

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

June 1, 2010

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 7:02 P. M., Tuesday, June 1, 2010, 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; Joe Howard, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff and interested parties.

Invocation Mr. Milde gave the Invocation.

Pledge of Allegiance Mr. Dudenhefer led the Pledge of Allegiance.

Mr. Dudenhefer made a brief statement concerning the recent death of Marine Corporal Nicolas Parada-Rodriguez, who died May 16, 2010, while supporting combat operations in Afghanistan.

Legislative; Presentation of Proclamations by Mr. Dudenhefer:

- Recognize Daniel Chichester for his Position in the National District Attorney’s Association; and
- Recognize Eric Olsen for his Position in the National District Attorney’s Association

Legislative; Presentations by the Public:

- Paul Waldowski - Stormwater Management; Dumpsters; Water Bill
- Glenn Trimmer - Update on Friends of Stafford Civil War Sites (FSCWS)

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

- Mr. Woodson - Deferred
- Mr. Crisp - Spoke about the funeral of Sgt. Donald Lamar II
- Mr. Milde - Potomac Watershed Roundtable
- VRE
- PRTC
- Regional Jail Authority meeting
- BRAC
- Complete Count Committee
- Mr. Snellings - Deferred
- Mr. Sterling - Deferred
- Ms. Stimpson - Winkler family condolences
- Success of EDA Business Luncheon
- Tour of Stafford High School
- Mr. Dudenhefer - Fire at Colonial Forge High School
- Water main break in southern Stafford

Legislative; Report of the County Attorney Mr. Joe Howard, County Attorney, deferred.

Legislative; Report of the County Administrator Mr. Anthony Romanello, County Administrator, added Item #20. Appoint Mr. Roy Boswell to the Parks and Recreation Commission.

Mr. Rob Brown, Fire Chief, gave a presentation on the fire at Colonial Forge High School that occurred earlier in the day.

Mr. Sterling asked if there are any lightening rods on schools in the County. Chief Brown said that he was not sure, but that his department would look into it and report back to the Board.

Referring to Chief Brown’s comment about a false alarm, Mr. Woodson asked if Fire and Rescue gets many false alarms. Mr. Brown responded saying that this type of alarm did not often occur, that the alarm in question was a “good intent” alarm where a citizen misinterpreted what happened at the intersection.

Mr. Harry Critzer, Director of Utilities, talked about the water main break that occurred at the Abel Lake Water Treatment Plant and assured the Board that there would be no service interruption to citizens.

Utilities; Amend and Readopt Fees for Providing Public Water and Sewer Service and Amend Utilities Financial Policies Ms. Susan Fitzgibbon, Financial Manager of the Department of Utilities; Dan Schroeder, PFM; and Paul Bender, Paul Bender Consulting; gave presentations and answered Board members questions.

Mr. Woodson inquired about borrowing from the Virginia Resources Authority. Mr. Dan Schroeder responded that the County’s bond rating was good and that the County was in a good position for its Utilities’ Capital Improvements Plan.

Ms. Stimpson inquired if this borrowing would impact the County's bond ratings. Mr. Schroeder answered that the rating agencies factor in all the variables, not just one borrowing.

Mr. Snellings asked if the County doesn't pass on the recommended rate increase, will it lose or reduce their bond rating. Mr. Schroeder said that without the rate increase, next time it may be harder to prove the ability to repay, establish proof of the County's ability to meet its commitments, and that it could result in the County's bond rating slipping a category or two.

Mr. Schroeder stated that the reserve level should be sufficient to manage both debt and daily operation of the department but that it should not be too large and added that, in his opinion, it would be okay to use some of the reserve so as to not borrow more than is needed. He added that a 150 day reserve is reasonable. Mr. Woodson asked if having only a 150 day reserve might impact services to citizens. Mr. Schroeder responded that a 150 day reserve is sufficient to continue services in the event of an emergency.

Ms. Stimpson talked about the philosophy of paying with cash and about citizens paying for projects financed for twenty years. Mr. Schroeder said that the useful life of the bond should correlate with the life of the project and that the projects being proposed were well within the fifteen or twenty year span of borrowing.

Mr. Snellings asked Mr. Schroeder if he did not believe that growth would return to the County. Mr. Schroeder said that he was "bullish" on the County but that Availability Fees have been down for the past year. He believes that growth will be back and that with the proposed rate increase, it would show that the County can repay its bonds.

Mr. Snellings talked about leaving fees at their current rate and reassessing them on an annual basis. Mr. Dudenhefer noted that even if the rate structure was adopted as proposed, the Board still has the right to re-address rates annually and to adjust rates if that is the decision of the Board.

Mr. Woodson noted that even with the proposed rate increase Stafford County was still fifth out of the seven comparison localities, being the second lowest on the chart. Mr. Crisp asked for confirmation that even if the proposed rate increase is approved, the Board has the ability to reconsider rates in future years. Mr. Romanello replied that it would require another public hearing and Board action.

The Chairman opened the public hearing.

The following person desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Milde, to adopt proposed Ordinance O10-30.

Mr. Snellings made a substitute motion, seconded by Mr. Sterling, to limit the increase to FY2011 and to reassess rates each subsequent year.

The Voting Board tally on the substitute motion was:

Yea: (3) Snellings, Sterling, Stimpson

Nay: (4) Crisp, Dudenhefer, Milde, Woodson

The Voting Board tally on the original motion was:

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

Nay: (3) Snellings, Sterling, Stimpson

Ordinance O10-30 reads as follows:

AN ORDINANCE TO AMEND AND READOPT THE FEES FOR  
PROVIDING PUBLIC WATER AND SEWER SERVICE

WHEREAS, the Board is authorized to set reasonable fees and charges for public water and sewer service; and

WHEREAS, such authority can be found in §§15.2-2111, 15.2-2119, and 15.2-2122 of the Code of Virginia (1950), as amended; and

WHEREAS, the Board desires to set the fees for these services commensurate with the services provided by the County, and

WHEREAS, Chapter 25 of the County Code authorizes the establishment of fees; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of June 2010, that the fees for providing public water and sewer service be amended and are hereby readopted as follows:

<u>Service:</u>	<u>Water</u>		<u>Sewer</u>		<u>Code Section</u>
	<u>Current</u>	<u>Proposed</u>	<u>Current</u>	<u>Proposed</u>	
Availability; Single Family	<del>\$5,600</del>	<u>\$6,900</u>	\$3,500	\$3,500	25-27(b) & 25-28(b)
Availability; Multi-Family (per Equivalent Dwelling Unit, or EDU)	<del>\$5,600</del>	<u>\$6,900</u>	\$3,500	\$3,500	25-27(c) & 25-28(c)
Availability; All Others					25-27(d) & 25-28(d)
<u>Size of Meter</u>					
5/8 inch (1 EDU)	<del>\$5,600</del>	<u>\$6,900</u>	\$3,500	\$3,500	
3/4 inch (1.5 EDUs)	<del>\$8,400</del>	<u>\$10,350</u>	\$5,250	\$5,250	
1 inch (2.5 EDUs)	<del>\$14,000</del>	<u>\$17,250</u>	\$8,750	\$8,750	
1 1/2 inch (5 EDUs)	<del>\$28,000</del>	<u>\$34,500</u>	\$17,500	\$17,500	
2 inch (8 EDUs)	<del>\$44,800</del>	<u>\$55,200</u>	\$28,000	\$28,000	
3 inch (16 EDUs)	<del>\$89,600</del>	<u>\$110,400</u>	\$56,000	\$56,000	
	<del>\$140,00</del>				
4 inch (25 EDUs)	0	<u>\$172,500</u>	\$87,500	\$87,500	
	<del>\$280,00</del>				
6 inch (50 EDUs)	0	<u>\$345,000</u>	\$175,000	\$175,000	
<u>User Fees:</u>	<u>Current</u>	<u>Proposed</u>	<u>Current</u>	<u>Proposed</u>	<u>Section</u>
Monthly Service Charges (per 1,000 gallons)					25-96(b)

