions.

Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-169.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Resolution R08-169 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO ADVERTISE PUBLIC HEARINGS TO SET THE TAX RATE AND  
ISSUE DEBT FOR THE HIDDEN LAKE SUBDIVISION SERVICE  
DISTRICT

WHEREAS, upgrades and repairs (renovations) to the dam in the Hidden Lake Subdivision are necessary to comply with Virginia Impounding Structures Regulations; and

WHEREAS, at a meeting on January 3, 2006, the Board adopted Ordinance O06-06 to create the Hidden Lake Subdivision Service District to provide a funding source for dam repairs and maintenance; and

WHEREAS, the total cost of the dam renovations including design, construction, inspections and materials testing, and debt issuance costs is estimated to be \$889,909,

which would result in an estimated Service District tax rate of \$0.22 per \$100 of assessed valuation; and

WHEREAS, the Hidden Lake Community Association has provided the County a letter of support for the proposed dam renovations and associated tax rate; and

WHEREAS, the Board is the governing body of the Service District; and

WHEREAS, the Board desires to hold public hearings to set the tax rate and issue debt for the Hidden Lake Subdivision Service District;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of March 2008, acting in Board's capacity as the governing body of the Hidden Lake Subdivision Service District, that the County Administrator be and he hereby is authorized to advertise public hearings on April 15, 2008, to set the tax rate and issue debt for the Hidden Lake Subdivision Service District.

Transportation; Consider a Plan for Use of FY2009 VDOT Revenue Sharing Program Funds. Mr. Fulton DeLamorton, Transportation Administrator, gave a presentation and responded to Board members questions.

Mr. Woodson motioned, seconded by Mr. Sterling, to adopt proposed Resolution R08-163.

Discussion ensued.

Mr. Dudenhefer motioned, seconded by Mr. Brito, to defer proposed Resolution R08-163 until the next Board meeting.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz  
Nay: (0)

Presentation by Chris Hoppe, Director of Parks and Recreation, on Status of Athletic Fields. Mr. Hoppe gave a presentation and responded to Board members questions.

Presentation by Rob Brown, Fire Chief, on Volunteer Integration. Mr. Brown gave a presentation and responded to Board members questions.

Legislative; Discuss Reconsideration of Rescinding R07-137 Authorizing the County Administrator to Execute Contracts, Not to Exceed \$1.65 Million, to Improve Foreston Woods Drive, Highpointe Boulevard, Silverthorn Court and Sutherland Boulevard for VDOT Acceptance of Each Street into the Secondary System of State Highway.

Mr. Schwartz motioned, seconded by Mr. Sterling, to adopt proposed Resolution R08-198.

The Voting Board tally was:

Yea: (6) Woodson, Crisp, Dudenhefer, Milde, Schwartz, Sterling  
Nay: (1) Brito

Resolution R08-198 reads as follows:

A RESOLUTION REINSTATING AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS NOT TO EXCEED \$1.65 MILLION, MINUS EXPENDITURES TO COMPLETE SUTHERLAND BOULEVARD, TO IMPROVE FORESTON WOODS DRIVE, HIGHPOINTE BOULEVARD, AND SILVERTHORN COURT FOR VDOT ACCEPTANCE OF EACH STREET INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, on August 21, 2007, the Board approved Resolution R07-137, authorizing the County Administrator to execute contracts not to exceed \$1.65 Million to improve Foreston Woods Drive, Highpointe Boulevard, Silverthorn Court and Sutherland Boulevard for VDOT acceptance of each street into the Secondary System of State Highways, and

WHEREAS, the project to improve Sutherland Boulevard was completed; and

WHEREAS, on February 19, 2008, due to reduced current and projected future transportation revenue streams, the Board approved Resolution R08-168, which rescinded Resolution R07-137 with the exception of Sutherland Boulevard; and

WHEREAS, upon consideration of additional financial analysis, the Board desires to complete the remaining three projects;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors, that it hereby rescinds Resolution R08-168, dated February 19, 2008, thereby reinstating the authorization to the County Administrator to execute contracts not to exceed \$1.65 Million, minus the expenditures to complete Sutherland Boulevard, to improve Foreston Woods Drive, Highpointe Boulevard, and Silverthorn Court for VDOT acceptance of each street into the Secondary System of State Highways.

Legislative; Discuss Initiation of a Zoning Text Amendment and Refer the Amendment to the Planning Commission. Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-155.

Discussion ensued.

Mr. Sterling made a substitute motion, seconded by Mr. Dudenhefer, to defer proposed Resolution R08-155.

