

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

October 16, 2012

Call to Order The regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 3:03 p.m., on Tuesday, October 16, 2012, in the Board Chambers, at the George L. Gordon, Jr. Government Center.

Roll Call The following members were present: Susan B. Stimpson, Chairman; Cord A. Sterling, Vice Chairman; Gary F. Snellings; and Robert “Bob” Thomas, Jr. Paul V. Milde III arrived at 3:05. Jack R. Cavalier was absent; Ty A. Schieber joined the meeting later in the afternoon.

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

Ms. Stimpson introduced Colonel David Maxwell, appointed Base Commander at Marine Corps Base Quantico on May 18, 2012. Colonel Maxwell addressed the Board, giving information about his background, previous duty stations, and stated his philosophy, “Row well and live.” He added that his focus was on preserving the Installation’s mission, consisting of: live fire training; development of the Officer’s Basic School and the United States Marine Corps College; and combat development activities. Colonel Maxwell said that he is interested in moving forward in four areas which include: transportation, the Route 1 Corridor and Telegraph Road area; energy; education; and environmental issues.

Mr. Sterling, Mr. Milde, and Colonel Maxwell engaged in a discussion about the relocation of Anne Moncure Elementary School and related safety issues. Colonel Maxwell expressed interest in having personnel at Quantico work with County staff to resolve questions, and to work in a spirit of cooperation with the ultimate goal being the safety and welfare of the children.

Presentations by the Public No members of the public desired to speak.

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

- Mr. Thomas - Attended White Oak and Falmouth VFD Open House; Demo Heavy Rescue Squad vehicle; Toured Stafford HS on Columbus Day with members of School Board
- Mr. Cavalier - Absent
- Mr. Milde - Update on Community & Economic Development Committee meeting
- Mr. Schieber - Absent
- Mr. Snellings - Deferred
- Mr. Sterling - Deferred
- Ms. Stimpson - No report given

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Anthony Romanello, County Administrator, noted that the Board should review additional information provided on Page 5 of the Monthly Report, and reported that there were no additions or deletions to the agenda.

Legislative; Additions and Deletions to the Agenda Mr. Thomas motioned, seconded by Mr. Snellings, to accept the agenda with no additions or deletions.

The Voting Board tally was:

- Yea: (5) Milde, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)
- Absent: (2) Cavalier, Schieber

Communication Plan Progress Update Cathy Vollbrecht, Director of Communications, gave a presentation and responded to Board members questions. Mr. Snellings inquired about the cost associated with the rebranding effort. Ms. Vollbrecht said that they were still working on a cost analysis that will be presented to the Board when complete.

Legislative; Consent Agenda Mr. Milde motioned, seconded by Mr. Thomas, to accept the Consent Agenda consisting of Items 4 through 12.

The Voting Board tally was:

Yea: (5) Milde, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)  
Absent: (2) Cavalier, Schieber

Item 4. Approve Minutes of October 2, 2012 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R12-296 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED OCTOBER 2, 2012 THROUGH OCTOBER 15, 2012

WHEREAS, the Board 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 16<sup>th</sup> day of October 2012 that the above-mentioned EL be and hereby is approved.

Item 6. Fire and Rescue; Authorize a Public Hearing to Eliminate Residential Permit Fees for Temporary Membrane Structures (Large Assembly Tents and Canopies)

Resolution R12-315 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO ADVERTISE A PUBLIC HEARING TO CONSIDER ELIMINATING  
RESIDENTIAL PERMIT FEES FOR TEMPORARY MEMBRANE  
STRUCTURES (LARGE ASSEMBLY TENTS AND CANOPIES)

WHEREAS, the Virginia Statewide Fire Prevention Code, which is adopted into the County Code, requires permits and inspections for certain temporary membrane structures, tents, and canopies; and

WHEREAS, fees associated with commercial and residential applications are currently set at \$200, which helps to defray the County's costs associated with the permit and inspection, including all administrative, operational, and logistical costs, including over-time and/or re-inspection costs; and

WHEREAS, the Board desires that tents erected at private residences, shall continue to require a permit (and inspection), as required by the Statewide Fire Prevention Code, but no application fee shall be required; and

WHEREAS, pursuant to all applicable State and County Code provisions, any additional permits or inspections will be facilitated by the appropriate County department; and

WHEREAS, the Office of the Fire Marshal, along with the Departments of Public Works, and Planning and Zoning agree to facilitate this service;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 16th day of October, 2012, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider eliminating residential permit fees for temporary membrane structures (large assembly tents and canopies).

Item 7. Public Works; Petition VDOT to Improve Flippo Road (SR-728) as Part of the Rural Rustic Road Program

Resolution R12-319 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION TO IMPROVE FLIPPO ROAD (SR-728) AS  
PART OF THE RURAL RUSTIC ROAD PROGRAM

WHEREAS, Virginia Code § 33.1-70.1 permits the improvement, and hard surfacing, of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day (VPD); and

WHEREAS, the Board of Supervisors of Stafford County, Virginia (“Board”) requests that Flippo Road (SR-728), from Widewater Road (SR-611) to “End State Maintenance,” be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, Flippo Road is in the County’s Secondary Six-Year Plan (SSYP) for improvements to the Secondary System of State Highways; and

WHEREAS, the general public, and particularly those citizens who own land abutting this road, are aware that this road may be paved (with minimal improvements) as

is consistent with the development of a Rural Rustic Road Project; and

WHEREAS, the Board believes that Flippo Road should be designated a Rural Rustic Road due to its qualifying characteristics, which satisfies Virginia Code § 33.1-70.1(c); and

WHEREAS, the Board finds that this designation and request 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 16<sup>th</sup> day of October, 2012, that the Board be and it hereby does designate Flippo Road a Rural Rustic Road, and requests the Virginia Department of Transportation (VDOT) Residency Administrator concur in this designation; and

BE IT FURTHER RESOLVED, the Board be and it hereby requests that Flippo Road be hard surfaced and, to the fullest extent as is prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, open drainage, and rural rustic character along the road in its current state; and

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

Item 8. Public Works; Petition VDOT to Include Coachman Circle, Sutton Court, Palisades Drive, and Barley Mill Court within Hills of Aquia Subdivision, Sections 1 and 2; Aster Lane and Iris Lane within Moncure Estates Subdivision, Section 1; Equestrian Drive, Pinto Lane, and Quarter Horse Court within Equestrian Estates Subdivision; and Lupine Drive and Calendula Way within the Glens Subdivision, Section 3 into the Secondary System of State Highways

Resolution R12-323 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE COACHMAN CIRCLE, SUTTON COURT, PALISADES DRIVE AND BARLEY MILL COURT WITHIN HILLS OF AQUIA, SECTIONS 1 AND 2, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Virginia Code § 33.1-229, desires to include Coachman Circle, Sutton Court, Palisades Drive, and Barley Mill Court within Hills of Aquia, Sections 1 and 2, into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012 that VDOT be and it hereby is petitioned to include the following streets within Hills of Aquia, Sections 1 and 2, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Coachman Circle (SR-2200)	From: Inter. Jefferson Davis Highway (US-1) To: Sutton Court (SR-2202)	0.18 mi. ROW 54'
Coachman Circle (SR-2200)	From: Inter. Sutton Court (SR-2202) To: Palisades Drive (SR-2201)	0.08 mi. ROW 54'
Sutton Court (SR-2200)	From: Inter. Coachman Circle (SR-2200) To: 0.08 mi. NE to Coachman Circle (SR-2200)	0.08 mi. ROW 50'
Palisades Drive (SR-2201)	From: Inter. Barley Mill Drive (SR-2203) To: Coachman Circle (SR-2200)	0.11 mi. ROW 50'
Palisades Drive (SR-2201)	From: Inter. Coachman Circle (SR-2200) To: Future Columbia Way (SR-2206)	0.06 mi. ROW 50'
Palisades Drive (SR-2201)	From: Inter. Future Columbia Way (SR-2206) To: Barley Mill Drive (SR-2203)	0.12 mi. ROW 50'
Coachman Circle (SR-2200)	From: Inter. Palisades Drive (SR-2201) To: Jefferson Davis Highway (US-1)	0.17 mi. ROW 54'
Barley Mill Drive (SR-2203)	From: Inter. Palisades Drive (SR-2201) To: Palisades Drive (SR-2201)	0.08 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Hills of Aquia, Section 1, recorded in PM060000107 with LR 060017160 on May 24, 2006, and Hills of Aquia, Section 2A, recorded in PM070000115 with LR070015975 on July 02, 2007; and

