

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

August 1, 2006

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Robert C. Gibbons, at 1:03 P. M., Tuesday, August 1, 2006, in the Board Chambers, Stafford County Administration Center.

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

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

Legislative; Presentation of a Proclamation to Declare the Week of August 28 – September 2, 2006, as Fire and Rescue Appreciation Week. The Chairman presented the proclamation to recognize and commend the Stafford County Firefighters Association, Paramedics and Emergency Medical Technicians for their support of the Muscular Dystrophy Association.

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

Janet O'Neal - Beautification Committee.

- Ray Taylor - Abel Lake; reservoir protection.
- Ruth Carlone - Cardboard boat races.
 - Bluemont Concert series.
 - Enforcement of ordinances.
 - Departure of Megan Orient as Tourism Manager.
 - Departure of Ben Seal in Planning.
 - Departure of Dr. Jean Murray, Division Superintendent of Schools.
 - Business Professional Occupational License tax.
 - Cost benefit analysis of Armstrong Property.
 - Beautification Committee.
 - Aquatic Center.
- Cecelia Kirkman - Big Spring Lane rezoning..
- Laura Collinworth - Beautification Committee.
- Art Hart - Ruritan Club event.
 - Sheetz rezoning.
 - Warrenton Road signs.
 - Tourism.
- Kay Dudenhefer - Road safety; transportation bonds.
- Michele Gilley - Pump and Haul Services.
- Dan Wildman - Ambulance transport billing and collection services.
- Lou Silver - Discovery Days.
 - Capital Improvement Program and Bond Issues.

- Legislative initiatives for 2007.

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

- Mr. Milde
 - Cemetery Committee.
- Mr. Brito
 - Attended two ribbon cutting ceremonies for Businesses on Warrenton Road.
- Mr. Cavalier
 - Will be absent from the Discovery Days event.
 - Commended Dr. Jean Murray, Division Superintendent of Schools.
 - Park rental fee procedures.
 - Conduct of Board members; professional manner.
- Mr. Dudenhefer
 - Sheetz rezoning.
 - Commented on his appointment as Chairman of the Base Realignment and Closure Commission.
 - Rappahannock Area Development Commission and Fredericksburg Area Metropolitan Planning Organization.
 - Comprehensive Plan Steering Committee.
 - Civilian-Military Community Relations Council.
 - Conduct of Board members.
- Mr. Fields
 - Attended Coalition of High Growth.
- Mr. Gibbons
 - Sheriff's Office National Night Out Program.
 - Transit funding.
 - Discovery Days – Godspeed.

- Met with Chairman of School Board regarding Virginia Public School Authority loans.
- Attended Base Realignment and Closure meeting.
- Virginia Railway Express update; growth rate.
- Conduct of Board members.
- Saturday breakfast meeting.
- Virginia Municipal League fact sheet on Standards of Quality funding for schools.
- Pilot program to take over funding of roads.

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

- Added two items to Closed Meeting Agenda:
Legal Advice - Power line easement.
Legal Advice – Pending Litigation.

Mr. Cavalier motioned, seconded by Mr. Schwartz, to add the additional items to Closed Meeting.

The Voting Board tally was:

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

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

- Additions and Deletions:
Item 19. Planning; Proposed Resolution R06-371.

Item 27. Legislative; 1:00 P.M., Presentation of a Proclamation to Recognize and Commend the Stafford County Firefighters

Association, Paramedics and Emergency Medical Technicians for their support of the Muscular Dystrophy Association.

Item 28. Utilities; Consider Pump and Haul Services and Modification of Existing Home at 11 Mallard Road.

Closed Meeting Addition:

Legal Advice – Legal Representation in Pending Litigation. Gross v. BZA

Section 2.2-3711 A7

Code of Virginia

- Deletions:

Item 26a. Legislative; Presentation on Economic Development Strategic Plan.

- Groundbreaking for Berea Station.

Mr. Cavalier motioned, seconded by Mr. Fields, to approve the additions and deletions to the Regular Agenda and Closed Meeting Agenda.

The Voting Board tally was:

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

Nay: (0)

Legislative; Consent Agenda. Mr. Cavalier motioned, seconded by Mr. Fields, to adopt the Consent Agenda consisting of Items 1 thru 15, omitting items 9 and 13.

The Voting Board tally was:

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

Nay: (0)

Item 1. Legislative; Approve Minutes of Board Meeting. Regular Meeting of May 16, 2006; and Special Meeting of July 13, 2006.

Item 2. Legislative; Recognize and Commend:

Proclamation P06-30 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND DR. ANDREA L. BENGIER AND THE SCHOOL SYSTEM'S N-STAR PROGRAM

WHEREAS, Dr. Andrea L. Bengier is the Assistant Superintendent for Instruction, Technology and Accountability for the Stafford County Public Schools System; and

WHEREAS, Dr. Bengier is responsible for administering the instructional, technology, information services and accountability portions of the School Division Budget; supervised the Division's State Assessment Program which resulted in all schools receiving full accreditation; administered a nationally recognized regional Governor's School; and reorganized the Department of Technology and Information Services and the Department of Instruction; and

WHEREAS, Dr. Bengier designed and manages the multi-million dollar N-STAR (Department of the Navy – Science and Technology for America's Readiness) Virginia Demonstration Project in partnership with the Office of Naval Research, Naval Surface Warfare Center, Dahlgren and the College of William and Mary; and

WHEREAS, in an effort to entice students to pursue degrees in science, technology, engineering and mathematics, the N-STAR Program teams naval research scientists and engineers with middle school classroom teachers and students to construct and use robots to solve real world problems; and

WHEREAS, in 2005, more than 350 seventh grade students participated in the program, culminating in a day-long exposition for students, parents and the naval research staff, with 70 students being selected to participate in a summer camp at Dahlgren where they participated in hands-on experiments involving mine clearing, swimmer rescue, troop transport and other unique math and engineering challenges; and

WHEREAS, in 2006, an estimated 3,000 students from three school divisions in Virginia will participate in the N-STAR Program, and school systems in Maryland and Rhode Island are planning to replicate this outstanding and unique initiative; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the commitment professionalism with which Dr. Bengier has worked to provide exceptional programs in support of students and teachers throughout the Stafford School System;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that Dr. Andrea L. Bengier be and she hereby is recognized and commended for developing the N-STAR Virginia Demonstration Project.

