

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting
August 21, 2007

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 1:05 P. M., Tuesday, August 21, 2007, in the Board Chambers, Stafford County Administration Center.

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

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

Legislative; Presentation of Proclamations.

- Declare the Week of August 27-September 2, 2007 as Fire and Rescue Appreciation Week.
- Recognize September 15, 2007, as Salute to Stafford Day.

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

Lou Silver

- Board actions.
- Item 5 on Consent Agenda regarding property in Aquia Harbour.
- Items on Regular Agenda that need further discussion.
- Citizen attitudes.
- Board voting.

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

Mr. Dudenhefer

- Item 29.
- Transportation Commission.
- National Night Out.
- Quantico Growth Management Committee meeting.
- Attended Stafford Hospital Center Hospital “topping off” ceremony.
- Attended three Bond Rating meetings.
- Attended Force Protection Equipment Demonstration.
- Attended “Discovery Days” in Fredericksburg.

Mr. Fields

- Attended “Discovery Days” in Fredericksburg.
- Schedule Joint Work Session with School Board.

Mr. Gibbons

- Virginia Department of Transportation issues.
- Removed Item 5 from Consent Agenda.
- Traffic light at Vulcan Materials.
- Traffic light at Joy Street.
- Budget issues
- Building permits.
- Discovery Days.
- Mandatory water and sewer connections.

- Space requirements.
- Base Realignment and Closure.
- Virginia Railway Express revised agreement.
- Vulcan Materials on Warrenton Road.
- Discovery Days.

Mr. Milde

- Discovery Days.
- Rappahannock Regional Solid Waste Management Board meeting.
- Commonwealth Transportation Board meeting.
- Virginia Railway Express.
- Attended transportation summit on HB3202.
- Crow's Nest.
- Stafford Hospital Center "topping off" ceremony.
- HOT lanes.
- Base Realignment and Closure meeting.
- Attended Force Protection Equipment Demonstration.
- Discovery Days.
- Museum/Visitors Center.
- Regional Elected Officials Meeting.
- Dominion Virginia Power.
- Doc Stone Road.
- Brooke Post Office.
- Lions Club member – Jack Watson.

Mr. Schwartz

- Landscaping issues on VDOT rights-of way.
- Stafford County license plate.
- Transportation Commission.
- Recreational vehicle parking.

Mr. Brito

- Commonwealth Transportation Board.

- Transportation summit on HB3202.
- HOT lanes.
- Regional Elected Officials Meeting.
- Commercial development on Centreport Parkway.
- Attended “National Night Out” in Austin Ridge Subdivision.
- School Capital Improvements Program.
- Improvements to Warrenton Road at Lowe’s at Celebrate Virginia.
- Vulcan on Warrenton Road.
- Attended Force Protection Equipment Demonstration.
- Intersection of Poplar Road/Warrenton Road.
- Stafford Hospital Center “topping off”.

Mr. Cavalier

- Intersection of Doc Stone Road/Garrisonville Road.
- Letter of appreciation from April Sinkler on the proclamation received from the Board.

Mr. Gibbons

continued

- Interstate tractor trailer incidents.

Mr. Schwartz

continued

- Removed Item 12 from the Consent Agenda.

Legislative; Report of the County Attorney. Ms. Gail Roberts, Deputy County Attorney, commented on the following:

- Closed Meeting additions.
- Mandatory snow removal on sidewalks; will further review.

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

- Stafford County Citizens Guide.
- Budget work session.
- Additions and Deletions.
 1. Proposed Resolution R07-367 – A Resolution to Congratulate and Commend Force Protection Equipment Demonstration (FPED VI) on a Successful Event at Stafford Regional Airport.
 2. Proposed Resolution R07-366 – A Resolution to Declare that a Public Water Supply Emergency Exists.
 3. Deleted Item 19, 27 and 34 on the Regular Agenda.

Legislative; Consent Agenda. Mr. Dudenhefer motioned, seconded by Mr. Fields, to adopt the Consent Agenda consisting of Items 1 thru 21, minus item 5 and 12.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito
Nay: (0)

Item 1. Legislative; Approve Minutes of Board Meetings. Adjourned Meeting of July 7, 2007.

Item 2. Legislative; Approve Proclamations.

Proclamation P07-21 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND MOUNT
ARARAT BAPTIST CHURCH ON THE OCCASION OF ITS
CENTENNIAL ANNIVERSARY

WHEREAS, Mount Ararat Baptist Church, originally known as the Baptist Church of Toluca Road, was founded by seven devout men from the Rock Hill and Ramoth Baptist Churches in 1907; and

WHEREAS, despite the challenge of having to reach the church in horse-drawn wagons over unpaved roads in Stafford's tiny rural community, the congregation of Mount Ararat Baptist Church grew quickly, and began offering Sunday School classes, established the Training Union, began a Wednesday night prayer service and formed a choir; and

WHEREAS, thanks to the visionary leadership of its devoted pastors and ministers, Mount Ararat Baptist Church began to expand both its spiritual and physical presence in the County during the 1980s, purchasing additional acreage, increasing facilities, dedicating a Family Life Center and opening Noah's Landing Gourmet Coffee Shoppe and Tea Room for fellowship and Bible study; and

WHEREAS, Mount Ararat Baptist Church hosted a fireworks display from 1999 - 2004 for the entire region; offers productions such as the Easter Passion Play and Christmas theatrical events; and opens its facilities to the community for events such as job fairs, blood drives, and as a voting precinct; and

WHEREAS, Mount Ararat Baptist Church has maintained a tradition of service to the community and the world through ministry to individuals in prisons; helped build a Baptist church in Komarno, Slovakia; raised funds for an orphanage in Keralla, India; repairs homes for the needy; and provides disaster relief for the survivors of Hurricane Katrina; and

WHEREAS, the pastors and lay members of Mount Ararat Baptist Church, numbering more than 3,200 today, use their considerable talents and creative gifts to offer a worship service that includes contemporary music; incorporates drama, creative movement, story-telling, visual graphics; and continues to offer diverse activities for adults, children and teens; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the joy and spirited community ministry with which the congregants of Mount Ararat Baptist Church celebrate their faith each day;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the members of Mount Ararat Baptist Church be and they hereby are recognized on the occasion of their church's centennial celebration.

Proclamation P07-22 reads as follows:

A PROCLAMATION TO RECOGNIZE SEPTEMBER 15, 2007,
AS SALUTE TO STAFFORD DAY

WHEREAS, Citizens to Serve Stafford and the Department of Parks and Recreation are proud to sponsor a celebration highlighting Stafford's rich history, community spirit, talented local artisans and accomplished musicians; and

WHEREAS, Salute to Stafford Day will feature free entertainment for young and old alike, including hands-on crafts, living history re-enactors, dance troupes, rides, pop and folk music, live wild raptors, displays by Friends of the Rappahannock, a contest featuring art by children that highlights Stafford sites and history, and a special tribute to military veterans; and

WHEREAS, Salute to Stafford Day will feature a “Blue Heron Vote” for visitors to choose the most impressively costumed bird from among the dozens of wooden creations that have been adopted by local businesses, individuals and Stafford government offices; and

WHEREAS, Salute to Stafford Day is a unique opportunity for citizens from throughout the region to participate in wholesome family fun, visit with their neighbors and make new friends; and

WHEREAS, the Board desires to call public attention to the hard work and dedication exhibited by Ruth Carlone, Citizens to Serve Stafford and the Department of Parks and Recreation to make this wonderful event a reality;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that September 15, 2007, be and it hereby is recognized as Salute to Stafford Day.

Item 3. Legislative; Establish a Policy on the Naming of County Buildings

Resolution R07-147 reads as follows:

A RESOLUTION TO ESTABLISH A POLICY ON THE NAMING OF
COUNTY BUILDINGS

WHEREAS, the Board desires to establish a policy on naming County buildings;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that County office buildings will be named for their primary use or function; and

BE IT FURTHER RESOLVED that County libraries and fire stations are to be named for the geographic area in which they are located; and

BE IT STILL FURTHER RESOLVED that the Board may dedicate buildings posthumously to individuals who made a significant and distinctive contribution to the County; and

BE IT STILL FURTHER RESOLVED that the only exception to this policy would be the future Stafford County Human Services Center which will have on its façade the name “Stafford County Human Services Center” and “William C. Tignor Building” since the Board is already on record dedicating the building in his honor; and

BE IT STILL FURTHER RESOLVED that the library to be constructed at the intersection of Plantation Drive and Lyons Boulevard will be named England Run Library; and

BE IT STILL FURTHER RESOLVED that the new public safety center be conspicuously identified with appropriate signage, as the “Stafford County Public Safety Center” and the building be named the “Ford T. Humphrey Building” in honor of Deputy Sheriff Ford T. “Toby” Humphrey; and

BE IT STILL FURTHER RESOLVED that exterior signage in all County buildings shall be consistent with the form of that for the Public Safety Center; and

BE IT STILL FURTHER RESOLVED that it be and he hereby does authorize the establishment of a policy on naming County office buildings.

Item 4. Administration; Request Stafford County be Designated a Drought Disaster Area

Resolution R07-331 reads as follows:

A RESOLUTION TO REQUEST THE HONORABLE GOVERNOR
TIMOTHY KAINE DESIGNATE STAFFORD COUNTY AS A DISASTER
AREA FOLLOWING THE SEVERE DROUGHT OF 2007

WHEREAS, the drought experienced during the summer of 2007 has led to some very poor crop conditions throughout Stafford County; and

WHEREAS, the local Food and Agriculture Committee has estimated the following losses as compared to normal yields: pastures-75%; hay-50%; corn-65%; full season beans-40% and double crop soybeans-80%; and

WHEREAS, the reduction in anticipated yield will result in direct losses to those farmers who sell crops for cash and will lead to livestock producers buying feed that they would not have had to purchase in a normal year; and

WHEREAS, many county farmers do not have the necessary capital on hand to purchase the required feed; and

WHEREAS, there is a program which offers low-interest loans to farmers who cannot find loans elsewhere, by the United States Department of Agriculture, which can help some of these farmers to stay in business if the area has been designated a disaster area by the Governor or President; and

WHEREAS, a request to the Governor to designate Stafford County a disaster area is the first step in the process of qualifying for the federal program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the Board be and it hereby does request the Honorable Governor Timothy Kaine to designate Stafford County as a disaster area following the drought of 2007.

Item 6. Finance; Approve Expenditure Listing.

Resolution R07-316 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED JULY 17, 2007 THROUGH AUGUST 20, 2007

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 21st day of August 2007, that the above-mentioned EL be and it hereby is approved.

Item 7. Finance; Consider Amendments to the FY2007 Budget to Accommodate Financial Reporting.

Resolution R07-300 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE BOND PROCEEDS
AND CONTRIBUTIONS FROM DEVELOPERS

WHEREAS, funds have been received in the amount of \$4,366 in the General Capital Projects Fund in the form of premiums from the Virginia Public School Authority that were in excess of the amount budgeted; and

WHEREAS, these funds need to be transferred to the School Construction Fund and budgeted and appropriated for use there; and

WHEREAS, funds have been received in the amount of \$28,000 in the General Fund from developers in the form of contributions for road construction purposes; and

WHEREAS, these funds need to be transferred to the Transportation Fund and budgeted and appropriated for use there;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007 that the County Administrator be and he hereby is authorized to budget and appropriate funds as follows:

General Capital Projects Fund

Source of Funds: Proceeds from Bond Sale, \$4,366

Use of Funds: Transfer to School Construction, \$4,366

School Construction Fund:

Source of Funds: Transfer from General Capital Projects Fund, \$4,366

Use of Funds: School Construction, \$4,366

General Fund:

Source of Funds: Contributions from Developers, \$28,000

Use of Funds: Transfer to the Transportation Fund, \$28,000

Transportation Fund:

Source of Funds: Transfer from the General Fund, \$28,000

Use of Funds: Road Construction, Garrisonville Road (SR-610), \$28,000

Item 8. Budget; Budget and Appropriate Proffer Funds for School Construction Projects.

Resolution R07-328 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE PROFFER
FUNDS FOR SCHOOL CONSTRUCTION PROJECTS

WHEREAS, the School Board also has requested the appropriation of proffer funds for School Construction Projects; and

WHEREAS, School proffers totaling \$170,239 are available; and

WHEREAS, settlement funds from the Stafford Limited Partnership in the amount of \$50,000 are also available;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the County Administrator be and he hereby is authorized to budget and appropriate proffer funds as follows:

GENERAL FUND

Transfer to the School Construction Fund \$220,239

SCHOOL CONSTRUCTION FUND \$220,239

Item 9. Public Services; Award Contracts for On-Call Professional Architectural and Engineering Services.

Resolution R07-332 reads as follows:

A RESOLUTION TO AWARD ON-CALL CONTRACTS FOR
PROFESSIONAL ARCHITECTURAL/ENGINEERING SERVICES
RELATIVE TO BUILDING CONSTRUCTION AND FEASIBILITY STUDIES

WHEREAS, the County has solicited proposals from qualified vendors for professional services on an as-needed basis; and

WHEREAS, the committee evaluated proposals received, conducted interviews with certain qualified vendors, and recommended four vendors be awarded contracts; and

WHEREAS, individual contracts for these services shall not exceed \$200,000, and the sum of all purchase orders shall not exceed \$1,000,000 during the life of the contracts; and

WHEREAS, the term of this contract shall be an initial period of one year, with an option to renew for two additional one year periods, for a total of three years;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the County Administrator be and he hereby is authorized to execute individual on-call contracts in an amount not to exceed Two Hundred Thousand Dollars (\$200,000) per purchase order with these firms:

Hening-Vest-Covey-Chenault (HVC-Chenault) Architectural Corporation;
Moseley Architects;
Peck Peck & Associates, Inc.;
PSA Dewberry

Item 10. Public Services; Award Contract for Custodial Services at County Facilities.

Resolution R07-318 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO RENEW A CONTRACT FOR CUSTODIAL SERVICES AT
VARIOUS COUNTY FACILITIES

WHEREAS, the Department of Public Services, Property Management Division, desires the services of outside contractors to perform custodial services that are beyond the capabilities of County resources;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the County Administrator be and he hereby is authorized to renew a contract with CC Building Services in an amount not-to-exceed Two Hundred Forty-one Thousand Eight Hundred Sixty-two Dollars (\$241,862); and

BE IT FURTHER RESOLVED that, subject to funds being appropriated each year for this purpose, the contract shall have an option to renew for up to three additional one-year terms, if mutually agreed upon.

Item 11. Public Services; Award Contract for Security Services at the Government Center and the Rowser Complex.

Resolution R07-319 reads as follows:

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

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 Complex;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, 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 Sixty-one Thousand One Hundred Eighty-three Dollars (\$261,183) for FY2008.

Item 13. Transportation; Abandon, Add and Change Road Network from Construction of Interstate 95 and Centreport Parkway in the Secondary System of State Highways

Resolution R07-287(R) reads as follows:

A RESOLUTION THAT PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ADD, ABANDON AND MAKE DATA CORRECTIONS TO SECTIONS OF MOUNTAIN VIEW ROAD, ENON ROAD, WYATT LANE, PINE VIEW DRIVE, YELLOW FINCH WAY, CRANES CORNER ROAD, RAVENWOOD DRIVE, BEAUREGARD DRIVE, KINGS HILL DRIVE AND CENTREPORT PARKWAY TO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Interstate 95 Interchange and Centreport Parkway was constructed; and

WHEREAS, as a result of this construction, adjustments need to be made to the Secondary System of State Highways; and

WHEREAS, the new roads serve the same citizens as the portions of old roads to be abandoned, which segments no longer serve a public need; and

WHEREAS, the Board requests the Virginia Department of Transportation (VDOT) to abandon from the Secondary System of State Highways, pursuant to Section 33.1-155, Code of Virginia (1950), as amended, the following segments as shown on the

drawings entitled “Stafford County Changes in the Primary and Secondary System due to relocation and construction of ~~Route~~ Interstate 95, Project: 0095-089-108, C501”:

Type of Change to the Secondary System of State Highways: Abandonment

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: VDOT Project

Pursuant to Code of Virginia Statute: Section 33.1-155

Street Name and ~~for~~ State Route Number

- ▶ Mountain View Road (SR-627)
 - From: 3.30 miles South of Kellogg Mill Road (SR-651)
 - To: 0.22 miles North of Ravenwood Drive (SR-746), a distance of 0.15 miles
- ▶ Mountain View Road (SR-627)
 - From: 0.13 miles South of Ravenwood Drive (SR-746)
 - To: 0.02 miles East of Pine View Drive (SR-2140), a distance of 0.05 miles
- ▶ Mountain View Road (SR-627)
 - From: 0.11 miles East of Pine View Drive (SR-2140)
 - To: 0.47 miles West of Jefferson Davis Highway (US-1), a distance of 0.26 miles
- ▶ Enon Road (SR-753)
 - From: 0.62 miles East of Hulls Chapel Road (SR-653)
 - To: 0.68 miles East of Hulls Chapel Road (SR-653), a distance of 0.06 miles
- ▶ Enon Road (SR-753)
 - From: 0.06 miles East of Wyatt Lane (SR-735)
 - To: 0.11 miles East of Pine View Drive (SR-2140), a distance of 0.14 miles
- ▶ Beauregard Drive (SR-747)
 - From: Enon Road (SR-753), formerly Mountain View Road (Old SR-627)
 - To: Dead End, a distance of 0.16 miles
- ▶ Cranes Corner Road (SR-676)
 - From: Jefferson Davis Highway (US-1)

