

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting
February 19, 2008

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:05 P. M., Tuesday, February 19, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Robert “Bob” Woodson; M. S. “Joe” Brito, Vice Chairman; Harry E. Crisp; Mark Dudenhefer; Paul V. Milde, III; George H. Schwartz, Chairman and Cord A. Sterling.

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

Legislative; Joint Work Session with the Planning Commission on Transportation. Mr. Peter J. Fields, Chairman of the Planning Commission, called the Roll; the following members were present: Cecelia Kirkman, Ruth Carlone, and Archer DiPeppe.

The following presentations were made:

- Transportation in Stafford County - Fulton deLamorton.

- Transportation Legislation – Jeff Harvey, Director of Planning and Zoning and David Gayle, Assistant Director of Economic Development and Legislative Affairs.
- Fredericksburg Area Metropolitan Planning Organization (FAMPO) – Lloyd Robinson, FAMPO Administrator.
- FREDericksburg Regional Transit (FRED) – Kathy Beck, Director of Public Transit.
- Virginia Railway Express (VRE) – Dale Zehner, Chief Executive Officer.

Discussions ensued.

Recess. At 3:20 P. M. the Chairman declared a recess.

Call to Order. At 3:33 P. M. the Chairman called the meeting back to order.

Legislative; Presentation by the Auditor on the FY2007 Audit. Bill Oliver and Greg Bussing, Clifton Gunderson, LLP, gave a presentation on the FY2007 Audit.

Legislative; FY2008 and FY2009 Budget Update.

Ms. Nancy Collins, Acting Budget Director, gave a presentation and responded to Board members questions.

Discussion ensued.

Legislative; Additions to the Regular Agenda. Mr. Dudenhefer motioned, seconded by Mr. Sterling, to add the following item to the Regular Agenda:

Proposed Resolution R08-152 – A Resolution to Support Federal Funding Requests for County Priorities

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson
Nay: (0)

Legislative; Deletions to the Regular Agenda. Mr. Schwartz motioned, seconded by Mr. Milde, to delete the following from the Regular Agenda:

Item #19 - Planning and Zoning and Utilities; Amend the Subdivision Ordinance and the County Code to Establish Regulations pertaining to On-Site Sewage Disposal Systems

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito
Nay: (0)

Legislative; Consent Agenda. Mr. Milde motioned, seconded by Mr. Woodson, to adopt the Consent Agenda, consisting of Items 4 thru 13, omitting Items 7, 9c,d,e and 11.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp
Nay: (0)

Item 4. Legislative; Approve Minutes of Board Meeting. Regular Meeting of January 15, 2008.

On motion of Mr. Milde, seconded by Mr. Woodson, which carried by a vote of 7 to 0, the following was adopted:

Item 5. Finance; Approve Expenditure Listing

Resolution R08-113 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED FEBRUARY 5, 2008 THROUGH FEBRUARY 18, 2008

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 19th day of February 2008, that the above-mentioned EL be and it hereby is approved.

Item 6. Utilities; Award Contract for Purchase of Ferric Sulfate for the Smith Lake Water Treatment Facility

Resolution R08-104 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR THE PURCHASE OF FERRIC SULFATE

WHEREAS, the Department of Utilities needs to purchase Ferric Sulfate for use at the Smith Lake Water Treatment Facility (WTF); and

WHEREAS, funds are available in the FY2008 Smith Lake WTF Operating Budget for this purpose; and

WHEREAS, the County has solicited and received bids for Ferric Sulfate; and

WHEREAS, the lowest bid was received from General Chemical Performance Products, LLC;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February 2008, that the County Administrator be and he hereby is authorized to execute a contract with General Chemical Performance Products, LLC with an estimated 12-month expenditure not to exceed Two Hundred Sixty-eight Thousand Two Hundred Dollars (\$268,200) for the purchase of Ferric Sulfate for use at the Smith Lake Water Treatment Facility, subject to appropriation of funds in FY2009 for this purpose.

