

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

March 5, 2013

Call to Order The regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 3:04 p.m., on Tuesday, March 5, 2013, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

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

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.

Presentation of a Proclamation Recognizing March, 2013 as Mediation Month in Stafford County Ms. Stimpson and Ms. Donna Krauss presented the proclamation to Ms. Lawrie Parker and Mr. Ned Madden with the Piedmont Dispute Resolution Center.

Presentation of the Clean Farm Award to the Roberson Family Mr. Thomas, along with Charlie Lively and Art Hart with the Tri County/City Soil and Water Conservation District, presented the Clean Farm Award to Mr. Hubert Roberson and Mr. Ronnie Roberson.

Presentations by the Public The following members of the public desired to speak:

Charlie Lively	-	Tri-City/County Overview
Alane Callander	-	Transportation Issues

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

- Mr. Sterling - Finance, Budget and Audit Committee update (School budget; strengthen bond rating; current policy regarding yearly contract renewals; auditor services; classification and compensation study; GAP pay for the Sheriff's Office)
- Mr. Thomas - Deferred
- Mr. Cavalier - Absent
- Mr. Milde - Community and Economic Development Committee Update (lighting ordinance; proffer guidelines; Tech center update; Tech Zone ordinance; drainfield ordinance; archeological sites; PRTC; response to citizen comment regarding public transportation)
- Mr. Schieber - Gwyneth's Law passed, awaiting Governor's signature, commended (Dr. Lisa Martin, Mr. Mike Justice, and Ms. Linda Powell); JLUS meeting update; Joint Schools Working Committee update include CTE update/vision and sequestration impact
- Mr. Snellings - Attended 350<sup>th</sup> Anniversary Committee and thanked the Board for supporting the Committee and its efforts
- Ms. Stimpson - Looking forward to the budget discussions, invited the public to participate at the budget public hearing on April 9, 2013.

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Anthony Romanello, County Administrator, presented the proposed FY2014 budget. Request to authorize a public hearing will be added to the March 19, 2013 agenda for Board approval.

Mr. Sterling questioned advertising a tax rate before the School Board was given an opportunity to present its budget. Mr. Romanello said that the deadline, in order to keep to the proposed schedule, was March 26, 2013. He added that the proposed date to send out tax bills was May 5, 2013, based on the due date of June 5, 2013, so as to give citizens a full thirty days in which to make their tax payments.

Ms. Stimpson asked about the total budget surplus in FY2012 and prior years. Ms. Nancy Collins, Budget Division Director, provided the numbers to Ms. Stimpson's request. Mr. Sterling said that when he was first on the Board, there was a deficit, also called a structural imbalance, of \$6M. He added that in FY2008, the County Administrator approved use of the fund balance to cover operating expenses. He asked about a possible budget surplus in the FY2013 budget, to which Mr. Romanello answered that it appeared to be less than 1%. Mr. Sterling said that the trend was disconcerting. Mr. Romanello agreed that it was getting tighter but that the County continued with aggressive budget monitoring to ensure a balanced, realistic budget with reserves built in.

Ms. Stimpson said that what was presented was a conservative budget including \$6M-\$7M in positive results of operations. She added that in a recent Free Lance-Star article, it was noted that Stafford County out-performed all localities in the region. Ms. Stimpson asked if there was any reason, based on sales tax revenue and conservative budgeting practices, to believe that the County was in a backwards trend, budget-wise. Mr. Romanello replied, "Absolutely not." He added that department directors were present at the meeting and able to discuss individual department budgets if that was the will of the Board. Ms. Stimpson said that without a doubt, there was proof of staff's outstanding job at making a concerted effort to maintain a balanced budget, and/or to curtail spending so as to have a surplus at the end of the fiscal year.

Mr. Milde talked about when the bottom fell out in the 2006 and 2007 economy. He talked about the Schools' current request for an additional \$18M with teacher raises hanging in the balance. Mr. Sterling said that an increase in the last fiscal year's budget was intended for a 2% raise for teachers, which never happened. He also spoke about the effect of sequestration on the area in general, Stafford County specifically.

Mr. Sterling asked for a report of what items, in the proposed FY2014 budget, were "fixed," state-mandated, required by law – for example, what payments was the County required to make. Mr. Romanello said that he would provide that answer to the Board.

