

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

May 6, 2008

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:05 P. M., Tuesday, May 6, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: M. S. "Joe" Brito, Vice Chairman; Harry E. Crisp, Mark Dudenhefer; Paul V. Milde; George H. Schwartz, Chairman; and Robert "Bob" Woodson. Mr. Sterling arrived at 1:23 P. M.

Also in attendance were: Anthony J. Romanello, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

Legislative; Report of the Superintendent of Schools. Dr. David E. Sawyer, Division Superintendent of Schools, gave a presentation on current issues and responded to Board members questions.

Legislative; Presentation of a Proclamation to Declare the Week of May 4-10, 2008, as Citizen Volunteer Appreciation Week in Stafford. The Chairman presented the proclamation to Mr. Jeff Shover, Administrative Manager of Citizens Assistance.

Legislative; Presentation of a Proclamation to Designate the Week of May 17-23, 2008, as Safe Boating Week in Stafford. Mr. Paul Milde presented the proclamation to Mr. Jack Spatz.

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

Martha Newton - Length of Service Awards Program

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

Mr. Sterling - Park Bond meeting.

Mr. Woodson - Dredging of Aquia Creek.  
- Government Island.

Mr. Brito - Town Hall meeting.

Mr. Crisp - Memorial Service for Judge John Scott.

Mr. Dudenhefer - Crows Nest.  
- Hampton Oaks homeowners meeting.  
- Education Foundation dinner.  
- Attended George Washington Regional Commission and Fredericksburg Area Metropolitan Planning Organization meeting.  
- Attended Quantico Growth Management Committee meeting.  
- Attended Eagle Scout Court of Honor.  
- Attended Illegal Immigration Task Force meeting.

Mr. Milde - Commented on dredging of Aquia Creek.

- Attended Chamber of Commerce Roundtable meeting.
- Crows Nest.
- Attended “Stand Up Rally” at the University of Mary Washington.
- Virginia Railway Express.
- George Washington Regional Commission.
- Attended Stafford Hospital Center
- Purchase of Development Rights Committee meeting.
- School Board Roundtable meeting.
- Aquia Harbour Town Hall meeting.
- Regional Elected Officials meeting.
- Attended subcommittee meeting on Juvenile and Domestic Relations Court
- Virginia Dominion Power underground line issue.
- Attended Aquia Harbour Yacht Club Blessing of the Fleet.
- Completed 4<sup>th</sup> Certification of Board of Supervisors course.
- Attended Quantico Growth Management Committee meeting
- Volunteer Fire and Rescue Town Hall meeting to be held on May 12, 2008.

- Mr. Schwartz
- Redevelopment Advisory Committee consists of Mr. Milde and Mr. Schwartz.

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

- Addition to Closed Meeting.
- Medicorp Hospital Property Acquisition

Legislative; Report of the County Administrator. Mr. Anthony J. Romanello, County Administrator, commented on the following:

- Mr. Tim Baroody, Deputy County Administrator, has been selected to serve on a joint subcommittee to study local incentives provided to private businesses for economic development purposes.
- Virginia Legislative Committee.
- Crows Nest.
- Opening of Patowomeck Park.
- Public Safety Building ribbon cutting on May 20, 2008, at 4:00 p.m.
- Senator Stewart to discuss Transportation issues in Stafford County on Thursday, May 8, 2008, at 2:30 P.M., in Board Chambers.
- Economic Development luncheon on May 15, 2008.
- Tax bills have been mailed.
- Addition to Consent Agenda:
  - (1) Proposed Proclamation P08-18 – A
  - Proclamation to Declare the Week of May 18-24, 2008, as Emergency Medical Services Week

Legislative; Consent Agenda Addition. Mr. Brito motioned, seconded by Mr. Milde, to add proposed Proclamation P08-18 to the Consent Agenda.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp  
Nay: (0)

Legislative; Consent Agenda. Mr. Milde motioned, seconded by Mr. Crisp, to adopt the Consent Agenda consisting of Items 1 thru 7.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Item 1. Legislative; Approve Minutes of Board Meetings. Regular Meeting of April 1, 2008.

Item 2. Finance; Approve Expenditure Listing

Resolution R08-246 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED APRIL 15, 2008 THROUGH MAY 5, 2008

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 6th day of May 2008, that the above-mentioned EL be and it hereby is approved.

Item 3a. County Attorney; Authorize a Public Hearing to Amend and Reordain Stafford County Code, Chapter 4, Entitled “Amusements”.

Resolution R08-251 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN

STAFFORD COUNTY CODE, CHAPTER 4, ENTITLED  
“AMUSEMENTS”

WHEREAS, the County Attorney’s Office has done a comprehensive review of Stafford County Code, Chapter 4; and

WHEREAS, the Virginia Code was amended, changing the enabling legislation that authorized the adoption of Chapter 4; and

WHEREAS, the Board desires to amend and reenact County Code, Chapter 4, entitled “Amusements”, to reflect the correct enabling legislation for the adoption of Chapter 4; 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 6th day of May, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of amending and renumbering Stafford County Code, Chapter 4, entitled “Amusements”.

Item 3b. County Attorney; Authorize a Public Hearing to Amend and Reordain Stafford County Code, Chapter 10, Entitled “Emergency Services”.

Resolution R08-229 reads as follows:

\_A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN  
STAFFORD COUNTY CODE, CHAPTER 10, ENTITLED “EMERGENCY  
SERVICES”

WHEREAS, the County Attorney’s Office has done a comprehensive review of Stafford County Code, Chapter 10; and

WHEREAS, the Virginia Code was recodified, changing the enabling legislation that authorized the adoption of Chapter 10; and

WHEREAS, the Board desires to amend and reenact County Code, Chapter 10, entitled “Emergency Services”, to reflect the correct enabling legislation for the adoption of Chapter 10; 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 6th day of May, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of amending and reordaining Stafford County Code, Chapter 10, entitled “Emergency Services”.

Item 3c. County Attorney; Amend and Reordain Stafford County Code, Chapter 9, Entitled “Elections”.

Resolution R08-228 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN  
STAFFORD COUNTY CODE, CHAPTER 9, ENTITLED “ELECTIONS”

WHEREAS, the County Attorney’s Office has done a comprehensive review of Stafford County Code, Chapter 9; and

WHEREAS, the Virginia Code was recodified, changing the enabling legislation that authorized the adoption of Chapter 9; and

WHEREAS, the Board desires to amend and reenact County Code, Chapter 9, entitled “Elections”, to reflect the correct enabling legislation for the adoption of Chapter 9; 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 6th day of May, 2008, that the County Administrator be and he hereby is authorized to advertise a public hearing to allow for presentation and public comment for the purpose of amending and renumbering Stafford County Code, Chapter 9, entitled “Elections”.

Item 4. Parks and Recreation; Approve an Agreement to Operate the Youth Soccer Program.

Resolution R08-265 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE AN ADOPT-A-FIELD AGREEMENT WITH THE STAFFORD  
AREA SOCCER ASSOCIATION

WHEREAS, the Board appointed a task force to make recommendations to improve athletic fields in the County; and

WHEREAS, the concept of an Adopt-a-Field Program was a result of the Task Force; and



WHEREAS, at a meeting on April 17, 2008, the Parks and Recreation Commission endorsed the Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2008, that the County Administrator be and he hereby is authorized to execute an Adopt-a-Field Agreement with the Stafford Area Soccer Association.

Item 5. Utilities; Approve Land Acquisition Contract for Rocky Pen Run Reservoir.

Resolution R08-267 reads as follows:

A RESOLUTION APPROVING A LAND ACQUISITION CONTRACT  
FOR THE PURCHASE OF PARCEL 43-76-2-10 FOR ROCKY PEN RUN  
RESERVOIR

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

WHEREAS, the County's offer to purchase Parcel 43-76-2-10, owned by Dennis E. and Carol A. Cwiak, for the appraised value of \$456,000 was accepted by the property owners; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008, that the execution of a contract by the Chairman between the Board of Supervisors of Stafford County and Dennis E. and Carol A. Cwiak, regarding TM 43-76-2-10, be and it hereby is approved in the amount of Four Hundred Fifty-six Thousand Dollars (\$456,000); and

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

Item 6. Legislative; Approve a Proclamation to Designate the Week of May 17-23, 2008, as Safe Boating Week in Stafford.

Proclamation P08-07 reads as follows:

A PROCLAMATION TO DESIGNATE THE WEEK OF MAY 17 – 23, 2008  
AS SAFE BOATING WEEK IN STAFFORD

WHEREAS, Stafford citizens have access to beautiful and abundant lakes, rivers and streams that offer boaters, skiers, fishermen and swimmers a variety of recreational opportunities; and

WHEREAS, more than 700 people die nationwide each year in boating accidents caused by a failure to wear life jackets, watercraft and on-board equipment that is poorly maintained, and the consumption of alcoholic beverages; and

WHEREAS, the National Safe Boating Council has declared the week of May 17 – 23, 2008, as National Safe Boating Week; and

WHEREAS, the local Mid-Potomac Power Squadron will host a series of events during the week at Aquia Harbour Marina that are designed to encourage safe boating practices, including hands-on demonstrations, free vessel safety checks, and a safety fair featuring the mascot *Sea Vester* who will teach children about water safety and distribute coloring books; and

WHEREAS, the Mid-Potomac Power Squadron urges water enthusiasts to take advantage of local safe boating events throughout the year, attend safe boating courses offered by local Coast Guard Auxiliaries, maintain the correct number and size of

personal flotation devices on board watercraft, keep charts and maps current, and maintain the proper emergency communications equipment on boats; and

WHEREAS, the Board urges Stafford residents to keep safety in mind as they enjoy water recreation opportunities throughout the summer, and to remember the National Safe Boating campaign's slogan "**Wear It!**," which emphasizes the importance of wearing life jackets;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 6th day of May, 2008, that the week of May 17 – 23, 2008 be and it hereby is designated as Safe Boating Week in Stafford.

