BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting
May 5, 2009

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:04 P. M., Tuesday, May 5, 2009, in the Board Chambers, Stafford County Administration Center.

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

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

<u>Legislative</u>; <u>Introduction of Aquia Harbour Chief of Police</u>. Chief of Police Trish Harmon gave a presentation on the current operations of the Aquia Harbour Police.

<u>Legislative</u>; <u>Presentation of a Proclamations.</u>

- Stafford County's Outstanding Citizen Volunteers
- Designate May 15, 2009, as Police Officers' Memorial Day and May 10- 16, 2009, as
 Emergency Medical Services Week in Stafford
- Designate the Week of May 17 23, 2009, as Emergency Medical Services Week in Stafford

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

Mark Wilson - Hills of Aquia.

Rebecca Wilson - Hills of Aquia.

Michelle Ortiz - Hills of Aquia.

Paul Ortiz - Hills of Aquia.

Donna Dawkins - Proposed SPCA facility.

Jervis Hairston - Hills of Aquia.

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

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

Mr. Sterling - No comments.

Mr. Woodson - Attended Department of Social Services Meeting.

- Attended Stafford Education Forum dinner.

- Attended Marine Corps National Museum dinner.

Mr. Brito - Attended 12 meetings and events.

- Attended Civil War Trail Plaque Dedication.

Crucible case.

- Cluster Ordinance Committee.

Mr. Crisp - Attended Eagle Scout Award Ceremony for Samuel

Wolfe.

- Fredericksburg/Stafford Park Authority Meeting.

Attended Dahlgren Command Ceremony.

Mr. Dudenhefer

- Garrisonville Road additional commuter parking spaces.
- Transportation Bond Committee.
- Youth Driver Task Force Committee.
- Stafford Education Foundation.

Mr. Milde

- Hills of Aquia.
- Stafford County Cemetery Committee.
- Historical Commission meeting.
- Museum Committee meeting.
- Attended meeting on Muriel Wall at the Stafford Hospital Center.
- George Washington Regional Commission meeting.
- Virginia Railway Express meeting.
- Rappahannock Regional Jail meeting.
- Attended various homeowners association and church group meetings.
- Attended business leaders.
- Potomac and Rappahannock Transportation Commission meeting.
- Stafford Courthouse Redevelopment meeting.
- Parks and Recreation Commission meeting.
- Regional Airport
- Attended 63rd Anniversary of Shiloh Baptist Church.
- Government Island meeting.
- Attended Save Crow's Nest Meeting.
- Smith Lake soccer fields.
- Attended Civil War Centennial Meeting.
- Hartwood Church.

- Attended Stafford High School National Honor Society meeting.
- Raven Road bridge.
- HOT Lanes meeting.
- Remove Items 10 and 13 from Consent Agenda.

Mr. Schwartz

No comments.

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

- Deleted Item 15, to Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify from R-1, Suburban Residential, to B-2, Urban Commercial, on Assessor's Parcel 21Y-2A-F, 3.19 Acres located at 161 Coachman Circle and schedule a public hearing for June 2, 2009.

<u>Legislative</u>; <u>Report of the County Administrator</u>. Mr. Anthony Romanello, County Administrator, commented on the following:

Ms. Tammi Ellis, Acting Executive Director of Administration, gave a presentation and responded to Board members questions on the reorganization.

- Additions/Deletions:
 - (1) Add Item 14a to the Consent Agenda Proposed Resolution R09-209 A Resolution to Designate Quin Rivers as the Community Action Agency for the County.
 - (2) Delete Item 13, Express Support for the High Occupancy Toll (HOT) Lanes Commuter Park and Ride Options and Item 15, Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify from R-1, Suburban Residential, to B-2, Urban Commercial, on Assessor's Parcel 21Y-2A-F,

3.19 Acres located at 161 Coachman Circle

<u>Legislative</u>; A Presentation on Transfer of Development Rights (TDR) by Ted <u>McCormack</u>, Director of Governmental Affairs, VACo. Mr. McCormack gave a presentation and responded to Board members questions.

Hearing no objections from the Board, the Chairman appointed Mr. Crisp and Mr. Milde to a committee for further review.