The Voting Board tally was:

- Yea: (3) Dudenhefer, Milde, Sterling
- Nay: (4) Crisp, Schwartz, Woodson, Brito

The Voting Board tally on the original motion was:

- Yea: (5) Brito, Crisp, Milde, Schwartz, Woodson
- Nay: (2) Dudenhefer, Sterling

Resolution R08-155 reads as follows:

A RESOLUTION TO INITIATE A ZONING TEXT AMENDMENT AND  
REFER THE AMENDMENT TO THE PLANNING COMMISSION

WHEREAS, the County Zoning Ordinance previously provided that the Board of Zoning Appeals (BZA) would consider certain activities in the Floodway District as a Special Exception; and

WHEREAS, the Board amended the Zoning Ordinance to provide that the activities in the Floodway District would be handled by the Board of Supervisors through the Conditional Use Permit (CUP) process; and

WHEREAS, the Board desires to consider having the BZA undertake the determination of activities to be allowed in the Floodway District through the Special Exception process by amending the Zoning Ordinance; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice requires such an amendment to the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of March, 2008, that the Board be and it hereby does

initiate an amendment to the text of the Zoning Ordinance to amend Section 28-57(h)(3) by providing that the BZA shall have the responsibility to consider requests for certain specific activities to be allowed in the Floodway District through the Special Exception process; and

BE IT FURTHER RESOLVED that the proposed Zoning text amendment is hereby referred to the Planning Commission for consideration and recommendation to the Board concerning the proposed amendment.

Recess. At 5:30 P.M., the Chairman declared a recess.

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

Invocation. Mr. Milde observed a moment of silence for George L. Gordon, Jr. and gave the Invocation

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

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

- Dean Fetterolf - Tax assessments.
- Hank Nehillo - Comprehensive Plan and Courthouse Redevelopment.
- Ed Wilbourn - Courthouse Redevelopment.

Transportation; Amend and Reordain Section 17-31(A)(2) of the County Code Entitled “No Wake Areas on Aquia Creek”. Mr. Fulton DeLamorton, Transportation Administrator, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person desired to speak:

George Paxson

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O08-17.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Ordinance O08-17 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN SECTION 17-31OF  
THE COUNTY CODE ENTITLED “NO WAKE AREAS ON AQUIA CREEK”

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

WHEREAS, the "No Wake" zone downstream boundary is a straight line extending shoreline to shoreline from one-hundred (100) yards downstream of the most eastern part of the most eastern pier located at Aquia Bay Marina (Tax Map 31, Parcel 34); and

WHEREAS, the "No Wake" boundary near Aquia Bay Marina does not have the distance for dissipation of boat wakes; and

WHEREAS, these wakes have caused unsafe conditions to people dockside in boats who are working on or enjoying their time on the water; and

WHEREAS, it has been determined and recommended that the "No Wake" southern boundary on the westerly side be relocated one-hundred (100) yards down stream; and

WHEREAS, the Board has the authority pursuant to Section 29.1-744 of the Code of Virginia (1950), as amended, to designate "No Wake" areas; and

WHEREAS, the Board has considered the input received at a public hearing and desires to amend the "No Wake" area on Aquia Creek;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4th day of March, 2008, that: Section 17-31 (a) (2) of the Stafford County Code be and it hereby is amended and reordained to read:

**Section 17-31. No Wake Areas on Aquia Creek.**

(a) The following areas on Aquia Creek are hereby designated as no wake areas:

(1) The entire width of Aquia Creek from Lot 2772, Aquia Harbour Subdivision (located on Whaler Cove) to the mouth of the narrows beyond the old stone quarry.

(2) The entire width of Aquia Creek located near the RF&P railroad bridge and Aquia Marina. The upstream boundary of the no wake area shall be a straight line extending from a point on the southern shoreline of Aquia Creek which is one hundred eighty (180) yards upstream of the RF&P railroad bridge to a point on the northern shoreline of Aquia Creek which is one hundred (100) yards upstream of the RF&P railroad bridge. ~~The downstream boundary shall be a straight line extending shoreline to shoreline from one hundred (100) yards downstream of the most eastern part of the most eastern pier located at Aquia Marina (Tax Map 31, Parcel 34).~~ The downstream boundary shall extend from a point located at the

property line (extended) between Tax Assessor's Parcels 40-44B and 40-44G one hundred and fifty (150) yards to a "No Wake" sign and then to a point at the southern property line (extended) between Tax Assessor's Parcels 31-100 and 31-100A.