Item 7. Code Administration; Authorize Debt, Appropriate Funds, Award Contract and Execute a Maintenance Agreement for Construction of the Hidden Lake Dam Renovations.

Resolution R08-252 reads as follows:

A RESOLUTION AUTHORIZING THE FINANCING OF IMPROVEMENTS  
TO THE HIDDEN LAKE DAM AND THE LEASING OF CERTAIN  
PROPERTY TO THE VIRGINIA RESOURCES AUTHORITY

WHEREAS, the Board of Supervisors (the "Board") of Stafford County, Virginia (the "County") has determined that it is advisable to undertake certain improvements and repairs to the Hidden Lake Dam (the "Project") and to undertake a lease financing (the "Financing") with the Virginia Resources Authority (the "VRA") which financing will be payable from special taxes levied and collected by the County on property within the Hidden Lake Subdivision Service District (the "Special Taxes"); and

WHEREAS, the Board created the Hidden Lake Subdivision Service District by Ordinance 006-06 enacted January 3, 2006, in accordance with the provisions of Title 15.2, Chapter 24, Article 1 of the Code of Virginia of (1950), as amended (the "Virginia

Code"); and

WHEREAS, VRA intends to issue its Infrastructure Revenue Bonds (Virginia Pooled Financing Program), Series 2008A (the "VRA Bonds"), and to provide a portion of the proceeds to the County to finance the Project pursuant to the terms of a Local Lease Acquisition Agreement between the County and VRA (the "Local Lease Acquisition Agreement"); and

WHEREAS, the foregoing arrangements will be accomplished pursuant to the following agreements: (i) a Prime Lease pursuant to which the County will lease certain property owned by the County consisting of the Autumn Ridge park (the "Leased Property") to VRA (the "Prime Lease"); (ii) a Financing Lease pursuant to which VRA will lease the Leased Property back to the County; and (iii) the Local Lease Acquisition Agreement; and

WHEREAS, pursuant to the Financing Lease, the County will agree to make rental payments to VRA from the Special Taxes, subject to annual appropriation, sufficient in timing and amount to pay debt service on the portion of the VRA Bonds issued to pay the costs of the Project; and

WHEREAS, the Prime Lease, the Financing Lease and the Local Lease Acquisition Agreement are referred to collectively as the "Financing Documents";

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May 2008, acting in the Board's capacity as the governing body of the Hidden Lake Subdivision Service District, that:

**1. Approval of Financing of Project and Leasing of Leased Property.**

The financing of the Project and the leasing of the Leased Property pursuant to the Financing Documents is hereby approved.

**2. Authorization of Financing Documents.**

The Financing Documents are approved in substantially the forms on file with the County Administrator with such changes, insertions or omissions (including, without limitation, changes of the dates

thereof), and as may be approved by the County Administrator or the Chief Financial Officer, whose approval shall be evidenced conclusively by the execution and delivery of the Financing Documents. The execution and delivery of and performance by the County under the Financing Documents are authorized.

**3. Execution of Documents.** The Chairman of the Board of Supervisors, the County Administrator and the Chief Financial Officer, or any of them, are authorized to execute on behalf of the County the Financing Documents, and, if required, the Clerk of the Board is authorized and directed to affix or to cause to be affixed the seal of the County to such documents and to attest such seal. The Chairman of the Board, the County Administrator and the Chief Financial Officer or their designees are authorized to execute and deliver on behalf of the County such instruments, financing agreements, escrow agreements, documents or certificates, and to do and perform such things and acts, including recording the Prime Lease and the Financing Lease, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Financing Documents and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

**4. Approval of the Terms of the Financing Lease.** The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to approve the terms of the Financing Lease and the rental payments thereunder, provided that the aggregate principal components of rental payments shall not exceed \$915,000; the interest components of the rental payments shall be calculated at a maximum annual interest rate not to exceed 7.5%; and the term of the Financing Lease shall not exceed approximately 20 years from its date. The approval of such terms shall be evidenced conclusively by the execution and delivery of the Financing Documents.

**5. Payments under Financing Lease.** The County agrees to pay all amounts required by the Financing Lease from the Special Taxes, subject to appropriation as set forth below.

6. **Levy and Collection of Special Taxes; Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make payments under the Financing Lease beyond the current fiscal year, the Board hereby states its intent to (i) levy and collect the Special Taxes within the Hidden Lake Subdivision Service District in amounts sufficient to pay all amounts due under the Financing Lease and (ii) make annual appropriations of the Special Taxes for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount of Special Taxes sufficient to pay all amounts coming due under the Financing Lease during such fiscal year.

7. **Payments Under Financing Lease are Subject to Appropriation.** The County's obligation to make payments to VRA pursuant to the Financing Lease is subject to annual appropriation by the Board, and nothing in this Resolution or the Financing Lease shall constitute a pledge of the full faith and credit or taxing power of the County.

8. **Disclosure Documents.** The County authorizes and consents to the inclusion of information with respect to the County to be contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both to be prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as VRA shall determine. The County Administrator is authorized and directed to take whatever actions are necessary and/or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

9. **Other Actions.** All other actions of the officers of the County in conformity with the purpose and intent of this Resolution are hereby approved and confirmed. The officers of the County are hereby authorized and directed to execute and deliver all financing agreements, agreements, escrow agreements, documents, certificates, forms and instruments and to take all such further action as may be

considered necessary or desirable in connection with the Financing and the execution and delivery of the Financing Documents.

**10. Effective Date.** This Resolution shall take effect immediately.

Resolution R08-253 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE FUNDS AND TO  
AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A  
CONTRACT FOR CONSTRUCTION OF THE HIDDEN LAKE DAM  
RENOVATIONS

WHEREAS, upgrades and repairs (renovations) to the dam in the Hidden Lake Subdivision are necessary to comply Virginia Impounding Structures Regulations; and

WHEREAS, at a meeting on January 3, 2006, the Board adopted Ordinance O06-06 to create the Hidden Lake Subdivision Service District (Service District) to provide a funding source for dam repairs and maintenance; and

WHEREAS, the Board is the governing body of the Service District; and

WHEREAS, the Board held a public hearing on April 15, 2008 and established a 2008 tax rate for the Service District of \$0.22 per \$100 of assessed valuation; and

WHEREAS, the County has solicited and received bids for construction of the dam renovations; and

WHEREAS, 12 bids were received with General Excavation, Inc., offering the lowest responsive bid of \$659,400; and

WHEREAS, the Service District has received a loan of \$815,000 for the dam renovations from the Virginia Resources Authority Spring 2008 Pooled Financing Program; and

WHEREAS, the Board has adopted Resolution R08-252 to authorize the debt; and

WHEREAS, it is necessary to appropriate the debt proceeds of \$815,000;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May 2008, acting in the Board's capacity as the governing body of the Hidden Lake Subdivision Service District, that Eight Hundred Fifteen Thousand Dollars (\$815,000) in debt proceeds and Seventy-three Thousand Dollars (\$73,000) in FY08 Special Tax Revenue be and hereby is budgeted and appropriated to the Hidden Lake Service District for construction of the Hidden Lake Dam renovations; and.

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute a contract with General Excavation, Inc., in an amount not to exceed Six Hundred Fifty-nine Thousand Four Hundred Dollars (\$659,400) for construction of the Hidden Lake Dam renovations.

Resolution R08-254 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE AN AGREEMENT WITH THE HIDDEN LAKE COMMUNITY  
ASSOCIATION FOR MAINTENANCE OF THE HIDDEN LAKE DAM

WHEREAS, upgrades and repairs to the dam in the Hidden Lake Subdivision are necessary to comply Virginia Impounding Structures Regulations; and



WHEREAS, at a meeting on January 3, 2006, the Board adopted Ordinance O06-06 to create the Hidden Lake Subdivision Service District (Service District) to provide a funding source for dam repairs and maintenance; and

WHEREAS, the Board is the governing body of the Service District; and

WHEREAS, the Hidden Lake Community Association (Community Association) owns the dam and is currently responsible for its maintenance; and

WHEREAS, it is necessary for the Service District and the Community Association to enter into an agreement that transfers the responsibility for maintenance of the dam from the Community Association to the Service District;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May 2008, acting in the Board's capacity as the governing body of the Hidden Lake Subdivision Service District, that the County Administrator be and he hereby is authorized to execute on agreement with the Hidden Lake Community Association for maintenance of the Hidden Lake Dam.

Item 7a. A Proclamation to Declare the Week of May 18-24, 2008, as Emergency Medical Services Week.

A PROCLAMATION TO RECOGNIZE MAY 18 - MAY 24, 2008  
AS EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, members of Stafford County's emergency medical service teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education each year to enhance their lifesaving skills; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008 that May 18 - May 24, 2008, be and it hereby is proclaimed as Emergency Medical Services Week in Stafford.

Planning and Zoning; Appeal the Director of Planning and Zoning Decision Regarding Subdivision Vesting Status for Bridle Lake Estates. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Crisp motioned, seconded by Mr. Sterling, to defer proposed Resolution R08-240 to the next Board meeting.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Estates. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Brito motioned, seconded by Mr. Crisp to defer this item to the June 3, 2008 meeting.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Report of Illegal Immigration Task Force. Mr. Henry Scharpenberg, Chairman, of the Illegal Immigration Task Force made a presentation and responded to Board members questions.

Discussion ensued.

Recess. At 3:20 P. M., the Chairman declared a recess.

Call to Order. At 3:31 P. M. the Chairman called the meeting back to order.

Legislative; Discuss the Bylaws. Mr. Dudenhefer commented.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-294.

