BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting September 5, 2006

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Robert C. Gibbons, at 1:05 P. M., Tuesday, September 5, 2006, in the Board Chambers, Stafford County Administration Center.

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

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

<u>Legislative</u>; <u>Presentation of a Gold Award to Recognize and Commend Little Falls Run</u>

<u>Wastewater Treatment Facility Employees.</u> Mr. Steve Crosby, County Administrator,

presented the Award to the Little Falls Run Wastewater Treatment Facility employees.

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

Ruth Carlone - Discovery Days and Salute to Stafford Day.

- SPCA sponsored walk for animals.

- Enforcement of ordinances.

Thomas Clemmons - Naming of I-95 Bridge over the Rappahannock

River.

Lou Silver - Discovery Days.

- Bond referendum.

Sprawl; stressed areas.

Art Hart - Tourism.

<u>Legislative</u>; <u>Presentation on Post-911 Policing by Sheriff Jett.</u> Sheriff Jett introduced Mr. Gerald Needle and Dr. Bob Ford, from the International Association of Chiefs of Police, who gave a presentation on a draft report for the County on homeland security.

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

Mr. Schwartz - Child care agreement for before/after school.

- Lions Club.

- Comprehensive Plan Steering Committee.

- 30-Year Anniversary of Rappahannock Area Agency on Aging .

Discovery Days.

- Attended groundbreaking ceremonies for Berea Fire and Rescue Station.

- Attended Regional Elected Officials Meeting at Belmont.

- Removed item 6 from the Consent Agenda.

Mr. Brito - Tax Relief for the Elderly.

 Attended groundbreaking ceremonies for Berea Fire and Rescue Station. - Attended Regional Elected Officials Meeting at Belmont.

- Attended Hartlake Estates Homeowners Association Meeting.

Discovery Days.

Mr. Cavalier - Proposed indoor aquatic center.

Requested proclamation for Scott Reid who won the
 All American Soap Box Derby.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed proclamation P06-32.

The Voting Board tally was:

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

Nay: (0)

Proclamation P06-32 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND SCOTT REED

WHEREAS, Scott Reed, a junior at Stafford High School, has competed in Soap Box Derby competitions in Virginia and throughout the country for the past six years; and

WHEREAS, Soap Box Derby racing is a family affair for the Reeds, including Scott's parents, Jerry and Carol, who support and encourage him; his sisters, Jennifer and Megan, who are also winning soap box racers; and his grandparents, Charlie and Arlene Martin, who lend assistance and travel to events with the family; and

WHEREAS, Scott Reed, who stands almost six feet tall, used a ready-made kit to build his car, featuring skulls, flames and a custom paint job, which repeatedly carried him into the winner's circle to earn qualifying points; and

WHEREAS, Scott Reed, sponsored by R.C. Lee's Carpet One in Fredericksburg, earned an invitation to compete in the 69th Annual All-American Soap Box Derby held in Akron, Ohio, on July 22, 2006; and

WHEREAS, Scott Reed qualified for the final race in Akron by beating his competitors during four challenging heats on the course's rain-slicked incline; and

WHEREAS, Scott Reed finished the final race in 28.59 seconds to claim the World Championship title in the Masters Rally Division; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the dedication and enjoyment with which Scott Reed has participated in Soap Box Derby racing;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19th day of September, 2006, that Scott Reed be and he hereby is commended for capturing the 69th Annual All-American Soap Box Derby World Championship title.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members continued.</u>

Mr. Dudenhefer - Museum Committee meeting.

Thanked Mr. André Nougaret, Acting
Superintendent of Schools, on placement of bond
referendum information in schools.

- Rappahannock Area Development Commission and Fredericksburg Area Metropolitan Planning Organization.
- Naming of I-95 bridge over the Rappahannock
 River.
- Commended Sheriff Jett.
- Mountain View volunteer fire station.
- Transportation Bond Referendum.

Mr. Fields - Discovery Days.

- Attended Brookstone Homeowners Association Meeting.
- Attended Girl Scout Gold Award and Eagle Scout.
- George Washington Regional Commission.

Mr. Milde - Proposed Stafford Hospital.

- Discovery Days.

- Attended meeting on highway signage.
- Rescue operation for fire and police.
- Hospital meeting.
- Cardboard boat races.
- Attended meeting on Aquia Town Center.
- Attended Rappahannock Regional Solid Waste Management Board meeting.
- Attended Lions Club Meeting.
- Attended Cemetery Ordinance Committee meeting.
- Tributary signs.
- Animal Shelter.
- Attended Base Realignment and Closure meeting.
- Attended Virginia Railway Express meeting.

- Attended Comprehensive Plan Steering Committee meeting.
- Attended Agricultural Commission meeting.
- Attended Regional Elected Officials meeting.
- Attended open house for dialysis center.
- OSEC.
- Crows Nest.
- Transfer of Development Rights Legislation.
- Death of George Moncure.

Mr. Gibbons - Requested status report on the Length of Service Awards Program proposal.

- Postal Office on Garrisonville Road.
- Electrical transmission lines in North Stafford.
- Death of Dr. Lloyd F. Moss.
- Widewater State Park.
- The Godspeed Christmas ornament.
- Discovery Days in 2008.
- New Stafford Hospital.
- Marine Corps Heritage Center Museum.
- Crows Nest.

<u>Legislative</u>; <u>Report of the County Attorney</u>. Mr. Joseph L. Howard, County Attorney, commented on the following:

- Introduced Elizabeth Lang as Assistant County Attorney.

<u>Legislative</u>; <u>Report of the County Administrator</u>. Mr. Steve Crosby, County Administrator, commented on the following:

- Recognized Finance Department personnel for 24th consecutive year of recognition by Government
 Officers Finance Association for preparation of the Comprehensive Annual Financial Report..
- Resignation by Ralph Marceron from Wetlands Board.
- Gypsy Moth Program.
- Discovery Days.

<u>Legislative</u>; <u>Proclamation for Megan Orient</u>. Mr. Fields motioned, seconded by Mr. Milde, to request that staff prepare a proclamation for Megan Orient, Tourism Manager.

The Voting Board tally was:

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

Nay: (0)

Report of the County Administrator (Cont'd):

- Groundbreaking for new hospital.
- Additions:
 - Legislative; Discuss Comprehensive Plan
 Steering Committee.
 - Legislative; Discuss Transportation Impact Fees.
- <u>Deletion:</u>
 - Item 12. Planning; Consider Amending Proffered Conditions at 14 Cedar Grove Road for Westlake Development, LLC.

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Cavalier motioned, seconded by Mr. Fields, to adopt the Consent Agenda consisting of Items 1 thru 9, omitting items 6 and 7.

The Voting Board tally was:

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

Nay: (0)

<u>Item 1. Legislative; Approve Minutes of Board Meeting.</u> Regular Meeting of July 18,

2006 and Regular Meeting of August 1, 2006.

<u>Item 2. Finance; Approve Expenditure Listings:</u>

Resolution R06-377 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)

DATED AUGUST 1, 2006 THROUGH SEPTEMBER 4, 2006

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 5th day of September, 2006, that the above-mentioned EL be and

it hereby is approved.

Item 3. Legislative; Authorize Public Hearings.

Resolution R06-361 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO ADVERTISE A PUBLIC HEARING TO AMEND CHAPTER 12-82(d)

OF THE STAFFORD COUNTY CODE ENTITLED "FIRE PREVENTION AND PROTECTION" TO CORRECT AN ERROR

WHEREAS, on the $6^{\rm th}$ day of June, 2006, Ordinance O06-50 was brought before the Board and adopted; and

WHEREAS, there was a typographical error in paragraph (d) of Chapter 12-82 of the Ordinance which read "Transportation fees: Eight dollars (\$9.00) per GTM and the correct language should have read "Transportation fees: Nine dollars (\$9.00) per GTM; and

WHEREAS, it is the desire of the Board to correct this error;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that the County Administrator be and he hereby is authorized to advertise a public hearing to amend and reordain Chapter 12-82(d) of the Stafford County Code entitled "Fire Prevention and Protection" by correcting a typographical error.

Resolution R06-394 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER PARTICIPATION IN THE FALL 2006 VIRGINIA PUBLIC SCHOOL AUTHORITY BOND SALE AND TO BUDGET AND APPROPRIATE THE BOND PROCEEDS

WHEREAS, the Board has received a request from the Superintendent of the Stafford County Public Schools to contract a debt and issue general obligation bonds of the County in the maximum amount of \$6,375,000 in one or more series to finance certain capital improvements for public school purposes (the "Bonds") and to sell such bonds to the Virginia Public School Authority ("VPSA"); and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5TH day of September, 2006, that:

- 1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County or the School Board of the County of Stafford, Virginia, to pay the costs of acquiring, constructing and equipping the Projects from the proceeds of the Bonds to be issued in the maximum amount of \$6,375,000.
- 2. The County Administrator is authorized to advertise a public hearing to be held on September 19, 2006 on the issuance of the Bonds and on budgeting an appropriating the proceeds.
- 3. This Resolution shall take effect immediately upon its adoption.

<u>Item 4. Public Services; Authorize the County Administrator to Renew a Contract for Security Services at the Government Center and the Rowser Building</u>

Resolution R06-343 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO RENEW A CONTRACT FOR SECURITY SERVICES AT THE
GOVERNMENT CENTER AND THE ROWSER BUILDING

WHEREAS, the Department of Public Services, Property Management Division desires the services of outside contractors to provide security services for the Government Center and the Rowser Building;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that the County Administrator be and he hereby is authorized to renew a contract with Securitas Security Services USA, Inc. in an amount not to exceed Two Hundred Forty-five Thousand Dollars (\$245,000) for FY2007.

<u>Item 5.</u> Economic Development; Support the Issuance of the City of Fredericksburg Authority Revenue Bonds in the Amount of \$10,000,000

Resolution R06-389 reads as follows:

A RESOLUTION TO SUPPORT THE ISSUANCE OF THE CITY
OF FREDERICKSBURG AUTHORITY REVENUE BONDS IN THE
AMOUNT OF \$10,000,000

WHEREAS, the Economic Development Authority of Stafford County, Virginia (the "Authority") has considered the application of Rappahannock Area YMCA, Inc., a Virginia nonstock, nonprofit corporation (the "Applicant"), including a resolution adopted on July 6, 2006 (the "Inducement Resolution"), by the Economic Development Authority of the City of Fredericksburg (the "Issuer"), relating to the issuance of the Issuer's revenue bonds in an amount not to exceed \$10,000,000 (the "Bonds") to assist in the financing or refinancing of one or more of the following capital projects (collectively, the "Projects"):

1. New, approximately 78,000 square foot, family recreation, fitness, community service and educational facility to be located on the south side of

- Mountain View Road (State Route 627) at its intersection with Choptank Road in the County of Stafford, Virginia 22556;
- 2. Expansion of facilities at the Applicant's existing facility located at 212 Butler Road, Falmouth, Virginia 22405, in the County of Stafford, Virginia, including an approximately 13,000 square foot wing for youth and other activities, a new water park and tennis courts;
- 3. New, approximately 50,000 square foot, family recreation, fitness, community service and educational facility to be located on approximately 20 acres at the intersection of Rte. 1 and Ladysmith Road, next to Ladysmith Elementary School, Ladysmith, Virginia 22546, in the County of Caroline, Virginia.
- 4. New, approximately 50,000 square foot, family recreation, fitness, community service and educational facility, including swimming pool, to be located on approximately 20 acres at the southeast corner of the intersection of Rte. 3 and Rte.205, known as Purkins Corner, in the County of King George, Virginia 22485;
- 5. Approximately 30,000 square foot expansion of existing facility located at 5700 Smith Station Road, Spotsylvania, Virginia 22553, in the County of Spotsylvania, Virginia, including a new gymnasium, racquet ball facilities, locker rooms, and classrooms; and
- 6. New machinery, equipment and supplies for each of the foregoing facilities.

