BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting November 14, 2006

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Robert C. Gibbons, Chairman, at 5:00 P. M., Tuesday, November 14, 2006, in the Board Chambers, Stafford County Administration Center.

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

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

<u>Legislative</u>; <u>Closed Meeting.</u> At 5:01 P.M., Mr. Cavalier motioned, seconded by Mr. Schwartz, to adopt proposed Resolution CM06-32.

The Voting Board tally was:

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

Nay: (0)

Resolution CM06-32 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 legal advice in regard to American Fire Equipment, Inc. v. Widewater Volunteer Fire and Rescue Services, Inc. v. The County of Stafford, VA; Richard R. Nageotte v. Board of Supervisors of Stafford County, VA and Stafford County, VA; the Dominion transmission line (SCC case); and Stafford Lakes Limited Partnership v. Board of Supervisors of Stafford County, Virginia, and Stafford County, Virginia and the acquisition of real property for public purpose in regard to Crow's Nest and DSS Office space; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 14th day of November, 2006 does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 6:02 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 CM06-32a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM06-32a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON NOVEMBER 14, 2006

WHEREAS, the Board has, on this the 14th day of November, 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 14th day of November 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.

Legislative; Authorize Appeal of Decision of Nageotte v Board of Supervisors of Stafford County et al. Mr. Dudenhefer motioned, seconded by Mr. Schwartz, that the Board and County appeal the decision of the Circuit Court of Stafford County by Circuit Judge Designate Thomas A. Fortkort in the case of Nageotte v. Board of Supervisors of Stafford County et al; and that the County's staff, on behalf of the Board, request the County's representatives in the General Assembly to sponsor legislation necessary to address the ruling of the Circuit Court and seek its approval by the General Assembly.

<u>Legislative</u>; <u>Discuss FY07 Budget Status and FY08 Budget Preparation.</u> Ms. Cheryl Beagle, Director of Budget, gave a presentation and responded to Board members questions.

<u>Legislative</u>; <u>Consent Agenda</u>. Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt the Consent Agenda consisting of Items 3 thru 12, omitting item 12.

The Voting Board tally was:

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

Nay: (0)

<u>Item 3. Legislative; Approve Minutes of Board Meetings.</u> Regular Meeting of September 19, 2006; the Regular Meeting of October 3, 2006; and the Regular Meeting of October 17, 2006.

Item 4. Legislative; Approve Proclamations.

Proclamation P06-35 reads as follows:

A PROCLAMATION TO COMMEMORATE POSTHUMOUSLY JANET B. O'NEAL

WHEREAS, Janet B. O'Neal was born in Oakland, Maryland, on May 31, 1936; and

WHEREAS, Janet O'Neal attended Falls Church High School in Virginia and graduated from Blue Mountain College in Mississippi, thereafter embarking on a career in education spanning 32 years as a teacher at Kent Gardens Elementary School in Fairfax County, Virginia; and

WHEREAS, after her retirement, Janet O'Neal served as a volunteer for the Stafford County Government, joining the TopCAT Team to staff the reception desk in the Administration Center and the ERCAT Team to help citizens during disasters, performed administrative work in almost every County department, and supported numerous community events including Salute to Stafford Days and garden tours to benefit the Rappahannock Council on Domestic Violence; and

WHEREAS, Janet O'Neal was a founding member and three-time Chair of the Beautification Committee whose mandate is environmental education, and she worked diligently to ensure the success of the committee's Community Awards Program recognizing outstanding residential, business and school landscaping to promote community pride; and

WHEREAS, Janet O'Neal was instrumental in developing and presenting interactive educational programs about litter prevention for the schools, including drafting a long poem with fellow committee members to teach youngsters about the importance of recycling and disposing of trash responsibly; and

WHEREAS, after serving as an Election Official in her own precinct, Janet O'Neal served for many years as the Chief Election Official in charge of counting ballots at the Central Absentee Precinct; and

WHEREAS, Janet O'Neal served on the board of the Stafford County Historical Society and volunteered as its long-time secretary; and

WHEREAS, Janet O'Neal was a faithful congregant of Mount Ararat Baptist Church where she taught children's Sunday School, sang in the choir and participated in the Toppers Ministry; and WHEREAS, Janet O'Neal was beloved by County government staff and citizens alike for her sweet nature, her desire to make everyone feel special, and her ability to be a good listener and friend to everyone she met; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the dedication, boundless energy and commitment to volunteer service exhibited by Janet B. O'Neal;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 14th day of November, 2006, that Janet B. O'Neal be and she hereby is commemorated posthumously for her service to the citizens of Stafford.

