BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting February 6, 2007

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 1:00 P. M., Tuesday, February 6, 2007, in the Board Chambers, Stafford County Administration Center.

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

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

Legislative; Presentation of a Proclamations:

- Commemorate Posthumously Janet B. O'Neal.
- Recognize and Commend Darren and Christina Cruzan and Tina Palmer for their assistance during flooding in the Gables Subdivision.

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

Ruth Carlone - Volume I and II of Stones of Stafford.

- Pearl Harbor veterans.

Robert Grena - Pump and Haul program.
 Patrick Walsh - Pump and Haul program.
 Jim Kettle - Pump and Haul program.

Laura Sdao - Pump and Haul program.

Gertrude Bojonny - LOSAP program.

Ed Rodriguez - LOSAP program.

Lou Silver - Stafford Extra article on ham radios

- Public presentations.

- Public Hearings.

History of Stafford County.

Bond referendum.

Ronnie Newton - LOSAP program.

Don Neely - Pump and Haul program.

<u>Legislative</u>; <u>Report of the Superintendent of Schools.</u> Dr. Andre' Nougaret, Interim Division Superintendent of Schools, gave a presentation on current school issues and responded to Board members questions.

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

Mr. Dudenhefer - Attended Civilian-Military Relations Council

Meeting.

- Dominion Virginia Power transmission line public

hearings.

Mr. Fields - General Assembly.

Mr. Gibbons - Requested three proclamations.

- Attended Gold Star Award program.
- Status of traffic light at Joyce Street and North Stafford High School.
- Dominion Virginia Power transmission easement lines.

Mr. Milde

- Prayer breakfast.
- Virginia Railway Express.
- Attended Rappahannock Regional Solid Waste Management Board (R-Bd.) meeting.
- Attended Chaplain Group Home meeting.
- Regional Jail.
- Space needs.
- Attended Base Realignment and Closure (BRAC) meeting.
- Dominion Virginia Power transmission lines.
- Boswell's Corner.
- Civil War Site on landfill property.
- Attended Regional Elected Official's Meeting.
- General Assembly.
- Prioritization of roads
- Stormwater management issues.
- Removed Item 8 from Regular Agenda.
- Requested cemetery ordinance be authorized for public hearing at the next Board meeting.
- Naming of bridges.

Mr. Schwartz

- Boswell's Corner.
- Falmouth historic area.

- Testified at Senate hearings on exemption of personal information on Freedom of Information Act correspondence.
- General Assembly committee meeting procedures.

Mr. Brito

- Attended school strategic plan meeting.
- Stated Item 13 has been postponed.
- Attended communications committee meeting.
- Attended Comprehensive Plan Steering Committee meeting.
- Attended Dominion Virginia Power transmission line public hearing.
- Vulcan Materials on Warrenton Road.
- Hartwood House.
- Proposed Lowe's on Warrenton Road.
- Attended VACo/VML Legislative Day in Richmond.
- Attended Senate Finance Committee Meeting.

Mr. Cavalier

- Expressed appreciation to Hilldrup Moving and Storage for use of facilities regarding Boswell Corner redevelopment.
- Attended Dominion Virginia Power transmission line public hearing.
- Attended Parks and Recreation meeting.
- Attended Aquia Harbour Board of Director's meeting.
- Fredericksburg Regional Alliance.
- Meeting with Chairman of the School Board regarding budget season.
- Project schedules.

Bond Referendum.

<u>Report of the County Attorney.</u> Mr. Joseph L. Howard, County Attorney, commented on the following:

 Addition of discussion on Dominion Virginia Power transmission lines to Closed Meeting.

<u>Report of the County Administrator.</u> Mr. Steve Crosby, County Administrator, commented on the following:

- Regional Chamber of Commerce Annual Business of the Year Award.
- W & M's Schroeder Center ranked Stafford as one of the top ten "Healthiest Communities" in Virginia.
- Brad Johnson starts February 26, 2007, on Boswell's Corner renovation project.

<u>Legislative</u>; <u>Regular Agenda Additions and Deletions.</u> Mr. Gibbons motioned, seconded by Mr. Fields, to add the following item to the Regular Agenda: Discuss Prince William County/Base Realignment and Closure Committee (BRAC); and Discuss a Financial Impact Model for the Comprehensive Land Use Plan.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; Consent Agenda. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt the Consent Agenda consisting of Items 1 thru 5 omitting item 5 which has been deleted from the agenda.

The Voting Board tally was:

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

Nay: (0)

<u>Item 1. Legislative; Approve Minutes of Board Meeting.</u> Annual Meeting of January 9, 2007; and Regular Meeting of January 23, 2007.

<u>Item 2. Finance; Approve Expenditure Listing.</u>

Resolution R07-35 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED JANUARY 23, 2007 THROUGH FEBRUARY 5, 2007

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 6th day of February 2007, that the above-mentioned EL be and it hereby is approved.

