

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

March 2, 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, March 2, 2010, in the Board Chambers, Stafford County Administration Center.

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

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

Legislative; Presentations by the Public No persons desired to speak.

Legislative; Report of the Superintendent of Schools Dr. David Sawyer gave a presentation and responded to Board members questions.

Mr. Milde asked if pay increases were being withheld. Dr. Sawyer responded that they were temporarily and that new positions were not being added.

Ms. Stimpson inquired why the Schools Division spent County money first, before spending Stimulus money and carry forward funds.

Mr. Woodson asked for clarification on Title 1 and if the County was eligible. Dr. Sawyer responded that it was for economically challenged students and further stated that it was based on programs that offered reduced lunches, etc. Stafford County was one of two counties in the Commonwealth that did not meet the threshold for receiving funds.

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

- Mr. Snellings - Requested staff investigate the Imminent Domain public hearing by the Airport Authority regarding properties near the airport and if the County anticipates any other properties being affected. He asked that responses be in writing.
- Mr. Sterling - Deferred
- Ms. Stimpson - Deferred
- Mr. Woodson - Spoke on the death of Elnora Poindexter
- Attended a DSS meeting
- Mr. Crisp - Attended Civil War 150th anniversary committee
- Eagle Scout ceremony w/ Ms. Stimpson
- Mr. Milde - Attended a PRTC meeting
- Attended a Joint Schools meeting
- Jail Tour
- CCC staff meeting
- R-Board meeting
- VRE meeting
- Rescue 1 banquet
- Attended BRAC conference in Albuquerque, NM

Mr. Dudenhefer - Commented on hard-working County staff during the snow storm and VDOT's response during extraordinary circumstances.

Legislative Report of the County Attorney Mr. Joe Howard, County Attorney, revised the Closed Meeting Agenda by adding a personnel matter. He also updated the Board on the Supreme Court hearing arguments regarding the Route 17 and Route 610 Service Districts, informing the Board that the final ruling is expected within 60 days.

Legislative Report of the County Administrator Mr. Anthony J. Romanello, County Administrator, added Item 21 – Appoint a Member to the Historical Commission. Mr. Dudenhefer requested an addition to the agenda for a presentation by Scott Mayausky, Commissioner of the Revenue, regarding CY2010 assessments.

Legislative; Additions and Deletions to the Regular Agenda Mr. Woodson motioned, seconded by Ms. Stimpson, to accept the additions to the Regular Agenda, as well as the addition to the Closed Meeting agenda.

The Voting Board tally on the motion was:

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

Nay: (0)

Presentation of the FY2011 Proposed Budget Mr. Anthony Romanello, County Administrator gave a presentation and answered Board members questions.

Mr. Dudenhefer requested a breakdown of open positions so the Board could see exactly what openings existed in each department.

Mr. Milde requested a “modified” Stafford Value Index showing what the County is actually spending per capita including debt service.

Mr. Snellings requested that a work session be scheduled to discuss the County’s bond rating.

Mr. Sterling asked why there was still a subsidy listed for the airport. Mr. Romanello said he would look at that item again and get a better number for the Board to consider. Mr. Sterling asked to also include historical numbers for that as well as the VRE.

Mr. Dudenhefer asked that Board members give “hard dates” to Mr. Romanello for their availability to attend budget work sessions.

Recess At 2:46 P.M., the Chairman declared a recess.

Call to Order At 3:01 P.M., the Chairman called the meeting back to order.

Legislative; Consent Agenda Mr. Woodson motioned, seconded by Mr. Sterling, to approve the Consent Agenda consisting of Items 2 through 6, omitting Items 3 and 6.

The Voting Board tally was:

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

Nay: (0)

Item 2. Legislative; Approve Minutes of February 2 and February 16, 2010 Board Meetings

Item 4. Planning and Zoning; Consider a Paving Waiver for Stafford Crossing Community Church

Resolution R10-65 reads as follows:

A RESOLUTION TO APPROVE A WAIVER OF THE ZONING ORDINANCE REQUIREMENT FOR PAVED PARKING AREAS AND TRAVELWAYS PURSUANT TO STAFFORD COUNTY CODE, SECTION 28-256(C)(5) FOR ASSESSOR’S PARCEL 46-

21, 46-24, 46-25, 46-26, 46-27, and 46-29A, FALMOUTH
ELECTION DISTRICT

WHEREAS, Stafford Crossing Community Church, applicant, plans to construct a new facility on the east side of Forbes Street at the intersection with Layhill Road; and

WHEREAS, Stafford Crossing Community Church has requested a waiver of the Zoning Ordinance requirements for paving the parking area and travelways; and

WHEREAS, Stafford County Code, Section 28-256(C)(5) permits a waiver of part or all of the paving requirements for churches, clubs, fraternal organizations, and other similar uses and minor development where a change of use is proposed, provided these areas are surfaced with crushed stone in an amount sufficient to prevent soil erosion, abate dust, and provide an adequate driving surface; and

WHEREAS, the Board has determined that a waiver of the requirement for paving of the parking area and travel way is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of March, 2010, that a waiver of the requirements for paving the parking area and travel way for Stafford Crossing Community Church be and it hereby is approved.

