# BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

#### **MINUTES**

Regular Meeting
September 1, 2009

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:05 P. M., Tuesday, September 1, 2009, in the Board Chambers, Stafford County Administration Center.

<u>Roll Call.</u> The following members were present: George H. Schwartz, Chairman; Harry E. Crisp II, Vice Chairman; M. S. "Joe" Brito, Mark Dudenhefer, Paul V. Milde III, Cord A. Sterling, and Robert "Bob" Woodson.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney; and Marcia Hollenberger, Chief Deputy Clerk.

Presentation of FPED VII Certificates of Appreciation by Brigadier General Jess Scarbrough

Legislative; Presentation on Proclamation.

Recognize and Commend Fire and Rescue Department Personnel for their Annual
 "Fill the Boot" Campaign

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

Larry Shaia - Purchase of Development Rights

<u>Legislative</u>; <u>Report of the VDOT Resident Administrator</u>. Mr. David Stanley, Virginia Department of Transportation Resident Administrator, gave a presentation and responded to Board members questions.

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

Mr. Dudenhefer - Congratulated Christopher Gibson and Adam

Estevez of the Utilities Department on their

outstanding job performance

Public Safety Town Hall Meeting

Mr. Milde - Development Fees Committee

- R-Board Meeting

- VRE

- Attended "Welcome Home Heroes" at Anne

Moncure Elementary School

Attended a Jail Board meeting

- Attended a meeting on the Animal Shelter

- Attended several HOA meetings

Mr. Sterling - Deferred

Mr. Woodson - Deferred

Mr. Brito - Opening of Sports Booth

Mr. Crisp - Attended "Cal Ripken Sendoff" for kids going to

camp on August 24<sup>th</sup>

Mr. Schwartz - Deferred

<u>Legislative Report of the County Attorney</u>. Mr. Joe Howard, County Attorney had one addition to Closed Meeting and a deletion of Mr. Woodson's personnel matter.

<u>Legislative Report of the County Administrator</u>. Mr. Anthony J. Romanello, County Administrator, commented on the following:

-Addition of #22; Economic Development – Support Extension of High Speed

Rail Service to the Richmond Region (R09-348).

-Courts Planning Committee requested extension of 60 days and will be reporting

to the Board in November.

-First Citizens Academy graduates.

Legislative; Additions and Deletions to the Regular Agenda. Mr. Woodson motioned,

seconded by Mr. Milde to add Item #22, Support Extension of High Speed Rail Service

to the Richmond Area, as well as two discussion items from Mr. Brito - Hooes and

Greenhow Graves and Bylaws.

The Voting Board tally was:

Yea:

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

Nay: (0)

Legislative; Consent Agenda; Mr. Dudenhefer motioned, seconded by Mr. Woodson to

approve the Consent Agenda consisting of Items 2 through 12, deleting Items 5, 9, and

10. Mr. Brito abstained from voting on Items 6, 7, and 8.

The Voting Board tally was:

Yea:

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

Nay: (0)

Item 2. Legislative, Approve Minutes of Board Meeting. Regular Meeting of August 18,

2009.

Item 3. Finance and Budget; Approve Expenditure Listing.

Resolution R09-326 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)

DATED AUGUST 18, 2009 THROUGH AUGUST 31, 2009

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 1<sup>st</sup> day of September 2009, that the above-mentioned EL be and it hereby is approved.

