### BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

#### **MINUTES**

Regular Meeting
June 19, 2007

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 12:30 P. M., Tuesday, June 19, 2007, in the Board Chambers, Stafford County Administration Center.

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

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

<u>Legislative</u>; <u>Closed Meeting</u>. At 12:31 P.M., Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM07-18.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-18 reads as follows:

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A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to meet in Closed Meeting

for the sole purpose of a personnel matter to interview candidates for the County

Administrator position; and

WHEREAS, pursuant to Section 2.2-3711 A.1 Va. Code Ann., such discussions

may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors,

on this the 19th day of June, 2007, does hereby authorize discussions of the aforestated

matters in Closed Meeting.

Call to Order. At 1:40 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Gibbons motioned, seconded by

Mr. Fields, to adopt proposed Resolution CM07-18a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-18a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD

COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON

JUNE 19, 2007

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WHEREAS, the Board has, on this the 19<sup>th</sup> day of June, 2007, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the

provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective

July 1, 1989, provides for certification that such Closed Meeting was conducted in

conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors does hereby certify, on this the 19<sup>th</sup> day of June, 2007, that to the best of each

member's knowledge: (1) only public business matters lawfully exempted from open

meeting requirements under the Virginia Freedom of Information Act were discussed in

the Closed Meeting to which this certification applies; and (2) only such public business

matters as were identified in the Motion by which the said Closed Meeting was convened

were heard, discussed, or considered by the Board. No member dissents from the

aforesaid certification.

Legislative; Closed Meeting. At 1:41 P.M., Mr. Gibbons motioned, seconded by

Mr. Dudenhefer, to adopt proposed Resolution CM07-19.

The Voting Board tally was:

Yea:

Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

(7)

Resolution CM07-19 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and

discuss in Closed Meeting legal advice in regard to Crow's Nest condemnation litigation

and Servicetown Motor Fuel Tax Collection Issue; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 19<sup>th</sup> day of June, 2007 does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 1:58 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Fields motioned, seconded by Mr. Gibbons, to adopt proposed Resolution CM07-19a.

The Voting Board tally was:

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

Nay: (0)

#### Resolution CM07-19a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 19, 2007

WHEREAS, the Board has, on this the 19th day of June, 2007, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 19th day of June, 2007, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

<u>Legislative</u>; Additions to the Regular Agenda: Mr. Gibbons motioned, seconded by Mr. Cavalier, to add two items to the Regular Agenda: (1) Discuss Extension of Sewer Service to the Living Hope Lutheran Church, and (2) Discuss Urban Land Institute.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; <u>Presentation by Clean Community Task Force.</u> Ms. Anne Kline, Chairman of the Clean Community Task Force, gave a presentation and responded to Board members questions.

<u>Legislative</u>; Work Session on Garrisonville Road Construction Project. Mr. Steve Crosby, County Administrator, and Mr. Scott Shropshire, Area Construction Engineer, gave a presentation and responded to Board members questions.

<u>Legislative</u>; <u>Work Session on YMCA Agreement.</u> Mr. Greg Sager, Director of Parks and Recreation Department, and Mr. Barney Riley, Executive Director of the YMCA, gave a presentation and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-206 with a change.

The voting Board tally was:

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

Nay: (3) Brito, Fields, Schwartz

#### Resolution R07-206 reads as follows:

## A RESOLUTION TO EXECUTE AN AGREEMENT WITH THE RAPPAHANNOCK AREA YMCA

WHEREAS, the Board has identified its desire to partner with the Rappahannock Area YMCA in construction of the North Stafford branch of the YMCA located off Mountain View Road; and

WHEREAS, the Board has already entered into an agreement involving the leasing of land to the Rappahannock Area YMCA for the North Stafford branch of the YMCA; and

WHEREAS, the Board has approved a moral obligation to make annual appropriations to the Rappahannock Area YMCA totaling \$4,360,000 over a 20-year term beginning with a \$218,000 payment in FY08; and

WHEREAS, the purpose of the agreement is to allow the use by the County of both the Butler Road and North Stafford YMCA, at no charge, for swimming, fitness and sports facilities as stated within the agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June, 2007, that the County Administrator be and he hereby is authorized to execute an agreement with the Rappahannock Area YMCA.

<u>Legislative</u>; <u>Discuss Extension of Sewer to the Living Hope Lutheran Church.</u> Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to approve the extension of time for the Planning Commission until September 20, 2007.

The Voting Board tally was:

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

Nay: (1) Schwartz

<u>Legislative</u>; <u>Discuss Urban Land Institute</u>. Mr. Gibbons gave a presentation and responded to Board members questions.

<u>Legislative</u>; <u>Closed Meeting</u>. At 4:06 P.M., Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM07-20.

The Voting Board tally was:

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

Nay: (0)

#### Resolution CM07-20 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice in regard to Crow's Nest condemnation litigation; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 19<sup>th</sup> day of June, 2007 does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 4:40 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Gibbons motioned, seconded by Mr. Schwartz, to adopt proposed Resolution CM07-20a.

The Voting Board tally was:

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

Nay: (0)

#### Resolution CM07-20a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 19, 2007

WHEREAS, the Board has, on this the 19th day of June, 2007, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 19th day of June, 2007, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were

discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Mr. Milde motioned, seconded by Mr. Cavalier, to refer to the Planning Commission a Comprehensive Plan Land Use amendment that would designate Crows Nest peninsula, the Widewater State Park, and all other park facilities or future park facilities in Stafford County as such on the Comprehensive Land Use Plan.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; <u>Economic Development Announcement.</u> Mr. Dudenhefer stated that the Quantico Growth Management Committee had made application to the State and requested a grant for two purposes: Prince William was going to use it for adding bus shelters up and down the Route 1 Corridor and Stafford put in a request for funding for transportation planning. The State has granted \$199,000.

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Gibbons motioned, seconded by Mr. Milde, to adopt the Consent Agenda consisting of Items 8 thru 25, omitting items 8,11D, 14 and 15.

The Voting Board tally was:

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

Nay: (0)

Item 9. Finance; Award a Contract to VACo for Liability, Property and Workers'

Compensation Insurance and Award Insurance Contracts for Volunteer Fire and Rescue and Sheriff Special Deputies.