(3) A portion of Aquia Creek located near the Holiday Harbor Campground (Tax Map 31, Parcel 29) upstream of the RF&P railroad bridge. The no wake area shall extend from the southern shoreline of Aquia Creek to Buoys 15 and 18, and include the navigational channel between Buoys 15 and 18. The upstream boundary of the no wake area shall be a line extending from Buoy 18 to the northern property corner of Tax Map 31, Parcel 29. The downstream boundary of the no wake area shall be a line extending from Buoy 15 to the southern property line of Tax Map 31, Parcel 29, along Aquia Creek.

(b) Any person operating a motorboat or vessel in a no wake area designated in subsection (a) above shall operate the same at such a speed as to create a no wake. This subsection shall apply to the area designated in subsection (a)(2) above from April 1 through November 30 of each year and to the area designated in subsection (a)(1) above throughout the entire year.

(c) The county administrator is hereby authorized to post or cause to be posted appropriate signs indicating "No Wake" at such locations in the areas established by this section as are approved by the state commission of game and inland fisheries. No person shall be convicted of violating this section, unless such signs are so posted.

(d) Any person who violates any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).

Planning and Zoning; Reclassify Assessor's Parcel 20-49J from A-2, Rural Residential Zoning District, to R-1, Suburban Residential Zoning District, at 275 Onville Road. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Robert Burner, Applicant

Thomas Vitale

Paul Miller

Jim Mattila

Bradley Orton

Marvin Newton

John Young

Robert Burner

The Chairman closed the public hearing.

Mr. Woodson motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-158.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Absent: (1) Dudenhefer

Resolution R08-158 reads as follows:

A RESOLUTION TO DENY THE APPLICATION TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY, WITH PROFFERS, FROM A-2, RURAL RESIDENTIAL, TO R-1, SUBURBAN

RESIDENTIAL, ON PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL 20-49J, GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Garrett Development Corporation, applicant, has submitted application RC2501249 requesting reclassification, with proffers of property consisting of approximately 59.13 acres, located on the west side of Onville Road, approximately 500 feet north of Barrett Heights Road, Griffis-Widewater Election District, currently zoned A-2, Rural Residential, and requested to be rezoned R-1, Suburban Residential; and

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

WHEREAS, the Board has determined that the requested zoning is not compatible with the surrounding land uses and zoning;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of March, 2008, that application RC2501249 be and it hereby is denied.

Planning and Zoning; Consider An Amendment to the Land Use Plan Component of the Comprehensive Plan for An Area Located Along Berea Church Road, South of Falls Run and Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify Assessor's Parcels 44-106C (Portion) 44-107 (Portion) and 44-119M from M-1, Light Industrial and A-1, Agricultural Zoning Districts to LC, Life Care/Retirement Community Zoning District. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation on both issues and responded to Board members questions.

The Chairman opened a public hearing on both issues.

The following persons spoke:

Bruce Hedrick, John Riley and Charlie Payne, on behalf of the Applicant

Wayland Marks  
Michael Cherwek  
Michael Reed  
Shawn Lawrence  
Ruth Carlone

The Chairman closed the public hearing on both issues.

Mr. Schwartz motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-164.

Discussion ensued.

The Voting Board tally was:

Yea:	(5)	Schwartz, Sterling, Woodson, Crisp, Milde
Nay:	(1)	Brito
Absent:	(1)	Dudenhefer

Resolution R08-164 reads as follows:

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

WHEREAS, public welfare and good zoning practices indicates that amending the Land Use Plan on Assessor's Parcel 44-119M, 44-106C (portion) and 44-107 (portion) from Light Industrial and Resource Protection to Urban Residential and Resource Protection would reflect the future land use in the area located along Berea Church Road, south of Falls Run; and

WHEREAS, designation of Urban Residential land use in this location would help to advance the goals of the Land Use Plan by designating more dense residential land uses within the Urban Services Area; and

WHEREAS, Light Industrial land use is a less desirable use along Berea Church Road; and

WHEREAS, the Planning Commission held a public hearing and recommended that the Land Use Plan be amended to change the land use classification for this area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of March, 2008, that the Land Use Plan component of the Comprehensive Plan be and it hereby is amended.

Mr. Schwartz motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O08-03.