# <u>Item 4. Public Information; Approve a Proclamation to:</u>

Proclamation P09-17 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND FIRE AND RESCUE DEPARTMENT PERSONNEL FOR THEIR ANNUAL "FILL THE BOOT" CAMPAIGN

WHEREAS, firefighters and paramedics, in addition to responding to "all hazards" incidents requiring physical strength and stamina, extensive training, courage and selfless concern for the welfare of citizens, spend countless hours involved in community service to inform and educate the public; and

WHEREAS, fire and rescue personnel throughout the Commonwealth and the country have worked with the Muscular Dystrophy Association (MDA) for the past 55 years in the fight against neuromuscular diseases; and

WHEREAS, the men and women of the International Association of Firefighters have donated nearly \$300 million to MDA since 1954; and

WHEREAS, Stafford County Fire and Rescue Department personnel raised \$33,500 during their 2008 "Fill the Boot" campaign, with a goal of raising \$35,000 this year; and

WHEREAS, the Muscular Dystrophy Association and the families it serves are extremely grateful to all the Stafford fire and rescue personnel for their dedication to this worthy cause; and

WHEREAS, to continue their successful efforts to help discover cures for these devastating diseases, the firefighters, paramedics and EMTs of Stafford County Firefighters Association – Local 4012 of the International Association of Firefighters will hold a "Fill the Boot" campaign during the Labor Day weekend at major intersections throughout Stafford; and

WHEREAS, these committed men and women hope to surpass the amount of money they collected during the 2008 campaign; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere, the outstanding community spirit exhibited by Stafford firefighters and emergency services personnel, and to urge residents to donate generously in support of their fundraising efforts on behalf of the MDA;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 1st day of September 2009, that Fire and Rescue Department personnel be and they hereby are recognized and commended for sponsoring the 2009 Muscular Dystrophy Association "Fill the Boot" campaign.

### Proclamation P09-18 reads as follows:

A PROCLAMATION TO DESIGNATE SEPTEMBER 15, 2009 AS "ASSISTED LIVING DAY" IN STAFFORD

WHEREAS, nearly 1 million people reside in more than 38,000 assisted living and residential care communities in the United States; and

WHEREAS, the number of elderly and disabled Americans is dramatically increasing; and

WHEREAS, assisted living is a long-term care service that fosters choice, dignity, independence and autonomy in our elderly nationwide; and

WHEREAS, a day to recognize assisted living facilities provides an opportunity to bestow on the residents who live in these facilities a multitude of events and activities that show them how much we care for and love them; and

WHEREAS, the Board desires to bring the attention of citizens everywhere the importance of celebrating those who provide services or live within assisted living residences;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of September 2009 that September 15<sup>th</sup>, 2009 be and it hereby is designated as "Assisted Living Day" in Stafford.

<u>Item 6. Utilities; Authorize Land Acquisition Contract for the Purchase of Parcel 43-76-</u> 2-14 for the Rocky Pen Run Reservoir

#### Resolution R09-328 reads as follows:

A RESOLUTION APPROVING AGREEMENT OF CONVEYANCE FOR THE PURCHASE OF A PORTION OF PARCEL 43-76-2-14 FOR THE ROCKY PEN RUN RESERVOIR

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

WHEREAS, Resolution R09-173 authorized the acquisition by quick take powers of 2.39 acres of Parcel 43-76-2-14, owned by Wade and Valerie Dever for \$125,978; and

WHEREAS, continuing negotiations between the County and the property owners has resulted in an amicable settlement for the total amount of \$135,978; and

WHEREAS, Board approval is required for the purchase of this property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of September, 2009, that the County Administrator be and he hereby is, authorized to execute the Agreement of Conveyance between the Board of Supervisors of Stafford County and Wade and Valerie Dever, regarding TM 43-76-2-14 in the amount of One Hundred Thirty-five Thousand Nine Hundred Seventy-eight Dollars (\$135,978); and

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

<u>Item 7. Utilities; Authorize Land Acquisition Contract for the Purchase of Parcel 43-76-</u> 2-16 for the Rocky Pen Run Reservoir

### Resolution R09-329 reads as follows:

A RESOLUTION APPROVING AGREEMENT OF CONVEYANCE FOR THE PURCHASE OF PARCEL 43-76-2-16 FOR THE ROCKY PEN RUN RESERVOIR

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

WHEREAS, the Board previously authorized the purchase of a 3.0158 acres of Parcel 43-76-2-16 for the reservoir; and

