

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

October 17, 2006

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Robert C. Gibbons, Chairman, at 1:06 P. M., Tuesday, October 17, 2006, in the Board Chambers, Stafford County Administration Center.

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

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

Legislative; Work Session on Transportation Impact Fees. Carl F. Bowmer, Esq., outside legal counsel, and Doug Kennedy, Transportation Engineer for Patton, Harris, Rust and Associates, gave a presentation and responded to Board members questions.

Hearing no objections from the Board, Mr. Brito and Mr. Milde were requested to further review potential areas and report back to the Board.

Legislative; Work Session on Quarterly Report of the VDOT Residency Administrator.

Ms. Jorg Hucklebee-Mayfield, Residency Administrator, Mr. Walter Harrison, Assistant Residency Administrator, and Mr. Harry Lee, Engineering Manager of the Fredericksburg District, gave a presentation and responded to Board members questions.

Legislative; Work Session on FY2007 Road Projects. Mr. Fulton deLamorton gave a presentation and responded to Board members questions.

Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R06-469 with a change.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-469 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FOR LOCALLY-FUNDED, VDOT-ADMINISTERED SIGNALIZATION PROJECTS; AUTHORIZE PAYMENT TO VDOT; AND, REQUESTING REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION FOR THESE EXPENDITURES

WHEREAS, traffic signal warrant analyses conducted by VDOT concluded that traffic signals are warranted at two intersections: Mine Road (SR-684) and Highpointe Boulevard (SR-1455) and Shelton Shop Road (SR-648) and Courthouse Road (SR-630); and

WHEREAS, the Board previously expressed its desire to fund these projects through local funds; and

WHEREAS, a Memorandum of Agreement between the County and VDOT has been drafted stipulating the conditions of these locally-funded projects, including project cost and schedule, by which payment of \$700,000 is to be made to VDOT; and

WHEREAS, a portion of the project expenses can be reimbursed from the County's fuel tax funds, and the balance will be paid from contributions proffered by Developers;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the County Administrator be and he hereby is authorized to execute a Memorandum of Agreement with and authorize payment to VDOT for these signalization projects; and

BE IT FURTHER RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Two Hundred Eighty-two Thousand Three Hundred Thirteen Dollars (\$282,313) from the fuel tax funds.

Mr. Brito motioned, seconded by Mr. Dudenhefer, to defer proposed Resolution R06-470.

The Voting Board tally was:

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

Mr. Cavalier motioned, seconded by Mr. Milde, to defer proposed Resolution R06-471.

Mr. Cavalier withdrew the motion.

Mr. Milde withdrew the second to the motion.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-471 with a change.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-471 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE AN AGREEMENT WITH VIRGINIA DEPARTMENT
OF TRANSPORTATION (VDOT) FOR THE JUGGINS ROAD
CONNECTOR PROJECT, VDOT PROJECT 0711-089-247,N-501;
UPC 65551

WHEREAS, the Board previously allocated revenue sharing funds for the construction of a new two-lane road on a new location, known as the Juggins Road Connector, from Doc Stone Road (SR-659) to Staffordboro Boulevard (SR-684), sufficient to begin preliminary engineering activities by VDOT; and

WHEREAS, a Memorandum of Agreement between the County and VDOT has been drafted stipulating the conditions of this locally-funded project, including project cost and schedule;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the County Administrator be and he hereby is authorized to execute a Memorandum of Agreement with VDOT for the Juggins Road Connector project.

Recess. At 3:10 P.M., the Chairman declared a recess.

Call to Order. At 3:15 P.M., the Chairman called the meeting back to order.

Legislative; Work Session on VRE Budget. Mr. Dale Zehner, Chief Executive Officer, Virginia Railway Express, gave a presentation and responded to Board members questions.

Legislative; Work Session on Comprehensive Plan Financial Impact Model. Ms. Patricia Kurpiel, member of the Comprehensive Plan Steering Committee, gave a presentation and responded to Board members questions.

Legislative; Closed Meeting. Mr. Cavalier motioned, seconded by Mr. Fields, to add the following items to Closed Meeting.

Acquisition of Real Property for Public Purpose	Crow's Nest Joseph L. Howard, Jr.
Acquisition of Real Property for Public Purpose	Widewater/Potomac Hills Fire Station Joseph L. Howard, Jr.
	Section 2.2-3711 A3 Code of Virginia

The Voting Board tally was:

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

Nay: (0)

Legislative; Closed Meeting. At 4:22 P.M., Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution CM06-31.

The Voting Board tally was:

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

Nay: (0)

Resolution CM06-31 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regard to a Dominion transmission line and the Crow's Nest litigation and the acquisition of real property for public purpose in regard to Crow's Nest and the Widewater/Potomac Hills Fire Station; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 17th day of October, 2006 does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 5:30 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution CM06-31a.

The Voting Board tally was:

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

Nay: (0)

Certification CM06-31a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
OCTOBER 17, 2006

WHEREAS, the Board has, on this the 17th day of October, 2006, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 17th day of October 2006, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Legislative; Authority Purchase of Fire Station. Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to authorize the County Administrator to purchase the Potomac Hills Fire Station at 3528 Jefferson Davis Highway from Widewater Volunteer Fire and Rescue Services, Inc., for the purchase price of \$100,000 cash, plus payment of the existing Widewater debt of approximately \$1.4 Million; and that the County Administrator be authorized to sign a contract to that effect; and to make arrangements for the County to assume or refinance the Widewater debt, whichever proves to be in the best interest of the

County; and that the County Administrator be authorized to advertise a public hearing for the Board to consider this debt financing.

The Voting Board tally was:

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

Nay: (0)

Recess. At 5:31 P.M., the Chairman declared a recess until 7:00 P.M.

Call to Order. At 7:04 P.M., the Chairman called the meeting back to order.

Invocation. Mr. Schwartz 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; Presentation of Proclamation to Scott Reed. Mr. Fields presented the proclamation to Scott Reed and family to commend him for capturing the 69th Annual All-American Soap Box Derby World Championship title.

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

- | | |
|-------------------|---|
| No name | - Bond referendum. |
| Wendy Harris | - Traffic light at Rappahannock Regional Jail. |
| Buddy Secor | - Dominion Power transmission line. |
| Chuck Feldbush | - Road bonds referendum and related materials. |
| Manuel Matthews | - Naming of Rappahannock River bridge over I-95.. |
| James McMath | - Fiscal impact analysis. |
| Christine Wedding | - Bond referendum and information. |
| Lou Silver | - Bond referendum. |
| | - Cost of living in Stafford County. |

Budget; Amend and Reordain Chapter 23 of the County Code by Amending Article III, Division 2, Section 23-57 Entitled “General Provisions” Regarding Tax Relief for the Elderly. Mr. Scott Mayausky, Commissioner of the Revenue, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Lou Silver

Christine Wedding

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-78.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-78 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23
OF THE COUNTY CODE BY AMENDING ARTICLE III,
DIVISION 2, SECTION 23-57 ENTITLED “GENERAL PROVISIONS”
REGARDING TAX RELIEF FOR THE ELDERLY

WHEREAS, it is the desire of the Board to provide tax relief for the elderly and disabled citizens of the County; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that Section 23-57 of the Stafford County Code be and it hereby is amended and reordained as follows:

Sec. 23-57. General provisions.

(a) Real estate owned by and occupied as the sole dwelling of a person or persons who are not less than sixty-five (65) years of age or who are determined to be permanently and totally disabled is exempted from county real estate taxes up to ~~three thousand five hundred dollars a year (\$3,500)~~ two thousand dollars a year (\$2,000), subject, however, to the following restrictions and conditions, in addition to those set out elsewhere in this division:

(1) That the total combined income during the immediately preceding calendar year to which such exemption is to apply, from all sources of the owner of the dwelling living therein and of the owner's relatives living in the dwelling, does not exceed thirty-five thousand dollars (\$35,000); provided that the first ten thousand dollars (\$10,000) of income of each relative, other than spouse, of the owner who is living in the dwelling shall not be included in such total. Owners, who are permanently disabled as defined in section 23-56 above, may exclude the first ten thousand dollars (\$10,000) of income.

