

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting
November 20, 2008

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:05 P. M., Thursday, November 20, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: M. S. “Joe” Brito, Vice Chairman; Harry E. Crisp; Mark Dudenhefer; Paul V. Milde, III; George H. Schwartz, Chairman; and Robert “Bob” Woodson. Cord A. Sterling was absent.

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

Legislative; Presentation on Route 1 Multi-Modal Corridor Study and 2035 Long Range Plan. Mr. Lloyd Robinson Director of Transportation Planning – FAMPO, and Mr. Chris Gay, Consultant Project Manager, gave a presentation and responded to Board members questions.

Discussion ensued.

Legislative; Presentation on Affordable Housing Task Force. Mr. Bob Wilson, Executive Director, George Washington Regional Commission, and Mr. Kevin Burns, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Dudenhefer to approve the Revised Memorandum of Understanding Among the Principal Localities of Planning District 16 Regarding Affordable Housing, approved by the Affordable Housing Task Force, September 9, 2008.

The Voting Board tally was:

Yea:	(4)	Crisp, Dudenhefer, Milde, Brito
Nay:	(2)	Schwartz, Woodson
Absent	(1)	Sterling

Recess. At 2:58 P.M., the Chairman declared a recess.

Call to Order. At 3:12 P.M., the Chairman called the meeting back to order.

Legislative; FY 2010 Budget Guidance to Staff Ms. Nancy Collins, Budget Division Director gave a presentation and responded to Board members questions.

Ms. Maria Perrotte, Chief Financial Officer, commented.

Mr. Milde motioned, seconded by Mr. Crisp for staff to explore options A, B, and C, excluding a tax increase, and to report to the Board at the January 20, 2009 meeting.

Mr. Brito made a substitute motion for staff to look at the options for Scenarios A, B, and C with BPOL Revenues backed out at \$1,972,750 revenue.

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

The Voting Board tally on the original motion was:

Yea:	(5)	Crisp, Dudenhefer, Milde, Schwartz, Woodson
Nay:	(1)	Brito
Absent	(1)	Sterling

Legislative; Transportation Impact Fees Update Mr. Michael Neuhard, Deputy County Administrator and Sara Woolfenden, Office of Transportation, gave a presentation and responded to Board members questions.

Discussion ensued.

Legislative; Presentation on Regional Public Water and Sewer Mutual Aid and Assistance Agreement Mr. Michael Neuhard, Deputy County Administrator gave a presentation and responded to Board members questions.

Legislative; Closed Meeting. At 4:32 P.M., Mr. Milde motioned, seconded by Mr. Woodson, to adopt proposed Resolution CM08-23.

The Voting Board tally was:

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

Resolution CM08-23 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 the following: 1) property acquisition, gymnastic facility lease negotiations; 2) two personnel matters; 3) legal advice regarding legal issues in Crow's Nest Property Acquisition Financing; 4) legal advice regarding two pending litigations:

Teen Challenge and the Potomac River Resource Protection Overlay District; and 5) a property acquisition proposal for Brooke VRE Station; and

WHEREAS, pursuant to Section 2.2-3711 A.1, A.3 and A.7, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 20th day of November, 2008, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 5:25 P. M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Woodson motioned, seconded by Mr. Milde, to adopt proposed Resolution CM08-23a.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Resolution CM08-23(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
NOVEMBER 20, 2008

WHEREAS, the Board has, on this the 20th day of November, 2008, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 20th day of November, 2008, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Recess. At 5:27 P.M., the Chairman declared a recess until 7:00 P.M.

Call to Order. At 7:02 P.M., the Chairman called the meeting back to order.

Invocation. Mr. Milde gave the Invocation.

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

Legislative; Presentations by the Public. No one desired to speak.

Planning and Zoning; Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District and M-1, Light Industrial Zoning District on Assessor's Parcels 44-100A, 44-101C and 44-101E, 21.54 Acres Located at 56 McWhirt Loop and Consider a Conditional Use Permit to Allow Four (4) Drive-Through Facilities and a Communication Facility at 56 McWhirt Loop. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation on both issues and responded to Board members questions

The Chairman opened a public hearing on both issues.