	<u>Current</u>	<u>Proposed</u>	<u>Current</u>	<u>Proposed</u>	<u>Section</u>
Residential, including Apartments					
0 - 4,999 gallons	\$1.86	<u>\$1.92</u>	n/a	n/a	
5,000 - 8,999 gallons	<del>\$2.82</del>	<u>\$2.90</u>	n/a	n/a	
9,000 - 12,999 gallons	\$5.51	<u>\$5.68</u>	n/a	n/a	
13,000 – 20,999 gallons	\$7.85	n/a	n/a	n/a	
21,000 gallons and over	<del>\$23.5</del>	n/a	n/a	n/a	
13,000 – 25,999 gallons	n/a	<u>\$8.09</u>	n/a	n/a	
26,000 gallons and over	n/a	<u>\$23.55</u>	n/a	n/a	
Sewer Charge up to Seasonal Average + 20% (per 1,000 gallons)	n/a	n/a	<del>\$3.91</del>	<u>\$4.03</u>	25-98(b,c)

***For the twelve month  
period beginning  
with bills issued July  
1, 2010:***

	<u>Current</u>	<u>Water Proposed</u>	<u>Current</u>	<u>Sewer Proposed</u>	<u>Code Section</u>
Non-Residential (Commercial, Industrial, Multi- Family, Public Facility, Semi-Public, Mobile Homes) (per 1,000 gallons)	<del>\$2.83</del>	<u>\$2.91</u>	<del>\$3.91</del>	<u>\$4.03</u>	25-96(b) & 25-98(b,c)
Water Dependent Home-Based Business (per 1,000 gallons)	2.5 times the non- residential rate, or \$7.08	2.5 times the non-residential rate, or \$7.29	<del>\$3.91</del>	<u>\$4.03</u>	25-96(b) & 25-98(b,c)
Irrigation, Bulk, Hydrant and Construction Meters (per 1,000 gallons)	\$13.0 0	\$13.00	n/a	n/a	25-96(e)

Monthly Customer Service Charge (per account)	\$1.74	<u>\$1.79</u>	\$1.85	<u>\$1.91</u>	25-96(c) & 25-98(d)
Monthly Demand Charge (per meter equivalent per account)	\$1.77	<u>\$1.82</u>	\$5.49	<u>\$5.65</u>	25-96(d) & 25-98(e)
<i>For the twelve month period beginning with bills issued July 1, 2011:</i>					
	<u>Current</u>	<u>Water</u> <u>Proposed</u>	<u>Current</u>	<u>Sewer</u> <u>Proposed</u>	<u>Code</u> <u>Section</u>
Monthly Service Charges (per 1,000 gallons)					25-96(b)
Residential, including Apartments					
0 - 4,999 gallons	\$1.92	<u>\$2.05</u>	n/a	n/a	
5,000 - 8,999 gallons	\$2.90	<u>\$3.10</u>	n/a	n/a	
9,000 - 12,999 gallons	\$5.68	<u>\$6.08</u>	n/a	n/a	
13,000 – 25,999 gallons	\$8.09	<u>\$8.66</u>	n/a	n/a	
26,000 gallons and over	\$23.55	\$23.55	n/a	n/a	
<i>For the twelve month period beginning with bills issued July 1, 2011:</i>					
		<u>Water</u>		<u>Sewer</u>	<u>Code</u>
	<u>Current</u>	<u>Proposed</u>	<u>Current</u>	<u>Proposed</u>	<u>Section</u>
Sewer Charge up to Seasonal Average + 20% (per 1,000 gallons)	n/a	n/a	\$4.03	<u>\$4.31</u>	25-98(b,c)

Non-Residential (Commercial, Industrial, Multi- Family, Public Facility, Semi-Public, Mobile Homes) (per 1,000 gallons)	<del>\$2.91</del>	<u>\$3.11</u>	<del>\$4.03</del>	<u>\$4.31</u>	25-96(b) & 25-98(b,c)
Water Dependent Home-Based Business (per 1,000 gallons)	2.5 times the non-residential rate, or \$7.29	2.5 times the non- residential rate, or \$7.80	<del>\$4.03</del>	<u>\$4.31</u>	25-96(b) & 25-98(b,c)
Irrigation, Bulk, Hydrant and Construction Meters (per 1,000 gallons)	\$13.00	\$13.00	n/a	n/a	25-96(e)
Monthly Customer Service Charge (per account)	<del>\$1.79</del>	<u>\$1.92</u>	<del>\$1.91</del>	<u>\$2.04</u>	25-96(c) & 25-98(d)
Monthly Demand Charge (per meter equivalent per account)	<del>\$1.82</del>	<u>\$1.95</u>	<del>\$5.65</del>	<u>\$6.05</u>	25-96(d) & 25-98(e)

***For the twelve month  
period beginning  
with bills issued July  
1, 2012:***

	<u>Current</u>	<u>Water Proposed</u>	<u>Current</u>	<u>Sewer Proposed</u>	<u>Code Section</u>
Monthly Service Charges (per 1,000 gallons)					25-96(b)
Residential, including Apartments					
0 - 4,999 gallons	<del>\$2.05</del>	<u>\$2.21</u>	n/a	n/a	
5,000 - 8,999 gallons	<del>\$3.10</del>	<u>\$3.35</u>	n/a	n/a	
9,000 – 12,999 gallons	<del>\$6.08</del>	<u>\$6.57</u>	n/a	n/a	
13,000 - 25,999 gallons	<del>\$8.66</del>	<u>\$9.35</u>	n/a	n/a	

26,000 gallons and over	\$23.55	\$23.55	n/a	n/a	
Sewer Charge up to Seasonal Average + 20% (per 1,000 gallons)	n/a	n/a	<del>\$4.31</del>	<u>\$4.65</u>	25-98(b,c)
Non-Residential (Commercial, Industrial, Multi-Family, Public Facility, Semi-Public, Mobile Homes) (per 1,000 gallons)	<del>\$3.11</del>	<u>\$3.36</u>	<del>\$4.31</del>	<u>\$4.65</u>	25-96(b) & 25-98(b,c)
Water Dependent Home-Based Business (per 1,000 gallons)	2.5 times the non-residential rate, or \$7.80	2.5 times the non-residential rate, or \$8.42	<del>\$4.31</del>	<u>\$4.65</u>	25-96(b) & 25-98(b,c)
Irrigation, Bulk, Hydrant and Construction Meters (per 1,000 gallons)	\$13.00	\$13.00	n/a	n/a	25-96(e)
Monthly Customer Service Charge (per account)	<del>\$1.92</del>	<u>\$2.07</u>	<del>\$2.04</del>	<u>\$2.20</u>	25-96(c) & 25-98(d)
Monthly Demand Charge (per meter equivalent per account)	<del>\$1.95</del>	<u>\$2.11</u>	<del>\$6.05</del>	<u>\$6.53</u>	25-96(d) & 25-98(e)

BE IT FURTHER ORDAINED that dwellings currently connected to well and/or on-site wastewater treatment systems be charged current water and sewer availability fees and connection fees until September 1, 2010.