(2) That the net combined financial worth, including equitable interests, as of the December 31 of the immediately preceding calendar year, of the owner and of the spouse of the owner, excluding the value of the dwelling and the land, not exceeding ~~ten acres~~ twenty acres (20), upon which it is situated, does not exceed ~~two hundred thousand dollars (\$200,000)~~ three hundred thousand dollars (\$300,000).

(b) Real estate owned and occupied as the sole dwelling of a person or persons who are not less than sixty-five (65) years of age or who are determined to be permanently disabled is exempted from fifty (50) percent of their county real estate taxes up to ~~three thousand five hundred dollars a year (\$3,500)~~ two thousand dollars a year (\$2,000),

subject, however to the following restrictions and conditions, in addition to those set out elsewhere in this division:

(1) That the total combined income during the immediately preceding calendar year to which such exemption is to apply, from all sources of the owner of the dwelling living therein and of the owner's relatives living in the dwelling, does not exceed forty thousand dollars (\$40,000); provided that the first ten thousand dollars (\$10,000) of income of each relative, other than spouse, of the owner who is living in the dwelling shall not be included in such total. Owners who are permanently disabled as defined in section 23-56 above, may exclude the first ten thousand (\$10,000) of income.

(2) That the net combined financial worth, including equitable interests, as of the December 31 of the immediately preceding calendar year, of the owner and the spouse of the owner, excluding the value of the dwelling and the land, not exceeding ~~ten acres~~ twenty acres (20), upon which it is situated, does not exceed two hundred thousand dollars (\$200,000).

~~(c) The tax exemption herein permitted may be granted for any year following the date the head of the household occupying such dwelling and owning title or partial title thereto reaches the age of sixty five (65) years or is determined to be permanently and totally disabled.~~

(c) Real estate owned and occupied as the sole dwelling of a person or persons who are not less than (65) years of age or who are determined to be permanently disabled is exempted from fifty (50) percent of their county real estate taxes up to two thousand dollars a year (\$2,000), subject, however to the following restrictions and conditions, in addition to those set out elsewhere in this division:

(1) That the total combined income during the immediately preceding calendar year to which such exemption is to apply, from all sources of the owner of the dwelling living therein and of the owner's relatives living in the dwelling, does not exceed thirty thousand dollars (\$30,000); provided that the first ten

thousand dollars (\$10,000) of income of each relative, other than spouse, of the owner who is living in the dwelling shall not be included in such total. Owners, who are permanently disabled as defined in section 23-56 above, may exclude the first ten thousand dollars (\$10,000) of income.

(2) That the net combined financial worth, including equitable interests, as of the December 31 of the immediately preceding calendar year, of the owner and the spouse of the owner, excluding the value of the dwelling and the land, not exceeding twenty acres (20), upon which it is situated, does not exceed four hundred thousand dollars (\$400,000).

(d) ~~(e)~~ The tax exemption herein permitted may be granted for any year following the date the head of the household occupying such dwelling and owning title or partial title thereto reaches the age of sixty-five (65) years or is determined to be permanently and totally disabled.

(e) In lieu of the annual affidavit or written statement filing requirement, the Commissioner of Revenue may prescribe for the filing of the affidavit or written statement on a three-year cycle with an annual certification by the taxpayer that no information contained on the last preceding affidavit or written statement filed has changed to violate the limitations and conditions provided herein.

This Ordinance will take effect upon adoption.

Planning; Amend Section 28-38, Table of Uses and Standards; Table 3.1, District Uses and Standards; Section 28-162, Applicability; Section 28-163, Review; and, Section 28-164, Requirements, of the Zoning Ordinance. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-74.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-74 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY
CODE BY AMENDING SECTION 28-38, TABLE OF USES AND
STANDARDS; AND, TABLE 3.1, DISTRICT USES AND STANDARDS,
OF THE ZONING ORDINANCE

WHEREAS, medical and dental offices are not permitted in the Suburban Commercial (SC) Zoning Districts; and

WHEREAS, the purpose of the SC zoning district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate area in which they are located; and

WHEREAS, the Land Use Plan recommends offices for doctors, dentists, lawyers, and other professionals which serve the surrounding population as a buffer use in the SC zoning district; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-38, Table of Uses; and Table 3.1, District Uses and Standards, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

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

Table 3.1 District Uses and Standards

SC Suburban Commercial

(a) Uses permitted by right:

Medical/dental office.

Mr. Cavalier motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-79.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-79 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY
CODE BY AMENDING SECTION 28-162, APPLICABILITY;
SECTION 28-163, REVIEW; AND SECTION 28-164, REQUIREMENTS,
OF THE ZONING ORDINANCE

WHEREAS, the Board desires the County code to be consistent with the Code of Virginia; and

WHEREAS, Section 15.2-2297 of the Code of Virginia (1950), as amended, authorizes the Board to accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-162, Applicability; Section 28-163, Review; and Section 28-164, Requirements, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

Sec. 28-162. Applicability.

A conditional zoning district is a zoning district, or portion thereof, which has been established pursuant to the provisions of this article, and which is subject to certain reasonable conditions voluntarily proffered in writing by the owner, or agent of the owner, and agreed to by the board of supervisors as part of a reclassification of property in a zone district.

The voluntary conditions proffered by the applicant for a conditional rezoning, if approved by the board of supervisors are applicable in addition to those regulations applicable to a particular zoning district or portion thereof.

Sec. 28-163. Review.

Applicants for rezoning using proffers shall make application on forms provided by the planning department to the director of planning or his designee and shall include the voluntarily proffered conditions, or a statement of intent to file written proffers, the required fee, an affidavit and required analysis of significant impact. The director of planning or his designee shall forward the application to the planning commission for a public hearing, after proper legal notice, who shall make its findings and recommendations to the board of supervisors. The board of supervisors shall advertise and hold a public hearing pursuant to the requirements of this article, after which it shall ~~rule~~ vote on the application. The board may consider additional proffers, withdrawal of proffers, substantial changes to the package of proffers, or amendments to conditions, if the same have been voluntarily proffered in writing by the applicant and the owner.

Sec. 28-164. Requirements.

(a) *Requirements for proffers.* Conditional rezoning, based upon proffers by the owner of the property, will be allowed subject to the following requirements:

- (1) The proffered conditions must be part of the rezoning request;
- (2) The proffered conditions must be offered by the owner prior to the public hearing of the board of supervisors, except that the board may accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal;
- (3) The proffered conditions must be voluntarily offered by the property owner;
- (4) The proffered conditions must be in writing, and ~~be~~ signed by the owner;
- (5) The proffered conditions must be reasonable;
- (6) The rezoning itself ~~must~~ gives rise to the need for the proffered conditions;
- (7) Such conditions ~~must~~ have a reasonable relation to the rezoning; and
- (8) ~~That a~~ All the such proffered conditions ~~must be~~ are in conformity with the comprehensive plan of the county and with the requirements of the Code of Virginia.

Planning; Consider Rezoning 12.18 Acres from R-4 to B-2 Located at 755 Telegraph Road. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Thomas Worman, Applicant

Lou Silver

The Chairman closed the public hearing.

Hearing no objections from the Board, this item was tabled until later in the meeting.

Planning; Consider a Conditional Use Permit at 3002 Jefferson Davis Highway. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened the public hearing.

