

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

September 6, 2011

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 3:00 p.m., Tuesday, September 6, 2011, in the Board Chambers, Stafford County Administration Center.

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

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

Presentation of Force Protection Equipment Demonstration (FPED) VIII Certificate of Appreciation by BG Jess A. Scarbrough BG Scarbrough offered certificates of thanks and appreciation to M. C. Moncure, Tim Barody, 1<sup>st</sup> Sgt. Brian Jacobs, Sheriff Charles Jett, Fire Chief James R. Brown, and Ed Wallis with the Stafford Regional Airport.

Mr. Romanello informed the Board that the presentation of a proclamation to recognize the National Guard’s work at the Civil War Park would be rescheduled.

University of Mary Washington President, Rick Hurley – UMW Center for Economic Development Accord / Regional Conference on September 26, 2011 University President, Rick Hurley, and Vice President, Meta Braymer, were in attendance to introduce the Center for Economic Development, in partnership with the Fredericksburg Regional Alliance (FRA), and include REDCO and localities in Planning District 16, as well as the Small Business Center, including what President Hurley referred to as “UMW’s top intellectual capital.” A “Partners in Prosperity for the Rappahannock Region” conference will be held at the Stafford Campus on Monday, 9/26/11, from 8:00 a.m. to 1:30 p.m.

Legislative; Presentations by the Public:

Dana Brown	-	Not in favor of temporary health care structures
------------	---	--

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

Gary Snellings	-	Hartwood Days on September 10 <sup>th</sup> ; Public Safety Committee (F&R Study, LOS, Gang Task Force, Radon Mitigation)
Cord Sterling	-	Deferred
Susan Stimpson	-	Condolences to the family of Aline Burton
Bob Woodson	-	Deferred
Harry Crisp	-	Infrastructure Committee (1039 new parking spaces at the Staffordboro commuter lot); Mine Road/Garrisonville Road project; PPTA; P&R Bond projects
Paul Milde	-	Deferred

Mark Dudenhefer - Thanked Registrar for successful election;  
Recognized Michael Neuhard's retirement  
thanked him for contributions to Stafford.

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

Legislative; Report of the County Administrator Mr. Anthony J. Romanello, County Administrator, reported to the Board that the County will hold a September 11<sup>th</sup> commemoration at 1:30 p.m. at the Administration Center. There are 115,000 new sq. ft. of commercial now open in the County. Introduced, in their "acting" positions, Keith Dayton, Deputy County Administrator; Mike Smith, Director of Public Works; and Janet Spencer, Assistant Director of Utilities. Item #14 on the Consent Agenda was pulled off the agenda.

Legislative; Additions and Deletions to the Regular Agenda Mr. Snellings motioned, seconded by Mr. Sterling, to adopt the agenda, deleting Item 14.

The Voting Board tally was:

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

Legislative; Consent Agenda Mr. Milde motioned, seconded by Mr. Snellings, to adopt the Consent Agenda, consisting of Items 4 thru 15, omitting Item 10.

The Voting Board tally was:

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

Item 4. Approve Minutes of the August 16, 2011 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R11-236 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED AUGUST 16, 2011 THROUGH SEPTEMBER 6, 2011

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of September 2011 that the above-mentioned EL be and hereby is approved.

Item 6. Finance and Budget; Authorize P-Card Program Revisions and Contract Renewal

Resolution R11-234 reads as follows:

A RESOLUTION TO ADOPT REVISED PROCUREMENT CARD PROGRAM POLICIES AND PROCEDURES AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO CONTINUE THE PROCUREMENT CARD PROGRAM THROUGH A RIDER ON A CONTRACT WITH FAIRFAX COUNTY

WHEREAS, the County implemented a procurement card (P-Card) program as an operating efficiency, in August, 2006, for the purpose of acquiring of already budgeted materials and supplies; and

WHEREAS, the County's contract with P-Card program provider JP Morgan Chase is expiring in September, 2011; and

WHEREAS, the County desires to continue the P-Card program; and

WHEREAS, Fairfax County has a contract with JP Morgan Chase for a P-Card program, which is a cooperative procurement; and

WHEREAS, the County desires to participate in the local government consortium utilizing the Fairfax County JP Morgan Chase contract exercising the cooperative procurement; and

WHEREAS, revisions to the P-Card policies and procedures have been reviewed and approved by the County's external auditors;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 6<sup>th</sup> day of September, 2011, that the County Administrator be and he hereby is authorized to exercise a cooperative procurement on the Fairfax County JP Morgan Chase contract; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to update P-Card policies to conform to current procurement policies.