<u>Item 3. Administration; Authorize the Printing and Distribution of a Resident's Guide/Annual Report.</u>

Resolution R07-75 reads as follows:

A RESOLUTION TO AUTHORIZE THE PRINTING AND DISTRIBUTION OF A RESIDENT'S GUIDE/ANNUAL REPORT

WHEREAS, County staff has created a Resident's Guide with a wide variety of information such as details on Stafford's history, Board of Supervisors, demographics, various offices and agencies, schools and other useful facts; and

WHEREAS, the Citizen's Assistance Office and Public Information Office reproduce the guide in-house and distribute approximately 2,000 copies each year in response to individual requests; and

WHEREAS, County staff recommends that annual accomplishments and statistics be incorporated in the guide to generate a Resident's Guide/Annual Report that will provide a single, comprehensive source of information about County services for Stafford residents, realtors, newcomers and other interested parties; and

WHEREAS, due to the high demand for the document, staff recommends contracting with a commercial printer to produce 55,000 high-quality copies each year, approximately 46,000 of which would be mailed to every County residence and business, with the remainder to be distributed by the Citizen's Assistance Office and Public Information Office, other County facilities and local libraries; and

WHEREAS, the cost to print and mail 55,000 copies of the Guide is estimated to be approximately \$75,000; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of February, 2007, that County staff be and they hereby are authorized to issue a request for bids and execute a contract with a professional printer to produce an annual Resident's Guide/Annual Report and to mail an updated document to every residence and business in Stafford County once a year.

Item 4. Public Services; Petition VDOT to Include Streets within Woods of Abel Lake;

Marsh Run Estates; Meadowbrook Estates and Wellington Chase Subdivisions and

02/06/07 - Page 8

<u>Lansberry Park and Crescent Valley Subdivisions and Capital Avenue and Powell Lane</u> into the Secondary System of State Highways.

Resolution R07-23 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE LAKEBREEZE WAY WITHIN WOODS OF ABEL LAKE 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 Lakebreeze Way within Woods of Abel Lake Subdivision into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of February 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Woods of Abel Lake Subdivision into the State Secondary System of Highways:

Street Station Length
Lakebreeze Way Fr: Inter. Hulls Chapel Road 0.39 Miles

To: 0.39 Mi. E. Inter. Hulls Chapel Road 40' ROW

An unrestricted right-of-way (ROW), as indicated above, for this street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Woods of Abel Lake Subdivision, LR 980023671, recorded December 3, 1998; and

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

Resolution R07-24 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE MARSH RUN ROAD, AVOCET WAY, SNOWY EGRET WAY, MOORHEN COURT, WOOD DUCK PLACE AND KESTRAL LANE WITHIN MARSH RUN 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 Marsh Run Road, Avocet Way, Snowy Egret Way, Moorhen Court, Wood Duck Place and Kestral Lane within Marsh Run Estates Subdivision in 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 6th day of February 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Marsh Run Estates Subdivision into the Secondary System of State Highways:

Street	Station	Length
Marsh Run Road	Fr: Inter. Marsh Run Road	0.11 Miles
	To: Inter. Kestral Lane	50' ROW
Marsh Run Road	Fr: Inter. Kestral Lane	0.16 Miles
	To: Inter. Snowy Egret Way/Avocet Way	50' ROW

Marsh Run Road	Fr: Inter. Snowy Egret Way/Avocet Way	0.10 Miles
	To: 0.10 Mi. SW Inter. Avocet Way	50' ROW
Avocet Way	Fr: Inter. Marsh Run Road	0.32 Miles
	To: Inter. Moorhen Court	50' ROW
Avocet Way	Fr: Inter. Moorhen Court	0.14 Miles
	To: 0.14 Mi. W. Inter. Moorhen Court	50' ROW
Snowy Egret Way	Fr: Inter. Marsh Run Road	0.33 Miles
	To: 0.33 Mi. SE Inter. Marsh Run Road	50' ROW
Moorhen Court	Fr: Inter. Avocet Way	0.07 Miles
	To: 0.07 Mi. S. Inter. Snowy Egret Way	50' ROW
Wood Duck Place	Fr: Inter. Warrenton Road	0.13 Miles
	To: Inter. Kestral Lane	50' ROW
Kestral Lane	Fr: Inter. Marsh Run Road	0.22 Miles
	To: Inter. Wood Duck Place	50' ROW
Kestral Lane	Fr: Inter. Wood Duck Place	0.16 Miles
	To: 0.16 W. Inter. Wood Duck Place	50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Marsh Run Estates Subdivision, LR 040012516, recorded April 2, 2004; and

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

Resolution R07-25 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE MEADOWBROOK LANE,
FALLING CREEK DRIVE AND HIGH RIDGE DRIVE WITHIN
MEADOWBROOK ESTATES SUBDIVISION, SECTIONS ONE AND
TWO 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 Meadowbrook Lane, Falling Creek Drive and High Ridge Drive within Meadowbrook 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;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of February 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Meadowbrook Estates Subdivision into the Secondary System of State Highways:

