

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

September 7, 2010

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 1:01 p.m., Tuesday, September 7, 2010, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Cord A. Sterling; Susan B. Stimpson; and Robert “Bob” Woodson. Harry E. Crisp II was absent, and Gary F. Snellings arrived at 1:14 p.m.

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

Presentation of VACo 2010 Achievement Award to Stafford County for Fire Station 14 Mr. Gage Harter, Communications Director for the Virginia Association of Counties (VACo), presented the award to Fire Chief Rob Brown, Fire and Rescue Public Information Officer, Mark Doyle, and Ron Billingsley, Assistant Director of Parks, Recreation and Community Facilities. Following presentation of the award, Mr. Dudenhefer made remarks and thanked Mr. Harter for attending the meeting and acknowledged those involved in the success of Fire Station 14.

Presentation of a Donation to Stafford County by Dominion Virginia Power Mr. Leroy Adkins, Business Performance Analyst/Customer Outreach, and Mr. James Beasley,

State and Local Affairs Director with Dominion Virginia Power, were on hand to present a donation of \$2500 to County Administrator, Anthony Romanello, and Chairman, Mark Dudenhefer. The intent of the donation was as a start-up to the Stafford Safety Net fund.

Legislative; Presentation of a Proclamation to Recognize and Commend Charles McDaniel for Receiving the Storage Institute’s 2009 Lifetime Achievement Award Mr. Milde presented the proclamation and Mr. McDaniel thanked those present for the recognition and ongoing support of the Board of Supervisors.

Legislative; Presentations by the Public

The following persons desired to speak:

- Dean Fetterolf - Comprehensive Plan
- Patricia Kurpiel - Comprehensive Plan

Presentation – VDOT Report on Stafford’s Draft Comprehensive Plan Ms. Jamie Brown-Porter, Assistant District Administrator, gave a preliminary review of the Transportation Element of the 2009 Draft Comprehensive Plan and answered Board members questions. Also in attendance was VDOT’s Residency Administrator, Mr. Quintin Elliott. Ms. Brown-Porter also gave those present a brief overview of current, on-going road projects.

Mr. Snellings thanked Mr. Elliott for his staff member, Mr. Adam Campbell’s attendance at the Hartwood Town Hall meeting.

Mr. Woodson asked how VDOT can provide a review if they have not received the final draft of the Comprehensive Plan. Ms. Brown-Porter replied that they anticipate receipt of the final draft on Friday, September 10<sup>th</sup>, and at that time, they would begin a comprehensive review. She added that the direction seen so far is consistent with that of the Commonwealth Transportation Board’s plan. Mr. Woodson asked about the reference to there being no more rural areas in the County and inquired if this was unique to Stafford. Ms. Brown-Porter said that it was not specific to Stafford, that the term “rural” was based on population density and came from a state-wide formula.

Mr. Sterling talked about Route 3 east and Route 17 west as being “choke points”. Ms. Brown-Porter said that without a Transportation Impact Analysis, she could not comment on the eventual impact in these two areas but agreed that a study would be beneficial.

Mr. Dudenhefer thanked VDOT for the great job that they do and expressed the Board’s appreciation for their evaluation of the draft document.

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

- |                |   |   |
|----------------|---|---|
| Mr. Snellings  | - | Thanked Jeff Harvey, Director of Planning and Zoning, for attending the August 31 <sup>st</sup> Town Hall Meeting regarding the draft Comprehensive Plan. |
|                | - | Hartwood Days will be held on September 11 <sup>th</sup> , beginning at 9:00 a.m. at Hartwood Presbyterian Church.  |
| Mr. Sterling   | - | Deferred  |
| Ms. Stimpson   | - | Deferred  |
| Mr. Woodson    | - | Deferred  |
| Mr. Crisp      | - | Absent  |
| Mr. Milde      | - | Commented on the Public Presentation portion of Board meetings.   |
|                | - | Draft Comprehensive Plan  |
|                | - | Attended Stafford High School Open House  |
| Mr. Dudenhefer | - | Commented on the continuous hard work by all Board members.   |
|                | - | Draft Comprehensive Plan  |

Legislative; Report of the County Attorney Mr. Joe Howard, County Attorney, noted that there were no additions to the Closed Meeting agenda.

Legislative; Report of the County Administrator Mr. Anthony J. Romanello, County Administrator, introduced Ms. Maria Perrotte, Chief Financial Officer, who gave a report on the County's efforts to save money and PFM's surveillance of interest and financing rates.

Legislative; Additions and Deletions to the Regular Agenda

There were no additions or deletions to the agenda.

Legislative; Consent Agenda Ms. Stimpson motioned, seconded by Mr. Sterling, to approve the Consent Agenda consisting of Items 2 through 7.

The Voting Board tally was:

Yea: (6) Stimpson, Sterling, Dudenhefer, Milde, Snellings, Woodson

Nay: (0)

Absent: (1) Crisp

Item 2. Legislative; Approve Minutes of August 17, 2010 Board Meeting

Item 3. Finance and Budget; Approve Expenditure Listing

Resolution R10-274 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED AUGUST 17, 2010 THROUGH SEPTEMBER 6, 2010

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 7<sup>th</sup> day of September 2010 that the above-mentioned EL be and hereby is approved.

Item 4. Finance and Budget; Authorize Issuance and Sale of Utility Revenue Refunding Bonds

Resolution R10-262 reads as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA AUTHORIZING THE ISSUANCE AND SALE OF WATER AND SEWER SYSTEM REVENUE REFUNDING BONDS AND SETTING FORTH THE FORM, DETAILS, AND PROVISIONS FOR THE PAYMENT THEREOF

WHEREAS, the Board of Supervisors (the “Board”) of the County of Stafford, Virginia (the “County”) has determined that it is desirable to undertake the refunding of all or a portion of the County’s outstanding Water and Sewer System Revenue Bonds, Series 1996 (the “1996 Bonds”); and

WHEREAS, the Board has determined that it is in the best interest of the County to issue its Water and Sewer System Revenue Refunding Bond or Bonds in one or more series in the maximum aggregate principal amount of \$4,000,000 (the “Refunding Bonds”) and to use the proceeds of the sale thereof, along with other available funds, if any, to refund the 1996 Bonds and to pay the costs of issuance of the Refunding Bonds; and

