

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting
February 20, 2007

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 1:00 P. M., Tuesday, February 20, 2007, in the Board Chambers, Stafford County Administration Center.

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

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

Legislative; Presentation of a Proclamation.

- Recognize and Commend Ida S. Ansell.

Legislative; Work Session with Airport Authority. Mr. Michael Wood, Vice Chairman of the Stafford Regional Airport Authority, introduced member Henry Scharpenberg, who gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Schwartz motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-86.

Discussion further ensued.

The Voting Board tally was:

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

Nay: (2) Brito, Fields

Resolution R07-86 reads as follows:

A RESOLUTION TO APPROVE THE EXECUTION AND
DELIVERY OF A SUPPORT AGREEMENT IN CONNECTION
WITH THE ISSUANCE BY THE STAFFORD REGIONAL AIRPORT
AUTHORITY OF ITS AIRPORT REVENUE BOND

WHEREAS, the Stafford Regional Airport Authority (the "Authority") presently owns, operates and maintains a regional airport serving the needs of the residents of Stafford County, Virginia (the "County"); and

WHEREAS, the Authority has determined it to be advisable, necessary, and in the best interest of the residents of the County to finance certain capital improvements to the Airport, including T-hangars and related improvements (the "Project"), and to finance the Project by contracting a debt and issuing its revenue bonds in an aggregate principal amount not to exceed \$1,750,000 (the "Local Bond") to be secured principally by a lien on the revenues of the Authority's airport facilities; and

WHEREAS, the Authority has determined to cause the Local Bond to be sold to the Virginia Resources Authority ("VRA") pursuant to the terms of a Local Bond Sale Agreement (the "Local Bond Sale Agreement") and a Financing Agreement (the "Financing Agreement"), each between the Authority and VRA; and

WHEREAS, the Board of Supervisors of the County (the "Board") has determined to undertake a non-binding obligation to consider certain appropriations in

support of the Local Bond and the Project conditioned upon the participation of the Board of Supervisors of Prince William County, Virginia ("Prince William") and the City Council of the City of Fredericksburg, Virginia ("Fredericksburg") in such non-binding obligation; and

WHEREAS, the foregoing arrangements will be reflected in the Support Agreement, dated as of March 1, 2007 (the "Support Agreement"), between the Board, Prince William, Fredericksburg, the Authority and VRA, and a Security Agreement dated as of March 1, 2007 (the "Security Agreement") between the Board, Prince William, Fredericksburg and the Authority, the forms of which have been presented to this meeting and filed with the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that:

1. **Approval of Support Agreement.** The Support Agreement is approved in substantially the form attached hereto as Exhibit A, with such changes, insertions, or omissions as may be approved by the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Support Agreement on the County's behalf. The Chairman of the Board is authorized to execute and deliver the Support Agreement and such other documents and certificates as such officer may consider necessary in connection therewith.

2. **Approval of Security Agreement.** The Security Agreement is approved in substantially the form attached hereto as Exhibit B, with such changes, insertions, or omissions as may be approved by the Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Security Agreement on the County's behalf. The Chairman of the Board is authorized to execute and deliver the Security Agreement and such other documents and certificates as such officer may consider necessary in connection therewith.

- 3. Operating Expense Support Statement.** The Board further declares it does not intend to increase its operating expense support contribution to the Authority beyond its existing agreed-upon levels. Any further future operating expense overruns of the Authority need to be absorbed or adjusted by the Authority.
- 4. No Pledge.** Nothing contained herein or in the Support Agreement or the Security Agreement is or shall be deemed to be a lending of the credit of the County to the Authority, VRA, or to any holder of the Local Bond or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything contained herein or in the Support Agreement or the Security Agreement legally bind or obligate the Board to appropriate funds for the purposes described in the Support Agreement.
- 5. Sequence of County Contributions Used for Debt Service.** If the County's moral obligation is invoked, the County's proportionate share of debt service paid on the financing for the Project shall be taken from the first dollars the County annually sends to the Authority.
- 6. Airport Authority Property Lien.** The Board insists on a commitment from the Authority that if the County's moral obligation on this financing is invoked and results in supplemental payments by the Board for debt service on the Local Bond, then a lien by the Board on the property of the Authority will be created in an amount equal to the Board's supplemental debt service payments or contributions.
- 7. Further Actions; Authorized Representations.** All officers and agents of the Board and the County are authorized and directed to take such further actions in conformity with the purpose and intent of this Resolution as may be necessary or appropriate in connection with the issuance and sale by the Authority of the Bond, and the execution, delivery and performance of the Support Agreement and the Security Agreement, including the execution and delivery on behalf of the County of such instruments, documents, or certificates as necessary

or appropriate to carry out the transactions contemplated by this Resolution. All actions previously taken by such officers and agents in connection with the issuance and sale of the Bond are ratified and confirmed.

8. Repeal of Conflicting Resolutions. All resolutions are repealed to the extent they are inconsistent with this Resolution.

9. Effective Date. This Resolution shall take effect immediately.

Mr. Gibbons motioned, seconded by Mr. Schwartz, to sign the fourth amendment to the Agreement..

The Voting Board tally was:

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

Nay: (0)

Legislative; Work Session on Erosion and Sediment Control Program and Stormwater Management. Mr. Steve Hubble, Environmental Programs Coordinator, gave a presentation and responded to Board members questions.

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

Call to Order. At 3:25 P.M., the Chairman called the meeting back to order.

Legislative; Work Session on Patowomeck Park. Mr. Greg Sager, Director of Parks and Recreation, gave a presentation and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-108.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-108 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO SOLICIT BIDS FOR PHASE I CONSTRUCTION OF PATAWOMECK
PARK

WHEREAS, the County desires to create the new Patawomeck Park to replace Fritter Park; and

WHEREAS, the Board adopted Resolution R06-331 committing all undesignated 2001 Recreation Bond Funds to Patawomeck Park Phase I construction; and

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

WHEREAS, despite an estimated deficit for the construction of both the proposed and mandatory Phase I amenities at Patawomeck Park, the Department of Parks and Recreation is seeking approval to solicit bids for construction of Phase I of Patawomeck Park;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that the County Administrator be and he hereby is authorized to solicit bids for the construction of Phase I of Patawomeck Park.

Legislative; Work Session on North Stafford YMCA. Mr. Greg Sager, Director of Parks and Recreation, commented.

Mr. Bernard Reiley, Executive Director of the YMCA, gave a presentation and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, that the Board support \$218,000 in funding in FY08 budget with a “moral obligation” to the YMCA for the remaining 19 years.

Mr. Brito made a substitute motion, seconded by Mr. Schwartz, to schedule a public hearing on the issue.

The Voting Board tally was:

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

The Voting Board tally on the original motion was:

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

Legislative; Work Session on Conservation Easements and Purchase of Development Rights. Ms. Kathy Baker, Assistant Director of Planning and Community Development, commented.

Mr. Charles Ivins, District Manager/Conservation Specialist, Tri-County/City Soil and Water Conservation District, gave a presentation and responded to Board members questions.

Mr. Fields motioned, seconded by Mr. Brito, to request that the Tri-County/City Soil and Water Conservation District come back with a Memorandum of Understanding and scope of services.

Discussion ensued.

The Voting Board tally was:

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

Discussion further ensued.

Mr. Milde motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O07-02.