Street	Station	Length
Meadowbrook Lane	Fr: Inter. Andrew Chapel Road	0.31 Miles
	To: Inter. Falling Creek Drive	50' ROW
Meadowbrook Lane	Fr: Inter. Falling Creek Drive	0.08 Miles
	To: 0.08 Mi. NW. Inter. Falling Creek Drive	e 50' ROW
Falling Creek Drive	Fr: Inter. Meadowbrook Lane	0.30 Miles
	To: Inter. High Ridge Drive	50' ROW

High Ridge Drive Fr: Inter. Falling Creek Drive 0.34 Miles

To: 0.34 Mi. S. Inter. Falling Creek Drive 50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Meadowbrook Estates Subdivision, Section One, LR 020038590, recorded December 20, 2002, and Meadowbrook Estates Subdivision, Section Two, LR 040022576, recorded June 15, 2004; and

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

Resolution R07-26 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE RIVER RIDGE LANE, WENTWORTH DRIVE AND CHASE DRIVE WITHIN WELLINGTON CHASE 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 River Ridge Lane, Wentworth Drive and Chase Drive within Wellington Chase Subdivision into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of February 2007, that the Virginia Department of

Transportation (VDOT) be and it hereby is petitioned to include the following streets within Wellington Chase Subdivision into Secondary System of State Highways:

Street	Station	Length
River Ridge Lane	Fr: End State Maintenance of River Ridge Lane	0.06 Miles
	To: Inter. Wentworth Drive	50' ROW
River Ridge Lane	Fr: Wentworth Drive	0.34 Miles
	To: Inter. Chase Drive	50' ROW
River Ridge Lane	Fr: Chase Drive	0.07 Miles
	To: 0.07 Mi. S. Inter. Chase Drive	50' ROW
Wentworth Drive	Fr: Inter. River Ridge Lane	0.20 Miles
	To: 0.20 Mi. E. Inter. River Ridge Lane	50' ROW
Chase Drive	Fr: Inter. River Ridge Lane	0.11 Miles
	To: 0.11 Mi. E. Inter. River Ridge Lane	50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Wellington Chase Subdivision, LR 030032992, recorded August 14, 2003; and

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

Resolution R07-27 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE LANSBERRY PARK DRIVE
WITHIN LANSBERRY PARK AND CRESCENT VALLEY

SUBDIVISIONS, 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 Lansberry Park Drive within Lansberry Park and Crescent Valley Subdivisions into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of February 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Lansberry Park and Crescent Valley Subdivisions into the Secondary System of State Highways:

Street Station Length

Lansberry Park Dr. Fr: Little Whim Road 0.32 Miles

To: 0.32 Mi. S. Inter. Little Whim Road 50'-54' ROW

An unrestricted right-of-way (ROW), as indicated above, for this street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Lansberry Park Subdivision, LR 040017903, recorded May 12, 2004, and Crescent Valley Subdivision, LR 040048425, recorded December 15, 2004; and

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

Resolution R07-28 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE POWELL LANE AND CAPITAL AVENUE 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 Powell Lane and Capital Avenue 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 6th day of February 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets in the Secondary System of State Highways:

Street	Station	Length
Powell Lane	Fr: 0.07 Mi. SW Inter. Warrenton Road	0.15 Miles
	To: Inter. Capital Avenue	60' ROW
Powell Lane	Fr: Inter. Capital Avenue	0.23 Miles
	To: 0.23 Mi. SW Inter. Capital Avenue	60' ROW
Capital Avenue	Fr: 0.24 Mi. S. Inter. Commerce Parkway	0.03 Miles
	To: Inter. Powell Lane	60' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Record Plats numbered PM 050000063-050000069, and LR 050010616-050010623, recorded February 23, 2005; and

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

Recess. At 2:44 P.M., the Chairman declared a recess.

<u>Call to Order.</u> At 3:00 P.M., the Chairman called the meeting back to order.

<u>Utilities</u>; Authorize a Public Hearing to Revise Fees and Policy for Pump and Haul Sewer <u>Services</u>. Mr. Fields and Mr. Milde presented their committee reports.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to defer this item.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Fields

Legislative; Discuss Smoking Ban. Mr. Gibbons commented.

<u>Legislative</u>; <u>Discuss Appointment to Fredericksburg/Stafford Park Authority.</u> Mr. Fields commented.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R07-65.

