

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting
May 15, 2007

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 1:03 P. M., Tuesday, May 15, 2007, in the Board Chambers, Stafford County Administration Center.

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

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

Legislative; Presentation by VDOT Acting Residency Administrator. Mr. Charles E. Stunkle, Acting Residency Administrator, and Scott Shropshire, Area Construction Engineer, gave a presentation and responded to Board members questions.

Legislative; Work Session on Proposed FY2008 County Budgets and Authorize a Public Hearing Which Amends and Reordains Chapter 23 of the County Code Entitled "Taxation" by Adding a New Article Entitled "Fire and Emergency Services Tax District"; Amend and Reordain Sections 23-33 and 23-57 and Establish a Tax Rate.

Mr. Anthony Romanello, Deputy County Administrator, gave a presentation and responded to Board members questions.

Discussion ensued.

Legislative; Presentation by Public Financial Management. Ms. Joanne Carter, Financial Advisor, gave a presentation and responded to Board members questions.

Recess. At 3:15 P.M., the Chairman declared a recess.

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

Legislative; Work Session on the County Budgets. Discussion continued with regard to the County Budgets.

Mr. Schwartz motioned, seconded by Mr. Milde, to reduce the General Fund expenditures by 3.7% across the Board in all departments.

Mr. Gibbons made an amendment to the motion to freeze all new hires until the end of June.

Discussion ensued

Mr. Gibbons withdrew the amendment to the motion.

Hearing no objections from the Board, staff was requested to provide further options based on the guidance from the Board.

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

Legislative; FY2007 Employment Practices. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to freeze all new hires thru June 30, 2007.

Discussion ensued.

Ms. Tammi Ellis, Director of Human Resources, commented further.

Discussion further ensued.

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

Legislative; Discuss Appointments to the Capital Improvements Program Committee.

Mr. Gibbons commented.

Discussion ensued.

Hearing no objections from the Board, the Chairman appointed Mr. Brito and Mr. Fields to the Capital Improvements Program Committee to serve with members from the School Board.

Legislative; Closed Meeting. At 3:55 P.M., Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to adopt proposed Resolution CM07-14 with an addition.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-14 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regard to Crow's Nest condemnation litigation; acquisition of property for public purposes regarding the Crow's Nest property; and a personnel matter to discuss the County Administrator; and

WHEREAS, pursuant to Sections 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 15th day of May, 2007, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 4:28 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification.. Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to adopt proposed Resolution CM07-14a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-14a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
MAY 15, 2007

WHEREAS, the Board has, on this the 15th day of May, 2007, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 15th day of May, 2007, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Legislative; Consent Agenda. Mr. Gibbons motioned, seconded by Mr. Cavalier, to adopt the Consent Agenda consisting of Items 10 thru 21, omitting items 14 and 17.

The Voting Board tally was:

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

Nay: (0)

Item 10. Legislative; Approve Minutes of Board Meeting. Adjourned Meeting of April 24, 2007.

Item 11. Finance; Approve Expenditure Listings.

Resolution R07-191 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING
(EL) DATED MAY 1, 2007 THROUGH MAY 14, 2007

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May 2007, that the above-mentioned EL be and it hereby is approved.

Item 12. Legislative; Authorize Public Hearings.

Resolution R07-200 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN CHAPTER 2, ARTICLE IV, SECTION 2-140 OF THE STAFFORD COUNTY CODE ENTITLED “SALE OR USE OF PROPERTY NOT RETURNED”

WHEREAS, Section 15.2-1720 of the Code of Virginia (1950), as amended, authorizes the public sale or donation to a charitable organization of any bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or mopeds that have been in the possession of the police or sheriff’s department, unclaimed, for more than 30 days; and

WHEREAS, it is the desire of the Board to amend the County Code to allow the Sheriff’s Office to donate unclaimed bicycles to qualified charitable organizations; and

WHEREAS, a public hearing is required;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May 2007 that the County Administrator be and he hereby is authorized to advertise a public hearing to amend and reordain Chapter 2, Article IV, Section 2-140 of the County Code entitled “Sale of Use of Property Not Returned”.

Resolution R07-201 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A PORTION OF THE PROPERTY OF DARRYLL E.M.D. BROOKS AND ZSARA E. BROOKS HAMLIN (HEIRS AT LAW OF MARGARET P. BROOKS); AND MARIELLEN T. BROOKS AND CHESIREE A. BROOKS (HEIRS AT LAW OF CLARENCE E. BROOKS, III, HEIR OF MARGARET P. BROOKS), LOCATED OFF THE SOUTHERLY SIDE OF HASSLE LANE, TAX MAP PARCEL 43-26, IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR CONSTRUCTION PROJECT

WHEREAS, the Board is in the process of acquiring the necessary parcels for the construction of the Rocky Pen Run Reservoir, an approved public use to meet the County’s water supply needs; and

WHEREAS, Tax Map Parcel 43-26 consists of 33.88 acres of land owned by Darryll E.M.D. Brooks and Zsara E. Brooks Hamlin (Heirs at Law Of Margaret P. Brooks); and Mariellen T. Brooks and Chesiree A. Brooks (Heirs At Law Of Clarence E. Brooks, III, Heir of Margaret P. Brooks); and

WHEREAS, in order to begin construction of the reservoir, the Board must acquire ownership of a 7.82 acre portion of Tax Map Parcel 43-26 in fee simple; and

WHEREAS, the fair market value for the above-referenced 7.82 acres of property is One Hundred Twenty-two Thousand, Three Hundred Twenty-eight Dollars (\$122,328.00) based upon a formal appraisal by an independent appraiser; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide formal offer on behalf of the County to the owners of the property offering the fair market value of the referenced portion of the property; and

WHEREAS, the terms of purchase cannot be agreed upon and the Board's consulting negotiator has been unsuccessful in negotiating a final settlement with the owners of the property, but will continue to work with the property owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board must conduct a public hearing in accordance with Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann., to determine the necessity for condemnation and the use of the County's quick-take powers.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that it shall conduct a public hearing to be scheduled under the provisions of Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann., to consider the necessity for condemnation and necessity for the use of the County's quick-take powers to immediately acquire the property interests described above for the Rocky Pen Run Reservoir construction project; and

BE IT FURTHER RESOLVED that the public hearing be properly advertised for the foregoing purposes.

