BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting October 7, 2008

<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, October 7, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: George H. Schwartz, Chairman; Cord A. Sterling; Robert "Bob" Woodson; M. S. "Joe" Brito, Vice Chairman; and Mark Dudenhefer. Paul Milde arrived at 1:10 P. M.

Also in attendance were: Anthony Romanello, County Administrator; Gail Roberts, Deputy County Attorney and Eleanor Hinzman, Deputy Clerk.

<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.

Mr. Bob Randall, Energy Manager, gave a presentation on energy savings at the schools and responded to Board members questions.

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

Myklind Messinger - Urban Service Area.

Bob Ford - Discarding yard waste on roadside.

Robert Shircliff - Amend Section 22-143 of the Subdivision

Ordinance.

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

Mr. Milde - Purchase of Development Rights Program.

Fredericksburg Area Metropolitan Planning
 Organization/George Washington Regional
 Commission Meeting.

- Certified Supervisor course.

 Attended Stafford Middle and Stafford High Schools Parent Teacher Organizations regarding closings.

- Attended Potomac Watershed Roundtable Meeting.
- Attended Land Conservation Forum.
- Attended Subcommittee on Transportation HB3202.
- Government Island.
- Urban Service Area boundaries.
- Attended Fredericksburg Veterans Memorial dedication.
- Attended Crows Nest Meeting.
- Attended R-Board Meeting.
- Attended ribbon cutting of Methane Gas Conversion at the Landfill.
- Attended Virginia Railway Express Meeting.
- Fire and Rescue Academy Graduation.
- Attended Stafford Days.
- Attended Chaplin Group Home Meeting.

Mr. Sterling - No comments.

Mr. Woodson - No comments.

Mr. Brito - Pratt Park.

- Attended Regional Elected Officials Meeting.

- Attended Redevelopment Forum on Warrenton

Road.

- Eagle Scout Ceremony for James Sawyer.

- Lowe's Grand Opening on Warrenton Road on

October 23rd at 10:00 A. M.

Mr. Crisp - Town Hall Meeting at Ray Grizzle Center.

- Civil War Living History.

- Attended Regional Elected Officials Meeting.

- Airport Event by Rotary Club.

- Fredericksburg/Stafford Park Authority Tour of

Brooks and Pratt Parks.

Mr. Dudenhefer - Attended Regional Elected Officials Meeting.

- Attended Fredericksburg Area Metropolitan Planning

Organization and George Washington Regional Commission

Meeting.

Mr. Schwartz - No comments.

<u>Legislative</u>; <u>Report of the County Attorney</u> Ms. Gail Roberts, Deputy County Attorney, had no comments.

<u>Legislative</u>; <u>Report of the County Administrator</u> Mr. Anthony Romanello, County Administrator, had no comments.

<u>Legislative</u>; Additions/Deletions to the Regular Agenda Mr. Milde motioned, seconded by Mr. Crisp, to add Item 21, discuss cemetery issue in Falmouth and to delete the presentation of a proclamation to recognize and commend Sara Fartro.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; Consent Agenda Mr. Woodson motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 2 thru 7, deleting Item 6.

The Voting Board tally was:

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

Nay: (0)

<u>Item 2. Legislative; Approve Minutes of Board Meetings.</u> Regular Meeting of September 2, 2008; Adjourned Meeting of September 9, 2008; and Regular Meeting of September 16, 2008.

<u>Item 3. Legislative; Approve a Proclamation to Declare October 19-25, as National Teen Driver</u> Safety Week in Stafford

Proclamation P08-16 reads as follows:

A PROCLAMATION TO DECLARE OCTOBER 19-25, 2008 AS NATIONAL TEEN DRIVER SAFETY WEEK IN STAFFORD

WHEREAS, motor vehicle crashes are the leading cause of death for adolescents and young adults in the United States, and many of these deaths are preventable; and

WHEREAS, the fatality rate in the United States for drivers between 16 and 19 years of age, based on miles driven, is four times the fatality rate for drivers between 25 and 69 years of age; and

WHEREAS, young drivers are the least experienced and therefore traffic crashes involving them are most often the result of driver error such as speed, distraction and failure to observe driving regulations and conditions; and

WHEREAS, nationally, more than 5,000 teenagers died in traffic crashes in 2006 and approximately 63% of teen passenger deaths in the country occur while other teenagers are driving; and

WHEREAS, it is critical to explore effective ways to reduce the crash risk for young drivers by focusing research and outreach efforts on areas of teen driving that show the most promise for improving driver safety; and

WHEREAS, in 2004 the Board created a Youth Driver Taskforce to examine and make recommendations to improve safety for our teen drivers; and

WHEREAS, the Board and staff, the Sheriff's Office, the Fire and Rescue Department, the School Division, the Courts, the Office of Transportation, the business community and the Virginia Department of Transportation have implemented many of the recommendations put forth by the Taskforce to ensure the safety of teens and drivers of all ages; and

WHEREAS, Congress has designated the third week of October each year as National Teen Driver Safety Week; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the critical need to raise awareness of the unique issues surrounding teen drivers and their parents, and to promote safe driving among licensed teenagers;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of October, 2008 that the week of October 19-25, 2008 be and it hereby is declared National Teen Driver Safety Week in Stafford.

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

Resolution R08-456 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED SEPTEMBER 16, 2008 THROUGH OCTOBER 6, 2008

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of October 2008, that the above-mentioned EL be and it hereby is approved.

Item 5. Transportation; Petition VDOT to Include Mount Ararat Lane, Eternity Court, Noahs Court, Easter Drive and Abraham Court, within Berkshire Subdivision, Section 2, and Edwards Drive and Julie Lane within Grafton Village Subdivision, Section 26, and Rivergate Drive, Journeys Way and the Continuation of River Acres Lane within Rivergate Subdivision, and Silverthorn Court within Autumn Ridge Subdivision, Section

5, into the Secondary System of State Highways and to Secure Guarantee Funds and Provide Payments for Fees Instrumented by Section 24, VA Admin Code 30-91-140 of the Code of Virginia for the County's Street Improvement Program on Silverthorn Court

Resolution R08-461 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE MOUNT ARARAT LANE,
ETERNITY COURT, NOAHS COURT, EASTER DRIVE AND
ABRAHAM COURT WITHIN BERKSHIRE SUBDIVISION, SECTION 2,
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 Mount Ararat Lane, Eternity Court, Noahs Court, Easter Drive and Abraham Court within Berkshire Subdivision, Section 2, 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 7th day of October 2008, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Berkshire Subdivision, Section 2, into the Secondary System of State Highways:

Streets	<u>Station</u>	<u>Length</u>
Mt. Ararat Ln. (SR-1947)	Fr: Inter. Walpole St. (SR-709)	0.07 Mi.
,	To: Inter. Eternity Ct./Noahs Ct. (SR-1948)	52' ROW
Mt. Ararat Ln. (SR-1947)	Fr: Inter. Eternity Ct./Noahs Ct. (SR-1948)	0.09 Mi.

