

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting
November 15, 2011

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 3:02 p.m., Tuesday, November 15, 2011, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Susan B. Stimpson; Cord A. Sterling; and Robert "Bob" Woodson.

Also in attendance were: Anthony J. Romanello, County Administrator; Charles L. Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Pamela L. Timmons, Deputy Clerk; associated staff, and interested parties.

Legislative; Presentations by the Public:

The following persons desired to speak:

Dana Brown - Hot Lanes

Presentation of a Proclamation to General George Ronald Christmas, USMC (Ret.) Mr. Sterling made the presentation.

Presentation of the Government Finance Officer’s Association Distinguished Budget Presentation Award Mr. Dudenhefer acknowledged the award and congratulated the Budget Division and Finance staff for their hard work and proficiency.

Legislative; Discuss Joint Land Use Study (JLUS) Rich Tenga, OEA Project Manager, gave a presentation and answered Board members questions. Hearing no objections, the Board deferred this item to the December 13, 2011 meeting.

Central Rappahannock Regional Library Update – Donna Cote Ms. Cote, Carolyn Parr, and Nancy Buck were present and gave an update on England Run Library, the new coffee shop and the on-line and in-house “Homework Help” program.

Legislative; Presentations by Members of the Board Board members spoke on the topics as identified:

- | | | |
|----------------|---|--|
| Susan Stimpson | - | Reported on Community and Economic Development Committee, talked about the Gateway program noting that entrances to the County (at the borders) should be cleaned up. Talked about the proposed Technology Summit; Telecommunications Committee is working on Summit and on details and goals including Broadband and the Technology Center. |
| Bob Woodson | - | Deferred |
| Harry Crisp | - | Reported on the Infrastructure Committee; resolution on Centreport Parkway/Ramoth Church Road will be included on the 12/13 BOS agenda; Utilities will be up first on the 12/13 Infrastructure Committee agenda; discussed Poplar Road options; transferring Revenue Sharing funds; Lacrosse Assoc. field request; |

- Paul Milde - Attended PRTC meetings; GWRC/FAMPO; Government Island tour; DCR; Joint meeting with the School Board; Proud of VRE ridership increase
- Gary Snellings - Public Safety Committee will meet in January, 2012. Johnny's Market closed in the northern area of Hartwood.
- Cord Sterling - Deferred
- Mark Dudenhefer - Thanked the citizens who voted on Election Day. Stafford High School cheerleaders placed 2nd regionally.
- Harry Crisp - GWRC is recruiting for a new executive director since Bob Wilson resigned. The first choice turned down the offer, new recruitment is in process.

Legislative; Report of the County Attorney Mr. Charles Shumate deferred.

Legislative; Report of the County Administrator Mr. Anthony J. Romanello, County Administrator, noted that the Monthly Report contains an update on all ongoing grants and proffers. Chris Hoppe, Director of Parks, Recreation, and Community Facilities, talked about Parks Bond projects and the public meeting being held on 12/5/11, 7:00 p.m., at Gayle MS to discuss Musselman Park. A Notice to Proceed was issued on Chichester Park and layout sketches have been received. Mr. Snellings asked how the public was notified about the Musselman Park meeting. Mr. Hoppe said that it was in the Free Lance-Star, on the County's website, Facebook, and Twitter. Dr. Crisp asked if there was any action on Curtis Park Pool. Mr. Hoppe said that a study was being done on the capacity of the existing well to determine if it could handle a larger facility.

Mr. Mike Smith, Acting Public Works Director, talked about Transportation Bond projects including that VDOT signed off on Mountain View Road. Mr. Snellings asked about bringing Truslow Road before the full Board. Mr. Dudenhefer said that the

Infrastructure Committee discussed it and that all Board members were welcome to attend the Committee meeting to hear the details. Mr. Smith also talked about VDOT approving the contract for Brooke Road and funds being made available for Phase 2 of the Poplar Road project.

Mr. Romanello ended his report by announcing that iPads had been provided for all members of the Board and announced that the December 13th meeting would be the last meeting where agenda binders were distributed. Beginning in January, 2012, Board agenda packets will be electronic.

Legislative; Additions and Deletions to the Regular Agenda Mr. Snellings motioned, seconded by Ms. Stimpson, to adopt the Agenda with the additions of Item 24. Legislative; Close County Offices on November 23, 2011 (proposed Resolution R11-320); Item 25. Request VDOT to Transfer Revenue Sharing Funds to Extend the Improvements to Poplar Road (proposed Resolution R11-322); and Item 26. Swim Lane Allocations.

The Voting Board tally was:

Yea: (7) Snellings, Stimpson, Sterling, Milde, Dudenhefer, Woodson, Crisp
Nay: (0)

Legislative; Consent Agenda Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt the Consent Agenda, consisting of Items 4 thru 18, omitting Items 8 and 12.

The Voting Board tally was:

Yea: (7) Sterling, Stimpson, Snellings, Crisp, Dudenhefer, Milde, Woodson
Nay: (0)

Item 4. Approve Minutes of the October 18, 2011 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R11-290 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED OCTOBER 18, 2011 THROUGH NOVEMBER 14, 2011

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 15th day of November 2011 that the above-mentioned EL be and hereby is approved.

Resolution R11-304 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO PROCESS NOVEMBER/DECEMBER 2011 INVOICES IN EXCESS
OF \$100,000

WHEREAS, accounts payable invoices in excess of \$100,000 are released only upon Board approval; and

WHEREAS, the Board has scheduled one meeting between November 16 and December 12, 2011; and

WHEREAS, the Board meeting schedule may cause late payment and some vendor checks to be held for several weeks; and

WHEREAS, the Board will be provided with the expenditure listings for ratification at its December 13th meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011 that the County Administrator be and he hereby is authorized to waive Board approval of expenditures in excess of \$100,000 for the period of November 15 through December 12, 2011 and that these expenditures will be ratified at the December 13, 2011 Board meeting.

Item 6. Fire and Rescue; Authorize Acceptance of Maintenance Agreement with Westnet

Resolution R11-254 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR SERVICES WITH WESTNET, INC.

WHEREAS, the Board, on December 4, 2007, approved Resolution R07-487, which authorized the County Administrator to execute a contract for a public safety radio communications system; and

WHEREAS, in 2008, as part of the new radio system project, all fire and rescue stations were upgraded to the Westnet Station Alerting System; and

WHEREAS, this is the first year that the maintenance for the Westnet Station Alerting System is no longer covered by the Public Safety Radio Project; and

WHEREAS, since the radio project is complete, a maintenance agreement is needed to continue technical support, timely maintenance, repair of issues, and standard upgrades to equipment; and

WHEREAS, maintenance on the alerting system is provided as a sole source from Westnet, Inc.;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that the County Administrator be and he hereby is authorized to execute a contract for services with Westnet, Inc., in an amount not to exceed One Hundred Fifty-four Thousand Seven Hundred Ninety-six Dollars (\$154,796), unless amended by a duly-executed contract amendment.