The Voting Board tally was:

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

Nay: (1) Fields

Resolution R07-65 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE FREDERICKSBURG-STAFFORD PARK AUTHORITY

WHEREAS, Section 15.2-5703 of the Code of Virginia (1950), as amended, authorizes the Board to appoint members to serve on the Fredericksburg-Stafford Park Authority; and

WHEREAS, the Board has previously appointed the following:

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

John A. Gray December 31, 2007

(Member-At-Large)

Patricia Rice December 31, 2006

(Member-At-Large)

Beverley Newlin December 31, 2007

(Member-At-Large)

Peter J. Fields December 31, 2010

(Board of Supervisors)

WHEREAS, the term of Patricia Rice expired on December 31, 2006; and

WHEREAS, the term of membership is four years; and

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of February, 2007, that

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

Jack R. Cavalier

December 31, 2010

(Member-At-Large)

be and he hereby is appointed to the Fredericksburg-Stafford Park Authority.

<u>Legislative</u>; <u>Discuss Length of Service Awards Program (LOSAP)</u>. Mr. Rob Brown, Fire Chief, introduced Mr. Ronald Martin, President of White Oak Fire Association and Chairman of the LOSAP Task Force, who gave a presentation and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Milde, to request staff to provide additional information.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; <u>Presentation by Auditors on 2006 Audit.</u> Mr. Michael Garber and Mensel Dean of Phibbs, Burkholder, Geisert and Huffman (PBGH), LLP, gave a presentation and responded to Board members questions.

<u>Planning</u>; Refer to the Planning Commission and Amendment to the Zoning Ordinance Regarding Administrative Exception for Public Improvements. Mr. Gibbons motioned, seconded by Mr. Milde to adopt proposed Resolution R07-73.

Discussion ensued.

Mr. Gibbons withdrew the motion. Mr. Milde withdrew the second to the motion.

The County Administrator commented.

Mr. Milde motioned, seconded by Mr. Gibbons, to defer proposed Resolution R07-89.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; Closed Meeting. At 4:33 P.M., Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution CM07-04.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-04 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regard to the Criteria and Restrictions for Acceptance of Cash Proffers and Expenditure of Proffer Funds, the Amendment to Special Order by Consent for the Aquia Wastewater Treatment Facility, the ServiceTown Delinquent Motor Fuel Tax Issue and the Dominion Transmission Line SCC Case; and Legal Advice and the Discussion of Modification of terms and scope of the public contract with NVTC and PRTC involving the negotiating strategy of the County for the VRE funding formula and governance issues; and the acquisition of real property for

public purpose in regard to the Courthouse Complex Expansion and proposed Property for the Utilities Complex, Tax Map 38, Parcel 86 A; and

WHEREAS, pursuant to Section 2.2-3711 A3, A7 and A30 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 6^{th} day of February, 2007 does hereby authorize discussions of the aforestated matters in Closed Meeting.

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

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt CM07-04a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-04a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON FEBRUARY 6, 2007

WHEREAS, the Board has, on this the 6th day of February, 2007, 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 6th day of February 2007, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

<u>Legislative</u>; Authorize the County Administrator to Acquire Property for the Department of Utilities Administration Center. Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-89.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-89 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ACQUIRE PROPERTY FOR THE DEPARTMENT OF UTILITIES
ADMINISTRATION CENTER

WHEREAS, a study has concluded that the Department of Utilities has outgrown its available space and that operational efficiency would be enhanced by consolidating various groups into a central complex; and

WHEREAS, staff has identified a 38-acre site near the Rappahannock Regional Jail Facility that will provide for current and future space requirements for the Department of Utilities; and

WHEREAS, environmental and soils investigations have determined that this site is suitable for the proposed use; and

WHEREAS, the property is under contract for sale to the County for the amount of \$1,250,000;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of February, 2007, that the County Administrator be and he hereby is authorized to purchase the 38-acre parcel identified on Tax Map 38, parcel 86A for an amount not to exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000).

Legislative; Amendment to Special Order by Consent for the Aquia Wastewater

Treatment Facility. Mr. Fields motioned, seconded by Mr. Dudenhefer, to authorize the
County Administrator to execute the amended Consent Special Order with the
Department of Environmental Quality for the Aquia Wastewater Treatment Facility
regarding the discharge permit violation.

The Voting Board tally was:

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

Nay: (0)

Recess. At 5:30 P.M. the Chairman declared a recess until 7:00 P.M.

<u>Call to Order.</u> At 7:05 P.M., the Chairman called the meeting back to order.

<u>Presentation of Colors by Webelos Hartwood Pack 579.</u> Webelos Hartwood Pack 579 Presented the Colors.

<u>Invocation.</u> Mr. Cavalier requested a Moment of Silence for Colonel Paul M. Kelly.

<u>Pledge of Allegiance to the Flag of the United States of America.</u> Webelos Hartwood Pack 579 lead in the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentation of a Proclamations.

- William Garner, President and CEO of George Washington's Ferry Farm and Museum, to Celebrate the 275th Anniversary of George Washington's Birthday.
- Recognize and Commend Darren and Christina Cruzan and Tina Palmer for their Assistance During Flooding in the Gables Subdivision.

<u>Legislative</u>; <u>Presentations by the Public-II.</u> The following persons spoke:

Cecelia Kirkman - Item 8 on the Regular Agenda.

