

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES
Regular Meeting
February 16, 2010

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 1:01 P. M., Tuesday, February 16, 2010, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Mark Dudenhefer, Chairman; Harry E. Crisp II, Gary F. Snellings, Susan B. Stimpson, and Robert “Bob” Woodson. Paul V. Milde III, Vice Chairman; arrived at 1:02 P.M. and Cord A. Sterling arrived at 1:22 P.M..

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

Work Session: Presentation by Glenn Trimmer on Landfill Civil War Park Site Mr. Glenn Trimmer gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Crisp to approve the study and requested that the County act as the applicant and continue to work the Fredericksburg/Stafford Civil War Sites (FSCWS).

The Voting Board tally was:

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

Utilities; Financial Update Anthony Romanello, County Administrator, introduced the item and turned the discussion over to Harry Critzer, Director of Utilities. Susan Fitzgibbon, Department of Utilities; and Karin DeMoors, Public Financial Management (PFM) also gave presentations and responded to Board members questions.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Woodson to adopted proposed Resolution R10-66.

Mr. Sterling made a friendly amendment to refer this item to the Utilities Commission for recommendations on rates and policies. The friendly amendment failed due to lack of a second.

Mr. Snellings requested that an organizational chart be provided to the Board and that the chart include current staffing as well as staffing for the past four years.

Mr. Woodson asked that the Board also be given for review an organizational chart of other, comparable sized localities.

Mr. Dudenhefer requested a change to verbiage in one paragraph referring to the Comprehensive Plan and asked for an analysis of commercial and residential rates to be brought back to the Board.

Mr. Crisp agreed to Mr. Sterling's friendly amendment.

The Voting Board tally on the original motion with changes to R10-66 was:

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

Resolution R10-66 reads as follows:

A RESOLUTION TO REFER THE ISSUE OF WATER AND SEWER RATES TO THE UTILITIES COMMISSION FOR A PUBLIC HEARING AND THE ISSUE OF MODIFICATIONS TO THE EXISTING FISCAL POLICY FOR THE DEPARTMENT OF UTILITIES FOR FURTHER EVALUATION AND RECOMMENDATION

WHEREAS, the Department of Utilities is faced with a number of financial challenges including the construction of a new dam, reservoir and water treatment facility as well as state-mandated upgrades to both wastewater treatment facilities; and

WHEREAS, the Department of Utilities has proposed changes to the water and sewer user fees as well as the water availability fee; and

WHEREAS, modifications to the existing Department of Utilities Fiscal Policy and current bond covenants have been proposed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February 2010, that the issue of proposed changes to the current water and sewer user fees and availability fees be and hereby are referred to the Utilities Commission for a public hearing on rates at its March 9, 2010 meeting and subsequent recommendation to the Board of Supervisors; and

BE IT FURTHER RESOLVED THAT the issue of modifications to the existing Department of Utilities Fiscal Policy be referred to the Utilities Commission for discussion and subsequent recommendations to the Board of Supervisors.

Recess At 3:42 P.M., the Chairman declared a recess.

Call to Order At 3:53 P.M., the Chairman called the meeting back to order.

Economic Development; Ten Point Economic Development Plan

Mr. Sterling motioned, seconded by Mr. Woodson, to refer the Plan back to staff with each Board member providing input, to determine who is responsible for each item on the Plan and to bring this item back in thirty days.

The Voting Board tally was:

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

Finance and Budget; Consider the Fiscal Year 2011-2016 Capital Improvements Program and Discuss Spring 2010 VPSA Request Ms. Nancy Collins, Budget Director, gave a presentation and answered Board members questions

Discussion ensued.

Mr. Woodson requested that the breakdown in debt service be provided annually, not just cumulative as was shown in Attachment #2. Ms. Collins will provide that information to the Board as requested.

Mr. Snellings asked Mr. Joe Howard, County Attorney, to clarify whether the CIP had to go through the Planning Commission for review. Mr. Howard responded that the CIP was included in the Comprehensive Plan and that the Comprehensive Plan had to go through the Planning Commission but the CIP (by itself) did not have to have the Planning Commission's review.

Mr. Sterling asked why Information Technology and Parks & Recreation were shown as Infrastructure and not listed under their own individual categories. Ms. Collins responded that they were covered by annual cash capital including scheduled maintenance, repair and replacement of the County's assets that do not meet the County's \$500,000 threshold so they are bundled together.

Ms. Stimpson questioned \$680,000 in software upgrades and the position of business analyst and suggested that perhaps the County would be better served if each department assumed that responsibility thus saving the County money.