The Voting Board tally was:

Yea: (6) Woodson, Brito, Crisp, Dudenhefer, Milde, Sterling

Nay: (1) Schwartz

Resolution R08-294 reads as follows:

A RESOLUTION TO AMEND SECTION 5-1 OF THE 2008 BY-LAWS  
AND RULES OF PROCEDURE FOR CALENDAR YEAR 2008

WHEREAS, the Board, at its annual meeting on January 2, 2008, previously adopted By-Laws and Rules of Procedure for the conduct of business, and, from time to time, has determined the need to amend such By-laws and Rules; and

WHEREAS, the Board has previously amended said By-Laws and Rules of Procedure for the conduct of business on February 5, 2008 and again on April 15, 2008; and

WHEREAS, specifically, the Board has determined to amend Section 5-1 of its By-Laws and Rules of Procedure entitled “Preparation” by the addition of language in the Agenda Preparation section that provides for the procedures to be followed if an applicant requests a deferral of a scheduled public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008, be and it hereby does, by resolution, amend Section 5-1 and readopt the 2008 By-Laws and Rules of Procedure as attached hereto, all other portions remaining unchanged;

## **Section 5 -- Agenda**

### **Section 5-1      Preparation**

The County Administrator, in consultation with the Chairman, shall prepare an agenda for each regular and special meeting of the Board, conforming to the order of business specified in Section 3-1.A and Section 3-1.B of these Bylaws. The Chairman shall schedule topics proposed for work sessions on the second monthly meeting of the Board, and any special meetings, as necessary. Public hearings shall be scheduled in accordance with normal advertising requirements for Planning Commission matters, or as otherwise directed by the Board. If an applicant desires a deferral of a public hearing, the request must be made to the Chairman. The Chairman, in consultation with the Board member in whose district the project is located, will determine if an application shall be

heard as scheduled or should be deferred at applicant’s request, or otherwise. Neither the County Administrator nor other members of the staff are authorized to defer public hearings.

**2008**

**BY-LAWS AND RULES OF PROCEDURE**

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

**Adopted May 6, 2008**

**INDEX**

**2008**

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

**PAGE**

**Section 1 - Meetings**

Section 1-1      Annual organizational meetings .....      1

Section 1-2	When regular meetings held .....	1
Section 1-3	Special meetings .....	1
Section 1-4	Quorum and method of voting .....	1
<b>Section 2 - Officers</b>		
Section 2-1	Chairman and Vice Chairman .....	2
Section 2-2	Preservation of order .....	2
Section 2-3	Chairman may administer oaths .....	3
Section 2-4	Parliamentarian .....	3
Section 2-5	Clerk .....	3
<b>Section 3 - Conduct of Business</b>		
Section 3-1	Order of business.....	3
Section 3-2	Consent agenda.....	5
Section 3-3	Motions.....	5
Section 3-4	Appeal to Board.....	6
Section 3-5	Suspending rules.....	6

## **Section 4 - Public Hearings**

Section 4-1	Chairman to conduct public hearings .....	6
Section 4-2	Hearing presentations .....	6
Section 4-3	Order of public hearings .....	6
Section 4-4	Members' participation .....	7
Section 4-5	Close of hearing .....	7
Section 4-6	Debate .....	7

## **Section 5 - Agenda**

Section 5-1	Preparation .....	7
Section 5-2	Transmittal .....	8
Section 5-3	Board Member Additions to Proposed Agendas .....	8
Section 5-4	Further Additions to Agenda .....	8
Section 5-5	Proclamations .....	9
Section 5-6	Appointments .....	9
Section 5-7	Emergency Matters .....	9
Section 5-8	Minutes.....	10

**Section 6 - General Operating Policy**

Section 6-1	Actions by individual members of the Board .....	10
Section 6-2	Legal action.....	10
Section 6-3	Discussion of zoning and land use matters.....	11
Section 6-4	Polling Procedure.....	11
Section 6-5	Action on Land Use matters in election year .....	11

**Section 7 -- Amendments**

Section 7-1	Amendments to the By-Laws and Rules of Procedure.....	11
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**BY-LAWS AND RULES OF PROCEDURE  
STAFFORD COUNTY BOARD OF SUPERVISORS**

**Section 1 -- Meetings**

**Section 1-1      Annual Organizational Meetings**

A.     The first January meeting of each year shall be known as the annual meeting. The County Administrator shall preside to open the annual meeting and to conduct the election of the Chairman.

B.     The Chairman shall be elected at the annual meeting for a term of one year. The Chairman may succeed himself in office.



C. Following his election, the Chairman shall assume the Chair and conduct the election of the Vice Chairman for a term of one year.

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

E. Following the election of the Vice Chairman, the Board shall:

1. Establish days, times and places for its regular meetings; and
2. Adopt its By-Laws and Rules of Procedure.

**Section 1-2 When Regular Meetings Held**

Whenever the regularly scheduled meeting date falls on a legal holiday, the regular meeting shall be held on the following day in accordance with Section 15.2-1416 of the Code of Virginia (1950), as amended. The Chairman may cancel any meeting because of inclement weather or disaster and should reschedule any cancelled meeting at the earliest possible date.

**Section 1-3 Special Meetings**

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

**Section 1-4 Quorum and Method of Voting**

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

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

C. All questions submitted to the Board for decision shall be voted using the electronic voting board. Any member may request a roll call vote. A green light represents a "Yea" vote and a red light represents a "Nay" vote. The Chairman shall call for the vote and each member shall cast his vote via the electronic voting board. The Chairman shall then call for the Clerk to close the vote. Upon closing the vote, the Clerk shall display the vote as directed by the Chairman. Upon the display of the vote, the Chairman shall announce the vote.

D. It shall be the duty of every member to vote on issues before the Board of Supervisors. If a member must abstain, he shall state his reason for abstaining for the record. If an abstention occurs, it shall be the responsibility of the Chairman to have the reason for the abstention noted in the official record, if a reason is requested by any member of the Board.

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

F. Failure of a motion couched in the negative (i.e., to deny a rezoning), whether due to tie vote or otherwise, does not authorize positive action.

## **Section 2 -- Officers**

### **Section 2-1 Chairman and Vice Chairman**

The Chairman shall preside at all meetings of the Board of Supervisors. The Vice Chairman serves in the absence of the Chairman. In the absence from any meeting of both the Chairman and the Vice Chairman, the members present shall choose one of their members as a temporary Chairman. The Chairman shall make all appointments to Board of Supervisors' committees. Substitutes or alternates appointed to Board of Supervisors' committees may participate only if so authorized by the Chairman.

### **Section 2-2 Preservation of Order**

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

### **Section 2-3 Chairman May Administer Oaths**

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

### **Section 2-4 Parliamentarian**

Except as modified herein or as provided by law, the most current edition of Robert's Rules of Order shall be the parliamentary authority of the Board of Supervisors using the Rules for small bodies. The County Attorney shall act as Parliamentarian to the Board. Any questions involving the interpretation or application of Robert's Rules of Order shall be addressed to the County Attorney. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.

**Section 2-5      Clerk**

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

**Section 3 -- Conduct of Business**

**Section 3-1      Order of Business**

A.    At the Board's first meeting of the month, the order of business shall be generally as follows:

- call to order (1:00 p.m.)
- roll call of members
- announcement of absences
- presentations by the public-I
- presentations and committee reports by  
    members of the Board in rotation
- report of the Superintendent of Schools
- report of the County Attorney
- report of the County Administrator
- consent agenda
- unfinished business
- new business
- items added by Board members
- closed meeting (if necessary)
- recess
- invocation (7:00 p.m.)
- Pledge of Allegiance

presentations by the public-II  
public hearings  
adjournment

B. At the Board's second meeting of the month, the order of business shall be generally as follows:

call to order (1:00 p.m.)  
roll call of members  
announcement of absences  
work session  
report from VDOT (quarterly)  
recess  
invocation (7:00 p.m.)  
Pledge of Allegiance  
presentations by the public  
public hearings  
consent agenda  
closed meeting (if necessary)  
adjournment

C. The above order of business and times may be modified by the Chairman should there not be an evening portion of the meeting, or for presentations by VDOT, the Sheriff, the public, etc., and appointments which are occasional in nature.

D. Presentations and committee reports by Board members are limited to three (3) minutes each. It shall be the responsibility of the Chairman to enforce this rule.

E. Presentations by the public are governed by the following rules:

1. Comments shall be addressed to the Chairman and Board as a whole and not to individual Board members.

2. Comments by the public shall be limited to three (3) minutes for all speakers.
3. Any person who speaks during the day public presentation portion of the meeting shall not be permitted to speak during the evening period.
4. Though encouraged to complete a speaker's card in advance for record purposes, any person wishing to speak may do so without completion of a speaker card. All speakers must identify themselves and state their address.
5. Public presentations that require the use of the County's electronic system for power point or other visual displays must be submitted to the County Administrator's office by noon on the Monday before the Board meeting at which the presentation is to be made.
6. Members of the Board will not respond to questions or engage in discussions with the audience or the citizen making presentations during Presentations by the Public. At the conclusion of Presentations by the Public, the Board may refer any matter raised to the County Administrator for investigation, further study, and report to the Board.

F. No action shall be taken on any committee report unless it is time sensitive. All action shall be scheduled for the next regular agenda.

**Section 3-2      Consent Agenda**

A. The consent agenda shall be introduced by a motion "to approve the consent agenda," and shall be considered by the Board as a single item.

B. There shall be no debate or discussion by any member of the Board regarding any item on the consent agenda.

C. The expenditure of funds which have been approved in the annual County budget may be placed on the consent agenda.

D. The appointment of individuals to County boards, authorities, commissions, and committees to at-large positions may be placed on the consent agenda, provided that the names and necessary biographical information of the nominees, including education, are provided to the Board as a part of its package prior to the meeting at which the appointment is to occur.