The Voting Board tally was:

Yea:	(5)	Sterling, Woodson, Crisp, Milde, Schwartz
Nay:	(1)	Brito
Absent:	(1)	Dudenhefer

Ordinance O08-03 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY ASSESSOR'S PARCELS 44-106C (PORTION), 44-107 (PORTION) AND 44-119M FROM M-1, LIGHT INDUSTRIAL AND A-1, AGRICULTURAL ZONING DISTRICTS, TO LC, LIFE CARE/RETIREMENT ZONING DISTRICT, FALMOUTH ELECTION DISTRICT

WHEREAS, Stafford Health Investors, LLC, has submitted application RC2700639 requesting reclassification of Assessor's Parcels 44-106C (portion), 44-107 (portion) and 44-119M from M-1, Light Industrial and A-1, Agricultural to LC, Life

Care/Retirement, consisting of 22.67 acres, located on the northern end of Brandywine Court and south of Berea Church Road, within the Falmouth 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 4<sup>th</sup> day of March, 2008, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to reclassify from M-1, Light Industrial and A-1, Agricultural, to LC, Life Care/Retirement, portions of Assessor's Parcels 44-106C, 44-107 and all of 44-119M with the following proffers:

1. General - Subject to the terms herein, the Property will be developed in accordance with the Generalized Development Plan (GDP) submitted with our rezoning application entitled "Generalized Development Plan – Stafford Nursing Home and Retirement Community", prepared by Greenhorne & O'Mara, Inc., dated May 2007, as last revised through February 6, 2008. The County and the Applicant agree that the proffers provided herein are the only proffered conditions offered in this rezoning application, and any prior proffers in which the Property may be subject or previously offered with the Applicant's application are hereby superseded by these proffers and are further hereby void and of no further force and effect. The County and the Applicant further agree that all parcel lines, parcel sizes, building envelopes, building sizes, public road

locations, private driveway and travel way locations, utility locations, storm water management facilities, and dimensions of undeveloped area shown on the GDP may be amended by the Applicant to fulfill requirements of final engineering and design and/or compliance with state agency regulations including, but not limited to, VDOT, DEQ, etc., and compliance with the requirements of the County's development regulations and design standards manual. Changes consistent with the original intent of the GDP (the original intent of the GDP providing only for the general location of the buildings, parking areas, and entrances to and exits from the development) shall be permitted. Where it is necessary to determine if changes are consistent with the original intent of the GDP, the same shall be referred to the County Zoning Administrator for determination thereof.

2. Architecture - The architecture proffers for the project will be generally in accordance with the elevations and photographs entitled "Representative Projects" for Independent Living, Independent Living Apartments, Assisted Living and Skilled Nursing submitted with the Applicant's application. The buildings will consist of brick, split-face block, drivit, composite siding, glass and concrete. The architectural materials depicted on the photographs shall be utilized on all sides of the proposed buildings.
  
3. Use - The referenced Property will be developed in several phases and shall be used only for those uses shown on the GDP, which, when complete, will include: Assisted Living (15% beds minimum of Independent Living Units and 76 beds maximum); Independent Living (240 units maximum); and a Nursing Home Facility (25% beds minimum of Independent Living and 120 beds maximum). Notwithstanding the foregoing, and prior to the construction of the Independent Living Units buildings #2 and #3, the applicant agrees to commence construction of the nursing home.

4. Cash Contribution – The Applicant agrees to pay the County the sum of Seven Thousand Nine Hundred Ninety Five and no/100 Dollars (\$7,995.00) per residential retirement unit constructed on the Property (i.e. Independent Living and Age-Restricted Independent Living Units only), payable at the issuance of the building permit for each such residential family retirement housing unit. The per unit payment may, until paid, be subject to annual increases, with prior notice to the Applicant, to be calculated on a yearly basis commencing one year after the date of final County approval of this proffer statement. Such increases shall be calculated by utilizing Marshall Swift adjustment factor for the current year based on the original per unit cash proffer amount.

The per unit contribution for the Independent Living Units shall be allocated based on the following categories or subcategories:

General Government	\$ 504.00 per unit
Libraries	\$ 581.00 per unit
Fire and Rescue	\$ 749.00 per unit
Transportation	\$6,161.00 per unit

Total Proffer Dollars: 240 units x \$7,995.00 = **\$1,918,800.00**

5. Transportation – The Applicant agrees to apply a portion of the aggregate transportation proffer (listed above) to construct improvements to the intersections of Berea Church Road with Route 17 and with Fleet Road, as recommended by the County Transportation Department and subject to approval by VDOT and the acquisition of necessary right-of-way and easements (collectively “Intersection Improvements”). The Intersection Improvements may include, but not necessarily limited, to pavement milling and overlay, signage, pavement markings, lighting, widening, curb and gutter, utility adjustments and drainage facilities. If the Applicant is unable, through the use of commercially reasonable diligence, to obtain the necessary right-of-way and

easements for the Intersection Improvements, the County may exercise its powers of eminent domain in order to obtain said right-of-way and easements.