The following person spoke:

Clay Grogin, on behalf of the Applicant

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-401.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-401 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT
PURSUANT TO APPLICATION CUP2600450 TO ALLOW A
MODIFICATION OF THE FLOOR AREA RATIO REQUIREMENT

FROM 0.40 TO 0.89 FOR A HOTEL IN A B-2, URBAN
COMMERCIAL ZONING DISTRICT, ON ASSESSOR'S PARCEL
21-51A, AQUIA ELECTION DISTRICT

WHEREAS, Rx Associates, LLC, applicant, has submitted application CUP2600450 requesting a Conditional Use Permit to allow a modification of the floor area ratio requirement from 0.40 to 0.89 for a hotel in a B-2 Urban Commercial Zoning District on the above-described property; and

WHEREAS, the application has been submitted pursuant to Section 28-38 (i) of the Zoning Ordinance which permits the modification of floor area ratio requirements for hotels after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and 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 17th day of October, 2006, that a Conditional Use Permit pursuant to application CUP2600450 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow a maximum floor area ratio associated with a hotel of 0.89 on Assessor's Parcel 21-51A.
2. Development of the site shall be in conformance with the Generalized Development Plan entitled "Staybridge Suites" prepared by Parker Design Group, Inc., dated June 15, 2006, last revised August 8, 2006.
3. No commercial apartments shall be permitted on site.

4. No lights or lighted signage shall be located above 35 feet from ground elevation.
5. No neon signs or flashing signs shall be permitted on site.
6. All on-site lighting shall be directed away from adjacent residential properties, as well as Jefferson Davis Highway.
7. Access to the site shall be limited to one full-service entrance on Coachman Circle, and one right-in only entrance on Jefferson Davis Highway.
8. No occupancy permit shall be issued for the hotel until Coachman Circle is constructed and operational.
9. 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 code.

Planning; Consider Rezoning 12.19 Acres from R-4 to B-2 located at 755 Telegraph Road. Mr. Cavalier commented.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-14 with changes.

The Voting Board tally was:

Yea:	(6)	Dudenefer, Fields, Gibbons, Milde, Schwartz, Cavalier
Nay:	(0)	
Absent:	(1)	Brito

Ordinance O06-14 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING
ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE
ZONING DISTRICT MAP TO RECLASSIFY FROM R-4,
MANUFACTURED HOMES, TO B-2, URBAN COMMERCIAL, ON
PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL 13-37,
GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Worman Development LC., applicant, has submitted application RC2501259 requesting reclassification from R-4, Manufactured Homes, to B-2, Urban Commercial, of property consisting of approximately 12.18 acres, located on the south side of Telegraph Road, approximately 500 feet east of its northern intersection with Jefferson Davis Highway, Griffis-Widewater Election District; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify the parcel of land, as shown on the plat of survey by Christopher Consultants, dated May 13, 2005, from R-4, Manufactured Homes, to B-2, Urban Commercial, with the following proffers:

1. Right of Way Dedication and Improvement –The applicant shall include left and right turn lanes out of the development, as indicated on the GDP, In addition, the applicant shall provide a right turn lane into the development, as indicated on the GDP.

2. Design and Architecture Treatment – The applicant agrees to utilize a consistent architectural theme and general layout of buildings that features a neo-traditional design, in substantial conformance with the renderings on the entitled “Widewater Heights Illustrative Plan” dated July 14, 2006, prepared by Worman Commercial and as depicted on “Widewater Heights Generalized Development Plan”, dated July 14, 2006, prepared by Worman Commercial (“GDP”). The applicant shall adhere to the following guidelines:

(A) Street Scapes – The applicant shall provide for enhanced pedestrian circulation and locate structures as close to walkways as practicable. Street landscaping shall feature predominantly shade trees. Other features shall include public gathering areas, including courtyards, fountains, and gazebos. Such features shall be constructed in the approximate locations noted as “gazebo and picnic area” or “fountain/sculptures” on the Illustrative Plan. Signage shall be coordinated with building materials and colors, and lighting shall utilize a consistent theme or style throughout the development.

(B) Architectural – Buildings in the development shall include varied ornamentation, such as recesses, balconies, stops, and breezeways. Windows and exterior design, including roofs, shall be distinct for given buildings and consistent with the architectural theme for the development. Building materials and design shall vary from building to building, but shall specifically exclude cinder block and unadorned metal. Buildings will include the use of brick and glass. Buildings shall exclude the use of vinyl siding.

(C) Renderings – To ensure conformity with these proffers, at the time of submission of building permit applications, renderings of proposed structures included in each application shall be simultaneously submitted to the Planning Department for review and approval within ten (10) days.

3. Storm Water BMP – The applicant agrees to implement the use of LID facilities to the greatest extent practicable to treat and store storm water runoff.
4. Development in Wetlands – The applicant agrees not to cross the wetlands located on the western portion of the property with any roadway or develop any portion of the property with any roadway or develop any portion of the property to the west of the wetlands as generally indicated on the GDP.
5. Community Association – The applicant shall establish a Community Association in order to enforce covenants and restrictions and to maintain common areas and amenities.
6. Maintenance of Widewater Heights Drive – The applicant agrees to establish a maintenance agreement between tenants and property owners to provide for the maintenance of Widewater Heights Drive, to include repairs to the roadway and snow removal.
7. Signage – The applicant agrees to employ a consistent, coordinated design theme for signage throughout the development that features brick facades, earth tones or muted colors, and recessed lighting. Applicant shall exclude the use of neon lighting.
8. FRED Bus Stop – The applicant agrees to identify a location and provide a shelter for a FRED bus stop on Widewater Heights Drive if a bus route along Telegraph Road in the vicinity of the property is authorized.
9. Site Survey – Applicant agrees to allow Stafford Civil War Association to survey the entire site for any significant Civil War Sites. Applicant also agrees to allow an archeologist to walk site and identify any significant artifacts.

10. Cash Proffers – The Applicant agrees that \$10,000 shall be paid to the County of Stafford upon the issuance of the occupancy permit for each unit.

A. Cash Disbursements shall be allocated accordingly.

a) Parks & Recreation:	\$2,950
b) Schools:	\$3,700
c) Library:	\$ 240
d) Fire & Rescue:	\$ 310
e) Transportation:	\$2,580
f) General Government	\$ 220

Planning; Consider a Conditional Use Permit at 259 Garrisonville Road. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-427.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-427 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT
PURSUANT TO APPLICATION CUP2600556 TO ALLOW A
DRIVE-THROUGH FACILITY IN A HC, HIGHWAY CORRIDOR

OVERLAY ZONING DISTRICT ON ASSESSOR'S PARCEL 20-133C
(PORTION), GARRISONVILLE ELECTION DISTRICT

WHEREAS, Christa Banks and Paul Shrewbury, applicants, have submitted application CUP2600556 requesting a Conditional Use Permit to allow a drive-through in an HC, Highway Corridor Overlay, 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 this use in a HC, Highway Corridor Overlay, Zoning District after a Conditional Use Permit has been issued by the Board; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that a Conditional Use Permit pursuant to application CUP2600556 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is for a drive-through facility associated with a coffee shop to be located on Assessor's Parcel 20-133C (portion).
2. The building and associated drive-through lanes shall be fully contained within the limits of existing parking spaces as generally indicated on the Generalized Development Plan titled "Java Jo'z Conceptual Layout" prepared by Gay and Neel, Inc. dated August 31, 2006, and shall not impede traffic circulation.
3. Drive-through lanes shall be clearly marked with pavement markings and directional signage.

4. Sufficient parking in accordance with the current zoning regulations shall be retained to serve the shopping center located on Assessor's Parcel 20-133C.
5. No carnival style flags, banners, lights, balloons or windsocks shall be utilized on site.
6. No neon signs shall be permitted on site.
7. The building shall be in general conformance with Exhibit 1, entitled "Java Jo'z", dated September 13, 2006. Earth tone colors will be utilized on the building exterior.
8. The hours of operation shall be limited to Monday through Friday 4:30 A.M. to 7:00 P.M., and Saturday and Sunday 7:00 A.M. to 6:00 P.M.
9. If the business ceases operation for a period of more than two years, then the building shall be removed and the parking area restored to its prior condition.
10. This Conditional Use Permit may be revoked or conditions modified for violations of the conditions or any applicable federal, state or local code.

