

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES

Regular Meeting  
May 19, 2009

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:04 P. M., Tuesday, May 19, 2009, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: George H. Schwartz, Chairman; Cord A. Sterling; Robert “Bob” Woodson; M. S. “Joe” Brito; Harry E. Crisp, Vice Chairman; and Mark Dudenhefer. Mr. Paul V. Milde, III arrived at 1:18 P.M.

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

Legislative; Presentation on Proclamation.

- Recognize the Week of May 16-22, as “Safe Boating Week” in Stafford

Legislative; Presentation by Russell L. Smith, Superintendent of the National Park Service, Regarding Long-Range Planning Process. Mr. Smith gave a presentation and responded to Board members questions.

Hearing no objections from the Board, Mr. Crisp and Mr. Milde were requested to further review this issue as members of the Museum Committee in conjunction with Economic Development staff.

Legislative; Presentation by R. Michael Amyx, Executive Director, Virginia Municipal League. Mr. Amyx gave a presentation on current operations.

Legislative; Work Session on Budget Documents. The County Administrator commented.

Ms. Nancy Collins, Budget Division Director, gave a presentation and responded to Board members questions.

Legislative; Work Session on Developer Security Policy. Mr. Keith Dayton, Director of Public Works, gave a presentation.

Mr. Mike Neuhard, Deputy County Administrator, commented further and responded to Board members questions.

Hearing no objections from the Board, the Board requested this item be brought back to the next Board meeting.

Legislative; Work Session to Discuss Draft Comprehensive Plan. Mr. Mike Zuraf, Principal Planner of Planning and Zoning, gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Milde, to refer to the Planning Commission Proposed Resolution R09-237 with three changes to the proposed plan.

The Voting Board tally was:

Yea: (6) Sterling, Brito, Dudenhefer, Milde, Schwartz

Nay: (1) Woodson

Resolution R09-237 reads as follows:

A RESOLUTION TO DISAPPROVE THE PLANNING COMMISSION'S RECOMMENDED COMPREHENSIVE PLAN; RETURN A REVISED COMPREHENSIVE PLAN TO THE PLANNING COMMISSION; INITIATE A JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION ON JULY 7, 2009 FOR CONSIDERATION AND ADOPTION OF THE REVISED COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 15.2-2223 OF THE CODE OF VIRGINIA (1950), AS AMENDED; AND TO REPEAL THE LAND USE PLAN COMPONENT OF THE COMPREHENSIVE PLAN, INCLUDING TEXT DATED FEBRUARY 2003, AND THE LAND USE PLAN MAP DATED FEBRUARY 13, 2003, LAST REVISED JULY 8, 2008

WHEREAS, the Planning Commission has prepared and recommended a Comprehensive Plan to the Board of Supervisors for their consideration, following a public hearing; and

WHEREAS, the Board has reviewed the plan and has disapproved the Planning Commission's recommended Comprehensive Plan because it failed to comport with the Board's vision for the Urban Services Area (USA); included Urban Development Areas (UDA) the Board is not ready to address; contained land use designations contrary to the Board's concept for future development; and included text language requiring revision; and

WHEREAS, the Board has made revisions to the Planning Commission recommended Comprehensive Plan it wants the Planning Commission to consider after advertisement of the revised Comprehensive Plan and joint public hearing with the Board; and

WHEREAS, the Board, in accordance with Section 15.2-2227, is required to return the plan to the Planning Commission for reconsideration, because it has disapproved the Planning Commission recommended Plan; and

WHEREAS, the Board desires the scheduling of a joint public hearing with the Planning Commission to reconsider the Plan with the revisions required by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of May, 2009, that the Planning Commission recommended Comprehensive Plan be, and it is hereby, disapproved; and

BE IT FURTHER RESOLVED that the County Administrator is directed to advertise the Board's revised Comprehensive Plan for joint public hearing with the Planning Commission for July 7, 2009; and

BE IT FURTHER RESOLVED that the Board does hereby initiate a joint public hearing with the Planning Commission to be held on July 7, 2009 at 7:00 p.m. in the Board Chambers to consider the Board's revised Comprehensive Plan; and

BE IT FURTHER RESOLVED that the Board instructs the Planning Commission to conduct a joint public hearing with the Board to consider the Board's revised Comprehensive Plan and make recommendations on that revised Plan to the Board; and

BE IT STILL FURTHER RESOLVED that after the conclusion of the joint public hearing and upon considering any comments and recommendations from the Planning Commission, the Board intends to adopt the Comprehensive Plan with all the additions

and amendments that have been approved, and repeal the Land Use Plan dated February 2003 and the Land Use Map, dated February 13, 2003, last revised July 8, 2008.