Proclamation P06-31 reads as follows:

A PROCLAMATION TO DECLARE THE WEEK OF AUGUST 28 THROUGH SEPTEMBER 2, 2006, AS FIRE AND RESCUE APPRECIATION WEEK

WHEREAS, fighting fires and responding to emergency medical calls requires physical strength, stamina, extensive training, courage and selfless concern for the welfare of all citizens; and

WHEREAS, firefighters and emergency medical personnel throughout the Commonwealth and the Nation have teamed up with the Muscular Dystrophy Association (MDA) for the past 52 years in the fight against neuromuscular diseases; and

WHEREAS, Nick Butler, a ten-year-old jokester, artist and member of the Student Council at Anne E. Moncure Elementary School in Stafford, was diagnosed in 1997 with Spinal Muscular Atrophy Type II, and currently serves as the MDA 2006 Goodwill Ambassador for the State of Virginia; and

WHEREAS, with thoughts of Nick and thousands of children like him in their hearts, the Stafford County Firefighters Association, Paramedics and Emergency Medical Technicians will hold a “Fill the Boot” campaign during the Labor Day weekend at Stafford Marketplace, Washington Plaza and other venues in the County to raise funds for MDA programs; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the dedication and community involvement exhibited by Stafford’s firefighters and emergency medical services personnel, and to urge citizens to support their fundraising efforts on behalf of the MDA;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that week of August 28 – September 2, 2006, be and it hereby is declared as Fire and Rescue Appreciation Week.

Item 3. Parks and Recreation; Authorize a Public Hearing to Dedicate Right-of-Way for Public Street Purposes at Patawomeck Park.

Resolution R06-355 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO DEDICATE RIGHT-OF-WAY
FOR PUBLIC STREET PURPOSE ON COUNTY-OWNED PROPERTY AT
PATAWOMECK PARK

WHEREAS, dedicating the right-of-way is required for construction and acceptance into the state road system of Chopawamsic Parkway;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the County Administrator be and he hereby is authorized to advertise a public hearing on dedicating right-of-way for public street purpose on County-owned property at Patawomeck Park.

Item 4. Finance; Approve Expenditure Listings

Resolution R06-348 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED
JULY 18, 2006 THROUGH JULY 31, 2006

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 1st day of August, 2006, that the above-mentioned EL be and it hereby is approved.

Item 5. Utilities; Authorize Contract for Purchase of Chemicals.

Resolution R06-380 reads as follows:

A RESOLUTION TO AUTHORIZE A CONTRACT FOR AN ODOR
CONTROL CHEMICAL

WHEREAS, the Department of Utilities desires to purchase an odor control chemical to eliminate hydrogen sulfide generation at a number of its wastewater pump stations; and

WHEREAS, bids have been solicited and received for a lime-based odor control chemical that has been demonstrated to eliminate hydrogen sulfide odors; and

WHEREAS, funds have been appropriated in the FY2007 Facilities Maintenance Operating Budget for the purchase of an odor control chemical;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August 2006, that the County Administrator be and he hereby is authorized to execute a contract with Basic Chemical Solutions to provide Custom Blended Alkali CBA-45 for odor control in an amount not-to-exceed One Hundred Eighty-three Thousand Dollars (\$183,000) in FY2007.

Item 6. Utilities; Award Contract for Construction of Rappahannock River Intake Access Road and Pipeline.

Resolution R06-329 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE ACCESS
ROAD AND PIPELINE FOR THE RAPPAHANNOCK RIVER INTAKE
PUMPING STATION

WHEREAS, the Board has selected the Rocky Pen Run Reservoir to meet the present and future water supply needs of the County; and

WHEREAS, it is necessary to construct a pumping station and intake on the Rappahannock River to supply water for the reservoir; and

WHEREAS, the construction of the access road and pipeline for this pumping station has been offered for public bids; and

WHEREAS, five bids were received with W.C. Spratt, Inc. offering the lowest responsive bid of \$638,524;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the County Administrator be and he hereby is authorized to execute a contract with W.C. Spratt, Inc. in an amount not to exceed Six Hundred Thirty-eight Thousand Five Hundred Twenty-four Dollars (\$638,524) for construction of the Rappahannock River intake access road and pipeline.

Item 7. Utilities; Authorize Contract for Engineering Services for the Design of the Rocky Pen Run Water Treatment Facility

Resolution R06-344 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES FOR THE
DESIGN OF THE ROCKY PEN RUN WATER TREATMENT FACILITY

WHEREAS, the Board has selected the Rocky Pen Run Reservoir to meet the present and future water supply needs of the County; and

WHEREAS, a new water treatment facility is required to treat the water from the reservoir; and

WHEREAS, the Board previously authorized the solicitation of proposals from firms interested in providing these services; and

WHEREAS, seven firms submitted proposals of which three firms were subsequently invited for interviews; and

WHEREAS, based upon the content of the proposals and the results of the interviews, the selection committee determined that CH2MHill was the most qualified firm to provide engineering services for the design of the Rocky Pen Run Water Treatment Facility; and

WHEREAS, CH2M Hill has proposed to provide engineering services for the design of this facility for the estimated fee of \$1,601,490; and

WHEREAS, sufficient funds are appropriated for this contract;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the County Administrator be and he hereby is authorized to execute a contract with CH2MHill in an amount not to exceed One Million Six Hundred One Thousand Four Hundred Ninety Dollars (\$1,601,490) for engineering services for the design of the Rocky Pen Run Water Treatment Facility.

Item 8. Utilities; Authorize Acquisition of Easements for the Deacon Road Water Line Extension.

Resolution R06-345 reads as follows:

A RESOLUTION TO AUTHORIZE PAYMENT FOR AN EASEMENT ON
PARCEL 1A-9 FOR THE DEACON ROAD WATER LINE UPGRADES

WHEREAS, the Board has authorized construction of improvements to the water system in the vicinity of Deacon Road; and

WHEREAS, water line easements are necessary to construct the water line upgrades; and

WHEREAS, the owners of Tax Map 54B, Parcel 1A-9, have agreed to grant the necessary easement on their property for \$2,300; and

WHEREAS, staff has determined that this amount is reasonable compensation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the County Administrator be and he hereby is authorized to make payment in an amount not to exceed Two Thousand Three Hundred Dollars (\$2,300) for an easement on Parcel 1A-9 for the Deacon Road Water Line Upgrades.

Resolution R06-346 reads as follows:

A RESOLUTION TO AUTHORIZE PAYMENT FOR AN EASEMENT ON
PARCEL 1A-5 FOR THE DEACON ROAD WATER LINE UPGRADES

WHEREAS, the Board has authorized construction of improvements to the water system in the vicinity of Deacon Road; and

WHEREAS, water line easements are necessary to construct the water line upgrades; and

WHEREAS, the owners of Tax Map 54B, Parcel 1A-5, have agreed to grant the necessary easement on their property for \$1,800; and

WHEREAS, staff has determined that this amount is reasonable compensation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the County Administrator be and he hereby is authorized to make payment in an amount not to exceed One Thousand Eight Hundred Dollars (\$1,800) for an easement on Parcel 1A-5 for the Deacon Road Water Line Upgrades.

