

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES
Regular Meeting
April 20, 2010

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 1:02 P. M., Tuesday, April 20, 2010, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II, Gary F. Snellings, Cord A. Sterling, Susan B. Stimpson, and Robert “Bob” Woodson.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pam Timmons, Deputy Clerk; associated staff and interested parties.

Work Session: Presentation by PFM Regarding Bond Rating and Recommendations on Fund Balance Ms. JoAnne Carter, Managing Director, gave a presentation and answered Board members questions.

Mr. Woodson asked for further explanation on the meaning of the calibration and asked if the County’s rating is improving. Ms. Carter responded that recalibration changes the methodology and due to the change, Stafford County’s rating has improved.

Mr. Milde stated that the County is suffering through a very tight budget cycle and asked if it would be a good decision to free-up funds that the County has in its fund balance. Ms. Carter stated that it would not be a good decision noting that consistency is the key to maintaining favorable interest rates.

Mr. Milde asked if Ms. Carter is for or against the County taking money out of the fund balance. She replied that in her opinion, it would be to the County's advantage to maintain the fund balance or even increase it from 10% to 12%.

Mr. Dudenhefer asked if growing the commercial base would avoid the need to increase the County's fund balance to 12%. Ms. Carter said that it was possible, that diversification is favorable in the eyes of the rating agencies and would set apart the County over time and has the potential to increase the County's rating.

Mr. Woodson asked if repealing a revenue stream was bad. Ms. Carter said "not necessarily" and added that rating agencies do not focus on single point issues and further stated that it will depend on where it fits in the overall financial picture.

Mr. Sterling asked what would happen if the County were to go below the 10% fund balance. Ms. Carter stated that the County would be in non-compliance with established financial guidelines and that use of the fund balance could be considered an indication of an unstable financial situation.

Mr. Sterling asked if other communities have done this. Ms. Carter cited the example of Fairfax which tapped into the fund balance, but by year's end restored the revenue. Montgomery County, MD has spent most of its reserve. They are now "on watch" and may lose their rating if funds are not restored.

Mr. Dudenhefer requested a five-year plan that would present the steps needed to qualify for the higher bond rating and asked that information be provided to the Finance and Budget Committee to work on.

Mr. Crisp agreed that a five-year plan would be a good tool for the Board to use for future planning.

Mr. Milde asked if it cost more for multi-year budgeting. Mr. Romanello responded that it would not and said that staff would welcome it as a worthy exercise.

Ms. Carter will provide the Board with a list of localities who do multi-year budgeting.

Mr. Dudenhefer asked the Finance and Budget Committee to work on recommendations for the bond rating and multi-year budgeting. He also asked Mr. Crisp if he would serve on the Committee. Mr. Crisp agreed.

Finance and Budget; Adopt the FY2011 County Budgets and CY2010 Property Tax Rates Mr. Sterling gave a presentation based on recommendations of the Finance and Budget Committee.

Ms. Stimpson commented that she felt that additional cuts could have been made and would not support the recommendations of the Finance and Budget Committee.

Mr. Sterling motioned, seconded by Mr. Snellings to advertise a \$1.10 tax rate and adopt proposed Resolution R10-92.

Mr. Woodson made a substitute motion, seconded by Mr. Crisp to adopt a \$1.12 tax rate, fully fund the Schools, and give back the savings of \$3.6M. Discussion ensued.

The Voting Board tally on the substitute motion was:

Yea: (2) Crisp, Woodson

Nay: (5) Dudenhefer, Milde, Snellings, Sterling, Stimpson

The Voting Board tally on the original motion (proposed Resolution R10-92) was:

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

Nay: (3) Milde, Stimpson, Woodson

Resolution R10-92 reads as follows:

A RESOLUTION TO APPROVE THE
FISCAL YEAR 2011 COUNTY BUDGETS

WHEREAS, a public hearing on the proposed Fiscal Year 2011 Budget was held on Tuesday, April 13, 2010, at 7:00 P.M. in the Auditorium of Colonial Forge High School, 550 Courthouse Road, Stafford, Virginia, 22554; and

WHEREAS, the Board has held budget work sessions at which members have analyzed, deliberated and reviewed citizen comments; and

WHEREAS, the Board is committed to improving the County's bond rating and to that end has established, by resolution, two funds to hold reserves in excess of the County's minimum fund balance requirements: a Revenue Stabilization Reserve and a Capital Improvements Reserve, and desires to establish a third such fund to be called the Stafford Opportunity Fund Reserve;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April, 2010, that the Fiscal Year 2011 Budgets for the various General Government Funds be and they hereby are adopted as follows:

I. GENERAL GOVERNMENT FUNDS:

GENERAL GOVERNMENT FUNDS

Asset Forfeiture Fund	105,000
Fleet Services Fund	3,922,034
Garrisonville Road Service District Fee	870,000
General Capital Improvements Fund	33,554,000
Hidden Lake Special Revenue Fund	72,701
Tourism Fund	1,205,000
Transportation Fund	4,675,948
E-911 Fund	2,835,483
Utilities Funds	64,308,933

BE IT STILL FURTHER RESOLVED that the Fiscal Year 2011 School Budget be and it hereby is approved in the following amounts:

II. SCHOOL FUNDS

Construction Fund	8,173,465
Grants Fund	12,764,256
Health Services Fund	24,891,303
Nutrition Services Fund	11,609,917
School Operating Fund	
Instruction	175,492,747
Other Categories	61,769,193
Total School Operating Fund	<u>237,261,940</u>
Workers' Compensation Fund	879,033

BE IT STILL FURTHER RESOLVED that Board affirms its commitment to improve its bond rating, approves the establishment of the Stafford Opportunity Fund Reserve, and expresses its intent to fund the three reserves with fund balance exceeding the County's minimum requirement, as follows:

- | | |
|--------------------------------------|----------------------------------|
| 1. Revenue Stabilization Reserve | ½ of 1% of General Fund Revenues |
| 2. Capital Projects Reserve | \$1,500,000 |
| 3. Stafford Opportunity Fund Reserve | \$500,000 |

(With any remaining monies available after the three reserves are fully funded going to the Capital Projects Reserve); and

BE IT STILL FURTHER RESOLVED that the Board suspends implementation of R09-165 for FY2011 and also increases the insurance opt-out credit to \$150 per month; and

BE IT STILL FURTHER RESOLVED that the County Administrator is directed to implement a Work Force Development Strategy in consultation with the Board; and

BE IT STILL FURTHER RESOLVED that nine General Fund full-time positions are eliminated, effective June 1, 2010.

Mr. Sterling motioned, seconded by Mr. Snellings to adopt proposed Resolution R10-93.

The Voting Board tally on proposed Resolution R10-93 was:

- | | | |
|------|-----|--|
| Yea: | (4) | Crisp, Dudenhefer, Snellings, Sterling |
| Nay: | (3) | Milde, Stimpson, Woodson |

Resolution R10-93 reads as follows:

A RESOLUTION TO ESTABLISH THE TAX YEAR 2010 TAX RATES

WHEREAS, the Code of Virginia requires that the governing body establish an annual levy of certain taxes for the calendar year; and

WHEREAS, a public hearing on the proposed calendar year 2010 tax rates was held on Tuesday, April 13, 2010, at 7:00 P.M. in the Auditorium of Colonial Forge High School, 550 Courthouse Road, Stafford, Virginia, 22554; and

WHEREAS, the Commissioner of the Revenue requires the timely establishment of tax levies to allow time for tax bills to be processed and received by the citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April, 2010, that the following rates be and they hereby are established for the tax year beginning January 1, 2010:

<u>Classification</u>	<u>Rate Per One Hundred Dollars of Assessed Valuation</u>
Real Estate (Section 58.1-3200, Code of Virginia (1950), as amended.)	1.10
Tangible Personal Property (Section 58.1-3500, Code of Virginia (1950), as amended. Includes all other classifications of personal property not specifically enumerated.)	6.89*
Boats or watercraft. (Section 58.1-3506 (1.a)(1.b)(12)(28)(29), Code of Virginia (1950), as amended.	5.49
Motor Vehicles Specially Equipped for the Disabled (Section 58.1-3506 (14), Code of Virginia (1950), as amended.	.10
Personal Property Volunteer Fire & Rescue (Section 58.1-3506 (15)(16), Code of Virginia (1950), as amended.)	.0001
Camping trailers and recreational vehicles (Section 58.1-3506 (18)(30), Code of Virginia (1950), as amended.	5.49
One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-739 . (Section 58.1-3506 (19), Code of Virginia (1950), as amended.	.0001
Motor Carrier Transportation (Section 58.1-3506 (25), Code of Virginia (1950) as	.75

amended.	
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<u>Classification</u>	<u>Rate Per One Hundred Dollars of Assessed Valuation</u>
All tangible personal property employed in a trade or business other than that described in A 1 through A 18, except for subdivision A 17, of §58.1-3503. (Section 58.1-3506 (26), Code of Virginia (1950), as amended.	5.49
Programmable computer equipment and peripherals employed in a trade or business (Section 58.1-3506 (27), Code of Virginia (1950), as amended.	5.49
Machinery and Tools (Section 58.1-3507, Code of Virginia (1950), as amended.)	.75
Merchant's Capital (Section 58.1-3509, Code of Virginia (1950), as amended.)	.50
Mobile Homes (Section 58.1-3506, Code of Virginia (1950), as amended.)	1.10
Aircraft (Section 58.1-3506, Code of Virginia (1950), as amended.)(2)(3)	.0001
Garrisonville Road Special Service District (Section 15.2-2400 through 15.2-2403)	.092
Warrenton Road Special Service District (Section 15.2-2400 through 15.2-2403)	.099
Hidden Lake Special Service District (Section 15.2-2400 through 15.2-2403)	.30
Hartlake Special Service District (Section 15.2-2400 through 15.2-2403)	.00
Countywide Fire and Emergency Medical Services Tax District (Section 27-23.1)	.00

* The tax rate for personal property is based on assessed value which is established at forty percent (40%) of the estimated fair market value. The effective tax rate would be stated as \$2.76 per \$100 of estimated fair market value.