Item 13. Utilities; Approve Land Acquisition Contract for Rock Pen Run Reservoir.

Resolution R07-197 reads as follows:

A RESOLUTION APPROVING LAND ACQUISITION CONTRACT
FOR THE PURCHASE OF PARCEL 43-76-2-23 FOR ROCKY PEN
RUN RESERVOIR

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

WHEREAS, the County's offer to purchase Parcel 43-76-2-23 for the appraised value of \$245,000 was accepted by the property owner; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the execution of a contract by the Chairman between the Board of Supervisors of Stafford County and Owen T. Shifflett and Shirley M. Shifflett regarding TM 43-76-2-23 be and it hereby is approved in the amount of Two Hundred Forty-five Thousand Dollars (\$245,000); and

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

Item 15. Parks and Recreation; Execute Agreements to Operate Youth Swim Team Programs at Curtis Memorial Park and Woodlands Pool.

Resolution R07-159 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN AGREEMENT WITH THE WOODLANDS SWIM TEAM

WHEREAS, the Woodlands Swim Team is presently operating the Youth Competitive Swimming Program at Woodlands Pool; and

WHEREAS, the Woodlands Swim Team has operated the program successfully;
and

WHEREAS, at a meeting on April 19, 2007, the Parks and Recreation Commission reviewed the Agreement and unanimously recommended renewal;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the County Administrator be and he hereby is authorized to execute an agreement with the Woodlands Swim Team to operate the Youth Competitive Swimming Program at Woodlands Pool.

Resolution R07-160 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN AGREEMENT WITH THE CURTIS PARK SWIM TEAM

WHEREAS, the Curtis Park Swim Team is presently operating the Youth Competitive Swimming Program at Curtis Memorial Park; and

WHEREAS, the Curtis Park Swim Team has operated the program successfully;
and

WHEREAS, at a meeting on April 19, 2007, the Parks and Recreation Commission reviewed the Agreement and unanimously recommended renewal;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the County Administrator be and he hereby is authorized to execute an agreement with the Curtis Park Swim Team to operate the Youth Competitive Swimming Program at Curtis Memorial Park.

Item 16. Public Services; Award On-Call Contract for Construction Project Inspection Services.

Resolution R07-165 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR ON-CALL PROFESSIONAL
CONSTRUCTION INSPECTION SERVICES

WHEREAS, the County has solicited proposals from qualified vendors for professional services on an as-needed basis in construction inspection; and

WHEREAS, a selection committee evaluated proposals received and conducted interviews with certain qualified vendors, and recommends the firm of A. Morton Thomas and Associates, Incorporated be awarded the contract; and

WHEREAS, the term of this contract shall be an initial period of one year, with an option to renew for two additional one-year periods, for a total of three years; and

WHEREAS, the initial one-year contract value shall not exceed \$100,000; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the County Administrator be and he hereby is authorized to execute a contract with A. Morton Thomas and Associates, Incorporated, for on-call construction inspection services in an amount not to exceed One Hundred Thousand Dollars(\$100,000).

Item 18. Public Services; Petition VDOT to Include Merryview Court within Dogwood Subdivision into the Secondary System of State Highways.

Resolution R07-183 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE MERRYVIEW COURT WITHIN DOGWOOD SUBDIVISION, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Merryview Court within Dogwood Subdivision into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Dogwood subdivision into the Secondary System of State Highways:

Street	Station	Length
Merryview Court	Fr: Inter. Jefferson Davis Highway	0.17 Miles
	To: 0.17 Mi. East of Jefferson Davis Highway	55' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Dogwood Subdivision, Section 2, LR 040027720, recorded July 21, 2004; and

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

Item 19. Legislative; Express Concerns About the Number of Engineering Graduates from Virginia's Public Universities and Colleges.

Resolution R07-208 reads as follows:

A RESOLUTION TO EXPRESS CONCERNS ABOUT THE NUMBER
OF ENGINEERING GRADUATES FROM VIRGINIA'S PUBLIC
UNIVERSITIES AND COLLEGES

WHEREAS, the General Assembly has recently adopted legislation that will result in significant additional funding for road construction; and

WHEREAS, significant contributors to Virginia's economy include coal mining, aerospace, maritime, defense contracting, telecommunications and general construction activities; and

WHEREAS, all of the above activities are heavily reliant on engineering skills; and

WHEREAS, there already exists a shortage of engineers; and

WHEREAS, the future economic growth of Virginia is dependent upon increasing the number of qualified engineers in the workforce.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May 2007, that the Board be and it hereby does express its concerns about the number of engineering graduates from Virginia's public universities and colleges; and

BE IT FURTHER RESOLVED that the Board requests the Governor and State Council of Higher Education take appropriate action that will result in an increase of engineering graduates.

Item 20. Legislative; Appoint Members to Boards, Authorities, Commissions and Committees.

Resolution R07-189 reads as follows:

A RESOLUTION TO DESIGNATE THE RESPONSIBLE EMPLOYEE TO
COORDINATE EFFORTS FOR THE AMERICANS WITH DISABILITIES
ACT INCLUDING COMPLAINT RESOLUTION

WHEREAS, the Americans with Disabilities Public Law was enacted on July 26, 1990; and

WHEREAS, a public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part; and

WHEREAS, the Stafford County Board of Supervisors desires to fully comply with this mandate;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May 2007, that the County Administrator or his designee is designated as the responsible employee to coordinate efforts for the Americans with Disabilities Act including compliant resolution, and he/she may be

contacted at ADA Coordinator, 1300 Courthouse Road, P. O. Box 339, Stafford, Virginia 22555-0339.