Mr. Thomas talked about teacher raises being a priority but that last year, the County gave the Schools Division an additional \$5M but teachers did not receive the intended 2% raise. Mr. Schieber talked about raises for all School Division personnel, not just for teachers. Ms. Stimpson mentioned additional monies from the General Assembly (\$3.2M). Mr. Milde said that circumstances were different this year than last, and that categorical funding was a huge mistake, it did not work. He referred to a spreadsheet that was included in the Board's Add-on folder regarding School budgeting.

Mr. Snellings asked if a teacher raise was state-mandated. Mr. Romanello replied that it was, but only if the Schools' accepted the state funds. Mr. Snellings said that the County sent \$5.1M across the street in FY2012 yet the teachers did not receive a raise, that they used the money elsewhere and then blamed the County for teachers not receiving a raise as promised. Mr. Sterling asked for the net cost of the VRS phase-in v. the full 5% at one time. Staff said they to provide those numbers to the Board.

Ms. Stimpson talked about the calendar date when the School Board was obligated to provide its budget to the County, saying that it used to be made available in late January or early February, preceding the County's proposed budget and therefore could be used as a resource in planning the County's budget. She added that it was the third or fourth year

that hasn't happened, that the County only received the School Board's budget a week prior to the County's budget presentation. Mr. Sterling asked if it was realistic to assume that the Schools could formulate a budget without using the Governor's budget proposal as presented to the General Assembly. Mr. Romanello said that most localities and School Boards budgets were based on the Governor's budget but were proposed in late December.

Mr. Schieber said that he understood and shared in the disappointment regarding last year's absence of teacher raises. He added that the Board owed the School Board a full hearing to know where they were coming from. Mr. Sterling asked for the timeline when the School Board received the budget. Ms. Stimpson asked if they received it prior to voting on it at the last meeting. Mr. Sterling asked Mr. Schieber if he was advocating for a special meeting. Mr. Schieber said that the point was to talk with the School Board about the significant deviation (last year) from the request for additional funds for teacher raises v. what that money was actually used for. He added that the County should be competitive with teacher hiring and salaries but that it was losing a lot of teachers each year due to its low salary scale and lack of pay increases. Mr. Schieber suggested that the School Board give its formal presentation at the Board's March 19, 2013, meeting followed by a special meeting to discuss budgets, scheduled for the following week. Mr. Milde said that it was the eighth year that the Schools were given more money/increases than School population growth supported, that it was disproportionate. He added that he voted against last year's budget. Mr. Thomas said that in preparation of a special meeting, he would like to know what last years \$5.1M bought (or what it was spent on).

Mr. Thomas asked for a Stafford Value Index comparison on school spending as well as a Utilities rate study. He said that he and Mr. Schieber, along with three counterparts on the Utilities Commission, met to discuss Utilities fees, and that the Utilities Commission had a report due out that would be presented to the Board in April, 2013.

Ms. Stimpson thanked Mr. Romanello and the Finance/Budget staff for a great presentation and for all the hard work that went into the proposed budget preparation.

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

Legislative; Consent Agenda Mr. Milde motioned, seconded by Mr. Snellings, to accept the Consent Agenda consisting of Items 4 through 13, omitting Item 11.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Cavalier

Item 4. Legislative; Approve Minutes of the February 19, 2013 Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R13-88 reads as follows:

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 5<sup>th</sup> day of March 2013, that the above-mentioned EL be and hereby is approved.

Item 6. Planning and Zoning; Authorize a Public Hearing to Amend Stafford County Code Regarding Relocation of the Polling Place from Grafton Village Elementary School to Dixon-Smith Middle School

Resolution R13-83 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 9-34, “DESIGNATED”

WHEREAS, pursuant to authority contained in Virginia Code, §§ 24.2-306 through 24.2-310, the voting precinct for each election district, and the polling place for each precinct, may be amended as necessary; and

WHEREAS, County Code Sec. 9-34 specifies Grafton Village Elementary School as the designated polling place for the Grafton precinct; and

WHEREAS, beginning in 2013, Grafton Village Elementary School will undergo renovations, and will be inaccessible to the public during renovations; and

WHEREAS, the Electoral Board requests that the Board relocate the Grafton precinct polling place; and

WHEREAS, the Board desires to establish a new location for the Grafton polling place precinct; and

WHEREAS, Dixon-Smith Middle School falls within the boundaries of the Grafton precinct and is a safe, suitable and convenient polling place; and

WHEREAS, the Board is required and desires to advertise a public hearing to consider amending County Code to change the location of the Grafton precinct polling place;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of March, 2013, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider an ordinance to amend and reordain County Code Sec. 9-34, “Designated,” to change the polling place for the Grafton precinct from Grafton Village Elementary School to Dixon-Smith Middle School.