Legislative; Additions to the Regular Agenda. Mr. Milde motioned, seconded by Mr. Dudenhefer, to add Item 21 – Discuss Use of Federal Transit Funds by FRED; and Item 22 – Discuss Mt. Hope Baptist Church Pump and Haul to the Regular Agenda.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling  
Nay: (0)

Legislative; Consent Agenda. Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt the Consent Agenda consisting of Items 6 thru 17, omitting Items 7, 11, 12, 14, and 17.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson  
Nay: (0)

Item 6. Finance and Budget; Approve Expenditure Listing

Resolution R09-221 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING  
(EL) DATED MAY 5, 2009 THROUGH APRIL 18, 2009

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of May 2009, that the above-mentioned EL be and it hereby is approved.

Item 8. Finance and Budget; Budget and Appropriate Proffer Fund Proceeds.

Resolution R09-222 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE PROFFER  
FUND PROCEEDS

WHEREAS, proffers totaling \$777 are available for libraries, of which \$562 can be used for the England Run project and \$215 can be used for energy upgrades at the Porter Library; and

WHEREAS, proffers totaling \$1,044 are available for the government center and general government which can be used for the Courthouse basement renovation project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of May, 2009, that the County Administrator be and he hereby is authorized to budget and appropriate funds as follows:

GENERAL FUND

Public Services - Porter Library	\$ 215
Transfer to Other Funds	<u>\$ 1,606</u>
	\$ 1,821



Resolution R09-223 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A CONTRACT FOR THE PURCHASE OF WATER  
METERS AND ACCESSORIES

WHEREAS, the Department of Utilities needs to purchase water meters and accessories; and

WHEREAS, the Board has appropriated funds in the FY2010 Operating Budget for these purchases; and

WHEREAS, Sensus Metering Systems, Inc. is the sole supplier for the water meters and accessories used by the County for its automated meter reading system;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of May 2009, that the County Administrator be and he hereby is authorized to execute a contract with Sensus Metering Systems, Inc. in an amount not to exceed Two Hundred Ten Thousand One Hundred One Dollars (\$210,101) for the purchase of water meters and accessories through June 30, 2010.

Item 13. Public Information; Declare the Week of May 16-22, 2009 as Safe Boating Week in Stafford.

Proclamation P09-10 reads as follows:

A PROCLAMATION TO DECLARE THE WEEK OF  
MAY 16 – 22, 2009 AS SAFE BOATING WEEK IN STAFFORD

WHEREAS, Stafford County boasts beautiful and abundant lakes, rivers and streams offering boaters, skiers, fishermen and swimmers a wealth of recreational opportunities; and

WHEREAS, tragically, more than 700 people die nationwide each year in boating accidents attributed to a failure to wear life jackets, poorly maintained watercraft and on-board equipment, and the consumption of alcoholic beverages; and

WHEREAS, the National Safe Boating Council has declared May 16–22, 2009, as National Safe Boating Week; and

WHEREAS, events during National Safe Boating Week will highlight the four principles of safe boating, which include “wearing life jackets saves lives, boater education saves lives, safe boats save lives, and sober boating saves lives”; and

WHEREAS, the National Safe Boating Council urges water enthusiasts to take advantage of boating safety courses sponsored by local Coast Guard Auxiliaries and United States Power Squadrons, maintain the correct number and sizes of personal flotation devices on board crafts, keep charts and maps current, and maintain the proper emergency communications equipment on vessels; and

WHEREAS, the Board urges Stafford citizens to keep safety in mind as they enjoy water recreation opportunities throughout the summer, and to remember the continuing National Safe Boating Week Campaign slogan: “Wear It! Always Wear Your Life Jacket!”;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19th day of May, 2009, that the week of May 16 – 22, 2009 be and it hereby is declared as Safe Boating Week in Stafford.

Item 15. Legislative; Appoint Members to Boards, Authorities, Commissions and Committees; Rappahannock Area Community Services Board.