Resolution R06-363 reads as follows:

A RESOLUTION TO AUTHORIZE PAYMENT FOR AN EASEMENT ON
PARCEL 57 FOR THE DEACON ROAD WATER LINE UPGRADES

WHEREAS, the Board of Supervisors has authorized construction of improvements to the water system in the vicinity of Deacon Road; and

WHEREAS, water line easements are necessary to construct the water line upgrades; and

WHEREAS, the owners of Tax Map 54QQ, Parcel 57, have agreed to grant the necessary easement on their property for \$1,900; and

WHEREAS, Staff has determined that this amount is reasonable compensation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the County Administrator be and he hereby is authorized to make payment in an amount not to exceed One Thousand Nine Hundred Dollars (\$1,900) for an easement on Parcel 57 for the Deacon Road Water Line Upgrades.

Item 10. Public Services; Authorize the Renewal of a Contract for Custodial Services at County Facilities

Resolution 342 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO RENEW A CONTRACT FOR CUSTODIAL SERVICES AT VARIOUS
COUNTY FACILITIES

WHEREAS, the Department of Public Services, Property Management Division, desires the services of outside contractors to perform custodial services that are beyond the capabilities of County resources;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the County Administrator be and he hereby is authorized to renew a contract with CC Building Services in an amount not-to-exceed Two Hundred Forty-one Thousand Two Hundred Seventy-eight Dollars (\$241,278); and

BE IT FURTHER RESOLVED that, subject to funds being appropriated each year for this purpose, the contract shall have an option to renew for up to three additional one-year terms, if mutually agreed upon.

Item 11. Utilities; Approve Construction of Sanford Drive Neighborhood Sewer Project.

Resolution R06-353 reads as follows:

A RESOLUTION TO CONSTRUCT THE SANFORD
DRIVE NEIGHBORHOOD SEWER PROJECT

WHEREAS, the Utilities Commission, having considered comments from the public and other pertinent criteria contained in Resolution R94-122(R), recommends that the Board approve the construction of the Sanford Drive neighborhood sewer project; and

WHEREAS, the Board concurs with the Utilities Commission recommendations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the Sanford Drive neighborhood sewer project be and it hereby is authorized for construction in an amount estimated at One Hundred Forty Thousand Dollars (\$140,000).

Item 12. Planning; Amend a Contract for the Comprehensive Plan.

Resolution R06-360 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO AMEND A CONTRACT FOR PLANNING SERVICES

WHEREAS, the Board is pursuing an update to the Comprehensive Plan; and

WHEREAS, the County has contracted the services of Peter J. Smith and Company, Inc. to provide assistance with this project under a set process, time schedule and cost; and

WHEREAS, the Comprehensive Plan Steering Committee desires to incorporate a fiscal impact model as an element of the Plan which exceeds the scope of service proposed by the planning consultant; and

WHEREAS, the Board finds it appropriate to increase the scope of services to develop a fiscal impact model as an element of the proposed Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the County Administrator be and he hereby is authorized to amend a contract with Peter J. Smith and Company, Inc. in an amount not to exceed Forty Thousand Dollars (\$40,000); and

BE IT FURTHER RESOLVED that \$40,000 be and it hereby is transferred from the General Fund, Non-Departmental, Contingency Account to the Planning Category, for services specifically for continued development of a new Comprehensive Plan.

Item 14. Administration; Authorize Signature of Waiver of Defenses to Non-Suit and Reinstitution of Litigation in the Matter of Ward Corporation V. Board of Supervisors of Stafford County.

Resolution R06-362 reads as follows:

A RESOLUTION RATIFYING THE EXECUTION OF A WAIVER OF DEFENSES TO NON-SUIT AND REINSTITUTION OF LITIGATION IN THE MATTER OF WARD CORPORATION V. BOARD OF SUPERVISORS OF STAFFORD COUNTY

WHEREAS, suit was filed against the County for a Declaratory Judgment, an injunction and other relief on September 17, 2003; and

WHEREAS, this matter was set for trial on August 1 and 2, 2006 in the Stafford County Circuit Court; and

WHEREAS, the County's traffic expert became unavailable for the trial due to surgery and a request for a continuance of the trial was denied; and

WHEREAS, the Chairman and County Administrator executed a Waiver of Defenses to Non-Suit and Reinstitution of Litigation; and

WHEREAS, the matter of Ward Corporation v. Board of Supervisors of Stafford County was non-suited; and

WHEREAS, this action is in the best interest of the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the execution of the Waiver of Defenses to Non-Suit and Reinstitution of Litigation by the Chairman and County Administrator in the matter of Ward Corporation v. Board of Supervisors of Stafford County be and it hereby is ratified.

Item 15. Legislative; Appoint Members to Boards, Authorities, Commissions and Committees

Resolution R06-368 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE AGRICULTURAL COMMISSION

WHEREAS, the Board established a comprehensive approach to the preservation of agricultural and rural lands; and

WHEREAS, the Agricultural Commission will assist the Board in addressing the problems of sustainable growth, preservation of rural lands, and promotion and facilitation of agriculture, environmental integrity, land values and taxation; and

WHEREAS, the Agricultural Commission consists of seven members appointed from the election districts; and

WHEREAS, the Agricultural Commission recommends policies to accomplish the following:

1. Identification of areas of the County that are appropriate for the continuation of agriculture and the preservation of rural lands.
2. Identification of the level of residential development that should be permitted within agricultural and rural areas.
3. Review of the land use assessment program to determine its effect on farmland and its potential use on land speculation.
4. Development of a purchase of development rights program.
5. Development of a program with the Department of Economic Development and other County departments that will facilitate the expansion of markets for farm products;
and

WHEREAS, the Agricultural Commission is permitted to form ad hoc committees comprised of the various stakeholders that it deems necessary to carry out the Commission’s mission; and

WHEREAS, the Board has previously appointed the following;

<u>NAME</u>	<u>EXPIRATION</u>
Thomas Coen (Garrisonville District)	December 31, 2009
Pam Thibodeaux (Hartwood District)	December 31, 2009

Edward G. Silver
(George Washington District) December 31, 2007

Richard Silvrants
(Rock Hill District) December 31, 2007

Nan Rollison
(Griffis-Widewater District) December 31, 2007

Benjamin Rudasill
(Aquia) December 31, 2009

Bruce Callander
(Falmouth District) December 31, 2009

WHEREAS, Richard Silvrants has submitted his resignation; and

WHEREAS, the Board desires to fill this vacancy; and

WHEREAS, the Board desires that expirations coincide with Board Members terms of office;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that:

NAME

EXPIRATION

Lewis Cooney
(Rock Hill District) December 31, 2007

be and he hereby is appointed to the Agricultural Commission.

