

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Annual Meeting

January 8, 2013

Call to Order The annual/organizational meeting of the Stafford County Board of Supervisors was called to order by Anthony Romanello, County Administrator, at 7:02 p.m., Tuesday, January 8, 2013, in the Board Chambers, George L. Gordon, Jr. Government Center.

Roll Call The following Board members were present:; Jack R. Cavalier; Paul V. Milde III; Ty A. Schieber; Gary F. Snellings; Cord A. Sterling; Susan B. Stimpson; and Robert “Bob” Thomas, Jr.

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

Invocation Mr. Snellings gave the Invocation.

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

Legislative; Election of Chairman Mr. Romanello opened the nominations.

Mr. Thomas nominated Ms. Stimpson for Chairman. Hearing no objections from the Board, the nominations were closed.

The Voting Board tally on the nomination for Ms. Stimpson was:

Yea: (5) Cavalier, Schieber, Snellings, Stimpson, Thomas

Nay: (2) Milde, Sterling

Legislative; Election of Vice Chairman The Chairman opened the nominations.

Mr. Schieber nominated Mr. Thomas for Vice Chairman. Hearing no objections from the Board, the nominations were closed.

The Voting Board tally on the nomination for Mr. Thomas was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Stimpson, Thomas

Nay: (1) Sterling

Recess At 7:04 P. M., the Chairman declared a recess.

Call to Order At 7:09 P. M. the Chairman called the meeting back to order.

Legislative; Adopt Bylaws and Rules of Procedure

Mr. Sterling motioned, seconded by Mr. Milde, to send recommendations to the Bylaws Committee for review. Mr. Sterling said that he had some recommendations and would like to make actual adjustments to the Bylaws at the meeting.

Mr. Shumate called the Board's attention to Section 7-1 of the Bylaws, which states "The Bylaws may be amended as necessary by a two-thirds vote of the Board after notice of the proposed amendment(s) is given at the previous Board meeting." Mr. Sterling said that at the last meeting, he did give notification of the changes that he wished to see addressed and felt like he, by bringing it up at the last Board meeting, did meet the specifications in Section 7-1 of the adopted Bylaws. Mr. Thomas said that in checking the meeting minutes from December 18, 2012, it specified that Mr. Sterling would provide an e-mail with his recommendations, adding that it noted that the Bylaws Committee would meet in January.

Mr. Milde asked for an appropriate time to address the issues brought by Mr. Sterling or others regarding the Bylaws. Ms. Stimpson, referring to Mr. Shumate's reading of Section 7-1 of the Bylaws, said that unless there is a super-majority, comments, suggestions, and such, would be referred to the Bylaws Committee for review and recommendation and, when the Bylaws Committee gives its report to the full Board, that would be the time for comments and questions. Mr. Milde said that it did not make sense to bring items back to the Bylaws Committee if a majority of the Board was not in favor of the suggested change. Ms. Stimpson said she had no problem with the Board voting (at the meeting) if that was the will of the Board. She added that going on precedent, in the past, the Bylaws Committee worked off the general guidance of the Board, not by specific motion or vote. Mr. Sterling offered to make a formal motion on the changes he was requesting for review by the Committee.

Mr. Sterling said that the issue is a conflict in the Bylaws whereby in one place, it says that the Board will make a decision on committee membership and in another, it references that the Chairman will make committee recommendations. He added that you did not wait for a conflict to resolve a conflict; he felt that it should be dealt with then.

Mr. Thomas said that the Committee reviewed every section of the Bylaws last year and in Section 1.3 that Mr. Sterling referred to, it states “County Boards.” Section 2.1 says “the Board’s” committees. He added that the Committee saw that as two separate things and did not see it as a conflict.

Ms. Stimpson asked if the Board’s standing committees were at the heart of the issue. Mr. Sterling said that it was okay to have standing committees but that most often it was the body of the Board who made those appointments, not the Chairman. Ms. Stimpson said that based on her familiarity with the House of Delegates, it was Speaker Howell who appointed the committees, not by vote of the entire House. Mr. Sterling said that he could not speak to the House of Delegates but in the House of Representatives and in the U.S. Senate, it was the body itself that made that decision.

Mr. Sterling motion, seconded by Mr. Milde, that the last two sentences of Section 2.1 be stricken, adding that, on the subject of a committee chairman, the committee itself be the one who appoints the chairman. Mr. Milde clarified that these committees are created by full consent of the Board.

Mr. Thomas offered a substitute motion, seconded by Mr. Schieber, to recommend the following changes for consideration by the Bylaws Committee, as requested by Mr. Sterling: Include a review of Section 2-1 (strike the last two sentences); Section 6-2A (add “both County Administrator and County Attorney work for the Board as a whole and are responsible to, and accountable to, each Board member equally”); and Section 6-2C (strike entire section).

The Voting Board tally on the substitute motion was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R13-01.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Resolution R13-01 reads as follows:

A RESOLUTION TO ADOPT BY-LAWS AND RULES OF PROCEDURE FOR THE BOARD OF SUPERVISORS FOR CALENDAR YEAR 2013

WHEREAS, the Board, though made up of seven individuals representing their respective electoral districts, functions as a single legislative policy-making body vested with rights and powers conferred by general law; and

WHEREAS, the Board, at its annual meeting, shall adopt By-Laws and Rules of Procedure;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 8th day of January, 2013, that it be and hereby does adopt the 2013 By-Laws and Rules of Procedure, as attached hereto.