Item 7. Public Information; Recognize the Roberson Family, Clean Farm Award Winner for 2012

Proclamation P13-03 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND THE ROBERSON FARM (RONNIE, HUBERT, AND DARRELL ROBERSON) AS RECIPIENT OF THE 2012 BAY FRIENDLY CLEAN WATER FARM AWARD

WHEREAS, the Tri-County/City Soil and Water Conservation District (Tri-County/City SWCD) serves the counties of Stafford, King George and Spotsylvania, and the City of Fredericksburg; and

WHEREAS, the mission of the Tri-County/City SWCD is to provide leadership, education, and technical programs to assist all resource users to conserve, sustain, and improve soil, water, and related resources; and

WHEREAS, in cooperation with the Virginia Department of Conservation and Recreation, farmers in each jurisdiction are recognized for employing valuable management practices, which conserve precious natural resources; and

WHEREAS, the Roberson Farm, located in the George Washington District of Stafford County, was selected to receive the 2012 Bay Friendly Clean Water Farm Award; and

WHEREAS, Roberson Farm demonstrated a commitment to the conservation of natural resources through responsible farm nutrient practices including reestablishing hayland to prevent soil from washing into nearby streams; applying the correct amount of fertilizer according to soil test results; installing 4600 feet of fencing to keep cattle away from wet areas, ponds, and other bodies of water; and installing 300 feet of cross fencing

to establish a rotational grazing system to better utilize forages; installing 700 feet of pipeline and troughs to establish a watering system; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the environmentally sustainable farming practices adopted by Roberson Farm, and to commend them for the example they set for other agricultural enterprises throughout the County;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5th day of March, 2013 that the Roberson Farm be and it hereby is commended as recipient of the 2012 Bay Friendly Clean Water Farm Award.

Item 8. Public Information; Recognize March, 2013 as Mediation Month in Stafford County

Proclamation P13-04 reads as follows:

**A PROCLAMATION TO RECOGNIZE MARCH, 2013 AS MEDIATION MONTH IN STAFFORD COUNTY**

WHEREAS, mediation is a process of dispute resolution that offers both short-term and long-term benefits, which ultimately promote harmony and understanding among a diverse and multi-faceted population; and

WHEREAS, 2013 marks the 20<sup>th</sup> anniversary of the passage of the dispute resolution proceedings statute in Virginia, and

WHEREAS, mediation empowers individuals, families, communities, organizations, and businesses to foster communications and devise solutions that are acceptable to the needs and interests of all parties involved, and

WHEREAS, mediation provides a cost-effective and confidential alternative to litigation in resolving disputes between individuals, groups, and institutions throughout Stafford County; and

WHEREAS, mediation is globally accepted as a way to creatively approach conflict through personal expression, education, and empowerment to decide among various outcomes; and

WHEREAS, Stafford County seeks to assist its citizens in the process of dispute resolution by implementing programs to allow mediation participants to best decide the resolution to their dispute, thereby strengthening local relationships and relieving the parties, and the courts, of costly litigation; and

WHEREAS, recognition of these efforts provides an opportunity for increased public understanding of peaceful and constructive ways to resolve interpersonal and intergroup conflicts of all types;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of March, 2013 that the month of March, 2013 be and it hereby is recognized as Mediation Month in Stafford County.

Item 9. Legislative; Approve Appointment of Catrina Robinson to the Transportation Advisory Group

Item 10. Legislative; Approve Naming the Chichester Park Access Road in Honor of Former Sheriff Ralph Williams

Resolution R13-86 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO NAME THE CHICHESTER PARK ACCESS ROAD “RALPH WILLIAMS DRIVE”

WHEREAS, the construction of Chichester Park was approved by the citizens of Stafford County as part of the 2009 Park Bond Referendum; and

WHEREAS, construction of Chichester Park, with an entrance road off of Stafford Indians Lane, will be completed in 2014; and

WHEREAS, the Board desires to acknowledge and honor the late, Sheriff Ralph Williams’ service to the citizens of the County by naming the Chichester Park access road Ralph Williams Drive; and

WHEREAS, naming the Chichester Park access road after former Sheriff Williams further acknowledges that, in the 1950’s, Sheriff Williams was a member of the County’s first baseball team;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of March, 2013, that the County Administrator or his designee be and he hereby is authorized to name the Chichester Park access road “Ralph Williams Drive,” and he is authorized to execute any documents that are necessary to do so.