The Voting Board tally was:

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

Ordinance O07-02 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY
CODE BY ADDING CHAPTER 22A, PURCHASE OF DEVELOPMENT
RIGHTS, TO THE STAFFORD COUNTY CODE

WHEREAS, the Board established the Agricultural Commission in December, 2000, to establish a comprehensive approach to the preservation of agricultural and rural lands; and

WHEREAS, the Board requested the Agricultural Commission to develop a Purchase of Development Rights (PDR) Program; and

WHEREAS, the Agricultural Commission has received assistance from various agencies active in the establishment of a PDR program; and

WHEREAS, the Board established a sub-committee to review a proposed PDR ordinance; and

WHEREAS, the Board feels that the establishment of a PDR program will help address the problems of sustainable growth, preservation of rural lands, and promotion and facilitation of agriculture, environmental integrity and land values;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 9th day of January, 2007, that the Stafford County Code be amended and reordained to add Chapter 22A, Purchase of Development Rights, as follows:

CHAPTER 22A. PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

- Section I. Purpose**
- Section II. Applicability**
- Section III. Definitions**
- Section IV. Designation of Program Administrator; power and duties**
- Section V. Purchase Development Rights Committee; established powers and duties**
- Section VI. Appraisal Review Committee; established powers and duties**
- Section VII. Eligibility Criteria**
- Section VIII. Ranking System**
- Section IX. Purchase Development Terms and Conditions**
- Section X. Application and Evaluation Procedure**
- Section XI. Purchase of Development Rights Procedure**
- Section X11. Outreach**
- Section XIII. Inspection and Enforcement**

Section I. Purpose

The purpose of the Stafford County Purchase of Development Rights Program (PDR) includes, but is not limited to the following:

1. Establishing a program that enables the County to acquire conservation easements voluntarily offered by property owners to serve as one means of assuring that Stafford County's resources are protected and efficiently used;
2. Establishing and preserving open-space and the continuing rural character of the County;
3. Preserving farm and forest land;
4. Conserving and protecting water resources and environmentally sensitive lands, waters and other resources;
5. Conserving and protecting biodiversity, wildlife and aquatic habitat;
6. Assisting in shaping the character, direction, and timing of development in the County;
7. Improving the quality of life for the inhabitants of the County;
8. Promoting recreation and tourism through the preservation of scenic and historical resources

(Ord. No. 194, 11-27-01)

State Law Reference-Code of Va. 10.1-1700 et seq

Goals of the County's Comprehensive Plan include "Preserve and enhance opportunities for agricultural uses, agribusiness, and silviculture operations", "Continue emphasis on the Growth Area concept and on the preservation of a rural character in areas outside of the Growth Area", and "Preserve and enhance the County's natural resources." All three of these goals will be enhanced through the development and implementation of a Purchase of Development Rights (PDR) program.

The PDR program shall be a program by which the County acquires, in accordance with the provisions set forth herein, and to the extent of available funding, the development rights on eligible parcels of rural land in areas of the County described in Section III below. The purchase of development rights shall be accomplished by the acquisition of conservation easements upon such parcels.

The PDR program shall be directed toward property that lies outside the designated growth area as depicted on the most recent Land Use Map except in those areas under the ownership or control of the United States of America, or the Commonwealth of Virginia, or an agency or instrumentality thereof. However, if property within the designated growth area meets the intent of the program, the landowner may apply to the program and the Board shall consider the merits of the application.

Nothing in this Ordinance shall be construed as a limitation upon the County's authority to acquire land for public purposes other than those set forth in this Ordinance.

Section II. Applicability

The PDR program shall be available for all qualifying lands in the County, except those lands under ownership or control of the United States of America, the Commonwealth of Virginia, or an agency or instrumentality thereof. Any conservation easement acquired pursuant to this program shall be voluntarily offered by the owner.

Section III. Definitions

The following definitions shall apply in the interpretation and implementation of this chapter:

A) *Administrator, for purposes of this Article*, shall mean that person placed in the managerial capacity over the daily operations of the PDR program. The Administrator shall serve as a direct liaison for the program.

B) *Accessory use* means a use which is clearly incidental to, and customarily found in connection with, the principal use of the same parcel or group of contiguous parcels under common ownership and operated as an agricultural enterprise.

C) *Agricultural uses* means those land uses including farms, (and farm residences), the tilling of soil, the bonafide growing and production of crops, horticulture, silvaculture, aquaculture, forestry, orchards, vineyards, nursery operations, and truck farming; the raising of livestock, fowl, dairy cattle, horses or poultry. Nursery operations are considered agricultural uses. The term also includes the repair, expansion or replacement of no more than one bona fide dwelling occupied by the landowner or tenant as of the date of application for entry in the PDR program, as permitted by Section 28-35 of the Zoning Ordinance; accessory uses directly related to agricultural activities conducted on the same property, including the sale of agricultural products; equestrian uses; recreational activities; feed lots; and septic tanks and drainfields approved by the health department and which cannot be located within an area not encumbered by an agricultural land preservation easement. The term does not include the processing of agricultural, silvicultural, horticultural or aquacultural products, except as an accessory use.

D) *Animal unit*, as used in the property ranking system, means a unit of measurement equal to one thousand (1,000) pounds of live body weight of livestock.

E) *Appraisal* means a written statement or report independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property, or any such portion or interest therein, as of a specific date, supported by the presentation and analysis of relevant market information.

F) *Batch* means a grouping of contiguous parcels for purposes of making application for the sale or transfer of development rights.

G) *Biodiversity* means the interconnectedness of all life forms on Earth, diversity of plant and animal life in a particular habitat.

H) *Board* means the Board of Supervisors of Stafford County.

I) *Conservation Easement* means (for the purposes of this Ordinance) a non possessory interest of the County in real property, whether easement appurtenant or easement in gross, acquired through gift, purchase, devise or bequest, perpetual in duration, imposing certain limitations or affirmative obligations, for the purposes of which include retaining or protecting natural or open space values of real property, assuring its availability for agricultural, forestall, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, or archeological aspects of real property pursuant to which the exercise of development and other specified rights on the subject property is prohibited.

J) *County Attorney* means the County Attorney of Stafford County or his designee.

K) *County Administrator* means the County Administrator of Stafford County or his designee.

L) *Commission* means the Agricultural Commission of Stafford County.

M) *Commissioner* means the Commissioner of the Revenue of Stafford County.

N) *Dwelling* means a structure which is designed and used for residential purposes.

O) *Director* means the Director of Planning and Community Development or his designee.

P) *Development rights*, means the rights to develop agriculturally zoned property for use other than an agricultural use. The term includes, but is not limited to, the right to develop property for any commercial, industrial or residential use except as expressly permitted by this Ordinance.

Q) *Landowner* means the equitable owner of the fee simple title to a parcel of land or, with respect to a parcel not encumbered by a deed of trust or mortgage, the legal owner of such title. Where more than one person or entity is the legal and/or equitable owner, the term refers to all such persons or entities jointly.

R) "*Open-space*" as defined in State Law Reference – Code of Va. § 10.1-1700, means any land which is provided or preserved for (i) park or recreational purposes, (ii) conservation of land or other natural resources, (iii) historic or scenic purposes, (iv) assisting in the shaping of the character, direction, and timing of community development, or (v) wetlands as defined in State Law Reference-Code of Va. § 28.2-1300.

S) *Parcel* means a lot or tract of land, lawfully recorded in the clerk's office of the circuit court of the County of Stafford.

T) *Program* means the purchase of development rights program established by this Ordinance.

U) *Property ranking system or system* means the formula by which applications for the sale of development rights are ranked in order of priority of acquisition of

such rights.

V) *Timber harvest* means a merchantable harvest for the commercial market. The term does not include minor harvests for such things as firewood, poles, posts, blind material or greenery.

Section IV. Designation of Program Administrator; Power and Duties

A) *Designation.* The Board shall appoint a PDR Program Administrator. The administrator shall report to the Deputy County Administrator.