**2012
BY-LAWS AND RULES OF PROCEDURE**

**BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA**

Adopted January 8, 2013

INDEX

**2013
BY-LAWS AND RULES OF PROCEDURE
STAFFORD COUNTY BOARD OF SUPERVISORS**

Section 1 – Meetings		<u>PAGE</u>
Section 1-1	Annual organizational meetings.....	1
Section 1-2	When regular meetings held.....	1
Section 1-3	Special meetings.....	1
Section 1-4	Quorum and method of voting.....	2

Section 1-5	Electronic/telephonic meetings.....	2
Section 2 - Officers		
Section 2-1	Chairman and Vice Chairman.....	2
Section 2-2	Preservation of order.....	3
Section 2-3	Chairman may administer oaths.....	3
Section 2-4	Parliamentarian.....	3
Section 2-5	Clerk.....	3
Section 3 - Conduct of Business		
Section 3-1	Order of business.....	3
Section 3-2	Consent agenda.....	4
Section 3-3	Motions.....	5
Section 3-4	Appeal to Board.....	6
Section 3-5	Suspending rules.....	6
Section 4 - Public Hearings		
Section 4-1	Chairman to conduct public hearings.....	6
Section 4-2	Hearing presentations.....	6
Section 4-3	Order of public hearings.....	6
Section 4-4	Members’ participation.....	7
Section 4-5	Close of hearing.....	7
Section 4-6	Debate.....	7
Section 5 - Agenda		
Section 5-1	Preparation.....	7
Section 5-2	Board members’ requests for discussion items.....	7

Section 5-3 Appointments..... 8

Section 5-4 Unscheduled items..... 8

Section 5-5 Minutes..... 8

Section 6 - General Operating Policy

Section 6-1 Actions by individual members of the Board..... 8

Section 6-2 County Administrator and County Attorney..... 9

Section 6-3 Legal action..... 9

Section 6-4 Discussion of zoning and land-use matters..... 9

Section 6-5 Polling procedure..... 9

Section 6-6 Action on certain matters in election years..... 10

Section 7 -- Amendments

Section 7-1 Amendments to the By-Laws and Rules of Procedure..... 10

**BY-LAWS AND RULES OF PROCEDURE
STAFFORD COUNTY BOARD OF SUPERVISORS**

Section 1 -- Meetings

Section 1-1 Annual organizational meetings

A. The first January meeting of each year shall be known as the annual meeting.

The Clerk shall preside at the annual meeting until the election of the Chairman.

B. The Chairman shall be elected at the annual meeting. The Chairman shall serve until the end of the calendar year in which he/she is elected. The Chairman may succeed him/herself in office.

C. Following the election, the Chairman shall conduct the election of the Vice Chairman.

D. No member shall serve as Chairman or Vice Chairman for more than two consecutive years.

E. Following the election of the Vice Chairman, the Board of Supervisors (“Board”) shall:

1. Establish days, times, and places for its regular meetings;
2. Adopt its By-Laws and Rules of Procedure (“By-Laws”); and
3. Make appointments of individuals to County boards, authorities, commissions, and committees. Appointments shall be made by majority vote. Appointments to the various County boards, authorities, commissions, and committees may be made by a single vote or multiple votes, except as required by the Code of Virginia. Appointments may be made by motion, resolution, or ordinance, except as required by the Code of Virginia.

Section 1-2 When regular meetings held

Whenever the regularly scheduled meeting date falls on a legal holiday, the regular meeting shall be held on the following day in accordance with § 15.2-1416 of the Code of Virginia (1950), as amended. The Chairman may cancel any meeting because of inclement weather or disaster and should reschedule any cancelled meeting at the earliest possible date. No meeting shall last any later than midnight of the day of the meeting, unless a majority of the Board votes to extend the meeting.

Section 1-3 Special Meetings

The Board may hold such special meetings as it deems necessary at such times and places, as it may find convenient; and it may adjourn from time to time. A special meeting of the Board shall be called pursuant to § 15.2-1418 of the Code of Virginia (1950), as amended. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the members of the Board and the County Attorney.

Section 1-4 Quorum and method of voting

A. A quorum shall consist of a majority of the members of the Board of Supervisors.

B. At meetings of the Board, the Chairman shall announce which members are absent and the reasons for their absence, if known. Such announcement shall be made immediately after the roll call of members; or, if a member leaves after the roll call, as soon as practicable thereafter. Any absences and the reasons therefore also shall be recorded in the minutes of the meeting.

C. All questions submitted to the Board for decision shall be voted on using the electronic voting board. Any member may request a roll call vote. A green light represents a "Yea" vote and a red light represents a "Nay" vote. The Chairman shall call

for the vote and each member shall cast his/her vote via the electronic voting board. The Chairman shall then call for the Clerk to close the vote. Upon closing the vote, the Clerk shall display the vote as directed by the Chairman. Upon the display of the vote, the Chairman shall announce the vote. If a Board member believes that the electronic voting board does not correctly reflect their vote or did not record their vote, the member shall advise the Chairman immediately after the Chairman announces the vote. If the electronic voting board is not available due to technical problems/malfunction, the Board shall vote using a roll call vote.

D. It shall be the duty of every member to vote on issues before the Board. If a member abstains, he/she shall state his/her reason for abstaining for the record. If an abstention occurs, it shall be the responsibility of the Chairman to have the reason for the abstention noted in the official record.

E. A tie vote fails; however, if all members are not present for the vote, the matter shall be passed by until the next regular meeting of the Board, when the matter shall be placed on the agenda as if for the first time, with full discussion and debate allowed by all members and with a new vote taken by all members present.

Section 1-5 Electronic/telephonic meetings

Except as permitted by §§ 2.2-3708 and 2.2-3708.1 of the Code of Virginia (1950), as amended, Board members shall not participate in Board, committee, and subcommittee meetings by telephone or electronic means (i.e., communications of a simultaneous nature).

Section 2 -- Officers

Section 2-1 Chairman and Vice Chairman

The Chairman shall preside at all meetings of the Board. The Vice Chairman serves in the absence of the Chairman. If both the Chairman and the Vice Chairman are absent from any meeting, the senior member of the Board that is present shall preside as Temporary Chairman. The Chairman shall make all appointments to the Board's committees. Substitutes or alternates may participate only if so authorized by the Chairman.

Section 2-2 Preservation of order

At meetings of the Board, the Chairman shall preserve order and decorum.