Fire Chief, Rob Brown, responded to Board member questions about Fire Station #14.

Mr. Milde motioned, seconded by Mr. Crisp to direct staff to examine what items can be moved further into the future and to bring an update to the Board for consideration on March 16th. No vote was taken on this motion.

Discussion ensued.

Mr. Dudenhefer made a substitute motion, seconded by Ms. Stimpson, to defer the item to allow committees time to meet and review the possibility of moving items out of 2011 and to provide recommendations to the Board at its next work session on March 16th.

The Voting Board tally on the substitute motion was:

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

Nay: (1) Milde

Mr. Scott Horan, Stafford County Schools Chief Facilities Officer, gave a presentation on VPSA and answered Board members questions.

Discussion ensued.

Mr. Snellings motioned, seconded by Mr. Sterling to adopt proposed Resolution R10-72.

The Voting Board tally was:

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

Nay: (0)

Resolution R10-72 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO
CONSIDER PARTICIPATION IN THE SPRING 2010 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 \$6,185,000 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 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 County Administrator is authorized to advertise a public hearing to on the issuance of the Bonds and on budgeting and appropriating the proceeds.
2. 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 \$6,185,000.

3. This resolution shall take effect immediately upon its adoption.

Commissioner of the Revenue; Reassessment Update Mr. Scott Mayausky, Commissioner of the Revenue, gave a presentation and responded to Board members questions.

Mr. Woodson stated that if the assessed value of a home declined, he felt that should be reflected in a lower tax rate. He also noted that in his opinion, the Board was quick to lower commercial/business taxes but not homeowners rates.

In response to Mr. Mayausky's statement that there was a \$4 Billion drop in assessed real estate value, Mr. Woodson asked if that would cause a direct impact on County services. Mr. Romanello said that there was no direct correlation. Mr. Woodson stated that every little bit helps and cited removing the BPOL tax as an example.

Mr. Milde asked what the increase would be in commercial taxes using the modified equalized rate. Mr. Mayausky stated that he would get that information to the Board.

Mr. Sterling asked about agricultural and if land value wasn't a key component. Mr. Mayausky said that large acreage does not have much of an impact. Mr. Mayausky said that notices will be mailed out on February 24th and asked staff and Board members to direct queries to the Commissioner of the Revenue's office.

Legislative; Closed Meeting At 4:32 p.m., Mr. Sterling motioned, seconded by Mr. Milde to adopt proposed Resolution CM10-05.

The Voting Board tally was:

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

Nay: (0)

Resolution CM10-05 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice regarding pending litigation in *R Income Properties, LLC, et al. v. Board of Supervisors, et al.* and *Airport Business Group, et al. v. Stafford Board of Supervisors, et al.*; and regarding the proposed rezoning of R Income and Airport Business Group property on Wyche Road; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 16th day of February, 2010, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order At 5:10 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Mr. Crisp to adopt proposed Resolution CM10-05a.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Milde

Resolution CM10-05a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON FEBRUARY 16, 2010

WHEREAS, the Board has, on this the 16th day of February, 2010 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 16th day of February, 2010, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Recess At 5:12 P.M., the Chairman declared a recess until 7:00 P.M.

Call to Order At 7:00 P.M., the Chairman called the meeting back to order.

Invocation Ms. Stimpson gave the Invocation.

Pledge of Allegiance Boy Scout Troop 516 led in the Pledge of Allegiance to the Flag of the United States of America.

Presentation of a Proclamation to Recognize and Commend the Dedicated Local Team Members of Virginia Task Force 1 Who Responded in the Aftermath of the Haiti Earthquake Mr. Dudenhefer presented the proclamation.

Presentation of a Proclamation to Ruth Carlone for Her Service on the Planning Commission Mr. Woodson presented the proclamation.

Presentation of a Proclamation to Archer DiPeppe for His Service on the Planning Commission Mr. Crisp presented the proclamation.

Presentation of a Proclamation to Sandra Kelish, Recipient of the Presidential Award for Excellence in Mathematics and Science Teaching Mr. Dudenhefer and Mr. Snellings presented the proclamation.