B) *Power and duties.* The administrator shall administer the PDR program and shall have powers and responsibilities to:

- 1) Establish reasonable and standard procedures and forms consistent with this program for the administration and implementation of the program.
- 2) Promote the program, in cooperation with the PDR committee, by providing educational materials to the public and conducting informational meetings.
- 3) Investigate and pursue, in conjunction with county, state, federal and other programs available to provide additional public and private resources to fund the program and maximize private participation.
- 4) Evaluate all applications to determine their eligibility and their ranking score. Rank applications based on their ranking score as determined by the property ranking system and make recommendations thereon to the PDR committee.
- 5) Coordinate the contracting and delivery of appraisals for each property.
- 6) Negotiate with the landowner relating to conservation easement terms and value.
- 7) Provide staff support to the Board, PDR committee and the appraisal review committee

- 8) For each conservation easement accepted into the program, establish baseline data and assure that the terms and conditions of the easement are monitored and complied with by coordinating a monitoring program with each easement holder.

Section V. Purchase of Development Rights Committee established; powers and duties

a) Establishment. The PDR committee is hereby established, as follows:

- 1) The committee shall consist of seven members appointed by the Board (one from each election district). Each member shall be a property owner and reside in Stafford County. The committee should, but is not required to be comprised of members who are knowledgeable in fields of conservation, conservation biology, planning, real estate, land appraisal, farming or forestry.
- 2) The members of the committee shall serve at the pleasure of the Board. The terms of the members shall coincide with the terms of appointment for the Board.
- 3) The members of the committee shall serve without pay, but the Board may, at its own discretion, reimburse members for actual and necessary expenses incurred in the performance of his / her duties.
- 4) The committee shall elect a chairman, vice chairman and secretary at its first meeting each calendar year. The secretary need not be member of the committee.
- 5) The administrator shall be an ex-officio member of the committee.

b) Power and duties: The PDR committee shall have the powers and duties to:

- 1) Promote the program in cooperation with and under the guidance of the administrator, by providing educational materials to the public and conducting informational meetings.
- 2) Review rankings of applications recommended by the administrator and make recommendations to the administrator and the Board as to which conservation easements should be purchased as determined by the property ranking system, the appraisal, and other applicable information.
- 3) Annually review the program's eligibility and ranking criteria and recommend to the administrator any changes needed to maintain the program's consistency with the comprehensive plan, or to improve the administration, implementation and effectiveness of the program.
- 4) The presence of at least four members of the committee at a regularly scheduled meeting shall constitute a quorum for purposes of conducting business and the committee shall make decisions on a "majority rule" basis.

Section VI. Appraisal review committee established; powers and duties.

a) Establishment. The appraisal review committee is hereby established as provided herein:

- 1) An appraisal review committee shall be created by the PDR committee and shall operate directly under its supervision.
- 2) The appraisal review committee shall consist of three members comprised of at least one professional real estate appraiser, one member of the PDR committee and the County Commissioner of the Revenue or his or her designee from the assessment office. The members shall be appointed by the PDR committee.
- 3) The members of the appraisal review committee shall serve at the pleasure of the PDR committee. Each member, other than the

County Commissioner of the Revenue, or his designee, shall serve a term of one year. The County Commissioner of the Revenue, or his designee, shall be a permanent member of the subcommittee.

b) Powers and Duties.

The appraisal review committee shall have the power and duty to review appraisals to ensure they are consistent with appropriate appraisal guidelines and practices and make recommendations thereon to the PDR committee and provide approved appraisal results to the PDR committee and the administrator. This power and duty shall not include the authority to alter or substitute an appraisal, but only to evaluate its appropriateness under specific guidelines and practices.

Section VII. Eligibility Criteria

In order for a parcel to be eligible for the purchase of development rights program, it must meet the following criteria:

- (a) The property must be located in Stafford County within that portion of the County as described in Section I above.
- (b) The property must be no less than twenty (20) acres in area, or be included in a batch in which the combined area of contiguous parcels is no less than twenty (20) acres in area.
- (c) The property must be wholly located within an agricultural or rural residential zoning district, including A-1 or A-2, or any combination of such zoning districts;
- (d) The property must be capable of being subdivided or developed for nonagricultural uses without legislative approval;
- (e) The proposed use of the property as permanent open space shall conform with the policies set forth in Stafford County's Comprehensive Plan;

(f) No uses or structures other than those permitted by the conservation easement shall be located upon the parcel;

(g) If any portion of the property being considered contains any land that is currently reserved or set aside for open space, recreation or similar purposes pursuant to the provisions of a conditional use permit, variance, or other action by the Board, or any ordinance or regulation; that portion shall be excluded from the appraisal process.

Section VIII. Property Ranking System

In order to effectuate the purposes of this chapter, parcels for which conservation easement applications have been received shall be evaluated by using a ranking system. The initial ranking system and any changes to the ranking system shall be approved by the Board of Supervisors.

(a) The property ranking system is hereby adopted. The system shall be the sole means by which the priority of acquisition of development rights under the program is determined when available funding is insufficient to purchase the development rights on all property that is the subject of received applications for the sale of development rights. The number of property ranking system points assigned to a particular property shall not be used in determining the value of development rights or the amount of any offer to purchase such rights but used solely as a means for establishing a means of prioritizing the properties for further consideration.

(b) There shall be five (5) categories of criteria for evaluation under the system. In each category, certain factors descriptive of the characteristics of property sought to be included in the purchase of development rights program are included. Each factor is stratified into a range of possible point values ranging from zero (0) to twenty (20). To determine the total points assigned to such property, the values for all five (5) categories are added. Property having the highest total scores shall rank highest in priority of acquisition. The maximum total score is one hundred seventy-five (175) points. The categories, with their respective factors, are as follows:

RANKING CRITERIA POINT SYSTEM	Possible Points	Total Points
1) Quality of the parcel (productivity capability) (50 Maximum Points)		
<p>A. Size of property</p> <p>100 acres or more – 10 80 to 99 acres – 7 50 to 79 acres – 4 20 to 49 acres – 2</p>	10	
<p>B. Soils—Percentage in United States Department of Agriculture Natural Resources Conservation Service Land Capability Classification System Land Capability Class 1, 2E, 2W, 3W, and 4W undrained</p> <p>80% or more – 10 60 to 79% - 8 40 to 59% - 6 20 to 39% - 3 Less than 20% - 0</p>	10	
<p>C. Parcel contains active farmland with a majority zone A-1. <i>(Active agricultural land: Cropland or pastureland that has been harvested or grazed during the proceeding year or in 3 of the previous 5 years)</i> 2 points per 10 acres or fraction thereof with a maximum of 20 total points</p>	20	
<p>D. Owner has implemented or agrees to implement any of the Following Soil and Water Conservation Plan Categories approved y the Tri-County Soil and Water District (2 points for each category)</p> <ul style="list-style-type: none"> -Nutrient Management plan -Conservation Tillage -Grazing land Protection -Cover Crops -Streambank Protection 	10	
<u>SUB-TOTAL POINTS</u>	50	