WHEREAS, the County has applied to the Virginia Resources Authority (“VRA”) for the purchase of the Refunding Bonds from the proceeds of VRA’s Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2010C (as more particularly defined in the below-defined Financing Agreement, the “VRA Bonds”), in accordance with the terms of a Financing Agreement to be dated as specified by VRA, between VRA and the County (the “Financing Agreement”), and a Local Bond Sale Agreement to be dated as specified by VRA, between VRA and the County (the “Sale Agreement”), the forms of which are on file with the County Administrator; and

WHEREAS, the Sale Agreement shall indicate that the County agrees to sell and deliver to VRA the Refunding Bonds at a price, determined by VRA to be fair and accepted by the Local Government, that, subject to VRA’s Purchase Price Objective (as defined below) and market conditions, achieves an aggregate net present value debt service savings of not less than 3% of the par amount of the 1996 Bonds to be refunded (the “Targeted Savings”); and

WHEREAS, VRA has advised the County that the sale date of the VRA Bonds is tentatively scheduled for November 4, 2010, but may occur, subject to market conditions, at any time between November 1, 2010, and December 1, 2010 (the “VRA Sale Date”), and that VRA’s objective is to pay the County a purchase price for the Refunding Bonds which in VRA’s judgment reflects their market value (the “Purchase Price Objective”) taking into consideration the Targeted Savings and such factors as the purchase price received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters’ discount and other costs incurred by VRA) (collectively, the “VRA Costs”), and other market conditions relating to the sale of the VRA Bonds; and

WHEREAS, the Sale Agreement will provide that the terms of the Refunding

Bonds may not exceed the parameters set forth herein; and

WHEREAS, the Refunding Bonds may be issued as “Bonds” or “Parity Indebtedness” under the Master Indenture of Trust dated as of November 1, 1993 (as supplemented and amended, the “Indenture”), between the County and The Bank of New York (successor to Signet Trust Company), as trustee; and

WHEREAS, unless otherwise defined herein, each capitalized term used herein shall have the meaning given it in the Indenture; and

WHEREAS, pursuant to Section 15.2-2606 of the Code of Virginia of 1950, as amended (the “Virginia Code”), no public hearing on the issuance of the Refunding Bonds is required;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of September, 2010 that it be and hereby does:

**1. Authorization of Refunding Bonds and Use of Proceeds.** The Board hereby finds and determines that it is advisable and in the best interest of the County to contract a debt and to issue and sell the Refunding Bonds in the maximum aggregate principal amount of \$4,000,000, to or at the direction of VRA, all pursuant to the terms of (i) this Resolution, (ii) the Indenture, and (iii) the Sale Agreement and the Financing Agreement, or a combination thereof. Such issuance and sale of the Refunding Bonds are hereby authorized and approved. The Refunding Bonds shall be designated the “Stafford County, Virginia Water and Sewer

System Revenue Refunding Bonds,” or such other designation as may be approved in the discretion of the County Administrator and the Chief Financial Officer, or either of them, and shall include an appropriate series designation. The proceeds from the issuance and sale of the Refunding Bonds shall be used, together with other available funds, including without limitation amounts held in the Debt Service Reserve Fund in excess of the Debt Service Reserve Requirement, if any, to refund all or a portion of the 1996 Bonds and to pay the costs of issuance of the Refunding Bonds.

**2. Details of Refunding Bonds.** The Refunding Bonds shall be issued as a single bond or bonds in fully registered form. The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to determine and approve the final details of the Refunding Bonds, including without limitation, whether the Refunding Bonds shall be issued as Bonds or Parity Indebtedness under the Indenture, the final aggregate principal amount, the interest rate or rates, the maturity or payment dates and amounts, series designation, the optional redemption provisions, and the final maturity date; provided, however, that (i) the maximum aggregate principal amount of the Refunding Bonds shall not exceed the amount set forth in paragraph 1 of this Resolution, (ii) the aggregate net present value debt service savings resulting from the issuance of the Refunding Bonds shall not be less than the Targeted Savings, and (iii) the final maturity date of the Refunding Bonds shall be no later than October 1, 2015. The approval of such details shall be evidenced conclusively by the execution and the delivery of the Refunding Bonds.

**3. Pledge of Net Revenues.** The Refunding Bonds shall be limited obligations of the County and, except to the extent payable from the proceeds of the sale of the Refunding Bonds or the income, if any, derived from the investment thereof, are payable exclusively from the Net Revenues and other money or property held under the Indenture, which the County hereby pledges to the payment of the principal of, premium, if any, and interest on the Refunding Bonds pursuant to the terms of the Indenture and the Financing Agreement. Neither the Commonwealth of Virginia nor any of its political subdivisions, including the County, shall be obligated to pay the principal of, premium, if any, or interest on the Refunding Bonds or other costs incident to them except from the Net Revenues and any other money or property pledged for such purpose, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any of its political subdivisions, including the County, is pledged to the payment of the principal of, premium, if any, or interest on the Refunding Bonds or other costs incident to them. The issuance of the Refunding Bonds does not directly, indirectly or contingently obligate the Commonwealth of Virginia or any of its political subdivisions, including the County, to levy any taxes for the payment of the Refunding Bonds.

**4. Form of Refunding Bonds.** The Refunding Bonds shall be in substantially the form on file with the County Administrator, with such variations, insertions or deletions as may be approved by the County Administrator and the Chief Financial Officer, or either of them, whose approval shall be evidenced conclusively by the execution and delivery of the Refunding Bonds. There may be endorsed on the Refunding Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

**5. Execution and Delivery of Refunding Bonds.** The Chairman of the Board is authorized and directed to execute the Refunding Bonds. The Clerk of the Board is authorized and directed to affix the seal of the County to the executed Refunding Bonds and to attest it and such officers are authorized and directed to deliver the Refunding Bonds or to cause the Refunding Bonds to be delivered to or at the direction of VRA upon payment of the purchase price therefor. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Chairman and the Clerk are both by facsimile, the Refunding Bonds shall not be valid until signed at the foot thereof by the manual signature of the Registrar.

**6. Registration, Transfer and Exchange.** The County appoints the Chief Financial Officer as its registrar and transfer agent (the “Registrar”) to keep books for the registration and transfer of the Refunding Bonds and to make such registrations and transfers on such books under such reasonable regulations as the County may prescribe.

