

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting
July 7, 2009

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:03 P. M., Tuesday, July 7, 2009, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: George H. Schwartz, Chairman; Cord A. Sterling; Robert "Bob" Woodson; Harry E. Crisp II, Vice Chairman; Mark Dudenhefer, and Paul V. Milde III. M. S. "Joe" Brito arrived at 1:08 P. M.

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

Legislative: Presentation on Proclamation.

- Recognize and Commend Marsha Y. Beard and Eleanor E. Hinzman for their Service to the Citizens of Stafford County

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

Pastor Daniel Jones - Parks and Recreation Fields
Anthony McPherson - Parks and Recreation Fields
Sterling Collins - Parks and Recreation Fields

- Mark Deutel - Parks and Recreation Fields
- Bill Hoyt - SPCA
- Animal Control
- Parks and Recreation
- Donna Dawkins - SPCA

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

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

- Mr. Brito
 - Attended 14 meetings
 - Attended Girl Scout Gold Award Ceremony
 - Attended Eagle Scout Award Ceremony
 - Attended the Unitarian Church Groundbreaking
 - Scheduled a Town Hall Meeting on August 18th at Rocky Run Elementary School on Parks Bond Referendum Issues
- Mr. Crisp
 - Presented an Eagle Scout Honor Award
 - Attended a Technology Zone meeting
 - Attended Fredericksburg/Stafford Park Authority meeting
 - Commented on the passing of Duff McDuff Green
- Mr. Dudenhefer
 - Attended GWRC/FAMPO meeting
 - Attended and Eagle Scout Award Ceremony
 - Attended a Girl Scout Gold Award Ceremony
 - Commented on sports programs in the County
- Mr. Milde
 - Attended an R-Board meeting
 - Parks and Recreation Commission meeting

- Attended D.A.R.E. Day
- Attended a VRE meeting
- Brooke Point High School Graduation
- Transportation Bond Sub-Committee meeting
- Attended VRE budget meeting
- Attended Company 2 Volunteer Fireman's Awards Banquet
- Economic Development Forum
- Chaplin Group Home
- AIDS walk at Cannon Ridge
- Eagle Scout Ceremony
- Hospital Boulevard Ribbon Cutting
- Commented on passing of Mac Moncure
- Attended Rotary Club meeting

Mr. Sterling - No comments.

- Mr. Woodson
- Attended Quantico Growth Management Committee meeting
 - Change in command at Quantico Marine Base
 - Regional Transportation Forum
 - Brooke Point High School Graduation
 - Department of Social Services meeting
 - REDCO meeting
 - Dedication at Mount Olive Baptist Church
 - Shirley Heim Middle School opening

Mr. Schwartz - No comments

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

- Revised Closed Meeting: 1) Real Property Acquisition for Public Purpose for Fire Station No. 14, and 2) Aquia Wastewater Bid Protest, Preliminary Injunction.

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

- VDOT FY2010 Revenue Sharing. Requested permission to make an application by the August 14, 2009 deadline, with the guidance from the Transportation Bond Committee, to determine which projects to apply for. This would then be brought back to the Board at its August 18th meeting to be ratified. Mr. Schwartz concurred.

- Monthly budget update

- Additions/Deletions: (1) Add Item 20 – Legislative; Discuss Medical Office/Clinic as a By-Right Use in the Commercial District, a revised resolution to Item 4c, additional handouts for Items 1, 18b and 19.

Legislative; Additions and Deletions to the Regular Agenda. Mr. Dudenhefer motioned, seconded by Mr. Woodson, to add Item 20 – Legislative; Discuss Medical Office/Clinic as a By-Right Use in the Commercial District, a revised resolution to Item 4c, and additional handouts

The Voting Board tally was:

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

Nay: (0)

Legislative; Consent Agenda. Mr. Milde motioned, seconded by Mr. Crisp, to approve the Consent Agenda consisting of Items 2 thru 17, Items 4b and 9 deleted.

The Voting Board tally was:

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

Nay: (0)

Item 2. Legislative; Approve Minutes of Board Meeting. Regular Meetings of June 2, 2009 and June 16, 2009.

Item 3. Finance and Budget; Approve Expenditure Listing.