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

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

**Section 3-3      Motions**

A. No motion shall be discussed prior to being duly seconded in accordance with these By-laws.

B. The Chairman may make a motion without relinquishing the chair.

C. A substitute motion shall be allowed to any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If a vote on the substitute motion does not dispose of the former motion, the former motion must then be voted. Once a substitute motion is voted upon, a second substitute motion may be made. No more than two (2) substitute motions may be made.

**Section 3-4      Appeal to Board**

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order or the interpretation of these By-laws. A majority vote of those present is necessary to overrule the Chairman. No second is required on a member's appeal.

**Section 3-5      Suspending Rules**

One or more of these By-Laws and Rules of Procedure may be suspended with the concurrence of two-thirds of the members present.

**Section 4 -- Public Hearings**

**Section 4-1      Chairman to Conduct Public Hearings**

The Chairman shall conduct all public hearings.

**Section 4-2      Hearing Presentations**

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

**Section 4-3      Order of Public Hearings**



The order of public hearings shall be as follows:

A. The Chairman shall open the public hearing.

B. The applicant or his representative shall be the first speaker(s). There shall be a time limit of five (5) minutes for the applicant's or his representative's presentation, unless extended by the Chair. Any and all representations made by the applicant or his representative to the County on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the County.

C. The Chairman shall then solicit comments from the public. Each speaker must clearly state his name and address. There shall be a time limit of four (4) minutes for each speaker.

D. Public hearing presentations that require the use of the County's electronic system for power point or other visual displays must be submitted to the County Administrator's office by noon on the Monday before the Board meeting at which the presentation is to be made.

E. After public comments have been received, the applicant or the representative of the applicant, at his discretion, may respond with further information. There shall be a five (5) minute time limit for rebuttal.

F. Upon the conclusion of the applicant's comments, the Chairman shall close the public hearing.

**Section 4-4      Members' Participation**

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

**Section 4-5      Close of Hearing**

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

**Section 4-6      Debate**

Following the close of the public hearing, the Chairman entertains a motion and a second to dispose of the issue and the Board may debate the merits of the issue.

**Section 5 -- Agenda****Section 5-1      Preparation**

The County Administrator, in consultation with the Chairman, shall prepare an agenda for each regular and special meeting of the Board, conforming to the order of business specified in Section 3-1.A and Section 3-1.B of these Bylaws. The Chairman shall schedule topics proposed for work sessions on the second monthly meeting of the Board, and any special meetings, as necessary. Public hearings shall be scheduled in accordance with normal advertising requirements for Planning Commission matters, or as otherwise directed by the Board. If an applicant desires a deferral of a public hearing, the request must be made to the Chairman. The Chairman, in consultation with the Board member in whose district the project is located, will determine if an application shall be heard as scheduled or should be deferred at applicant's request, or otherwise. Neither the County Administrator nor other members of the staff are authorized to defer public hearings.

**Section 5-2      Transmittal**

After completion of the agenda preparation by the Chairman and County Administrator for each meeting, the proposed agenda shall be electronically transmitted to each member of the Board. Under normal circumstances, the transmittal should occur approximately 11 calendar days prior to the scheduled meeting of the Board.

**Section 5.3      Board Member Additions to Proposed Agendas**

A.      Each Board member may request for no more than two (2) total items to be included on any Board meeting agenda for discussion. If the Chairman or County Administrator receives the request prior to the preparation of the proposed agenda as set forth in Section 5-1 of these Bylaws, the Chairman may include the requested item on the agenda. If the request is not received in time to be included on the proposed agenda, the County administrator may include a Board member request on the agenda, so long as no Board member has no more than a total of two (2) discussion items on the agenda and the request is received by the County administrator by the close of business on Tuesday of the week prior to the scheduled Board meeting (generally seven (7) days prior to the Board meeting).

B.      It is the intent of this provision to allow all Board members to have topics of interest to them and/or their District included in the agenda for discussion at each meeting, while keeping the meeting agenda at a manageable level, with no individual supervisor being permitted to overwhelm or dominate the agenda at any meeting. This will provide time for the Board to deliberate on matters requiring Board action, allow for full discussion of the business matters coming before the Board at each meeting, as well as full participation of the public at public presentations and scheduled public hearings.

C.      The items requested to be included in the agenda by Board members that meet the foregoing requirements shall not be removed from the agenda, without the

consent of the requesting member, except by majority vote of the Board at the meeting. Such requested discussion items shall generally not involve staff work for preparation of Board packages or reports. Any existing information may be included in the agenda package. After consideration of the discussion item at the Board meeting, if approved by the Board, the matter may be referred to a committee or scheduled for a future Board meeting, with all necessary staff work being provided to permit the Board to take any appropriate action. If the matter is not complex and does not necessitate additional information or staff reports, the Board may take official action on the item by majority vote.

#### **Section 5-4      Further Additions to Agenda**

As long as a member of the Board has not already had two (2) discussion items included on an agenda for a meeting, and has not been able to request an item to be included on the meeting agenda in accordance with the time limits of Section 5-3 of these Bylaws, the County Administrator will place such items as do not exceed the Board member's total of two allowed discussion items for the meeting agenda on a separate handout. This separate handout will be presented to the Board as an "add-on" item for consideration by the Board. If there is insufficient time to have the handout prepared, the Board member may orally request the item to be added to the agenda with the other "add-ons" at the meeting so long as the Board member's total allowed discussion items are not exceeded. Any such items may be added to the agenda only on majority vote of the Board at the involved meeting. Generally such matters should be of a time sensitive nature, requiring consideration or action prior to the next regularly scheduled meeting of the Board. The Board retains the right to add any matter to a meeting by majority vote.

#### **Section 5-5      Proclamations**

When a Board member requests a proclamation to be placed on the agenda, the County Administrator shall place the name of the requesting Board member on the agenda as part of the item. Each member of the Board may request no more than two (2)

proclamations for any regular meeting. In the event that a Board member has more than two (2) proclamations for a meeting, only two (2) will be included as part of the agenda by the County Administrator, and the additional proclamations may be added only by majority vote of the Board as “add-ons” as set forth in Section 5-4 above as Further Additions to Agenda.

#### **Section 5-6      Appointments**

Appointments may be placed on the agenda for consideration at any time, provided that no appointments shall be made prior to the annual organizational meeting of the Board for a term beginning on January 1 of the calendar year. Generally all appointments to standing boards, commissions, committees and authorities should be made between the annual organizational meeting of the Board and March 31 of that calendar year. The foregoing restrictions do not preclude appointments when vacancies occur, when new boards, authorities, commissions and committees are created, or if the Board agrees to make an appointment to a regional body from the membership of the Board, due to the organizational structure of the regional body, and which would negatively impact Stafford County’s participation in the regional body, if an appointment were to be delayed until the organizational meeting of the Board.

#### **Section 5-7      Emergency Matters**

Any matter not included in the scheduled agenda, after any additions approved pursuant to Section 5-4 above, may be considered by the Board, only upon majority vote of the Board. Any such matter should only be added to the agenda if it is of an emergency nature, vital to the continued proper and lawful operation of the County.

**Section 5-8      Minutes**

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

**Section 6 -- General Operating Policy****Section 6-1      Actions by Individual Members of the Board**

A. In dealing with County staff, members of the Board should conduct themselves in a business-like, professional and civil manner, without making undue demands on staff time. Any request involving significant staff time or staff resources should be referred to the County Administrator. It shall be the policy of the Board that no one member shall exert individual action or direct any County employee, or any board, authority, commission or committee of the Board, to initiate any action that would require a County employee to perform any action contrary to the laws, ordinances or policies of Stafford County or which would require the expenditure of public funds in any amount without the approval of the Board. It shall further be the policy that when any Board member writes a letter or memorandum expressing his views, that he place on the same document the following, if appropriate:

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

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

**Section 6-2        Legal Action**

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

**Section 6-3        Discussion of Zoning and Land Use Matters**

Board of Supervisors' members shall not engage in negotiations with applicants on zoning or land use matters while the matter is before the Planning Commission and prior to the Planning Commission's referral of the matter to the Board of Supervisors.

**Section 6-4        Polling Procedure**

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

**Section 6-5        Action on Land Use Matters in Election Years**

In any year in which members of the Board of Supervisors are elected, the Board shall not take any action or consider any rezoning applications, Conditional Use Permit Applications, Comprehensive Plan Amendments, or zoning text amendments from October 31 until January 1 of the next year.

## **Section 7 -- Amendments**

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

The By-Laws and Rules of Procedure may be amended as necessary by majority vote of the Board.

Legislative; Discuss the Museum. Mr. Crisp commented.

Mr. Crisp motioned, seconded by Mr. Milde, to authorize the fabrication and placement of a sign at the proposed site of the Museum and Visitor enter indicating “Future Site of Stafford Museum and Visitor Center” and draft and put out a Request for Proposal (RFP) to hire a consultant to develop a Museum business plan, and design the wall display at the Stafford Hospital enter to promote the Museum and Stafford history and heritage. Authorize payment of consulting services to be paid from the Museum Fund. (Report to the Board on RFP respondents).

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Legislative; Work Session with Financial Advisers and Bond Counsel on Bond Referenda Issues. Mr. Anthony Romanello, County Administrator, commented and



introduced Ms. JoAnne Carter, Managing Director of the PFM Group, to do a presentation and respond to Board members questions.