Item 7. Public Works; Authorize a Public Hearing to Amend and Reordain Stafford County Code, Section 15-56, Entitled “Designation of Restricted Parking Areas” to Establish a Restricted Parking Area in Apple Grove Subdivision

Resolution R11-302 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS," TO ESTABLISH A RESTRICTED PARKING AREA IN THE APPLE GROVE SUBDIVISION

WHEREAS, Section 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorizes the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the

parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, on June 15, 2010, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, the Apple Grove Homeowners Association approved a resolution dated May 16, 2011, requesting the establishment of a restricted parking area within the Apple Grove Subdivision and the resolution satisfies the requirements of Stafford County Code, Section 15-56; and

WHEREAS, the Apple Grove Homeowners Association resolution requests that the following streets be designated as a restricted parking area:

- (A) Algrace Boulevard
- (B) Bannon Lane
- (C) Barnum Drive
- (D) Daly Court
- (E) Halcomb Lane
- (F) Hayes Street
- (G) Kinser Way
- (H) Puller Place
- (I) Ramsey Drive
- (J) Ripley Road
- (K) Vargas Court
- (L) Webb Court

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board desires to consider public comments concerning the proposed restricted parking area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November 2011, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider designating a restricted parking area within the Apple Grove Subdivision.

Item 9. Public Works; Petition VDOT to Include Alderwood Drive and Turnstone Court within the Preserve on Aquia Creek Subdivision, into the Secondary System of State Highways

Resolution R11-305 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE ALDERWOOD DRIVE

AND TURNSTONE COURT WITHIN THE PRESERVE ON AQUIA
CREEK 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 Alderwood Drive and Turnstone Court within the Preserve on Aquia Creek Subdivision, into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that VDOT be and it hereby is petitioned to include the following streets within The Preserve on Aquia Creek Subdivision into the Secondary System of State Highways:

| <u>Street Name/Route Number</u> | <u>Station</u> | <u>Length</u> |
|---------------------------------|---|---------------------|
| Alderwood Dr. (SR-2268) | From: Dunbar Dr. (SR-645) To: Turnstone Ct. (SR-2269) | 0.07 mi. ROW 50' |
| Alderwood Dr. (SR-2268) | From: Inter. of Turnstone Ct. (SR-2269) To: 0.27 mi. NE Inter. Turnstone Ct. (SR-2269) | 0.27 mi. ROW 50' |
| Turnstone Ct. (SR-2269) | From: Inter. Alderwood Dr. (SR-2268) To: 0.30 mi. W Inter. Alderwood Dr. (SR-2268) | 0.30 mi. ROW 50' |

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, "The Preserve on Aquia Creek," recorded in PM040000115 with LR 040019295 on May 21, 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Transportation and Land Use Director for the VDOT Fredericksburg District.

Item 10. Public Information; Recognize and Commend General George Ronald Christmas, USMC (Ret.)

Proclamation P11-19 reads as follows:

A PROCLAMATION TO RECOGNIZE LIEUTENANT GENERAL
GEORGE RONALD CHRISTMAS, USMC (RET)

WHEREAS, Lieutenant General Christmas was commissioned into the Marine Corps through the NROTC Program at the University of Pennsylvania in 1962; and

WHEREAS, Lieutenant General Christmas has earned several medals and decorations, including a Purple Heart and the Navy Cross for his service in Vietnam; and

WHEREAS, he is most noted for key assignments including serving as the Commanding Officer, 1st Recruit Training Battalion, Marine Corps Recruiting Depot Parris Island; Commanding Officer, 3rd Marines; Commanding General, 9th Marine Expeditionary Brigade; Commanding General, 3rd Force Service Support Group; Commanding General, I Marine Expeditionary Force; and Director, J-3, Commander in Chief, United States Pacific Command; and

WHEREAS, after 34 years of service, Lieutenant General Christmas retired from the Marine Corps in 1996; and

WHEREAS, from September 1996 until December 2006, Lieutenant General Christmas served as a senior mentor to the Marine Air-Ground Task Force Staff Training Program and the Joint Forces Command as well as serving as President of the Marine Corps Heritage Foundation; and

WHEREAS, the Marine Corps Heritage Foundation directly supports the historical programs of the Marine Corps in ways that might not otherwise be available through appropriated funds; and

WHEREAS, the Foundation has raised \$105 million to complete the development and construction of the Marine Corps Heritage Center, which includes the National Museum of the Marine Corps and Semper Fidelis Memorial Park; and

WHEREAS, the National Museum of the Marine Corps attracts more than 500,000 tourists each year having a vast economic impact on surrounding hotels, restaurants, and other businesses and contributes to the economic stability of Stafford County; and

WHEREAS, with the growth of the Marine Corps Heritage Foundation's mission and enterprises, Lieutenant General Christmas devoted himself full-time to the efforts of the Foundation, retiring in September 2011;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that it be and hereby does recognize and commend Lieutenant General George Ronald Christmas for his service to his country and to the citizens of Stafford County.

Item 11. Legislative; Provide Guidance to VDOT on Hot Lanes

Resolution R11-313 reads as follows:

A RESOLUTION TO PROVIDE GUIDANCE TO THE VIRGINIA
DEPARTMENT OF TRANSPORTATION ON THE HOV/HOT
LANES PROJECT

WHEREAS, the Virginia Department of Transportation (VDOT) is preparing to begin construction of HOV/HOT Lanes which will terminate in Stafford County; and

WHEREAS, the Board believes this project will positively impact the lives of many Stafford citizens and businesses; and

WHEREAS the Board desires to offer its unequivocal support for the HOV/HOT Lanes project; and

WHEREAS, staff has evaluated the HOV/HOT Lanes design and has determined areas which may be of concern to Stafford County citizens and businesses; and

WHEREAS, the Board desires that the list of concerns below be forwarded to VDOT for consideration before and during construction;

1. **Potential traffic impacts during the construction period.** The HOT/HOV lanes will be closed during night and weekend hours to allow unhindered access for construction activities. Only general purpose lanes will be open during those periods. There is concern that this will aggravate the extensive weekend traffic backups currently seen in the summer and around holidays.
2. **Potential noise impacts on residential neighborhoods adjacent to I-95.** The Board would like to ensure that vested, but not constructed subdivisions are protected as well.
3. **Impacts of the Telegraph Road Bridge Closure.** The Telegraph Road Bridge is expected to be closed for a total of nine months during the construction period. Stafford County and Marine Corps Base Quantico have expressed concerns about meeting emergency response times due to limited access issues. There are also concerns that the bridge is not being designed or constructed for potential future expansion from two lanes to four lanes.
4. **Public Safety Vehicle Access to HOT Lanes.** The Board would like for VDOT to consider the number and location of the access points to the HOT Lanes when complete and the impact this could have on emergency response times.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that it be and hereby does fully support the HOT/HOV Lanes project and recommends to VDOT that the above concerns be considered before and during construction; and

BE IT FURTHER RESOLVED that the County Administrator or his designee provides a copy of this resolution to the VDOT HOV/HOT Lanes project manager.

Item 13. Public Works; Authorize Installation of a Multi-Way-Stop at the Intersection of Lakeview Drive (SR-1728) and Boundary Drive (SR-1730) in the Lake Arrowhead Community

Resolution R11-295 reads as follows:

A RESOLUTION TO INSTALL A MULTI-WAY-STOP AT THE INTERSECTION OF LAKEVIEW DRIVE (SR-1728) AND BOUNDARY DRIVE (SR-1730) IN THE LAKE ARROWHEAD COMMUNITY

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

WHEREAS, the Lake Arrowhead Community has requested the installation of multi-way stop sign at the intersection of Lakeview Drive and Boundary Drive; and

WHEREAS, the proposed location meets all of the required criteria for installation of a multi-way stop sign, based on the current Residential Transportation Management Plan, Multi-Way-Stop Program; and

WHEREAS, on September 28, 2011, the Virginia Department of Transportation (VDOT) confirmed approval of the proposed location for installation of a Multi-Way-Stop;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November , 2011, that the Board be and it hereby does approve the installation of a Multi-Way-Stop condition at the intersections of Lakeview Drive (SR-1728) and Boundary Drive (SR-1730) in the Lake Arrowhead Community; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the VDOT Fredericksburg District.