Resolution R09-274 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING
(EL) DATED JUNE 15, 2009 THROUGH JULY 06, 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 7th day of July 2009, that the above-mentioned EL be and it hereby is approved.

Item 4. Authorize a Public Hearing to:

Resolution R09-269 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO DISCUSS VACATING
A SANITARY SEWER EASEMENT ON PARCEL 38-34C, 1190
RAMOTH CHURCH ROAD

WHEREAS, the Board has authority to approve the vacation of public easements within Stafford County; and

WHEREAS, the owner of Parcel 38-34C desires the easement for a sanitary sewer vacated; and

WHEREAS, staff has determined that there is no future need for this easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July 2009, that the County Administrator be and he hereby is authorized to advertise for a public hearing on August 18, 2009 for the purpose of vacating a sanitary sewer easement.

Resolution R09-284 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER RESTRICTING THROUGH TRUCK TRAFFIC ON PARKWAY BOULEVARD (SR-1264) ; FLATFORD ROAD (SR-709); HAMPTON PARK ROAD (SR-751); NORTHAMPTON BOULEVARD (SR-1482); EUSTACE ROAD (SR-751); AND EMBREY MILL ROAD (SR-733)

WHEREAS, the Board is interested in promoting public health, safety, and welfare, including the prevention of accidents and injuries caused by large truck traffic in residential areas; and

WHEREAS, Parkway Boulevard (SR-1264), Flatford Road (SR-709), Hampton Park Road (SR-751), Northampton Boulevard (SR-1482), Eustace Road (SR-751), and Embrey Mill Road (SR-733) are located in Stafford County; and

WHEREAS, large trucks travel between Garrisonville Road (SR-610) and Courthouse Road (SR-630), using Parkway Boulevard (SR-1264), Flatford Road (SR-

709), Hampton Park Road (SR-751), Northampton Boulevard (SR-1482), Eustace Road (SR-751), and Embrey Mill Road (SR-733), which are residential streets; and

WHEREAS, large truck traffic using these streets creates a safety concern for the residents of these dense residential areas; and

WHEREAS, the County is required to conduct a public hearing for the proposed restrictions of through truck traffic on certain road segments, in accordance with Section 46.2-809 of the Code of Virginia (1950), as amended; and

WHEREAS, the County commits to enforcing this proposed restriction;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July 2009, that the County Administrator be and he hereby is authorized to advertise a public hearing for August 18, 2009, to consider restricting through truck traffic on Parkway Boulevard (SR-1264), Flatford Road (SR-709), Hampton Park Road (SR-751), Northampton Boulevard (SR-1482), Eustace Road (SR-751), and Embrey Mill Road (SR-733).

Item 5. Utilities; Execute a Contract Extension for Biosolids Management Services

Resolution R09-268 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT TO EXTEND THE CONTRACT FOR BIOSOLIDS MANAGEMENT SERVICES

WHEREAS, in accordance with Resolution R02-269, the Board authorized a contract for biosolids management services for the Department of Utilities; and

WHEREAS, the contract provided for an initial contract period of three (3) years and up to six (6) additional one-year extensions; and

WHEREAS, a contract amendment is needed to extend the contract through June 30, 2010; and

WHEREAS, funds have been appropriated in the FY2010 budget for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that the County Administrator be and he hereby is authorized to execute a contract amendment with Synagro Mid-Atlantic to extend the current contract for Biosolids Management Services for an additional one-year period with an estimated expenditure not to exceed Four Hundred Seventy-four Thousand Two Hundred Twenty-five Dollars (\$474,225).

Item 6. Utilities; Authorize Contracts for Water and Sewer Maintenance and Construction Services for FY2010

Resolution R09-264 reads as follows:

**A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE CONTRACT AMENDMENTS FOR WATER AND
SEWER MAINTENANCE AND CONSTRUCTION SERVICES**

WHEREAS, the Department of Utilities periodically needs the services of outside contractors to perform water and sewer maintenance and construction projects that are beyond the capabilities of County resources; and

WHEREAS, funds have been appropriated in the FY2010 Operating and Capital Improvements budgets for this purpose; and

WHEREAS, the current contracts for these services provide for up to four (4) one-year extensions;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July 2009, that the County Administrator be and he hereby is authorized to execute contract amendments with Kruckenberg Service Company in the amount not to exceed Five Hundred Ten Thousand Dollars (\$510,000); W. C. Spratt, Inc. in the amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000); and Patterson Construction Company in the amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) to continue to provide water and sewer maintenance and construction services for the County during FY2010.