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

Resolution R12-324 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE ASTER LANE AND IRIS LANE WITHIN MONCURE ESTATES, SECTION 1, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Virginia Code § 33.1-229, desires to include Aster Lane and Iris Lane within Moncure Estates, Section 1, into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012 that VDOT be and it hereby is petitioned to include the following streets within Moncure Estates, Section 1, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Aster Lane (SR-2004)	From: Inter. Bells Hill Road (SR-631) To: Iris Lane (SR-2005)	0.03 mi. ROW 60'
Iris Lane (SR-2005)	From: Aster Lane (SR-2004) To: 0.28 mi. SE of Aster Lane (SR-2004)	0.28 mi. ROW 52'
Aster Lane (SR-2004)	From: Inter. Iris Lane (SR-2005) To: 0.09 mi. NE of Iris Lane (SR-2005)	0.09 mi. ROW 52'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Moncure Estates, Section 1, recorded in PM080000201 with LR 080021525 on December 29, 2008; and

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

Resolution R12-325 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE EQUESTRIAN DRIVE, PINTO LANE, AND QUARTER HORSE COURT WITHIN EQUESTRIAN ESTATES INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Virginia Code § 33.1-229, desires to include Equestrian Drive, Pinto Lane and Quarter Horse Court within Equestrian Estates into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012 that VDOT be and it hereby is petitioned to include the following streets within Equestrian Estates into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Equestrian Drive (SR-2017)	From: Inter. Garrisonville Road (SR-610) To: Quarter Horse Court (SR-2019)	0.35 mi. ROW 50'
Equestrian Drive (SR-2017)	From: Quarter Horse Court (SR-2019) To: Pinto Lane (SR-2018)	0.26 mi. ROW 50'
Quarter Horse Court (SR-2019)	From: Equestrian Drive (SR-2017) To: 0.29 mi. SW of Equestrian Drive (SR-2017)	0.29 mi. ROW 50'
Pinto Lane (SR-2018)	From: Inter. Garrisonville Road (SR-610) To: Equestrian Drive (SR-2017)	0.27 mi. ROW 50'
Pinto Lane (SR-2018)	From: Equestrian Drive (SR-2017) To: 0.07 mi. SW of Equestrian Drive (SR-2017)	0.07 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Equestrian Estates, recorded in PM040000283 with LR 040045530 on December 16, 2004; and

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

Resolution R12-326 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE LUPINE DRIVE AND CALENDULA WAY WITHIN THE GLENS, SECTION 3, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Virginia Code § 33.1-229, desires to include Lupine Drive and Calendula Way within The Glens, Section 3, into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012 that VDOT be and it hereby is petitioned to include the following streets within The Glens, Section 3, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Lupine Drive (SR-2156)	From: Inter. Stefaniga Farms Drive (SR-2155) To: Calendula Way (SR-2157)	0.37 mi. ROW 50'
Lupine Drive (SR-2156)	From: Calendula Way (SR-2157) To: 0.26 mi. SW of Calendula Way (SR-2157)	0.26 mi. ROW 50'
Calendula Way (SR-2157)	From: Stefaniga Road (SR-648) To: Lupine Drive (SR-2156)	0.11 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, The Glens, Section 3, recorded in PM 070000063 with LR 070008712 on April 13, 2007; and

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

Item 9. Public Works; Guarantee Insurance and Surety for County Work in VDOT Rights-of-Way

Resolution R12-327 reads as follows:

A RESOLUTION TO GUARANTEE INSURANCE AND SURETY FOR  
COUNTY WORK IN VIRGINIA DEPARTMENT OF TRANSPORTATION  
RIGHTS-OF-WAY

WHEREAS, it becomes necessary from time to time for Stafford County to obtain land use permits from the Virginia Department of Transportation (VDOT) to install, construct, maintain, and operate certain public works, public utilities, and other County projects along, across, over, and upon highway systems of the Commonwealth of Virginia; and

WHEREAS, expense, damage, or injury may be sustained by the Commonwealth of Virginia arising from work performed under VDOT Land Use Permits granted to Stafford County or from the operation of the permitted activity;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012:

**Section 1:** That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the County of Stafford does hereby grant assurances to the Virginia Department of Transportation that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the County of Stafford and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and

property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to One Million Dollars (\$1,000,000) for each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation’s agents or employees; Seventy-five Thousand Dollars (\$75,000) for each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of Transportation, or the Commonwealth of Virginia in the event of suit.

**Section 2:** That the County Administrator, or his designee, be and he hereby is authorized to execute, on behalf of the County of Stafford, all land use permits and related documents of the Virginia Department of Transportation.

**Section 3:** That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

**Section 4:** That the County of Stafford shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, is authorized and directed to procure insurance required by Section 1 herein.

Item 10. Parks, Recreation and Community Facilities; Renew and Extend a Lease Agreement for a Gymnastics and Recreational Facility

Resolution R12-322 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A NEW LEASE FOR THE STAFFORD GYMNASTICS  
AND RECREATION CENTER

WHEREAS, the Department of Parks, Recreation and Community Facilities Department needs a facility for the year-round gymnastics and other recreational programs; and

WHEREAS, the Stafford Gymnastics and Recreation program has been leasing space located at 500 Nelms Circle known as the Stafford Gymnastics and Recreation Center; and

WHEREAS, the current lease for the Stafford Gymnastics and Recreation Center expires on November 30, 2012; and

WHEREAS, the Landlord has offered a new lease for a one year time period, with three one-year renewals at the annual rate of \$166,800, which has remained constant since 2008; and

WHEREAS, staff determined that the lease rate and terms are reasonable; and

WHEREAS, annual lease costs for the facility are budgeted within the current Department budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012, that the County Administrator be and he hereby is authorized to execute a lease in an amount not to exceed One Hundred Sixty-six Thousand Eight Hundred Dollars (\$166,800), unless adjusted to reflect changes in real estate taxes, with Thurman Campbell and Mark W. Osborn for the lease of the recreational building located at 500 Nelms Circle, known as the Stafford Gymnastics and Recreation Center.

Item 11. County Administration; Award a Contract for Smith Lake Park Improvements

Resolution R12-334 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO SOUTHWOOD BUILDING SYSTEMS, INC. FOR THE SMITH LAKE PARK PARKING EXPANSION

WHEREAS, the parking capacity at Smith Lake Park is inadequate to allow activities on all of the athletic fields to be scheduled concurrently; and

WHEREAS, the Department of Parks, Recreation and Community Facilities determined that there are safety issues related to the maintenance of equipment at this site; and

WHEREAS, the parking area needs to be modified to allow emergency vehicles to navigate the parking area safely; and

WHEREAS, the Board desires to address these issues; and

WHEREAS, a design for parking improvements was completed and offered for public bid; and

WHEREAS, nine (9) bids were received; and

WHEREAS, staff determined the bid of Four Hundred Eighty-eight Thousand Dollars (\$488,000), received from Southwood Building Systems, Inc. to be the lowest responsive and responsible bid; and

WHEREAS, staff determined that this bid is reasonable for the scope of work proposed; and

WHEREAS, sufficient funds are budgeted and appropriated in 2001 Park Bond Interest and FY2013 cash capital accounts for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012, that the County Administrator be and he hereby is authorized to execute a contract with Southwood Building Systems, Inc. in an amount not to exceed Four Hundred Seventy-three Thousand Dollars (\$473,000), unless amended by a duly-executed contract amendment, for the construction of the parking expansion at Smith Lake Park.

Item 12. County Administration; Authorize a Contract for Design of an Indoor Recreation Facility

Resolution R12-331 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO AWARD A CONTRACT TO TIMMONS GROUP FOR ENGINEERING AND ARCHITECTURAL SERVICES FOR THE DESIGN OF AN INDOOR RECREATION FACILITY AT EMBREY MILL PARK, AND TO BUDGET AND APPROPRIATE CAPITAL PROJECTS RESERVE FUNDS

WHEREAS, the Board adopted Resolution R12-276, authorizing staff to initiate design and construction of an indoor recreation facility with a fifty (50) meter pool, among other things, within the Embrey Mill Park Complex; and

WHEREAS, staff requested and received a cost proposal for the engineering and architectural design services from the Timmons Group (Timmons); and

WHEREAS, Timmons is authorized to provide the County with on-call engineering services; and

WHEREAS, the Board recently authorized Timmons to provide on-call engineering and architectural design services for the design of the rectangular field complex where the indoor recreation facility is to be located; and

WHEREAS, Timmons submitted a cost proposal for the engineering and architectural design services; and

WHEREAS, Timmons proposed the use of John J. Burger, Architect, P.C. (Burger) as the architectural sub-consultant assisting Timmons with the design of the indoor recreation facility; and

WHEREAS, Burger has designed similar indoor recreation facilities in the region; and

WHEREAS, Timmons provided an engineering cost proposal in the amount of \$302,177 to perform the necessary engineering and architectural services for the design of the indoor recreation facility; and

WHEREAS, staff determined that this proposal is reasonable for the scope of work proposed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012, that the County Administrator be and he hereby is authorized to execute a contract with Timmons Group, in an amount not to exceed Three Hundred Two Thousand One Hundred Seventy-seven Dollars (\$302,177) for engineering and architectural services for the design of an indoor recreation facility at Embrey Mill Park, unless modified by a duly-authorized change order; and

BE IT FURTHER RESOLVED that the amount of Three Hundred Two Thousand One Hundred Seventy-seven Dollars (\$302,177) is budgeted and appropriated for this project from the Capital Projects Reserve Fund; and

BE IT STILL FURTHER RESOLVED that Intent to Reimburse for the engineering and architectural services for the design of the indoor recreation facility at Embrey Mill Park made out of the Capital Reserve Funds for FY2013 be and it hereby is adopted as follows:

NOTICE OF INTENT TO REIMBURSE  
CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

Section 1: Statement of Intent. The County presently intends to finance engineering and architectural services for the design of an indoor recreation facility at Embrey Mill Park with tax-exempt or taxable bonds or other obligations (the "Bonds") and to reimburse capital expenditures paid by Stafford County (including expenditures previously paid by the County to the extent permitted by law) in connection with the indoor recreation facility at Embrey Mill Park project before the issuance of the Bonds.