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

Ruth Carlone	-	FRED stop on Route 17
Laura Dean	-	Sandra Kelish
Jacob Dean	-	Sandra Kelish
Steven Dean	-	Sandra Kelish
Marvin Wagner	-	England Run Library
Jackie Richards	-	Library System
Lisa Heinrichs	-	Snow responses
Paul Waldowski	-	Snow/ Stormwater Ponds/Dumpsters

Planning and Zoning; Reclassify from R-1, Suburban Residential, to B-2, Urban Commercial Zoning District on Assessor's Parcels 20-84 and 20-85, Located at 17 and 23

Onville Road Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Jo Knight

Heather Stefl

Paul Waldowski

The Chairman closed the public hearing.

Mr. Woodson motioned, seconded by Mr. Sterling to defer this item to the March 16th meeting.

The Voting Board tally was:

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

Nay: (0)

Planning and Zoning; Consider a Conditional Use Permit at 21 Baron Park Road Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Noah Alvarez, Applicant

Paul Waldowski

Sabrina Alvarez

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Milde to adopt proposed Resolution R10-16.

The Voting Board tally was:

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

Nay: (0)

Resolution R10-16 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2900235 FOR A PLACE OF WORSHIP IN AN M-1, LIGHT INDUSTRIAL, ZONING DISTRICT, ON ASSESSOR'S PARCEL 54-49H WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Noah Alvarez, applicant, has submitted application CUP2900235 requesting a Conditional Use Permit to allow a place of worship in an M-1, Light Industrial, Zoning District, on the above described property; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-35, Table 3.1, which permits this use in an M-1, Light Industrial, 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 16th day of February, 2010, that a Conditional Use Permit pursuant to application CUP2900235 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow for a place of worship on Assessor's Parcel 54-49H.
2. Daycare shall be associated with regular worship services.
3. Any proposed outdoor play areas shall be enclosed by a six (6) foot tall fence.
4. There shall be no outdoor play activities from dusk to dawn.
5. The proposed building shall be in conformance with the illustration entitled Garden of Delight, Assessor's Parcel 54-49H and dated October 30, 2009.
6. There shall be no carnival style flags, banners, lights, balloons or windsocks used on site.
7. All building entrances and exits shall be properly illuminated in accordance with the Crime Prevention Through Environmental Design (CPTED) principles.
8. Ten (10) percent of the required parking spaces shall consist of porous pavement (permeable pavers) in the location shown on the Generalized Development Plan entitled "Garden of Delight Church Baron Industrial Park Remainder of Parcel C, Lot 2", dated August 17, 2009, as revised through November 17, 2009.
9. No parking shall be permitted along on-site drive aisles or Baron Park Road.
10. All lighting fixtures associated with the parking area shall not exceed twenty (20) feet in height and shall be directed downward and away from adjacent properties and Baron Park Road.
11. Twenty-five (25) percent of the required plant units in any transitional buffers shall consist of evergreens. The landscaping shall be indigenous and drought-resistant plant material as may be approved at site plan.

12. Provide an automatic sprinkler system throughout the building in accordance with the current edition of NFPA 13.
13. Provide an automated external defibrillator (AED) for public access in accordance with American Heart Association guidelines and as approved by the fire official if the building will have a total occupant load greater than 300.
14. If building permits are not obtained within five (5) years from the date of approval, this Conditional Use Permit shall expire.
15. This Conditional Use Permit may be revoked or conditions amended by the Board of Supervisors for violation of these conditions or any applicable county, federal or state codes.

Additions/Deletions to the Regular Agenda

Mr. Milde motioned, seconded by Mr. Crisp, to delete Item 15a – Approve a Proclamation to Commemorate Posthumously Mr. Billy Gallahan.

The Voting Board tally was:

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

Nay: (0)

Legislative; Consent Agenda

Mr. Sterling motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 8 thru 20, removing Items 13, 14, 16, 17 and 20.

The Voting Board tally was:

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

Nay: (0)

Item 8. Finance and Budget; Approve Expenditure Listing

Resolution R10-56 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED FEBRUARY 2, 2010 THROUGH FEBRUARY 15, 2010

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February 2010 that the above-mentioned EL be and hereby is approved.

Item 9. Public Works; Request Reimbursement from the Potomac and Rappahannock Transportation Commission for Transportation Expenditures for the Fourth Quarter of FY2009 and the First and Second Quarters of FY2010

Resolution R10-43 reads as follows:

A RESOLUTION TO REQUEST REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION FOR TRANSPORTATION EXPENDITURES FOR THE FOURTH QUARTER OF FISCAL YEAR 2009

WHEREAS, the County budgeted funds in the FY2009 Transportation Fund for various programs, including professional services, transportation services, street signs, the airport authority, road improvements, street repair, and social services; and

WHEREAS, the County expended the following amounts for transportation projects and services during FY2009, April through June 30, 2009; and

<u>Item</u>	<u>Amount</u>
Professional Services - Transportation Impact Fee Analysis	\$ 6,686
Transportation Services - FREDericksburg Regional Transit	119,414
Street Signs Program	11,693
Public Street Repair	33,635
Stafford Regional Airport Authority	28,572
Transportation of Social Services Clients	<u>20,880</u>
Total Reimbursement Request	\$220,880

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February 2010, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Two Hundred Twenty Thousand Eight Hundred Eighty Dollars (\$220,880) from the fuels tax fund.