Item 7. This item has been deleted from the Agenda.

Item 8. Sheriff; Authorize the County Administrator to Extend and/or Renew Existing Contract with RCC Consultants, Inc.

Resolution R09-273 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXTEND AND/OR RENEW EXISTING CONTRACT WITH RCC
CONSULTANTS, INC. FOR FY2010

WHEREAS, the County as authorized by the Board, pursuant to Resolution R07-293, entered into a contract for services with RCC Consultants, Inc. on August 21, 2007; and

WHEREAS, as part of the public safety radio communications system, the need exists to continue the services of a consultant with an expertise in public safety radio communications systems; and

WHEREAS, the County contract with RCC Consultants, Inc., provides for an annual renewal of the contract in the amount of \$259,428;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that the Board be and it hereby does authorize the County Administrator to renew its contract with RCC Consultants, Inc. in an amount not to exceed Two Hundred Fifty-nine Thousand Four Hundred Twenty-eight Dollars (\$259,428).

Item 10. Planning and Zoning; Consider the Planning Commission's Request for Time Extension for Proposed Ordinance O09-32 Regarding Fences and Hedges on Corner Lots

Resolution R09-278 reads as follows:

A RESOLUTION TO EXTEND THE PLANNING COMMISSION
TIME LIMIT TO RECOMMEND PROPOSED ORDINANCE O09-32

WHEREAS, on May 19, 2009, the Board referred the proposed ordinance O09-32 to the Planning Commission to make necessary changes and have a public hearing; and

WHEREAS, Stafford County Code, Section 28-334, of the Zoning Ordinance, specifies that the Planning Commission has ninety (90) days to review and recommend changes to ordinances referred by the Board; and

WHEREAS, the Planning Commission deadline to forward a recommendation is August 17, 2009; and

WHEREAS, at its June 17, 2009 meeting, the Planning Commission requested additional time to make the requisite changes to the ordinances and conduct the necessary public hearing; and

WHEREAS, the Planning Commission requested an extension of the time limit for a recommendation for proposed ordinance O09-32; and

WHEREAS, the Board believes that the Planning Commission's request is reasonable and should be granted;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that it be and hereby does extend the Planning Commission time limit to recommend proposed Ordinance O09-32 from August 17, 2009 to September 16, 2009.

Item 11. Planning and Zoning; Refer to the Planning Commission an Amendment to the Zoning Ordinance Regarding Section 28-350(b), "Grant of Variances"

Resolution R09-253 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT OF THE ZONING ORDINANCE TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTION 28-350(b), "GRANT OF VARIANCES"

WHEREAS, the Zoning Ordinance currently states that in order for a variance to be granted, it must alleviate a clearly demonstrable hardship approaching confiscation; and

WHEREAS, House Bill 2326 was enacted by the 2009 General Assembly, which removed the "approaching confiscation" language from the Code of Virginia, Section 15.2-2309(2), dealing with the consideration of variances; and

WHEREAS, the Zoning Ordinance should be amended to remove the “approaching confiscation” language; and

WHEREAS, this amendment would make Stafford County Zoning Ordinance consistent with the Code of Virginia, relating to boards of zoning appeals; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practices requires the adoption of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that the amendment to the Zoning Ordinance by proposed Ordinance O09-41 be and it hereby is referred to the Planning Commission for its consideration.