RANKING CRITERIA POINT SYSTEM	Possible Points	Total Points
<p>2) Likelihood of parcel being threatened (development pressure). (50 Maximum Points)</p>		
<p>A. Urgency of circumstances favoring conversions</p> <p>Parcel subject to potential forced sale - 10 Parcel subject to estate settlement sale - 8 Parcel actively marketed for voluntary sale - 6 Parcel owner is older than average of the Stafford County farmers according to the most recent Ag Census – 4</p>	10	
<p>B. Acreage suitability for residential conversion— Percentage of well or moderately well-drained soils on the parcel</p> <p>80% or more - 10 60 to 79% - 8 40 to 59% - 6 20 to 39% - 3 Less than 20% - 0</p>	10	
<p>C. Purchase price is leveraged or below market value using other funding sources including but not limited to state, federal, foundation funding, or private, landowner donations.</p> <p>-One point for each five (5) percent of the purchase price leveraged or below market value.</p>	10	
<p>D. Amount of public road contiguous to parcel</p> <p>1,000 linear feet or more - 10 600 to 999 feet - 8 300 to 599 feet - 7 100 to 299 feet - 4 Less than 100 feet - 0</p>	10	
<p>D. Landowners have agreed to any of the following restrictions:</p> <p>-Timber harvesting restrictions or timber buffers =10 pts. -No new dwellings may be located on the property = 6 pts. -Parcel shall not further be divided = 3 pts.</p>	10	
<u>SUB TOTAL POINTS</u>	50	

RANKING CRITERIA POINT SYSTEM	Possible Points	Total Points
(3) Circumstances supporting agriculture. (32 Maximum Points)		
A. Number of non-farm rural residences within one-half mile of the property boundary 0 to 3 dwelling units – 8 4 to 7 dwelling units – 6 8 to 12 dwelling units – 4 13 to 18 dwelling units – 2 More than 18 units – 0	8	
B. Proximity of parcel to other properties with PDR or other perpetual easements Contiguous – 8 Within 1/4 mile – 6 Within 1/2 mile – 4 Within 1 mile – 2 Greater than 1 mile – 0	8	
C. Proximity to significant or unique agricultural support services Contiguous – 8 Within 1 mile – 6 Within 2 miles – 4 Within 3 miles – 2 Greater than 3 miles – 0	8	
D. Batch application with contiguous parcels Contiguous – 8 Not contiguous – 0	8	
<u>SUB-TOTAL POINTS</u>	32	

RANKING CRITERIA POINT SYSTEM	Possible Points	Total Points
(4) Environmental quality. (24 Maximum Points)		
A. Virginia Division of Conservation and Recreation Ranking (Virginia Conservation Land Needs Assessment) C-1 Outstanding Conservation Significance - 10 C-2 Very High Conservation Significance - 8 C-3 High Conservation Significance - 6 C-4 Moderate Conservation Significance - 4 C-5 General Conservation Significance - 2	10	
A. Percentage of parcel in upland forest 80% or more – 8 60 to 79% - 6 40 to 59% - 4 20 to 39% - 2 Less than 20% - 0	8	
B. Proximity to areas identified as having high environmental value, such as state or federal parks, exemplary wetlands, critical areas, designated wildlife refuge or corridor, or threatened or endangered species habitat Contains or is contiguous – 8 Within 1/2 mile – 6 Within 1 mile – 4 Within 1-1/2 miles – 2 Greater than 1-1/2 miles – 0	8	
C. Proximity of parcel to perennial stream or waterway Parcel either includes or is adjacent to Perennial waterway – 4 All other – 0	4	
<u>SUB TOTAL POINTS</u>	30	

(5) Cultural Resource (Maximum 8 Points)		
A. Proximity to historic or cultural features Property contains or is contiguous to important historic structure of National, state or local significance, archaeological site –13 Property is associated with an important historic place, event, person or activity- 8 Property is an established or familiar visual feature that is part of an historic landscape –6	13	
<u>SUB-TOTAL POINTS</u>	13	
<u>TOTAL POINTS</u>	175	

Section IX. Purchase Development Terms and Conditions

Each Conservation Easement shall conform with the requirements of the Open-Space Land Act of 1966 (Code of VA. Section 10.1-1700 et seq.) and this chapter. The deed of easement shall be in a form approved by the County Attorney and shall contain, at a minimum, the following provisions:

- a) *Restrictions on new dwellings.* No new dwellings may be constructed on a parcel except as provided hereafter. The deed of easement may allow for one new dwelling per 100 acres, with the location of the dwelling and all appurtenances specified on a plat of subdivision approved by the County and recorded before or contemporaneously with the execution and recordation of the conservation easement.
- b) *Conservation easement duration.* A conservation easement acquired under the terms of this chapter shall be perpetual and shall run with the land.
- c) *Other restrictions.* In addition to the foregoing, the parcel shall be subject to standard restrictions contained in conservation easements pertaining to the uses and activities allowed on the parcel. These standard restrictions shall be delineated in the deed of easement and shall include, but not necessarily be

limited to restrictions pertaining to i) the accumulation of trash, debris, inoperable motor vehicles, and other junk; ii) the display of billboards, signs and modes of advertisements upon the property; iii) grading or clearing for purposes unrelated or not connected with the bonafide agricultural use of the property, blasting or earth removal; (iv) conducting of industrial or commercial activities on the parcel other than specified limited commercial activities associated with the bonafide agricultural use of the property.

- d) *Designation of easement holder.* Stafford County shall be the easement holder, and, at its discretion, one or more additional public bodies, as defined and provided for in Section 10.1-1700 of the Code of Virginia, or one or more organizations then qualifying as an eligible donee as defined by Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, may also be an easement co-holder.

Section X. Application and Evaluation procedure

Each application for a conservation easement shall be processed and evaluated as follows:

- a) *Application; programs materials to be provided to owner.* The application materials provided by the administrator to an owner shall include, at a minimum, a standard application form and information about the PDR program.
- b) *Application form.* Each application shall be submitted to the administrator on the standard form prepared by the administrator. The application form shall require, at a minimum that the owner provide:
- the names of all owners of the parcel
 - the address and telephone number of all owners
 - the acreage of the parcel
 - the tax map and assessor's parcel number
 - the zoning designation of the parcel

- a grant of permission to the administrator and an independent, licensed and certified appraiser, and such other staff as may be appropriate, to enter the property, after reasonable notice to the owner, to evaluate and appraise the property.
- The application form shall also include a space for the owner to indicate whether he/she volunteers to have his/her parcel subject to greater restrictions than those contained in the standard deed of easement, and to delineate those voluntary, additional restrictions

c) *Additional application information required by administrator.* The administrator may require the owner to provide additional information deemed necessary to determine: (i) whether the proposed easement is eligible for purchase; (ii) the ranking of the parcel; and (iii) the value of such easement.

d) *Submittal of application.* Applications shall be submitted to the administrator. An application fee may be required. An application may be submitted at any time during an open application period. However, applications received after an open application period deadline shall be held by the administrator until the next open application period.

e) *Evaluation by administrator.* The administrator shall evaluate each application received and determine whether the application is complete. If the application is incomplete, the administrator shall inform the owner in writing of the information that must be submitted in order for the application to be deemed complete. When the application is deemed complete, the administrator shall determine whether the parcel satisfies the eligibility criteria set forth in Section VII, and if it does, shall determine the number of points to be attributed to the parcel by applying the ranking system in accordance with Section VIII. The administrator shall then rank each parcel with the parcel scoring the most points being the highest ranked and descending in order therefrom. The administrator shall submit the list of ranked parcels to the PDR committee after each open application period.

f) *Evaluation by PDR committee.* The PDR committee shall review the list of ranked parcels submitted by the administrator. The PDR committee shall forward to the administrator and to the Board its recommendations as to which conservation easements should be purchased under the provisions of this Chapter.

g) *Evaluation by Board.* The Board shall review the list of ranked parcels submitted by the PDR committee and identify by resolution, which conservation easements should be purchased and their priority of purchase. Nothing in this chapter shall obligate the Board to purchase a conservation easement on any property that is deemed eligible for purchase and that the Board identifies for purchase under this subsection.

h) *Appraisal of conservation easement value.* Each conservation easement identified by the Board to be purchased shall be appraised by an independent qualified appraiser contracted by the County for such purpose. Each completed appraisal shall be submitted to the program administrator and the owner. The program administrator shall forward each appraisal to the appraisal review committee, which shall review each appraisal and make recommendations thereon to the PDR committee.

i) *Requirements and deadlines may be waived.* Any requirement or deadline set forth in this chapter may be waived by the Board if, for good cause, it is shown that exigent circumstances exist that warrant consideration of an otherwise untimely application or it is shown that the requirements of this ordinance unreasonably restrict the purchase of an easement. Under such circumstances, the Board may authorize purchase of a conservation easement at any time it deems necessary so long as the purchase meets the intent of the Purchase of Development Rights Program as identified in the Comprehensive Plan and the purchase complies with the specific purposes and applicability of this ordinance as set out herein.

j) *Reapplication.* An owner of a parcel not selected by the Board for purchase of a conservation easement may reapply in any future open application period.