<u>Legislative</u>; <u>Regular Agenda Addition</u>. Mr. Woodson motioned, seconded by Mr. Milde, to add Proposed Resolution R09-209 – A Resolution to Designate Quin Rivers as the Community Action Agency for the County.

The Voting Board tally was:

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

Nay: (1) Sterling

<u>Legislative</u>; <u>Regular Agenda Deletion</u>. Mr. Milde motioned, seconded by Mr. Dudenhefer, to delete items 13 and 15 from the Regular Agenda.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; <u>Consent Agenda</u>. Mr. Sterling motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 3 thru 14, minus 5, 8, 10, and 14a.

The Voting Board tally was:

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

Nay: (0)

Abstain: (1) Brito

<u>Item 3. Legislative; Approve Minutes of Board Meeting.</u> Regular Meetings of April 7, 2009.

<u>Item 4. Finance and Budget; Approve Expenditure Listing.</u>

Resolution R09-189 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED APRIL 21, 2009 THROUGH MAY 4, 2009

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 5th day of May 2009, that the above-mentioned EL be and it hereby is approved.

Item 6. Utilities; Authorize Agreement of Conveyance for the Rocky Pen Run Reservoir.

Resolution R09-206 reads as follows:

A RESOLUTION APPROVING AGREEMENT OF CONVEYANCE FOR THE PURCHASE OF A PORTION OF PARCEL 43-76-2-16 FOR THE ROCKY PEN RUN RESERVOIR WHEREAS, Resolution R04-237 authorized the County Administrator to enter into contracts for the purchase of certain properties for Rocky Pen Run Reservoir; and

WHEREAS, it is in the County's interest to acquire the 3.0158 acre portion of Parcel 43-76-2-16 required for the reservoir; and

WHEREAS, the County's offer to purchase this property owned by Owen T. and Shirley M. Shifflett for the appraised value of \$177,355 was accepted by the property owners; and

WHEREAS, Board approval is required for the purchase of this property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of May, 2009, that the County Administrator be and he hereby is authorized to execute the Agreement of Conveyance between the Board of Supervisors of Stafford County and Owen T. and Shirley M. Shifflett, regarding TM 43-76-2-16 in the amount of One Hundred Seventy-seven Thousand Three Hundred Fifty-five Dollars (\$177,355); and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute all documents necessary to close on the above-referenced property.

<u>Item 7. Parks and Recreation; Accept Agreement for Distribution of Assets from the Fredericksburg-Stafford Park Authority.</u>

Resolution R09-205 reads as follows:

A RESOLUTION TO ACCEPT AGREEMENT FOR DISTRIBUTION OF ASSETS FROM THE FREDERICKSBURG-STAFFORD PARK AUTHORITY

WHEREAS, on December 20, 1961, the Fredericksburg-Stafford Park Authority (FSPA) was created by the Stafford County Board of Supervisors and the Fredericksburg City Council; and

WHEREAS, the charter for the FSPA was for a period of 50 years and will expire in 2011; and

WHEREAS, at a meeting on April 15, 2009, the FSPA unanimously passed a motion to transfer real property to the respective jurisdictions where the properties are located, transfer personal property and financial assets to the respective jurisdictions, and dissolve the Authority; and

WHEREAS, an audit of the FSPA financial accounts is to be performed to determine the assets, to be divided equally between Stafford County and the City of Fredericksburg; and

WHEREAS, at a meeting on April 16, 2009, the Parks and Recreation Commission approved a motion to recommend acceptance of the land, personal property, and cash assets from the FSPA;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th of May 2009, that the Board be and it hereby does accept the agreement for distribution of assets from the Fredericksburg-Stafford Park Authority.

<u>Item 9. Utilities; Award Contract for Rehabilitation of Wastewater Collection System</u> Infrastructure.

