

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES

Regular Meeting  
September 4, 2007

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 1:05 P. M., Tuesday, September 4, 2007, in the Board Chambers, Stafford County Administration Center.

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

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

Legislative; Presentation of a Proclamation.

- Mount Ararat Baptist Church on the Occasion of Its Centennial Celebration.

Legislative; Presentation by Fred Rankin of Mary Washington Hospital. Mr. Xavier Richardson, President of MediCorp Health System, and Walter J. Kiwall, MediCorp Health System, commented.

Legislative; Presentation of 25<sup>th</sup> GFOA Certificate of Achievement. Ms. Vivian McGettigan, Director of Finance, Fauquier County, presented the 25<sup>th</sup> GFOA Certificate of Achievement for Excellence in Financial Reporting for FY2006 Comprehensive Annual Financial Report.

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

- |                   |  |
|-------------------|--|
| Lou Silver        | - Agenda.  |
|                   | - Extended sympathy to Bob Bos on death of his wife.                 |
|                   | - Commended Mt. Ararat Baptist Church on its Centennial Celebration. |
|                   | - Board meeting dates.   |
|                   | - Long standing Board meeting attendees.                             |
|                   | - Taxes.   |
|                   | - Hospital in Stafford County.                                       |
| Christine Wedding | - Hospital in Stafford County.                                       |
|                   | - Board meeting dates.   |
|                   | - Illegal immigrants.  |
| Dana Brown        | - Garrisonville Road widening project.                               |

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

- |             |  |
|-------------|--|
| Mr. Fields  | - Extended sympathy to Bob Bos on death of his wife.   |
|             | - Congratulations to Anthony Romanello on his appointment as County Administrator effective January 1, 2008. |
| Mr. Gibbons | - City of Lynchburg's Leaf Program.  |

- Cable television programming changes.
- Virginia Railway Express.
- Mount Ararat Baptist Church Centennial Celebration.
- Girl Scout Gold Award.

- Mr. Milde
- Aquia Towne Center traffic impact.
  - Illegal immigrant taskforce.
  - Discovery Days.

- Mr. Schwartz
- Illegal immigrant taskforce.
  - Citizen guide.
  - Stafford County license plates.

- Mr. Brito
- Mandatory Water and Sewer Committee report.
  - Taxes.
  - Capital Improvement Program.

- Mr. Dudenhefer
- Trend change.
  - Cable TV.
  - Road improvements.
  - Illegal Immigrant Task Force meeting.

- Mr. Milde
- Brooke Post Office.

- Mr. Cavalier
- Attended back to school night meetings.
  - Attended Porter Library Art Show.
  - Mr. Brito's remarks.
  - Growth.

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

- Item 14 – R07-321(R) – replacement page 11  
Change department to County.

Legislative; Report of the County Administrator. Mr. Steve Crosby, County Administrator, commented on the following:

- Handouts – Corrections to Item 11 and 13b.

Legislative; Consent Agenda. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt the Consent Agenda consisting of Items 1 thru 13 deleting Item 8 and 9.

The Voting Board tally was:

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

Item 1. Legislative; Approve Minutes of Board Meetings. Regular Meeting of July 17, 2007.

Item 2. Finance; Approve Expenditure Listing.

Resolution R07-363 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING  
(EL) DATED AUGUST 21, 2007 THROUGH SEPTEMBER 3, 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 4th day of September 2007, that the above-mentioned EL be and it hereby is approved.

Item 3. Legislative; Approve Proclamations.

Proclamation P07-23 reads as follows:

A PROCLAMATION TO DECLARE MONDAY, SEPTEMBER 24, 2007  
AS “FAMILY DAY IN STAFFORD”

WHEREAS, the use of illegal and prescription drugs and the abuse of alcohol and nicotine are among the greatest threats to the health and welfare of America’s children; and

WHEREAS, surveys conducted over the last 12 years by The National Center on Addiction and Abuse (CASA) at Columbia University have consistently found that children and teenagers who eat dinner with their families are half as likely to smoke, drink and use illegal drugs as their peers who do not share meals with their siblings and parents; and

WHEREAS, CASA encourages families to establish a daily routine by setting a consistent time to eat dinner together, turn off the television and phones, and involve everyone in preparing the evening meal; and

WHEREAS, positive topics of conversation that can be shared by every family member during dinner include work, school, social activities, current events and extracurricular activities; and

WHEREAS, families can also establish consistent rules of behavior about drug use, drinking and smoking to include in “contracts” that each member of the family can sign; and

WHEREAS, the Board desires to encourage parents to interact with their children every day to promote open communication and make them feel comfortable talking about the difficult situations and temptations they face each day;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that Monday, September 24, 2007, be and it hereby is declared as “Family Day in Stafford.”

Proclamation P07-24 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND  
PNC BANK AND REGIONAL PRESIDENT GLENN E. KINARD  
FOR BEAUTIFICATION EFFORTS ON PLANTATION DRIVE

WHEREAS, at the urging of Falmouth District Supervisor George H. Schwartz, for whom beautification efforts in Stafford are a top priority, PNC Bank Regional President Glenn E. Kinard facilitated the mulching, trimming and clean-up of a median strip in front of the PNC branch bank on Plantation Drive in south Stafford; and

WHEREAS, Glenn Kinard’s commitment to community service and outreach through streetscape improvements sets an example for other businesses throughout the County to follow; and

WHEREAS, businesses, organizations and facilities managers can undertake similar beautification efforts through the Virginia Department of Transportation’s Adopt-A-Highway and Adopt-A-Spot programs; and

WHEREAS, it takes the concerted efforts of businesses like PNC Bank, private citizens, gardening and beautification clubs, and local government to keep Stafford County a beautiful place in which to live, work and play; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the community involvement exhibited by PNC Bank and to thank them for their efforts on behalf of all the residents of Stafford, the thousands of tourists who visit each year and business owners who consider the County an excellent locality in which to invest;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that PNC Regional Bank President Glenn Kinard be and he hereby is commended for his outstanding community service.

Item 4. Parks and Recreation; Revise Parks and Recreation Facility Rental Fees.