Planning; Consider a Conditional Use Permit at 893 Garrisonville Road. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following person spoke:

Jay Du Von, on behalf of the Applicant

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R06-398.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-398 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2501580 TO ALLOW A RESTAURANT WITH A DRIVE-THROUGH IN A HC, HIGHWAY CORRIDOR OVERLAY, ZONING DISTRICT, ON ASSESSOR'S PARCEL 19-73A AND 73B, GARRISONVILLE ELECTION DISTRICT

WHEREAS, McDonald's USA, LLC, applicant, has submitted application CUP2501580 requesting a Conditional Use Permit to allow a restaurant with a drive-through in an HC, Highway Corridor Overlay, 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 this use in a HC, Highway Corridor Overlay, Zoning District, after a Conditional Use Permit has been issued by the Board; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that a Conditional Use Permit pursuant to application CUP2501580 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is for a restaurant with a drive-through to be located on Assessor's Parcels 19-73A and 73B.
2. Access shall be limited to one entrance on Garrisonville Road and one entrance on Wolverine Way, in the general locations as shown on the Generalized Development Plan (GDP) prepared by Bohler Engineering, PC, dated 11/21/05, last revised 7/5/06. The entrances shall meet current Virginia Department of Transportation (VDOT) standards.
3. Additional right-of-way shall be dedicated on Garrisonville Road to allow for a total of 72 feet from the road centerline.
4. Additional right-of-way shall be dedicated on Shelton Shop Road to allow for a total of 56.5 feet from the road centerline.
5. The location of the drive-through window(s) shall be consistent with the GDP.
6. The drive-through lanes shall be oriented as to not impede traffic circulation.
7. The building shall be constructed in general conformance with the architectural rendering in Exhibit 1, entitled McDonald's, dated September 20, 2006. The front facade shall consist of a sand colored brick front with burgundy and brown awnings.
8. Dumpster enclosure materials shall be of consistent design and materials as the primary building materials. Doors to the dumpster enclosure shall remain closed when not in use.

9. No carnival style flags, banners, lights, balloons or windsocks shall be utilized on site.
10. This Conditional Use Permit may be revoked or conditions modified for violations of the conditions or any applicable federal, state or local code.

Planning; Amend Section 28-38, Table of Uses and Standards; and Table 3.1 District Uses and Standards, of the Zoning Ordinance. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Fields motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O06-83 with a change.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-83 reads as follows:

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

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

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

WHEREAS, as the County grows and prospers, infrastructure and public facilities and utilities expand; and

WHEREAS, Goal 13 of the Land Use Plan recommends the County support the location and expansion of electric, gas, and telecommunication lines such that existing and proposed developments are not interrupted and that maximum service quality is available at a cost effective rate in a location that does not adversely impact personal property value; and

WHEREAS, the Board recognizes some of the components of public facilities and utilities to have some unique characteristics or potential special impacts such that their effect on the surrounding area cannot be determined in advance of the use being proposed in a particular location; and

WHEREAS, the Board desires such public facilities and utilities for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification of a wastewater treatment facility existing prior to October 17, 2006) to require the approval of a Conditional Use Permit; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-25, Definitions of Specific Terms; Section 28-35, Table of Uses and Standards; and Table 3.1, District Uses and Standards of the Zoning Ordinance as follows, with all other portions remaining unchanged:

Sec. 28-25 Definitions of specific terms.

Public facilities/utility. ~~Any public works supplied generally by a governmental organization. Such public works shall include, but not limited to, airports, parks, schools owned and/or operated by Stafford County or the Commonwealth of Virginia, water and sewer facilities and police and fire protection facilities.~~ Buildings, structures, and facilities, including, generating facilities, substations, switching stations, poles, lines (including distribution and transmission lines), pipes, pumping stations, water treatment facilities, wastewater treatment facilities (not including on-site sewage disposal systems), repeaters, antennas, transmitters and receivers, valves and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, broadband communications, water, sewer, and public transit to the public.

Public works. Buildings, structures and infrastructures constructed by Stafford County or the Commonwealth of Virginia, or a department of Stafford County or the Commonwealth of Virginia in connection with another government agency or department of another county or municipality, at public expense for general public use, such as roads, highways, transit facilities, parks, public building, police, correction and fire protection facilities and public schools owned and/or operated by Stafford County or the Commonwealth of Virginia.

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

Table 3.1. District Uses and Standards.

A-1. Agricultural

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

A-2. Rural Residential

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

R-1. Suburban Residential

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

R-2. Urban Residential-Medium Density

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit

Public works excluding wastewater treatment facilities.

(b) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

R-3 Urban Residential-High Density

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(c) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

R-4 Manufactured Homes

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

B-1 Convenience Commercial

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

B-2 Urban Commercial

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding waste water treatment facilities.

(b) *Conditional use permit:*

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

B-3 Office

(a) *Uses permitted by right:*

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b) *Conditional use permit:*

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

RBC Recreational Business Campus

(a) *Uses permitted by right:*

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b)Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

RC Rural Commercial

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b)Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

SC Suburban Commercial

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

M-1 Industrial Light

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

M-2 Industrial, Heavy

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities.

Public works excluding wastewater treatment facilities.

(b) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

PD-1 Planned Development 1

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and wastewater treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

PD-2 Planned Development 2

(a) Uses permitted by right:

Public facilities/utility but not including generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit.

Public works excluding wastewater treatment facilities.

(b) Conditional use permit:

Public facility/utility for generating facilities, substations, switching stations and waste water treatment facilities (except for the expansion or modification to a wastewater treatment facilities existing prior to October 17, 2006).

FH Flood Hazard

(c) Special exception:

~~(5)~~ Transmission lines

~~(6)~~ (5) Stormwater management structures

~~(7)~~ (6) Marinas

~~(8)~~ (7) Docks

~~(9)~~ (8) Wharves

~~(10)~~ (9) Piers

~~(11)~~ (10) Water dependent uses

County Attorney; Consider Repeal of Ordinance O97-20, Traffic Impact Area for the Planned Construction of the Widewater Parkway and Associated Improvements; Ordinance O95-69(R), Establishing a Special Service District for the Widewater Area; and R97-99, Establishing a Widewater Parkway Contribution Allocation Plan. Mr. Joseph Howard, County Attorney, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O06-84.

The Voting Board tally was:

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

Nay: (1) Milde

Ordinance O06-84 reads as follows:

AN ORDINANCE TO REPEAL ORDINANCE NO. O97-20
ENCAPTIONED “AN ORDINANCE TO ESTABLISH A TRAFFIC
IMPACT AREA FOR THE PLANNED CONSTRUCTION OF THE
WIDEWATER PARKWAY AND ASSOCIATED IMPROVEMENTS IN
ACCORDANCE WITH SECTION 22-169 OF THE STAFFORD
COUNTY SUBDIVISION ORDINANCE”

WHEREAS, Ordinance O97-20 was adopted on April 1, 1997 to establish a funding mechanism for road construction in the Widewater area; and

WHEREAS, at the time Ordinance O97-20 was adopted, it was anticipated that significant development in the Widewater area would occur; and

WHEREAS, Ordinance O97-20 established specific areas in the Widewater area as Traffic Impact Areas whereby fees could be collected from developers for the cost of constructing the Widewater Parkway and associated improvements; and

WHEREAS, the circumstances related to the potential developments within the Widewater Special Service District have changed as a result of a Supreme Court ruling related to development agreements between major Widewater property owners, resulting in the sale of 1,100 acres of land in the Widewater area by one such major property owner to the State for a State Park; and

WHEREAS, the transportation requirements in the Widewater area have changed; and

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

WHEREAS, the Board has determined that additional funding through the Traffic Impact Area fee mechanism for the Widewater Parkway and associated improvements is not required at this time;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that Ordinance O97-20 be and it hereby is repealed and no longer has any force or effect.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-85.