Item 12. Registrar; Authorize Purchase of New ADA Compliant Voting Machines and Electronic Poll Books

Resolution R13-16 reads as follows:



A RESOLUTION TO BUDGET AND APPROPRIATE FY2012 CARRYOVER FUNDS FOR THE PURCHASE OF AMERICANS WITH DISABILITIES ACT (ADA)-COMPLIANT VOTING MACHINES AND ELECTRONIC POLLBOOKS FOR THE GENERAL REGISTRAR

WHEREAS, the County's current Americans with Disabilities Act (ADA)-compliant voting machines and electronic pollbooks are no longer technically viable; and

WHEREAS, FY2012 carryover funds in the amount of \$111,508 are available for the purchase of new ADA-compliant voting machines and electronic pollbooks; and

WHEREAS, the General Assembly declared the County's current ADA-compliant voting machines unsupportable; and

WHEREAS, the State Board of Elections declared that the entire Commonwealth will transition to optical scan voting equipment no later than January 1, 2016; and

WHEREAS, State Board of Elections' matching funds in the amount of \$53,200, are available for the purchase of new ADA-compliant voting machines and electronic pollbooks;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of March 2013, that it be and hereby does budget and appropriate One Hundred Eleven Thousand, Five Hundred Eight Dollars (\$111,508), in FY2012 carryover funds, and Fifty Three Thousand, Two Hundred Dollars (\$53,200) in State Board of Elections' matching funds for the purchase of new ADA-compliant voting machines and electronic pollbooks.

Item 13. County Attorney; Authorize the County Administrator to Execute a Second Amendment to the Memorandum of Agreement Between the Board of Supervisors and the School Board Regarding Anne E. Moncure Elementary School

Resolution R13-89 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE BOARD OF SUPERVISORS AND THE STAFFORD COUNTY SCHOOL BOARD REGARDING ANNE E. MONCURE ELEMENTARY SCHOOL

WHEREAS, the School Board owns real property located at 75 Moncure Lane, Stafford, Virginia, Tax Map (TM) Parcel 20-136A, site of Anne E. Moncure Elementary School; and

WHEREAS, the Board and the School Board desire to rebuild and relocate Anne E. Moncure Elementary School to a new site, located on TM Parcels 20-66B, 20-66C, 21-15, and 21-16 (the Parcels); and

WHEREAS, the County and the School Board entered into a Memorandum of Agreement (MOA) regarding Anne E. Moncure Elementary School which provides, among other things, that the County will purchase the Parcels, and the School Board will construct the new Anne E. Moncure Elementary School on the Parcels; and

WHEREAS, the MOA also provides that after the new Anne E. Moncure Elementary School is constructed and the School Board declares TM Parcel 20-136A surplus, the County will convey the Parcels to the School Board, and the School Board will convey TM Parcel 20-136A to the County; and

WHEREAS, on July 3, 2012, the Board adopted Resolution R12-218 authorizing the County Administrator to execute a First Amendment to the MOA; and

WHEREAS, the First Amendment to the MOA was executed to accommodate the Virginia Department of Transportation's (VDOT) plans to expand the Staffordboro Boulevard commuter lot and the Juggins Road connector, which required that VDOT obtain a 0.048 acre portion of TM Parcel 20-136A; and

WHEREAS, the MOA requires the Board to consider amending the Comprehensive Plan to include the new school site within the Urban Services Area, and imposes a deadline of March 22, 2013, for the completion of this task; and

WHEREAS, the Board will not meet this deadline because it desires to consider the Joint Land Use Study's findings, which are expected to be provided later this year, in determining whether to amend the Comprehensive Plan to include the new school site within the Urban Services Area; and

WHEREAS, the proposed Second Amendment extends the time by which the Board has to consider amending the Comprehensive Plan to December 31, 2013; and

WHEREAS, the Board desires to execute the proposed Second Amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of March, 2013, that it be and hereby does authorize the County Administrator to execute the Second Amendment to the Memorandum of Agreement and any and all additional documents that may be reasonably necessary and/or appropriate to carry out the intent and provisions of the Second Amendment to the Memorandum of Agreement.