Resolution R07-380 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO REVISE PARKS AND RECREATION FACILITY RENTAL FEES

WHEREAS, facility rental fees are considered to represent a fair and equitable method to finance the cost of park and building operations; and

WHEREAS, increasing costs of providing recreation facilities and services create a periodic need to increase the related fees to help defray such costs; and

WHEREAS, staff has reviewed the current fees which were instituted in 2005 and recommended that increases/changes in rental fees be considered at this time; and

WHEREAS, the Parks and Recreation Commission endorsed the recommended fee changes;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that the County Administrator be and he hereby is authorized to implement the proposed Parks and Recreation fees.

Item 5. Budget; Approve Position Request for the Treasurer.

Resolution R07-368 reads as follows:

A RESOLUTION TO CONVERT TWO PART-TIME POSITIONS  
IN THE TREASURER’S OFFICE TO FULL-TIME POSITIONS

WHEREAS, the legislation, the Dangerous Dog Act, established during the 2007 General Assembly and the Department of Motor Vehicles (DMV) Select office which has located in the Administration Building have provided additional strain to the current workforce in the Treasurer’s Office; and

WHEREAS, the Treasurer has requested that two part-time positions, be converted to full-time to handle the increase in services provided;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that two full-time positions be and they hereby are authorized for the Treasurer.

Item 6. Transportation; Petition VDOT to Include Duffy Drive, Glendale Drive and Fritters Lane into the Secondary System of State Highways

Resolution R07-337 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT  
OF TRANSPORTATION TO INCLUDE DUFFY DRIVE, GLENDALE DRIVE  
AND FRITTERS LANE, 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 Duffy Drive, Glendale Drive and Fritters Lane 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 4<sup>th</sup> day of September 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets into the Secondary System of State Highways:

Street	Station	Length
Duffy Drive	From: Inter. Fritters Lane To: E Inter. Fritters Lane	0.08 Miles ROW = 50'
Glendale Drive	From: 0.11 Mi. N Inter. Ridgewood Drive To: 0.14 Mi. N Inter. Ridgewood Drive	0.03 Miles ROW = 50'
Fritters Lane	From: 0.12 Mi. N Inter. Tanterra Drive To: 0.18 Mi. N Inter. Tanterra Drive	0.06 Miles ROW = 50'

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 Kate Waller Barrett Elementary School. LR# 040028806 PM 040000166, recorded the 28th day of July 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Superintendent of Stafford County Schools and the Residency Administrator of VDOT.

Item 7. Fire and Rescue; Authorize Purchase of Medical Equipment and Personal Protective Equipment.

Resolution R07-369 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A CONTRACT TO PURCHASE MEDICAL SUPPLIES  
AND EQUIPMENT

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

WHEREAS, the budget will not be expanded to meet these needs; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that the County Administrator be and he hereby is authorized to execute a contract with Boundtree Medical in an amount not to exceed \$130,000.

Resolution R07-370 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A CONTRACT TO AUTHORIZE PURCHASE OF PERSONAL  
PROTECTIVE EQUIPMENT FOR FIRE AND RESCUE PERSONNEL

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

WHEREAS, the budget will not be expanded to meet these needs; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that the County Administrator be and he hereby is authorized to execute a contract with Maryland Fire Equipment in an amount not to exceed \$200,000.

Item 10. Finance; Reappropriate Funds from 2007 to 2008, Capital Projects, Purchase Orders and Incomplete Commitments.

Resolution R07-376 reads as follows:

A RESOLUTION TO REAPPROPRIATE FUNDS FROM FY 2007  
TO FY 2008 FOR CAPITAL PURCHASE ORDERS AND INCOMPLETE  
COMMITMENTS

WHEREAS, the Code of Virginia (1950), as amended, stipulates that appropriations be approved for a maximum period of one (1) fiscal year and that appropriations lapse at fiscal year end; and

WHEREAS, the County has executed orders or contracts for the purchase of goods and services that were not received by June 30, 2007, and for which funding was provided in prior years; and

WHEREAS, various projects approved and funded in prior years were not complete by June 30, 2007;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that the amounts for outstanding encumbrances and incomplete projects as of June 30, 2007, be and they hereby are appropriated to Fiscal Year 2008 as follows:

TRANSPORTATION FUND

Capital Encumbrances	\$ 110,207
Incomplete Capital Commitments	<u>3,652,438</u>
	\$ 3,762,645

TOURISM FUND

Capital Encumbrances	\$ 21,816
Incomplete Capital Commitments	<u>19,461</u>
	\$ 41,277

PARKS & REC BOND FUND

Capital Encumbrances	\$ 4,590,100
Incomplete Capital Commitments	<u>285,990</u>
	\$ 4,876,090

UTILITIES FUND

Capital Encumbrances	\$ 7,633,594
Incomplete Capital Commitments	<u>185,000</u>
	\$ 7,818,594

Item 11. Utilities; Ratify Land Acquisition for Rocky Pen Run Reservoir.

Resolution R07-383 reads as follows:

A RESOLUTION APPROVING A LAND ACQUISITION CONTRACT  
FOR THE PURCHASE OF PARCEL 43-74-7 FOR ROCKY PEN RUN  
RESERVOIR

WHEREAS, Resolution R04-237 authorized the County Administrator to enter into contracts for the purchase of certain properties for Rocky Pen Run Reservoir; and

WHEREAS, the County's offer to purchase Parcel 43-74-7, owned by Robert H. and Rita S. Dobson, for the appraised value of \$490,000 was accepted by the property owners; and

WHEREAS, the Board needs to approve the purchase of this property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of September, 2007, that the execution of a contract by the County Administrator of Stafford County and Robert H. and Rita S. Dobson, regarding TM 43-74-7, be and it hereby is approved in the amount of Four Hundred Ninety Thousand Dollars (\$490,000); and

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

Item 12. Planning and Zoning; Refer to the Planning Commission the Street Addressing Ordinance to Change the Index of Official Road Names.

Resolution R07-388 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN  
AMENDMENT TO THE STAFFORD COUNTY ADDRESSING ORDINANCE  
BY AMENDING THE INDEX OF OFFICIAL ROAD NAMES TO NAME AND

RENAME SEVERAL PORTIONS OF ROADS TO THE NAME OF SOUTH GATEWAY DRIVE 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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of September, 2007, that the Planning Commission hold a public hearing and provide the Board a recommendation concerning an amendment to the Index of Official Road Names to name and rename portions of roads to the name of South Gateway Drive in the Fredericksburg Postal Area.