<u>Legislative</u>; Amend Sections 5-56 and 5-57 of the County Code Regarding Dangerous and Vicious Dogs. Mr. Mike Null, Animal Control Officer, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Fields, to adopt proposed Ordinance O07-04. The Voting Board tally was:

Yea: (5) Milde, Schwartz, Brito, Cavalier, Fields

Nay: (0)

Absent: (2) Gibbons, Dudenhefer

Ordinance O07-04 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN SECTION 5-56, DEFINITIONS; AND SECTION 5-57, CONTROL OF DANGEROUS OR VICIOUS DOGS; PENALTIES, OF THE STAFFORD COUNTY CODE

WHEREAS, Section 3.1-796.93:1 of the Code of Virginia (1950), as amended, has changed its definition of dangerous and vicious dogs; and

WHEREAS, Section 3.1-796.93:1 of the Code of Virginia (1950), as amended, has changed regarding the enforcement process and the penalties regarding dangerous and vicious dogs; and

WHEREAS, the Board desires to amend the County Code to bring it up to state standards to address dangerous and vicious dogs;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 6th day of February, 2007, that Section 5-56 and Section 5-57 of the Stafford County Code be and they hereby are amended and reordained to read as follows:

ARTICLE IV. DANGEROUS AND VICIOUS DOGS

Sec. 5-56. Definitions.

For the purposes of this article and unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

Dangerous dog means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. hHowever, when a dog attacks or bites another dog a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog or cat as a result of the attack or bite or (ii) both dogs animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

Vicious dog means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by local ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

Sec. 5-57. Dangerous dogs; vicious dogs. Control of dangerous or vicious dogs; penalties

(a) Any law-enforcement officer or The animal control officer upon reasonable belief who has reason to believe that a canine or canine crossbreed within the county his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear in before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant

facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.1 796.119, Code of Virginia. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of the Chapter 15 of the Title 19.2. The County shall be required to prove its case beyond a reasonable doubt.

- (b) Notwithstanding the provisions of subsection (a), the animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of this article. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court.
- (e)(b) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to

be a dangerous dog or a vicious dog. No animal which that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner, or its owner's or owner's custodian's property, shall be found to be a dangerous dog or a vicious dog.

- (c) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (d) The owner of any animal found to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of fifty dollars (\$50.00), in addition to other fees that may be authorized by law. The animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.
- (e) All <u>dangerous dog registration</u> certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable; (ii) <u>that the animal has been neutered or spayed, and (iii)</u> that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced in yard until the proper enclosure is constructed; (iii) that the dog is spayed or neutered; and (iv) that the owner or guardian of the dog has at least one hundred thousand dollars (\$100,000.00) of liability insurance to cover animal bites. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be

posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000, that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.

- (f) While on the property of its owners, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- (g) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section. The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under § 3.1-796.93:3, within forty-five (45) days of such a finding by a court of competent jurisdiction.
- (h) The owner shall also cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

- (h) (i) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies; or (iv) has been moved to a different address. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.
- (j) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:
 - 1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or
 - 2. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

(i) (k) The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of the article shall be guilty of a class 1 misdemeanor.

(j) (l) All fees collected pursuant to this article, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this article, shall be paid into a special dedicated fund for the purpose of paying the expenses of any training course required under § 3.1-796.104:1, Code of Virginia.

(Ord. No. O05-31, 6-21-05)

Secs. 5-58—5-64. Reserved.

<u>Planning; Consider a Conditional Use Permit at 110 Soaring Eagle Drive.</u> Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-17.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-17 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT
PURSUANT TO APPLICATION CUP2600687 TO ALLOW A MEDICAL
CLINIC IN A B-2, URBAN COMMERCIAL, ZONING DISTRICT, ON
ASSESSOR'S PARCEL 19S-4J, ROCK HILL ELECTION DISTRICT

WHEREAS, L & R Professional Group, LLC, applicant, has submitted application CUP2600687 requesting a Conditional Use Permit to allow a medical clinic in a B-2, Urban Commercial, Zoning District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to Table 3.1 of the Zoning Ordinance which permits this use in a B-2, Urban Commercial, Zoning District after a Conditional Use Permit has been issued by the Board; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of February, 2007, that a Conditional Use Permit pursuant to application CUP2600687 be and it hereby is approved with the following conditions:

- This Conditional Use Permit is to allow a medical clinic in a B-2, Urban Commercial, Zoning District on Assessor's Parcels 19S-4J.
- 2. Storage of all medications shall be in secured containers, cabinets, or rooms.
- 3. Storage and disposal of infectious or medical wastes shall be conducted in accordance with federal, state, and local guidelines.
- 4. Minor surgery may be permitted; however, there shall be no use of blood products associated with performing any surgical procedure.
- 5. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

Planning; Amend and Reordain the Zoning Ordinance by Amending the Proffered

Conditions on Assessor's Parcels 46-34A, Zoned R-3, Urban Residential – High Density

Zoning District for Housing Opportunities Made Economical (HOME), Inc. Mr. Jeff

Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following person spoke:

Fred Kruth, Applicant

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O07-12.