Utilities; Consider Pump and Haul Services and Modification of Existing Home at 11 Mallard Road. Mr. Robert E. Bos, Public Utilities Administrator, gave a presentation.

Mr. Cavalier motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-351.

Discussion ensued.

Ms. Michele Gilley, applicant, commented further.

The Voting Board tally was:

Yea: (4) Dudenhefer, Gibbons, Milde, Cavalier

Nay: (3) Fields, Schwartz, Brito

Resolution R06-351 reads as follows:

A RESOLUTION TO APPROVE A PUMP AND HAUL AGREEMENT
WITH THE VIRGINIA DEPARTMENT OF HEALTH FOR 11 MALLARD
ROAD AND TO APPROVE REPLACEMENT OF THE HOUSE

WHEREAS, it is necessary to provide Pump and Haul services for sewage storage facilities; and

WHEREAS, the County has an Agreement and General Permit with the State Health Department for Pump and Haul services; and

WHEREAS, Pump and Haul services are required for 11 Mallard Road; and

WHEREAS, it is necessary for the County to add new locations to the General Permit Agreement with the Virginia Department of Health; and

WHEREAS, the owners of 11 Mallard Road must replace their existing house and desire to replace it with a larger structure;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the County Administrator be and he hereby is authorized to add 11 Mallard Road to the agreement with the Virginia Department of Health; and

BE IT FURTHER RESOLVED that these services will be discontinued and removed from the agreement with the Virginia Department of Health if public sewer becomes available to this parcel; and

BE IT STILL FURTHER RESOLVED that Stafford County bears no financial obligation and the anticipated occupant will bear all costs associated with Pump and Haul services; and

BE IT STILL FURTHER RESOLVED that the owners of 11 Mallard Road be allowed to replace the existing structure with a new three bedroom house of approximately 3,650 square feet in area.

Fire and Rescue; Award a Contract to Provide Ambulance Transport Billing and Collection Services. Mr. Rob Brown, Director of Fire, Rescue and Emergency Services, gave a presentation.

Mr. Milde motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-328.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-328 reads as follows:

A RESOLUTION TO AWARD A CONTRACT TO DIVERSIFIED
AMBULANCE BILLING, INC., FOR AMBULANCE BILLING

WHEREAS, the Board has approved the Ambulance Fee Cost Recovery program;
and

WHEREAS, Diversified Ambulance Billing, Inc., has submitted a proposal to the
County for ambulance billing services based on their contract with Fairfax County,
RFP05-762879-39 dated January 3, 2005; and

WHEREAS, budgeted funds are available to contract ambulance billing for the
Fire and Rescue Department;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of
Supervisors on this the 1st day of August, 2006, that the County Administrator be and he
hereby is authorized execute a contract with Diversified Ambulance Billing, Inc.

Legislative; Name the Bridge Over I-95 the Rappahannock Falls Bridge. Mr. Milde
commented.

Mr. Milde motioned, seconded by Mr. Fields, to defer proposed Resolution R06-365.

Discussion ensued.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Cavalier, to adopt proposed
Resolution R06-365.

The Voting Board tally was:

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

Nay: (1) Milde

Resolution R06-365 reads as follows:

A RESOLUTION TO REQUEST THE COMMONWEALTH
TRANSPORTATION BOARD TO DESIGNATE THE
INTERSTATE 95 BRIDGE OVER THE RAPPAHANNOCK
RIVER AS THE “RAPPAHANNOCK FALLS BRIDGE”

WHEREAS, when Captain John Smith explored the Rappahannock River in the summer of 1608 he described the scenic river in his journal depicting an “encounter at the falls”, drawing attention to its history and natural resources; and

WHEREAS, the Board believes that it would be appropriate to designate the Interstate 95 Bridge over the Rappahannock River as the “Rappahannock Falls Bridge” to recognize this historic encounter and to encourage regional tourism both within the County and the City of Fredericksburg;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August 2006 that the Commonwealth Transportation Board be and it hereby is requested to officially designate the Interstate 95 Bridge over the Rappahannock River as the “Rappahannock Falls Bridge”.

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

Call to Order. At 3:05 P. M., the Chairman called the meeting back to order.

Planning; Consider Rezoning 11.87 Acres from A-1 to B-2 at 902 Garrisonville Road.

Mr. Gibbons commented.

The County Attorney commented further.

Mr. Clark Leming, attorney for the applicant, commented.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-57 with changes.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-57 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY, WITH PROFFERS, FROM A-1, AGRICULTURAL TO B-2, URBAN COMMERCIAL, ASSESSOR'S PARCEL 19-71, ROCK HILL ELECTION DISTRICT

WHEREAS, H. Clark Leming, applicant for Mid-Atlantic Commercial Properties, LLC, has submitted application RC2501629 requesting reclassification, with proffers, of Assessor's Parcel 19-71 from A-1, Agricultural, to B-2, Urban Commercial, consisting of 11.87 acres, located on the north side of Garrisonville Road, at the intersection with Shelton Shop Road, within the Rock Hill Election 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 an ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, 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, to B-2, Urban Commercial, Assessor's Parcel 19-71 with the following proffers:

1. Generalized Development Plan

The Applicant agrees that the development of the site shall be in conformance with the Generalized Development Plan ("GDP"), dated June 27, 2006, prepared by Vanasse Hagen Brustlin, Inc., insofar as location of structures, travel ways, entrances, and improvements to Garrisonville Road.

2. Transportation

A. Right-of-Way Dedication

The Applicant shall dedicate right-of-way along Garrisonville Road (SR-610) 75 feet from the centerline of Garrisonville Road as indicated on the GDP, which includes sufficient area for the potential future construction of a third westbound through lane on SR-610.

B. Garrisonville Road Improvements

The applicant shall construct a continuous right turn lane along the frontage of the Property on Garrisonville Road (SR-610), as shown on the GDP. In addition, the Applicant shall reconfigure the northbound lanes on Shelton Shop Road at the intersection to include a left turn lane, thru lane and right turn lane.

C. Signal Improvements

The Applicant shall make any necessary improvements to the signal(s) located at the intersection of Garrisonville and Shelton Shop Roads to adjust timing and make appropriate upgrades to improve traffic flow and turning movements.