Item 5. Legislative; Support a Planned Expansion Project at Germanna Community College

Resolution R10-74 reads as follows:

A RESOLUTION TO SUPPORT A PLANNED EXPANSION PROJECT
AT GERMANNA COMMUNITY COLLEGE

WHEREAS, Germanna Community College is the fastest growing community college in the Commonwealth for the past two years; and

WHEREAS, Germanna offers programs and services to meet the ever-changing workforce development needs of the business community, including customized training to Stafford County's existing businesses; and

WHEREAS, Germanna is over capacity with enrollment growth, increasing 10% a year at the Spotsylvania County Campus, with 24% of all Spotsylvania County Campus students coming from Stafford County; and

WHEREAS, Germanna Community College is planning to construct a new building of approximately 50,000 square feet, with a building investment of \$28.4 million

at the Spotsylvania County Campus, that will include engineering, biology, chemistry and physics labs, as well as classrooms, office space and a learning resource center; and

WHEREAS, Stafford County has been requested to partner with Germanna Community College lending support to Germanna’s efforts to secure the bond package for the building;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of March, 2010, that it be and hereby does extend support to Germanna Community College in its pursuit to secure the bond funding for the new engineering, biology, chemistry and physics labs building at the Spotsylvania Campus.

Finance and Budget; Approve Expenditure Listing

Mr. Milde motioned, seconded by Mr. Crisp to adopt proposed Resolution R10-73.

The Voting Board tally was:

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

Resolution R10-73 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED FEBRUARY 16, 2010 THROUGH MARCH 1, 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 2nd day of March 2010 that the above-mentioned EL be and hereby is approved.

Public Works; Approve FY11 Congestion Management / Air Quality (CMAQ) Improvement Program Projects and Approve FY2011 Regional Surface Transportation Program (RSTP) Projects

Mr. Woodson motioned, seconded by Mr Sterling, to adopt proposed Resolution R10-80 with a change from Brooke Station to Staffordboro due to the lack of spaces and towing problems.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Ms. Stimpson, to defer this item to the March 16th and allow for time to see what is necessary to fulfill requirements to add Staffordboro to the list.

The Voting Board tally on the substitute motion was:

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

Planning and Zoning; Designate Holder of Easement for Preservation/Conservation of Civil War Features at Stafford Crossing Community Church

Ms. Stimpson motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R10-75.

The Voting Board tally was:

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

Resolution R10-75 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO DESIGNATE STAFFORD CROSSING COMMUNITY CHURCH AN EASEMENT HOLDER FOR THE PRESERVATION AND CONSERVATION OF CIVIL WAR FEATURES ON ASSESSOR'S PARCEL 46-27, FALMOUTH ELECTION DISTRICT

WHEREAS, Stafford Crossing Community Church, applicant, plans to construct a new facility on the east side of Forbes Street at the intersection with Layhill Road; and

WHEREAS, Stafford Crossing Community Church must comply with proffers dated October 20, 2009, which specifies that a preservation/conservation easement holder be designated to maintain Civil War features on the property; and

WHEREAS, the proffers also specify that the recipient easement holder be agreeable to the County; and

WHEREAS, Stafford Crossing Community Church is requesting that the church be designated as the easement holder; and

WHEREAS, the Board has determined that the church is an appropriate entity to be designated as the easement holder;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of March, 2010, that the County Administrator be and he hereby is authorized to designate Stafford Crossing Community Church as the holder of easements for the purpose of preservation and conservation of Civil War features on Assessor's Parcel 46-27; and

BE IT FURTHER RESOLVED that Stafford Crossing Community Church shall submit a copy of the deed of easement to the County Administrator for review and comment prior to recordation of said easement.

Public Works; Transportation Impact Fees Mr. Michael Neuhard, Deputy County Administrator and Ms. Julie Herlands of TischlerBise, gave a presentation and answered Board members questions.

Discussion ensued.

Hearing no objections from the Board, Mr. Dudenhefer deferred this item to a May, 2010 Board meeting.