Item 14. Public Works; Authorize a Public Hearing to Amend and Reordain Stafford County Code, Section 15-56, Entitled “Designation of Restricted Parking Areas” to Establish a Restricted Parking Area in Autumn Ridge Subdivision

Resolution R11-309 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS" TO ESTABLISH A RESTRICTED PARKING AREA IN THE AUTUMN RIDGE SUBDIVISION

WHEREAS, Section 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorizes the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, on June 15, 2010, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, the Autumn Ridge Community Association approved a resolution, dated December 1, 2010, requesting the establishment of a restricted parking area within the Autumn Ridge Subdivision and the resolution satisfies the requirements of Stafford County Code, Section 15-56; and

WHEREAS, the Autumn Ridge Community Association resolution requests that the following streets be designated as a restricted parking area:

- (A) Blue Spruce Circle
- (B) Burningbush Court
- (C) Cottonwood Court
- (D) Fireberry Boulevard
- (E) Gray Birch Lane
- (F) Jaymar Court
- (G) Krismatt Court
- (H) Live Oak Lane
- (I) Lotus Lane
- (J) Mountain Ash Court
- (K) Pin Oak Court
- (L) Red Cedar Court
- (M) Redbud Circle
- (N) River Oak Drive
- (O) Sassafras Lane
- (P) Scarlet Oak Circle
- (Q) September Lane
- (R) Silverthorn Court
- (S) Swedish Elm Circle
- (T) Wild Plum Court

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board desires to consider public comments concerning the proposed restricted parking area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider designating a restricted parking area within the Autumn Ridge Subdivision.

Item 15. Public Works; Authorize the County Administrator to Sign an Agreement for Street Acceptance Over the Stormwater Dam in the Seasons Landing Subdivision, Snow Drive, Section 2

Resolution R11-310 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF A ROAD (SNOW DRIVE) OVER A DAM IN THE SEASONS LANDING SUBDIVISION, SECTION TWO

WHEREAS, the County approved plans for a subdivision that is shown on a plat entitled, "Plat of Vacation, Consolidation & Subdivision, Seasons Landing, Section Two, Aquia District, Stafford County, Virginia," which was recorded on April 11, 2008, as PM080000070, in the Stafford County Circuit Court Clerk's Office; and

WHEREAS, said plat shows areas and easements dedicated to the public, including areas for the construction of a dam ("dam") that, from time-to-time, will retain a body of water referred to as a perennial stream, and over which a road named Snow Drive ("the roadway") has been constructed on land previously dedicated in fee simple to the County for public street purposes; and

WHEREAS, the County will petition the Virginia Department of Transportation (VDOT) to maintain the roadway crossing the dam as a part of the Secondary System of State Highways; and

WHEREAS, in consideration of the County's request that VDOT maintain the roadway over the dam as part of the Secondary System of State Highways, the County and VDOT agree to the following:

- In consideration of the County's request that the roadway over the dam be maintained as a part of the Secondary System of State Highways; and
- In consideration of VDOT's acceptance of responsibility to maintain the roadway facility (as defined herein) over the dam;
- The parties hereto agree as follows:
 1. The roadway facility constructed over the dam is defined as the pavement base and surface courses, the shoulders, the roadway drainage facilities and the guardrails.
 2. The County agrees that:

- a. VDOT will have all rights necessary to maintain the roadway, including access to the dam and surrounding areas on property owned by the County and easements held by the County.
 - b. VDOT has no obligation to maintain, repair or replace the dam, and no liability for damages resulting from the dam or its failure and agrees it will not seek indemnification or contribution from VDOT to correct any damages arising from improper maintenance or construction of the dam.
 - c. The expenditure of State funds to maintain the roadway shall not obligate the State to maintain or reconstruct the dam or to correct any damages caused by the dam or its failure.
 - d. To notify VDOT's District Administrator of any detrimental condition associated with the dam reported to the County by any source, and of the plans, schedule and parties responsible for correcting of the condition.
 - e. All work to the dam will be conducted in a manner that minimizes interference with the flow of traffic and the rights of VDOT.
3. The County acknowledges that it, and not the Commonwealth, approved the roadway to be established across the dam pursuant to § 33.1-229, Code of Virginia, 1950, as amended. Agrees that by accepting maintenance of said roadway VDOT is not an occupier of the dam, as defined pursuant to § 33.1-176, Code of Virginia, 1950, as amended, nor by its maintenance activity does it obligate the State in any way, except as may be a result of its own negligence.
4. The County certifies that:
- a. It has reviewed and accepted the plans and specifications for the dam, including appurtenances, and that the design conforms to prevailing engineering principles applicable to the design of dam.
 - b. The construction of the dam and the appurtenances attached thereto has been inspected by or for the County and the construction fully complies with the approved plans and specifications.
 - c. The properties on both sides of the dam have access to publicly maintained systems of roads without having to cross the dam and that, in the event the road over the dam is not passable, a temporary means of access to public roads is not necessary.
5. VDOT agrees that:
- a. The County shall have access to the roadway to maintain, repair, or replace the dam, subject to reasonable notice to the District Administrator.
 - b. Its responsibility to maintain the roadway will become effective on the date the roadway is accepted for maintenance as part of the Secondary System of State Highways.

6. The parties hereto acknowledge that the Commonwealth Transportation Commissioner, in his sole opinion and determination, may temporarily suspend maintenance of the roadway over the dam if the condition of the dam threatens the integrity of the roadway or the ordinary and regular travel over the roadway, or in the event that maintenance and repair of the roadway becomes impractical. The Commissioner shall resume maintenance of the roadway at such time as the reasons for the suspension are resolved unless permanently discontinued pursuant to § 33.1-150, Code of Virginia, 1950, as amended, or abandoned as a public way pursuant to §§ 33.1-151, 33.1-155, or other applicable authority.

The parties hereto acknowledge that the Commonwealth Transportation Commissioner may close the road over the dam as the Commissioner deems necessary for the safety of the traveling public or for proper completion of work, pursuant to § 33.1-193, Code of Virginia, 1950, as amended;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that the Stafford County Administrator is authorized to enter into an agreement with the Virginia Department of Transportation, which outlines the responsibilities for maintenance of a road (Snow Drive) over a dam, as stipulated herein.

Item 16. Legislative; Amend the Board’s Calendar to Cancel the November 29, 2011 Meeting of the Board of Supervisor’s

Resolution R11-311 reads as follows:

A RESOLUTION TO CANCEL THE BOARD OF SUPERVISORS
MEETING SCHEDULED FOR NOVEMBER 29, 2011

WHEREAS, in Resolution R11-07, the Board established its regular meeting schedule for 2011; and

WHEREAS, it is now the desire of the Board to cancel its regular meeting scheduled for November 29, 2011, in accordance with Virginia Code Section 15.2-1416;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that the regularly scheduled meeting on November 29, 2011, be and it hereby is cancelled.