- To: 0.10 miles South of Cranes Corner Road (SR-676),
a distance of 0.09 miles
- Cranes Corner Road (SR-676)
- From: 0.03 miles South of Cranes Corner Road (SR-676)
- To: 0.14 miles East Jefferson Davis Highway (US-1),
a distance of 0.09 miles

WHEREAS, the Board requests the Virginia Department of Transportation (VDOT) to add to the Secondary System of State Highways pursuant to Section 33.1-229, Code of Virginia (1950), as amended, the following sections as shown on the drawing entitled “Stafford County Changes in the Primary and Secondary System due to relocation and construction of ~~Route~~ Interstate 95, Project: 0095-089-108, C501”:

Type of Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: VDOT Project

Pursuant to Code of Virginia Statute: Section 33.1-229

Street Name and ~~for~~ State Route Number

- Mountain View Road (SR-627)
- From: 3.30 miles South of Kellogg Mill Road (SR-651)
- To: 3.32 miles South of Kellogg Mill Road (SR-651),
a distance of 0.02 miles
- Right of Way width (feet) = 80-228 feet
- Centreport Parkway (SR-8900)
- From: Mountain View Road (SR-627)
- To: Jefferson Davis Highway (US-1), a distance of 2.35 miles
- Right of Way width (feet) = 151-1084 feet

- ▶ Pine View Drive (SR-2140)
 - From: 0.24 miles North of Ravenwood Drive (SR-746)
 To: 0.22 miles North of Ravenwood Drive (SR-746), a distance of 0.02 miles
 Right of Way width (feet) = 40-117 feet
- ▶ Pine View Drive (SR-2140)
 - From: 0.13 miles South of Ravenwood Drive (SR-746)
 To: 0.17 miles South of Ravenwood Drive (SR-746), a distance of 0.04 miles
 Right of Way width (feet) = 40-180 feet
- ▶ Pine View Drive (SR-2140)
 - From: 0.17 miles South of Ravenwood Drive (SR-746)
 To: Enon Road (SR-753), a distance of 0.12 miles
 Right of Way width (feet) = 85-113 feet
- ▶ Ravenwood Drive (SR-746)
 - From: 0.11 miles South East of Pine View Drive (SR-2140)
 To: 0.13 miles South East of Pine View Drive (SR-2140),
 a distance of 0.02 miles
 Right of Way width (feet) = 30-95 feet
- ▶ Formerly Mountain View Road (Old SR-627), (no name) (SR-2141)
 - From: Pine View Drive (SR-2140)
 To: 0.02 miles East of Pine View Drive (SR-2140), a distance of 0.02 miles
 Right of Way width (feet) = 40-85 feet
- ▶ Enon Road (SR-753)
 - From: 0.62 miles East of Hulls Chapel Road (SR-653)
 To: 0.68 miles East of Hulls Chapel Road (SR-653), a distance of 0.06 miles
 Right of Way width (feet) = 66-102 feet
- ▶ Enon Road (SR-753)
 - From: 0.68 miles East of Hulls Chapel Road (SR-653)
 To: 0.74 miles East of Hulls Chapel Road (SR-653), a distance of 0.06 miles
 Right of Way width (feet) = 92-126 feet
- ▶ Enon Road (SR-753)
 - From: 0.74 miles East of Hulls Chapel Road (SR-653)

- To: 0.93 miles East of Hulls Chapel Road (SR-653), a distance of 0.19 miles
Right of Way width (feet) = 89-121 feet
- ▶ Enon Road (SR-753)
 - From: 0.93 miles East of Hulls Chapel Road (SR-653)
To: 1.05 miles East of Hulls Chapel Road (SR-653), a distance of 0.12 miles
Right of Way width (feet) = 40-116 feet
 - ▶ Wyatt Lane (SR-735)
 - From: Enon Road (SR-753)
To: 0.03 miles South of Enon Road (SR-753), a distance of 0.03 miles
Right of Way width (feet) = 82-102 feet
 - ▶ Old Enon Road (SR-2142)
 - From: 0.06 miles East of Wyatt Lane (SR-735)
To: 0.12 miles East of Wyatt Lane (SR-735), a distance of 0.06 miles
Right of Way width (feet) = 40-110 feet
 - ▶ Beauregard Drive (SR-747)
 - From: Enon Road (SR-753)
To: 0.15 miles North of Enon Road (SR-753), a distance of 0.15 miles
Right of Way width (feet) = 61-92 feet
 - ▶ Cranes Corner Road (SR-676)
 - From: Jefferson Davis Highway (US-1)
To: 0.07 miles East of Jefferson Davis Highway (US-1),
a distance of 0.07 miles
Right of Way width (feet) = 99-218 feet
 - ▶ Cranes Corner Road (SR-676)
 - From: 0.07 miles East of Jefferson Davis Highway (US-1)
To: 0.14 miles East of Jefferson Davis Highway (US-1),
a distance of 0.07 miles
Right of Way width (feet) = 54-99 feet
 - ▶ Yellow Finch Way (SR-2143)
 - From: 0.12 miles South of Cranes Corner Road (SR-676)
To: 0.10 miles South of Cranes Corner Road (SR-676),

a distance of 0.02 miles

Right of Way width (feet) = 40-94 feet

► Yellow Finch Way (SR-2143)

- From: 0.03 miles South of Cranes Corner Road (SR-676)

To: Cranes Corner Road (SR-676), a distance of 0.03 miles

Right of Way width (feet) = 40-69 feet

► Kings Hill Road (SR-2144)

- From: Cranes Corner Road (SR-676)

To: 0.26 miles North of Cranes Corner Road (SR-676),

a distance of 0.26 miles

Right of Way width (feet) = 56-102 feet

WHEREAS, the Board requests the Virginia Department of Transportation (VDOT) to make data corrections to the Secondary System of State Highways pursuant to Section 33.1-69, Code of Virginia (1950), as amended, the following sections as shown on the drawing entitled “Stafford County Changes in the Primary and Secondary System due to relocation and construction of ~~Route~~ Interstate 95, Project: 0095-089-108, C501”:

Type of Change to the Secondary System of State Highways: Data Correction

This Board hereby requests the transfer of the following segment(s) of the Interstate or Primary System to this County's Secondary System of State Highways.

Reason for Change: State Route Re-numbering, VDOT Project

Pursuant to Code of Virginia Statute: Section 33.1-69

Street Name and ~~for~~ State Route Number

► Pine View Drive (SR-2140)

Formerly Mountain View Road (Old SR-627)

- From: 0.22 miles North of Ravenwood Drive (SR-746)

To: Ravenwood Drive (SR-746), a distance of 0.22 miles

► Pine View Drive (SR-2140)

- Formerly Mountain View Road (Old SR-627)
- From: Ravenwood Drive (SR-746)
To: 0.13 miles South of Ravenwood Drive (SR-746), a distance of 0.13 miles
 - ▶ Sub off Pine View Drive (SR-2140) toward Interstate 95 (I-95),
(no name) (SR-2141)
- Formerly Mountain View Road (Old SR-627)
- From: 0.02 miles East of Pine View Drive (SR-2140)
To: 0.09 miles East of Pine View Drive (SR-2140), a distance of 0.07 miles
 - ▶ Sub off Pine View Drive (SR-2140) toward Interstate 95 (I-95),
(no name) (SR-2141)
- Formerly Mountain View Road (Old SR-627)
- From: 0.09 miles East of Pine View Drive (SR-2140)
To: 0.11 miles East of Pine View Drive (SR-2140), a distance of 0.02 miles
 - ▶ Enon Road (SR-753)
- Formerly Mountain View Road (Old SR-627)
- From: 1.05 miles East of Hulls Chapel Road (SR-653)
To: Porter Lane (SR-640), a distance of 0.25 miles
 - ▶ Old Enon Road (SR-2142)
- Formerly Enon Road (Old SR-753)
- From: Wyatt Lane (SR-735)
To: 0.02 miles East of Wyatt Lane (SR-735), a distance of 0.02 miles
 - ▶ Old Enon Road (SR-2142)
- Formerly Enon Road (Old SR-753)
- From: 0.02 miles East of Wyatt Lane (SR-735)
To: 0.06 miles East of Wyatt Lane (SR-735), a distance of 0.04 miles
 - ▶ Enon Road (SR-753)
- Formerly Mountain View Road (Old SR-627)
- From: Porter Lane (SR-640)
To: 0.14 miles West of Jefferson Davis Highway (US-1),
a distance of 0.08 miles
 - ▶ Enon Road (SR-753)

- Formerly Mountain View Road (Old SR-627)
- From: 0.14 miles West of Jefferson Davis Highway (US-1)
To: Jefferson Davis Highway (US-1), a distance of 0.14 miles
- ▶ Yellow Finch Way (SR-2143)
Formerly Cranes Corner Road (Old SR-676)
- From: 0.10 miles South of Cranes Corner Road (SR-676)
To: 0.03 miles South of Cranes Corner Road (SR-676),
a distance of 0.07 miles
- ▶ Mountain View Road (SR-627)
- From: Kellogg Mill Road (SR-651)
To: 2.57 miles South of Kellogg Mill Road (SR-651),
a distance of 2.57 miles
- ▶ Mountain View Road (SR-627)
- From: 2.57 miles South of Kellogg Mill Road (SR-651)
To: 3.30 miles South of Kellogg Mill Road (SR-651),
a distance of 0.73 miles
- ▶ Ravenwood Drive (SR-746)
- From: Pine View Drive (SR-2140)
To: 0.11 miles South East of Pine View Drive (SR-2140),
a distance of 0.11 miles
- ▶ Enon Road (SR-753)
- From: Hulls Chapel Road (SR-653)
To: 0.62 miles East of Hulls Chapel Road (SR-653), a distance of 0.62 miles
- ▶ Wyatt Lane (SR-735)
- From: 0.03 miles South of Enon Road (SR-753)
To: 0.15 miles South of Enon Road (SR-753), a distance of 0.12 miles
- ▶ Wyatt Lane (SR-735)
- From: 0.15 miles South of Enon Road (SR-753)
To: 0.46 miles South of Enon Road (SR-753), a distance of 0.31 miles
- ▶ Cranes Corner Road (SR-676)
- From: 0.14 miles East of Jefferson Davis Highway (US-1)

To: 1.12 miles East of Jefferson Davis Highway (US-1),
a distance of 0.98 miles

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that it be and hereby does approve the aforementioned abandonments, additions, and data corrections to and from the Secondary System of State Highways; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

Item 14. Transportation; Amend the Virginia Railway Express (VRE) Master Agreement.

Resolution R07-334 reads as follows:

A RESOLUTION TO APPROVE REVISIONS TO THE MASTER
AGREEMENT FOR PROVISION OF COMMUTER RAIL SERVICES
IN NORTHERN VIRGINIA - ESTABLISHMENT OF THE VIRGINIA
RAILWAY EXPRESS (VRE)

WHEREAS, the Northern Virginia Transportation District Commission (“NVTC”) and the Potomac and Rappahannock Transportation District Commission (“PRTC”) (both of which shall collectively be referred to as the “Commissions”), jointly operate the Virginia Railway Express (the “VRE”) commuter rail service in Northern Virginia pursuant to the Master Agreement for the Provision of Commuter Rail services in Northern Virginia dated October 3, 1989, as amended September, 1990 (the “Master Agreement”); and,

WHEREAS, in February, 2006, the VRE Operations Board, with participation of all VRE Participating and Contributing Jurisdictions, initiated analysis of alternate VRE governance structures and subsidy allocation formulae; and

WHEREAS, on April 5, 2007, the Commissions approved a series of proposed amendments to the Master Agreement that would change the composition of and voting on the Operations Board and revise the subsidy formula over a four year phase-in period; and

WHEREAS, by May of 2007, all Participating and Contributing Jurisdictions had also approved in concept the proposed amendments to the Master Agreement; and

WHEREAS, on July 5, 2007, the Commissions approved a revised version of the Master Agreement incorporating the aforesaid amendments (the “Amended Master Agreement”), a copy of which is attached hereto, and authorized execution of the Amended Master Agreement by their respective chairman; and

WHEREAS, the Commissions have requested each of the Participating and Contributing Jurisdictions to approve the Amended Master Agreement and authorize its execution by an appropriate representative;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 21st day of August 2007, that it hereby approves the Amended VRE Master Agreement in the form attached hereto; and

BE IT FURTHER RESOLVED that the Chairman of the Board is hereby authorized to execute the Amended Master Agreement on behalf of the County.

MASTER AGREEMENT FOR PROVISION OF COMMUTER
RAIL SERVICES IN NORTHERN VIRGINIA --
ESTABLISHMENT OF THE VIRGINIA RAILWAY EXPRESS

I. INTRODUCTION

A. PARTIES

This MASTER AGREEMENT is entered into between and among the Northern Virginia Transportation Commission, hereinafter referred to as "NVTC", the Potomac and Rappahannock Transportation Commission, hereinafter referred to as "PRTC", both of which shall collectively be referred to as "the COMMISSIONS," the jurisdictions of Fairfax County, the City of Manassas, Prince William County, Stafford County, the City of Manassas Park and the City of Fredericksburg, hereinafter referred to as the "PARTICIPATING JURISDICTIONS," and the jurisdictions of the City of Alexandria and Arlington County, hereinafter referred to as the "CONTRIBUTING JURISDICTIONS."

B. NAME OF THE COMMUTER RAIL SERVICE

The commuter rail service established hereby shall be known as the VIRGINIA RAILWAY EXPRESS.

C. PURPOSES

The purposes of this MASTER AGREEMENT are:

(1) to provide for the operation and maintenance of commuter rail service by acquiring the necessary capital equipment and financing therefor; to provide for the construction of necessary platforms, stations, parking areas, storage facilities, and all other facilities necessary for the operation of commuter rail service; to establish an adequate plan of insurance; and to pay for the operation and maintenance of a commuter rail service project consisting of trains making round trips on each of two lines originating in the Manassas area and the Fredericksburg area to Union Station in the District of Columbia, ("D.C. Service"), , or, as a contingency plan until the D.C. service can begin, to Crystal City, Virginia, ("Crystal City contingency plan"), according to formulae set forth herein;

(2) to agree and commit to a complete financial plan, and the procedure by which annual budgets shall be developed that are satisfactory to the PARTICIPATING and CONTRIBUTING JURISDICTIONS;

(3) to secure funding from state, federal and local sources for the capital and operating costs of the project and to allocate the costs thereof;

(4) to establish and organize responsibility for the administration and operation of commuter rail services and for the administration of contracts, leases and other agreements entered into by the COMMISSIONS for such service;

(5) to authorize the COMMISSIONS to execute all appropriate and necessary contracts with the National Railroad Passenger Service Corporation (Amtrak), the Richmond, Fredericksburg and Potomac Railroad Company (RF&P), the Southern Railway Company

(Southern), the Consolidated Rail Corporation (Conrail), the Virginia Department of Transportation (VDOT), other appropriate federal agencies and agencies of the Commonwealth of Virginia, and such other parties as may be required for the provision of the services contemplated hereby;

(6) to provide for land acquisition, the construction of station sites, platforms and parking facilities at mutually agreed locations, and the maintenance of rolling stock; and

(7) such other purposes as are necessary for the efficient capitalization and operation of the Virginia Railway Express.

D. EFFECTIVE DATE AND TERM

(1) Effective Date -- This Agreement shall be effective upon a date certain established by the COMMISSIONS, not more than thirty (30) days following the adoption of the pre-revenue service budget, the initial annual budgets for the D.C. service and the Crystal City contingency plan and the initial six (6) year financial plans for the D.C. Service and the Crystal City contingency plan, each provided for herein, by resolution of each of the PARTICIPATING JURISDICTIONS.

(2) After the effective date of the MASTER AGREEMENT, at such time as the COMMISSIONS may deem appropriate, the COMMISSIONS may:

(a) complete the procurement of rail equipment and locomotive vendors and award and execute contracts with such vendors for manufacture of rail passenger equipment and locomotives, such contracts to provide for the acquisition of locomotives and equipment sufficient for the D.C. Service or, at such time as the COMMISSIONS may so determine, in the event revenue service into the District of Columbia cannot occur prior to the start of commuter rail service, then locomotives and equipment sufficient for the Crystal City contingency plan; and

(b) issue bonds or notes in the name of NVTC to finance the purchase of rail passenger equipment and locomotives, insurance costs, and other costs of the commuter rail service as provided for in budgets approved by the parties hereto.

(3) The issuance of bonds by the COMMISSIONS shall not occur until the following conditions precedent have been complied with:

(a) Final agreement has been reached on a contract document ready for execution by Amtrak and the COMMISSIONS for the operation of commuter rail passenger equipment, and for the right to use Amtrak's tracks and facilities for the operation of commuter rail service.

(b) Final agreement has been reached on a contract document ready for execution by the RF&P and the COMMISSIONS for the right to use the RF&P's tracks and facilities for the operation of commuter rail service.

(c) Final agreement has been reached on a contract document ready for execution by the Southern and the COMMISSIONS for the right to use the Southern's tracks and facilities for the operation of commuter rail service.

(d) Final agreement has been reached on a contract document ready for execution by Conrail and the COMMISSIONS for the right to use Conrail's tracks and facilities for the operation of revenue commuter rail service into the District of Columbia, or for non revenue service from Crystal City, Virginia, to the District of Columbia as part of the Crystal City contingency plan.