WHEREAS, proceeds of the bonds may also be used to pay (i) any additional costs beyond current expectations of the Applicant for any of the foregoing facilities, (ii) the costs of overall project management, engineering, design and other aspects of the foregoing projects, (iii) the current refinancing of certain existing indebtedness of the Applicant incurred in connection with the Applicant's existing facilities described in subparagraphs (2) and (5) above, having as outstanding principal balance of approximately \$4,082,500, and (iv) certain costs of issuance of the bonds. The Projects will be owned by the Applicant and used in the Applicant's business of providing

charitable, recreational, fitness, community service and educational services to the general public; and the Authority has held a public hearing thereon July 14, 2006; and

WHEREAS, the Authority has recommended that the Board of Supervisors of Stafford County, Virginia (the "Board"), concur in the Inducement Resolution for the issuance of the Bonds by the Issuer to comply with Section 147 (f) of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and Section 15.2 – 4906 of the Code of Virginia (1950), as amended (the "Virginia Code"); and

WHEREAS, a copy of the Authority's resolution concurring in the issuance of the Bonds to assist with the financing of the Projects, a copy of the Inducement Resolution, a record of the public hearing and a "fiscal impact statement" with respect to that portion of the Projects located in Stafford County have been filed with the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that it be and hereby does concur in the Inducement Resolution for the issuance of the Bonds by the Issuer for the benefit of the Applicant, to the extent required by the Tax Code and the Virginia Code, to permit the Issuer to assist in the financing of that portion of the Projects located in Stafford County.

BE IT FURTHER RESOLVED that Board concurrence in the Inducement Resolution for the issuance of the Bonds, as required by the Tax Code and the Virginia Code, does not constitute an endorsement of the Bonds or the creditworthiness of the Applicant.

<u>Item 8. Legislative; Appoint Members to Boards, Authorities, Commissions and Committees</u>

Resolution R06-383 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE FIRE

PREVENTION CODE BOARD OF APPEALS

WHEREAS, the Fire Prevention Code requires establishment of a Fire Prevention

Code Board of Appeals to consist of at least five members; and

WHEREAS, the Fire Prevention Code establishes the qualifications of the

members of the Fire Prevention Code Board of Appeals as follows: "shall be selected by

the local governing body on the basis of their ability to render fair and competent

decisions regarding application of the Statewide Fire Prevention Code and shall, to the

extent possible, represent different occupational or professional fields relating to building

construction or fire prevention. At least one member should be an experienced builder

and one member a licensed professional engineer or architect. Employees or officials of

the local governing body shall not serve as member "; and

WHEREAS, the Board may appoint two alternate members to serve in the

absence of any regular members and, as such, shall have the full power and authority of

the regular members; and

WHEREAS, the term of appointment is five years; and

WHEREAS, the Board has previously appointed the following:

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

Gerald Snellings December 31, 2010

(Electrical Engineer & Electrical Contractor)

Joseph F. Alexander December 31, 2007

(Structural Engineer)

Michael T. Cooper December 31, 2008

(Mechanical or Plumbing Engineer)

Richard Pearson December 31, 2006

(Architect)

David Lucia, II December 31, 2010

(Alternate Member)

VACANT

(Contractor)

VACANT

(Alternate Member)

WHEREAS, Richard Pearson has submitted his resignation; and

WHEREAS, the Board desires to conform to the qualifications in the Fire Prevention Code;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that

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

Gerald Snellings December 31, 2010

(Member At Large)

Joseph F. Alexander December 31, 2007

(Builder)

Michael T. Cooper December 31, 2008

(Member At Large)

David Lucia, II December 31, 2010

(Member At Large)

Gerald A. Haynes December 31, 2006

(Engineer)

VACANT

(Alternate Member)

VACANT

(Alternate Member)

be and they hereby are appointed/reappointed to the Fire Prevention Code Board of Appeals.

Resolution R06-384 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE ADVISORY BOARD ON TOWING

WHEREAS, pursuant to Section 46.2-1217 of the Code of Virginia (1950), as amended, the Board may regulate, pursuant to police towing requests, any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles by ordinance; and

WHEREAS, the Board adopted Resolution R94-503 which establishes the Advisory Board on Towing; and

WHEREAS, the Advisory Board on Towing is composed of eleven members to be appointed by the Board and shall include four law-enforcement officers including a representative from the Virginia State Police, the County Attorney or her designee, four towing and recovery operators, and two citizens; and

WHEREAS, the Board has previously appointed the following:

NAME	<u>EXPIRATION</u>
Joe Patrick (Towing & Recovery Operator Zone 1)	December 31, 2006
Dan Beach (Towing & Recovery Operator Zone 2)	December 31, 2006
Roy Boswell (Towing & Recovery Operator Zone 3)	December 31, 2006
Ray Hodge (Heavy Duty Towing & Recovery Operator)	December 31, 2006
Denise Dailey (County Attorney or Designee)	December 31, 2006
Charles E. Jett (Sheriff)	December 31, 2006
M. David Roderick, Jr. (Law Enforcement Officer)	December 31, 2006
David P. Decatur, Jr.	December 31, 2006

(Law Enforcement Officer)

Robert Pinkard December 31, 2006

(Virginia State Police

or Designee)

Gerald Crosby December 31, 2006

(Citizen)

George Paxson December 31, 2006

(Citizen)

WHEREAS, law enforcement officer appointments of M. David Roderick, Jr. and David P. Decatur, Jr., need to be changed; and

WHEREAS, the term of appointment is one year;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that

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

Brian Jacobs, 1st Sgt. December 31, 2006

(Law Enforcement Officer)

David Moyer, Captain December 31, 2006

(Law Enforcement Officer)

be and they hereby are appointed to the Advisory Board on Towing.

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Economic Development; Approve the 2006 Fredericksburg Area Tourism Memorandum

of Understanding. Mr. Schwartz commented.

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

R06-390.

The Voting Board tally was:

Yea:

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

Nay: (0)

Resolution R06-390 reads as follows:

A RESOLUTION TO APPROVE THE MEMORANDUM OF

UNDERSTANDING FOR FREDERICKSBURG AREA TOURISM

WHEREAS, in May of 2003, the Regional Tourism Task Force comprised of

individuals representing the City of Fredericksburg, the County of Spotsylvania, and the

County of Stafford recommended that the Counties contract with the City of

Fredericksburg to carry out the regional marketing and promotional activities, and

WHEREAS, the informal tourism marketing relationship between the Counties

and the City has operated since 1994 and under the banner of Fredericksburg Area

Tourism since 1999; and

WHEREAS, enhanced tourism growth is desired by each of the Counties and the

City; and

WHEREAS, each County and the City contributes staff time, in-kind services,

and budgetary investment into the comprehensive regional tourism marketing programs organized under the unincorporated cooperative effort branded as

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WHEREAS, in 2005, each regional partner; Spotsylvania, Stafford, and

Fredericksburg, agreed to and approved a written Memorandum of Understanding to

formalize their existing and continuing arrangement regarding the shared use of resources

and cooperative relationship for marketing the region's tourism product; and

WHEREAS, each regional partner; Spotsylvania, Stafford, and Fredericksburg,

agrees to the two changes in Item 12 of the Memorandum of Understanding, which

includes language regarding a penalty for withdrawing from the program mid-year, and a

fee for re-joining, both of which cover direct expenses for updating marketing materials;

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

Supervisors on this the 5th day of September, 2006, that the Chairman of the Board be

and he hereby is authorized to execute the Memorandum of Understanding for

Fredericksburg Area Tourism for the remainder of Fiscal Year 2007.

Budget; Adopt the FY2008 Budget Calendar. The Chairman commented.

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

R06-372.

The Voting Board tally was:

Yea:

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

Nay: (0)

Resolution R06-372 reads as follows;

A RESOLUTION TO ESTABLISH THE FISCAL YEAR 2008

BUDGET CALENDAR

WHEREAS, Section 15.2-2503 of the Code of Virginia (1950), as amended, states that the governing body shall receive the budget for the upcoming Fiscal Year by April 1st; and

WHEREAS, Section 22.1-93 of the Code of Virginia (1950), as amended, requires that the governing body prepare and approve the annual budget for the upcoming Fiscal Year for educational purposes by May 1st;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that the Fiscal Year 2008 Budget Calendar be and it hereby is established as follows:

<u>September</u>

- September 5, 2006: Board of Supervisors Meeting

 Budget Calendar presented to Board of Supervisors
- September 19, 2006: Board of Supervisors Meeting

 Discuss Tax Relief for Elderly and Disabled qualifications

October

October 17, 2006: Board of Supervisors Meeting
 Work Session to Review 1st Quarter of Fiscal Year 2007
 and Discuss Goals and Objectives for FY2008 Budget

<u>December</u>

December 5, 2006: Board of Supervisors Meeting
 Joint Work Session with School Board

January

• January 16, 2007: Board of Supervisors Meeting

FY2007 Mid Year Budget Review presented

February

• February 13, 2007

Superintendent presents Recommended Budget to School Board

March

• March 6, 2007: Board of Supervisors Meeting

County Administrator to Present FY2008 Budget at Board Meeting

• March 13, 2007

Budget Work Session

School Board consideration and adoption of School Budget

• March 20, 2007: Board of Supervisors Meeting

Budget Work Session

Authorization to advertise FY2008 Budgets at Board Meeting

March 27, 2007

Budget Work Session

<u>April</u>

• April 3, 2007: Board of Supervisors Meeting

Budget Work Session

• April 10, 2007

Public Hearing on FY2008 County Budgets

April 13, 2007

Budget Work Session
Review Comments from Public Hearing

• April 17, 2007: Board of Supervisors Meeting

Public Hearing – 2007 Tax Rate at Board Meetings Adopt & Appropriate FY2008 County Budgets Adopt CY2007 Tax Rates at Board Meeting

June

• Distribute FY2008 Approved Budget Documents

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is requested to prepare the Fiscal Year 2008 Budget in accordance with the Principles of High Performance Financial Management as adopted by the Board on June 21, 2005.