Upon surrender for transfer or exchange of the Refunding Bonds at the office of the Registrar, the County shall cause the execution and delivery in the name of the transferee or registered owner, as applicable, new Refunding Bonds for a principal amount equal to the Refunding Bonds surrendered and of the same date and tenor as the Refunding Bonds surrendered, subject in each case to such reasonable regulations as the County may prescribe. If surrendered for transfer, exchange, redemption or payment, the Refunding Bonds shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the

Registrar, duly executed by the registered owner or by such owner's duly authorized attorney-in-fact or legal representative.

New Refunding Bonds delivered upon any transfer or exchange shall be a valid limited obligation of the County, evidencing the same debt as the Refunding Bonds surrendered and shall be entitled to all of the security and benefits of this Resolution to the same extent as the Refunding Bonds surrendered.

**7. Charges for Exchange or Transfer.** No charge shall be made for any exchange or transfer of the Refunding Bonds, but the Registrar may require payment by the holder of such Refunding Bonds of a sum sufficient to cover any tax or any other governmental charge that may be imposed in relation thereto.

**8. Mutilated, Lost, Stolen or Destroyed Refunding Bonds.** If the Refunding Bonds have been mutilated, lost, stolen or destroyed, the County shall execute and deliver new Refunding Bonds of like date and tenor in exchange and substitution for, and upon delivery to the Registrar and cancellation of, such mutilated Refunding Bonds, or in lieu of and in substitution for such lost, stolen or destroyed Refunding Bonds; provided, however, that the County shall execute, authenticate and deliver new Refunding Bonds only if its registered owner has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost, stolen or destroyed Refunding Bonds (i) has filed with the Registrar evidence satisfactory to him or her that such Refunding Bonds were lost, stolen or destroyed and that the holder of the Refunding Bonds was its registered owner and (ii) has furnished to the County indemnity satisfactory to the Registrar. If the Refunding Bonds have matured, instead of issuing new Refunding Bonds, the County may pay the Refunding Bonds without surrender upon receipt of the aforesaid evidence and indemnity.

**9. Financing Documents.** The Sale Agreement and the Financing Agreement are approved in substantially the forms on file with the County Administrator, with such changes, insertions, and deletions not inconsistent with this Resolution as may be approved by the County Administrator and the Chief Financial Officer, or either of them. The Financing Agreement and the Sale Agreement may be combined into one document as may be required by VRA and agreed to by the County Administrator and the Chief Financial Officer, or either of them. There are hereby approved such other instruments, agreements, or documents (collectively with the Sale Agreement and the Financing Agreement, the "Financing Documents") as may be required by the Indenture or required by VRA and agreed to by the County Administrator and the Chief Financial Officer, or either of them, including without limitation a Supplemental Indenture and an escrow agreement. The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to execute and deliver the Financing Documents in such form and containing such provisions (including provisions to provide certain reserves, if any, and to pay certain amounts as required under the Financing Agreement) as may be approved by the County Administrator and the Chief Financial Officer, or either of them. Such approval shall be evidenced conclusively by the execution and delivery of the Financing Documents by either such officer.

**10. Disclosure Documents.** The County Administrator and the Chief Financial Officer and such officers and agents of the County as may be designated by



either of them, are hereby authorized and directed to prepare, execute, and deliver any appropriate disclosure documents regarding the County as may be necessary in connection with the public offering and sale of the VRA Bonds. The distribution and use by VRA of such disclosure in connection with such public offering and sale are hereby authorized and approved. The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to take whatever actions with respect to such disclosure documents as are necessary and/or appropriate to ensure compliance with Securities and Exchange Commission Rule 15c2-12.

**11. Tax Documents.** The County Administrator and the Chief Financial Officer are authorized to execute a Tax Compliance Agreement or any related document (the “Tax Documents”) setting forth the expected use and investment of the proceeds of the Refunding Bonds and containing such covenants as may be necessary in order to cause the Refunding Bonds or the VRA Bonds to comply with the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), including the provisions of Section 148 of the Code and applicable regulations relating to “arbitrage bonds.” The County covenants that the proceeds from the issuance and sale of the Refunding Bonds will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the Refunding Bonds and the County shall comply with the other covenants and representations contained therein.

**12. SNAP Investment Authorization.** The Board authorizes the option to utilize the State Non-Arbitrage Program of the Commonwealth of Virginia (“SNAP”) in connection with the investment of the proceeds of the Refunding Bonds. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

**13. Qualified Tax-Exempt Obligation.** To the extent the County intends to satisfy the requirements set forth in Section 265(b)(3) of the Code, and if requested by VRA, the County Administrator and Chief Financial Officer, or either of them, are hereby authorized to designate the Refunding Bonds for purposes of such section.

**14. Further Actions; Authorized Representative.** The Chairman, the Clerk, the County Administrator, the Chief Financial Officer, and such officers and agents of the County as may be designated by any of them are authorized and directed to take such further actions as they deem necessary regarding the issuance and sale of the Refunding Bonds, the refunding of all or a portion of the 1996 Bonds, and the execution, delivery and performance of the Financing Documents, including, without limitation, (i) the authorization of the release of amounts from the Debt Service Reserve Fund and the application thereof to the payment of the 1996 Bonds or the costs of issuance of the Refunding Bonds or another purpose permitted by the Indenture and (ii) the execution and delivery of closing documents and certificates. All such actions previously taken by such officers and agents are ratified and confirmed. Any authorization or direction to the Chairman, the Clerk, or the County Administrator under this Resolution shall also be deemed to be an authorization or a direction to the Vice Chairman, an Assistant or Deputy Clerk, or a Deputy County Administrator, respectively. The County Administrator and the Chief Financial Officer, or either of them, is authorized to

designate the County's Authorized Representatives for purposes of the Financing Agreement.

**15. Filing of Resolution.** The County Attorney is authorized and directed to file a certified copy of this Resolution with the Circuit Court of Stafford County, Virginia, pursuant to Section 15.2-2607 of the Virginia Code.

**16. Effective Date; Applicable Law.** In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Refunding Bonds pursuant to the provisions of the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Virginia Code. This Resolution shall take effect immediately.