The Voting Board tally was:

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

Nay: (0)

Ordinance O07-12 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE PROFFERED CONDITIONS ON ASSESSOR'S PARCELS 46-34A, ZONED R-3, URBAN RESIDENTIAL – HIGH DENSITY ZONING DISTRICT, FALMOUTH ELECTION DISTRICT

WHEREAS, Housing Opportunities Made Economical, Inc., applicants, have submitted application RC2600906 requesting an amendment to proffered conditions on Assessor's Parcels 46-34A zoned R-3, Urban Residential – High Density, consisting of 1.18 acres located on the north side of Heritage Commons Drive, approximately 250 feet east of Cambridge Street, Falmouth Election District; and

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

WHEREAS, the Board has determined that the requested amendment to proffered conditions is appropriate; and

NOW, THEREFORE, BE IT ORDAINED, by the Stafford County Board of Supervisors on this the 6th day of February, 2007, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to amend proffered conditions on the parcel of land as described above, as follows:

- 1. Development of the property shall be limited to the construction of eight (8) apartment dwelling units and any accessory structures or appurtenances.
- 2. Apartment dwellings constructed on the property shall be single story.
- 3. Apartment dwellings shall be constructed with a maximum of two bedrooms for each dwelling.
- 4. Each apartment dwelling shall be constructed to be barrier free accessible. Applicant agrees that the property will be developed in accordance with the covenants contained in the Deed of Trust of the Virginia Housing Development Authority Housing Fund Loan Program for multi-family development. Applicant further agrees to advise the Board if it obtains financing from a different funding source.

Mr. Schwartz motioned, seconded by Mr. Dudenhefer, to waive the fees for this project.

Discussion ensued.

Mr. Schwartz withdrew the motion. Mr. Dudenhefer withdrew his second to the motion.

Hearing no objections from the Board, this issue is to be added to the Regular Agenda for the next board meeting.

Planning; Amend and Reordain the Street Addressing Ordinance by Amending the Index of Official Road Names to Name Skyhawk Lane in the Dogwood Air Park

Neighborhood. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O07-10.

The Voting Board tally was:

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

Nay: (0)

Ordinance O07-10 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ADDRESSING ORDINANCE BY AMENDING THE INDEX OF OFFICIAL ROAD NAMES TO ADD ONE ROAD IN THE FREDERICKSBURG POSTAL AREA

WHEREAS, the Board has established a Countywide system for naming all roads and numbering all principal buildings in the County; and

WHEREAS, the Board is authorized by Section 15.2-2019 of the Code of Virginia (1950), as amended, to name roads; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 6th day of February, 2007, that the Addressing Ordinance for Stafford County be and it hereby is amended and reordained by amending the <u>Index of Official Road Names</u> to add one road in the Fredericksburg Postal Area as follows:

Location	Current Road name	New Road Name
South side of Air Park	No Name	Skyhawk Lane
Boulevard, 3800 feet		
from north end of		
Forbes Street		

Budget; Budget and Appropriate Additional Funds in Accordance with the Midyear Review. The Deputy County Administrator gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-37.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-37 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE ADDITIONAL FUNDS IN ACCORDANCE WITH THE FY2007 MIDYEAR REVIEW

WHEREAS, an analysis of the revenues and expenditures at midyear for FY2007 indicates that various expenditures require appropriations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of February, 2007, that the County Administrator be and he hereby is authorized to budget and appropriate funds in accordance with the FY2007 Midyear Review as follows:

GENERAL FUND:

Transfer to Other Funds	511,414
Fire and Rescue	186,331
Social Services	40,000
Comprehensive Services Act	600,000
County Attorney	664,430
General Fund Total	2,002,175
CAPITAL PROJECTS FUND	491,000
TRANSPORTATION FUND	417,687
PARKS & RECREATION FUND	93,727
TOURISM FUND	31,202

<u>Utilities; Amend Pro Rata Fees.</u> Mr. Robert E. Bos, Public Utilities Administrator, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-12.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-12 reads as follows:

A RESOLUTION TO ADOPT A GENERAL WATER AND SEWER IMPROVEMENT PROGRAM

WHEREAS, the Board desires to provide reliable water and wastewater service to the citizens of Stafford County; and

WHEREAS, the Board desires that future service needs be carefully planned; and

WHEREAS, the rates and fees must be commensurate with the cost of providing service in order that the Utilities fund be self-supporting; and

WHEREAS, County Code Sections 25-72.1 and 25.72.2 require subdividers and developers to pay a pro rata share of off-site water and sewer costs; and

WHEREAS, Section 15.2-2243(A) of the Code of Virginia (1950), as amended, requires the establishment of a General Water and Sewer Improvement Program in order to require the collection of pro rata fees;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of February, 2007, that the General Water and Sewer Improvement Program be and it hereby is adopted; and