Item 8. Budget; Budget and Appropriate Asset Forfeiture Fund Balance

Resolution R08-114 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE ASSET FORFEITURE
FUND BALANCE

WHEREAS, the Sheriff's Office has requested that Asset Forfeiture Fund Balance be budgeted and appropriated; and

WHEREAS, funds in the amount of \$100,000 are available;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the County Administrator be and he hereby is authorized to budget and appropriate One Hundred Thousand Dollars (\$100,000) from the Asset Forfeiture Fund Balance.

Item 9. Administration; Authorize Public Hearings.

9a. Amend the County Code Regarding Driving Under the Influence.

Resolution R08-84 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-146, ENTITLED “ADOPTION OF STATE LAW AS TO DRIVING UNDER THE INFLUENCE”

WHEREAS, the General Assembly, in its 2005 Session, repealed Section 1-13.39:2 of the Virginia State Code and recodified it as Section 1-220; and

WHEREAS, the Board desires to amend and reenact County Code Section 15-146, entitled “Adoption of State law as to driving under the influence”, to reflect this change; and

WHEREAS, the Board desires to renumber this section due to a procedural revision with Municipal Code; and

WHEREAS, the Board desires to consider public comments concerning the proposed changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of amending and renumbering Stafford County Code, Section 15-146, entitled “Adoption of State law as to driving under the influence”.

Item 9b; Reimburse Expense Incurred in Responding to Driving Under the Influence Incidents and Other Traffic Incidents.

Resolution R08-91 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDING AND REORDAINING STAFFORD COUNTY CODE SECTION 15-137 ENTITLED “REIMBURSEMENT OF DUI AND OTHER TRAFFIC INCIDENTS’ EXPENSES INCURRED”

WHEREAS, the Board desires to amend the Stafford County Code by adding Section 15-137 entitled “Reimbursement of DUI and Other Traffic Incidents’ Expenses Incurred” in order to recover the costs of responding to DUI incidents and other traffic incidents; and

WHEREAS, pursuant to State Code Section 15.2-1716, any locality may provide by ordinance that a person convicted of violating certain provisions set out in the ordinance shall be liable for restitution at the time of sentencing or in a separate civil action to the locality or to any responding volunteer fire or rescue squad, or both, for reasonable expenses incurred by the locality for responding law enforcement, firefighting, rescue and emergency services, including by the sheriff's office of such locality, or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation; and

WHEREAS, a public hearing is required;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of amending the Stafford County Code by adding Section 15-137.

Item 9f. Eliminate the Land Use Revalidation Fee.

Resolution R08-117 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE
ELIMINATION OF THE REVALIDATION FEE

WHEREAS, the County Land Use Program requires an applicant to pay a revalidation fee of \$10 every six years; and

WHEREAS, the Commissioner of the Revenue's office is in the process of automating the Land Use Program and has contracted to develop a new tax relief, land use, and billing system; and

WHEREAS, the cost to administer and develop software to track and bill the revalidation fee outweighs the financial benefit of the revenue collected; and

WHEREAS, the elimination of the revalidation fee will aid in the Commissioner's ongoing efforts to streamline procedures and improve office efficiency; and

WHEREAS, the Board desires to consider public comments concerning the proposed elimination of the revalidation fee;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the County Administrator be and he hereby is authorized to advertise for public hearing to allow for presentation and public comment for the purpose of considering the elimination of the revalidation fee.

Item 10. Public Services; Authorize an Architectural and Engineering Contract for Courthouse Basement Renovations

Resolution R08-132 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT WITH HVC-CHENAULT ARCHITECTS
FOR RENOVATIONS OF THE COURTHOUSE BASEMENT

WHEREAS, the County desires to renovate the basement of the courthouse; and

WHEREAS, competitive proposals were solicited for architectural and engineering services for the renovations; and

WHEREAS, from the results of the meeting, two firms were invited to give presentations based upon their proposals; and

WHEREAS, HVC-Chenault Architects submitted the most responsive proposal in the amount of \$193,626; and

WHEREAS, this project is included in the approved Capital Improvements Program (CIP) and funds are available;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the County Administrator be and he hereby is authorized to execute a contract with HVC-Chenault Architects in an amount not to exceed One Hundred Ninety-three Thousand Six Hundred Twenty-six Dollars (\$193,626).