Proclamation P06-36 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND IDA S. ANSELL

WHEREAS, Ida S. Ansell has served as a County volunteer with the Citizen Assistance and Volunteer Services Office since January 1991; and

WHEREAS, Ida Ansell brings to her work as a volunteer a varied background rich in life experiences, including service in the Navy's WAVES (Women Accepted for Volunteer Emergency Services) in the 1940s during World War II; work in schools in Ghana and Panama; and extensive travel throughout the United States and the world with her husband who was a State Department employee; and

WHEREAS, Ida Ansell has provided more than 4,500 hours of expert assistance at the Reception Desk in the Administration Center, directing citizens to the appropriate County department or Court, and has volunteered in almost every office for special projects and to allow staff to attend training and meetings; and

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WHEREAS, Ida Ansell is also a long-time member of the Emergency Response

Citizen Assistance Team providing aid during disasters; and

WHEREAS, Ida Ansell has worked in the Office of Recycling and Litter

Prevention since 1997, assisting with special events such as Household Hazardous Waste

Collection Days and Secure Your Load promotions, and as a member of the

Beautification Committee worked to landscape the "Welcome to Stafford" signs

throughout the County; and

WHEREAS, Ida Ansell is also an active volunteer in the larger community,

playing Mrs. Claus for 11 years at the Citizens to Serve Stafford's Little Red Barn

Christmas event; helping plan the popular Salute to Stafford Days; and chaperoning for

the Riverside Dinner Theater's Children's Saturday Programs; and

WHEREAS, Ida Ansell is valued by her fellow volunteers and County staff as an

enthusiastic, cheerful and flexible colleague willing to meet any challenge; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the

commitment with which Ida Ansell works to make Stafford County a better place to live,

work and play;

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

Supervisors on this the 14th day of November, 2006, that Ida S. Ansell be and she hereby

is commended for her outstanding service and dedication to her fellow citizens.

Item 5. Finance; Approve Expenditure Listing.

Resolution R06-473 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED OCTOBER 17, 2006 THROUGH NOVEMBER 8, 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 14th day of November, 2006, that the above-mentioned EL be and it hereby is approved.

Item 6a. Fire and Rescue; Authorize Purchase of Replacement Pumper for Falmouth Fire Department, Authorize a Public Hearing to Consider Lease-Financing of Pumper Truck, and Amend the Budget for the Financing and Acquisition.

Resolution R06-483 reads as follows:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A REPLACEMENT PUMPER AND TO AUTHORIZE A PUBLIC HEARING TO CONSIDER LEASE-FINANCING OF THE PUMPER TRUCK AND TO AMEND THE BUDGET FOR THE FINANCING AND ACQUISITION

WHEREAS, the provisions of public safety services are a primary responsibility of the County; and

WHEREAS, the purchase of a replacement fire truck will enhance fire and rescue service in the County; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, requires the Board to hold a public hearing on such plan of financing and amendments to the General Fund and the General Capital Projects Fund budgets to accommodate such financing; and

WHEREAS, the Board has determined that it may be necessary or desirable to advance money to pay certain costs of financing or refinancing the Fire and Rescue Equipment and to reimburse such advances with proceeds of a lease financing;

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

- 1. The County Administrator is authorized to advertise a public hearing to be held on December 5, 2006 on the lease financing of the Equipment.
- 2. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of financing or refinancing the Fire and Rescue Equipment from the proceeds of a lease financing in the maximum amount of \$429,583.
 - 3. This resolution shall take effect immediately upon its adoption.