BE IT FURTHER ORDAINED that, as of the date of this Ordinance, applicants who are included in a water or sewer extension project that is approved in accordance with R04-217 or previous versions of the County's Water and Sewer Line Extension Policy and who have paid the required deposit, be charged the availability and connection

fees in effect at the time each project was approved until 90 days after the project is completed; and

BE IT FURTHER ORDAINED that, except as otherwise stipulated, the effective date of this ordinance shall be July 1, 2010.

Mr. Crisp motioned, seconded by Mr. Milde, to adopt proposed Resolution R10-145.

The Voting Board tally was:

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

Nay: (0)

Resolution R10-145 reads as follows:

**A RESOLUTION TO AMEND AND REAUTHORIZE THE FISCAL  
POLICY FOR THE DEPARTMENT OF UTILITIES**

WHEREAS, the Board wishes to account for the cash balance of the Utilities fund in a manner that identifies the sources and intended uses of the funds; and

WHEREAS, allocating funds in such a way provides a valuable accounting and management tool to be used in formulating strategy to meet future revenue needs; and

WHEREAS, it is good business practice to plan for needed capital improvement and replacement projects as well as unexpected revenue shortfalls; and

WHEREAS, the Utilities rate and fee structure is designed to provide funding for ongoing operations, future capital expenditures and an operating reserve; and

WHEREAS, Availability and Pro Rata fees are collected to partially fund needed capital improvements caused by system expansion and to help fund debt service resulting from expansion-related improvements, and monies received from user fees are collected for annual operations and maintenance and needed repairs to the system; and

WHEREAS, these proposed amendments to the current Utilities Fiscal Policy are the result of significant analysis and examination by the County's financial consultants as well as Utilities and Finance staff;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of June 2010 that the Fiscal Policy for the Department of Utilities (R05-46) be amended to read as follows:

**OBJECTIVES**

Three primary objectives drive the establishment of this fiscal policy:

1. The desire to maintain strong operations and maintenance programs and complete the priority capital projects, as developed and adopted each year, in order to deliver high-quality water and wastewater services;
2. The desire to maintain a strong financial condition aimed at preserving and enhancing our current bond ratings to minimize capital project financing costs; and
3. The desire to maintain reasonable and well-justified levels of rates and fees, in accordance with this fiscal policy.

### **ACCOUNTING FOR FINANCIAL ACTIVITIES**

1. The Utilities Fund will be subdivided into two categories: A Capacity Expansion Fund and an Operating Fund.
2. Sources and uses of funds will be tracked by category and used in the monitoring of rate and fee adequacy.

#### **A. CAPACITY EXPANSION FUND**

The County will seek to fund Capacity Expansion with the following financing sources, in accordance with the Rates section of this fiscal policy:

- Availability and Pro Rata fees
- Bond proceeds
- Interest on investments allocated to this category

Revenues from these financing sources will be used to pay for:

- Projects required by system expansion or changes in regulations or technology
- Water and sewer extension projects
- Debt service on bonds issued for such construction

#### **B. OPERATING FUND**

The County will seek to fund Operations with user fees, in accordance with the Rates section of this fiscal policy.

Operating funds will be used to pay annual operating and maintenance expenses and provide for long-term repair, renewal and rehabilitation of capital assets.

3. The Department of Utilities is committed to establishing and maintaining an asset management program to include proactive maintenance and long-term funding of its capital reinvestment projects.

## RATES

1. The Utilities financial position will be analyzed at least annually to evaluate the need for changes in rates and fees; so that, should increases be needed, they can be made in a manner that minimizes the volatility of any rate changes and their resulting impact on customers. The rate structure will be based on the following principles, in order of priority:
  - a. Meeting debt service coverage and cash reserve requirements contained in bond covenants and this fiscal policy;
  - b. Maintaining a competitive market position, primarily with Stafford County's 'peer group' of municipalities; and
  - c. Attempting to have growth pay for associated growth in water and sewer infrastructure based on the accounting of funds described above.
2. The Department of Utilities will be run in a business-like manner. Rates and fees will be set to ensure that all of the costs of operating and maintaining the water and sewer utilities are recovered, including capital repair & replacement, so that the future of the enterprise is secure.
3. Rates and fees will be set to ensure the integrity of the utility system and protect our bond ratings with an eye toward achieving the lowest rates over time. To accomplish these objectives, water and sewer user fees will, at a minimum, be increased annually by an amount equal to 75% of the most recent annual increase in the *Consumer Price Index – All Urban Consumers* (CPI-U) for the Washington-Baltimore area.
4. Stafford County recognizes the difference between residential and non-residential users and will break these groups into two classes and set rates accordingly.
  - a. Residential users typically increase outside water usage during the summer months. This additional water usage is primarily discretionary and creates an added burden on the system. It is appropriate that the rate structure for these users be set accordingly.
    - i. An average non-peak water usage value will be calculated for each customer.
    - ii. An inclining block rate structure will be used to bill for water usage, both to offset increased costs for the water treatment and distribution systems and to encourage water conservation.
    - iii. Since outside water usage does not create additional wastewater treatment needs, charges for wastewater collection and treatment will be capped based on average usage.

- b. Non-Residential customers typically exhibit consistent year-round water usage and tend to have a natural incentive to conserve water as part of overall cost containment. This steady, predictable usage places a smaller burden on the utility, largely due to economies of scale.
    - i. The non-residential rate structure will consist of a flat rate block.
    - ii. Non-residential customers will not be subject to a wastewater cap.
    - iii. The non-residential class will include multi-family residences served by a single water meter, public and semi-public facilities, industrial and commercial accounts and mobile home parks.
5. The rate ordinance will include emergency rates which will be in effect for periods of drought or water distribution system interruptions, as may be declared by the Board of Supervisors.

### **CASH RESERVES**

1. The County recognizes the importance of maintaining a cash balance sufficient to meet its needs, both predictable and unforeseen. To that end, “reserve funds” will be established with predetermined minimum balances to ensure the financial health of the enterprise.
2. An Operating Reserve will be established and maintained in a total amount equivalent to not less than 150 days annual operating and maintenance expenses to ensure against short-term revenue shortfalls and unanticipated operating and/or maintenance expenses. This Operating Reserve shall include:
  - An amount equal to 5% of the projected costs of Repair, Renewal and Rehabilitation of the County’s capital assets over the next 20 years. This “3R” portion of the Reserve will be used to pay for unexpected major repairs as well as planned replacement or rehabilitation of fixed assets. This minimum amount satisfies the Repair and Replacement Reserve requirement of the Master Indenture and may be calculated in a different manner from time to time as allowed in the bond covenants.
  - A Reserve for Customer Deposits, calculated in accordance with “generally accepted accounting principles”.
3. The Department of Utilities will regularly evaluate cash needs and provide a current status of the reserve funds each year to the Board of Supervisors, the Utilities Commission and County Administration staff.
4. A cash flow projection will be prepared annually and provided to the Treasurer to aid in the investment of funds to achieve maximum returns.
5. All funding alternatives, including borrowing between categories, will be considered in order to meet financing needs and to achieve the most cost-efficient operation of the Utilities Fund.