Item 12. Planning and Zoning; Amend the Economic Development Plan Element of the Comprehensive Plan

Resolution R08-08 reads as follows:

A RESOLUTION TO AMEND THE ECONOMIC DEVELOPMENT
PLAN ELEMENT OF THE COMPREHENSIVE PLAN

WHEREAS, the Economic Development Plan was adopted in 1994; and

WHEREAS, the Board desires that the plan be updated pursuant to the provisions of Section 15.2-2230 of the Code of Virginia (1950), as amended, to address future economic development needs in the County; and

WHEREAS, Basile Baumann Prost & Associates have prepared a draft update to the Economic Development Plan, dated December 2006; and

WHEREAS, the Economic Development Authority has recommended adoption of the updated Plan; and

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

WHEREAS, the Board has determined that the requested Comprehensive Plan amendment is compatible with the current and future land uses and will guide and accomplish a coordinated development pattern that promotes health, safety, and welfare of the residents of the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008 that the Economic Development Plan prepared by Hammer, Siler, George Associates dated 1994 be and it hereby is repealed; and

BE IT FURTHER RESOLVED that the Economic Development Plan, prepared by Basile Baumann Prost & Associates, dated December 2006 be and it hereby is adopted as an element of the Comprehensive Plan.

Item 13. Legislative; Amend a Memorandum of Agreement between Leeland Station LLC and the Board of Supervisors

Resolution R08-136 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN AMENDMENT TO A MEMORANDUM OF AGREEMENT
BETWEEN LEELAND STATION LLC AND THE BOARD

WHEREAS, in January of 2006, the County executed an agreement with Leeland Station, LLC to use a parcel adjoining the Leeland Virginia Railway Express (VRE) parking lot for additional parking for train riders; and

WHEREAS, the agreement was for 23 months and provided 150 spaces on a gravel parking lot with the only cost the County incurred for the lot was the installation of temporary lighting; and

WHEREAS, Leeland Station LLC has agreed to renew the agreement for six months ending June 18, 2008 with the potential for extension beyond that date; and

WHEREAS, the Board desires to amend the Memorandum of Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February 2008 that the County Administrator be and he hereby is authorized to execute an amendment to a Memorandum of Agreement between Leeland Station LLC and the Board; and

BE IT FURTHER RESOLVED that there is no fee for the use of the lot, but the County agrees to handle any snow removal and trim weeds in the lot.

Legislative; Adopt a Residential Traffic Management Plan for Stafford County.

Resolution R08-90 reads as follows:

A RESOLUTION TO ADOPT A RESIDENTIAL TRAFFIC MANAGEMENT
PLAN FOR STAFFORD COUNTY

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

WHEREAS, the Stafford County Office of Transportation developed a Residential Traffic Management Plan, based on existing Virginia Department of Transportation policies; and

WHEREAS, upon review, the Virginia Department of Transportation approves the proposed Residential Traffic Management Plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the Board be and it hereby does adopt a Residential Traffic Management Plan and that the County Administrator be and he hereby is authorized to implement it.

Utilities; Waive Mandatory Water and Sewer Connections for the Accakeek Hunt Club and the Potomac Pointe Vineyard and Winery Site Plans. Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-120.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Resolution R08-120 reads as follows:

A RESOLUTION TO WAIVE THE MANDATORY SEWER REQUIREMENT
FOR THE POTOMAC POINTE WINERY

WHEREAS, Section 25-71 of the County Code requires that subdivisions inside the Urban Service Area utilize the public water and sewer systems; and

WHEREAS, the Potomac Pointe Winery is inside the Urban Service Area; and

WHEREAS, Section 25-71 of the County Code provides a waiver process for applications submitted on or prior to May 3, 2007; and

WHEREAS, the president of the Potomac Pointe Winery submitted her application on May 3, 2007 and has requested a waiver from the mandatory water and sewer requirements; and

WHEREAS, the Potomac Pointe Winery meets the guidelines for a waiver from the mandatory sewer requirement contained in Section 25-71 of the County Code;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the requirement to utilize the sewer system for the Potomac Pointe Winery be and it hereby is waived.