(e) Final agreement has been reached on an insurance plan, mutually acceptable to the aforesaid railroad companies, the Virginia Division of Risk Management, and the COMMISSIONS, to cover the liabilities arising out of the operation of commuter rail service.

(4) Term -- This Agreement shall continue indefinitely unless terminated sooner as provided herein.

E. CONDITIONS PRECEDENT TO START OF RAIL SERVICE

The COMMISSIONS shall establish the starting date of commuter rail service, and the number of trains to be operated initially on each line, in accordance with the provisions of this MASTER AGREEMENT. Commuter rail service may begin contemporaneously or successively on both rail lines, as soon as practical after the effective date of this MASTER AGREEMENT, provided that such service shall not start on a line until the COMMISSIONS are satisfied that:

the station facilities on the line on which service is to begin are substantially ready for commuter service and rail passenger equipment capacity is available to carry at least 75% of estimated initial ridership on that line. Estimated initial ridership for the D.C. Service and for the Crystal City contingency plan shall be based upon the studies entitled Patronage and Revenue Forecasts for the Virginia Railway Express (May 1987) by R.H. Pratt and the Supplemental Patronage and Revenue Forecasts for the VRE (September 13, 1989), attached as Appendices A1 and A2, respectively.

F. CRYSTAL CITY CONTINGENCY PLAN

Subsequent to the effective date of this Master Agreement, and prior to the start of commuter rail service, the COMMISSIONS shall determine whether revenue service into the District of Columbia can occur. In the event that the factors necessary to enable the D.C. Service are not, or will not be, in place prior to the start of rail service, including the execution of an agreement with CONRAIL for the use of that railroad's tracks and facilities, then the COMMISSIONS may implement the Crystal City contingency plan authorized hereunder. In such event, those budgets and financial plans contained herein applicable to the Crystal City contingency plan shall determine the costs and expenses of the commuter rail service as funded by the parties hereto.

G. DEFINITIONS

As used in this MASTER AGREEMENT, the following words and terms shall have the following meanings unless the context shall indicate another meaning or intent:

(1) "Cost of Commuter Rail Service" shall mean operating and capital costs.

(2) "Capital Costs" shall mean those costs to be paid by the COMMISSIONS for capital items (other than costs, if any, classified as operating costs), including debt service, with respect to capital or operating costs which are financed with borrowed money or other types of deferred payment instruments.

(3) "Operating Costs" or "Operating Expenses" shall mean the expenses or costs of operating and maintaining the Virginia Railway Express, including, without limitation (unless otherwise specifically provided herein), costs of insurance, as defined for the purposes of this Agreement in Section VIII.B.(1), and costs of the COMMISSIONS which are not paid from bond proceeds, including operating reserves.

II. ORGANIZATION

A. CO-ORDINATION BETWEEN NVTC AND PRTC

The COMMISSIONS shall enter into all agreements with third parties necessary to the establishment and operation of the Virginia Railway Express, and the Executive Directors

thereof shall coordinate the presentation of all matters requiring the COMMISSIONS' consent so that decisions required to be reached by both may be made in an efficient and timely fashion.

B. ESTABLISHMENT OF THE OPERATIONS BOARD

(1) In order that the COMMISSIONS shall have an efficient mechanism for the formulation of operational policy and the execution of decisions required for the commuter rail service, the COMMISSIONS shall enter into an agreement setting forth the COMMISSIONS' relationship, duties and responsibilities regarding the commuter rail service, which agreement may be modified from time to time as the COMMISSIONS deem appropriate. The agreement shall establish a committee responsible to the COMMISSIONS which shall be known as the OPERATIONS BOARD to consist of ~~seven members, including three commissioners from PRTC, as selected by that body; three commissioners from NVTC, as selected by that body~~ the number of elected officials hereafter set forth from the governing bodies of each of the PARTICIPATING and CONTRIBUTING JURISDICTIONS selected by the COMMISSION of which the jurisdiction is a member from among its commissioners; and an ex officio representative of ~~VDOT~~ the Chairman of the Commonwealth Transportation Board selected as it that Chairman shall determine. A copy of the aforesaid agreement, and any subsequent amendments thereto, shall be attached hereto and incorporated herein as Appendix B upon adoption by the COMMISSIONS.

(a) The CONTRIBUTING JURISDICTIONS shall each have one member on the OPERATIONS BOARD, and each may have one alternate appointed from its governing body in the same manner as regular members.

(b) The PARTICIPATING JURISDICTIONS shall each have a number of members on the OPERATIONS BOARD proportionate to the ridership from the jurisdiction as determined in accordance with Section VIII.C. Such number shall be as follows:

- (1) PARTICIPATING JURISDICTIONS with 25% or more of the total system ridership shall have three (3) members on the OPERATIONS BOARD;
- (2) PARTICIPATING JURISDICTIONS with 15% to 24% of total system ridership shall have two (2) members on the OPERATIONS BOARD; and
- (3) PARTICIPATING JURISDICTIONS with less than 15% of total system ridership shall have one (1) member on the OPERATIONS BOARD.
- (4) Each PARTICIPATING JURISDICTION may also have one alternate for each of its regular members appointed from its governing body in the same manner as regular members.

(2) The first members of the OPERATIONS BOARD shall be appointed not later than upon execution of this MASTER AGREEMENT, and shall continue as members until their successors shall have been selected, provided that under no circumstances, except in the case of the ~~VDOT~~ Chairman of the Commonwealth Transportation Board's representative, shall membership on the OPERATIONS BOARD continue after a member ceases to be both a member of a governing body from a PARTICIPATING or CONTRIBUTING JURISDICTION and a commissioner of his appointing transportation district commission.

(3) Within 30 days after appointment of the seventh member, ~~t~~ The OPERATIONS BOARD shall meet on the call of either of the Executive Directors of the

COMMISSIONS and shall elect from among its members a chairman and such other officers as it may deem essential each to serve for a term of one year or until a successor is elected. All officers shall be eligible for reelection.

(4) The OPERATIONS BOARD shall endeavor to conduct its business by consensus to the extent possible. Nonetheless, ~~Each member of jurisdiction represented on the OPERATIONS BOARD, including the representative from VDOT, shall be entitled to one a~~ vote with a weight proportionate to the jurisdiction's annual subsidy determined in accordance with Section VIII.A.(1) and (2) for the then current fiscal year, e.g., a jurisdiction paying 25% of the annual jurisdictional subsidy shall have a vote with a weight equal to 25% of the total. The members of the OPERATIONS BOARD from jurisdictions with more than one representative may each cast an individual vote with a weight based on an equal proportion of the jurisdiction's total voting weight. A majority quorum of the OPERATIONS BOARD shall ~~include~~ consist of a majority of the members which shall include at least one member from each of the COMMISSIONS, a majority of the PARTICIPATING and CONTRIBUTING JURISDICTIONS, and shall constitute a quorum. ~~The representative from VDOT shall be included for the purposes of constituting a quorum.~~ The presence of a quorum and a vote of the majority of members present, including at least one affirmative vote from each of the transportation districts represented a majority of the members from the PARTICIPATING and CONTRIBUTING JURISDICTIONS, which majority shall constitute not less than sixty percent (60%) of the total annual jurisdictional subsidy, shall be necessary for the OPERATIONS BOARD to take any action. The representative of the Chairman of the Commonwealth Transportation Board shall have one vote on the OPERATIONS BOARD.

(5) The OPERATIONS BOARD shall hold regular meetings at such locations and times as the members may determine, which meetings shall be called and conducted in accordance with such by-laws of the OPERATIONS BOARD as may be adopted by the members thereof, and approved by the COMMISSIONS. Roberts' Rules of Order, Revised shall govern those procedural matters not set forth in the by-laws.

C. FUNCTION OF OPERATIONS BOARD

The OPERATIONS BOARD shall serve as an advisory body to the COMMISSIONS and shall oversee the management, operation and control of operational decisions, functions, affairs and property of the commuter rail service on behalf of the COMMISSIONS, exercising such powers and authority as may be delegated to it by the COMMISSIONS.

(1) FINANCIAL MANAGEMENT -- The OPERATIONS BOARD shall oversee the management of all monies attributable to commuter rail service, including federal and state grant funds and local contributions, consistent with such terms and conditions as may be agreed upon for administration by the Virginia Division of Risk Management of a liability insurance plan. The financial management responsibilities of the OPERATIONS BOARD shall be specified by the COMMISSIONS in the agreement between them (Appendix B), and shall include supervision of funds collected from the sources identified in this MASTER AGREEMENT, maintenance of accounts, investments, and disbursement of funds in accordance with approved budgets.

(2) MAINTENANCE OF ACCOUNTS -- In order to ensure the proper management of the monies of the commuter rail service, for so long as the COMMISSIONS so determine, NVTC shall serve as the repository for all such monies, and shall perform all necessary accounting duties. NVTC shall disburse such funds only on direction of the OPERATIONS BOARD as authorized by the COMMISSIONS.

D. COMMUTER RAIL ~~MANAGER~~ CHIEF EXECUTIVE OFFICER

At such time as the COMMISSIONS may direct, and in no event later than the start of service hereunder, the OPERATIONS BOARD shall recommend a ~~RAIL MANAGER,~~ "MANAGER," CHIEF EXECUTIVE OFFICER for selection by the COMMISSIONS.

(1) The ~~MANAGER~~ CHIEF EXECUTIVE OFFICER shall report directly to, and shall act at the direction of, the OPERATIONS BOARD.

(2) With the exception of matters expressly delegated by the COMMISSIONS or the OPERATIONS BOARD to the extent of its own authority, the ~~MANAGER~~ CHIEF EXECUTIVE OFFICER shall act only upon the prior authorization of the OPERATIONS BOARD.

(3) The OPERATIONS BOARD may direct the ~~MANAGER~~ CHIEF EXECUTIVE OFFICER to act only to the extent authorized by the COMMISSIONS.

(4) To the extent directed by the OPERATIONS BOARD, as authorized by the COMMISSIONS, the MANAGER shall be responsible for the proper administration of all day to day functions and affairs of commuter rail services, which responsibilities shall include but not be limited to:

(a) monthly reports to the COMMISSIONS regarding matters of administration and operation, including claims management and the financial condition of the commuter rail project;

(b) execution of annual budgets;

(c) day-to-day operational decisions incident to the provision of continuous commuter rail services, including those required in the event of emergency circumstances; and

(d) such other duties as may be delegated by the OPERATIONS BOARD and authorized by the COMMISSIONS.

(5) Until such time as the COMMISSIONS determine otherwise, the ~~MANAGER~~ CHIEF EXECUTIVE OFFICER shall serve either as an employee of NVTC, paid by the COMMISSIONS as an operating expense, or an independent contractor similarly paid.

E. STAFF AND OTHER COMMITTEES

Upon the request of the OPERATIONS BOARD, the COMMISSIONS may employ staff, or retain independent contractors, to serve as technical advisors, consultants and the like useful in discharging the responsibilities of the COMMISSIONS and the OPERATIONS BOARD under this MASTER AGREEMENT, and may establish committees for the purposes set forth herein.

III. FINANCIAL PLANS AND BUDGETS

A. PREPARATION OF SIX-YEAR FINANCIAL PLANS

Together with the annual budget, the preparation of which is provided for in Section III.C., the OPERATIONS BOARD shall annually prepare a revised six-year financial plan for approval by the COMMISSIONS as part of the budget approval process. The financial plan shall contain a six-year forecast and shall be the basis for annual budgets and requests by the COMMISSIONS for financial assistance from the PARTICIPATING JURISDICTIONS in accordance with the funding formulae set forth herein, as well as from the CONTRIBUTING JURISDICTIONS, and other funding sources. The initial six-year plans for service into the

District of Columbia and for the Crystal City contingency plan are attached to this MASTER AGREEMENT as Appendices C1 and C2, respectively.

Formulation of the financial plan shall be guided by the following principles:

(1) Accurate and adequate estimates of the costs of operation shall be prepared for all aspects of the project operation, and a preliminary financial plan shall be formulated and presented by the OPERATIONS BOARD to the COMMISSIONS and transmitted to the PARTICIPATING and CONTRIBUTING JURISDICTIONS on or before September 30 of the preceding fiscal year for their review. A final recommended financial plan shall be presented to the COMMISSIONS on or before December 1 for approval by the COMMISSIONS. The COMMISSIONS shall act by February 1, and, thereafter, transmit to the PARTICIPATING JURISDICTIONS the financial plan together with the budget for the next fiscal year and a request to budget and appropriate their share, as established herein, of the costs of commuter rail service determined pursuant to the formulae set forth in Section VIII.A.(2) for which commuter rail service revenues pledged to the payment thereof are estimated to be insufficient when calculated as provided in Section VIII. The COMMISSIONS shall simultaneously transmit to the CONTRIBUTING JURISDICTIONS a request to contribute to the costs of commuter rail service for the fiscal year.

(2) The COMMISSIONS shall utilize responsible debt financing to the extent that such is financially advantageous to the commuter rail project and is in the interests of the parties hereto. Provided, however, that in no event shall the COMMISSIONS issue a debt related to the commuter rail project, other than that initial debt necessary for the initial acquisition of equipment and facilities to begin service hereunder and the establishment of an insurance reserve, absent the unanimous consent of all parties hereto.

(3) With the exception of fares for the Crystal City contingency plan, fares shall be set to recover, initially, no less than 50% of the annual estimated operating costs unless otherwise agreed to unanimously by the PARTICIPATING JURISDICTIONS, and with the understanding that a shared objective of the COMMISSIONS and the PARTICIPATING JURISDICTIONS will be the periodic adjustment in the fare structure in order to achieve a minimum of 50 % recovery of operating costs from fare revenue.

(4) The costs of commuter rail service shall be borne by the PARTICIPATING JURISDICTIONS subject to, and in accordance with, the formula set forth in Section VIII.A.(2), below; however, the COMMISSIONS shall seek all state aid available to acquire rolling stock.

(5) Costs for parking lots, stations, and other capital costs as provided in Section IV. shall be the responsibility of the PARTICIPATING JURISDICTION in which the improvement is made; however, the COMMISSIONS shall seek financial assistance for these improvements from the Commonwealth's Mass Transit Fund and federal sources.

(6) The COMMISSIONS shall seek funds from the Commonwealth's ~~Mass Transit Fund~~ and federal government, and apply such funds for the performance of the responsibilities contained herein in accordance with the provisions of Section IV.B. hereof; no general obligation of PARTICIPATING or CONTRIBUTING JURISDICTIONS shall be required, or established hereby.

(7) Banking, investments, and accounting practices shall be governed by the requirements of state and federal grantor agencies, the terms of the agreement between the COMMISSIONS (Appendix B), operating contract(s), lease payments, and/or any indentures supporting borrowed funds.

(8) PARTICIPATING JURISDICTIONS may attempt to secure funds from private sources to off-set capital costs for which the PARTICIPATING JURISDICTION is responsible; however, securing such funds shall not serve to decrease the financial support which the PARTICIPATING JURISDICTION is otherwise entitled to receive under Section IV. herein.

(9) To the extent federal and state aid is available, the COMMISSIONS shall seek such to fund the costs of commuter rail service, and shall credit the PARTICIPATING JURISDICTIONS with their pro rata share of such aid based on the formula set forth in Section VIII.A.(2).

(10) Such other principles as may be agreed upon by the parties hereto.

B. INITIAL ANNUAL BUDGETS

(1) The FY 1990 and estimated 1991 pre-revenue capital and operating budgets for the provision of commuter rail services are attached hereto and incorporated herein as Appendices D 1 and D2, and set forth expenses to be incurred prior to, and in preparation for, the start of commuter rail service. The parties hereto understand that approval of this Master Agreement includes approval of the FY 1990 budget, and agree that, upon approval of this Master Agreement, appropriations shall be made in accordance with the FY 1990 budget and payments shall be made in accordance therewith as directed by the COMMISSIONS.

(2) The estimated FY 1992 capital and operating budgets for the provision of commuter rail services into the District of Columbia and for the Crystal City contingency plan are attached hereto and incorporated herein as Appendices E1 and E2, respectively, and set forth the costs of commuter rail service for the start of commuter rail service and its first year of operation.

C. PREPARATION OF SUBSEQUENT ANNUAL BUDGETS

Commencing with the budget for FY 1991, and consistent with the six-year financial plans (Appendices C 1 and C2) and subsequent revisions thereto, the OPERATIONS BOARD shall prepare a preliminary annual budget to cover the period from July 1 to June 30 of each fiscal year and submit it to the COMMISSIONS, the PARTICIPATING JURISDICTIONS, and the CONTRIBUTING JURISDICTIONS by September 30 of the preceding fiscal year for review and comment. The OPERATIONS BOARD shall receive all comment, written and oral. Thereafter, and upon consideration of the comments received, the OPERATIONS BOARD shall prepare a final recommended annual budget by December 1 for approval by the COMMISSIONS by February 1. Thereafter, the COMMISSIONS shall transmit to the PARTICIPATING JURISDICTIONS a request to budget and appropriate their respective shares of the cost of commuter rail service determined pursuant to the formulae set forth in Section VIII.A.(2) for which commuter rail service revenues pledged to the payment thereof are estimated to be insufficient when calculated as provided in Section VIII. The COMMISSIONS shall simultaneously transmit to the CONTRIBUTING JURISDICTIONS a request to budget and appropriate the funds identified for each in the final recommended annual budget. Once the PARTICIPATING and CONTRIBUTING JURISDICTIONS have budgeted and appropriated their respective shares, payment shall be made in accordance with the COMMISSIONS' directions.