In 2004 the General Assembly capped the amount of relief the State will provided for Personal Property Tax Relief (PPTRA) at \$950 million per year. The PPTRA cap took effect on January 1, 2006. Stafford County's share of the state allotment is \$12.5 million. This allotment is to be distributed among all the qualifying vehicles. For tax year 2010, vehicles qualifying will be granted 52% relief.

Mr. Sterling motioned, seconded by Mr. Snellings, to adopt proposed Resolution R10-128.

The Voting Board tally on proposed Resolution R10-128 was:

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

Nay: (3) Milde, Stimpson, Woodson

Resolution R10-128 reads as follows:

RESOLUTION TO APPROPRIATE THE FISCAL YEAR 2011 COUNTY BUDGETS

WHEREAS, the Board has held budget work sessions at which members have analyzed, deliberated and reviewed citizen comments at the public hearing held on April 13, 2010; and

WHEREAS, the Board is committed to maintaining the undesignated fund balance and wishes to retain adequate budgetary control given the challenging economic climate;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April, 2010, that the General Fund General Government expenditures (other than debt service) and Local School Transfer (other than debt service) be and they hereby are appropriated at 93% of the Adopted Budget; and

BE IT FURTHER RESOLVED that debt service be and hereby is appropriated at 100% of the Adopted Budget; and

BE IT FURTHER RESOLVED that the Fiscal Year 2011 Budgets for the various General Government Funds be and they hereby are appropriated as follows:

III. GENERAL GOVERNMENT FUNDS:

GENERAL GOVERNMENT FUNDS (continued)

Asset Forfeiture Fund	105,000
Fleet Services Fund	3,922,034
Garrisonville Road Service District Fee	870,000
Hidden Lake Special Revenue Fund	72,701
Tourism Fund	1,205,000
Transportation Fund	4,675,948
E-911 Fund	2,835,483
Utilities Funds	64,308,933

IV. SCHOOL FUNDS

Grants Fund	12,764,256
Health Services Fund	24,891,303
Nutrition Services Fund	11,609,917
School Operating Fund	
Instruction	159,344,142
Other Categories	<u>59,844,737</u>
Total School Operating Fund	219,188,879
Workers' Compensation Fund	879,033

BE IT FURTHER RESOLVED reappropriation of State Fiscal Stabilization Funds (SFSF) will be considered when accounting reports verify the exact amount unspent in Fiscal Year 2010; and

BE IT FURTHER RESOLVED that the Board will consider the appropriation of the 7% balance of the General Government budget (less debt service) and the Local School transfer following the midyear review and the Fiscal Year 2010 audit completion, in consideration of current financial conditions; and

BE IT FURTHER RESOLVED that at the close of the fiscal year, all appropriations lapse for budget items other than capital projects and grants. The County Administrator is authorized to maintain appropriations designated for capital projects until the completion of the project or until the Board, by resolution or ordinance, changes or eliminates the appropriation. The County Administrator is authorized to maintain appropriations of grant funds for the duration of the grant or until the Board, by resolution or ordinance, changes or eliminates the appropriation; and

BE IT STILL FURTHER RESOLVED that in accordance with the Board's Principles of High Performance Financial Management, the Board will consider any requests for re-appropriation of Fiscal Year 2010 carryover funds following the completion of the audit and in consideration of current financial conditions; and

BE IT STILL FURTHER RESOLVED that the County Administrator be and he hereby is authorized to increase budgets and appropriations for the following items of non-budgeted restricted revenue that may occur during the fiscal year; and

1. Insurance recoveries received for damages to County properties for which County funds have been expended to make repairs;
2. Defaulted developer and builder securities to be used for uncompleted projects;
3. Donations for a specific purpose.

BE IT STILL FURTHER RESOLVED that to comply with GASB 54 and Generally Accepted Accounting Practices, some projects or sets of accounts may need to

be moved between funds and the County Administrator is authorized to make such transfers; and

BE IT STILL FURTHER RESOLVED to ensure that the taxpayers of Stafford County are paying the lowest tax rate possible, all outside funding sources such as State Funds, Federal Funds, Proffers, and User Fees will be designated to be spent first, with any local matches that are required. After all these funds are spent, local tax dollars will be spent.

Recess At 2:00 P.M., the Chairman declared a recess.

Call to Order At 2:17 P.M., the Chairman called the meeting back to order.

Additions/Deletions to the Regular Agenda Mr. Crisp motioned, seconded by Mr. Woodson, to delete Item 7 – Utilities; Authorize Contract for Purchase of Chemicals; and add Item 23 - Legislative; Authorize a Public Hearing to Issue Qualified School Construction Bonds (QSCB)

The Voting Board tally was:

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

Mr. Milde asked that the vote on R10-128 be reconsidered stating that he had not been given adequate time to study the resolution before voting on it.

Mr. Snellings motioned, seconded by Mr. Sterling, to reconsider the vote on R10-128.

The Voting Board tally was:

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

Mr. Sterling motioned, seconded by Mr. Snellings, to approve R10-128.

The Voting Board tally was:

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

Legislative; Consent Agenda

Mr. Crisp motioned, seconded by Mr. Snellings, to adopt the Consent Agenda consisting of Items 4 thru 17, deleting Item 7.

The Voting Board tally was:

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

Nay: (0)

Item 4. Legislative; Approve Minutes of the March 23, 2010; March 31, 2010; April 6, 2010; and April 13, 2010 Board Meetings

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R10-118 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED APRIL 6, 2010 THROUGH APRIL 19, 2010

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April 2010 that the above-mentioned EL be and hereby is approved.

Item 6. Planning and Zoning; Authorize County Administrator to Execute a Contractual Agreement with VDOT for an Urban Development Area (UDA) Planning Grant

Resolution R10-106 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACTUAL AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE URBAN DEVELOPMENT AREA PLANNING GRANT

WHEREAS, the General Assembly added Section 15.2-2223.1 to the Code of Virginia requiring high growth localities to designate Urban Development Areas (UDAs) in their comprehensive plans by 2011; and

WHEREAS, UDAs are areas of compact development that can accommodate 10 to 20 years of projected growth and incorporate principles of new urbanism and traditional neighborhood design; and

WHEREAS, Stafford County has been designated as a high growth locality and must incorporate UDAs in the Comprehensive Plan by 2011; and

WHEREAS, VDOT is offering a grant program which provides on-call consultant services to local governments; and

WHEREAS, the County has been awarded \$225,000 by VDOT to utilize these services; and

WHEREAS, the Board agrees with the terms specified in the Agreement submitted to the County on March 25, 2010;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April, 2010, that the County Administrator be and hereby is authorized to execute a contractual agreement with the Virginia Department of Transportation for the UDA Planning Grant.

Item 8. Public Works; Consider Installation of Multi-Way Stop at the Intersection of Riverton Drive and Tanterra Drive in Brentwood Subdivision

Resolution R10-104 reads as follows:

A RESOLUTION TO APPROVE INSTALLATION OF A MULTI-WAY STOP AT THE INTERSECTION OF RIVERTON DRIVE (SR-1433) AND TANTERRA DRIVE (SR-1429) IN DEVON GREEN SUBDIVISION

WHEREAS, the Board is concerned with transportation safety on residential streets; and

WHEREAS, the Brentwood Estates Homeowners Association has requested the installation of additional stop signs at the intersection of Riverton Drive and Whitestone Drive; and

WHEREAS, upon review of the intersection, the Virginia Department of Transportation (VDOT) did not approve the requested location, and recommended the intersection of Riverton Drive and Tanterra Drive as an alternate location for installation of a multi-way stop; and

WHEREAS, the alternate location meets all of the required criteria for installation, based on the current Residential Transportation Management Plan, Multi-Way Stop Program; and

WHEREAS, the Devon Green Board of Directors has been notified of the recommended alternate location, and has confirmed support for installation of the signs;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April 2010, that the Board be and it hereby does approve the installation of a Multi-Way Stop on Riverton Drive (SR-1433) at the intersection of Tanterra Drive (SR-1429) in the Devon Green Subdivision; and

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

Item 9. Public Works; Consider Installation of Multi-Way Stop at the Intersection of Port Aquia and Schooner in Port Aquia Subdivision

Resolution R10-105 reads as follows:

A RESOLUTION TO AUTHORIZE A MULTI-WAY STOP AT THE INTERSECTION OF PORT AQUIA DRIVE, SCHOONER WAY, AND DOLPHIN COVE IN THE PORT AQUIA SUBDIVISION

WHEREAS, the Board is concerned with transportation safety on residential streets; and

WHEREAS, the Port Aquia Homeowners Association has requested that the existing four-way stop at this intersection be allowed to remain in place when these streets are accepted into the Secondary System of State Highways; and

WHEREAS, the location meets most of the required criteria for a Multi-Way Stop, based on the Residential Transportation Management Plan; and

WHEREAS, upon review of the intersection, the Virginia Department of Transportation (VDOT) approved an exception to allow a multi-way stop at this location;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April 2010, that the Board be and it hereby does authorize the existing Multi-Way Stop condition along Schooner Way, at the intersection of Port Aquia Drive and Dolphin Cove in the Port Aquia Subdivision; and