Section 2: Source of Interim Financing and Payment of Bonds. Stafford County expects to pay the capital expenditure related to the engineering and architectural services for the design of the indoor recreation facility at Embrey Mill Park incurred before the issuance of the Bonds with an inter-fund loan or loans from the General Fund or from temporary appropriations or loans from the Capital Reserve Fund. Stafford County expects to pay

debt service on the Bonds from the General Fund consisting of general tax revenues for the planning and design of an indoor recreation facility at Embrey Mill Park.

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

Median Family Income Chief Financial Officer, Maria Perrotte, gave a presentation and answered Board members questions. Ms. Perrotte noted that a chart using data from 2006 – 2011 counted the median households and families and couples (as a subset of the number of households). Mr. Sterling asked if there could be more than one family per household. Ms. Perrotte clarified that a household could include roommates, not related, but that a family was counted as two or more related individuals living in the same household. She added that only 673 responded of the 800 that were sent out, which left a large margin of error.

Planning and Zoning; Comprehensive Plan Review of Jumping Branch Farms Appeal

Following discussion, Mr. Snellings motioned, seconded by Mr. Sterling, to advertise this item for a public hearing on the November 20, 2012 meeting.

The Voting Board tally was:

Yea: (5) Milde, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Absent: (2) Cavalier, Schieber

Planning and Zoning; Consider an Appeal of the Director of Planning and Zoning's Decision Regarding Comprehensive Plan Compliance for Clift Farm Quarter Mr. Jeff Harvey, Director of Planning and Zoning, and Mr. Clark Leming (for the applicant), gave presentations and answered Board members questions.

Due to time constraints, Ms. Stimpson motioned, seconded by Mr. Snellings, to defer this item to the November 20, 2012 meeting.

The Voting Board tally was:

Yea: (5) Snellings, Stimpson, Thomas

Nay: (0) Sterling

Absent: (2) Cavalier, Milde, Schieber

Recess At 4:29 p.m., the Chairman declared a recess.

Call to Order At 4:32 p.m., the Chairman called the meeting back to order.

Discuss Milestone Communications Mr. Thomas introduced Mr. Russ Moulton, a member of the County's Telecommunications Commission. Mr. Moulton said that the Telecommunications Commission was in agreement that Board should consider entering into a marketing agreement with Milestone Communication to locate sites, and place telecommunications equipment on towers in Stafford County. Milestone Communications markets potential sites for 4G locations, at no obligation to the County, unless the Board approves such sites. He talked about "dead spots" in the Hartwood area of the County, and how working with Milestone would help to alleviate that problem. An agreement with Milestone could be cancelled with a 30-day notice if the the Board was not pleased with their service. Mr. Moulton emphasized that while Milestone could not solve every "dead spot" in the County, it was attractive to have them (Milestone) as a single gateway working to identify properties for 4G locations.

Mr. Milde said that he heard enough over the years to be in support of Mr. Moulton's idea. Mr. Sterling asked for verification that the Board would give approval before any locations were brought under contract or secured by Milestone Communications. Mr. Sterling added that he wanted to see an analysis on recommended parcels.

Ms. Stimpson suggested that the matter be forwarded to the Community and Economic Development Committee for further study. Mr. Sterling said that it went far beyond the Community and Economic Development Committee, adding that it was a full Board issue. He asked for other localities using Milestone Communication, which included Fairfax County Schools, the Prince William Park Authority, Anne Arundel County Schools, and Prince Georges County Schools, all who are currently working with Milestone Communications.

Mr. Shumate noted that there may be procurement issues involved in the process, adding that his office was happy to work with the Board and/or Committee. Ms. Stimpson said that all sites under consideration should be directed to all members of the Board. She concluded her remarks suggesting that the Infrastructure Committee review the proposal.

Recess At 4:47 p.m., the Chairman declared a recess after which the Board attended the unveiling of the new mural located at the entrance to the Administration Building. Following the unveiling of the mural, Mr. Milde, Mr. Snellings, Ms. Stimpson, and Mr.

Thomas attended the ground-breaking ceremony for the new terminal at Stafford Regional Airport where Ms. Stimpson made remarks on behalf of the Board.

Call to Order At 7:02 p.m. the Chairman called the meeting back to order.

Invocation Mr. Snellings gave the Invocation.

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

Presentations by the Public The following members of the public spoke on topics as identified:

- Ann Jett - Stafford High School Rebuild
- R. C. Stephens - Stafford High School Rebuild
- Rebecca Cousins - School Employees Compensation/Tax Cut
- Paul Waldowski - Stafford High School Rebuild/Median Income
- Tawana Brown - Traffic during Stafford High School rebuild

Fire and Rescue; Authorize Purchase of Heavy Rescue Squad Vehicle Chief Mark Lockhart, Acting Fire Chief, gave a presentation and answered Board members questions.

Mr. Milde stated that the Public Safety Committee gave unanimous approval to the purchase of the heavy rescue squad vehicle. Mr. Sterling requested that the specific financing details be worked out as part of the FY2014 budget deliberations.

Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-332 with an addition of a “Resolved” paragraph at the end of the Resolution.

The Voting Board tally was:

- Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)
- Absent: (1) Cavalier

Resolution R12-332 reads as follows:

**A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PURCHASE A HEAVY RESCUE SQUAD VEHICLE FOR THE FIRE AND RESCUE DEPARTMENT**

WHEREAS, the Stafford County Fire and Rescue Department (the Department) operates heavy rescue squad unit as part of its all-hazards approach to emergency response; and

WHEREAS, the heavy rescue squad unit currently located at Company 1 – Falmouth is a 1994 apparatus (with over 170,000 miles on it) that averages over 800 responses annually; and

WHEREAS, the current unit exceeded its planned service-life of ten years, and the planned replacement in FY2009 was deferred for budgetary reasons; and

WHEREAS, the replacement cost for the heavy rescue squad was included in the FY2012 Capital Improvement Plan but not expensed, and the debt service was programmed into the multi-year budget projections; and

WHEREAS, the FY2013 budget includes \$300,000 for the cash purchase of ambulances that will not be used for that purpose and can be budgeted and reappropriated toward this purchase; and

WHEREAS, the Department submitted a request for proposal for a replacement heavy rescue squad unit; and

WHEREAS, Atlantic Emergency Solutions submitted a bid of \$1,231,315.57 for the heavy rescue squad unit; and

WHEREAS, staff determined that Atlantic Emergency Solutions was the lowest responsive and responsible bidder;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2012, that the County Administrator be and he hereby is authorized to purchase a heavy rescue squad unit from Atlantic Emergency Solutions in an amount not to exceed One Million Two Hundred Thirty-one Thousand Three Hundred Fifteen Dollars and Fifty-seven Cents (\$1,231,315.57); and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to budget and appropriate up to Nine Hundred Thirty-one Thousand Three Hundred Sixteen Dollars (\$931,316) from the Master Lease proceeds, to fund the purchase of the heavy rescue squad unit; and

BE IT STILL FURTHER RESOLVED that the final decision regarding financing will be determined in the context of the FY14 budget.

Planning and Zoning; Consider Reclassification of 4.27 Acres from M-1, Light Industrial Zoning District to B-2, Urban Commercial Zoning District at 50 White Oak Road on Assessor's Parcel 54-48 (portion) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O12-28(R).

The Voting tally was:

Yea: (6) Thomas, Milde, Schieber, Snellings, Sterling, Stimpson

Nay: (0)

Absent: (1) Cavalier

Ordinance O12-28(R) reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM M-1, LIGHT INDUSTRIAL ZONING DISTRICT TO B-2, URBAN COMMERCIAL ZONING DISTRICT ON ASSESSOR’S PARCEL 54-48 (PORTION), WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Area Development Group, Inc., applicant, submitted application RC1200061 requesting a reclassification from M-1, Light Industrial Zoning District, to B-2, Urban Commercial Zoning District, on Assessor’s Parcel 54-48 (portion) located within the George Washington Election District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the testimony, if any, at the public hearing; and

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

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of an ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from M-1, Light Industrial Zoning District to B-2, Urban Commercial Zoning District on Assessor’s Parcel 54-48, as depicted on the plat prepared by the Timmons Group, dated July 25, 2011, with revised proffers entitled, “Proffer Statement,” dated October 11, 2012.