Item 7. Public Works; Request Reimbursement from PRTC for Transportation Expenses for the 4<sup>th</sup> Quarter of FY2011

Resolution R11-237 reads as follows:

A RESOLUTION TO REQUEST REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION FOR TRANSPORTATION EXPENDITURES FOR THE FOURTH QUARTER OF FISCAL YEAR 2011

WHEREAS, the County budgeted funds in the FY2011 Transportation Fund for various programs, including professional services, road improvements, street signs, and transportation services; and

WHEREAS, the County expended \$236,734 for qualifying transportation-related expenses for the fourth quarter of FY2011; and

WHEREAS, these funds can be reimbursed from the County Motor Fuels Tax Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of September, 2011, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Two Hundred Thirty-six Thousand, Seven Hundred Thirty-four Dollars (\$236,734) from the County Motor Fuels Tax Fund.

Item 8. Utilities; Authorize Amendment to a Contract for the Purchase of Liquid Ferric Sulfate

Resolution R11-238 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT TO INCREASE THE TOTAL CONTRACT AMOUNT FOR THE PURCHASE OF LIQUID FERRIC SULFATE

WHEREAS, the Board appropriated funds to be expended in FY12 for the purchase of chemicals for use at the County's water treatment facilities; and

WHEREAS, the County is currently under contract with General Chemical Performance Products, LLC for the purchase of ferrous sulfate; and

WHEREAS, the Abel Lake Water Treatment Facility has switched to ferric sulfate for increased performance in Total Organic Carbon (TOC) removal;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2011, that the County Administrator be and he hereby is authorized to execute a contract amendment with General Chemical Performance Products, LLC to increase the current contract for Liquid Ferrous Sulfate by One Hundred Eighty-three Thousand One Hundred Seventy Dollars (\$183,170), for a total contract amount not to exceed Five Hundred Fifty-seven Thousand Three Hundred Fifty-four Dollars (\$557,354).

Item 9. Public Information; Recognize the following:

Proclamation P11-14 reads as follows:

A PROCLAMATION TO RECOGNIZE OCTOBER 5, 2011 AS  
“CELEBRATE FALMOUTH’S AROUND THE WORLD DAY”

WHEREAS, October 5, 2011 marks the 350th anniversary of the chartering of the City of Falmouth, by King Charles II; and

WHEREAS, Falmouth Town, Virginia was established in 1727 and named after the seaport of Cornwall, England; and

WHEREAS, many other cities and towns around the world have also been named after Cornwall's great port; and

WHEREAS, localities named Falmouth, from Tasmania to Virginia, celebrate their connection to the seaport at the mouth of the River Fal on this significant anniversary of its charter;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of September, 2011, that it be and hereby does recognize October 5, 2011 as “Celebrate Falmouth’s Around the World Day.”

Proclamation P11-16 reads as follows:

A PROCLAMATION TO RECOGNIZE THE VIRGINIA ARMY  
NATIONAL GUARD FOR ITS WORK AT STAFFORD COUNTY’S  
CIVIL WAR PARK

WHEREAS, the Stafford County Board of Supervisors and the Fredericksburg City Council set aside forty-two (42) acres of land to construct a Civil War Park; and

WHEREAS, this Park contains three large earthen Union artillery batteries, the remains of a pre-Civil War bridge, a late 1700's sandstone quarry, and a Union winter encampment site; and

WHEREAS, three companies of the Virginia Army National Guard's 276th Engineer Battalion are clearing the right-of-way and building an access road and trails linking the sites to multiple parking lots, and a family picnic area, that will allow visitors to walk these historic grounds while still preserving the original forts and encampment; and