Resolution R09-212 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE REHABILITATION OF

WASTEWATER COLLECTION SYSTEM INFRASTRUCTURE

WHEREAS, Utilities staff has identified components of the wastewater collection system that have deteriorated and are in need of rehabilitation; and

WHEREAS, the Board has appropriated funds in the FY2009 Capital Budget to maintain the integrity of these components; and

WHEREAS, the County has an option to ride a contract that Am-Liner East, Inc has with Fairfax County, Virginia to perform these types of rehabilitation needed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of May, 2009, that the County Administrator be and he hereby is authorized to execute a contract with Am-Liner East, Inc., with an estimated expenditure of One Hundred Thirty Thousand Seven Hundred Twenty-one Dollars (\$130,721) for this purpose.

Item 11. Sheriff; Ratify a Community Oriented Policing Services (COPS) Grant Application.

Resolution R09-211 reads as follows:

A RESOLUTION TO RATIFY AN APPLICATION TO THE UNITED STATES
DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED
POLICING SERVICES (COPS) FOR FOURTEEN DEPUTY SHERIFF I
POSITIONS

WHEREAS, President Obama signed into law the American Recovery and Reinvestment Act of 2009 to provide funding for grants to assist local law enforcement while investing in the American workforce; and

WHEREAS, the COPS Hiring Recovery Program provides funding directly to law enforcement agencies to hire new law enforcement officers in an effort to create and preserve jobs, and to increase their community policing capacity and crime-prevention efforts; and

WHEREAS, the Sheriff's Office staff has prepared a grant package to seek funding for the salary and benefits of fourteen (14) entry-level Deputy Sheriff I positions for three years; and

WHEREAS, if approved, the County would be eligible for up to \$2,798,586 in grant funds over the three year period; and

WHEREAS, the Board recognizes that the County will be responsible for funding the positions for no less than twelve months following the expiration of the grant period, at an estimated annual cost of up to \$1,000,000 per year; and

WHEREAS, the Board recognizes that the County will be responsible for providing any uniforms, equipment or vehicles required by the deputies; and

WHEREAS, the grant would provide funding for the hiring of deputies sorely needed by the County, as evidenced by a study done by the International Association of Chiefs of Police;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of May, 2006, that the Board be and it hereby does ratify the application that has been made to the United States Department of Justice, Office of Community Oriented Policy Services (COPS) for fourteen (14) Deputy Sheriff I positions.

Item 12. Finance and Budget; Authorize a FY2009 Payment of a Certificate of Participation for the Government Center.

Resolution R09-214 reads as follows:

A RESOLUTION TO AUTHORIZE FY2009 RETIREMENT OF CERTIFICATES OF PARTICIPATION ON THE GOVERNMENT CENTER

WHEREAS, the final debt service payment of the County's \$9.9 million Certificates of Participation on the Government Center is due in October 2009; and

WHEREAS, the Board desires to retire the Certificates of Participation in FY2009; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of May, 2009, that authorization to retire the Certificates of Participation be and it hereby is approved; and

BE IT FURTHER RESOLVED that the amount of One Million One Hundred Sixty-one Thousand Two Hundred Ninety-six Dollars (\$1,161,296) be and it hereby is budgeted and appropriated from debt service reserve to the General Fund to retire the debt service on the Certificates of Participation.

<u>Item 14.</u> Administration; Endorse Application for Energy Efficiency Block Grant Funding.

Resolution R09-213 reads as follows:

A RESOLUTION ENDORSING THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT APPLICATION

WHEREAS, the Board desires to encourage efficient and sustainable energy usage in all public buildings; and

WHEREAS, through the American Recovery and Reinvestment Act of 2009 the County is eligible for \$484,300 in a formula grant to support energy efficiency and conservation; and

WHEREAS, the money will be used to upgrade energy management technology and equipment in the Government Center, Courthouse, and Porter Library;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of May, 2009, that the Board be and it hereby does endorse the Energy Efficiency and Conservation Block Grant Application.

Planning and Zoning; Refer to the Planning Commission an Amendment to the Zoning and Subdivision Ordinances Regarding Clustering in the Agricultural Zoning Districts.

Mr. Sterling commented.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Sterling, to adopt proposed Resolution R09-192.