Resolution R09-227 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE RAPPAHANNOCK  
AREA COMMUNITY SERVICES BOARD

WHEREAS, Sections 37.1-194 through 37.1-200 of the Code of Virginia (1950), as amended, authorize the Board to appoint members to serve on the Rappahannock Area Community Services Board (RACSB); and

WHEREAS, RACSB's Bylaws allow three members from each political jurisdiction in Planning District 16, to serve three-year terms that are staggered by year and expire at the end of the fiscal year; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
John Rowley (Member-At-Large)	June 30, 2009
Annette Johnson (Member-At-Large)	June 30, 2010
Matthew Zurasky (Member-At-Large)	June 30, 2011

WHEREAS, the term of John Rowley expires June 30, 2009; and

WHEREAS, the Board desires to fill this position;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of May, 2009, that

<u>NAME</u>	<u>EXPIRATION</u>
John Rowley (Member-At-Large)	June 30, 2012

be and he hereby is appointed to the Rappahannock Area Community Services Board.

Item 16. Planning and Zoning; Refer to the Planning Commission and Amendment to the Zoning Ordinance Regarding Section 28-39, Special Regulations (a) “Fences, Walls and Hedges”.

Resolution R09-226 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT TO THE ZONING ORDINANCE TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTION 28-39, SPECIAL REGULATIONS, (a) “FENCES, WALLS AND HEDGES”

WHEREAS, the Zoning Ordinance provides height regulations for fences, walls and hedges in specific zoning districts; and

WHEREAS, the Zoning Ordinance does not provide height regulations for fences, walls and hedges on residential corner lots for street facing side yard; and

WHEREAS, the Board of Zoning Appeals requests an amendment to include street facing side yard within Section 28-39, Special Regulations, (a) Fences, Walls and Hedges; and

WHEREAS, public necessity, convenience, general welfare and good zoning practices requires the adoption of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of May, 2009, that the amendment to the Zoning Ordinance by proposed Ordinance O09-32 be and it hereby is referred to the Planning Commission for its consideration.

Finance and Budget; Administer a Utilities Payment in Lieu of Taxes (P.I.L.O.T) Program. Mr. Milde commented.

Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Resolution R09-220.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Crisp, Dudenhefer, Schwartz, Sterling, Woodson, Brito

Nay: (1) Milde

Resolution R09-220 reads as follows:

AUTHORIZE THE COUNTY ADMINISTRATOR TO ADMINISTER  
A UTILITIES PAYMENT IN LIEU OF TAXES (P.I.L.O.T.) PROGRAM

WHEREAS, the Board requested the County Administrator to develop a Utilities Payment in Lieu of Taxes (P.I.L.O.T.) program; and

WHEREAS, the Board set the P.I.L.O.T. amount at \$600,000 annually; and

WHEREAS, the FY10 County budget includes this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of May, 2009 that the County Administrator be and he hereby is authorized to administer a Utilities P.I.L.O.T. program and to collect from the Utilities Fund, a P.I.L.O.T. in the amount of \$600,000 annually, with the amount to be changed annually, based on the change in equivalent dwelling units in the Utilities System.

Public Works; Authorize Firms for On-Call Professional Engineering Services. Mr. Brito commented.

Mr. Keith Dayton, Director of Public Works, and Mr. Joe Howard, County Attorney, commented further.

Mr. Brito motioned, seconded by Mr. Milde, to adopt proposed Resolution R09-78.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Resolution R09-78 reads as follows:

**A RESOLUTION AUTHORIZING FIRMS TO PROVIDE ON-CALL  
PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, staff has found it efficient to have multiple engineering firms authorized to perform professional services for various County projects; and

WHEREAS, the County has solicited proposals from qualified vendors for engineering services on an on-call basis in four engineering disciplines; and

WHEREAS, staff evaluated the proposals received and conducted interviews with the most qualified vendors; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of May, 2009, that the following firms be and they hereby are authorized to perform professional services on an on-call basis:

Geotechnical Engineering Services

1. ECS Mid-Atlantic, LLC
2. Dominion Engineering Associates, Inc.
3. Geotechnical Consulting and Testing, Inc.

Industrial Hygiene Engineering Services

1. ECS Mid-Atlantic, LLC
2. APEX Companies, LLC
3. Froehling and Robertson, Inc.
4. Atrium Environmental Health and Safety Services, LLC

Civil Engineering Services

1. Timmons Group
2. Rinker Design Associates, PC
3. Webb and Associates
4. Sullivan, Donahoe and Ingalls
5. A. Morton Thomas & Associates, Inc.

Environmental and Natural Resources Engineering

1. McCormick Taylor
2. Timmons Group / GKY & Associates, Inc.
3. Williamsburg Environmental Group, Inc.
4. AMEC Earth & Environmental, Inc.
5. Wetland Studies and Solutions, Inc.