Item 13. Legislative; Appoint Members to Boards, Authorities, and Commissions

Resolution R07-373 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE ARCHITECTURAL REVIEW BOARD

WHEREAS, Section 28-58 (b) (1) of the County Code authorizes the Board to appoint members who shall have a demonstrated knowledge, interest, or competence in historic preservation to serve on the Architectural Review Board; and

WHEREAS, Section 28-58 (b) (2) of the County Code states that the Architectural Review Board shall be composed of five members, with the following representation: at least one member shall be a registered architect, or an architectural historian, with a demonstrated interest in historic preservation; at least one member shall

be a member of the planning commission, at least one member shall be a resident of a designated historic district in Stafford County; and

WHEREAS, the Board has appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
Norman Schools (Historic District)	December 31, 2006
Mark King (Member-at-Large)	December 31, 2007
Barbara Kirby (Planning Commission)	December 31, 2008
Tanya Gossett (Architectural Historian)	December 31, 2009
VACANT (Member-at-Large)	

WHEREAS, the term of membership is three years; and

WHEREAS, the Board desires to fill a vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that

<u>NAME</u>	<u>EXPIRATION</u>
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Tab A. Blazek  
(Member-at-Large)

December 31, 2009

he hereby is appointed to the Architectural Review Board.

Resolution R07-381 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE FREDERICKSBURG  
AREA METROPOLITAN PLANNING ORGANIZATION

WHEREAS, the George Washington Regional Commission (GWRC) is the planning district commission for the region serving the Counties of Stafford, Spotsylvania, King George and Caroline and the City of Fredericksburg; and

WHEREAS, pursuant to the 1990 decennial census, the Fredericksburg region, including southern Stafford County, the City of Fredericksburg, and northern Spotsylvania County, have been designated as an urbanized area; and

WHEREAS, the Commonwealth of Virginia has designated the Fredericksburg region as a Metropolitan Planning Organization (MPO); and

WHEREAS, the Board has previously appointed the following to the George Washington Regional Commission and needs to appoint all members to Fredericksburg Area Metropolitan Planning Organization (FAMPO):

<u>NAME</u>	<u>EXPIRATION</u>
Robert C. Gibbons (Board of Supervisors)	December 31, 2006
Mark Dudenhefer (Board of Supervisors)	December 31, 2006

Joe Brito  
(Board of Supervisors Alternate) December 31, 2006

Peter J. Fields  
(Board of Supervisors Alternate) December 31, 2006

Steve Crosby  
(County Administrator) Virtue of Office

O. Fulton deLamorton  
(Alternate for the County Administrator) December 31, 2006

WHEREAS, the term of appointment is one year;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that:

<u>NAME</u>	<u>EXPIRATION</u>
Robert C. Gibbons (Board of Supervisors)	December 31, 2007
Mark Dudenhefer (Board of Supervisors)	December 31, 2007
Peter J. Fields (Board of Supervisors Alternate)	December 31, 2007
Joe Brito (Board of Supervisors Alternate)	December 31, 2007

Steve Crosby  
(County Administrator)

Virtue of Office

Michael Neuhard  
(Alternate for the County Administrator)

December 31, 2007

they be and hereby are appointed as members of the Fredericksburg Area Metropolitan Planning Organization.

Fire and Rescue; Authorize Contracts and Adjust the Budget for the Purchase of Fire and Rescue Vehicles. Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-353.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-353 reads as follows:

A RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE BUDGET FOR THE PURCHASE OF FIRE AND RESCUE VEHICLES AND EQUIPMENT; TO DECLARE ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE FINANCINGS; AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN CONTRACTS FOR THE PURCHASE

WHEREAS, in accordance with the Fire & Rescue Department's Fleet Replacement Plan, four ambulances and one engine are replaced each year allowing for rotating ambulances out of the fleet after five years of service and engines after ten years of front-line service; and

WHEREAS, also in accordance with the Fleet Replacement Plan, specialty apparatus are purchased every other year to adhere to the variable replacement schedule of the different specialty apparatus; and

WHEREAS, on September 6, 2005, the Board adopted Resolution R05-327 approving the construction of Fire and Rescue Station 12 (Berea Station), which station requires an "all-hazards" engine, an Advanced Life Support (ALS) ambulance, and an aerial ladder service; and

WHEREAS, in order to expedite the implementation of Engine Company 9, a 15 year old Reserve Engine was placed in service on May 14, 2007. Said Reserve Engine has repeatedly gone out of service since that date and is currently out of service for the seventh time, necessitating its replacement with a more reliable engine; and

WHEREAS, in order to maintain a reliable fleet of 20 ambulances as specified in the fleet replacement plan, four ambulances are removed from service and replaced every year; and

WHEREAS, of the four new ambulances, three will replace units at Rescue Station 4 (Mountain View), Fire/Rescue Station 5 (Brooke), and Fire/Rescue Station 10 (Potomac), and the last new ambulance will be at Fire/Rescue Station 12 (Berea); and

WHEREAS, FY07 budget included \$2,762,517 in lease financing for fire and rescue vehicles and apparatus of which \$757,388 was spent and \$959,240 was encumbered, leaving a balance of \$1,045,889; and

WHEREAS, FY08 budget includes \$2,000,000 in lease financing for fire and rescue vehicles and apparatus, bringing the total cumulative amount to \$3,045,889; and

WHEREAS, the total amount of the requested authorization is \$2,510,000, of which \$510,000 needs to be reappropriated from the FY07 funds; and

WHEREAS, as of July 1, 2007, the State code amended the budget and appropriation threshold eliminating the need for a public hearing for amounts less than 1% of the total county budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that the County Administrator be and he hereby is authorized to amend the budget as follows:

General Fund

Source of funds- Fund Balance	\$510,000
Expenditure- Transfer to General Capital Projects Fund	\$510,000

General Capital Projects Fund

Source of funds- Transfer from General Fund	\$510,000
Expenditure- Purchase of Equipment	\$510,000

BE IT FURTHER RESOLVED by the Board that:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2.
2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Equipment from the proceeds of one or more financings. The maximum amount of financing expected to be issued for the Equipment is \$2,510,000.
3. This resolution shall take effect immediately upon its adoption.