Mr. Milde motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-118.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde
Nay: (0)

Resolution R08-118 reads as follows:

A RESOLUTION TO WAIVE THE MANDATORY SEWER REQUIREMENT
FOR THE ACCAKEEK HUNT CLUB AND TO DENY A REQUEST FOR
WAIVER OF MANDATORY WATER REQUIREMENTS

WHEREAS, Section 25-71 of the County Code requires that minor subdivision plans inside the Urban Service Area utilize the public water and sewer systems; and

WHEREAS, the Accakeek Hunt Club is inside the Urban Service Area; and

WHEREAS, Section 25-71 of the County Code provides a waiver process for applications submitted on or prior to May 3, 2007; and

WHEREAS, the club president of the Accakeek Hunt Club submitted their application on May 3, 2007 and the club president has requested a waiver from the mandatory water and sewer requirements; and

WHEREAS, the Accakeek Hunt Club meets the guidelines for a waiver from the mandatory sewer requirement contained in Section 25-71 of the County Code;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the requirement to utilize the sewer system for the Accakeek Hunt Club be and it hereby is waived;

BE IT FURTHER RESOLVED that the applicant's request to waive the requirements to utilize the public water system for the Accakeek Hunt Club be and it hereby is denied.

Administration; Authorize a Public Hearing Regarding Sale of School Bonds to the VPSA. Mr. Brito commented.

Mr. Dudenhefer motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-128 with a Board committee for further review of the projects prior to the public hearing.

Hearing no objections from the Board, the Chairman appointed Mr. Crisp and Mr. Woodson to serve on the committee.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Resolution R08-128 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER PARTICIPATION IN THE SPRING 2008 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 \$12,335,000 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 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 \$12,335,000.
2. The County Administrator is authorized to advertise a public hearing to be held on March 18, 2008 on the issuance of the Bonds and on budgeting an appropriating the proceeds.
3. This resolution shall take effect immediately upon its adoption.

Administration; Authorize a Public Hearing to Amend Section 2-22 of the County Code Regarding Certification of Planning Commissioners. Mr. Woodson commented.

Mr. Woodson motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-131 with changes to proposed Ordinance O08-23.

Discussion ensued.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Milde, to adopt proposed Resolution R08-131..

The Voting Board tally on the substitute motion was:

Yea: (3) Dudenhefer, Milde, Sterling
Nay: (4) Brito, Crisp, Schwartz, Woodson

The Voting Board tally on the original motion was:

Yea: (4) Woodson, Brito, Crisp, Schwartz
Nay: (3) Dudenhefer, Milde, Sterling

Resolution R08-131 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO
AMEND AND REORDAIN CHAPTER 2, ARTICLE II, DIVISION
2, SECTION 2-22 OF THE STAFFORD COUNTY CODE
REGARDING CERTIFICATION OF PLANNING COMMISSION
MEMBERS

WHEREAS, the Board desires to amend Section 2-22 of the Stafford County Code entitled “Functions, powers and duties”; and

WHEREAS, the Board finds that public necessity, convenience, general welfare or good planning and zoning practice requires Planning Commissioners to be certified in a planning and land use program once they are appointed in order for the commissioners to fully understand and execute the functions, powers and duties prescribed by law; and

WHEREAS, the current County Code does not require that Planning Commissioners be certified; and

WHEREAS, the Board desires to consider public comment concerning the proposed changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008 that the County Administrator be and he hereby is authorized to advertise for a public hearing for the purpose of amending Chapter 2, Article II, Division 2, Section 2-22 of the Stafford County Code.

Administration; Authorize a Public Hearing to Amend Section G(2)(A) and an Addition to Section L of the Sheriff's Office Towing Policy. Mr. Milde commented.

Sheriff Charles Jett commented further.

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-96 with changes to the proposed resolution.