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

Item 10. Public Works; Petition VDOT to Include Brushy Creek Drive, Foggy Field Lane, Quantum Way, Minnear Court and Maggie Court within England Run North Subdivision, Sections 19B and 19C into the Secondary System of State Highways

Resolution R10-108 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE BRUSHY CREEK DRIVE, FOGGY FIELD LANE, QUANTUM WAY, MINNEAR COURT AND MAGGIE COURT WITHIN ENGLAND RUN NORTH SUBDIVISION, SECTIONS 19B & 19C 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 Brushy Creek Drive, Foggy Field Lane, Quantum Way, Minnear Court and Maggie Court within England Run North Subdivision, Sections 19B & 19C 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 20th day of April, 2010, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within England Run North Subdivision, Sections 19B & 19C into the Secondary System of State Highways:

<u>Street Name/State Route Number</u>	<u>Station</u>	<u>Length</u>
Brushy Creek Drive (SR-2041)	From: Int. Lyons Boulevard (SR-2030) To: Maggie Court (SR-2044)	0.07 mile ROW 52'
Brushy Creek Drive (SR-2041)	From: Maggie Court (SR-2044) To: Quantum Way (SR-2042)	0.08 mile ROW 52'
Brushy Creek Drive (SR-2041)	From: Quantum Way (SR-2042) To: Foggy Field Lane (SR-2040)	0.14 mile ROW 50'
Foggy Field Lane (SR-2040)	From: Int. Lyons Boulevard (SR-2030) To: Brushy Creek Drive (SR-2041)	0.08 mile ROW 50'
Foggy Field Lane (SR-2040)	From: Brushy Creek Drive (SR-2041) To: Brushy Creek Drive Cul-de-Sac	0.04 mile ROW 50'-110'
Quantum Way (SR-2042)	From: Brushy Creek Drive (SR-2041) To: Quantum Way Cul-de-Sac	0.05 mile ROW 44'-84'
Minnear Court (SR-2043)	From: Brushy Creek Drive (SR-2041)	0.06 mile

	To: Minnear Court Cul-de-Sac	ROW 44'-84'
Maggie Court (SR-2044)	From: Maggie Court Cul-de-Sac	0.09 mile
	To: Brushy Creek Drive (SR-2041)	ROW 44'-110'

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 England Run North Subdivision Section 19B recorded as LR #040024025 on June 25, 2004 and England Run North Subdivision Section 19C, recorded as LR #050026305 on July 12, 2005; and

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

Item 11. Public Works; Petition VDOT to Include Adrian Way, High Water Place, Gallagher Lane, Boston Court, Prospect Drive and Jordan Lane within Deacon Road Estates Subdivision into the Secondary System of State Highways

Resolution R10-109 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE ADRIAN WAY, HIGH WATER PLACE, GALLAGHER LANE, BOSTON COURT, PROSPECT DRIVE AND JORDAN LANE IN THE DEACON ROAD ESTATES 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 Adrian Way, High Water Place, Gallagher Lane, Boston Court, Prospect Drive and Jordan Lane within Deacon Roads Estates Subdivision into the Secondary System of State Highways; and

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

WHEREAS, in accordance with Section 24 Va. Admin. Code 30-91-140, a Street Surety Bond in the amount of \$54,000 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 20th day of April 2010 that VDOT be and it hereby is petitioned to include the following streets into the Secondary System of State Highways:

<u>Street-State Route Number</u>	<u>Station</u>	<u>Length</u>
Adrian Way (SR-2180)	From: Int. Deacon Rd. (SR-607)	0.08 mile
	To: Int. Gallagher Ln. (SR-2182)	ROW 54'

Adrian Way (SR-2180)	From: Int. Gallagher Ln. (SR-2182) To: Int. High Water Pl. (SR-2186)	0.06 mile ROW 54'
Adrian Way (SR-2180)	From: Int. High Water Pl. (SR-2186) To: Adrian Way (SR-2180) Cul-de-Sac	0.18 mile ROW 54'-112'
High Water Pl. (SR-2186)	From: Int. Adrian Way (SR-2180) To: High Water Pl. (SR-2186) Cul-de-Sac	0.11 mile ROW 52'-112'
Gallagher Ln. (SR-2182)	From: Int. Adrian Way (SR-2180) To: Int. Boston Ct. (SR-2183)	0.08 mile ROW 54'
Gallagher Ln. (SR-2182)	From: Int. Boston Ct. (SR-2183) To: Int. Prospect Dr. (SR-2184)	0.07 mile ROW 54'
Gallagher Ln. (SR-2182)	From: Int. Prospect Dr. (SR-2184) To: Int. Jordan Ln. (SR-2185)	0.16 mile ROW 54'
Boston Ct. (SR-2183)	From: Boston Ct. Cul de sac (SR-2183) To: Int. Gallagher Ln. (SR-2182)	0.11 mile ROW 52'-112'
Prospect Dr. (SR-2184) (west)	From: Temporary Prospect Dr. Cul-de-Sac To: Gallagher Ln. (SR-2182)	0.07 mile ROW 52'
Prospect Dr. (SR-2184)	From: Int. Gallagher Ln. (SR-2182) To: Prospect Dr. Cul-de-Sac (east)	0.11 mile ROW 52'-112'
Jordan Ln. (SR-2185)	From: Jordan Ln. Cul-de-Sac (west) To: Int. Gallagher Ln. (SR-2182)	0.10 mile ROW 65'-128'
Jordan Ln. (SR-2185)	From: Int. Gallagher Ln. (SR-2182) To: Jordan Ln. Cul-de-Sac (east)	0.21 mile ROW 65'-128'

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: Deacon Road Estates Inst. # 040042385 on November 1, 2004; and

BE IT FURTHER RESOLVED that the Board hereby guarantees a surety in the amount of Fifty Four Thousand Dollars (\$54,000) for the specific purpose of recovering all loss, cost, damage, or expense incurred to correct faulty workmanship or materials associated with the construction of the mileage on these streets and/or related drainage facilities referenced on the VDOT DACHS Form AM-4.3 for a period of one year from the date of the legal addition of the referenced mileage to the VDOT Secondary System of State Highways; and

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

Item 12. Public Works; Request Reimbursement from the Potomac and Rappahannock Transportation Commission for Transportation Expenditures for the Third Quarter of FY2010

Resolution R10-115 reads as follows:

A RESOLUTION TO REQUEST REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION FOR TRANSPORTATION EXPENDITURES FOR THE THIRD QUARTER OF FISCAL YEAR 2010

WHEREAS, the County budgeted funds in the FY2010 Transportation Fund for various programs, including professional services, transportation services, street signs, the airport authority, and road improvements; and

WHEREAS, the County expended the following amounts for transportation projects and services for the third quarter of FY2010; and

<u>Item</u>	<u>Amount</u>
Professional Services - Traffic Impact Fee Analysis	\$ 38,350
Transportation Services - FREDericksburg Regional Transit	238,828
Street Signs Program	2,971
Stafford Regional Airport Authority	90,631
Road Improvements	<u>4,222</u>
Total Reimbursement Request	\$375,002

WHEREAS, these funds can be reimbursed from the County motor fuels tax fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April 2010, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Three Hundred Seventy-five Thousand Two Dollars (\$375,002) from the County motor fuels tax fund.

Item 13. Planning and Zoning; Refer a Text Amendment to the Planning Commission and Authorize a Public Hearing Regarding Fees for Minor Revisions to Planning and Zoning Applications

Resolution R10-110 reads as follows:

A RESOLUTION TO REFER A TEXT AMENDMENT TO THE PLANNING COMMISSION TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-163, “REVIEW”, SECTION 28-185, “CONDITIONAL USE PERMITS”, SECTION 28-203, “SUBMISSION”, AND SECTION 28-254, “PLAN CHANGES AND REVISIONS” OF THE ZONING ORDINANCE

WHEREAS, the Zoning Ordinance allows for voluntary conditions proffered by the applicant for conditional zoning; and

WHEREAS, the Zoning Ordinance allows for the issuance of conditional use permits for those uses designated as conditional uses in Article III; and

WHEREAS, the Zoning Ordinance allows changes and revisions to approved site development plans; and

WHEREAS, the Board desires to amend and ordain the Stafford County Code Section 28-163, “Review,” Section 28-185, “Conditional Use Permits,” Section 28-203, “Submission,” and Section 28-254, “Plan Changes and Revisions,” to reflect allowing minor changes to proffer amendments, conditional use permits, and major site development plans; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April 2010, that the Planning Commission be and it hereby is requested to consider an amendment to Stafford County Code Section 28-163, “Review,” Section 28-185, “Conditional Use Permits,” Section 28-203, “Submission,” and Section 28-254, “Plan Changes and Revisions;” and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make modifications to the amendment as it deems necessary.

Resolution R10-111 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO AMEND THE DEVELOPMENT APPLICATION FEES FOR SERVICES PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING

WHEREAS, the Board is authorized by the Virginia Code to set reasonable fees and charges for the development review services provided by the Department of Planning and Zoning; and

WHEREAS, the Board acknowledges that the fees for these services should be current with the costs for the services provided by the County in reviewing and processing such applications; and

WHEREAS, the Board desires to set the fees for these services to be commensurate with the services provided by the County in reviewing and processing such applications;

NOW, THEREFORE, BE IT REVISED by the Stafford County Board of Supervisors on this the 20th day of April, 2010, that the Planning Commission be and it hereby is authorized to advertise a public hearing to amend and reordain the Development Application Fees for Services provided by the Department of Planning and Zoning.