BE IT STILL FURTHER RESOLVED that the Board be and it hereby does approve appropriating \$510,000 for capital acquisition of Fire and Rescue vehicles and apparatus, approving the purchase of said equipment, and the authorizing award of contracts as follows: one (1) Pierce All-Hazards Engines – Singer and Associates, \$500,000 per RFP #612074; one (1) Smeal Quint Ladder Truck – Keplinger Sales and Service, \$650,000 per RFP #717074; and four (4) Horton Ambulances – FESCO, Inc. - \$560,000, per standing contract.

Legislative; Change Board Meeting Date. Mr. Brito commented.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-372.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-372 reads as follows:

A RESOLUTION TO CHANGE THE BOARD OF SUPERVISORS MEETING  
DATE

WHEREAS, it is the desire of the Board to schedule meeting dates which will permit attendance at annual meetings of professional associations, accommodate personal schedules and allow adequate time for preparation of meeting materials;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of September, 2007 that the regularly scheduled meeting on November 6, 2007, be and it hereby is cancelled; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is requested to advise Board members should the Regular Agenda become ponderous with issues so an adjourned or Special Meeting may be arranged.

Transportation; Adoption of Implementation Guidelines and Procedures for the Public-Private Transportation Act of 1995 (PPTA). The County Administrator commented.

Mr. Schwartz motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-321.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-321 reads as follows:

A RESOLUTION TO ADOPT IMPLEMENTATION GUIDELINES  
AND PROCEDURES FOR THE PUBLIC-PRIVATE TRANSPORTATION  
ACT OF 1995, AS AMENDED, FOR STAFFORD COUNTY

WHEREAS, the Public-Private Transportation Act of 1995, as amended, (PPTA) is the legislative framework enabling the Commonwealth of Virginia, local governments, and certain other public entities as defined in the Act, to enter into agreements authorizing private entities to develop and/or operate qualifying transportation facilities; and

WHEREAS, it is the desire of the Board to specify a PPTA process that is consistent, transparent, and stable, and encourages and supports a climate for private sector innovation and investment to address specific transportation needs of the County; and

WHEREAS, implementation guidelines and procedures have been developed and reviewed by the County's Transportation Commission;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of September, 2007, that the Board be and it hereby does adopt Implementation Guidelines and Procedures for the Public-Private Transportation Act of 1995, as amended, and that the County Administrator be and he hereby is authorized to implement them.

Transportation; Authorize the County Administrator to Execute a Contract to Improve Foreston Woods Drive, Highpointe Boulevard, Silverthorn Court and Sutherland Boulevard for Acceptance into the Secondary System of State Highways. The County Administrator commented.

Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-137.

The Voting Board tally was:

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

Resolution R07-137 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS NOT TO EXCEED \$1.65 MILLION TO IMPROVE FORESTON WOODS DRIVE, HIGHPOINTE BOULEVARD, SILVERTHORN COURT AND SUTHERLAND BOULEVARD FOR VDOT ACCEPTANCE OF EACH STREET INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, Foreston Woods Drive, Highpointe Boulevard, Silverthorn Court and Sutherland Boulevard, having been designed to Virginia Department of Transportation (VDOT) standards, have not been accepted by VDOT due to the incompleteness of each by developers; and

WHEREAS, it is the desire of the Board to improve and complete these public streets in accordance with the respective approved construction plans so VDOT will include each into the Secondary System of State Highways; and

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

WHEREAS, a portion of the project expenses are eligible for reimbursement from the County's fuel tax funds, with the balance being paid from developer securities;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of September, 2007, that the County Administrator be and he hereby is authorized to execute contracts not to exceed \$1.65 million to improve Foreston Woods Drive, Highpointe Boulevard, Silverthorn Court and Sutherland Boulevard for VDOT acceptance of each street into the Secondary System of State Highways; and

BE IT FURTHER RESOLVED that the County Attorney and County Administrator be and they are hereby authorized to take necessary legal action against responsible parties to recoup the cost of this work; and

BE IT STILL FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County for eligible expenditures from the fuels tax fund.

BE IT STILL FURTHER RESOLVED that the Board wishes to declare its intention to gain reimbursement for the cost of the improvements and completions of these public streets from any future borrowings for road construction and improvements:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2.
2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Project from the proceeds of one or more financings. The maximum amount of financing expected to be issued for the Project is \$1,650,000.
3. This resolution shall take effect immediately upon its adoption.

Legislative; Committee Report on Mandatory Water and Sewer Connections. Mr.

Gibbons gave a committee report.

Discussion ensued.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to authorize a public hearing on mandatory water and sewer connections.

The Voting Board tally was:

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

Nay: (1) Fields

Legislative; Committee Report on the Illegal Immigrant Task Force. Mr. Dudenhefer commented.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R07-396.

The Voting Board tally was:

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

Nay: (1) Fields

Resolution R07-396 reads as follows:

A RESOLUTION TO ESTABLISH A TASK FORCE ON ILLEGAL IMMIGRATION

WHEREAS, the Board desires to establish a Task Force to study, report and make recommendations regarding the costs and benefits of illegal immigration to the County; and

WHEREAS, the membership of the Task Force should receive input from all appropriate groups in the Stafford community, and on all aspects of this very complex issue;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of September, 2007 that a Task Force on Illegal Immigration is hereby established by the Board, with a membership composed of Supervisors Dudenhefer and Schwartz, representatives of the School Division, the

Sheriff's Office, the Economic Development Authority, the Health Department, Social Services, the County Attorney's Office, the County Administrator's Office and the Departments of Code Administration, Parks and Recreation, Planning and Zoning, and (intentionally left blank) will serve as Chair of the Task Force; and

BE IT FURTHER RESOLVED that the Board's charge to the Task Force is to:

- 1) Determine the caseload and financial impact of illegal immigration on Stafford local government;
- 2) Determine the neighborhood impacts of illegal immigration;
- 3) Engage the immigrant community to explore options to address community concerns about illegal immigrants;
- 4) Develop options for minimizing any negative financial and social impacts;
- 5) Engage the participation of community organizations as the Task Force deems appropriate; and
- 6) Examine any other aspect of illegal immigration that the Task Force believes will assist the Board in its deliberations; and

BE IT STILL FURTHER RESOLVED that the Task Force shall submit a report and its recommendations to the Board of Supervisors by April 1, 2008. The report shall include all options considered by the Task Force on any aspect of illegal immigration, including those not recommended to the Board for action.