Parks and Recreation; Authorize an Engineering Contract to Design Synthetic Turf Fields. Mr. Chris Hoppe, Director of Parks and Recreation, gave a presentation and responded to Board members questions.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-266.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito  
Nay: (0)

Resolution R08-266 reads as follows:

A RESOLUTION TO AWARD A CONTRACT FOR DESIGN  
AND CONSTRUCTION ADMINISTRATION OF SYNTHETIC  
TURF FIELDS

WHEREAS, the Board appointed a task force to make recommendations to improve athletic fields in the County; and

WHEREAS, at a meeting on December 4, 2007, the Board approved funding of two synthetic turf rectangular fields to be constructed at Smith Lake Park to provide high quality playing fields; and

WHEREAS, Clough Harbour and Associates submitted the most responsive proposal for design and construction administration for this project; and

WHEREAS, funds for this project are available in the recently issued lease revenue bond package;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of May, 2008, that the County Administrator be and he hereby is authorized to award a contract to Clough Harbour and Associates for design and construction administration of two synthetic turf fields at Smith Lake Park in an amount not to exceed One Hundred Thirty Thousand Four Hundred Ten Dollars (\$130,410).

Fire and Rescue; Consider Length of Service Awards Program. Mr. Rob Brown, Fire Chief, gave a presentation and responded to Board members questions.

Mr. Brito motioned, seconded by Mr. Sterling, to defer proposed Resolution R08-280 to the Board meeting on June 17, 2008.

Discussion ensued.

The Voting Board tally was:

Yea: (4) Sterling, Woodson, Brito, Crisp

Nay: (3) Dudenhefer, Milde, Schwartz

Hearing no objections from the Board, the Chairman appointed Mr. Brito and Mr. Sterling to a committee to further review.

Legislative; Discuss Requiring a Conditional Use Permit for Helistops in the RBC Zoning District.

Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-281.

Discussion ensued.

Mr. Jeff Harvey, Director of Planning and Community Development, commented further.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Sterling, Woodson, Brito, Crisp  
Nay: (0)  
Absent: (1) Dudenhefer

Resolution R08-281 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT TO THE ZONING  
ORDINANCE TO THE PLANNING COMMISSION REGARDING  
HELISTOPS IN THE RBC, RECREATIONAL BUSINESS CAMPUS  
ZONING DISTRICT

WHEREAS, helistops are permitted by-right in the RBC zoning district; and

WHEREAS, the Board believes that potential impacts to nearby communities should be considered for the location of helistops in order to minimize community impacts; and

WHEREAS, a by-right use does not allow community input for the location of helistops in the RBC zoning district; and

WHEREAS, the Board desires to permit helistops in the RBC zoning district as a conditional use permit to allow for community input and comment as to their location and operation; and

WHEREAS, public necessity, convenience, general welfare and good zoning practices require proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008, that the Planning Commission be and it hereby is requested to consider an amendment to the Zoning Ordinance to require

Conditional Use Permits for helistops in the RBC, Recreational Business Campus Zoning District.

Legislative; Closed Meeting. At 5:25 P.M., Mr. Woodson motioned, seconded by Mr. Brito, to adopt proposed Resolution CM08-1010.

The Voting Board tally was:

Yea:	(6)	Schwartz, Sterling, Woodson, Brito, Crisp, Milde
Nay:	(0)	
Absent:	(1)	Dudenhefer

Resolution CM08-10 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 regarding the MediCorp Hospital Property Acquisition; the Condemnation of the Gulati Property, Rocky Pen Run Reservoir; the pending litigation in two matters, *R Income Properties LLC et al v. Board of Supervisors et al* and *Airport Business Group LLC et al v. Board of Supervisors et al*; the pending litigation in the fourteen drainfield cases; and the Vulcan/Westlake Development/BZA Appeal; and two personnel matters regarding Deputy County Administrators; and the Internal County Auditor; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 6<sup>th</sup> day of May, 2008, does hereby authorize discussions of the aforesaid matters in Closed Meeting.

Call to Order. At 6:45, the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Milde motioned, seconded Mr. Crisp to adopt proposed Resolution CM08-1010a.

The Voting Board tally was:

Yea:	(5)	Woodson, Crisp, Dudenhefer, Milde, Schwartz
Nay:	(0)	
Absent:	(2)	Sterling, Brito

Resolution CM08-1010a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD  
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON  
MAY 6, 2008

WHEREAS, the Board has, on this the 6<sup>th</sup> day of May, 2008, 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 6<sup>th</sup> day of May, 2008, 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.

Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-284.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Resolution R08-284 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A PORTION OF THE PROPERTY OF SUDHIR AND SARITA GULATI, LOCATED OFF GROVE LANE, WALNUT GROVE SUBDIVISION, TAX MAP PARCEL 44J 19, IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR CONSTRUCTION PROJECT

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

WHEREAS, Tax Map Parcel 44J-19 consists of 5.0 acres of land owned by Sudhir and Sarita Gulati; and

WHEREAS, in order to begin construction of the reservoir, the Board must acquire ownership of a 0.6093 acre portion of Tax Map Parcel 44J-19 in fee simple; and

WHEREAS, the fair market value for the above-referenced 0.6093 acre portion of the property is Twenty-Nine Thousand, Two Hundred Fifty Dollars (\$29,250) based upon a formal appraisal by an independent appraiser; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008, that it shall conduct a public hearing to be scheduled under the provisions of Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann., to consider the necessity for condemnation and necessity for the use of the County's quick-take powers to immediately acquire the property interests described above for the Rocky Pen Run Reservoir construction project; and

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

Mr. Woodson motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-285.

The Voting Board tally was:

Yea: (6) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson  
Nay: (1) Brito

Resolution R08-285 reads as follows:

A RESOLUTION TO AUTHORIZE AN APPEAL OF A BOARD OF  
ZONING APPEALS DECISION TO THE STAFFORD COUNTY  
CIRCUIT COURT

WHEREAS, the Board of Zoning Appeals (BZA) overruled a Zoning Administrator determination requiring Vulcan Materials to provide a water quality assessment study; and

WHEREAS, the BZA decision was based on a prior Zoning Administrator's determination that Westlake property was exempt from all aspects of the Chesapeake Bay Regulations; and

WHEREAS, there is an Attorney General's opinion concluding that lots created prior to the implementation of the Chesapeake Bay Regulations were still required to comply to the extent reasonably possible; and

WHEREAS, the Zoning Administrator has no authority to overrule State law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on the 6<sup>th</sup> day of May, 2008, does hereby authorize an appeal of the BZA decision in the Vulcan/Westlake matter to the Stafford County Circuit Court.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to enter into an employment agreement with Anica D. Ashbourne for Internal Auditor.

The Voting Board tally was:



Yea: (6) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson  
Nay: (1) Brito

Recess. At 6:46 P. M. the Chairman declared a recess until 7:00 P. M.

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

Invocation. Mr. Schwartz. gave the Invocation.

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

Legislative; Presentation of a Proclamation to Commemorate Posthumously Joan P. Shea. Mr. Dudenhefer presented the proclamation to Mr. George Shea to commemorate posthumously Mrs. Joan P. Shea.

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

Carolyn Johanson	-	Rental at Berea Woods.
Brenda Williamson	-	Supports educator of students with challenges.
Ruth Carlone	-	Artificial turf fields.
	-	Budget issues.
John Druiett	-	Athletic fields.

Planning and Zoning; Amend the Zoning Ordinance to Establish the Heritage Protection (HP) Zoning District. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Glen Trimmer

Ruth Carlone

Bill Garner

Becky Wood

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O08-02 with changes.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Ordinance O08-02 reads as follows:

AN ORDINANCE TO (1) AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; SECTION 28-33, DISTRICTS GENERALLY; SECTION 28-34, PURPOSE OF DISTRICTS; SECTION 28-35, TABLE OF USES AND STANDARDS; TABLE 3.1, DISTRICT USES AND STANDARDS; SECTION 28-38, PERFORMANCE REGULATIONS; SECTION 28-39, SPECIAL REGULATIONS; SECTION 28-59, HIGHWAY CORRIDOR OVERLAY DISTRICT; SECTION 28-83, BUFFERS FOR HISTORIC PROPERTIES AND DISTRICTS; SECTION 28-86, LANDSCAPING STANDARDS; SECTION 28-130, PERMIT TO ERECT; SECTION 28-131, APPROVAL OF INTERNAL ILLUMINATION; SECTION 28-132, EXCEPTION FROM SETBACK REQUIREMENTS; SECTION 28-133, TRAFFIC HAZARD; SECTION 28-134, CLEARANCE FOR PROJECTING SIGNS; SECTION 28-135, REPAIR AND REMOVAL OF SIGNS; AND SECTION 28-256, SITE PLANS, REQUIRED STANDARDS AND IMPROVEMENTS GENERALLY, OF THE ZONING ORDINANCE. AND (2) TO ENACT, ADOPT AND ORDAIN SECTION 28-136, REPAIR AND REMOVAL OF SIGNS, OF THE ZONING ORDINANCE.

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

WHEREAS, Goal 9 of the Stafford County Land Use Plan states that significant historic and/or archaeological sites should be protected and preserved through private, public or quasi-public groups; and

WHEREAS, existing Stafford County zoning requirements do not currently address the unique needs of heritage tourism sites, cultural interpretive centers, or museums; and

WHEREAS, the Heritage Interpretation (HI) Zoning District would provide appropriate guidelines for developing heritage tourism sites and permit proper restoration, preservation, conservation, education, research and business activities related to the operation of museums and other heritage tourism sites in Stafford County; and

WHEREAS, the HI Zoning District would only be extended with the owner's acquiescence; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-25, Section 28-33, Section 28-34, Section 28-35, Table 3.1, Section 28-38, Section 28-39, Section 28-59, Section 28-83, Section 28-86, Section 28-130, Section 28-131, Section 28-132, Section 28-133, Section 28-134, Section 28-135, and Section 28-256, of the Zoning Ordinance and adopt,

enact and ordain Section 28-136 of the Zoning Ordinance as follows, with all other portions remaining the same:

**Sec. 28-25. Definitions of specific terms.**

*Amphitheater.* An outdoor theater having a central open space or stage, surrounded by gradually rising tiers of seats or rising slopes or hills that can be utilized for seating.