Planning and Zoning; Consider Reclassification of 4.29 Acres from R-1, Suburban Residential to M-1, Light Industrial Zoning District at 108 George Mason Road on Assessor's Parcels 13-1 and 13-2 Note: This public hearing and the following were held concurrently.

Planning and Zoning; Amend Proffered Conditions on 8.71 Acres Zoned M-1, Light Industrial on Assessor's Parcel 13-9 (portion) Mr. Jeff Harvey, Director of Planning and Zoning, and Clark Leming (for the applicant), gave presentations and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Scott Dillon

Steve Hundley

The Chairman closed the public hearing.

Mr. Leming gave a rebuttal to concerns expressed by speakers at the public hearing stating that there were only four occupied homes and no other residential traffic, perhaps occasional walkers, and that the proffers were written so as to establish protocol for the truck drivers on George Mason Drive whereby truck drivers must yield for for any visible traffic.

Mr. Snellings asked if the truck drivers were Hilldrup employees. Mr. Dodson replied that most were employees of United Van Lines, not Hilldrup. Mr. Snellings said that it was a public road and that if the drivers were not Hilldrup employees, it would be hard, if not impossible, to enforce restrictions. Mr. Dodson replied that while they were not directly Hilldrup employees, Hilldrup was a franchisee of United Van Lines, which gave a connection, thus making the rules and restrictions enforceable.

Mr. Milde asked if there was ever discussion about widening George Mason Road. Mr. Leming replied that there had been discussion but that it would require Hilldrup to remove the berm that shields the property. In response to Mr. Milde's question, Mr. Leming said that trucks were permitted no farther on George Mason Road than the entrance to the Hilldrup property. Mr. Dodson added that there would only be a few trucks per day accessing the gate on George Mason Drive.

Ms. Stimpson stated that while Jack Cavalier, in whose district Hilldrup is located, could not be at the meeting due to his accident, he conveyed to Ms. Stimpson that he was in favor of both the reclassification and amended proffers.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Ordinance O12-34(R).

The Voting tally was:

Yea: (6) Thomas, Milde, Schieber, Snellings, Sterling, Stimpson

Nay: (0)

Absent: (1) Cavalier

Ordinance O12-34(R) reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT TO M-1, LIGHT INDUSTRIAL ZONING DISTRICT ON TAX MAP PARCELS 13-1 AND 13-2, WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Hilldrup Transfer and Storage, Inc., applicant, submitted application RC1200128 requesting a reclassification from R-1, Suburban Residential Zoning District to M-1, Light Industrial Zoning District, on Tax Map Parcels 13-1 and 13-2 consisting of 4.29 acres located within the Griffis-Widewater Election District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission, staff, and the testimony, if any, at the public hearing; and

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

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of an ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012, that application RC1200128 be and it hereby is approved and the Stafford County Zoning Ordinance is amended and reordained by amending the Zoning District Map to reclassify from R-1, Suburban Residential Zoning District to M-1, Light Industrial zoning district on Tax Map Parcels 13-1 and 13-2, as depicted on the plat prepared by Bagby, Caldwell, and Associates, P.C., dated March 6, 2012, with revised proffers entitled "Proffers," dated October 11, 2012.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Ordinance O12-35(R).

The Voting tally was:

Yea: (6) Thomas, Milde, Schieber, Snellings, Sterling, Stimpson

Nay: (0)

Absent: (1) Cavalier

Ordinance O12-35(R) reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY ZONING ORDINANCE AMENDING THE PROFFERED CONDITIONS ON TAX MAP PARCEL 13-9 (PORTION), ZONED M-1, LIGHT INDUSTRIAL, WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Hilldrup Transfer and Storage, Inc., applicant, submitted application RC1200130 requesting an amendment to proffered conditions on Tax Map Parcel 13-9 (portion) consisting of 8.71 acres, zoned M-1, Light Industrial located within the Griffis-Widewater Election District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission, staff, and testimony, if any, at the public hearing; and

WHEREAS, the Board determined that the requested amendment to the proffered conditions is compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of an ordinance to amend the proffered conditions on the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012, that application RC1200130 be and it hereby is approved and the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the proffered conditions on Tax Map Parcel 13-9 (portion) consisting of 8.71 acres, zoned M-1, Light Industrial, as specified in the revised proffer statement entitled, “Proffers,” dated October 11, 2012.

Utilities; Consider Easements to be Granted to Dominion Virginia Power in Connection with the Austin Run Pump Station Replacement Project Mr. Harry Critzer, Director of Utilities, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-243.

The Voting tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)  
Absent: (1) Cavalier

Resolution R12-243 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO CONVEY EASEMENTS TO DOMINION VIRGINIA POWER ON COUNTY-OWNED PROPERTY, IDENTIFIED AS TAX MAP PARCEL 30-3E AND TAX MAP PARCEL 30-3B, IN CONNECTION WITH THE AUSTIN RUN PUMP STATION REPLACEMENT PROJECT

WHEREAS, the Board authorized the Austin Run Pump Station Replacement project as part of the FY13 Capital Improvement Program (CIP); and

WHEREAS, easements on County-owned property, Tax Map Parcel 30-3E and Tax Map Parcel 30-3B, are required by Dominion Virginia Power in order to provide three-phase electric service to the replacement pump station; and

WHEREAS, Virginia Code Section 15.2-1800(B) requires a public hearing prior to the conveyance of any real property interest owned by the County; and

WHEREAS, the Board conducted a public hearing in accordance with the Virginia Code, and carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board finds that the conveyance of these easements promotes the public 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 16<sup>th</sup> day of October, 2012, that it be and hereby does authorize the County Administrator to execute any and all necessary documents to convey easements on Tax Map Parcel 30-3E and Tax Map Parcel 30-3B to Dominion Virginia Power in connection with the Austin Run Pump Station Replacement project.

Public Works; Consider Condemnation and Exercise of Quick-Take Powers to Acquire Utility Easements for the Poplar road Improvement Project Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members questions. Mr. Sterling asked why AT&T required an exclusive easement. Mr. Smith responded that without an exclusive easement, AT&T refused to move the lines.

The Chairman opened the public hearing.  
No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Schieber, to adopt proposed Resolution R12-298.

The Voting tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)  
Absent: (1) Cavalier

Resolution R12-298 reads as follows:

A RESOLUTION TO AUTHORIZE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE AN EASEMENT TO BE CONVEYED TO AT&T FOR USE AS AN EXCLUSIVE UTILITY EASEMENT, ON A PORTION OF TAX MAP PARCEL 36-22, WHICH IS OWNED BY POPLAR CORNER FARM LLC, IN CONNECTION WITH THE POPLAR ROAD IMPROVEMENT PROJECT

WHEREAS, the Board identified the completion of road improvements in the vicinity of Warrenton Road (US-17) and Poplar Road (SR-616) as a critical part of Stafford County’s road improvement plan; and

WHEREAS, these improvements were 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 acquisition of the properties necessary for the completion of the road improvements, and staff is in the process of acquiring the necessary portions of property for utility easements; and

WHEREAS, the Board determined that staff is unable to obtain certain utility easements necessary for the completion of the project; and

WHEREAS, Tax Map Parcel 36-22 consists of approximately 49.46 acres of land owned by Poplar Corner Farm, LLC (“the Property Owner”); and

WHEREAS, the Board must acquire a utility easement on Tax Map Parcel 36-22 (“the Property”) because the design of the road improvements requires 0.343 acres of easement to be conveyed to AT&T as an exclusive utility easement; and

WHEREAS, the fair market value for the required area of the Property, together with damages, if any, to the remainder of the Property is One Thousand Dollars (\$1,000), based upon the 2012 assessed value; and

WHEREAS, the Board, through its consulting negotiator, made a bona fide, but ineffectual, effort to purchase the affected area of the Property, 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 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 carefully considered the recommendations of staff and the 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 0.343 acres of easement to be conveyed to AT&T as an exclusive utility easement on Tax Map Parcel 36-22;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012 that the Board be and it hereby does find that public necessity exists for the Board's ownership of the easement to be conveyed to AT&T as an exclusive utility easement on Tax Map Parcel 36-22, to complete construction and begin operation of the Poplar Road improvements in the vicinity of Warrenton Road (US-17) and Poplar Road (SR-616); and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of One Thousand Dollars (\$1,000) as just compensation for the easement to be conveyed to AT&T as an exclusive utility 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 necessary to do so and hereby does declare its intent to exercise the County's quick-take powers to enter upon and immediately acquire 0.343 acres of easement to be conveyed to AT&T as an exclusive utility easement on Tax Map Parcel 36-22 for construction and operation of the Poplar Road improvements in the vicinity of Warrenton Road (US-17) and Poplar Road (State Route 616), under the provisions of the Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Chief Financial Officer, or their designees, to sign the Certificate of Take and to deposit One Thousand Dollars (\$1,000), with the Clerk of the Stafford County Circuit Court, for the Property Owner's benefit, before entering and taking possession of the easement to be conveyed to AT&T as an exclusive utility

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 R12-299.