WHEREAS, during this two-phase project, additional support will be provided by seventy-five (75) engineers from the Powhatan-based 180th Horizontal Construction Company, along with the Cedar Bluff-based 1033rd Engineer Support Company, and a section from the Bowling Green-based 189th Multirole Bridge Company; and

WHEREAS, in addition to its community outreach efforts, the 276th Engineer Battalion has served in both Afghanistan and Iraq as part of Operation Enduring Freedom; and

WHEREAS, the Battalion was awarded a second Valorous Unit Award for its actions in combat and earned a Meritorious Unit Commendation for its service in Iraq in 2004-2005, making it the only Virginia Guard Battalion who has received two Valorous Unit Awards, and the most decorated battalion in the Virginia Guard since the end of World War II;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of September, 2011, that it be and hereby does recognize the Virginia National Guard for its work at Stafford County's Civil War Park, and for its service to our community, to the Commonwealth, and to the Nation.

Item 11. Legislative; Authorize Appointment of Keith Dayton as Alternate to Anthony Romanello on the Fredericksburg Area Metropolitan Planning Organization (FAMPO)

Item 12. Legislative; Authorize Appointment of Vanessa Griffin to the Architectural Review Board and to the Transportation Advisory Group

Item 13. Legislative; Authorize Appointment of Tom Gregory to the Telecommunications Commission Representing the Rock Hill District

Item 15. County Attorney; Ratify the Declaration of a Local Emergency in the County and Terminate the Local Emergency for Hurricane Irene

Resolution R11-245 reads as follows:

A RESOLUTION TO RATIFY THE DECLARATION OF A LOCAL EMERGENCY IN STAFFORD COUNTY FOR HURRICANE IRENE

WHEREAS, Hurricane Irene was expected to cause substantial rainfall and potential flood conditions, and high, sustained, and potentially damaging winds, in Stafford County; and

WHEREAS, Stafford County was faced with such rainfall and high winds, which created a high potential for power outages, hazardous road conditions and blocked roads, and other dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering threatened or caused by Hurricane Irene; and

WHEREAS, the Governor of the Commonwealth of Virginia declared a state-wide emergency due to Hurricane Irene on August 25, 2011; and

WHEREAS, the County Administrator declared a local emergency on Friday, August 26, 2011 at 2:00 p.m.; and

WHEREAS, this Declaration of a Local Emergency is subject to confirmation by the local governing body;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2011, that a local emergency did commence on August 26, 2011 throughout Stafford County; and

BE IT FURTHER RESOLVED that during the existence of this emergency, the powers, functions, and duties of the County Administrator as the Director of Emergency Services of the County of Stafford shall be those prescribed by Section 44-146.21 of the Code of Virginia (1950), as amended, and the ordinances, resolutions, and approved plans of the County of Stafford in order to mitigate the effects of said emergency.

Resolution R11-246 reads as follows:

A RESOLUTION TO TERMINATE THE DECLARATION OF A LOCAL EMERGENCY IN STAFFORD COUNTY FOR HURRICANE IRENE

WHEREAS, on August 26, 2011, the County Administrator declared a local emergency in Stafford County due to Hurricane Irene; and

WHEREAS, at this time it is the desire of the Board to terminate the declaration of local emergency so that the County can return to normal operational procedures;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 6th day of September, 2011, that the declared local emergency caused by Hurricane Irene be terminated as of September 6, 2011; and

BE IT FURTHER RESOLVED that the County will continue to provide mitigation and recovery efforts and support as the need arises.

Item 10. Planning and Zoning; Refer an Amendment of the Comprehensive Plan to the Planning Commission to Adopt and Incorporate an “Implementation Plan”

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R11-243.