Item 12. Public Information; Approve Proclamation to:

Proclamation P09-13 reads as follows:

A PROCLAMATION TO RECOGNIZE THE SHERIFF’S OFFICE
FOR OBSERVING NATIONAL NIGHT OUT 2009 IN STAFFORD

WHEREAS, the National Association of Town Watch sponsors a nationwide crime, drug and violence prevention program on August 4th called “National Night Out 2009”; and

WHEREAS, Sheriff Charles Jett urges citizens to turn on their porch lights the evening of Tuesday, August 4th, and encourages citizens to hold block parties with their neighbors to discuss anti-crime strategies and form neighborhood watch groups; and

WHEREAS, Sheriff’s deputies and McGruff the Crime Dog visit neighborhoods to educate citizens about police-community partnerships and to emphasize the impact that

their participation and vigilance can have on reducing crime, drugs and violence in the County; and

WHEREAS, the Board recognizes the continuous efforts each year of the following subdivisions as participating communities in National Night Out: Austin Ridge, Clearview Heights, Falls Run, Hampton Oaks, Harwill Acres, and Woodlawn, and the many other subdivisions that have participated throughout the years; and

WHEREAS, the Board especially thanks the members of the Aquia Harbour Volunteer Rescue Squad for their above and beyond support as a main participant in National Night Out; and

WHEREAS, the Board commends the Sheriff's Office staff for their dedication and commitment to ensure the security of each resident of the County, and provide a place where families and visitors alike can live, work and play safely;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that the Board be and hereby does recognize the Sheriff's Office for observing "National Night Out 2009" in Stafford.

Proclamation P09-15 reads as follows:

A PROCLAMATION TO COMMEMORATE POSTHUMOUSLY
DUFF McDUFF GREEN, JR.

WHEREAS, Duff McDuff Green, Jr. expressed a desire to help the youth and future generations of Stafford County, and donated 60.2 acres of land in the George Washington Election District in April 1994 that was developed into Duff McDuff Green Memorial Park, a portion of which fronts the Rappahannock River; and

WHEREAS, the Board adopted a proclamation in April 1994 that commended and expressed the Board's appreciation to Duff McDuff Green, Jr., for his generosity to the citizens of Stafford County; and

WHEREAS, Duff McDuff Green Memorial Park features soccer and baseball fields, picnic shelters, a concession building, a playground, and a scenic overlook of the Rappahannock River, and offers youth opportunities to learn about sports and teamwork, and families a chance to enjoy nature and the beauty of the Rappahannock River; and

WHEREAS, Duff McDuff Green, Jr.'s generous spirit lives on even after his recent passing, when he willed Stafford County his property and home located off of Route 3 in south Stafford, adjacent to the existing Duff McDuff Green Memorial Park, to be used for parks only; and

WHEREAS, Duff McDuff Green, Jr., always took a personal interest in family, friends and associates, bestowing gifts on them during the holidays, and fervently supporting causes he believed in such as expanding health care services in the community; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the valuable and selfless commitment that Duff McDuff Green, Jr., made to Stafford County, especially to the community's youth;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that Duff McDuff Green, Jr., be and he hereby is commemorated posthumously.

Item 13. Parks, Recreation and Community Facilities; Extend the Agreement for Distribution of Assets from the Fredericksburg-Stafford Park Authority

Resolution R09-285 reads as follows:

A RESOLUTION TO EXTEND THE AGREEMENT FOR
DISTRIBUTION OF ASSETS FROM THE FREDERICKSBURG-
STAFFORD PARK AUTHORITY

WHEREAS, on May 5, 2009 the Board approved an Agreement with the Fredericksburg-Stafford Park Authority (FSPA) and the Fredericksburg City Council to accept distribution of assets from the FSPA; and

WHEREAS, an audit of the FSPA financial accounts to determine the assets to be divided equally between Stafford County and the City of Fredericksburg is not complete; and

WHEREAS, at a meeting on June 24, 2009, the FSPA unanimously passed a motion to extend the agreement 30 days from June 30, 2009 to July 30, 2009;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th of July 2009, that the Agreement for distribution of assets from the Fredericksburg-Stafford Park Authority be extended by 30 days to July 30, 2009.