	To: Inter. Easter Dr. (SR-1945)	52' ROW
Eternity Ct. (SR-1948)	Fr: Inter. Mt. Ararat Ln. (SR-1947) To: 0.07 Mi. S. Inter. Mt. Ararat Ln. (SR-1947)	0.07 Mi. 50' ROW
Noahs Ct. (SR-1948)	Fr: Inter. Mt. Ararat Ln. (SR-1947) To: 0.09 Mi. N. Inter. Mt. Ararat Ln. (SR-1947)	0.09 Mi.) 50' ROW
Easter Dr. (SR- 1945)	Fr: Inter. Mt. Ararat Ln. (SR-1947) To: Inter. Abraham Ct. (SR-1949)	0.05 Mi. 52' ROW
Abraham Ct. (SR-1949)	Fr: Inter. Easter Dr. (SR-1945) To: 0.05 Mi. S. Inter. Easter Dr. (SR-1945)	0.05 Mi. 50' ROW
Easter Dr. (SR-1945)	Fr: Inter. Abraham Cr. (SR-1949) To: 0.04 Mi. S. Inter. Abraham Ct. (SR-1949)	0.04 Mi. 52'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 Berkshire Subdivision, Section 2, LR 050045292, PM 050000258, recorded November 9, 2005; and

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

Resolution R08-462 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE EDWARDS DRIVE AND
JULIE LANE WITHIN GRAFTON VILLAGE SUBDIVISION, SECTION 26,
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 Edwards Drive and Julie Lane within Grafton Village Subdivision, Section 26, 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 7th day of October 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Grafton Village Subdivision, Section 26, into the Secondary System of State Highways:

<u>Streets</u>	<u>Station</u>	<u>Length</u>
Edwards Drive (SR-1055)	Fr: Inter. Jan Drive (SR-1091) To: Inter. Julie Lane (SR-1907)	0.29 Mile 50' ROW
Julie Lane (SR-1907)	Fr: Inter. Edwards Drive (SR-1055) To: Inter. Little Whim Road (SR-669)	0.06 Mile 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 Grafton Village Subdivision, Section 26, LR 980025038, Plat Book 32, Pages 240-243, recorded December 21, 1998; and

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

Resolution R08-463 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE RIVERGATE DRIVE, JOURNEYS
WAY AND THE CONTINUATION OF RIVER ACRES LANE, WITHIN
RIVERGATE SUBDIVISION 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 Rivergate Drive, Journeys Way and the remainder of River Acre Lane within Rivergate Subdivision 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 7th day of October 2008, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Rivergate Subdivision into the Secondary System of State Highways:

<u>Streets</u>	<u>Station</u>	<u>Length</u>
Rivergate Dr. (SR-1837)	Fr: Inter. River Acres Ln. (SR-1665) To: Inter. Journeys Way (SR-1838)	0.18 Mi. 50' ROW
Journeys Way (SR-1838)	Fr: 0.12 Mi. W. Inter. Rivergate Dr. (SR-1837) To: Inter. Rivergate Dr. (SR-1837)	0.12 Mi. 50' ROW
Journeys Way (SR-1838)	Fr: Inter. Rivergate Dr. (SR-1837) To: 0.07 Mi. E. Inter. Rivergate Dr. (SR-1837)	0.08 Mi. 50' ROW
River Acres Ln. (SR-1665)	Fr: Inter. Old Banks Dr. (SR-1666)	0.29 Mi.

To: Inter. Rivergate Dr. (SR-1837) 50' ROW

River Acres Ln. (SR-1665) Fr: Inter. Rivergate Dr. (SR-1837) 0.12 Mi.

To: 0.12 Mi. SW Inter. Rivergate Dr. (SR-1837) 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 Rivergate Subdivision, LR 020022055, PM 020000154, recorded August 1, 2002; and

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

Resolution R08-464 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE SILVERTHORN COURT
WITHIN AUTUMN RIDGE SUBDIVISION, SECTION 5, INTO THE
SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Silverthorn Court within Autumn Ridge Subdivision, Sections 5, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of October 2008, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street

within Autumn Ridge Subdivision, Section 5, into the Secondary System of State Highways:

<u>Street</u> <u>Station</u> <u>Length</u>

Silverthorn Ct. (SR-1863) From: Inter. Fireberry Blvd. (SR-1860) 0.12 Mi.
To: 0.12 Mi. N. Inter. Fireberry Blvd. (SR-1860) 50' ROW

An unrestricted right-of-way (ROW), for the street indicated above, with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Autumn Ridge Subdivision, Section 5, Plat Book 33, Page 112, Instrument #: 990010227 recorded May 13,1999; and

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

Resolution R08-467 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SECURE GUARANTEE FUNDS AND PROVIDE PAYMENTS FOR FEES INSTRUMENTED BY SECTION 24, VA. ADMIN. CODE 30-91-140 FOR THE ACCEPTANCE OF SILVERTHORN COURT WITHIN AUTUMN RIDGE SUBDIVISION, SECTION 5, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, in accordance with Section 24, Va. Admin. Code 30-91-140, a Street Maintenance and Administrative Cost Recovery Fee is required by the Virginia Department of Transportation (VDOT) and cannot be waived; and

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WHEREAS, in accordance with Section 24, Va. Admin. Code 30-91-140, a Street

Surety Bond is required to be posted, however, VDOT has agreed to accept said bond in

the form of a resolution by the Board;

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

Supervisors on this the 7th day of October 2008, that it be and hereby does request the

County Administrator to process payments in the amount of Nine Hundred Dollars

(\$900) for a Administrative Cost Recovery Fee and a Maintenance Fee of Six Hundred

Dollars (\$600); and

BE IT FURTHER RESOLVED that the County Attorney and County

Administrator be and they hereby are authorized to take necessary legal action against

responsible parties to recover the cost of this work; and

BE IT STILL FURTHER RESOLVED that the Potomac and Rappahannock

Transportation Commission be and it hereby is requested to reimburse the County for

eligible expenditures from the Fuels Sales Tax Fund; and

BE IT STILL FURTHER RESOLVED that this resolution will serve as the bond

requirement in the amount of Eight Thousand Dollars (\$8,000) for the satisfactory

performance of Silverthorn Court in Autumn Ridge Subdivision, Section 5, for a period

of one year; and

BE IT STILL FURTHER RESOLVED that a copy of this resolution shall be

forwarded to the Residency Administrator of VDOT.

Item 7. Legislative; Appoint Members to the Agricultural Commission

Resolution R08-478 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE AGRICULTURAL COMMISSION

WHEREAS, the Board established a comprehensive approach to the preservation of agricultural and rural lands; and

WHEREAS, the Agricultural Commission will assist the Board in addressing the problems of sustainable growth, preservation of rural lands, and promotion and facilitation of agriculture, environmental integrity, land values and taxation; and

WHEREAS, the Agricultural Commission consists of seven members appointed from the election districts; and

WHEREAS, the Agricultural Commission recommends policies to accomplish the following:

- 1. Identification of areas of the County that are appropriate for the continuation of agriculture and the preservation of rural lands.
- 2. Identification of the level of residential development that should be permitted within agricultural and rural areas.
- 3. Review of the land use assessment program to determine its effect on farmland and its potential use on land speculation.
- 4. Development of a purchase of development rights program.
- 5. Development of a program with the Department of Economic Development and other County departments that will facilitate the expansion of markets for farm products; and

WHEREAS, the Agricultural Commission is permitted to form ad hoc committees comprised of the various stakeholders that it deems necessary to carry out the Commission's mission; and

WHEREAS, the Board has previously appointed the following:

NAME	EXPIRATION
Thomas Coen (Garrisonville District)	December 31, 2009
Pam Hall (Hartwood District)	December 31, 2009
Lou Silver (George Washington District)	December 31, 2011
Gail Clark	December 31, 2007
(Rock Hill District) Nan Rollison	December 31, 2007
(Griffis-Widewater District) Jonathon Myers	December 31, 2009
(Aquia District) Bruce Callander	December 31, 2009
(Falmouth District)	

WHEREAS, Pam Hall has submitted her resignation; and

WHEREAS, the Board desires to fill this vacancy; and

WHEREAS, the Board desires that expirations coincide with Board Members terms of office;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of October, 2008, that:

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

Jeff Adams December 31, 2009

(Hartwood District)

be and he hereby is appointed to the Agricultural Commission.

<u>County Attorney; Authorize County Administrator to Execute an Assignment of a Cellular Telephone Tower Lease and Authorize Necessary Zoning Permits.</u> Mr. Sterling commented.

Mr. Sterling motioned, seconded by Mr. Dudenhefer to adopt proposed Resolution R08-111.