Finance; Authorize a Public Hearing to Consider Participation in the Fall 2007 Virginia Public School Authority Bond Sale for \$14,710,000 and Budget and Appropriate the Proceeds. This item was tabled until later in the meeting.

Finance; Authorize a Public Hearing to Set the Rates for Transportation Service Districts.

Hearing no objections from the Board, this item was deferred to the next Board meeting.

Legislative; Discuss Porter Library Carpet. Mr. Gibbons commented.

Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to approve \$91,000 from the General Fund Contingency Account to replace the carpet at the John Musante Porter Branch of the Rappahannock Regional Library.

The Voting Board tally was:

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

Nay: (1) Brito

Recess. At 2:55 P.M., the Chairman declared a recess.

Call to Order. At 3:11 P.M., the Chairman called the meeting back to order.

Legislative; Work Session on Capital Improvement Program. Mr. Fields gave a presentation.

Anthony Romanello, Deputy County Administrator, commented further.

Mr. Fields motioned, seconded by Mr. Milde, to request a joint work session at the next Board meeting and requested that the School Board review the School Capital Improvements Program and decrease by 30%.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Legislative; Closed Meeting. At 4:35 P.M., Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution CM07-26.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-26 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 Brooks' Property Acquisition and Rocky Pen Run Reservoir Condemnations; Loy Violation of Wetlands Regulations; and two personnel matters relating to the appointment of the Zoning Administrator; and the appointment/ recruitment of the Deputy County Administrator; and

WHEREAS, pursuant to Section 2.2-3711 A.1 and A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 4<sup>th</sup> day of September, 2007 does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 5:22 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Fields motioned, seconded by Mr. Gibbons, to adopt proposed Resolution CM07-26a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-26a 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 Brooks' Property Acquisition and Rocky Pen Run Reservoir Condemnations; Loy Violation of Wetlands Regulations; and two personnel matters relating to the appointment of the Zoning Administrator; and the appointment/ recruitment of the Deputy County Administrator; and

WHEREAS, pursuant to Section 2.2-3711 A.1 and A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 4<sup>th</sup> day of September, 2007 does hereby authorize discussions of the aforestated matters in Closed Meeting.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-205.

The Voting Board tally was:

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

Resolution R07-205 reads as follows:

A RESOLUTION WHICH AUTHORIZES CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A 7.82 ACRE PORTION OF A PARCEL OF LAND FROM DARRYLL E.M.D. BROOKS AND ZSARA E. BROOKS HAMLIN (HEIRS AT LAW OF MARGARET P. BROOKS); AND MARIELLEN T. BROOKS AND

CHESIREE A. BROOKS (HEIRS AT LAW OF CLARENCE E. BROOKS, III, HEIR OF MARGARET P. BROOKS); LOCATED OFF THE SOUTHERLY SIDE OF HASSLE LANE, TAX PARCEL 43-26, IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR PROJECT

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

WHEREAS, the design for the construction of the Project requires a 7.82 acre portion of the parcel of land identified as Tax Parcel 43-26, located off the southerly side of Hassle Lane in the Hartwood Election District of the County (the “Property”); and

WHEREAS, Darryll E.M.D. Brooks and Zsara E. Brooks Hamlin (Heirs At Law Of Margaret P. Brooks); and Mariellen T. Brooks and Chesiree A. Brooks (Heirs At Law Of Clarence E. Brooks, III, Heir Of Margaret P. Brooks) are the owners of record of the Property (the “Owners”); and

WHEREAS, the County has offered the full fair market appraised value of \$122,328 for the Property to the Owners; and

WHEREAS, despite a bona fide effort, terms of a purchase cannot be agreed upon, but the Board’s negotiation consultant will continue to attempt to work with the Owners to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing on July 17, 2007, in accordance with Sections 15.2-1903(B) and 15.2-1905(C), Virginia Code Ann., to determine the necessity for condemnation and for the use of the County’s quick-take powers, but deferred action on this Resolution until the next meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 4<sup>th</sup> day of September, 2007, that the Board does hereby find that public necessity exists for the condemnation of the fee simple property interest of the referenced portion of the property for the ownership, construction, maintenance, and operation of the Rocky Pen Run Reservoir Project, an approved public water facility to provide for the public water needs of the citizens of Stafford County, and for the immediate exercise of its quick-take powers to enter upon and acquire the Property from the Owners; and

BE IT FURTHER RESOLVED that the Board does hereby determine that the appraised fair market value of One Hundred Twenty-two Thousand Three Hundred Twenty-eight Dollars (\$122,328.00), which amount was offered to and rejected by the Owners, is the appropriate compensation for the Property; and

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

BE IT FURTHER RESOLVED that the Board does hereby authorize the County Administrator and Director of Finance, or their designees, to sign the Certificate of Take necessary for filing in Court and to disburse the appraised fair market value of One Hundred Twenty-two Thousand Three Hundred Twenty-eight Dollars (\$122,328.00), by depositing said amount with the Court in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with law.

Mr. Milde motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-390.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-390 reads as follows:

A RESOLUTION TO CONCUR WITH THE COUNTY ADMINISTRATOR’S  
APPOINTMENT OF ZONING ADMINISTRATOR

WHEREAS, the Zoning Administrator’s position is vacant; and

WHEREAS, the County Administrator appointed Rachel Hudson as Acting  
Zoning Administrator effective February 17, 2007;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of  
Supervisors on this the 4th day of September 2007, that the Board be and it hereby does  
concur with the appointment of Rachel Hudson as Zoning Administrator.

Recess. At 5:25 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. The Chairman requested a moment of silence for Alexander Augustus  
“Alex” Sherman who was killed in a single car accident.

Pledge of Allegiance. Mr. Gibbons lead in the Pledge of Allegiance to the Flag of the  
United States of America.

Legislative; Presentations by the Public. Persons spoke on topics as identified:

- Harry Crisp - Informational meeting on the TND Ordinance.
- Bob Woodson - Erosion and sediment ordinance.

Planning and Zoning; Amend the Street Addressing Ordinance to Change the Index of Official Road Names. This item was deleted from the Agenda.

Planning; and Zoning; Consider a Conditional Use Permit at 564 Warrenton Road. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Clark Leming, on behalf of the Applicant.

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-347.