The Voting Board tally was:

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

Nay: (3) Schwartz, Sterling, Brito

Resolution R08-96 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO AMEND SECTION G(2)(A)
AND AN ADDITION TO SECTION L OF THE STAFFORD COUNTY
SHERIFF'S OFFICE TOWING POLICY

WHEREAS, Section 46.2-1217 of the Code of Virginia (1950), as amended, authorizes the Board to regulate law enforcement requested towing; and

WHEREAS, on June 20, 1995, by Resolution R95-328, the Board adopted the Sheriff's Office Towing Policy (Towing Policy); and

WHEREAS, on April 2, 2002, by Resolution R02-177, the Board adopted changes to Towing Policy Section G(2)(A) regarding equipment for heavy-duty towers; and

WHEREAS, the Advisory Board on Towing has recommended that further changes be made to the Towing Policy to increase the number of heavy-duty wreckers available to respond to a call made to towers on the Heavy-Duty Wrecker List as stated in the Towing Policy; and

WHEREAS, the Advisory Board on Towing desires further changes made to the Towing Policy to require heavy duty wreckers to own or lease two heavy duty wreckers; and

WHEREAS, the Advisory Board on Towing has recommended that changes be made to Towing Policy Section L regarding capping the zones; and

WHEREAS, the Board desires to amend the Towing Policy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the County Administrator be and he hereby is authorized to advertise a public hearing on amendments to the Towing Policy.

Public Information; Consider Authorizing the Televising of Board of Zoning Appeals Meetings. Mr. Milde commented.

Mr. Woodson motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-133.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, to deny proposed Resolution R08-133.

Discussion further ensued.

The Voting Board tally on the substitute motion was:

Yea: (3) Milde, Sterling, Dudenhefer
Nay: (4) Schwartz, Woodson, Brito, Crisp

The Voting Board tally on the original motion was:

Yea: (4) Schwartz, Woodson, Brito, Crisp
Nay: (3) Dudenhefer, Milde, Sterling

Resolution R08-133 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO AMEND A CONTRACT WITH VTS PRODUCTIONS TO BROADCAST
LIVE AND REPLAY THE MEETINGS OF THE BOARD OF ZONING
APPEALS

WHEREAS, the County currently has a contract with VTS Productions to broadcast live the meetings of the Board of Supervisors and the Planning Commission on Comcast Channel 23 and Cox Channel 24; and

WHEREAS, both meetings are played back later in the week in which the meetings occurred on these same channels; and

WHEREAS, the Board desires to keep citizens informed about government meetings, programs and issues; and

WHEREAS, the County's government cable channels are one tool to facilitate the dissemination of information to Stafford residents;

WHEREAS, the Board desires to broadcast the meetings of the Stafford Board of Zoning Appeals; and

WHEREAS, the cost to broadcast live and replay the Board of Zoning Appeals meetings will cost \$2,500 through FY 2008;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the County Administrator be and he hereby is authorized to amend a contract with VTS Productions to broadcast live and replay the meetings of the Stafford County Board of Zoning Appeals on the County's cable channels in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500).

Utilities; Water Status Report. Mr. Robert E. Bos, Public Utilities Administrator, gave a presentation and responded to Board members questions.

Discussion ensued.

Legislative; Discuss Public Notices and Planning/Zoning Applications. Mr. Michael Neuhard, Deputy County Administrator, gave a presentation.

Discussion ensued.

Hearing no objections from the Board, staff was requested to further pursue the suggested changes and report back.

Legislative; Discuss Funding of Outside Agencies. Mr. Brito commented.

Hearing no objections from the Board, the Budget Committee of Mr. Crisp and Mr. Sterling were requested to further review.

Legislative; Discuss Rescinding of R07-137 which Authorized 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. Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Woodson, to rescind Resolution R07-137.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, not to rescind Resolution R07-137.

The Voting Board tally on the substitute motion was:

Yea: (3) Sterling, Dudenhefer, Milde
Nay: (4) Woodson, Brito, Crisp, Schwartz

The Voting Board tally on the original motion was:

Yea: (4) Schwartz, Woodson, Brito, Crisp
Nay: (3) Sterling, Dudenhefer, Milde

Resolution R08-168 reads as follows:

A RESOLUTION TO RESCIND R07-137, AUTHORIZING 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, on August 21, 2007, the Board approved R07-137, authorizing 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; and

WHEREAS, the project to upgrade Sutherland Boulevard in the Heather Hills subdivision has been completed; and

WHEREAS, in recent months transportation revenue streams have become smaller; and

WHEREAS, the Board, at this time, believes it not prudent to expend reduced transportation revenues on the three remaining public street repair projects;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors, that it hereby rescinds R07-137, dated August 21, 2007, with the exception of Sutherland Boulevard.