XI. Purchase of Development Rights Procedure

Applications to sell development rights shall be on a form prescribed by the administrator and shall be signed by the landowner and submitted to the director. The director may require supporting documentation, including deeds, surveys or other legal instruments, to be submitted with the application. A landowner may submit an application for each parcel or may submit a single application for more than one contiguous parcel. Applications for batched parcels shall follow the same procedure, but shall be signed by all landowners. Applications must be received no later than June 30 to be eligible for consideration during that calendar year.

(a) The administrator shall review each application to determine whether the eligibility criteria set forth in Section III are met and all required information is provided, and shall notify the landowner of his determination. Incomplete or otherwise deficient applications shall be rejected and returned to the landowner with a statement of reasons for the rejection.

(b) In the event a parcel, or portion thereof, fails to meet the eligibility criteria set forth in Section III, such parcel, or portion thereof, shall not be considered for inclusion in the program. In the event the ineligibility of a parcel or portion thereof, renders the remaining property which is the subject of the application ineligible, none of the property shall be considered for inclusion.

(c) In the event available funding is insufficient to purchase the development rights on all properties which are the subject of pending applications under this ordinance, the director shall evaluate each application, using the criteria of the property ranking system set forth in Section VIII, and shall ascertain all necessary facts and information for ranking the priority of acquisition of the lands included in the application. In performing such evaluation, the administrator may request the assistance of such other county departments and agencies as may be appropriate and beneficial. The evaluation shall include a recommendation for the number of agricultural ranking system points to be assigned to the application. No later than ninety (90) days after receipt of the completed application, the director

shall forward a copy of the evaluation to each member of the commission and to the county administrator and the landowner.

(d) The submission of an application shall not be deemed to constitute a binding contractual offer to convey any interest in the landowner's property, but shall be revocable at will by the landowner prior to the execution of an installment purchase agreement, without penalty.

Section XII. Outreach

The PDR Committee envisions an annual process to solicit applications for the sale of development rights to the County. As part of that process, an effective outreach effort to the public would inform those who may be interested in the program of the goals and benefits of the program, the application process, the nature of the rights to be purchased, the requirements, criteria and ranking system, and other program details. The effort would be aimed at encouraging applications and making the process user friendly. An on-going outreach effort shall be a part of the program in order to solicit interest and assist those participating in the program and for the purposes of promoting the program.

Section XIII. Inspection and Enforcement

An effective easement program involves periodic inspection to ensure that the rights acquired are protected. The County also has the ability to coordinate this effort with its land development process for approving subdivisions and building permits. In the event enforcement action is necessary, the staff responsible for administration of the program and inspection of property would work with the County Attorney. Staff may assist landowners in determining whether proposed uses or activities are consistent with easement restrictions on particular properties. In the event an easement is held jointly by the County and another organization, these inspection and enforcement efforts would need to be coordinated.

The local Soil and Water Conservation District may be able to provide assistance in the regard. The District currently helps landowners to prepare and implement soil and water conservation plans required by grant program criteria or the State or County guidelines in

conjunction with its land use tax program. It also assists in the design and cost-sharing of Best Management Practices and verified compliance with BMPs and farm management plans.

The County should fund a periodic inspection program but seek as much assistance as possible in this regard from any organizations holding easements jointly in the County. In addition, the inspection program should be closely coordinated with, and seek the assistance of the Soil and Water Conservation District where applicable.

Legislative; Urban Transportation Service District. Mr. David Gayle, Assistant Director of Economic Development and Legislative Affairs, gave a presentation and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to make a recommendation for an amendment to House Bill 3202, to allow areas of urban commercial and industrial development to be included within the boundaries of the Urban Transportation Service District. The County has substantial areas of existing commercial and industrial development, some of which includes public streets that are maintained by the Commonwealth and should be included in the lane-mile calculations to determine level of funding.

The Voting Board tally was:

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

Nay: (0)

Legislative; Closed Meeting. At 4:55 P.M., Mr. Dudenhefer motioned, seconded by Mr. Fields, to adopt proposed Resolution CM07-06.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-06 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regard to the Dominion Power Line Case; and

WHEREAS, pursuant to Section 2.2-3711(a)(7) Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 20th day of February, 2007, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 5:43 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution CM07-06a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-06a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE
STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED
MEETING ON FEBRUARY 20, 2007

WHEREAS, the Board has, on this the 20th day of February, 2007, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 20th day of February 2007, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Recess. At 5:44 P.M., the Chairman declared a recess until 7:00 P. M.

Invocation. Mr. Schwartz gave the Invocation.

Pledge of Allegiance. Mr. Dudenhefer gave the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentation of a Proclamation.

- Recognize and Commend Kathleen M. Beck and Fredericksburg Regional Transit for Their Assistance During the Discover Days Festival.

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

Shawn Lawrence	-	People with disabilities.
Laura Sdao	-	Pump and Haul program.
Harry Ganesh	-	Pump and Haul program.
Cecelia Kirkman	-	Flood Hazard Overlay District.
Lou Silver	-	Public Hearings.
	-	Commented on Items 10, 18, and 19 on the Regular Agenda.

Utilities; Vacate Sanitary Sewer Easement and Public Property Lines at 4022 Jefferson Davis Highway. The County Administrator gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-39.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-39 reads as follows:

A RESOLUTION TO VACATE SEWER EASEMENTS AND
PUBLIC PROPERTY AT 4022 JEFFERSON DAVIS HIGHWAY

WHEREAS, the County has replaced the existing wastewater pump station located at 4022 Jefferson Davis Highway and abandoned the existing pumping station along with certain sanitary sewer lines; and

WHEREAS, the former site and some of the sanitary sewer easements near the former sewage pump station site are no longer needed for County use; and

WHEREAS, the Board has carefully considered the recommendations of the Staff and the testimony received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that the County Administrator be and he hereby is authorized to vacate unnecessary sanitary sewer easements on Tax Map Parcel 13-9; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to take all necessary actions to accomplish the vacation of the identified easements and the conveyance of Tax Map Parcel 13A 1 6A (0.031 acres) to Hilldrup Moving and Storage Inc.

Legislative; Regular Agenda Additions and Deletions. Mr. Gibbons motioned, seconded by Mr. Fields, to add appointments to the regular agenda.

The Voting Board tally was:

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

Nay: (0)

Legislative; Consent Agenda. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt the Consent Agenda consisting of Items 7 thru 16A, omitting items 10a, 10b, 14 and 15.

The Voting Board tally was:

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

Nay: (0)

Item 7. Finance; Approve Expenditure Listings.

Resolution R07-90 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)

DATED FEBRUARY 6, 2007 THROUGH FEBRUARY 19, 2007

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February 2007, that the above-mentioned EL be and it hereby is approved.