The Voting tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)  
Absent: (1) Cavalier

Resolution R12-299 reads as follows:

A RESOLUTION TO AUTHORIZE THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS, TO ACQUIRE AN EASEMENT TO BE CONVEYED TO AT&T FOR USE AS AN EXCLUSIVE UTILITY EASEMENT, AND TO ACQUIRE AN EASEMENT TO BE CONVEYED TO VERIZON FOR USE AS A UTILITY EASEMENT, ON TAX MAP PARCEL 35-86E, WHICH IS OWNED BY STAR LAKE LIBERTY, LLC, AND R&R INVESTMENTS, LLC, IN CONNECTION WITH THE POPLAR ROAD IMPROVEMENT PROJECT

WHEREAS, the Board identified the completion of road improvements in the vicinity of Warrenton Road (US-17) and Poplar Road (SR-616) as a critical part of Stafford County’s road improvement plan; and

WHEREAS, these improvements were 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 staff is in the process of acquiring the necessary portions of property for utility easements; and

WHEREAS, the Board determined that staff was unable to obtain certain utility easements necessary for the completion of the project; and

WHEREAS, Tax Map Parcel 35-86E consists of approximately 15.17 acres of land owned by Star Lake Liberty, LLC, and R & R Investments, LLC (“the Property Owners”); and

WHEREAS, the Board must acquire easements on Tax Map Parcel 35-86E (“the Property”) because the design of the road improvements requires 0.378 acres of easement to be conveyed to AT&T as an exclusive utility easement, and 0.53 acres of easement to be conveyed to Verizon as a utility easement on the Property; and

WHEREAS, the total fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Nine Thousand One Hundred Dollars (\$9,100), based upon the 2012 assessed value, which is comprised of Three Thousand Eight Hundred Dollars (\$3,800) for the 0.378 acres to be conveyed to AT&T and Five Thousand Three Hundred Dollars (\$5,300) for the 0.53 acres to be conveyed to Verizon; and

WHEREAS, the Board, through its consulting negotiator, 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 was 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 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 carefully considered the recommendations of staff and the 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 0.378 acres of easement to be conveyed to AT&T as an exclusive utility easement, and 0.53 acres of easement to be conveyed to Verizon as a utility easement, on Tax Map Parcel 35-86E;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012 that the Board be and it hereby does find that public necessity exists for the Board's ownership of the easement to be conveyed to AT&T as an exclusive utility easement and to Verizon as a utility easement on Tax Map Parcel 35-86E, to complete construction and begin operation of the Poplar Road improvements in the vicinity of Warrenton Road (US-17) and Poplar Road (SR-616); and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Nine Thousand One Hundred Dollars (\$9,100), as just compensation for the utility easements to be conveyed to AT&T and Verizon, 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 STILL FURTHER RESOLVED that the Board determines that it is necessary to do so and hereby does declare its intent to exercise the County's quick-take powers to enter upon and immediately acquire 0.378 acres of easement to be conveyed to AT&T as an exclusive utility easement, and 0.53 acres of easement to be conveyed to Verizon as a utility easement, on Tax Map Parcel 35-86E for construction and operation

of the Poplar Road improvements in the vicinity of Warrenton Road (US-17) and Poplar Road (SR-616), under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Chief Financial Officer, or their designees, to sign the Certificate of Take and to deposit Nine Thousand One Hundred Dollars (\$9,100), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the easement to be conveyed to AT&T as an exclusive utility easement and to Verizon as a utility easement in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Public Works; Consider Condemnation and Exercise of Quick-Take Powers to Acquire Right-of-Way, Utility Easements, and Temporary Construction Easements for the Mountain View Road Bond Project Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-139.

The Voting Board tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Absent: (1) Cavalier

Resolution R12-139 reads as follows:

A RESOLUTION TO AUTHORIZE THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE RIGHT-OF-WAY, DRAINAGE EASEMENT, TEMPORARY CONSTRUCTION EASEMENT, TEMPORARY ENTRANCE EASEMENT, AND AN EASEMENT TO BE CONVEYED TO VERIZON FOR A UTILITY EASEMENT, ON A PORTION OF THE PROPERTY OF BETTY ANN WIRMAN, TAX MAP PARCEL 18-51, IN CONNECTION WITH THE MOUNTAIN VIEW ROAD BOND PROJECT

WHEREAS, the Board identified the completion of road improvements on Mountain View Road between Rose Hill Farm Drive and 0.25 miles north of Joshua Road as a critical part of Stafford County’s road improvement plan; and

WHEREAS, these improvements were included in the 2008 Transportation Bond Referendum; 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, temporary easements, and utility easements; and

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

WHEREAS, Tax Map Parcel 18-51 consists of approximately 43.27 acres of land owned by Betty Ann Wirman (“the Property Owner”); and

WHEREAS, the Board must acquire right-of-way and easements on Tax Map Parcel 18-51 (“the Property”) because the design of the road improvements requires 0.064 acres of right-of-way, 0.05 acres of drainage easement, 0.043 acres of temporary construction easement, 0.109 acres of temporary entrance easement, and 0.14 acres of easement to be conveyed to Verizon for use as a utility easement on the Property; and

WHEREAS, the agreed upon amount for the required areas of the Property, together with damages, if any, to the remainder of the Property is Three Thousand Two Hundred Dollars (\$3,200); and

WHEREAS, the terms of purchase were agreed upon and the County is proceeding with this process as agreed to with the Property Owner’s legal counsel; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code Sections 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 carefully considered the recommendations of staff and the 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 0.064 acres of right-of-way, 0.05 acres of drainage easement, 0.043 acres of temporary construction easement, 0.109 acres of temporary entrance easement, and 0.14 acres of easement to be conveyed to Verizon for use as a utility easement on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012 that the Board be and it hereby does

find that public necessity exists for the Board’s ownership of the right-of-way, drainage easement, utility easement, and temporary construction and entrance easements on the Property to complete construction and begin operation of the Mountain View Road Bond Project between Rose Hill Farm Drive and 0.25 miles north of Joshua Road; and

BE IT FURTHER RESOLVED that the Board made a bona fide offer of Three Thousand Two Hundred Dollars (\$3,200) as just compensation for the right-of-way, drainage easement, temporary construction and entrance easements, and easement to be conveyed to Verizon for use as a utility easement, including damages, if any, to the remainder of the Property, and that the Board and the Property Owner agree on compensation to be paid and on other terms of the 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 0.064 acres of right-of-way, 0.05 acres of drainage easement, 0.043 acres of temporary construction easement, 0.109 acres of temporary entrance easement, and 0.14 acres of easement to be conveyed to Verizon for use as a utility easement on Tax Map Parcel 18-51 for construction and operation of the Mountain View Road improvements between Rose Hill Farm Drive and 0.25 miles north of Joshua Road, under the provisions of the Virginia Code Sections 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Stafford County Board of Supervisors be and does authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and the Chief Financial Officer, or their designees, to sign the Certificate of Take and to deposit Three Thousand Two Hundred Dollars (\$3,200), with the Clerk of the Stafford County Circuit Court, for the Property Owner’s benefit, before entering and taking possession of the right-of-way, drainage easement, temporary construction and entrance easements, and easement to be conveyed to Verizon for use as a utility easement in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Mr. Sterling motioned, seconded by Mr. Schieber, to adopt proposed Resolution R12-140.