6. The Department of Utilities will ask the Board of Supervisors to adopt a Reimbursement Resolution as part of the annual budget process.

### **DEBT SERVICE COVERAGE**

The Department of Utilities will establish rates and fees for services provided by the system to ensure that, in each fiscal year, Net Revenues (Gross Revenues less Operating Expenses) are greater than or equal to the following:

- 150% of Senior Debt Service (this ratio will be met no later than FY 2011)
- 125% of Subordinate Debt Service
- 100% of Total Debt Service, after excluding 100% of non-recurring revenues such as availability fees, pro rata fees, connection fees and reserves (this ratio will be met no later than FY 2018).

### **FORECASTING AND MONITORING**

To help meet the fiscal policy objectives, formal forecasting and monitoring processes will be used. These processes are intended to (1) give the County adequate lead time to phase in smaller annual rate increases for large capital projects and avoid much larger rate increases later; (2) only incur financing costs when needed by accurately planning for capital spending and financing needs; (3) obtain formal endorsement by the Board of Supervisors of the long-term financial needs and sources of financing; and (4) strengthen the Department of Utilities' bond ratings. These processes shall include the following:

1. Annual adoption of a 10-Year Financial Plan. Future financial needs of the Utilities Fund will be projected over a ten-year period using information from all available sources; including, but not limited to, historical and projected financial data, projected growth rates, the County's Comprehensive Plan and the Department of Utilities Water and Sewer Master Plan. This forecasting model will be maintained in an electronic spreadsheet, updated annually, and presented to the Stafford County Board of Supervisors annually as part of the Budget process.
2. Maintenance of a 3-year cash expenditure forecast by quarter with subsequent updating on at least a quarterly basis.
3. Maintenance of annual capital and operating spending plans.

Planning and Zoning; Consider an Amendment to the Land Use Plan Component of the Comprehensive Plan Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Sterling inquired about technical changes in the revised resolution and the amount of explosives kept on-site. Mr. Snellings asked about the cemetery located on the property. Mr. Harvey replied that explosives would not be stored on-site but would be trucked in daily and only in the amounts required for that day. Per Mr. Harvey, the cemetery is attended and is on the parent property but not on the property being considered in the public hearing.

Mr. Woodson asked if the applicant wanted assurance of the rezoning approval before completing the purchase and asked Mr. Harvey to give an explanation of a variance.

Mr. Crisp asked how close the blasting would be to existing residences. Mr. Harvey replied that the asphalt plant would be 800' away from the nearest residence and that all blasting would take place at a farther distance but he did not have the exact distance available. Mr. Crisp inquired why the asphalt plant was being relocated. Mr. Harvey talked about the terraced structure of the plant and OSHA regulations which did not permit much flexibility in terms of keeping the plant at its present location. Mr. Crisp also asked about historical resources with the cemetery and the existing house on the property. Mr. Harvey responded that the cemetery was not on the parcel being considered and the house, due to renovations in the mid-1960's, would not be considered of any historical significance.

Mr. Sterling discussed the Hampton Pit reverting back to the County within 25 years and the entire location reverting back to the County in 75 years. Utilities Director, Harry Critzer, talked about the suitability of the location as a potential reservoir and the possibility of extensive repairs being necessary before it could be used as a reservoir.

Mr. Clark Leming addressed the Board on behalf of the applicant. Mr. Walter Beck, Environmental Engineer for Vulcan also spoke to the Board and responded to questions about the berm planned to shield the quarry from surrounding residences. Mr. Crisp said that he was satisfied with the information provided on the existing house and inquired if

other studies have been done on the property relative to slave or Native American sites. Mr. Leming responded that he had no information on that.

Mr. Dudenhefer talked about trucks using roads in the surrounding subdivisions to avoid traffic on Garrisonville Road. Mr. Tom Carroll, Vulcan’s Director of Business Development, said that all trucks are sole-source, truck routes are posted and they strictly adhere to posted weight limits. Mr. Martin Bishwell, Plant Manager, said that they are working with the Sheriff’s Office and a report will be provided to the Board by Mr. Neuhard.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R10-120.

The Voting Board tally was:

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

Nay: (1) Woodson

Resolution R10-120 reads as follows:

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

WHEREAS, amending the Land Use Plan text regarding mineral resource extraction uses and amending the Land Use Plan map on Assessor’s Parcel 19-64 (portion) from Rural Residential and Resource Protection to Heavy Industrial and Resource Protection would reflect the future land use in the area located east of Toluca Road and south of Aquia Creek; and

WHEREAS, the County desires to encourage through new policies that the location of mineral extraction operations should occur where known minerals exist, the expansion of existing facilities is encouraged over new facilities, and facilities should

provide for appropriate reuse once mining and reclamation procedures are completed; and

WHEREAS, designation of Heavy Industrial land use in this location would help to advance the goals of the Land Use Plan by promoting the expansion of existing mineral extraction operations as opposed to creating new facilities; and

WHEREAS, Rural Residential land use is a less desirable use adjacent to Quantico Marine Corps Base; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of June, 2010, that the Land Use Plan component of the Comprehensive Plan be and it hereby is amended to include Land Use Map changes identified on the map entitled “Land Use Plan Amendment Map, Vulcan Construction Materials, LP”, dated March 12, 2010 and text changes as listed below.

Goal 1, Land Use  
D. Industrial

9. Designate a limited number of large, contiguous areas, buffered from residential developments, for heavy industrial development located where adequate public facilities (except for mining/extraction operations) and roads are available and/or rail access is available. Where possible, the large contiguous areas designated for mining/extraction operations should encompass all portions of the land known to contain mineral reserves, to allow for future capacity of the mining/extraction operation.
10. Encourage existing mining/extraction operations to fully utilize adjoining areas that have suitable mineral resources by relocation of existing operations at the appropriate time, rather than relocate to other sites within the County.
11. Encourage existing mining/extraction operations to provide for appropriate re-use of mined areas, after mining and reclamation procedures have been completed. Appropriate re-use may include dedication of portions of the reclaimed site for public infrastructure needs such as parkland and/or reservoirs.

Planning and Zoning: Amend and Reordain Zoning Ordinance by Amending Zoning District Map to Reclassify a Portion of Assessor’s Parcel 19-64 from A-1, Agricultural Zoning District to M-2, Heavy Industrial Zoning District Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Ordinance O10-34, containing the June 1, 2010 proffer amendments.

The Voting Board tally was:

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

Nay: (1) Woodson

Proposed Ordinance O10-34 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM A-1, AGRICULTURAL, TO M-2, HEAVY INDUSTRIAL ZONING DISTRICT ON ASSESSOR’S PARCEL 19-64 (PORTION) WITHIN THE ROCK HILL ELECTION DISTRICT

WHEREAS, Vulcan Construction Materials, LP, applicant, has submitted application RC2900289 requesting a reclassification from A-1, Agricultural to M-2, Heavy Industrial on Assessor’s Parcel 19-64 (portion); 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, and good zoning practice require adoption of an ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of June, 2010, that the Zoning Ordinance for Stafford County be and it hereby amended and reordained by amending the zoning district map to reclassify from A-1, Agricultural to M-2, Heavy Industrial on Assessor’s Parcel 19-64 (portion), with proffers entitled “Assessor’s Parcel 19-64, portion, Vulcan Construction Materials, LP”, dated June 1, 2010.