#### Resolution R07-213 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT TO VACo FOR LIABILITY, PROPERTY AND
WORKERS' COMPENSATION INSURANCE AND TO AUTHORIZE
INSURANCE CONTRACTS FOR FIRE & RESCUE PERSONNEL AND
SHERIFF SPECIAL DEPUTIES

WHEREAS, the County has reviewed its insurance coverage and related costs; and

WHEREAS, the Board has appropriated funds for the County insurance needs for fiscal year 2008; and

WHEREAS, VACo Risk Management Programs has submitted a policy renewal proposal to the County for liability, property, and Workers' Compensation insurance; and

WHEREAS, Volunteer Fire Insurance Services Company and Provident Insurance Company through Long and Foster Insurance Agency has submitted a policy renewal proposal to the County for liability, property, automobile, accident and sickness for the Volunteer Fire and Rescue personnel and the Sheriff Special Deputies; and

WHEREAS, budgeted funds are available to contract insurance coverage for the Volunteer Fire and Rescue and Special Deputies for fiscal year 2008;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of June, 2007, that the County Administrator be and he hereby is authorized to:

1. Execute a contract with VACo Risk Management Programs for liability, property, and Workers' Compensation insurance for FY08.

- 2. Execute a contract with Volunteer Fire Insurance Services (VFIS) for the Volunteer Fire and Rescue and Special Deputies for liability, property, and automobile insurance for FY08.
- 3. Execute a contract with Provident Insurance Company for Volunteer Fire and Rescue and Special Deputies for accident and sickness insurance coverage for FY08.

Item 10. Planning; Authorize the County Administrator to Award a Contract for Professional Engineering Services for Erosion and Sediment Control and Stormwater Management Plan Review.

#### Resolution R07-228 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO AWARD A CONTRACT FOR PROFESSIONAL ENGINEERING
SERVICES FOR EROSION AND SEDIMENT CONTROL AND
STORMWATER MANAGEMENT PLAN REVIEW

WHEREAS, the County has contracted engineering services for Erosion and Sediment Control and Stormwater Management plan review for land development projects since 1998; and

WHEREAS, a contract was awarded on July 1, 2006 for the above-mentioned engineering services with a provision of renewal as stated in the Term of Contract for four (4) additional one (1) year periods, if agreeable to both parties; and

WHEREAS, the Planning and Community Development FY2008 budget request contains \$460,000 for contractual services for Erosion and Sediment Control and Stormwater Management plan review for land development projects;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of June 2007, that the County Administrator be and he hereby is authorized to execute a contract with GKY and Associates, Inc. for professional engineering services for review of Erosion and Sediment Control and Stormwater Management plan review for land development projects in an amount not to exceed Four Hundred Sixty Thousand Dollars (\$460,000.00).

<u>Item 11a.</u> Administration; Authorize a Public Hearing to Repeal Ordinance O05-67 Establishing a Service District for Garrisonville Road Area.

#### Resolution R07-225 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER REPEALING ORDINANCE 005-67, ENTITLED "AN ORDINANCE TO ESTABLISH A SERVICE DISTRICT FOR THE GARRISONVILLE ROAD AREA"

WHEREAS, the General Assembly amended Section 15.2-2403 of the Code of Virginia, relating to the powers of service districts; and

WHEREAS, a court decision invalidated Ordinance O05-67 entitled "An Ordinance to Establish a Service District for the Garrisonville Road Area"; and

WHEREAS, the Board desires to repeal Ordinance O05-67, An Ordinance to Establish a Service District for the Garrisonville Road Area, adopted on the 13<sup>th</sup> day of December, 2005, pursuant to Section 15.2-2400 of the Code of Virginia (1950); 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 19<sup>th</sup> day of June, 2007, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider repealing Ordinance O05-67.

<u>Item 11b.</u> <u>Administration; Authorize a Public Hearing to Repeal Ordinance O05-68</u> Establishing a Service District for Warrenton Road Area.

#### Resolution R07-280 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER REPEALING ORDINANCE 005-68, ENTITLED "AN ORDINANCE TO ESTABLISH A SERVICE DISTRICT FOR THE WARRENTON ROAD AREA"

WHEREAS, the General Assembly amended Section 15.2-2403 of the Code of Virginia, relating to the powers of service districts; and

WHEREAS, a court decision invalidated Ordinance O05-67 entitled "An Ordinance to Establish a Service District for the Garrisonville Road Area"; and

WHEREAS, the Board desires to repeal Ordinance O05-68, An Ordinance to Establish a Service District for the Warrenton Road Area, adopted on the 13<sup>th</sup> day of December, 2005, pursuant to Section 15.2-2400 of the Code of Virginia (1950); 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 19<sup>th</sup> day of June, 2007, that the County Administrator be and he

hereby is authorized to advertise a public hearing to consider repealing Ordinance O05-68.

<u>Item 11c. Administration; Consider Enacting An Ordinance Establishing A Service</u> District for the Garrisonville Road Area.

Resolution R07-278 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER ENACTING AN ORDINANCE ESTABLISHING A SERVICE DISTRICT FOR THE GARRISONVILLE ROAD AREA

WHEREAS, the General Assembly amended Section 15.2-2403 of the Code of Virginia, relating to the powers of service districts; and

WHEREAS, the Board is required to conduct a public hearing in order to consider an ordinance to establish a service district for the Garrisonville Road Area; 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 19<sup>th</sup> day of June, 2007, that the County Administrator be and he hereby is authorized to advertise a public hearing for the establishment of a service district for the Garrisonville Road Area in accordance with the law.

Item 12. Code Administration; Award Contract for Consulting Services for Building Plan Review.

Resolution R07-248 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO AWARD A CONTRACT FOR CONSULTING SERVICES FOR THIRD PARTY BUILDING PLAN REVIEW SERVICES.

WHEREAS, on October 12, 2005, the County issued a request for proposals for consulting services and third party review of building plans; and

WHEREAS, AEC, Incorporated (AEC) was awarded a contract for an initial one year period, with the option to renew for four additional one year periods, for a total of five consecutive years; and

WHEREAS, it is necessary to renew AEC's contract for FY2008 services; and

WHEREAS, the Department of Code Administration's adopted FY2008 Budget contains \$400,000 for contractual building plan review services; and

WHEREAS, the cost of these services is funded from building permit fees;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June 2007, that the County Administrator be and he hereby is authorized to execute a contract with AEC, Incorporated for consulting services for third party building plan review for an amount not to exceed Four Hundred Thousand Dollars (\$400,000).