*Archive.* A collection or repository that properly stores a collection of written and graphic records or documents that have been selected for permanent or long-term preservation due to their enduring and/or historic value. An archive is administered by a qualified archivist or curator according to the principles of provenance, original order, and collective control to protect the materials' authenticity and integrity.

*Building, interpretive.* An existing historic building or reconstructed cultural resource that depicts the form, features, and detailing of a non-surviving building, site, or landscape using appropriate traditional building materials, which accurately interprets the history of a place. A reconstruction will be based on the duplication of historic features and elements substantiated by documentary or physical evidence, including archaeological survey and/or archival research using primary sources, rather than on conjectural design. An interpretive building shall not be utilized as a dwelling. Reconstruction of a building or landscape, and the subsequent interpretive use, shall be regulated only to the extent necessary to protect public health and safety.

*Cultural landscape.* A geographic area that includes cultural and natural resources associated with a historic event, activity, person, or group of people. Cultural landscapes are manmade expressions of visual and spatial relationships, including, but not limited to, historic plantations, farms, gardens and parks, cemeteries, scenic highways, industrial sites, Civil War encampments, and entire villages.

*Heritage interpretation.* Any communication, including but not limited to signs, brochures, exhibits, films, and websites, designed to reveal meanings and relationships of cultural and natural heritage to the public, through first-hand involvement with a site, building, reconstructed building, artifact, landscape, or monument.

*Heritage Tourism.* Presenting, marketing, and interpreting historic places, artifacts, and attractions that authentically represent the stories and people of the past and present for the purpose of educating the public and generating revenue for the County. Heritage tourism cannot take precedence over the protection and preservation of a cultural resource or landscape.

*Heritage site.* The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the significance of any existing structure.

*Historic integrity.* The authenticity of a property's identity, evinced by the survival of physical characteristics that existed during the property's historic or prehistoric period. The seven qualities of integrity, as defined by the National Register Program, are location, setting, feeling, association, design, workmanship, and materials.

*Museum.* A permanent building or landscape in the service of society, which acquires, stores, conserves, researches, communicates and exhibits material evidence of people and their environment for purposes of study, education and enjoyment by the public.

*Sign, historic site entrance.* Any freestanding, nonilluminated sign located at the entrance of a historic site that contains the site name and does not exceed four feet in height.

Visitor Center. A building, attraction, or place of interest that provides public information, including in-depth cultural or natural educational media displays, such as interpretive signage, and printed media describing area attractions relevant to tourism. A visitor’s center shall not include artifact collections or an archive.

**Sec. 28-33. Districts generally.**

HI Heritage Interpretation

**Sec. 28-34. Purpose of districts.**

HI Heritage Interpretation. The purpose of the HI district is:

1. To reserve areas in all regions of the County for interpretation of heritage sites and to retain the setting and feeling of the cultural landscape.
2. To permit restoration, preservation, conservation, education, research and business activities related to the operation of a museum and other historic sites in Stafford County.
3. To provide heritage tourism opportunities.
4. To promote the preservation and enhancement of unique Stafford County cultural resources.

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

*Table 3.1. District Uses and Standards*

HI Heritage Interpretation.

The purpose of the HI district is to reserve areas in all regions of the County for interpretation of heritage sites and to retain the setting and feeling of the cultural landscape, to permit restoration, preservation, conservation, education, research and business activities related to the operation of a museum and other historic sites in Stafford

County, to provide heritage tourism opportunities, and to promote the preservation and enhancement of unique Stafford County cultural resources.

(a) Uses permitted by right:

Accessory use or structure.

Agriculture.

Amphitheater.

Archive.

Cemetery.

Gift shop.

General office use.

Interpretive building.

Museum.

Passive recreation.

Professional office use.

Public facilities/utilities, excluding generating facilities, substations, switching stations, water treatment and wastewater facilities, repeaters, antennas, transmitters and receivers.

Public works, excluding roads, highways, transit facilities, police, correction and fire protection facilities, and public schools.

Visitor Center.

(b) Conditional use permit:

Employee dwelling.

Library.

Restaurant without a drive through facility.

Storage, outdoor.

Theater.

(c) Requirements:

(1) Intensity: See Section 28-39(q)(2)

(2) Maximum height (in feet) ..... 40 feet.

**Sec. 28-38. Performance regulations.**

c) *Accessory buildings/structures.* No accessory building or structure shall be located within ten (10) feet of any property line on any lot greater than one acre; no accessory building or structure shall be located within five (5) feet of any property line on any lot of one acre or less; no accessory building and/or structure, except for walls, fences and signs shall be located in any front yard or street facing side yard.



No accessory building or structure shall be located within ten (10) feet of any other structure, unless it is attached to the primary structure and does not intrude into any required setbacks. In residential districts of lots less than one acre, no accessory building shall be located closer than five (5) feet to the property line except, on townhouse lots, accessory buildings may be located no closer than three (3) feet to the side property line and be exempt from rear setbacks where the lot abuts a common open area or other easement at least ten (10) feet in width.

Notwithstanding those structures specifically excepted in section 28-24(1) or by subsection (d) below, no accessory building or structure shall exceed the height of the primary structure. On townhouse lots, no accessory building and/or structure shall exceed ten (10) feet in height.

All accessory buildings and/or structures, except for fences or walls, on townhouse lots shall be not more than one hundred (100) square feet in size.

All accessory buildings and/or interpretive buildings within the HI District shall be exempt from the preceding conditions listed in Section 28-38(c).

**Sec. 28-39. Special regulations.**

(s) Performance standards in HI districts. The following standards shall be the minimum required for all uses in the HI, heritage interpretation district:

(1) All heritage sites identified within HI districts shall be listed on the Stafford County Cultural Resource Inventory. All heritage sites utilized for heritage tourism shall be determined historically significant, according to the National Register of Historic Places Criteria and the Aspects of Integrity.

(2) A 20-year master plan for the museum or site shall be submitted at the time of reclassification or site plan submittal. A master plan shall include a site map of proposed

construction and reconstruction, interpretive areas, and limits of grading, and a detailed written description of all proposed changes and uses for the property (including but not limited to location and description of new buildings, exterior lighting, signage, and parking facilities).

(3) Archaeological study – Any excavation, including grading, shall require archaeological study, conducted according to the Virginia Department of Historic Resources Survey Guidelines, to identify unknown cultural resources. Attempts shall be made to avoid the destruction of significant archaeological sites by grading and construction.

(4) Architectural treatment – The preservation, rehabilitation, or restoration of an existing building or reconstruction of a new building shall comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

(5) ADA compliance - Under the Americans with Disabilities Act of 1990, all properties open to the public must be accessible to the disabled. Owners of heritage tourism sites shall provide the greatest level of accessibility without threatening or destroying landscape and architectural features of historic significance. See *Preservation Brief 17 – Architectural Character: Identifying the Visual Aspects of Historical Buildings as an Aid to Preserving Their Character* by Lee H. Nelson.

**Sec. 28-59. Highway Corridor Overlay District (HC).**

(c) District boundaries.

(1) HC boundaries shall be designated on the official zoning map as ordained by Ordinance O95-57, O96-23 and amended by O98-27, O96-24, O98-30, O01-29, and O01-37 establishing the boundaries of the overlay district, pursuant to Article XII, Amendments to Zoning Maps.

(2) The district boundaries will be described as follows:

- a. Length of the district shall be established by fixing points of beginning and end in the centerline of a street.
- b. Width will be established by designation of the distance on one or both sides from the centerline to which the overlay district shall extend; or, by a description of coterminous property boundaries of lots along such street, or highway; or, by using visible geographic features.

The HC zoning district shall be established and overlay all other zoning districts, except HI districts, on all parcels of land within the below described area:

**Sec. 28-83. Buffers for historic properties and districts.**

In order to protect historic resources, specific buffer yards are required around ~~designated~~ historic properties and historic resource overlay districts designated in the Stafford County Cultural Resource Inventory, archaeological sites and historic buildings located within HI Districts, in addition to any other buffer requirements, as indicated in section 100 of the DCSL. All development adjoining a designated historic district may require a transitional buffer in accordance with section 100 of the DCSL. Because a historic site consists of associated landscape features and the relationships between landscape features, in addition to historic buildings and structures, buffer yards should include elements that retain or enhance the historic integrity of a site or building and should comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and the Guidelines for the Treatment of Cultural Landscapes.

**Sec. 28-86. Landscaping standards.**

(h) Any properties within HI Districts shall be exempt from landscaping standards previously noted in Section 28-86.

**Sec. 28-130. Types permitted in HI districts.**

The following types of signs are permitted in HI districts:

(1) Historic entrance sign.

(2) Public sign.

(3) Temporary event sign, including banners; provided that, the maximum height shall not exceed four (4) feet.

(4) Directional sign.

**~~Sec. 28-130~~ Sec. 28-131. Permit to erect.**

No permanent or temporary event sign shall be erected without first obtaining a sign permit. Every application for a sign permit shall be accompanied by a set of plans showing the area of the sign, the size, the structure, character and design proposed, the method of illumination if any, the exact location of the sign, building frontage, road frontage and clear sight triangles. A fee as determined by the board of supervisors shall be paid for each sign permit. The largest face of a multiple face sign shall be computed to determine the square footage.

**~~Sec. 28-131~~ Sec. 28-132. Approval of internal illumination.**

Any internally illuminated sign must have a U.L. label or meet the minimum standards of the Uniform Statewide Building Code.

**~~Sec. 28-132.~~ Sec. 28-133. Exception from setback requirements.**

Signs shall be exempt from setback requirements in all districts; provided, however, that no sign shall be so located as to interfere with vehicular clear sight triangle distance at intersections or to create a safety hazard.