The Voting Board tally was:

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

Ordinance O06-85 reads as follows:

AN ORDINANCE TO REPEAL ADOPTED ORDINANCE O95-69(R)
ENCAPTIONED “AN ORDINANCE TO ESTABLISH A SPECIAL
SERVICE DISTRICT FOR THE WIDEWATER AREA”

WHEREAS, Ordinance O95-69(R) was adopted on October 3, 1995 to provide transportation improvements in the Widewater area; and

WHEREAS, at the time Ordinance O95-69(R) was adopted, it was anticipated that significant development in the Widewater area would occur; and

WHEREAS, Ordinance O95-69(R) established the Widewater Special Service District and subjected all real property to a special tax to fund the Widewater Parkway and the improvements in the Widewater area, which tax rate was to be set at a rate to be determined annually by the Board; and

WHEREAS, the circumstances related to the potential developments within the Widewater Special Service District have changed as a result of a Supreme Court ruling related to development agreements between major Widewater property owners, resulting in the sale of 1,100 acres of land in the Widewater area by one such major property owner to the State for a State Park; and

WHEREAS, the transportation requirements in the Widewater area have changed; and

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

WHEREAS, the Board has determined that additional funding through the Special Service District tax mechanism for the Widewater Parkway and associated improvements is not required at this time;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that Ordinance O95-69(R) be and it hereby is repealed and no longer has any force or effect.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-449.

The Voting Board tally was:

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

Nay: (1) Milde

Resolution R06-449 reads as follows:

A RESOLUTION TO REPEAL ADOPTED RESOLUTION R97-99
ENCAPTIONED “A RESOLUTION TO ESTABLISH A WIDEWATER
PARKWAY CONTRIBUTION ALLOCATION PLAN”

WHEREAS, the Board adopted Ordinance O95-73 on September 19, 1995, which permits the County to collect fees for off-site road construction upon adoption of a Traffic Impact Area; and

WHEREAS, Ordinance O97-20 established a Traffic Impact Area for the Widewater area; and

WHEREAS, Resolution R97-99 was adopted to establish the rates for the construction allocation plan for development occurring in the various Traffic Impact Areas enacted by Ordinance O97-20; and

WHEREAS, Ordinance O97-20 has been repealed by the Board; and

WHEREAS, there is no longer a Traffic Impact Area in the Widewater area to fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that Resolution R97-99 be and it hereby is rescinded and no longer has any force or effect.

County Attorney; Consider Condemnation and Exercise of Quick-Take Powers to Acquire Properties in Connection with the Rocky Pen Run Reservoir Construction Projects. Mr. Joseph Howard, County Attorney, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-461.

The Voting Board tally was:

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

Resolution R06-461 reads as follows:

A RESOLUTION WHICH AUTHORIZES CONDEMNATION AND EXERCISE OF QUICK TAKE POWERS TO ACQUIRE A 7.82 ACRE PARCEL OF LAND FROM SHIRLEY A. HELTON, LOCATED AT THE

TERMINUS OF HASSLE LANE, TAX PARCEL, 43-29, IN CONNECTION
WITH THE ROCKY PEN RUN RESERVOIR PROJECT

WHEREAS, the Board has approved and is in the process of constructing the Rocky Pen Run Reservoir Project, a water supply project, to provide for the public drinking water needs of the citizens of Stafford County; and

WHEREAS, the design for the construction of the Rocky Pen Run Reservoir Project requires the entire parcel of land, identified as Tax Parcel 43-29, consisting of 7.82 acres of land, located in the Hartwood Election District of the County; and

WHEREAS, the County has offered \$190,000 for the 7.82 acre parcel identified as Tax Parcel 43-29 owned by Shirley A. Helton located at the terminus of Hassle Lane, which consists of the entire parcel of land; and

WHEREAS, the County negotiation consultant has been unsuccessful in negotiating a final settlement with Shirley A. Helton but will continue to attempt to work with Shirley A. Helton as the owner of the property to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing on October 17, 2006, in accordance with Sections 15.2-1901(A) and 15.2-1905(C), Virginia Code Ann., to determine the necessity for condemnation and for the use of the County's quick-take powers;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the Board be and hereby does find that public necessity exists for the condemnation of the fee simple property interest of the Helton property for the construction of the Rocky Pen Run Reservoir Project and for the immediate exercise of its quick-take powers to enter upon and take prior to condemnation to immediately acquire approximately 7.82 acres of land, involving the entire parcel of

land identified as Tax Parcel 43-29 located at the terminus of Hassle Lane for the Rocky Pen Run Reservoir Project and being the property owned by Shirley A. Helton, Tax Parcel 43-29, and does hereby determine that the appropriate compensation for the said fee simple title to the entire 7.82 acre parcel located at the terminus of Hassle Lane, Tax Parcel 43-29, is the appraised fair market value of One Hundred Ninety Thousand Dollars (\$190,000.00); and

BE IT FURTHER RESOLVED that the Stafford County Board of Supervisors hereby does authorize the County Attorney to file a Certificate of Taking in the land records of Stafford County and to pay into the Stafford County Circuit Court the full fair market value of said property, and to proceed with condemnation of the aforesaid property for the Rocky Pen Run Reservoir Project by quick-take condemnation or otherwise as provided by law; and

BE IT FURTHER RESOLVED that the Stafford County Board of Supervisors hereby does authorize the County Administrator and Director of Finance, or their designees, to sign the Certificate of Taking necessary for filing in Court and to disburse the appraised fair market value of One Hundred Ninety Thousand Dollars (\$190,000.00) by depositing said amount in Court in connection with the quick-take condemnation process on behalf of Stafford County Board of Supervisors in accordance with law.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-462.

The Voting Board tally was:

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

Resolution R06-462 reads as follows:

A RESOLUTION WHICH AUTHORIZES CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A 10.08 ACRE PARCEL OF LAND, AN 8.446 ACRE PARCEL OF LAND, AND AN 8.77 ACRE PARCEL OF LAND FROM DAVID F. ZUPANCIC AND THE ESTATE OF JOSEPH S. ZUPANCIC, LOCATED AT THE TERMINUS OF HASSLE LANE, TAX PARCELS, 43-27 AND 43-27A, IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR PROJECT

WHEREAS, the Board has approved and is in the process of constructing the Rocky Pen Run Reservoir Project, a water supply system, to provide for the public drinking water needs of the citizens of Stafford County; and

WHEREAS, the design for the construction of the Rocky Pen Run Reservoir Project requires the entire parcels of land, Tax Parcels 43-27 and 43-27A, consisting of 10.08 acres of land, 8.446 acres of land and 8.77 acres of land located in the Hartwood Election District of the County; and

WHEREAS, the County has offered \$220,000 for the 10.08 acre parcel identified as Tax Parcel 43-27; \$265,000 for the 8.446 acre parcel of land also identified as tax parcel 43-27 and \$217,000 for the 8.77 acre parcel of land identified as Tax Parcel 43-27A owned by David F. Zupancic and The Estate of Joseph S. Zupancic located at the terminus of Hassle Lane, which consists of the entire parcels of land; and

WHEREAS, the County negotiation consultant has been unsuccessful in negotiating a final settlement with David F. Zupancic and The Estate of Joseph S. Zupancic but will continue to attempt to work with David F. Zupancic and The Estate of Joseph S. Zupancic as the owners of the property to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing on October 17, 2006, in accordance with Sections 15.2-1901(A) and 15.2-1905(C), Virginia Code Ann., to

determine the necessity for condemnation and for the use of the County's quick-take powers;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that it hereby finds that public necessity exists for the condemnation of the fee simple property interest of the David F. Zupancic and The Estate of Joseph S. Zupancic property for the construction of the Rocky Pen Run Reservoir project and for the immediate exercise of its quick-take powers to enter upon and take prior to condemnation to immediately acquire approximately 10.08 acres of land and approximately 8.446 acres of land involving the entire parcel of land identified as Tax Parcel 43-27, and approximately 8.77 acres of land involving the entire parcel of land identified as Tax Parcel 43-27A, located at the terminus of Hassle Lane, for the Rocky Pen Run Reservoir Project and being the property owned by David F. Zupancic and The Estate of Joseph S. Zupancic, Tax Parcels 43-27 and 43-27A, and does hereby determine that the appropriate compensation for the said fee simple title to the entire 10.08 acre parcel, the entire 8.446 parcel and the entire 8.77 parcel at the terminus of Hassle Lane, Tax Parcels 43-27, 43-27 and 43-27A, is the appraised fair market value of \$220,000, \$265,000, and \$217,000, respectively for the total compensation amount of Seven Hundred Two Thousand Dollars (\$702,000.00); and