Planning and Zoning; Consider a Conditional Use Permit for Heavy Industrial and Heavy Manufacturing in M-2, Heavy Industrial Zoning District on Assessor’s Parcels 19-64 (Portion) and 19-67T Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Ms. Stimpson to adopt proposed Resolution R10-123 with amendments provided at the meeting.

The Voting Board tally was:

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

Nay: (1) Woodson

Resolution R10-123 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2900290 TO ALLOW FOR HEAVY INDUSTRIAL AND HEAVY MANUFACTURING USES NOT OTHERWISE LISTED, SPECIFICALLY STONE EXTRACTION AND ASPHALT MANUFACTURING, IN AN M-2, HEAVY INDUSTRIAL ZONING DISTRICT ON ASSESSOR’S PARCELS 19-64 (PORTION AS SHOWN IN THE APPLICATION) AND 19-67T, ROCK HILL ELECTION DISTRICT

WHEREAS, Vulcan Construction Materials, LP and Lane Construction Corporation, applicants, have submitted application CUP2900290 requesting a Conditional Use Permit for heavy industrial and heavy manufacturing uses not otherwise listed, specifically stone extraction and asphalt manufacturing, in an M-2, Heavy Industrial Zoning District on the above-described property; and

WHEREAS, the application has been submitted pursuant to Table 3.1 of the Zoning Ordinance which permits heavy industrial and heavy manufacturing uses not otherwise listed in the M-2, Heavy Industrial 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 1<sup>st</sup> day of June, 2010, that application CUP2900290 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow for heavy industrial and heavy manufacturing uses not otherwise listed, specifically, stone extraction and asphalt manufacturing, in an M-2, Heavy Industrial Zoning District.
2. Access to the site will be limited to the current Vulcan Quarry and Virginia Paving entrance off of Garrisonville Road.
3. On top of the berm, a chain link fence, at least eight (8) feet tall, shall be installed.
4. Only one asphalt plant will be permitted at any one time within the limits of this Conditional Use Permit. The previous Conditional Use Permit (Resolution R09-195) for the asphalt plant on Assessor's Parcel 19-67T, shall expire upon commencement of operation of the asphalt plant on the approved portion of 19-64.
5. Water Quality Monitoring: Access for surface water quality monitoring will be permitted by the Applicant within the portion of Aquia Creek located on the Property. This access will allow County employees to enter the site, following notification of the landowner, providing that such County employees wear personal protective equipment (PPEs) and are escorted by quarry and/or asphalt plant personnel at all times on the property. The results of water quality monitoring will be provided by the County to Vulcan/Virginia Paving within 30 days of testing.

#### **Conditions Applicable to Stone Extraction Operations**

6. Stone extraction is permitted on the 115.74 acre portion of the subject properties, identified on the plat entitled "Overall Exhibit Plat" and dated June 30, 2009, to include the processing and stockpiling of stone products, depositing overburden and waste rock, operation of settling ponds, excavation of overburden and stone, drilling, controlled blasting, and any other activities or structures directly related to the operation of the stone extraction operation.
7. A sales office shall be maintained on the site at all times during quarrying operations.

8. Production blasts shall be limited to a maximum of two per day, but not to exceed three days per week. Construction blasts not exceeding 100 pounds of explosive may take place at any time during operating hours.
9. Blasting shall occur in compliance with the rules and regulations of the Department of Mines, Minerals, and Energy. The following standards shall be met as measured at the nearest off-site dwelling.
  - a. Blasts shall be designed to produce a ground vibration of less than 0.5"/second but not to exceed 1.0"/second. The quarry operator shall furnish proof that any shot exceeding 0.5"/second was designed not to exceed that level.
  - b. Blasts shall be designed to comply with the Virginia requirements established at 4 VAC 25-40-890. The quarry operator shall furnish proof that any shot exceeding State standards was designed not to exceed that level.

Each and any violation of these design standards shall result in not less than five or more than 30 days suspension of operations, to be imposed by the Zoning Administrator and the County Administrator.

10. All equipment used in quarrying operations shall have sound deadening features and meet M.E.S.A. Standards. Steady-state vibrations caused by production equipment shall not produce particle velocities in excess of .025 inches per second and sound pressure level resulting from the operation of equipment shall not exceed 61dB(A), both to be measured at the nearest off-site dwelling.
11. All quarry blasting shall be monitored by a qualified seismology firm to be paid for by Vulcan Construction Materials, L.P. and shall be conducted in compliance with the applicable regulations promulgated by the Virginia Department of Mines, Minerals and Energy. Results of the quarry blast monitoring shall be kept on file and made available to authorized representatives of the County upon request.
12. Explosives shall be delivered only between the hours of 7:00 AM and 2:00 PM. No explosives or blasting agents shall be stored on the Property without the expressed written permission of the Zoning Administrator.
13. All machinery and equipment used in quarry operations shall have dust suppressing features as required by the Virginia State Air Pollution Control Board. Prior to the beginning of operations, the quarry must pass a detailed inspection by the Control Board to insure that all equipment has been installed and will perform as designed.

14. Those portions of any off-site roads and any access road which are unpaved shall be treated with an EPA or State recommended chemical dust suppressant or water to provide a dust free surface.
15. Total particulate matter emitted by the operation shall meet Virginia State Air Pollution Control Board Standards.
16. Loads shall be sprayed, covered or treated with other measures deemed satisfactory to contain dust before leaving the quarry.
17. A wheel wash, or comparable device, shall be installed and utilized to remove debris from truck tires and the undersides of trucks before accessing Route 610.
18. All loaded trucks leaving the quarry site shall be equipped with covers to minimize the potential for materials escaping.
19. A spill control and stormwater runoff control system shall be established that complies with a plan approved by the Commonwealth of Virginia as part of the DMME permit that is required prior to beginning quarry operations. A copy of the approved plan and any relevant updates shall be provided to the County upon request.
20. Reclamation must comply with a plan approved by the Virginia DMME. Copies of each year's State reclamation report shall be provided to the Stafford County Planning and Zoning Department upon request, known as the "Yearly Progress Report".
21. No vehicles owned and operated by Vulcan Construction Materials, LP or any future owner(s) of the quarry shall be loaded beyond their legal load limits. Vulcan Construction Materials, LP and any future owner(s) shall advise drivers of non-owned or leased vehicles of the weight of their load and require that each vehicle upon leaving the site be loaded within its legal load limit.
22. No quarry vehicle shall be serviced between the hours of 8:00 P.M. and 6:00 A.M. unless such vehicle is serviced indoors.
23. As a condition of its Air Pollution Control Permit, Vulcan Construction Materials, LP and any future owner(s) of the quarry will be required to provide the Virginia Air Pollution Control Board with a statement from a licensed geologist certifying that core samples from the site indicate that no asbestos is present in the rock to be mined. Vulcan Construction Materials, LP and any future owner(s) of the quarry shall submit a copy of such certification to the County prior to beginning any mining operation at the quarry.
24. To better maintain relations with the surrounding community, Vulcan Construction Materials, LP and any future owner(s) of the quarry shall maintain a

phone number in the business listings of the local phone directory so that members of the public may register any concerns related to the operation of vehicles serving the quarry. Such phone number shall be appropriately titled to encourage citizen inquiries. Where a concern is brought to the owner's attention, the owner shall investigate the concern in a timely manner and inform the person raising the issue of the results of such investigation. If appropriate, the owner shall take reasonable steps to prevent the recurrence of any incidents. In addition, the owner shall keep a log available for County inspection documenting any such calls and the owner's response.