Resolution R10-44 reads as follows:

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

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

WHEREAS, the County expended the following amounts for transportation projects and services during FY2010, July through September 30, 2009; and

<u>Item</u>	<u>Amount</u>
Legal Fees - Stafford Regional Airport Authority	\$ 4,400
Transportation Services - FREDericksburg Regional Transit	119,414
Street Signs Program	3,998
Stafford Regional Airport Authority	62,059
Road Improvements	11,374
Rural Addition Program	<u>1,057</u>
Total Reimbursement Request	\$202,302

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February 2010, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Two Hundred Two Thousand Three Hundred Two Dollars (\$202,302) from the fuels tax fund.

Resolution R10-45 reads as follows:

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

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

WHEREAS, the County expended the following amounts for transportation projects and services during FY2010, October through December 31, 2009; and

<u>Item</u>	<u>Amount</u>
Professional Services - Traffic Impact Fee Analysis	\$ 2,850
Transportation Services - FREDericksburg Regional Transit	119,414
Street Signs Program	5,889
Stafford Regional Airport Authority	62,059
Road Improvements	3,739
Transportation of Social Services Clients	<u>11,342</u>
Total Reimbursement Request	\$205,293

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February 2010, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Two Hundred Five Thousand Two Hundred Ninety-three Dollars (\$205,293) from the fuels tax fund.

Item 10. Utilities; Award Contract for Construction Services for Rocky Pen Run Reservoir

Resolution R10-51 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH PARSONS TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE ROCKY PEN RUN RESERVOIR PROJECT

WHEREAS, the Board authorized a contract for the construction of the foundation preparation of the Rocky Pen Run Reservoir Dam; and

WHEREAS, additional elements of the overall Rocky Pen Run Reservoir Project will occur in succession; and

WHEREAS, Parsons, the firm selected to perform construction administration services, field support and quality control services for the Utilities Department's Capital Improvement Plan, has proposed these services for the amount of \$1,144,032; and

WHEREAS, staff has reviewed these proposals and determined that they are reasonable for the scope of services proposed; and

WHEREAS, sufficient funds are budgeted in the project account for these services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February, 2010, that the County Administrator be and he hereby is authorized to execute a contract with Parsons in an amount not to exceed One Million One Hundred Forty-four Thousand Thirty-two Dollars (\$1,144,032) for construction administration services related to the Rocky Pen Run Reservoir Project.

Item 11. Public Works; Consider Installation of a Multi-Way-Stop at the Intersection of Sarasota Drive and Cheshire Drive in Park Ridge Subdivision

Resolution R10-57 reads as follows:

A RESOLUTION TO INSTALL A MULTI-WAY-STOP AT THE INTERSECTION OF SARASOTA DRIVE (SR-1688) AND CHESHIRE DRIVE (SR-1699) IN THE MANORS OF PARK RIDGE SUBDIVISION

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

WHEREAS, the Manors of Park Ridge Homeowner's Association has requested the installation of additional stop signs at the intersection of Sarasota Drive and Cheshire Drive; and

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

WHEREAS, upon review of the intersection, the Virginia Department of Transportation (VDOT) approved the proposed location for installation of a Multi-Way-Stop;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February 2010, that the Board be and it hereby does approve the installation of a Multi-Way-Stop condition along Sarasota Drive (SR-1688) at the intersection of Cheshire Drive (SR-1699) in The Manors of Park Ridge Subdivision; and

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

Item 12. Sheriff; Authorize a Public Hearing to Amend and Reordain Stafford County Code, Chapter 15, by Adding Article VII Entitled “Towing Motor Vehicles / Trespassing on Private Property”

Resolution R10-58 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE CHAPTER 15, ARTICLE VII, ENTITLED “TOWING OF TRESPASSING MOTOR VEHICLES FROM PRIVATE PROPERTY”

WHEREAS, the Board desires to consider amending the Stafford County Code to regulate the towing of trespassing motor vehicles from private property; and

WHEREAS, a public hearing was held on January 19, 2010; and

WHEREAS, the Board referred the matter back to the Towing Advisory Board for further consideration of the procedures for the removal of trespassing vehicles and determination of fees for vehicles with a gross weight of 26,001 pounds or more; and

WHEREAS, the Board desires to consider additional public comments due to the substantial changes made to the previously proposed ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February, 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing to allow for presentation and public comment for the purpose of amending Stafford County Code, Chapter 15.