Item 14. Planning and Zoning; Refer a Zoning Text Amendment to the Planning Commission Regarding Nonconforming Structures

Resolution R10-119 reads as follows:

A RESOLUTION TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-273(a), “NONCONFORMING STRUCTURES”

WHEREAS, the Board desires to amend and reenact Stafford County Code, Section 28-273(a), entitled “Nonconforming Structures”; and

WHEREAS, currently the owner of a single family residential structure may apply to the board of zoning appeals for a special exception when the requested improvements, including any proposed increase in square footage, will not increase the nonconformity; and

WHEREAS, the Board desires to allow improvements to nonconforming single family residential structures as a by-right use; and

WHEREAS, the Board believes that public necessity, convenience, general welfare and good zoning practices require adoption of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April, 2010, that the Planning Commission be and hereby is requested to consider an amendment to Stafford County Code, Section 28-273(a) by proposed Ordinance O10-33, for a public hearing and recommendation; and

BE IT FURTHER RESOLVED, that the Planning Commission be and it hereby is authorized to make modifications to the amendment as it deems necessary.

Item 15. Legislative; Reappoint Annette Johnson to the Rappahannock Area Community Services Board

Item 16. Public Works; Authorize Design Concept and Approved Funding for the Widening of Mine Road

Resolution R10-117 reads as follows:

A RESOLUTION AUTHORIZING TRANSPORTATION FUND REVENUES TO CONSTRUCT A SECTION OF MINE ROAD AS A FOUR LANE UNDIVIDED HIGHWAY

WHEREAS, the Board desires to widen approximately 3,000 feet of Mine Road between Exeter Lane and Austin Ridge Drive from the current two-lane road to a four-lane road to better accommodate increasing traffic in this area; and

WHEREAS, Rocky Ridge Joint Venture (Developer) has agreed to take immediate action to complete the widening of this segment provided they can complete it as a four-lane undivided road rather than a four-lane divided road as shown in the County's Transportation Plan; and

WHEREAS, the Virginia Department of Transportation (VDOT) has agreed to this road design provided the County approves; and

WHEREAS, it is in the County's interest to have this section completed at this time; and

WHEREAS, the Developer has requested the County contribute towards this effort; and

WHEREAS, \$117,628 in proffer funds are available for this purpose from the \$400 per dwelling proffer fee collected from builders in the Austin Ridge Subdivision, with the balance of \$209,532 available for undesignated road projects in the Transportation Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April, 2010, that the County Administrator be and he hereby is, authorized to notify VDOT that the County approves the construction of this section of Mine Road as a four lane undivided highway; and

BE IT FURTHER RESOLVED by the Stafford County Board of Supervisors that the amount of One Hundred Seventeen Thousand Six Hundred Twenty-eight Dollars (\$117,628) in proffer funds collected for this purpose, and Two Hundred Nine Thousand Five Hundred Thirty-two Dollars (\$209,532) in supplemental funding from the Transportation Fund be budgeted and appropriated for widening of Mine Road; and

BE IT STILL FURTHER RESOLVED by the Stafford County Board of Supervisors that the County Administrator be and he hereby is authorized to execute agreements necessary to complete the widening of Mine Road.

Item 17. Human Services; Authorize Creation of Stafford Safety Net

Resolution R10-125 reads as follows:

A RESOLUTION TO CREATE A STAFFORD SAFETY NET

WHEREAS, the Human Services Office identified a gap in services to those neediest citizens requiring emergency assistance, the Safety Net would provide additional resources that would fill this identified need within the community; and

WHEREAS, it has been identified by the Department of Utilities that citizens could donate to the Safety Net via their water/sewer bill, which would provide a revenue source for the Safety Net;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April, 2010, that it be and hereby does approve the creation of the Stafford Safety Net and authorizes the Department of Utilities to implement a method for citizens to donate to the Safety Net through their water/sewer bill. Appropriations to the Safety Net are subject to the Board's approval on an annual basis.

Legislative; Closed Meeting At 2:44 p.m. Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Resolution CM10-09.

The Voting Board tally was:

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

Nay: (0)

Resolution CM10-09 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice regarding: Potential Disposition of County-Owned Real Estate; and a Personnel Matter; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 20th day of April, 2010, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order At 3:19 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Mr. Crisp to adopt proposed Resolution CM10-09a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM10-09a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON APRIL 20, 2010

WHEREAS, the Board has, on this the 20th day of April, 2010 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 20th day of April, 2010, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Mr. Crisp motioned, seconded by Mr. Sterling to adopt proposed Resolution R10-126.

The Voting Board tally was:

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

Nay: (0)

Resolution R10-126 reads as follows:

A RESOLUTION APPROVING THE LEASE OF COUNTY-OWNED OFFICE SPACE AT CHATHAM OFFICE PARK

WHEREAS, the County owns an office unit at the Chatham Office Park located behind the Falmouth Fire Department; and

WHEREAS, this space has been vacant since staff relocated to other County facilities; and

WHEREAS, the County has received a proposal from the Rappahannock Area Office on Youth to lease this space for the sum of \$15,600 annual rent including covering all maintenance fees and utilities costs which total approximately \$8,700 per year for a combined new revenue and cost savings to the County of approximately \$24,300 annually;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of April, 2010, that it be and hereby does authorize the County Administrator to execute a one-year lease in the terms stated above with annual renewal options.

Planning and Zoning; Reclassify from R-1, Suburban Residential to B-2, Urban Commercial Zoning District on Assessor's Parcels 20-84 and 20-85, Located at 17 and 23 Onville Road Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Woodson motioned, seconded by Mr. Crisp to adopt proposed Ordinance O10-08.

The Voting Board tally was:

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

Ordinance O10-08 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM R-1, SUBURBAN RESIDENTIAL TO B-2, URBAN COMMERCIAL ZONING DISTRICT ON ASSESSOR'S PARCELS 20-84 AND 20-85 WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Chunghee S. Lee and Paul Tavara, applicants, have submitted application RC2900007 requesting a reclassification from R-1, Suburban Residential to B-2, Urban Commercial on Assessor's Parcels 20-84 and 20-85; and

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

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

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of April, 2010 that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to reclassify from R-1, Suburban Residential to B-2, Urban Commercial on Assessor's Parcels 20-84 and 20-85, with proffers entitled "Proffer Statement", dated April 7, 2010.

Legislative; Discuss 2011 Legislative Efforts Mr. Tim Baroody, Deputy County Administrator gave a presentation and answered Board members questions.

Mr. Dudenhefer created a subcommittee consisting of Mr. Sterling and Ms. Stimpson, which will meet with Mr. Baroody and Mr. David Gayle, Assistant Director of Legislative Affairs, to enable the committee to track decisions of the General Assembly and report back to the Board.

Discuss Rappahannock River Access Mr. Snellings commented that he frequently drives along River Road and has noticed that there is no access to the river from Stafford County except at Falmouth Beach, where the time frame is limited, and which is under lock and key. Citizens who desire access must enter on the Fredericksburg side or pay \$5.00 to the County for access on the Stafford side. Mr. Snellings recommended that the gate open from March 15th through Labor Day instead of the current schedule, which opens from Memorial Day through Labor Day.

Mr. Chris Hoppe, Director of Parks, Recreation and Community Facilities reported that the current operating hours of 8:00 a.m. to 7:00 p.m.

Mr. Crisp asked if the option to purchase a permit for citizens who are fishing and may want to be on the river before 7:00 a.m., or stay on the river until dark.

Mr. Hoppe said that his department will look into that option. Without hearing any objection from the Board, the gate will be open from March 15th through Labor Day.

Recess At 3:30 P.M., the Chairman declared a recess until 7:00 P.M.

Call to Order At 7:02 P.M., the Chairman called the meeting back to order.

Invocation Mr. Milde gave the Invocation.

Pledge of Allegiance Boy Scout Troop 850 led in the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentations by the Public The following person desired to speak.

Joan Bitely - Library

Sheriff; Amend and Reordain Stafford County Code, Chapter 15, Article III, Entitled “Parking”, Division 1, Entitled “Generally”, and Division 2, Entitled “Courthouse Parking Lot”, and Article IV, Division 1, Entitled “Generally”, and Division 2, Entitled “Nuisance Inoperable Motor Vehicles on Residential, Commercial or Agricultural Property” Sheriff Charles Jett gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Crisp to adopt proposed Ordinance O10-18.

The Voting Board tally was:

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

Nay: (0)

Ordinance O10-18 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 15, ARTICLE III, DIVISION 1, ENTITLED

“GENERALLY,” AND DIVISION 2, ENTITLED “COURTHOUSE PARKING LOT,” AND ARTICLE IV, DIVISION 1, ENTITLED “GENERALLY,” AND DIVISION 2, ENTITLED “NUISANCE INOPERABLE MOTOR VEHICLES ON RESIDENTIAL, COMMERCIAL OR AGRICULTURAL PROPERTY”

WHEREAS, Virginia Code Section 46.2-1220 authorizes the County to regulate the parking of vehicles in the County; and

WHEREAS, a number of localities regulate or prohibit parking within their localities; and

WHEREAS, the Board desires to amend Stafford County Code to regulate or prohibit the parking of vehicles in the County; and

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

WHEREAS, the Board finds that regulating or prohibiting the parking of vehicles serves the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of April, 2010, that Stafford County Code, Chapter 15, Article III, Division 1, entitled “Generally,” and Division 2, entitled “Courthouse Parking Lot,” and Article IV, Division 1, entitled “Generally,” and Division 2, entitled “Nuisance Inoperable Motor Vehicles on Residential, Commercial or Agricultural Property,” be and it is hereby amended and reordained, all other portions remaining unchanged:

CHAPTER 15 – MOTOR VEHICLES AND TRAFFIC

ARTICLE III. PARKING

DIVISION 1. GENERALLY

Sec. 15-51. ~~Unlawful parking in space reserved for disabled persons.~~

~~(a) — It shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under Code of Virginia, § 46.2-731 or DV disabled parking license plates issued under subsection B of Code of Virginia, § 46.2-739 to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle on public property or in privately owned parking areas.~~

~~(b) — For purposes of this section, a parking space reserved for the use of disabled persons shall be any parking space located on public property or at a privately-owned parking area that shall be identified by above grade signs, regardless of whether identification of such spaces by above grade signs was required when any particular~~

~~space was reserved for the use of disabled persons. A sign or symbol painted or otherwise displayed on the pavement of a parking space shall not constitute an above grade sign. Any parking space not identified by an above grade sign shall not be a parking space reserved for the disabled within the meaning of this section.~~

~~(e) — The sheriff, any deputy sheriff or any law enforcement office may issue a summons or parking ticket for a violation of this section, without the necessity of a warrant being obtained by the owner of any private parking area upon which the violation occurred.~~

~~(d) — Parking a vehicle in a space reserved for persons with disabilities in violation of this section shall constitute a traffic infraction punishable by a fine of no more than two hundred fifty dollars (\$250.00).~~

Sec. 15-51. Unlawful parking generally.