<u>Item 6b. Public Services; Grant an Easement to Dominion Virginia Power for the Public Safety Building at 1225 Courthouse Road.</u>

Resolution R06-493 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO GRANT AN EASEMENT TO DOMINION VIRGINIA POWER

WHEREAS, Dominion Virginia Power has requested an easement across County property located on the left side of the public entrance and parking lot to the Public

Safety Building and will be approximately 385' long and 15' wide from the front of the property to the transformer; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 14th day of November, 2006, that the County Administrator be and he hereby is authorized to advertise a public hearing on the granting of an easement to Dominion Virginia Power.

Item 7. County Attorney; Approve By-Laws of the Hidden Lake Subdivision Service District.

Resolution R06-480 reads as follows:

A RESOLUTION TO APPROVE BY-LAWS OF THE HIDDEN LAKE SUBDIVISION SERVICE DISTRICT ADVISORY COMMITTEE AND APPOINT MEMBERS THEREOF

WHEREAS, the Board established the Hidden Lake Subdivision Service District on January 3, 2006; and

WHEREAS, the Board is the governing body of the Hidden Lake Subdivision Service District, pursuant to State law; and

WHEREAS, State law allows the governing body of a service district to appoint an advisory committee to make recommendations on projects that should be undertaken within the service district; and WHEREAS, the residents of Hidden Lake subdivision have elected three individuals to be considered for appointment to the Advisory Committee by the Board; and

WHEREAS, the residents of Hidden Lake subdivision have approved the set of by-laws for the operation of the Advisory Committee; and

WHEREAS, it is appropriate to have County staff members also appointed to the Advisory Committee to assist with the coordination between the residents of Hidden Lake Subdivision and the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 14th day of November 2006, that it be and hereby does appoint Jim Lyons, Brian Marks and Samuel (Greg) Gilbert, residents of Hidden Lake Subdivision, as members of the Hidden Lake Subdivision Service District Advisory Committee; and

BE IT FURTHER RESOLVED that the Board be it and hereby does appoint Barry Fitz-James, Assistant Director of Code Administration, and Shelley Carmichael, Acting Director of Finance, to serve on the Hidden Lake Subdivision Service District Advisory Committee as County representatives; and

BE IT FURTHER RESOLVED that the Board be it and hereby does approve the by-laws for the Advisory Committee as submitted by the residents of Hidden Lake Subdivision.

<u>Item 8. Fire and Rescue; Officially Name and Recognize Stafford County Fire and Rescue Station 12 as Berea Fire and Rescue Station.</u>

Resolution R06-481 reads as follows:

A RESOLUTION TO OFFICIALLY NAME AND RECOGNIZE STAFFORD COUNTY FIRE AND RESCUE STATION 12, AS BEREA FIRE AND RESCUE STATION

WHEREAS, the County is building Stafford a Fire and Rescue Station 12 at 22 Sebring Drive to serve the citizens of Stafford County; and

WHEREAS, the property where Stafford County Fire and Rescue Station 12 is being constructed was deeded to the County by the Hartwood Fireman's Association; and

WHEREAS, the Hartwood Fireman's Association has sought clarification on name recognition of any improvements to be located on the property originally deeded as a gift to the Hartwood Fireman's Association by the England Run Commercial Limited Partnership; and

WHEREAS, the Hartwood Fireman's Association is requesting that Stafford County Fire and Rescue Department Station 12 be recognized as the Berea Fire and Rescue Station;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 14th day of November, 2006, that the County Administrator be and he hereby is authorized to officially recognize Stafford County Fire and Rescue Station 12 as the Berea Fire and Rescue Station.

Item 9. Utilities; Award Contract for Equipment for the Rocky Pen Run Reservoir Rappahannock River Intake.

Resolution R06-478 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS FOR PUMPS AND INTAKE SCREENS

FOR THE ROCKY PEN RUN RESERVOIR PROJECT

WHEREAS, pumps and intake screens are necessary for the pumping station at the Rappahannock River; and

WHEREAS, the design of this equipment was completed and offered for public bid; and

WHEREAS, the staff has determined that the bid from Sherwood-Logan & Associates, Inc. in the amount of \$367,115 was the lowest responsive bid for the pumps for this project; and

WHEREAS, the staff has further determined that the bid from Johnson Screens, Inc. in the amount of \$135,000 was the lowest responsive bid for the intake screens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 14th day of November, 2006, that the County Administrator be and he hereby is authorized to execute a contract with Sherwood-Logan & Associates, Inc. in an amount not to exceed Three Hundred Sixty-seven Thousand One Hundred Fifteen Dollars (\$367,115) for pumps for the Rocky Pen Run Reservoir Rappahannock River Intake; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute a contract with Johnson Screens, Inc. in an amount not to exceed One Hundred Thirty-five Thousand Dollars (\$135,000) for the intake screens for the Rocky Pen Run Reservoir Rappahannock River Intake.