25. Vulcan Construction Materials, LP and any future owner(s) shall use its best efforts to provide a safe and healthy work environment. In addition, to ensure the continuing good health of its employees, the owner shall monitor its operations and shall provide for a chest X-ray and pulmonary function test interpreted by a pulmonary specialist for each of its employees at the quarry at least once every two years. In the event that any employee evaluation indicates the possibility of overexposure to dust, the owner shall thoroughly investigate the source of such overexposure and implement corrective procedures in a timely manner. In addition, the owner shall take all appropriate steps to protect the employee from additional exposure.

#### **Conditions Applicable to Asphalt Manufacturing Operations**

26. Bituminous concrete (asphalt) manufacturing is permitted on the 18.64 acre portion of Assessor's Parcel 19-64, identified on the plat entitled "Exhibit C" and dated June 11, 2009, to include a mixing plant, storage of necessary materials for manufacturing the asphalt, storage and maintenance of equipment and vehicles used to transport raw materials and finished products, and related office space.
27. Reports to, or inspections by all federal, state and local agencies shall be maintained on file and made available to authorized representatives of the County upon request.
28. The hours of operation of the facility, including operation of the asphalt mixing plant and shipping of materials, shall be limited to Monday through Friday between the hours of 6:00 A.M. and 7:00 P.M., and on Saturday between the hours of 7:00 A.M. and 1:00 P.M. The County Administrator may waive this provision in the event of an emergency. There shall be no operations on Sundays or the following legal holidays:

January 1 (New Year's Day)  
 Memorial Day  
 July 4 (Independence Day)  
 Labor Day  
 Thanksgiving Day  
 December 25 (Christmas Day)

Should any one of the above holidays fall on a Sunday, the following Monday shall be considered a legal holiday.

Commencing from the approval of this CUP, Lane Construction Corporation or any future owner of the asphalt plant where it is identified on the plat entitled “Exhibit C” dated June 11, 2009 may operate as an asphalt plant during night time hours, Sunday beginning at 7:00 P.M. through Saturday ending at 1:00 P.M., up to 120 calendar days per calendar year. In all instances any owner(s) of the asphalt plant will operate within the Stafford County Ordinances as well as all applicable State and County codes. Additionally, any owner(s) will submit a quarterly report to the Zoning Administrator providing information that shows the calendar days the asphalt plant operated during night time hours.

29. No structures, travelways or storage of materials shall be located to the west of the required berm.
30. On-site roads, travelways and parking areas shall be paved.
31. Access to the asphalt plant shall be limited to the existing entrance onto Garrisonville Road (State Road 610). The single entrance may be widened to utilize the two adjacent 60-foot rights-of-way.
32. Operation of the plant shall meet all standards of the Virginia State Air Pollution Control Board regarding the emission of smoke, odors, toxic matter, sulfur, dust and particulate matter.
33. A stormwater runoff control system shall be established such that all the asphalt plant site drainage is channeled to an appropriately designed and sized stormwater detention pond. The pond shall be properly maintained by the owner/operator and may be inspected annually by the appropriate County official. A Spill Response Plan which provides Secondary Containment of all petroleum products shall be provided as required by all federal and state SPCC laws and regulations.
34. Along the western side of the existing access road, generally in the area shown on the Conditional Use Permit’s Generalized Development Plan as points L13 through L16, that portion not common with the Vulcan Materials quarry access road, the existing row of evergreens shall be maintained. The access drive to the asphalt plant on Assessor’s Parcel 19-64 will be located interior to the proffered berm and tied into the existing access road that runs out to Garrisonville Road (State Route 610).
35. Any retaining wall constructed on the property shall be set back from any Resource Protection Area (PRA) at a minimum of ten feet. For purposes of this condition, a retaining wall shall be defined as a wall designed and erected to stabilize, retain, or otherwise hold back earth.

36. 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; Authorize Vacation of an Ingress/Egress Easement Along Potomac Creek, Assessor’s Parcel 46-4, Pursuant to Section 15/2-1800 of the Code of Virginia (1950) as Amended Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Sterling, to adopt proposed Resolution R10-138.

The Voting Board tally was:

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

Nay: (0)

Resolution R10-138 reads as follows:

**A RESOLUTION TO VACATE A PORTION OF AN INGRESS-EGRESS EASEMENT ALONG POTOMAC CREEK**

WHEREAS, Robert Scott Gollahon has submitted a plat to dedicate right-of-way along Jefferson Davis Highway which contains a portion of a County-owned ingress-egress easement; and

WHEREAS, the Commonwealth of Virginia requires any right-of-way to be dedicated along Jefferson Davis Highway to be unencumbered; and

WHEREAS, the disposal of the portion of this easement will have no known negative impact on current or future operations of the County of Stafford; and

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended, requires that a public hearing be held prior to the disposal of such easement; and

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

WHEREAS, the Board finds that public necessity, convenience, and general welfare requires adoption of such a resolution;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of June 2010, that the County Administrator be and he hereby is authorized to vacate a portion of an ingress-egress easement along Potomac Creek.

Recess At 9:45 P.M., the Chairman declared a ten-minute recess.

Call to Order At 9:57 P.M., the Chairman called the meeting back to order.

Legislative; Additions and Deletions to the Regular Agenda Mr. Sterling motioned, seconded by Mr. Milde, to accept the addition of Item 20 to the Regular Agenda.

The Voting Board tally was:

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

Nay: (0)

Legislative; Consent Agenda Mr. Crisp motioned, seconded by Ms. Sterling, to approve Consent Agenda Items 6 through 16.

The Voting Board tally was:

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

Nay: (0)

Item 6. Approve Minutes of May 18, 2010 Meeting

Item 7. Finance and Budget; Approve Expenditure Listing

Resolution R10-173 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED MAY 18, 2010 THROUGH MAY 31, 2010

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 1<sup>st</sup> day of June 2010 that the above-mentioned EL be and hereby is approved.

Item 8. Finance and Budget; Budget and Appropriate Transfer of Parks and Recreation Project Balances from 2008 Lease Revenue Bond Funds to the General Fund and Budget and Appropriate Transfer of Funds to the Capital Projects Fund for Parks and Recreation Projects

Resolution R10-158 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE THE TRANSFER OF THE 2008 LEASE REVENUE BOND PARKS PROJECTS BALANCES TO THE GENERAL FUND, AND TO BUDGET AND APPROPRIATE THOSE BALANCES TO THE CAPITAL PROJECTS FUND FOR PARKS AND RECREATION PROJECTS

WHEREAS, \$129,427 is available from the 2008 Lease Revenue Bond Parks Projects; and

WHEREAS, the Board has reviewed the Parks Project List and determined that these funds may be used for various Parks projects;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of June, 2010, that it be and hereby does budget and appropriate the transfer the of 2008 Lease Revenue Bond Parks Projects balances in the amount of One Hundred Twenty-nine Thousand Four Hundred Twenty-seven Dollars (\$129,427) to the General Fund; and

BE IT FURTHER RESOLVED by the Stafford County Board of Supervisors that it be and hereby does budget and appropriate One Hundred Twenty-nine Thousand Four Hundred Twenty-seven Dollars (\$129,427) to transfer from the General Fund to the Capital Projects Fund, and budget and appropriate the funds in the Capital Projects Fund for Parks and Recreation Projects.