The Voting Board tally was:

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

Nay: (0)

Resolution R08-111 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN ASSIGNMENT OF A CELLULAR TELEPHONE TOWER LEASE AND TO AUTHORIZE THE NECESSARY SITE

PLAN APPLICATIONS AND BUILDING PERMITS FOR SUBLESSEE

WHEREAS, the County has a lease with American Tower Corporation to lease space for a cellular telephone tower at the Shelton Shop Water Tank site; and

WHEREAS, American Tower Corporation has requested an assignment of this Lease to an affiliate company; and

WHEREAS, the Lease provides for an assignment with the consent of the Board; and

WHEREAS, American Tower Corporation has also requested the County's consent as owner of the property to submit applications for the necessary site plan and building permit to install the Sublessee's equipment on the tower;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of October, 2008, that the County Administrator be and he hereby is authorized to execute an assignment of the Lease with American Tower Company to an affiliate corporation; and

BE IT FURTHER RESOLVED that the County does consent as owner of the property to submit applications for the necessary site plan applications and building permits for Sublessee to install equipment.

Budget and Finance; Presentation on 2009 1st Quarter (Update), and 2010 (Preview). Mr. Anthony Romanello, County Administrator gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Dudenhefer motioned, seconded by Mr. Brito, to adopt Resolution R08-492 endorsing the County Administrator's plan to implement exclusive of the School Board request; reductions in force; and Outside Agencies, deferring them to the next Board meeting,

Discussion further ensued.

Mr. Brito withdrew the second to the motion.

Mr. Dudenhefer restated the motion, seconded by Mr. Schwartz, to adopt Resolution R08-492 endorsing the County Administrator's plan to implement including the Outside Agencies immediately, exclusive of the School Board request and proposed reductions in force; deferring Fire and Rescue to the next Board meeting.

Mr. Milde made a substitute motion, seconded by Mr. Crisp to adopt Resolution R08-492 endorsing the County Administrator's plan to implement including the Outside Agencies immediately exclusive of the School Board request and proposed reductions in force; authorized the County Administrator to make all the capital and operating cuts except \$60,000; deferring the rest until the next Board meeting.

Discussion ensued.

Mr. Sterling made a second substitute motion, seconded by Mr. Woodson to adopt Resolution R08-492 with changes stating that the County Administrator be and he hereby is authorized to reduce departmental expenditures except for the Fire and Rescue by \$5,594,250 with not more than \$442,345 from the Sheriff's Department and \$1,200 from the Commonwealth's Attorney; that a General Fund hiring freeze be in effect immediately, with the County Administrator retaining authority for emergency recruitments; that budgets of outside agencies, whose County funding exceeds \$35,000, and with whom the County does not have a contractual obligation disallowing such

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action, be reduced by 3%; and deferring the schools and a reduction in the number of General Fund full-time positions from 692 to 686 until the next Board meeting.

Discussion further ensued.

Mr. Woodson withdrew his second to the motion.

Mr. Milde motioned, seconded by Mr. Crisp, to Call the Question.

The Voting Board tally on the Call for the Question was:

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

Nay: (2) Sterling, Dudenhefer

Repeating his motion, Mr. Milde made a substitute motion, seconded by Mr. Crisp, to adopt Resolution R08-492 with the following changes: reduce departmental expenditures by \$3,211,610 with the exception of \$60,000 for Fire and Rescue; a General Fund hiring freeze be in effect immediately, with the County Administrator retaining authority for emergency recruitments; costs associated with the reduction in force; that budgets of outside agencies, whose County funding exceeds \$35,000, and with whom the County does not have a contractual obligation disallowing such action, be reduced by 3%; defer the reduction in force and schools.

The Voting Board tally was:

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

Nay: (3) Sterling, Dudenhefer, Schwartz

Resolution R08-492 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE FY 2009 BUDGET REDUCTIONS

WHEREAS, the Board approved Fiscal Year 2009 Budget with expenditures equal to revenues; and

WHEREAS, due to economic conditions, certain revenues are projected to be lower than budgeted; and

WHEREAS, it is the Board's desire that the fiscal year 2009 Budget remain structurally balanced;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of October 2008, that the County Administrator be and hereby is authorized to reduce departmental expenditures by \$3,151,610; and

BE IT FURTHER RESOLVED that a General Fund hiring freeze be in effect immediately, with the County Administrator retaining authority for emergency recruitments; and

BE IT STILL FURTHER RESOLVED that budgets of outside agencies, whose County funding exceeds \$35,000, and with whom the County does not have a contractual obligation disallowing such action, be reduced by 3%.

Recess. At 3:28 P. M., the Chairman declared a recess.

<u>Call to Order.</u> At 3:43 P. M. the Chairman called the meeting back to order.

<u>Planning and Zoning; Consider an Amendment to the Comprehensive Plan – Urban</u>
<u>Services Area</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation.

Hearing no objections from the Board, it was decided to consider each map and vote on it individually.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Woodson, to approve Area 1 – Route 3 for inclusion in the final map which the Board will consider on November 5, 2008.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Dudenhefer

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation on Area 2, Celebrate Virginia.

Mr. Brito motioned, seconded by Mr. Woodson, to approve Area 2, Celebrate Virginia, with a change, for inclusion in the final map which the Board will consider on November 5, 2008.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Dudenhefer

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation on Area 3a, Warrenton Road.

Mr. Brito motioned, seconded by Mr. Woodson, to approve Area 3a, Warrenton Road, with a change, for inclusion in the final map which the Board will consider on November 5, 2008.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation on Area 4a, Enon Road.

Mr. Brito motioned, seconded by Mr. Crisp, to approve 4a, Enon Road, with a change, for inclusion in the final map which the Board will consider on November 5, 2008.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Sterling, to approve 4, Enon Road, with a change, for inclusion in the final map which the Board will consider on November 5, 2008.

Discussion further ensued.

The Voting Board tally on the substitute motion was:

Yea: (3) Sterling, Dudenhefer, Milde

Nay: (4) Schwartz, Woodson, Brito, Crisp

The Voting Board tally was:

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

Nay: (2) Dudenhefer, Milde

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation on Area 5a.

Mr. Milde motioned, seconded by Mr. Sterling, to approve 5a, Route 1 Central Stafford Corridor, with a change, for inclusion in the final map which the Board will consider on November 5, 2008.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Woodson

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation on Area 6a, Courthouse.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to approve 6a, Courthouse, for inclusion in the final map which the Board will consider on November 5, 2008

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Woodson, to approve 6a, with a change, Courthouse, for inclusion in the final map which the Board will consider on November 5, 2008.

Discussion further ensued.

Mr. Sterling made a friendly amendment to include the area south of Courthouse Road, west of I-95.

Mr. Brito accepted the amendment to the motion. Mr. Woodson accepted the amendment as second to the motion.

The Voting Board tally on the substitute motion was:

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

Nay: (1) Milde

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation on Area 7b, 2019 Phased Expansion.

Mr. Sterling motioned, seconded by Mr. Milde, to approve 7b, 2019 Phased Expansion, for inclusion in the final map which the Board will consider on November 5, 2008.

Discussion ensued.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to Call the Question.

The Voting Board tally on the Call the Question was:

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

Nay: (0)

Mr. Sterling restated the motion, seconded by Mr. Milde, to approve area 7b 2019 Phased Expansion for inclusion in the final map which the Board will consider on November 5, 2008.

The Voting Board tally was:

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

Nay: (3) Brito, Schwartz, Woodson

Discussion ensued.

Mr. Sterling motioned, seconded by Mr. Milde to hold a public hearing at the November 5th meeting on Map 7b.

Discussion ensued.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to Call the Question.

The Voting Board tally on the Call the Question was:

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

Nay: (0)

Repeating his motion, Mr. Sterling motioned, seconded by Mr. Milde, to hold a public hearing at the November 5th meeting on Map 7b.

The Voting Board tally was:

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

Nay: (2) Schwartz, Woodson

Area 8a: Mr. Woodson motioned, seconded by Mr. Crisp, to approve 8a for inclusion in the final map which the Board will consider on November 5, 2008.

The Voting Board tally was:

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

Nay: (1) Milde

Mr. Brito motioned, seconded by Mr. Crisp, to hold a public hearing on November 5, 2008 on Area 2a with the current USA as amended.

The Voting Board tally was:

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

Nay: (2) Schwartz, Woodson

<u>Protection Overlay District.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Woodson motioned, seconded by Mr. Crisp to adopt proposed Ordinance O08-27, with an amendment that the definition of intermittent streams be changed to the North Carolina definition.