<u>Item 13. Utilities; Authorize Renewal of Contract Amendment for Water Meters and Accessories.</u>

Resolution R07-244 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

## TO EXECUTE A CONTRACT AMENDMENT FOR WATER METERS AND ACCESSORIES

WHEREAS, the Department of Utilities needs to purchase water meters and accessories; and

WHEREAS, funds are budgeted and will be appropriated in the FY2008 Operating Budget for these purchases; and

WHEREAS, Sensus Metering Systems is the sole supplier for the water meters and accessories used by the County for its automated meter reading system;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June, 2007, that the County Administrator be and he hereby is authorized to execute a contract amendment with Sensus Metering Systems in an amount not to exceed Two Hundred Thirty-three Thousand Eighty-two Dollars (\$233,082) extending the contract for the purchase of water meters and accessories through June 30, 2008.

<u>Item 16.</u> Fire and Rescue; Execute a Contract to Purchase Personal Protective Clothing for Fire and Rescue Personnel.

#### Resolution R07-227 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT TO PURCHASE PERSONAL PROTECTIVE
CLOTHING FOR FIRE AND RESCUE PERSONNEL

WHEREAS, the Fire & Rescue Department desires to purchase personal protective clothing from Maryland Fire Equipment Corporation; and

WHEREAS, this contract would be in accordance with Montgomery County, Maryland's contract 6451000101-AA with Maryland Fire Equipment Corporation for protective clothing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of June, 2007, that the County Administrator be and he hereby is authorized to execute a contract with Maryland Fire Equipment for the purchase of personal protective clothing at a cost not to exceed One Hundred Fifty Thousand Dollars (\$150,000).

<u>Item 17. Public Services; Petition VDOT to Include Town and Country Drive within</u>

Oaks at Ferry Farm Subdivision into the Secondary System of State Highways.

#### Resolution R07-226 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE TOWN & COUNTRY DRIVE WITHIN THE OAKS AT FERRY FARM SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Town and Country Drive within Oaks at Ferry Farm Subdivision in the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Oaks at Ferry Farm in the Secondary System of State Highways:

Street Station Length

Town & Country Drive Fr: Sierra Drive 0.79 Miles

To: Ferry Road 50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Oaks at Ferry Farm Subdivision, LR 040010835, recorded March 3, 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Residency Administrator of VDOT.

<u>Item 18. Public Services; Authorize the County Administrator to Issue a Request for Proposal for Transportation Modeling Services.</u>

#### Resolution R07-237 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ISSUE A REQUEST FOR PROPOSAL FOR TRANSPORTATION
MODELING SERVICES

WHEREAS, it has become necessary for the County to have professional consulting services to develop transportation modeling scenarios for a wide array of purposes; and

WHEREAS, transportation modeling techniques provide beneficial information and data in the County's transportation decision-making processes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June, 2007, that the County Administrator be and he hereby is authorized to issue a request for proposals for transportation modeling services.

Item 20. Budget; Approve Position Request for the Commonwealth's Attorney and Department of Planning and Community Development.

#### Resolution R07-259 reads as follows:

A RESOLUTION TO CONVERT TWO PART-TIME POSITIONS
IN THE COMMONWEALTH'S ATTORNEY OFFICE TO ONE FULLTIME POSITION

WHEREAS, the Commonwealth's Attorney Office has requested two part-time Administrative Assistant positions be converted to one full-time Program Assistant; and

WHEREAS, the cost for this position conversion is funded in the Fiscal Year 2008 budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June, 2007, that one full-time Program Assistant position be and it hereby is authorized for Commonwealth's Attorney Office.

<u>Item 21. Parks and Recreation; Approve Agreement with Fredericksburg-Stafford Park Authority.</u>

#### Resolution R07-263 reads as follows:

# A RESOLUTION TO EXECUTE AN AGREEMENT WITH THE FREDERICKSBURG-STAFFORD PARK AUTHORITY

WHEREAS, the Fredericksburg-Stafford Park Authority was created by the Board of Supervisors of Stafford County and City Council of the City of Fredericksburg by ordinances adopted on December 20, 1961 and December 12, 1961, respectively; and

WHEREAS, the purpose of the Authority was "to provide park and recreational facilities for the citizens of Stafford County, Virginia and the City of Fredericksburg, Virginia, and to that end to exercise all of the powers granted to a park authority by the Park Authorities Act of VA"; and

WHEREAS, the Authority has operated the Authority Property since 1962 through the use of its own employees, with funding being provided by a combination of grants, fee income and appropriations from the County and the City; and

WHEREAS, since the County has a Parks and Recreation Department responsible for operating parks and recreational facilities in the County not owned by the Authority, it would be more efficient to enter into a contractual arrangement by which the Stafford County Parks and Recreation Department would maintain and operate Authority property located in Stafford County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June, 2007, that the County Administrator be and he hereby is authorized to execute an agreement with the Fredericksburg-Stafford Park Authority.

Item 22. Legislative; Authorize the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia, to Finance an Academic Building for the University of Mary Washington..

#### Resolution R07-267 reads as follows:

A RESOLUTION TO AUTHORIZE THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF STAFFORD AND THE CITY OF STAUNTON, VIRGINIA TO FINANCE AN ACADEMIC BUILDING FOR THE UNIVERSITY OF MARY WASHINGTON

WHEREAS, the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia (the "Authority"), has considered an application from University of Mary Washington Real Estate Foundation (the "Applicant"), a Virginia nonprofit corporation operating in accordance with Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), requesting the issuance by the Authority of its revenue bonds (the "Bonds") to assist the Applicant in refinancing the costs of acquiring certain real property and improvements located at 1201 William Street in the City of Fredericksburg, Virginia (the "City"), and financing certain capital improvement and other undertakings with respect to such property, together with related costs and expenses (the "Project"); and,

WHEREAS, the Project will be converted into an academic building that will be managed and operated by the University of Mary Washington (the "University") pursuant to one or more agreements between the Applicant and the University; and,

WHEREAS, on June 15, 2007, the Authority held a public hearing with respect to the Project and the issuance of the Bonds in an estimated maximum principal amount of \$2,700,000 (the "Public Hearing"); and,

WHEREAS, Section 147(f) of the Code provides that (i) at least one governmental unit having jurisdiction over the Authority, including the Board of Supervisors of Stafford County, Virginia (the "Board"), and (ii) the City Council of the City of Fredericksburg, Virginia (the "City"), the governmental unit having jurisdiction over the area in which the Project is located, must approve the issuance of the Bonds; and

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds pursuant to a resolution adopted by the Authority on June 15, 2007, and has conveyed to the Board a reasonably detailed summary of any comments expressed at the Public Hearing and a copy of a fiscal impact statement in the form set forth in Section 15.2-4907 of the Code of Virginia of 1950, as amended (the "Virginia Code"); and,

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

Supervisors on this the 19<sup>th</sup> day of June 2007 that:

1. The Board approves the issuance of the Bonds by the Authority for the

benefit of the Applicant, as required by Section 147(f) of the Code and Sections 15.2-

4905 and 15.2-4906 of the Virginia Code, as applicable, in order to permit the Authority

to assist in the refinancing and financing of the Project.