The Voting Board tally was:

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

Nay: (0)

Resolution R09-192 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCE TO THE PLANNING COMMISSION REGARDING CLUSTER SUBDIVISIONS IN THE A-1 AND A-2 ZONING DISTRICTS

WHEREAS, the Comprehensive Plan recommends that cluster subdivisions should be encouraged in the Agricultural Area where permitted; and

WHEREAS, cluster subdivisions in the Agricultural Area will require a percentage of the subdivision and all areas containing flood plains, wetlands and slopes greater than 35 percent to remain in open space, meeting the performance criteria for implementation of Phase III of the Chesapeake Bay Preservation Act; and

WHEREAS, cluster subdivisions in the Agricultural Area will require the placement of conservation easements on natural and cultural sensitive land and the establishment of preservation lots; and

WHEREAS, the Zoning Ordinance does not permit clustering as an option for subdivisions in the A-1 and A-2 zoning districts; and

WHEREAS, the Board desires to allow cluster subdivisions in the A-1 and A-2 Zoning Districts; and

WHEREAS, public necessity, convenience, general welfare and good zoning and subdivision practices require the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of May, 2009, that the amendment to the Zoning and Subdivision Ordinances by proposed Ordinance O09-27 be and it hereby is referred to the Planning Commission for its consideration; and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make any technical or clerical amendments to proposed Ordinance O09-27 as it deems necessary.

<u>Parks and Recreation; Approve Fredericksburg/Stafford Park Authority Memorandum of Agreement.</u> Mr. Sterling commented.

The County Administrator commented further.

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Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution R09-204.

The Voting Board tally was:

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

Nay: (0)

Resolution R09-204 reads as follows:

A RESOLUTION TO ACCEPT ASSIGNMENT OF AGREEMENT

FROM THE FREDERICKSBURG-STAFFORD PARK AUTHORITY

WHEREAS, the Fredericksburg-Stafford Park Authority (FSPA) has an

agreement with Anderson & Associates, Inc. to provide professional design and

construction administration services for Phase 3 of the Belmont-Ferry Farm Trail located

in FSPA parks in Stafford County; and

WHEREAS, at a meeting on April 15, 2009, the FSPA unanimously approved a

motion to assign the agreement with Anderson & Associates, Inc. to the County of

Stafford; and

WHEREAS, the FSPA approved providing the amount of \$40,585 to cover the

contract obligations; and

WHEREAS, Anderson & Associates, Inc. has approved the assignment; and

WHEREAS, at a meeting on April 16, 2009, the Parks and Recreation

Commission approved a motion recommending reassignment of this agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of May 2009, that assignment of the agreement with Anderson & Associates, Inc. is accepted; and

BE IT FURTHER RESOLVED by the Stafford County Board of Supervisors that an additional Forty Thousand Five Hundred Eighty-five Dollars (\$40,585) be and it hereby is budgeted and appropriated to the Parks and Recreation budget for FY2009.

Planning and Zoning/Public Works; Authorize a Public Hearing to Amend Development and Building Fees for Services Provided by Planning and Zoning, Utilities, Public Works, Fire and Rescue, and GIS. Mr. Milde commented.

Mr. Mike Neuhard, Deputy County Administrator, commented.

Discussion ensued.

Mr. Jeff Harvey, Director of Planning and Zoning, commented further.

Mr. Dudenhefer motioned, seconded by Mr. Woodson, to adopt proposed Resolution R09-200.

The Voting Board tally was:

Yea: (5) Brito, Crisp, Dudenhefer, Schwartz, Woodson

Nay: (2) Milde, Sterling

Resolution R09-200 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING FOR THE AMENDMENT AND
READOPTION OF DEVELOPMENT FEES FOR SERVICES PROVIDED
BY THE DEPARTMENTS OF PLANNING AND ZONING, UTILITIES,

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PUBLIC WORKS, FIRE AND RESCUE, AND INFORMATION

TECHNOLOGY

WHEREAS, the Board is authorized to set reasonable fees and charges for the

review services provided by the Departments of Planning and Zoning, Utilities, Public

Works, Fire and Rescue, and GIS; and

WHEREAS, the Board acknowledges that the fees for these services have not

tracked the costs for the services provided; and

WHEREAS, the Board desires to set fees for services to be commensurate with

services provided by the County in reviewing and processing such applications;

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

Supervisors on this the 5th day of May 2009, that the County Administrator be and he

herby is authorized to advertise a public hearing for amendment and readoption of the

Development Fee Schedules for the Departments of Planning and Zoning, Utilities,

Public Works, Fire and Rescue, and Information Technology.