BE IT FURTHER RESOLVED that the Stafford County Board of Supervisors hereby does authorize the County Attorney to file a Certificate of Taking in the land records of Stafford County and to pay into the Stafford County Circuit Court the full fair market value of said property interests, and to proceed with condemnation of the aforesaid property for the Rocky Pen Run Reservoir Project by quick-take condemnation or otherwise as provided by law; and

BE IT FURTHER RESOLVED that the Stafford County Board of Supervisors hereby does authorize the County Administrator and Director of Finance, or their designees, to sign the Certificate of Taking necessary for filing in Court and to disburse the total appraised fair market value of Seven Hundred Two Thousand Dollars

(\$702,000.00) consisting of \$220,000 for the 10.04 acre parcel of land; \$265,000 for the 8.446 acre parcel of land; and \$217,000 for the 8.77 acre parcel of land, by depositing said amount in Court in connection with the quick-take condemnation process on behalf of Stafford County Board of Supervisors in accordance with law.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-463.

The Voting Board tally was:

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

Resolution R06-463 reads as follows:

A RESOLUTION WHICH AUTHORIZES CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE AN 18.60 ACRE PARCEL OF LAND FROM STEPHEN NORTHCUTT AND JO-KATHLYN NORTHCUTT, KATHLEEN C. HARRIGAN AND JEFFREY L. JOHN, LOCATED AT THE TERMINUS OF HASSLE LANE, TAX PARCEL, 43-28, IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR PROJECT

WHEREAS, the Board has approved and is in the process of constructing the Rocky Pen Run Reservoir Project, a water supply system, to provide for the public drinking water needs of the citizens of Stafford County; and

WHEREAS, the design for the construction of the Rocky Pen Run Reservoir Project requires the entire parcel of land, identified as Tax Parcel 43-28 consisting of 18.60 acres of land, located in the Hartwood Election District of the County; and

WHEREAS, the County has offered \$255,000 for the 18.60 acre parcel identified as Tax Parcel 43-28, owned by Stephen Northcutt and Jo-Kathlyn Northcutt, Kathleen C. Harrigan and Jeffrey L. John, located at the terminus of Hassle Lane, which consists of the entire parcel of land, and

WHEREAS, the County negotiation consultant has been unsuccessful in negotiating a final settlement with Stephen Northcutt and Jo-Kathlyn Northcutt, Kathleen C. Harrigan and Jeffrey L. John but will continue to attempt to work with Stephen Northcutt and Jo-Kathlyn Northcutt, Kathleen C. Harrigan and Jeffrey L. John as the owners of the property to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing on October 17, 2006, in accordance with Sections 15.2-1901(A) and 15.2-1905(C), Virginia Code Ann., to determine the necessity for condemnation and for the use of the County's quick-take powers;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that it hereby finds that public necessity exists for the condemnation of the fee simple property interest of the Stephen Northcutt and Jo-Kathlyn Northcutt, Kathleen C. Harrigan and Jeffrey L. John property for the construction of the Rocky Pen Run Reservoir Project and for the immediate exercise of its quick-take powers to enter upon and take prior to condemnation to immediately acquire approximately 18.60 acres of land involving the entire parcel of land identified as Tax Parcel 43-28 located at the terminus of Hassle Lane, for the Rocky Pen Run Reservoir Project, and being the property owned by Stephen Northcutt and Jo-Kathlyn Northcutt, Kathleen C. Harrigan and Jeffrey L. John, Tax Parcel 43-28, and does hereby determine that the appropriate compensation for the said fee simple title to the entire 18.60 acre parcel located at the terminus of Hassle Lane, Tax Parcel 43-28, is the appraised fair market value of Two Hundred Fifty-five Thousand Dollars (\$255,000.00); and

BE IT FURTHER RESOLVED that the Stafford County Board of Supervisors hereby does authorize the County Attorney to file a Certificate of Taking in the land records of Stafford County and to pay into the Stafford County Circuit Court the full fair market value of said property interest, and to proceed with condemnation of the aforesaid property for the Rocky Pen Run Reservoir Project by quick-take condemnation or otherwise as provided by law; and

BE IT FURTHER RESOLVED that the Stafford County Board of Supervisors hereby does authorize the County Administrator and Director of Finance, or their designees, to sign the Certificate of Taking necessary for filing in Court and to disburse the appraised fair market value of Two Hundred Fifty-five Thousand Dollars (\$255,000.00) by depositing said amount in Court in connection with the quick-take condemnation process on behalf of Stafford County Board of Supervisors in accordance with law.

Legislative: Declare Property Surplus and Sale of County-Owned Property Identified as Tax Map 31-33-20D, A 1.4 Parcel on the East Side of Hope Springs Lane. Mr. Anthony Romanello, Deputy County Administrator, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Patricia Kurpiel

John Biddulph, Applicant

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-206 with changes.

The Voting Board tally was:

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

Nay: (2) Schwartz, Brito

Resolution R06-206 reads as follows:

A RESOLUTION TO DECLARE PROPERTY SURPLUS AND SALE OF
COUNTY- OWNED PROPERTY IDENTIFIED AS TAX MAP 31-33-20D,
A 1.4 PARCEL ON THE EAST SIDE OF HOPE SPRINGS LANE

WHEREAS, the County owns a 1.4 acre parcel of undeveloped agricultural zoned land located along the west side of Aquia Creek and east side of Hope Springs Lane, just north of Hope Road; and

WHEREAS, this parcel is not needed for any other County purpose, and staff recommends that the property be declared surplus and sold;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the County Administrator be and he hereby is authorized to sell property identified as Tax Map 31-33-20D, a 1.4 acre parcel along the west side of Aquia Creek and the east side of Hope Springs Lane, just north of Hope Road, for an amount of not less than Sixty Thousand Dollars (\$60,000) to Dr. John Biddulph; and

BE IT FURTHER RESOLVED that the Deed of Declaration of Covenants, Conditions, and Restrictions is approved and shall be recorded prior to the conveyance of the property to restrict the potential for development of this parcel as set forth therein.

BE IT STILL FURTHER RESOLVED that proceeds from the sale of the land shall be set aside to a conservation easement fund and there shall be no clearing of trees or vegetation.

Legislative; Additions to the Regular Agenda. Mr. Cavalier motioned, seconded by Mr. Fields to add the following items to the Regular Agenda:

Proposed Resolution R06-467 – Appoint a Deputy Animal Control Officer.
Proposed Resolution R06-472 – Appoint a Member to the Cable Television
Advisory Committee.

The Voting Board tally was:

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

Legislative; Consent Agenda. Mr. Cavalier motioned, seconded by Mr. Fields, to adopt
the Consent Agenda consisting of Items 17 thru 25.

The Voting Board tally was:

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

Item 17. Finance; Approve Expenditure Listing.

Resolution R06-455 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED OCTOBER 3, 2006 THROUGH OCTOBER 16, 2006

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the above-mentioned EL be and it hereby is approved.