Item 11. Public Works; Award Contracts for Improvements to Garrison Woods Drive, and Associated Storm Water Drainage System for Acceptance into the Secondary System of State Highways

Mr. Thomas motioned, seconded by Mr. Snellings, to adopt proposed Resolution R13-84.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Cavalier

Abstain: (1) Milde

Resolution R13-84 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR IMPROVEMENTS TO GARRISON WOODS DRIVE TO ENABLE ITS ACCEPTANCE INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the County continues to complete subdivision streets to allow acceptance into the Virginia Department of Transportation's (VDOT) Secondary System of State Highways (State System); and

WHEREAS, Garrison Woods Drive was completed in the early 1980's, but has not been accepted into the VDOT State System; and

WHEREAS, as the road is dedicated as a public highway, the County is responsible for the maintenance of the road until it is accepted by VDOT into the State System; and

WHEREAS, six bids were received for the road improvements, with the lowest responsible and responsive bid, in the amount of \$136,154, received from Commonwealth Paving, Inc.; and

WHEREAS, staff reviewed the proposal and determined that it is reasonable for the scope of services proposed; and

WHEREAS, funds are budgeted and appropriated in the Transportation Fund for local road improvement projects, including subdivision street completion;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of March, 2013, that the County Administrator be and he hereby is authorized to execute a contract with Commonwealth Paving, Inc., for construction of road improvements to Garrison Woods Drive, in an amount not to exceed One Hundred Thirty-six Thousand One Hundred Fifty-four Dollars (\$136,154) unless amended by a duly-executed change order; and

BE IT FURTHER RESOLVED, that funds in the amount of \$136,154, are available in the County's Transportation Fund, and the County Administrator is authorized to use these funds for the Garrison Woods Drive project; and

BE IT STILL FURTHER RESOLVED, the County Administrator, or his designee, is authorized to sign all documents necessary and/or appropriate for the County to administer the Garrison Woods Drive project.

Mr. Thomas motioned, seconded by Mr. Snellings to adopt proposed Resolution R13-85.

The Voting Board tally was:

Yea: (5) Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)  
Absent: (1) Cavalier  
Abstain: (1) Milde

Resolution R13-85 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR IMPROVEMENTS TO THE GARRISON WOODS DRIVE STORMWATER DRAINAGE SYSTEM TO ENABLE ITS ACCEPTANCE INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the County continues to complete subdivision streets to allow acceptance into the Virginia Department of Transportation’s (VDOT) Secondary System of State Highways (State System); and

WHEREAS, Garrison Woods Drive was completed in the early 1980’s, but has not been accepted into the VDOT State System; and

WHEREAS, as the road is dedicated as a public highway, the County is responsible for the maintenance of the stormwater drainage system until it is accepted by VDOT into the State System; and

WHEREAS, Pleasant Construction supplied the low responsible and responsive bid for the proposed stormwater drainage system improvements, in the amount of \$166,326; and

WHEREAS, staff reviewed the proposal and determined that it is reasonable for the scope of services proposed; and

WHEREAS, funds are budgeted and appropriated in the Transportation Fund for local road improvement projects, including subdivision street completion;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of March, 2013, that the County Administrator be and he hereby is authorized to execute a contract with Pleasant Construction for construction of stormwater drainage improvements to Garrison Woods Drive, in an amount not to exceed

One Hundred Sixty-six Thousand Three Hundred Twenty-six Dollars (\$166,326) unless amended by a duly-executed change order; and

BE IT FURTHER RESOLVED, that funds in the amount of \$166,326, are available in the Transportation Fund, and the County Administrator is authorized to use the funds for the Garrison Woods Drive stormwater drainage improvement project; and

BE IT STILL FURTHER RESOLVED, the County Administrator, or his designee, is authorized to sign all documents necessary and/or appropriate for the County to administer the Garrison Woods Drive stormwater drainage improvement project.

Legislative; Closed Meeting. At 4:45 p.m., Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM13-05.

The Voting Board tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)  
Absent: (1) Cavalier

Resolution CM13-05 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion regarding the potential acquisition of real property for a public purpose(s), including conservation and/or passive recreation; (2) discussion of and consultation with legal counsel regarding the award of a public contract under the Public Private Transportation Act (PPTA) for County Road Bond projects; and (3) discussion of the award of a public contract for County and Schools auditing services; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(3), (7), and (29) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors, on this the 5<sup>th</sup> day of March, 2013, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At 5:00 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM13-05(a), noting that only Item 2 on the agenda had been discussed.

The Voting Board tally was:

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

Nay: (0)  
Absent: (1) Cavalier

Resolution CM13-05(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MARCH 5, 2013

WHEREAS, the Board has, on this the 5<sup>th</sup> day of March, 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 5<sup>th</sup> day of March, 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.

Recess At 5:00 p.m., the Chairman declared a recess for the Board to attend the Chichester Building Dedication.