D. Interparcel Access Easement

The Applicant shall provide an interparcel access easement to the parcels to the east and west of the property, as indicated on the GDP, provided that the adjacent uses are not residential or heavy industrial. The Applicant shall be under no obligation to construct such connections beyond what is necessary for the internal traffic flow of the property.

E. Sidewalks

The applicant shall construct sidewalks along internal drive aisles, as shown on the GDP.

F. Traffic Study

The applicant shall make any improvements indicated by the traffic study, dated December 5, 2005, revised February 17, 2006, prepared by Vanasse Hagen Brustlin, Inc., subject to VDOT approval.

3. Buffers

Any fencing used on the Property shall be of “see through” design, with the exception of fencing around loading areas and dumpster pads. A mix of evergreen and deciduous trees shall be employed in any transitional screening areas which screening shall be in accordance with the GDP and left undisturbed adjacent to the Eastern View subdivision, except for stormwater management/best management practices facilities which may be located within the transitional screening areas as indicated on the GDP.

4. Signage

Monument signs on the property shall be of coordinated color, design, and materials, with brick pedestal and surround.

5. Fire Protection

The Applicant agrees to install automatic fire sprinkler systems in all buildings constructed on the Property.

6. Architecture Treatment

The Applicant shall employ brick, glass, architecturally textured masonry, architectural pre-cast or job-cast concrete, or stucco type material on all facades of all buildings. The drugstore building and canopies fronting on or facing Garrisonville Road shall be constructed in accordance with the renderings attached, entitled CVS/pharmacy, dated February 28, 2006, prepared by Carter & Burgess, Inc. The fuel sales/convenience center shall be constructed in accordance with the renderings entitled “Sheetz Store Design,” dated April 13, 2006, prepared by Sheetz Incorporated. The color used on the awnings shall be no brighter than that shown at the lower right hand corner of the Sheetz elevation (Sherwin Williams 6608 – Rave Red). The other buildings on the project will maintain the same character and architectural treatment.

7. Lighting

The Applicant shall install lighting within the parking area that is directed away from residential properties and Garrisonville Road (SR-610).

8. Uses not to be Constructed

The applicant agrees that the following uses shall not be constructed on the property: (1) building material sale and storage yard and mulch sale; (2) indoor flea market; (3) wholesale business; (4) theatre, (5) nightclub; and (6) fast food restaurant with drive-through.

9. Existing Building

The existing residential structure on the property will be demolished within 180 days of the date of rezoning.

Consider a Conditional Use Permit at 902 Garrisonville Road. Mr. Gibbons commented.

Mr. Gibbons motioned, seconded by Mr. Fields, to defer this item to the next Board meeting.

The Voting Board tally was:

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

Legislative; Discuss the Capital Improvement Program and Bond Issues. Mr.

Dudenhefer motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-367.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Cavalier, Dudenhefer, Gibbons, Milde, Schwartz
Nay: (2) Fields, Brito

Resolution R06-367 reads as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD REQUESTING THE CIRCUIT COURT TO ORDER A SPECIAL ELECTION ON THE QUESTION OF ISSUING \$161.2 MILLION DOLLARS IN GENERAL OBLIGATION BONDS OF THE COUNTY OF STAFFORD, VIRGINIA TO FINANCE VARIOUS TRANSPORTATION IMPROVEMENT PROJECTS

WHEREAS, the Board of Supervisors ("Board") of the County of Stafford, Virginia ("County") has determined that it is advisable to contract a debt and to issue general obligation bonds of the County in the maximum amount of \$161.2 Million

Dollars (the "Bonds") for the purpose of financing the acquisition and construction of certain transportation improvements ("Projects"); and

WHEREAS, pursuant to the authority granted by the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended ("Act") the Board proposes to call a special election to take the sense of the qualified voters of the County on the following question regarding the issuance of such general obligation bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA:

1. The Board hereby determines that it is advisable to contract a debt and to issue general obligation bonds of the County in the amount set forth below and for the purpose of paying the costs, in whole or in part, of the Projects.
2. The Board hereby requests the Circuit Court of Stafford County, Virginia to order a special election on November 7, 2006 on the following question pursuant to Sections 15.2-2610 and 15.2-2611 of the Act, provided that such date is at least sixty (60) days after the date on which the Court enters its order. The question on the ballot shall be in substantially the following form:

SPECIAL ELECTION

November 7, 2006

QUESTION: Shall Stafford County, Virginia contract a debt and issue its general obligation bonds in the maximum amount of One Hundred Sixty-one Million Two Hundred Thousand Dollars (\$161,200,000) for the purpose of paying the costs, in whole or in part, of various transportation projects?

() YES

() NO

3. The County Administrator is instructed to file a certified copy of this Resolution with the Circuit Court of Stafford County, Virginia.

4. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 15.150-2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Projects from the proceeds of its debt or other financing. The maximum amount of debt or other financing expected to be issued for the Projects is set forth above.

5. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Stafford, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted by the Board of Supervisors of the County of Stafford, Virginia at a regular meeting held on the 1st day of August 2006.

Clerk, Board of Supervisors of the County of
Stafford, Virginia

[SEAL]

Legislative; Request the Circuit Court to Order a Special Election on the Question of Issuing \$76.8 Million Dollars in General Obligation Bonds to Finance Various Parks and Recreation Projects. Mr. Cavalier motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-366.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Fields, to adopt proposed Resolution R06-366 with changes to separate the bond questions.

Discussion further ensued.

The Voting Board tally was:

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

The Voting Board tally on the original motion was:

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

Resolution R06-366 reads as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD REQUESTING THE CIRCUIT COURT TO ORDER A SPECIAL ELECTION ON THE QUESTION OF ISSUING \$76.8 MILLION DOLLARS IN GENERAL OBLIGATION BONDS OF THE COUNTY OF STAFFORD, VIRGINIA TO FINANCE VARIOUS PARKS AND RECREATION PROJECTS

WHEREAS, the Board of Supervisors ("Board") of the County of Stafford, Virginia ("County") has determined that it is advisable to contract a debt and to issue general obligation bonds of the County in the maximum amount of \$76.8 Million Dollars (the "Bonds") for the purpose of financing the acquisition, construction and equipping of certain undertakings for parks and recreation purposes ("Projects");

WHEREAS, pursuant to the authority granted by the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended ("Act") the Board proposes to call a special election to take the sense of the qualified voters of the County on the following question regarding the issuance of such general obligation bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA:

1. The Board hereby determines that it is advisable to contract a debt and to issue general obligation bonds of the County in the amount set forth below and for the purpose of paying the costs, in whole or in part, of the Projects.