Resolution R07-210 reads as follows:

**A RESOLUTION TO REPLACE THE 1992 AMERICANS WITH
DISABILITIES GRIEVANCE PROCEDURE FOR STAFFORD COUNTY**

WHEREAS, the Americans with Disabilities (ADA) Public Law was enacted on July 26, 1990; and

WHEREAS, on December 5, 2006 and February 27, 2007, the Civil Rights Division of the U.S. Department of Justice issued guidelines designed to assist state and local officials in complying with Title II of the ADA; and

WHEREAS, it is the County's desire to update and replace the ADA grievance procedure adopted by Resolution R92-349 on July 21, 1992;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the County Administrator be and he hereby is authorized to adopt and implement grievance procedures as follows:

BY-LAWS

**STAFFORD COUNTY
AMERICANS WITH DISABILITIES ACT (ADA)
GRIEVANCE COMMITTEE**

ARTICLE I: PURPOSE

The ADA Grievance Committee (Committee) is established to provide prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). The Committee shall thoroughly investigate complaints of discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Stafford County in accordance with the County's ADA Grievance Procedures.

ARTICLE II: MEMBERSHIP

The Committee is composed of eight residents consisting of one member from the architectural or structural engineering profession; two members who are individuals with a disability as defined by the ADA; and five members-at-large. Committee members shall serve without monetary compensation.

ARTICLE III: MEETINGS

The date, time and place of the meetings of the Committee shall be designated by the Chairman, most usually when the Chair has been notified of a grievance that should be heard. There shall be an annual organizational meeting held in January, or as soon thereafter as reasonably possible based upon the Board of Supervisors' appointment cycle.

ARTICLE IV: OFFICERS

A. The Chairman shall preside at all meetings of the Committee. The Chairman shall also communicate the results of the Committee's decision to the grievant in writing, and, where appropriate, in a format accessible to the complainant.

B. The Vice Chairman serves in the absence of the Chairman. In the absence from any meeting of both the Chairman and Vice Chairman, the members present shall choose one of their members as a temporary Chairman.

ARTICLE V: QUORUM AND METHOD OF VOTING

- A. A quorum shall consist of a majority of the members of the Committee.
- B. At the discretion of the Chairman, voting may be by voice vote, a show of hands, or roll call; provided, however, a roll call vote shall be taken whenever any member of the Committee requests such a vote.
- C. Any member abstaining shall state their reason for abstaining.
- D. Any matter on which there is a tie vote shall fail to be approved.
- E. The number of votes necessary to transact business shall be a majority of the quorum present and voting.

ARTICLE VI: PARLIAMENTARY AUTHORITY

- A. Except as otherwise provided in these By-Laws and by applicable state law, the proceedings of the Committee shall be governed by the most current edition of Robert's Rules of Order.
- B. If a member of the County Attorney's Office is in attendance at a meeting, that person shall serve as parliamentarian. If no member of the County Attorney's Office is present, the Chairman shall appoint a parliamentarian to act during the meeting.

ARTICLE VII: MINUTES OF MEETINGS

The Committee shall prepare a record of minutes for all meetings.

ARTICLE VIII: AMENDMENTS TO BY-LAWS

These By-Laws may be changed by a two-thirds vote of the entire Committee after thirty (30) days prior notice.

All appeals received and responses given by the ADA Coordinator and the ADA Grievance Committee will be retained by Stafford County for at least three years.

Resolution R07-199 reads as follows:

A RESOLUTION TO CHANGE APPOINTMENT OF MEMBERS TO THE RAPPAHANNOCK COMMUNITY CRIMINAL JUSTICE BOARD TO TWO-YEAR TERMS BEGINNING JULY 1, 2007 TO JULY 1, 2009

WHEREAS, Section 9.1-178 of the Code of Virginia requires localities which jointly operate a community corrections program to establish a Community Criminal Justice Board, and requires representatives of certain offices to be members of the Board; and

WHEREAS, the Counties of King George, Spotsylvania, and Stafford and the City of Fredericksburg jointly established the Rappahannock Area Community Criminal Justice Board (CCJB) in 1995 and appointed initial members to the Board; and

WHEREAS, the following persons have been previously appointed:

<u>NAME</u>	<u>EXPIRATION</u>
The Honorable Ann Hunter Simpson	December 31, 2008

Circuit Court Judge

The Honorable Gordon F. Willis
December 31, 2008
General District Court Judge

The Honorable David F. Peterson
December 31, 2008
Juvenile & Domestic Relations Court Judge

Paul W. Higgs
December 31, 2008
Sheriff, City of Fredericksburg

Sarah Deneke
December 31, 2008
Assistant Commonwealth Attorney,
Stafford County

Allen Bareford
December 31, 2008
Public Defender

R. Bryan David
December 31, 2008
County Administrator, King George

Steve Crosby
December 31, 2008
County Administrator, Stafford County

Phillip L. Rodenberg
December 31, 2008
City Manager, Fredericksburg

James R. Wheeler
December 31, 2008
County Administrator, Spotsylvania County

Mike Mastropaolo
December 31, 2008

Director, Fifteenth District Court Services Unit

R. Fielding Lewis
Chief Probation and Parole Officer

December 31, 2008

Phillip Hemming
Chief Magistrate

December 31, 2008

Joseph A. Higgs
Superintendent, Rappahannock Regional Jail

December 31, 2008

Doug Jones
Superintendent, Rappahannock Juvenile
Detention Center

December 31, 2008

Carol Powell
Director, RAASAP

December 31, 2008

Beth Girone
Director, Rappahannock Area Office on Youth

December 31, 2008

Ronald W. Branscome
Director, RACSB

December 31, 2008

Betsy Mathias
Regional Adult Education Program

December 31, 2008

Steven R. Austin
Director of Programs & Community Corrections
Rappahannock Regional Jail

December 31, 2008

Michael McNamara
Juvenile Planner

December 31, 2008

WHEREAS, at a meeting on April 12, 2007, the Rappahannock Area Community Criminal Justice Board voted to request the appointment of new members; and;