Discussion ensued.

Mr. Sterling made a substitute motion, seconded by Mr. Milde, to defer this item until the County Administrator can perform an economic analysis on the County resources and property owners.

Discussion ensued.

The Voting Board tally on the substitute motion was:

Yea: (3) Sterling, Milde, Dudenhefer

Nay: (4) Woodson, Brito, Crisp, Schwartz

Mr. Sterling made a second degree motion (amendment to the amended motion), seconded by Mr. Milde, which would add to the original motion that the County to reimburse property owners for diminished value of property within 60 days of receipt of a qualified appraisal of property or if we did not provide such reimbursement, then the restrictions contained within this ordinance would not apply to that piece of property.

Further discussion ensued.

Mr. Woodson motioned, seconded by Mr. Brito, to Call the Question on the second degree motion.

The Voting Board tally on the Call the Question was:

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

Nay: (2) Sterling, Dudenhefer

The Voting Board tally on the second degree motion was:

Yea: (3) Sterling, Milde, Dudenhefer

Nay: (4) Woodson, Brito, Crisp, Schwartz

Discussion ensued.

Mr. Milde made a second degree motion, seconded by Mr. Sterling, to omit from the boundaries all of the Route 1 parcels adjacent to Route 1 on the east side of Route 1.

The Voting Board tally on the second degree motion was:

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

Nay: (3) Woodson, Brito, Schwartz

The Voting Board tally on the original motion as amended was:

Yea: (4) Crisp, Woodson, Brito, Schwartz

Nay: (3) Milde, Sterling, Dudenhefer

Ordinance O08-27 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 28, ARTICLE II, DEFINITIONS AND CONSTRUCTION, AND ARTICLE IV, PLANNED DEVELOPMENT AND OVERLAY DISTRICT REGULATIONS, BY AMENDING SECTION 28-25, DEFINITIONS, AND CREATING SECTION 28-67, POTOMAC RIVER RESOURCE PROTECTION OVERLAY DISTRICT, OF THE ZONING ORDINANCE

WHEREAS, the Code of Virginia (1950), as amended allows for ordinances to be designed to provide for protection of the natural environment; and

WHEREAS, the Comprehensive Plan includes goals for preservation and enhancement of the County's natural resources; and

WHEREAS, those goals include directing development to minimize impact on environmentally sensitive resources such as wetlands, floodplains, steep slopes, poor soils, streams, forested areas and shorelines; directing developments to protect slopes especially where adjacent to streams and rivers; and

WHEREAS, the Chesapeake Bay Preservation Area Plan encourages preservation of sensitive areas adjacent to tidal water bodies and streams; and

WHEREAS, the United States Natural Resource Conservation Service has indicated that when a slope exceeds fifteen percent or has an erodibility factor 0.35 or greater in a stream valley, protective buffers should be expanded to include the slope; and

WHEREAS, the Board recognizes that segments of the Potomac River, and of Potomac Creek, Accokeek Creek and Aquia Creek, which are tributaries to the Potomac River, have been designated by the Virginia Department of Environmental Quality as impaired waters (EPA Category 5); and

WHEREAS, the Board recognizes that these impairments have been deemed by the Virginia Department of Environmental Quality to threaten or impair aquatic life, wildlife, fish consumption use, and recreation; and

WHEREAS, the water quality is threatened by development and redevelopment activities that contribute to degradation of water quality; and

WHEREAS, stream bank and land erosion contribute to sedimentation of Potomac River and its tributaries, such sedimentation is detrimental to water quality, and removal of sediment is costly to taxpayers and causes further degradation of water quality; and

WHEREAS, the Board believes that current zoning regulations do not adequately promote good development practices in consideration of these Potomac River resources; and

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

WHEREAS, the Boards finds that public necessity, convenience, general welfare and good zoning practice requires adoption of the Potomac River Resource Protection Overlay District ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7th day of October, 2008, that the Zoning Ordinance be and it hereby is amended and reordained to amend Section 28-25 and create Section 28-67 as follows with all other portions remaining the same:

Sec. 28-25. Definitions of specific terms.

Intermittent stream. A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

Toe of slope. The base or bottom of a slope at the point where the ground surface abruptly changes to a significantly flatter grade.

Top of slope. The summit or crest of a slope at the point where the ground surface abruptly changes to a significantly flatter grade.

Sec. 28-67. Potomac River Resource Protection (PRRP) Overlay District

- (a) *Purpose and intent*. Stafford County wishes to recognize the existence of sensitive water resources within the Potomac River basin. The County further recognizes the positive impact of these resources on the local community and economy and wishes to protect the integrity of these resources. Therefore, the purposes of the PRRP Overlay District are to:
 - (1) Protect streams, floodplains, slopes equal to or greater than twenty-five percent, and wetland areas in the Potomac River Basin;
 - (2) Expand buffers surrounding sensitive water resources within the Potomac

 River Basin in order to improve the capture of sediment, organic material,

 fertilizer, pesticides and other pollutants that may adversely impact the Potomac

 River;
 - (3) Protect and enhance the wise use of natural resources through management of development and redevelopment: and
 - (4) Promote protection of sensitive water resources within the Potomac River Basin in order to provide for the health, safety and welfare of the present and future citizens of Stafford County.
- (b) Applicability. The regulations and requirements of both the underlying district(s) and the PRRP Overlay district shall apply on all parcels of land within the below described area. When the regulations applicable to the PRRP conflict with the regulations of the underlying district, the more restrictive regulations shall apply. The boundaries of the PRRP Overlay District shall be as follows:

Beginning at a point where Telegraph Road intersections with Widewater Road continuing easterly along Widewater Road to a point where Widewater Road intersects with Rectory Lane; thence continuing easterly following the southern boundary line of Quantico Marine Corps Base to the Potomac River mean low water (MLW) line; thence continuing southerly following the Potomac River MLW line to Brent Point; thence continuing southerly and westerly along the Stafford County/Charles County, Maryland, boundary line to a point where the Potomac River MLW line intersects with Black Swamp Branch; thence continuing westerly generally following the southern property lines of parcels fronting on the south side of Potomac Creek to the intersection with Brooke Road; thence continuing northerly along Brooke Road to a point where it intersects with the CSX Railroad tracks; thence continuing northerly along the CSX Railroad tracks to a straight line intersection with an unnamed road near the end of Hope Road; thence continuing along said unnamed road westerly to its intersection with Hope Road; thence continuing westerly along Hope Road to the intersection with Olde Concord Road; thence continuing northerly along Olde Concord Road to the intersection with Greenridge Drive; thence continuing northerly along Greenridge Drive to the intersection with Coal Landing Road; thence continuing northerly generally following the eastern property lines of parcels fronting on the east side of Jefferson Davis Highway to the intersection with Telegraph Road; and thence continuing northeasterly along Telegraph Road to the point of beginning at the intersection with Widewater Road, as shown on the map entitled "Potomac River Resource Protection Overlay District, dated October 7, 2008, prepared by the Stafford County Department of Planning and Zoning, a copy of which shall be added to and become a part of the Official Zoning Map of Stafford County.