The Voting Board tally was:

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

Nay: (1) Woodson

Resolution R11-243 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION, AN AMENDMENT TO THE COMPREHENSIVE PLAN, TO ADOPT AND INCORPORATE AN IMPLEMENTATION PLAN INTO THE TEXTUAL DOCUMENT ENTITLED, “STAFFORD COUNTY VIRGINIA COMPREHENSIVE PLAN 2010 – 2030”

WHEREAS, under Virginia Code Section 15.2-2229, the Board may amend its Comprehensive Plan; and

WHEREAS, the Stafford County Comprehensive Plan, specifically the textual document entitled, “Stafford County Virginia Comprehensive Plan 2010 – 2030,” recommends the preparation and adoption of an Implementation Plan as an amendment to the Comprehensive Plan; and

WHEREAS, the Board believes that an Implementation Plan is necessary to ensure that the Comprehensive Plan’s goals, objectives, and policies are achieved;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of September, 2011, that the Planning Commission be and it hereby is requested to consider an amendment to Stafford County Comprehensive Plan, specifically to adopt and incorporate an Implementation Plan into the textual document entitled, “Stafford County Virginia Comprehensive Plan, 2010 – 2030;” and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make modifications to the amendment as it deems necessary within 60 days.

Economic Development; Adopt Stafford County’s Economic Development 10-Point Plan

Ms. Stimpson gave a presentation. Dr. Crisp said that he was very proud to be a part of the Committee which developed a good product. He stressed the need to be conscientious in follow through of the 10-Point Plan.

Mr. Milde said that he came into the process about half-way through and wanted to thank Ms. Stimpson and Dr. Crisp for their complex, quick, work on the Plan. Mr. Sterling asked Mr. Baroody about the differing formats of the Power Point and the report included in the agenda binder. Mr. Baroody responded that the Power Point demonstrated milestones and objectives but that the Board would vote on what was included in the binder. Mr. Sterling also asked about the education component which appeared to be left out of the Plan. Ms. Stimpson answered that Slide 3 brought up education in the County. Mr. Baroody added that the State Workforce Education Partnership (SWEP) report included thirty-two businesses polled regarding educational support. He said that the Economic Development Authority (EDA) was supportive of Germanna Community College’s north campus. Ms. Stimpson said that education is included in the six-year CIP to build a Technology High School, even though no exact plans were available.

Mr. Dudenhefer said that the Economic Development department does a great job with limited staff. He requested Economic Development metrics and said that keeping open the lines of communication with existing and prospective businesses was important, adding that jobs are the Number One priority in the County and in the State.

Ms. Stimpson motioned, seconded by Dr. Crisp, to adopt proposed Resolution R11-241.

The Voting Board tally was:

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

Nay: (0)

Resolution R11-241 reads as follows:

A RESOLUTION TO ADOPT STAFFORD COUNTY'S  
ECONOMIC DEVELOPMENT 10-POINT PLAN

WHEREAS, the Board recognizes the importance of economic development in helping to ensure Stafford County's long-term vibrancy and sustainable fiscal strength; and

WHEREAS, the Board publicly acknowledges its commitment to Stafford County's economic development program and has identified it as a top priority; and

WHEREAS, the Board initiated the development of the Economic Development 10-Point Plan in January, 2010, with the goal of providing a more desirable community with an excellent business climate, conducive to increased investment by the private sector and the expansion of job opportunities for its citizens, a world class school system, modern public safety services ensuring a safe community, with abundant and adequate parks and recreation amenities; and

WHEREAS, the Economic Development 10-Point Plan sets forth initiatives including: (1) To Improve Overall Fiscal Competitiveness; (2) Enact Business Friendly Policies; (3) Improve Stafford's Ability to Attract and Retain a High Quality Workforce; (4) Improve Stafford County's Transportation and Public Safety Infrastructure; (5) Accelerate Redevelopment Activities; (6) Create Opportunities to Gain More Input on Economic Development Policies from the Private Sector; (7) Enhance Small Business Assistance Programs; (8) Create Economic Development Incentive Programs; (9) Reinvigorate the Business Retention and Expansion Program; and (10) Enhance the Economic Development Marketing Plan; and

WHEREAS, the Board's Community and Economic Development Committee has developed an Economic Development Action Plan to provide for implementation of the 10-Point Plan through deliverables and milestones; and

WHEREAS, formal adoption of the Economic Development 10-Point Plan will restate and reconfirm the Board's commitment to providing a strong pro-business environment for new and existing businesses in Stafford County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2011, that it be and hereby does adopt the Stafford County Economic Development 10-Point Plan.