Legislative; Designate Quin Rivers a the Community Action Agency for the County. Mr.

Michael Muse, Director of Social Services, gave a presentation and responded to Board

members questions.

Mr. Woodson motioned, seconded by Mr. Brito, to adopt proposed Resolution R09-209.

The Voting Board tally was:

Yea:

Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

(7)

Resolution R09-209 reads as follows:

A RESOLUTION TO DESIGNATE QUIN RIVERS AS THE COMMUNITY ACTION AGENCY (CAP) FOR THE COUNTY

WHEREAS, the Commonwealth of Virginia is making funding available for expansion of the Community Action Partner (CAP) network to counties not currently covered by this program and Stafford County is not currently covered; and

WHEREAS, the goal of the CAP network is to assist low-income persons and families to move toward self-sufficiency and to reduce poverty in communities across the state by providing services specific to each community's needs; and

WHEREAS, County participation can be achieved through one of three ways:

- □ First, the County may reach an agreement with an existing, contiguous CAP for provision of community services;
- Second, the County may designate a community organization as a CAP to provide services;
- ☐ Third, the County can join with other non-CAP localities in creating a new CAP; and

WHEREAS, after consideration of the alternatives available, the Department of Social Services recommends that the County would be best served by partnering with Quin Rivers Incorporated, an existing, contiguous CAP; and

WHEREAS, Quin Rivers is currently serving the counties of Caroline, Charles City, King and Queen, King William, and New Kent pursuing a mission of economic and community development as the best approach to serve low-to moderate-income clients and the counties within which they reside;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of May, 2009, that the Board be and it hereby does designate Quin Rivers as its Community Action Partner (CAP).

Recess. At 3:17 P.M., the Chairman declared a recess.

Call to Order. At 3:30 P.M., the Chairman called the meeting back to order.

<u>Planning and Zoning; Discuss the Draft Comprehensive Plan.</u> Mr. Mike Zuraf, Principal Planner, Department of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Crisp motioned, seconded by Mr. Brito, to accept the draft Comprehensive Plan text with the changes that have been provided by staff in Attachment 2.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Woodson

Mr. Milde motioned, seconded by Mr. Sterling, to request staff to make an independent Financial Impact Model.

Discussion ensued.

Mr. Milde amended the motion, Mr. Sterling accepted the amended motion, to take out reference to tax rates on the financial impact model and actual costs of development from this plan; there would be an annual appendix; and this does not include transportation impacts.

Discussion further ensued.

The Voting Board tally was:

Yea: (5) Milde, Schwartz, Sterling, Crisp, Dudenhefer

Nay: (2) Woodson, Brito

Mr. Zuraf commented on the proposed land use maps.

Mr. Brito motioned, seconded by, Mr. Crisp, to show the Resource Protection Areas.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Crisp, to include the Resource Protection Areas only where the information available was accurate.

The Voting Board tally on the substitute motion was:

Yea: (5) Sterling, Brito, Crisp, Dudenhefer, Milde

Nay: (2) Woodson, Schwartz

<u>Legislative</u>; <u>Closed Meeting.</u> At 4:23 P. M, Mr. Crisp motioned, seconded by Mr. Milde, to adopt proposed Resolution CM09-09.

The Voting Board tally was:

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

Nay: (0)

Resolution CM09-09 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 regarding Property Disposition of County-Owned Property; Legal Advice regarding Potential Economic Development Prospect where No Public Announcement has been Made; and two Personnel matters; and

WHEREAS, pursuant to Section 2.2-3711 A.1, A.3, and A.5, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 5th day of May, 2009, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 4:40 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Crisp motioned, seconded by Mr. Woodson, to adopt proposed Resolution CM09-09a.