In preparing the budget, and with the COMMISSIONS' authorization, the OPERATIONS BOARD may prepare and distribute all necessary requests for proposals or bid documents, and prepare requisite specifications, for all equipment, services, and supplies which may be required

for the purposes hereof; and may request the COMMISSIONS to employ architects, engineers, consultants, and others as it may deem necessary to draft such specifications, to design structures, to estimate costs, or to advise with respect to insurance programs and the like.

D. SHORTFALLS IN BUDGETED FUNDS

In the event budgeted funds are insufficient to meet the financial obligations of the COMMISSIONS for the costs of commuter rail service during any fiscal year, the OPERATIONS BOARD shall so advise the COMMISSIONS which shall then seek additional funding therefor from the PARTICIPATING JURISDICTIONS beyond that which has heretofore been provided, and which is required for commuter rail services. To obtain such additional funding the COMMISSIONS shall direct the OPERATIONS BOARD to prepare a draft amended budget, which shall be transmitted by the OPERATIONS BOARD to the PARTICIPATING JURISDICTIONS for their review and comment. The OPERATIONS BOARD shall then submit a final amended budget to the COMMISSIONS for approval. Thereafter, the COMMISSIONS shall request the PARTICIPATING JURISDICTIONS to budget and appropriate their respective proportionate shares to fund the amended budget, and to make payment in accordance therewith as directed by the COMMISSIONS.

The governing bodies of each of the PARTICIPATING JURISDICTIONS hereby direct the County Executive, County Administrator, County or City Manager, or such other officer as may be charged with the responsibility for preparing the PARTICIPATING JURISDICTION'S budget, to submit a request to the governing body to budget and appropriate such additional proportionate share as the COMMISSIONS may deem necessary to fund an amended budget for commuter rail service.

E. LOCAL CONSIDERATION AND FUNDING

The adopted annual budget shall reflect, to the greatest extent practicable, the consensus of the PARTICIPATING JURISDICTIONS and the CONTRIBUTING JURISDICTIONS. Upon adoption of the budget by the COMMISSIONS, and in no event later than February 1 of each year, the COMMISSIONS shall transmit to the governing bodies of the PARTICIPATING JURISDICTIONS a request to budget and appropriate their respective proportionate shares of the cost of commuter rail service determined pursuant to the formulae set forth in Section VIII.A.(2) for which commuter rail service revenues pledged to the payment thereof are estimated to be insufficient when calculated as provided in Section VIII. The COMMISSION shall simultaneously transmit to the CONTRIBUTING JURISDICTIONS a request to budget and appropriate the funds identified for each in the adopted annual budget. In furtherance of the purposes of this MASTER AGREEMENT, the PARTICIPATING JURISDICTIONS hereby declare their intent to make sufficient annual appropriations to pay their share of the costs for commuter rail service determined pursuant to the formulae set forth in Section VIII.A.(2) for which commuter rail service revenues pledged to the payment thereof are estimated to be insufficient when calculated as provided in Section VIII, and to make payments pursuant to such appropriations as directed by the COMMISSIONS. Beyond the consideration of annual budgets, as such may be amended during the fiscal year, as provided for herein, it is not the intent of this MASTER AGREEMENT for the PARTICIPATING JURISDICTIONS to make a legally binding commitment beyond the fiscal year for which an appropriation is made, and the PARTICIPATING JURISDICTIONS' obligation to make such payments shall be subject to annual appropriations being made from time to time by the PARTICIPATING JURISDICTIONS for such purpose. No obligation for the expenditure of money by the PARTICIPATING JURISDICTIONS for the payment of Operating Costs, including insurance costs, and Capital Costs shall be incurred, except pursuant to legally enacted appropriations. Once such appropriations are made, the PARTICIPATING JURISDICTIONS shall make payments in

accordance therewith and the COMMISSIONS shall be entitled to rely upon such payment being made.

The governing bodies of each of the PARTICIPATING JURISDICTIONS hereby direct the County Executive, County Administrator, County or City Manager, or such other officer as may be charged with the responsibility for preparing the PARTICIPATING JURISDICTION'S budget, to include in the budget for each fiscal year during which ~~Operating~~ ~~Costs~~ are incurred or debt for Capital Costs is outstanding, a request for an amount equal to that requested by the Commissions and sufficient to pay the costs of commuter rail service determined pursuant to the formulae set forth in Section VIII.A.(2) for which commuter rail service revenues pledged to the payment thereof are estimated to be insufficient when calculated as provided in Section VIII.

The CONTRIBUTING JURISDICTIONS shall be requested each fiscal year by the COMMISSIONS to budget and appropriate funds to assist in defraying the costs of commuter rail during the fiscal year. However, the CONTRIBUTING JURISDICTIONS shall not be obligated in any way to make an appropriation for any fiscal year, nor shall the CONTRIBUTING JURISDICTIONS be obligated to include such an appropriation in the proposed annual budget for consideration by the CONTRIBUTING JURISDICTIONS' governing bodies.

IV. STATION SITES AND CAPITAL GRANT FUNDING

A. Stations and/or platforms shall be located initially in the vicinity of the following sites:

RF&P Corridor	Southern Corridor
South Stafford	Manassas Airport* *
Brooke	Manassas
Quantico	Manassas Park****
Woodbridge	Burke Centre
Pohick/Lorton	Burke/Rolling Road
Franconia*	Backlick Road
Joint Corridor	
Alexandria - Union Station	
Crystal City	
L'Enfant Plaza***	
Washington D.C. - Union Station***	

* subject to agreement with the Washington Metropolitan Area Transit Authority

** subject to agreement between Manassas and Prince William County regarding cost sharing

* * * provided the D.C. Service is implemented

* * * * the parties acknowledge and agree that, unless otherwise agreed, the City of Manassas Park shall be responsible for maintenance and control of the access road and parking lot at the Manassas Park station site. This responsibility shall not include maintenance of improvements within the railroad right-of-way.

B. Construction of stations, platforms, and parking lots shall be the responsibility of the PARTICIPATING JURISDICTIONS in which such are located, except as otherwise stated herein. The costs to construct stations, platforms, and parking lots shall be funded from a variety of sources, including federal and state grants and matching contributions from PARTICIPATING JURISDICTIONS. The foregoing funds shall be distributed to the PARTICIPATING JURISDICTION responsible for such costs in accordance with the formula set forth in Section VIII.A.(2). However, before distribution of federal and state grant monies to the PARTICIPATING JURISDICTIONS, such grant funds shall be applied by the COMMISSIONS to the costs listed below as follows:

Primary Facility Costs -- capital facility costs, specifically those required for the RF&P and Southern line storage facilities, the stations at Alexandria, Crystal City, L'Enfant Plaza, and Union Station, and platforms at all remaining stations. Construction of the aforesaid facilities, and the costs therefor, shall be the responsibility of the COMMISSIONS and not of the PARTICIPATING JURISDICTIONS in which located.

Remaining federal and state funds, if any, will be distributed for:

1st Priority -- costs for remaining stations and parking lots

2nd Priority -- remaining capital facility costs, e.g., land acquisition

(1) RF&P Line -- Upon meeting the primary facility costs described above, the sums remaining from federal, state and local sources for station and parking lot construction purposes shall be allocated to the PARTICIPATING JURISDICTIONS based on the formula in Section VIII.A.(2), and shall be applied to the costs for construction of stations and parking lots on the RF&P line meeting minimum design standards established by the OPERATIONS BOARD and adopted by the COMMISSIONS. Remaining capital facility costs associated with stations and parking, e.g., land acquisition, shall be the responsibility of the PARTICIPATING JURISDICTION in which such facilities are located.

(2) Southern Line -- Similarly, upon meeting the aforesaid primary facility costs, the sums remaining from federal, state and local sources for station and parking lot construction purposes shall be allocated to the PARTICIPATING JURISDICTIONS based on the formula in Section VIII.A.(2), and shall be applied to the costs for construction of stations and parking lots on the Southern line meeting minimum design standards established by the OPERATIONS BOARD and adopted by the COMMISSIONS. Manassas shall use its good offices to obtain the use of a station located within the City which is owned and operated by the Southern . Remaining capital facility costs for stations and parking, e.g., land acquisition, shall be the responsibility of the PARTICIPATING JURISDICTION in which such facilities are located.

(3) Federal funds -- NVTC has applied for federal capital grant funding from the Urban Mass Transportation Administration of \$750,000.00 for the capital facility costs located on the RF&P line, which, upon receipt, shall be earmarked for, and applied by the COMMISSIONS to, such costs.

(4) State funds -- A share of the costs for stations, platforms, and parking lots on both of the lines has been requested by the COMMISSIONS from the Virginia Department of Transportation. VDOT, by agreement, will provide a maximum of \$8 million through FY 1990, which shall be applied as provided in subparagraphs (1) and (2), above.

(5) Local funds -- The PARTICIPATING JURISDICTIONS shall pay their proportionate share of the remaining capital costs, according to the procedures set out in subparagraphs (1) and (2), above.

C. The COMMISSIONS shall enter into a formal agreement with VDOT satisfactory to VDOT, for VDOT to design, construct and/or maintain parking lots and ancillary station area improvements (other than those constructed or maintained by any PARTICIPATING JURISDICTION), excluding platforms. The COMMISSIONS, through the OPERATIONS BOARD, shall reimburse VDOT for the costs of design and construction from the funds identified in approved budgets. In separate formal agreements with the appropriate COMMISSIONS and/or PARTICIPATING JURISDICTIONS, satisfactory to VDOT, VDOT shall be provided with the right of entry upon and use of those parking lots for which VDOT accepts maintenance responsibility. The COMMISSIONS will be responsible for providing insurance for the parking lots, and will, to the extent possible, name the parties hereto as additional insureds on any property, casualty or liability policies obtained. In lieu of insurance policies, coverage by an insurance plan approved and/or operated by the Virginia Division of Risk Management or a self-insurance plan approved by the State Corporation Commission may be established.

D. With the exception of those cost items identified in Section IV.B. and C., each PARTICIPATING JURISDICTION in which a station site is located shall be responsible for the prompt construction of the station in accordance with minimum design standards established by the OPERATIONS BOARD and adopted by the COMMISSIONS, and for the costs thereof. The sites shall be constructed at or near the locations identified in Section IV.A. The COMMISSIONS shall be responsible for station improvements at L'Enfant Plaza and Union Station in the District of Columbia, and at Crystal City and Alexandria, as well as for capital costs for the RF&P and Southern line storage facilities. If all platforms cannot be in service on the first day of commuter rail service, level surfaces from which boarding can occur will be provided on a temporary basis, with permanent platforms provided as soon as possible.

E. All station sites and platforms shall be accessible to the handicapped.

F. Within the limits established in approved budgets, the COMMISSIONS may, based upon the OPERATIONS BOARD's recommendation, authorize contracts for custodial services, limited to trash pickup and snow removal, for all terminals, stations, platforms and parking lots except those areas maintained by Amtrak or VDOT. A condition of such contracts shall be the contractor's indemnification, through adequate insurance acceptable to the COMMISSIONS and evidenced by certificates of insurance, of the OPERATIONS BOARD, the COMMISSIONS, VDOT and the PARTICIPATING and CONTRIBUTING JURISDICTIONS against any claims, suits, judgments, or other legal proceedings arising out of the performance of contractual responsibilities by the contractor.

G. Upon the recommendation of the OPERATIONS BOARD, the COMMISSIONS may authorize contracts with vendors for vending operations such as newspaper and food sales at station sites. Such contracts shall contain the requirements stated above in Section IVY. Revenues from such sales shall be included in the annual budget to be applied to system costs, and shall not be returned directly to each PARTICIPATING JURISDICTION. Such vending operations shall be subject to all applicable state and local regulations.

H. Any of the PARTICIPATING JURISDICTIONS may provide for new or expanded stations, platforms, or parking lots at station sites within its territory, subject to approval by the COMMISSIONS. Financing for such shall be the sole responsibility of the PARTICIPATING JURISDICTION.

A. TRAIN OPERATION

(1) Subject to such requirements and limitations as may be set out in this MASTER AGREEMENT, upon the request of the OPERATIONS BOARD, the COMMISSIONS shall enter all appropriate agreements necessary to initiate and operate the commuter rail services, to provide associated parking facilities, and to provide an adequate insurance program as set forth in Section VII below.

(2) The contracts authorized hereby shall provide, at a minimum, three trains per line with the capacity to carry at least 75% of initial estimated ridership on a line each federal government workday, with an intended goal of four trains per line, on specified schedules. Such contracts shall further provide the option, to be approved by the COMMISSIONS, to add service and additional cars to each line within the agreed-upon financial limits set forth herein. Ridership estimates are provided in Appendices A1 and A2.

(3) The COMMISSIONS shall be responsible for obtaining necessary initial approvals by regulatory authorities for the commuter rail services, but each PARTICIPATING JURISDICTION shall be responsible for all necessary local permits and approvals in connection with construction of platforms, stations, terminals, and parking lots in its jurisdiction.

B. ROLLING STOCK AND FACILITIES MAINTENANCE

The COMMISSIONS shall jointly enter into such agreements as they shall deem necessary and appropriate for the maintenance of the rolling stock and other equipment and facilities required for the commuter rail service.

VI. SERVICE PLAN

A. SCHEDULES

The OPERATIONS BOARD shall recommend, and the COMMISSIONS shall establish, initial schedules for commuter rail services into the District of Columbia and for the Crystal City contingency plan in consultation with the PARTICIPATING JURISDICTIONS, and appropriate means to amend the schedules as necessary.

The initial schedules shall establish the target level of service for each station, and for each line. The COMMISSIONS may adjust the schedules to accommodate day-to-day fluctuations in demand as such adjustments may be recommended by the OPERATIONS BOARD. However, the minimum level of service established as a target in the initial schedules shall not be reduced without the express consent of the affected jurisdictions.

B. FARES

The initial fare structures for the D.C. service and for the Crystal City contingency plan shall be established by the COMMISSIONS upon the recommendation of the OPERATIONS BOARD, in consultation with the PARTICIPATING JURISDICTIONS.

(1) The COMMISSIONS may agree to discount the fares of employees of those railroads with which they contract for services hereunder as an offset against fees and charges under those contracts, and may adopt other fare structures from time to time as they shall best determine during the operation of commuter rail services, including special promotional fares, V.L.P. free passes, and the like; however, except for such special promotions, no fare shall be

lower than those established by the initial fare structure absent the express unanimous consent of the PARTICIPATING JURISDICTIONS.

(2) Any PARTICIPATING JURISDICTION may purchase tickets at the current price for resale at rates less than those set forth in the initial fare structure or any subsequent fare structure established by the COMMISSIONS.

VII. RISK MANAGEMENT

A. INSURANCE PLAN ADMINISTERED BY DIVISION OF RISK MANAGEMENT

(1) In order to provide adequate insurance coverage for liabilities associated with commuter rail service, the parties hereto hereby establish the following requirements for administering claims, and paying settlements, judgments, awards and legal and other expenses which may arise out of such operations. The obligation of the COMMISSIONS under this section, including the provision of insurance, and the limits thereof, shall apply collectively, and not severally, to commuter rail operations over the lines of the Southern Railway Company, Amtrak and Conrail between the Manassas, Virginia area, and Union Station in the District of Columbia, and to commuter rail operations over the lines of the RF&P, Amtrak and Conrail between the Fredericksburg, Virginia area, and Union Station in the District of Columbia.

(2) The COMMISSIONS shall develop, fund, and maintain a liability insurance plan acceptable to, and administered by, the Virginia Division of Risk Management pursuant to Section 2.1-526.8:1 of the Code of Virginia, 1950, as amended, which provides insurance coverage in the annual aggregate sum of, at least, \$200,000,000.00. The insurance plan may include the use of a program of self-insurance, commercial insurance, or any other alternative insurance mechanism acceptable to the Division of Risk Management. Any portion of the insurance plan which is self-insured shall at all times be, as part of the Division of Risk Management's administration, acceptable to, and subject to continuing approval by, the Division of Risk Management.

(3) The COMMISSIONS' initial insurance plan is attached hereto and incorporated herein as Appendix F. Such plan shall provide coverage for all risks of loss or damage to persons or property which may be incurred by the COMMISSIONS, or by others and assumed by the COMMISSIONS under any contract, as a consequence of the operation of commuter rail services hereunder. The COMMISSIONS shall provide directly or by contract for defense or settlement of all claims, suits, causes, or actions to which they, or any insured as defined in Appendix F, may become subject, shall acquire or provide for such legal and other services as may be required for the purpose, and shall defend, indemnify, and hold harmless the PARTICIPATING JURISDICTIONS, the CONTRIBUTING JURISDICTIONS, and other non-participating member jurisdictions of the COMMISSIONS in the event any are named in a suit, cause, action, or claim arising from the provision of commuter rail services. The initial insurance plan may be amended by the COMMISSIONS from time to time, subject to the approval of the Division of Risk Management.