The Voting Board tally was:

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

Nay: (1) Brito

Resolution R07-347 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT  
PURSUANT TO APPLICATION CUP2600905 FOR A HOTEL IN THE  
HIGHWAY CORRIDOR OVERLAY DISTRICT, ON ASSESSOR'S  
PARCELS 45-18 AND 45-22 WITHIN THE FALMOUTH ELECTION  
DISTRICT

WHEREAS, BRR Enterprises, Inc., applicant, has submitted application CUP2600905 requesting a Conditional Use Permit to allow a hotel in the Highway Corridor Overlay District, on the above described property; and

WHEREAS, the application has been submitted pursuant to 28-59(e) of the Zoning Ordinance which permits this use in a Highway Corridor Overlay 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 4<sup>th</sup> day of September, 2007, that a Conditional Use Permit pursuant to application CUP2600905 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is for a hotel within the Highway Corridor Overlay District on Assessor's Parcels 45-18 and 45-22 consisting of 2.86 acres.
2. Development of the site shall be in general conformance with the General Development Plan (GDP) entitled "Holiday Inn Express," prepared by Greenhorne & O'Mara dated May, 2007.
3. Access shall be limited to the ingress/egress easement known as "Jones Lane," and the interparcel access to Assessor's Parcel 45-22 and 45-18.
4. Stop bars shall be painted on the travelway pavement and stop signs installed at the site entrances.
5. Interparcel access shall be reserved to Assessor's Parcel 45-22 to the east and Assessor's Parcel 45-18 to the west.

6. A boundary line adjustment plat to accommodate all required parking on the site must be approved prior to site plan approval.
7. Building mounted lights shall not be installed higher than 35 feet in height.
8. No commercial apartments shall be permitted on the site.
9. The applicant shall screen any exterior heating and cooling units on the roof with a parapet wall or pitched roof and ground level units with an opaque fence or wall consisting of materials similar to the main building.
10. If building permits are not obtained within five years from the date of approval, this Conditional Use Permit shall expire.
11. 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.

Code Administration; Amend the Erosion and Sediment Control Ordinance. Mr. Steve Hubble, Environmental Programs Coordinator, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O07-65.

The Voting Board tally was:

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

Nay: (0)

Ordinance O07-65 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN COUNTY CODE  
SECTIONS 11-7 AND 11-17 OF THE EROSION AND SEDIMENT CONTROL  
ORDINANCE REGARDING CIVIL PENALTIES AND INSPECTION  
REQUIREMENTS

WHEREAS, local Erosion and Sediment Control Programs are authorized by the Code of Virginia to have more stringent regulations; and

WHEREAS, the 2007 General Assembly increased the civil penalties localities could charge for violations of local erosion and sediment control ordinances; and

WHEREAS, the Board desires to amend the Erosion and Sediment Control Ordinance to increase performance standards and enforcement of these codes, and increase penalties for non-compliance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that Sections 11-7 and 11-17 of the Erosion and Sediment Control Ordinance be and they hereby are amended and reordained as follows:

**Sec. 11-7. Same--Penalty.**

(b) *Civil penalties.*

(1) A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:

a. Commencement of land-disturbing activity without an approved plan as provided in subsection 11-14(a) shall be one

thousand dollars (\$1,000.00) per day.

b. Failure to comply with any of the minimum standards of the Virginia Erosion and Sediment Control Regulations shall be one ~~hundred~~ thousand dollars ~~(\$100.00)~~ (\$1,000.00) per violation per day.

c. Failure to comply with any of the standards of section 11-12 of this chapter shall be one ~~hundred~~ thousand dollars ~~(\$100.00)~~ (\$1,000.00) per violation per day.

d. Failure to obey a stop work order shall be one ~~hundred~~ thousand dollars ~~(\$100.00)~~ (\$1,000.00) per day.

e. Failure to stop work when permit is revoked shall be one ~~hundred~~ thousand dollars ~~(\$100.00)~~ (\$1,000.00) per day.

(2) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ~~three ten~~ thousand dollars ~~(\$3,000.00)~~ (\$10,000.00), ~~except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall result in civil penalties not to exceed a total of ten thousand dollars (\$10,000.00).~~

**Sec. 11-17. Inspections and certifications of land-disturbing activities.**

(a) Regular and thorough on-site inspections of land disturbing activities shall be conducted by the permit issuing agency. Essential elements of such inspections shall include:

- (1) Inspection during or immediately following initial installation of sediment controls; in particular, basins, traps, diversions and dikes. Upon installation of sediment controls, the permittee shall schedule an installation inspection with the permit-issuing agency. The permittee must obtain approval of the sediment controls from the permit-issuing agency before proceeding with further grading or site development.
  
- (2) Inspection prior to and immediately after seeding, particularly in the fall. If the development project is active, or is planned to remain active through the winter months, the permittee shall schedule a pre-winter stabilization meeting with the permit-issuing agency. The meeting will be held before October 1<sup>st</sup>. Disturbed areas that will be idle over the winter shall be stabilized prior to November 1<sup>st</sup>.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to adopt proposed Ordinance O07-67.

The Voting Board tally was:

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

Nay: (0)

Ordinance O07-67 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN SECTIONS 11-2 AND  
11-12 OF THE EROSION AND SEDIMENT CONTROL ORDINANCE  
REGARDING DEFINITIONS AND GENERAL STANDARDS

WHEREAS, local Erosion and Sediment Control Programs are authorized by the Code of Virginia to have more stringent regulations; and

WHEREAS, the Board desires to amend the Erosion and Sediment Control Ordinance to increase performance standards;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4th day of September, 2007, that the Stafford County Code Sections 11-2 and 11-12 of the Erosion and Sediment Control Ordinance be and they hereby are amended and reordained as follows:

**Sec 11-2. Definitions**

Flocculents (also known as polymers or polyacrylamide (PAM)) means natural materials or a class of chemicals that cause colloidal (clay) particles to coagulate and settle out in detained stormwater runoff.

Plan-approving authority means the County Department of ~~Code Administration~~ Planning and Zoning, which, as the designated agent for the Board of Supervisors, shall be responsible for determining the adequacy of the conservation plan submitted for land disturbing activities in accordance with this chapter.

Plan-review agency means the Department of ~~Code Administration~~ Planning and Zoning, which is responsible for evaluating the adequacy of a conservation plan submitted for land disturbing activities on a unit or units of land and which shall recommend approval or disapproval to the plan-approving authority.