Item 14. Public Works; Amend Public Private Transportation Act Guidelines

Resolution R09-286 reads as follows:

A RESOLUTION TO ADOPT GUIDELINES FOR THE PUBLIC-PRIVATE
TRANSPORTATION ACT OF 1995, AS AMENDED, FOR STAFFORD
COUNTY

WHEREAS, the Public-Private Transportation Act of 1995, as amended, (PPTA), is the legislative framework enabling the Commonwealth of Virginia, local governments, and certain other public entities as defined in the Act, to enter into agreements

authorizing private entities to develop and/or operate qualifying transportation facilities;
and

WHEREAS, it is the desire of the Board to specify a PPTA process that is consistent, transparent, and stable, and encourages and supports a climate for private sector innovation and investment to address specific transportation needs of the County;
and

WHEREAS, the PPTA Guidelines adopted by the Board on September 4, 2007, have been reviewed for errors and omissions;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that the Board be and it hereby does adopt Guidelines for the Public-Private Transportation Act of 1995, as amended, and that the County Administrator be and he hereby is authorized to implement them.

Item 15. Appoint Members to Boards, Authorities, Commissions and Committees

Resolution R09-287 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF STAFFORD AND THE CITY OF STAUNTON, VIRGINIA, (“THE AUTHORITY”)

WHEREAS, the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia, (“The “Authority”), was established by Ordinance O03-34 on June 3, 2003, by the Board; and

WHEREAS, a total of seven (7) Directors are to be appointed initially for staggered terms of four (4) years and subsequent terms shall be four years; and

WHEREAS, one of the four positions will be a “rotating seat” that was filled by the County in its initial first four-year term; and

WHEREAS, the City of Staunton will appoint three individuals to The Authority and was entitled to fill the rotating seat in its second four-year term;

WHEREAS, the Board has previously appointed the following:

<u>NAME:</u>	<u>EXPIRATION:</u>
Tibor Baksy, Jr. (Member-at-Large)	June 30, 2009
James McMath (Member-at-Large)	June 30, 2012
Terry Payne (Member-at-Large)	June 30, 2010

WHEREAS, the term of Tibor Baksy, Jr. will expire on June 30, 2009; and

WHEREAS, James McMath has submitted his resignation; and

WHEREAS, the Board desires to fill these positions;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that

<u>NAME:</u>	<u>EXPIRATION:</u>
Tibor Baksy, Jr.	June 30, 2013

(Member-at-Large)

Vacant

June 30, 2012

(Member-at-Large)

be and he hereby is appointed to the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia.

Item 16. Public Works; Allocate Remainder of Courthouse Renovation Budget

Resolution R09-288 reads as follows:

A RESOLUTION AUTHORIZING THE REMAINDER OF THE PROJECT
BUDGET FOR THE COURTHOUSE RENOVATION PROJECT

WHEREAS, the Board desires to complete the renovations to the basement of the Stafford Courthouse to provide additional courtroom and jury space, office area and file storage; and

WHEREAS, the balance of the project budget is designated for completion of work associated with renovation of the courthouse along with the purchase of the furnishings and fixtures necessary to make this area fully functional, along with a contingency reserve appropriate for construction projects; and

WHEREAS, it is necessary for the Board to authorize the use of these funds in the amount of \$433,639;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that the County Administrator be and he hereby is authorized to expend the balance of the project budget in the amount of Four Hundred Thirty-three Thousand Six Hundred Thirty-nine Thousand Dollars (\$433,639) for completion of the Courthouse Renovation.

Item 17. Parks, Recreation and Community Facilities; Authorize Staff to Pursue Federal, State and Other Funding Available for the Master Planning, Design and Construction of a Trail with the Dominion Virginia Power Easement in North Stafford

Resolution R09-289 reads as follows:

A RESOLUTION TO DIRECT STAFF TO PURSUE FEDERAL, STATE AND OTHER FUNDING AVAILABLE FOR THE CONSTRUCTION OF A TRAIL WITHIN THE DOMINION VIRGINIA POWER EASEMENT IN NORTH STAFFORD, WEST OF INTERSTATE 95

WHEREAS, Dominion Virginia Power is in the process of placing new underground power lines from Aquia Harbour to Mountain View Road south of Garrisonville Road in its existing easement, creating a linear open space well suited for the construction of a trail for walking, hiking and bicycling; and

WHEREAS, the trail will serve to connect communities, schools, parks and other public facilities in the area, and will provide an opportunity for students living in nearby subdivisions to walk to school; and

WHEREAS, Supervisors Brito and Sterling, acting as a committee of the Board have recommended that the County proceed with the creation of such a trail within the easement; and

WHEREAS, the Board desires to secure federal, state and other grant funding available for the master planning, design and construction of the trail;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that the staff is hereby directed to pursue federal, state and other grant funding available for this purpose, including the Safer

Routes to School and other Safe, Accountable, Flexible, Efficient, Transportation Equity Act (SAFETEA-LU) programs.