Planning and Zoning; Consider Transfer of Development Rights (TDR) Ordinance Mr. Jeff Harvey gave a presentation on TDR. Mr. Pat Taves was also present to answer questions.

Dr. Crisp asked for clarification of the by-right status of TDR and asked what would happen if a major site plan was involved. He commented that, if adopted as proposed, TDR would require no public hearing and no proffers but that it is still subject to Transportation Impact Fees (TIF). Mr. Harvey reiterated that it is conserving land in the County.

Mr. Woodson repeated Dr. Crisp's statement saying that there are no cash proffers in a by-right process, and no opportunity for citizen input at a public hearing or otherwise. He said that the map conflicts with the text. Mr. Harvey said that there was an error in the text in the background report and apologized that it had not been corrected.

Mr. Sterling noted that it does not add density; it moves density from one area to another. He asked for clarification of Purchase v. Transfer of Development Rights. Mr. Harvey said that in a PDR, the County pays for acreage (approximately \$25,000/\$30,000) to discourage development in rural areas. In a TDR, there is no money involved.

Mr. Milde asked, aside from TDR and PDR, what mechanisms are available to preserve open space and stop development in areas such as Crow's Nest, etc. Mr. Harvey said that conservation easements were an option adding that while it was very challenging, it was an alternative to down-zoning.

Mr. Snellings talked about sprawl in the Hartwood District and the need to save open space. He added that the TDR Ordinance needed tweaking but that it was a "no-brainer."

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R11-194. Discussion ensued. Mr. Sterling suggested striking the word "proposed" from the fifth "WHEREAS" clause and adding "or alternative" to the third "RESOLVED" clause. Mr. Milde agreed.

The Voting Board tally was:

Yea: (5) Milde, Sterling, Snellings, Dudenhefer, Stimpson  
Nay: (2) Crisp, Woodson

Resolution R11-194 reads as follows:

A RESOLUTION TO: (1) REFER TO THE PLANNING COMMISSION FOR A PUBLIC HEARING AND ITS RECOMMENDATIONS, PROPOSED ORDINANCE O11-25 AND A PROPOSED SENDING AND RECEIVING AREAS MAP FOR THE STAFFORD COUNTY COMPREHENSIVE PLAN, BOTH OF WHICH ARE NECESSARY TO ESTABLISH A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM FOR STAFFORD COUNTY; AND (2) REQUEST THE PLANNING COMMISSION TO PREPARE, DEVELOP, AND CONSIDER AT A PUBLIC HEARING ANY ADDITIONAL ORDINANCE AND PLAN AMENDMENTS NECESSARY AND APPROPRIATE FOR THE ADOPTION OF A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM IN STAFFORD COUNTY

WHEREAS, § 15.2-2316.2 of the Virginia Code allows localities to provide for a Transfer of Development Rights (TDR) program; and

WHEREAS, § 15.2-2316.2 of the Virginia Code requires the adoption of an ordinance, among other things, in order to establish a TDR program; and

WHEREAS, § 15.2-2316.2 of the Virginia Code also requires a locality to incorporate a map into its Comprehensive Plan designating sending and receiving areas under any TDR program adopted in such locality; and

WHEREAS, the Board desires to consider the adoption of a TDR ordinance and Comprehensive Plan provisions, among other things, as part of a TDR program for Stafford County; and

WHEREAS, the TDR Committee, comprised of members of the Board and the Stafford County Planning Commission recommended approval of ordinance amendments to establish a TDR program for Stafford County; and

WHEREAS, the Board directed staff to prepare certain revisions to the proposed ordinance amendments recommended for approval by the TDR Committee; and

WHEREAS staff has revised proposed Ordinance O11-25 in accordance with the Board's request; and

WHEREAS, staff has also prepared a map for incorporation into the Comprehensive Plan that shows proposed designated sending and receiving areas for the proposed TDR program for the Board to also consider for adoption as part of a TDR program for Stafford County; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices require adoption of proposed Ordinance O11-25, the Comprehensive Plan amendments, and any other Zoning Ordinance or Comprehensive Plan amendments necessary and appropriate for the adoption of a TDR program in Stafford County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6th day of September, 2011, that proposed Ordinance O11-25 be and it hereby is referred to the Planning Commission for the Commission to hold at least one public hearing on said amendments and to provide the Board with the Commission's recommendations on said amendments as required by law within ninety (90) days of the Commission's receipt of this resolution; and