(c) Development standards. All applications for reclassifications, conditional use permits, subdivisions and site plans shall be subject to the use limitations and development standards set forth in the underlying zoning district(s) and, in addition shall be subject to the following:

- (1) Submission of an Existing Conditions Plan. The purpose of the Existing

 Conditions Plan is to determine the limits of sensitive Potomac River resource
 areas within any parcel(s) prior to development to promote conservation of the
 resources and the incorporation of the landscape features into the development
 design. This requirement does not release the applicant from obtaining a
 permit from the Corps of Engineers for disturbances in wetland areas, or any
 other necessary local, state or federal permits. The Existing Conditions Plan
 shall be submitted at the time of initial application and shall identify and
 illustrate the location of environmental resources on the property as follows:
 - a. Forest or other vegetated cover as depicted in aerial photos or maps available from the Department of Planning and Zoning or other applicable agency, or as indicated by a professional land surveyor b. Flood plain districts as delineated in the most recent flood plain insurance study (FIS) for Stafford County, Virginia, prepared by the Federal Emergency Management Agency;
 - c. Critical Resource Protection Area components as identified through a site-specific determination and approved by the agent, including:
 - l. tidal wetlands;
 - 2. nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
 - 3. tidal shores;
 - 4. a one-hundred foot vegetated buffer area located adjacent to and landward of the components listed in subsections (1)

 through (3) above; and along both sides of any water bodies with perennial flow.
 - d. Streams with intermittent flow, as identified through a site-specific determination based on the North Carolina Division of Water Quality, Identification Methods for the Origin of Intermittent and Perennial Streams, Version 3.1 or other applicable method and approved by the agent;

- e. Slopes equal to or greater than twenty-five percent, as identified through a site-specific determination, where adjacent to and landward of Critical Resource Protection Area components and intermittent streams;
- f. Existing Conditions Plans for family subdivisions may use the agent's delineation in lieu of a site-specific determination for features c-e, except as required by Section 28-62 of the Code of Stafford County the Chesapeake Bay, Resource Protection Overlay district.
- (2) Performance Criteria. Design of a development plan shall take into consideration the Resources as stated above.
 - a. Plans shall be designed to preserve and protect Potomac River resource areas, and to mitigate impacts to Potomac River and its tributaries.
 - b. The CRPA shall be expanded to include intermittent streams.
 - c. The CRPA shall be expanded to include a variable width buffer area not less than one hundred (100) feet in width. The variable width buffer area shall be located adjacent to and landward of
 - 1. tidal wetlands;
 - 2. nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
 - 3. tidal shores; and
 - 4. along both sides of any water body with perennial or intermittent flow.
 - d. The variable width buffer shall also include any slope with a vertical rise over horizontal run equal to or greater than twenty-five percent as measured from the toe of the slope to the top of the slope, where the slope is adjacent to and landward of the water bodies listed in c.l-4 above. A slope shall be considered contiguous to a protected resource if the toe of the slope extends to within 100 feet of the landward limit of the resource. The top of the slope shall be considered the landward

<u>limit of the slope</u>. The variable width buffer shall extend to the top of slope.

- e. The CRPA shall be subject to all of the regulations regarding CRPAs as set forth in Section 28-62 of the Code of Stafford County, the Chesapeake Bay Preservation Area Overlay District.
- f. Existing vegetation to be retained shall be delineated on plans and marked on-site with orange plastic fencing during all phases of construction per Section 140 of the Design and Construction

 Standards for Landscaping, Buffering and Screening (DCSL). The limits of the variable width buffer shall be marked on-site with orange plastic fencing during all phases of construction.
- (3) Establishment of the buffer. All buffer areas shall be identified as CRPA on all plans; approved by the agent; recorded on a plat in the land records; and run with the land and continue in perpetuity.
 - a. The agent and/or his designee shall have access to the buffer to inspect it for compliance.

Mr. Brito motioned, seconded by Mr. Dudenhefer, that the Board is not to consider an overlay district on the rest of the County.

Discussion ensued.

Mr. Brito restated that the motion was to rescind a previous action where the Board had requested review by the Planning Commission of the Rappahannock River for an overlay district.

Mr. Dudenhefer withdrew the second to the motion.

The motion died for lack of a second to the motion.

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<u>Planning and Zoning; Amend Section 22-143, Buildable Area, Shape and Elongations, of the Subdivision Ordinance.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation.

Mr. Brito motioned, seconded by Mr. Crisp, to adopt proposed Ordinance O08-75 with a change that the 15% slope be changed to a 25% slope, to be effective immediately for applications received after this date.

Discussion ensued.

Mr. Sterling made a substitute motion, seconded by Mr. Milde, to request the County Administrator perform an economic impact analysis on the impact to the County.

The Voting Board tally was:

Yea: (3) Sterling, Dudenhefer, Milde

Nay: (4) Woodson, Brito, Crisp, Schwartz

The Voting Board tally on the original motion was:

Yea: (4) Woodson, Brito, Crisp, Schwartz

Nay: (3) Sterling, Dudenhefer, Milde

Ordinance O08-75 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN SECTION 22-143, "SHAPE AND ELONGATIONS" OF THE SUBDIVISION ORDINANCE

WHEREAS, due to topography, required setbacks, location of the primary and reserve drainfields for on-site sewage disposal systems and buffers for Critical Resource Protection Areas (CRPA), a proposed residential lot may have limited area suitable to situate a house and accessory buildings; and

WHEREAS, the Board desires to have lots designed in such a manner that allows future owners to add value to their property by building additions and accessory structures; and

WHEREAS, some residential subdivision lots have contained irregular shaped or elongated lot lines in order to provide an area for drainfields that have led to confusion of homeowners as to where their property line and/or drainfields may be located; and

WHEREAS, the Board desires to establish regulations for the protection and benefit of home owners so that a home owner will have adequate area for their leisurely enjoyment and comfort and understand where their property lines and drainfields are located; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7th day of October, 2008 that Section 22-143, "Shape and elongations", of the Subdivision Ordinance be and hereby is amended and ordained as follows, with all other portions remaining the same:

Sec. 22-143., Shape elongations and buildable area

(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.

BE IT FURTHER ORDAINED that this ordinance shall become effective on October 7, 2008.

<u>Legislative</u>; <u>Discuss Society for the Prevention of Cruelty to Animals.</u> Mr. Milde commented.

Mr. Bill Hoyt gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Brito to request that the County become the Applicant for a Conditional Use Permit for the SPCA, assisting Mr. Hoyt throughout the process.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Recess. At 6:12 P. M., the Chairman declared a recess.

<u>Call to Order.</u> At 7:03 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>Legislative</u>; <u>Presentation of Proclamation to Recognize October 2008 as Disability Employment Awareness Month</u>. The Chairman presented the proclamation to Mr. Shawn Lawrence, ADA Grievance Committee Chairman.

Legislative; Presentations by the Public The following person spoke on the topic as identified:

Dean Fetterolf - English Language in the County Code.

County Attorney; Amend the County Code Regarding Chapter 1, General Provisions, to Reflect the Changes in the State Code Enabling Legislation. Ms. Gail Roberts, Deputy County Attorney, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Brito, to adopt proposed Ordinance O08-59.

The Voting Board tally was:

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

Nay: (0)

Ordinance O08-59 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 1, ENTITLED "GENERAL PROVISIONS"

WHEREAS, the County Attorney's Office has done a comprehensive review of Stafford County Code, Chapter 1; and

WHEREAS, the Virginia Code was recodified, changing the enabling legislation that authorized the adoption of Chapter 1; and

WHEREAS, the Board desires to amend and reenact County Code, Chapter 1, entitled "General Provisions", to reflect the correct enabling legislation for the adoption of Chapter 1; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7th day of October, 2008, that the Stafford County Code be and it hereby is amended and reordained by amending and reordaining Chapter 1, as follows, all other portions remaining unchanged:

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of the County of Stafford, Virginia" and may be so cited. Such Code may also be cited as "Stafford County Code."

(Code 1979, § 1-1)

State law references: Authority of county to codify and recodify its ordinances, Code of Virginia, § 15.1-37.3 15.2-1433.

Sec. 1-2. Definitions and general rules of construction.

In the construction of this Code and of all ordinances of the board of supervisors, the following definitions and rules shall apply and be observed, unless otherwise specifically provided or unless such construction would be inconsistent with the manifest intent of the board of supervisors:

Generally. The rules of construction given in sections 1-13.1 to 1-15 1-202 to 1-257, Code of Virginia, shall govern, so far as applicable, the construction of all words not defined in this section or elsewhere in this Code.

Officers, boards, etc. Whenever reference is made to a particular officer, board, department, commission or other agency, such reference shall be construed as if followed by the words "of the County of Stafford." In addition, a reference to a particular officer shall be construed as if followed by the words "or his duly authorized deputy, assistant, representative or designee," subject, however, to the provisions of section 15.1-19.5 15.2-1502 of the Code of Virginia.

Person. The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals shall be construed to include any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

Written or in writing shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium, or (ii) stored in an electronic or other medium and retrievable in a perceivable form and whether an electronic signature authorized by Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1 is or is not affixed.