In the event that the necessary right-of-way and easements have not been obtained by either means within one (1) year of the date of final approval of this rezoning, the Intersection Improvements will be limited to those such improvements that can be reasonably accomplished within the existing right-of-way and easements. The design, permitting and construction cost of the Intersection Improvements is estimated to be approximately \$582,000.00, more or less. Notwithstanding the foregoing, in no event shall the Applicant be required to expend dollars in excess of transportation proffer amount of \$1,478,640.00. Any remaining balance of the transportation proffer not expended on the Intersection Improvements shall be designated for use on Berea Church Road or other area transportation improvement(s) as deemed appropriate by the County. The aforementioned \$582,000.00 will be completed for road improvements described in this Section 5 no later than the issuance of the first building permit for this project.

6. Shuttle Bus Service – The Applicant agrees that the shuttle bus service will be provided for the residents of the community, which service shall commence at the time of the issuance of occupancy permit for the first unit or bed in the community. The shuttle service shall have a regular schedule to locations in the general vicinity of the retirement community and may be modified periodically with notice to residents in the community. The Applicant may also transfer responsibility for operation of the shuttle bus service to the homeowners association for the retirement community.
  
7. Additional Donation - At the issuance of the first Independent Living Certificate of Occupancy, a total donation of \$100,000 will be contributed to Parks and Recreation in four equal payments of \$25,000 per year for four consecutive years.

8. Travel Ways - The on-site private vehicular roads and travel ways shall be constructed no less than twenty-two (22) feet in width (face of curb to face of curb) and the stone and asphalt thicknesses and maximum vertical grades shall be in accordance with Virginia Department of Transportation subdivision street criteria for roads of such traffic.
9. Outside Equipment - All mechanical equipment for all of the proposed buildings shall be screened from view of the general public.
10. Lighting - The Applicant shall design the lighting for the buildings by implementing “down-lighting” techniques for such lighting not to exceed 1.0 foot candles at the property line or so as not to intrude upon the adjacent properties. Lighting within parking areas shall not be lighted at any time other than during the same hours that the use to which the parking is appurtenant is open for business except for necessary security lighting.
11. Recreation - The Applicant will provide a five foot (5’) wide lighted walking trail with park benches, throughout the property.
12. Covenants - The Applicant will encumber the Property with a declaration of conditions, covenants, restrictions, and easements (“Declaration”) for the purpose of (a) protecting the value and desirability of the property; (b) facilitating the planning and development of the community in a unified and consistent manner; (c) providing for the installation, maintenance, and repair for all common area, including landscaping, on-site amenities and open space; (d) creating an integrated senior housing and healthcare community; and (e) maintaining the 62 + age restriction of the community residents by complying with the exemption criteria of the Fair Housing Act of 1968 and the Housing for Older Persons Act of 1995. The Applicant will also create a property owner’s association as a non-stock corporation under the laws of Virginia that will

- provide and ensure oversight and structure for services provided, quality standards, intercampus relationships and common area maintenance.
13. Dumpsters - The Applicant shall locate the dumpsters for the assisted living, nursing homes and Independent Living buildings in the rear of such buildings with a three-sided brick enclosure with the fourth side of each dumpster consisting of a wood/controlled access opening that provides a solid screen appearance when closed. The Applicant will limit the times for trash pickup during business hours 8:00 a.m. to 5:00 p.m., Monday through Friday.
  14. Entrance Improvements - The applicant shall extend the full-width right turn lane from the required 100' to 200' and the taper from 150' to 200' and add intersection warning signage up to 200 yards north and south of the proposed entrance to inform the public of turning vehicles; these signs will include flashing beacons and will function 24 hours a day/7 days a week/365 days a year. These improvements shall be subject to VDOT approval.
  15. Street Lights - The applicant shall install street lights along the frontage of the property to illuminate the entrance to one foot candle. This improvement shall be subject to VDOT approval.
  16. FRED Stop - The Applicant will add a FRED bus stop to the site to connect to the current FRED D2 line, which operates along Route 17 from Geico into Fredericksburg and FRED Central, subject to final approval by the Fredericksburg Regional Transit Authority.
  17. Sprinkler Systems - All buildings will be sprinklered in accordance with NFPA-13. An area ten feet in width around all buildings to be clear of any structures or vegetation and with a slope not exceeding two percent from the edge of the building to be used by emergency services shall be provided.