The following persons spoke:

Jon Riley, Applicant

Pastor Todd

Julius George

The Chairman closed the public hearing on both issues.

Mr. Brito motioned, seconded by Mr. Dudenhefer, to defer proposed Ordinance O08-66 to the December 2, 2008 meeting so the recently updated proffers could be reviewed.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Mr. Brito motioned, seconded by Mr. Dudenhefer, to defer proposed Resolution R08-380 to the December 2, 2008 meeting.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Public Services; Convey Easements to the Virginia Department of Transportation for Traffic Signal Equipment Ms. Tammi Ellis, Acting Executive Director of Administration, 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. Schwartz motioned, seconded by Mr. Crisp to adopt proposed Resolution R08-518.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Resolution R08-518 reads as follows:

A RESOLUTION TO AUTHORIZE CONVEYANCE OF EASEMENTS ON
COUNTY-OWNED PROPERTY TO VIRGINIA DEPARTMENT OF
TRANSPORTATION (VDOT)

WHEREAS, VDOT has requested easements on County-owned property at the intersection of Plantation Drive and Lyons Boulevard, TM 45, Parcel 14-F and in the public right-of-way adjacent to Lyons Boulevard known as Gladstone Drive; and

WHEREAS, this easement is necessary for traffic signal equipment to be installed; and

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

WHEREAS, the granting of these easements is in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November, 2008, that the County Administrator be and he hereby is authorized to convey easements on County-owned property located at the intersection of Plantation Drive and Lyons Boulevard, TM 45, Parcel 14-F and in the public right-of-way adjacent to Lyons Boulevard known as Gladstone Drive.

Legislative; Additions to the Regular Agenda. Mr. Crisp motioned, seconded by Mr. Woodson, to add 17A, proposed Resolution R08-544 to the Consent Agenda on the Regular Agenda.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Legislative; Additions to the Regular Agenda. Mr. Woodson motioned, seconded by Mr. Brito, to add a discussion item concerning fire and rescue issues and a discussion item regarding fire programs/4 for life.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Legislative; Additions to the Regular Agenda. Mr. Brito motioned, seconded by Mr. Dudenhefer, to add a discussion item regarding the Warrenton Road Service District.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Legislative; Consent Agenda. Mr. Woodson motioned, seconded by Mr. Crisp, to adopt the Consent Agenda consisting of Items 9 thru 17A, omitting Items 12, 14, and 15.

The Voting Board tally was:

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

Item 9. Legislative; Approve Minutes of Board Meetings. Regular Meeting of October 7, 2008 and Regular Meeting of October 16, 2008.

Item 10. Budget and Finance; Approve Expenditure Listing

Resolution R08-514 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED NOVEMBER 5, 2008 THROUGH DECEMBER 1, 2008

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November 2008, that the above-mentioned EL be and it hereby is approved.

Item 11. Legislative; Authorize Public Hearings.

Resolution R08-525 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO CONSIDER RIGHT-OF-

WAY EASEMENTS FOR THE AQUIA HARBOUR-GARRISONVILLE
UNDERGROUND TRANSMISSION LINE PROJECT

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended, requires a public hearing for the conveyance of any real property interest owned by the County; and

WHEREAS, the Board desires to consider the right-of-way easements needed by Dominion Virginia Power for its Aquia Harbour-Garrisonville Underground Transmission Line project detailed as follows:

1. A fifty (50') foot permanent easement proposed on an unimproved road known as Northhampton Blvd, Parcel 008, TM not assigned (unimproved road TM 20P); Compensation, \$500.00;
2. A fifty (50') foot maximum width, permanent and temporary easement in two parts, together known as UG-10, proposed to extend across unimproved land situated on the east side of Mine Road (State route 684) and on the north side of the Austin Ridge subdivision, further identified as TM 29C-1-D; Compensation, \$1,290.00;
3. A fifty (50') foot permanent easement, in two parts known as UG-14A and 14B proposed to extend across unimproved land situated on both sides of Eustace Road, just north of its intersection with Embrey Mill Road, further identified as TM 29 49L; Compensation, \$1,500.00;
4. A ninety (90') foot maximum width, permanent and temporary easement in two parts known as UG-38A and 38B, proposed to extend across a portion of dedicated but undeveloped right-of-way through Section 2, Phase 3 of Shelton Run's subdivision; compensation, \$800.00;