2. The Board hereby requests the Circuit Court of Stafford County, Virginia to order a special election on November 7, 2006 on the following question pursuant to Sections 15.2-2610 and 15.2-2611 of the Act, provided that such date is at least sixty (60) days after the date on which the Court enters its order. The question on the ballot shall be in substantially the following form:

SPECIAL ELECTION

November 7, 2006

QUESTION: Shall Stafford County, Virginia contract a debt and issue its general obligation bonds in the maximum amount of Seventy-six Million Eight Hundred Thousand Dollars (\$76,800,000) for the purpose of paying the costs, in whole or in part, of various parks and recreation projects?

() YES

() NO

3. The County Administrator is instructed to file a certified copy of this Resolution with the Circuit Court of Stafford County, Virginia.

4. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 15.150-2. The Board of Supervisors reasonably expects to

reimburse advances made or to be made by the County to pay the costs of the Projects from the proceeds of its debt or other financing. The maximum amount of debt or other financing expected to be issued for the Projects is set forth above.

5. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Stafford, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted by the Board of Supervisors of the County of Stafford, Virginia at a regular meeting held on the 1st day of August 2006.

Clerk, Board of Supervisors of the County of
Stafford, Virginia

[SEAL]

Legislative; Authorize a Public Hearing on the Fiscal Year 2007-2012 Capital Improvements Program. Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-369.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R96-369 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING ON THE
FISCAL YEAR 2007-2012 CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, the five-year Capital Improvements Program (CIP) is a significant part of the Comprehensive Plan; and

WHEREAS, it is necessary to identify needed capital improvements; and

WHEREAS, financial constraints restrict the ability of the County to fully fund the CIP; and

WHEREAS, the Board has considered the recommendation of the County Administrator on the FY2007-2012 Capital Improvements Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the County Administrator be and he hereby is authorized to advertise the FY2007-2012 Capital Improvements Program.

Planning; Consider Rezoning 11.87 Acres from A-1 to M-1 at 100 Big Spring Lane. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

Mr. Clark Leming, on behalf of the applicant, commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O06-44.

Discussion ensued.

The Voting Board tally was:

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

Ordinance O06-44 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 M-1, LIGHT INDUSTRIAL, ASSESSOR'S
PARCELS 38-102, 102A, 102B, 102C, 102D AND 104, AQUIA
ELECTION DISTRICT

WHEREAS, H. Clark Leming for The Samaha Corporation, applicant, has submitted application RC2500919 requesting reclassification from A-1, Agricultural, to M-1, Light Industrial, of the above-described property, consisting of 80.70 acres, located on the east side of Big Spring Lane approximately 1,000 feet east of Eskimo Hill Road, within the Aquia Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and 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 an ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, 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, to M-1, Light Industrial, the parcel of land as shown on the plats entitled Tax Map 38, Parcels 102A, 102B & 104, dated December 11, 2003; Tax Map 38, Parcel 102D, dated March 19, 2004; Tax Map 38, Parcel 102, dated October 17, 2003; Tax Map 38, Parcel 102C, dated June 1, 2004; prepared by GeoMetrics GPS, Inc., with the following proffers:

1. Transportation

A. Up to sixty feet (60') of right-of-way shall be dedicated along the portion of Big Spring Lane, or any alternative route, that serves as primary access to the Property. The current users of Big Spring Lane shall be granted any necessary authority to utilize the improved or relocated portion(s) of Big Spring Lane.

B. Subject to VDOT approval, the Applicant agrees to modify the intersection of Eskimo Hill Road and Big Spring Lane to provide stop sign control for the northbound Eskimo Hill Road approach to Big Spring Lane/westbound Eskimo Hill Road.

C. The “Proposed Roadway to State Route 628” shall be constructed to VDOT standards; if such road is not dedicated for public use then the Applicant shall ensure that an agreement for its continued maintenance is executed.

D. The Applicant agrees that in the event the usable square footage for the development exceeds 506,600 square feet or 265,600 square feet of flex space, the Traffic Impact Analysis referenced above shall be updated to determine whether any additional transportation improvements are warranted.

E. The Applicant agrees to implement any other recommendations contained in the “Traffic Impact Analysis” for Central Stafford Commerce Center, prepared by Kimley-Horn and Associates, Inc., and dated December 29, 2004, or any update thereto pursuant to subparagraph D above.

2. Architectural Treatment and Signage - The Applicant agrees that it shall utilize brick, glass, stucco, split face block, or tilt-up concrete for the facades of all buildings facing streets, travelways, or parking areas. The Applicant may incorporate other materials as decorative features or accents in the facades of all buildings. The Applicant agrees to employ a consistent, coordinated design theme for signage throughout the development that is tied to the architectural style use for the buildings.

Upon submission of application for building permits, the Applicant agrees to provide to the Planning Department renderings of the structures proposed by such permits, which shall be reviewed by Planning Staff within ten (10) days of submission to ensure conformance with this proffer. In the event that Planning Staff determines that such renderings are inconsistent with the proffer, the Applicant shall revise the renderings to ensure compliance. In the event the Applicant and the Planning Staff are unable to reach agreement, the Zoning Administrator shall issue a determination. A building permit shall not be issued until renderings have been approved by the Planning Staff or Zoning Administrator.

3. Fire Protection - The Applicant agrees to install automatic sprinkler systems in all buildings constructed on the Property.

4. Lighting - The Applicant agrees to install lighting within parking areas that is directed away from residential properties.

5. Outdoor Storage – The Applicant agrees that any outdoor storage shall be located to the rear of the buildings or behind fencing or vegetation so as to be screened from the spine and access roads and adjacent residences.

6. Buffer – The existing vegetation around the perimeter of the Property shall not be disturbed except for the installation and maintenance of utilities. The buffer adjacent to parcel 38-100 shall be a minimum of thirty-five feet (35’). The buffer on the southeastern portion of the property adjacent to the wetlands shown on the GDP dated March 18, 2005, last revised June 27, 2006 prepared by Welford Engineering Associates shall be a minimum of ninety feet (90’) in width, as indicated on the GDP.

7. Archeological Study – The Applicant agrees to conduct a Phase I Archeological Study of the Property and to provide the results of the same to the County with the submission of a preliminary plan for any portion of the development and in any case prior to the

commencement of construction on the Property. The Applicant further agrees to conduct any follow-up studies or phases recommended by the Phase I report.