WHEREAS, the Rappahannock Area Community Criminal Justice Board voted to change the membership from a calendar year term to a fiscal year term;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the following

<u>NAME</u>	<u>EXPIRATION</u>
The Honorable John W. Scott, Jr. Circuit Court Judge	June 30, 2009
The Honorable J. Overton Harris General District Court Judge	June 30, 2009
The Honorable Julian W. Johnson Juvenile & Domestic Relations Court Judge	June 30, 2009
Keri Gusmann Deputy Commonwealth Attorney	June 30, 2009
Joseph A. Higgs Superintendent, Rappahannock Regional Jail	June 30, 2009
Doug Jones, Superintendent Rappahannock Juvenile Detention Center	June 30, 2009

Phillip Hemming Chief Magistrate	June 30, 2009
Charles E. Jett Sheriff, Stafford County	June 30, 2009
R. Bryan David County Administrator, King George	June 30, 2009
James R. Wheeler County Administrator, Spotsylvania County	June 30, 2009
Steve Crosby County Administrator, Stafford County	June 30, 2009
Phillip L. Rodenberg City Manager, Fredericksburg	June 30, 2009
Allen Bareford Public Defender, Chairperson	June 30, 2009
Marcus Hodges Chief Probation and Parole Officer, Vice Chairman	June 30, 2009
Carol Powell Director, RAASAP	June 30, 2009
Ben Nagle Director, Rappahannock Area Office on Youth	June 30, 2009

Michael McNamara June 30, 2009
Juvenile Planner

Mike Mastropaolo June 30, 2009
Director, Fifteenth District Court Services Unit

Ronald W. Branscome June 30, 2009
Executive Director, RACSB

Betsy Mathias June 30, 2009
Regional Adult Education Program

be and they hereby are appointed to the Rappahannock Area Community Criminal Justice Board.

Item 21. Legislative; Approve a Proclamation to Recognize and Commend Elizabeth Meixler.

Proclamation P07-15 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND
ELIZABETH MEIXLER

WHEREAS, Elizabeth Meixler is a senior at Brooke Point High School who exemplifies the precepts of addressing community needs and serving the public good as set forth in the civics portion of the Virginia Standards of Learning; and

WHEREAS, Elizabeth Meixler has donated more than 500 hours of volunteer service during the past 18 months, including organizing the local Sudden Infant Death Syndrome (SIDS) Walk/Run; collecting food for the Rappahannock Area Food Bank;

arranging a Halloween event for the Thurman Brisben Homeless Shelter and Hope House; and collecting donations for victims of Hurricane Katrina; and

WHEREAS, Elizabeth Meixler has worked tirelessly to promote literacy programs in Stafford schools by mentoring students at Moncure Elementary School, directing the Fourth Annual Reading Rally Program in which older students read books to more than 4,000 elementary school children, and planning “Operation Stafford Santa’s Helper” to help first graders improve their reading skills; and

WHEREAS, Elizabeth Meixler represented Stafford in WUSA Channel 9’s anti-bullying video titled “Silent Witness,” and participated in the related forum held at the University of Mary Washington in April 2007; and

WHEREAS, in addition to her volunteer work, Elizabeth Meixler maintains a 3.82 grade point average, is a member of Brooke Point High School’s National Honor Society and Student Council Association, plays on the field hockey, winter track and soccer teams, and works at a local restaurant; and

WHEREAS, the Board desires to call to the attention of citizens everywhere Elizabeth Meixler’s outstanding commitment to community service, and the success and joy with which she balances her studies, volunteer service and personal life;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that Elizabeth Meixler be and she hereby is recognized and commended for her work on behalf of all the citizens of Stafford and the region.

Utilities; Award Contract for Construction of Neighborhood Sewer Projects. Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-198.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-198 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR CONSTRUCTION OF THE FY2007
PHASE ONE SEWER EXTENSION PROJECTS

WHEREAS, the Board has authorized construction of Sewer Extension Projects to improve the operation and reliability and availability of the sewer system as shown on the construction documents; and

WHEREAS, the project have been designed and offered for public bids; and

WHEREAS, four bids were received, with Rising Sun, Inc. the lowest responsive bidder with a bid of \$362,789; and

WHEREAS, staff has recommended award of a contract to Rising Sun, Inc.;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the County Administrator be and he hereby is authorized to execute a contract with Rising Sun, Inc. in an amount not to exceed Three Hundred Sixty-two Thousand Seven Hundred Eighty-nine Dollars (\$362,789) for construction of the FY2007 Phase One Sewer Extension projects.

Public Services; Develop the Process and Legal Documentation for a Pilot Tree Removal on Public Roadways Program. Mr. Dudenhefer commented.

Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-203.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-203 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
AND COUNTY ATTORNEY TO DEVELOP THE NECESSARY
PROCESS AND LEGAL DOCUMENTATION FOR A PILOT TREE
REMOVAL PROGRAM ON PUBLIC ROADWAYS

WHEREAS, the Virginia Department of Transportation (VDOT) maintains the public road system in the County; and

WHEREAS, at most locations, the right-of-way is of a prescriptive nature limiting VDOT's authority for maintenance; and

WHEREAS, throughout the County, trees situated adjacent to the public roadway are on private property; and

WHEREAS, a unique partnership of VDOT, the County, private landowners, and a developer, has culminated on Hope Road near Olde Concord Road, wherein a pilot

program to remove certain trees with only a small expenditure of public funds may be executed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the County Administrator and the County Attorney be and hereby are authorized to develop a process and the legal documents necessary for the aforementioned pilot program to remove trees located on private property and adjacent to public roadways; and

BE IT FURTHER RESOLVED that the process and legal documents created with the pilot program may be used in similar circumstances in the future.

Utilities; Discuss Mandatory Water and Sewer Connections. Mr. Robert E. Bos, Director of Utilities, gave a presentation.

The County Administrator commented.

Discussion ensued.

Hearing no objections from the Board, proposed Resolution R07-216 was sent to a committee of Mr. Gibbons and Mr. Brito for further review and to bring back to the worksession on June 19, 2007.