5. A fifteen (15') foot maximum width, permanent and temporary easement in two parts, together known as A-14A, proposed to extend across unimproved land situated on the east side of Eustace Road, just north of its intersection with Embrey Mill Road, Autumn Ridge subdivision, further identified as TM 29 49L; compensation, \$2,480.00; and

WHEREAS, the granting of these right-of-way easements will allow Dominion Virginia Power to enter the property for all purposes related to the construction and maintenance of transmission facilities and lines associated with the Aquia Harbour-Garrisonville Underground Transmission Line; and

WHEREAS, the Board desires to consider public comments concerning the proposed conveyance of right-of-way easements;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of considering the proposed conveyance of right-of-way easements to Dominion Virginia Power for its Aquia Harbour-Garrisonville Underground Transmission Line project.

Resolution R08-395 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO GRANT CONVEYANCE OF
AN EASEMENT TO VERIZON SOUTH, INC.

WHEREAS, Verizon South, Inc. has requested a fifteen (15') foot easement across TM 30, Parcel 43H on Courthouse Road; and

WHEREAS, the granting of this easement will allow Verizon South, Inc. to provide service to the new Fire Station No. 2 on the County's real property located on Courthouse Road ; and

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended, requires that a public hearing be held prior to the granting of such an easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November, 2008, that the County Administrator be and he hereby is authorized to advertise for a public hearing the granting of an easement to Verizon South, Inc.

Item 13. Transportation; Request VDOT to Consider Design Features at New Falmouth Intersection.

Resolution R08-496 reads as follows:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF
TRANSPORTATION CONSIDER AND EVALUATE CERTAIN
DESIGN FEATURES ASSOCIATED WITH THE NEW FALMOUTH
INTERCHANGE

WHEREAS, on January 2, 2002, the Board adopted Resolution R02-23, expressing support to the Commonwealth Transportation Board (CTB) and the Virginia Department of Transportation (VDOT) for the construction of a grade-separated interchange in Falmouth at the intersection of Cambridge Street and Warrenton Road; and

WHEREAS, this action was reaffirmed and expanded upon on August 21, 2007 with their adoption of R07-361 which endorsed the concept of constructing a single-point urban interchange design; and

WHEREAS, funding for this interchange is included in VDOT's draft FY2009-FY2014 Six-Year Improvement Program (UPC 57044); and

WHEREAS, during this early stage of project development, the opportunity exists to request VDOT to consider and evaluate design features which will help to ensure that the needs of regional commuters do not sacrifice the unique historic character of Falmouth Village in general, and Falmouth Bottom in particular;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November, 2008, that the Board be and it hereby does request VDOT to consider and evaluate the following design principles for the new interchange:

1. Utilize context sensitive design elements and construction materials in keeping with the historic character of Falmouth.
2. Incorporate design features which are sensitive to Falmouth's historic role as a major gateway and commercial center. VDOT should balance the needs of regional commuters with those of local residents and businesses. These design features should:
 - a. Ensure parcels within the area affected by the interchange will be provided with continued access to the public street network.
 - b. Ensure existing street connectivity will be maintained.
 - c. Ensure pedestrian and bicycle access and circulation will be maintained, including the feasibility of replacing the existing fill and culvert under US-17 with columns and a trail adjacent to Falls Run.

3. Ensure pedestrian and vehicular access to Falmouth is not reduced during construction by including County staff in discussions concerning the maintenance of traffic during construction.

Item 16. Budget Division; Budget and Appropriate Asset Forfeiture Fund Balance.