Item 18. Public Services; Petition the Virginia Department of Transportation to Include Streets within Somerset Landing Subdivision, Sections 1A and 1B; Stafford Lakes Village Subdivision, Section 10; and Streets within Willows Subdivision, Sections 5 and 6 into the Secondary System of State Highways

Resolution R06-424 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE LANDMARK DRIVE, PERSEVERE DRIVE, REGAL COURT, MASTERS DRIVE AND PEBBLE BEACH DRIVE WITHIN SOMERSET LANDING SUBDIVISION, SECTIONS 1A AND 1B INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Landmark Drive, Persevere Drive, Regal Court, Masters Drive and Pebble Beach Drive within Somerset Landing Subdivision, Sections 1A and 1B into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October 2006, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Somerset Landing Subdivision, Sections 1A and 1B into the Secondary System of State Highways:

Street	Station	Length
Landmark Drive	Fr: Inter. Jefferson Davis Highway To: Inter. Persevere Drive	0.12 Miles 50' ROW
Landmark Drive	Fr: Inter. Persevere Drive To: Inter. Pebble Beach Drive	0.10 Miles 50' ROW
Landmark Drive	Fr: Inter. Pebble Beach Drive To: 0.07 Mi. East Inter. Pebble Beach Drive	0.07 Miles 50' ROW
Persevere Drive	Fr: Inter. Landmark Drive To: Inter. Masters Drive	0.06 Miles 52' ROW
Persevere Drive	Fr: Inter. Masters Drive To: Inter. Regal Court	0.10 Miles 52' ROW
Persevere Drive	Fr: Inter. Regal Court To: Inter. Hope Road	0.10 Miles 52' ROW
Regal Court	Fr: Inter. Persevere Drive To: 0.04 Mi. West Inter. Persevere Drive	0.04 Miles 50' ROW
Masters Drive	Fr: Inter. Persevere Drive To: Inter. Pebble Beach Drive	0.06 Miles 50' ROW
Masters Drive	Fr: Inter. Pebble Beach Drive To: 0.09 Mi. East Inter. Pebble Beach Drive	0.09 Miles 50' ROW
Pebble Beach Drive	Fr: Inter. Landmark Drive	0.05 Miles

	To: Inter. Masters Drive	50' ROW
Pebble Beach Drive	Fr: Inter. Masters Drive	0.05 Miles
	To: 0.05 Mi. South Inter. Masters Drive	50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Somerset Landing Subdivision, Section 1A, LR Number PM040000226, Instrument Number 040037358, recorded September 28, 2004, and Somerset Landing Subdivision, Section 1B LR Number PM050000201, Instrument Number 050035303, recorded September 6, 2005; and

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

Resolution R06-425 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE BEALTON COURT, SHADOWBROOK LANE AND CEDARVIEW COURT WITHIN STAFFORD LAKES VILLAGE SUBDIVISION, SECTION 10, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Bealton Court, Shadowbrook Lane and Cedarview Court within Stafford Lakes Village Subdivision, Section 10 into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October 2006, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Stafford Lakes Village Subdivision, Section 10 into the Secondary System of State Highways:

Street	Station	Length
Bealton Court	Fr: Village Parkway	0.15 Miles
	To: 0.15 Mi. NE Inter. Village Parkway	50' ROW
Shadowbrook Lane	Fr: Inter. Village Parkway	0.03 Miles
	To: Inter. Cedarview Court	50' ROW
Shadowbrook Lane	Fr: Inter. Cedarview Court	0.04 Miles
	To: 0.04 Mi. S. Inter. Cedarview Court	50' ROW
Cedarview Court	Fr: Inter. Shadowbrook Lane	0.16 Miles
	To: 0.16 Mi. East Inter. Shadowbrook Lane	50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Stafford Lakes Village Subdivision, Section 10, LR Number PM040000106, Instrument Number 040017233, recorded May 7, 2004; and

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

Resolution R06-426 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT

OF TRANSPORTATION TO INCLUDE COOL BREEZE WAY,
 SUMMER BREEZE LANE, GENTLE BREEZE CIRCLE AND WILLOW
 RIDGE CIRCLE WITHIN WILLOWS SUBDIVISION, SECTIONS 5
 AND 6 INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Cool Breeze Way, Summer Breeze Lane, Gentle Breeze Circle and Willow Ridge Circle within Willows Subdivision, Sections 5 and 6 into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October 2006, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Willows Subdivision, Sections 5 and 6 into the Secondary System of State Highways:

Street	Station	Length
Cool Breeze Way	Fr: Inter. Misty Creek Lane	0.24 Miles
	To: Inter. Gentle Breeze Circle	50' ROW
Summer Breeze Lane	Fr: Inter. Misty Creek Lane	0.34 Miles
	To: Inter. Gentle Breeze Circle	50' ROW
Gentle Breeze Circle	Fr: 0.07 Mi. N. Inter. Gentle Breeze Circle	0.07 Miles
	To: Inter. Gentle Breeze Circle	50' ROW
Gentle Breeze Circle	Fr: Inter. Gentle Breeze Circle	0.85 Miles

	To: Inter. Cool Breeze Way	50' ROW
Gentle Breeze Circle	Fr: Inter. Cool Breeze Way	0.11 Miles
	To: Inter. Summer Breeze Lane	50' ROW
Gentle Breeze Circle	Fr: Inter. Summer Breeze Lane	0.26 Miles
	To: Inter. Willow Ridge	50' ROW
Gentle Breeze Circle	Fr: Inter. Willow Ridge	0.30 Miles
	To: Inter. Gentle Breeze Circle	50' ROW
Willow Ridge	Fr: Inter. Gentle Breeze Circle	0.25 Miles
	To: 0.25 Mi. Inter. Gentle Breeze Circle	50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Willows Subdivision, Section 5 LR Plat Book 36 Page 171-1, Instrument Number 010004580, recorded March 19, 2001 and Willows Subdivision, Section 6, LR Plat PM020000248, Instrument Number 020036798, recorded December 6, 2002; and

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

Item 19. Fire and Rescue; Authorize the Adoption of the National Incident Management System (NIMS) as the County Standard for Incident Management.

Resolution R06-448 reads as follows:

A RESOLUTION TO AUTHORIZE THE ADOPTION OF THE
THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)
AS THE COUNTY STANDARD FOR INCIDENT MANAGEMENT

WHEREAS, the President in Homeland Security Presidential Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all federal, state, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the County's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various county incident management activities, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the Board be and it hereby does adopt the National Incident Management System (NIMS) as the County standard for incident management.

Item 20. Fire and Rescue; Award Contract for Purchase of Tanker Fire Trucks.

Resolution R06-457 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO AWARD THE CONTRACT FOR TANKER FIRE TRUCKS FOR THE
FIRE AND RESCUE DEPARTMENT TO C.W. WILLIAMS

WHEREAS, the provisions of public safety services are a primary responsibility of the County; and

WHEREAS, the purchase of tanker fire trucks will enhance fire and rescue service in the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the County Administrator be and he hereby is authorized to award the contract for tankers for the Fire and Rescue Department to C.W. Williams.

Item 21. Fire and Rescue; Award Contract for Purchase of Ambulances.

Resolution R06-464 reads as follows:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF
CERTAIN FIRE AND RESCUE EQUIPMENT

WHEREAS, the Board has determined that it is necessary and advisable to purchase certain fire and rescue equipment consisting of three ambulances; and

WHEREAS, Fesco Sales has been determined to be a sole source provider of ambulances meeting the design requirements of the County; and has agreed to provide the fire and rescue equipment at a cost of \$426,861; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the County Administrator be and he hereby is authorized to award a contract for an amount not to exceed Four Hundred Twenty-six Thousand Eight Hundred Sixty-one Dollars (\$426,861) for the fire and rescue equipment.

Item 22. Utilities; Award a Contract for Engineering for Enhanced Nutrient Removal Improvements for the Aquia and Little Falls Run Wastewater Treatment Facilities

Resolution R06-456 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO AWARD A CONTRACT FOR ENGINEERING SERVICES IN SUPPORT
OF THE AQUIA AND LITTLE FALLS RUN WASTEWATER TREATMENT
FACILITIES ENHANCED NUTRIENT REMOVAL UPGRADES

WHEREAS, the Commonwealth of Virginia has adopted stricter nutrient discharge limits for treatment facilities discharging into the Chesapeake Bay; and

WHEREAS, it is necessary to initiate the design of the necessary improvements in order to have them operational before the end of 2010; and

WHEREAS, the County solicited proposals from firms interested in providing engineering services; and

WHEREAS, Parsons submitted the only proposal in response to this solicitation; and

WHEREAS, Parsons is highly qualified to provide these engineering services by virtue of their providing engineering services on similar projects and their involvement in developing the preliminary engineering report for these upgrades; and

WHEREAS, Parsons has proposed to provide engineering and construction related services for both the Aquia and Little Falls Run Wastewater Treatment Facilities for \$1,708,367;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October 2006, that the County Administrator be and he hereby is authorized to execute a contract with Parsons in an amount not to exceed One Million Seven Hundred Eight Thousand Three Hundred Sixty-seven Dollars (\$1,708,367) for engineering services for the Aquia and Little Falls Run Wastewater Treatment Facilities enhanced nutrient removal upgrades.