Item 15. Public Information; Approve Proclamations to:

Proclamation P10-07 reads as follows:

**A PROCLAMATION TO RECOGNIZE AND COMMEND THE DEDICATED
LOCAL TEAM MEMBERS OF VIRGINIA TASK FORCE 1 WHO
RESPONDED IN THE AFTERMATH OF THE HAITI EARTHQUAKE**

WHEREAS, Stafford Fire and Rescue Lt. Mark Stone and Stafford residents Don Booth, Dave Conrad, Mark Plunkett, Scott Smith and Eric Wyatt are all members of Virginia Task Force 1, Fairfax County's renowned Urban Search and Rescue team; and

WHEREAS, Virginia Task Force 1 responded almost immediately, under the auspices of the United States Agency for International Development, to offer aid to the citizens of Haiti following the devastating earthquake on January 12, 2010 during which thousands of men, women and children were injured or killed; and

WHEREAS, Lt. Stone, Federal Emergency Management Logistician Don Booth, and Fairfax County Fire and Rescue personnel Captain II Scott Smith, Technician Eric Wyatt, Lt. Mark Plunkett and Captain I Dave Conrad spent 15 days in Haiti performing search and rescue missions and offering humanitarian relief; and

WHEREAS, Virginia Task Force 1 provided large tents and cots to a heavily damaged orphanage and local hospitals, and shored up damaged ceilings and walls in medical facilities from which they retrieved hospital beds, medical equipment and cribs; and

WHEREAS, Virginia Task Force 1 made the first live rescue by a team from the United States, and provided critical expertise and technical skills during rescues, lasting from several hours to as long as 22 hours, of an additional 16 people who survived among the rubble; and

WHEREAS, the Board desires to bring to the attention of the citizens of Stafford County the commitment and bravery of these expert search and rescue personnel, who train constantly and remain on alert to offer assistance to victims of disaster around the world at a moment's notice;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 16th day of February, 2010, that the dedicated local team members of Virginia Task Force 1 be and they hereby are commended for offering aid in the aftermath of the Haitian earthquake on January 12, 2010.

Proclamation P10-08 reads as follows:

**A PROCLAMATION TO COMMEMORATE POSTHUMOUSLY
GERALD R. CROSBY FOR HIS SERVICE ON THE LAW ENFORCEMENT
TOWING BOARD AND PRIVATE TRESPASS TOWING BOARD**

WHEREAS, Gerald R. Crosby was an outstanding member of the Fairfax County Police Department until his retirement in 1990 when he moved to Stafford County; and

WHEREAS, as a former law enforcement officer, Gerald Crosby determined that the best way in which to serve his new community was to volunteer his time and expertise to make Stafford County an outstanding place to live and raise a family; and

WHEREAS, Gerald Crosby was appointed to the Law Enforcement Towing Board and Private Trespass Towing Board in 1997, and served as Chair of the Board shortly after his appointment until his death on January 8, 2010; and

WHEREAS, Gerald Crosby was also an active and valued member of the Fire and EMS Commission from 1999 until 2001; and

WHEREAS, Gerald Crosby is survived by his beloved wife, Glenda Faye Crosby, a large and devoted family including his son, Ronald S. Crosby; daughters Linda A. Williams and Hope A. Sloan; stepsons Sam Walker, Ken Walker and David Walker; 12 grandchildren; three step-grandchildren; and six great-grandchildren; and

WHEREAS, the Board desires to bring to the attention of its citizens, the dedication and generosity with which Gerald Crosby worked on behalf of the residents of Stafford County, the many friendships he held so dear, and the extent to which his colleagues valued his expertise and support;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 16th day of February, 2010, that Gerald R. Crosby be and he hereby is commemorated posthumously for his service on the Law Enforcement Towing Board and Private Trespass Towing Board.