B. FUNDING OF INSURANCE PLAN

(1) In order for the COMMISSIONS to carry out these obligations and for no other purpose, the PARTICIPATING JURISDICTIONS hereby agree to provide in the manner and in the amounts set forth in the annual budget, sufficient monies to fund the costs of the foregoing insurance plan. Such costs shall include any and all costs associated with securing, maintaining, and administering the insurance plan, all costs for defense and settlement of claims, suits, causes or actions covered by the plan, and shall specifically include, but not be limited to,

the costs to purchase commercial insurance, to participate in alternative insurance mechanisms, and to obtain the services of the Division of Risk Management as administrator of the insurance plan.

(2) Insurance Plan -- Subject to the provisions of Section X governing non-appropriation of funds, each PARTICIPATING JURISDICTION shall budget and appropriate its respective share of the costs to provide the insurance plan to include, in its initial formulation, (i) a self-insurance reserve satisfactory to the Virginia Division of Risk Management to cover liabilities of less than \$5 million per occurrence, and (ii) a combination of retained risk and insurance coverage obtained through commercial carriers and alternative insurance mechanisms, including captive insurance companies, sufficient to cover liabilities which exceed \$5 million per occurrence subject to an annual aggregate limit of liability of \$200 million. In accordance with the insurance plan, monies may be used to employ such lawyers, accountants, expert witnesses, and other services as may be required to defend any claim.

(3) Actuarial Evaluation -- At the end of the first year of commuter rail services, and periodically thereafter as the COMMISSIONS may determine, an actuarial evaluation of claims history will be undertaken to determine the adequacy of the insurance plan provided hereby, and the OPERATIONS BOARD shall propose to the COMMISSIONS, as part of the annual budget process, a revised insurance plan and funding therefor, with revised proportionate contributions thereto, to be approved in accordance with the budget approval process set forth herein.

(4) Loans From Commonwealth -- In the event that claims or judgments or other insurance costs exceed the amount available in the budget, the COMMISSIONS, with the consent of the PARTICIPATING JURISDICTIONS, may request from the Governor payment of up to \$5 million from a contingent loan fund established for that purpose by the 1988 Regular Session of the General Assembly.

In any fiscal year in which any part of the Loan for Major Claims provided in Section 4-5.02(b) of the 1988-1990 Budget Bill of the Commonwealth of Virginia, Chapter 800, 1988 Va. Acts, at page 1588, is received from the State Treasury by the COMMISSIONS, on account of the operation of the commuter rail project, the PARTICIPATING JURISDICTIONS agree, subject to Section X governing non-appropriation of funds, to repay such loan amounts in the fiscal year next following the year in which the loan proceeds were received, in the same proportions as are set out in Section VIIIA.(2)(b) hereof, upon such terms as the State Treasurer may require.

C. CLAIMS ADMINISTRATION

Pursuant to the insurance plan, the COMMISSIONS shall contract with the Virginia Division of Risk Management to administer the insurance plan. The parties hereto further agree to accept the decision of the COMMISSIONS regarding settlement of claims and payment of judgments and awards. The COMMISSIONS will contract with Amtrak for the investigation and administration of claims, and for the settlement of or payment of any claim, judgment or award not in excess of \$10,000 without specific prior approval of the COMMISSIONS. The COMMISSIONS shall establish a policy with respect to the foregoing to be followed by Amtrak. Necessary risk management procedures shall be developed by a consultant and recommended by the OPERATIONS BOARD for consideration by the COMMISSIONS.

VIII. LOCAL SUBSIDIES AND OTHER PAYMENTS

A. SHARING OF COSTS AND REVENUES IN INITIAL YEARS

(1) The costs of commuter rail service shall be shared as follows:

(a) Alexandria shall contribute, prior to and in the first year of service, the fixed amounts indicated in Appendices D 1 and D2 and E 1 or E2, respectively. These monies will be considered a contribution and, therefore, Alexandria will not be subject to the formula payment defined in Section VIIIA.(2). Alexandria shall be requested to make subsequent annual contributions. However, the requested annual contributions shall not exceed the lesser of the amount calculated for Alexandria pursuant to Sections VIIIA.(2) and (3), net of federal and State aid for operations, or the fixed amount indicated in Appendices E1 or E2, as adjusted upwards each year by a factor of 5%.

(b) Arlington shall contribute, prior to and in the first year of service, the fixed amounts indicated in Appendices D 1 and D2 and E 1 or E2, respectively. These monies will be considered as a contribution and, therefore, Arlington County will not be subject to the formula payment defined in Section VIIIA.(2). Arlington shall be requested to make subsequent annual contributions. However, the requested annual contributions shall not exceed the lesser of the amount calculated for Arlington pursuant to Sections VIIIA.(2) and (3), net of federal and State aid for operations, or the fixed amount indicated in Appendices E1 or E2, as adjusted upwards each year by a factor of 5%.

(2) (a) Subject to the provisions of Section X governing non-appropriation of funds, Fairfax County, Manassas City, Prince William County, Manassas Park, Fredericksburg City, and Stafford County shall budget their entire shares of the costs of commuter rail service determined according to the formulae set forth in Section VIIIA.(2)(b) below for which commuter rail service revenues pledged to the payment thereof are estimated to be insufficient when calculated as provided in Section VIII.

(b) The costs of commuter rail service, except those otherwise paid on some other specific basis, shall be apportioned among the PARTICIPATING JURISDICTIONS so that 90 percent of the total costs shall be determined by the number of the jurisdiction's residents riding commuter rail, and 10 percent of the costs shall be determined by the total population of each PARTICIPATING JURISDICTION, as follows:

(i) The costs of commuter rail service for the then current year, minus the net contributions of Arlington and Alexandria, shall be multiplied by 10%, and the resulting sum shall be apportioned among the PARTICIPATING JURISDICTIONS in the proportion their respective populations bear to the total population of all PARTICIPATING JURISDICTIONS as set forth in Section VIIIA.(4).

(ii) For the aforesaid year the remaining 90% of the costs of commuter rail service shall be apportioned among the PARTICIPATING JURISDICTIONS in accordance with the estimates of ridership set forth in Section VIIIA.(4)(b) and shown in Appendices A1 and A2 for years to and including the first year of commuter rail service, and in accordance with actual ridership for subsequent years as provided for in Section VIII.C.

(c) The above allocation formula shall be modified beginning with FY 2008, and phased in over the next ensuing three fiscal years in equal increments, to reduce the population component and increase the ridership component of the formula, such that by FY 2011, 100% of the costs of commuter rail service shall be apportioned among the PARTICIPATING JURISDICTIONS in accordance with actual ridership as provided for in Section VIII.C.

(3) Revenues -- For the purpose of determining the cost of commuter rail service for which revenues pledged to the payment thereof are estimated to be insufficient, revenues shall be attributed to each PARTICIPATING JURISDICTION based on the number of residents from that jurisdiction who ride the service, multiplied by the fares charged from that jurisdiction. During the first year of commuter rail service, estimated ridership revenue as set forth in Section VIIIA.(4) shall be used to apportion revenues. In subsequent years, actual ridership from the most recent year available shall be used to allocate revenues. The OPERATIONS BOARD shall

recommend, and the COMMISSIONS shall establish a rider survey procedure to determine residences of riders.

(a) Revenues from riders residing outside the PARTICIPATING JURISDICTIONS, or whose residence cannot be determined, shall be considered "system" revenues, and shall be used to reduce overall costs of commuter rail service before allocating the PARTICIPATING JURISDICTIONS.

(b) Public or private bus operators honoring commuter rail tickets shall be reimbursed by the COMMISSIONS from passenger revenues by attribution of the value thereof to the account of the jurisdiction of residence of the bus rider. For such bus passengers residing outside the PARTICIPATING JURISDICTIONS, system revenue shall be used to reimburse the bus operator.

(4) Population and Ridership Figures

(a) Population figures to the extent used in each year, shall be based on provisional estimates of the Center for Public Service, available as of December 1 of the preceding the applicable fiscal year for which a budget is being prepared. In the first year of service, the population figures identified below shall be used.

(b) Ridership figures shall be updated annually after the first year of service. Estimated ridership by jurisdiction for the first year of service are as follows:

D.C. SERVICE				
JURISDICTION	1988 POP	POP %	RIDERSHIP	RIDERSHIP %
Fairfax County	759,300	71.4972%	3,052	41.0878%
Manassas	23,300	2.1940%	95	1.2924%
Prince William County	194,700	18.3333%	3,252	43.7803%
Stafford County	55,900	5.2637%	486	6.5428%
Manassas Park	7,300	0.6874%	98	1.3193%
Fredericksburg	21,500	2.0245%	96	1.2924%
Total	1,062,000	100.0000%	7,428	100.0000%

CRYSTAL CITY CONTINGENCY PLAN

JURISDICTION	1988 POP	POP %	RIDERSHIP	RIDERSHIP%
Fairfax County	759,300	71.4972%	1,512	26.9519%
Manassas	23,300	2.1940%	370	6.5955%
Prince William County	194,700	18.3333%	3,178	56.6488%
Stafford County	55,900	5.2637%	318	5.6684%
Manassas Park	7,300	0.6874%	112	1.9964%
Fredericksburg	21,500	2.0245%	120	2.1390%
Total	1,062,000	100.0000%	5,610	100.0000%

NOTE: The ridership estimates for the D.C. Service are taken from Exhibit 20 "1987 Passenger Trip Estimate by Jurisdiction of Residence" in Patronage and Revenue Forecasts for the Virginia Railway Express, May, 1987 (page 5-17). As indicated in Appendix A1, there are an additional

766 trips estimated to come from non-participating jurisdictions. These trips are not assigned to any PARTICIPATING JURISDICTION. The ridership estimates for the Crystal City contingency plan are taken from the Supplemental Patronage and Revenue Forecasts for the VRE (September 13, 1989).

(5) Totals

Total costs, revenues and subsidies, for each participating jurisdiction for the first year of commuter rail service, shall be in accordance with the initial annual budget as shown in Appendices E 1 or E2.

B. PAYMENT PROCEDURES FOR PARTICIPATING JURISDICTIONS

(1) After adoption of the annual budget as provided for in Section III.B. and C. and E., above, each PARTICIPATING JURISDICTION shall pay to the COMMISSIONS, on the first business day in July, one half of the amount owed as the share of the cost of commuter rail service determined pursuant to the formulae set forth in Section VIII.A.(2), for which commuter rail service revenues pledged to the payment thereof are estimated to be insufficient when calculated as provided in Section VIII. Six months thereafter, on the first business day in January, the PARTICIPATING JURISDICTION shall pay the remaining half of the aforesaid amount to the COMMISSIONS. The COMMISSIONS shall provide notice to each of the PARTICIPATING JURISDICTIONS, thirty (30) days prior to the date on which payment is due, of the amount to be paid by the jurisdiction and the date when due. The amounts owed shall be paid on or before the due date specified by the COMMISSIONS. With the exception of funds for the insurance plan, all funds shall be accounted for by the COMMISSIONS as separate operating accounts for each PARTICIPATING JURISDICTION.

(2) The COMMISSIONS shall separately account for each PARTICIPATING JURISDICTION's payments for insurance, and the COMMISSIONS shall forward such funds to the Division of Risk Management. Payments for claims, judgments, awards and associated claims and adjusting expenses shall be paid from such funds by the Division of Risk Management in administering the self-insurance plan.

(3) After adoption of the annual budget, and the appropriation of the amount therein, the CONTRIBUTING JURISDICTIONS shall pay to the COMMISSIONS, on or before the first business day in July, the entire amount of their respective contributions, which sums shall be accounted for as system revenues and used to reduce overall costs.

(4) Upon receipt, passenger revenues shall be posted to each PARTICIPATING JURISDICTION's account, according to the agreed revenue allocation. If a payment is not made by a PARTICIPATING JURISDICTION, passenger revenues attributable to such PARTICIPATING JURISDICTION shall not be used to reduce the amount due by other PARTICIPATING JURISDICTIONS nor shall such failure to make payment result in an increase in the amount due by the other PARTICIPATING JURISDICTIONS. In instances where the actual revenues received and posted to a PARTICIPATING JURISDICTION are either greater or less than the revenues estimated to be received, the PARTICIPATING JURISDICTION shall be requested to pay any such deficit or the COMMISSIONS shall provide a credit against the PARTICIPATING JURISDICTION'S next year's payment.

(5) Any interest earned on unexpended balances attributed to each PARTICIPATING JURISDICTION's account shall be credited monthly to the account of the individual jurisdiction in proportion to the monthly totals of cash and fare revenues credited to the account of the jurisdiction.

(6) At the request of the OPERATIONS BOARD, the COMMISSIONS shall utilize the monies attributed to the PARTICIPATING JURISDICTIONS' accounts to make

necessary operating cost payments consistent with the cost allocation formula contained in Section VIII.A.(2).

C. SHARING OF COSTS AND REVENUES FOR SUBSEQUENT YEARS

Payments for costs for each year after the initial year of commuter rail services shall be calculated as follows:

Actual ridership from the most recent year available shall be used to determine allocated costs and revenues for the next year, according to the allocation formulae set out in Sections VIII.A.(2) and (3). The OPERATIONS BOARD will review the data and advise the COMMISSIONS and the PARTICIPATING JURISDICTIONS of each jurisdiction's projected share of the costs of commuter rail for the next year in September as part of the preliminary budget submission set forth in Section III.C. above. Arlington and Alexandria shall not participate in the revised allocation, but shall make such contributions as may be agreed upon. After final approval of a budget each year, and upon its effective date, the PARTICIPATING JURISDICTIONS shall pay to the COMMISSIONS one half of the amount owed for the cost of commuter rail service determined pursuant to the formulae set forth in Section VIII.A.(2) for which commuter rail service revenues pledged to the payment thereof are estimated to be insufficient when calculated as provided in Section VIII. The CONTRIBUTING JURISDICTIONS shall pay to the COMMISSIONS the entire amount of their respective contributions. Six months thereafter the PARTICIPATING JURISDICTIONS shall pay the remaining half of the aforesaid amount to the COMMISSIONS. Payments shall be made on the same basis as provided for in Section VIII.B.

D. ADDITIONAL CONSIDERATIONS

(1) Each PARTICIPATING JURISDICTION is encouraged to obtain contributions from developers and employers to offset the costs assigned to that PARTICIPATING JURISDICTION.

(2) An audit of accounts shall be conducted annually by the COMMISSIONS to establish any credit due to, or any payments owed by, PARTICIPATING JURISDICTIONS.

IX. MARKETING

The OPERATIONS BOARD shall prepare, annually, a marketing plan providing for programs of promotion, publicity and the pre-selling of passes through such means as direct mail, payroll deduction, banks and transportation management associations, for consideration and approval by the COMMISSIONS. The PARTICIPATING JURISDICTIONS shall share in the costs of the marketing plan according to the terms set forth in Section VIII.A.(2) of this MASTER AGREEMENT.

X. NON-APPROPRIATION OF FUNDS

The PARTICIPATING JURISDICTIONS pledge their best efforts to provide the funds necessary to support a successful, continuing program of commuter rail service in light of the long-term obligations to be incurred by the COMMISSIONS in order to initiate service. Notwithstanding any other provision of this MASTER AGREEMENT to the contrary, the obligations of a PARTICIPATING JURISDICTION under this MASTER AGREEMENT are expressly contingent upon the continuing appropriation of funds to its purposes by such PARTICIPATING JURISDICTION for each fiscal year. The failure of a PARTICIPATING or CONTRIBUTING JURISDICTION to make its payment shall not relieve the other jurisdictions of their obligations hereunder. The COMMISSIONS in their sole discretion may refuse to

provide service to any PARTICIPATING JURISDICTION that fails to appropriate and pay its share of the cost of commuter rail service.

XI. WITHDRAWAL FROM MASTER AGREEMENT

A PARTICIPATING JURISDICTION or CONTRIBUTING JURISDICTION may terminate its involvement with commuter rail service and withdraw from the MASTER AGREEMENT upon terms and conditions, including those pertaining to outstanding third-party claims, mutually acceptable to all parties hereto. Unless so terminated, this MASTER AGREEMENT shall continue for any period while any bonds issued to finance the Virginia Railway Express are outstanding.

XII. CHANGES AND AMENDMENTS

Upon mutual consent of all signatories, and subject to the approval of the COMMISSIONS' bond insurers, this MASTER AGREEMENT may be amended.

XIII. SEVERABILITY

In the event any of the provisions of this MASTER AGREEMENT are determined to be in violation of any statute or rule of law to which this MASTER AGREEMENT is subject, then such provision(s) shall be deemed inoperative to the extent the provision(s) is contrary to the requirements of the law, and shall be deemed to be modified to conform with such statute or rule of law, or stricken entirely from this MASTER AGREEMENT.

XIV. AUTHORIZED SIGNATURES

The undersigned individuals have been duly authorized to commit their respective organizations and jurisdictions to the terms of the MASTER AGREEMENT.