Call to Order At 7:02 p.m. the Chairman called the meeting back to order.

Invocation Ms. Stimpson gave the Invocation.

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

Presentation of a Proclamation to the Family of Danny Hatch Ms. Stimpson, along with Sheriff Charles Jett and IT Director, David Noel, presented a proclamation to Sheena Hatch and her four sons in appreciation of the time Danny Hatch spent working for the citizens of Stafford County.

Presentations by the Public The following members of the public spoke on topics as identified:

- Joe Littleton - Boat Tax Power Point Presentation
- Jim Wordsworth - Boat Tax
- Lisa Alexander - Boat Tax

- Jimmy Franklin - Boat Tax
- Judy Diamond - Boat Tax
- Charlie Brown - Thank you for support for Hartwood Days

Utilities; Vacation of an Easement on Tax Map Parcel 54-68, in Connection with the Claiborne Run Sewage Pump Station Generator Replacement Project Mr. Dale Allen, Assistant Director of Utilities/Engineering, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.  
 No persons desired to speak.  
 The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-51.

The Voting Board tally was:

- Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)
- Absent: (1) Cavalier

Resolution R13-51 reads as follows:

A RESOLUTION TO AUTHORIZE VACATION OF AN EASEMENT ON TAX MAP PARCEL 54-68, IN CONNECTION WITH THE CLAIBORNE RUN SEWAGE PUMP STATION GENERATOR REPLACEMENT PROJECT

WHEREAS, the existing emergency generator at the Claiborne Run Sewage Pump Station is in need of replacement; and

WHEREAS, staff is in the process of acquiring the necessary easements for the construction of the Claiborne Run Sewage Pump Station Generator Replacement Project; and

WHEREAS, the owner of Tax Map Parcel 54-68 previously dedicated 632.25 square feet of permanent access easement to the County; and

WHEREAS, the Generator Replacement Project requires a larger access easement for maintenance of the equipment; and

WHEREAS, the owner of Tax Map Parcel 54-68 is willing to convey a new ingress/egress easement to the County; and

WHEREAS, after the new ingress/egress easement is conveyed to the County, the existing access easement will no longer be needed; and

WHEREAS, the Board conducted a public hearing to determine the necessity for vacating this easement, and carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to vacate 632.25 square feet of permanent access easement on Tax Map Parcel 54-68;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 5<sup>th</sup> day of March 2013, that the Board be and it hereby does find that public necessity exists for the vacation of the Board’s easement ownership on Tax Map Parcel 54-68; and

BE IT FURTHER RESOLVED that the Board vacates the existing easement on Tax Map Parcel 54-68, and authorizes the County Administrator or his designee, to execute any documentation that is necessary in order to do so.

Planning and Zoning: Consider a Zoning Text Amendment Regarding Exemptions for Places of Worship Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.  
No persons desired to speak.  
The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Schieber, to adopt proposed Ordinance O13-02.

The Voting Board tally was:

- Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)
- Absent: (1) Cavalier

Ordinance O13-02 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-35, TABLE 3.1, “DISTRICT USES AND STANDARDS”

WHEREAS, a place of worship must have a Conditional Use Permit (CUP) to be located within an R-1 Suburban Residential Zoning District; and

WHEREAS, a place of worship, located within an Historic Resource (HR) Overlay Zoning District must be granted a Certificate of Appropriateness (COA) in order to construct, alter, or reconstruct features on the property; and



WHEREAS, the Board believes that requiring a COA and a CUP is redundant, and that a CUP is not necessary where a place of worship is located within an R-1 and HR Overlay Zoning Districts; and

WHEREAS, the Board desires to amend and reordain County Code Sec. 28-35, Table 3.1, “District Uses and Standards,” to eliminate the requirement of a CUP for a place of worship in an R-1, Suburban Residential Zoning District, where the property is located within an HR Overlay Zoning District; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of March, 2013, that Stafford County Code Sec. 28-35, Table 3.1, “District Uses and Standards,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 28-35. Table of uses and standards**

*Table 3.1. District Uses and Standards*

*R-1 Suburban Residential.*

The purpose of the R-1 district is to provide areas which are in close proximity to existing or future development of equivalent or higher densities, and which are intended for low-density residential development where public water and sewerage facilities are available. Development in the R-1 district is intended to be characterized primarily by single-family dwellings.

(a) *Uses permitted by right:*

Place of Worship within a Historic Resource (HR) Overlay Zoning District

(b) *Conditional use permit:*

Place of Worship (except for a place of worship located within a Historic Resource (HR) Overlay Zoning District).