Item 10. Fire and Rescue; Authorize Acceptance of Federal and State Grant Funding for the Local Emergency Management Performance Grant 2006 and the State Homeland Security Program and Award a Contract.

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Resolution R06-468 reads as follows:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF FEDERAL

AND STATE GRANT FUNDING FOR THE LOCAL EMERGENCY

MANAGEMENT PERFORMANCE GRANT 2006 AND THE STATE

HOMELAND SECURITY PROGRAM AND AWARD A CONTRACT

WHEREAS, the Department of Homeland Security (DHS) has awarded the Fire

and Rescue Department and Sheriff's Office two grants, totaling \$144,661; and

WHEREAS, these grant funds would be used to enhance emergency

communications and overall emergency preparedness by implementing a sole source

vendor solution; and

WHEREAS, Roam Secure, Inc., a sole source vendor, would provide the software

and hardware;

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

Supervisors on this the 14th day of November, 2006, that the County Administrator be

and he hereby is authorized to accept the federal and state funding in the amount of One

Hundred Forty-four Thousand Six Hundred Sixty-one Dollars (\$144,661) and execute a

contract with Rome Secure, Inc., for the purposes of implementing an emergency public

text notification system; and

BE IT FURTHER RESOLVED that One Hundred Forty-four Thousand Six

Hundred Sixty-one Dollars (\$144,661) be and it hereby is appropriated to the Fire and

Rescue Department in FY07 for implementing an emergency public text notification

system.

Item 11. Legislative; Cancel Board Meeting Date.

Resolution R06-492 reads as follows:

A RESOLUTION TO CANCEL THE BOARD OF SUPERVISORS MEETING ON NOVEMBER 21, 2006

WHEREAS, it is the desire of the Board to schedule meeting dates which will permit attendance at annual meetings of professional associations, accommodate personal schedules and allow adequate time for preparation of meeting materials;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 14th day of November, 2006, that the regularly scheduled meeting on November 21 2006, be and it hereby is cancelled.

<u>Legislative</u>; Appoint Members to Boards, Authorities, Commissions and Committees; <u>Beautification Committee.</u> Mr. Cavalier motioned, seconded by Mr. Fields, to adopt proposed Resolution R06-505.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-505 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE STAFFORD COUNTY BEAUTIFICATION COMMITTEE

WHEREAS, Resolution R02-215 reestablished the Beautification Committee; and

WHEREAS, Resolution R02-215 authorizes 17 members to be appointed to the Beautification Committee, one to represent each of the following: education system, business community, County Extension Office, a community or civic organization, a high

school student, a youth organization, County government, a garden club, Sheriff's Office, community involvement representative, and one representative from each of the County's seven election districts; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	EXPIRATION
Julie May (County Government)	December 31, 2006
VACANT (Youth Organization)	December 31, 2006
Ian Treggett (Extension Office)	December 31, 2006
Laurie Posner (George Washington District)	December 31, 2006
VACANT (Griffis-Widewater District)	December 31, 2006
VACANT (Education System)	December 31, 2006
VACANT (Falmouth District)	December 31, 2006
Sandra West (Community Organization)	December 31, 2006

Deputy Craig Cain	December 31, 2006
(Sheriff's Office)	
Cynthia Lucero-Chavez	December 31, 2006
(Community Involvement)	
VACANT	December 31, 2006
(Rock Hill District)	
Patrice Promack	December 31, 2006
(Hartwood District)	
VACANT	December 31, 2005
(Business Community)	
VACANT	December 31, 2006
(Garden Club)	
Wendy Meyer	December 31, 2006
(Garrisonville)	
Shari Kern	December 31, 2006
(Aquia)	
MACIANT	D 1 21 2006
VACANT	December 31, 2006
(High School Student)	
VACANT	Dagambar 21 2006
	December 31, 2006
(High School Student)	

WHEREAS, a vacancy exists for the Griffis-Widewater District; and

WHEREAS, the Board desires to fill this vacancy; and

WHEREAS, the term of membership is one year;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 14th day of November, 2006, that

NAME EXPIRATION

Denise Baer December 31, 2006

(Griffis-Widewater District)

be and he hereby is appointed to the Beautification Committee.