2. The approval of the issuance of the Bonds, as required by the Code and

the Virginia Code, does not constitute an endorsement to a prospective purchaser of the

Bonds of the creditworthiness of the Applicant or the Project.

3. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall

provide that neither the Commonwealth of Virginia, Stafford County, the City, nor the

Authority shall be obligated to pay the Bonds or any interest thereon or other costs

incident thereto except from the revenues and moneys pledged therefore, and that neither

the faith and credit nor the taxing power of the Commonwealth of Virginia, Stafford

County, the City, nor the Authority, is pledged to the payment of the principal of the

Bonds or the interest thereon or other costs incident thereto.

4. This resolution shall take effect immediately upon its adoption and,

pursuant to the limitations contained in Income Tax Regulation Section 5f.103-2(f)(1),

shall remain in effect for a period of one year from the date of its adoption.

Item 23. Legislative; Appoint Members to Boards, Authorities, Commissions and

Committees.

Resolution R07-240 reads as follows:

# A RESOLUTION TO RECOMMEND AN APPOINTMENT TO THE RAPPAHANNOCK EMS COUNCIL BOARD OF DIRECTORS

WHEREAS, the County has been allocated two Board seats on the Rappahannock EMS Council Board of Directors; and

WHEREAS, in addition, two at-large positions will become vacant in June, 2007; and

WHEREAS, the Board has nominated and the Rappahannock EMS Council Board of Directors has previously appointed the following:

MEMBER	EXPIRATION

James Hill June, 2007

Willie G. Shelton, Jr. June, 2009

WHEREAS, the term of James Hill will expire; and

WHEREAS, two at-large positions will become vacant; and

WHEREAS, the Board desires to reappoint James Hill; and

WHEREAS, the appointment shall be for a term of three years;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June, 2007 that

MEMBER EXPIRATION

James Hill June, 2010

be and they hereby are appointed to the Rappahannock EMS Council Board of Directors.

#### Resolution R07-256 reads as follows:

## A RESOLUTION TO APPOINT A MEMBER TO THE RAPPAHANNOCK AREA COMMUNITY SERVICES BOARD

WHEREAS, Sections 37.1-194 through 37.1-200 of the Code of Virginia (1950), as amended, authorize the Board to appoint members to serve on the Rappahannock Area Community Services Board (RACSB); and

WHEREAS, the Board's Bylaws allow three members from each political jurisdiction in Planning District 16, who serve three-year terms that are staggered by year and expire at the end of the fiscal year; and

WHEREAS, the Board has previously appointed the following:

NAME	<b>EXPIRATION</b>
David A. Vaughn (Member-At-Large)	June 30, 2009
Annette Johnson (Member-At-Large)	June 30, 2007
Charles Cooper (Member-At-Large)	June 30, 2008

WHEREAS, the term of Annette Johnson will expire June 30, 2007; and

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June, 2007, that

<u>NAME</u> <u>EXPIRATION</u>

Annette Johnson

June 30, 2010

(Member-At-Large)

be and she hereby is appointed to the Rappahannock Area Community Services Board.

<u>Item 25; Legislative; Express Opposition to the Proposed Designation of a National Interest Electric Transmission Corridor by the Secretary of Energy.</u>

Resolution R07-273 reads as follows:

A RESOLUTION EXPRESSING OPPOSITION TO THE PROPOSED

DESIGNATION OF A NATIONAL INTEREST ELECTRIC TRANSMISSION

CORRIDOR BY THE SECRETARY OF ENERGY

WHEREAS, the United States Department of Energy has released its National Electric Transmission Congestion Study which identifies areas of the Nation experiencing transmission congestion as required by the Energy Policy Act of 2005 (the Act); and

WHEREAS, as a result of the study, the Secretary of Energy is proposing to designate the Atlantic coastal area from metropolitan New York through the Northern Virginia area as a National Interest Electric Transmission Corridor (National Corridor); and

WHEREAS, this proposed Corridor includes Stafford County; and

WHEREAS, the Act stipulates that the Secretary of Energy consult with affected states in conducting a study of electric transmission congestion prior to the designation of National Corridors; and

WHEREAS, it is the understanding of the Board that the Commonwealth of Virginia was not consulted in the preparation of the Congestion Study released by the Department in September 2006; and

WHEREAS, Section 56-46.1 of the Code of Virginia (1950), as amended, provides that the State Corporation Commission shall determine the need for power transmission lines in the Commonwealth; and

WHEREAS, the designation of a National Corridor in the Commonwealth could provide the Federal Energy Regulatory Commission with the authority to approve the location of a proposed transmission line, in the event that the Commonwealth of Virginia denies an application for a permit to construct a transmission facility within the corridor;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June, 2007, that the Board be and it hereby does express its opposition to the designation of a National Interest Electric Transmission Corridor along the Atlantic coastal area from metropolitan New York southward through Northern Virginia and Stafford County without consultation with the Commonwealth of Virginia and affected localities, and prior to the completion of a full environmental review to determine the impacts of the designation; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Department of Energy as part of its public comment process, the Governor of Virginia and the members of Congress representing Stafford County so that all may be apprised of the sense of the Board on this matter.

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Finance; Approve Current Expenditure Listing and Waive Board Approval of July and

August. Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-283.

The Voting Board tally was:

Yea: (7) Schwartz, Br

Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

Resolution R07-283 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING

(EL) DATED MAY 29, 2007 THROUGH JUNE 14, 2007

WHEREAS, the Board has appropriated funds to be expended for the purchase of

goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of

Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or

services which are within the appropriated amounts;

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

Supervisors on this the 19th day of June 2007, that the above-mentioned EL be and it

hereby is approved.