Legislative; Discuss Courthouse Area Rezoning. Mr. Milde commented.

The County Attorney commented further.

Discussion ensued.

Legal; Addition to Closed Meeting. Mr. Milde motioned, seconded by Mr. Dudenhefer, to add to the Closed Meeting Agenda the following:

Legal Advice

Courthouse Rezoning Issues

Joseph L. Howard, Jr.

Section 2.2-3711 A.7

Code of Virginia

The Voting Board tally was:

Yea: (6) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (1) Woodson

Recess. At 5:34 P. M. the Chairman declared a recess until 7:00 P. M.

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

Invocation. Mr. Crisp gave the Invocation.

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

Presentation of a Proclamation to Recognize and Commend Kevin Dickinson for his Service with the Hartwood Volunteer Fireman’s Association, Inc. Mr. Joe Brito, Vice Chairman, presented the proclamation to Kevin Dickinson.

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

Toni Brown - Traffic Signal at Plantation Drive and Lyons Boulevard.

Bill Nosal - Traffic Signal at Plantation Drive and Lyons Boulevard.

William M. Murphy - Traffic Signal at Plantation Drive and Lyons Boulevard.

Rafe L. Deckard - Median breaks on Garrisonville Road.

Planning and Zoning; Consider a Conditional Use Permit to Allow a Street Crossing in a Flood Hazard Overlay District at 275 Holly Berry 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:

Hamilton Palmer, Applicant

Jennifer Watkins

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Woodson, to defer proposed Resolution R08-82.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Brito, Crisp, Milde, Schwartz, Sterling, Woodson

Nay: (1) Dudenhefer

Planning and Zoning; Consider an Amendment to the Land Use Plan Component of the Comprehensive Plan and Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify from A-1, Agricultural Zoning District and B-3, Office Zoning District to B-2, Urban Commercial Zoning District 6.47 Acres at 1174 Garrisonville Road. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

A revised Proffer Statement was submitted.

The Chairman opened a public hearing on both issues.

The following person spoke:

Daryl Caldwell, on behalf of the Applicant

Rafe Deckard

The Chairman closed the joint public hearing.

Mr. Sterling motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-115.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

Resolution R08-115 reads as follows:

A RESOLUTION TO APPROVE A REQUEST FOR AN AMENDMENT
TO THE LAND USE PLAN ELEMENT OF THE COMPREHENSIVE PLAN

WHEREAS, a request has been made by Route 610 Investments, LLC & NSCBT Partners, LLC to amend the Land Use Plan for Assessor's Parcels 19U-1, 19U-2, 19U-3, 19U-4, 19U-5, 19U-A, 19-50, and 19-57B from Suburban Residential, Rural Residential, and Resource Protection to Suburban Commercial, Office, and Resource Protection to reflect the current and future land use in the area located north of intersection between Garrisonville Road and Tech Parkway; and

WHEREAS, the previously approved zoning reclassifications create an inconsistency between the Land Use Map and the Zoning Map; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the Land Use Plan element of the

Comprehensive Plan be and it hereby is amended, and Assessor's Parcels 19U-1, 19U-2, 19U-3, 19U-4, 19U-5, 19U-A, 19-50, and 19-57B are redesignated as Suburban Commercial, Office, and Resource Protection uses to reflect the current and future land use.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O08-22 with changes.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Ordinance O08-22 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM A-1, AGRICULTURAL ZONING DISTRICT AND B-3, OFFICE ZONING DISTRICT TO B-2, URBAN COMMERCIAL ZONING DISTRICT, ASSESSOR'S PARCELS 19-57B AND 19U-5, ROCK HILL ELECTION DISTRICT