<u>Legislative</u>; Appoint Members to Boards, Authorities, Commissions and Committees; <u>Clean Community Task Force.</u> Mr. Dudenhefer motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R06-491 with a change.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-491 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE CLEAN COMMUNITY TASK FORCE

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 14th day of November, 2006, that:

<u>NAME</u>

Curtis M. Dickinson (Falmouth District)

Wendy Meyer

(Garrisonville District)

be and they hereby are appointed to the Clean Community Task Force.

Legislative; Discuss Purchase of Development Rights. Mr. Milde commented.

Hearing no objections from the Board, this item will be added to the Regular Agenda for the December 5, 2006 meeting.

Legislative; Discuss Naming of Interchanges. Mr. Gibbons commented.

Hearing no objections from the Board, this item will be added to the Regular Agenda for the December 19, 2006, meeting.

<u>Legislative</u>; <u>Closed Meeting</u>. At 6:40 P.M., Mr. Cavalier motioned, seconded by Mr. Fields, to adopt Resolution CM06-33.

The Voting Board tally was:

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

Nay: (0)

Resolution CM06-33 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 legal advice in regard to <u>American Fire Equipment, Inc. v.</u>

Widewater Volunteer Fire and Rescue Services, Inc. v. The County of Stafford, VA and Richard R. Nageotte v. Board of Supervisors of Stafford County, VA and Stafford

<u>County</u>, <u>VA</u> and the acquisition of real property for public purpose in regard to Crow's Nest and DSS Office space; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 14th day of November, 2006 does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 6:50 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Fields motioned, seconded by Mr. Cavalier, to adopt Resolution CM06-33a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM06-33a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON NOVEMBER 14, 2006

WHEREAS, the Board has, on this the 14th day of November, 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 14th day of November 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.

Legislative; Authorize Purchase of Property at 1259 Courthouse Road. Mr. Milde motioned, seconded by Mr. Dudenhefer, to authorize the County Administrator to acquire 1259 Courthouse Road, Suite 102 for an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) and to budget and appropriate those funds from the General Fund Balance.

Recess. At 6:52 P.M., the Chairman declared a recess until 7:00 P.M.

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

<u>Invocation.</u> Mr. Schwartz gave the Invocation.

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

<u>Presentation of Proclamation to Megan Orient.</u> The Chairman presented a proclamation to recognize and commend former employee Megan Orient.

<u>Legislative</u>; <u>Interstate Highway System.</u> Mr. Brito commented on The Dwight D. Eisenhower National System of Interstate and Defense Highways, commonly called the Interstate Highway System, which is a network of freeways in the United States. The Interstate Highway System is a separate system within the larger National Highway System.

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

Ruth Carlone - Sierra Club.

- Requested Board move forward after elections.

- Naming of bridges.

- Business, Professional, Occupational Tax.

Cecelia Kirkman - Crow's Nest.

Mariel Riebe - Crow's Nest.

Thomas Sablon, Jr. - Crow's Nest.

Yamini Singh - Crow's Nest.

Kay Dudenhefer - Road safety.

Lou Silver - Crow's Nest.