Legislative; Establish Salaries of the Members of the Board of Supervisors Effective January 1, 2008. Mr. Anthony Romanello, Deputy County Administrator, commented.

Discussion ensued.

Recess. At 4:45 P. M. the Chairman declared a recess.

Call to Order. At 4:50 P. M. the Chairman called the meeting back to order.

Legislative; Establish Salaries of the Members of the Board of Supervisors Effective January 1, 2008. Mr. Anthony Romanello, Deputy County Administrator, commented.

Mr. Schwartz motioned, seconded by Mr. Brito, to defer proposed Resolution R07-207 to the June 5, 2007 Board meeting.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Gibbons

Recess. At 4:51 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. A Moment of Silence was observed for Brandon Mitchell who died in a drowning accident.

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

Legislative; Initiate a Comprehensive Plan Amendment to Refer to and Direct the Planning Commission to Prepare an Amendment to the Comprehensive Plan. Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-223.

The Voting Board tally was:

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

Nay: (1) Schwartz

Resolution R07-223 reads as follows:

A RESOLUTION TO INITIATE A COMPREHENSIVE PLAN
AMENDMENT TO REFER TO AND DIRECT THE PLANNING
COMMISSION TO PREPARE AN AMENDMENT TO THE
COMPREHENSIVE PLAN

WHEREAS, the owner of Tax Map Parcels 30-5 and 30-2C has applied for a rezoning of such parcels from R-1, Suburban Residential, to B-2, Urban Commercial; and

WHEREAS, the Board has previously adopted a Comprehensive Plan for the County pursuant to Va. Code §15.2-2223, et seq.; and

WHEREAS, the current Comprehensive Plan/Land Use Plan recommends the above-referenced parcels for Urban Residential use; and

WHEREAS the Board desires to consider a Comprehensive Plan amendment to change the disposition of Parcel 30-5 and 302C to a commercial category; and

WHEREAS, Section 15.2-2229, Va. Code Ann., authorizes the Board to direct the Planning Commission to prepare a Comprehensive Plan amendment for the Board's consideration;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors on this the 15th day of May, 2007, that pursuant to Va. Code § 15.2-2229, the Stafford County Planning Commission be and it hereby is directed to prepare an amendment to the Comprehensive Plan regarding Tax Map Parcels 30-5 and 30-2C from a residential category to a commercial designation.

BE IT FURTHER RESOLVED that the Planning Commission submit the requested Comprehensive Plan amendment to public hearing and provide the Board with its recommendation within sixty (60) days of the adoption of this resolution.

Legislative; Presentation of a Proclamation.

- Commemorate Posthumously Thomas E. Peachey

Legislative; Presentation of Stafford County Historic Preservation Scholarship by the Architectural Review Board. Mr. Norman Schools, Vice Chairman of the Architectural Review Board, presented the scholarship to Andrew Cross.

Legislative; Presentation of Stafford County Historic Preservation Award by Historical Commission. Mr. Steve Gambaro, Vice Chairman of the Historical Commission, presented the award to Anita Dodd.

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

- | | | |
|------------------|---|-----------------------------------|
| Dean Fetterolf | - | Budget |
| Norma Polley | - | Dead and easements in Holly Ridge |
| Patricia Kurpiel | - | Proffer Guidelines |

Planning; Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify From R-1, Suburban Residential, to B-2, Urban Commercial, 1.48 Acres at 2772 Jefferson Davis Highway. This public hearing remains open and the item was continued to the August 21, 2007 meeting.

Planning; Consider a Conditional Use Permit at 2772 Jefferson Davis Highway. This public hearing remains open and the item was continued to the August 21, 2007 meeting.

Planning; Consider Rezoning 26.12 Acres from A-1 to B-2 at 1221 Warrenton Road. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Steve Klebanoff, Applicant

Greg Motto

Susan Ketty

Scott Gates

Steve Klebanoff

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Milde, to adopt proposed Ordinance O07-13 with changes as indicated before the public hearing..

The Voting Board tally was:

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

Nay: (2) Gibbons, Fields

Ordinance O07-13 read as follows: 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, TO B-2, URBAN COMMERCIAL, ON
PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL 44-62,
HARTWOOD ELECTION DISTRICT

WHEREAS, Sumner Partners, LLC, applicant, has submitted application RC2600390 requesting reclassification from A-1, Agricultural, to B-2, Urban Commercial, of property consisting of approximately 26.12 acres, located on the north side of Warrenton Road, approximately 800 feet northwest of Cardinal Forest Drive, Hartwood Election District; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify the parcel of land, as shown on the plat of survey by Target Surveys, Inc., dated February 4, 2003, revised March 21, 2003, from A-1, Agricultural, to B-2, Urban Commercial, with the following proffers:

1. Prior to the issuance of building permits for more than 50% of the gross leaseable area on the parcel, the Village Parkway extension onto the adjacent parcel (Parcel 44-61A) shall have been constructed by the owner of the adjacent parcel.
2. The principle exterior building materials shall be brick, glass, architecturally textured masonry, architectural pre-cast or job-cast concrete, stucco type material, or compatible material. No building having metal siding or non-textured cinderblock as a principal exterior building material shall be constructed. For one and two story buildings fronting Warrenton Road, either pitched roofs or varied architectural detailing, such as varied cornices and roof-edge detailing, shall be used. For the retail buildings at the rear of the parcel, use façade breaks and elevation detailing to avoid a long single building plane. Dominant colors shall generally be of low reflectance, subtle, and neutral or earth tone colors (e.g. such as beige, sage, forest greens, blues, grays, browns, terracotta, sand, cast stone, etc.) and shall not include high intensity black, bright white or fluorescent tones. The elevations by Bignell Watkins Hasser dated December 15, 2006, are illustrative only, yet they reflect the use of various building materials and the general character of design and design coordination for the buildings to be located