(a) No person shall park a vehicle on (i) public property, including, but not limited to, any public street, road, or highway, or (ii) county-owned or county-leased property, in violation of any of the provisions of this subsection. Any person who receives written notice from a sheriff's deputy that he has committed any of the offenses listed in this subsection may waive his right to appear and be formally tried for the offense. The waiver shall be effective when the person (i) voluntarily pays thirty five dollars (\$35.00) to the county treasurer's office within 30 days after receipt of the notice, or (ii) voluntarily places payment in the amount of thirty five dollars (\$35.00) in the reply mail envelope on which the notice of violation is printed and mails it to the county treasurer's office so that it is postmarked within 30 days after receipt of the notice. Such person shall not thereafter be required to appear before the district court for trial upon the offense set forth in the notice. Such offenses shall include parking a vehicle:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within 15 feet of a fire hydrant or fire department connection or in any way that obstructs a fire hydrant or fire department connection;
- (5) In or on a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection. Where there is no crosswalk at an intersection, no person shall park a vehicle within 20 feet from the intersection of curb lines or, if none, within 15 feet of the intersection of property lines;
- (7) Within 30 feet of the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a street, road, or highway;
- (8) Within 50 feet of the nearest rail of a railroad grade crossing;
- (9) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
- (10) On the roadway side of a vehicle parked at the edge or curb of a street, road, or highway;
- (11) Upon any bridge or other elevated structure on a street, road, or highway or within any tunnel;
- (12) At any place where official signs prohibit parking;

- (13) More than 18 inches from the curb in areas where parking is permitted;
- (14) Within any established fire lane. Any sheriff's deputy or representative of the fire marshal's office who finds any vehicle in violation of this subsection shall have the authority to remove the vehicle at the owner's expense. This authority shall extend to any fire or rescue officer in charge of a fire or rescue operation who finds any such violation to be interfering with such emergency operations. Nothing in this subsection shall be interpreted to give representatives of the fire marshal's office the authority to enforce any other part of this article. No provision of this subsection shall apply to fire, rescue, or sheriff's vehicles while they are involved in emergency operations or on official government business;
- (15) On any county-owned or county-leased property where parking is prohibited or violates any county ordinance or regulation, including, but not limited to, Stafford County Code Section 15-54. For the purposes of this subsection, the county administrator or his designee is authorized and directed to adopt regulations that prohibit or restrict parking vehicles on county-owned or county-leased property; to classify vehicles with reference to parking, to designate the time, place, and manner in which vehicles may be allowed to park; and to revoke, alter, or amend such regulations at any time when, in his opinion, parking conditions require. The sheriff or his designee shall enforce the regulations pursuant to the requirements of this subsection. As agent for the county, the sheriff or his designee shall, when appropriate, provide for towing and removing vehicles in violation of this subsection;
- (16) Without a current state license on any street, road, or highway when the license is required by state law;
- (17) In a manner that blocks or prevents the use of a curb ramp located on public property or on private property which is open to the public;
- (18) In a bicycle lane;
- (19) At such a distance from the curb as to allow space for another vehicle between it and the curb, which shall be deemed double parking;
- (20) So as to leave less than ten feet of the width of a public or private alley available for the free movement of vehicular traffic or as to block the driveway, garage, or any other type of entrance to any abutting property where the owner of the abutting property has the right to use the alley as a means of access to and from a street, road, or highway and cannot physically enter his property due to the parked vehicle;
- (21) Within 500 feet of where a fire apparatus has stopped in responding to a fire alarm. This subsection shall not apply to any fire apparatus, fire or rescue vehicle, or law enforcement vehicle responding to a fire alarm in performance of its lawful duties;
- (22) Within 20 feet of the driveway entrance to any fire station and/or rescue station, or when posted, within 75 feet of the entrance on the side of a street, road, or highway opposite the entrance to any fire station and/or rescue station; or
- (23) On or alongside any street, road, highway, alley, or thru-lane, when the vehicle constitutes a traffic hazard and/or obstructs or impedes the flow of traffic.

(b) No person shall park a vehicle on or in any private parking lot that is open to the public and designed to accommodate 50 or more vehicles, in violation of any of the provisions of this subsection. Any person who receives written notice from a sheriff's

deputy that he has committed any of the offenses listed in this subsection may waive his right to appear and be formally tried for the offense. The waiver shall be effective when the person (i) voluntarily pays thirty five dollars (\$35.00) to the county treasurer's office within 30 days after receipt of the notice, or (ii) voluntarily places payment in the amount of thirty five dollars (\$35.00) in the reply mail envelope on which the notice of violation is printed and mails it to the county treasurer's office so that it is postmarked within 30 days after receipt of the notice. Such person shall not thereafter be required to appear before the district court for trial upon the offense set forth in the notice. Such offenses shall include parking a vehicle:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within 15 feet of a fire hydrant or fire department connection or in any way that obstructs a fire hydrant or fire department connection;
- (5) In or on a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection. Where there is no crosswalk at an intersection, no person shall park a vehicle within 20 feet from the intersection of curb lines or, if none, within 15 feet of the intersection of property lines;
- (7) Within 50 feet of the nearest rail of a railroad grade crossing;
- (8) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
- (9) On the roadway side of a vehicle parked at the edge or curb of a street, road, or highway;
- (10) At any place where official signs prohibit parking;
- (11) More than 18 inches from the curb in areas where parking is permitted;
- (12) Within any established fire lane. Any sheriff's deputy or representative of the fire marshal's office who finds any vehicle in violation of this subsection shall have the authority to remove the vehicle at the owner's expense. This authority shall extend to any fire or rescue officer in charge of a fire or rescue operation who finds any such violation to be interfering with such emergency operations. Nothing in this subsection shall be interpreted to give representatives of the fire marshal's office the authority to enforce any other part of this article. No provision of this subsection shall apply to fire, rescue, sheriff, or other law enforcement vehicle while they are involved in emergency operations or on official government business;
- (13) Without a current state license when the license is required by state law;
- (14) In a manner that blocks or prevents the use of a curb ramp located on public property or on private property which is open to the public;
- (15) In a bicycle lane;
- (16) At such a distance from the curb as to allow space for another vehicle between it and the curb, which shall be deemed double parking;
- (17) In a travel lane/area, cross hatched zone, or any other open area on or off the paved portion of a parking lot that is not designated as a parking space;
- (18) So as to leave less than ten feet of the width of a public or private alley available for the free movement of vehicular traffic or as to block the driveway, garage, or any other type of entrance to any abutting property where the owner of the abutting property has the right to use the alley as a means of access to and

from a street, road, or highway and cannot physically enter his property due to the parked vehicle; or

(19) Within 500 feet of where a fire apparatus has stopped in responding to a fire alarm. This subsection shall not apply to any fire apparatus, fire or rescue vehicle, or law enforcement vehicle responding to a fire alarm in performance of its lawful duties.

(c) Any sheriff's deputy or other law enforcement officer may move or caused to be moved vehicles, at owner's expense, to any place they may deem expedient without regard to the provisions of this section, when in the performance of their lawful duties. When any vehicle is stopped, standing, or parked on any street, road, or highway, or private parking lot that is open to the public and designed to accommodate 50 or more vehicles, and constitutes a traffic hazard or is in violation of any of the provisions of this section, it shall be lawful for any sheriff's deputy or other law enforcement officer to have it removed by towing the vehicle to a licensed garage for storage until called for by the owner, lessee, or his agent. In the event of such removal and storage, the vehicle's owner shall be chargeable with, and the vehicle may be held for, a reasonable charge for its removal and storage.

(d) Parking for persons with disabilities. It shall be unlawful for any person to park a vehicle in a parking space reserved for the disabled on public property or at privately-owned retail, commercial, office, or business parking lots or facilities. This subsection shall not apply to (i) any disabled person possessing and properly displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued by the state department of motor vehicles under Virginia Code §§ 46.2-731 or 46.2-1241, or any other person transporting a disabled person displaying such plate or placard; or (ii) any disabled veteran driving a motor vehicle displaying disabled parking license plates issued under Virginia Code § 46.2-739(B), or any other person transporting a disabled veteran in a motor vehicle displaying such license plates. Any person who receives written notice from a sheriff's deputy that he has committed the offense set forth in this subsection may waive his right to appear and be formally tried for the offense. The waiver shall be effective when the person (i) voluntarily pays one hundred dollars (\$100.00) to the county treasurer's office within 30 days after receipt of the notice, or (ii) voluntarily places payment in the amount of one hundred dollars (\$100.00) in the reply mail envelope on which the notice of violation is printed and mails it to the county treasurer's office so that it is postmarked within 30 days after receipt of the notice. Such person shall not thereafter be required to appear before the general district court for trial upon the offense set forth in such notice. No violation of this subsection shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in Virginia Code § 36-99.11, provided the parking space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

(e) Whenever a "reply mail" envelope is used for transmitting any check, draft, or money order by mail to the county treasurer's office, under the provisions of this section, the registered owner of the vehicle that was parked in violation of this section shall be responsible for ensuring that the check, draft, or money order is received by the

county treasurer. The county treasurer shall collect and account for the uncontested payment of parking offense penalties.