The Voting Board tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Absent: (1) Cavalier

Resolution R12-140 reads as follows:

A RESOLUTION TO AUTHORIZE THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE RIGHT-OF-WAY, DRAINAGE EASEMENT, TEMPORARY CONSTRUCTION AND ENTRANCE EASEMENTS, AND EASEMENTS TO BE CONVEYED TO NORTHERN VIRGINIA ELECTRIC COOPERATIVE AND VERIZON FOR UTILITY EASEMENTS, ON A PORTION OF THE PROPERTIES OF DAVID AND BETTY ANN WIRMAN, TAX MAP PARCELS 18-17E, 18-17D, 18-52, 18-53, AND 18-54B, IN CONNECTION WITH THE MOUNTAIN VIEW ROAD BOND PROJECT

WHEREAS, the Board identified the completion of road improvements on Mountain View Road between Rose Hill Farm Drive and 0.25 miles north of Joshua Road as a critical part of Stafford County’s road improvement plan; and

WHEREAS, these improvements were included in the 2008 Transportation Bond Referendum; 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, temporary, and utility easements; and

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

WHEREAS, Tax Map Parcels 18-17E, 18-17D, 18-52, 18-53, and 18-54B consist of approximately 36.06 acres of land owned by David and Betty Ann Wirman (“the Property Owners”); and

WHEREAS, the Board must acquire right-of-way and easements on Tax Map Parcels 18-17E, 18-17D, 18-52, 18-53, and 18-54B (“the Property”) because the design of the road improvements requires 3.8 acres of right-of-way, 0.47 acres of drainage easement, 1.69 acres of temporary construction easement, 0.45 acres of temporary entrance easement, 0.003 acres of easement to be conveyed to Verizon for use as a utility easement, and 1.12 acres of easement to be conveyed to Northern Virginia Electric Cooperative (NOVEC) for use as a utility easement on the Property; and

WHEREAS, the agreed upon amount for the required areas of the Property, together with damages, if any, to the remainder of the Property is Ninety-six Thousand Eight Hundred Dollars (\$96,800); and

WHEREAS, the terms of purchase were agreed upon and the County is proceeding with this process as agreed to with the Property Owner’s legal counsel; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code Sections 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 carefully considered the recommendations of staff and the 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 3.8 acres of right-of-way, 0.47 acres of drainage easement, 1.69 acres of temporary construction easement, 0.45 acres of temporary entrance easement, 0.003 acres of easement to be conveyed to Verizon for use as a utility easement, and 1.12 acres of easement to be conveyed to NOVEC for use as a utility easement on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012 that the Board be and it hereby does find that public necessity exists for the Board's ownership of the right-of-way, drainage easement, temporary construction and entrance easements, and easements to be conveyed to Verizon and NOVEC for use as utility easements on the Property to complete construction and begin operation of the Mountain View Road improvements between Rose Hill Farm Drive and 0.25 miles north of Joshua Road; and

BE IT FURTHER RESOLVED that the Board made a bona fide offer of Ninety-six Thousand Eight Hundred Dollars (\$96,800) as just compensation for the right-of-way, drainage easement, temporary construction and entrance easements, and easements to be conveyed to Verizon and NOVEC for use as utility easements including damages, if any, to the remainder of the Property, and that the Board and the Property Owners agree on compensation to be paid and on other terms of the purchase and settlement; and

BE IT FURTHER RESOLVED that the Board determines that it is necessary to do so and hereby does declare its intent to exercise the County's quick-take powers to enter upon and immediately acquire 3.8 acres of right-of-way, 0.47 acres of drainage easement, 1.69 acres of temporary construction easement, 0.45 acres of temporary entrance easement, 0.003 acres of easement to be conveyed to Verizon for use as a utility easement, and 1.12 acres of easement to be conveyed to NOVEC for use as a utility easement on Tax Map Parcels 18-17E, 18-17D, 18-52, 18-53, and 18-54B for construction, and operation of the Mountain View Road improvements between Rose Hill Farm Drive and 0.25 miles north of Joshua Road, under the provisions of Virginia Code Sections 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 Chief Financial Officer, or their designees, to sign the Certificate of Take and to deposit Ninety-six Thousand Eight Hundred Dollars (\$96,800), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the right-of-way, drainage easement, temporary construction and entrance

easements, and easements to be conveyed to Verizon and NOVEC for use as utility easements in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Public Works; Consider Condemnation and Exercise of Quick-Take Powers to Acquire Right-of-Way, Utility Easements, and Temporary Construction Easements for the Mountain View Road Bond Project Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members questions.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R12-244.

The Voting Board tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Absent: (1) Cavalier

Resolution R12-244 reads as follows:

A RESOLUTION TO AUTHORIZE THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE RIGHT-OF-WAY, DRAINAGE EASEMENT, TEMPORARY CONSTRUCTION EASEMENT, AND TEMPORARY ENTRANCE EASEMENT, ON A PORTION OF THE PROPERTY OF CAMELIA DENES, IDENTIFIED AS TAX MAP PARCEL 18-78, IN CONNECTION WITH THE MOUNTAIN VIEW ROAD BOND PROJECT

WHEREAS, the Board identified the completion of road improvements on Mountain View Road, from Rose Hill Farm Drive to 0.25 miles north of Joshua Road, as a critical part of Stafford County’s road improvement plan; and

WHEREAS, these road improvements are included in the 2008 Transportation Bond Referendum; and

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

WHEREAS, the Board determined that staff is unable to obtain certain right-of-way, utility easements, drainage easements, and temporary construction and entrance easements necessary for the completion of the Mountain View Road Bond Project (“Project”); and

WHEREAS, Tax Map Parcel 18-78 consists of approximately 4.25 acres of land owned by Camelia Denes (“the Property Owner”); and

WHEREAS, the Board must acquire right-of-way and easements on Tax Map Parcel 18-78 (“the Property”) because design of the road improvements requires 0.450 acres of right-of-way, 0.016 acres of drainage easement, 0.059 acres of temporary construction easement, and 0.029 acres of temporary entrance easement, on the Property; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property, is Thirty-three Thousand Four Hundred Dollars (\$33,400), based upon 2012 appraised values; and

WHEREAS, the Board, through its consulting negotiator, 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 Owner; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County’s consulting negotiator was 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 conducted a public hearing in accordance with Virginia Code Sections 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 carefully considered the recommendations of staff and the 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 0.450 acres of right-of-way, 0.016 acres of drainage easement, 0.059 acres of temporary construction easement, and 0.029 acres of temporary entrance easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012 that the Board be and it hereby does find public necessity exists for the Board’s ownership of the right-of-way, drainage easement, and temporary construction and entrance easements on Tax Map Parcel 18-78 to complete construction and begin operation of the Mountain View Road Project from Rose Hill Farm Drive to 0.25 miles north of Joshua Road; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board’s bona fide offer of Thirty-three Thousand Four Hundred Dollars (\$33,400) as just compensation for the right-of-way, drainage easement, and temporary construction and entrance easements, 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 and hereby does declare its intent to exercise the County’s quick-take powers to enter upon and immediately acquire 0.450 acres of right-of-way, 0.016 acres of drainage easement, 0.059 acres of temporary construction easement, and 0.029 acres of temporary entrance easement, on Tax Map Parcel 18-78 for construction and operation of the Mountain View Road improvements and the operation of Mountain View Road between Rose Hill Farm Drive and 0.25 miles north of Joshua Road, under the provisions of Virginia Code Sections 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, Chief Financial Officer, or their designees, to sign the Certificate of Take and to deposit Thirty-three Thousand Four Hundred Dollars (\$33,400), with the Clerk of the Stafford County Circuit Court, for the Property Owner’s benefit, before entering and taking possession of the right-of-way, drainage easement, and temporary construction and entrance easements in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R12-245.

The Voting Board tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Absent: (1) Cavalier

Resolution R12-245 reads as follows:

A RESOLUTION TO AUTHORIZE THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE RIGHT-OF-WAY, WATER LINE EASEMENT, DRAINAGE EASEMENT, SIGHT DISTANCE EASEMENT, TEMPORARY CONSTRUCTION EASEMENT, AND TEMPORARY ENTRANCE EASEMENT, ON A PORTION OF THE PROPERTY OF ALAN AND KATHY RIVERS, IDENTIFIED AS TAX MAP PARCEL 18-69, IN CONNECTION WITH THE MOUNTAIN VIEW ROAD BOND PROJECT

WHEREAS, the Board identified the completion of road improvements on Mountain View Road from Rose Hill Farm Drive to 0.25 miles north of Joshua Road as a critical part of Stafford County’s road improvement plan; and

WHEREAS, these improvements were included in the 2008 Transportation Bond Referendum; 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 rights-of-way, temporary, and utility easements; and

WHEREAS, the Board determined that staff has been unable to obtain certain right-of-way, utility easements, drainage easements, sight distance easements, and temporary construction and entrance easements necessary for the completion of the Mountain View Road Bond Project (“Project”); and

WHEREAS, Tax Map Parcel 18-69 consists of approximately 2.01 acres of land owned by Alan and Kathy Rivers (“the Property Owners”); and