<u>Planning; Consider a Conditional Use Permit at 902 Garrisonville Road.</u> Mr. Clark Leming, on behalf of the Applicant, gave a presentation.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-268 with changes and for the Applicant to enter into an agreement with the County to escrow \$25,000 toward a traffic signal at the intersection of Joyce Street and Garrisonville Road, to be held by the County for 10 years, with interest at the prevailing rate, which escrowed funds, plus interest earned, would be returned to Applicant if no traffic signal has been installed at this location within 10 years from the date of the approval of the Conditional Use Permit.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-268 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT
PURSUANT TO APPLICATION CUP2501630 TO ALLOW VEHICLE
FUEL SALES WITH CONVENIENCE STORE AND TWO DRIVETHROUGH FACILITIES IN AN HC, HIGHWAY CORRIDOR, OVERLAY
ZONING DISTRICT, ON ASSESSOR'S PARCEL 19-71, ROCK HILL
ELECTION DISTRICT

WHEREAS, Clark Leming, applicant for Mid-Atlantic Commercial Properties, LLC, has submitted application CUP2501630 requesting a Conditional Use Permit to allow vehicle fuel sales with convenience store and two drive-through facilities in an HC, Highway Corridor, Overlay Zoning District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to Table 3.1 of the Zoning Ordinance which permits these uses in an HC, Highway Corridor, Overlay 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 5th day of September, 2006, that a Conditional Use Permit pursuant to application CUP2501630 be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is to allow drive-through facilities and vehicle fuel sales with convenience store in an HC, Highway Corridor Overlay, Zoning District, on Assessor's Parcel 19-71.
- 2. This Conditional Use Permit shall be limited to one (1) vehicle fuel sales facility with convenience store and two (2) drive-through facilities for the affected parcel, as shown in the general locations depicted on the Generalized Development Plan (GDP) prepared by Vanasse Hangen Brustlin, Inc., dated June 27, 2006.
- 3. Fuel sales shall be limited to vehicles less than five (5) tons gross volume weight (GVW).
- 4. Any canopy lighting shall be recessed within the canopy.
- 5. Loading spaces and truck delivery spaces, except for fuel delivery, shall be located outside of any required travel lane. Such spaces shall be designed to allow for adequate turning radius to accommodate free-flowing turning movements to prevent temporary obstruction of travel lanes.
- 6. Loading areas, dumpster pads and trash compactors shall be located in a manner to be screened from view from Garrisonville Road.
- 7. Drive-through lanes shall be oriented in a manner to minimize headlight glare onto state maintained roadways. Where orienting the drive-through away from the corridor highway is not feasible, applicant shall screen the drive-through utilizing berms and evergreen plantings to eliminate headlight glare on the corridor highway.
- 8. Entrances for drive-through lanes shall not have direct access from any primary travel lane that serves more than one building pad.

- 9. Customer parking shall not have direct access to any primary travel lane that serves as access to more than one building pad.
- 10. Stacking lanes for drive-through facilities shall be designed as to not impede traffic circulation.
- 11. All drive-through facilities shall include a by-pass lane for vehicles not utilizing the drive-through area.
- 12. All drive-through and fuel canopies shall be of coordinated color and materials as the primary structure on-site.
- 13. A double row of white pines shall be planted along the rear property line of the service station and drugstore properties, commencing along the northeast corner of the property and continuing along the rear of the property.
- 14. Signage for the convenience store and gasoline canopy shall comply with the architectural elevations for the Sheetz store at Riverbend Boulevard on Route 10 in Chesterfield County.
- 15. Building facades for the convenience store and gasoline canopy supports shall be constructed of Glen Gery Windsor style brick. A brown metal mansardor shall be utilized to screen rooftop equipment, as shown on the "Sheetz Store Design," dated August 24, 2006, attached hereto and incorporated by reference.
- 16. The applicant shall install a board on board fence up to eight feet in height along the common property lines with lots in the Eastern View subdivision. The final height of the fence shall be determined upon consultation with the adjacent lot owners.

17. Along Garrisonville Road, tThe aApplicant shall plant a double row of flowering shrubs and small deciduous trees (e.g., crape myrtle, allee elm, London plane), on a staggered basis with a minimum distance of thirty feet (30') between the shrubs/trees on each row. The second row of trees/shrubs shall be planted at the approximate midpoint between the trees on the front row. Adjustments may be made, if necessary, to comply with County ordinance or in accordance with good horticultural standards, provided that the intent of thise condition is retained.

18. 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.

<u>Planning; Consider Appeal of Staff Decision on Celebrate Virginia.</u> Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

Mr. Scott Mayausky, Commissioner of the Revenue, commented.

Mr. Frank McDermott, attorney for the applicant, gave a presentation.

The following persons spoke:

Greg Giles

No name given

No name given

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R06-387.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Cavalier

Resolution R06-387 reads as follows:

A RESOLUTION TO AFFIRM THE DECISION TO REQUIRE PROPOSED PLAN CHANGES FOR THE CELEBRATE VIRGINIA NORTH RETIREMENT HOUSING COMMUNITY BE REFERRED TO THE PLANNING COMMISSION AND TECHNICAL REVIEW COMMITTEE FOR REVIEW AND APPROVAL

WHEREAS, Del Webb Communities of Virginia, Inc. proposes changes to development plans that vary from the approved preliminary subdivision plan (SUB240908) for the Celebrate Virginia North Retirement Community; and

WHEREAS, the Planning Director has determined that the proposed plan changes are significant and do not constitute minor changes for administrative review and approval; and

WHEREAS, Del Webb Communities of Virginia, Inc. has appealed that decision pursuant to Section 22-251 of the subdivision ordinance; and

WHEREAS, the Board believes that the decision of the Planning Director was based on a reasonable application of the prescribed standards;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006 that the decision of the Planning Director be and it hereby is affirmed.

Recess. At 3:50 P.M., the Chairman declared a recess.

<u>Call to Order.</u> At 4:00 P.M., the Chairman called the meeting back to order.

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<u>Legislative</u>; <u>Establish an Office of Internal Audits and Set Forth the Conditions and Specifics Under Which Said Office Shall Function.</u> Mr. Jay Poole, Internal Auditor of the City of Chesapeake, gave a presentation and responded to Board members questions.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R06-381.

Discussion ensued.

Mr. Milde motioned to defer this item.

Discussion ensued.

Mr. Milde withdrew the motion.

The Voting Board tally was:

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

Nay: (1) Fields

Resolution R06-381 reads as follows:

A RESOLUTION TO ESTABLISH AN OFFICE OF INTERNAL AUDITS AND SETTING FORTH THE CONDITIONS AND SPECIFICS UNDER WHICH SAID OFFICE SHALL FUNCTION

WHEREAS, government auditing independently reviews, evaluates and reports on the financial condition, the accuracy of financial record keeping, compliance with applicable laws, policies, guidelines and procedures, and efficiency and effectiveness of operations; and WHEREAS, management and employees in the public sector are responsible for taxpayer use of public resources and should be held accountable for their use; and

WHEREAS, it is vital that government exercise its power and perform its duties in compliance with law, policy, and establish procedures and apply good judgment and sound management practices; and

WHEREAS, the independence and public accountability of the Chief Auditor can be assured by provision of an independent, legislatively appointed auditor;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that the Office of Internal Audits be and it hereby is established; and

BE IT FURTHER RESOLVED that:

- 1. The Chief Auditor shall be named through appointment by a majority vote of the Board.
- 2. The Chief Auditor shall be knowledgeable in performance and financial auditing, public administration, and government financial and fiscal practices.
- 3. The Chief Auditor shall not be actively involved in partisan political activities or the political affairs of the Board.
- 4. The Chief Auditor shall possess adequate professional proficiency for the job, demonstrated by relevant certification such as CIA (Certified Internal Auditor), CPA (Certified Public Accountant) or an advanced degree in a relevant field with at least five years experience in the field of government auditing, evaluation or analysis (CIA or CPA preferred). The Chief Auditor shall have a bachelor's degree in accounting, business administration, or public administration or related field. If financial statement audits are performed, the Chief Auditor must be a CPA.

- 5. The Chief Auditor shall serve at the discretion of the Board.
- 6. An Audit Committee shall be established to consult with the Chief Auditor regarding establishment of audit schedule, audit progress, audit follow-up, special needs; and shall work to assure maximum coordination between the work of the Chief Auditor and the needs of the Board and external auditors. Audit Committee shall consist of two members of the Board appointed by majority vote for one year.
- 7. The Chief Auditor and the auditor's office shall adhere to government auditing standards in conducting its work and shall be considered independent as defined by those standards.

BE IT STILL FURTHER RESOLVED that three full-time positions, a Director, an Assistant Director, and an Administrative Assistant be and they are hereby authorized for the Office of Internal Audits; and

BE IT STILL FURTHER RESOLVED that funds in the amount of \$183,300 be and they hereby are transferred from the General Fund, non-departmental, contingency account to the Board of Supervisors under a department division item for operation of the office; and

BE IT STILL FURTHER RESOLVED that responsibilities are set forth as follows:

RESPONSIBILITES OF THE OFFICE OF INTERNAL AUDITS

Sections:

- 1. Assistants and Employees
- 2. Scope of Audits
- 3. Audit Schedule
- 4. Special Audits
- 5. Funding

- 6. Records
- 7. Access to Employees, Records and Property
- 8. Agency Response
- 9. Audit Reports to Legislative Body/Board
- 10. Report of Irregularities
- 11. Annual Report
- 12. Audit Follow-up
- 13. Contract Auditors, Consultants and Experts
- 14. Quality Assurance Reviews

SECTION 1. Assistants and Employees

- 1. The Office shall be provided a separate budget (subject to available resources) sufficient to carry out the responsibilities and functions established in this resolution.
- 2. The Stafford County Office of Internal Audits shall consist of a Chief Auditor, Deputy Auditor and a clerk/secretary to carry out the responsibilities and functions of this resolution.
- 3. The Chief Auditor shall have the power to appoint, employ, and remove such assistants, employees and personnel as deemed necessary for the efficient and effective administration of the affairs of the office.

SECTION 2. Scope of Audits

- 1. The Chief Auditor shall conduct work in accordance with government auditing standards.
- 2. The Chief Auditor shall have authority to conduct financial, performance or other audits of all departments, offices, boards, activities and agencies of the entity in order to independently and objectively determine whether:
 - a. activities and programs being implemented have been authorized by the
 County Code, state law or applicable federal law or regulations;

- activities and programs are being conducted as prescribed by the Board to accomplish the objectives intended by the County Code, state law or applicable federal law or regulations;
- c. activities or programs efficiently and effectively serve the purpose intended by the County Code, state law or applicable federal law or regulations;
- d. activities and programs are being conducted and funds expended in compliance with applicable laws;
- e. revenues are being properly collected, deposited and accounted for;
- f. resources, including funds, property and personnel, are adequately safeguarded, controlled and used in an effective and efficient manner;
- g. financial and other reports are being provided that disclose fairly and fully all information that is required by law, that is necessary to ascertain the nature and scope of programs and activities and that is necessary to establish a proper basis for evaluating the programs and activities;
- h. there are adequate operating and administrative procedures and practices, systems or accounting internal control systems and internal management controls which have been established by management; or
- i. there are indications of fraud, abuse or illegal acts which need further investigation.

SECTION 3. Audit Schedule

At the beginning of each fiscal year, the Chief Auditor shall submit a one to five year audit schedule to the Board through the Audit Committee for review and comment. The schedule shall include the proposed plan for auditing departments, offices, boards, activities, subcontractors and agencies for the period. This schedule may be amended during the period after review with the Board or Audit Committee. Additionally, the

Chief Auditor may spontaneously initiate and conduct any other audit deemed necessary with the consent of the Audit Committee.

In the selection of audit areas and audit objectives, the determination of audit scope and the timing of audit work, the Chief Auditor should consult with federal and state auditors and external auditors so that the desirable audit coverage is provided and audit effort is properly coordinated.