Section 2-3 Chairman may administer oaths

The Chairman shall have the power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

Section 2-4 Parliamentarian

Except as modified herein or as provided by law, the most current edition of Robert's Rules of Order shall be the parliamentary authority of the Board using the Rules

for small bodies. The County Attorney, or his/her designee, shall act as Parliamentarian to the Board. Any questions involving the interpretation or application of Robert's Rules of Order shall be addressed to the County Attorney or his/her designee. If the County Attorney, or his/her designee, is unavailable, the County Administrator shall serve as the Parliamentarian.

The Parliamentarian advises the Chairman on matters of order and parliamentary procedure. The Parliamentarian's role is purely advisory and consultative. The Chairman alone has the power to rule on questions of order and to answer parliamentary inquiries.

Section 2-5 Clerk

The Clerk of the Board shall be the County Administrator as set out in §§ 15.2-1538 and 15.2-1539 of the Code of Virginia (1950), as amended.

Section 3 -- Conduct of Business

Section 3-1 Order of business

A. The order of business for Board meetings shall be generally as follows:

1. call to order
2. roll call of members
3. announcement of absences
- 4. presentations by the public-I**
5. presentations and committee reports by members of the Board
6. report of the County Attorney
7. report of the County Administrator
8. additions/deletions to the agenda
9. consent agenda
10. unfinished business
11. new business
12. closed meeting (if necessary)
13. recess
14. invocation (7:00 p.m.)
15. Pledge of Allegiance
16. presentations by the public-II
17. public hearings
18. adjournment

B. The above order of business and times may be modified by the County Administrator should there not be an afternoon or evening portion of the meeting, or for presentations by VDOT, the Sheriff, the School Superintendent or his/her designee, etc., and appointments which are occasional in nature.

C. Presentations and committee reports by Board members are limited to five (5) minutes each, unless extended by the Chairman. It shall be the responsibility of the Chairman to enforce this rule.

- D. Presentations by the public are governed by the following rules:
1. Comments by the public shall be limited to three (3) minutes for all speakers.
 2. Any person who speaks during the day public presentation portion of the meeting shall not be permitted to speak during the evening public presentation period on the same subject matter.
 3. Though encouraged to complete a speaker's card in advance for record purposes, any person wishing to speak may do so without completion of a speaker card.
 4. Public presentations that require the use of the County's electronic system for power point or other visual displays must be submitted to the Clerk, or his/her designee, by noon on the Monday before the Board meeting at which the presentation is to be made.
 5. Citizens may not address issues during the presentation by the public period on matters that are scheduled for public hearing during the same meeting.
- E. No action shall be taken on any committee report unless it is time-sensitive. Action on any committee report shall be scheduled for the next regular agenda.
- F. The County Administrator is authorized to make payment on previously approved expenditures in excess of \$100,000 when Board meetings are more than two weeks apart. The Board shall ratify such payments at its first meeting after such payments are made.

Section 3-2 Consent agenda

- A. The consent agenda shall be introduced by a motion "to approve the consent agenda," and shall be considered by the Board as a single item.
- B. There shall be no debate or discussion by any member of the Board regarding any item on the consent agenda. Board members may ask questions to clarify a consent agenda item. At a Board member's request, an item shall be removed from the consent agenda and addressed as a discussion or action item after the Board disposes of the consent agenda.
- C. Specific items that involve the expenditure of funds which have been approved in the annual County budget may be placed on the consent agenda.
- D. The appointment of individuals to County boards, authorities, commissions, and committees to at-large positions may be placed on the consent agenda,

provided that the nominee has completed a Board Bank Application, and such application has been made available to the Board as a part of its package prior to the meeting at which the appointment is to occur.

E. The acceptance of grants from federal or state agencies and flow-through funds awarded to county entities, departments, and agencies may be placed on the consent agenda.

F. The acceptance of property or the ratification of the purchase of property previously authorized by the Board may be placed on the consent agenda.

Section 3-3 Motions

A. No motion shall be discussed prior to being duly seconded in accordance with these By-Laws. After a motion is properly made and seconded, the Chairman should restate the motion and open the floor to discussion.

B. The Chairman cannot make a motion unless such matter is specific to his/her district. The Chairman may make a motion without relinquishing the chair.

C. No member may speak a second time on a motion until every member desiring to speak has spoken.

D. A Board member may participate in discussion of any issue only after the Chairman recognizes that member. If two Board members desire to be recognized at the same time, the Chairman shall determine which member will be recognized first.

E. Any member of the Board may make a motion to call-the-question. Such motion requires a second and is not debatable. A motion to call-the-question requires a two-thirds vote of those present. The Chairman shall not recognize a motion to call-the-question until every member desiring to speak on the main motion has had an opportunity to speak.

F. After discussion is ended and prior to voting, the Chairman should ensure, if necessary, that the motion is sufficiently clear, at which time the Chairman shall call for the vote.

G. A substitute motion shall be allowed to any motion properly on the floor, and it shall have priority over an existing motion and may be discussed prior to being voted on. If a vote on the substitute motion does not dispose of the former motion, the former motion shall then be voted on. Once a substitute motion is voted on, a second substitute motion may be made.

H. When a vote on any motion has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side, provided that such motion to reconsider is made at the meeting of the Board at which the vote was taken.

Such motion for reconsideration shall be decided by a majority vote of the members present.

- I. Motions to table shall be voted on without discussion or debate.

Section 3-4 Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order or the interpretation of these By-Laws. A majority vote of those present is necessary to overrule the Chairman. The motion requires a second and is debatable.

Section 3-5 Suspending rules

One or more of these By-Laws and Rules of Procedure may be suspended with the concurrence of two-thirds of the members present. The motion requires a second and is not debatable.

Section 4 -- Public Hearings

Section 4-1 Chairman to conduct public hearings

The Chairman shall conduct all public hearings.

Section 4-2 Hearing presentations

Public hearings should begin with a brief presentation from a staff member and/or representative from the board, authority, commission, or committee, by recognizing the County Administrator. The presentation shall summarize the facts about the issue. Board members' inquiries during the staff's presentation shall be limited to questions about the issue. Discussion or debate about the merits of the proposal shall occur after the close of the public hearing.