18. Stairways - All stairways will be enclosed with fire-rated walls and doors and will have standpipes, in accordance with statewide and/or local building codes.
19. Crossings - All bridges and culvert crossings will be designed to handle the weight of fire emergency vehicles and equipment.
20. Defibrillator - The nursing home will be equipped with a defibrillator on each floor and the Assisted Living Facility will have a defibrillation unit at each nurse's station.
21. Sound Transmission - The nursing home will be constructed with exterior walls of STC 96 as shown on page 2 of the GDP to limit sound transmission.
22. Nursing Home - The area south of the designated perennial stream (bisecting the property) and as designed on the GDP shall not be utilized for any Independent Living Units, and only as a nursing home facility.
23. Utilities - The Applicant Proffers to provide the Stafford County's Utilities Department with any necessary sanitary sewer easements along Falls Run Creek, for the upgrading of the existing sewer service in the area.
24. Universal Design Considerations - The Applicant agrees to design all units with universal design features to improve accessibility and maximize the independence of our residents. The following is a partial list of our standard universal design features:
  - A. All building entrances shall be designed and built as accessible building entrances on an Accessible Route, as defined by the Fair Housing Act.

- B. All bus stops on the Property shall be designed and built to include accessible bus stop shelters with open space for wheelchair occupants and seating for people with limited stamina.
- C. The primary entrance door to each unit shall be built with an optional kick plate on the push side of door to protect the surface of the door and also an optional auxiliary handle to aid in closing the door if the door does not automatically close.
- D. Lighting fixtures and kitchen, bathroom, and laundry facilities in each unit shall use easy to use hardware, which requires little or no strength and flexibility, such as lever door handles, push plates, loop handle pulls on drawers and cabinet doors.
- E. In units where the washer/dryers are furnished by developer, the units shall include clear floor space provided in front of washer/dryer. Free standing front loading machines shall be provided to allow for easy access of users; however, stacked washer/dryer units may be used provided the reach range meets ADA guidelines.
- F. The bathroom in each unit shall be equipped, in addition to the framing for future grab bars required by the Fair Housing Act, with grab bars installed behind the toilet and the bathtub, with an additional grab bar installed on the short wall beside the toilet at a minimum distance of 18" away from the toilet. Said bathroom shall also include an optional hand held shower head on a slide arm mount, and shall include raised toilet seat and spacers installed raising height from 2" to 6" on 15" standard height toilet.

25. Fencing - Applicant shall provide a split rail fence along the entire perimeter of the Property, except for those areas where a privacy fence is required. All fences will be maintained by the property owner's association.
26. Landscaping - The Applicant proffers to provide at least twenty-five (25) percent of the required Planting Units in all transitional buffers with evergreens.
27. Light Recreational Areas – Applicant shall provide a recreational amenity for the residents of the retirement community, such as shuffle board, putting greens, horseshoe pits or exercise apparatuses along the walking trails.
28. Certificate of Public Need – The Applicant agrees not to move the Certificate of Public Need outside of the County of Stafford, Virginia
29. Back Emergency Gate – Key pad access for emergency personnel only.

Finance; Authorize Debt and Appropriate the Funds for the Acquisition of Crow's Nest. Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-176.

The Voting Board tally was:

Yea:	(6)	Woodson, Brito, Crisp, Milde, Schwartz, Sterling
Nay:	(0)	
Absent:	(1)	Dudenhefer

Resolution R08-176 reads as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF STAFFORD  
COUNTY, VIRGINIA AUTHORIZING THE LEASE FINANCING OF THE  
ACQUISITION OF CERTAIN REAL PROPERTY LOCATED ON THE  
CROW'S NEST PENINSULA

WHEREAS, the Board of Supervisors (the "Board") of Stafford County, Virginia (the "County") has determined that it is advisable to undertake the acquisition of certain property or an interest therein on the Crow's Nest Peninsula to be owned jointly by the County and the Commonwealth of Virginia to be used as passive recreation and open space (the County's acquisition of its interest in such property is referred to herein as the "Project"); and

WHEREAS, the Board has determined that it is in the best interest of the County to enter into a lease arrangement with the Virginia Resources Authority ("VRA") in accordance with the commitment letter from VRA, dated February 25, 2008 (the "Commitment") in order to obtain funds to finance the Project (the "Financing"); and

WHEREAS, the County will lease the Project to VRA pursuant to a prime lease (the "Prime Lease") and will lease the Project back from VRA pursuant to a financing lease between VRA and the County (the "Financing Lease"). VRA will agree to provide funds to enable the County to undertake the Project in accordance with the Commitment. Pursuant to the Financing Lease, the County will agree to make rental payments to VRA, subject to annual appropriation, sufficient to pay the cost of acquisition of the Project in accordance with the Commitment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Stafford County, Virginia:

1. **Approval of Leasing and Financing of Project.** The leasing and financing of the Project pursuant to the Prime Lease and the Financing Lease in accordance with the Commitment is hereby approved.