WHEREAS, it is in the County's interest to acquire the entire 4.7688 acre parcel with the existing dwelling; and

WHEREAS, the County's offer to purchase this property owned by Owen T. and Shirley M. Shifflett for the appraised value of \$455,000 was accepted by the property owners; and

WHEREAS, the Board will pay legitimate relocation costs in addition to the acquisition costs; and

WHEREAS, Board approval is required for the purchase of this property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of September, 2009, that the County Administrator be and he hereby is, authorized to execute the Agreement of Conveyance between the Board of Supervisors of Stafford County and Owen T. and Shirley M. Shifflett, regarding Tax Map Parcel 43-76-2-16 in the amount of Four Hundred Fifty-five Thousand Dollars (\$455,000); and

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

<u>Item 8. Utilities; Authorize Contract for Engineering Services for the Design of the Rocky Pen Run Reservoir</u>

#### Resolution R09-336 reads as follows:

# AWARD CONTRACT FOR ENGINEERING SERVICES FOR THE DESIGN OF THE EARTH DAM FOR THE ROCKY PEN RUN RESERVOIR

WHEREAS, the Board has decided to proceed with the design and construction of an earth dam for the Rocky Pen Run Reservoir; and

WHEREAS, the additional geotechnical investigations to assess subsurface conditions for the dam are completed; and

WHEREAS, URS, the engineering firm selected to provide design services for the Rocky Pen Run Reservoir has proposed to provide engineering services for the design of the dam, spillway, outlet works, pumping station, transmission main and reservoir clearing, as well as prepare all site plan approval documents for the amount of \$1,712,626; and

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

WHEREAS, sufficient funds are budgeted in the project account for these services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of September, 2009, that the County Administrator be and he hereby is authorized to execute a contract with URS for engineering services related to

the design of the Rocky Pen Run Reservoir in an amount not to exceed One Million Seven Hundred Twelve Thousand Six Hundred Twenty-six Dollars (\$1,712,626).

<u>Item 11. Sheriff; Budget and Appropriate a Recovery Act Grant to Assist with Acquisition of Digital In-Car Cameras</u>

#### Resolution R09-319 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE A RECOVERY ACT GRANT FROM THE DEPARTMENT OF JUSTICE TO ASSIST WITH THE ACQUISITION OF THE DIGITAL IN-CAR CAMERAS FOR THE SHERIFF'S OFFICE

WHEREAS, President Obama signed into law the American Recovery and Reinvestment Act of 2009 to provide funding for grants to assist local law enforcement while investing in the American workforce; and

WHEREAS, the Sheriff's Office has been awarded grant funds to aid in the purchase of Digital In-Car Cameras; and

WHEREAS, these grant funds are in the amount of \$120,240; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of September, 2009, that One Hundred Twenty Thousand Two Hundred Forty Dollars (\$120,240) be and it hereby is budgeted and appropriated to the Sheriff's Office Budget.

# <u>Item 12. Sheriff; Award a Contract for the Purchase of Digital In-Car Cameras for the Sheriff's Vehicles</u>

#### Resolution R09-316 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO AWARD A CONTRACT FOR THE PURCHASE OF DIGITAL IN-CAR CAMERAS AND ASSOCIATED ACCESSORIES FOR THE SHERIFF

WHEREAS, the Sheriff desires to replace the obsolete video cameras currently installed in the patrol and traffic vehicles over the next five years; and

WHEREAS, the current in-car cameras have proven invaluable for evidence and investigations but are no longer produced and seven bids were received and reviewed before selection was made; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of September, 2009, that the County Administrator be and he hereby is authorized to sign a contract for Digital In Car Cameras with L3 Communications in an amount not to exceed Six Hundred Eight Thousand Nine Hundred Fifty-nine Dollars (\$608,959).

<u>Utilities</u>; <u>Authorize Contract for Painting Stone River Water Tank.</u> Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Woodson, to rebid this contract.

Discussion ensued.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Milde to approve proposed Resolution R09-327.