Public Works; Reconsideration of the Recommended List of Road Design Projects for Consideration for Funding by the Fredericksburg Area Metropolitan Planning Organization

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

The Voting Board tally was:

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

Nay: (0)

Mr. Sterling motioned, seconded by Mr. Woodson, to request FAMPO to include Staffordboro onto their list.

The Voting Board tally was:

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

Nay: (0)

County Attorney; Refer Code Amendments to the Planning Commission Regarding Stafford County Code, Section 22-4, Entitled “Definitions” and Section 22-5, Entitled “Family and Minor Subdivisions”

Mr. Dudenhefer motioned, seconded by Mr. Woodson, to adopt proposed Resolution R10-77 and change wording to eliminate direction and request recommendations.

Discussion ensued.

Mr. Dudenhefer withdrew his motion.

Mr. Snellings motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R10-77.

The Voting Board tally was:

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

Nay: (0)

Resolution R10-77 reads as follows:

A RESOLUTION TO REFER CODE AMENDMENTS TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTION 22-4, “DEFINITIONS,” AND SECTION 22-5, “FAMILY AND MINOR SUBDIVISIONS”

WHEREAS, the Virginia Code was amended, changing the definition of “immediate family,” requiring the amendment of the definition of “immediate family member” in Stafford County Code, Section 22-4; and

WHEREAS, the Board desires to consider amending and reenacting Stafford County Code, Section 22-5, entitled “Family and Minor Subdivisions,” to change the length of time that a parcel must be owned before it can be transferred as part of a family subdivision; 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 2nd day of March, 2010, that the Planning Commission be and it hereby is requested to consider amendments to Stafford County Code, Section 22-4, entitled “Definitions” and Section 22-5, entitled “Family and Minor Subdivisions” by proposed Ordinance 010-17.

Bylaws Committee Update This item was deferred to the March 16th meeting.

Legislative; House Bill 1071 – Urban Development Areas Mr. David Gayle, Assistant Director of Legislative Affairs, gave a presentation and answered Board members questions.

Discuss Redevelopment Plan

Mr. Snellings motioned, seconded by Mr. Dudenhefer, to refer the Plan including the Southern Gateway and Falmouth to the Planning Commission.

The Voting Board tally was:

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

Discuss Managed Attrition Ms. Stimpson motioned, seconded by Mr. Sterling, to institute a hiring freeze, with the exception of public safety positions, and further stated that any position that needs to be filled should come before the Board for approval.

Discussion ensued.

Mr. Milde made a friendly amendment, seconded by Mr. Crisp, to allow exceptions if the Chairman and County Administrator agree that a vacated position must be filled. This does not include the part-time/seasonal positions and other positions that are already being recruited.

Discussion ensued.

Mr. Woodson said that he would be voting against this motion because he feels that Mr. Romanello and staff have been doing a good job and he did not feel the need to oversee hiring decisions.

The Voting Board tally was:

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

Nay: (1) Woodson

Discuss/Clarify Guidance to the Utilities Commission Ms. Stimpson motioned to request that the Utilities Commission work with staff on an approach with a zero rate increase option for FY11 and to come up with a funding structure. Mr. Dudenhefer seconded this motion for discussion.

Discussion ensued. Mr. Woodson asked for clarification as to which problem Ms. Stimpson was trying to address. Additional discussion ensued.

Mr. Sterling made a substitute motion, seconded by Mr. Crisp, asking the Utilities Commission and Utilities staff to recommend a budget/rate recommendation that meets fiscal requirements, infrastructure requirements, and service requirements but does not raise the rates (as originally proposed) and seeks to obtain a non-increase of rates if fiscally prudent.

The Voting Board tally was:

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

Nay: (0)

Presentation by the Commissioner of the Revenue on County Assessments Mr. Scott Mayausky, the Commissioner of the Revenue, gave a presentation and answered Board members questions.

Mr. Snellings inquired as to the tax rate that would be necessary to ensure that every taxpayer would see a tax cut. Mr. Mayausky replied that it would be 77 cents and added that doing this would cause the County to lose more than 30% of its revenue.

Mr. Woodson asked what the average tax cut is for residents. Mr. Mayausky did not have that information and said that he would forward that to the Board at a later date.

Legislative; Appoint Member to the Historical Commission Mr. Woodson motioned, seconded by Mr. Sterling, to appoint Ms. Barbara Kirby to the Historical Commission.

The Voting Board tally was:

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

Nay: (0)

At 6:07 p.m., the Board adjourned until 7:00 p.m.

Call to Order At 7:01 P. M. the Chairman called the meeting back to order

Invocation Mr. Woodson gave the Invocation.