### **FORM OF REFUNDING BOND**

**R-1**

**UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD  
WATER AND SEWER SYSTEM REVENUE REFUNDING BOND,  
SERIES 2010**

**REGISTERED OWNER: VIRGINIA RESOURCES AUTHORITY**

**PRINCIPAL AMOUNT:**

The **COUNTY OF STAFFORD, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), for value received, promises to pay, solely from the revenues and other property pledged to the payment of this Bond, to the registered owner of this Bond or legal representative, the principal sum stated above. Principal of this Bond shall be payable in annual installments in the amounts and on the dates set forth in Schedule I attached hereto. Interest on this Bond shall be payable on each \_\_\_\_\_ and \_\_\_\_\_, commencing \_\_\_\_\_, \_\_\_\_\_, computed on the basis of a 360-day year of twelve 30-day months at the rates set forth in Schedule I.

If any installment of principal of this Bond is not paid to the registered owner of this Bond within ten (10) days after its due date, the County shall pay to the registered owner of this Bond a late payment charge in an amount equal to five percent (5%) of the overdue installment.

Subject to the provisions of the Financing Agreement dated as of \_\_\_\_\_ 1, 2010 (the "Financing Agreement"), between VRA and the County, so long as this Bond is held by VRA or its registered assigns or legal representative, interest is payable by check or draft mailed to the registered owner of this Bond at the address that appears on the 15th day of the month preceding each interest payment date on the registration books kept by the Chief Financial Officer, who has been appointed registrar and paying agent, or any successor bank or trust company (the "Registrar"). Principal of and premium, if any, and interest on this Bond shall be payable in lawful money of the United States of America. In case any payment date on this Bond shall not be a Business Day (as defined below), then payment of principal, premium, if any, and interest need not be

made on such date, but may be made on the next succeeding Business Day, and, if made on such next succeeding Business Day, no additional interest shall accrue for the period after such payment date. “Business Day” means any Monday, Tuesday, Wednesday, Thursday or Friday on which commercial banking institutions generally are open for business in New York and Virginia.

The issuance of this Bond has been duly authorized by the Board of Supervisors of the County by a resolution adopted on September 7, 2010 (the “Resolution”), under the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended. The County will use the proceeds of this Bond, along with other available funds, if any, to refund all or a portion of the County’s Water and Sewer System Revenue Bonds, Series 1996, and to pay the cost of issuance of this Bond.

This Bond is issued pursuant to the terms of: the Resolution; the Financing Agreement; and a Master Indenture of Trust dated as of November 1, 1993 (as supplemented and amended, the “Local Indenture”), between the County and The Bank of New York (successor to Signet Trust Company), as trustee (the “Trustee”). Reference is made to the Resolution, the Financing Agreement, and the Local Indenture for a description of the revenues and property pledged and assigned and the provisions, among other things, with respect to the nature and extent of the security for this Bond, the rights and obligations of the County and the Trustee, the terms on which this Bond is issued, the rights of the registered owner of this Bond, and the provisions for defeasance of such rights.

This Bond is issued under the Local Indenture as [a Bond/Parity Indebtedness] (as defined in the Local Indenture).

This Bond is a limited obligation of the County and, except to the extent payable from the proceeds of the sale of this Bond or the income, if any, derived from the investment thereof, is payable exclusively from the Net Revenues and other money or property held under the Indenture.

**NEITHER THE COMMONWEALTH OF VIRGINIA NOR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY, SHALL BE OBLIGATED TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, OR INTEREST ON THIS BOND OR THE OTHER COSTS INCIDENT TO IT EXCEPT FROM THE NET REVENUES AND ANY OTHER MONEY OR PROPERTY PLEDGED FOR SUCH PURPOSE, AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE COMMONWEALTH OF VIRGINIA OR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY, IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF, PREMIUM, IF ANY, OR INTEREST ON THIS BOND OR OTHER COSTS INCIDENT TO IT. THE ISSUANCE OF THIS BOND DOES NOT DIRECTLY, INDIRECTLY OR CONTINGENTLY OBLIGATE THE COMMONWEALTH OF VIRGINIA OR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY, TO LEVY ANY TAXES FOR THE PAYMENT OF THIS BOND.**

If any failure of the County to pay all or any portion of any required payment of the principal of or premium, if any, or interest on this bond results in a withdrawal from

the Capital Reserve Fund, the Infrastructure Revenue Debt Service Reserve Fund, the Operating Reserve Fund and/or a drawing on any CRF Credit Facility or the Infrastructure Revenue DSRF Credit Facility (each as defined in the Financing Agreement), the interest rates applicable to this bond shall be increased to interest rates sufficient to reimburse the Capital Reserve Fund, the Infrastructure Revenue Debt Service Reserve Fund and/or the Operating Reserve Fund for any foregone investment earnings on the funds withdrawn therefrom and/or pay any interest, fees or penalties assessed by the CRF Credit Provider and/or the Infrastructure Revenue DSRF Credit Provider as a result of the drawing on the CRF Credit Facility or the Infrastructure Revenue DSRF Credit Facility, as appropriate. The increment of interest payable pursuant to the increase in rates shall be referred to as “Supplemental Interest.” The term “interest” as used in this bond shall include Supplemental Interest, when and if payable. The County’s obligation to pay Supplemental Interest shall commence on the date of VRA’s withdrawal of funds from the Capital Reserve Fund, the Infrastructure Revenue Debt Service Reserve Fund and/or the Operating Reserve Fund or the drawing on the CRF Credit Facility or the Infrastructure Revenue DSRF Credit Facility occasioned by the County’s failure to pay a required payment or portion thereof as described above (the “Supplemental Interest Commencement Date”). The County’s obligation to pay Supplemental Interest shall terminate on the date on which the County remedies such failure to pay by making all payments required but outstanding since the date of such failure to pay (the “Supplemental Interest Termination Date”). From the Supplemental Interest Commencement Date to the Supplemental Interest Termination Date, Supplemental Interest shall be due and payable on the regularly scheduled interest payment dates provided for in this bond. As soon as reasonably possible after the Supplemental Interest Commencement Date and before the next regularly scheduled interest payment date provided for in this bond, VRA shall deliver to the County a certificate as to the increase in interest rates and the amount of Supplemental Interest. The certificate shall set forth in reasonable detail the basis for the increase in interest rates and the manner of calculation of the increase and the amount of Supplemental Interest. Such certificate shall be conclusive (absent manifest error) as to the interest rate increase and amount of Supplemental Interest set forth therein. In determining the interest rate increase and the amount of Supplemental Interest, VRA may use any reasonable averaging and attribution methods.