Mr. Brito commented regarding proposed Resolution R07-249.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R07-249.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-249 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO WAIVE BOARD APPROVAL OF JULY AND AUGUST 2007

EXPENDITURE APPROVAL LISTINGS

WHEREAS, operating policy states that accounts payable invoices in excess of

\$100,000 are released only upon Board approval; and

WHEREAS, the Board has scheduled only one meeting each month during July

and August, 2007; and

WHEREAS, the Board meeting schedule would cause some checks to be held

four to five weeks: and

WHEREAS, the Board will be provided with the expenditure listings for

ratification at its July 17th, August 21st, and September 4th meetings;

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

Supervisors on this the 19th day of June, 2007, that the County Administrator be and he

hereby is authorized to waive Board approval of expenditures in excess of \$100,000 for

the months of July and August, 2007.

Legislative; Authorize a Public Hearing to Consider Enacting an Ordinance Establishing

a Service District for the Warrenton Road Area. Mr. Brito commented.

The County Administrator commented.

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Mr. Brito motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R07-281.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-281 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO

CONSIDER ENACTING AN ORDINANCE ESTABLISHING A

SERVICE DISTRICT FOR THE WARRENTON ROAD AREA

WHEREAS, the General Assembly amended Section 15.2-2403 of the Code of

Virginia, relating to the powers of service districts; and

WHEREAS, the Board is required to conduct a public hearing in order to consider

an ordinance to establish a service district for the Warrenton Road Area; 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 19<sup>th</sup> day of June, 2007, that the County Administrator be and he

hereby is authorized to advertise a public hearing for the establishment of a service

district for the Warrenton Road Area in accordance with the law.

Utilities; Award Contract for Construction and Engineering Services for the First Phase

of the Rocky Pen Run Reservoir Construction.

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Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-92.

The Voting Board tally was:

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

Nay: (3) Fields, Schwartz, Brito

Resolution R07-92 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE CONTRACTS FOR ENGINEERING AND CONSTRUCTION
OF THE FOUNDATION FOR ROCKY PEN RUN RESERVOIR DAM

WHEREAS, the Board authorized the design of the dam necessary to create the Rocky Pen Run Reservoir; and

WHEREAS, the first phase of this design, consisting of excavation for the dam foundation and preparation of the rock beneath the dam, was completed and offered for public bid; and

WHEREAS, following a re-bid, the county received eight bids, of which Haymes Brothers, Inc. was determined to be the lowest responsive bidder with a bid of \$8,169,462; and

WHEREAS, multiple engineering contracts are necessary to provide office engineering support, field construction quality control, project management and construction administration services; and

WHEREAS, URS Corporation, the design engineer for the dam has proposed to provide engineering support services during construction of the dam foundation for \$347,981; and

WHEREAS, Schnabel Engineering Associates, the firm authorized by the Board to provide quality control services during design and construction of the dam, has proposed to provide on-site construction quality control and administration services during construction of the dam foundation for \$1,005,000; and

WHEREAS, Parsons, has proposed to provide on-site construction quality control and project management services during the initial phase of the foundation construction and during construction of the Rappahannock River Intake and pumping station along with other projects for \$517,607; and

WHEREAS, sufficient funds are budgeted for these contracts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June, 2007, that the County Administrator be and he hereby is authorized to execute a contract with Haymes Brothers, Inc. in an amount not to exceed Eight Million One Hundred Sixty-nine Thousand Four Hundred Sixty-two Dollars (\$8,169,462) for preparation of the foundation of the dam for the Rocky Pen Run Reservoir; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute a contract with URS in an amount not to exceed Three Hundred Forty-seven Thousand Nine Hundred Eighty-one Dollars (\$347,981) for engineering support during construction of the foundation for the reservoir; and

BE IT STILL FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute a contract with Schnabel Engineering Associates in an amount not to exceed One Million Five Thousand Dollars (\$1,005,000) for field quality control and administration services during construction of the foundation for the reservoir; and

BE IT STILL FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute a contract with Parsons in an amount not to exceed Five Hundred Seventeen Thousand Six Hundred Seven Dollars (\$517,607) for construction quality control and project management services during the initial phase of the foundation construction and during construction of the Rappahannock River Intake and pumping station.

<u>Utilities</u>; <u>Authorize Purchase of Property for a New Pumping Station.</u> Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-260.

The Voting Board tally was:

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

Nay: (0)

#### Resolution R07-260 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ACQUIRE PROPERTY FOR RELOCATION OF AN EXISTING
PUMPING STATION

WHEREAS, the existing thirty year old wastewater pumping station serving the second and third sections of Aquia Harbour was constructed such that it presents a significant hazard to maintenance employees; and

WHEREAS, the Aquia Harbour Board of Directors advertised the sale of Lot 1237, a vacant lot suitable as a site for a new pumping station; and

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WHEREAS, the County submitted a bid in the amount of \$53,000 for this lot and

it was accepted by the Aquia Harbour Board of Directors;

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

Supervisors on this the 19th day of June, 2007, that the County Administrator be and he

hereby is authorized to acquire Lot 1237 in the Aquia Harbour subdivision in an amount

not to exceed Fifty-three Thousand Dollars (\$53,000); and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is

authorized to execute the documents necessary to acquire Lot 1237.

Budget; Appropriate FY2008 County Budgets. Mr. Brito commented.

Discussion ensued.

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

R07-258.

The Voting Board tally was:

Yea:

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

Nay: (2)

(2) Brito, Fields

Resolution R07-258 reads as follows:

A RESOLUTION TO APPROPRIATE THE FISCAL YEAR 2008

**COUNTY BUDGETS** 

WHEREAS, the Board has held budget work sessions at which members have

analyzed, deliberated and reviewed citizen comments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June, 2007, that the Fiscal Year 2008 Budgets for the various General Government Funds be and they hereby are appropriated as follows:

### I. GENERAL GOVERNMENT FUNDS:

**General Fund:** 

School Operating Transfer	102,317,432
School Debt Service	30,282,568
Sheriff	17,780,163
Fire and Rescue	14,014,469
Social Services	8,545,197
Corrections	7,291,990
Parks & Recreation	5,939,966
Code Administration	5,097,648
Debt Service	4,959,005
Central Rappahannock Regional Library	4,726,775
Public Services	4,504,871
Comprehensive Services Act	4,128,362
Planning and Zoning	3,777,061
Commissioner of the Revenue	2,816,574
Commonwealth's Attorney	2,793,131
Information Technology	2,497,387
Courts	2,447,655
Finance	2,139,609
Treasurer	2,032,824
Regional & Community Agencies	2,032,594
County Administration	1,520,325
County Attorney	1,205,968
Economic Development/Legislative Affairs	1,047,785
Other Transfers	1,036,651
Non-Departmental	801,540
Human Resources	690,100
Board of Supervisors	621,696
Registrar & Electoral Board	441,223
Budget	386,472
Office of Transportation	386,257
Capital Projects	308,504
Office of Internal Audit	251,857
Solid Waste	237,739
Cooperative Extension	225,764
TOTAL GENERAL FUND	239,287,162