Item 17. Legislative; Authorize Appointment of the Zoning Administrator

Resolution R11-303 reads as follows:

A RESOLUTION TO APPOINT A ZONING ADMINISTRATOR

WHEREAS, Section 15.2-2286(A)(4) of the Code of Virginia permits, and Stafford County Code, Section 28-295, requires, that the County shall appoint or designate a Zoning Administrator; and

WHEREAS, former Zoning Administrator, Rachel T. Hudson, retired in July, 2011; and

WHEREAS, Andrea K. Hornung was designated as interim Zoning Administrator until such time that a suitable replacement was found; and

WHEREAS, following a nation-wide search by the County and Springsted Incorporated, the Board believes that Susan W. Blackburn is the most-qualified candidate to be appointed as Zoning Administrator;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that the Board be and it hereby does appoint Susan W. Blackburn as the Zoning Administrator for Stafford County; and

BE IT FURTHER RESOLVED, Ms. Blackburn's appointment as Zoning Administrator shall become effective upon the first day of her employment.

Item 18. Parks, Recreation and Community Facilities; Authorize the County Administrator to Establish a Non-County Facility Rental Fee and Establish a Reduced Winter Time Facility Rental Fee for County Residents at Smith Lake Synthetic Turf Fields

Resolution R11-316 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ESTABLISH A NON-COUNTY FACILITY RENTAL FEE, AND ESTABLISH A REDUCED WINTER FACILITY RENTAL FEE FOR COUNTY RESIDENTS AT SMITH LAKE SYNTHETIC TURF FIELDS

WHEREAS, facility rental fees are considered to represent a fair and equitable method to finance the cost of park and building operations; and

WHEREAS, staff reviewed the current fees which were instituted in 2009, and now recommends that changes in rental fees at Smith Lake Park synthetic turf fields be considered at this time; and

WHEREAS, the Parks and Recreation Advisory Commission endorsed the recommended fee changes as detailed below;

| | Stafford | Non-County | Commercial |
|--|----------------|-----------------|------------|
| Synthetic Turf Field | \$70/hr | \$140/hr | \$210/hr |
| Synthetic Turf Field with lights | \$100/hr | \$200/hr | \$300/hr |
| Smith Lake Turf Field w/o lights Winter Rental (Dec-Feb) <i>Stafford Residents/Groups Only</i> | \$35/hr | | |
| Smith Lake Turf Field with lights Winter Rental (Dec-Feb) <i>Stafford Residents/Groups Only</i> | \$65/hr | | |

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that the County Administrator be and he hereby is authorized to implement the proposed Parks and Recreation fees.

Item 8. Public Works; Authorize Construction of the Community Development Services Center

Following discussion, Ms. Stimpson motioned, seconded by Dr. Crisp, to adopt proposed Resolution R11-312.

The Voting Board tally was:

Yea: (7) Stimpson, Crisp, Sterling, Milde, Dudenhefer, Snellings, Woodson
Nay: (0)

Resolution R11-312 reads as follows:

A RESOLUTION TO AUTHORIZE USE OF FY2010 CARRY- OVER FUNDS FROM THE DEPARTMENTS OF PUBLIC WORKS AND PLANNING AND ZONING FOR CONSTRUCTION OF A COMMUNITY DEVELOPMENT SERVICE CENTER

WHEREAS, the Board desires more efficient permit procurement processes for the citizens and businesses within the County; and

WHEREAS, plans are complete for changes to the physical space used for planning and permitting to improve the efficiency of the processes; and

WHEREAS, FY2010 carry-over funds from the departments of Public Works and Planning and Zoning are available for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that the County Administrator be and he hereby is authorized to use carry-over funds in the amount of Four Hundred

Thousand Dollars (\$400,000) from the FY2010 Adopted Budget, for the construction of a Community Development Service Center; and

NOW, BE IT FURTHER RESOLVED that the County Administrator is authorized to budget and appropriate funds in amount of Four Hundred Thousand Dollars (\$400,000) from the General Fund Prior Year Fund Balance to the Capital Project Fund for the Permit Center; and

NOW, BE IT STILL FURTHER RESOLVED that the County Administrator be authorized to execute contracts necessary for the construction of the Community Development Service Center.

Item 12. Finance and Budget; Stafford County's Response to the Governor's Task Force for Local Government Mandate Review

Following discussion, Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R11-306 with the following changes: Public Education: Strike "delete" and insert "fund"; Environmental Protection: Strike "delete" and insert "assume"; Tax Relief: The last sentence should read "The County requests that the Commonwealth provide the cost of this tax credit."

The Voting Board tally was:

Yea: (6) Sterling, Milde, Crisp, Dudenhefer, Snellings, Stimpson

Nay: (1) Woodson

Resolution R11-306 reads as follows:

A RESOLUTION TO RECOMMEND ELIMINATION OR MODIFICATION OF MANDATES TO THE GOVERNOR'S TASK FORCE FOR LOCAL GOVERNMENT MANDATE REVIEW

WHEREAS, SB 1452, passed by the General Assembly during the 2011 session, provides that the Commission on Local Government shall assist a five-member task force, to be appointed by the Governor, to review state mandates imposed on localities, and to recommend temporary suspension or permanent repeal of such mandates; and

WHEREAS, the Governor appointed the Task Force, which requested input from localities; and

WHEREAS, the Governor stated that "Reforming government to make it more efficient and less burdensome is an ongoing priority"; and

WHEREAS, § 2.2-113 provides the Governor with authority to temporarily suspend state mandates on localities “upon a finding by the locality that it faces fiscal stress and the suspension of the mandate or portion thereof would help alleviate the fiscal hardship”; and

WHEREAS, the Board concurs with and wishes to support the Governor in his efforts to reform state government to make it more efficient and less burdensome; and

WHEREAS, in many cases the Board supports the mandated programs, but takes issue with the state’s placing of the related financial burden on the locality; and

WHEREAS, in some cases, as identified below, the Board wishes the state to reevaluate the mandate entirely;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that it be and hereby does request that the Governor’s Task Force for Local Government Mandate Review examine and consider the following mandates and burdens on Stafford County and other localities in the Commonwealth:

Aid to Localities

- Reverse the \$120 million biennial reduction in aid to localities.

Auditor of Public Accounts

- End localities having to complete a “third iteration” of year-end financials. Generally Accepted Accounting Principles (GAAP) requires two different versions of the County’s financials for the CAFR. The Auditor of Public Accounts (APA) requires a third format. CAFRs and the Cost Comparative Reports are sent to the APA by November 30th each year. This is burdensome and is not cost effective.

Comprehensive Services Act

- Make the Comprehensive Services Act (CSA) program subject to the Virginia Administrative Process Act. Local governments pay more than 80 percent of the administrative costs of this “shared” program. The state share of administrative costs has not been increased in more than a decade. At the same time, the administrative burdens on local governments have increased in data collection and reporting requirements.
- Return local CSA service rates to the FY06 level. The Commonwealth increased mandatory local participation percentages for the provision of services funded through the Comprehensive Services Act. Mandates increasing local rates for residential and foster-care related services should be abolished and returned to the FY06 level.

- Increase state match for certain youth programs in CSA. Local governments pay a healthy portion of the state's Medicaid match for certain youth in this program. The portion paid by local governments has increased over the life of this program, which began in the early 1990s. The state pays the Medicaid match for other service areas and should do so for this program.
- Establish financial incentives for local governments that foster regional contracting for services. Local governments who participate in regional contracts should provide local matching funds at the lowest rate of the participating local governments.

Constitutional Officers

- Fund fully the state's financial obligations for its mandated constitutional officers. A full fiscal and program analysis should determine state and local responsibilities and whether state funding responsibilities are sufficient. Additionally, the study should examine jail issues including staffing, funding, construction, per diems, operational costs, and employee benefits.