The obligations of the County under this Bond shall terminate when all amounts due and to become due pursuant to this Bond and the Financing Agreement have been paid in full.

This Bond may not be prepaid except as provided in the Financing Agreement.

This Bond may be transferred only by an assignment duly executed by the registered owner or such owner's attorney or legal representative in form satisfactory to the Chief Financial Officer, as registrar. Such transfer shall be made in the registration books kept by the Chief Financial Officer, as registrar, upon presentation and surrender of this Bond.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to the issuance of this Bond have happened, exist or been performed

in due time, form and manner as so required and that the indebtedness evidenced by this Bond is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

**IN WITNESS WHEREOF**, the County of Stafford, Virginia has caused this Bond to be signed by the Chairman of its Board of Supervisors and the County's seal to be affixed and attested by the signature of the Clerk of the Board of Supervisors.

**COUNTY OF STAFFORD, VIRGINIA**

Item 5. Legislative; Reappoint Terry Payne to the Board of Directors of the Stafford / Staunton Industrial Development Authority

Item 6. Public Information; Recognize and Commend:

Proclamation P10-24 reads as follows:

A PROCLAMATION TO RECOGNIZE SEPTEMBER 18, 2010 AS  
“COMMUNITY WELLNESS DAY” IN STAFFORD COUNTY

WHEREAS, Community Wellness Day is a national event focusing on educating all members of the community on important information that is critical to the total wellness of all our residents; and

WHEREAS, this event will provide an array of information on health, safety, environmental and financial wellness including health screenings, drug and alcohol awareness information, financial literacy and environmental awareness; and

WHEREAS, Community Wellness Day will take place in many cities nationwide during a three-week period in the fall of 2010; and

WHEREAS, in Stafford County, Community Wellness Day events will take place at Anne Moncure Elementary School from 10:00 a.m. to 2:00 p.m. Saturday, September 18, 2010; and

WHEREAS, staff from the Stafford Sheriff's Office will be on hand on September 18, 2010 to provide important ID information for children, families and senior citizens; and

WHEREAS, the Stafford Fire and Rescue Department will provide fire prevention and safety information;

NOW, THEREFORE BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of September, 2010, that Saturday, September 18, 2010 be and it hereby is recognized as “Community Wellness Day” in Stafford County, Virginia.

Proclamation P10-25 reads as follows:

A PROCLAMATION TO RECOGNIZE CHARLES G. "CHARLIE"  
MCDANIEL, CHAIRMAN OF THE HILLDRUP COMPANIES, RECIPIENT  
OF A LIFETIME ACHIEVEMENT AWARD

WHEREAS, Charles G. "Charlie" McDaniel was the recipient of the Moving and Storage Institute's 2009 Lifetime Achievement Award for Distinguished Service, the "highest honor bestowed by the moving industry" at the American Moving and Storing Association's Annual Education Conference and Expo; and

WHEREAS, the Lifetime Achievement Award for Distinguished Services is presented annually to individuals who demonstrate leadership, professionalism and integrity, and make significant and innovative technological and operational and/or sales contributions that lead to growth and advancement in the moving industry; and

WHEREAS, the award is given to active members of the American Moving and Storage Association with at least 20 years of industry service; and

WHEREAS, the recipient must have made a contribution to the planning, promotion, and execution of a special project, and enhanced the overall public image of the moving and storage industry through leadership in the community; and

WHEREAS, Charles G. "Charlie" McDaniel became only the third president of Hilldrup in 1976, a firm acquired by his father from founder R.G. Hilldrup in 1940; and

WHEREAS, Charles G. "Charlie" McDaniel was the former American Moving and Storing Association chairman, served on the Board of Directors for UniGroup for 22 years, is a former board secretary-treasurer, and is the only United agent who has received its President's Quality Award three times, and its Customer Award choice 15 times; and

WHEREAS, Charles G. "Charlie" McDaniel and the Hilldrup Companies have been a good business partner to Stafford County, giving back to residents in countless ways including serving as a Pacesetter for the Rappahannock United Way campaign, holding blood drives for the American Red Cross, and conducting fundraisers for the National Breast Cancer Foundation as well as offering one of its own trailers to community organizations to use for various functions such as parade judging stands, food drive collection sites, main stages for charity walks and races and more;

NOW, THEREFORE BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of September, 2010, that the Board be and it hereby does recognize Charles G. "Charlie" McDaniel for his receipt of the American Moving and Storing Association's Lifetime Achievement Award for Distinguished Service.

Proclamation P10-26 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND EPIPHANY BAY FARM (MICHAEL AND CARLENE KERR) AS THE RECIPIENT OF THE 2009 BAY FRIENDLY CLEAN WATER FARM AWARD

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

WHEREAS, the mission of the Tri-County/City SWCD is to provide technical assistance, educational programs, newsletters and volunteer opportunities to citizens to raise awareness about water quality, nonpoint source pollution and stream health; and

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

WHEREAS, Epiphany Bay Farm in Stafford has been selected to receive the 2009 Bay Friendly Clean Water Farm Award; and

WHEREAS, Epiphany Bay Farm has demonstrated a commitment to the conservation of natural resources through responsible farm management practices which includes planting and maintaining a good grass cover to prevent soil from washing into nearby streams; applying the correct amount of fertilizer according to soil test; proper manure handling; installing cross fence to establish smaller fields to better utilize forages and rotational grazing system; installing pipeline and watering troughs to provide fresh drinking water for the animals; and

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

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of September, 2010, that Epiphany Bay Farm be and they hereby are commended as the recipients of the 2009 Bay Friendly Clean Water Farm Award.