Public Works; Authorize Revisions to the Stafford County Developer Security Policy.

Mr. Milde commented.

Mr. Michael Neuhard, Deputy County Administrator, commented further.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Woodson, to adopt proposed Resolution R09-225.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Resolution R09-225 reads as follows:

A RESOLUTION AUTHORIZING ADOPTION OF THE SECURITY POLICY

WHEREAS, the Security Policy now in effect was adopted in October 2000; and

WHEREAS, this Policy includes provisions which are not in compliance with the requirements of recent changes made by the Commonwealth of Virginia; and

WHEREAS, a committee comprised of County staff and consultants examined the current Security Policy and made recommendations to comply with current state law along with other modifications intended to protect the interests of the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>h</sup> day of May, 2009, that the Board be and hereby does amend the Security Policy effective July 1, 2009.

Transportation; Request a Time Extension From the Board of Supervisors for Recommendations by the Transportation Impact Fee Advisory Committee for the Proposed Transportation Impact Fee Program. Mr. Brito commented.

Mr. Michael Neuhard, Deputy County Administrator, commented.

Hearing no objections from the Board, it was requested staff further review costs.

Mr. Crisp motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-224.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde  
Nay: (0)

Resolution R09-224 reads as follows:

A RESOLUTION TO EXTEND THE TIME ALLOTTED TO THE  
TRANSPORTATION IMPACT FEE ADVISORY COMMITTEE FOR  
RECOMMENDATIONS ON THE PROPOSED TRANSPORTATION  
IMPACT FEE PROGRAM, ITS METHODOLOGY AND ROAD  
IMPROVEMENT LIST

WHEREAS, the Board approved Resolution R09-119 on February 17, 2009 referring the proposed Transportation Impact Fee Program to the Transportation Impact Fee Advisory Committee for its evaluation within 90 days; and

WHEREAS, the Committee has diligently met and worked to provide recommendations to the Board; and

WHEREAS, the Committee has requested, and staff recommends extending the time allotted to the Transportation Impact Fee Advisory Committee an additional 60 days;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of May 2009, that the Board be and it hereby does extend the time allotted to the Transportation Impact Fee Advisory Committee for its recommendation on the proposed methodology and the road improvement list of the proposed Transportation Impact Fee Program an additional sixty (60) days.

Public Works; Approve the FY2010 Potomac and Rappahannock Transportation Commission Administrative Fee and Virginia Railway Express Subsidy and Authorize Payment. Mr. Dudenhefer commented.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to defer proposed Resolution R09-231 to the next Board meeting.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Sterling, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (1) Woodson

Legislative; Closed Meeting. At 3:48 P.M., Mr. Crisp motioned, seconded by Mr. Milde, to adopt proposed Resolution CM09-10.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Resolution CM09-10 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting Acquisition of Real Property for Public Purpose regarding Rocky Pen Run Reservoir, negotiations for the following properties remaining to be acquired: Dever, Orris, and Roberson; and Discussion regarding Potential Business or Industry Economic Development Prospect Where No Public Announcement has been Made; and

WHEREAS, pursuant to Section 2.2-3711 A.3 and A.5, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 19<sup>th</sup> day of May, 2009, does hereby authorize discussions of the aforesaid matters in Closed Meeting.

Call to Order. At 4:16 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM09-10a.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson  
Nay: (0)

Resolution CM09-10a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD  
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON  
MAY 19, 2009

WHEREAS, the Board has, on this the 19<sup>th</sup> day of May, 2009, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 19<sup>h</sup> day of May, 2009, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Legal; Consider Condemnation and Exercise of Quick-Take Powers to Acquire Tax Map  
Parcels 43-32 and 43-33 (Roberson) in Connection with the Rocky Pen Run Reservoir.

Mr. Woodson motioned, seconded by Mr. Crisp, to adopt proposed Resolution R09-17.

The Voting Board tally was:

Yea: (6) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson  
Nay: (0)  
Abstain: (1) Brito

Resolution R09-17 reads as follows:

A RESOLUTION WHICH AUTHORIZES CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A PORTION OF THE PROPERTY OF LOIS D. ROBERSON, LOCATED OFF HASSLE LANE, TAX MAP PARCELS 43-32 AND 43-33, IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR PROJECT

WHEREAS, the Board has approved and is in the process of acquiring the necessary parcels for the construction of the Rocky Pen Run Reservoir, an approved public use to meet the County’s water supply needs; and

WHEREAS, Tax Map Parcels 43-32 and 43-33 consist of approximately 47 and 18 acres of land, respectively, owned by Lois D. Roberson (the “Property Owner”); and