IN WITNESS WHEREOF, the duly authorized representative
executed this Master Agreement on the dates and year hereafter

NORTHERN VIRGINIA

POTOMAC

TRANSPORTATION COMMISSION

TRANSPORTATION

Chairman

Chairman

Signature

Signature

FAIRFAX COUNTY

PRINCE V

Chairman, Board of County
Supervisors

Chairman,
Supervisor

Signature

Signature

CITY OF MANASSAS
Mayor

STAFFORD
Chairman, [

CITY OF ALEXANDRIA

Mayor
Supervisors

AR
Ch

Signature

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CITY OF MANASSAS PARK

Mayor

CI
M

APPENDICES

- A1. Patronage and Revenue Forecasts for the Virginia Railway Express, R. H. Pratt (May 1987)
- A2. Supplemental Patronage and Revenue Forecasts for the VRE (September 13, 1988)
- B. Agreement between NVTC and PRTC
- C1. Initial Six Year Financial Plan for D.C. Service
- C2. Initial Six Year Financial Plan for Crystal City Contingency Plan
- D1. FY 1990 Pre-Revenue Capital and Operating Budget
- D2. Estimated FY 1991 Pre-Revenue Capital and Operating Budget for D.C. Service and Crystal City Contingency Plan
- E1. Estimated FY 1992 Capital and Operating Budget for D.C. Service
- E2. Estimated FY 1992 Capital and Operating Budget for Crystal City Contingency Plan
- F. Liability Insurance Plan

Item 15. Transportation; Petition VDOT to Include Saint Georges Drive and Saint Elizabeth Court within Saint Georges Estates Subdivision, Section 8, into the Secondary System of State Highways.

Resolution R07-320 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE SAINT GEORGES DRIVE AND
SAINT ELIZABETH COURT WITHIN SAINT GEORGES ESTATES
SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Saint Georges Drive and Saint Elizabeth Court within Saint Georges Estates Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these street and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Saint Georges Estates Subdivision into the Secondary System of State Highways:

Street	Station	Length
Saint Georges Drive	Fr: 0.01 mi. SE Inter. Saint Elizabeth Court	0.01 Mile
	To: 0.02 mi. SE of Inter. Saint Elizabeth Court	50' ROW
Saint Elizabeth Court	Fr: Inter. Saint Georges Drive	0.10 Mile
	To: 0.10 mi. NE of Inter. Saint Georges Drive	55' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Section Eight, Saint Georges Estates, PM050000131, LR 050022015, recorded June 15, 2005; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Residency Administrator of VDOT.

Item 16. Utilities; Award Contract for Painting the Shelton Shop Water Storage Tank

Resolution R07-336 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO AWARD A CONTRACT FOR REPAINTING THE SHELTON SHOP
WATER STORAGE TANK

WHEREAS, the Shelton Shop water tank is in need of repainting to continue to provide our customers with high quality water and to protect the structural integrity of the tank; and

WHEREAS, bidding documents were prepared and offered for public bid; and

WHEREAS, the County received five bids, of which J & W of North Carolina, Incorporated, was determined to be the lowest responsive bidder with a bid of \$173,000; and

WHEREAS, this project was identified in the current Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the County Administrator be and he hereby is authorized to execute a contract with J & W of North Carolina, Inc., in an amount not to exceed One Hundred Seventy-three Thousand Dollars (\$173,000) for painting the Shelton Shop Water Storage Tank.

Item 17. Utilities; Ratify Land Acquisition Contract for Rocky Pen Run Reservoir

Resolution R07-358 reads as follows:

A RESOLUTION APPROVING LAND ACQUISITION CONTRACT
FOR THE PURCHASE OF PARCEL 43-74-8 FOR ROCKY PEN RUN
RESERVOIR

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

WHEREAS, the County's offer to purchase Parcel 43-74-8, owned by Hugh Dobson, for the appraised value of \$436,000 was accepted by the property owner; and

WHEREAS, the Board needs to approve the purchase of this property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the execution of a contract by the Chairman between the Board of Supervisors of Stafford County and Hugh H. Dobson, Jr., regarding TM 43-74-8 be and it hereby is approved in the amount of Four Hundred Thirty-six Thousand Dollars (\$436,000); and

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

Item 18. Parks and Recreation; Adjust Fees for the American Youth Football League

Resolution R07-346 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN AGREEMENT WITH THE AMERICAN YOUTH
FOOTBALL LEAGUE TO REDUCE FIELD USE FEES

WHEREAS, the County recognizes the that the American Youth Football League serves approximately 600 youth in Stafford County; and

WHEREAS, the County's current football program could not easily absorb or administer the additional youth that the American Youth Football League serves; and

WHEREAS, at a meeting on July 19, 2007, the Parks and Recreation Commission approved a motion to reduce the field use fees for the American Youth Football League;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the County Administrator be and he hereby is authorized to execute an agreement with the American Youth Football League reducing field use fees as follows: \$7.50 per hour for the smaller open play areas at schools and \$12.50 per hour at middle schools and larger field sites.

Item 20. Legal; Ratify Smith Lake Settlement Agreement

Resolution R07-335 reads as follows:

A RESOLUTION TO RATIFY THE SETTLEMENT AGREEMENT IN
THE SMITH LAKE PARK MATTER AND RELATED LITIGATION

WHEREAS, the Board and Keys Ridge Construction Co., Inc., ("Keys Ridge") entered into a construction contract under which Keys Ridge agreed to construct ball fields at Smith Lake Park; and

WHEREAS, after the Board's acceptance of the completed construction of Smith Lake Park certain drainage and settling were detected on the large ball field at the Park; and

WHEREAS, the Board entered into negotiations with Keys Ridge and its subcontractor, Driggs Construction ("Driggs") seeking reimbursement for certain remediation costs incurred by the Board at the Park; and

WHEREAS, in May 2007, the company that provided the performance bond for Keys Ridge, Selective Insurance Company of America ("Selective"), commenced a lawsuit against the Board and Keys Ridge in Federal Court, Selective Insurance Company of America v. Board of Supervisors Of Stafford County, Virginia and Keys Ridge Construction Co., Inc. ("Lawsuit") in which Selective sought a finding that it was not responsible for any payments under its performance bond; and

WHEREAS, negotiations between the parties resulted in a settlement offer to the County that would result in a partial payment for the costs the County incurred in its remediation of Smith Lake Park; and

WHEREAS, on July 17, 2007, in Closed Meeting, the settlement offer was presented to the Board, and Counsel for the County recommended that approval of the settlement agreement was in the best interests of the County; and

WHEREAS, the Board approved the settlement offer resolving all claims and disputes related to the Smith Lake Park project among the Board, Keys Ridge, Driggs and Selective, and authorized the County Administrator and County Attorney to finalize the settlement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the Settlement Agreement and Mutual Release resolving all claims and disputes related to the Smith Lake Park project

among the Board, Keys Ridge, Driggs and Selective, signed by the County Administrator, be and it hereby is ratified and approved.

Item 21. Legislative; Appoint Members to Boards, Authorities, Commissions and Committees.

Resolution R07-330 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE RAPPAHANNOCK
AREA YOUTH COMMISSION

WHEREAS, the Board, by adoption of Resolution R89-299, authorized establishment of the Rappahannock Area Youth Commission; and

WHEREAS, at a meeting of the Rappahannock Area Office on Youth Commission on February 3, 2004, revisions were made to their bylaws; and

WHEREAS, the new bylaws no longer include a youth member and the locality number has been reduced from three to one representative from each of the five localities in Planning District 16; and

WHEREAS, the Director of the Commission has indicated that two representatives are acceptable, if the interest is there; and

WHEREAS, member appointments shall be for a term of three (3) years; and

WHEREAS, the Board has previously appointed the following:

NAME

EXPIRATION

Charles E. Tate, III

June 30, 2006

(Government Representative)

Vista Gillespie

June 30, 2007

(Citizen Representative)

WHEREAS, the term of Vista Gillespie expired on June 30, 2007; and

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that

NAME

EXPIRATION

Trina McCarthy

June 30, 2010

(Citizen Representative)

be and she hereby is appointed to the Rappahannock Area Youth Commission.

Resolution R07-338 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE CHAPLIN GROUP
HOME COMMISSION

WHEREAS, the City of Fredericksburg and the Counties of Spotsylvania and Stafford have approved an agreement establishing the Chaplin Group Home Commission; and

WHEREAS, the agreement provides that the three jurisdictions appoint two members each from the political subdivisions; and

WHEREAS, the Board has previously appointed the following members:

<u>NAME</u>	<u>EXPIRATION</u>
Paul Milde (Board of Supervisors)	December 31, 2007
Linda V. Musselman (Member-At-Large)	June 30, 2007
Josephine H. Chaplin (Honorary Member)	

WHEREAS, the Board desires that expirations coincide with Board Members terms of office; and

WHEREAS, the term of Linda V. Musselman expired June 30, 2007; and

WHEREAS, the Board desires to fill this vacancy; and

WHEREAS, the term of appointment is one year;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that

<u>NAME</u>	<u>EXPIRATION</u>
Linda V. Musselman (Member-At-Large)	December 31, 2007

be and she hereby is appointed to the Chaplin Group Home Commission.

Administration; Authorize a Public Hearing Regarding Deed Restriction on 33 Acres at Aquia Harbour. Mr. Gibbons commented.

Mr. Gibbons motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-344.

Discussion ensued.

The Voting Board tally was:

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

Nay: (2) Schwartz, Brito

Resolution R07-344 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO MODIFY A DEED
RESTRICTION ON A 33-ACRE PARCEL IN AQUIA HARBOUR TO
ALLOW THE PROPERTY TO BE USED FOR AGE-RESTRICTED
HOUSING

WHEREAS, the Board deeded a 33-acre parcel of land on September 30, 1991 to the Aquia Harbour Property Owners Association with a restriction imposed by the Board stating that it be used for recreational purposes; and

WHEREAS, it is the desire of the Board to modify the deed restriction to allow additional suitable uses on the property for the benefit of the residents of Aquia Harbour Subdivision; and

WHEREAS, a public hearing is required;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August 2007 that the County Administrator be and he hereby is authorized to advertise a public hearing to modify a deed restriction on an 33-acre parcel in Aquia Harbour to allow the property to be used for recreational purposes, as well as age-restricted housing.

Transportation; Adoption of Implementation Guidelines and Procedures for the Public-Private Transportation Act of 1995 (PPTA). Mr. Schwartz commented.

Mr. Schwartz motioned, seconded by Mr. Fields, to defer proposed Resolution R07-321.

The Voting Board tally was:

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

Nay: (0)

Transportation; Authorize the County Administrator to Execute a Contract to Improve Foreston Woods Drive, Highponte Boulevard, Silverthorn Court and Sutherland Boulevard for Acceptance into the Secondary System of State Highways. The County Administrator gave a presentation and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to defer proposed Resolution R07-137.

Discussion ensued.

Mr. Schwartz made a motion to approve proposed Resolution R07-137.

Discussion further ensued.

Mr. Schwartz withdrew the motion.

The Voting Board tally on the original motion was:

Yea: (5) Gibbons, Brito, Cavalier, Dudenhefer, Fields

Nay: (2) Milde, Schwartz

Legislative; Discuss Mandatory Water and Sewer Connections. Hearing no objections from the Board, the Chairman stated that this item will be on the Regular Agenda for the next Board meeting.

Legislative; Purchase of Development Rights Program Update. The County Administrator commented.

Mr. Fields motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-349 with a change.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-349 reads as follows:

**A RESOLUTION TO APPOINT MEMBERS TO THE PURCHASE OF
DEVELOPMENT RIGHTS PROGRAM**

WHEREAS, the Board established the Agricultural Commission in December, 2000, to establish a comprehensive approach to the preservation of agricultural and rural lands; and

WHEREAS, the Board requested the Agricultural Commission to develop a Purchase of Development Rights (PDR) Program; and

WHEREAS, the Board adopted Ordinance O07-02 to establish a PDR program;
and

WHEREAS, the Board desires to appoint members to implement and oversee the
program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of
Supervisors on this the 21st day of August, 2007, that

NAME

EXPIRATION

Mike Neuhard
Program Administrator
(Deputy County Administrator)

Pleasure of the Board

Steve Apicella
Aquia District

Pleasure of the Board

Patricia Kurpiel
Falmouth District

Pleasure of the Board

Thomas Coen
Garrisonville District

Pleasure of the Board

Edward G. Silver
George Washington District

Pleasure of the Board

Marty McClevy
Griffis-Widewater

Pleasure of the Board

Pam Thibodeaux
Hartwood District

Pleasure of the Board

Gail Clark
Rock Hill District

Pleasure of the Board

be and they hereby are appointed to the Purchase of Development Rights Program Committee.

Legislative; Discuss Erosion and Sediment Control Issues. The County Administrator gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-357.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-357 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO AMEND THE EROSION
AND SEDIMENT CONTROL ORDINANCE

WHEREAS, local Erosion and Sediment Control Programs are authorized by the Code of Virginia to have more stringent regulations; and

WHEREAS, it is necessary to amend the Erosion and Sediment Control Ordinance to modify definitions and general standards; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the County Administrator be and he hereby is authorized to advertise a public hearing on September 4th, 2007 to amend and reordain the Erosion and Sediment Control Ordinance regarding definitions and general standards.

Recess. At 2:48 P. M. the Chairman declared a recess.

Call to Order. At 3:01 P. M. the Chairman called the meeting back to order.

Presentation on Falmouth Intersection, Warrenton Road and Interstate 95 Courthouse Road Interchange by Harry Lee of the Virginia Department of Transportation. Mr. Harry Lee, District Preliminary Engineering Manager, Virginia Department of Transportation, gave a presentation and responded to Board members questions.

Mr. Schwartz motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-361.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-361 with a change.

Mr. Cord Sterling, member of the Commonwealth Transportation Board, commented.

Discussion further ensued.

Hearing no objections from the Board, this item was tabled until later in the meeting.

Finance; Refund of Wideswater Service District Payments. Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and responded to Board members questions.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-333.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Brito

Resolution R07-333 reads as follows:

**A RESOLUTION TO AUTHORIZE THE COUNTY TREASURER
TO REFUND THE WIDEWATER SPECIAL SERVICE DISTRICT
ASSESSMENT COLLECTED BETWEEN 1997 AND 2005**

WHEREAS, in 1995, by the adoption of O95-69(R), the Board created a Special Service District in the Widewater area primarily for the construction of a roadway and related interim improvements serving the Widewater area in accordance with the master road plan for that area, commonly referred to as the Widewater Parkway; and

WHEREAS, since the creation of the Special Service District, a number of changes have occurred, including the sale of approximately 1,100 acres Widewater area to the Commonwealth of Virginia for a new State park, which altered the situation in this area; and

WHEREAS, due to changes in circumstances related to the potential developments within the Widewater Special Service District, the transportation requirements in the Widewater area have changed; and

WHEREAS, in 2006, the Board set the assessment rate for this district at zero and later abolished the Special Service District; and

WHEREAS, special fees were assessed and collected within the now-abolished Special Service District for a number of years, with the total collected amounting in excess of \$514,977 from revenues collected from 1997 through 2005; and

WHEREAS, approximately 263 parcels will be eligible for refund of the Widewater Special Service District assessment; and

WHEREAS, all approximately 263 parcel refund applications must be filed no later than February 29, 2008; and

WHEREAS, Staff recommends that the Board approve proposed Resolution R07-333 approving the refunding of the Widewater Special Service District assessment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the County Treasurer be and he hereby is authorized to refund the Widewater Special Service District assessment collected; and

BE IT FURTHER RESOLVED that Five Hundred Fourteen Thousand Nine Hundred and Seventy-Seven Dollars be and it hereby is budgeted and appropriated from the Widewater Special Service District Fund for the purpose of refunding the assessed fees collected between 1997 through 2005 which have not been needed for the designated intent.

Utilities; Authorize Pump and Haul Service at 11 Rosehaven Street. The County Administrator gave a presentation and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-352.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-352 with a change.

Discussion ensued.

Mr. Milde withdrew the substitute motion.

Mr. Dudenhefer withdrew the second to the motion.

The Voting Board tally was:

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

Nay; (1) Fields

Resolution R07-352 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO
PROVIDE PUMP AND HAUL SERVICES AT 11 ROSEHAVEN STREET

WHEREAS, the County has an agreement and General Permit with the State Health Department for pump and haul arrangements; and

WHEREAS, a property has been certified by the Virginia Department of Health for sewer service in accordance with these arrangements and must be added to the general agreement pump and haul list; and

WHEREAS, by the adoption of Resolution R98-29, amended by Resolution R06-240, the Board has established a Pump and Haul Service Policy which requires the property owner and the County to enter into a contract for pump and haul service;

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

Supervisors on this the 21st day of August, 2007 that the County Administrator be and he hereby is authorized to add 11 Rosehaven Street to the agreement with the Virginia Department of Health; and

BE IT FURTHER RESOLVED that the County Administrator be and be hereby is authorized to execute a pump and haul service agreement with the property owner; and

BE IT STILL FURTHER RESOLVED that these services will be discontinued and removed from the agreement with the Virginia Department of Health when public sewer becomes available to this parcel; and

BE IT STILL FURTHER RESOLVED that Stafford County bears no financial obligation and the occupant will bear all costs associated with Pump and Haul services.

Planning; and Zoning; Authorize Application for a Conditional Use Permit on County-Owned Property off Hulls Chapel Road. County Administrator gave a presentation and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-351.

Discussion ensued.