2. **Authorization of Financing Documents.** The Prime Lease and the Financing Lease are approved in substantially the forms on file with the County Administrator with such changes, insertions or omissions (including, without limitation, changes of the dates thereof), and as may be approved by the County Administrator or the Chief Financial Officer, whose approval shall be evidenced conclusively by the execution and delivery of the Prime Lease and the Financing Lease. The execution and delivery of and performance by the County under the Prime Lease and the Financing Lease are authorized.

3. **Execution of Documents.** The Chairman of the Board of Supervisors, the County Administrator and the Chief Financial Officer, or any of them, are authorized to execute on behalf of the County the Prime Lease and the Financing Lease, and, if required, the Clerk of the Board is authorized and directed to affix or to cause to be affixed the seal of the County to such documents and to attest such seal. The Chairman of the Board, the County Administrator and the Chief Financial Officer or their designees are authorized to execute and deliver on behalf of the County such instruments, financing agreements, escrow agreements, documents or certificates, and to do and perform such things and acts, including recording the Prime Lease and the Financing Lease, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Prime Lease and the Financing Lease and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

4. **Approval of the Terms of the Financing Lease.** The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to approve the terms of the Financing Lease, provided that the aggregate principal components of rental payments shall not exceed \$10,000,000; the interest components of the rental payments shall be calculated at a maximum annual interest rate

of 3%; and the term of the Financing Lease shall not exceed approximately 20 years from its date. The approval of such terms shall be evidenced conclusively by the execution and delivery of the Prime Lease and the Financing Lease.

5. **Payments under Financing Lease.** The County agrees to pay all amounts required by the Financing Lease, subject to appropriation as set forth below.

6. **Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make payments under the Financing Lease beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay all amounts coming due under the Financing Lease during such fiscal year.

7. **Payments Under Financing Lease are Subject to Appropriation.** The County's obligation to make payments to VRA pursuant to the Financing Lease is subject to annual appropriation by the Board, and nothing in this Resolution or the Financing Lease shall constitute a pledge of the full faith and credit or taxing power of the County.

8. **Reimbursement Declaration.** The County may make out of temporary funds certain expenditures in connection with the Project for which the County reasonably expects to be reimbursed as permitted by Treasury Regulation Section 1.150-2 issued pursuant to the Internal Revenue Code of 1986, as amended, from the proceeds of the Financing. The maximum principal amount of the Financing is expected to be \$10,000,000.

9. **Tax Documents.** The County Administrator is authorized to execute a Non-Arbitrage Certificate and Tax Compliance Agreement or any related document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the Financing and containing such covenants as may be necessary in order to comply with

the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds from the Financing will be invested and expended as set forth in the Tax Documents and the County shall comply with the other covenants and representations contained therein.

**10. Other Actions.** All other actions of the officers of the County in conformity with the purpose and intent of this Resolution are hereby approved and confirmed. The officers of the County are hereby authorized and directed to execute and deliver all financing agreements, agreements, escrow agreements, documents, certificates, forms and instruments and to take all such further action as may be considered necessary or desirable in connection with the Financing and the execution and delivery of the Prime Lease and the Financing Lease.

11. **Effective Date.** This Resolution shall take effect immediately.

Mr. Woodson motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-159.

The Voting Board tally was:

Yea:	(6)	Brito, Crisp, Milde, Schwartz, Sterling, Woodson
Nay:	(0)	
Absent:	(1)	Dudenhefer

Resolution R08-159 reads as follows:

A RESOLUTION TO AMEND THE FY08 BUDGET AND APPROPRIATE FUNDS FOR THE ACQUISITION OF CROW'S NEST

WHEREAS, the Board, on December 18<sup>th</sup>, 2007 approved a resolution to purchase a portion of the Crows Nest Peninsula; and

WHEREAS, at the same meeting, the Board appropriated a \$1,000,000 deposit and authorized a public hearing to appropriate the balance of the funds for the purchase; and

WHEREAS, The Virginia Department of Conservation has made available \$9,500,000 toward the purchase; and

WHEREAS, the Board of Supervisors has authorized debt in the amount of \$9,500,000 for the purchase;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on the 4<sup>th</sup> day of March, 2008 that the County Administrator be and hereby is authorized to amend the budget and appropriate funds in the amount of Eighteen Million Dollars (\$18,000,000) for the balance of the cost to purchase real property.