County Attorney; Amend the County Code Regarding Chapter 24, "Vegetation"

Mr. Dudenhefer motioned, seconded by Mr. Sterling, to adopt proposed Resolution R09-236.

The Voting Board tally was:

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

Resolution R09-236 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 24, ENTITLED "VEGETATION"

WHEREAS, the Board of Supervisors requested the General Assembly to grant Stafford County the authority to cut grass on occupied residential property, similar to the authority it has to cut grass on vacant property; and

WHEREAS, the General Assembly granted Stafford County the authority to cut grass on occupied residential property through SB 881; and

WHEREAS, the Board desires to amend and reenact County Code, Chapter 24, entitled "Vegetation", to allow Stafford County to cut grass on occupied, residential property that is 12 inches in height or taller; and

WHEREAS, the Board desires to consider public comments concerning the proposed changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that the County Administrator be and he

hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of amending, reordaining, and/or renumbering Stafford County Code, Chapter 24, entitled “Vegetation”.

Planning and Zoning; Consider the Planning Commission’s Request for Time Extension for Proposed Ordinance O09-27 Regarding Clustering in Agricultural Zoning Districts

Mr. Brito motioned, seconded by Mr. Crisp, to adopt proposed Resolution R09-276.

The Voting Board tally on the substitute motion was:

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

Resolution R09-276 reads as follows:

A RESOLUTION TO EXTEND THE TIME LIMIT FOR THE PLANNING COMMISSION TO MAKE RECOMMENDATIONS TO PROPOSED ORDINANCE O09-27

WHEREAS, on May 5, 2009, the Board referred proposed Ordinance O09-27 to the Planning Commission to make necessary changes and have a public hearing; and

WHEREAS, Stafford County Code, Section 28-334, of the Zoning Ordinance, specifies that the Planning Commission has ninety (90) days to review and recommend changes to ordinances referred by the Board; and

WHEREAS, the Planning Commission deadline to forward a recommendation is August 4, 2009; and

WHEREAS, at its June 3, 2009 meeting, the Planning Commission requested additional time to make the changes to the ordinance and conduct the necessary public hearing; and

WHEREAS, the Planning Commission requested an extension of the time limit for a minimum of thirty (30) days to September 16, 2009 for proposed Ordinance O09-27; and

WHEREAS, the Board believes that the Planning Commission's request is reasonable and should be granted;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7th day of July, 2009, that it be and hereby does extend the deadline for a recommendation for proposed Ordinance O09-27 by the Planning Commission from August 4, 2009 to September 16, 2009.

Discuss SB 882 Regarding Regulated Parking of Certain Vehicles. Mr. Schwartz commented.

Discussion ensued.

Mr. Milde requested that the Board consider obtaining information from the Sheriff's Office to determine the ability to enforce the parking restrictions.

Hearing no objections from the Board, staff was requested to prepare an ordinance on a County-wide basis, which included Mr. Milde's request. The Board also request staff to include a map of all eligible areas.

Discuss Update on Comprehensive Plan. Mr. Jeff Harvey, Director of Planning and Zoning gave an update and responded to Board members questions.

Discussion ensued.

Mr. Crisp suggested that the Board consider Option 2, which is a September 16th joint public hearing with the Planning Commission. Option 3 would be the second choice, which would consider a public hearing at the October 6th Board meeting, which would be changed to a joint hearing with the Planning Commission.

Mr. Sterling suggested the Board consider Option 1 with Option 3 as the second choice.

Mr. Dudenhefer suggested that the Board and Planning Commission hold a joint public hearing or defer the issue until next year.

Mr. Milde suggested that he preferred Option 1.

Hearing no objections, the Board will bring back this issue at its August 18th meeting.