Section 4-3 Order of public hearings

The order of public hearings shall be as follows:

- A. The Chairman shall open the public hearing.
- B. The applicant, or the representative of the applicant, shall be the first speaker. There shall be a time limit of ten (10) minutes for the applicant's, or the representative's, presentation, unless extended by the Chairman. Any and all representations made by the applicant, or the representative, to the County on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the County.
- C. The Chairman shall then solicit comments from the public. Each speaker must clearly state his/her name and address. There shall be a time limit of three (3) minutes for each speaker.

D. After public comments have been received, the applicant, or the representative of the applicant, at the applicant's discretion, may respond with further information. There shall be a five (5) minute time limit for rebuttal by the applicant, or the representative of the applicant, unless extended by the Chairman.

E. Upon the conclusion of the applicant's, or the representative's, comments, the Chairman shall close the public hearing.

Section 4-4 Members' participation

Board members shall withhold their comments in public hearings to ensure participation by the public without Board interference.

Section 4-5 Close of hearing

When a public hearing has been closed by the Chairman, no further public comments shall be permitted. Board members, however, may direct questions to the applicant, the representative of the applicant, the representative of the board, authority, commission, or committee, and/or staff member for clarification prior to taking any vote, if a vote is in order.

Section 4-6 Debate

Following the close of the public hearing, the Chairman may entertain a motion and a second to dispose of the issue, and the Board may debate the merits of the issue. During the Board's discussion and/or after a motion is made and seconded, Board members may ask questions of the applicant, the representative of the applicant, the representative of the board, authority, commission, or committee, and/or staff member.

Section 5 -- Agenda

Section 5-1 Preparation

A. The Clerk shall prepare an agenda for each regular and special meeting conforming to the order of business specified in Section 3-1 entitled "Order of Business". The County Administrator shall coordinate the scheduling of items on the agenda with the Chairman. The Chairman shall schedule the topics for the work sessions on the second monthly meeting and special meetings as necessary.

Section 5-2 Board members' requests for discussion items

A. Each Board member may request that no more than two (2) total items be included on any Board meeting agenda for discussion. If the Chairman or County Administrator receives the request prior to the preparation of the proposed agenda as set forth in Section 5-1(A) of these By-Laws, the Chairman shall include the requested item on the agenda. If the request is not received in time to be included on the proposed agenda, the County Administrator shall include a Board member request on the agenda for discussion purposes, so long as no Board member has no more than a total of two (2) discussion items on the agenda and the request is received by the County Administrator by the close of business on Tuesday of the week prior to the scheduled Board meeting

(generally seven (7) calendar days prior to the Board meeting). No vote is allowed on a discussion item at the meeting when the item is brought up to the Board, unless the Board suspends the By-Laws. At the Board's direction, and after it has considered the item, the County Administrator shall place the item on the agenda for the first meeting of the month following the request for action.

B. All items requested to be placed on the agenda, which have not been submitted within the prescribed deadline, shall be placed on the next regular agenda for consideration.

C. Board members shall receive sufficient advance notice of agenda items to enable them to study the issue presented, request additional information, and consult constituents.

D. No written material presented to the Board for the first time at a given meeting shall be voted on at such meeting, unless two-thirds of the members present at such meeting consent to such vote. Otherwise, the material or matter shall be carried over to the next Board meeting.

Section 5-3 Appointments

Appointments may be placed on the agenda for consideration at any time, provided that no appointments shall be made prior to the annual meeting of the Board for a term beginning on January 1st of the calendar year. Nominees shall complete a Board Bank Application prior to being appointed. All appointments shall be made after the annual meeting. This restriction does not preclude appointments when vacancies occur or when new boards, authorities, commissions, and committees are created.

Section 5-4 Unscheduled items

Any matter not on the scheduled agenda may be heard provided that such a request is in the form of a motion, duly seconded and voted upon by a majority of the Board. Any such matter must be of an emergency nature, vital to the continued proper and lawful operation of the County.

Section 5-5 Minutes

The Clerk of the Board, or his/her designee, shall prepare and maintain adequate minutes of the proceedings of the Board in accordance with the requirements of the Code of Virginia (1950), as amended. Each recorded vote shall indicate how each member of the Board voted. Preparation of minutes will not include every aspect of the Board's meetings relating specifically to discussion and debate, but will include all significant events relating to official action. Minutes shall be included as part of the agenda package for the subsequent meeting of the Board.

Section 6 -- General Operating Policy

Section 6-1 Actions by individual members of the Board

A. It shall be the policy of the Board that no one member shall exert individual action or direct any County employee, or any board, authority, commission, or committee of the Board, to initiate any action that would require such individual to perform any action contrary to the laws, ordinances, or policies of Stafford County, or which would require the expenditure of public funds in any amount without the approval of the Board. It shall further be the policy that when any Board member writes a letter or memorandum expressing his/her views, that he/she place on the same document the following, if appropriate:

This letter, memorandum, or document represents only the views of the writer, or writers, and does not necessarily represent the views of any other individual member of the Board of Supervisors, or the Board of Supervisors as the governing body of Stafford County, Virginia.

B. It is anticipated and expected that a member cast a vote, or otherwise take official action, which is consistent with the position taken by the Board, as expressed in an official vote, while acting on any other board, authority, commission, committee, or other legal entity. By accepting the nomination, the nominee agrees to the adherence of these By-Laws.

Section 6-2 County Administrator and County Attorney

A. The County Administrator is responsible for the administration of the County government and executing the policies of the Board. The County Attorney represents the Board in its capacity as the governing body.

B. Any draft resolution(s) prepared by the County Attorney shall be submitted to the Chairman and the County Administrator prior to the Board meeting at which such draft resolution(s) are to be presented.

C. Written communications in response to any Board member regarding any issue that is pending before the Board, or any issue of significance to the Board, shall be made to all Board members. Written communications in response to any Board member regarding a district-specific issue or incident, or a constituent issue, may be made to only the inquiring Board member.

Section 6-3 Legal action

Board members, the County Administrator, the County Attorney, and any other public official are required to advise the Board prior to filing any civil lawsuit that involves the County. The Building Official, the Zoning Administrator, and/or the Fire Marshal, when appropriate, may seek injunctive relief in accordance with the procedures set forth by the County Administrator and the County Attorney.