Item 18. Public Works; Recommend List of Road Design Projects for Consideration for Funding by the Fredericksburg Area Metropolitan Planning Organization (FAMPO)

Resolution R10-64 reads as follows:

A RESOLUTION TO RECOMMEND TRANSPORTATION PROJECTS
FOR DESIGN FUNDING TO THE FREDERICKSBURG AREA
METROPOLITAN PLANNING ORGANIZATION

WHEREAS, the Fredericksburg Area Metropolitan Planning Organization (FAMPO) has received \$250,000 in Regional Surface Transportation Program (RSTP) funds for the design of critical transportation projects in the FAMPO district; and

WHEREAS, staff has evaluated Stafford County transportation needs and determined that certain projects are excellent candidates for design with these funds; and

WHEREAS, the Board desires that the list of projects below be forwarded to FAMPO for consideration for design funding with RSTP funds (in priority order);

1. U. S. Route 1 at Potomac Creek Drive - Turn Lane Improvements
2. U. S. Route 1 at American Legion Road/Eskimo Hill Road - Turn Lane Improvements
3. U. S. Route 1 at Garrisonville Road - Turn Lane Improvements

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February, 2010, that it be and hereby does recommend

to FAMPO that the above projects be considered for funding for design using RSTP funds; and

BE IT FURTHER RESOLVED that the County Administrator forward a copy of this resolution to FAMPO.

Item 19. County Attorney; Ratify and Terminate the Declaration of a Local Emergency in the County for the Major Winter Storm

Resolution R10-62 reads as follows:

A RESOLUTION TO RATIFY THE DECLARATION OF A LOCAL EMERGENCY IN STAFFORD COUNTY

WHEREAS, due to the forecasted Major Winter Storm which was predicted to accumulate up to 24 inches of snow and high winds in Stafford County; and

WHEREAS, such snowfall and high winds creates a high potential for power outages, hazardous road conditions and blocked road and other dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened by the predicted storm; and

WHEREAS, the County Administrator declared a local emergency on Thursday, February 4, 2010 at 12:00 p.m.; and

WHEREAS, this Declaration is subject to confirmation by the governing body;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February, 2010, that a local emergency did commence on February 4, 2010 throughout the County of Stafford; and

BE IT FURTHER RESOLVED that during the existence of this emergency, the powers, functions and duties of the County Administrator as the Director of Emergency Services of the County of Stafford shall be those prescribed by Section 44-146.21 of the Code of Virginia (1950), as amended, and the ordinances, resolutions, and approved plans of the County of Stafford in order to mitigate the effects of said emergency.

Resolution R10-63 reads follows:

A RESOLUTION TO TERMINATE THE DECLARED LOCAL EMERGENCY FOR A MAJOR WINTER STORM

WHEREAS, on February 4, 2010, the County Administrator declared a local emergency due to a major winter storm; and

WHEREAS, at this time it is the desire of the Board to terminate the emergency declaration so that the County can return to normal operational procedures;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 16th day of February, 2010, that the declared local emergency caused by the major winter storm be and hereby is terminated as of February 16, 2010; and

BE IT FURTHER RESOLVED that the County will continue to provide mitigation and recovery efforts as the need arises.

County Attorney; Appointment of Second Citizen to Law Enforcement Tow Board and Private Trespass Tow Board Due to Vacancy

Mr. Milde requested that staff check on the vacancy status. He felt there may be two vacancies and had a citizen who expressed an interest.

Mr. Milde motioned, seconded by Ms. Stimpson to approve the appointment of Denise Dailey.

The Voting Board tally was:

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

Nay: (0)

County Attorney; Refer County Code Amendment, Section 28-273, “Nonconforming Structures” to the Planning Commission

After requesting that future background reports contain more information, Mr. Milde motioned, seconded by Ms. Stimpson to adopt proposed Resolution R10-20.

The Voting Board tally was:

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

Nay: (0)

Resolution R10-20 reads as follows:

A RESOLUTION TO REFER A COUNTY CODE AMENDMENT TO THE PLANNING COMMISSION REGARDING SECTION 28-273, ENTITLED “NONCONFORMING STRUCTURES”

WHEREAS, the County Attorney’s Office has done a comprehensive review of Stafford County Code, Section 28-273; and

WHEREAS, the Virginia Code was amended, changing the enabling legislation that authorized the adoption of Section 28-273; and

WHEREAS, the Board desires to amend and reenact Stafford County Code, Section 28-273, entitled “Nonconforming Structures”, to reflect the correct enabling legislation for the adoption of Section 28-273; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February, 2010, that the Planning Commission be and it hereby is requested to consider an amendment to Stafford County Code, Section 28-273, entitled “Nonconforming structures”, by proposed Ordinance 010-04.