### II. SCHOOL FUNDS:

OPERATING FUND	249,944,005
CONSTRUCTION FUND	43,767,372
HEALTH SERVICES FUND	23,486,479
SCHOOL NUTRITION SERVICES FUND	10,016,945
WORKERS' COMPENSATION FUND	778,741
TOTAL SCHOOL FUNDS	327,993,542

BE IT FURTHER RESOLVED that the General Fund authorized strength increase from 642 full-time positions to 682 full-time positions, and the Utilities Fund authorized strength increase from 139 full-time positions to 141 full-time positions.

<u>Planning</u>; Amend the Street Addressing Ordinance to Change the Index of Official Road Names. Mr. Schwartz motioned, seconded by Mr. Gibbons, to defer this item to the next Board meeting.

The Voting Board tally was:

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

Nay: (0)

<u>Planning</u>; Discuss to Amend and Reordain the County Code by Amending Section 28-38, <u>Performance Regulations of the Zoning Ordinance.</u> Mr. Brito commented.

Discussion ensued.

Hearing no objections from the Board, Mr. Brito and Mr. Milde were to further review the issue.

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

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

Invocation.. Mr. Fields gave the Invocation.

<u>Pledge of Allegiance.</u> Eagle Scout Brendan Corbett, Boy Scout Troop 142, lead in the Pledge of Allegiance to the Flag of the United States of America.

<u>Legislative</u>; <u>Recognition of Eagle Scout.</u> Mr. Brito made a presentation to recognize and commend Eagle Scout Brendan Corbett, Boy Scout Troop 142.

Legislative; Presentations by the Public. Persons spoke on topics as identified:

Joanna Wegner - Recreational vehicle parking in Stratford Place.

Michael Wegner - Recreational vehicle parking in Stratford Place.

Bruce Iosco - Recreational vehicle parking in Stratford Place.

Kelly Beasley - Recreational vehicle parking in Stratford Place.

Ray Romero - Recreational vehicle parking in Stratford Place.
 Dana Brown - Recreational vehicle parking in Stratford Place.

Roger Beasley - Recreational vehicle parking in Stratford Place.

Cecelia Kirkman - Traditional Neighborhood Development Ordinance.

<u>Planning</u>; <u>Consider a Request for a Conditional Use Permit at 7 Butler Road for the Car Store.</u> Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Iftikahar Khan, applicant

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-188.

The Voting Board tally was:

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

Nay: (0)

## Resolution R07-188 reads as follows:

A RESOLUTION TO DENY A CONDITIONAL USE PERMIT
PURSUANT TO APPLICATION CUP2700093 TO ALLOW MOTOR
VEHICLE SALES AND AUTOMOBILE REPAIR IN A B-2, URBAN
COMMERCIAL, ZONING DISTRICT, ON ASSESSOR'S PARCELS
53D-1-58, 53D-1-59 AND 53D-2-1, FALMOUTH ELECTION DISTRICT

WHEREAS, Iftikahar Khan, applicant, has submitted application CUP2700093 requesting a Conditional Use Permit to allow motor vehicle sales and automobile repair in a B-2, Urban Commercial, Zoning District, on the above described property; and

WHEREAS, the application has been submitted pursuant to Table 3.1 of the Zoning Ordinance which permits this use in a B-2, Urban Commercial, Zoning District 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 does not meet 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 19th day of June, 2007, that a Conditional Use Permit pursuant to application CUP2700093 be and it hereby is denied.

Planning; Amends Section 22-87, Content,; 22-6, Vesting Rights; 22-86, Filing; and

<u>22-270, Provisions for Pipe Stem, of the Subdivision Ordinance.</u> Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

No person desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Ordinance O07-34.

The Voting Board tally was:

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

Nay: (0)

## Ordinance O07-34 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY
CODE BY AMENDING SECTION 22-87, CONTENT, OF THE SUBDIVISION
ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear and concise; and

WHEREAS, public streets are dedicated to the County for public use; and

WHEREAS, primary roads shall be under the control and ownership of the Commissioner of the Commonwealth of Virginia Department of Transportation; and

WHEREAS, adding a note on a final subdivision plat stating primary roads are dedicated to public street purposes and conveyed in fee simple to the Commissioner of the Commonwealth of Virginia Department of Transportation will clarify ownership and the government process for accepting right-of-ways; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of June, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-87, Content, of the Subdivision Ordinance as follows, with all other portions remaining unchanged:

#### Sec. 22-87. Content

(e) In addition, the final plat shall include the following:

## (5) Streets

e. When a primary road, as defined by VDOT, is being dedicated on a plat, the plat needs to have a note stating: Primary Highway Right of Way dedication of \_\_\_ sq ft (or) \_\_\_ acres is hereby dedicated for public street purposes and conveyed in fee simple to the Commissioner of the Commonwealth of Virginia Department of Transportation."

# (9) Required forms and signatures:

c. Owners consent and dedication statement: The following statement shall be affixed by the surveyor or engineer on the plat: "The platting or dedication of the following described land" (insert a correct description of the land subdivided) "is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any. The roads shown hereon are hereby dedicated to public use street purpose and conveyed in fee simple to the County."

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When the road is a primary road, as defined by VDOT, the statement shall be:

"The right of way is dedicated to public street purposes and conveyed in fee

simple to the Commissioner of the Commonwealth of Virginia Department of

Transportation." Both statements shall be required when both primary and other

roads are being dedicated to public street purposes. The statement shall be signed

by such persons and duly acknowledged before an officer authorized to take

acknowledgement of deeds.

Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Ordinance O07-35.

The Voting Board tally was:

Yea: (7)

Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Ordinance O07-35 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY

CODE BY AMENDING SECTION 22-6, VESTING OF RIGHTS.

OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires to have ordinances that are clear, concise and

consistent: and

WHEREAS, the Board desires to ensure that appropriate public improvements are

planned for when final subdivision plats are submitted to the County; and

WHEREAS, a final plat shall be submitted within one (1) year from the date of

approval of the preliminary subdivision plan to vest the preliminary plan and there are no

restrictions on how many lots need to be shown on the final plat; and

WHEREAS, the Board desires to establish standards for vesting of preliminary subdivision plans; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of June, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-6, Vesting of Rights, of the Subdivision Ordinance as follows, with all other portions remaining unchanged:

# Sec. 22-6. Vesting of rights.

No rights shall vest until approval of the preliminary plan has been given by the authority specified by this chapter. Upon approval of the preliminary plan, it shall be valid for a period of five (5) years provided:

- (a) After preliminary plan approval and prior to recording a final subdivision plat, a construction plan, pursuant to section 22-76, shall be submitted and approved. The construction plan may shall be filed prior to or in conjunction with the submittal of an application for final subdivision plat.
- (b) An application for final subdivision plat for all or a portion of the property has been filed and deemed "officially submitted" by the agent within one year of the approval of the preliminary plan. The final subdivision plat has been filed on standard forms provided by the Department of Planning and Zoning with the applicable fee and all of the submission requirements have been met. If record plat approval is sought for only a

section of the subdivision, such section must contain the following minimum number of lots:

### TABLE INSET:

Lots Shown on Preliminary Plan	Required Minimum
Less than 10 Lots	100 percent of lots
<u>10 – 100 Lots</u>	<u>10 Lots</u>
Over 100	10 percent or twenty-five lots, whichever is less

Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Ordinance O07-37.

The Voting Board tally was:

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

Nay: (0)

# Ordinance O07-37 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-86, FILING, OF THE SUBDIVISION ORDINANCE

WHEREAS, the subdivision ordinance requires submission of a reproducible copy of a subdivision plat; and

WHEREAS, changes in technology have eliminated the necessity for a reproducible copy; and

WHEREAS, the number of copies of subdivision plats required for submission is stated on standard forms provided by the Planning Department; and

WHEREAS, more agencies and offices are required to review plat applications; and

WHEREAS, the Board believes that it is important that the staff receives the necessary number of plat copies to adequately review applications; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of June, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-86, Filing, of the Subdivision Ordinance as follows, with all other portions remaining unchanged:

### Sec. 22-86. Filing

(a) After approval of the preliminary plan for a major subdivision, except where the requirement for preliminary plans has been waived, or for approval of a minor subdivision, a subdivider shall file with the agent an application for final plat approval on standards forms provided by the Department of Planning and Zoning with the applicable fee. The application shall be accompanied by one reproducible copy plus eight (8) prints of the respective plans or plat prepared by a surveyor or engineer.

Mr. Fields motioned, seconded by Mr. Gibbons, to adopt proposed Ordinance O07-38.

The Voting Board tally was:

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

# Nay" (1) Milde

# Ordinance O07-38 read as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-270, PROVISIONS FOR PIPE STEM LOTS, OF THE SUBDIVISION ORDINANCE

WHEREAS, cluster subdivision permits pipe stem lots; and

WHEREAS, there may be a pipe stem lot which does not adjoin another pipe stem lot within a cluster subdivision; and

WHEREAS, there are no regulations dealing with the width of the pipe stem portion of a pipe stem lot which does not adjoin another pipe stem lot; and

WHEREAS, the Board desires to correct this omission; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of June, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-207, Provisions for Pipe Stem Lots, of the Subdivision Ordinance as follows, with all other portions remaining unchanged:

# Sec. 22-270. Provisions for pipe stem lots.

When permitted in the zoning ordinance, pipe stem lots shall conform to the following requirements:

8) The <u>combined</u> minimum width of the pipe stem portion <u>for adjoining pipe stem lots</u> is twenty-four (24) feet (each lot twelve (12) feet) and the common driveway shall be eighteen (18) feet in width. <u>The minimum width of the pipe stem portion of a pipe stem lot which does not adjoin another pipe stem lot is eighteen (18) feet.</u>

<u>Finance</u>; Authorize Lease Financing of Fire and Rescue Vehicles and School Buses and <u>Budget and Appropriate Lease Proceeds for School Technology Equipment.</u> Ms, Maria Perotte, Chief Financial Officer, 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. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-232.

The Voting Board tally was:

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

Nay: (0)

# Resolution R07-232 reads as follows:

A RESOLUTION AUTHORIZING THE EQUIPMENT LEASE FINANCING OF CERTAIN FIRE AND RESCUE EQUIPMENT

WHEREAS, the Board of Supervisors (the "Board") of Stafford County, Virginia (the "County") has determined that it is necessary and advisable to finance, on a tax-exempt or taxable basis, the cost of the acquisition of fire and rescue equipment,

consisting primarily of fire trucks and rescue vehicles for the County (the "Fire and Rescue Equipment") in the maximum principal amount of \$1,449,439; and

WHEREAS, the Fire and Rescue Equipment will be used by various volunteer fire and rescue organizations operations in the County; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, the Board held a public hearing on June 19, 2007 on the proposed lease financing by the County of the Fire and Rescue Equipment;

WHEREAS, the Board previously executed and delivered a Master Lease Agreement dated April 30, 2004, between the County and Banc of America Leasing & Capital LLC (as previously amended, the "Master Lease Agreement"), pursuant to which the County has previously issued and continues to issue tax-exempt and taxable lease financings; and

WHEREAS, the Board finds that it is necessary to amend the Master Lease Agreement to increase the principal amount to be funded thereunder by an additional \$5,000,000 and to revise the index for which interest rates are determined thereunder.

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

Amendment of Master Lease Agreement. The Board authorizes the amendment to the Master Agreement (the "Amendment to Master Lease Agreement," together with the Master Lease Agreement, the "Master Agreement") to increase the principal amount to be funded thereunder by an additional \$5,000,000 and to revise the index for which interest rates are determined thereunder. The County Administrator and the Chairman of the Board, or either of them, are authorized and directed to determine and approve the final index for the determination of interest rates under the Master Lease Agreement. The County Administrator and the Chairman of the Board, or either of them, or such officers as either of them may designate, are authorized to

execute and deliver on behalf of the County the Amendment to Master Lease Agreement.

2. Acceptance of Proposal; Authorization and Execution of Documents.

The County Administrator, or such officer as he may designate, is authorized and directed to accept a proposal to provide financing, on a tax-exempt or taxable basis, for the Fire and Rescue Equipment that the County Administrator, or his designee, determines to be in the County's best interest, in the aggregate principal amount not to exceed \$1,449,439 for the Fire and Rescue Equipment. The County Administrator and the Chairman of the Board, or either of them, or such officers as either of them may designate, are authorized to execute and deliver on behalf of the County an appendix under the Master Agreement or other similar financing agreement and to execute and deliver such instruments, agreements, documents, or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution; 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.