Section 6-4 Discussion of zoning and land-use matters

Board members shall not engage in discussions or negotiations with applicants on zoning or land-use matters during the time that the application is before the Planning

Commission and prior to referral to the Board of Supervisors, unless negotiations are facilitated by staff, prior to the Planning Commission's referral of the matter to the Board.

Section 6-5 Polling procedure

The County Administrator, or his/her designee, may separately contact members of the Board for the purpose of ascertaining a member’s position with respect to public business, provided the contact does not constitute a meeting as defined in § 2.2-3701 of the Code of Virginia (1950), as amended.

Section 6-6 Action on certain matters in election years

In any year in which members of the Board are elected in a general election, the Board shall not take any action or vote in November or December regarding any of the following types of matters: (1) rezoning applications; (2) conditional use permit applications; (3) comprehensive plan amendments; (4) zoning text amendments; (5) land acquisitions; (6) borrowing money; (7) appointments to any boards, authorities, commissions, and/or committees; and/or (8) budget amendments, except prior year re-appropriations after the County’s financial statements are completed.

Section 7 -- Amendments

Section 7-1 Amendments to the By-Laws and Rules of Procedure

The Bylaws may be amended as necessary by a two-thirds vote of the Board after notice of the proposed amendment(s) is given at the previous Board meeting.

Legislative; 2013 Board Meeting Calendar Mr. Romanello spoke about the 2013 calendar, noting that the dates in April were moved to the second and fourth Tuesdays of the month due to a conflict with Spring Break taking place during the first week in April. Following discussion about a possible change in the August meeting date, the Board agreed that specific dates could be reviewed later in the year.

Mr. Snellings motioned, seconded by Mr. Schieber, to adopt proposed Resolution R13-02.

The Voting Board tally was:

- Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)

Resolution R13-02 reads as follows:

A RESOLUTION TO ESTABLISH THE STAFFORD COUNTY BOARD OF SUPERVISORS 2013 MEETING SCHEDULE

WHEREAS, the time and place of regular meetings of the Board shall be established; and

WHEREAS, the Board desires that regular meetings be held in the Board Chambers of the George L. Gordon, Jr. Administration Center, 1300 Courthouse Road, Stafford, Virginia, on the first and third Tuesday of each month, beginning at 3:00 P.M.; and

WHEREAS, regular meetings, without further public notice, may be adjourned from day-to-day, or from time-to-time, or from place-to-place, not beyond the time fixed for the next regular meeting, until the business before the Board is completed; and

WHEREAS, should the Board subsequently prescribe any meeting time or place other than that initially established, it shall comply with Virginia Code § 15.2-1416;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 8th day of January, 2013, that the Board be and it hereby does establish the following dates for its Regular Meetings in 2013:

Proposed Board Meeting Dates for 2013

January 8, January 22, February 5, February 19, March 5, March 19, April 9, April 23, May 7, May 21, June 4, June 18, July 2, August 20, September 3, September 17, October 1, October 15, November 19, December 3, and December 17, 2013

Legislative; Appoint Members to Boards, Authorities, Commissions and Committees The following appointments/reappointments were confirmed:

ADA Grievance Committee Mr. Sterling motioned, seconded by Mr. Snellings, to approve all reappointments.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Advisory Board on Towing Mr. Sterling motioned, seconded by Mr. Snellings, to approve all reappointments including 1st Sgt. Lee Peters taking over Patrick Kelley's position.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Advisory Board Private Trespass Mr. Sterling motioned, seconded by Mr Schieber, to approve reappointments including 1st Sgt. Lee Peters taking over Patrick Kelley’s position.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Architectural Review Board Mr. Milde motioned, seconded by Mr. Snellings, to reappoint Ms. Tanya Gossett.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Board of Building Code Appeals Mr. Milde motioned, seconded by Mr. Schieber to approve all reappointments and to appoint Mr. Russell Harris to fill the existing vacancy.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Board of Zoning Appeals Mr. Sterling motioned, seconded by Mr. Schieber, to adopt proposed Resolution R13-21 appointing Mr. Gregory Poss to represent the Rock Hill District on the Board of Zoning Appeals.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution R13-21 reads as follows:

**A RESOLUTION TO RECOMMEND APPOINTMENT OF A MEMBER
TO THE STAFFORD COUNTY BOARD OF ZONING APPEALS**

WHEREAS, Section 15.2-2308 of the Code of Virginia (1950), as amended, and Section 28-341 of the Stafford County Code, provide for a Board of Zoning Appeals whose members shall be appointed by the Circuit Court; and

WHEREAS, Ordinance 093-06 authorizes the Board of Zoning Appeals to consist of seven members; and

WHEREAS, the term of Mr. Robert C. Gibbons, as the Rock Hill District representative, expired on December 31, 2012; and

WHEREAS, it is the desire of the Board to recommend the appointment of Mr. Gregory Poss to the Board of Zoning Appeals;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 8th day of January, 2013, that

<u>NAME</u>	<u>DISTRICT</u>	<u>EXPIRATION DATE</u>
Gregory Poss	Rock Hill	December 31, 2017

be and he hereby is recommended for appointment to the Stafford County Board of Zoning Appeals.

Mr. Schieber motioned, seconded by Mr. Thomas, to adopt proposed Resolution R13-20, reappointing Mr. Karl D. Larson to represent the Garrisonville District on the Board of Zoning Appeals.

The Voting Board tally was:

- Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)

Resolution R13-20 reads as follows:

A RESOLUTION TO RECOMMEND REAPPOINTMENT OF A MEMBER TO THE STAFFORD COUNTY BOARD OF ZONING APPEALS

WHEREAS, Section 15.2-2308 of the Code of Virginia (1950), as amended, and Section 28-341 of the Stafford County Code, provide for a Board of Zoning Appeals whose members shall be appointed by the Circuit Court; and

WHEREAS, Ordinance 093-06 authorizes the Board of Zoning Appeals to consist of seven members; and

WHEREAS, the term of Mr. Karl D. Larson, as the Garrisonville District representative, expired on December 31, 2012; and

WHEREAS, it is the desire of the Board to recommend reappointment of Mr. Karl D. Larson to the Board of Zoning Appeals;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 8th day of January, 2013, that

<u>NAME</u>	<u>DISTRICT</u>	<u>EXPIRATION DATE</u>
Karl D. Larson	Garrisonville	December 31, 2017

be and he hereby is recommended for reappointment to the Stafford County Board of Zoning Appeals.