BE IT FURTHER ORDAINED that this ordinance shall become effective upon adoption.

Planning and Zoning; Consider Granting of Easements to Church on the Rock Ministries, Inc. Mr. Jeff Harvey, Director of Planning Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Thomas, to adopt proposed Resolution R13-69.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Cavalier

Resolution R13-69 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO CONVEY UTILITY EASEMENTS ON TAX MAP PARCEL 45-287 TO CHURCH ON THE ROCK INTERNATIONAL MINISTRIES, INC.

WHEREAS, Church on the Rock International Ministries, Inc., requested utility easements for private sanitary sewer, sanitary sewer construction, and waterline across Tax Map Parcel 45-287, owned jointly by Stafford County and the School Board; and

WHEREAS, granting these easements will have no known negative impact on current or future County operations; and

WHEREAS, Virginia Code § 15.2-1800 requires that a public hearing be held prior to granting the above-referenced easements; and

WHEREAS, the Board conducted a public hearing and carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board finds that granting these easements 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 day 5<sup>th</sup> of March 2013, that the County Administrator be and he hereby is authorized to convey private sanitary sewer, sanitary sewer construction, and waterline easements on Tax Map Parcel 45-287, to Church on the Rock International Ministries, Inc., and the County Administrator is authorized to execute any documentation that is necessary and/or appropriate to do so.

Planning and Zoning; Consider Amending the Solid Waste Ordinance Regarding Regulation and Enforcement of Refuse Containment Mr. Jeff Harvey, Director of Planning Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Ordinance O13-19.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Cavalier

Ordinance O13-19 reads as follows:

AN ORDINANCE TO ADOPT, AMEND AND/OR REORDAIN STAFFORD COUNTY CODE SECTION 21-52, "DEFINITIONS;" SECTION 21-53, "REFUSE CONTAINERS – REQUIRED; SPECIFICATIONS;" SECTION 21-54, "REMOVAL OF TRASH, GARBAGE, ETC. FROM PROPERTY;" SECTION 21-55, "RIGHT OF ENTRY TO ENFORCE ARTICLE;" SECTION 21-56, "NOTICE TO REMOVE GENERALLY;" SECTION 21-57, "TEMPORARY ABATEMENT; EXTENSION OF TIME FOR REMOVAL;" SECTION 21-58, "FAILURE TO COMPLY WITH NOTICE TO REMOVE;" SECTION 21-59, "REMOVAL BY COUNTY-GENERALLY;" SECTION 21-60, "SAME–BILLING OF CHARGES; UNPAID CHARGES CONSTITUTE LIEN ON PROPERTY;" AND SECTION 21-61, "SAME–IN EMERGENCIES"

WHEREAS, the County Code does not include a definition of, or requirements for, a refuse container, or the requirements for its use, and

WHEREAS, the Board desires to amend the County Code to include a definition of refuse container and to require the use of refuse containers in commercial and residential developments within the County, to extend the time limits for code compliance, and to clarify the temporary abatement procedure for trash removal; and

WHEREAS, the Board finds that the disposal of refuse in improper and insufficient containers threatens the health, safety, and welfare of the County and its citizens; and

WHEREAS, the Board finds that this ordinance promotes the health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of March, 2013, that Stafford County Code Section 21-52, “Definitions;” Section 21-53, “Refuse containers–required; specifications;” Section 21-54 “Removal of trash, garbage, etc., from property;” Section 21-55, “Right of entry to enforce article;” Section 21-56, “Notice to remove generally;” and Section 21-57, “Temporary abatement; extension of time for removal;” Section 21-58, “Failure to comply with notice to remove;” Section 21-59, “Removal by county - Generally;” Section 21-60, “Same–Billing of charges; unpaid charges constitute lien on property;” and Section 21-61, “Same–in emergencies” be and it hereby is adopted, amended and/or reordained as follows, all other portions remaining unchanged:

**Sec. 21-52. - Definitions.**

For the purposes of this article, the following words or phrases shall have the meanings ascribed to them by this section:

*Director* shall mean the Director of ~~code compliance~~ Planning and Zoning or his designee.

*Refuse container* shall mean a container designed and made for containing trash, garbage, refuse, litter, or other like substances, and of a suitable size to accommodate the accumulations of trash, garbage, refuse, litter or other like substances between scheduled collections.