SECTION 4. Special Audits

In the event the Chief Auditor receives a request to perform a special audit not included in the annual audit schedule, the Chief Auditor may obtain the approval of the Board to amend the annual audit schedule to reflect the approved modification.

SECTION 5. Funding

Funds sufficient to carry out the responsibilities specified herein shall be provided. The Chief Auditor's performance shall be evaluated annually by the Board and the Audit Committee and the Chief Auditor's salary shall be adjusted accordingly.

SECTION 6. Records

The Chief Auditor shall retain, indefinitely, a complete file of each audit report and each report of other examinations, investigations, surveys and reviews made under legislative authority. The file should include audit work papers and other supportive material directly pertaining to the audit report.

SECTION 7. Access to Employees, Records and Property

1. All officers and employees of Stafford County and other governmental entities that receive financial support or assistance from Stafford County shall furnish the Chief Auditor with unrestricted access to employees, information and records (including automated data) within their custody regarding powers, duties, activities, organization, property, financial transactions, contracts and methods of

business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the Chief Auditor to inspect all property, equipment and facilities within their custody. If such officers or employees fail to produce the aforementioned access and/or information, the Chief Auditor may initiate a search to be made and exhibits to be taken from any book, paper or record of any such official or employee, or outside contractor or subcontractor, except as governed by statute. Further, all contracts with outside contractors and subcontractors shall provide for Chief Auditor access to all financial and performance related records, property, and equipment purchased in whole or in part with governmental funds and facilities.

2. The Chief Auditor shall not publicly disclose any information received during an audit that is considered proprietary in nature (confidential) by any local, state or federal law or regulation.

SECTION 8. Agency Response

A final draft of the audit report will be forwarded to the audited agency and the County Administrator for review and comment regarding factual content before it is released. The agency must respond in writing and specifying agreement with audit findings and recommendations or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to issues identified and a time table to complete such activities. The response must be forwarded to the Chief Auditor within 15 working days. The Chief Auditor will include the agency's response in the report. If no response is received, the Chief Auditor will note that fact in the transmittal letter and will release the audit report. In the case of contracted audits, audits may be released without inclusion of a response. Any subsequent responses shall be distributed to those who received the audit report.

SECTION 9. Audit Reports to the Board of Supervisors

(a) Each audit will result in a written report containing relevant background information and findings and recommendations, and shall communicate results to

the Audit Committee, and the Board. The report shall also be available for public examination.

(b) The Chief Auditor shall submit each audit report to the Board and shall retain a copy as a permanent record. A copy shall also be filed with the clerk of record and/or the area public library.

SECTION 10. Report of Irregularities

If during an audit, the Chief Auditor becomes aware of abuse or illegal acts or indications of such acts that could affect Stafford County, the Chief Auditor shall report the irregularities to the Audit Committee, the County Administrator and the Board. In the case of the potential involvement of the County Administrator, the Chief Auditor shall report the acts directly to the Board. If it appears that the irregularity is criminal in nature, the Chief Auditor shall (immediately) notify the Commonwealth's Attorney (when appropriate) in addition to those officials previously cited.

SECTION 11. Annual Report

The Chief Auditor shall submit an annual report to the Board at the Board's first meeting following the end of the fiscal year indicating audits completed, major findings, corrective actions taken by administrative managers, and significant findings which have not been fully addressed by management.

SECTION 12. Audit Follow-up

The Chief Auditor shall follow-up on audit recommendations as practical to determine if department directors are implementing corrective action. The Chief Auditor may request periodic status reports from audited entities regarding actions taken to address reported deficiencies and audit recommendations.

SECTION 13. Contract Auditors, Consultants and Experts

- 1. Within budget limitations and with approval of the Audit Committee, the Chief Auditor may obtain the services of Certified Public Accountants, qualified management consultants, or other professional experts necessary to perform the Chief Auditor's duties. An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of Stafford County or its Board. The Chief Auditor will coordinate and monitor auditing performed by public accounting or other organizations employed under contract by the Board.
- 2. The Chief Auditor will play a key role in the selection of the external, independent auditor. In contracting for the external audit, the Chief Auditor will follow the County's normal contracting processes. The Chief Auditor's selection of a certified public accounting firm for the annual financial audit must be approved by the Board.

SECTION 14. Quality Assurance Reviews

- 1. The audit activities of the Chief Auditor's office shall be subject to quality review in accordance with applicable government auditing standards by a professional, non-partisan objective group utilizing guidelines endorsed by National Association of Local Government Auditors (NALGA). A copy of the written report of this independent review shall be furnished to each member of the Board. This report shall be available to the public.
- 2. The quality control review shall determine compliance with government auditing standards and the quality of the audit effort and reporting, including:
 - a. general standards such as staff qualifications, due professional care, and quality assurance;
 - b. fieldwork standards such as planning, supervision, and audit evidence; and
 - c. reporting standards such as report content, presentation, and timeliness.

3. The Board shall reimburse the costs of the quality control review team from funds budgeted in the Chief Auditor's budget or other in-kind support.

Hearing no objections from the Board, staff was requested to bring back to the Board at the next Board meeting further details with regard to a plan and vision.

<u>Legislative: Create Ad Hoc Clean Community Task Force.</u> Mr. Schwartz commented.

Mr. Schwartz motioned, seconded by Mr. Brito, to adopt proposed Resolution R06-386.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-386 reads as follows:

A RESOLUTION TO CREATE A CLEAN COMMUNITY TASK FORCE

WHEREAS, the Falmouth District Representative of the Board has requested that staff present a resolution for the creation of an ad hoc clean community task force; and

WHEREAS, the purpose of the task force is to bring recommendations to the Board on actions to preserve Stafford's environment and quality of life; and

WHEREAS, the task force shall consider issues including, but not limited to, property maintenance and Chapter 21, Articles IV (Accumulations of litter on private property) and V (Litter control) of the County Code; and

WHEREAS, the task force shall develop methods to control and manage the: 1.) removal of trash, garbage, etc. from properties, including roadways, 2.) littering, 3.) dropping contents from vehicles, 4.) litter receptacles 5.) penalties for violations; and

WHEREAS, suggestions to the Board can include, but not be limited to,

acquisition of equipment to clean roadways, new ways to provide workers for regular

maintenance, cooperative maintenance procedures with VDOT; and

WHEREAS, the task force shall have seven appointed members, one from each of

the County's election districts and staff support from the County Attorney's Office,

Department of Code Administration, Office of Litter Prevention and Recycling, or other

departments as needed; and

WHEREAS, the task force shall present its recommendations to the Board within

six months of appointment of members at which time the task force shall be dissolved,

unless it is deemed necessary by the Board that it be continued;

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

Supervisors on this the 5th day of September, 2006, that a Clean Community Task Force

be created to address the preservation of the environment and quality of life in Stafford

County.

<u>Utilities</u>; <u>Revise Pump and Haul Policy.</u> Mr. Robert E. Bos, Public Utilities

Administrator, gave a presentation.

Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-240.

Discussion ensued.

The Voting Board tally was:

Yea: (7)

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

Nay: (0)

Resolution R06-240 reads as follows:

A RESOLUTION TO REVISE THE POLICY FOR PUMP AND HAUL SEWER SERVICES

WHEREAS, there currently exists in the County residential dwellings and places of worship with malfunctioning on-site septic disposal systems; and

WHEREAS, these systems are a hazard to public health; and

WHEREAS, the County is required to address public health problems; and

WHEREAS, the County desires to adopt a Pump and Haul Sewer Service Policy to address public health problems caused by malfunctioning on-site disposal systems; and

WHEREAS, the County desires to provide temporary pump and haul sewer service for properties planned to be serviced by Sewer Extension Projects; and

WHEREAS, the Utilities Commission has recommended adoption of this revision;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that the following policy be and it hereby is adopted for providing pump and haul sewer service:

- 1. The objectives of this Policy are:
 - A. To provide for the public health needs of the citizens of the County;
 - B. To provide a cost effective solution an emergency means of wastewater disposal for those owner occupied residential property owner's dwellings

- and places of worship <u>that</u> have failing on-site sewage systems and that are a hazard to public health.
- C. To provide a solution for the County to abate a hazard to public health when it will be more cost effective to subsidize a pump and haul sewer service than to extend public sewer.
- D. To provide a solution for existing public health problems caused by failed on-site systems that will not encourage growth on adjacent properties.
- E. To provide an interim solution to failed on-site systems until it is cost effective to extend public sewer service.
- 2. The Policy includes the following elements:
 - A. The property owner of a failing on-site sewage disposal system is responsible for working with the State Health Department Virginia Department of Health (VDH) to investigate all on-site alternatives for correction of the problem.
 - B. Only those existing <u>owner-occupied</u> residential <u>properties</u> <u>dwellings</u> and places of worship for which the State Health Department VDH certifies in writing that no "<u>technically</u> feasible" alternatives for repair of their systems are available would be eligible for the pump and haul service.
 - C. No property owner shall be eligible for pump and haul services if the problem, as determined by the Utilities Commission, is self-inflicted, such as failure to pump out the septic tank on a regular basis, avoidable damage to the reserve drainfield site, etc.

- C.D. The property owner and the County shall enter into a contract for services for a period not-to-exceed 10 years. The contract shall be transferable to the new owner, upon approval of the County, if the property is sold. The construction permit for the storage facility will be conditional upon the property owner recording it with the Deed to the property.
- E. The County may renew the contract for services for another 10-year period or less if there is no feasible means of repairing the failed drainfield. Prior to the expiration of the contract, the County may hire an AOSE to reevaluate the situation with the goal of determining if new technology or revised regulations can make a repair feasible. If a repair is deemed feasible, the County will so inform the owner, and discontinue pump and haul services after a suitable period, not-to-exceed 6 months, for the owners to construct the needed repair. Upon request, any owner whose pump and haul contract is not renewed shall be entitled to a refund of the original availability and construction fees paid.
- D.F. The County will have the property added to its permanent pump and haul permit from the State Health Department VDH.
- E.G. The property owner must obtain a storage facility construction permit from the State Health Department VDH. The property owner will be required to install a new watertight 2,000-gallon storage tank that is accessible for pumping. The tank will be required to have an alarm to indicate when it is almost full and must be constructed so as not to overflow.
- F.H. In some cases, it may be possible to have the pump and haul on a seasonal basis. In other cases, after several years have elapsed, the drainfield may recover its usefulness and could be used again. In both cases, State Health Department VDH approval would need to be obtained before the

drainfield could be used. A valve <u>and/or overflow device</u> would have to be installed to allow the alternate system to be used.

- G.I. The County will administer the pump and haul services. These services will be procured from an outside contractor. Each property owner will be billed on a monthly basis for the services received in accordance with rates established by the Board.
- H.J. The homeowner is responsible to have water saving devices installed on the building plumbing before the pump and haul services begin.
- <u>L.K.</u> The property owner may not expand and/or modify the existing structure. Exceptions to this policy require approval on a case by case basis by the Utilities Commission and the Board.
- J.<u>L.</u> The property owner would be responsible for the following fees and charges in accordance with rates established by the Board.
 - (1) Availability Fee: The fee will pay for wastewater treatment and shall be the same as all other new customers pay for wastewater treatment. When public sewer is extended to property in the future, this fee will be credited toward any availability fees that are due at the time.
 - (2) Connection Charge: This fee shall be the same as all other new customers pay when the County provides connection to the sewer main.
 - (3) Monthly charges that shall include a demand charge, a service fee, and a consumption fee that is commensurate with current user fees

for small volumes of wastewater but will be structured to encourage users to generate a lesser demand for service.