County Attorney; Amend Section G(2)(A) and Add Section G(2)(C) and Add to Section L of the Sheriff's Office Towing Policy. Sheriff Charles Jett gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Gerald Crosby  
Harold Slaton  
David Hodge  
Roy Boswell  
Mike Collins  
Tom Cropp  
Kevin Beach  
Brian Padgett  
Lisa Vigriss  
Gary Jacobs

Billy Sullivan

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-134.

The Voting Board tally was:

Yea:	(5)	Crisp, Schwartz, Sterling, Woodson, Brito
Nay:	(1)	Milde
Absent:	(1)	Dudenhefer

Resolution R08-134 reads as follows:

A RESOLUTION TO AMEND SECTION G(2)(A), ADD SECTION G(2)(C), AND ADD TO SECTION L OF THE STAFFORD COUNTY SHERIFF’S OFFICE TOWING POLICY

WHEREAS, Section 46.2-1217 of the Code of Virginia (1950), as amended, authorizes the Board to regulate law enforcement requested towing; and

WHEREAS, on June 20, 1995, by Resolution R95-328(R), the Board adopted the Sheriff’s Office Towing Policy (Towing Policy); and

WHEREAS, on April 2, 2002, the Board adopted changes to Towing Policy Section G(2)(A) regarding equipment for heavy-duty towers; and

WHEREAS, the Advisory Board on Towing has recommended that further changes be made to the Towing Policy to increase the number of heavy-duty wreckers required to be available to respond to a call made to towers on the Heavy-Duty Wrecker List as stated in the Towing Policy; and

WHEREAS, the Advisory Board on Towing wants further changes made to the Towing Policy to require towers on the Heavy-Duty Wrecker List to own or lease two heavy-duty wreckers; and

WHEREAS, the Board desires to cap the number of towers on the Heavy-Duty Wrecker List to no more than two (2) in Stafford County; and

WHEREAS, the Advisory Board on Towing has recommended that changes be made to the Towing Policy Section L to cap the number of towers per zone; and

WHEREAS, the Board desires to amend the Towing Policy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of March, 2008, that the Stafford County Sheriff's Office Towing Policy be and it hereby is amended and reordained as follows, all other portions of the Towing Policy remaining the same:

**G. REQUIRED VEHICLES AND EQUIPMENT OF AUTHORIZED TOWERS**

2. A. For those towers who desire to be on the Heavy-Duty Wrecker List, contracting tower ~~shall make available a~~ must own or lease two tow trucks, hereinafter known as ~~a~~ heavy-duty wreckers, equipped with ~~a~~ hydraulic wrecking cranes capable of lifting at least fifty thousand (50,000) pounds and capable of towing at least eighty thousand (80,000) pounds. ~~‡~~ The heavy-duty wreckers shall be equipped with ~~a~~ cradles of sufficient size to tow all types of trucks, tractors, and trailers without damage to the latter; a heavy duty sling; air brakes; and an auxiliary air supply capable of tying into the air brakes of the disabled vehicle to enable safe towing under the braking control of the truck.

C. The number of towers on the Heavy-Duty Wrecker List shall be limited to two (2) towers in Stafford County.

**L. TOWING AREAS AND TOWING LISTS**

~~5.~~ 4. Each tower shall be assigned to an appropriate towing area and be placed on the List for that particular area.

5. Each tow area will be allowed a specific number of authorized towers per zone as set out below:

<u>Zone 1</u>	<u>5 towers</u>
<u>Zone 2</u>	<u>1 towers</u>
<u>Zone 3</u>	<u>5 towers</u>

Legislative; Discuss Virginia Railway Express and FRED Subsidy. Mr. Brito commented.

The County Administrator commented further.

Discussion ensued.

Hearing no objections from the Board, staff was to provide projections with the presentation of the budget.

Legislative; Closed Meeting. At 10:42 P.M., Mr. Milde motioned, seconded by Mr. Brito, to adopt proposed Resolution CM08-04.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Sterling, Woodson, Brito, Crisp  
Nay: (0)

Absent: (1) Dudenhefer

Resolution CM08-04 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in legal advice regarding Zoning Administrator determinations; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 4<sup>th</sup> day of March, 2008, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 10:52 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Crisp motioned, seconded by Mr. Brito, to adopt proposed Resolution CM08-04a.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Sterling, Woodson, Brito, Crisp  
Nay: (0)  
Absent: (1) Dudenhefer

Resolution CM08-04a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD  
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON  
MARCH 4, 2008

WHEREAS, the Board has, on this the 4<sup>th</sup> day of March, 2008, 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 4<sup>th</sup> day of March, 2008, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Adjournment. At 10:53P.M., the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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George H. Schwartz  
Chairman