Resolution R08-519 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE ASSET
FORFEITURE FUND BALANCE

WHEREAS, the Sheriff's Office has requested that Asset Forfeiture Fund Balance be budgeted and appropriated; and

WHEREAS, funds in the amount of \$50,000 are available;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November, 2008, that the County Administrator be and he hereby is authorized to budget and appropriate Fifty Thousand Dollars (\$50,000) from the Asset Forfeiture Fund Balance.

Item 17. Legislative; Authorize a Regional Public Water and Sewer Mutual Aid and Assistance Agreement.

Resolution R08-537 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ENTER INTO A REGIONAL PUBLIC WATER AND SEWER
MUTUAL AID AND ASSISTANCE AGREEMENT

WHEREAS, it is the desire of the Board to provide emergency water and wastewater services between the County of Stafford, and the City of Fredericksburg, and the County of Spotsylvania; and

WHEREAS, a regional agreement and mutual aid program would insure mutual aid response between the member jurisdictions in the event that one or more of the parties are affected by an emergency resulting in compromised water or wastewater services; and

WHEREAS, key staff members from the proposed member jurisdictions have developed a program and agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November, 2008 that the County Administrator be and he hereby is authorized to execute the Regional Public Water and Sewer Mutual Aid and Assistance Agreement as proposed by the member jurisdictions and approved by the Board.

Item 17A. Approve a Waiver of the Zoning Ordinance Requirement for Paved Travel Lanes, Parking Bays and Driveways for a Temporary Fire Station to be Located at Assessor's Parcel 19-75, Within the Garrisonville Election District.

Resolution R08-544 reads as follows:

A RESOLUTION TO APPROVE A WAIVER OF THE ZONING ORDINANCE REQUIREMENT FOR PAVED TRAVEL LANES, PARKING BAYS AND DRIVEWAYS FOR A TEMPORARY FIRE STATION TO BE LOCATED AT ASSESSOR'S PARCEL 19-75, WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, the Board desires to locate a temporary fire station at Assessor's Parcel 19-75 on property known as 53 Shelton Shop Road; and

WHEREAS, plans for the temporary fire station, not include paving of travel lanes, parking bays and driveways; and

WHEREAS, Section 28-256(c)(5) of the Zoning Ordinance requires that all surfaces associated with travel lanes, parking bays and driveways shall be paved to VDOT standards; and

WHEREAS, Section 28-256(c)(5) of the Zoning Ordinance permits the Board to grant a waiver of part or all of the paving requirements for church, clubs, lodges and fraternal organizations and other similar uses which have infrequent demands upon parking areas;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November 2008, that a waiver of the paving requirement for travel lanes, parking bays and driveways be and it hereby is granted for a temporary fire station to be located at Assessor's Parcel 19-75.

Transportation; Request VDOT to Consider Design Features with the I-95 Interchange at Courthouse Road. Mr. Milde commented.

Mr. Mike Neuhard, Deputy County Administrator, commented further.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-495.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Resolution R08-495 reads as follows:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF
TRANSPORTATION CONSIDER AND EVALUATE CERTAIN
DESIGN FEATURES ASSOCIATED WITH THE NEW INTERSTATE
95 INTERCHANGE WITH COURTHOUSE ROAD

WHEREAS, the Virginia Department of Transportation (VDOT) is in the preliminary engineering phase of a project that will construct a new Interstate 95 interchange with Courthouse Road, the location of which was approved by the Commonwealth Transportation Board (CTB) on August 21, 1997; and

WHEREAS, on February 20, 2007, the Board expressed by Resolution R07-107 to CTB and VDOT its support for the construction of this project; and

WHEREAS, on June 5, 2007, the Board expressed by Resolution R07-235 to VDOT to consider and evaluate two features as it moves forward with design of the new interchange. These features were to preserve the existing Courthouse Road underpass at I-95 and to ensure that the new interchange access road east of Interstate 95 connect with Jefferson Davis Highway in close proximity to the new Hospital Center Boulevard and complement ongoing Courthouse area master planning efforts; and