Court Funding

- Increase or retain current level of funding for courts. The APA recently completed a study of the allocation of fines between state and local governments, with the implication that the General Assembly would consider changes that would return a higher portion of fines to the state. In 2009, the Joint Legislative Audit and Review Committee (JLARC) completed a study that found that localities spent at least \$10.6 million more to operate courts than they received in fee and fine revenue.

Courthouse Construction

- Remove the mandate for localities to build and maintain court facilities. State law requires localities to assume the mandated cost to construct and maintain court facilities. If, in the sole opinion of the local circuit court, localities do not meet those requirements, the court can order the locality to build a new courthouse without regard to the fiscal condition of the local government. While this mandate has been temporarily suspended by the General Assembly, it remains a threat of significant unplanned expenditures to all cities and counties.

Depositing Requirements for State Funds & Estimated Tax Payments

- The Code of Virginia requires the reporting and submitting of funds daily, which is a cumbersome administrative process. Allowing weekly (or possibly monthly) reporting and depositing of state monies would free up employee time that could be shifted to other priorities.

Election Administration

- Increase state funding for the local election administration. The state budget contains \$13.8 million in FY11 and \$12.8 million in FY12 for election administration. Of that amount, \$5.8 million a year is designated for electoral services, primarily to pay a portion of salaries for general registrars, and for the salaries and limited expenses for local electoral boards. Localities, however, spent \$40.8 million on election administration in FY09. Thus, localities pay the tab for not only local elections, but also primaries, and state and federal elections.

Environmental Protection

- Increase funding for Chesapeake Bay clean-up. Virginia local governments face an estimated cost of more than \$7 billion to comply with the Watershed Implementation Plan under the Chesapeake Bay total maximum daily load (TMDL). Localities need additional state and federal funds.
- Assume monitoring requirements in the Chesapeake Bay Preservation Act.
- Local governments subject to the Chesapeake Bay Preservation Act are required to devote staff resources to monitor the five-year septic tank pump out provision of the Act. This should be the job of the Virginia Department of Health since it currently has the records and personnel already in place to monitor this requirement.
- Local governments subject to the Chesapeake Bay Preservation Act are required to review soil and water runoff control and water quality assessments prepared by all agricultural operations within their jurisdiction, and to take enforcement action when necessary. This function should appropriately be the responsibility of either the Virginia Department of Conservation and Recreation or the Virginia Department of Agriculture.
- Modify or eliminate the requirement that 28% of revenue generated by stormwater fees collected within a locality be remitted to the state (Section 4VAC50-60-780 B). The fee schedule in Section 4VAC50-60-810-830 is inadequate to fund local stormwater programs, let alone give 28% of the revenue collected back to the State. The fee schedule will take effect when the County adopts a stormwater program in accordance with the new Virginia Stormwater Regulations, no later than July 1, 2014.

Line of Duty Act

- Delete local funding requirement for Line of Duty Act benefit. The 2010 General Assembly included budget language transitioning the Line of Duty Act benefit in FY12 from a fully state-funded program to one paid by local governments and state agencies.

Public Education

- Review the Standards of Learning, the Standards of Accreditation and other administrative regulations to bring them into sync with the current Standards of Quality. If the state cannot afford its standards, then it needs to develop standards that it can afford instead of simply passing those costs onto local governments. Fully fund re-benchmarking.
- Fund state educational mandates that exceed federal requirements:
 1. Currently, the state mandates that all students in grades 3-8 be tested in not only reading and math, but also in social studies and history, and that students in high school take additional end of course tests. The federal No Child Left Behind (NCLB) law only requires students be tested in reading, math, and science once while in elementary, middle and high school.
 2. Virginia exceeds the federal requirements under the Individuals with Disabilities Education Act (IDEA), in over 175 areas. When Virginia's regulations exceed the federal requirements, those regulations impose significant additional costs on the state and, most importantly, local governments.

Public Safety

- Increase state funding for state prisoners housed in local jails. Since 2008, the state has closed eight adult correctional facilities and one juvenile facility. More than 3,000 prison beds, or about a tenth of the state capacity, have been eliminated. The state lowered the per diem payment for state-responsible prisoners held in local jails. The state also redefined the legal definition for state-responsible inmates so that in the future, state funding will decrease even further.

Social Services

- Increase State funding for the cost of staff and operations for benefit programs and service programs within Local Departments of Social Services (DSS.) Local DSS continue to absorb significant increases in caseloads and work demands without any increase in state administrative funding.
- Fund the requirement for Local DSS to assist applicants for Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), and/or Medicaid with registering to vote. This is not a core function of social services and given DSS' significant caseload, it adds unnecessarily to the time spent with each applicant.
- Simplify the funding process. The monthly reimbursement submission process is cumbersome and time-consuming. An annual allocation formula (with revisions as necessary) could remove some of the administrative burden.
- Simplify the funding process, part 2. DSS must issue a check for every expenditure submitted for reimbursement. Several activities (phones-multiple

bills, fuel, fleet services, etc.) cause Finance, Social Services, and the Treasurer to handle the transactions several times.

Tax Relief

- Real Property Tax Exemption for Disabled Veterans provides 100% exemption for disabled veterans without regard for the value of the property or the economic need of the veteran, and without any consideration of the effect on the locality. The County requests that the exemption be subject to some income or property value limitations. The County requests that the Commonwealth provide the cost of this tax credit.

Unclaimed Property

- Localities are required to identify, collect, and return property that has been held for specified dormancy periods to rightful owners. Localities holding property for more than one year for owners who cannot be located are required to report and remit all such property each year. This is a time consuming task, and generally results in the County remitting a relatively low dollar value. The County requests that there be a threshold amount (suggestion: \$25) below which this would not apply. This action would eliminate a burdensome administrative task.

Item 25. Public Works; Request VDOT to Transfer Revenue Sharing Funds to Extend the Improvements to Poplar Road

Mr. Snellings motioned, seconded by Mr. Sterling, to adopt proposed Resolution R11-322.

The Voting Board tally was:

Yea: (7) Snellings, Sterling, Crisp, Milde, Dudenhefer, Stimpson, Woodson

Nay: (0)

Resolution R11-322 reads as follows:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO TRANSFER REVENUE SHARING FUNDS TO EXTEND THE IMPROVEMENTS TO POPLAR ROAD NEAR WARRENTON ROAD APPROXIMATELY 2,500 FEET NORTH OF THE INTERSECTION WITH TRUSLOW ROAD

WHEREAS, the County is currently completing the design and right-of-way acquisition of Poplar Road between Warrenton Road and 1000 feet north of Truslow Road; and

WHEREAS, there are concerns that a section of Poplar Road that includes a dangerous curve in need of improvement immediately north of the project limits and extending for approximately 1,500 feet; and

WHEREAS, it is estimated that correction of the safety problems at this location will require approximately \$2,000,000; and

WHEREAS, the County has also initiated design efforts to complete safety improvements to a one-half mile section of Poplar Road (UPC # 94827) between Kellogg Mill Road and Shackelford Well Road; and

WHEREAS, this project is funded by \$1,000,000 in Revenue Sharing Funds provided by the state and \$1,100,000 in Transportation Fund revenue; and

WHEREAS, the Board desires to apply this funding towards completion of road improvements on Poplar Road north of Truslow Road; and

WHEREAS, a Board resolution must be forwarded to the Virginia Department of Transportation (VDOT) requesting these funds be transferred to a different project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that VDOT be and hereby is requested to transfer the unexpended balance of \$1,000,000 in previously allocated prior year Revenue Sharing Funds from Poplar Road between Kellogg Mill Road and Shackelford Well Road (UPC # 94827) to the Poplar Road project north of the intersection with Truslow Road; and

BE IT FURTHER RESOLVED that this project be administered by Stafford County as a Locally Administered Project; and

BE IT FURTHER RESOLVED the County Administrator is authorized to sign all documents necessary for Stafford County to administer this project; and

BE IT STILL FURTHER RESOLVED that the VDOT District Administrator receives a certified copy of this resolution.