State law references: Similar definitions and rules of construction applicable to state law, Code of Virginia, § 1-13.3 §1-202 et seq.

Sec. 1-9. Supplementation of Code.

State law references: Authority to supplement Code, Code of Virginia, § 15.1-37.3 §15.2-1433

Sec. 1-10. Copies of Code and supplements to be available for public inspection.

At least three (3) copies one (1) copy of this Code and every supplement thereto shall be kept in the office of the clerk to the board of supervisors and shall there be available for public inspection, during normal business hours.

State law references: Similar provisions, Code of Virginia, § 15.1–37.3 §15.2-1433.

Sec. 1-11. Classification of and penalties for violations; continuing violations.

State law references: Classification of misdemeanors and punishment therefore, Code of Virginia, §§ 18.2-9, 18.2-11; authority of county to provide penalties for ordinance violations and provisions similar to subsection (c) above, § 15.1-505 § 15.2-1429.

Sec. 1-12. Assessment for law library as part of costs in civil actions.

a) Amount of fee: A fee of four two dollars (\$4 2.00) shall be assessed to each and every qualifying civil action filed in the courts located within the boundaries of the County of Stafford. The assessments provided for herein shall be in addition to all other costs prescribed by law but shall not apply to any action in which the commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the commonwealth, political subdivision thereof, or federal government.

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(b) Collection of fees: The assessed fees shall be collected by the clerk of the

court in which the action was filed and remitted to the county treasurer.

(c) Payment of fees: The treasurer shall pay said fees collected on a monthly

basis to the Central Rappahannock Regional Library for maintenance and

operation of a law library which shall be opened for the use of the public during

normal operating hours.

(d) Contributions to law library fund: The board of supervisors is authorized to

accept contributions to the fund from any bar association.

(Ord. No. 084-07, 1-17-84; Ord. No. 089-92(R), 10-17-89)

State law reference: Similar provisions, Code of Virginia, § 42.1-70.

Sec. 1-12.1. Assessment for construction, renovation or maintenance of courthouse,

jail and court-related facilities as part of costs in criminal or traffic cases.

(a) Amount of fee: A fee of two dollars (\$2.00) shall be assessed for each and

every qualifying civil and criminal or traffic action filed in the courts located

within the boundaries of the County of Stafford. The assessments provided for

herein shall be in addition to all other costs prescribed by law but shall not apply

to any action in which the commonwealth or any political subdivision thereof or

the federal government is a party and in which costs are assessed against the

commonwealth, political subdivision thereof, or federal government.

(b) Collection of fees: The assessed fees shall be collected by the clerk of the

court in which the action was filed and remitted to the county treasurer.

(c) Payment of fees: The treasurer shall hold said fees collected subject to disbursements by the Stafford County board of supervisors for the construction, renovation or maintenance of courthouse, jail and court-related facilities.

(Ord. No. 090-69, 7-10-90)

State law reference: Similar provisions, Code of Virginia, § 17.1-281.

Sec. 1-13. County seal.

State law reference: Similar provisions, Code of Virginia, § 15.2-1400.

<u>Utilities</u>; Vacate a Waterline Easement on Parcel 21-51A, South Side of Coachman <u>Circle.</u> Mr. Dale Allen, Assistant Director of Utilities – Engineering, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-442.

The Voting Board tally was:

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

Nay: (0)

Resolution R08-442 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO VACATE A WATERLINE EASEMENT ON TM 21-51A, SOUTHSIDE OF COACHMAN CIRCLE

WHEREAS, the Board has authority to approve the vacation of public easements within Stafford County; and

WHEREAS, the owner of Parcel 21-51A desires the easement for a waterline be vacated in the manner shown for approximately 138 feet in length along the south side of Coachman Circle; and

WHEREAS, to construct the improvements known as Hills of Aquia, Seven-Eleven Major Site Plan, vacation of this easement is necessary;

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of October 2008, that the County Administrator be and he hereby is authorized to execute a vacation of a waterline easement.

<u>Legislative</u>; <u>Discuss Civil War Sites Adjacent to the Landfill</u>. Mr. D. P. Newton, Historian, White Oak CW Museum, and Mr. Glenn Trimmer, Director, Friends of Stafford Civil War Sites, gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Woodson to approve forwarding this item to the Historical Commission for further review and to be brought back to the Board. The Board requested Mr. Trimmer to provide cost estimates for an engineering survey.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Mr. Brito motioned, seconded by Mr. Crisp, to recommend to the Planning Commission include this item in the Comprehensive Plan to be designated as a park.

The Voting Board tally was:

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

Nay: (0)

<u>Planning and Zoning; Amend Section 22-221, Where Required, of the Subdivision</u>

<u>Ordinance Regarding Curb, Gutter and Sidewalks.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O08-78 with an effective date of October 7, 2008.

The Voting Board tally was:

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

Nay: (0)

Ordinance O08-78 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY CODE BY AMENDING SECTION 22-221, WHERE REQUIRED, OF THE SUBDIVISION ORDINANCE

WHEREAS, the subdivision ordinance may require the streets of subdivisions to include curb, gutter and sidewalks based on the lot sizes and whether the subdivision is managing the stormwater runoff with Low-Impact Development (LID); and

WHEREAS, the Board desires curb, gutter and sidewalks for all streets of a residential subdivision which have lots 30,000 square feet or less unless it is a full LID subdivision; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7th day of October, 2008, that the Stafford County Code, Section 22-221, be amended and reordained to read as follows, all other portions remaining unchanged:

Sec. 22-221. Curb, gutter and sidewalks, \(\psi\) where required.

Curb, gutter and sidewalks shall be required, at a minimum, <u>within the right-of way</u> for all streets, accessways or service drives in subdivisions as follows:

(1) Require eCurb, and gutters and sidewalks shall be provided within the right-of-way of all streets; existing and proposed, within subdivisions which contain any on lots less than thirty thousand (30,000) square feet in size except for <u>full</u> low-impact development sites <u>subdivisions</u> in accordance with the provisions of chapter 21.5 of this Code where curb and gutters shall not be required <u>within the right-of-way of all streets which front</u> on lots greater than ten thousand (10,000) square feet in size <u>and where sidewalks shall not</u>

be required. Pedestrian trails and/or bicycle lanes may be provided in lieu of sidewalks within the right-of-way of all arterial or collector streets, existing and proposed, within subdivisions which contain any lot less than thirty thousand (30,000) square feet in size. Pedestrian trails and/or bicycle lanes shall be provided where specified in the Comprehensive Plan or where there is a connection to an existing pedestrian trial or bicycle lane. The provisions of Section 22-223 shall still apply.

- (2) Require sidewalks on lots less than fifteen thousand (15,000) square feet in size except for low-impact development sites in accordance with the provisions of chapter 21.5 of this Code where sidewalks shall not be required on lots of any size subject to the provisions of section 22-223.
- (3) (2) Require eCurb, gutter and sidewalks shall be provided within the right-of-way of all streets; existing and proposed, on all lots within cluster subdivisions except for full low-impact development sites subdivisions in accordance with chapter 21.5 of this Code. In full low-impact development sites subdivisions, curb and gutters shall not be required within the right-of-way of all streets which fronts on lots greater than ten thousand (10,000) square feet in size, and sidewalks shall not be required within the right-of-way of all streets which fronts on lots of any size. Pedestrian trails and/or bicycle lanes may be provided in lieu of sidewalks within the right-of-way of all arterial or collector streets, existing and proposed, within cluster subdivisions. Pedestrian trails and/or bicycle lanes shall be provided where specified in the Comprehensive Plan or where there is a connection to an existing pedestrian trial or bicycle lane. subject to tThe provisions of section 22-223 shall still apply.
- (4) (3) Full Llow-impact development sites shall subdivisions may provide engineered vegetated swales in lieu of curb and gutters along streets for stormwater conveyance and treatment in accordance with the provisions of chapter 21.5 of this Code.
- The agent, upon the recommendation of the highway engineer, shall determine if sSidewalks are to shall be provided on both sides or only one side of the street.