The Voting Board tally was:

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

Nay: (1) Brito

Resolution CM09-09a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MAY 5, 2009

WHEREAS, the Board has, on this the 5th day of May, 2009, 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 5th day of May, 2009, 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.

<u>Legislative</u>; <u>Appoint a Courts Complex Planning Committee.</u> Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R09-210.

The Voting Board tally was:

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

Nay: (0)

Resolution R09-210 reads as follows:

A RESOLUTION TO APPOINT A COURTS COMPLEX PLANNING COMMITTEE

WHEREAS, it is the desire of the Board to review past courts complex space needs planning and to evaluate those plans based upon current and future courts needs as well as the current economic climate; and

WHEREAS, the Board desires to appoint a committee that will be comprised of five citizens to accomplish this undertaking;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of May, 2009 that:

<u>NAME</u> <u>EXPIRATION</u>

Joe Alexander Project Completion
Ferris Belman Project Completion
Alan Gayle Project Completion
Ted Hontz Project Completion
Samer Shalaby Project Completion

be and they hereby are appointed to the Courts Complex Planning Committee; and

BE IT FURTHER RESOLVED that the committee be and it is hereby requested to present its final report to the Board no later than August 31, 2009.

Recess. At 4:51 P. M. the Chairman declared a recess until 7:00 P. M..

Call to Order. At 7:06 P. M. the Chairman called the meeting back to order

<u>Invocation.</u> Mr. Milde gave the Invocation.

<u>Pledge of Allegiance.</u> Mr. Milde led in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

<u>Presentations by the Public-II.</u> No one desired to speak.

Planning and Zoning; Repeal Ordinance O09-75 which Amended and Reordained O08-75 which amended and Reordained Section 22-143, Entitled "Shape, Elongations and Buildable Area" of the Subdivision Ordinance; and Amend Sections 28-38, Entitled "Performance Regulations" and 22-143, Entitled "Shape and Elongations". Mr. Jeff

Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened the public hearing.

The following person spoke:

Glenn Trimmer

Gary Snellings

John Snyder

Bettina McWhirt

Doug Johnson

Alan Arkin

George McWhirt

Bob Burriss

Aria Orris

Maxine

Lloyd Chittum

Joe Kruskinski

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Woodson, to defer proposed Ordinance O09-07 and proposed Ordinance O09-09 for 30 days.

Discussion ensued.

Mr. Brito withdrew the motion; Mr. Woodson withdrew the second to the motion.

Mr. Milde made a motion, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O09-07.

The Voting Board tally was:

Yea: (5) Milde, Sterling, Brito, Crisp, Dudenhefer

Nay: (2) Schwartz, Woodson

Ordinance O09-07 reads as follows:

AN ORDINANCE TO REPEAL ORDINANCE 008-75 WHICH AMENDED AND REORDAINED STAFFORD COUNTY CODE, SECTION 22-143, SHAPE ELONGATIONS AND BUILDABLE AREA OF THE SUBDIVISION ORDINANCE

WHEREAS, Ordinance O08-75 was adopted on October 7, 2008; and

WHEREAS, the County Attorney has brought it to the attention of the Board that Ordinance O08-75 was not adopted pursuant to proper public hearing procedures; and

WHEREAS, the Board desires to adopt laws that are proper and lawful; and

WHEREAS, proposed Ordinance O09-07 would repeal Ordinance O08-75; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of May, 2009, that Ordinance O08-75 be and it and hereby is repealed:

Sec. 22-143. Shape and elongations

(c)Buildable area. The arrangement, design and shape of lots within the proposed subdivision shall be such that all lots provide satisfactory access and desirable sites for buildings, shall recognize and complement the natural contour of terrain, and shall conform to the requirements of this chapter. All proposed single-family detached lots equal to or greater than one (1) acre within the subdivision shall have a minimum contiguous building area equal to ten thousand (10,000) square feet of the lot area. Such area to be calculated exclusive of any and all identifiable floodplains, wetlands, slopes equal to or greater than twenty five (25) percent, critical resource protection area buffers (CRPA), setbacks, and primary and reserve drainfields.