Chaplin Group Home Commission Mr. Milde motioned, seconded by Mr. Thomas, to approve the reappointment of Ms. Linda Musselman and Mr. Gary Snellings.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Civilian-Military Community Relations Council Mr. Milde motioned, seconded by Mr. Snellings, to approve the reappointment of Mr. Cord Sterling and Mr. Bob Thomas.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Community Policy and Management Team Mr. Snellings motioned, seconded by Mr. Schieber, to approve the reappointment of Ms. Debra Fults, Mr. William Tignor, and Mr. Bob Thomas.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Fredericksburg Area Metropolitan Planning Organization (FAMPO) Mr. Thomas motioned, seconded by Mr. Schieber, to approve all reappointments.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Fredericksburg Regional Alliance Mr. Thomas motioned, seconded by Mr. Snellings, to approve the reappointment of Mr. Jack Cavalier.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Schieber, Snellings, Stimpson, Thomas
Nay: (1) Sterling

George Washington Regional Commission (GWRC) Mr. Milde motioned, seconded by Mr. Thomas, to approve all reappointments.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Planning Commission Mr. Snellings motioned, seconded by Mr. Sterling, to appoint Mr. Darrell English to fill the Hartwood District vacancy on the Planning Commission.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Potomac and Rappahannock Transportation Commission (VRE) Mr. Milde motioned, seconded by Mr. Cavalier, to approve the change of the alternate position from Mr. Thomas to Ms. Stimpson. Mr. Thomas will assume the regular position and Ms. Stimpson will assume the alternate position on PRTC/VRE.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Potomac Watershed Roundtable Mr. Snellings motioned, seconded by Mr. Schieber, to approve the reappointments of Mr. Milde and Mr. Thomas.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Rappahannock Area Agency on Aging (Advisory Council) Mr. Snellings motioned, seconded by Mr. Schieber, to approve the reappointment of Mr. Brandon Smith.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Rappahannock Area Agency on Aging (Board of Directors) Mr. Schieber motioned, seconded by Mr. Thomas, to approve the reappointments of Ms. Betty Schwartz and Mr. Gary Snellings.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Rappahannock Area Youth Commision Mr. Milde motioned, seconded by Mr. Thomas to approve Ms. Donna Krauss` reappointment for a three-year term.

The Voting Board tally was

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Rappahannock Community Criminal Justice Board Mr. Milde motioned, seconded by Mr. Snellings, to approve the reappointment of Anthony Romanello.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Rappahannock Regional Criminal Justice Academy (Board of Directors) Mr. Thomas motioned, seconded by Mr. Milde, to approve the reappointments of Sheriff Charles Jett and Mr. Anthony Romanello.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Rappahannock Regional Solid Waste Management Board Mr. Schieber motioned, seconded by Mr. Thomas, to approve Mr. Paul Milde, Mr. Gary Snellings, and Mr. Bob Thomas` reappointments.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Rappahannock River Basin Commission Mr. Thomas motioned seconded by Mr. Milde, to approve the reappointments of Mr. Gary Snellings and Mr. Bob Thomas.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Telecommunications Commission Mr. Schieber motioned, seconded by Mr. Thomas, to approve the reappointment of all members.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Wetlands Board Mr. Thomas motioned, seconded by Mr. Schieber, to approve the reappointments of Ms. Mary Rust and Mr. Benjamin Rudasill.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Widewater Community Development Authority Mr. Schieber motioned, seconded by Mr. Thomas, to reappoint Mr. Angelo Amador, Mr. Michael Moore, and Ms. Maria Perrotte. Ms. Laura Rudy was appointed as the commercial finance representative and Mr. Samer Shalaby was appointed as the land developer.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Presentations by the Public The following persons spoke:

- Linda Muller - Safe Drinking Water / Uranium Mining
- Alane Callander - Uranium Mining
- Kathy Rivers - Mountain View Road Widening Project
- Paul Waldowski- Utility Bills/Stafford High School Rebuild/Station 14 Purchase

Presentations by Members of the Board Board members spoke on the topics as identified:

- Mr. Cavalier - Defer
- Mr. Milde - Happy New Year; Defer
- Mr. Schieber - Defer
- Mr. Snellings - Happy New Year; 350th Update at 2/5/13 BOS meeting
- Mr. Sterling - Defer
- Mr. Thomas - Defer
- Ms. Stimpson - Defer

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Romanello reported that there were no agenda changes. Mr. Schieber and Mr. Baroodly will attend a Virginia Congressional Delegation in Arlington, VA for the purpose of discussing FBI Headquarters relocation.

Mr. Romanello announced that a special meeting would be held on January 12, 2013 in Conference Room A/B/C to discuss the FY2014 budget, and other priorities. Mr. Sterling said that he had a conflict and asked about specific subjects to be discussed. Ms. Stimpson said that the meeting would begin at 7:30 a.m. and would be over quickly.

Legislative; Additions and Deletions to the Agenda There were no additions or deletions to the agenda.

Legislative; Consent Agenda Mr. Schieber motioned, seconded by Mr. Thomas, to adopt the Consent Agenda consisting of Items 4 thru 11, omitting Item 8 as the request of Ms. Stimpson.

The Voting Board tally was:

- Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)

Item 4. Approve Minutes of December 18, 2012 Board Meeting Minutes

Item 5. Finance and Budget; Approve Expenditure Listing (EL)

Resolution R13-14 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)

DATED DECEMBER 18, 2012 THROUGH JANUARY 7, 2012

WHEREAS, the Board 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 8th day of January, 2013, that the above-mentioned EL be and hereby is approved.