Item 8. Public Information; Adopt Proclamations.

Proclamation P07-05 reads as follows:

A PROCLAMATION TO COMMEMORATE POSTHUMOUSLY
COL. PAUL M. KELLY

WHEREAS, Col. Paul M. Kelly, a helicopter pilot, served in Operation Iraqi Freedom with the Reserve Component Division of the Multi-National Corps Iraq as commander of an Army National Guard liaison team; and

WHEREAS, Col. Paul M. Kelly and 11 other military service members perished on January 20, 2007, when the UH-60 Black Hawk helicopter in which they were riding crashed northeast of Baghdad, Iraq; and

WHEREAS, Col. Paul M. Kelly was commissioned as an officer through the University of Dayton's Reserve Officers' Training Corps and spent his career in staff and leadership positions serving with the Guard in Ohio, South Carolina and Virginia; and

WHEREAS, Col. Paul M. Kelly earned his troops' deep and abiding respect as a mentor and role model to young men and women beginning their military careers, and was nicknamed "the Senator" for his habit of always making a point to shake soldiers' hands, no matter what their rank; and

WHEREAS, Col. Paul M. Kelly was an avid Civil War buff who dreamed of teaching high school history after retiring from military service; and

WHEREAS, Col. Paul M. Kelly belonged to the Knights of Columbus, was an active and deeply religious parishioner at St. William of York Catholic Church, and volunteered at his sons' parish school and with seniors in his community; and

WHEREAS, Col. Paul M. Kelly was a loving husband to his wife, Maria, and proud father of their two sons, Paul and John; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the ultimate sacrifice made by this modern warrior who exemplified patriotism, honor and a deep devotion to his country;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that Col. Paul M. Kelly be and he hereby is commemorated posthumously.

Proclamation P07-04 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND ANDREW E.
LOFT AS STAFFORD COUNTY’S TEACHER OF THE YEAR

WHEREAS, Andrew E. Loft serves as Director of Bands and Music Department Chair at Colonial Forge High School; and

WHEREAS, Andrew E. Loft is hailed by his students and colleagues as an exceptional educator who creates a learning environment focused on providing the knowledge, structure and encouragement critical to the educational and personal success of each student; and

WHEREAS, Andrew E. Loft received a Bachelor’s Degree in Music Education at the University of Tennessee at Martin and a Master’s Degree in Music, Tuba Performance, from the University of Miami, and continues his professional development as a performer with the Fairfax Wind Symphony; and

WHEREAS, Andrew E. Loft works tirelessly and employs his joyous enthusiasm to attract talented young musicians to the award-winning Colonial Forge High School band program, while skillfully managing the marching band, three concert bands, a jazz ensemble and a percussion ensemble; and

WHEREAS, Andrew E. Loft encourages a spirit of community by coordinating and hosting the annual All County and All District Band auditions, inviting the middle school bands to perform at a fall football game, and sponsoring free concerts by the U.S. Navy Band and other military service ensembles at Colonial Forge High School; and

WHEREAS, Andrew E. Loft has been chosen by his colleagues and school administrators as Stafford County's Teacher of the Year and will earn *The Washington Post* Agnes Meyer Outstanding Teacher of the Year Award as a result of this honor; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the commitment and professionalism with which Andrew E. Loft serves his students and the community;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that Andrew E. Loft be and he hereby is recognized and commended as Stafford County's Teacher of the Year.

Item 9. Planning; Authorize Historic Preservation Scholarship and Contest.

Resolution R07-74 reads as follows:

A RESOLUTION TO AUTHORIZE THE DEPARTMENT OF
PLANNING AND COMMUNITY DEVELOPMENT TO PROVIDE
CASH PRIZES FOR A HISTORIC PRESERVATION SCHOLARSHIP
AND CONTEST

WHEREAS, the Board has appointed individuals to the Architectural Review Board to act in an advisory role to other officials and departments of local government regarding protection of the County cultural resources for the use, observation, education, pleasure, and welfare of the people; and

WHEREAS, the Board has also charged the Architectural Review Board to disseminate information within the County on historic preservation issues and concerns; and

WHEREAS, a historic preservation scholarship and contest will provide an incentive for students to learn about the County’s cultural resources and historic preservation issues and concerns; and

WHEREAS, the cash prizes will motivate students to participate in the scholarship and contest;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that the Department of Planning and Community Development be and is hereby authorized to provide cash prizes for a historic preservation scholarship and contest.

Item 10c. Treasurer; Amend and Reordain the County Code Entitled “Service Charge for Bad Checks Tendered County”.

Resolution R07-102 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN COUNTY CODE CHAPTER 2, SECTION 2.2 ENTITLED “SERVICE CHARGE FOR BAD CHECKS TENDERED COUNTY”

WHEREAS, the Board desires to consider a change in the service charges and collection fees; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that the County Administrator be and

he hereby is authorized to advertise for a public hearing for March 6, 2007 to allow for presentation and public comment for the purpose of amending and readopting service charges and collection fees.

Item 11. Administration; Authorize Additional Funds for Construction of the Government Center.

Resolution R07-97 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT WITH CENTENNIAL CONSTRUCTION
FOR CONSTRUCTION AT THE GOVERNMENT CENTER

WHEREAS, renovations are underway to the former Fire and Rescue Administration offices for use by the General Registrar and the Department of Economic Development; and

WHEREAS, extensive water damage has been discovered and the Board desires a long-term protection for the building; and

WHEREAS, under the Fairfax County contract (Council of Government rider) Centennial Construction has provided a bid for construction costs;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that the County Administrator be and he hereby is authorized to execute a contract with Centennial Construction in an amount not to exceed \$185,000; and

BE IT FURTHER RESOLVED that proffers in the amount of \$1,560 be and they hereby are budgeted and appropriated to the General Fund, Capital Projects category.

Item 12. Economic Development; Support Request for Federal Funding for County Priorities through the Federal Appropriations Process.

Resolution R07-91 reads as follows:

A RESOLUTION TO SUPPORT REQUESTS FOR FEDERAL
FUNDING FOR COUNTY PRIORITIES

WHEREAS, the Chairman and Vice-Chairman of the Board will travel to Washington, D.C. on February 28, 2007 to meet with Senators Warner and Webb and Congresswoman Jo Ann Davis; and

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

WHEREAS, specifically, the priorities include federal funding for safety and streetscape improvements to the Courthouse area and for upgrades to the County's public safety communications system; and

WHEREAS, the Board desires to go on record with additional priorities and discuss BRAC (parity with Ft. Belvoir federal infrastructure support), HOT Lanes, 3rd Rail and the Virginia Railway Express;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February 2007, that it be and hereby does endorse efforts to secure federal funding for the aforementioned priorities; and

BE IT FURTHER RESOLVED that copies of this resolution be provided to the members of Stafford's congressional delegation so that they may be apprised of the sense of the Board on this matter.

Item 13. Utilities; Authorize Acceptance of Property to the Board of Supervisors from the Economic Development Authority.

Resolution R07-93 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO ACCEPT TITLE TO PROPERTIES FOR ROCKY PEN RUN RESERVOIR

WHEREAS, the title for certain properties with houses acquired for the Rocky Pen Run Reservoir was transferred from the County to the Economic Development Authority; and

WHEREAS, title must be transferred back to the County before these houses can be demolished; and

WHEREAS, the Board must authorize the acceptance of the transfer of ownership back to the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that the County Administrator be and he hereby is authorized to accept title for properties currently owned by the Economic Development Authority, which were acquired for the Rocky Pen Run Reservoir.