Item 23. Utilities; Award Contract for Concrete Structures for the Rocky Pen Run Reservoir Rappahannock River Intake.

Resolution R06-458 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR CONCRETE STRUCTURES FOR
THE ROCKY PEN RUN RESERVOIR PROJECT

WHEREAS, concrete structures are necessary for the river intake, pump station wet well and valve vault; and

WHEREAS, the design of these structures was completed and offered for public bid; and

WHEREAS, one bid, from Dutchland, Inc., was received in the amount of \$754,100; and

WHEREAS, the staff has determined the bid to be responsive;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the County Administrator be and he hereby is authorized to execute a contract with Dutchland, Inc. in an amount not to exceed Seven Hundred Fifty-four Thousand One Hundred Dollars (\$754,100) for pre-cast concrete structures for the Rocky Pen Run Reservoir Rappahannock River Intake.

Item 24; Utilities; Award Contracts for Engineering Services for Pumping Station and Sewer Interceptor Improvements

Resolution R06-459 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES FOR
THE AUSTIN RUN INTERCEPTOR AND PUMPING STATION
IMPROVEMENTS.

WHEREAS, the Austin Run sewer interceptor and pumping station is operating close to the capacity during periods of peak flow; and

WHEREAS, the draft 2005 Water and Sewer System Master Plan recommends replacing the sewer interceptor and pumping station to provide added capacity for economic expansion; and

WHEREAS, this project has been approved and funds are available in the current year budget; and

WHEREAS, Draper Aden Associates has proposed to provide engineering services for the design and construction of these improvements for the fee of \$132,500;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the County Administrator be and he hereby is authorized to execute a contract with Draper Aden Associates in an amount not to exceed One Hundred Thirty-two Thousand Five Hundred Dollars (\$132,500) for engineering services for the design and construction of the Austin Run sewer and pump station improvements.

Resolution R06-460 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES FOR THE
FALLS RUN INTERCEPTOR AND IMPROVEMENTS.

WHEREAS, the Falls Run sewer interceptor is operating close to the capacity during periods of peak flow; and

WHEREAS, the draft 2005 Water and Sewer System Master Plan recommends replacing the sewer interceptor to provide added capacity for economic expansion; and

WHEREAS, this project has been approved and funds are available in the current year budget; and

WHEREAS, Draper Aden Associates has proposed to provide engineering services for the design of these improvements for the fee of \$367,000;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that the County Administrator be and he hereby is authorized to execute a contract with Draper Aden Associates in an amount not to exceed Three Hundred Sixty-seven Dollars (\$367,000) for engineering services for the design of the Falls Run sewer and improvements.

Item 25. Legislative; Approve a Proclamation to Recognize and Commend Megan A. Orient

Proclamation P06-34 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND MEGAN A.
ORIENT

WHEREAS, Megan A. Orient served as Stafford County's Tourism Manager from December 9, 2002 through August 27, 2006; and

WHEREAS, Megan Orient, who holds a Bachelors degree in French and secondary education, brought to her position a wealth of valuable experience gleaned from handling economic development and tourism issues for a North Carolina Chamber of Commerce; and

WHEREAS, during her tenure in Stafford, Megan Orient established successful partnerships with local historic groups, stakeholders in the hotel and restaurant industry, and managers of Stafford's unique tourist destinations; and

WHEREAS, Megan Orient was a key player in the Fredericksburg Regional Golf Co-op, traveling to trade shows throughout the United States and Canada to promote the region as a premier golf destination; and

WHEREAS, Megan Orient created a comprehensive tourism Web site featuring an events calendar, lodging and dining locales, museums, recreation sites, shopping venues, and tours catering to interests from bird watching to Civil War history; and

WHEREAS, Megan Orient developed the County's first comprehensive tourism brochure highlighting unique destinations like the White Oak Civil War Museum and George Washington's Ferry Farm, Stafford's outstanding parks and marinas, signature events, a map of major thoroughfares and a timeline from 1608 to the present; and

WHEREAS, Megan Orient planned and executed the tremendously successful *Discovery Days Festival – River Exploration* at Aquia Landing Beach on August 19 – 20, 2006, to welcome Jamestown's tall sailing ship *Godspeed* to Aquia Creek and to highlight Stafford's rich historical heritage; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the dedication, professionalism and commitment with which Megan Orient worked to make Stafford a premiere tourist destination;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that Megan A. Orient be and she hereby is commended for her outstanding service to the citizens of Stafford and the region.

Legislative; Appoint a Deputy Animal Control Officer. Mr. Milde motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R06-467.

The Voting Board tally was:

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

Resolution R06-467 reads as follows:

A RESOLUTION TO APPOINT A DEPUTY ANIMAL
CONTROL OFFICER

WHEREAS, the Code of Virginia provides for the appointment of an Animal Control Officer and his deputies by the governing body; and

WHEREAS, Section 5-2 of the County Code requires the appointment of the Animal Control Officer and his deputies by the Board; and

WHEREAS, the Board has previously appointed the following:

NAME

Michael E. Null, Jr.	Animal Control Officer (ACO)
Sabrina A. Morrison	Deputy ACO
Dennis R. Ottley	Deputy ACO
William Welch	Deputy ACO
Rex W. Rockhill	Deputy ACO
Remona S. Jackson	Deputy ACO

WHEREAS, Remona S. Jackson has tendered her resignation; and

WHEREAS, Sabrina A. Morrison will be assuming another position;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of October, 2006, that

NAME

Tammy J. Gonzales	Deputy ACO
Keith M. Gray	Deputy ACO

be and they hereby are appointed as a Deputy Animal Control Officer for enforcing the animal control laws.

Legislative; Appoint Members to the Cable Television Advisory Committee. Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-472.

The Voting Board tally was:

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

Resolution R06-472 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE
CABLE TELEVISION ADVISORY COMMITTEE

WHEREAS, the Board, on December 2, 1986, approved Resolution R86-612(R) which established the Cable Television Advisory Committee; and

WHEREAS, Resolution R86-612(R) provides for the appointment of seven citizens, each residing in a different election district, to serve on the Cable Television Advisory Committee; and

WHEREAS, the Board, on April 4, 1989, approved Resolution R89-124(R) to include a voting representative from the County Administrator's Office, and a voting representative from the School Superintendent's Office; and

WHEREAS, the Board has appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
Jacqueline Hontz (George Washington District)	December 31, 2006
Mark Smith (Aquia)	December 31, 2006
Marilee Knight (Griffis-Widewater District)	December 31, 2006
Thomas Gregory (Rock Hill District)	December 31, 2006
James Crowe (Garrisonville District)	December 31, 2006
Terry Lottes (Hartwood)	December 31, 2006
Ernest Ackermann (Falmouth District)	December 31, 2006
County Administrator or Designee	December 31, 2006
School Superintendent or Designee	December 31, 2006

WHEREAS, Mark Smith has submitted his resignation; and

WHEREAS, the Board desires to fill this vacancy; and

WHEREAS, the term of appointment is one year;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors, on this the 17th day of October, 2006, that

<u>NAME</u>	<u>EXPIRATION</u>
Danielle J. Davis (Aquia)	December 31, 2006

be and she hereby is appointed to the Cable Television Advisory Committee.

Adjournment. At 9:15 P. M., the Chairman declared the meeting adjourned.

Steve Crosby
County Administrator

Robert C. Gibbons
Chairman