Mr. Brito motioned, seconded by Mr. Crisp, to defer proposed Ordinance O09-09 for 30 days.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (2) Schwartz, Milde

<u>Utilities; Consider Amendments to the Terminal Reservoir.</u> Mr. Harry Critzer, Director of Utilities, gave a presentation and responded to Board members questions.

The County Attorney commented.

The Chairman opened a public hearing.

The following person spoke:

Owen Shifflett

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Sterling, to defer proposed Ordinance O09-14.

Discussion ensued.

The Voting Board tally was:

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

Nay: (2) Woodson, Schwartz

Abstain: (1) Brito

Legal; Consider Condemnation and Exercise of Quick-Take Powers to Acquire Tax Map Parcels 43-32 and 43-33 (Roberson), in Connection with the Rocky Pen Run Reservoir; Consider Condemnation and Exercise of Quick-Take Powers to Acquire Tax Map Parcel 43-76-2-14 (Dever), in Connection with the Rocky Pen Run Reservoir; and Consider Condemnation and Exercise of Quick-Take Powers to Acquire Tax Map Parcel 43-74, (Orris), in Connection with the Rocky Pen Run Reservoir. Mr. Keith Dayton, Director of Code Administration, gave a presentation on all three issues and responded to Board members questions.

The Chairman opened a public hearing on the three issues.

The following persons spoke:

Aries Orris

Owen Shifflett

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Crisp, to defer all three issues for two weeks.

The Voting Board tally was:

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

Nay: (0)

Abstain (1) Brito

<u>Finance and Budget; Repeal of the Meals Tax Discount.</u> Ms. Nancy Collins, Budget Director, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Woodson motioned, seconded by Mr. Crisp, to adopt proposed Ordinance O09-22.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Crisp, Dudenhefer, Schwartz, Sterling, Woodson

Nay: (1) Milde

Absent: (1) Brito

Ordinance O09-22 reads as follows:

AN ORDINANCE TO REPEAL STAFFORD COUNTY CODE, SECTION 23-147.1 ENTITLED "DISCOUNT" REGARDING THE DISCOUNT FOR THE TIMELY FILING OF MEALS TAX

WHEREAS, repeal of the discount for the timely filing of meals tax has been identified as a source of funds to offset revenue shortfalls during these challenging economic times; and

WHEREAS, the Board desires to pursue every source of revenue available in order to minimize the tax burden on its residents; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of May, 2009, that the following section of the Stafford County Code be and it hereby is repealed:.

Sec. 23-147.1. Discount.

For the purpose of compensating sellers for the collection of the tax imposed by this article, every seller shall be allowed three (3) percent of the amount of the tax due and accounted for in the form of a deduction on his/her monthly return; provided that the amount due is not delinquent at the time of payment.

BE IT FURTHER ORDAINED that the effective date of this ordinance is July 1, 2009.

Recess. At 9:34 P.M., the Chairman declared a recess.

<u>Call to Order.</u> At 9:44 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Discuss Emergency Preparedness Planning for Swine Flu Outbreak.</u> Mr. Dudenhefer commented.

Mr. Gerald Jaskulski, Assistant Fire Chief, gave a presentation and responded to Board members questions.

Ms. Cathy Riddle, Public Information Manager, commented further.

Discussion ensued.

<u>Legislative</u>; <u>Discuss Briefing on Status of New Emergency Operations Plan.</u> Mr. Dudenhefer commented.

The County Administrator stated that the new Emergency Operations Plan will come back to the Board in June, 2009.

Legislative; Discuss Board of Zoning Appeals Legal Counsel. Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Milde, to provide funding to the Board of Zoning Appeals in the amount of \$15,000 for legal counsel.

Discussion ensued.

Mr. Woodson made a substitute motion, seconded by Mr. Dudenhefer, to defer this item for further review.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; <u>Discuss Deferred Business Item 3 Regarding Amending and Reordaining Section 22-190 Street Access of the Subdivision Ordinance.</u> Mr. Brito commented.

Mr. Jeff Harvey, Director of Planning and Zoning, commented.

Hearing no objections from the Board, it was requested that the Virginia Department of Transportation make a presentation to the Board in August, 2009.