**Sec. 11-12. General Standards.**

- (b) The following criteria shall apply to all applications for permits under this chapter. These criteria are in addition to those standards set forth in the handbook referred to in subsection (a) above:

(8) In addition to the standards and specifications in the Virginia Erosion and Sediment Control Handbook, the following standards shall be indicated on the plan, installed and maintained until permanent stabilization is achieved.

d. Soil stabilization blankets or matting, in accordance with the standards and specifications of the Virginia Erosion and Sediment Control Handbook, shall be installed to provide temporary or permanent stabilization on all slopes equal to or steeper than 3:1.

e. The Plan Approving Authority or Program Administrator may require the use of turbidity curtains on a site specific basis for development projects that drain to a lake or reservoir during plan review or inspection. If a turbidity curtain is required, it shall be installed in accordance with the standards and specifications of the Virginia Erosion and Sediment Control Handbook.

(9) The Program Administrator may require the use of flocculents to clarify runoff on a site specific basis to supplement the erosion and sediment controls on the approved erosion and sediment control plan. If required, the engineer or surveyor who prepared the erosion and sediment control plan shall provide specific guidance to facilitate the application of flocculents on the site.

Planning and Zoning; Amend Sections 28-35, Table of Uses and Standards; Table 3.1, District Uses and Standards; Section 28-38, Performance Regulations; Section 28-121, Purpose and Intent; Section 28-122, Certain Types Prohibited in All Districts; Section 28-123, Types Permitted in the A-1 District; and, Section 28-124, Types Permitted in A-2 and R-1 Districts; Section 28-125, Types Permitted in R-2, R-3 and R-4 Districts; Section 28-127, Types Permitted in RC, SC, B-3 and RBC District; and Section 28-135, Repair

and Removal of Signs; and Section 28-295, Zoning Administrator, of the Zoning Ordinance; and to Add Section 28-136, Severability Clause; and Section 28-137, Substitution Clause, of the Zoning Ordinance. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing on all the issues.

No one desired to speak.

The Chairman closed the public hearing on all issues.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O07-40.

The Voting Board tally was:

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

Nay: (0)

Ordinance O07-40 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY  
CODE BY AMENDING SECTION 28-38, PERFORMANCE REGULATIONS,  
OF THE ZONING ORDINANCE

WHEREAS, the Board may modify the floor area ratio requirements in any district for a hotel by review and approval of a Conditional Use Permit; and

WHEREAS, the Board desires to allow a modification of the floor area ratio in any district for any building or structure by review and approval of a Conditional Use Permit; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of September, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-38, Performance Regulations, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

**Sec. 28-38. Performance regulations**

(h) *Density requirements.* The allocated densities for each respective land use district shall not be exceeded. The maximum net density for all land use districts shall be calculated as follows:

Subtract the areas of all wetlands, floodplains and slopes greater than thirty-five (35) percent from the gross area of the site to obtain the net area. Multiply the net area of the site by the allocated density to obtain the maximum net density permitted for the site.

(i) *Exceptions to floor area ratio regulations.* The board of supervisors may modify the floor area ratio requirements in any district for a ~~hotel~~ building or structure by review and approval of a conditional use permit, pursuant to the provisions of section 28-185.

~~The allocated densities for each respective land use district shall not be exceeded. The maximum net density for all land use districts shall be calculated as follows:~~

~~Subtract the areas of all wetlands, floodplains and slopes greater than thirty-five (35) percent from the gross area of the site to obtain the net area. Multiply the net area of the site by the allocated density to obtain the maximum net density permitted for the site.~~

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Ordinance O07-41.

The Voting Board tally was:

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

Nay: (0)

Ordinance O07-41 reads as follows:

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

WHEREAS, industrial schools require the issuance of a Conditional Use Permit in the M-1 zoning district; and

WHEREAS, the Board desires to require the issuance of a Conditional Use Permit for an industrial school in the M-2 zoning district; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of September, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-35, Table of Uses and Standards; and, Table 3.1., District Uses and Standards, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

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

*Table 3.1., District Uses and Standards*

*M-2 Industrial, Heavy*

*(b) Conditional use permit:*

School, industrial

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O07-42.

The Voting Board tally was:

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

Nay: (0)

Ordinance O07-42 reads as follows:

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

WHEREAS, commercial apartments are permitted by-right in the B-1, Convenience Commercial; B-2, Urban Commercial; B-3, Office; SC, Suburban Commercial, PD-1, Planned Development-1; and, PD-2, Planned Development-2; and

WHEREAS, commercial apartments may cause an impact to county services by allowing residences in commercial areas previously not intended to contain residents; and

WHEREAS, the Board desires to require the issuance of a Conditional Use Permit for commercial apartments in the B-1, B-2, B-3, and SC zoning districts; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of September, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-35, Table of Uses and Standards; and, Table 3.1., District Uses and Standards, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

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

*Table 3.1., District Uses and Standards*

*B-1 Convenience Commercial*

*(a) Uses permitted by right:*

~~Commercial apartment.~~

*(b) Conditional use permit:*

Commercial apartment.

*B-2 Urban commercial*

*(a) Uses permitted by right:*

~~Commercial apartment.~~

*(b) Conditional use permit:*

Commercial apartment.

*B-3 Office.*

*(a) Uses permitted by right:*

~~Commercial apartment.~~

*(b) Conditional use permit:*

Commercial apartment.

*SC Suburban Commercial*

*(a) Uses permitted by right:*

~~Commercial apartment.~~

*(b) Conditional use permit:*

Commercial apartment.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Ordinance O07-43.

The Voting Board tally was:

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

Nay: (0)

Ordinance O07-43 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY  
CODE BY ADDING SECTION 28-295, ZONING ADMINISTRATOR,  
OF THE ZONING ORDINANCE

WHEREAS, Ordinance O06-49 repealed all of Section 28-295 including the power and duties of the Zoning Administrator as authorized by the Code of Virginia and as delegated by the Board; and

WHEREAS, the omission of the powers and duties of the Zoning Administrator was in error; and

WHEREAS, the Board desires to correct this omission; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of September , 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-295, Zoning Administrator, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

**Sec. 28-295. Zoning Administrator**

There shall be a zoning administrator who shall have the powers and duties granted to him by the Code of Virginia and such other powers and duties as may be delegated to him by the board of supervisors.