**~~Sec. 28-133.~~ Sec. 28-134. Traffic hazard.**

No sign shall be located or illuminated in such a manner as, in the opinion of the zoning administrator or his designee, to cause a traffic hazard. Where a permit is required, the permit shall not be issued until the location and illumination, if any, of the sign are approved by the zoning administrator or his designee, who may consult with the Resident Engineer of the Virginia Department of Transportation to assist in determining whether the sign would constitute a traffic hazard.

**~~Sec. 28-134~~ Sec. 28-135. Clearance for projecting signs.**

No part of any sign projecting more than twelve (12) inches from any wall or from any other support shall be less than ten (10) feet above the level of the ground at that point. Signs projecting over vehicle traffic shall be not less than fourteen (14) feet above ground level.

**~~Sec. 28-135.~~ Sec. 28-136. Repair and removal of signs.**

Whenever the zoning administrator or his designee determines that a sign is structurally unsafe or endangers the safety of a structure, premises, or the public, or is erected or maintained in violation of the provisions of this chapter, the zoning administrator or his designee shall order the sign to be made safe or in compliance with this chapter, as the case may be, or to be removed. Such order shall be sent by registered mail, return receipt requested, and shall be complied with.

**Sec. 28-256. Required standards and improvements generally.**

(c) In addition to improvements and standards specified in other sections of this article, the following minimum standards and improvements shall also be required:

(5) Interior travel lanes, driveways and parking bays to be constructed in accordance with county standards and are to be congruous with the public street to which the travel lanes, driveways and parking bays are connected. Every parking bay shall be so constructed that no vehicle, when parked, will overhang

property lines or travel lanes. At a minimum, all surfaces shall be to VDOT standards, excluding low-impact development sites in accordance with provisions of chapter 21.5 of this Code; provided, however, that churches, clubs, fraternal organizations and other similar uses which have infrequent demands upon parking areas may, upon presentation of written justification, be granted relief from part or all of the paving requirements by the board of supervisors, and this relief may be requested concurrent with the site plan review. At a minimum, however, parking and driving areas for the aforesaid uses shall be surfaced with crushed stone in an amount sufficient to prevent soil erosion, abate dust and provide an adequate driving surface. Contractor's equipment and vehicle storage areas, rural home businesses, landscaping businesses, plant nurseries, ~~and~~ parking areas in floodplains and CRPAs and properties within HI districts shall be exempt from paving requirements. To retain historic integrity of cultural resources in HI districts, road surface treatment may be grass pavers, or another type of permeable surface treatment, in addition to crushed stone.

Planning and Zoning; Consider a Conditional Use Permit at 399 Poplar Road. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Michael J. Coughlin, attorney for the applicant

Reverend Michael Zello

Walter Zimmers

Jacqueline Bordick

Stacie Bordick

John Robert Druiett, Sr.

Pauline Y. Roush

Mike Zello, Sr.

John Janeko

Wendy Harris

Weldon Thomasson  
Randy Clemons  
Reverend Gerald Mayhan  
Adam Kozlak  
Carol Dominy  
Barbara Smith  
Steven Druiett  
John Druiett, Jr.  
Grace Mills  
Theresa Mills  
Jacob Mills  
Paul Parker  
Larry Scott  
Tom Haile  
Travis Walchle  
Ruth Carlone  
Quentin Gilbert  
John Snyder  
Stuart Baird  
Cody Wilmer  
Jessica Wilmer  
James McNew  
Todd Muse  
Michael McGee  
Carleen S. Druiett  
Jim Bordick  
\_\_\_\_ Zello (daughter)  
Wendy Gilkerson  
Estelle Johnson  
Jeff Schoen  
Nan Rollison

Brenda Williamson  
Michael Doran  
Mark Smith  
\_\_\_\_Zello (wife)

Mr. Brito motioned, seconded by Mr. Dudenhefer, to defer this item for 30 days.

Discussion ensued.

Mr. Milde made a substitute motion to approve proposed Resolution R08-255.

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

The Voting Board tally on the original motion was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Recess. At 10:50 P.M., the Chairman declared a recess

Call to Order. At 11:00 P.M., the Chairman called the meeting back to order.

County Attorney; Consider Vacating Two Public Rights-of-Way in Grafton Village Subdivision.

Mr. Joe Howard, County Attorney, 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. Woodson motioned, seconded by Mr. Brito, to adopt proposed Ordinance O08-34.



The Voting Board tally was:

Yea: (6) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (1) Sterling

Ordinance O08-34 reads as follows:

AN ORDINANCE TO VACATE AND ABANDON A 40-FOOT PUBLIC  
RIGHT-OF-WAY ADJACENT TO CULPEPER ST. IN GRAFTON  
VILLAGE SUBDIVISION, FALMOUTH ELECTION DISTRICT

WHEREAS, the Board believes that a 40-foot, public right-of-way between 612 Culpeper St. (Parcel 54K-7-14) and 700 Culpeper St. (Parcel 54K-5-11) serves no public purpose and is no longer needed in Grafton Village Subdivision; and

WHEREAS, the Board desires to vacate the 40-foot public right-of-way portion of Hilltop Street adjacent to Culpeper St.; and

WHEREAS, Section 15.2-2272 of the Code of Virginia (1950), as amended, allows the vacation and abandonment of a right-of-way following a public hearing; and

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

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

WHEREAS, the Board feels that it is appropriate to vacate and abandon the 40-foot public right-of-way;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008, that pursuant to Section 15.2-2272 of the

Code of Virginia (1950), as amended, the Board does hereby vacate and abandon the 40-foot public right-of-way in Grafton Village Subdivision between 612 and 700 Culpeper St.; and

BE IT FURTHER ORDAINED that the County Administrator be and he hereby is authorized to convey the 40-foot public right-of-way to the adjacent property owner(s).

Mr. Woodson motioned, seconded by Mr. Brito, to adopt proposed Ordinance O08-35.

The Voting Board tally was:

Yea: (6) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz  
Nay: (1) Sterling

Ordinance O08-35 reads as follows:

AN ORDINANCE TO VACATE AND ABANDON A 40-FOOT PUBLIC  
RIGHT-OF-WAY ADJACENT TO PAYTON DR. IN GRAFTON  
VILLAGE SUBDIVISION, FALMOUTH ELECTION DISTRICT

WHEREAS, the Board believes that a 40-foot public right-of-way between 613 Payton Dr. (Parcel 54K-22-11) and 701 Payton Dr. (Parcel 54K-22-10) serves no public purpose and is no longer needed in Grafton Village Subdivision; and

WHEREAS, the Board desires to vacate the 40-foot public right-of-way portion of Hilltop Street adjacent to Payton Dr.; and

WHEREAS, Section 15.2-2272 of the Code of Virginia (1950), as amended, allows the vacation and abandonment of a right-of-way following a public hearing; and

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

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

WHEREAS, the Board feels that it is appropriate to vacate and abandon the 40-foot public right-of-way;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008, that pursuant to Section 15.2-2272 of the Code of Virginia (1950), as amended, the Board does hereby vacate and abandon the 40-foot public right-of-way in Grafton Village Subdivision between 613 and 701 Payton Dr.; and

BE IT FURTHER ORDAINED that the County Administrator be and he hereby is authorized to convey the 40-foot public right-of-way to the adjacent property owner(s).

County Attorney; Consider Condemnation and Exercise Quick-Take Powers to Acquire Grading and Temporary Construction Easement on Harris Property in Brooke Ridge Subdivision. Mr. Joe Howard, County Attorney, 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. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-224.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Resolution R08-224 reads as follows:

A RESOLUTION WHICH AUTHORIZES CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A GRADING AND TEMPORARY CONSTRUCTION EASEMENT OF A PORTION OF A PARCEL OF LAND FROM LESLIE P. HARRIS AND DORIS E. HARRIS; LOCATED IN BROOKE RIDGE SUBDIVISION, TAX PARCEL 41D-10, IN CONNECTION WITH THE CORRECTION OF PUBLIC STREET DEFICIENCIES

WHEREAS, the Board desires to have the public street deficiencies to streets in the Brooke Ridge Subdivision corrected to meet Virginia Department of Transportation (VDOT) standards, the purpose of which is acceptance of the streets into the Secondary System of State Highways; and

WHEREAS, the design for the correction of the street deficiencies requires a grading and temporary construction easement of a portion of the parcel of land identified as Tax Parcel 41D-10, located in Brooke Ridge Subdivision in the Aquia Election District of the County (the “Property”); and

WHEREAS, Leslie P. Harris and Doris E. Harris are the owners of record of the Property (the “Owners”); and

WHEREAS, the County has offered the Owners Six Hundred Twenty-Two Dollars (\$622.00), representing the fair market value of the grading and temporary construction easement, based on the 2008 land assessment of the Property; and

WHEREAS, despite a bona fide effort, terms of a purchase have not been agreed upon with the Owners, but County staff will continue to attempt to work with the Owners to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing on May 6, 2008, in accordance with Sections 15.2-1903(B) and 15.2-1905(C), Virginia Code Ann., to determine the necessity for condemnation and for the use of the County's quick-take powers;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 6<sup>th</sup> day of May, 2008, that the Board does hereby find that public necessity exists for the condemnation of the grading and temporary construction easement on the referenced portion of the property for the construction of the correction of the street deficiencies in Brooke Ridge Subdivision, and for the immediate exercise of its quick-take powers to enter upon and acquire a grading and temporary construction easement on a portion of the Property from the Owners; and

BE IT FURTHER RESOLVED that the Board does hereby determine that the fair market value of Six Hundred Twenty-Two Dollars (\$622.00), which amount was offered to and rejected by the Owners, is the appropriate compensation for the grading and temporary construction easement on the Property; and

BE IT FURTHER RESOLVED that the Board does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, to pay into the Stafford County Circuit Court the full fair market value of said grading and temporary construction easement on the Property, and to proceed with condemnation of the Property for the Brooke Ridge Subdivision correction of public street deficiencies and as otherwise provided by law; and

BE IT FURTHER RESOLVED that the Board does hereby authorize the County Administrator and Director of Finance, or their designees, to sign the Certificate of Take necessary for filing in Court and to disburse the fair market value of Six Hundred Twenty-two Dollars (\$622.00), by depositing said amount with the Court in connection with the quick-take condemnation process hereby authorized on behalf of the Stafford County Board of Supervisors in accordance with law.