<u>Planning</u>; Consider Rezoning 47.99 Acres from A-1, Agricultural, to R-1, Suburban Residential, at 32 Diechman Lane for Belle Terre, LLC. Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

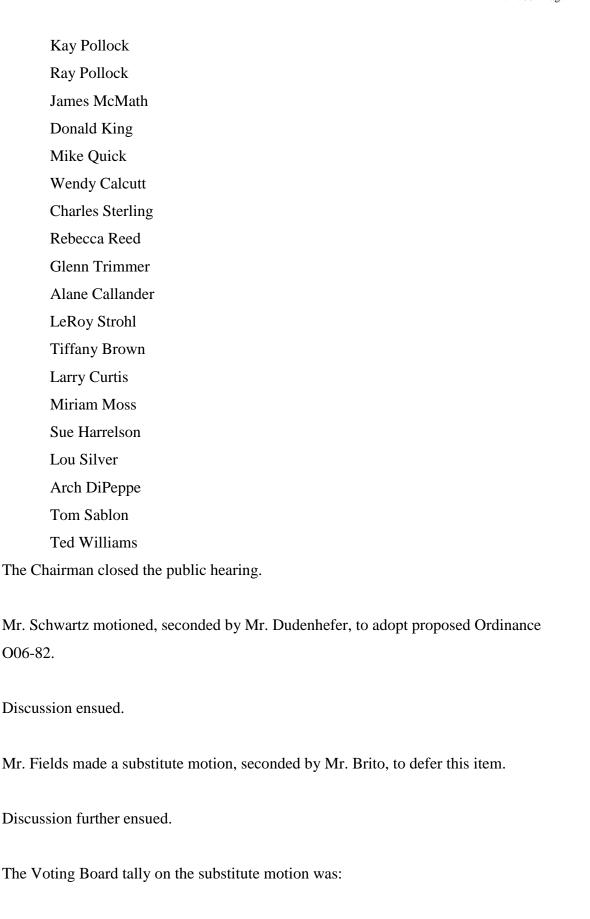
Patricia Healy, on behalf of the applicant,

Don Booth

Odis Gill

Walter Burton

Sandra Grice



Yea: (1) Fields

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

The Voting Board tally on the original motion was:

Yea: (5) Schwartz, Cavalier, Dudenhefer, Gibbons, Milde

Nay: (2) Brito, Fields

Ordinance O06-82 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY, WITH PROFFERS, FROM A-1, AGRICULTURAL, TO R-1, SUBURBAN RESIDENTIAL, ON PROPERTY IDENTIFIED AS ASSESSOR'S PARCELS 46-21, 26 AND 27, FALMOUTH ELECTION DISTRICT

WHEREAS, Belle Terre, LLC, applicant, has submitted application RC2501130 requesting reclassification, with proffers, from A-1, Agricultural, to R-1, Suburban Residential, of property consisting of approximately 47.99 acres, located on the east side of Forbes Street, approximately 1,000 feet east of Jefferson Davis Highway, Falmouth Election District; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 14th day of November, 2006, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the Zoning

District Map to reclassify, with proffers, the parcels of land, as shown on the plat of survey by Dewberry & Davis LLC, dated March 30, 2005, from A-1, Agricultural, to R-1, Suburban Residential, with the following proffers:

1. <u>Cash Contribution</u> - The Applicant agrees to pay the sum of thirty-eight thousand one hundred fifty-one dollars (\$38,151.00) per unit, payable at issuance of the building permit for each residential unit. The per unit payments shall, until paid, be subject to annual increases, with notice to the Applicant, to be calculated on a yearly basis commencing one year after the date of rezoning. Such increases shall be calculated by multiplication of the Marshall and Swift Building Cost Index for the current year by the original per unit cash proffer amount. The per unit contribution shall be allocated based on the following categories or subcategories:

Transportation	\$ 6,867.00
Parks and Recreation	\$ 1,526.00
Schools	\$28,613.00
Libraries	\$ 763.00
Fire and Rescue	\$ 382.00

- 2. Recreation The Applicant shall provide the following recreational amenities: a dog Park enclosed with a vinyl fence, a fitness activity area, fitness trails, two sand volleyball courts, one multi-purpose field, and two tot lots in the approximate locations shown on the Generalized Development Plan, ("GDP") dated September 29, 2004, revised September 27, 2006, and sealed on September 28, 2006 by Terry Yates, Dewberry, which shall be owned and operated by the homeowners association. The multi-purpose field and the tot lot shall be designed in accordance with the current guidelines of the Stafford County Department of Parks & Recreation.
- 3. <u>Transportation</u> The Applicant agrees to make the following transportation improvements:

- A. <u>Inter Parcel Connection</u> The Applicant shall provide interparcel access easement to Assessor's parcel 46-20A.
- B. <u>Subdivision Entrances</u> The Applicant agrees that the subdivision shall be served by two (2) VDOT approved entrances, as indicated on the GDP.
- C. <u>Road Improvements</u> Subject to Virginia Department of Transportation approval, the Applicant agrees to make the following road improvements at no cost to the County on or before the issuance of the 11th occupancy permit:

The Applicant shall improve Forbes Street from Layhill Road (Station 52+00) to the vicinity of Elizabeth Drive (Station 21+92) in accordance with the Forbes Landing Road Improvements plans as prepared by Dewberry, dated August 28, 2006 with the latest revision being dated September 12, 2006. This equates to approximately 3,008 feet of improvements for Forbes Street and includes pavement transitions, lane transitions, an 8 foot shoulder, a re-graded existing shoulder and a proposed third 12-foot lane. The improvements are more specifically described as follows:

- Add a third 12-foot lane with 1.5- inches of surface asphalt, 6-inches of base asphalt and 8-inch of 21B (final CBR test will determine ultimate pavement section.)
- Add an 8-foot shoulder with half of it paved.
- Provide benching on the existing slope to stabilize the proposed fill against the existing slope.
- Regarding the existing shoulder on the north side of Forbes Street to the new pavement elevation, the applicant will:
- Extend a 30-inch culvert, two 24-inch culverts and grade drainage ditches as required.
- Tie-in seven private drives and one commercial drives with 1.5-inches of asphalt up to the VDOT right-of-way or the area of disturbance, whichever is greater.

- Provide a pavement wedge between the existing pavement and the proposed pavement to maintain a minimum ¼ inch per foot cross slope.
- Dedicate approximately ¾ of an acre of land to public use for the road improvements.
- 4. <u>Cultural Resources/Archeological</u> The Applicant has conducted a Phase II Archeological Survey of the subject property, and agrees to show all historic features as determined by the results of the Phase II survey on the GDP, and further agrees to:
 - a. Convey in fee simple with general warranty, the portion of the site shown on the GDP in the color yellow and identified as "The Campsite" to the County within three (3) years of approval of the rezoning application by the Stafford County Board of Supervisors, as shown on the GDP. The Applicant will provide appropriate access and a minimum of 5 parking spaces, as shown on the GDP, constructed with alternative paving materials, such as grass pavers;
 - b. Establish preservation easements to protect the areas containing the historic features, as shown on the GDP in the color orange, before approval of the final subdivision plan. Such preservation easements are intended to prohibit disturbance of these areas or the addition or encroachment of other uses, except for the following:
 - i. installation of walking and/or fitness trails which shall be located and designed for the enjoyment of the site, and
 - ii. use as a dog park within the area so designated as such on the GDP.
 - c. Erect orange construction fencing around the areas shown on the GDP as preservation easements before any site disturbance occurs on site;
 - d. Erect one or more interpretive signs on the property; and
 - e. Prepare engineered "measured" drawings for the corn crib and the barn on the site that were identified in the Phase II survey and provide same to Stafford County on or before approval of the final subdivision plan.

5. <u>Development</u> - The Applicant agrees to limit development to no more than 105 single-family residential units constructed on the Property.

6. <u>Cemeteries</u> - The Applicant agrees to construct a 48 inch high wrought iron fence (or such material which is designed to simulate the appearance of wrought iron) around the family cemeteries located on the Property.

7. <u>Wetlands Delineation</u> - The Applicant agrees to delineate all wetlands by the erection of orange construction fencing, prior to construction or site grading.

Recess. At 9:40 P.M., the Chairman declared a recess.

<u>Call to Order.</u> At 9:44 P.M., the Chairman called the meeting back to order.

<u>Planning; Consider an Amendment to the Land Use Plan Component of the Comprehensive Plan.</u> Mr. Jeff Harvey, Director of Planning and Community Development, gave a presentation.

Mr. Rob Adams, Assistant Director of Planning and Construction, Stafford County Schools, commented.

Mr. Schwartz motioned, seconded by Mr. Fields, to defer this item to the December 5, 2006 meeting.