WHEREAS, in consideration of the economic and social effects of this proposed project, it is prudent that certain design features be evaluated; and

WHEREAS, VDOT's planning efforts have progressed over the past year to the point where additional, more specific design principles can now be offered to VDOT.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November, 2008, that the Board be and hereby does

request VDOT to consider and evaluate the following design principles for the new interchange:

1. Along the new Interstate 95 connector road, allow for the future intersection with the extension of Mine Road, identified in the County Transportation Plan as a future 4-lane divided road.
2. Maintain the current connection from the Austin Ridge Area to the Courthouse Area.
 - a. Maintain the existing segment of Courthouse Road that crosses under Interstate 95.
 - b. Maintain the existing Austin Ridge Drive/Courthouse Road intersection.
 - c. Maintain existing Courthouse Road between Austin Ridge Drive and Mine Road extended and integrate this segment into the design of the new Interstate 95 connector road.
3. Maintain a north/south road between Jefferson Davis Highway and Interstate 95. It appears the current north/south connection along Wyche Road will likely be eliminated with the new interchange.
 - a. Provide a crossing of the new Interstate 95 connector road.
 - b. Allow access between the north/south road and the new Interstate 95 connector road to allow alternate access to Courthouse Road other than by way of Jefferson Davis Highway.
 - c. The north/south road should be grade-separated if this segment of the new Interstate 95 connector road is not conducive to a signalized intersection.
 - d. Future design concept drawings should show how parcels within the interchange footprint will be provided with continued access to the public street network.

4. Connect the new Interstate 95 connector road to Jefferson Davis Highway in a location south of the Stafford Hospital Boulevard in the vicinity of Peake Lane.
5. Improvements need to assess and mitigate any impacts this project would have on Jefferson Davis Highway. These improvements should also extend north to integrate with the boulevard design recommended by the Courthouse Area Redevelopment Plan and continue the streetscape improvements constructed in conjunction with the VDOT enhancement grant and associated proffers.
6. Design commuter lots into the project that allow for easy access to and from Interstate 95 and have capacity equal to or greater than the current commuter lot.

Utilities; Award Contracts for Equipment for an Enhanced Nutrient Removal Upgrade Project at Little Falls Wastewater Treatment Facility. Mr. Brito commented.

The County Administrator commented further.

Mr. Brito motioned, seconded by Mr. Milde to adopt proposed Resolution R08-535.

The Voting Board tally was:

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

Resolution R08-535 reads as follows:

A RESOLUTION TO AWARD CONTRACT FOR CONSTRUCTION OF
ENHANCED NUTRIENT REMOVAL UPGRADES, PHASE I, AT LITTLE
FALLS RUN WASTEWATER TREATMENT FACILITY

WHEREAS, the Board has appropriated funds in the Utilities Department's FY 2009 Capital Improvements Projects (CIP) budget to be expended for the Little Falls Wastewater Enhanced Nutrient Removal Upgrade project; and

WHEREAS, equipment required to be purchased to facilitate installation was previously offered for competitive bids; and

WHEREAS, the construction services required to integrate the new equipment, along with facility upgrades, were offered for competitive bid, with six responding bids and the lowest responsive and responsible bid was from American Contracting & Environmental Services, Incorporated;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November 2008, that the County Administrator be and he hereby is authorized to execute a contract with American Contracting & Environmental Services, Incorporated, for construction of enhanced nutrient removal upgrades at Little Falls Run Wastewater Treatment Facility at a cost not to exceed Seven Million Four Hundred Twenty-three Thousand Seven Hundred Eighty-one Dollars (\$7,423,781).