- on the Property. Nothing herein shall be construed to prohibit national and regional retail users of buildings on the Property from reasonably employing general features of their prototype architectural design, provided the building design and colors are consistent with this paragraph.
3. The applicant shall provide and construct the third thru lane and continuous turn lane across the frontage for Assessor's Parcel 44-62 (and provide any necessary additional right of way so that the right of way line across the Property is 72 feet from the centerline of the full right of way for Warrenton Road) on or before the earlier of (i) the issuance of occupancy permits for 25% of the gross leaseable area of the parcel, or (ii) the issuance of occupancy permits for 25% of the gross leaseable area of the buildings directly fronting Warrenton Road. Prior to occupancy of the first building, those improvements required for the right-in/right-out entrance on Warrenton Road shall be constructed.
 4. Applicant agrees that the development of the Property will generally be consistent with the General Development Plan prepared by Rinker Design Associates, PC dated May 15, 2006, as revised July 24, 2006 (the "GDP"), with respect to the following elements of the GDP: (1) direct parcel access to Warrenton Road and to Village Parkway extended shall be as generally shown on the GDP and as set forth within these proffers; (2) the buildings will not exceed three stories and will be directed toward either Warrenton Road or Village Parkway extended; and (3) the interparcel connections to Tax Map 44, Parcels 61A and 63 will be as generally shown on the GDP. The following uses shall not be permitted on the Property - Adult businesses, Commercial apartments, Indoor flea market, Machinery Sale and Service, Warehousing Mini-Storage, Building material sale and storage yard and mulch sale, Funeral home, Lumber/building/electrical/plumbing supply with covered storage, Motel, Recreational enterprise, and Car Wash. Hotel is permitted provided it provides enclosed stairways and access points to the rooms and is located a minimum of 400 linear feet from the property line abutting the residential homes of Cardinal

- Forest, Section One. The overall development will include a minimum of 20,000 square feet of office space.
5. While the applicant intends to retain existing 50-foot landscape buffering material undisturbed between the site and Cardinal Forest, Section One, as shown on the General Development Plan, the applicant will supplement the landscape material where necessary in areas in which there are any significant gaps in the retained buffer area. Such added landscape material shall be subject to the approval of the County's landscape inspector and shall include a mixture of deciduous and evergreen material. Applicant shall install a eight foot privacy fence (selection of material to be discussed with abutting residential owners prior to construction) along the buffer area bordering the residential lots of the above subdivision and shall install evergreen landscaping (e.g. eight foot Leland cypress or similar) along the fenced area. Landscape areas that adjoin Warrenton Road and Village Parkway extended shall utilize a mixture of evergreen and deciduous trees and shrubs, subject to any VDOT and County approval required.
 6. Any freestanding signs shall be monument style signs, without neon, and such monument signs shall be of a consistent design on Assessor's Parcel 44-62.
 7. All buildings shall be equipped with sprinkler systems for fire suppression.
 8. Any retaining walls on the property shall be designed and constructed to minimize impacts and disturbance to the Resource Protection Area (the "RPA"). Any section of retaining wall located closer than 10 feet to the limits of the RPA will be subject to review by the County as to design and construction means and methods to evidence constructability without disturbance to the RPA. Any disturbance to the RPA shall be subject to approval by the County.

9. Prior to major grading and clearing operations, the limits of the RPA and any buffer areas to be maintained shall be clearly identified on site and protected during construction.
10. Direct parcel access to Warrenton Road shall be limited to one right-in/right-out entrance as generally shown on the GDP with such entrance to be located a minimum of 400 feet from the intersection of Village Parkway. From this access into the property, there shall be a minimum of 180 feet of distance into the parcel prior to the first drive access serving the interior pad sites.
11. The applicant shall provide any necessary construction and access easements that may be required for the adequate alignment of the extension of Village Parkway to serve parcel 44-62 and 44-61A and shall provide an easement, if necessary, for the location of traffic signal equipment required by VDOT at the Village Parkway intersection with Warrenton Road.
12. Along the Village Parkway access extension onto Parcel 44-61A, Applicant will place drive entrances generally as shown on the GDP and Parcel 44-61A and Parcel 44-62 shall coordinate those drive entrances. The first such drive entrance shall be a minimum of 180 feet from Warrenton Road.
13. Within the area of the Property designated as Resource Protection Area, (“RPA”), the Applicant agrees to dedicate sanitary sewer and temporary construction easements to Stafford County sufficient in width to accommodate a future increase in size of, and the extension of, the Falls Run Interceptor. The proffered easement areas will not extend beyond the limit of the RPA and shall be the minimum width necessary under Stafford County easement guidelines pertaining to size and depth of sewer. The easement location within the RPA will be determined by Stafford County in consultation with the Applicant, with the caveat that the location chosen will not impact any construction undertaken by or planned by the Applicant adjacent to the limits of the RPA, including storm water

- management facilities and retaining walls. The Applicant shall provide a copy of its property survey and topography to the County. The Applicant shall agree to a plat of the location and limits of the easement area during the County's full and complete design of the Falls Run Interceptor expansion and extension and agree to the recordation of the deed of dedication and plat upon County approval of the design plans and funding approval for the complete expansion and extension of the Falls Run Interceptor from I-95 through the Property. This proffer is intended as a covenant that shall run with the land and shall be binding on the Applicant and any future successor or assigns of the land which is the subject of this rezoning.
14. Adjacent to the residential lots numbered 10 through 14 along the eastern property boundary, the edge of the Applicant's buildings shall not be located closer than 100 feet from the common boundary line with these residential lots.
 15. Trash dumpsters will be scheduled for pick-up after 8 a.m. and before 9 p.m.
 16. The storm water management pond shall have fencing installed along its perimeter as appropriate.
 17. Adjacent to the face of any building located within 150 feet of the common property line with the residential lots numbered 10 thru 14 of the Cardinal Forest Subdivision, Applicant shall install trees adjacent to the building such that as they mature will serve to obscure the building glazing facing directly towards such residential lots to the extent feasible. Applicant shall plant trees with an initial height of 10 feet. Applicant agrees to consult with the Planning Director, or his designee, with respect to the types of trees to be planted and their spacing. Applicant agrees that it will maintain any such trees and agrees to replace any that may die.