WHEREAS, because the design for the project requires clearing and grading of a 31.73 acre portion of Tax Map Parcel 43-32 and a 6.28 acre portion of Tax Map Parcel 43-33 (collectively “the Property”) largely for inundation by the reservoir, the Board must acquire ownership of the Property in fee simple; and

WHEREAS, the fair market value for the Property, together with damages, if any, to the remainder of the Property Owner’s property, is Seven Hundred Ninety-eight Thousand Three Hundred Eighty-three Dollars (\$798,383) based upon a bona fide appraisal by an independent appraiser pursuant to Section 25.1-417 Va. Code Ann.; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide but ineffectual effort to purchase the Property from the Property Owner 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 Board's consulting negotiator has been unsuccessful in negotiating a final settlement with the Property Owner, but will continue to work with the Property Owner to attempt to reach an acceptable settlement; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of May, 2009, that the Board does hereby find that public necessity exists for the Board's fee simple ownership of the Property to complete construction and begin operation of the Rocky Pen Reservoir, an approved public use to meet the County's water supply needs; and

BE IT FURTHER RESOLVED that the Board determines that, notwithstanding the Board's bona fide offer of \$798,383 as just compensation for the Property, including damages, if any, to the remainder of the Property Owner's property, the Board and the Property Owner cannot agree on the compensation to be paid or on other terms of purchase and settlement; and

BE IT STILL FURTHER RESOLVED that the Board determines that because it is necessary to do so it hereby declares its intent to exercise its quick-take powers to enter upon and take the above-referenced Property for construction and operation of the Rocky Pen Run Reservoir prior to condemnation proceedings; and

BE IT STILL FURTHER RESOLVED that the Stafford County Board of Supervisors does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Director of Finance and Budget, or their designees, to sign the Certificate and to deposit Seven Hundred Ninety-eight Thousand Three Hundred Eighty-three Dollars (\$798,383) with the Clerk of the Circuit Court for Stafford County for the Property Owner's benefit before entering and taking possession of the Property in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with law.

Legal; Consider Condemnation and Exercise of Quick-Take Powers to Acquire Tax Map Parcel 43-74 (Orris) in Connection with the Rocky Pen Run Reservoir. Mr. Crisp motioned, seconded by Mr. Woodson, to adopt proposed Resolution R09-174.

The Voting Board tally was:

Yea:	(6)	Dudenefer, Milde, Schwartz, Sterling, Woodson, Crisp
Nay:	(0)	
Abstain:	(1)	Brito

Resolution R09-174 reads as follows

A RESOLUTION WHICH AUTHORIZES CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A PORTION OF THE PROPERTY OF RAYMOND AND ARIA ORRIS, TAX MAP PARCEL 43-74, IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR PROJECT

WHEREAS, the Board has approved and is in the process of acquiring the necessary parcels for the construction of the Rocky Pen Run Reservoir, an approved public use, to meet the County's water supply needs; and

WHEREAS, Tax Map Parcel 43-74 consists of approximately 105.5 acres of land, owned by Raymond and Aria Orris (the “Owners”); and

WHEREAS, because the design for the project requires clearing and grading of approximately a 43.5 acre portion of Tax Map Parcel 43-74 (“the Property”), largely for inundation by the reservoir, the Board must acquire ownership of the Property in fee simple; and

WHEREAS, the fair market value for the Property, together with damages, if any, to the remainder of the Property is Five Hundred Forty-eight Thousand Three Hundred Dollars (\$548,300) based upon a bona fide appraisal by an independent appraiser pursuant to Section 25.1-417 Va. Code Ann.; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide but ineffectual effort to purchase 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 Board’s consulting negotiator has been unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing in accordance with Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann., to determine the necessity for condemnation and the use of the County’s quick-take powers and has carefully considered the recommendations of staff and the 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 43.5 acre portion of Tax Map Parcel 43-74;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of May, 2009, that the Board be and it hereby does find that public necessity exists for the Board's fee simple ownership of the Property to complete construction and begin operation of the Rocky Pen Reservoir, an approved public use to meet the County's water supply needs; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of \$548,300 as just compensation for the Property, including damages, if any, to the remainder of the Property, 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 it is necessary to do so and hereby declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire the Property for construction and operation of the Rocky Pen Run Reservoir, under the provisions of Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann.; and

BE IT STILL FURTHER RESOLVED that the Stafford County Board of Supervisors does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Director of Finance and Budget, or their designees, to sign the Certificate and to deposit Five Hundred Forty-eight Thousand Three Hundred Dollars (\$548,300), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the Property in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with law.