WHEREAS, the Board must acquire right-of-way and easements on Tax Map Parcel 18-69 (“the Property”) because the design of the road improvements requires 0.305 acres of right-of-way, 0.040 acres of drainage easement, 0.018 acres of sight distance easement, 0.005 acres of water line easement, 0.207 acres of temporary entrance easement, and 0.143 acres of temporary construction easement on 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 Twenty-five Thousand Five Hundred Dollars (\$25,500), based upon the 2012 appraised 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 conducted a public hearing in accordance with Virginia Code Sections 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 carefully considered the recommendations of staff and the 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 0.305 acres of right-of-way, 0.040 acres of drainage easement, 0.018 acres of sight distance easement, 0.005 acres of water line easement, 0.207 acres of temporary entrance easement, and 0.143 acres of temporary construction easement on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16<sup>th</sup> day of October, 2012 that the Board be and it hereby does find that public necessity exists for the Board’s ownership of the right-of-way, water line easement, sight distance easement, drainage easement, and temporary construction and

entrance easements on Tax Map Parcel 18-69 to complete construction and begin operation of the Mountain View Road Project from Rose Hill Farm Drive to 0.25 miles north of Joshua Road; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Twenty-five Thousand Five Hundred Dollars (\$25,500) as just compensation for the right-of-way, water line easement, sight distance easement, drainage easement, and temporary construction and entrance easements, 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 and hereby does declare its intent to exercise the County's quick-take powers to enter upon and immediately acquire 0.305 acres of right-of-way, 0.040 acres of drainage easement, 0.018 acres of sight distance easement, 0.005 acres of water line easement, 0.207 acres of temporary entrance easement, and 0.143 acres of temporary construction easement on Tax Map Parcel 18-69 for construction and operation of the Mountain View Road improvements between Rose Hill Farm Drive and 0.25 miles north of Joshua Road, under the provisions of Virginia Code Sections 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 Chief Financial Officer, or their designees, to sign the Certificate of Take and to deposit Twenty-five Thousand Dollars (\$25,000), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the right-of-way, water line easement, sight distance easement, drainage easement, and temporary construction and entrance easements in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

County Attorney; Authorize a Public Hearing for the Creation of an Embrey Mill Community Development Authority Ms. Bonnie France, with McGuire Woods, addressed the Board. Mr. Schieber commended staff, the applicant, and Ms. France for their work on this project.

Mr. Schieber motioned, seconded by Mr. Milde, to adopt proposed Resolution R12-316.

The Voting Board tally was:

- Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)
- Absent: (1) Cavalier

Resolution R12-316 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE  
CREATION OF THE EMBREY MILL COMMUNITY DEVELOPMENT  
AUTHORITY

WHEREAS, on September 18, 2012, the Board adopted Ordinance O12-32, assuming the power to consider petitions for the creation of community development authorities (CDAs); and

WHEREAS, the Board received a petition (the “Petition”) from Nash Stafford, LLC, for the creation of the Embrey Mill CDA and the landowners have represented that they own at least 51% of the land within the proposed CDA district; and

WHEREAS, the Board is required, and desires, to hold a public hearing to receive public testimony on the proposed ordinance and whether to create the Embrey Mill CDA;

NOW, THEREFORE, BE IT RESOLVED, that the Stafford County Board of Supervisors, on this the 16<sup>th</sup> day of October, 2012, be and it hereby authorizes the County Administrator to advertise a public hearing to consider the creation of the Embrey Mill Community Development Authority.

Report of the At-Large Chairman Citizen’s Committee Committee members Linda Musselman, Chairman; and Scott Mayausky, Secretary; gave a presentation and answered Board members questions. They reported that the Committee met on five occasions, and ultimately found no data to indicate or support changing the current form of County government; and that a public referendum was not necessary, due to the following reasons:

- Financial data shows that the County outperforms its peer group on key financial metrics;
- No discernible citizen demand for an At-Large Chairman;
- Addition of a Board seat will create an even number of Board members, creating logistical issues experienced in both Loudoun and Prince William Counties; and
- The County’s prior experience with an At-Large Supervisor led to its elimination in 2001.

Ms. Musselman also reported that the Committee found that there was a huge cost per Board member in jurisdictions that have an At-Large Chairman. Mr. Mayausky stated

that the two jurisdictions that the Committee being referred to were Loudoun and Prince William Counties.

Mr. Thomas thanked the Committee for their efforts. Mr. Milde stated that he felt this decision should be given to the County citizens on a referendum. Mr. Sterling agreed.

Mr. Schieber felt that the current form of the Board works well, and he does not think that there should be a change. Mr. Snellings agreed, and said that he felt that with an At-Large Chairman, all the Board would be doing is increasing the size of government. Ms. Stimpson also felt that there is no compelling reason to change the current form of government.

The following emails were read by Mr. Milde and Mr. Sterling during the discussion:

(Mr. Milde)

Dear Madam Chairman and Board of Supervisors,

I wanted to apologize for missing the last At-Large Chairman Committee meeting. I did want to say that, based on what I heard at the meetings I did attend; it appeared to me that most of the Members of the Committee already had their minds made up on the issue of an At-Large Chairman position. I was open to hear anyone's views and the views of other elected officials from different counties. After each meeting I felt many most of our opinion had not changed. I feel the only fair and democratic way would be to put the issue on the next election ballot. Let the Residents of Stafford County decide. I know that cost was an issue and I say if the residents vote and approve this measure, that it would a cost that would be worth incurring.

Sincerely,  
Danny Kim

(Mr. Sterling)

Dear Stafford County Board,

I just found out today that a committee that I was asked to be on and that I was placed on has been meeting and voted on the At-Large Chairman issue. I wanted everyone to know that after I was asked by Jack Cavalier to be on this committee I was never contact about any meeting dates or times. I was mailed an informational package on what it would take to enact such a change like this in Stafford County Virginia but I was waiting on notification on when these meetings would be held. I am dismayed that this committee met without the full requested committee present or notified.

I want to let everyone on the Board know that with the current knowledge and information given to me currently, I would have voted to move forward to ask the residents of Stafford County if this is what they wanted for their representation. I understand this would have taken a request for a change in the state legislation but I would have liked to give the residents of Stafford the chance to let us know what they felt.

At this point I understand that it may be a moot point with the meetings and vote already complete by the committee but I wanted to let you know how I would have voted given the chance.

I look forward to continue working with the Stafford County Board and its residents to make us the best County in Virginia.

Sincerely,  
Skip Causey

(Mr. Sterling)

Dear Stafford Board of Supervisors,

I am a 10 year resident of our county and I am writing to express my concern about recent discussion and the formation of the “At-Large Chairman Committee.” I intended on remaining silent on these concerns but recent emails from other committee members have prompted me to share my observations. As you know I was appointed as a committee member. I participated in one meeting on July 12, 2012. Prior to the first committee meeting on June 20, 2012 I was contacted and asked to support a certain individual for chairperson. I did not express an opposing perspective at that time. I opted out of the first meeting to see if the strategy behind the scenes would play out, and it did. So the “back door deal” was in.

At the meeting on July 20<sup>th</sup> one of the committee members wrote an 8 page PowerPoint document outlining the different forms of government that we were to consider. This member presented the document along with his verbal remarks on why many of the forms of government would not work. This same individual also created the original matrix that this committee was using. What concerned me is the obvious gratuitous perspective coming from the committee member. I am not picking on the committee member – I would point out there was an obvious conflict of interest and I am surprised this committee member stayed on the committee and did so much of the work behind the scenes. So in my opinion this committee was already a fait accompli.

This county needs someone in leadership that considers the total impact to the county and is the voice of reason for all Stafford residents at the board level, someone who is not attempting to use a board level position as a step on their resume – someone who is sought after based on consistent results over a period of time and elected at large.

Respectfully,  
Gordon Howard

In addition, a letter from Mr. Corey A. Stewart, Chairman of the Prince William County Board of Supervisors, was distributed to the Board, as well as a brief e-mail from Sharon S. Bulova, Chairman of the Fairfax County Board of Supervisors, which read:

[Having an At-Large Chairman] it has made no difference at all in Fairfax. If we have a vote that is a 5 to 5 tie, the motion fails. You have to have a majority for something to pass. We almost never have a vote that is a tie.]

Mr. Milde requested that a resolution be brought back to the Board to consider a referendum for an At-Large Chairman and asked that the following statement, which he read, be entered into the permanent record:

(Mr. Milde)

“Once again, those of us who support placing this County on equal footing with our neighbors of similar prominence are advocating starting a conversation with the people of Stafford – not just the seven of us who are privileged to sit on this dais – about electing our Board Chairman.

It is neither extraordinary nor unreasonable that we support this change. In fact, we already have evidence that our position is shared by thousands in our community.

I have brought copies of the petitions signed by 6,000 citizens requesting the Board begin taking measures to put this question to the electorate. These signatures were the result of a grassroots effort by citizens to get the Board to consider this move seriously. Yet, four years later, the requests for serious consideration have been consistently thwarted.

Worse, citizens who signed petitions have been maligned by some on this Board who have suggested, or implied, that those citizens were unaware of what they were signing. In my experience, very few – if any – people affix their signatures to something they don’t understand or with which they disagree. Yet, the signatures of thousands of citizens

are discounted and dismissed by this Board, primarily because they don't want to risk putting this decision to the people.

Supporting an elected Chairman is hardly an unusual position. In addition to Cord, Jack, and I, Bob Thomas once expressed his support for letting the citizens decide. In an e-mail from November 1, 2011, he wrote, "...I don't have any problems with the BOS requesting this option from the General Assembly. We can deal with voter outreach and understanding if and when the option is exercised."