WHEREAS, Route 610 Investments LLC and NSCBT Partners LLC, applicant, has submitted application RC2700545 requesting a reclassification from A-1, Agricultural Zoning District and B-3, Office Zoning District to a B-2, Urban Commercial District; and

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

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

WHEREAS, the Board finds that public necessity, convenience, general welfare, 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 19th day of February, 2008, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to reclassify from A-1, Agricultural Zoning District and B-3, Office Zoning District to B-2, Urban Commercial Zoning District, Assessor's Parcels 19-57B and 19U-5 with the following proffers:

1. No buildings shall be located closer than 40 feet to any property zoned A-1.
2. The commercial retail and office portion of this project shall be limited to no more than 60,000 gross square feet of total building floor area.
3. There shall be no commercial apartments within the development.
4. Buildings shall be limited to three stories above ground on the front elevation of the building and four stories above ground on the rear elevation of the building.
5. All buildings shall be constructed of brick or split block, stones or masonry construction (natural or manufactured), hardiplank, or eifs. The office the building will be consistent in style and material to the existing office building located on T.M.19U-4.
6. The applicant agrees to obtain demolition permit for existing buildings on T.M.19-57B within one hundred eighty (180) days of the non-appealable approval of this rezoning.

7. The applicant agrees to construct a 5' sidewalk located a distance of 3.5' off the face of the curb along Garrisonville Road and dedicate 3.5' feet of Right-of-Way along Garrisonville Road. Additionally, the applicant agrees to construct a 5' sidewalk between the two existing CG-12s in the right turn lane island.
8. This site will be developed in substantial conformance with the Generalized Development Plan prepared by Bagby, Caldwell and Associates P.C., dated August 2007 and revised 11/05/07.
9. The applicant agrees to allow inter parcel connection in favor of Tax Parcel 19-57 in the approximate location shown on the GDP.
10. The applicant agrees to provide an area for a FRED bus stop in the North Stafford Center for Business and Technology if and when FRED bus service is extended to the North Stafford Center for Business and Technology development.

Economic Development and Legislative Affairs; Support Federal Funding Request for County Priorities. Mr. Tim Baroody, Director of Economic Development and Legislative Affairs, gave a presentation.

Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-152.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Absent: (1) Woodson

Resolution R08-152 reads as follows:

A RESOLUTION TO SUPPORT FEDERAL FUNDING REQUESTS FOR
COUNTY PRIORITIES

WHEREAS, the Chairman of the Board will travel to Washington, D.C. on February 26, 2008 to meet with Senators Warner and Webb and Congressman Wittman; and

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

WHEREAS, specifically, the priorities include federal funding for upgrades to the County's public safety communications system and Crow's Nest acquisition;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February 2008, that the Board be and it 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.

Legislative; Closed Meeting. At 8:38 P.M., Mr. Milde motioned, seconded by Mr. Brito, to adopt proposed Resolution CM08-03.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Resolution CM08-03 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 Disposition of County-Owned Real Estate involving the Chatham Office Building; one personnel matter involving the Discussion of a Parks Commission Appointment; legal advice regarding the vacation of the plat of Colonial Port Subdivision, Section 1C; and the Courthouse Rezoning Issues; and

WHEREAS, pursuant to Section 2.2-3711 A.1, A.3 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 19th day of February, 2008 does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 9:22 P. M. the Chairman called the meeting back to order.

Legal; Closed Meeting Certification. Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM08-03a.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz
Nay: (0)

Resolution CM08-03a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
FEBRUARY 19, 2008

WHEREAS, the Board has, on this the 19th day of February, 2008, 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 19th day of February, 2008, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Legislative; Appoint a Member to Boards, Authorities, Commissions and Committees; Parks and Recreation Commission. Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-109.