BE IT FURTHER RESOLVED that the General Water and Sewer Improvement Programs be subject to review and revision annually, as recommended by the Utilities Commission.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-13.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-13 reads as follows:

A RESOLUTION TO REVISE WATER AND SEWER PRO RATA REGULATIONS

WHEREAS, the Board has adopted a Water and Sewer Master Plan General
Water Improvement Plan and General Sewer Improvement Plan; and

WHEREAS, County Code Sections 25-72.1 and 25.72.2 require subdividers and developers to pay a pro rata share of off-site water and sewer costs; and

WHEREAS, the following sets forth the regulations for the pro rata program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of February, 2007, that the following regulations regarding water and sewer pro rata costs be and they hereby are amended:

- 1. This policy is only a mechanism to finance the water and sewer infrastructure shown in the Water and Sewer Master Plan General Water Improvement Program and General Sewer Improvement Program. It does not guarantee the approval of any future project or the payment of any costs to any developer or subdivider.
- 2. Both the County_wide water service areas and the County_wide sewer service areas shall be subdivided into common service areas. The common water service areas shall be the seven five pressure zones as identified in the proposed Water and Sewer Master Plan, as amended through 7/1/97 dated March 2005, and the common sewer service areas shall be the nine eight drainage areas as identified in the proposed Water and Sewer Master Plan, dated March 2005.
- 3. Each subdivider and site developer, except those provided for in the accordance with Section 22-5(a) of the Stafford County Code (Family Subdivision), shall pay a pro rata share of the cost to construct the water storage tanks, water mains, sewer mains, and wastewater pumping stations in the common service areas which service his project. The planned improvements are shown in the Water and Sewer Master Plan General Water Improvement Program and General Sewer Improvement Program.
- 4. The cost per gallon of each common service area shall be calculated by dividing the total cost of the planned improvements as shown in the Water and Sewer Master Plan General Water Improvement Program and General Sewer Improvement Program by the build-out flow for that area as shown in the Water and Sewer Master Plan General Water Improvement Program and General Sewer Improvement Program.
- 5. Both the water and wastewater flows for each non-residential project shall be estimated for the project upon the meter size number of meter equivalents as shown in Chapter 25 of the Stafford County Code. Each meter equivalent shall be allocated 350 gallons per day.

The water and sewer pro rata shares for each development project shall be calculated by multiplying the estimated flow of the development project by the cost per gallon for the project area.

- 6. Payment of pro rata shares for residential projects shall be made at the time of recordation of the final subdivision plat (and as a condition of recordation) or upon approval of the final site plan, whichever comes first.
- 7. Payment of pro rata shares for non-residential projects shall be made concurrently with the payment of the water and sewer availability fees. Subdividers and developers of future projects for the same site which reflect an increase in water and/or sewer use for the property shall be responsible to pay the difference in pro rata fees between the prior use and the current use.
- 8. Subdividers and developers may receive credit for those costs of the facilities shown in the Water and Sewer Master Plan General Water Improvement Program and General Sewer Improvement Program which they have constructed, or have committed to construct. The value of the credit shall be determined by using the same cost factor used to determine the estimated construction costs as shown in the Water and Sewer Master Plan which were used to calculate pro rata charges. There will be no credit allowed for easement or land costs. The County and subdivider and/or developer shall enter into an agreement setting out the condition of the credit.
- 9. If a subdivider or developer pays for the construction of facilities whose original construction costs exceed the pro rata share that such subdivider or developer should have paid, the County may reimburse the difference between those amounts to the subdivider or developer from future pro rata costs collected from other project participants as funds become available. The County and the

subdivider or developer shall enter into an agreement setting out the conditions for the reimbursement.

- 10. Agreements regarding reimbursement shall normally contain the following provisions:
 - A. No interest shall be paid on the unpaid balance which shall be referenced in the agreement.
 - B. Payments shall be made annually at the end of each calendar year if sufficient funds are available for reimbursements.
 - C. The terms of the agreement shall not exceed ten (10) years. The subdivider and/or developer is not guaranteed the payment of his excess costs.
 - D. Projects will be reimbursed in the order in which the facilities are accepted. However, County financed projects will always be reimbursed first.
- 11. The pro rata charges collected shall be allocated to the corresponding pressure zone or drainage areas, and shall only be used for projects within that pressure zone or drainage area.
- 12. Notwithstanding, the revisions of the Stafford County Security Policy, Letters of Credit, subject to the following provisions, may be permitted for the deferral of pro rata charges:
 - A. A deferral agreement shall be entered into by the subdivider/developer with the Stafford County Board of Supervisors.