BE IT FURTHER ORDAINED that this ordinance shall become effective on October 7, 2008.

<u>Legislatives</u>; <u>Establish Legislative Initiatives for the 2009 Virginia General Assembly.</u>
The County Administrator commented.

Discussion ensued

Mr. Dudenhefer motioned, seconded by Mr. Sterling to adopt Resolution R08-349 with a change.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Mr. Brito motioned, seconded by Mr. Dudenhefer to add paragraph 6e to Resolution R08-349, language that grants counties the authority to revoke the business license of an employer who knowingly hires illegal immigrants.

The Voting Board tally was:

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

Nay: (0)

Resolution R08-349 reads as follows:

A RESOLUTION TO ESTABLISH LEGISLATIVE INITIATIVES FOR THE 2009 VIRGINIA GENERAL ASSEMBLY

WHEREAS, the Board seeks enabling legislation and amendments to the Code of Virginia to accomplish Stafford County's legislative initiatives for the 2009 General Assembly; and

WHEREAS, the Board recognizes that the Commonwealth and its local governments are partners in sharing the responsibilities of providing services to citizens in Virginia; and

WHEREAS, the Board expresses its opposition to efforts to reduce authority or flexibility of local governments to govern its citizens, or to shift responsibility for services to localities; and

WHEREAS, the Board desires that the Virginia Association of Counties (VACo) and the Virginia Municipal League (VML) support the legislative initiatives contained herein;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of October, 2008 that the members of the General Assembly representing Stafford be and they hereby are requested to introduce and support the following priority initiatives:

- 1) Funding for Acquisition of Crows Nest Property (Phase Two). Budget legislation to assist with acquisition by the Commonwealth of the remaining approximately 1,167 acres of the Crow's Nest Property for enjoyment by the public as a Natural Area Preserve.
- 2) Funding for Virginia Railway Express. As an interim step to attaining the Commonwealth's goal to provide 95% of eligible transit operating and capital costs, Stafford requests budget legislation such that the Commonwealth provides annual funding to offset Virginia Railway Express operational costs attributable to persons using VRE services but who reside in non-VRE member localities.

3) Local Authority.

- (a) Authority to cut growth of grass or lawn area. An amendment to Section 15.2-1215 of the Code of Virginia to add Stafford to the list of localities with the authority to, by ordinance, require the owner of occupied residential real property to cut the grass or lawn area of less than one-half acre when growth on such grass or lawn area exceeds 12 inches in height; or, when the governing body deems necessary, after reasonable notice, have such grass or lawn area cut by its agents or employees. In such cases, the costs and expenses thereof shall be chargeable to and paid by the owner and may be collected by the county as taxes and levies are collected.
- **(b)** Property Maintenance Code. Enabling legislation to allow the local governing body to apply the local property maintenance code throughout the entire jurisdiction, or to a portion of the jurisdiction based upon zoning classification. In the case of a residential zoning classification, the locality may choose to enforce the property maintenance code in areas based upon density.
- (c) Regulation of parking on secondary streets. Include Stafford in special legislation to allow the Board to adopt an ordinance to regulate or prohibit the parking of boats, RV's, campers, etc. on subdivision streets in the County.
- 4) Cost of Competing Supplement. Budget legislation to increase the state salary supplement, paid to the school division to help pay for the higher cost to compete for teachers in the region, to the full supplement granted to Northern Virginia localities. (The Board appreciates the support of our delegation to provide Stafford 25% of the full supplement granted to Northern Virginia localities.)

5) Exemptions to the Road Impact Fee on Development.

- <u>a)</u> Legislation amending the Road Impact Fee enabling authority to allow counties to exempt or reduce the impact fee levied on family subdivisions.
- **b)** Legislation amending the Road Impact Fee enabling authority to allow counties to exempt or reduce the impact fee levied on commercial development.

BE IT FURTHER RESOLVED that the Board requests the support of the Governor, the members of the General Assembly, the Virginia Association of Counties and the Virginia Municipal League for the following initiatives:

- 1) Matching Funds for Purchase of Development Rights Programs. Budget Legislation to restore state funds to match local dollars committed to local purchase of development rights programs.
- **2)** <u>Local Regulation of Timbering</u>. An amendment to Section 10.1-1126.1 of the Code of Virginia to explicitly state that, once a subdivision plan or site plan is submitted for local approval at the request of the property owner for a development project, any timbering on the property is subject to local development regulations.

3) Impacts of Land Development on Public Infrastructure. Amendments to the Code of Virginia to:

- a) allow localities to levy impact fees on development to pay for costs related to education;
- **b**) allow localities to include in the local subdivision and zoning ordinances reasonable provisions allowing the governing body to determine whether public facilities are adequate to support development and to defer approval of a proposed development plan, if such public services are determined to be inadequate.
- **4) <u>Developer Securities for Subdivision Streets.</u>** Enabling legislation to provide the local governing body the authority to:
 - **a)** reduce the original street security amount only at such time as the street is accepted into the VDOT system for maintenance;
 - **b**) withhold acceptance of securities or plat approvals if the developer or any partners are in default of street completions in another development in the County even if under a different corporation or partnership;
 - c) withhold building permits or occupancy permits until a street is accepted into the VDOT system for maintenance, even in the case where the minimum number of houses (currently three) have been constructed along the roadway to make the street eligible for inclusion in the system.

5) <u>Actions by the Board of Zoning Appeals.</u> An amendment to Section 15.2-2308C of the Code of Virginia to provide that, once a quorum is established at a meeting of the local Board of Zoning Appeals, hearings may be conducted and actions may be taken by a majority of the members present and voting at the meeting.

6) <u>Illegal Immigration.</u>

- a) Grant counties the authority to sanction businesses that employ illegal immigrants once permitted to do so by federal law;
- b) Grant counties the authority to deny services to illegal immigrants other than emergency medical care and those services that ensure the health of the general population, once permitted to do so by federal law;
- Seek federal reimbursement for the full cost of all public services provided to illegal immigrants;
- d) Pass legislation to provide the clear authority for localities to request documentation on the legal status of anyone receiving public services from local government agencies; and
- e) Grant counties the authority to revoke the business license of an employer who knowingly hires illegal immigrants.

<u>Legislative</u>; Request the School Board to Adopt an English Language Policy for the <u>Schools.</u> Mr. Dudenhefer commented.

Discussion ensued

Mr. Dudenhefer motioned, seconded by Mr. Sterling, to adopt proposed Resolution R08-428 deleting the paragraph which requests the School Board to implement a policy that prohibits providing non-English language assistance to any student in the United States illegally.

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Discussion further ensued.

The Voting Board tally was:

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

Nay: (1) Woodson

Resolution R08-428 reads as follows:

A RESOLUTION TO REQUEST THE SCHOOL BOARD TO ADOPT A POLICY RELATING TO THE PROVISION OF NON-ENGLISH LANGUAGE

ASSISTANCE TO STUDENTS IN THE UNITED STATES ILLEGALLY

WHEREAS, the Board established an Illegal Immigration Task Force in

September 2007 to examine the issue of illegal immigration and its impacts on the

Stafford community; and

WHEREAS, the Task Force met over a period of seven (7) months, conducting

regular meetings open to the public, held two public meetings in December 2007 and

received public input at two public hearings in January 2008; and

WHEREAS, the Task Force presented its findings and recommendations to the

Board on May 6, 2008; and

WHEREAS, one of the recommendations of the Task Force was to request the

Stafford County School Board to implement a policy that mandates the use of the English

language as the sole language for use in Stafford County schools; and

WHEREAS, the Board believes that students who are in the United States

illegally should be prohibited from receiving non-English language assistance from the

school division; and

WHEREAS, a policy to prohibit such assistance to students who are in this country illegally should not prohibit foreign language studies in the classroom or non-English language assistance to a student who is legally present in the United States; and

WHEREAS, the Code of Virginia, §7.1-42, designates English as the official language of the Commonwealth. Except as provided by law, no state agency or local government shall be required to provide and no state agency or local government shall be prohibited from providing any documents, information, literature or other written materials in any language other than English; and

WHEREAS, the Code of Virginia §22.1-212.1 establishes that school boards shall have no obligation to teach the standard curriculum, except courses in foreign languages, in a language other than English. School boards shall endeavor to provide instruction in the English language which shall be designed to promote the education of students for whom English is a second language;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day October, 2008 that the Stafford County School Board is hereby requested to implement a policy and curriculum to ensure that all legal students for whom English is not a first language learn English as quickly as possible, that the standard curriculum--except courses in foreign languages--be taught in English, and that English be used as the official language of Stafford County Schools; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is directed to transmit a copy of this resolution to the Stafford County School Board for its consideration.