Item 6. Finance and Budget; Appropriate a Portion of the Schools' FY2012 Carryover to the Schools Operating Fund

Resolution R13-12 reads as follows:

A RESOLUTION TO REAPPROPRIATE FY2012 SCHOOL CARRYOVER FUNDS TO THE SCHOOLS FY2013 OPERATING FUND

WHEREAS, the Schools' FY2012 audit confirmed an unspent balance of \$3,329,681 in the Schools' Operating Budget; and

WHEREAS, on December 4, 2012, the Board reappropriated carryover funds in the amount of \$2.3 Million Dollars to the Schools' FY2013 Operating Budget; and

WHEREAS, \$1,029,635 of the Schools' FY2012 carryover funds remain available for reappropriation for non-recurring purchases; and

WHEREAS the School Board approved the purchase of a new student information system, which will be partially funded with the balance of the remaining FY2013 carryover funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 8th day of January, 2013, that it be and hereby does reappropriate One Million Twenty-nine Thousand Six Hundred Thirty-five Dollars (\$1,029,635) from the Schools' FY2012 carryover funds to the FY2013 School Operating Budget.

Item 7. Public Works; Petition VDOT to Include Woodstream Boulevard, Pike Place, and Short Branch Road, within Sections 1 and 2, into the Secondary System of State Highways

Resolution R13-08 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE WOODSTREAM BOULEVARD,

**PIKE PLACE, AND SHORT BRANCH ROAD WITHIN WOODSTREAM,
SECTIONS 1 AND 2, INTO THE SECONDARY SYSTEM OF STATE
HIGHWAYS**

WHEREAS, the Board, pursuant to Virginia Code § 33.1-229, desires to include Woodstream Boulevard, Pike Place, and Short Branch Road within Woodstream, Sections 1 and 2, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 8th day of January, 2013 that VDOT be and it hereby is petitioned to include the following streets within Woodstream, Sections 1 and 2, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Woodstream Boulevard (SR-2277)	From: 0.15 mi. East of Staffordboro Blvd. (SR-684) To: Inter. Pike Place (SR-2278)	0.21 mi. ROW 54'
Woodstream Boulevard (SR-2277)	From: Pike Place (SR-2278) To: Inter. Short Branch Road (SR-2279)	0.42 mi. ROW 54'
Pike Place (SR-2278)	From: Woodstream Boulevard (SR-2277) To: Short Branch Road (SR-2279)	0.06 mi. ROW 52'
Pike Place (SR-2278)	From: Short Branch Road (SR-2279) To: 0.09 mi. South of Short Branch Road (SR-2279)	0.09 mi. ROW 52'
Pike Place (SR-2278)	From: Inter. Staffordboro Boulevard (SR-684) To: Woodstream Boulevard (SR-2277)	0.08 mi. ROW 52'
Short Branch Road (SR-2279)	From: Pike Place (SR-2278) To: Woodstream Boulevard (SR-2277)	0.45 mi. ROW 52'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Woodstream, Section 1, recorded in PM060000244 with LR060040291 on December 29, 2006, and Woodstream, Section 2, recorded in PM080000032 with LR080002656 on February 12, 2008; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall forward a copy of this resolution to the developer and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Item 9. Public Information; Recognize and Commend Holly Hazard for her Service on the Planning Commission

Proclamation P13-01 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND HOLLY HAZARD FOR HER SERVICE ON THE PLANNING COMMISSION

WHEREAS, Holly Hazard served for three years on the Planning Commission; and

WHEREAS, during her tenure on the Planning Commission, Ms. Hazard devoted her time and attention to reviewing many complex issues including Transfer of Development Rights and Urban Development Areas, and made informed recommendations regarding these issues; and

WHEREAS, Holly Hazard went above and beyond by serving on several Planning Commission subcommittees, whose work resulted in many accomplishments including the adoption and implementation of the Comprehensive Plan in 2011, and the adoption of the new Farmers Market Ordinance; and

WHEREAS, Holly Hazard further represented the Hartwood District by participating in Technical Review Committee and Development Review meetings to offer comments on new projects within the Hartwood District and the County;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 8th day of January, 2013, that it be and hereby does recognize and commend Ms. Holly Hazard for her outstanding service to the citizens of the Hartwood District and Stafford County.

Item 10. Fire and Rescue; Authorize the Purchase of Portable Cardiopulmonary Resuscitation Chest Compression Devices

Resolution R13-09 reads as follows:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TEN LUCAS PORTABLE BATTERY-POWERED MECHANICAL CARDIO-PULMONARY RESUSCITATION CHEST COMPRESSION DEVICES

WHEREAS, the Fire and Rescue Department, as part of its all-hazards mission, responds to an average of 110 cardiac arrest responses annually with an approximate 7% return to spontaneous circulation ; and

WHEREAS, the LUCAS is the only mechanical cardiopulmonary resuscitation (CPR) device to meet the 2010 American Heart Association (AHA) standards for CPR; and

WHEREAS, the replacement cost for the LUCAS devices will be funded from FY2012 rollover funds; and

WHEREAS, the County can procure these devices through a cooperative procurement; and

WHEREAS, staff reviewed the cooperative procurement contract(s) and determined that they are reasonable; and

WHEREAS, the Board finds that purchasing these devices promotes the health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 8th day of January, 2013, that the County Administrator or his designee is authorized to purchase ten LUCAS devices from vendor, Physio-Control in an amount not to exceed One Hundred Fifty-Two Thousand Nine Hundred Sixty-eight Dollars (\$152,698), unless amended by a duly-executed contract amendment.

Item 11. Fire and Rescue; Authorize Renewal of a Maintenance Agreement with Westnet, Inc.

Resolution R13-17 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A FOUR-YEAR RENEWAL OF A CONTRACT FOR SERVICES WITH WESTNET, INC.