(f) Any person who receives a notice pursuant to this section and who wishes to contest the offense cited in the notice, may, within 30 days after receipt of the notice, appear at the county treasurer's office to have his case placed on the appropriate district court docket for trial. The contest of the notice shall be certified to the appropriate district court by the county treasurer's office on an appropriate form. The contest of the parking notice shall be certified by the clerk of the district court to be placed on the appropriate district court docket for trial.

(g) Any person who receives a notice pursuant to this section, and who fails to comply with this section within 30 days shall be assessed an additional penalty as follows:

(1) Failure to comply with notice issued pursuant to subsection (a) or subsection (b) or contest citation under subsection (f): \$10.00; or

(2) Failure to comply with notice issued pursuant to subsection (d) or contest citation under subsection (f): \$15.00.

In addition, under Virginia Code §§ 46.2-941 and 46.2-1225, a summons may be issued for such person. In addition, the county treasurer may act pursuant to an agreement with the Commissioner of the Department of Motor Vehicles of the Commonwealth under Virginia Code § 46.2-852(J), utilize any remedy authorized by law for the collection of unpaid debts owed to the treasurer, or both.

(h) In any prosecution for a parking of a vehicle in violation of any provision of this section, proof that the vehicle described in the notice, citation, or summons was parked in violation of such provision, together with proof that the defendant was, at the time of such parking, the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Virginia Code, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, the violation occurred.

(i) The sheriff or his designee shall enforce this section.

State law references: Virginia Code §§ 46.2-113, 46.2-921, 46.2-941, 46.2-1213, 46.2-1217, 46.2-1219, 46.2-1220, 46.2-1221, 46.2-1224, 46.2-1225, 46.2-1231 – 46.2-1233.2, 46.2-1239, 46.2-1240 – 46.2-1242, and 46.2-1306.

Sec. 15-52. – Presumption in prosecutions for parking violations.

~~In any prosecution for parking a vehicle in violation of any provision of this article, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of such provision, together with proof that the defendant was, at the time of such parking, the registered owner of the vehicle, as required by chapter 6 (section 46.2-600 et seq.) of title 46.2 of the Code of Virginia, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who committed the violation.~~

Sec. 15-52. Removal of motor vehicles against which there are outstanding parking violations.

(a) Whenever there is found any vehicle parked upon public streets, roads, or highways or public grounds against which there are three or more outstanding, unpaid, or otherwise unsettled parking violation notices, the vehicle may, by towing or otherwise, be removed or conveyed to a place in the county designated by the sheriff for temporary storage of such vehicles. The removal or conveyance of the vehicle shall be by or under the direction of a sheriff's deputy.

(b) It shall be the duty of the sheriff's deputy removing the vehicle or under whose direction such vehicle is removed, to inform as soon as practicable the owner of the removed vehicle of the nature and the circumstances of the prior unsettled parking violation notices, for which or on account of which the vehicle was removed.

(c) The owner of a removed vehicle, or other duly authorized person, shall be permitted to repossess or secure the release of the vehicle by payment of outstanding parking violation notices for which the vehicle was removed and by payment of all reasonable costs incidental to the removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should the owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of such owner be unknown and unascertainable, the vehicle may be sold in accordance with the procedures set forth in Virginia Code § 46.2-1213.

State law references: Virginia Code § 46.2-1216.

Sec. 15-53. - Misuse of license plate or placard; revocation of privilege.

Upon the entry of a conviction under ~~this article~~ Stafford County Code section 15-51 involving the misuse of the privilege pertaining to vehicles displaying a license plate or placard issued pursuant to ~~section~~ Virginia Code §§ 46.2-731, 46.2-739, or 46.2-1241 ~~of the Code of Virginia~~, the court shall send notice of the conviction and ~~of~~ the number of the license plate or placard involved to the commissioner, who may revoke the license plate or placard if he finds, after a hearing if requested by the person to whom the license plate or placard is issued, that such person;

- (1) Is not a person with a disability that limits or impairs his ability to walk and is not otherwise eligible to be issued a license plate or a placard pursuant to ~~section~~ Virginia Code §§ 46.2-731, 46.2-739, or 46.2-1241 ~~of the Code of Virginia~~; or
- (2) Is authorized to have such license plate or placard but has allowed the abuse or misuse of the privilege granted thereby so that the revocation appears appropriate to remedy the abuse or misuse.

State law references: Virginia Code § 46.2-1256.

Secs. 15-54—15-60. -- Reserved.

~~Division 2. COURTHOUSE PARKING LOT~~

~~Sec. 15-61 15-54. - Courthouse parking lot Signs required.~~

(a) No person shall park in the courthouse parking lot unless they are (i) a state or county officer, official, or employee, or (ii) a member of the public visiting or transacting business in the courthouse or county government center.

(b) Appropriate signs shall be installed and maintained at each vehicle entrance to the courthouse grounds warning against parking other than to conduct normal business within the courthouse except as permitted under this section.

~~Sec. 15-62. - Marking of spaces.~~

(c) Parking spaces shall be marked on the courthouse parking lot as directed by the board of supervisors.

~~Sec. 15-63. - Reserved and unreserved spaces generally.~~

(d) Employees of the state or the county shall be permitted reserved parking spaces marked on the courthouse parking lot. ~~Parking spaces on such lot so reserved shall be for visitors to the courthouse and for members of the public in transacting business.~~ No person shall park in a reserved parking space unless the parking space is reserved for them.

~~Sec. 15-64. - Required use of reserved space.~~

(e) It shall be unlawful for an employee of the state or the county for whom a parking space in the courthouse parking lot has been reserved, ~~as provided in section 15-63,~~ to use a parking space in the courthouse parking lot other than the parking space reserved for him.

~~Sec. 15-65. - Time limit for parking.~~

No person, other than a county employee, shall willfully park or cause to be parked any vehicle on the grounds of the county courthouse for a period of longer than four (4) consecutive hours, without having been granted a waiver of such time limit by the sheriff.

~~Sec. 15-66. - Enforcement of division.~~

The sheriff is hereby directed and empowered to enforce all rules and regulations set forth in this division.

~~Sec. 15-67. – Penalty for violations of division; uncontested payment of penalty.~~

~~(a) — Any person convicted of parking a vehicle in violation of any provision of this division shall be punished by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.~~

~~(b) — In the event that a defendant elects not to contest a citation issued against him for parking a vehicle in violation of this division, he may, within five (5) days of receipt of such citation, pay the sum of five dollars (\$5.00) to the sheriff or his designated agent. The sheriff or his designated agent shall collect and account for all sums received in payment of such uncontested citation penalties.~~

~~State law reference — Requirement that ordinance provide for collection of, and accounting for, uncontested parking citation penalties by county official, Code of Virginia, § 46.1-254.1(a).~~

~~Sec. 15-68. – Contest of parking citations.~~

~~If the defendant elects to contest a citation issued against him for parking a vehicle in violation of this division, he shall, within five (5) calendar days of receipt thereof, notify the sheriff or his designated agent, in writing, of his intent to contest such citation, whereupon the sheriff or his designated agent shall certify, in writing on an appropriate form, to the clerk of the appropriate district court, the defendant's intention to contest such citation. The clerk shall proceed to docket the case as provided by law.~~

~~State law reference — Ordinance to provide for certification, to court, of contest of parking citation, Code of Virginia, § 46.1-254.1(a).~~

~~Sec. 15-69. – Procedure in case of delinquent citations.~~

~~In the event that a person receiving a citation for parking a vehicle in violation of this division does not pay the fine due within five (5) days and does not notify the sheriff or his designated agent of his intention to contest the citation within the same five (5) days, the sheriff or his designated agent shall give such person the notice required by section 46.1-179.01 of the Code of Virginia. If the fine provided for such violation is not paid within the time prescribed in such notice, the sheriff or his designated agent shall cause a summons to be issued against the person to whom the citation was issued.~~

~~State law reference — Ordinance to provide for issuance of summons for delinquent parking citation, § 46.1-254.1(a).~~

~~Secs. 15-70 — 15-100. – Reserved.~~

ARTICLE IV. -UNATTENDED AND NUISANCE INOPERABLE MOTOR VEHICLES ON RESIDENTIAL, COMMERCIAL OR AGRICULTURAL PROPERTY

DIVISION 1. – GENERALLY

Sec. 15-101. – Definitions.

As used in this article the term "administrative bureau" means the administrative bureau of the Stafford County sheriff's office. References in this article to "vehicle" or "motor vehicle" shall be deemed to include a motor vehicle, trailer and semi-trailer, or part thereof, unless the context clearly requires a different meaning.
(Ord. No. 085-25(R), § 17-54.1, 9-3-85)

Sec. 15-102. – Unattended vehicles not to constitute hazard to traffic.

(a) — It shall be unlawful for the owner or operator of any motor vehicle, trailer or semitrailer to leave the same unattended on any public highway or street on any public grounds in the county in such manner to constitute a hazard to traffic or a violation of any law.