Discuss Definition of an Antique Shop. Mr. Brito commented.

Discussion ensued.

Mr. Brito motioned to have a Zoning Ordinance amendment to allow antique auto sales in a B-1, B-2, M-1 and M-2 zoning districts.

The motioned failed due to the lack of a second.

Discuss Mine Road Sidewalks. Mr. Brito commented.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Woodson to authorize the County Administrator to execute necessary documents for an easement.

The Voting Board tally was:

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

Nay: (0)

Discuss Medical Office/Clinic as a By-Right Use in the Commercial District. Mr. Dudenhefer commented.

Discussion ensued.

Mr. Dudenhefer made a motion for staff to prepare an ordinance to be presented at the August 18, 2009 Board meeting for referral to the Planning Commission.

Legislative; Closed Meeting. At 3:05 P. M., Mr. Sterling motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM09-13.

The Voting Board tally was:

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

Nay: (0)

Resolution CM09-13 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) a Real Property Acquisition for Public Purpose regarding Rocky Pen Run Reservoir, Shifflett Property; (2) a Real Property Acquisition for Public Purpose regarding Fire Station No. 14; and (3) legal advice regarding pending litigation in the *English Construction v. Board of*

Supervisors matter concerning the Aquia Wastewater Bid Protest Preliminary Injunction;
and

WHEREAS, pursuant to Section 2.2-3711 A.3 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 7th day of July, 2009, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 3:46 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM09-13a.

The Voting Board tally was:

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

Resolution CM09-13a a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
JULY 7, 2009

WHEREAS, the Board has, on this the 7th day of July, 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 7th day of July, 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.

Recess. At 3:47 P. M. the Chairman declared a recess until 7:00 P. M..

Call to Order. At 7:05 P. M. the Chairman called the meeting back to order

Invocation. Mr. Crisp gave the Invocation.

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

Legislative; Presentation on Proclamation.

- Recognize the Sheriff's Office in Observance of "National Night Out 2009"

Presentations by the Public-II. The following persons spoke on the items as indicated:

Paul Ortiz	-	SPCA
Michael Bielinski	-	Parks and Recreation Bond
Margaret Lowry	-	Parks and Recreation Bond

Tracy Abramson	-	Parks and Recreation Bond
Donna Dawkins	-	SPCA
Michelle Clay	-	SPCA
Lorraine Gardner	-	SPCA
Dimitry Gardner	-	SPCA
Irene Egan	-	SPCA
Bob Dawkins	-	SPCA
Jeffrey Curry	-	Parks and Recreation Bond
Robert Hopkins	-	Parks and Recreation Bond
	-	Internet Service
	-	SPCA
Eric Kelly	-	SPCA
Jeffrey Troy	-	Parks and Recreation Bond
Reb Bensin	-	Parks and Recreation Bond
Ozzy Ramos	-	SPCA
Frank Withrow	-	SPCA
Anne Sweet	-	SPCA
Dana Brown	-	Issue of speaking twice on same subject
Heather Stefl	-	Rudeness
Mike Johnson	-	Parks and Recreation Bond
Lilly Trey	-	Parks and Recreation Bond
Camryn Curry	-	Parks and Recreation Bond
Zoe Witterman	-	Parks and Recreation Bond
Rozania Smith	-	SPCA
Craig Boothe	-	Parks and Recreation Bond
Heidi Simpson	-	Parks and Recreation Bond
Theodore Ghinea	-	SPCA
Casey Walker	-	Parks and Recreation Bond
Peyton Curry	-	Parks and Recreation Bond
Megan Simpson	-	Parks and Recreation Bond
Annalee Johnson	-	Parks and Recreation Bond

Legislative; Discuss Parks and Recreation Bond. Mr. Dudenhefer commented.