B. Such an agreement shall include, but not be limited to, the following

provisions with respect to a Letter of Credit:

1) That the agreement is subject to Sections 100.02.B.4 and 5 of the

County's Security Policy;

2) That the Letter of Credit shall expire ninety (90) days after the date

of the agreement; and

3) That the payment secured by the Letter of Credit shall be due and

payable in full within seventy-five (75) days from the date of the

agreement.

13. The fees shall be adjusted annually with the ENR index General Water

Improvement Program and General Sewer Improvement Program shall be

reviewed and revised annually, and the pro rata fees shall be adjusted accordingly.

14. Water and sewer pro rata fees for existing developments may be paid in

accordance with Sections 25-27(g) and/or 25-28(g) of the Stafford County Code.

15. The County Administrator is authorized to develop and implement necessary

administration and procedures in support of these regulations.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Ordinance O07-09.

The Voting Board tally was:

Yea:

Milde, Schwartz, brito, Cavalier, Dudenhefer, Fields, Gibbons (7)

Nay: (0)

Ordinance O07-09 reads as follows:

02/06/07 - Page 43

AN ORDINANCE TO AMEND AND READOPT FEES FOR

PROVIDING PUBLIC WATER AND SEWER SERVICE

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

water and sewer service; and

WHEREAS, such authority can be found in Sections 15.2-2111, 15.2-2122, and

15.2-2243 of the Code of Virginia (1950), as amended; and

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

the services provided by the County; and

WHEREAS, Sections 25-72.1 and 25-72.2 of the County Code require

subdividers and developers to pay a pro rata share of water and sewer infrastructure costs;

and

WHEREAS, the General Water and Sewer Improvement Programs have been

updated to reflect current estimates of the costs to construct water and sewer

infrastructure in the common areas; and

WHEREAS, the Board has carefully considered the recommendation of the

Utilities Commission, staff and the testimony at the public hearing;

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

Supervisors on this the 6th day of February, 2007, that the water and sewer fees for

providing public water and sewer be and they hereby are amended and readopted as

follows:

Pro Rata Charges (Per Gallon)

Water Fees

Sewer Fees

Pressure Zone	Current	Proposed	Current	<u>Proposed</u>	<u>Code</u>
Section					
Aquia	2.26	<u>1.92</u>			25-72.1 &
Berea	1.25	2.24			25-72.2
Central	3.58	4.00			
Falmouth	2.51	<u>3.40</u>			
Garrisonville	2.56	2.61			
Drainage Area					
Accokeek			6.96	<u>9.26</u>	
Aquia			2.02	<u>7.47</u>	
Austin Run			3.67	<u>5.34</u>	
Claiborne Run			1.97	<u>5.80</u>	
Falls Run			5.39	10.49	
Little Falls Run			3.78	<u>9.93</u>	
Potomac Creek			7.48	<u>16.55</u>	
Rocky Pen Run			8.26	<u>19.47</u>	
Miscellaneous Charges					
Delinquency					
Reconnection Charge	30.00	30.00	30.00	30.00	
After Hours Turn-on:					
Delinquency Reconnection	25.00	25.00	25.00	25.00	
Returned Check Fee	25.00	The maximum amount allowed by Code of			
		<u>Vir</u>	Virginia (1950), as amended, Section 15.2-		
		<u>106</u>	<u>í</u>		

BE IT FURTHER ORDAINED that this Ordinance shall be effective February 7, 2007.

Legislative; Discuss Prince William County Base Realignment and Closure Committee (BRAC). Mr. Milde commented.

Discussion ensued.

Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to appoint Mr. Milde to serve on the BRAC Committee; Mr. Cavalier agreed to step down.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; <u>Fredericksburg Area Metropolitan Planning Organization.</u> Mr. Gibbons commented.

Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to authorize the County Attorney to provide legal counsel to the Fredericksburg Area Metropolitan Planning Organization (FAMPO) dealing with the public procurement issue with VDOT and FHWA, and to charge FAMPO for the legal service time expended by the County Attorney's office on the project.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; <u>Closed Meeting.</u> At 8:05 P.M., Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM07-05.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-05 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice and the discussion of modification of terms and scope of the public contract with NVTC and PRTC involving the negotiating strategy of the County for the VRE funding formula and governance issues; and

WHEREAS, pursuant to Section 2.2-3711 A7 and A30 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 6^{th} day of February, 2007 does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 8:21 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM07-05a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-05a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON FEBRUARY 6, 2007

02/06/07 - Page 47

WHEREAS, the Board has, on this the 6th day of February, 2007, 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 6th day of February, 2007, that to the best of

each member's knowledge: (1) only public business matters lawfully exempted from

open meeting requirements under the Virginia Freedom of Information Act were

discussed in the Closed Meeting to which this certification applies; and (2) only such

public business matters as were identified in the Motion by which the said Closed

Meeting was convened were heard, discussed, or considered by the Board. No member

dissents from the aforesaid certification.

Adjournment. At 8:22 P. M., the Chairman declared the meeting adjourned.

Steve Crosby

County Administrator

Jack R. Cavalier

Chairman