The Voting Board tally was:

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

Nay: (1) Fields

Resolution R07-351 reads as follows:

A RESOLUTION TO AUTHORIZE ABEL DEVELOPMENT, LLC AND ITS COUNSEL, LEMING AND HEALY, PC, TO APPLY FOR A

CONDITIONAL USE PERMIT TO ALLOW A STREET CROSSING IN
A FLOOD HAZARD OVERLAY DISTRICT, ON PROPERTY OWNED
BY THE COUNTY OF STAFFORD, IDENTIFIED AS ASSESSOR'S
PARCELS 37-11 AND 37-42C, HARTWOOD ELECTION DISTRICT

WHEREAS, Leming and Healy, PC on behalf of Abel Development, LLC, applicant, has submitted an application requesting a Conditional Use Permit to allow a street crossing in a Flood Hazard Overlay District, on the above described property; and

WHEREAS, the application has been submitted pursuant to Table 3.1 of the Zoning Ordinance which permits this use in a Flood Hazard Overlay District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the application includes property owned by the County; and

WHEREAS, the application cannot be processed without consent from the County; and

WHEREAS, the Board has carefully considered the request;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that Leming and Healy, PC, on behalf of Abel Development, LLC, be and they hereby are authorized to apply for a Conditional Use Permit to allow a street crossing in a Flood Hazard Overlay District on Assessor's Parcels 37-11 and 37-42C.

Transportation; Consider Adoption of Multiple-Way Stop Program Guidelines. Mr. Fulton DeLamorton, Senior Engineer, gave a presentation and responded to Board members questions.

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

R07-360 with a change.

The Voting Board tally was:

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

Nay: (1) Schwartz

Resolution R07-360 reads as follows:

A RESOLUTION TO ADOPT MULTI-WAY STOP PROGRAM GUIDELINES

WHEREAS, the Board is concerned with transportation safety on residential streets; and

WHEREAS, the Virginia Department of Transportation has coordinated with other localities on the implementation of a safety measure wherein qualifying intersections have stop conditions on each leg of the intersection; and

WHEREAS, the Transportation Commission has developed guidelines for the installation of multi-way stop signs at qualifying intersections;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007 that the Board be and it hereby adopts Multi-Way Stop Program Guidelines and that the County Administrator be and he hereby is authorized to implement them as follows:

**Stafford County Office of Transportation
Proposed Multi-Way Stop (MWS) Program Guidelines**

General Criteria:

- Residential local road with a posted speed limit of 25 MPH.

- Site location must meet established criteria in accordance with all state and federal requirements.
- Future MWS intersections should not be less than 1,200 feet from an existing MWS intersection.
- A petition that supports the installation of a MWS must be signed by at least 75% of the property owners/residents along the existing non-stop street for a distance of 500 feet on either side of the intersection or by written request of the Homeowner's Association.
- One or more requirements may be waived if specific local conditions warrant the intersection be labeled an imminent safety hazard.

Process / Steps:

- Citizen or Homeowners' Association (HOA) representative provides a written request for a MWS received by Office of Transportation.
- Office of Transportation staff includes the request on the agenda for the next meeting of the Transportation Commission (TC) for a preliminary review and notifies the petitioner of the date and time the issue will be addressed.
- The TC determines whether the project merits an engineering study by the Office of Transportation staff to determine if the intersection qualifies for MWS consideration.
- If the TC approves the request, the Office of Transportation staff will conduct an engineering study to ensure that the intersection meets all qualifying criteria for a MWS.
- Once the engineering study is completed, the Office of Transportation staff places on the TC agenda the presentation of the study, and notifies the petitioner of the date and time the issue will be addressed.
- The Office of Transportation staff's presentation to the TC will include the engineering study along with staff recommendations and supporting documents.

If the engineering study reveals that the intersection meets all the criteria for a MWS and if staff provides a positive recommendation, the TC will include as an agenda item at their next scheduled meeting an opportunity for public comment on the proposed MWS. Staff will issue a notice for public comment regarding the consideration of a MWS. In accordance with the notice, the TC will receive public comment on the matter and proceed to a final vote on whether to recommend the installation of the MWS.

- If the TC approves the request for MWS installation, staff presents a proposed resolution to the Board of Supervisors.
- If the Board of Supervisors approves the resolution for MWS, staff notifies VDOT of approved resolution and requests installation of MWS.

Legislative; Discuss Planning Commission Salaries. Mr. Milde commented.

Mr. Fields motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-379.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-379 reads as follows:

A RESOLUTION TO ESTABLISH COMPENSATION FOR MEMBERS
OF THE PLANNING COMMISSION

WHEREAS, the Board has adopted a Zoning Ordinance and appointed a Planning Commission; and

WHEREAS, Section 15.2-2212 of the Code of Virginia provides that the local government body may establish the compensation of members of the Planning Commission; and

WHEREAS, it is the desire of the Board to recognize the important work of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that compensation of members of the Planning Commission be and it hereby is established at Ten Thousand Dollars (\$10,000) per year effective January 1, 2008.

Legislative; Discuss Illegal Immigrants. Mr. Dudenhefer commented.

Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to form a committee to further review and to bring back to the Board.

The Voting Board tally was:

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

Nay: (1) Fields

Discussion ensued.

Hearing no objections from the Board, Mr. Dudenhefer and Mr. Schwartz were appointed to the Committee to further review.

Legislative; Designate English as the Official Language of the County. Mr. Brito motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-365.

The Voting Board tally was:

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

Nay: (1) Fields
Abstain: (2) Schwartz, Dudenhefer

Resolution R07-365 reads as follows:

A RESOLUTION TO DESIGNATE ENGLISH AS THE
OFFICIAL LANGUAGE OF STAFFORD COUNTY

WHEREAS, pursuant to Section 1-511 of the Code of Virginia (1950), as amended, the Commonwealth of Virginia designated English as the official language of the Commonwealth; and

WHEREAS, the foregoing status states, in part, that “no local government shall be required to provide and no...local government shall be prohibited from providing any documents, information, literature or other written materials in any language other than English;” and

WHEREAS, similar to other localities, Stafford has a rapidly increasing population, some of which either do not use English as their primary language or have difficulty in using or understanding English; and

WHEREAS, the Board desires to emphasize to all citizens of Stafford that all official documents of the County must be in English; and

WHEREAS, the Board intends this resolution to encourage those citizens of Stafford County who have difficulty with the English language to enhance their English language proficiency; and

WHEREAS, the Board does intend that citizens who are less proficient in English may be assisted in any language necessary as long as the official documentation is in English;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August 2007 that:

English shall be designated as the official language of Stafford County. Except as provided by law, no County agency shall be required to provide and no County agency shall be prohibited from providing any documents, information, literature or other written materials in any language other than English.

Planning and Zoning; Discuss Referring to the Planning Commission a Comprehensive Plan Amendment to Exclude a Portion of the County from the Planned Traditional Neighborhood Development Districts. Mr. Fields commented.

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R07-359 with a change.

The Voting Board tally was:

Yea: (3) Schwartz, Brito, Fields

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

Transportation; Endorse the Virginia Department of Transportation's Proposed Single-Point Diamond Intersection Design at the Falmouth Intersection and to Encourage the Commonwealth Transportation Board to Allocate Funds for its Construction. Mr. Dudenhefer commented.

Mr. Fields motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-361.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons
Nay: (0)

Resolution R07-361 reads as follows:

A RESOLUTION TO ENDORSE THE VIRGINIA DEPARTMENT
OF TRANSPORTATION'S PROPOSED SINGLE-POINT URBAN
INTERSECTION DESIGN AT THE FALMOUTH INTERSECTION
AND TO ENCOURAGE THE COMMONWEALTH TRANSPORTATION
BOARD TO ALLOCATE FUNDS FOR ITS CONSTRUCTION

WHEREAS, traffic delays have existed for decades at the intersection of
Cambridge Street (US-1), Warrenton Road (US-17 Business), and Butler Road (SR-212),
known as the Falmouth Intersection; and

WHEREAS, the Virginia Department of Transportation (VDOT) has developed
two design options for improving the traffic flow at this critical intersection; and

WHEREAS, having reviewed the design options for improvements to the
Falmouth Intersection, it is the Board's desire to endorse the single-point urban
intersection, a grade-separated design; and

WHEREAS, the Virginia Department of Transportation made a presentation to
the Board this date on the single-point urban intersection design;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of
Supervisors on this the 21st day of August, 2007, that the Board be and it hereby does
reaffirm Resolution R02-23, dated February 15, 2002, endorsing a grade separated design
at this intersection; and

BE IT STILL FURTHER RESOLVED that a certified copy of this resolution be forwarded to the County's Commonwealth Transportation Board representative and to the Virginia Department of Transportation Residency Administrator.

Legislative; A Resolution to Congratulate and Commend Force Protection Equipment Demonstration (FOED VI) on a Successful Event at Stafford Regional Airport, August 14-16, 2007. Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-367.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde
Nay: (0)

Resolution R07-367 reads as follows:

A RESOLUTION TO CONGRATULATE AND COMMEND FORCE PROTECTION EQUIPMENT DEMONSTRATION (FPED VI) ON A SUCCESSFUL EVENT AT STAFFORD REGIONAL AIRPORT, AUGUST 14-16, 2007.

WHEREAS, the Force Protection Equipment Demonstration VI (FPED VI) sponsored by the Department of Defense (DoD) through the DoD Physical Security Equipment Action Group, co-sponsored by the Joint Staff, the Department of Energy, the National Institute of Justice and the Technical Support Working Group was held at Stafford Regional Airport

WHEREAS, FPED VI with over 575 vendors and organizations, 3,000 equipment items, range demonstrations and night demonstrations contributed to the economy of Stafford and the region.; and

WHEREAS, support was provided by the Stafford Regional Airport, Sheriff's Office, Fire and Rescue, and other County staff to make this event happen;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of congratulate and commend the Department of Defense (DoD) through the DoD Physical Security Equipment Action Group, co-sponsored by the Joint Staff, the Department of Energy, the National Institute of Justice and the Technical Support Working Group on the Force Protection Equipment Demonstration demonstration at the Stafford Regional Airport; and

BE IT FURTHER RESOLVED that the Board be and it hereby does formally invite the Department of Defense (DoD) to hold the next Force Protection Equipment Demonstration (FPED VII) at the Stafford Regional Airport.

Legislative; Declare that a Public Water Supply Emergency Exists. Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-366.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-366 reads as follows:

**A RESOLUTION TO DECLARE THAT A PUBLIC WATER SUPPLY
EMERGENCY EXISTS**

WHEREAS, the federal government has declared that Stafford County is currently experiencing a severe drought; and

WHEREAS, requests for voluntary water conservation have only resulted in a minimal reduction in average daily water demand; and

WHEREAS, if water usage continues at its current level without any significant rainfall to replenish the water reservoir, there are an estimated 140 days of usable water remaining; and

WHEREAS, the Board must declare that a public water supply emergency exists in order to authorize the County Administrator to implement the provisions of the Water Supply Emergency Ordinance; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007 that a water supply emergency exists; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to implement emergency conservation actions as established under O06-24, to include emergency water rates, established under O05-09, as necessary.

Finance; Award a Contract for Consulting Services and Discuss Radio Communications System. The County Administrator commented.

Discussion ensued.

Legislative; Closed Meeting. At 5:16 P.M., Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution CM07-24.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-24 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 Fire & Rescue, Rescue One issues; Richard Nageotte, Route 610 and Route 17 Service District Litigation; Appeal of decision in *Sunshine Home Builders v. BZA*; and the Dominion Power Transmission case; Negotiating Strategies regarding the Potential Disposition of County-owned property; and two personnel matters relating to the Fire Marshal's Office issues; and the County Administrator's contract discussions; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 21st day of August, 2007 does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 6:13 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification.. Mr. Dudenhefer motioned, seconded by Mr. Fields, to adopt proposed Resolution CM07-24a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-24a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
AUGUST 21, 2007

WHEREAS, the Board has, on this the 21st day of August, 2007, 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 21st day of August, 2007, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Recess. At 6:14 P.M., the Chairman declared a recess until 7:00 P.M.

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

Invocation. Mr. Fields gave the Invocation.

Pledge of Allegiance. Mr. Schwartz lead in the Pledge of Allegiance to the Flag of the United States of America.

Presentation by Kathryn Massey, Head Start, Rappahannock United Way Early Childhood Coalition. Ms. Kathryn Massey, Head Start, Rappahannock United Way Early Childhood Coalition, made a presentation to the Board.

Legislative; Presentations by the Public. Persons spoke on topics as identified:

- | | | |
|------------------|---|---------------------|
| Tom Coen | - | Respect. |
| Dana Brown | - | Illegal immigrants. |
| | - | TND Ordinance. |
| Patricia Kurpiel | - | Proffers. |

Planning and Zoning; Consider a Conditional Use Permit at 42 Blackjack Road. Ms. Andrea Hornung, Assistant Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Craig McBride, Applicant

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-309.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-309 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT FOR APPLICATION CUP2700265 TO ALLOW VEHICLE FUEL SALES IN AN M-1, LIGHT INDUSTRIAL, ZONING DISTRICT, AND HC, HIGHWAY CORRIDOR OVERLAY, ZONING DISTRICT, ON ASSESSOR'S PARCEL 38C-5, HARTWOOD ELECTION DISTRICT

WHEREAS, Quarles Petroleum, Inc., applicant, has submitted application CUP2700265 requesting a Conditional Use Permit to allow vehicle fuel sales in an M-1, Light Industrial, Zoning District, and 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 this use in an M-1, Light Industrial, 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 21st day of August, 2007, that a Conditional Use Permit pursuant to application CUP2700265 be and it hereby is approved with the following conditions:

1. The Conditional Use Permit is to permit the operation of an unattended vehicle fuel station on Assessor's Parcel 38C-5, proposed Lot 5A.
2. Development of the site shall be in general conformance with the General Development Plan in Exhibit 1 entitled "Quarles Petroleum Inc. Lot 5A – Taylor Bott Industrial Park", dated 6/18/07.
3. The fuel canopy shall be consistent with the architectural elevations in Exhibit 2, dated 11/2/06.
4. Lighting for the facility shall be directed downward and inward on the site to prevent glare on I-95.

5. Canopy lighting shall be recessed within the canopy.
6. Vegetation on-site shall not impede sight distance from the adjacent ingress-egress easement onto Blackjack Road.
7. A landscape buffer, approximately 20' in width shall be provided along the rear of the site adjacent to I-95 as shown on the GDP, and shall include a mix of evergreen and deciduous trees.
8. An oil/water separator or its technological equivalent shall be utilized for the fuel station and maintained by the owner.
9. Pavement markings or signage shall be utilized to indicate direction of traffic flow.
10. If building permits are not obtained within 3 years from the date of approval, this Conditional Use Permit shall expire.
11. This Conditional Use Permit may be revoked or conditions amended by the Board of Supervisors for violation of these conditions or any applicable county, federal, or state codes.

Planning and Zoning; Amend and Reordain the Zoning Ordinance to Reclassify from B-1, Convenience Commercial, and M-1, Light Industrial, to B-2, Urban Commercial, 1.13 Acres at 21 Cool Spring Road. Ms. Andrea Hornung, Assistant Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Larry Ingalls, on behalf of the Applicant

Ernest Houck

The Chairman closed the public hearing.

Mr. Fields motioned, seconded by Mr. Milde, to defer proposed Ordinance O07-59.

The Voting Board tally was:

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

Nay: (0)

Planning and Zoning; Change Development Fees. Ms. Kathy Baker, Assistant Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mike Neuhard, Deputy County Administrator, commented further.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Ordinance O07-61 with a change.