18. With respect to storm water management quantity control, in the event prior to the Applicant's site plan submission the County requires all properties in the Falls Run watershed above Cardinal Forest Drive to provide quantity control for the 20 year storm, the Applicant shall provide such quantity control and, if technically feasible and reasonably practicable, the Applicant shall provide 10% of the 10 year quantity management control amount through infiltration. If the County does not enact such a requirement, at the time of site plan approval, Applicant shall contribute \$10,000 to a County fund or the Cardinal Forest HOA to be used towards the cost of any maintenance or expansion of the Cardinal Forest culvert crossing of Falls Run.

Planning; Consider Rezoning 3.0 Acres from A-1 to B-2 at 1261 Warrenton Road. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Clark Leming, on behalf of the Applicant

Steve Teads

Greg Motto

Doug Dodge

Clark Leming

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O07-30 with a change.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Milde

Ordinance O07-30 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, TO B-2, URBAN COMMERCIAL, ON PROPERTY IDENTIFIED AS ASSESSOR'S PARCEL 44-61, HARTWOOD ELECTION DISTRICT

WHEREAS, Stafford E & A, LLC, applicant, has submitted application RC2600453 requesting reclassification from A-1, Agricultural, to B-2, Urban Commercial, of property consisting of approximately 3.00 acres, located on the north side of Warrenton Road, across from Village Parkway, Hartwood Election District; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning District Map to reclassify the parcel of land, as shown on the plat of survey by Urban Engineering & Associates, Inc., dated February 17, 2005, from A-1, Agricultural, to B-2, Urban Commercial, with the following proffers:

1. Transportation

- (a) Right of Way Dedication - The Applicant shall dedicate right of way along Warrenton Road (U.S. Rt. 17) 72 feet from the centerline of Warrenton Road, except that the Applicant shall dedicate up to 84 feet of right of way along Warrenton Road where an additional right turn lane will be constructed by the Applicant.

- (b) Site Access – There shall be no direct access from the Property (Parcel 44-61) onto Warrenton Road (U.S. 17). Access to Warrenton Road shall be limited to two access points on Assessor’s Parcel 44-61A in the approximate location shown on the Generalized Development Plan (“GDP”), dated January 5, 2006, last revised December 21, 2006, and prepared by Urban Engineering & Assoc., Inc. A minimum of 180 feet shall be maintained from Warrenton Road to the first point of access serving Parcels 44-61 and 44-61A at both the primary access road and the right in/right out entrance at the Village Parkway intersection. A minimum separation of 400’ shall be maintained from the right-in/right-out entrance to the Village Parkway intersection.

- (c) Construction of Four Lane Primary Access Road – The Applicant shall construct a four lane primary access road substantially as shown on the GDP to serve this property, aligned with Village Parkway, and shall provide an interparcel access for Parcel 44-62. The Applicant shall reserve up to a 25 foot right-of-way at the eastern boundary of Parcel 44-61A at the general location shown on the GDP to be used to connect this road at others expense in the future to Truslow Road extended, and shall remove/relocate any existing parking spaces within the 25 foot right-of-way when construction commences for Truslow Road extended.

- (d) Interparcel Connections – The Applicant shall provide interparcel connections to provide access to Parcel 44-61A and Parcel 36-29 in the approximate locations shown on the GDP.

- (e) Cash Contribution – The Applicant shall contribute the sum of ten thousand dollars (\$10,000) to the Stafford County Board of County Supervisors toward improvements to Warrenton Road, five thousand dollars (\$5,000) payable within thirty (30) days of approval of a final site plan for the property, and five thousand dollars (\$5,000) payable on or before the date of the issuance of the first occupancy permit for Parcel 44-61.
 - (f) Right Turn Lane - The Applicant shall construct a continuous right through lane across the front of the Property and a right turn lane serving the right-in, right-out entrance as indicated on the GDP.
 - (g) Traffic Signal Modification Plan – The Applicant shall provide and fully fund the cost of a separate traffic signal modification plan to VDOT for the intersection at Route 17 and Village Parkway prior to the issuance for any occupancy plan for the site.
 - (h) Sidewalks – The applicant shall construct sidewalks along the frontage of Warrenton Road for Parcels 44-61 and 61A, or provide for the execution and recordation of a sidewalk security agreement, if applicable, in accordance with Section 28-59(f)(2) of the Stafford County Zoning Ordinance.
2. Buffers – A mix of evergreen and deciduous trees shall be employed in any screening areas.
3. Uses Not to be Constructed – The applicant agrees that the following uses shall not be constructed on Parcel 44-61: 1) Adult Businesses as defined by Stafford Zoning Section 4-86; 2) Building material sale and storage yard and mulch sale, but this exclusion shall not be deemed to prohibit or otherwise restrict a home improvement or general retail store; 3) Car Wash as a Primary Use; 4) Commercial Apartments; 5) Funeral Home; 6) Motel; 7) Indoor Flea Market; 8) Place of Worship; and 9) Warehousing, Mini-Storage. Hotel is permitted provided it has enclosed stairways and access to the rooms. The Applicant also

agrees not to construct Public Facilities/Utilities with the exception of water and sewer lines and related infrastructure including water mains and booster pump stations to serve Stafford Business Park.