8. Water and Sewerage – The Property shall be served by County water and sewer.

9. Building Height – No structure on the property shall exceed 35 feet in height.

Legislative; Consider Legislative Initiatives for the 2007 General Assembly. Mr. David Gayle, Assistant Director of Legislative Affairs, gave a presentation.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-364 with changes.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-364 reads as follows:

A RESOLUTION TO REQUEST LEGISLATIVE ACTION DURING
A SPECIAL SESSION OF THE GENERAL ASSEMBLY ON
TRANSPORTATION

WHEREAS, the Virginia General Assembly will likely meet in a special session in the fall to discuss funding for transportation needs across the Commonwealth; and

WHEREAS, Stafford citizens expect and demand safe and efficient roadways on which to travel throughout the County; and

WHEREAS, the number of new miles of secondary roadway in the County taken into the state system for maintenance between 2000 and 2005 was the 5th greatest in the Commonwealth and the number of daily vehicle miles traveled on the secondary system in 2005 was the 7th greatest in the Commonwealth even as, on a lane-mile basis, Stafford's annual allocation for roadway maintenance is not on par with that of other urbanizing localities in our region; and

WHEREAS, the Board has discussed the issuance of local debt for road improvement projects;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the members of the General Assembly representing Stafford County be and they hereby are requested to introduce and support the following legislation during a 2006 Special Session of the General Assembly convened to consider transportation funding:

- a) Adjustments to the road maintenance funding allocations so that Stafford's share is commensurate with localities in the Northern Virginia VDOT Construction District; and
- b) Authority for localities to impose a 1% grantors tax to help pay debt service for bonds issued for transportation projects; and
- c) Construction and Maintenance of Secondary Roads
 - Authority to impose a 1% grantors tax to help pay debt service for bonds issued for transportation projects;
 - Adjustments to the annual road maintenance funding allocations so that Stafford's share is commensurate with localities in the Northern Virginia VDOT Construction District; and

- Legislation to ensure localities have adequate financial resources to assume responsibility for construction and maintenance of secondary roadways within their boundaries, should they choose to do so.

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is requested to transmit this resolution to the members of the General Assembly representing Stafford.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to defer proposed Resolution R06-319.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Legislative; Consider RADCO (George Washington Regional Commission) Charter Amendment. Mr. Bob Wilson, Executive Director of George Washington Regional Commission, gave a presentation.

Mr. Fields motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-358.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-358 reads as follows:

A RESOLUTION TO RATIFY THE RAPPAHANNOCK AREA
DEVELOPMENT COMMISSION (RADCO), (GEORGE
WASHINGTON REGIONAL COMMISSION), CHARTER
AMENDMENT

WHEREAS, the Rappahannock Area Development Commission (RADCO) has requested the Board adopt changes to its charter which represents the reorganization effort underway over the past six months; and

WHEREAS, the new charter includes changing the organization name from RADCO to the George Washington Regional Commission (GWRC); updates many references to the State Code that have changed since the adoption of the original charter; changes the structure of the Commission to two governing body members from each of the five jurisdictions, for a total of 10 members; clarifies that the chairman serves for one year and that the chair rotates between the members from the five member jurisdictions; aligns the purpose with current State Code language; and makes it clear that the new Commission will serve to administratively consolidate the functions of RADCO, FAMPO and the Fredericksburg Air Quality Committee;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006 that the Board be and it hereby does ratify the changes to the charter of the Rappahannock Area Development Commission (George Washington Regional Commission).

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R06-391.

Discussion ensued.

The Voting Board tally was:

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

Resolution R06-391 reads as follows:

A RESOLUTION TO REQUEST THAT THE GEORGE WASHINGTON
REGIONAL COMMISSION AMEND THE CHARTER TO INCLUDE
THE APPOINTMENT OF ALTERNATE MEMBERS FOR EACH
LOCALITY

WHEREAS, the Charter of the George Washington Regional Commission was ratified by the Board at a meeting on August 1, 2006; and

WHEREAS, it is the desire of this Board that to include a provision to allow the appointment of alternates for the Commission; and

WHEREAS, based upon Section 15.2-4203 of the Code of Virginia (1950), as amended, any provision for the appointment of alternates to the original planning district commission must be provided in the adopted Charter;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the Board be and it hereby does request that the George Washington Regional Commission consider amending the Charter to include the appointment of two governing body members as alternates from each of the five jurisdictions.

Legislative: Discuss Membership of Old Falmouth Renaissance Commission.

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R06-357.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-357 reads as follows:

A RESOLUTION TO REDUCE MEMBERSHIP OF THE
OLD FALMOUTH RENAISSANCE COMMISSION

WHEREAS, the Board adopted Resolution R00-300 on July 11, 2000, which established the Old Falmouth Renaissance Commission; and

WHEREAS, the responsibility of the Commission is to focus on the needs of the geographic area between Interstate 95 and the Mayfield-Ferry Farm Bridge; and

WHEREAS, the Commission is tasked to address matters such as historic preservation, traffic flow, flooding and environmental degradation, deterioration and construction standards; and

WHEREAS, the membership of the Commission is comprised of one member of the Planning Commission, two members of the Historic Port of Falmouth Association, two citizen representatives, a member of the Historical Commission, a member of the Architectural Review Board, the Executive Director of the Fredericksburg-Stafford Park Authority, the Executive Director of Belmont, the President of George Washington's Fredericksburg Foundation, a representative from the Virginia Department of Transportation, a representative from the United States Army Corps of Engineers, a representative of the National Park Service, and a representative from the Board of Supervisors; and

WHEREAS, the initial meeting of the Old Falmouth Renaissance Commission was held on November 28, 2000, at which time it recommended that a representative of the City of Fredericksburg be appointed to the Commission; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<u>TERM</u>
John T. Simpson, Jr. (Citizen)	Pleasure of the Board
Leaton M. Williams, III (Citizen)	Pleasure of the Board
Brian Robinson (Executive Director Fredericksburg-Stafford Park Authority)	Pleasure of the Board
David Berreth (Executive Director of Belmont)	Pleasure of the Board
William Garner (President of George Washington's Fredericksburg Foundation)	Pleasure of the Board
Lisa Gusler (Alternate for GWFF)	Pleasure of the Board
Peter J. Fields (Board of Supervisors)	Pleasure of the Board

Irma Clifton
(Historic Port of Falmouth Association) Pleasure of the Board

Suzy Stone
(Historic Port of Falmouth Association) Pleasure of the Board

Arch DiPeppe
(Planning Commission) Pleasure of the Board

Barbara Westebbe
(Architectural Review Board) Pleasure of the Board

John Hennessy
(National Park Service) Pleasure of the Board

Anita Dodd
(Historical Commission) Pleasure of the Board

Charles A. Kirkpatrick
(Virginia Department of
Transportation) Pleasure of the Board

Harold J. Wiggins
(U. S. Army Corp. of Engineers) Pleasure of the Board

Jervis C. Hairston
(City of Fredericksburg) Pleasure of the Board

WHEREAS, the Chairman of the Old Falmouth Renaissance Commission has requested that the Board consider reducing the membership; and

WHEREAS, the Board desires to reduce the membership list by eliminating the City of Fredericksburg, the Virginia Department of Transportation, the Fredericksburg-Stafford Park Authority, the Army Corps of Engineers, and one Historic Port of Falmouth position;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the voting members from the City of Fredericksburg, the Virginia Department of Transportation, the Fredericksburg-Stafford Park Authority, the Army Corps of Engineers, and one Historic Port of Falmouth position be and they hereby are removed from the membership.