**Sec. 21-53 Refuse containers – required; specifications.**

- (a) It shall be the duty of every owner of any residence or establishment where people reside, congregate, or are employed to provide sufficient refuse containers to handle the accumulation of garbage during the intervals between collections.
- (b) For residential uses, other than single-family dwellings, and non-residential uses, the refuse containers shall be those manipulated by mechanical means and made of a durable plastic or metal material. Such refuse containers shall be located on site, at ground level, outside of all vehicle travel lanes, and screened from view. The refuse containers may be located within a building where the refuse is deposited via an enclosed chute into the container.

**Sec. 21-~~52~~-154 Removal of trash, garbage, etc. from property**

- (a) The owner of any property in the county shall remove trash, garbage, refuse, litter, junk, ~~unlicensed or inoperative vehicles (except in a licensed automobile graveyard)~~ and other substances which might endanger the health or safety of other residents of the county upon written notice by Stafford County.
- (b) Reasonable notice for the removal of such trash, garbage, refuse, junk, ~~unlicensed cars,~~ litter, and other substances which might endanger the health or safety of

other residents of the county shall be given by registered return receipt mail, or by delivery of a written notice to the owner of property. Upon the failure of the owner of property to remove such trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of the county, as provided in such notice, the county administrator may have such trash, garbage, refuse, litter, and other substances removed and bill the owner of the property for the work.

- (c) Upon the property owner's failure to pay such bill, it shall be placed upon the tax bill of the owner and collected as taxes are collected.

**Sec. 21-5355. - Right of entry to enforce article.**

The director, after identifying himself, shall have the authority to enter, in a reasonable manner and at a reasonable time, upon private property for the purpose of ascertaining the existence of or ensure the removal of trash, garbage, refuse, litter, or other like substances. If the director is denied free access for the purposes of inspection or removal, he may apply to a magistrate for a warrant.

**Sec. 21-5456. - Notice to remove generally.**

- (a) Upon determination by the director, from reports or inspections, that there exists upon any land or premises within the county, accumulations of trash, garbage, refuse, litter, or other like substances, notice shall be served on the owner or his agent or occupant of the land or premises to remove or cause to be removed all such substances within five (5) ten (10) days from the date of proof of receipt of such notice is served.

**Sec. 21-5557. Temporary abatement; extension of time for removal.**

~~After giving the notice provided for in section 21-54, if the director determines that the trash, garbage, refuse, litter or other like substance cannot be removed within five (5) days, the director may order temporary abatement measures and allow a longer period of time to remove the trash, garbage, refuse, litter or other like substance. The director may allow such longer time only upon request of the owner or occupant of the land or premises and only upon a good faith showing that such a longer period of time is necessary.~~

After giving the notice provided for in Section 21-56 and at the request of the property owner or occupant of the subject property to allow for additional time to comply with the notice of violation, the director may order temporary abatement measures and allow a longer period of time to remove the trash, garbage, refuse, litter, or other like substances from the property.

**Sec. 21-5658. Failure to comply with notice to remove.**

**Sec. 21-~~57~~59. Removal by county – Generally.**

**Sec. 21-~~58~~60. Same – Billing of charges; unpaid charges constitute lien on property.**

**Sec. 21-~~59~~61. Same – In emergencies.**

BE IT FURTHER ORDAINED that this ordinance shall become effective May 1, 2013.

Legislative; Closed Meeting. At 7:32 p.m., Mr. Thomas motioned, seconded by Mr. Sterling, to adopt proposed Resolution CM13-05.

The Voting Board tally was:

- Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)
- Absent: (1) Cavalier

Resolution CM13-05 reads as follows:

**A RESOLUTION TO AUTHORIZE CLOSED MEETING**

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion regarding the potential acquisition of real property for a public purpose(s), including conservation and/or passive recreation; (2) discussion of and consultation with legal counsel regarding the award of a public contract under the Public Private Transportation Act (PPTA) for County Road Bond projects; and (3) discussion of the award of a public contract for County and Schools auditing services; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(3), (7), and (29) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors, on this the 5<sup>th</sup> day of March, 2013, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At 7:38 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Mr. Schieber, to adopt proposed Resolution CM13-05(a).

The Voting Board tally was:

- Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)
- Absent: (1) Cavalier

Resolution CM13-05(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD  
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON  
MARCH 5, 2013

WHEREAS, the Board has, on this the 5<sup>th</sup> day of March, 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 5<sup>th</sup> day of March, 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 7:40 p.m. the Chairman declared the meeting adjourned.

---

Anthony J. Romanello, ICMA-CM  
County Administrator

---

Susan B. Stimpson  
Chairman