The Voting Board Tally on the substitute motion was:

Yea: (4) Dudenhefer, Milde, Schwartz, Sterling

Nay: (3) Brito, Woodson, Crisp

<u>Public Works; Adopt Warrenton Road (U.S. 17) Design Principles.</u> Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Sterling to approve proposed Resolution R09-333 with the following changes: Wording in the Resolution that stipulates the closing of a designated median break should be replaced with "close median breaks where appropriate".

The Voting Board Tally was:

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

Nay: (0)

Public Works; Authorize a Public Hearing to Consider the Virginia Department of Transportation (VDOT) FY2010-FY2015 Secondary System Six-Year Improvement Program (SSYP).

Discussion ensued.

Mr. Dudenhefer motioned, seconded by Mr. Crisp to defer this item to the September 15<sup>th</sup> meeting.

The Voting Board tally was:

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

Nay: (0)

Finance; Authorize a Public Hearing to Consider Participation in the Fall 2009 Virginia Public School Authority Bond Sale and to Budget and Appropriate the Bond Proceeds

Mr. Scott Horan, Stafford County Schools Chief Facilities Officer answered Board members questions.

Discussion ensued.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to defer this item until after the Board receives the Plan.

The Voting Board tally was:

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

Nay: (1) Woodson

<u>Planning and Zoning; Discussion of Options Regarding an Amendment to the Subdivision and Zoning Ordinances Regarding Lot Yield in Agricultural Zoning Districts</u>

Hearing no objections, the Board requested that this item be heard in Closed Session.

<u>Parks Bond Brochure</u>. Cathy Riddle, Public Information Administrator gave a presentation and answered Board members questions.

Discussion ensued.

Mr. Woodson suggested, and Mr. Brito agreed that the brochure needs some language as to how the bond is to be paid. It was also recommended to eliminate the list of polling places.

Mr. Sterling asked that the Brochure also outline the expected cost to the average taxpayer.

Discussion ensued.

Hearing no objections, the Board requested that this item (with the suggested changes) be brought back at the September 15<sup>th</sup> meeting.

<u>Public Works; Road Bond Update</u>. Keith Dayton, Director of Public Works introduced this item and then turned the presentation portion over to Fulton deLamorton, Transportation Administrator.

Discussion ensued.

At 3:50 p.m., the Board adjourned for a recess.

At 4:05 p.m., the Board reconvened their meeting.

<u>Fire and Rescue; Hazard Risk Analysis</u>. Mr. Rob Brown, Stafford County Fire Chief, gave a presentation and answered Board members questions.

<u>Parks, Recreation and Community Facilities; Facilities Update</u>. No comments.

<u>Legislative</u>; <u>Legislative Initiatives for 2010 General Assembly</u>. Mr. David Gayle, Assistant Director of Legislative Affairs, gave a presentation and answered Board members questions.

Discussion ensued.

Mr. Brito suggested adding an initiative to allow the County to levy road impact fees on

all new residential development.

Hearing no objections, this item will be brought back at the September 15<sup>th</sup> Board

meeting.

Sheriff; Update on the Graffiti Task Force. Sheriff Charles Jett, and Detective Brian

Smyser gave a presentation and answered Board members questions.

Discussion ensued.

The Board requested that David Gayle also add to his legislative initiatives, allowing the

Sheriff's Department to be able to remove graffiti on private property. It was also

requested that the County Attorney's office create an ordinance to that effect for possible

authorization for a public hearing on the October 6<sup>th</sup> agenda.

Planning and Zoning; Negotiate and Execute the Purchase of Development Rights for

Mrs. Kathy Baker, Assistant Director of Planning and Zoning gave a Property.

presentation and answered Board members questions.

Discussion ensued.

Mr. Tom Coen, Chairman of the PDR Committee, answered Board members questions.

Mr. Crisp motioned, seconded by Mr. Milde to approve proposed Resolution R09-334.