(b) — A violation of this section shall constitute a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00).
(Ord. No. 085-25(R), § 17-54.2, 9-3-85)

Sec. 15-103. – Limitation on leaving unattended vehicles on public property.

(a) — It shall be unlawful for any person to leave any motor vehicle, trailer or semi-trailer unattended on any public property in the county for more than ten (10) days.

(b) — A violation of this section shall constitute a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00).
(Ord. No. 085-25(R), § 17-54.3, 9-3-85)

Sec. 15-104. – Removal and disposition of vehicles found on highways or other public property.

(a) — Whenever any motor vehicle is found parked in such a manner as to be in violation of any provision of this chapter or other ordinance of the county or is found on a public street or highway or on public property, when it has been left thereon in violation of section 15-102 or 15-103, such motor vehicle may be removed for safekeeping, by or under the direction of any deputy, to a storage area or area designated by the sheriff, in accordance with regulations promulgated by him.

(b) — Whenever any deputy orders the removal of any motor vehicle under the provisions of this section, he shall immediately report such removal to the administrative bureau. The administrative bureau shall immediately give written notice, by registered or certified mail, return receipt requested, to the owner of the vehicle that it has been removed, which notice shall cite this section.

(c) — The sheriff is authorized to dispose of any motor vehicle which has been removed under this section when:

~~(1) — The owner has been convicted of a violation of section 15-102 or 15-103 or of parking such vehicle in violation of any provision of this chapter or other ordinance of the county and has failed to pay, within fourteen (14) days following the date his conviction became final, the cost of removal, storage, and location and notification and investigation of liens of record; or~~

~~(2) — The owner has not been identified or his whereabouts ascertained after a diligent search has been made within thirty (30) days after the removal.~~

~~Prior to disposition, the administrative bureau shall cause a Notice of Intention to Sell the vehicle to be sent by registered or certified mail, to the owner at his last home address, and mailed further to the holder of any lien of record against the motor vehicle filed in the office of the department of motor vehicles. The administrative bureau may dispose of the motor vehicle at public auction, after further Notice of Intention to Sell has been published once in a newspaper of general circulation within the county.~~

~~(d) — Notwithstanding the provisions of subsection (c) of this section, if three (3) disinterested dealers or garagemen certify to the administrative bureau that a motor vehicle moved under this section is worth less than one hundred fifty dollars (\$150.00), the vehicle may be disposed of by the person having physical custody thereof, by private sale to someone other than one of the aforementioned three (3) persons, or it may be junked, whenever such vehicle might lawfully have been sold.~~

~~(e) — The proceeds from any sale pursuant to this section shall be transferred as soon as practical to the treasurer who shall, upon certification by the administrative bureau, pay from such proceeds all costs, incidental to removal, storage, investigation as to ownership and liens of record, notices of sale and payment of liens, in that order, and shall hold the balance of funds for the owner. The treasurer shall disburse the remainder to the owner when the owner has presented to him satisfactory evidence of ownership. The treasurer may direct that proof of ownership be first submitted to the administrative bureau, which shall certify that the applicant is the owner of the vehicle.~~

~~(f) — If no claim is made by the owner for the proceeds of the sale pursuant to this section within thirty (30) days thereafter, the balance of such funds may be deposited to the general fund or any special fund of the county, as may be specified by the treasurer. Any such owner shall be entitled to apply for the remaining funds within three (3) years from the date of such sale, and if timely application is made therefor, the county shall pay the same to the owner, without interest or other charges. No claim shall be made nor shall any suit, action, or proceeding be instituted for the recovery of such funds after three (3) years from the date of such sale.~~

~~(g) — The administrative bureau shall timely notify the division of motor vehicles about the removal and the disposition of any motor vehicle made under this section.~~

~~(Ord. No. 085-25(R), § 17-54.4, 9-3-85)~~

~~Sec. 15-105. – Sale of personal property found in vehicle removed pursuant to section 15-104.~~

~~Any personal property found in any motor vehicle removed under the provisions of section 15-104 may be sold incident to the sale of such vehicle.~~

~~(Ord. No. 085-25(R), § 17-54.5, 9-3-85)~~

~~Sec. 15-106. – Leaving vehicle on private property without consent of owner of such property.~~

~~(a) — It shall be unlawful for any person to leave any motor vehicle or part thereof on the private property of another person, without consent of the owner of such property.~~

~~(b) — A violation of this section shall constitute a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00).~~

~~(Ord. No. 085-25(R), § 17-54.6, 9-3-85)~~

~~Sec. 15-107. – Removal and disposition of vehicle.~~

~~(a) — Notwithstanding any charge which may be made against any person for violation of section 15-106, upon written complaint of the owner of the property on which any motor vehicle or part thereof has been left for more than five (5) days without consent of the complainant, such vehicle or part thereof may be removed by or under the direction of a deputy to a storage garage or area designated by the sheriff, in accordance with regulations promulgated by him.~~

~~(b) — Prior to removal of any vehicle or part thereof under this section the person who requests the removal shall agree, in writing, to pay for and indemnify the county against any loss or expense incurred by the removal, storage or disposition of the vehicle. The person requesting removal shall pay the expense of removal directly to any person who removes the vehicle.~~

~~(c) — Disposition of any motor vehicle or part thereof which has been removed from private property under the provisions of this section shall be made in accordance with the provisions of section 15-104.~~

~~(Ord. No. 085-25(R), § 17-54.7, 9-3-85)~~

~~Sec. 15-108. – Presumption of abandonment.~~

~~A motor vehicle is presumed abandoned if:~~

~~(1) — It lacks either:~~

~~a. — A current license plate;~~

~~b. — A current county sticker; or~~

~~c. — A valid state inspection certificate.~~

~~(2) — It has been in a specific location for four (4) days without being moved.~~

~~(Ord. No. 085-25(R), § 17-54.8, 9-3-85)~~

~~Sec. 15-109. – Issuance of summons when vehicle removed under section 15-104 or 15-107.~~

~~Whenever any motor vehicle has been removed and stored under the provisions of section 15-104 or 15-107, the law enforcement officer shall cause a summons to be issued to the owner of the vehicle charging a violation of the appropriate section, in addition to any other charges as may properly be made for other violations of the law; provided, however, that no such summons needs to be issued to any person whose identity or whereabouts cannot be ascertained after diligent search. (Ord. No. 085-25(R), § 17-54.9, 9-3-85)~~

~~Sec. 15-110. – Release of vehicle on payment of cost or posting of bonds.~~

~~(a) — Notwithstanding any other provision of law, any owner whose vehicle has been removed under the provisions of this article may, at any time before such vehicle has been lawfully disposed of in accordance with this section, obtain possession of his vehicle by paying to the person who then has possession of the vehicle the cost of removing and storage and cost of location and notification of the owner, if any.~~

~~(b) — Notwithstanding any other provision of law, when the owner of a vehicle which has been removed pursuant to section 15-104 or 15-107 determines that his vehicle has been removed, by notice required by this article or otherwise, or fails to obtain release of the vehicle by means of an administrative hearing under section 15-111, he may obtain immediate possession of his vehicle by posting a bond in an amount determined by the administrative bureau to be sufficient to cover the cost of removal, storage for the time the vehicle has been in the custody of another, and location and notification of owner of the vehicle. Such bond shall be in the form of cash or a certified check or corporate surety bond provided by a company licensed to do business as a surety in Virginia, and shall be payable to the county. The condition of such bond shall be the payment to the county of all of the aforesaid costs, should the defendant be convicted by a court of competent jurisdiction of violation of the appropriate charges [under] sections of this chapter.~~

~~(c) — The amount of the bond provided for in subsection (b) above shall include the cost of removal, a five dollar (\$5.00) fee for location and notification of the owner and a reasonable charge for each day that the vehicle has been stored from the date of removal to the date the vehicle was released on bond. (Ord. No. 085-25(R), § 17-54.10, 9-3-85)~~

~~Sec. 15-111. – Administrative hearing for release of vehicle.~~

~~(a) — Notwithstanding any other provision law, when any vehicle is removed pursuant to section 15-104 or 15-107, the owner shall be entitled to a hearing to determine whether the removal of the vehicle was done in accordance with law. An owner may request such a hearing by written notice delivered or mailed to the sheriff's department. A hearing shall be scheduled within forty eight (48) hours of receipt of the request therefor.~~

~~(b) — The hearing provided for in this section shall be before a panel of three (3) persons selected by the sheriff, either for the disposition of the individual case or for the disposition of such hearings generally. At least one member of the panel shall be a deputy of the rank of sergeant or higher. The two (2) additional members of the panel shall not be employees or agents of the sheriff's department or of the county attorney's office.~~

~~(c) — At a hearing under this section, the owner of the vehicle shall have the right to appear and present witnesses and other evidence, but there shall be no formal rules of evidence or procedure required for the conduct of the hearing, and the panel shall not have the power to compel the attendance of witnesses or the production of other evidence.~~

~~(d) — The panel shall proceed forthwith to hear the matter and to determine, by a preponderance of the evidence before it, whether there is probable cause to believe that the subject vehicle was removed in accordance with the provisions of this section. The panel shall have the authority, if it determines that there was not such probable cause, to order its immediate return to the owner thereof, without charge to the owner. If the panel determines that there was probable cause, it shall so state in writing, and the owner may obtain the return of the vehicle only by paying accumulated cost or by posting bond therefor in accordance with section 15-110.~~