The Voting Board tally was:

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

Nay: (0)

Ordinance O07-61 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN DEVELOPMENT
APPLICATION FEES FOR SERVICES PROVIDED BY THE
DEPARTMENTS OF CODE, FIRE AND RESCUE, AND PLANNING
AND ZONING

WHEREAS, the Board is authorized by the Code of Virginia to set reasonable fees and charges for the development review services provided by the Departments of Code, Utilities, Fire and Rescue, and Planning and Zoning; and

WHEREAS, the Board acknowledges that the fees for these services should be current with the costs for the services provided by the County in reviewing and processing such applications; and

WHEREAS, the Board desires to set the fees for these services to be commensurate with the services provided by the County in reviewing and processing such applications;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the schedule of fees for development review services listed below and provided by the Departments of Finance, Utilities, Fire and Rescue, and Planning and Zoning be and they hereby are amended and reordained as follows:

<u>Service</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Erosion & Sediment (SWM)	<u>Control (E&S) and Stormwater Management</u>	
E&S/SWM Plan Review		
Preliminary Subdivision Plan	\$100+contractor's review charge @ \$35-110/hour; \$200 application deposit	\$200+contractor's review charge @ \$70-220/hour; \$1,000 application deposit

	with balance due prior to approval of plan	with balance due prior to approval of plan
Stormwater Management Concept Plan (Major Site Plan)	\$100+contractor's review charge @ \$35-110/hour \$200 application deposit with balance due prior to approval of plan	\$200+contractor's review charge @ \$70-220/hour \$1,000 application deposit with balance due prior to approval of plan
Subdivision Construction Plan	\$100+contractor's review charge @ \$35-110/hour; \$500 application deposit with balance due prior to approval of plan	\$200+contractor's review charge @ \$70-220/hour; \$2,700 application deposit with balance due prior to approval of plan
Major Site Plan	\$100+contractor's review charge @ \$35-110/hour; \$500 application deposit with balance due prior to approval of plan	\$200+contractor's review charge @ \$70-220/hour; \$2,000 application deposit with balance due prior to approval of plan
Grading Plan	\$100+contractor's review charge @ \$35-110/hour; \$200 application deposit with balance due prior to approval of plan	\$200+contractor's review charge @ \$70-220/hour; \$1,000 application deposit with balance due prior to approval of plan
Stormwater Management/ Drainage As-Built Plan	\$150	\$200

Review

Stormwater Management

<u>Exception Request</u>	N/A	\$450
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Fire and Rescue**Development Plan Review**

Preliminary Subdivision Plan

1-5 lot	\$50	\$75
6-30 lots	\$75	\$100
31-100 lots	\$150	\$175
101-300 lots	\$250	\$275
≥ 301 lots	\$250+\$1.00 per lot over 301 lots	\$275+\$1.50 per lot over 301 lots

Subdivision Construction

Plan

1-5 lots	\$100	\$200
6-30 lots	\$150	\$300
31-100 lots	\$200	\$400
101-300 lots	\$300	\$600
≥ 301 lots	\$300+\$2.00 per lot over 301 lots	\$600+\$2.50 per lot over 301 lots

Major Site Plan

< 1 disturbed acre	\$200	\$250
1-5 disturbed acres	\$300	\$350
> 5 disturbed acres	\$350+\$50 per disturbed acre or	\$350+\$75 per disturbed acre or

	portion thereof above 5 acres	portion thereof above 5 acres
Fire Lane Plan Review and Inspections	\$125	\$200

Utilities Development Plan Review

Major Site Plan	\$154.73	\$500
(Third and subsequent reviews)	N/A	\$125
Preliminary Site Plan	\$67.41	\$500
(Third and subsequent reviews)	N/A	\$125
Preliminary Subdivision Plan	\$101.11	\$325
(Third and subsequent reviews)	N/A	\$75
Subdivision Construction Plan	\$216.62	\$500
(Third and subsequent reviews)	N/A	\$125
Final Subdivision Plat	\$67.41	\$250
(Third and subsequent reviews)	N/A	\$75
Family Subdivision Plat	\$33.70	\$125

(Third and subsequent reviews)	N/A	\$70
Rezoning	\$67.41	\$85
Conditional Use Permit	\$16.85	\$85

Securities

Securities Contract

<u>Management Fee</u>	N/A	\$500
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Establish File	\$175	Eliminated
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<u>Security</u> Reduction	\$150	\$300
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Release	\$150	Eliminated
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Extension	\$125	Eliminated
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Substitution of Security	\$125	Eliminated
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Replacement of Security	\$325	\$500
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If the amount of security required is less than \$10,000 for erosion and sediment control on building lots, the following fees are established:

Securities Contract

Management Fee

<u>(Building Lots)</u>	N/A	\$100
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If the amount of security required is greater than \$10,000 for erosion and sediment control on building lots, the follow fees are established:

Securities Contract

Management Fee

<u>(Building Lots)</u>	N/A	\$150
Establish File	\$50	Eliminated
Release	\$50	Eliminated

<u>Planning and Zoning</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Conditional Use Permit	\$7,500 + (\$100/Acre >5)	\$9,375 + (\$125/Acre>5)
Appeal/Waiver to BOS	\$1,800 + \$700/Provision	\$2,250 + \$850/Provision
Rezoning (Regular)	\$10,000 + (\$100/Acre > 5)	\$12,500 + (\$125/Acre>5)
Rezoning (<5 acres)	\$3,500	\$4,375
Proffer Amendment	\$8,000 + (\$20/Acre > 5)	\$10,000 + (\$25/Acre>5)
Rezoning (Planned Development)	\$12,000 + (\$20/Acre > 75)	\$15,000 + (\$25/Acre>75)
Proffer Amendment		
Planned Development	\$8,000 + (\$20/Acre > 75)	\$10,000 + (\$25/Acre>75)

Private Access Easement	\$2,000	\$2,500
R-O-W Abandonment	\$3,600	\$4,500
Plat Vacation	\$150	\$150
Subdivision Waivers	\$600 + (\$400/Provision)	\$750 + (\$500/Provision)
Major Subdivision Plat (Third and subsequent reviews)	\$1,500 + (\$100/Lot) \$2,500	\$1,875 + (\$125/Lot) \$3,125
Minor Subdivision Plat (Third and subsequent reviews)	\$1,000 + (\$100/Lot) \$2,500	\$1,250 + (\$125/Lot) \$600
Family Subdivision (Third and subsequent reviews)	\$800 \$2,500	\$1,000 \$500
Subdivision Boundary Line Adjustment (Third and subsequent reviews)	\$500 \$2,500	\$625 \$300
Dedication Plat	\$850	\$1,050
Cluster Concept Plan	\$1,500 + (\$100/Lot)	\$1,875 + (\$125/Lot)
Preliminary Subdivision Plan	\$6,500 + (\$50/Lot)	\$8,125 + (\$125/Lot)

(Third and subsequent reviews)	\$2,500	\$3,125
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Preliminary

Subdivision Plan

(Technical revision)	N/A	\$500
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Subdivision

Construction Plan	\$7,500 + \$500/Impervious Acre) + (\$800/Pump Station)	\$9,375 + \$625/Impervious Acre) + (\$1000/Pump Station)
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(Third and subsequent review)	\$2,500	\$3,125
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<u>Infrastructure Plan</u>	N/A	\$3,750
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(Third and subsequent reviews)	N/A	\$1,250
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Major Site Plan	\$6,000 + (\$500/Impervious Acre)	\$7,500 + (\$625/Impervious Acre)
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(Third and subsequent reviews)	\$2,500	\$3,125
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Minor Site Plan	\$650	\$800
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(Third and subsequent reviews)	\$2,500	\$400
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Preliminary Site Plan	\$1,500 + (\$140/Acre)	\$1,875 + (\$250/Acre)
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(Third and subsequent reviews)	\$2,500	\$900
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Certificate of Appropriateness	\$25	\$25
Wetlands Permit	\$675	\$675
Grading Plan	\$5,750	\$7,200
(Third and subsequent reviews)	\$2,500	\$3,125
<u>Minor Grading Plan</u>	N/A	\$2,400
(Third and subsequent reviews)	N/A	\$1,200
Major Plan/Plat Revision	\$3,500	\$4,375
Minor Plan/Plat Revision	\$250	\$500
Street Name Change	\$2,000	\$2,500
Traffic Safety Request	\$50	\$65
<u>Perennial Flow Review</u>		
(<u><20 acres</u>)	N/A	\$500
(20 acres or more)	N/A	\$750
<u>Perennial Flow Analysis</u>	N/A	\$500
(<u>Family</u>)		
<u>Major Water Quality</u>	N/A	\$500
<u>Impact Review</u>		

<u>RPA Waiver Request</u>	N/A	\$200
<u>RPA Mitigation/Restoration Plan</u>	N/A	\$200
<u>Departure from Design Standards (Landscaping and Buffering)</u>	N/A	\$2,250 + \$850/Provision
<u>Alternative Compliance (Landscaping and Buffering)</u>	N/A	\$100
<u>Comprehensive Plan Amendment (<100 acres)</u>	N/A	\$500
<u>(100 acres or more)</u>	N/A	\$1,000
<u>Comprehensive Plan Compliance Review</u>	N/A	\$300

Planning Application Refunds

Conditional Use Permits and Rezonings:

If an application is withdrawn prior to the first public hearing, fifty (50) percent of the amount of the application fee may be refunded to applicant.

If an application is withdrawn after the first public hearing, the application fee is non-refundable.

Plan and Plat Applications:

If an application is withdrawn prior to completion of first review, fifty (50) percent of the total fee amount paid will be refunded.

If an application is withdrawn after completion of the first review, the application fee is non-refundable.

BE IT FURTHER ORDAINED that staff will provide an invoice to the applicant listing charges for reviews based on hourly fees; and

BE IT FURTHER ORDAINED that this ordinance shall take effect on September 10, 2007; and

BE IT FURTHER ORDAINED that the fees included in this ordinance that were previously referenced in Ordinance O04-30 and Ordinance O05-27, and such sections of those ordinances be and they are hereby rescinded.

Planning and Zoning; Consider an Amendment to the Land Use Plan Component of the Comprehensive Plan. Ms. Kathy Baker, Assistant Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-311.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-311 reads as follows:

A RESOLUTION TO ADOPT AN AMENDMENT TO THE LAND USE PLAN
COMPONENT OF THE COMPREHENSIVE PLAN

WHEREAS, amending the Land Use Plan designation on various parcels to Park Land would reflect the current and future land use needs in the County; and

WHEREAS, the existing park facilities have changed the composition of land use in certain areas; and

WHEREAS, the Board has acknowledged the need for additional park facilities throughout the County; and

WHEREAS, it would appear that future development in this area would not reflect the current land uses; and

WHEREAS, the Planning Commission held a public hearing and recommended that the Land Use Plan be amended to change the land use classification; and

WHEREAS, the Board has determined that the requested Land Use Plan amendment is compatible with the current and future land uses and will guide and accomplish a coordinated development pattern that promotes the health, safety, and welfare of the residents in the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the Land Use Plan component of the Comprehensive Plan be and it hereby is amended to designate existing and proposed

park facilities as Park Land as depicted on the Land Use Map revision dated July 30, 2007.

Legislative; Refer to the Planning Commission to Include the Lane Along the

Rappahannock Rive in the Land Use Plan of the Comprehensive Plan. Mr. Brito

motioned, seconded by Mr. Milde, to refer to the Planning Commission the land along the Rappahannock River to be designated in the Land Use Plan of the Comprehensive Plan with regard to the Conservation Easement.

The Voting Board tally was:

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

Nay: (0)

Finance; Consider Amendments to the FY2007 Budget Related to Bond Sales. Ms.

Maria Perrotte, Chief Financial Officer, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-302.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-302 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE ADDITIONAL
BOND PROCEEDS AND THE VIRGINIA PUBLIC SCHOOL
AUTHORITY DEBT SERVICE CREDIT

WHEREAS, certain activities related to the receipt of bond proceeds and the payment of capitalized interest in the amount of \$1,375,916 have transpired in the General Projects Capital Projects Fund which need to be recorded in the General Fund; and

WHEREAS, certain activities related to the receipt of bond proceeds and the repayment of interim Commercial Paper in the amount of \$2,715,000 have transpired in the General Projects Capital Projects Fund which need to be recorded in the General Fund; and

WHEREAS, certain activities related to the receipt of Virginia Public School Authority proceeds related to a debt service credit resulting from a refunding of VPSA bonds in the amount of \$1,438,200 have transpired in the General Fund and need to be correctly accounted for; and

WHEREAS, adjustments to the budgets of the General Fund and the General Capital Projects Funds are needed in order to record these transaction appropriately; and

WHEREAS, a public hearing on the proposed amendment to the budget was held August 21, 2007, as required by Section 15.2-2507 of the Code of Virginia (1950), as amended; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the County Administrator be and he hereby is authorized to budget and appropriate funds in FY2007 as follows:

GENERAL CAPITAL PROJECTS FUND:

Bond Proceeds	\$4,090,916
Transfer to General Fund	\$4,090,916

GENERAL FUND:

Transfer from General Capital Projects Fund	\$4,090,916
Other Sources	\$1,438,200
Debt Service	\$5,529,116

Administration; Consider Entering into an Agreement with VDOT for the Removal of Illegal Advertisements. Mr. Anthony Romanello, Deputy County Administrator, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person desired to speak:

Anne Kline

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-286.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-286 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ENTER INTO AN AGREEMENT WITH THE VIRGINIA
DEPARTMENT OF TRANSPORTATION FOR THE REMOVAL OF

ILLEGAL ADVERTISEMENTS WITHIN THE LIMITS OF THE HIGHWAY

WHEREAS, the Board has the authority to enter into an agreement with the Virginia Department of Transportation (VDOT) under Section 33.1-375.1(D), Va. Code Ann.; and

WHEREAS, the Board is concerned about the proliferation of illegal signs within VDOT rights-of-way; and

WHEREAS, the Board has determined that entering into an agreement with VDOT for the removal of illegal signs within VDOT rights-of-way will promote a more attractive community; and

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

WHEREAS, the Board feels that the public health, safety and welfare requires the proposed sign removal program be adopted;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, that the County Administrator be and he hereby is authorized to execute an Agreement with the Virginia Department of Transportation under Section 33.1-375.1(D) Va. Code Ann., to adopt a County sign removal program, and designate the County Administrator, or his designee, to be the County's responsible party for enforcement under this Agreement.

Finance; Award A Contract for Consulting Services and Discuss Radio Communications System. Mr. Wayne Stack, RCC Consultants, gave a presentation and responded to Board members questions.

Mr. Gibbons motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-293.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-293 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH RCC CONSULTANTS INC AND TO EXPRESS INTENT TO ENTER INTO A CONTRACT WITH MOTOROLA FOR A RADIO COMMUNICATIONS SYSTEM SUBJECT TO FINANCING

WHEREAS, the County radio communication system currently in use by public safety agencies and the County in general is in need of immediate replacement; and

WHEREAS, multiple factors contribute to the lack of reliability of the current system, such as inadequate coverage, television station interference, and lack of interoperability with certain neighboring jurisdictions; and

WHEREAS, this lack of communication reliability is a matter of life and death and a safety issue for first responders, as well as the health, safety, and property of County citizens; and

WHEREAS, the County solicited proposals for the design, delivery, installation, and testing of a 700 MHz Countywide digital radio system (the “System”); and

WHEREAS, the County has reviewed the proposals received and recommends that the Board enter into an agreement with Motorola, Inc for the System; and

WHEREAS, the estimated cost of the proposed Motorola contract for the System is \$23,804,779; and

WHEREAS, the County reasonably anticipates a financing plan will be submitted to the Board for consideration and approval in approximately 60 days; and

WHEREAS, the Board desires to continue to retain the services of RCC Consultants, Inc. to provide technical expertise, project management assistance, and vendor oversight; and

WHEREAS, the contract with RCC Consultants, Inc. is not to exceed \$259,428 annually, with two one-year renewals;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August 2007 that the County Administrator be and he hereby is authorized to 1) express the County's intent to enter into an agreement with Motorola for the radio communications system subject to financing; 2) approve and execute a contract with RCC Consultants, Inc. in an amount not to exceed Two Hundred Fifty-nine Thousand Four Hundred Twenty-eight Dollars (\$259,428) annually, and to take all other actions necessary to implement the contract; and 3) appropriate \$259,428 from Fund Balance with the expectation that once project financing is arranged, the General Fund will be reimbursed with proceeds from the financing; and

BE IT FURTHER RESOLVED that the Board has determined that it may be necessary or desirable to advance money to pay the costs of consulting services.

Declaration of intent to reimburse costs of the Project through one or more financings:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2.

2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the System from the proceeds of one or more financings. The maximum amount of financing expected to be issued for the System is \$31,000,000 with \$259,428 identified as the first year cost of the RCC Consultants, Inc contract.
3. This resolution shall take effect immediately upon its adoption.

Legislative; Closed Meeting. At 8:50 P.M., Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution CM07-25 .

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields
Nay: (0)

Resolution CM07-25 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 one personnel matter relating to the County Administrator's contract discussions; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 21st day of August, 2007, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 9:10 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification.. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM07-25a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM07-25a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
AUGUST 21, 2007

WHEREAS, the Board has, on this the 21st day of August, 2007, 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 21st day of August, 2007, 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 the Chairman of the Board to Execute the Employment Contract Dated August 21, 2007 with Anthony J. Romanello. Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-356.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-356 reads as follows:

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE THE EMPLOYMENT CONTRACT DATED AUGUST 21, 2007 WITH ANTHONY J. ROMANELLO

WHEREAS, the Stafford County Administrator, Steve Crosby, has announced his intention to retire; and

WHEREAS, the Board has conducted a thorough search to find a qualified individual to be appointed County Administrator for Stafford County; and

WHEREAS, the Board has agreed to appoint Anthony J. Romanello as County Administrator, effective January 1, 2008; and

WHEREAS, satisfactory terms of an Employment Agreement between the Board and Anthony J. Romanello have been negotiated; and

WHEREAS, the Employment Agreement provides for an initial salary of \$155,101.00 with an \$800.00 per month car allowance, a contribution to Anthony J. Romanello's 457 Deferred Compensation Plan in the maximum amount allowed by law,

and a severance payment of up to twelve months' salary and benefits if the employment is terminated by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of August, 2007, the Chairman is authorized to sign the Employment Agreement dated August 21, 2007 with Anthony J. Romanello to take effect January 1, 2008.

Legislative: Amend the County Administrator Steve Crosby's Employment Agreement.

Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-377.

The Voting Board tally was:

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

Nay: (0)

Resolution R07-377 reads as follows:

A RESOLUTION TO AMEND THE COUNTY ADMINISTRATOR
STEVE CROSBY'S EMPLOYMENT AGREEMENT

WHEREAS, the County Administrator Steve Crosby has an Employment Agreement with the Stafford County Board of Supervisors; and

WHEREAS, the Employment Agreement specifies that his term as County Administrator will expire at the end of February, 2008; and

WHEREAS, County Administrator Steve Crosby has expressed the desire to retire effective December 31, 2007; and

WHEREAS, the Board has appointed Anthony Romanello to be County Administrator commencing January 1, 2008; and

WHEREAS, the Board desires to adjust the compensation of County Administrator Steve Crosby as a result of his early retirement;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 21st day of August, 2007 approves a modification to the Employment Agreement of County Administrator Steve Crosby to end the term of his employment on December 31, 2007, and to pay him one-half of the total compensation he would have received for the months of January and February, 2008, and pay that additional compensation to him over the months of September through December, 2007.

Adjournment. At 9:12 P. M., the Chairman declared the meeting adjourned.

Steve Crosby
County Administrator

Jack R. Cavalier
Chairman