- K.M. The County may extend public sewer service to an area when there are sufficient pump and haul facilities in the area to warrant the public service. The decision to extend public sewer will be based on the cost effectiveness of the extension and the impact on growth in the County. The Utilities Commission and the Board shall review the Pump and Haul Sewer Service Policy annually and make appropriate revisions, as necessary, and determine areas where it may be cost effective to extend sewer mains to eliminate pump and haul services.
- L.N. If a Sewer Extension Project has been approved under the County's Water and Sewer Line Extension Policy R03-03/R94-122(R) R04-217/R94-122(R-3), temporary pump and haul service may be provided as follows:
 - (1) The Sewer Extension Project must be scheduled for completion within twelve (12) months of the request for pump and haul service.
 - (2) In lieu of being added to the County's pump and haul service, and under paragraph 2D 2H of this policy, the property owner must obtain a temporary pump and haul permit from the Health Department.
 - (3) In lieu of constructing a 2000-gallon storage tank under paragraph 2H of this policy, the existing on-site facilities may be utilized, provided they are of sufficient capacity.
 - (4) The property owner shall pay the charges required in paragraphs 2I and 2L and comply with the remaining provisions of the policy.

(5) If the contemplated Sewer Extension Project is delayed beyond twelve (12) months, the County may place the property on the permanent pump permit, require the construction of a 2000-gallon holding tank and enter into a revised contract for services with the owner. The Public Utilities Administrator may terminate service if the property owner fails to comply with these requirements.

(6) The Public Utilities Administrator may approve temporary pump and haul service for properties planned to be served by Short Extension Projects constructed under adopted Resolutions R03-03/R94-122R R04-217/R94-122(R-3). Authorization by the Board is required to provide temporary pump and haul services for properties planned to be served by Neighborhood Projects, Large Scale Projects, and Capital Improvement Program Projects.

O. Parcels whose original on-site sewage disposal system was constructed after August 19, 1997 are not eligible for either Permanent or Temporary Pump and Haul.

Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-339.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-339 reads as follows:

A RESOLUTION TO ESTABLISH A POLICY FOR PUMP AND HAUL SEWER SERVICE FOR NON-RESIDENTIAL CUSTOMERS

WHEREAS, Resolution R98-29 established a policy pertaining to the use of pump and haul services to provide sewer services to existing residences where there is no feasible alternatives for repair of failed on-site sewage disposal systems and where it is not cost effective to extend public sewer; and

WHEREAS, there currently exist in the County property owners who do not meet the criteria for subsidized pump and haul services, but for which there is no feasible means of on-site or public sewage disposal; and

WHEREAS, there currently exist in the County property owners who would otherwise be eligible for subsidized pump and haul service, but who would not qualify for subsidized pump and haul rates; and

WHEREAS, only the County can obtain a Virginia Health Department permit for permanent pump and haul services in the County; and

WHEREAS, the County desires to augment the existing Pump and Haul Policy to extend the County's permitted authority to utilize the pump and haul method of sewage disposal to certain additional property owners; and

WHEREAS, the Utilities Commission has recommended adoption of the amendment:

NOW, THEREFORE, BE IT RESOLVED by the Stafford Board of Supervisors on this the 5th day of September, 2006, that the following policy be and it hereby is adopted for permitting additional pump and haul sewer services:

1. The objects of this policy are:

- A. To provide for the public health needs of the citizens of Stafford County.
- B. To provide a sewage disposal alternative to those property owners who have no other feasible means of sewage disposal and who do not qualify for <u>or desire not to participate</u> in the County's current <u>subsidized</u> Pump and Haul Policy.
- C. To provide a solution to those non-residential property owners who have failing on-site sewage systems and are a hazard to public health.
- D. To provide a method of sewage disposal for existing public health problems on non-residential properties that will not encourage growth on adjacent properties.
- E. To provide an interim means of sewage disposal until it is cost effective to extend public sewer service.
- 2. The policy includes the following elements:
 - A. The property owner of a failing on-site sewage disposal system is responsible for working with the Virginia Department of Health to investigate all on-site alternatives for sewage disposal.
 - B. Only those properties with existing structures with a history of occupation for which the Virginia Department of Health certifies in writing that no "feasible" means of on-site sewage disposal exists, and the County Department of Utilities finds that extension of public sewer at the property owner's expense is not cost effective, are eligible to be placed on the County's Pump and Haul permit. New structures will not be considered unless they are being used for the direct marketing of

aquaculture, agricultural or silvacultural products <u>or unless they are</u> <u>commercial</u>, <u>industrial or instructional uses and public sewer is</u> <u>anticipated to become available in the near future</u>.

- C. The County and property owner shall enter into a contract governing conditions under which the property will be added to the County's Pump and Haul permit. As a minimum, the contract shall grant the County the right to enter the property to inspect facilities related to sewage holding and disposal, and require the property owner to submit evidence that the holding tank is being pumped on a regular basis. The contract shall be transferable to a new owner as the property is sold. The construction permit for the sewage facility shall be conditional upon the property owner recording it with the deed to property.
- D. The property owner must obtain a storage facility construction permit from the Virginia Department of Health. The property owner will be required to install, at his or her sole expense, a new watertight 2,000-gallon storage tank, which is accessible for pumping. The tank shall be equipped with an alarm system to indicate when it is almost full and shall be constructed as to not overflow. All sewage generated on the property shall be discarded in the holding tank.
- E. Upon certification from the Virginia Department of Health that the 2,000-gallon storage tank has been satisfactory completed, the County will add the property to its permanent Pump and Haul Permit with the Virginia Department of Health.
- F. The property owner is responsible for the administration and cost of pumping the storage tank in accordance with all applicable regulations. All property owners are responsible for ensuring that no sewage overflows from the tank or plumbing system.

- G. The property owner may not expand and/or modify the existing structure. Exceptions to this policy require approval on a case by case basis by the Utilities Commission and the Board of Supervisors.
- H. The County may assess an annual administrative charge for the Department of Utilities to monitor conformance with terms of the contract.
- I. Should the Virginia Department of Health revoke or amend the County's Pump and Haul Permit, the County may require termination or changes to each property owner's contract.
- J. Under the following circumstances, the County may, without prior notice, remove the property from its Pump and Haul Permit: 1) the property owner fails to supply the County with proof that the storage tank is being regularly and legally pumped out; 2) the County becomes aware of sewage overflows or other discharges to the environment; or 3) County officials are denied access to the property for the purpose of inspection.
- K. The County will remove the property from its Pump and Haul permit if public sewer becomes available to the property.

BE IT FURTHER RESOLVED that the preceding policy be and it hereby is adopted for permitting additional pump and haul services.

Mr. Fields motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-282 with changes.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-282 reads as follows:

A RESOLUTION TO REFER AN ORDINANCE TO THE UTILITIES
COMMISSION REGARDING PUMP AND HAUL SERVICE CHARGES

WHEREAS, the Board is authorized to set reasonable fees and charges for public water and sewer service; and

WHEREAS, such authority can be found in Sections 15.2-2111, 15.2-2119, and 15.2-2122 of the Code of Virginia (1950), as amended; and

WHEREAS, the Board desires to set the fees for pump and haul services at a level which will discourage the use of pump and haul; and

WHEREAS, Chapter 25 of the County Code authorizes the establishment of fees; and

WHEREAS, the Board desires that the Utilities Commission hold a public hearing on the proposed charges;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that an ordinance to revise the pump and haul service charges be and it hereby is referred to the Utilities Commission to hold a public hearing and for its further recommendation after the public hearing.

Administration; Authorize the County Administrator to Purchase Easements and Land

<u>Under \$100,000.</u> The County Administrator commented.

Mr. Milde motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-382.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Brito

Resolution R06-382 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO PURCHASE EASEMENTS OR PROPERTY

WHEREAS, the Board desires that the County Administrator, or his designee, have the authority to acquire easements and purchase land in amounts not to exceed \$100,000; and

WHEREAS, this would conform easement and land acquisition purchases to the County's procurement policy and enable prompt acquisition of parcels when needed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that the County Administrator, or his designee, be and they hereby are authorized to purchase easements or property in amounts not to exceed \$100,000 for projects previously authorized by the Board; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, in accordance with Resolution R03-153 adopted by the Board at a meeting on March 18,

2003, be and they hereby are authorized to execute said deeds for the purpose of evidencing the Board's acceptance of the purchase and conveyance; and

BE IT STILL FURTHER RESOLVED that said deeds shall reference this resolution.

<u>Legislative</u>; <u>Discuss Positions for Commonwealth's Attorney.</u> Mr. Daniel Chichester, Commonwealth's Attorney, gave a presentation.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-392.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-392 reads as follows:

A RESOLUTION TO AUTHORIZE FOUR FULL-TIME POSITIONS IN THE COMMONWEALTH'S ATTORNEY'S OFFICE

WHEREAS, the Commonwealth's Attorney's Office has requested two additional full-time Assistant Commonwealth's Attorneys, one new full-time Paralegal and one full-time Legal Secretary; and

WHEREAS, the total cost for these positions for Fiscal Year 2007 will be approximately \$225,045; and

WHEREAS, the State Compensation Board will reimburse \$191,049 for these positions; and

WHEREAS, additional local funding in the amount of \$33,996 will be needed to

support these positions;

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

Supervisors on this the 5th day of September, 2006, that two full-time Assistant

Commonwealth's Attorneys, one full-time Paralegal and one full-time Legal Secretary

position be and they are hereby authorized for Commonwealth's Attorney's Office; and

BE IT FURTHER RESOLVED that Two Hundred Twenty-five Thousand Forty-

five Dollars (\$225,045) be and it hereby is budgeted and appropriated to the

Commonwealth's Attorney in FY2007 for the four new full-time positions; and

BE IT STILL FURTHER RESOLVED that the County will transfer Thirty-three

Thousand Nine Hundred Ninety-six Dollars (\$33,996) from the General Fund, Non-

Departmental, Contingency Account to the Commonwealth's Attorney's Office for these

four additional full-time positions.

Legislative; Discuss Virginia Railway Express and Transit Funding. Mr. Lloyd

Robinson, Administrator of Fredericksburg Area Metropolitan Planning Organization,

gave a presentation.

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

R06-417.

Discussion ensued.