The Voting Board tally was;

Yea: (6) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (1) Woodson

Resolution R08-109 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE PARKS AND
RECREATION COMMISSION

WHEREAS, Section 15.2-1806 of the Code of Virginia (1950), as amended, authorizes the Board to appoint members to serve on the Parks and Recreation Commission; and

WHEREAS, membership consists of ten members, one member from each election district in the County, one member as a representative from the School Board, one member from the Board of Supervisors and one member from the Planning Commission; and

WHEREAS, at a meeting on February 21, 2006, the Board adopted the amended Parks and Recreation Bylaws to reflect that members' terms shall run concurrently with respective Board of Supervisors' terms; and

WHEREAS, the Board has appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
John Druiett (Hartwood District)	December 31, 2009
Thomas Paton (Garrisonville District)	December 31, 2009
Robert Ray (Aquia District)	December 31, 2009
Joe Brito (Board of Supervisors)	December 31, 2009
John C. LeDoux (School Board Representative)	December 31, 2009

Randy Walther
(Falmouth District) December 31, 2009

Kenneth Mitchell
(Planning Commission) December 31, 2009

Ingolf Rupp
(Griffis-Widewater District) December 31, 2011

Bobby Crisp
(George Washington District) December 31, 2011

Brad Eads
(Rock Hill District) December 31, 2011

WHEREAS, Robert Ray has submitted his resignation; and

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that

NAME

EXPIRATION

William Hoyt
(Aquia District) December 31, 2009

be and he hereby is appointed as a member of the Parks and Recreation Commission.

Legislative: Authorize a Public Hearing to Consider the Vacation of the Subdivision Plat of Section 1C of the Colonial Port Subdivision. Mr. Woodson motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-141.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson
Nay: (0)

Resolution R08-141 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE
VACATION OF THE SUBDIVISION PLAT OF SECTION 1C OF
COLONIAL PORT SUBDIVISION

WHEREAS, Section 22-88 of the Stafford County Subdivision Ordinance requires that a developer must post securities for necessary public improvements as identified on a subdivision plat; and

WHEREAS, Section 22-24 of the Stafford County Subdivision Ordinance specifies that a Deed of Dedication approved by the agent for the Board of Supervisors must accompany the recordation of every plat of subdivision; and

WHEREAS, the subdivision plat for Section 1C of Colonial Port Subdivision, which includes identified public improvements, was recorded without the posting of required securities for the public improvements shown on the subdivision plat and without a Deed of Dedication approved by the agent of the Board of Supervisors; and

WHEREAS, the subdivision plat for Section 1C of Colonial Port Subdivision was recorded illegally and in violation of the subdivision ordinance; and

WHEREAS, the Board desires to consider vacating the illegally recorded subdivision plat of Section 1C of Colonial Port Subdivision; and

WHEREAS, the Board desires to consider public comments concerning the proposed vacation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of considering the vacation of the subdivision plat of Section 1C of Colonial Port Subdivision in accordance with Virginia law and to notify the owner.

Legislative; Rescind Resolution R08-110 and Authorize a Public Hearing to Consider Master Courthouse Rezoning and Comprehensive Plan Amendments. Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R08-154.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

Resolution R08-154 reads as follows:

A RESOLUTION TO RESCIND RESOLUTION R08-110 AND
AUTHORIZE A PUBLIC HEARING TO CONSIDER MASTER
COURTHOUSE REZONING AND COMPREHENSIVE PLAN
AMENDMENTS

WHEREAS, the Stafford County Board of Supervisors referred a master rezoning of the Courthouse area as well as a Comprehensive Plan Amendment for the Courthouse area to the Planning Commission; and

WHEREAS, the Planning Commission provided a recommendation to the Board that it be granted additional time to consider the Comprehensive Plan Amendment and the rezoning of the Courthouse area; and

WHEREAS, on February 5, 2008, the Board adopted R08-110 granting the Planning Commission an additional sixty (60) days to study and make additional recommendations on the rezoning and Comprehensive Plan Amendments initiated by the Board; and

WHEREAS, the Board desires to move forward with public hearings to consider these amendments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of February, 2008, that it does hereby rescind Resolution R08-110; and

BE IT FURTHER RESOLVED that the Board does hereby authorize a public hearing to be advertised for the Comprehensive Plan Amendment and the rezoning Amendment for the Courthouse Area to be scheduled as soon as can be properly advertised in accordance with Virginia law.

Adjournment. At 9:30 P. M. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

George H. Schwartz
Chairman