Transportation; Amending Congestion Mitigation and Air Quality (CMAQ), and Regional Surface Transportation Program (RSTP) Project Recommendations for FY2010. The County Administrator gave a presentation on both proposed actions and responded to Board members questions.

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Mr. Sterling motioned, seconded by Mr. Brito, to approve the additional funds that are

identified be used for the pedestrian improvements as outlined in the 2008 Transportation

Bond Referendum approved by the voters of Stafford County.

Mr. Milde made a substitute motion, seconded by Mr. Crisp, to adopt proposed

Resolution R09-125(R).

Discussion ensued.

Mr. Sterling made a second substitute motion, seconded by Mr. Dudenhefer, that we will

do the second Garrisonville Road turn lane upgrades and what is left over will be used as

the County's contribution to the Courthouse Road and the bridge over the CSX tracks to

fix the bridge.

Discussion further ensued.

The Voting Board tally on the second substitute motion was:

Yea:

(2) Dudenhefer, Sterling

Nay: (5)

Crisp, Milde, Schwartz, Woodson, Brito

The Voting Board tally on the original motion was:

Yea:

(4) Crisp, Milde, Schwartz, Woodson

Nay: (3) Brito, Dudenhefer, Sterling

Resolution R09-125(R) reads as follows:

A RESOLUTION TO APPROVE FISCAL YEAR 2010 CONGESTION

MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM AND

REGIONAL SURFACE TRANSPORTATION PROGRAM PROJECTS

WHEREAS, it is the desire of the Board to take advantage of all available funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive federal Congestion Mitigation and Air Quality (CMAQ) Program and Regional Surface Transportation Program (RSTP) funds; and

WHEREAS, the Fredericksburg Area Metropolitan Planning Organization (FAMPO) distributes these funds in the region;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd 5th day of March May, 2009, that the Board be and it hereby does indicate its desire to allocate FY2010 CMAQ Program funds in the following manner: One Million Seven Hundred Thousand Dollars (\$1,700,000) to the construction of a second left-turn lane from westbound Garrisonville Road (SR-610) to southbound Mine Road (SR-684), at an estimated cost of Eight Hundred Fifty Thousand Dollars (\$850,000), and One Million Six Hundred Thousand Dollars (\$1,600,000) for the Virginia Railway Express parking lot expansion projects at Brooke and Leeland Stations; and

BE IT FURTHER RESOLVED that in the event CMAQ Program funds do not fully fund the FY2010 needs outlined herein, then RSTP funds be allocated to fund the difference; and

BE IT <u>STILL</u> FURTHER RESOLVED that a certified copy of this resolution be forwarded to the FAMPO Administrator.

Mr. Milde motioned, seconded by Mr. Woodson, to adopt proposed Resolution R09-216.

The Voting Board tally was:

Yea: (5) Crisp, Dudenhefer, Milde, Schwartz, Woodson

Nay: (2) Brito, Sterling

Resolution R09-216 reads as follows:

A RESOLUTION TO RESCIND RESOLUTION R09-126 WHICH APPROVED

FISCAL YEAR 2010 REGIONAL SURFACE TRANSPORTATION

PROGRAM PROJECTS

WHEREAS, on March 3, 2009, the Board approved Resolution R09-126 which

approved FY2010 Regional Surface Transportation Program (RSTP) projects; and

WHEREAS, since that time, the funding opportunities available to the

Commonwealth, the Fredericksburg Area Metropolitan Planning Organization (FAMPO),

and the County have changed; and

WHEREAS, the RSTP-funded projects have been combined with those

recommended for FY2010 Congestion Management and Air Quality (CMAQ) Program

funds, as reflected in Resolution R09-125(R), thus negating the need for a separate

resolution;

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

Supervisors on this the 5th day of May, 2009, that Resolution R09-126, approved on

March 3, 2009, be and it hereby is rescinded; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be

forwarded to the FAMPO Administrator.

Adjournment. At 10:38 P. M., the Chairman declared the meeting adjourned.	
Anthony J. Romanello, ICMA-CM	George H. Schwartz
County Administrator	Chairman