The Voting Board tally was:

Yea: (6)

Crisp, Milde, Dudenhefer, Schwartz, Woodson, Brito

Sterling Nay: (1)

Discuss Carriage Hill Soil Update. Mr. Keith Dayton, Director of Public Works gave a

presentation and answered Board members questions.

Economic Development; Support Extension of High Speed Rail Service to the Richmond

Region

Mr. Milde motioned, seconded by Mr. Crisp to approve proposed Resolution R09-348.

The Voting Board tally was:

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

Nay: (0)

Discussion of the Hooes/Greenhow Graves. Mr. Brito commented on his disappointment

that when the graves of two people were dug up to be moved, it was found that there was

nothing there. It appeared that when I-95 was constructed, a contractor that was hired to

move the graves did not do so.

Discussion ensued.

Mr. Brito motioned, seconded by Mr Milde to request the Attorney General's office to

investigate what transpired.

The Voting Board tally was:

Yea:

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

Nay: (0)

Discussion of By-Laws. Mr. Brito commented that he was not satisfied with the outcome

of the last discussion and the vote on the amendment to the By-laws.

Discussion ensued.

Hearing no objections, the Board desired to take this item into Closed Meeting.

<u>Legislative</u>; <u>Closed Meeting</u>. At 6:08 p.m., Mr. Sterling motioned, seconded by Mr. Crisp to adopt proposed Resolution CM09-15.

The Voting Board tally was:

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

Nay: (0)

#### Resolution CM09-15 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to consult with counsel and discuss in Closed Meeting discussion regarding (1) legal advice regarding lot yield ordinance issues; (2) a Real Property Acquisition for Public Purpose regarding the Rescue 1 Building Negotiations; and (3) a Potential Business or Industry Economic Development Prospect Where No Public Announcement has been Made;

WHEREAS, pursuant to Section 2.2-3711 A.3, A.5, 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 1<sup>st</sup> day of September, 2009, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 6:49 p.m., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Woodson motioned, seconded by Mr. Crisp to adopt proposed Resolution CM09-15a.

The Voting Board tally was:

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

Nay: (0)

#### Resolution CM09-15a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON SEPTEMBER 1, 2009

WHEREAS, the Board has, on this the 1<sup>st</sup> day of September, 2009, 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 1<sup>st</sup> day of September, 2009, 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.

# Discussion of By-Laws (continued).

Mr. Brito motioned, seconded by Mr. Woodson that the following language be adopted as part of the By-laws:

"Members of the Board of Supervisors shall not accept campaign contributions from persons, groups, associations, partnerships, corporations, or other such entities that have submitted an application or applications for Rezoning, Proffer Amendment, Conditional Use Permit, Comprehensive Plan Amendment, or an Appeal before the Board of Supervisors, during the period of time such matter is submitted to the County to six months following final action on the matter by the Board of Supervisors or when the matter is withdrawn. If a donation has been accepted, the Board member has the option of recusing himself from the matter or returning the donation.

Discussion ensued.

Mr. Milde made a substitute motion to add the following language:

"Members of the Board of Supervisors shall not accept campaign contributions from

Stafford County employees or volunteers; School Board members, employees, or

volunteers; any unions, associations, political action committees or other support groups

related to, consisting of, or sponsored by Stafford County employees, Stafford County

School Board, employees, or volunteers of the Stafford County School Board, or

teachers, for the period of six months prior to a primary election of the Board of

Supervisors and six months following a Board of Supervisors election.

Discussion ensued.

Mr. Crisp made a second substitute motion, seconded by Mr. Milde to direct the County

Attorney's office to create language from merging both motions and bring this item back

to the Board at its September 15<sup>th</sup> meeting.

The Voting Board tally on the second substitute motion was:

Yea:

(6) Crisp, Milde, Dudenhefer, Sterling, Schwartz, Woodson

Nay: (1) Brito

At 7:08 p.m., the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM

County Administrator

George H. Schwartz Chairman