The Voting Board tally was:

Yea: (7)

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

Nay: (0)

Resolution R06-417 reads as follows:

A RESOLUTION TO ENDORSE FAMPO POLICY WITH RESPECT TO CERTAIN FEDERAL TRANSIT FORMULA FUNDS THAT BUS SERVICES IN NORTH STAFFORD COUNTY WILL GENERATE AS A PART OF THE WASHINGTON D.C. URBANIZED AREA (UZA) APPORTIONMENT

WHEREAS, the 2000 Census resulted in a portion of North Stafford County becoming attached to the Washington Urbanized Area (UZA) to the north; and

WHEREAS, Stafford County, Fredericksburg Area Metropolitan Planning Organization (FAMPO), the Capital Region Transportation Planning Board (TPB) and the State and Federal governments have all agreed that this portion of North Stafford County should remain part of the FAMPO Region, and a Memorandum of Understanding has been signed to this end between FAMPO and the TPB; and

WHEREAS, FRED, the City of Fredericksburg transit provider and the Designated Recipient in the Fredericksburg UZA, operates fixed-route transit services in this portion of North Stafford County, which services will soon begin generating funds in the Federal Section 5307 transit formula, and these funds will be part of the Washington UZA apportionment under present circumstances; and

WHEREAS, the Potomac and Rappahannock Transportation Commission (PRTC) already receives Federal Section 5307 formula funds generated as a result of bus services PRTC provides in the Washington D.C. UZA, outside the Washington Metropolitan Area Transportation Authority (WMATA) Compact area; and

WHEREAS, these Federal Section 5307 formula funds PRTC receives are a part of the Washington D.C. UZA Section 5307 apportionment; and

WHEREAS, this constitutes a fair and equitable precedent for the sub-allocation

of Section 5307 apportionments to the Washington D.C. UZA;

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

Supervisors on this the 5th day of September 2006, that the Board be and hereby does

endorse the Fredericksburg Area Metropolitan Planning Organization policy position that

FAMPO should seek the receipt of the North Stafford County bus service-generated

Section 5307 formula funds so these funds can be used to help defray a portion of the

costs of the North Stafford County Transit Services; and

BE IT FURTHER RESOLED that FAMPO is requested to work with the

Northern Virginia Transportation Authority (NVTA), TPB, WMTA, FRED, PRTC, the

federal and state governments and other appropriate parties to achieve this end.

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

R06-418.

The Voting Board tally was:

Yea:

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

Nay: (0)

Resolution R06-418 reads as follows:

A RESOLUTION TO ENDORSE FAMPO POLICY WITH

RESPECT TO CERTAIN FEDERAL TRANSIT FORMULA

FUNDS BEING PAID TO THE VIRGINIA RAILWAY EXPRESS

(VRE)

WHEREAS, the Virginia Railway Express (VRE) generates Federal Section 5307 and Section 5309 formula funds as a result of services and facilities traversing the FAMPO Region; and

WHEREAS, these funds are a part of the annual Washington D.C. Urbanized Area (UZA) Section 5307 and 5309 apportionments; and

WHEREAS, these funds are awarded annually to the Potomac and Rappahannock Transportation Commission (PRTC) on behalf of VRE, for VRE investment purposes; and

WHEREAS, the annual award of these funds occurs as a result of previously negotiated agreements; and

WHEREAS, the FAMPO Board concludes that now and going forward the current practice of awarding these funds to the PRTC on behalf of VRE serves the best interests of the FAMPO member governments and the public;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September 2006, that the Board be and it hereby does endorse the efforts of FAMPO to sanction the continuation of current practices governing the award and use of Federal Section 5307 and Section 6309 Funds generated in the FAMPO region by VRE; and

BE IT FURTHER RESOLVED that FAMPO staff is requested to convey this policy position to the Northern Virginia Transportation Authority (NVTA), the National Capital Region Transportation Planning Board (TPB), the state and federal governments and other appropriate parties.

Mr. Fields motioned, seconded by Mr. Milde, to adopt proposed Resolution R06-419.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-419 reads as follows:

A RESOLUTION TO ENDORSE FAMPO POLICY WITH

RESPECT TO CERTAIN FEDERAL TRANSIT FUNDS

WHEREAS, the population of Fredericksburg UZA is generating Section 5307

funds which are controlled by the Virginia Department of Rail and Public Transportation

(DRPT) as the Governor's Apportionment; and

WHEREAS, a portion of these Section 5307 funds, as well as discretionary funds

controlled by DRPT are being paid to FRED by DRPT to support existing transit

services, as well as to provide new services; and

WHEREAS, the percentage of Section 5307 funds generated in the

Fredericksburg UZA which DRPT returns to FRED have been gradually increasing and

will increase in the future;

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

Supervisors on this the 5th day of September 2006, that the Board be and it hereby does

endorse FAMPO's approval of the method by which DRPT is appropriating Section 5307

Funds among small urbanized areas in Virginia, with the understanding that the amount

of Section 5307 Funds received by the Fredericksburg UZA, as a percent of Section 5307

Funds the Fredericksburg UZA, as a percent of Section 5307 Funds the Fredericksburg

UZA generates, will continue to increase in the future; and

BE IT FURTHER RESOLVED that the FAMPO staff is requested to convey this

policy position to the DRPT and other appropriate parties.

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

R06-420.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-420 reads as follows:

A RESOLUTION TO ENDORSE FAMPO POLICY WITH

RESPECT TO THE 2010 CENSUS

WHEREAS, the 2000 Census resulted in a portion of North Stafford County

becoming attached to the Washington Urbanized Area (UZA) to the north; and

WHEREAS, Stafford County, Fredericksburg Area Metropolitan Planning

Organization (FAMPO), the Capital Region Transportation Planning Board (TPB) and

the State and Federal governments have all agreed that this portion of North Stafford

County should remain part of the FAMPO Region, and Memorandum of Understanding

has been signed to this end between FAMPO and the TPB; and

WHEREAS, had the urbanized area of Fredericksburg and Washington UZAs met

in the 2000 Census, they would have remained separate under the Delineation Criteria

employed at that time by the Census Bureau, with the boundary between the two UZAs

being the political boundary between Prince William County and Stafford County; and

WHEREAS, continued growth and development in the current gap between the

Fredericksburg and Washington UZAs indicates a strong possibility that the two UZAs

will meet in the 2010 Census; and

WHEREAS, FAMPO strongly believes that the two UZAs should remain separate in order to promote local control and efficiencies in the transportation planning process;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September 2006, that FAMPO be and hereby is requested to work with the TPB, the state of Virginia, the U. S. Census Bureau the U. S. Congress and other appropriate parties to assure to the extend practicable that the Fredericksburg UZA and the Washington UZA will remain separate as a result of the 2010 Census and that the boundary between the two UZAs will be the political boundary between Prince William County and Stafford County.

Mr. Milde motioned, seconded by Mr. Brito, to adopt proposed Resolution R06-421.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-421 reads as follows:

A RESOLUTION TO ENDORSE FAMPO POLICY WITH RESPECT TO CERTAIN FEDERAL TRANSIT FORMULA FUNDS GENERATED BY THE POPULATION RESIDING IN NORTH STAFFORD COUNTY

WHEREAS, the 2000 Census resulted in a portion of North Stafford County becoming attached to the Washington Urbanized Area (UZA) to the north; and

WHEREAS, Stafford County, Fredericksburg Area Metropolitan Planning Organization (FAMPO), the Capital Region Transportation Planning Board (TPB) and the State and Federal governments have all agreed that this portion of North Stafford

County should remain part of the FAMPO Region, and Memorandum of Understanding

has been signed to this end between FAMPO and the TPB; and

WHEREAS, the population of this portion of North Stafford County is generating

funds in the Federal Section 5307 transit formula which are now being paid to the

Washington Metropolitan Area Transportation Authority (WMATA);

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

Supervisors on this the 5th day of September 2006, that FAMPO is requested to work

with the TPB, WMATA, FRED, PRTC, and the federal and state governments to assure

that Section 5307 Funds generated in the urbanized area of North Stafford County, by

the population residing in that area, will be sub-allocated to the PRTC and paid to FRED,

to help defray the cost of transit services FRED is providing in that area.

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

R06-445.

The Voting Board tally was:

Yea:

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

Nay: (0)

Resolution R06-445 reads as follows:

A RESOLUTION TO ENDORSE FAMPO POLICY FOR NEW

TRANSIT OPERATIONS SUPPORTED WITH CMAQ FUNDS

WHEREAS, the Fredericksburg Area Metropolitan Planning Organization

(FAMPO) is strongly supportive of viable new transit services being introduced into the

Region; and

WHEREAS, it is important to coordinate and integrate CMAQ (Congestion Mitigation and Air Quality) support for new transit services with the demonstration program provided by the Virginia Department of Rail and Public Transportation (DRPT); and

WHEREAS, it is important to provide a reasonable period of time to establish new services in order to assess their long term viability; and

WHEREAS, it is also important to provide flexibility in the new transit services program to allows local governments to deal with unforeseen circumstances; and

WHEREAS, it is important to put CMAQ funds to immediate use each year; and

WHEREAS, it is important to conserve scarce CMAQ sources; and

WHEREAS, it is important to assure local government ownership of new transit services as a means to better assure the long term continuation of those services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September 2006, that the Board be and it hereby does endorse the Fredericksburg Area Metropolitan Planning Organization policy for new transit operations supported with CMAQ funds as follows:

- 1. As fully as practicable, the DRPT New Services Demonstration Program will be integrated with the FAMPO CMAQ New Services Program;
- The FAMPO limit of CMAQ operating assistance to new transit services will be three years, with the understanding that local governments may wish to redeploy resources or end a new service if lack of ridership or other reasonable cause arises;

- 3. The FAMPO, CMAQ program to assist new transit will be reviewed annually and funded as appropriate, with annual funding intended to pay costs in the next fiscal year;
- 4. The required local investment in new transit operations will be five percent of the net costs in year one, thirty percent of the net costs in year two and sixty percent of the net costs in year three; for the purposes of this resolution, "net costs" is defined as gross operating costs, minus farebox receipts.

Mr. Dudenhefer motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-416.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-416 reads as follows:

A RESOLUTION TO EMPHASIZE TO THE COMMONWEALTH
TRANSPORTATION BOARD THE IMPORTANCE OF BEGINNING
CONSTRUCTION OF THE HOT LANES IN PRINCE WILLIAM
COUNTY TO GARRISONVILLE ROAD (SR-610)

WHEREAS, the proposed Public Private Transportation Act (PPTA) High Occupancy Toll (HOT) lanes project will be built in several phases; and

WHEREAS, the PPTA contractor is considering first starting construction to the north of Stafford County; and

WHEREAS, the congestion is likely to increase on I-95 in Stafford County due to

Base Realignment and Closure (BRAC); and

WHEREAS, construction of HOT lanes south of the current High Occupancy

Vehicles (HOV) lanes would help alleviate some of the new congestion caused by

BRAC; and

WHEREAS, the Board has previously submitted comments to John A. Rollinson,

III Special Assistant to the Commissioner, Virginia Department of Transportation on the

PPTA project to build HOT lanes in the I-95 corridor and extend initial construction

south of Garrisonville Road (SR-610);

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

Supervisors on this the 5th day of September, 2006, that the County Administrator

forward to the Secretary of Transportation the request that the first phase of construction

of the HOT lanes extend south of Garrisonville Road (SR-610) to help alleviate the

congestion.

Legislative; Authorize Referendum Education Materials. Ms. Cathy Riddle, Public

Information Manager, gave a presentation and responded to Board members questions.

Mr. Dudenhefer motioned, seconded by Mr. Cavalier, to adopt the referendum education

material as presented with changes.

The Voting Board tally was:

Yea:

Cavalier, Dudenhefer, Gibbons, Milde, Schwartz, Brito (6)

Nay: (1) **Fields**

Recess. At 5:35 the Chairman declared a recess until 7:00 P.M.

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

<u>Invocation.</u> Mr. Fields gave the invocation and requested a moment of silence for Dr. Lloyd F. Moss.