<u>Administration</u>; <u>Authority for Acceptance/Purchase/Sale/Transfer of County-owned Real</u> Estate. The Chairman commented.

The Deputy County Attorney commented further.

Discussion ensued

Mr. Brito motioned, seconded by Mr. Crisp, to adopt Resolution R08-474 with a change.

The Voting Board tally was:

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

Nay: (0)

Resolution R08-474 reads as follows:

A RESOLUTION TO MODIFY RESOLUTION R06-382 TO MANDATE BOARD APPROVAL PRIOR TO THE COUNTY ADMINISTRATOR'S, OR THE DIRECTOR OF PLANNING AND ZONING, EXECUTION OR ACCEPTANCE OF DEEDS CONVEYING PROFFERED PROPERTY TO THE COUNTY

WHEREAS, the Board, by Resolution R06-382 dated September 5, 2006, authorized the County Administrator, or his designees, to execute and accept deeds regarding interest in real property to be dedicated to the County in amounts not to exceed \$100,000; and

WHEREAS, the Board now desires to modify Resolution R06-382 to mandate Board approval prior to the County Administrator's, or the Director of Planning and Zoning, execution or acceptance of deeds conveying proffered property; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of October, 2008, that the County Administrator, or the Director of Planning and Zoning, are authorized to execute and accept deeds regarding interest in real property to be dedicated to the County in amounts not to exceed \$100,000,

with the exception of property that is being conveyed to the County pursuant to any proffer;

BE IT FURTHER RESOLVED that said deeds shall reference this Resolution.

Legislative; Discuss Funding for the Senior Meals Program. Mr. Brito commented.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Milde to defer this item to the next Board meeting.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; <u>Discuss Transportation Bond Referendum Public Information</u>. Ms. Cathy Riddle gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Sterling motioned, seconded by Mr. Crisp, to change the wording on the Brochure to inform citizens that funds from the Transportation Fund will pay for Bond debt; should there be no funds available in the Transportation Fund, it will be paid from the General Fund.

Mr. Milde made a substitute motion, seconded by Mr. Crisp, to add language that states a tax increase may be necessary.

Further discussion ensued.

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Mr. Sterling made a second substitute motion, seconded by Mr. Crisp, to strike to first two sentences in the brochure, begin the paragraph "when all the bonds are sold:, include that whole sentence, remove the sentence after that "so that is equivalent" would be removed, then go the next sentence, however a portion on the debt service is planned to be paid from special assessment districts, include the sentence after that, and then include after than an outline of the other transportation streams that are already approved.

Discussion ensued.

Mr. Milde added a second degree amendment, seconded by Mr. Woodson, to state in the brochure that a tax increase of 3% may be necessary.

The Voting Board tally on the amendment was:

Yea: (2) Milde, Woodson

Nay: (5) Sterling, Dudenhefer, Brito, Schwartz, Crisp

The County Administrator commented.

Discussion further ensued.

Mr. Sterling restated the motion: When all the bonds are sold, the annual debt service is expected to be about \$5.2M; however a portion of the debt service is planned to be paid from special assessment districts. Debt on the remainder of the bonds - \$55.7M is estimated at \$4.2M annually. The County has five revenue streams dedicated to transportation which are projected to generate \$X Dollars annually. These are the business license tax, gas tax, recordation tax, impact fees and service district taxes. Of that amount, \$X is projected to be available for local road projects which would be available to finance the bonds. Should these in turn be insufficient, money will come from the General Fund.

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Mr. Milde made a substitute motion to indicate that this is equivalent to \$0.035 on the

real estate tax rate on the existing level amounts.

The motioned died for lack of a second to the motion.

The Voting Board tally on the revised brochure was:

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

Nay: (2) Milde, Woodson

Further discussion ensued.

Mr. Dudenhefer motioned, seconded by Mr. Crisp, to add \$500 to the \$18,000, for a total of \$18,500 for advertisement of the Transportation Bond Referendum.

The Voting Board tally was:

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

Nay: (2) Milde, Woodson

<u>Legislative</u>; <u>Discuss Urban Transportation Service Districts</u>. Mr. Mike Neuhard, Deputy County Administrator, commented.

Mr. Milde motioned, seconded by Mr. Brito, to inform the Virginia Department of Transportation that Stafford is withdrawing its application regarding the roads and staff will cease further research of the issue.

Discussion ensued.

The Voting Board tally was:

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

Nay: (2) Crisp, Woodson

<u>Transportation</u>; <u>Discuss Transportation Impact Fee Advisory Committee Appointments</u>

Mr. Fulton deLamorton gave a presentation and responded to Board members questions.

Mr. Crisp motioned, seconded by Mr. Woodson, to defer this item to the next Board meeting.

The Voting Board tally was:

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

Nay: (0)

<u>Budget and Finance; Presentation on 2009 1st Quarter (Update), and 2010 (Preview).</u> The County Administrator commented.

Discussion ensued.

Mr. Dudenhefer motioned, seconded by Mr. Woodson, to implement a new outside agency funding form.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; <u>Discuss the Allocation of Business, Professional and Occupational License</u>

<u>Tax Revenues.</u> Mr. Brito commented.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Woodson to adopt Resolution R08-486.

Discussion ensued.

Mr. Sterling made a substitute motion, seconded by Mr. Dudenhefer, to direct all revenues from the BPOL tax, except for the amount that is necessary to restore the Merchants Capital, be dedicated to the Transportation Fund.

Discussion further ensued.

The Voting Board tally was:

Yea: (2) Sterling, Dudenhefer

Nay: (4) Brito, Crisp, Schwartz, Woodson

Abstain (1) Milde

Discussion further ensued.

Mr. Milde made a second substitute motion, seconded by Mr. Sterling to defer proposed Resolution R08-486 until January, 2010.

The Voting Board tally was:

Yea: (3) Sterling, Dudenhefer, Milde

Nay: (4) Brito, Crisp, Schwartz, Woodson

Discussion further ensued.

Mr. Brito repeated his motion, seconded by Mr. Woodson to adopt Resolution R08-486 with 75% of BPOL revenue to be directed to the General Fund, and 25% be directed to the Transportation Fund.

The Voting Board tally was:

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

Nay: (2) Dudenhefer, Sterling

<u>Legislative</u>; <u>Discuss the Zoning Ordinance Regarding Keeping of a Horse on R-1</u> Property. Mr. Milde commented.

Discussion ensued.

<u>Legislative</u>; <u>Society for the Prevention of Cruelty to Animals.</u> Mr. Milde commented that this item had been discussed previously in the meeting.

<u>Legislative</u>; <u>Discuss Hiring Freeze</u>. Mr. Sterling commented that this item had been discussed previously during the Budget presentation.

<u>Legislative</u>; <u>Closed Meeting.</u> At 9:30 P.M., Mr. Woodson motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM08-20.

The Voting Board tally was:

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

Nay: (0)

Resolution CM08-20 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 regarding a claim for damages by Susan Reid; and a disposition of county-owned real estate regarding the Chatham Office Park; and

WHEREAS, pursuant to Section 2.2-3711 A.3 and A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 7th day of October, 2008, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 9:43 P. M. the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM08-20a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM08-20a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON OCTOBER 7, 2008

WHEREAS, the Board has, on this the 7th day of October, 2008, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 7th day of October, 2008, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were

discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Adjournment. At 9:45 P.M., the Chairman declared the meeting adjourned.	
Anthony J. Romanello, ICMA-CM	George H. Schwartz
County Administrator	Chairman