Item 9. Planning and Zoning; Accept Withdrawl of Application to Reclassify from R-1, Suburban Residential Zoning District to B-2, Urban Commercial Zoning District on Assessor’s Parcel 13-18 Consisting of 14.47 Acres, Located at 3953 Jefferson Davis Highway

Resolution R10-162 reads as follows:

A RESOLUTION TO ACCEPT THE WITHDRAWAL OF AN APPLICATION REQUESTING TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT TO B-2, URBAN COMMERCIAL ZONING DISTRICT ON ASSESSOR’S PARCEL 13-18 WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, 3953 JDH, LLC, applicant, has submitted application RC2900006 requesting a reclassification from R-1, Suburban Residential to B-2, Urban Commercial on Assessor’s Parcel 13-18; and

WHEREAS, the Planning Commission and the Board advertised and held public hearings; and

WHEREAS, the Board deferred action on the application, requesting the applicant to address several concerns raised; and

WHEREAS, subsequent to the Board deferral, the applicant submitted a letter opting to withdraw the application; and

WHEREAS, in accordance with Stafford County Code, Section 28-208, a request for withdrawal after publication of the public hearing requires consent of the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of June, 2010, that the withdrawal of application RC2900006 be and it hereby is accepted.

Item 10. Planning and Zoning; Refer to the Planning Commission a Request to Develop a Voluntary Transfer of Development (TDR) Ordinance and Comprehensive Plan Provision

Resolution R10-178 reads as follows:

A RESOLUTION TO REQUEST THE PLANNING COMMISSION TO DEVELOP AN ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS FOR TRANSFER OF DEVELOPMENT RIGHTS

WHEREAS, Section 15.2-2316.2 of the Virginia Code allows localities to provide for Transfer of Development Rights (TDR); and

WHEREAS, the Virginia Code requires a locality to develop an ordinance to implement the provisions of this act; and

WHEREAS, the Virginia Code requires a locality to incorporate a map into its Comprehensive Plan showing designated sending and receiving areas for TDR; and

WHEREAS, the Board desires to develop an ordinance and Comprehensive Plan provisions for voluntary TDR in the County; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices require adoption of a TDR ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of June, 2010, that the Planning Commission be and it hereby is requested to develop an ordinance and Comprehensive Plan provisions to implement TDR.

Item 11. Planning and Zoning; Refer to the Planning Commission an Amendment to the Subdivision Ordinance Pertaining to Security Requirements

Resolution R10-172 reads as follows:

A RESOLUTION TO REFER A CODE AMENDMENT TO THE PLANNING COMMISSION TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 22-131, “SECURITY REQUIREMENTS,” OF THE SUBDIVISION ORDINANCE

WHEREAS, the Virginia Code was amended, amending the requirements for financial assurances prior to acceptance of public improvements as stated in Stafford County Code, Section 22-131; and

WHEREAS, the Board has considered the recommendations of 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 RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of June, 2010, that the Planning Commission be and it hereby is requested to consider an amendment to Stafford County Code, Section 22-131, entitled “Security requirements” by proposed Ordinance 010-39.

Item 12. Planning and Zoning; Refer an Amendment to the Subdivision and Zoning Ordinances Pertaining to the Definition of Immediate Family

Resolution R10-171 reads as follows:

A RESOLUTION TO REFER A CODE AMENDMENT TO THE PLANNING COMMISSION TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 22-4, “DEFINITIONS,” OF THE SUBDIVISION ORDINANCE AND SECTION 28-25, “DEFINITIONS OF SPECIFIC TERMS,” OF THE ZONING ORDINANCE

WHEREAS, the Virginia Code was amended, changing the definition of “immediate family,” requiring the amendment of the definition of “immediate family member” in Stafford County Code, Section 22-4 and Section 28-25; and

WHEREAS, the Board has considered the recommendations of 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 RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of June, 2010, that the Planning Commission be and it hereby is requested to consider an amendment to Stafford County Code, Section 22-4, entitled “Definitions” and Section 28-25, entitled “Definitions of specific terms” by proposed Ordinance 010-38.

Item 13. Public Information; Recognize Stafford County Commonwealth’s Attorney, Daniel Chichester, for his Position in the Nation District Attorney’s Association

Proclamation P10-14 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND STAFFORD COUNTY’S COMMONWEALTH’S ATTORNEY DANIEL M. CHICHESTER FOR HIS POSITION WITH THE NATIONAL DISTRICT ATTORNEY’S ASSOCIATION

WHEREAS, Daniel M. Chichester was recently elected as the Vice President of the National District Attorney’s Association; and

WHEREAS, the National District Attorney’s Association is the oldest and largest professional organization representing criminal prosecutors in the world, consisting of approximately 7,000 prosecutors including district attorneys, state’s attorney’s, attorneys generals and county and city prosecutors; and

WHEREAS, as vice president, Daniel M. Chichester is involved in the legislative and educational functions of the association, and helps the association with its mission to improve and facilitate the administration of justice through involvement with various legislation and the promotion of public service and education; and

WHEREAS, Daniel M. Chichester, who has been Stafford’s Commonwealth’s Attorney since 1971, previously served as the Virginia state director for the National District Attorney’s Association and as president of the Virginia Association of Commonwealth’s Attorneys; and

WHEREAS, Daniel M. Chichester has been Stafford’s Commonwealth’s Attorney since 1971 and has helped his office grow from one attorney to an organization of 13 attorneys and 14 support staff; and

WHEREAS, as Stafford’s Commonwealth’s Attorney, Daniel M. Chichester, and his staff have built a sterling reputation among their peers with their exceptional knowledge of the legal system, relentless pursuit of justice, and passionate determination to keep Stafford citizens safe and secure;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 1st day of June 2010 that Daniel M. Chichester be and he hereby is recognized for his contributions to the administration of justice and his election as Vice President of the National District Attorney’s Association.

Item 14. Public Information; Recognize Stafford County Deputy Commonwealth’s Attorney, Eric Olsen, for his Position in the Nation District Attorney’s Association

Proclamation P10-15 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND STAFFORD’S  
DEPUTY COMMONWEALTH’S ATTORNEY ERIC OLSEN FOR HIS  
POSITION WITH THE NATIONAL DISTRICT ATTORNEY’S  
ASSOCIATION

WHEREAS, Eric Olsen was recently elected to serve on the Board of Directors for the National District Attorney’s Association; and

WHEREAS, Eric Olsen is the first Deputy Commonwealth’s Attorney from Virginia to be elected to the National District Attorney’s Association; and

WHEREAS, the National District Attorney’s Association is the oldest and largest professional organization representing criminal prosecutors in the world, consisting of approximately 7,000 prosecutors including district attorneys, state’s attorney’s, attorneys generals and county and city prosecutors; and

WHEREAS, as a member of the Board of Directors, Eric Olsen will serve on the Juvenile Justice and Family Law subcommittee, which addresses a wide range of issues from domestic violence and child abuse to juvenile crime and punishment; and

WHEREAS, Eric Olsen has served in the Stafford Commonwealth’s Attorney Office since 1989, was promoted to Chief Deputy Commonwealth Attorney in 1997, and is in charge of the Juvenile and Domestic Relations Court Division; and

WHEREAS, Eric Olsen is widely respected among his peers, and serves as a faculty member at the National College of District Attorneys in Columbia, S.C., is active in many community organizations in Stafford, and was named the Distinguished Prosecutor of the Year by the Virginia Association of Commonwealth’s Attorneys in 2008;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of June 2010 that Eric Olsen be and he hereby is recognized for his contributions to the administration of justice and his election to serve on the Board of Directors for the National District Attorney’s Association.