- **Nature of Obligations.** The obligation of the County to make payments under the Master Agreement, or similar financing agreement, will be subject to appropriation each year by the Board. Nothing in this Resolution, the Master Agreement, or similar financing agreement shall constitute a debt or a pledge of the faith and credit of the County.
- **4. Effective Date.** This Resolution shall take effect immediately.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-233.

The Voting Board tally was:

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

Nay: (0)

## Resolution R07-233 reads as follows:

# A RESOLUTION AUTHORIZING THE EQUIPMENT LEASE FINANCING OF SCHOOL BUSES

WHEREAS, the Board of Supervisors (the "Board") of Stafford County, Virginia (the "County") has determined that it is necessary and advisable to finance, on a tax-exempt or taxable basis, the cost of the acquisition of certain school buses (the "School Buses") in the maximum amount of \$1,720,885; and

WHEREAS, the Board previously executed and delivered a Master Lease Agreement dated April 30, 2004, between the County and Banc of America Leasing & Capital LLC (as previously amended, the "Master Lease Agreement"), pursuant to which the County has previously issued and continues to issue tax-exempt and taxable lease financings.

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

### 1. Acceptance of Proposal; Authorization and Execution of Documents.

The County Administrator, or such officer as he may designate, is authorized and directed to accept a proposal to provide financing, on a tax-exempt or taxable basis, for the School Buses that the County Administrator, or his designee, determines to be in the County's best interest, in the aggregate principal amount not to exceed \$1,720,885 for the School Buses. The County Administrator and the Chairman of the Board, or either of them, or such officers as either of them may designate, are authorized to execute and deliver on behalf of the County an appendix under the Master Agreement or other similar financing agreement and to execute and deliver such instruments, agreements, documents, or certificates, and to do and perform such things and acts, as they shall deem necessary or

appropriate to carry out the transactions authorized by this Resolution; 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.

- **Nature of Obligations.** The obligation of the County to make payments under the Master Agreement, or similar financing agreement, will be subject to appropriation each year by the Board. Nothing in this Resolution, the Master Agreement, or similar financing agreement shall constitute a debt or a pledge of the faith and credit of the County.
- **5. Effective Date.** This Resolution shall take effect immediately.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-234.

The Voting Board tally was:

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

Nay: (0)

### Resolution R07-234 reads as follows:

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE GENERAL CAPITAL PROJECT FUND BUDGET FOR SCHOOL TECHNOLOGY EQUIPMENT

WHEREAS, the Board of Supervisors (the "Board") of Stafford County, Virginia (the "County") has determined that it is necessary and advisable to finance, on a tax-exempt or taxable basis, the cost of the acquisition of certain school technology infrastructure upgrades and equipment replacements (the "School Technology"); and

WHEREAS, the Board adopted Resolution R05-76, February 1, 2005 authorizing the financing of School Technology in the maximum principal amount of \$5,340,050; and

WHEREAS, the Stafford County School Board (the "School Board") has purchased the School Technology and has requested the County to appropriate funds to pay for the School Technology; and

WHEREAS, the Board proposes to amend the budget (the "Budget") for the General Capital Project Fund (the "General Capital Project Fund") to account for the purchase of the School Technology by the School Board, to be funded with the proceeds from the lease financing by the County; and

WHEREAS, a public hearing has been held after due publication of notice of the proposed amendment as required by Section 15.2-2507 of the Code of Virginia (1950), as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Stafford County, Virginia that the General Capital Project Fund is amended as follows:

1. <u>Amendment to General Capital Project Fund Budget.</u> The County's Budget is amended as follows:

\$1,645,079 shall be appropriated in the General Capital Project Fund Budget to pay for certain school technology infrastructure upgrades and equipment replacements.

**2.** <u>Authorization of Appropriation.</u> The County appropriates the lease proceeds from the lease financing of the School Technology as follows:

\$1,645,079 shall be appropriated for transfer from the General Capital Project Fund to the School Operating Fund to pay for the School Technology.

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

<u>Legislative</u>; Establish the Salaries of the Members of the Board of Supervisors Effective January 1, 2008. The County Administrator commented.

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Mr. Schwartz motioned, seconded by Mr. Brito, to adopt proposed Resolution R07-207.

Discussion ensued.

Mr. Fields made a substitute motion, seconded by Mr. Gibbons, to adopt proposed Resolution R07-207 with a change.

The Voting Board tally on the substitute motion was:

Yea: (5) Fields, Gibbons, Schwartz, Brito, Cavalier

Nay: (2) Milde, Dudenhefer

Resolution R07-207 reads as follows:

A RESOLUTION ESTABLISHING THE SALARIES OF MEMBERS OF THE BOARD OF SUPERVISORS EFFECTIVE JANUARY 1, 2008

WHEREAS, Section 15.2-1414.2 of the Code of Virginia (1950), as amended, provides that the annual compensation shall be determined by the Board in the following manner: "Prior to July 1 of the year in which members of the board of supervisors are to be elected or, if the board is elected for staggered terms, of any year in which at least forty percent of the members of the board are to be elected, the current board, by a recorded vote of a majority present, shall set a maximum annual compensation which will become effective as of January 1 of the next year;" and

WHEREAS, the time commitment necessary to serve on the Board has increased significantly; and

WHEREAS, the last adjustment in Board Member salaries was on January 1, 2001; and

WHEREAS, a salary adjustment is warranted in consideration of the time commitment and complexity of issues facing the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of June, 2007, that the compensation of the members of the Board of Supervisors be and it hereby is established at Twenty-five Thousand Dollars (\$25,000) beginning January 1, 2008 with an additional increase beginning January 1, 2009 establishing the compensation in the amount of Twenty-six Thousand Three Hundred (\$26,300); and

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors shall be compensated Twenty-five Thousand Nine Hundred Dollars (\$25,900) per year effective January 1, 2008 with an additional increase beginning January 1, 2009 establishing the compensation in the amount of Twenty-seven Thousand Two Hundred Dollars (\$27,200).

<u>Adjournment.</u> At 7:45 P. M., the Chairman declared the meeting adjourned to the meeting on June 23, 2007 at 9:00 A. M.

Steve Crosby	Jack R. Cavalier
County Administrator	Chairman