Item 7. Sheriff; Budget and Appropriate Grant Funds for the Regional Radio Communication Inoperability Project

Resolution R10-276 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE IDENTIFIED GRANT FUNDS TO THE SHERIFF'S BUDGET FOR THE

FACILITATION OF THE REGIONAL RADIO COMMUNICATION INTEROPERABILITY PROJECT (CFDA #97.073)

WHEREAS, a regional State Homeland Security Grant (SHSGP) to be facilitated by Stafford County has recently been awarded to allow Stafford County to upgrade its radio fleet associated with the implementation of its 700/800 MHz public safety radio communications system to the latest technology in the APX model radios by providing funding equal to the cost difference in the technology; and

WHEREAS, it also provides for the purchase of APX model radios capable of dual band functionality for regional partners (i.e. Aquia Police Department and Quantico Fire Department); and

WHEREAS, the APX radios will be capable and/or enabled with dual band technology, thereby providing provides for greater regional communications interoperability; and

WHEREAS, there are no matching funding required of Stafford County or other localities to facilitate these Grants;

NOW, THEREFORE, BE IT RESOLVED that by the Stafford County Board of Supervisors on this the 7th day of September, 2010, Nine Hundred Seventy Thousand Six Hundred Dollars (\$970,600) be and it hereby is budgeted and appropriated to the Sheriff's Office Budget.

Finance and Budget; Authorize a Public Hearing Regarding VPSA Bonds Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and answered Board members questions. Mr. Scott Horan, Schools Chief Facilities Officer also addressed the Board.

Mr. Dudenhefer asked that the calculated cost of the convenience of presentation to the Board once each year versus twice be reported back to the Board.

Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R10-225.

The Voting Board tally was:

- Yea: (6) Stimpson, Sterling, Dudenhefer, Milde, Snellings, Woodson
- Nay: (0)
- Absent: (1) Crisp



Resolution R10-225 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER PARTICIPATION IN THE FALL 2011 VIRGINIA PUBLIC SCHOOL AUTHORITY BOND SALE AND TO BUDGET AND APPROPRIATE THE BOND PROCEEDS

WHEREAS, the Board has received a request from the Superintendent of the Stafford County Public Schools to contract a debt and issue General Obligation Bonds of the County in the maximum amount of \$8,255,000 in one or more series to finance certain capital improvements for public school purposes (the "Bonds") and to sell such bonds to the Virginia Public School Authority ("VPSA"); and

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

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

1. The County Administrator is authorized to advertise a public hearing to seek public comment on the issuance of the Bonds and on budgeting and appropriating the proceeds.
2. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County or the School Board of the County of Stafford, Virginia, to pay the costs of acquiring, constructing, and equipping the Projects from the proceeds of the Bonds to be issued in the maximum amount of \$8,255,000.
3. This resolution shall take effect immediately upon its adoption.

Discuss Rollback Taxes Mr. Milde introduced this item and Mr. Scott Mayausky, Commissioner of the Revenue gave a presentation and answered Board members questions.

Hearing no objections, the Board referred this item to the Agricultural/PDR Committee to further study the issue of using Land Use rollback taxes as a dedicated source of revenue for land conservation programs. Mr. Mayausky stated that he would also attend and make a presentation at a future Agricultural/PDR Committee meeting.

Discuss Transfer of Development Rights Mr. Milde introduced this item.

Hearing no objections, the Board requested that the County Attorney’s office create a draft TDR ordinance and bring this item back to the Board at its September 21<sup>st</sup> meeting. The Board also requested that specific sending and receiving areas of the County be identified.

Legislative; Overview of Efforts of the Governor’s Commission on Reform and Restructuring Mr. David Gayle, Assistant Director of Legislative Affairs gave a presentation and answered Board members questions.

Mr. Gayle discussed the work of the Simplification and Operations Committee and the intergovernmental relations of the Governor’s Reform Commission. He updated the Board on what is known to date regarding the Governor’s proposal to privatize the sale of distilled spirits in the Commonwealth and efforts to encourage regionalism among localities.

Recess At 3:28 p.m., the Chairman declared a 10-minute recess and requested a vote to enter into Closed Session.

Legislative; Closed Meeting Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Resolution CM10-21.

The Voting Board tally was:

Yea: (6) Sterling, Stimpson, Dudenhefer, Milde, Snellings, Woodson

Nay: (0)

Absent: (1) Crisp

Resolution CM10-21 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting (1) Legal Advice regarding Issues related to the PPEA Master Agreement with Teng Construction; (2) Legal Advice re Pending Litigation inn *DGF Land Co., et al v. Board of Zoning Appeals* and *Board of Supervisors et al v. DGF Land et al.*; and (3) a Personnel Matter regarding County Attorney Recruitment and Applicants; 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 County Board of Supervisors on this the 7<sup>th</sup> day of September, 2010, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order At 4:10 p.m., the Chairman called the meeting to order

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Resolution CM10-21(a).

The Voting Board tally was:

Yea: (6) Sterling, Stimpson, Dudenhefer, Milde, Snellings, Woodson

Nay: (0)

Absent: (1) Crisp

Resolution CM10-21(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON SEPTEMBER 7, 2010

WHEREAS, the Board has, on this the 7<sup>th</sup> day of September, 2010 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 7<sup>th</sup> day of September, 2010, 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.

Mr. Sterling motioned, seconded by Mr. Milde to adopt proposed Resolution R10-272.

The Voting Board tally was:

Yea: (6) Sterling, Milde, Dudenhefer, Snellings, Stimpson, Woodson  
Nay: (0)  
Absent: (1) Crisp

Resolution R10-272 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO TERMINATE COMPREHENSIVE AGREEMENT WITH TENG  
CONSTRUCTION, LLC FOR CONSTRUCTION OF FIRE AND RESCUE  
STATIONS

WHEREAS, the County has in place a Comprehensive Agreement with Teng Construction, LLC for the completion of seven (7) fire and rescue stations in the County; and

WHEREAS, two (2) fire and rescue stations have been completed under this Agreement which is the minimum number required under the terms of the Agreement; and

WHEREAS, staff recommends pursuing other options for completing additional fire and rescue stations; and

WHEREAS, the Board finds that it is in the public interest to terminate the existing Comprehensive Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of September, 2010, that the County Administrator be and he hereby is authorized to terminate the Comprehensive Agreement for the construction of fire and rescue stations with Teng Construction, LLC.

Finance and Budget; Authorize Public Hearing to Amend and Reordain Stafford County Code, Chapter 23, Article I, Section 23-11 “Tax on Probate of Wills or Grants of Administration

Mr. Sterling motioned, seconded by Ms. Stimpson, to defer this item.