Mr. Dudenhefer motioned, seconded by Mr. Sterling, to adopt proposed Resolution R09-296 with the following changes:

- Add \$6M back to the Bond Referendum
- Renovation/reconstruction of Curtis Park Pool
- Reduce acquisition fund to 4,300,000
- Add \$1M to Bond for Duff McDuff Green property
- Change \$30M to \$29M
- Ballot portion to read as follows: (1) Development of Chichester Park at 75 Stafford Indians Lane for park, baseball complex, and related facilities; (2) Development of the Belmont-Ferry Farm Trail, the Dominion Virginia Power Easement Trail and the Belmont to Cannon Ridge Trail; (3) Development of Musselman Park at 750 Truslow Road for baseball fields, rectangular fields, trails, playground, picnic shelter, restrooms, parking and related facilities; (4) Development of rectangular athletic field complex; (5) Improvements to existing parks, including renovations to playgrounds, picnic shelters, trails, courts, handicapped accessibility and signage; (6) Land acquisition; (7) Renovation or reconstruction of Curtis Park Pool; and (8) Development of Phase II of Duff McDuff Green Park?

The Voting Board tally was:

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

Nay: (1) Woodson

Resolution R09-296 reads as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD REQUESTING THE CIRCUIT COURT TO

ORDER A SPECIAL ELECTION ON THE QUESTION OF ISSUING TWENTY-NINE MILLION DOLLARS (\$29,000,000) IN GENERAL OBLIGATION BONDS OF THE COUNTY OF STAFFORD, VIRGINIA TO FINANCE VARIOUS PARKS AND RECREATION PROJECTS

WHEREAS, the Board of Supervisors ("Board") of the County of Stafford, Virginia ("County") has determined that it is advisable to contract a debt and to issue general obligation bonds of the County in the maximum amount of Twenty-Nine Million Dollars (the "Bonds") for the purpose of financing the acquisition, construction, and equipping of certain parks and recreation improvements ("Projects"); and

WHEREAS, pursuant to the authority granted by Title 15.2, Chapter 26, Code of Virginia of 1950, as amended, known and cited as the Public Finance Act of 1991 ("Act"), the Board proposes to call a special election to take the sense of the qualified voters of the County on the following question regarding the issuance of such general obligation bonds;

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

1. The Board hereby determines that it is advisable to contract a debt and to issue general obligation bonds of the County in the amount set forth below and for the purpose of paying the costs, in whole or in part, of the Projects.

2. The Board hereby requests the Circuit Court of Stafford County, Virginia, to order a special election on November 3, 2009 on the following question pursuant to Sections 15.2-2610 and 15.2-2611 of the Act, provided that such date is at least sixty (60) days after the date on which the Court enters its order. The question on the ballot shall be in substantially the following form:

SPECIAL ELECTION

November 3, 2009

PARKS AND RECREATION PROJECTS:

QUESTION: Shall Stafford County, Virginia contract a debt and issue its general obligation bonds in the maximum amount of Twenty-Nine Million Dollars (\$29,000,000) for the purpose of paying the costs, in whole or in part, of the following parks and recreation projects:

- (1) Development of Chichester Park at 75 Stafford Indians Lane for park, baseball complex, and related facilities;
- (2) Development of the Belmont-Ferry Farm Trail, the Dominion Virginia Power Easement Trail and the Belmont to Cannon Ridge Trail;
- (3) Development of Musselman Park at 750 Truslow Road for baseball fields, rectangular fields, trails, playground, picnic shelter, restrooms, parking and related facilities;
- (4) Development of rectangular athletic field complex;
- (5) Improvements to existing parks, including renovations to playgrounds, picnic shelters, trails, courts, handicapped accessibility and signage;
- (6) Land acquisition;
- (7) Renovation or reconstruction of Curtis Park Pool; and
- (8) Development of Phase II of Duff McDuff Green Park?

YES

NO

3. The County Administrator is instructed to file a certified copy of this Resolution with the Circuit Court of Stafford County, Virginia.

4. 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 to pay the costs of the Projects from the proceeds of its debt or other financing. The maximum amount of debt or other financing expected to be issued for the Projects is set forth above.

5. The property at 75 Stafford Indians Lane shall be named Chichester Park, and the property at 750 Truslow Road shall be named Musselman Park.

6. This Resolution rescinds and supersedes Resolution R08-438.

7. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Stafford, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a Resolution adopted by the Board of Supervisors of the County of Stafford, Virginia at a regular meeting held on the 7th day of July, 2009.

At 8:48 P. M., the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

George H. Schwartz
Chairman