<u>Pledge of Allegiance.</u> Mr. Cavalier lead in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

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

Buddy Secor - Dominion Virginia Power transmission lines.

Cecelia Kirkman - Discovery Days

- Crows Nest

Carol Wohletz - Developer of Christy Farms.

Removal of Signs

<u>Planning</u>; Consider Rezoning 12.18 Acres from R-4 to B-2 at 755 Telegraph Road. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened the public hearing.

The following person spoke:

Bob Burr, on behalf of the Applicant

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Ordinance O06-14.

Discussion ensued.

Mr. Cavalier withdrew the motion. Mr. Fields withdrew the second to the motion.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to defer proposed Ordinance O06-14.

The Voting Board tally was:

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

Nay: (0)

<u>Planning</u>; Consider Rezoning 0.33 Acres from A-1 to B-2 at 1203 Warrenton Road and Consider a Conditional Use Permit at 1203 Warrenton Road. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation on both items.

The Chairman opened a public hearing on both issues.

The following person spoke:

Steve Klebanoff, Applicant

The Chairman closed the public hearing on both issues.

Mr. Brito motioned, seconded by Mr. Milde, to adopt proposed Ordinance O06-69.

The Voting Board tally was:

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

Nay: (0)

Ordinance O06-69 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM A-1, AGRICULTURAL ZONING DISTRICT TO B-2, URBAN COMMERCIAL ZONING DISTRICT

WITH PROFFERS ON A PORTION OF ASSESSOR'S PARCEL 44-56, HARTWOOD ELECTION DISTRICT

WHEREAS, Sumner Stafford LLC, applicant, has submitted application RC2501489 requesting reclassification of a portion of Assessor's Parcel 44-56 from A-1, Agricultural, to B-2, Urban Commercial, consisting of 0.33 acres, located on the south side of Warrenton Road, approximately 200 feet east of Village Parkway, within the Hartwood Election District; and

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

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of an ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to reclassify from A-1, Agricultural, to B-2, Urban Commercial, on a portion of Assessor's Parcel 44-56 with the following proffers:

- 1. This Reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District, is to allow the development of commercial uses on a 0.3328 acre portion of Assessor's Parcel 44-56.
- 2. A sidewalk connection to the adjacent parking to the east and west of the proposed site shall be provided as shown on the GDP, titled "Stafford Lakes

Village, Sumner Partners" prepared by Rinker Design Associates PC, dated June

22, 2006.

3. The berm height across Assessor's Parcel 44-56 included on the GDP shall be no

higher than 36 inches. Landscaping shall include a mix of deciduous and

evergreen vegetation.

4. Buildings shall be equipped with sprinkler systems for fire suppression.

5. Building elevations shall be provided and the principle exterior building materials

shall be brick, glass, architecturally textured masonry, or architectural pre-cast

concrete. No building having metal siding or non-textured cinderblock as a

principal exterior building material shall be constructed. Regional and national

retail users shall construct buildings consistent with their standard prototypes but

which reflect the comments herein.

6. There shall be no entrances from Parcel 44-56 directly to existing Warrenton

Road.

7. There shall only be one (1) monument sign located on the area of the GDP to be

shared by the three proposed uses.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-336.

The Voting Board tally was:

Yea: (7)

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

Nay: (0)

Resolution R06-336 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT

PURSUANT TO APPLICATION CUP2501490 TO ALLOW ONE DRIVE-THROUGH FACILITY IN A HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT ON A PORTION OF ASSESSOR'S PARCEL 44-56 AND 44R-1A, HARTWOOD ELECTION DISTRICT

WHEREAS, Sumner Stafford LLC, applicant, has submitted application CUP2501490 requesting a Conditional Use Permit to allow one drive-through facility in a HC, Highway Corridor Overlay Zoning District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to Section 28-35, Table 3.1, of the Zoning Ordinance which permits drive-through facilities in the HC, Highway Corridor Overlay 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 5th day of September, 2006 that a Conditional Use Permit pursuant to application CUP2501490 be and it hereby is approved with the following conditions:

- This Conditional Use Permit is for a bank with drive-through facilities within a HC, Highway Corridor Overlay Zoning District on Assessor's Parcel 44-56.
- 2. The drive-through locations and loading spaces shall be consistent with the General Development Plan (GDP) titled "Stafford Lakes Village, Sumner Partners" prepared by Rinker Design Associates, dated June 22, 2006.

- 3. The site shall not have direct access from Warrenton Road.
- 4. There shall be no tractor trailer truck parking on site and signage to that effect will be provided.
- 5. Landscaping shall be utilized in a manner to minimize headlight glare on Warrenton Road, as generally shown on the GDP.
- 6. All building entrances shall be properly illuminated in accordance with Crime Prevention through Environmental Design (CPTED) principles.
- 7. The site shall not have a dumpster pad. If needed, the site shall share with the future uses.
- 8. Stacking lanes for the drive-through facility shall be designed as generally shown on the GDP to not impede traffic circulation.
- 9. All drive-through facilities shall include a by-pass lane for vehicles not utilizing the drive-through area as generally shown on the GDP.
- 10. There shall be no general advertising signs.
- 11. Location of the ATM shall be attached to the main building.
- 12. 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; Dedicate a Virginia Department of Transportation Right-of-Way for Public Street Purposes at Patawomeck Park. The County Administrator gave a presentation.

Mr. Chris Hoppe, Assistant Director of Parks and Recreation, commented.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-356.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-356 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO DEDICATE RIGHT-OF-WAY FOR PUBLIC STREET PURPOSE ON
COUNTY-OWNED PROPERTY AT PATAWOMECK PARK

WHEREAS, dedicating the right-of-way is required for construction and acceptance into the state road system of Chopawamsic Parkway; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that the County Administrator be and he hereby is authorized to dedicate right-of-way for public street purpose on County-owned property at Patawomeck Park.

Budget; Consider the Fiscal Year 2007-2011 Capital Improvements Program and Indicate the Intent to Reimburse Certain Capital Improvement Expenditures. Mr. Anthony Romanello, Deputy County Administrator, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Betsy Fowler

Elizabeth Corcoran

Sandra Duckworth

Dr. Samuel Smart

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Cavalier, to defer proposed Resolutions R06-370 and R06-393.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Fields, to approve the library in 2008 and defer the rest until after the General Election.

The Voting Board tally was:

Yea: (3) Brito, Fields, Schwartz

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

The Voting Board tally on the original motion to defer was:

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

Nay: (3) Schwartz, Brito, Fields

Mr. Dudenhefer motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-374.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-374 reads as follows:

A RESOLUTION TO ADOPT THE FISCAL YEAR 2007-2011 UTILITIES CAPITAL IMPROVEMENTS PROGRAM, AND INDICATE INTENT TO REIMBURSE CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

WHEREAS, the five-year Capital Improvements Program (CIP) is a significant part of the Comprehensive Plan; and

WHEREAS, it is necessary to identify needed capital improvements; and

WHEREAS, financial constraints restrict the ability of the County to fully fund the CIP; and

WHEREAS, the Board has considered the recommendation of the County Administrator and the testimony at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that the FY2007-2011 Utilities Fund CIP be and it hereby is adopted as part of the Comprehensive Plan; and

BE IT FURTHER RESOLVED that Intent to Reimburse Certain Capital Improvement Expenditures for projects indicated in the FY2007-2011 CIP be and it hereby is adopted as follows:

NOTICE OF INTENT TO REIMBURSE CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

<u>Section 1: Statement of Intent</u>. The County presently intends, at one time or from time to time, to finance projects in the FY2007-2011 Capital Improvements Program with tax-exempt or taxable bonds or other obligations (the "Bonds") and to reimburse capital expenditures paid by Stafford County (including expenditures previously paid by the County to the extent permitted by law) in connection with the Projects before the issuance of the Bonds.

<u>Section 2</u>: <u>Source of Interim Financing and Payment of Bonds</u>. Stafford County expects to pay the capital expenditures related to the Projects and incurred before the issuance of the Bonds with an interfund loan or loans from the General Fund or from temporary appropriations or loans from the General Capital Projects Fund. Stafford County expects to pay debt service on the Bonds from the General Fund consisting of general tax revenues for the projects to be financed in the FY2007-2011 Capital Improvements Program.

<u>Section 3: Effective Date; Public Inspection.</u> This Resolution is adopted for the purposes of complying with Treasury Regulation Section, 1.150-2 or any successor regulation and shall be in full force and effect upon its adoption. The Clerk of the Board shall file a copy of this Resolution in the records of Stafford County available for inspection by the general public during Stafford County's normal business hours.

<u>Legislative</u>; Establish Legislative Initiatives for the 2007 General Assembly. Mr. David Gayle, Assistant Director of Economic Development and Legislative Affairs, gave a presentation.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-319 with changes.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Cavalier

Resolution R06-319 reads as follows:

A RESOLUTION TO ESTABLISH LEGISLATIVE

INITIATIVES FOR THE 2007 GENERAL ASSEMBLY

WHEREAS, the Board seeks enabling legislation and amendments to the Code of

Virginia to accomplish Stafford County's legislative initiatives for the 2007 General

Assembly; and

WHEREAS, the Board desires that the Virginia Association of Counties (VACo)

and the Virginia Municipal League (VML) support the legislative initiatives contained

herein;

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

Supervisors on this the 5th day of September, 2006, that the members of the General

Assembly representing Stafford be and they hereby are requested to introduce and

support the following high-priority initiatives:

Construction of Electrical Transmission Lines. Legislation to require that new

electrical transmission lines constructed in the Commonwealth be placed underground, if

requested by the locality or localities in which the line is to be built.

Freedom of Information Act. An amendment to the Freedom of Information Act to

provide that personal information about a private citizen who corresponds with a public

official can be redacted when responding to a request from a third party for such correspondence pursuant to the Act;

<u>Impact Fees for Public Education.</u> An amendment to the Code of Virginia to allow localities to levy impact fees on development to pay for costs related to education.

BE IT FURTHER RESOLVED that staff is hereby requested to work with the members of the General Assembly and VACo and VML to advance the following initiatives;

<u>Impacts of Land Development on Public Infrastructure.</u> Amendments to the Code of Virginia to:

- a) extend to all localities the authority to levy impact fees to pay for road improvements necessitated by new development. Currently, Section 15.2-2317 of the Code of Virginia grants this authority to certain localities; and
- b) allow localities to include in the local subdivision and zoning ordinances reasonable provisions allowing the governing body to determine whether public facilities are adequate to support development and to defer approval of a proposed development plan, if such public services are determined to be inadequate.

Local Regulation of Timbering. An amendment to Section 10.1-1126.1 of the Code of Virginia to explicitly state that, once a subdivision plan or site plan is submitted for local approval at the request of the property owner of the property for a development project, any timbering on the property is subject to local development regulations.

Freedom of Information Act. Amendments to the Freedom of Information Act to:

a) Require that all costs for responding to requests are covered prior to receipt of the requested information;

- b) Prohibit members of an organization from making duplicative requests for information; and
- c) Clarify the term "reasonable specificity" as used in the Act so that requests for information must be as specific as possible rather than unlimited in nature;
- d) Establish reasonable guidelines for retention of electronic and other communications.

Regional Transportation Districts. Legislation to allow members of regional transportation districts to meet simultaneously at more than one approved location using video teleconferencing technology.