Pledge of Allegiance Mr. Woodson led in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Presentations by the Public-II The following persons spoke on items as indicated:

Dana Brown	-	Modified Equalized Tax Rate
Paul Waldowski	-	Dumpsters / Stormwater Management
Terri Welborn	-	Budget
Tom Coen	-	Student Government Day
Bill Hoyt	-	SPCA / Bridge / CUP
Jeannette Doolittle	-	Library
Vince Ellis	-	Tea Party

Planning and Zoning; Amendment to the Zoning Ordinance Regarding Section 28-25, Definitions of Specific Terms; and Section 28-35, Table of Uses and Standards, Table 3.1, District Uses (Former Hartwood Airport) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Dudenhefer, Board of Supervisors Chair and Mr. Gordon Howard, Planning Commission Chair, opened the joint public hearing.

The following persons desired to speak:

Kristin Maxson

The Chairman's closed the public hearing.

Ms. Hazard motioned, seconded by Mr. Rhodes, to adopt proposed Ordinance O10-12.

The Voting Board tally was:

Yea: (6) Hazard, Rhodes, Hiron, Howard, Kirkman, Mitchell

Nay: (0)
Absent: (1) Fields

Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Ordinance O10-12.

The Voting Board tally was:

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

Ordinance O10-12 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; AND SECTION 28-35, TABLE OF USES AND STANDARDS; TABLE 3.1, DISTRICT USES AND STANDARDS, OF THE ZONING ORDINANCE

WHEREAS, test lane facility is not listed as a conditional use in the A-1, Agricultural Zoning District; and

WHEREAS, the Zoning Ordinance does not permit a test lane facility as a conditional use in the A-1, Agricultural Zoning District; and

WHEREAS, the Board believes that the Zoning Ordinance should be amended to include a test lane facility as a conditional use in the A-1, Agricultural Zoning District and include a definition for test lane facility; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of March, 2010, that Stafford County Code be and it hereby is amended and reordained by amending Section 28-25, Definitions; and Section 28-35, Table of uses and standards; Table 3.1, District uses and standards, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

Sec. 28-25. Definitions of specific terms.

Test lane facility – A road track facility for the testing of current and developing technologies that are utilized in the automated processes at land border ports. Technologies may include, but are not limited to, license plate readers, radio frequency identification, radiation portal monitors (passive), microchip readers and similar equipment.

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

Table 3.1. District Uses and Standards

A-1 Agricultural.

(b) *Conditional use permit:*

Test lane facility.

BE IT FURTHER ORDAINED that this ordinance shall become effective on March 2, 2010.

Planning and Zoning; Consider a Conditional Use Permit at 40 Dophie Road (Former Hartwood Airport) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Dudenhefer, Board of Supervisors Chair and Mr. Gordon Howard, Planning Commission Chair, opened the joint public hearing.

The following persons desired to speak:

Chris Stevens - Applicant

Kristin Maxson

The Chairman's closed the public hearing

Ms. Hazard motioned, seconded by Mr. Rhodes, to adopt proposed Resolution R10-46.

The Voting Board tally was:

Yea: (6) Hazard, Rhodes, Hirons, Howard, Kirkman, Mitchell

Nay: (0)

Absent: (1) Fields

Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Resolution R10-46.

The Voting Board tally was:

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

Nay: (0)

Resolution R10-46 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2900339 TO ALLOW A TEST LANE FACILITY IN AN A-1 AGRICULTURAL ZONING DISTRICT ON ASSESSOR'S PARCEL 16-20 (PORTION), HARTWOOD ELECTION DISTRICT AND PORTIONS OF FAUQUIER COUNTY PIN'S 7836-61-5517 AND 7836-60-6238

WHEREAS, UNISYS Corporation, applicant, has submitted application CUP2900339 requesting a Conditional Use Permit to allow a test lane facility in an A-1, Agricultural, 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 of the Zoning Ordinance, which permits this use in a A-1, Agricultural, 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 the request meets the standards for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of March, 2010, that a Conditional Use Permit Pursuant to application CUP2900339 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is for the operation of a test lane facility related to the enhancement of land border ports of entry. Testing is specifically limited to high speed (not to exceed 65 mph) and low speed vehicle testing on the former airport runways; testing is approved for license plate readers, radiation portal monitors (passive), microchip readers and similar testing equipment.
2. Daytime operations shall be limited to 8:00 a.m. to 4:00 p.m. with a frequency of no more than ten (10) days per month. Nighttime operations shall be limited to 4:00 p.m. to 10:00 p.m. with a frequency of no more than four (4) days per quarter.