4. Architectural Design - The principle exterior building material on parcel 44-61 shall be brick, glass, architecturally textured masonry, architectural pre-cast or job-cast concrete, stucco type material, or comparable material. No building having metal siding or non-textured cinder block as a principal exterior building material shall be constructed. A pitched roof or varied architectural detailing, such as varied cornices and roof-edge detailing, shall be used with a slate roof. Dominant colors shall generally be of low reflectance, subtle, and neutral or earth tone colors (e.g. such as beige, sage, forest greens, blues, grays, brown, terracotta, sand, cast stone, etc.) and shall not include high intensity black, bright white or fluorescent tones. The elevation by Bignell Watkins Hasser dated February 2, 2007, is illustrative only, yet it reflects the use of various building materials and the general character of design and design coordination for the building to be located on parcel 44-61, except that roof shall be constructed of slate rather than the standing seam roof shown. Nothing herein shall be construed to prohibit a national and/or regional retail user of this building on the Property from reasonably employing general features of its prototype architectural design, provided the building design and colors are consistent with this paragraph.
5. Building Height – Any building located on Parcel 44-61 shall be no more than 40 feet tall.
6. Signage – The color, design, and materials of all signs on Parcel 44-61 shall be coordinated with the architectural design of the building on the site.
7. Fire Protection - The Applicant agrees to install automatic sprinkler systems in all buildings constructed on the Property.

8. Lighting - The Applicant shall install lighting within the parking area that is directed away from residential properties and Warrenton Road.
9. Cultural Resources – The Applicant shall submit a historic structures report on the three (3) existing structures on the Property before the buildings are demolished. The applicant shall permit any qualified person or entity to remove materials from the subject buildings or any of the buildings in their entirety at their sole cost and expense prior to the commencement of construction.
10. RPA Protection During Construction - Prior to major grading and clearing operations, the limits of the RPA and any buffer areas to be maintained shall be clearly identified on the site (using orange construction fencing or other suitable materials), and protected during construction.
11. Consolidation of Parcels – The Applicant agrees to consolidate the Property with Assessor’s Parcel 44-61A prior to the issuance of any occupancy permit for the Property.
12. Utilities – Upon request of the County, the applicant shall dedicate a public sanitary sewer easement for the Falls Run Interceptor Sewer extension that may be designed on parcel 44-61A. Such easement shall meet all requirements of the County Water and Sewer Design and Constructions Standards.
13. Falls Run Watershed Mitigation – The Applicant shall contribute \$10,000 to a County fund or the Cardinal Forest HOA to be used towards the cost of any maintenance and/or improvements of the Cardinal Forest culvert crossing of Falls Run.
14. Low Impact Development - The Applicant shall utilize LID (Low Impact Development site planning) in the stormwater management design plans for

Parcel 44-61 to the maximum extent practicable in accordance with Stafford County Code Sec. 21.5-4(a)(7).

Parks and Recreation; Budget and Appropriate Funds for Construction of Patawomeck Park, Phase I and Award Contract. Mr. Greg Sager, Director of Parks and Recreation, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Tim Welsh

Dean Fetterholf

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-196.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Schwartz

Resolution R07-196 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO BUDGET AND APPROPRIATE FUNDS FOR THE CONSTRUCTION OF
THE PATAWOMECK PARK–PHASE I

WHEREAS, the construction of Phase I of this public park has been offered for public bids; and

TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE
PATAWOMECK PARK – PHASE I AND IDENTIFY AND APPROVE
PAYMENT FOR DOMINION VIRGINIA POWER LINE RELOCATION

WHEREAS, the Board adopted Resolution R07-108 authorizing the bidding of the Patawomeck Park – Phase I; and

WHEREAS, the Board adopted Resolution R06-331 committing \$1,800,000 of undesignated 2001 Recreation Bond Funds, to Patawomeck Park Phase I construction; and

WHEREAS, as part of the land swap, the County will receive \$500,000 from the developer of Fritter Park to help offset Patawomeck Park Phase I construction costs; and

WHEREAS, the construction of the Phase I of this public park has been offered for public bids and three bids were received with S.W. Rodgers Company, Inc. offering the lowest responsive bid of \$4,647,145;

WHEREAS, the funding required for the relocation of the existing power lines for construction of Phase I of this park totals \$172,721.60;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the County Administrator be and he hereby is authorized to execute a contract with S.W. Rodgers Company, Inc., in an amount not to exceed Four Million Six Hundred Forty-seven Thousand One Hundred Forty-five Dollars (\$4,647,145) for construction of the Patawomeck Park – Phase I and approves payment of One Hundred Seventy-two Thousand Seven Hundred Twenty-one Dollars and Sixty Cents (\$172,721.60) to Dominion Virginia Power for the relocation of the existing power lines for Phase I park construction; and

BE IT FURTHER RESOLVED that

1. The Board adopts this declaration of official intent under Treasury Regulations Section 1.150-2
2. The Board reasonably expects to reimburse advances made or to be made by the County to pay the costs of development, acquisition, construction and equipment for Patawomeck Park – Phase I from the proceeds of its debt or other financings. The maximum amount of the debt or other financing expected to be issued in one or more series for the Patawomeck Park – Phase I is \$4,647,145.

Administration; Amend and Reordain Chapter 1, Section 1-12.2 of the County Code Regarding “Courthouse Security Fee”. The County Administrator commented.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Milde, to adopt proposed Ordinance O07-45.

The Voting Board tally was:

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

Nay: (0)

Ordinance O07-45 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 1,
SECTION 1-12.2, ENTITLED “COURTHOUSE SECURITY FEE”,
OF THE STAFFORD COUNTY CODE

WHEREAS, the General Assembly, in its 2007 Session, amended the State Code to provide for an increase in the amount of fees that can be collected to fund courthouse security personnel; and

WHEREAS, the Sheriff has requested that the fees charged by Stafford County be increased effective July 1, 2007; and

WHEREAS, the Board desires to amend said fees;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of May, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Chapter 1, Section 1-12.2, effective July 1, 2007, as follows, all other portions remaining unchanged:

Sec. 1-12.2. Courthouse security fee.

(a) A fee of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) shall be assessed as part of the cost against each defendant for each conviction or violation of a statute or ordinance which shall be collected by the clerk of the court (circuit and/or district courts) with other costs.

(b) The clerk shall remit the fees to the Stafford County treasurer. The funds shall be held subject to appropriation by the board of supervisors to the sheriff's office for the funding of courthouse security personnel.

~~(c) This assessment shall expire on July 1, 2004.~~

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

Steve Crosby
County Administrator

Jack R. Cavalier
Chairman