Item 16. Legislative; Appoint Members to Boards, Authorities, Commissions and Committees.

Resolution R07-109 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE STAFFORD
COUNTY BEAUTIFICATION COMMITTEE

WHEREAS, Resolution R06-489 changed the membership of the Beautification Committee; and

WHEREAS, Resolution R06-489 authorized 12 members to be appointed to the Beautification Committee, one to represent Stafford County Public Schools/Community Involvement, Master Gardener, Sheriff's Office, Extension Office, County Government, and one representative from each of the County's seven election districts; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
Shari Kern (Aquia District)	December 31, 2007
VACANT (Falmouth District)	December 31, 2006
Laura Collingsworth (Garrisonville)	December 31, 2007
Laurie Posner (George Washington District)	December 31, 2006
Denise Baer (Griffis-Widewater District)	December 31, 2007
Patrice Promack (Hartwood District)	December 31, 2007
VACANT (Rock Hill District)	December 31, 2006
Julie May (County Government)	December 31, 2007
Ian Treggett (Extension Office)	December 31, 2007
Deputy Craig Cain (Sheriff's Office)	December 31, 2007
Cynthia Lucero-Chavez	December 31, 2007

(Stafford County Public Schools/
Community Involvement)

Linda Dunn
(Master Gardener)

December 31, 2007

WHEREAS, a vacancy exists in the Falmouth district; and

WHEREAS, the term of membership is one year;

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that

NAME

EXPIRATION

Janie Cindric
(Falmouth District)

December 31, 2007

be and she hereby is appointed to the Beautification Committee.

Item 16A. Legislative; Consider Joining with the Prince William County Board of Supervisors in Opposing the Designation of a National Interest Electric Transmission Corridor in Prince William County.

Resolution R07-112 reads as follows:

A RESOLUTION TO JOIN THE PRINCE WILLIAM COUNTY
BOARD OF SUPERVISORS IN OPPOSING THE DESIGNATION
OF A NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDOR
IN PRINCE WILLIAM COUNTY

WHEREAS, Dominion Virginia Power, Allegheny Power and PJM Interconnection desire to build a 500-kilovolt power line through Frederick, Warren, Fauquier, Prince William, and Loudoun Counties; and

WHEREAS, Section 56-46.1 of the Code of Virginia (1950), as amended, exempts the proposed 500-kilovolt power line from public facility review by the County and vests the approval process solely in the State Corporation Commission; and

WHEREAS, Section 56-46.1 provides that the State Corporation Commission shall determine whether or not the line is needed and that the corridor or route the line is to follow will reasonably minimize adverse impact on scenic assets, historic districts, and environment of the area concerned; and

WHEREAS, the Energy Policy Act of 2005 allows the U.S. Department of Energy to designate multiple jurisdictions, including all of Prince William County, as “National Interest Electric Transmission Corridors” (NIETC) which enables the use of federal eminent domain authority to acquire the easements necessary for the construction and operation of the proposed power line; and

WHEREAS, once granted, NIETC status would overlay Prince William County for a period of 10 years, adversely impacting property values and jeopardizing citizens quality of life; and

WHEREAS, the full extent of impacts to historic, scenic, archaeological, cultural, and rural crescent resources have not been studied; and

WHEREAS, the health, safety, and general welfare is not served by the approval of the designation of the NIETC status in Prince William County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that it does hereby join the Prince William County Board of Supervisors in opposing the designation of a National Interest Electric Transmission Corridor in Prince William County.

Planning; Authorize a Public Hearing to Amend Section 28-25, Specific Terms; and 28-39, Special Regulations, of the Zoning Ordinance. Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-101.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-101 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO AMEND SECTION 28-25;
SPECIFIC TERMS AND SECTION 28-39; SPECIAL REGULATIONS OF THE
ZONING ORDINANCE

WHEREAS, cemeteries are a valuable and important resource to the culture and history of the County; and

WHEREAS, a goal of the Comprehensive Plan is to preserve significant historic and/or archaeological sites and cemeteries through private, public and quasi-public groups; and

WHEREAS, per Section 15.2-2283 of the Code of Virginia (1950), as amended, the purpose of zoning is to protect against destruction of or encroachment upon historic sites; and

WHEREAS, cemeteries are identified with plans of development but at times it has not been known if all of the resources have been identified and if the cemetery is being maintained and protected; and

WHEREAS, the Board desires standards to identify, protect and maintain cemeteries with all plans of development; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that the County Administrator be and he hereby is authorized to advertise a public hearing on March 20, 2007, to amend and readopt Section 28-25 and Section 28-39 of the Zoning Ordinance.

Finance; Consider Participation in the Spring 2007 VPSA Bond Sale for \$22,780,000 and Budget and Appropriate the Proceeds. Mr. Gibbons commented.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-81.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Gibbons, Milde, Schwartz, Cavalier, Dudenhefer, Fields
Nay: (0)

Resolution R07-81 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO
CONSIDER PARTICIPATION IN THE SPRING 2007 VIRGINIA
PUBLIC SCHOOL AUTHORITY BOND SALE AND TO BUDGET
AND APPROPRIATE THE BOND PROCEEDS

WHEREAS, the Board has received a request from the Superintendent of the Stafford County Public Schools to contract a debt and issue general obligation bonds of the County in the maximum amount of \$22,780,000 in one or more series to finance

certain capital improvements for public school purposes (the "Bonds") and to sell such bonds to the Virginia Public School Authority ("VPSA"); and

WHEREAS, the Board has determined that it may be necessary or desirable to advance money to pay the costs for such capital projects for public school purposes (the "Projects") and to reimburse such advances with proceeds of one or more financings.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County or the School Board of the County of Stafford, Virginia, to pay the costs of acquiring, constructing, and equipping the Projects from the proceeds of the Bonds to be issued in the maximum amount of \$22,780,000.
2. The County Administrator is authorized to advertise a public hearing to be held on March 20, 2007 on the issuance of the Bonds and on budgeting an appropriating the proceeds.
3. This resolution shall take effect immediately upon its adoption.

Planning; Donate Fees for Housing Opportunities Made Economical (HOME) Inc. Mr. Fields commented.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R07-99.

Discussion ensued.

The Voting Board tally was:

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

Resolution R07-99 reads as follows:

A RESOLUTION TO DONATE FUNDS EQUAL TO THE COST
OF PROFFER AMENDMENT APPLICATION FEES TO HOUSING
OPPORTUNITIES MADE ECONOMICAL (HOME), INC.

WHEREAS, HOME, Inc. submitted applications for and received approval of a
proffer amendment; and

WHEREAS, HOME, Inc. is a non-profit, tax-exempt, agency providing housing
for residents with severe handicaps within the County and as such has requested
reimbursement of the application fees; and

WHEREAS, the Board cannot waive or reimburse fees; and

WHEREAS, the Board desires to make a charitable contribution to HOME, Inc.
for their project in the County in an amount equal to the application fees;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of
Supervisors on this the 20th day of February, 2007, that a donation in the amount of Eight
Thousand Dollars (\$8,000) be and it is hereby made to Housing Opportunities Made
Economical, Inc. to be used for their housing projects within Stafford County.

Administration; Authorize Appointment of Acting Zoning Administrator. Mr. Schwartz
commented.

Mr. Schwartz motioned, seconded by Mr. Dudenhefer, to discuss proposed Resolution
R07-105 in Closed Meeting.