~~(Ord. No. 085-25(R), § 17-54.11, 9-3-85)~~

~~Sec. 15-112. — Proceeding upon determination of charge against defendant.~~

~~(a) — In the event that the defendant is convicted of a charge made pursuant to section 15-102, 15-103, or 15-106, or of parking a vehicle in violation of any provision of this chapter or other ordinance of the county, any bond posted pursuant to section 15-110 shall be forfeited to the county and the removed vehicle shall be disposed of in accordance with this article, unless the defendant shall, within fourteen (14) days after the conviction has become final, pay the accumulated cost of the removal, storage and location and notification that may be in excess of the bond amount, if any.~~

~~(b) — In the event that the defendant is acquitted of the charge referred to in subsection (a) above, his vehicle shall be returned to him forthwith, at no charge, and all charges for removal and storage of the vehicle shall be paid from the county's general fund, or if the defendant has previously posted bond for the immediate return of his vehicle, such bond shall be released forthwith. Payment shall be made by the treasurer, upon receipt of the bill issued by the person having custody of the vehicle and receipt of a certified copy of the court's final action in the case.~~

~~(Ord. No. 085-25(R), § 17-54.12, 9-3-85)~~

~~Sec. 15-113. — Duty of towing and storage agent to surrender possession of vehicle.~~

~~Any person who has entered into an agreement with the sheriff or his agents to remove and store vehicles at the request of the sheriff or any other law enforcement officer shall immediately surrender any vehicle in his possession to the owner thereof, upon notice from the administrative bureau that bond has been properly posted in accordance with section 15-110, or that the owner has been acquitted of the charge against him, or that an administrative panel has ordered release of the vehicle, or when the owner tenders the full payment of the cost of removal and storage of the vehicle. In the event that a vehicle is ordered released by competent authority, and the owner is determined not to have been liable as charged, the county shall pay the towing agent reasonable cost of towing and storage of the vehicle from the county's general fund.~~

~~(Ord. No. 085-25(R), § 17-54.13, 9-3-85)~~

Sec. 15-114. – Restrictions on disposition of vehicle.

(a) — Notwithstanding any other provision of this article, no sale or other disposition of any vehicle may be undertaken prior to sixty (60) days following its seizure, or during the pendency of any proceeding brought under this chapter against the owner of the vehicle, or prior to final disposition of an administrative appeal under section 15-111.

(b) — Notwithstanding any other provision of law, no action to dispose of any motor vehicle under this article shall be taken by agents of the county or by any person who may be in possession of any vehicle under the provisions of this article, until the charges placed in connection therewith have been finally disposed of by a court of competent jurisdiction, or dismissed or otherwise disposed of by the commonwealth attorney.

(Ord. No. 085-25(R), § 17-54.14, 9-3-85)

Sec. 15-115. – Disposition of vehicle when owner cannot be identified or located.

When, not less than sixty (60) days following seizure of a vehicle under the provisions of this article, the owner of such vehicle cannot be located or identified after diligent search, the administrative bureau may proceed to dispose of the vehicle in accordance with the appropriate sections of this article.

(Ord. No. 085-25(R), § 17-54.15, 9-3-85)

Sec. 15-116. – Presumption and prosecution for violation of article.

In any prosecution for a violation of the provisions of this article, the registered owner of the motor vehicle or part thereof involved shall be presumed to be the person committing the violation. Such presumption shall be rebuttable by competent evidence.

(Ord. No. 085-25(R), § 17-54.16, 9-3-85)

Sec. 15-117. – What constitutes "diligent search" as required by this article.

Whenever the sheriff is required by this article to make diligent search for the owner of a vehicle, such search may be limited to the records of the division of motor vehicles or other public agency. Nothing herein, however, shall preclude the sheriff or his agent from conducting further search or inquiry into the identity or whereabouts of such owner.

(Ord. No. 085-25(R), § 17-54.17, 9-3-85)

~~DIVISION 2. – NUISANCE INOPERABLE MOTOR VEHICLES ON RESIDENTIAL, COMMERCIAL OR AGRICULTURAL PROPERTY~~**Sec. 15-118 101. - Definitions.**

Inoperable motor vehicle means any motor vehicle which:

(1) Is not in operating condition. A vehicle which has been partially disassembled, as evidenced by the removal of its wheels and tires, the engine or one or more other components that are essential to the operation of the vehicle, shall be considered not in operating condition;

(2) Does not display any state license plates;

- (3) Displays state license plates that have been expired for more than sixty (60) days;
- (4) Does not display any state motor vehicle inspection decal; or
- (5) Displays a state motor vehicle inspection decal that has been expired for more than sixty (60) days.

Motor vehicle or vehicle means any motor vehicle, trailer or semitrailer, or any part thereof, as defined in Code of Virginia (1950), § 46.2-100, as amended.

Shielded or screened from view means hidden from sight, from any ground level location, by plantings or fences.

(Ord. No. 001-10, 2-20-01)

Sec. 15-~~119~~ 102. - Declared nuisance.

The keeping by any person, firm or corporation, except within a fully enclosed building or structure or otherwise shielded or screened from view, of any inoperable motor vehicle on any property zoned for residential or commercial purposes is detrimental to the public health, safety and welfare, and is hereby declared to constitute a public nuisance.

(Ord. No. 001-10, 2-20-01)

Sec. 15-~~120~~ 103. - Unlawful to keep; exceptions.

~~(a) — It shall be unlawful for any person, firm or corporation to keep on any property zoned for residential or commercial purposes an inoperable motor vehicle unless it is located within a fully enclosed building or structure or is otherwise shielded or screened from view.~~

~~(b)~~(a) It shall be unlawful for any person, firm or corporation to keep on property zoned for residential purposes (R-1, R-2, R-3, R-4, PD-1 and PD-2) or commercial purposes (B-1, B-2, B-3, RBC, RC and SC) more than one inoperable motor vehicle located outside of a fully enclosed building or structure or is otherwise shielded or screened from view in any zoning district, except in the M-1 and M-2 zoning districts, in any zoning district if permitted under a valid conditional use permit, or as otherwise set out in this section.

~~(c)~~(b) It shall be unlawful for any person, firm or corporation to keep on property zoned for agricultural purposes (A-1 and A-2) with less than five (5) acres more than two (2) inoperable motor vehicle located outside of a fully enclosed building or structure or is otherwise shielded or screened from view.

~~(d)~~(c) It shall also be unlawful for any person, firm or corporation to keep on property zoned for agricultural purposes (A-1) with more than five (5) acres more than three (3) inoperable motor vehicle located outside of a fully enclosed building or structure or is otherwise shielded or screened from view.

~~(e)~~(d) The provisions of this article shall not apply to a licensed business which is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. Nor shall the provisions of this article apply to any antique motor vehicle, as defined in Code of Virginia (1950), § 46.2-100, as amended, so long as a bona fide effort is being made to repair or restore the vehicle and it is shielded in a manner to protect it from the weather and to make it unsuitable for rodent harborage.

Sec. 15-121 104. - Removal of inoperable vehicle; remedies for failure to remove; costs.

(a) The owners of properties zoned for residential, commercial or agricultural purposes, shall at such time or times as the board of supervisors may prescribe, remove any such inoperable motor vehicle that is not kept within a fully enclosed building or structure or is otherwise shielded or screened from view.

(b) The board of supervisors, through its agents or employees, may remove any such inoperable motor vehicle whenever the owner of the premises, after fifteen (15) days' notice by certified mail or personal deliver, has failed to do so. Upon such removal, the board, through its agents or employees, shall hold and store such vehicle until (i) the owner reclaims and redeems such vehicle by the payment of towing and storage charges, and removes the vehicle from the board's designated storage site; or (ii) the vehicle is disposed of as further provided herein.

(c) In the event the board of supervisors, through its agents or employees removes any such motor vehicle, after having given such notice as described in subparagraph (b) above, the board may dispose of such motor vehicle after giving an additional notice, twenty-one (21) days in advance by certified mail or personal delivery to the owner of the vehicle.

(d) The cost of any such removal, storage and disposal shall be chargeable and billed to the owner of the motor vehicle or premises. Such costs may be recovered from the proceeds of the sale and disposal of such inoperable motor vehicle. In the event the proceeds of the sale and disposal of such inoperable motor vehicle exceeds the cost of such removal, storage and disposal, the excess shall be remitted to the owner of such motor vehicle or premises. In the event the cost of such removal, storage and disposal exceeds the proceeds of such sale and disposal, such costs shall be chargeable to the owner of the motor vehicle or premises and may be collected by the county as taxes and levies are collected.

(e) Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, and the lien shall continue until actual payment of such costs have been made to the county.

(Ord. No. 001-10, 2-20-01)

~~Secs. 15-122—15-125. -- Reserved.~~

Finance and Budget; Authorize a Public Hearing to Consider the Fiscal Year 2011-2016

Capital Improvements Program and Indicate Intent to Reimburse Certain Capital

Improvement Expenditures Mr. Scott Horan, Schools Chief Facilities Officer, answered Board members questions.

Finance and Budget; Authorize a Public Hearing to Consider the FY2011-2016 Capital Improvements Program and Indicate Intent to Reimburse Certain Capital Improvement Expenditures

Mr. Sterling motioned, seconded by Mr. Crisp, to defer this item until May 18th.

The Voting Board tally was:

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

Mr. Dudenhefer will contact Ms. Reinboldt, School Board Chair, to schedule a date for a joint work session on the CIP.

Legislative; Authorize a Public Hearing to Issue Qualified School Construction Bonds (QSCB). Mr. Anthony Romanello presented and answered Board members questions.

Mr. Sterling motioned, seconded by Mr. Milde to authorize a public hearing for QSCB.

The Voting Board tally was:

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

Adjournment At 7:30 P. M. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Mark Dudenhefer
Chairman