Item 15. Human Resources; Authorize Recruitment

Resolution R10-174 reads as follows:

A RESOLUTION TO APPROVE RECRUITMENT OF ONE POSITION IN  
THE COMMONWEALTH’S ATTORNEY OFFICE

WHEREAS, funding is available in the FY 2010 and in the FY 2011 Adopted Budgets to fill the vacant positions; and

WHEREAS, a vacancy exists for the following position:

Assistant Commonwealth Attorney; and

WHEREAS, the position has been deemed critical to the operation of County services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of June, 2010, that the Board be and hereby does approve recruitment for the above mentioned position.

Item 16. Public Works; Award Contract, Budget and Appropriate Grant Funds for Design of Courthouse Area Streetscape Improvements

Resolution R10-163 reads as follows:

A RESOLUTION TO AUTHORIZE AWARD OF A CONTRACT AND BUDGET AND APPROPRIATE TRANSPORTATION ENHANCEMENT PROGRAM GRANT FUNDS FOR DESIGN OF THE COURTHOUSE AREA STREETSCAPE IMPROVEMENTS

WHEREAS, the County has prepared a redevelopment master plan for the Courthouse area located around the intersection of Jefferson Davis Highway (US-1) and Courthouse Road (SR-630); and

WHEREAS, to initiate the Courthouse area redevelopment, the Board desires to prepare design plans for streetscape improvements along Jefferson Davis Highway between Hope Road and the Stafford Hospital Center Boulevard; and

WHEREAS, the County has received Transportation Enhancement Program grant funds from the Virginia Commonwealth Transportation Board for design and construction of the Courthouse Area Streetscape Improvements; and

WHEREAS, the County issued a Request for Proposals for engineering services for design of the Courthouse Area Streetscape Improvements; and

WHEREAS, five proposals from interested firms were submitted; and

WHEREAS, an evaluation committee met with three firms for a presentation and determined that Christopher Consultants, Ltd. (Christopher) was the most qualified firm to provide these services; and

WHEREAS, Christopher submitted a cost proposal to perform the engineering services for design of the streetscape improvements for an amount of \$308,017; and

WHEREAS, the evaluation committee has determined that this proposal is reasonable for the scope of work proposed; and

WHEREAS, in conjunction with Transportation Enhancement Program grant funding for the project, the Virginia Department of Transportation performed a pre-award audit of Christopher's cost proposal and its subcontractors;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of June, 2010, that the County Administrator be and he hereby is authorized to execute a contract with Christopher Consultants, Ltd. in an amount not to exceed Three Hundred Eight Thousand, Seventeen Dollars (\$308,017) for engineering services for the design of the Courthouse Area Streetscape Improvements; and

BE IT FURTHER RESOLVED that Transportation Enhancement Program grant funds in the amount of Three Hundred Eight Thousand Seventeen Dollars (\$308,017) be and it hereby is budgeted to the General Fund, Public Works Department.

Public Works; Discuss Government Center / Judicial Space Ms. Maria Perrotte, Chief Financial Officer and Mr. Keith Dayton, Director of Public Works gave a presentation and answered Board members questions.

Mr. Snellings and Mr. Crisp inquired about the costs associated with the construction of England Run Library. Mr. Sterling inquired about additional costs beyond construction of the building. Mr. Romanello replied that additional costs were approximately \$2M. Mr. Milde inquired about the overage being used to replace funds from the Museum account which Mr. Romanello confirmed.

Mr. Dayton talked about the potential renovation of the former Rescue One building or the possibility of removing that building and putting up a new structure. Mr. Sterling asked about the rent being paid on the space currently being used by the Commonwealth's Attorney's office and the rate of return on that rent. Mr. Dayton also talked about the consideration of moving the Court Services Unit to the new location and talked about the benefits to building a new building vs. renovating the existing space. Mr. Crisp asked about the number of staff employed by the Court Services Unit. That information will be provided to the Board by Mr. Dayton.

Mr. Milde asked about the Tignor Building and whether the County owns the land for the proposed site. Mr. Romanello answered that the County does own the land for the proposed Tignor Building.

Staff was asked to provide additional information and further details to the Board at the meeting scheduled for June 15, 2010.

Discuss Transportation Bond Committee Responsibilities

Mr. Crisp stated that because the current transportation environment remains dynamic and fluid, influenced by new programs, a changing economic environment, and new demands to be effective and efficient, County staff and the Board can benefit from a regular, focused and comprehensive dialogue on a number of ongoing and future transportation issues similar to the ongoing efforts surrounding the Transportation Bond implementation.

Mr. Crisp motioned, seconded by Mr. Dudenhefer, that the Board to designate the Transportation Bond Committee as the responsible committee for working with staff and advising the Board on all transportation related issues. The Planning Commission would retain the responsibility to provide advice to the Board on the County's Long Range Transportation Plan and the County Pedestrian, Bicycle and Trails Plan that are elements of the Comprehensive Plan.

The Voting Board tally was:

Yea: (6) Crisp, Dudenhefer, Milde, Snellings, Sterling Stimpson  
Nay: (1) Woodson

Appoint Mr. Roy Boswell to the Parks and Recreation Commission Mr. Milde motioned, seconded by Mr. Dudenhefer, to appoint Mr. Boswell to the Parks and Recreation Commission.

The Voting Board tally was:

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

Legislative; Closed Meeting At 10:35 p.m., Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Resolution CM10-13.

The Voting Board tally was:

Yea: (6) Snellings, Milde, Crisp, Dudenhefer, Stimpson, Woodson  
Nay: (1) Sterling

Resolution CM10-13 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to consult with counsel and discuss in Closed Meeting (1) Legal Advice regarding County and School Board Annual Audit Issues; (2) Legal Advice regarding Virginia Railway Express and Amtrak Contract Transition Legal Issues; (3) a Personnel Matter regarding Discussion of County Attorney Position; and (4) a Personnel Matter regarding the County Administrator Evaluation; and

WHEREAS, pursuant to Section 2.2-3711 A.7 and A.1, 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 1<sup>st</sup> day of June, 2010, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At 11:21 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Crisp motioned, seconded by Ms. Stimpson, to adopt proposed Resolution CM10-13a.

The Voting Board tally was:

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

Resolution CM10-13a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 1, 2010

WHEREAS, the Board has, on this the 1<sup>st</sup> day of June, 2010 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 1<sup>st</sup> day of June, 2010, 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.

Mr. Snellings motioned, seconded by Ms. Stimpson to suspend the bylaws to enable the Board to continue the meeting past 11:00 p.m.

The Voting Board tally was:

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

Legislative; Closed Meeting At 11:22 p.m., Mr. Milde motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM10-14.

The Voting Board tally was:

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

Resolution CM10-14 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to consult with counsel and discuss in Closed Meeting (1) a Personnel Matter regarding Discussion of County Attorney Position; and (2) a Personnel Matter regarding the County Administrator Evaluation; and

WHEREAS, pursuant to Section 2.2-3711 A.1, 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 1<sup>st</sup> day of June, 2010, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At 11:32 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Crisp motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM10-14a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM10-14a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 1, 2010

WHEREAS, the Board has, on this the 1<sup>st</sup> day of June, 2010 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 1<sup>st</sup> day of June, 2010, 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.

At 11:32 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