Legislative; Establish Priority Legislative Initiatives for the 2012 Virginia General Assembly Ms. Stimpson introduced Mr. Ken Hutchinson, Legislative Consultant with Williams and Mullins. Mr. Hutchinson spoke about the Board's legislative priorities, stating that the County is well positioned to be heard and have their priorities acted upon.

Ms. Stimpson motioned, seconded by Mr. Sterling to adopt proposed Resolution R11-308.

The Voting Board tally was:

Yea: (7) Stimpson, Sterling, Crisp, Dudenhefer, Milde, Snellings, Woodson

Nay: (0)

Resolution R11-308 reads as follows:

A RESOLUTION TO ESTABLISH PRIORITY LEGISLATIVE INITIATIVES
FOR THE 2012 VIRGINIA GENERAL ASSEMBLY

WHEREAS, the Board seeks enabling legislation and amendments to the Code of Virginia to accomplish Stafford County’s legislative initiatives for the 2012 Virginia General Assembly; and

WHEREAS, the Board recognizes the Commonwealth and its local governments are partners in providing many services to our citizens; and

WHEREAS, the Board opposes efforts to reduce the authority or flexibility of local governments to govern its citizens, or to shift responsibility for shared services to localities alone; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that the members of the General Assembly representing Stafford County be and they hereby are requested to introduce and support the following priority initiatives:

1. **URBAN DEVELOPMENT AREAS.** Amendments to the Code of Virginia to assist localities in implementing Urban Development Areas (UDAs) within the Comprehensive Plan as required by Virginia Code Section 15.2-2223.1 to include all (or some) of the following:
 - a. Increase the 130,000 population threshold.
 - b. Specify that the UDA shall only accommodate the projected future growth beyond what may be developed by right.
 - c. Change the 10 year growth mandate to 5 years.
2. **BY-RIGHT TRANSPORTATION IMPACT FEES.** Seek the authority to levy transportation impact fees to help pay the public costs for by-right development.
3. **FOIA CHANGES.** Allow local and regional public bodies to conduct electronic meetings under the same provisions as state public bodies.
4. **SUNSET ON PROFFER PAYMENT DEADLINE.** An amendment to Virginia Code Section 15.2-2303.1:1 to provide that cash proffers made as part of a rezoning request may be collected at the building permit stage of the development process, instead of at issuance of the occupancy permit.

5. **DEVELOPER SECURITIES FOR SUBDIVISION STREETS.** Enable legislation to provide the local governing body the authority to:
 - a. Grant authority to withhold reduction of the original street security amount until such time as the street is accepted into the VDOT system for maintenance; and
 - b. Withhold acceptance of securities or plat approvals if the developer or any partners are in default of street completions in another development in the County, even if under a different corporation or partnership; and
 - c. Grant authority to withhold building permits or occupancy permits until a street is accepted into the VDOT system for maintenance.

6. **PERSONAL PROPERTY TAX EXEMPTIONS.** Provide personal property tax exemptions for volunteer deputies, similar to the current exemption provided for volunteer fire and rescue personnel; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Board of Supervisors will also work to follow other important legislation including eminent domain, Virginia Retirement System changes, Comprehensive Services Act changes, water quality legislation, and other matters that may adversely or positively impact Stafford County, its residents and businesses.

Planning and Zoning; Discuss Warrenton Road (Rt. 17) Widening Property Impacts Mr. Jeff Harvey, Director of Planning and Zoning, gave an update to the Board and answered Board members questions. Following discussion, this item was referred to the Community and Economic Development Committee.

Stafford County/Quantico Science and Technology Center Update Ms. Stimpson motioned, seconded by Dr. Crisp, to adopt proposed Resolution R11-315, in an amount up to \$300,000. Mr. Snellings asked where the funds were coming from and Ms. Stimpson replied that they were available in the Opportunities Fund.

The Voting Board tally was:

Yea: (7) Stimpson, Crisp, Sterling, Milde, Dudenhefer, Snellings, Woodson
Nay: (0)

Resolution R11-315 reads as follows:

A RESOLUTION TO SUPPORT ADVANCEMENT OF STAFFORD COUNTY
RESEARCH AND TECHNOLOGY PARK INITIATIVE

WHEREAS, the Stafford County Board of Supervisors, in cooperation with the Parties to the Memorandum of Understanding executed on October 28, 2010 to explore the development of a technology and research center; and

WHEREAS, the parties continue to evaluate and define the business and academic opportunities needed to support both public and private sector activities operating or seeking to operate in Stafford County; and

WHEREAS, Stafford County wishes to ensure advancement of the research and technology park initiative by offering financial assistance to move the effort forward; and

WHEREAS, the funding provided will be used for the acquisition and build-out of leased space in the northern area of Stafford County, for establishment and operation of an academic presence by Summer 2012, and support initial marketing and/or branding of the park that is deemed necessary to advance the concept; and

WHEREAS, funding is available through the Stafford County Opportunity Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that it be and hereby authorizes the County Administrator to budget and appropriate funds up to \$300,000 from the Stafford Opportunity Fund and to execute contracts for purposes of accomplishing these goals, and advancing the Stafford technology and research park initiative.

Utilities; Adoption of a Water Supply Plan Mr. Anthony Romanello gave an update and answered Board members questions. Dr. Crisp asked Utilities Director, Harry Critzer, to explain the difference in population projections used as the basis for water consumption.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R11-224.

The Voting Board tally was:

Yea: (7) Milde, Sterling, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Resolution R11-224 reads as follows:

A RESOLUTION ADOPTING A WATER SUPPLY PLAN FOR STAFFORD COUNTY

WHEREAS, the Local and Regional Water Supply Planning Regulations (9 VAC 25-780-10 *et seq.*) require that all counties, cities, and towns in Virginia submit a local water supply plan, or participate in a regional planning unit in the submittal of a regional water supply plan, to the State Water Control Board; and

WHEREAS, a Water Supply Plan meeting this requirement has been developed and presented to the Board for consideration; and

WHEREAS, the Board has conducted a public hearing to receive comments concerning the Water Supply Plan; and

WHEREAS, the Board has carefully considered the merits of the Water Supply Plan, recommendations of staff, and testimony at the public hearing; and

WHEREAS, the Board finds that adopting the Water Supply Plan promotes the health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that it be and hereby does adopt a Water Supply Plan for Stafford County; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall submit a copy of the County's Water Supply Plan to the State Water Control Board through the Department of Environmental Quality (DEQ).

Recess At 5:11 p.m., the Chairman declared a recess until 7:00 p.m.

Call to Order At 7:03 p.m., the Chairman called the meeting back to order.

Invocation Mr. Dudenhefer gave the Invocation.

Pledge of Allegiance Boy Scout Troop 516 and Cub Scout Pack 94 led the Pledge of Allegiance.