Mr. Gibbons motioned, seconded by Mr. Fields, to defer Proposed Ordinance O07-46 to a committee of Mr. Milde and Mr. Schwartz.

Discussion ensued.

The Voting Board tally was:

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

Mr. Gibbons motioned, seconded by Mr. Milde, to adopt proposed Ordinance O07-66.

The Voting Board tally was:

Yea: (4) Fields, Gibbons, Milde, Cavalier  
Nay: (3) Schwartz, Brito, Dudenhefer

Ordinance O07-66 reads as follows:

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

WHEREAS, public works, cemeteries, clubs, lodges, fraternal organizations, schools, and places of worship may require a Special Exception in order to reduce the

open space ratio requirements in the A-1, Agricultural, and A-2, Rural Residential zoning districts; and

WHEREAS, the Board recognizes the civic and community value of locating public works, cemeteries, clubs, lodges, fraternal organizations, schools, and places of worship near the communities they serve. With so many services requiring a special exception, the Board has concerns that such services may not locate or have the ability to expand to serve the communities; and

WHEREAS, with consideration for the amount of property required to accommodate the parking associated with the various uses listed; the Board desires an amendment to the Zoning Ordinance to encourage such uses to locate or expand in the A-1 and A-2 zoning district; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of September, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-35, Table of Uses and Standards; and Table 3.1., District Uses and Standards, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

*A-1 Agricultural*

*(d) Requirements:*

*(1) Intensity:*

Open space ratio for public works, cemetery, club, lodge, fraternal organization, schools, and places of worship .....0.50  
 Open space ratio, other uses..... 0.80 ratio

*A-2 Rural Residential*

*(d) Requirements:*

*(2) Intensity:*

Open space ratio for public works, cemetery, club, lodge, fraternal organization, schools, and places of worship .....0.50  
 Open space ratio, other uses..... 0.80 ratio

Planning; and Zoning; Amend Section 22-4, Definitions; and Section 22-5 Family and Minor Subdivisions, of the Subdivision Ordinance. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Ordinance O07-36.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Ordinance O07-36 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY  
CODE BY AMENDING SECTION 22-4, DEFINITIONS; AND  
SECTION 22-5, FAMILY AND MINOR SUBDIVISION, OF THE  
SUBDIVISION ORDINANCE

WHEREAS, Section 15.2-2244 of the Code of Virginia (1950), as amended, defines an immediate family member, for purposes of subdivision of property to a family member to include siblings, grandchildren and grandparents of the owner; and

WHEREAS, Section 15.2-2244.1 of the Code of Virginia (1950), as amended, authorizes an ordinance to require the owner of a property who intends to subdivide and convey a portion of their property to a member of his immediate family must have owned the property for fifteen (15) years prior to the subdivision and conveyance; and the member of the immediate family must place a restrictive covenant on the lot stating that any sale or conveyance of the property to a non-member of the immediate family for a period of fifteen (15) years is prohibited; and

WHEREAS, the Board desires to assure provisions for family subdivisions that do not allow the circumvention of the subdivision ordinance; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4<sup>th</sup> day of September, 2007, that the Stafford County Code be and

it hereby is amended and reordained by amending Section 22-4, Definitions; and Section 22-5, Family and Minor Subdivisions, of the Subdivision Ordinance as follows, with all other portions remaining unchanged:

#### **Sec. 22-4. Definitions**

*Family, immediate member:* Any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent or parent of the owner of a parcel ~~to be divided among family members.~~

#### **Sec. 22-5. Family and minor subdivisions.**

(a) *Family subdivisions.* A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to the express requirements contained in the Code of Virginia (1950), as amended, and the following provisions:

(1) The grantee is an immediate family member of the owner or owner(s), who is an immediate family member as defined in this chapter.

(2) The property has been owned for at least fifteen (15) consecutive years by the current owner or member of the immediate family prior to the transfer.

~~(2)~~(3) No previous transfer under this provision has been granted to the grantee in this county.

~~(3)~~(4) After the transfer of property to the grantee, the lot will not be voluntarily transferred to a nonimmediate nonmember of the immediate family member for at least five (5) fifteen (15) years from the date of transfer, except that a transfer of a shared interest may subsequently or simultaneously be made to the spouse of the grantee. This restriction shall be noted in the deed.

13) If the board finds that an extraordinary hardship is being caused by the ~~five~~ fifteen-year restriction, it shall reduce the time period to alleviate the hardship. This hardship provision shall be noted on the plat or in the deed.

BE IT FURTHER ORDAINED that this ordinance shall apply to any application for a family subdivision officially submitted to the County after thirty (30) calendar days from the date of the approval of this ordinance.

Finance; Authorize a Public Hearing to Consider Participation in the Fall 2007 Virginia Public School Authority Bond Sale for \$14,710,000 and Budget and Appropriate the Proceeds. Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-323.

Discussion ensued.

The Voting Board tally was:

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

Resolution R07-323 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO  
CONSIDER PARTICIPATION IN THE FALL 2007 VIRGINIA  
PUBLIC SCHOOL AUTHORITY BOND SALE AND TO BUDGET  
AND APPROPRIATE THE BOND PROCEEDS

WHEREAS, the Board has received a request from the Superintendent of the Stafford County Public Schools to contract a debt and issue General Obligation Bonds of the County in the maximum amount of \$14,710,000 in one or more series to finance certain capital improvements for public school purposes (the "Bonds") and to sell such bonds to the Virginia Public School Authority ("VPSA"); and

WHEREAS, the Board of Supervisors has determined that it may be necessary or desirable to advance money to pay the costs for such capital projects for public school purposes (the "Projects") and to reimburse such advances with proceeds of one or more financings.

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

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County or the School Board of the County of Stafford, Virginia, to pay the costs of acquiring, constructing, and equipping the Projects from the proceeds of the Bonds to be issued in the maximum amount of \$14,710,000.
2. The County Administrator is authorized to advertise a public hearing to be held on September 18, 2007 on the issuance of the Bonds and on budgeting an appropriating the proceeds.
3. This resolution shall take effect immediately upon its adoption.

Adjournment. At 8:30 P. M., the Chairman declared the meeting adjourned.

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Steve Crosby  
County Administrator

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Jack R. Cavalier  
Chairman