3. Upon written request by the operator, the Zoning Administrator may allow testing on up to three (3) additional days per month and three (3) additional nights per quarter. Operations are prohibited on Saturday and Sunday.
4. The applicant shall maintain a log on-site to record the days and hours that testing occurs. This log shall be made available to the Zoning Administrator upon request.
5. Weapon firing and testing is prohibited.
6. Explosives or detonation of such materials on the site is prohibited.
7. The site shall not be utilized for defensive or evasive driver training.
8. Existing vegetation within storm drainage easements and adjacent to residential uses shall be maintained.
9. Storage of gasoline shall be prohibited on the site.
10. Storage of equipment shall be limited to within the existing buildings or fenced area of the site. Office operations shall be limited to within the existing buildings on the site.
11. The maximum number of personnel at the facility shall not exceed twenty (20) daily; excluding the security personnel.
12. Security personnel may be permitted on site at all times. Living accommodations are permitted for on-site security personnel.
13. Once the testing facility is no longer in use, written notice shall be sent to the County Administrator specifying discontinuance of use of the facility. Within 12 months of cessation of use of the testing facility, the equipment (overhead gantry and canopies) shall be removed by the facility operator. Prior to zoning permit approval, the facility operator shall enter into a performance agreement with Stafford County for removal of the facility.
14. Prior to zoning permit approval, the applicant shall submit and obtain approval of an engineer's cost estimate, post a Letter of Credit or other security acceptable to Stafford County for one hundred ten (110) percent of the cost of removal of the test lane facility structures.
15. The Conditional Use Permit shall expire 6 months following the cessation of the use.

16. The Conditional Use Permit shall be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

Planning and Zoning; Amend and Reordain Stafford County Code, Section 28-341, Entitled “Composition, Appointment and Terms of Members” to the Board of Zoning Appeals Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Dudenhefer, Board of Supervisors Chair and Mr. Gordon Howard, Planning Commission Chair, opened the joint public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman’s closed the public hearing

Mr. Mitchell motioned, seconded by Mr. Hirons, to adopt proposed Ordinance O10-11.

Mr. Howard made a friendly amendment to stagger the terms and Mr. Mitchell accepted.

The Voting Board tally was:

Yea: (5) Mitchell, Hirons, Hazard, Rhodes, Howard,

Nay: (1) Kirkman

Absent: (1) Fields

Mr. Dudenhefer motioned, seconded by Mr. Milde, to adopt proposed Ordinance O10-11.

The Voting Board tally was:

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

Nay: (2) Crisp, Woodson

Ordinance O10-11 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-341, “COMPOSITION, APPOINTMENT AND TERMS OF MEMBERS”

WHEREAS, the Board of Zoning Appeals consists of seven (7) members appointed by the Stafford Circuit Court pursuant to Stafford County Code, Section 28-341; and

WHEREAS, the Board desires to have the Stafford Circuit Court appoint not more than three (3) alternates to the Board of Zoning Appeals so that an alternate member may serve in an absent or abstaining member's place and the records shall so note; and

WHEREAS, the Board desires to amend and reenact Stafford County Code, Section 28-341, entitled "Composition, Appointment and Terms of Members" to reflect proposed changes based on the Planning Commission's recommendations; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of March, 2010, that Stafford County Code, Section 28-341, be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-341. Composition, appointment and terms of members.

The board of zoning appeals heretofore established shall continue as the board of zoning appeals under the provisions of this chapter. Said board shall consist of seven (7) members who shall be appointed by the circuit court of the county.

The term of office of members of the board of zoning appeals shall be five (5) years. Appointments for vacancies occurring other than by expiration of terms shall be for the unexpired term.

At the request of the Board of Supervisors, the circuit court of the county may appoint up to three (3) alternates to the board of zoning appeals. The qualifications, terms, and compensation of alternate members shall be the same as those of regular members. When a regular member knows he will be absent from a meeting or will have to abstain from any application at a meeting, he or she shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman of the board of zoning appeals shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

At 8:10 p.m., Mr. Howard, Planning Commission Chairman, adjourned the Planning Commission's portion of the meeting

Legislative; Closed Meeting. At 8:16 p.m., Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution CM10-06.

The Voting Board tally was:

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

Nay: (0)

Resolution CM10-06 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 the Aquia Wastewater Treatment Plant Department of Environmental Equality (DEQ) Issues; and two (2) Personnel matters; 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 County Board of Supervisors on this the 2nd day of March, 2010, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM10-06a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM10-06a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MARCH 2, 2010

WHEREAS, the Board has, on this the 2nd day of March, 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 2nd day of March, 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.

At 9:04 p.m., the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Mark Dudenhefer
Chairman