The Voting Board tally was:

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

Nay: (0)

Public Services; Recommend to Virginia Department of Transportation and Commonwealth Transportation Board the FY2008-3013 Interstate, Primary and Urban Systems Six-Year Improvement Program and Express Support for Construction Funding for the New Interstate 95 Interchange with Courthouse Road. Mr. Milde motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R07-106.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-106 reads as follows:

A RESOLUTION FOR THE VIRGINIA DEPARTMENT
OF TRANSPORTATION AND THE COMMONWEALTH
TRANSPORTATION BOARD IN CONSIDERATION OF
THE FY2008-FY2013 INTERSTATE, PRIMARY AND
URBAN SIX-YEAR IMPROVEMENT PROGRAM

WHEREAS, the Virginia Department of Transportation (VDOT) is updating its Interstate, Primary, and Urban Six-Year Improvement Program (SYIP) for FY2008-FY2013; and

WHEREAS, the Commonwealth Transportation Board (CTB), as it deliberates on approves of the FY2008-FY2013 SYIP, is guided by comments received; and

WHEREAS, the Board supports this transportation planning process;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that the Board be and it hereby expresses to VDOT and the CTB its support for funding the construction of a new interchange with Interstate 95 and Courthouse Road (SR-630), funding the improvement project known as the Falmouth intersection, and funding for the Warrenton Road (US-17) improvement project from Sanford Drive (SR-607) to Village Parkway (SR-1800); and

BE IT FURTHER RESOLVED that a copy of this resolution be submitted to the VDOT Fredericksburg District Administrator.

Mr. Milde motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R07-107.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-107 reads as follows:

A RESOLUTION FOR THE VIRGINIA DEPARTMENT
OF TRANSPORTATION AND THE COMMONWEALTH
TRANSPORTATION BOARD EXPRESSING SUPPORT
FOR THE CONSTRUCTION OF A NEW INTERSTATE 95
INTERCHANGE WITH COURTHOUSE ROAD

WHEREAS, the Virginia Department of Transportation (VDOT) received conditional approval from the Federal Highway Administration (FHWA) on November 16, 1992 for the construction of the interchange at Interstate 95 and Centreport Parkway; and

WHEREAS, a condition of this approval was that construction funding be allocated by VDOT for a new interchange with Courthouse Road, SR-630, at a new location just south of the existing interchange; and

WHEREAS, the County contributed \$10,000,000 toward the construction of the Interstate 95/Centreport Parkway interchange; and

WHEREAS, the Board supports the construction of the new interchange with Interstate 95 and Courthouse Road, SR-630; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that the Board be and it hereby

impresses upon the Commonwealth Transportation Board (CTB) and VDOT the criticality of completing its FHWA obligation to begin substantial activity toward the construction of this new interchange; and

BE IT FURTHER RESOLVED that a copy of this resolution be submitted to the VDOT Fredericksburg District Administrator.

Legislative; Discuss Mandatory Connections to Utilities. Mr. Robert E. Bos, Public Utilities Administrator, gave a presentation and responded to Board members' questions.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-110.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-110 reads as follows:

A RESOLUTION TO REFER MANDATORY
CONNECTIONS TO THE UTILITIES COMMISSION

WHEREAS, the Board at a meeting on December 13, 2005 adopted Ordinance O05-50, which required any proposed development within the urban Service Area to connect to utilities; and

WHEREAS, there exists a few projects with proposed well and/or septic systems that are located within the Urban Service Area which did not gain approval prior to the adopted Ordinance; and

WHEREAS, the Board desires the Utilities Commission to review the issue as said projects must be redesigned in order to provide connection (s) to public utilities in accordance with the Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that the Utilities Commission is requested to review the issue of mandatory connections with regard to the following projects and report back to the Board.

- Aquia Overlook, Section 3
- Bensen Mill Estates
- Beverley Hills Minor Subdivision (approved 2-PAEs)
- Ellison Estates, Section 2
- Greenbank Forest, Section 1 (partially w/i Urban Service Area)
- McCarthy Estates
- Sherwood Farm, Section 5
- Tyler Estates
- Williams Subdivision

Planning: Refer to the Planning Commission an Amendment to the Zoning Ordinance Regarding Administrative Exception for Public Improvements. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

Mr. Schwartz motioned, seconded by Mr. Gibbons to adopt proposed Resolution R07-73.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Schwartz, the application for the Rocky Pen Run Reservoir special exemption go for public hearing in front of the Board of Zoning Appeals and that staff is not authorized to withdraw the application unless there are less than 5 members present.

The Voting Board tally was:

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

Legislative: Appoint Members to Boards, Authorities, Commissions and Committees.

Mr. Cavalier motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-124.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-124 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO
THE ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, the Economic Development Authority of Stafford was established by Ordinance of the Board on June 10, 1970, and a total of seven (7) Directors were appointed initially for terms of one (1), two (2), three (3) and four (4) years; two (2) being appointed for one (1) year terms, two (2) being appointed for two (2) year terms, two (2) being appointed for three (3) year terms and one (1) being appointed for a four (4) year term; and

WHEREAS, pursuant to Section 15.2-4904 of the Code of Virginia (1950), as amended, subsequent appointments were to be for terms of four (4) years, except appointments to fill vacancies were to be for the unexpired terms and all terms of the office were deemed to commence upon the date of the initial appointment to the Authority and, thereafter, in accordance with these provisions; and

WHEREAS, the following members have been appointed:

<u>NAME</u>	<u>EXPIRATION</u>
Donald H. Newlin	June 10, 2007
Wendy Surman	June 10, 2007
Edward B. Hontz	June 10, 2008
Martin Miller	June 10, 2009

John Rowley	June 10, 2009
Jo Knight	June 10, 2010
Joel Griffin	June 10, 2008

WHEREAS, Martin Miller has submitted his resignation; and

WHEREAS, the Board desires to fill this position;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that

<u>NAME</u>	<u>EXPIRATION</u>
Mark Safferstone (Griffis-Widewater)	June 10, 2009

be and he hereby is appointed as a member of the Economic Development Authority; and

BE IT FURTHER RESOLVED that if at the end of any term of office of any director and a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until a successor is appointed and qualified and that successor shall fulfill the remainder of the term.

Legislative; External Auditor Committee. Mr. Schwartz commented.

Discussion ensued.

Hearing no objections from the Board, the Chairman appointed Mr. Gibbons and Mr. Brito to the External Auditor Committee.

Legislative; Closed Meeting. At 8:25 P.M., Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution CM07-07.

The Voting Board tally was:

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

Resolution CM07-07 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regard to the Crow's Nest Litigation, the Acquisition of Real Property for Public Purpose in regard to the VRE Parking Facility and a Personnel matter; and

WHEREAS, pursuant to Section 2.2-3711(a)(7), (a)(3) and (a)(1) Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 20th day of February, 2007, does hereby authorize discussions of the aforestated 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. Gibbons motioned, seconded by Mr. Fields, to adopt proposed CM07-07a.

The Voting Board tally was:

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

Resolution CM07-07a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE
STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED
MEETING ON FEBRUARY 20, 2007

WHEREAS, the Board has, on this the 20th day of February, 2007, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 20th day of February 2007, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Administration; Authorize Appointment of Acting Zoning Administrator. Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-105.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-105 reads as follows:

A RESOLUTION TO CONCUR WITH THE COUNTY ADMINISTRATOR'S
APPOINTMENT OF ACTING ZONING ADMINISTRATOR

WHEREAS, the Zoning Administrator's position is vacant; and

WHEREAS, the County Administrator appointed Rachel Hudson as Acting Zoning Administrator effective February 17, 2007;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of February 2007, that the Board be and it hereby does concur with the appointment of Rachel Hudson as Acting Zoning Administrator.

Adjournment. At 8:47 P. M., the Chairman declared the meeting adjourned.

Steve Crosby
County Administrator

Jack R. Cavalier
Chairman