WHEREAS, on December 4, 2007, the Board adopted Resolution R07-487, which authorized the County Administrator to execute a contract for a public safety radio communications system; and

WHEREAS, in 2008, as part of the new Public Safety Radio Project, all fire and rescue stations were upgraded to the Westnet Station Alerting System; and

WHEREAS, maintenance for the Westnet Station Alerting System is not covered by the Public Safety Radio Project; and

WHEREAS, on November 15, 2011, the Board adopted Resolution R11-254, which authorized the County Administrator to execute a contract for annual maintenance services with Westnet, Inc.; and

WHEREAS, the Board desires that the maintenance contract be automatically renewed each of four (4) subsequent years, expiring December 2017; and

WHEREAS, Westnet, Inc., is the sole source provider for maintenance on the alerting system;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 8th day of January, 2013, that the County Administrator be and he hereby is authorized to execute a contract for maintenance services with Westnet, Inc., in an amount not to exceed One Hundred Thirty-nine Thousand Nine Hundred Ninety Dollars (\$139,990) for renewal year 2013 and for the subsequent four (4) years expiring December, 2017, with an annual increase not to exceed five percent (5%), unless amended by a duly-executed contract amendment.

Item 8. County Attorney; Authorize a Public Hearing to Consider a Reduction from Class 3 to Class 4 Misdemeanor for Swimming in a County Reservoir Mr. Sterling asked about the lowest class misdemeanor and said that he would like to get rid of the penalty altogether. Mr. Shumate said that it is meant to be punitive; that the fine could always go down or be abolished if that was the will of the Board.

Mr. Snellings said that the Board should be careful what it wished for and cited Falmouth Beach and concern for people who live on the Reservoir(s) having to deal with trespassers on their property trying get to the water. Mr. Milde asked if swimming was forbidden at all reservoirs. Mr. Sterling said that swimming is forbidden in all reservoirs.

Mr. Schieber motioned, seconded by Mr. Snellings, to adopt proposed Resolution R13-15, with a change to the last paragraph to include the word “abolishing,” and to include “abolishing” in the public hearing advertisement.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution R13-15 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDING AND REORDAINING STAFFORD COUNTY CODE, SECTION 17-28, “PROHIBITED ACTIVITIES AT TERMINAL RESERVOIRS”

WHEREAS, the County is concerned with protecting the public health, safety, and general welfare, and preserving the sanitary conditions of the County’s terminal reservoirs; and

WHEREAS, the County is also concerned with public safety and the illegal use of terminal reservoirs for swimming, bathing, and wading; and

WHEREAS, the penalty for swimming, bathing, or wading in a terminal reservoir is a Class 3 misdemeanor; and

WHEREAS, the Board’s Public Safety Committee considered the penalty and voted 3-0 to reduce it to a Class 4 misdemeanor; and

WHEREAS, the Board finds consideration of the proposed amendment promotes the health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 8th day of January, 2013, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider amending and reordaining, or abolishing Stafford County Code, Section 17-28, “Prohibited activities at terminal reservoirs.”

Zoning Ordinance Consultants (Clarion) Update Mr. Jeff Harvey, Director of Planning and Zoning introduced the item and then introduced Mr. Chad Meadows (Clarion) presented an update and answered Board members questions. Mr. Milde asked Mr. Meadows if Clarion took into account the Small Area Plan. Mr. Meadows said that the Small Area Plan had been considered, adding that Clarion was working on creating a plan for a pedestrian-friendly county.

Ms. Stimpson asked that the actual process be clarified. Mr. Harvey said that the process is initially diagnostic, and new to staff and to the Planning Commission. The consultant was hired to draft the text, help to consolidate efforts with staff and the Planning Commission, and eventually to help with the implementation of the Comprehensive Plan. He added that overall, it was a very involved and time-consuming project and that the consultant was necessary to help with the “big picture.” Mr. Harvey said that once the initial work was completed, it would be brought to the Board for review and consideration of the final product.

County Administration; Overview of the Park at Embrey Mill Mr. Keith Dayton, Deputy County Administrator, gave a presentation and answered Board members questions. Mr. Cavalier questioned the statistic regarding the proposed pool size. After the quote of \$100 per square foot cost for the facility, Mr. Sterling asked if that included the cost of the pool. Mr. Dayton confirmed that it did include the pool. Mr. Schieber asked if the pool would be built to USA swimming specifications. Mr. Dayton confirmed that it would be built to USA swimming specs, that they would be met at all levels.

Ms. Stimpson thanked Mr. Dayton, saying that it was phenomenal work on the part of Mr. Dayton, Mr. Baroody, Mr. Romanello, and staff.

311 Center Presentation Ms. Cathy Vollbrecht, Director of Communications, gave a presentation and answered Board members questions.

Mr. Milde asked about calling 311 from a cell phone since many citizens, including himself gave up land-lines and have only cell phone service available to them. Ms. Vollbrecht stated that although at that time, 311 cannot be called from a cell phone, 658-4311 or 658-5311 can. The County was working with wireless providers regarding access to 311 from cell phones. Ms. Vollbrecht also noted that the 311 Center was also available on the County's website.

Mr. Snellings asked about call volume. Ms. Vollbrecht replied that to date, there were 26,000 calls overall, equating to about 2200 calls per month. Mr. Snellings asked about staffing the 311 Center. Ms. Vollbrecht said that there are 3 full-time staff and numerous volunteers. Mr. Romanello added that the 311 Center is staffed with existing staff, and was centralized to deliver better service.

Legislative; Closed Meeting. At 8:54 p.m., Mr. Snellings motioned, seconded by Mr. Schieber, to adopt proposed Resolution CM13-01.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution CM13-01 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion and consultation with legal counsel regarding the potential acquisition of real property for a public purpose(s), including economic development, pertaining to the Technology and Research Park; and (2) discussion of prospective candidates for employment as the Director of the Department of Parks, Recreation and Community Facilities; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(1), (3), and (7) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors, on this the 8th day of January, 2013, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order At 9:10 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM13-01(a).

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution CM13-01(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JANUARY 8, 2013

WHEREAS, the Board has, on this the 8th day of January, 2013, 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 8th day of January, 2013, 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.

Adjournment At 9:10 P. M. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Susan B. Stimpson
Chairman