Legislative; Presentations by the Public

The following persons desired to speak:

Paul Waldowski - Commuter Parking/Stormwater Management/Dumpsters

Dr. Crisp arrived at 7:10 p.m.

Presentation of a Proclamation to Kenneth Mitchell Mr. Milde made the presentation.

Public Works; Consider Condemnation and Exercise of Quick-Take Powers to Acquire Permanent Right-of-Way, Utility Easements and Temporary Construction Easements for the Poplar Road Improvement Project Mr. Keith Dayton, Acting Deputy County Administrator, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Fred Henshaw

Peter Sun

John Buyers (PPT)

Ashley Buyers

Frances Buyers

Lisa Huntzinger

Alex McCallister

David Tanks

Matthew Drebing

Warren Lane

Paul Waldowski

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Sterling, to adopt proposed Resolution R11-251.

Mr. Milde asked Mr. Dayton if negotiations would continue with the property owners and Mr. Dayton said that they would. Mr. Milde also stressed that he would like to see staff work on an equitable agreement for replacement of Mr. Sun's trees.

The Voting Board tally was:

Yea: (7) Snellings, Sterling, Crisp, Dudenhefer, Milde, Stimpson, Woodson

Nay: (0)

Resolution R11-251 reads as follows:

A RESOLUTION TO AUTHORIZE THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE PERMANENT RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT ON A PORTION OF THE PROPERTY OF PETER T. SUN AND NANCY L. WANG, TAX MAP PARCEL 35-86D, IN CONNECTION WITH THE POPLAR ROAD IMPROVEMENT PROJECT

WHEREAS, the Board identified the completion of road improvements in the vicinity of Warrenton Road (U. S. Route 17) and Poplar Road (State Route 616) as a critical part of Stafford County’s road improvement plan; and

WHEREAS, these improvements are recommended in the 2003 Transportation Plan Update, included as part of the Impact Fee Analysis, and financed by fees collected from the Central West Impact Fee District; and

WHEREAS, the Board approved the acquisition of the properties necessary for the completion of the road improvements and County staff is in the process of acquiring the necessary portions of property for right-of-way and easements; and

WHEREAS, the Board has determined that staff has been unable to obtain certain rights-of-way, utility easements, and temporary construction easements necessary for the completion of the project; and

WHEREAS, Tax Map Parcel 35-86D consists of approximately 5.776 acres of land owned by Peter T. Sun and Nancy L. Wang (“the Property Owners”); and

WHEREAS, the Board must acquire the right-of-way and easement on the Property because the design of the road improvements requires 0.044 acres of permanent right-of-way and 0.231 acres for a temporary construction easement for grading and drainage on Tax Map Parcel 35-86D (“the Property”); and

WHEREAS, the fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Three Thousand, Four Hundred Dollars (\$3,400), based upon the 2011 tax assessed value; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide but ineffectual effort to purchase the affected areas of the Property by offering said determination of value on behalf of the County to the Property Owners; and

WHEREAS, the County has made a further bona fide but ineffectual effort to purchase by the affected areas of the Property by offering Five Thousand Dollars (\$5,000) to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon and the County’s consulting negotiator has been unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C), to determine the necessity for condemnation and the use of the County’s quick-take powers and has carefully considered the recommendations of staff and the public testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its quick-take powers to enter and take the above-referenced 0.044 acres of permanent right-of-way and 0.231 acres for a temporary construction easement on Tax Map Parcel 35-86D;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011 that the Board be and it hereby does find that public necessity exists for the Board's ownership of the permanent right-of-way and temporary construction easement on the Property to complete construction and begin operation of the Poplar Road improvements between Warrenton Road and Truslow Road; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Three Thousand Four Hundred Dollars (\$3,400) as just compensation for the permanent right-of-way and temporary construction easement, including damages, if any, to the remainder of the Property, that the Board and the Property Owners cannot agree on compensation to be paid or on other terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board determines it is necessary to do so and hereby declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire the permanent right-of-way and temporary construction easement for construction and operation of the Poplar Road improvements between Warrenton Road and Truslow Road, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Stafford County Board of Supervisors does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Director of Finance and Budget, or their designees, to sign the Certificate and to deposit Three Thousand Four Hundred Dollars (\$3,400), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the permanent right-of-way and temporary construction easement in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Mr. Snellings motioned, seconded by Mr. Milde to adopt proposed Resolution R11-252.

The Voting Board tally was:

Yea: (7) Snellings, Milde, Crisp, Dudenhefer, Sterling, Stimpson, Woodson

Nay: (0)

Resolution R11-252 reads as follows:

A RESOLUTION TO AUTHORIZE THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE PERMANENT

RIGHT-OF-WAY, A UTILITY EASEMENT, AND A TEMPORARY CONSTRUCTION EASEMENT ON A PORTION OF THE PROPERTY OF JOHN W. AND FRANCES A. BUYERS, TAX MAP PARCEL 36E-2, IN CONNECTION WITH THE POPLAR ROAD IMPROVEMENT PROJECT

WHEREAS, the Board identified the completion of road improvements in the vicinity of Warrenton Road (U. S. Route 17) and Poplar Road (State Route 616) as a critical part of Stafford County's road improvement plan; and

WHEREAS, these improvements are recommended in the 2003 Transportation Plan Update, included as part of the Impact Fee Analysis, and financed by fees collected from the Central West Impact Fee District; and

WHEREAS, the Board approved the acquisition of the properties necessary for the completion of the road improvements and County staff is in the process of acquiring the necessary portions of property for right-of-way and easements; and

WHEREAS, the Board has determined that staff has been unable to obtain certain rights-of-way, utility easements, and temporary construction easements necessary for the completion of the project; and

WHEREAS, Tax Map Parcel 36E-2 consists of approximately 3.00 acres of land owned by John W. and Frances A. Buyers ("the Property Owners"); and

WHEREAS, the Board must acquire right-of-way and easements on Tax Map Parcel 36E-2 ("the Property") because the design of the road improvements requires 0.5025 acres of permanent right-of-way, 0.1521 acres for a utility easement, and 0.0844 acres for a temporary construction easement for grading and drainage on Tax Map Parcel 36E-2; and

WHEREAS, the fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Twenty-five Thousand Three Hundred Dollars (\$25,300), based upon the 2011 tax assessed value; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide but ineffectual effort to purchase the affected areas of the Property by offering said determination of value on behalf of the County to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon and the County's consulting negotiator has been unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C), to determine the necessity for condemnation and the use of the County's quick-take powers and has carefully considered the recommendations of staff and the public testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its quick-take powers to enter and take the above-referenced 0.5025 acres of permanent right-of-way, 0.1521 acres for a utility easement, and 0.0844 acres for a temporary construction easement on Tax Map Parcel 36E-2;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011 that the Board be and it hereby does find that public necessity exists for the Board's ownership of the permanent right-of-way, utility easement, and temporary construction easement on the Property to complete construction and begin operation of the Poplar Road improvements between Warrenton Road and Truslow Road; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Twenty-five Thousand Three Hundred Dollars (\$25,300) as just compensation for the permanent right-of-way, utility easement, and temporary construction easement, including damages, if any, to the remainder of the Property, that the Board and the Property Owners cannot agree on compensation to be paid or on other terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board determines that it is necessary to do so and hereby declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire the permanent right-of-way, utility easement, and temporary construction easement for construction and operation of the Poplar Road improvements between Warrenton Road and Truslow Road, under the provisions of Virginia Code, §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Stafford County Board of Supervisors does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Director of Finance and Budget, or their designees, to sign the Certificate and to deposit Twenty-five Thousand Three Hundred Dollars (\$25,300), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the permanent right-of-way, utility easement, and temporary construction easement in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Resolution R11-253.