The Voting Board tally was:

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

Nay: (0)

<u>Finance</u>; <u>Authorize Assumption f the Debt for the Purchase of 3528 Jefferson Davis</u>

<u>Highway.</u> Mr. Anthony Romanello, Deputy County Administrator, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R06-486.

The Voting Board tally was:

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

Nay: (0)

Resolution R06-486 reads as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA AUTHORIZING THE LEASE FINANCING OF THE COUNTY'S PURCHASE OF THE POTOMAC HILLS FIRE STATION #10 AND CERTAIN EQUIPMENT RELATED THERETO AND THE LEASING OF REAL ESTATE RELATED TO POTOMAC HILLS FIRE STATION #10

WHEREAS, the Board of Supervisors (the "Board") of the County of Stafford, Virginia (the "County") has determined that it is advisable to finance the County's purchase of Potomac Hills Fire Station #10 and certain equipment used in connection with the operation of Potomac Hills Fire Station #10 from Widewater Volunteer Fire and Rescue Services, Inc. (collectively, the "Project"), and to obtain financing for the Project through one or more financing leases providing financing on a tax exempt or taxable basis for the Project in an amount not to exceed \$1,500,000; and

WHEREAS, the County will finance that portion of the Project related to the land and improvements thereon (the "Real Estate") pursuant to a financing lease (the

"Financing Lease"), between the County and United Financial of North Carolina, Inc. (the "Bank"); and

WHEREAS, the County will lease the Real Estate to the Bank pursuant to a lease (the "Lease") and the County will leaseback the Real Estate from the Bank pursuant to the Financing Lease; and

WHEREAS, the leasing of the Real Estate to the Bank has been described to the Board and a public hearing, after public notice, has been held as required by Section 15.2-1800 of the Code of Virginia (1950), as amended; and

WHEREAS, the County will finance that portion of the Project related to the equipment (the "Equipment") pursuant to a separate financing lease (the "Equipment Lease" together with the Lease and Financing Lease, the "Financing Documents"), between the County and the Bank;

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

- 1. Proposals to Provide Financing. The County Administrator and the Acting Director of Finance, or either of them, is authorized and directed to enter into one or more financing leases with the Bank, on a tax exempt or taxable basis, for the Project, provided that (i) the aggregate principal amount of the financings does not exceed \$1,500,000, (ii) the tax exempt interest rate used to calculate the interest component of rental payments under the Financing Documents shall not exceed 7.23%, (iii) the taxable interest rate, if any, used to calculate the interest component of rental payments under the Financing Documents shall not exceed 7.23% and (iv) the term of the Financing Documents shall not be longer than 6 years (collectively, the "Bond Terms").
- 2. Authorization of Financing Documents. The Financing Documents shall be in such form and contain such provisions as the County Administrator and the

Acting Director of Finance, or either of them, shall approve, such approval to be evidenced conclusively by the execution and delivery of such documents to which the County is a party, provided that the terms therein are consistent with the Bond Terms.

- 3. Authorization of the Leasing of the Real Estate. The Board hereby approves the lease and leaseback of the Real Estate pursuant to the provisions of the Lease and Financing Lease, respectively.
- 4. Execution of Documents. The Acting Director of Finance and the County Administrator, or either of them, are authorized to execute on behalf of the County, and, if required, to affix or to cause to be affixed the seal of the County to the Financing Documents to which the County is a party and to execute on behalf of the County such other instruments, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.
- 5. Nature of Obligations. Nothing in this Resolution or the Financing Documents shall constitute a debt of the County. The County's obligations to make payments pursuant to the Financing Documents shall be subject to and dependent upon annual appropriations being made from time to time by the Board for such purposes. Nothing in this Resolution or the Financing Documents shall constitute a pledge of the full faith and credit of the County beyond the constitutionally permitted annual appropriations.
- 6. Reimbursement. The Board adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The Board reasonably expects to reimburse any advances made or to be made by the County to pay the costs of the Project from the proceeds of its debt or other financing. The maximum amount of debt or other financing expected to be issued for the Project is \$1,500,000.

Adjournment. At 10:15 P. M., the Chairman declared the meeting adjourned.	
Steve Crosby	Robert C. Gibbons
County Administrator	Chairman

7. Effective Date. This Resolution shall take effect immediately.