Utilities; Award Contracts for Equipment for an Enhanced Nutrient Removal Upgrade Project at Aquia Wastewater Treatment Facility Mr. Milde motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-536.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Resolution R08-536 reads as follows:

A RESOLUTION TO AWARD CONTRACTS FOR POSITIVE
DISPLACEMENT BLOWERS AND DIFFUSED AERATION
SYSTEM AT AQUIA WASTEWATER TREATMENT FACILITY

WHEREAS, the Board has appropriated funds in the Utilities' Department's FY 2009 Capital Improvements Projects (CIP) budget to be expended for the Aquia Wastewater Enhanced Nutrient Removal Upgrade project; and

WHEREAS, equipment required to be purchased to facilitate installation was offered for competitive bids; and

WHEREAS, the sole bidder for diffused aeration equipment, was Schrieber, LLC.; and the responsive and responsible bid for the positive displacement blowers, was from Aerzen USA Corporation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November 2008, that the County Administrator be and he hereby is authorized to execute a contract with Schrieber, LLC, for diffused aeration equipment at a cost not to exceed Four Million One Hundred Twenty-six Thousand Dollars (\$4,126,000); and a contract with Aerzen USA Corporation for positive displacement blowers for a cost not to exceed Four Hundred Twenty-nine Thousand Six Hundred Fifty-five Dollars (\$429,655) for Aquia Wastewater Treatment Facility Enhanced Nutrient Removal equipment purchases.

Planning and Zoning; Consider an Amendment to the Comprehensive Plan – Urban Services Area. Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and responded to Board members questions.

The County Attorney commented further.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Milde to defer proposed Resolution R08-387 to the December 2, 2008 meeting.

Discussion further ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, to delay proposed Resolution R08-387 until the Comprehensive Plan has been adopted.

The Voting Board tally on the substitute motion was:

Yea: (2) Dudenhefer, Milde
Nay: (4) Crisp, Schwartz, Woodson, Brito
Absent: (1) Sterling

The Voting Board tally on the original motion was:

Yea: (5) Dudenhefer, Crisp, Schwartz, Woodson, Brito
Nay: (1) Milde
Absent: (1) Sterling

Legislative; Discuss Transportation Impact Fee Advisory Committee Appointments.

Mr. Brito motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-539.

The Voting Board tally was:

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

Resolution R08-539 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE
TRANSPORTATION IMPACT FEES ADVISORY
COMMITTEE

WHEREAS, the 2000 Virginia General Assembly enacted legislation which permits Stafford to levy Transportation Impact Fees; and

WHEREAS, the County is in the process of evaluating a proposed countywide Transportation Impact Fee program; and

WHEREAS, the enabling legislation requires the establishment of a Transportation Impact Fee Advisory Committee to advise the Board on the establishment of a Transportation Impact Fee program; and

WHEREAS, the advisory committee must consist of 5 to 10 members with at least 40% of such members being from the development, building or real estate industries; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
(David Beiler) Member-At-Large	Pleasure of the Board
(Patricia Kurpiel) Member-At-Large	Pleasure of the Board
(James McMath)	Pleasure of the Board

Member-At-Large

Development, Building or Real Estate

Pleasure of the Board

Development, Building or Real Estate

Pleasure of the Board

WHEREAS, the Board desires to fill the vacancies;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November, 2008, that

(Jon Riley)
Development, Building or Real Estate

Pleasure of the Board

(Samer Shalaby)
Development, Building or Real Estate

Pleasure of the Board

be and they hereby are appointed to the Transportation Impact Fee Advisory Committee.

Planning and Zoning; Consider a Conditional Use Permit at 244 Thorny Point Road Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-484.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Resolution R08-484 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT,
PURSUANT TO APPLICATION CUP2800577, TO ALLOW A
TELECOMMUNICATIONS FACILITY IN AN A-1, AGRICULTURAL,
ZONING DISTRICT ON ASSESSOR’S PARCEL 41A-1-8K, AQUIA
ELECTION DISTRICT

WHEREAS, the Stafford County Board of Supervisors, applicant, has submitted application CUP2800577 requesting a Conditional Use Permit to allow a telecommunications facility in an A-1, Agricultural, Zoning District on Assessor’s Parcel 41A-1-8K; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-35, Table 3.1 of the Zoning Ordinance which permits this use in an A-1, Agricultural, 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 meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November, 2008, that a Conditional Use Permit, pursuant to application CUP2800577, be and it hereby is approved with the following conditions:

1. This Conditional Use Permit is for a telecommunication facility to be located on Assessor's Parcel 41A-1-8K.
2. There shall be only one (1) tower permitted on the property. The height of the existing telecommunications tower shall not be increased, except for a lightning rod or similar appurtenances.
3. There shall be no additional lights beyond what is required for safety purposes on the telecommunications tower unless required by the Federal Aviation Administration (FAA).
4. There shall be no signs on the telecommunication tower or any other structures associated with the telecommunication facility except for those required by federal or state agencies and safety warning signs.
5. Once the equipment is determined to be obsolete, written notice shall be sent to the County Administrator specifying discontinuance of use of the facility. Within twelve (12) months of cessation of use of the facility, the equipment and/or the tower shall be removed by the owner.
6. There shall be no habitable structures located on the subject property.
7. Access to the facility shall be from Thorny Point Road.
8. Storage of supplies and equipment shall not be visible from any adjoining properties.
9. Any future site licensees must provide an intermodulation study showing that their telecommunications equipment will not interfere with Stafford County's public safety communications signals on this telecommunications facility.

10. If building permits are not obtained within five (5) years from the date of approval, this conditional use permit shall expire.
11. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

Parks and Recreation; Renew and Extend the Lease for a Gymnastics and Recreation Facility. The County Administrator commented.

Discussion ensued.

Mr. Schwartz motioned, seconded by Mr. Woodson to adopt proposed Resolution R08-531.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Resolution R08-531 reads as follows:

A RESOLUTION TO RENEW AND EXTEND THE LEASE
FOR A GYMNASTICS AND RECREATION FACILITY

WHEREAS, the Department of Parks and Recreation is in need of a facility for the year-round gymnastics and other recreational programs; and

WHEREAS, the current lease for the Stafford Gymnastics and Recreation Center expires November 30, 2008; and

WHEREAS, annual lease costs for the facility are budgeted within the current department budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of November, 2008, that the County Administrator be and hereby is authorized to execute a lease in an amount not to exceed One Hundred Sixty-six Thousand Eight Hundred Dollars (\$166,800) with Thurman Campbell and Mark W. Osborn for the lease of a recreational building.

Legislative; Discuss Commissioner of Accounts. Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Crisp, for the County to send a note to the Courts and possibly the new woman who is taking the position to politely request this position be given to someone who has an office in Stafford.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Legislative; Discuss Fire Programs Funds. Mr. Milde commented.

Mr. Rob Brown, Fire and Rescue Chief, commented.

Discussion ensued.

Hearing no objections from the Board, an updated report will be provided to the Board no later than March 15, 2009.

Legislative; Discuss VRE Subsidy. Mr. Brito commented.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Crisp, to request that VRE consider lowering its subsidy requirements.

Discussion further ensued.

Mr. Brito withdrew his motion.

Mr. Crisp withdrew the second to the motion.

Legislative; Discuss Noise from Off-Road Vehicles. Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Dudenhefer to request the County Attorney's office, with assistance from the Sheriff's office, to further review the issue and report back with recommendations within 60 days.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Legislative; Fire and Rescue Issues. Mr. Brito commented.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Woodson, to start gearing up to hire six more fire fighters starting January 1, 2009 and request that the committee of Mr. Schwartz and Mr. Sterling report back to the Board on how to pay for it.

Discussion further ensued.

Mr. Milde made a first degree motion to add to the original motion, to direct staff to see if funding these positions can be accomplished with holding the tax rate steady in the FY2010 budget.

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

Discussion further ensued.

The Voting Board tally on the original motion was:

Yea: (5) Crisp, Dudenhefer, Milde, Woodson, Brito

Nay: (1) Schwartz

Absent: (1) Sterling

Legislative: Warrenton Road Service Districts. Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Dudenhefer, to authorize a public hearing to add parcels that have been rezoned in the Warrenton Road Service District.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Sterling

Adjournment. At 9:18 P. M. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

George H. Schwartz
Chairman