Legislative: Support Requests for Federal Funding for County Priorities Through the Federal Appropriations Process

Mr. Sterling requested the addition of Telegraph Road and Route 1 (Defense Access Road).

Mr. Sterling motioned, seconded by Mr. Woodson to adopt proposed Resolution R10-60.

The Voting Board tally was:

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

Nay: (0)

Resolution R10-60 reads as follows:

A RESOLUTION TO SUPPORT REQUESTS FOR FEDERAL FUNDING OF COUNTY PRIORITIES

WHEREAS, the Chairman and Vice-Chairman of the Board will travel to Washington, D.C., as the official representatives for Stafford County, to meet with U.S. Senator Webb, U.S. Senator Warner and U.S. Congressman Wittman; and

WHEREAS, the purpose of this annual legislative trip to Capitol Hill will be to discuss federal funding for County priorities through federal appropriations and other funding vehicles; and

WHEREAS, specifically, the priorities include federal funding requests for transportation, public safety communication, and commuter parking;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February 2010, that it be and hereby does endorse efforts to secure federal funding for the aforementioned priorities; and

BE IT FURTHER RESOLVED that copies of this resolution be provided to the members of Stafford's congressional delegation so that they may be apprised of the sense of the Board on this matter.

Public Works; Award Contract for Furniture for the England Run Library

Mr. Keith Dayton answered Board members questions.

Mr. Snellings motioned, seconded by Mr. Sterling to adopt proposed Resolution R10-61.

The Voting Board tally was:

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

Nay: (1) Milde

Resolution R10-61 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO AWARD A CONTRACT FOR FURNITURE FOR THE ENGLAND
RUN LIBRARY

WHEREAS, the County desires to purchase furniture for the England Run Library; and

WHEREAS, Haworth Furniture Company will provide the systems and freestanding furniture necessary for the library for the amount of \$188,255, using an active contract with U. S. Communities; and

WHEREAS, these funds have been budgeted and appropriated in the England Run Library budget for furniture;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of February, 2010, that the County Administrator be and he hereby is authorized to execute a contract with Haworth Furniture Company c/o Price Modern, LLC. in an amount not to exceed One Hundred Eighty-eight Thousand Two Hundred Fifty-five Dollars (\$188,255) for the free standing and systems furniture for the England Run Library.

Legislative; Express Support for Extending State Recognition to the Patowomeck Indian Tribe of Virginia

Mr. Milde motioned, seconded by Mr. Crisp, to adopt proposed Resolution R10-68.

The Voting Board tally was:

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

Nay: (0)

Resolution R10-68 reads as follows:

A RESOLUTION TO EXPRESS SUPPORT FOR EXTENDING STATE
RECOGNITION TO THE PATAWOMECK INDIAN TRIBE OF VIRGINIA

Whereas, Speaker William J. Howell has introduced House Joint Resolution 150 (HJ 150) in the 2010 Virginia General Assembly to extend state recognition to the Patawomeck Indian Tribe of Virginia; and

WHEREAS, HJ 150 notes that the Patawomeck, or Patawomeke, tribe, also referred to as the Potomac tribe, was situated in and around Pasapatanzy and Indian Point in what is now Stafford County, and occupied a prominent place in the documented history of the first half-century of European contact with the Native Virginians; and

WHEREAS, in official records, references to the tribe cease after the mid-1600's, for it was at that time the hostilities between the colonial government and the tribe resulted in the death of most men of the tribe, while its women and children were either taken in by settler families, went into hiding, or were enslaved; and

WHEREAS, long-standing oral history, as well as family, church, land, and other records, maintain that several families native to the Patawomeck ancestral area trace their lineage to the tribe; and

WHEREAS, there are other persuasive indications of the continuous existence of the Patawomeck in Stafford, such as ongoing social and economic relationships, as well as intermarriage with recognized tribes such as the Pamunkey; and

WHEREAS, Dr. Frank G. Speck, one of the most noted early twentieth century scholars of Virginia's Indians, accepted the Indian ancestry of the "Potomac band" and, while stating there was not clear proof at the time of his study to establish their descent from the Patawomeck, expressed his opinion that the "considerable folklore and some ethnological survivals may be expected to reward the labor of the patient investigator"; and

WHEREAS, Dr. W.L. Deyo took up that challenge, subsequently spending 30 years documenting that the Patawomeck tribe survivors remained in Stafford and tracing the ancestry of several families in the area back to the original Patawomeck; and

WHEREAS, the documentation amassed by Dr. Deyo, past president of the Virginia Genealogical Society, and other scholars is sufficient to establish the claims of the Patawomeck tribal descendents; and

WHEREAS, HJ 150 has been approved by the Virginia House of Delegates and the Virginia Senate;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 16th day of February that it does hereby express its support for House Joint Resolution 150 introduced in the 2010 Virginia General Assembly which extends state recognition to the Patawomeck Indian Tribe of Virginia; and

BE IT FURTHER RESOLVED that a copy of this resolution be communicated to the members of the General assembly representing Stafford County so they may be apprised of the sense of the Board on this matter.