Legal; Consider Condemnation and Exercise of Quick-Take Powers to Acquire Tax Map Parcel 43-76-2-14 (Dever) in Connection with the Rocky Pen Run Reservoir. Mr. Crisp motioned, seconded by Mr. Woodson, to adopt proposed Resolution R09-173.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Sterling, Woodson, Crisp, Dudenhefer  
Nay: (0)  
Abstain: (1) Brito

Resolution R09-173 reads as follows:

A RESOLUTION WHICH AUTHORIZES CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A PORTION OF THE PROPERTY OF WADE AND VALERIE DEVER, TAX MAP PARCEL 43-76-2-14, IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR PROJECT

WHEREAS, the Board has approved and is in the process of acquiring the necessary parcels for the construction of the Rocky Pen Run Reservoir, an approved public use, to meet the County’s water supply needs; and

WHEREAS, Tax Map Parcel 43-76-2-14 consists of approximately 4.9 acres of land, owned by Wade and Valerie Dever (the “Owners”); and

WHEREAS, because the design for the project requires clearing and grading of a 2.39 acre portion of Tax Map Parcel 43-76-2-14 (“the Property”), largely for inundation by the reservoir, the Board must acquire ownership of the Property in fee simple; and

WHEREAS, the fair market value for the Property, together with damages, if any, to the remainder of the Property is One Hundred Twenty-Five Thousand, Nine Hundred Seventy-Eight Dollars (\$125,978) based upon a bona fide appraisal by an independent appraiser pursuant to Section 25.1-417 Va. Code Ann.; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide but ineffectual effort to purchase 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 Board's consulting negotiator has been unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing in accordance with Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann., to determine the necessity for condemnation and the use of the County's quick-take powers and has carefully considered the recommendations of staff and the 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 2.39 acre portion of Tax Map Parcel 43-76-2-14;

NOW THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 19<sup>th</sup> day of May, 2009, that the Board be and it hereby does find that public necessity exists for the Board's fee simple ownership of the Property to complete construction and begin operation of the Rocky Pen Reservoir, an approved public use to meet the County's water supply needs; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of \$125,978 as just compensation for the Property, including damages, if any, to the remainder of the Property, 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 it is necessary to do so and hereby declares its intent to exercise the County’s quick-take powers to enter upon and immediately acquire the Property for construction and operation of the Rocky Pen Run Reservoir, under the provisions of Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann.; and

BE IT STILL FURTHER RESOLVED that the Stafford County Board of Supervisors does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Director of Finance, or their designees, to sign the Certificate and to deposit One Hundred Twenty-Five Thousand, Nine Hundred Seventy-Eight Dollars (\$125,978), with the Clerk of the Stafford County Circuit Court, for the Property Owners’ benefit, before entering and taking possession of the Property in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with law.

Mr. Brito motioned, seconded by Mr. Crisp, to extend FREdericksburg Regional Transit Authority to Celebrate Virginia.

The Voting Board tally was:

Yea: (6) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde  
Nay: (1) Milde

Legislative; Discuss Use of Federal Transit Funds by FREdericksburg Regional Transit Authority. Mr. Dudenhefer motioned, seconded by Mr. Milde, to request the County Administrator to write a letter to Fredericksburg City Council requesting \$113,000 be used for bus stop shelters in commercial areas in North Stafford.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz  
Nay: (0)

Legislative; Discuss Mt. Hope Baptist Church Pump and Haul. Mr. Milde commented.

Mr. Harry Critzer, Director of Utilities, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Woodson, to provide temporary pump and haul services for five years.

Discussion ensued.

Mr. Milde withdrew the motion and Mr. Woodson withdrew the second to the motion.

Hearing no objections from the Board, it was requested this item be placed on the next agenda and provide the church with the appropriate paperwork which will need to be completed and submitted to the County.

Recess. At 4:40 P.M., the Chairman declared a recess until 6:00 P.M.

Call to Order. At 6:05 P.M., the Chairman called the meeting back to order.

Presentation of Historic Preservation Awards by Historical Commission. Ms. Barbara Kirby, Vice Chairman of the Historical Commission, presented the 2008 Historic Preservation Award to Debbie Shelton and the Patowomeck Indians of Virginia Award to Becky Guy.

Adjournment. At 6:15 P. M. the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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George H. Schwartz  
Chairman