At some point since then, Bob apparently changed his views on this issue. I might add that based on conversations I had with Bob, he did so under pressure from our current Chairman.

Despite what will assuredly be the result this evening, I am somewhat encouraged by the progress those of us who support an At-Large Chairman are making on this issue. How do I know we are making progress when in a few moments this will be voted down once again? It is because the arguments of those opposed to holding a referendum have gotten more obscure and their tactics more extraordinary.

Consider the experience of Mr. Kim, who was appointed to serve on the Citizens Committee on this issue." [Mr. Milde read Mr. Kim's e-mail earlier in the discussion.]

"As Mr. Kim's experience illustrates, those opposed to putting this issue to the people believe it is acceptable to have our citizens' serve on an Advisory Committee where the outcome was predetermined. That is both a disappointment and a low point for this Board. We have set a dreadful precedent by authorizing an Advisory Committee whose conclusion was known before they even convened.

One of the more obscure objections we've heard in relation to a referendum is the cost of placing this item on the ballot in a regular election. But as the Registrar has indicated, the expense of adding this item to the ballot is minimal. In fact, the amount is so minimal that I feel comfortable expressing my willingness to pay for that expense out of my own pocket.

Clearly some on this Board view the Chairmanship as a desirable position. But judging from a recent campaign video endorsing Ms. Stimpson's campaign for Lt. Governor, not everyone is clear how Stafford selects its Chairman. In Christopher Stearn's recent video endorsing her candidacy, I was struck by the irony of his comment that our current Chairman "rose through the ranks to be elected Chair." I, for one, do not believe that an

election in which only seven people are allowed to vote can be counted as a significant accomplishment.

Of course, the Chairmanship apparently carries more perks than I realized. Consider that 49% of the borrowing associated with the Stafford CIP is currently earmarked for projects in just one of Stafford's seven districts. That does not strike me as equitable, and, I believe that an At-Large Chairman would place a greater priority on ensuring a fairer distribution of those resources.

We're going to vote this evening even though one of our members cannot be here." [Mr. Milde referenced, but did not read, an e-mail from Mr. Jack Cavalier.]

"We've heard many of the arguments before from those opposed to an at-large Chairman. Our discussion caught the attention of the Chairman of our neighboring County, Prince William – that he sent responding to some of the misconceptions related to instituting an at-large Chairman, because he so effectively explains the facts and benefits of having an elected Chairman." [A copy of Corey Stewart's letter was distributed to the Board.]

"We should never fear the judgment of the people. They understand this issue. They are eminently qualified to make a sensible decision in a referendum. It is time we placed our trust in them. I do not presume to know for certain what their decision will be. But, I know for certain that when they are given an opportunity to make a decision, they will approach the issue with an open mind.

My greatest regret is that the same cannot be said of us, and that, as a result, we may not be living up to the model set by the citizens we serve." [End of statement]

Mr. Schieber thanked the Committee for its work and stated that insinuating that the final recommendation of the Committee was somehow "pre-cooked" was insulting. He added that his appointee brought good skills and an open mind to the Committee and that the Committee worked hard to find a common ground and in drawing their own conclusions.

Mr. Snellings said that it was reprehensible casting dispersions on the Committee volunteers and on the stellar reputation of the Committee Chairman, as was the reputation of the Commissioner of the Revenue. Mr. Snellings added that 13,000 signatures (10% of the registered voters) were necessary and only 6,000 had been gathered, adding that there was no compelling reason to go to referendum regarding an At-Large Chairman.

Mr. Thomas said that Wendy (in the County Administrator’s office) worked hard to reach each member of the Committee. He added that he did not speak to his appointee ahead of time out of respect for the process.

Mr. Sterling said that there were 6,000 compelling reasons to go to referendum. Mr. Milde moved to defer the item.

Ms. Stimpson said that no one intended to put Ms. Musselman under fire. She added that she was struck by the cost to counties with at-large chairman positions. She apologized for putting Ms. Musselman and Mr. Mayausky in the middle and said that the Board tried to handle the issue in a professional manner, that being the reason that a member from each district was brought to the table. She added that it was okay to disagree. Ms. Stimpson concluded her remarks saying that she hoped that this did not discourage citizens from getting involved with other projects or committees.

Hearing no objections, the Board requested that staff bring back a resolution for consideration at the November 20, 2012 meeting.

Planning and Zoning; Consider Sponsoring Margaret Brent Elementary School Application Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Sterling expressed his support for this item.

Mr. Sterling motioned, seconded by Mr. Milde to adopt proposed Resolution R12-337.

The Voting Board tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Absent: (1) Cavalier

Resolution R12-337 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO INITIATE THE NECESSARY APPLICATION AND PERMITS FOR THE CONSTRUCTION OF A WALKING TRAIL ON MARGARET BRENT ELEMENTARY SCHOOL PROPERTY

WHEREAS, the Margaret Brent Elementary School Parent Teacher Organization (MBES PTO) is raising funds to construct a walking trail on school grounds; and

WHEREAS, MBES PTO requested County assistance with the processing of grading plans and permits to construct the trail; and

WHEREAS, the Board desires to assist the MBES PTO with the project; and

WHEREAS, MBES PTO, or its contractor, will provide the required security;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 16th day of October, 2012, that it be and hereby does authorize the County Administrator to initiate the necessary plan review and permit applications for the Margaret Brent Elementary School walking trail project.

Discuss Referendum for Stafford High School Financing Mr. Milde asked that progress on the Stafford High School rebuild be delayed until a referendum could be placed before voters in the County. Ms. Stimpson asked for the reason to put a capital project on the ballot. Mr. Milde responded that the County cannot afford to rebuild Stafford High School, that it was a bad idea, and that Arlington County puts all of its capital projects to referendum because they are not afraid of voter input.

Mr. Sterling said that past referendums do not get the priority they deserve, citing that no Parks projects are yet underway since that referendum was passed by voters several years ago. He added that the government does not know better than residents how they (voters in Stafford County) wish to have their money spent. Mr. Sterling said that he heard the speakers and that he will support a rebuild of Stafford High School, if voters do.

Mr. Snellings asked on which election ballot the question would be placed. Mr. Milde said that it is too late for the November 6, 2012 election. Therefore, it would go on the November, 2013 ballot. Mr. Snellings asked about the \$3M already spent on the project. Mr. Milde said that he did not know.

Mr. Thomas asked if Mr. Milde had in mind a threshold for items to be placed on the ballot, asking if it was \$5M or what amount, and/or who would determine the amount above which it would go to referendum. Mr. Milde said that he did not have in mind any threshold, adding that the rebuild of Stafford High School was not business as usual.

Mr. Schieber said that to say that voters did not have input in the decision to rebuild Stafford High School was “malarkey.” He added that members of the Board and School Board were elected by voters in their respective districts and that was their input. Mr. Schieber said that the School Division should be held to staying within the budgeted amount, and should figure out how to make that happen.

Ms. Stimpson said that she felt that it was clearly undermining the School Board and that countless hours of personal time was spent on the issue. Mr. Milde said that then, an edict should be issued to the School Board to stay within budget and to add an Auto Shop back into the plans. Mr. Schieber said that negotiations with Germanna Community College were already in process regarding the Auto Shop.

Mr. Milde motioned, seconded by Mr. Sterling, to defer the item to the November 20, 2012 meeting. There was no vote taken on the motion.

Discuss Crow's Nest Ms. Stimpson presented information on the purchase of Crow's Nest and related parcels. She asked questions about current land value vs. at the time of purchase. Commissioner of the Revenue, Mr. Scott Mayausky, responded that 1800 acres were purchased and the deed recorded, on March 18, 2005, at a cost of \$19.2M. An additional 1100 acres was purchased, and the deed recorded, on July 29, 2009, at a cost of \$14M. In response to Ms. Stimpson's question about land value, Mr. Mayausky stated that the appraised value (currently) was \$11.5M.

Ms. Stimpson said that in researching the owners at Crow's Nest Harbour, based on transfer records, she wanted to know who "TK" was, that she tried to look it up but did not find anything that did not lead back to an attorney/representative. Ms. Stimpson said that the purchase of Crow's Nest may not have been the best decision of spending the County's money given the fact that the value decreased since its purchase. Mr. Sterling said that preservation of land is a County priority.

Mr. Milde said that owners in Crow's Nest Harbour were going to sue if they were not permitted to build on their property. He said that overall, it cost the County \$9M to save 3,000 acres of land. Ms. Stimpson said that Mr. Milde has his priorities, as do all the other seven members of the Board, restating that Crow's Nest may have not been a great deal for the taxpayers of Stafford County, but that the landowner's got a good deal.

Discuss the Date of the Board's January, 2013 Organizational Meeting Hearing no objections, the Board deferred any action to the November 20, 2012 meeting.

Adjournment: At 10:03 p.m. the Chairman declared the meeting adjourned.

---

Anthony J. Romanello, ICMA-CM  
County Administrator

---

Susan B. Stimpson  
Chairman