Finance and Budget Appropriate the Balance of the FY2010 General Fund County Agencies Budget

Mr. Dudenhefer requested that the Board vote on each of the five items independently.

(Item #1) Mr. Milde motioned, seconded by Mr. Dudenhefer to appropriate \$19,014 to the Board of Supervisors.

The Voting Board tally was:

Yea: (4) Milde, Dudenhefer, Snellings, Woodson

Nay: (2) Sterling, Stimpson

Absent: (1) Crisp

(Item #2) Mr. Dudenhefer motioned, seconded by Ms. Stimpson to not appropriate funds from the County Attorney's budget. County Attorney, Joe Howard, responded to Board members questions.

The Voting Board tally was:

Yea: (4) Dudenhefer, Sterling, Stimpson, Woodson

Nay: (3) Crisp, Milde, Snellings

(Item #3) Mr. Sterling motioned, seconded by Ms. Stimpson to not appropriate funds from the Department of Economic Development and Legislative Affairs. Deputy County Administrator, Tim Baroody, responded to Board members questions.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer to appropriate \$70,379.

The Voting Board tally on the substitute motion was:

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

Nay: (3) Sterling, Stimpson, Woodson

(Item #4) Mr. Dudenhefer motioned, seconded by Mr. Sterling to not appropriate funds from the Office of Internal Audit due to the lack of personnel in this office.

The Voting Board tally was:

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

(Item #5) Ms. Stimpson motioned, seconded by Mr. Sterling to not appropriate \$27,040 from the Registrar's office. Registrar, Ms. Sharon Persinger, and Mr. Tibor Baksy, Electoral Board Chair, responded to Board members questions.

Mr. Crisp made a substitute motion, seconded by Mr. Woodson to appropriate \$27,040 from the Registrar's office.

The Voting Board tally was:

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

Recess At 9:31 P.M., the Chairman declared a recess.

Call to Order At 9:42 P.M., the Chairman called the meeting back to order.

Planning and Zoning; Reclassify from A-1, Agricultural, and B-3, Urban Commercial, Zoning District on Assessor's Parcels 38-76A, 38-76B (Portion), 38-76C, 38-76E, 38-76F, 38-76G, 38-77 (Portion) and 38-80, Located at the South End of Wyche Road

Ms. Stimpson motioned, seconded by Mr. Sterling to defer this item for 30 days.

Mr. Woodson stated that he was opposed to a deferral of this item.

Mr. Milde made a substitute motion to deny the A-1 reclassification and approve the B-3. The motion failed due to a lack of a second.

The Voting Board tally on the original motion was:

Yea: (5) Stimpson, Sterling, Crisp, Dudenhefer, Snellings,
Nay: (2) Milde, Woodson

Planning and Zoning; Cluster Subdivisions in Agricultural Zoning Districts

Mr. Crisp motioned to defer this item. Hearing no objections, the Board deferred this item until after the Comprehensive Plan has been approved.

Legislative; Bylaws Committee Update This item was deferred to the March 2nd meeting.

Discuss Application / Fee Schedule for the Board of Zoning Appeals (BZA)

Mr. Snellings commented that a citizen had complained about the high cost of appeals in the County. Mr. Jeff Harvey, Director of Planning and Zoning explained the charges. Mr. Dudenhefer suggested a sliding scale. Mr. Snellings asked the County Attorney to research if the County could refund appeal fees. This item will come back to the Board in 30 days.

Discuss Responsibilities Delegated to the Board of Zoning Appeals (BZA) by the Board of Supervisors

This item was referred to staff to put responsibilities in order of magnitude and to be brought back to the Board in 30 days.

Discuss Transfer of Development Rights Update

Mr. Milde commented that he would like a presentation by Ted McCormick in the future and would like for the Planning Commission to be invited to Mr. McCormick's presentation.

Adjournment At 10:07 P. M. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Mark Dudenhefer
Chairman