Teen Drivers. An amendment to Section 46.2-334.01 of the Code of Virginia to:

- a) Allow drivers who are 16 years of age to carry only one passenger of any age unless accompanied by a licensed parent or legal guardian;
- b) Allow drivers who are 17 years of age to carry only three passengers of any age unless accompanied by a licensed parent or legal guardian;
- c) Make a violation of this Section a primary violation;
- d) Prohibit the use of cell phones by 16 and 17 year olds while operating a vehicle on roads in the Commonwealth.

Errors and Omissions Insurance for Onsite Soil Evaluators. Statutory authority for the Virginia Department of Health to require Authorized Onsite Soil Evaluators (AOSE's) to carry errors and omissions insurance to provide an option other than civil remedies in the event that an Evaluator does not perform contract obligations.

<u>Property Tax Circuit Breakers.</u> Legislation to allow localities to implement circuit breaker tax credits whereby taxpayers earning below a certain income level would be granted some amount of tax relief when their property taxes exceed a certain percentage of their income.

Developer Performance Guarantees. An amendment to the Code of Virginia to extend to Stafford the special authority granted in Section 15.2-851.1 to provide that, if an owner or developer has not met all land development obligations to construct public facilities in accordance with all agreements with the locality for the previous seven (7) years, then the performance guarantees which may be posted by the owner or developer to ensure such facilities are completed shall be restricted to a certified check, cash escrow or letter of credit.

<u>Public Services</u>; Grant Use of a Portion of Kent Avenue to Public Right to Use for <u>Construction of a Driveway.</u> Mr. Steve Crosby, County Administrator, gave a presentation.

Mr. Fields motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R06-340.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Brito

Resolution R06-340 reads as follows:

A RESOLUTION GRANTING USE OF A PORTION OF KENT
AVENUE PUBLIC RIGHT-OF-WAY TO CONSTRUCT A DRIVEWAY

WHEREAS, the right-of-way for Kent Avenue was dedicated to public use; and

WHEREAS, the section of Kent Avenue located along Assessor's Parcel 58A-1-51 has not been constructed; and

WHEREAS, the owners of Assessor's Parcel 58A-1-51 request access of 90-feet

of public right-of-way fronting said parcel, and 25-feet wide for an ingress-egress

driveway; and

WHEREAS, the Board believes that it is appropriate to provide access to

properties in the County that may become land-locked; and

WHEREAS, the owners shall execute an agreement relieving the County of all

liability and maintenance associated with the granted access on the public right-of- way;

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

Supervisors on this the 5th day of September 2006, that the owners of Assessor's Parcel

58A-1-51 be and they hereby are given permission to construct and maintain a 90-foot by

25-foot ingress-egress driveway adjacent to Assessor's Parcel 28A-1-51 on Kent Avenue.

<u>Legislative</u>; Additions to the Regular Agenda. Mr. Milde motioned, seconded by Mr.

Cavalier, to add the following items to the Regular Agenda: Discussion concerning the

Comprehensive Plan Steering Committee and a discussion concerning the Transportation

Impact Fees.

The Voting Board tally was:

Yea:

(6) Gibbons, Milde, Schwartz, Cavalier, Dudenhefer, Fields

Nay:

(0)

Absent:

(1) Brito

Legislative; Discuss Comprehensive Plan Steering Committee. Mr. Milde commented.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to appoint Mr. Milde as liaison to

the Comprehensive Plan Steering Committee.

The Voting Board tally was:

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

Nay: (0)

<u>Legislative</u>; <u>Discuss Transportation Impact Fees.</u> Mr. Milde commented.

Hearing no objections from the Board, staff was requested to provide a presentation on Transportation Impact Fees at the October 17, 2006 meeting.

<u>Legislative</u>; Closed Meeting: At 9:13 P.M., Mr. Cavalier motioned, seconded by Mr. Schwartz, to adopt proposed Resolution CM06-28.

The Voting Board tally was:

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

Nay: (0)

Resolution CM06-28 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 acquisition of real property for public purpose in regard to three matters: a utilities center, the Widewater Potomac Hills Station and Crow's Nest and legal advice in regard to Dominion Transmission Power Line and substation issue, the Widewater CDA and special service district; the Austin Ridge Drive Waterline Extension Contract, and pending litigation in American Fire Equipment, Inc. v. Widewater Volunteer Fire & Rescue Services, Inc. v. The County of Stafford, VA; and

WHEREAS, pursuant to Section 2.2-3711 A3 and A7 VA Code Ann., such discussions may occur in Closed Meeting;

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

on this the 5th day of September, 2006 does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 10:14 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Cavalier motioned, seconded by Mr. Brito, to adopt proposed Resolution CM06-28a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM06-28a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON SEPTEMBER 5, 2006

WHEREAS, the Board has, on this the 5th day of September, 2006, 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 5th day of September 2006, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such

public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

<u>Legislative</u>; Refer to the Planning Commission By Right Use of Commercial Apartments in B-2 Zoning Text Amendment. Mr. Milde motioned, seconded by Mr. Brito, to refer by-right use of commercial apartments in B-2, Zoning Districts, to the Planning Commission.

The Voting Board tally was:

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

Nay: (0)

<u>Utilities</u>; <u>Authorize the County Administrator to Execute a Contract for the Construction of the Austin Ridge Drive Waterline Extension.</u> Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-403.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-403 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE
AUSTIN RIDGE DRIVE WATERLINE EXTENSION

WHEREAS, the County Water and Sewer Master Plan contains a project to complete the waterline on Austin Ridge Drive; and

WHEREAS, this project is included in the County's FY2007 Capital Improvement Plan; and

WHEREAS, this project is needed at the earliest possible date to improve fire flow to the new Austin Ridge elementary school; and

WHEREAS, the developer of Austin Ridge is currently constructing the roadway improvements for the Austin Ridge Drive extension; and

WHEREAS, the developer's utilities contractor is mobilized on site and has proposed to construct the waterline concurrently with the roadway construction for a cost of \$529, 935; and

WHEREAS, the immediate construction of the waterline is considered an emergency so that there is no interruption of County services; and

WHEREAS, it is cost effective to construct the waterline at this time with the current contractor on site; and

WHEREAS, staff has reviewed the contractor's proposal and has determined that the proposed cost is reasonable for the construction involved; and

WHEREAS, funds are appropriated in the Utility Fund for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that the County Administrator be and he hereby is authorized to execute a contract with Collins Contracting Company, Inc. in an amount not to exceed Five Hundred Twenty-nine Thousand, Nine Hundred Thirty-five Dollars (\$529,935) for construction of the Austin Ridge Drive Extension Waterline Project.

<u>Purchase Price for the Acquisition of the Crow's Nest Property (Portions of Tax Map Parcels 48-1 and 49-27) Consistent with Resolution R06-322.</u> Mr. Milde motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R06-409.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-409 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ATTORNEY
AND OUTSIDE COUNSEL TO OFFER AN INCREASED PURCHASE
PRICE FOR THE ACQUISITION OF THE CROW'S NEST PROPERTY
(PORTIONS OF TAX MAP PARCELS 48-1 AND 49-27) CONSISTENT
WITH RESOLUTION R06-322

WHEREAS, by adopted Resolution R06-182 dated March 21, 2006, the Board authorized the acquisition of the property commonly referred to as the Crow's Nest Property owned by Stafford Lakes L.P. for public purposes; and

WHEREAS, on May 19, 2006, a bona fide offer to purchase the Crow's Nest Property involving specified portions of County Tax Map Parcels 48-1 and 49-27 at full market appraised value determined by an independent appraiser was formerly submitted to the owner in writing; and

WHEREAS, subsequent to May 19, 2006, additional title work was procured so as to ensure that all owners of record were identified; and

WHEREAS, this additional title work identified the potential ownership of mineral rights in the property; and

WHEREAS, while not accepting or countering the bona fide offer made to it on May 19, 2006, the landowner advised the County that a contract purchaser of the property existed and identified that contract purchaser; and

WHEREAS, on June 20, 2006, by adopted Resolution R06-322, the Board approved the use of Crow's Nest Property identified in the May 19, 2006 offer letter for a public park for the recreation of citizens of Stafford County and the surrounding area, there being a need for such a park on the Crow's Nest Peninsula, and approved the proposed acquisition of the Crow's Nest Property identified in the May 19, 2006 offer letter for public purposes by eminent domain or other means; and

WHEREAS, by said adopted Resolution R06-322, the Board further resolved that the May 19, 2006 offer be immediately remade to the landowner, the identified contract purchaser, and the owner of the alleged mineral lights in proportion to their actual ownership interests along with the updated title information; and

WHEREAS, in accordance with said adopted Resolution R06-322, the May 19, 2006 offer was so remade to the landowner, the identified contract purchaser and the alleged owner of mineral rights in proportion to their actual ownership interests, along with the updated title information; and

WHEREAS, by said adopted Resolution R06-322, the Board did also direct the acquisition to Crow's Nest Property identified in its May 19, 2006 offer letter for public use as a public park by condemnation, at such time as it became apparent that the County and the owners of all property interests in the property could not agree on the compensation to be paid for the property or the other terms of purchase or settlement; and

WHEREAS, by said adopted Resolution R06-322, the Board also instructed its attorneys to negotiate with the owners of the property for an acceptable purchase price but to institute condemnation proceedings by filing a Petition for Condemnation

immediately if and when it became apparent to them that the County and the owners could not agree on compensation to be paid or other terms of purchase or settlement; and

WHEREAS, subsequent to June 20, 2006, the attorneys for the Board instructed the independent appraiser to reappraise the property; and

WHEREAS, the said independent appraiser has reappraised the property and has revised her previous opinion of the fair market value of the property; and

WHEREAS, following said appraisal, the independent appraiser has concluded that, as of August 21, 2006, the fair market value of the property is \$33,200,000 which is \$2,700,000 more than the \$30,500,000 fair market value set forth in her earlier appraisal which was sent with the bona fide offers of May 19, 2006 and which was remade on June 22, 2006; and

WHEREAS, consistent with adopted Resolution R06-322, the Board wishes to authorize its attorneys to increase the amount offered for the acquisition of the Crow's Nest Peninsula from \$30,500,000 to \$33,200,000 in accordance with the new appraisal by said independent appraiser.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that consistent with adopted Resolution R06-322, it be and hereby does direct its attorneys to increase the amount offered for the acquisition of the Crow's Nest Peninsula consistent with adopted Resolutions R06-182 and R06-322 from \$30,500,000 to \$33,200,000 consistent with the new appraisal by the independent appraiser dated August 21, 2006, and to make this new offer, transmitting the new appraisal dated August 21, 2006 to the landowner, the identified contract purchaser and the owner of the alleged mineral rights in proportion to their actual ownership interests; and

BE IT FURTHER RESOLVED that the Board reconfirms the direction to its Attorneys contained in adopted Resolution R06-322 to negotiate with the owners for an acceptable purchase price, but to institute condemnation proceedings by filing a Petition for Condemnation immediately if and when in becomes apparent to them that the County and the owners cannot agree on the compensation to be paid or the other terms of purchase or settlement.

Adjournment. At 10:17 P. M., the Chairman declared the meeting adjourned.	
Steve Crosby	Robert C. Gibbons
County Administrator	Chairman