Planning and Zoning; Consider a Conditional Use Permit at 564 Warrenton Road.

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Clark Leming, on behalf of the applicant

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-210.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

Resolution R08-210 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2800060 TO ALLOW A MODIFICATION OF THE FLOOR AREA RATIO REQUIREMENT FROM 0.40 TO 0.73 FOR A HOTEL IN A B-2, URBAN COMMERCIAL ZONING DISTRICT, ON A PORTION OF ASSESSOR'S PARCEL 45-18, FALMOUTH ELECTION DISTRICT

WHEREAS, Habib Khan, applicant, has submitted application CUP2800060 requesting a Conditional Use Permit to allow a modification of the floor area ratio requirement from 0.40 to 0.73 for a hotel in a B-2 Urban Commercial Zoning District on the above-described property; and

WHEREAS, the application has been submitted pursuant to Section 28-38 (i) of the Zoning Ordinance which permits the modification of floor area ratio requirements for hotels after a Conditional Use Permit has been issued by the Board; and

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

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008, that a Conditional Use Permit pursuant to application CUP2800060 be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is to allow a maximum floor area ratio associated with a hotel up to 0.73 on a portion of Assessor's Parcel 45-18.
2. Development of the site shall be in general conformance with the General Development Plan (GDP) entitled "Holiday Inn Express," prepared by Greenhorne & O'Mara dated January 2008.
3. A subdivision plat indicating the proposed lot for the proposed Holiday Inn Express Hotel and Suites shall be recorded prior to site plan approval.
4. No neon signs or flashing signs shall be permitted on site.
5. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, Federal or State codes.

Planning and Zoning; Amend Section 28-35, Table of Uses and Standards; and Table 3.1, District Uses and Standards, of the Zoning Ordinance Regarding Mulch and Stone Sales By-Right in an

A-1 District. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Ruth Carlone

John Snyder

Victor DeBord

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-307.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Resolution R08-307 reads as follows:

A RESOLUTION TO INITIATE CONDITIONAL USE PERMIT  
APPLICATIONS FOR MULCH AND STONE SALES ON TWO  
PARCELS IN THE A-1, AGRICULTURAL DISTRICT

WHEREAS, businesses located at 78 and 275 Shelton Shop Road have operated for many years; and

WHEREAS, it has been determined that the nature of the businesses require a Conditional Use Permit to continue; and



WHEREAS, the Board desires to authorize initiation of Conditional Use Permits for these two (2) parcels on Shelton Shop Road for mulch and stone sales, identified as 78 Shelton Shop Road, Tax Map Parcel 19-23J, and 275 Shelton Shop Road, Tax Map Parcel 28-128; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice requires this action;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008, that the Board hereby authorizes initiation by the County of Conditional Use Permits for two (2) parcels on Shelton Shop Road for mulch and stone sales, identified as 78 Shelton Shop Road, Tax Map Parcel 19-23J, and 275 Shelton Shop Road, Tax Map Parcel 28-128; and

BE IT FURTHER RESOLVED that his matter is referred to the Planning Commission for recommendation on the two (2) Conditional Use Permit applications initiated herein.

Mr. Milde motioned, seconded by Mr. Brito, to deny proposed Ordinance O08-30.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Fire and Rescue; Amend and Reordain the Stafford County Code, Chapter 12, Article VII, Entitled “Ambulance Cost Recovery”. Mr. Jim Hill, Division Chief, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Crisp, to adopt proposed Ordinance O08-41.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Ordinance O08-41 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD  
COUNTY CODE, CHAPTER 12, ARTICLE VII, ENTITLED  
“AMBULANCE COST RECOVERY”

WHEREAS, the provisions of public safety services are a primary responsibility of the County; and

WHEREAS, the Ambulance Fee Cost Recovery program enhances fire and rescue service in the County; and

WHEREAS, the Board believes the Ambulance Cost Recovery program is necessary and in the public’s best interest; and

WHEREAS, the Board desires to expand the definitions of services provided to be consistent with those utilized by the Center for Medicare and Medicaid Services (CMS); and

WHEREAS, the cost of providing ambulance service has increased since the Ambulance Cost Recovery program was initiated; and

WHEREAS, the Board desires to consider an increase in the charges for the Ambulance Cost Recovery program; and

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

WHEREAS, the Board finds that public necessity, convenience, and general welfare requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008, that Stafford County Code, Chapter 12, Article VII entitled "Ambulance Cost Recovery" be and it hereby is amended and reordained to read as follows, all other portions remaining unchanged:

**Sec. 12-81. Cost reimbursement for ambulance service.**

(a) Reasonable fees, reviewed annually ~~as a part of the county budget process~~, shall be charged for emergency medical transport services provided by the department. The amount of the fees shall be modified when appropriate. The revenue recovery program is intended to pursue reimbursement for EMS ambulance transports by recovering funds that may already be designated for the purpose.

(b) The following definitions shall apply to emergency medical transport charges:

~~(1) *Basic life support (BLS)* means services shall be medical treatment or procedures provided to a patient as defined by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician (EMT) Basic.~~

~~(2) *Advanced life support level 1 (ALS-1)* means services shall be medical treatment or procedures provided to a patient beyond the scope of an EMT Basic as defined by the National EMS Education and Practice Blueprint.~~

~~(3) *Advanced life support level 2 (ALS 2)* means services shall be defined as advanced life support (ALS) services provided to a patient including any of the following medical procedures:~~

- ~~a. Manual defibrillation/cardioversion,~~
- ~~b. Endotracheal intubation,~~
- ~~c. Central venous line,~~
- ~~d. Cardiac pacing,~~
- ~~e. Chest decompression,~~
- ~~f. Surgical airway,~~
- ~~g. Intraosseous line, or~~
- ~~h. Administration of three (3) or more medications.~~

~~(4) *Ground transport mile (GTM)*: Emergency demand zones are established by the fire and rescue chief. Transportation fees shall be assessed per statute mile from the location of the incident scene, or from the center point of the emergency demand zone, if applicable, where an incident scene or address is located, to a hospital or other facility where a patient is transported.~~

(1) *Basic life support (BLS)* is transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including BLS ambulance services as defined by the State. The ambulance must be staffed by an individual who is qualified in accordance with State and local laws as an emergency medical technician-basic (EMT-Basic). These laws may vary from State to State or within a State. For example, only in some jurisdictions is an EMT-Basic permitted to operate limited equipment onboard the vehicle, assist more qualified personnel in performing assessments and interventions, and establish a peripheral intravenous (IV) line.

(2) *Basic life support (BLS)-Emergency* When medically necessary, the provision of BLS services, as specified above, in the context of an emergency response. An emergency response is one that, at the time the ambulance provider

or supplier is called, it responds immediately. An immediate response is one in which the ambulance provider/supplier begins as quickly as possible to take the steps necessary to respond to the call.

(3) *Advanced Life Support, Level 1 (ALS-1)* is the transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including the provision of an ALS assessment or at least one ALS intervention. An advanced life support (ALS) assessment is an assessment performed by an ALS crew as part of an emergency response that was necessary because the patient's reported condition at the time of dispatch was such that only an ALS crew was qualified to perform the assessment. An ALS assessment does not necessarily result in a determination that the patient requires an ALS level of service. An advanced life support (ALS) intervention is a procedure that is in accordance with State and local laws, required to be done by an emergency medical technician-intermediate (EMT-Intermediate) or EMT-Paramedic.

(4) *Advanced Life Support, Level 1 (ALS-1) – Emergency* When medically necessary, the provision of ALS-1 services, as specified above, in the context of an emergency response. An emergency response is one that, at the time the ambulance provider or supplier is called, it responds immediately. An immediate response is one in which the ambulance provider/supplier begins as quickly as possible to take the steps necessary to respond to the call.

(5) *Advanced Life Support, Level 2 (ALS-2)* is the transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including (1) at least three separate administrations of one or more medications by intravenous push/bolus or by continuous infusion (excluding crystalloid fluids); or (2) ground ambulance transport, medically necessary supplies and services, and the provision of at least one of the ALS-2 procedures listed below:

a. Manual defibrillation/cardioversion

b. Endotracheal intubation

- c. Central venous line
- d. Cardiac pacing
- e. Chest decompression
- f. Surgical airway
- g. Intraosseous line

(6) *Ground transport mile (GTM)*: Emergency-demand zones are established by the fire and rescue chief. Transportation fees shall be assessed per statute mile from the location of the incident scene, or from the center point of the emergency-demand zone, if applicable, where an incident scene or address is located, to a hospital or other facility where a patient is transported.

**Sec. 12-82. Fees.**

(a) The schedule of rates for emergency ambulance transport services by the Stafford County Fire and Rescue Department EMS System shall be based on a schedule which will be developed and reviewed yearly to maintain compliance within the allowances established by the Center for Medicare and Medicaid Services.

(b) The Stafford County Fire and Rescue Chief is hereby authorized and directed to establish rules and regulations for the administration and collection of the charges imposed by this section.

(c) Fees for emergency medical transport services shall be charged per patient transported for services rendered and transportation provided, as initially set and reviewed annually:

## TABLE INSET:

BLS	\$ <del>350.00</del> <u>\$400.00</u>
ALS – 1	<del>450.00</del> <u>\$500.00</u>
ALS - 2	<del>550.00</del> <u>\$675.00</u>

Adjournment. At 11:40 P.M., the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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George H. Schwartz  
Chairman