The Voting Board tally was:

Yea: (6) Sterling, Milde, Dudenhefer, Snellings, Stimpson, Woodson  
Nay: (0)  
Absent: (1) Crisp

Planning and Zoning; Discuss Zoning Text Amendment Regarding Signage in A-2 and R-1 Districts Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

Mr. Snellings motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R10-222 with a 60 day turn-around.

The Voting Board tally was:

Yea: (6) Snellings, Stimpson, Milde, Dudenhefer, Sterling, Woodson

Nay: (0)

Absent: (1) Crisp

Resolution R10-222 reads as follows:

A RESOLUTION TO REFER A TEXT AMENDMENT TO THE PLANNING COMMISSION TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-124, “TYPES PERMITTED IN A-2 AND R-1 DISTRICTS” AND ADD SECTION 28-124.1, “TYPES PERMITTED IN R-1 DISTRICTS”

WHEREAS, the Board desires to amend and reenact Stafford County Code, Section 28-124, entitled “Types Permitted in A-2 and R-1 Districts”; and

WHEREAS, currently section 28-124, “Types Permitted in A-2 and R-1 Districts,” does not allow private school signs; and

WHEREAS, the Board desires to allow private schools in the A-2 zoning districts to have a sign, which would be considered a school sign; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices require adoption of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of September, 2010, that the amendment to the Zoning Ordinance by proposed Ordinance O10-42 be and it hereby is referred to the Planning Commission for a public hearing and recommendation and be returned to the Board in 60 days; and

BE IT FURTHER RESOLVED, that the Planning Commission be and it hereby is authorized to make modifications to the amendment as it deems necessary.

Utilities; Water and Sewer User Fees and Water Availability Fee

Ms. Stimpson motioned, seconded by Mr. Snellings, to adopt proposed Resolution R10-282.

The Voting Board tally was:

Yea: (5) Stimpson, Snellings, Milde, Dudenhefer, Sterling  
Nay: (1) Woodson  
Absent: (1) Crisp

Resolution R10-282 reads as follows:

A RESOLUTION TO PROVIDE CREDITS ON WATER AND SEWER BILLS  
ISSUED BETWEEN JULY 1 AND JULY 31, 2010

WHEREAS, on June 1, 2010, the Board adopted Ordinance O10-30 which provided, in part, for a three percent (3%) increase in water and sewer user fees effective with bills issued on July 1, 2010; and

WHEREAS, it was the Board's intent that the water and sewer user fees become effective on July 1, 2010 and be reflected on bills issued on or after August 1, 2010; and

WHEREAS, the Board wishes to provide a credit to all water and sewer customers for the three percent (3%) increase that was reflected in their July bills;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of September, 2010, that it be and hereby does authorize that credits equivalent to the three percent (3%) increase included in all water and sewer billings during the month of July 2010, be applied to subsequent water and sewer billings for the month of October 2010.

Ms. Stimpson motioned, Mr. Snellings seconded, to adopt proposed Resolution R10-283.

The Voting Board tally was:

Yea: (5) Stimpson, Snellings, Milde, Dudenhefer, Sterling  
Nay: (1) Woodson  
Absent: (1) Crisp

Resolution R10-283 reads as follows:

A RESOLUTION TO PROVIDE A GRACE PERIOD FOR PAYMENT  
OF WATER AVAILABILITY FEES AT THE FORMER RATE OF \$5,600 PER  
EQUIVALENT DOMESTIC UNIT

WHEREAS, on June 1, 2010, the Board adopted Ordinance O10-30 which, in part, raised the water availability fee from \$5,600 to \$6,900 per equivalent domestic unit (EDU); and

WHEREAS, written notice of the upcoming increase in the water availability fee was not provided to approximately 276 applicants who had completed water availability applications prior to July 1, 2010, but had not paid the applicable fee; and

WHEREAS, the Board wishes to provide a grace period during which only those applicants who had completed availability applications prior to July 1, 2010, but had not paid the applicable availability fee can pay the \$5,600 water availability fee that was in effect prior to July 1, 2010;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of September, 2010, that it be and hereby does authorize that written notice of the increase in the water availability fee be provided to all persons who had completed water availability applications prior to July 1, 2010, but had not paid the applicable availability fee; and

BE IT FURTHER RESOLVED that those persons be provided the opportunity to pay the Five Thousand Six Hundred Dollars (\$5,600) per equivalent domestic unit (EDU) water availability fee between now and October 15, 2010; and

BE IT EVEN FURTHER RESOLVED that as staff identifies those persons who had completed water availability applications prior to July 1, 2010, and paid between July 1, 2010 and September 7, 2010; staff is authorized to refund the difference between the old available rate of Five Thousand Six Hundred Dollars (\$5600) and new rate of Six Thousand Nine Hundred Dollars (\$6900).

Recess At 4:17 p.m., the Chairman declared a recess until 7:00 p.m.

Call to Order At 7:01 p.m., the Chairman called the meeting back to order.

Invocation Mr. Snellings gave the invocation.

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

Presentation of a Proclamation to Recognize and Commend Epiphany Bay Farm as Recipient of the 2009 Bay Friendly Clean Water Award Mr. Snellings and Mr. George Schwartz presented the proclamation to Mike and Carlene Kerr.

Presentation of a Proclamation Declaring September 18, 2010 as “Community Wellness Day” in Stafford County Mr. Dudenhefer presented the proclamation to Dr. Nylsa A. Correa, Community Wellness Day Host

Legislative; Presentations by the Public

Carol Dominy	-	Expansion/Enhancement of the Animal Shelter
Stephanie Mounts	-	Comprehensive Plan
Rebecca Reed	-	Comprehensive Plan
Diana Egozcue	-	Comprehensive Plan
Ruth Carlone	-	Comprehensive Plan
Nan Rollison	-	Comprehensive Plan
Paul Waldowski	-	Comprehensive Plan

Parks, Recreation and Community Facilities; Authorize a Fiber Optic Easement on County-owned Property at St. Clair Brooks Park and River Road Park Mr. Chris Hoppe, Director of Parks, Recreation and Community Facilities gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Resolution R10-241.