Legislative; Discuss Thurman Brisben Center. Mr. Fields motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-376.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-376 reads as follows:

**A RESOLUTION TO APPOINT A MEMBER TO THE EXECUTIVE
BOARD OF THE THURMAN BRISBEN CENTER**

WHEREAS, the Thurman Brisben Center extended to the Board an invitation to recommend a representative of the County to serve on the Executive Board of the Thurman Brisben Center; and

WHEREAS, all members serve a three-year term; and

WHEREAS, the term of office of Supervisor Peter J. Fields expires December 31, 2007;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of August, 2006 that:

<u>NAME</u>	<u>EXPIRATION</u>
Peter J. Fields (Board of Supervisors)	December 31, 2007

be and he hereby is appointed to serve on the Executive Board of the Thurman Brisben Center.

Legislative; Discuss the Clean Community Commission. Mr. Schwartz commented.

Mr. Schwartz motioned, seconded by Mr. Brito, to restructure the Beautification Committee and call it the Clean Community Commission.

Discussion ensued.

Mr. Dudenhefer made a motion to defer this item.

The motion died for lack of a second to the motion.

Mr. Schwartz motioned, seconded by Mr. Brito, to Call the Question.

The Voting Board tally was:

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

The Voting Board tally on the original motion was:

Yea: (2) Schwartz, Brito

Nay: (5) Milde, Cavalier, Dudenhefer, Fields, Gibbons

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

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

Invocation. Mr. Schwartz gave the Invocation.

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

Presentation of Proclamations.

- Dr. Andrea Bengier and School NStar Program.
- Department of Social Services Foster Care Program.

Legislative; Presentations by the Public-II. The following persons spoke on topics as identified:

Joel Snively - Transportation Bonds.

Planning; Amend Section 28-273, Nonconforming Structures, of the Zoning Ordinance.

Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Ressa Schidel

Doug Gross

Staci Marinez

The Chairman closed the public hearing.

Mr. Fields motioned, seconded by Mr. Brito, to adopt proposed Ordinance O06-58.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-58 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY
CODE BY AMENDING SECTION 28-273, NONCONFORMING
STRUCTURES, OF THE ZONING ORDINANCE

WHEREAS, a nonconforming structure may not be enlarged or altered in any way which increases its nonconformity (including the structure's square footage); and

WHEREAS, a nonconforming house would not be able to be enlarged or altered;
and

WHEREAS, the Board desires to require a special exception for a nonconforming house to be enlarged or altered; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 1st day of August, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-273 of the Zoning Ordinance

as follows with all other portions remaining unchanged:

Sec. 28-273. Nonconforming structures or residential buildings.

(a) No nonconforming ~~structure~~ residential building may be enlarged or altered in any way which increases its nonconformity (~~including the structure's square footage~~) except as authorized by Special Exception granted by the Board of Zoning Appeals (BZA), but any ~~structure~~ residential building thereof may be altered to decrease its nonconformity.

Planning; Amend Section 28-25, Definitions of Specific Terms; Section 28-39, Special Regulations. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Tom Gregory

John Cavanagh

Tom Harmon

Curtis Bartholomew

Ted Shankey

Lewis Cheek

The Chairman closed the public hearing.

Mr. Fields motioned, seconded by Mr. Brito, to adopt proposed Ordinance O06-59.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-59 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; AND, SECTION 28-39, SPECIAL REGULATIONS, OF THE ZONING ORDINANCE REGARDING AMATEUR RADIO OPERATIONS

WHEREAS, amateur radio operators are a vital resource for the County; and

WHEREAS, licenses for an amateur radio operator are controlled by the Federal Communication Commission; and

WHEREAS, the Zoning Ordinance does not define amateur radio service and therefore, it has been determined that amateur radio service would have to comply with the same zoning requirements as a communication facility; and

WHEREAS, the Board desires to establish separate regulations for amateur radio services; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the day 1st of August, 2006, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-25 and Section 28-39 of the Zoning Ordinance as follows with all other portions remaining unchanged:

Sec. 28-25. Definitions of specific terms.

Amateur radio service. A radio communication service for the purpose of self-training, intercommunication, and technical investigation carried out by amateurs licensed by the federal government, that is, duly authorized persons interested in radio technique solely with a personal aim and without financial interest.

Sec. 28-39. Special regulations.

(o) Amateur radio service. An amateur radio service shall be permitted by-right at any location licensed by the federal government, whether static or mobile. Permanent structures associated with an amateur radio service shall comply with all requirements of this Chapter for an accessory structure for the zoning district in which the structure is located.

Legislative; Regular Agenda Deletions. Hearing no objections from the Board, the presentation on the Economic Development Strategic Plan; the discussion on the Big Box Ordinance; and the Use of Outside Counsel were deleted from the Regular Agenda.

Legislative; Office of Internal Audits. Mr. Dudenhefer commented.

Discussion ensued.

Hearing no objections from the Board, this item will be discussed further at the next Board meeting.

Legislative; Presentation on R-Board Activities. Anthony Romanello, Deputy County Administrator, gave a presentation on current activities at the Stafford Regional Landfill and responded to Board member questions.

Legislative; Closed Meeting: At 8:20 P.M., Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution CM06-27.

The Voting Board tally was:

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

Nay: (0)

Resolution CM06-27 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 the acquisition of real property for public purpose in regard to the Brooke VRE Rail Station and legal advice in regard to legal representation in pending litigation: Gross v. BZA and Dominion Power line easement issue; and

WHEREAS, pursuant to Section 2.2-3711 A3 and A7 VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 1st day of August, 2006 does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 8:45 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution CM06-27a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM06-27a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
AUGUST 1, 2006

WHEREAS, the Board has, on this the 1st day of August, 2006, 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 1st day of August 2006, 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.

Adjournment. At 8:50 P. M., the Chairman declared the meeting adjourned.

Steve Crosby
County Administrator

Robert C. Gibbons
Chairman