The Voting Board tally was:

Yea: (7) Snellings, Milde, Crisp, Dudenhefer, Sterling, Stimpson, Woodson
Nay: (0)

Resolution R11-253 reads as follows:

A RESOLUTION TO AUTHORIZE THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE PERMANENT RIGHT-OF-WAY AND EASEMENTS ON A PORTION OF THE PROPERTY OF EASTERN VIRGINIA LAND COMPANY, INC., TAX MAP PARCELS 36E-1, 36F-1, AND 36F-2, IN CONNECTION WITH THE POPLAR ROAD IMPROVEMENT PROJECT

WHEREAS, the Board identified the completion of road improvements in the vicinity of Warrenton Road (U. S. Route 17) and Poplar Road (State Route 616) as a critical part of Stafford County’s road improvement plan; and

WHEREAS, these improvements are recommended in the 2003 Transportation Plan Update, included as part of the Impact Fee Analysis, and financed by fees collected from the Central West Impact Fee District; and

WHEREAS, the Board approved the acquisition of the properties necessary for the completion of the road improvements and County staff is in the process of acquiring the necessary portions of property for right-of-way and easements; and

WHEREAS, the Board has determined that staff has been unable to obtain certain rights-of-way, utility easements, and temporary construction easements necessary for the completion of the project; and

WHEREAS, Tax Map Parcel 36E-1 consists of approximately 21.121 acres of land, Tax Map Parcel 36F-1 consists of approximately 3.0358 acres of land, and Tax Map Parcel 36F-2 consists of approximately 3.0172 acres of land, all owned by Eastern Virginia Land Company, Inc. (“the Property Owner”); and

WHEREAS, the Board must acquire permanent rights-of-way, a utility easement, and temporary construction easements on Tax Map Parcels 36E-1, 36F-1, and 36F-2 (“the Properties”) because the design of the road improvements requires 0.1202 acres of permanent right-of-way and 0.0436 acres for a temporary construction easement on Tax Map Parcel 36E-1; 0.0338 acres of permanent right-of-way and 0.0428 acres for a temporary construction easement on Tax Map Parcel 36F-1; and 0.0088 acres of permanent right-of-way, 0.1177 acres for a utility easement, and 0.0068 acres for a temporary construction easement on Tax Map Parcel 36F-2, for a total of 0.1628 acres of permanent rights-of-way, 0.1177 acres for a utility easement, and 0.0932 acres of temporary construction easements for grading and drainage; and

WHEREAS, the fair market value for the required areas of the Properties, together with damages, if any, to the remainder of the Properties is Four Thousand Six Hundred Dollars (\$4,600), based upon the 2011 tax assessed value; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide but ineffectual effort to purchase the affected areas of the Properties by offering said determination of value on behalf of the County to the Property Owner; and

WHEREAS, the terms of purchase cannot be agreed upon and the County's consulting negotiator has been unsuccessful in negotiating a final settlement with the Property Owner, but will continue to work with the Property Owner to attempt to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C), to determine the necessity for condemnation and the use of the County's quick-take powers and has carefully considered the recommendations of staff and the public testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its quick-take powers to enter and take the above-referenced 0.1628 acres of permanent right-of-way, 0.1177 acres for a utility easement, and 0.0932 acres for temporary construction easements on Tax Map Parcels 36E-1, 36F-1, and 36F-2;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011 that the Board be and it hereby does find that public necessity exists for the Board's ownership of the permanent right-of-way, utility easement, and temporary construction easements to complete construction and begin operation of the Poplar Road improvements between Warrenton Road and Truslow Road; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Four Thousand Six Hundred Dollars (\$4,600) as just compensation for the permanent right-of-way, utility easement, and temporary construction easements, including damages, if any, to the remainder of the Properties, that the Board and the Property Owner cannot agree on compensation to be paid or on other terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board determines that it is necessary to do so and hereby declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire the permanent rights-of-way, utility easement, and temporary construction easements for construction and operation of the Poplar Road improvements between Warrenton Road and Truslow Road, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Director of Finance and Budget, or their designees, to sign the Certificate and to deposit Four Thousand Six Hundred Dollars (\$4,600), with the Clerk of the Stafford County Circuit Court, for the Property Owner's benefit, before entering and taking possession of the permanent right-of-way, utility easement, and temporary construction easements in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law

Swim Lanes Allocation Mr. Dudenhefer asked if there was a motion to give guidance to the Parks and Recreation Commission in dealing with revising the policy on lane assignments at the Pool.

Mr. Sterling proposed that the Board request the Parks and Recreation Commission revise the policy so that all Stafford citizens are treated equally; swim lane allocations being proportional to participation by Stafford residents. And lane assignments, in terms of time, should also be adopted in an equitable fashion. Mr. Milde stated that he believed that peak times were also important.

Mr. Milde motioned, seconded by Mr. Sterling, that the Board ask the Parks and Recreation Commission that it reevaluate and modify the swim lane allocation so that it equally distributes the swim lanes, especially at peak times of availability, based on proportion of Stafford resident participation.

The Board agreed with Dr. Crisp's request that until swim lanes are available, (and the first opportunity for this is the refurbishment of the Curtis Park pool including enclosing the pool), that no additional swim teams above those that already exist, be allowed to utilize the Woodlands Pool.

The Voting Board tally was:

Yea: (7) Milde, Sterling, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Legislative; Close County Offices on November 23, 2011 Ms. Stimpson motioned, seconded by Mr. Woodson, to adopted proposed Resolution R11-320.

The Voting Board tally was:

Yea: (7) Stimpson, Woodson, Sterling, Snellings, Dudenhefer, Milde, Crisp

Nay: (0)

Resolution R11-320 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO CLOSE COUNTY OFFICES ON NOVEMBER 23, 2011

WHEREAS, the County is currently scheduled for closure at 12:00 noon on Wednesday, November 23, 2011; and

WHEREAS, in recognition of the hard work and dedication of County employees, it is the will of the Board to allow additional time for County staff to be with family and friends over the Thanksgiving holiday;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of November, 2011, that it be and hereby does authorize the County Administrator to close County offices on November 23, 2011.

Legislative; Closed Meeting. At 8:40 p.m., Ms. Stimpson motioned, seconded by Dr. Crisp, to adopt proposed Resolution CM11-18.

The Voting Board tally was:

Yea: (7) Stimpson, Crisp, Sterling, Snellings, Dudenhefer, Milde, Woodson

Nay: (0)

Resolution CM11-18 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting: (1) legal advice regarding *North Stafford Associates v. County of Stafford, et al.* (Case Nos. CL09-1542, CL10-134, CL10-401, CL10-858, and CL10-1139); and (2) an amendment to the County Administrator's Employment Agreement; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(1) and (7), such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 15th day of November, 2011, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 9:05 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM11-18(a).

The Voting Board tally was:

Yea: (7) Sterling, Snellings, Stimpson, Dudenhefer, Woodson, Crisp, Milde

Nay: (0)

Resolution CM11-18(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
NOVEMBER 15, 2011

WHEREAS, the Board has, on this the 15th day of November, 2011 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 15th day of November, 2011, 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.

Adjournment At 9:06 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Mark Dudenhefer
Chairman