The Voting Board tally was:

Yea: (6) Sterling, Milde, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Absent: (1) Crisp

Resolution R10-241 reads as follows:

A RESOLUTION TO AUTHORIZE CONVEYANCE OF A PRIVATE  
FIBER OPTIC EASEMENT ACROSS COUNTY-OWNED



PROPERTY AT ST. CLAIR BROOKS PARK AND RIVER ROAD  
PARK

WHEREAS, Mary Washington Healthcare has requested a private 20' fiber optic easement across County-owned property at St. Clair Brooks Park and River Road Park; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of September, 2010, that the County Administrator and/or Chairman of the Board be and he hereby is authorized to convey a fiber optic easement on County-owned property at St. Clair Brooks Park and River Road Park.

Sheriff, Amend and Reordain Stafford County Code, Section 14.5, "Salvage Vehicles"

Sheriff Charles Jett gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

John Fields

Roy Boswell

Nan Rollison

The Chairman closed the public hearing.

Following discussion about the photo provision, and input from Mr. John Fields, owner of DGF Auto Recycling/Pick-A-Part, it was agreed to adopt O10-43 as proposed.

Mr. Milde motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O10-43.

The Voting Board tally was:

Yea: (6) Milde, Woodson, Dudenhefer, Snellings, Sterling, Stimpson

Nay: (0)

Absent: (1) Crisp

Ordinance O10-43 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY CODE TO ADD CHAPTER 14.5, “SALVAGE VEHICLES”

WHEREAS, during the 2010 Session, the General Assembly passed SB 406, authorizing the County to require businesses and individuals dealing in salvage vehicles to provide the Sheriff with certain reports and information, and to enact a ten-day holding period before a vehicle can be crushed; and

WHEREAS, the Board desires to amend Stafford County Code to require businesses and individuals dealing in salvage vehicles to provide the Sheriff with certain reports and information, and to establish a ten-day holding period before a vehicle can be crushed; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of September, 2010, that Stafford County Code, Chapter 14.5, “Salvage Vehicles,” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Chapter 14.5 – Salvage Vehicles.**

**Sec. 14.5-1. - Definitions.**

For purposes of this chapter:

County means Stafford County, Virginia.

Licensee means any person who is licensed or is required to be licensed under Chapter 16 of Title 46.2 of the Virginia Code.

Major component means any one of the following subassemblies of a motor vehicle: (i) front clip assembly, consisting of the fenders, grille, hood, bumper, and related parts; (ii) engine; (iii) transmission; (iv) rear clip assembly, consisting of the quarter panels, floor panels, trunk lid, bumper, and related parts; (v) frame; (vi) air bags; and (vii) any door that displays a vehicle identification number.

Salvage dealer means any person who acquires any vehicle for the purpose of reselling any parts thereof.

Salvage pool or salvage pools means any person providing a storage service for salvage vehicles or nonrepairable vehicles who either displays the vehicles for resale or solicits bids for the sale of salvage vehicles or nonrepairable vehicles, but this definition shall not apply to an insurance company which stores and displays fewer than 100 salvage vehicles and nonrepairable vehicles in one location; however, any two or more insurance companies who display salvage and nonrepairable vehicles for resale, using the same facilities, shall be considered a salvage pool.

Scrap metal processor means a business entity in good standing authorized to conduct business in the Commonwealth that regularly utilizes machinery and equipment at one or more established locations in the normal course of business for processing and

manufacturing scrap metal into prepared grades for sale as raw material to mills, foundries and other manufacturing facilities.

*Sheriff* means the Stafford County Sheriff or his designee.

*Vehicle* or *vehicles* means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

**State law references**—Similar provisions, Code of Virginia Code §§ 46.2-100, 46.2-1600, and 59.1-136.1.

**Sec. 14.5-2. – Reports to sheriff; report contents; other required information.**

(a) Each licensee within the county shall make a written or electronic report to the sheriff, of the information required under this subsection, on a daily basis or such other frequency as established by the sheriff, of every purchase, exchange or acquisition of any salvage or scrap vehicle. Each report shall include, but is not limited to, the following information:

(1) A description of each vehicle purchased, exchanged, or acquired by the licensee, including, but not limited to, the model, make, year of the vehicle as well as the vehicle's title number with state of issuance and vehicle identification number;

(2) The price paid for each vehicle;

(3) The name and address of the seller from whom each vehicle is purchased, exchanged, or acquired;

(4) The date and hour the purchase, exchange, or acquisition was made;

(5) A photocopy of the seller's driver's license, state identification card, official United States military identification card, or any other form of personal identification with photograph;

(6) A digital photograph of the seller, along with the vehicle that he is selling or exchanging with the licensee; and

(7) The signature of the licensee and the seller as executed at the time of the purchase, exchange, or acquisition of the vehicle by the licensee.

(b) Each licensee shall also electronically transmit to the sheriff, on a weekly basis, the photocopy of the seller's driver's license, state identification card, official United States military identification card, or any other form of personal identification with photograph and a copy of the digital photograph required by subsection (a) of this section. This information shall be transmitted to an electronic address provided by the sheriff.

(c) If any major component is sold, the salvage dealer shall provide, upon request of the sheriff, the information required by subsection (a) of this section as to the vehicle from which the part was taken.

(d) Any violation of this section shall be punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

**State law references**—Similar provisions, Code of Virginia, §§ 46.2-1608 and 46.2-1608.1.

**Sec. 14.5-3. – Ten-day holding period.**

(a) No licensee shall crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle until it has been in his possession for ten

(10) days unless the vehicle is accompanied by proper documentation pursuant to County Code Section 14.5-4(a).

(b) This section shall not apply to inoperable vehicles. For purposes of this section, an “inoperable vehicle” shall mean any vehicle that is physically damaged beyond use or any vehicle that does not contain or have an engine in running condition or does not have any other essential parts required for operation of the vehicle.

**State law reference**—Similar provisions, Code of Virginia, § 46.2-1608.1.

**Sec. 14.5-4. – When chapter not applicable.**

(a) The provisions of this chapter shall not apply to vehicles when the licensee maintains a photocopy or electronic copy of one of the documents set out in Virginia Code § 46.2-1206 or Chapter 16 of Title 46.2 of the Virginia Code.

(b) The provisions of this chapter shall not apply to scrap metal processors or to salvage pools.

**State law reference**—Similar provisions, Code of Virginia, § 46.2-1608.1.

Adjournment At 8:15 p.m., the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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Mark Dudenhefer  
Chairman