BE IT FURTHER RESOLVED that the map showing designated sending and receiving areas proposed for adoption as a part of the Comprehensive Plan be and it hereby is also referred to the Planning Commission for the Commission to conduct a public hearing on the proposed map and provide the Board with its recommendations within ninety (90) days after the Planning Commission's receipt of this resolution; and

BE IT STILL FURTHER RESOLVED that the Planning Commission be and it hereby is requested to prepare, develop, consider, and hold a public hearing and provide the Board with its recommendations on all additional or alternative amendments to the Zoning Ordinance and Comprehensive Plan that are necessary and appropriate in order for the Board to implement a TDR program for Stafford County.

Recess At 4:45 p.m., the Chairman declared a recess until 7:00 p.m.

Call to Order At 7:01 p.m., the Chairman called the meeting back to order.

Invocation Ms. Stimpson gave the Invocation.

Pledge of Allegiance Mr. Dudenhefer led the Pledge of Allegiance.

#### Legislative; Presentations by the Public

The following persons desired to speak:

Frances Buyers - Right-of-Way acquisition on her property on Rt. 17

#### Planning and Zoning; Amend and Reordain the Zoning Ordinance by Reclassifying 18.6 Acres from R-1 Suburban Residential to B-2 Urban Commercial Zoning District

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Clark Leming (for the applicant) answered Board members questions.

Mr. Milde inquired about an inter-parcel connector between the existing Wal-Mart parking lot and the applicant's property. Staff was tasked with contacting Wal-Mart. Proffers were modified to include completion of sidewalks at Staffordboro, Mine, and Garrisonville Roads with proffered money (\$25,000), as well as the applicant proffering that he would be responsible for the cost of completion of the inter-parcel connector (if approved) with Wal-Mart.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to adopt proposed Ordinance O11-36 with the hand-written modifications to the proffers dated August 31, 2011.

Ordinance O11-36 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT, TO B-2, URBAN COMMERCIAL ZONING DISTRICT ON PORTIONS OF ASSESSOR'S PARCELS 20-137, 20-140A, 20-144, 20-145, 20-145A, 20-145B, 20-146, 20-146A, AND 20F-4A WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, H. Clark Leming, applicant, has submitted application RC1000068 requesting a reclassification from R-1, Suburban Residential Zoning District, to B-2, Urban Commercial Zoning District on portions of Assessor's Parcels 20-137, 20-140A, 20-144, 20-145, 20-145A, 20-145B, 20-146, 20-146A and 20F-4A; and

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

WHEREAS, the Board has 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 practice 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 6<sup>th</sup> day of September, 2011, that the Zoning Ordinance for Stafford County be and it hereby amended and reordained by amending the zoning district map to reclassify from R-1, Suburban Residential, to B-2 Zoning District, Urban Commercial Zoning District on portions of Assessor's Parcels 20-137, 20-140A, 20-144, 20-145, 20-145A, 20-145B, 20-146, 20-146A and 20F-4A, with proffers entitled "Proposed Proffers," dated August 31, 2011 and further modified by hand on September 6, 2011.

Planning and Zoning; Consider a Conditional Use Permit at 213 Newton Road on Assessor's Parcel 55-199 Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Jon Shultis and Mr. Dan Goody (for Dominion Virginia Power) answered Board members questions.

Dr. Crisp asked for clarification as to whether the property owner was in agreement with the construction of the sub-station. Mr. Shultis responded, "Yes." Dominion Virginia Power was leasing the property from the owner who resides in the house on the property. Dr. Crisp asked if Dominion had been in contact with any of the surrounding property owners and, if so, was there any resistance to the project. Mr. Shultis said that one of the adjacent properties is vacant and another adjacent property owner would only be satisfied if the sub-station was not built.

In response to Mr. Shultis' comments that the existing power station in the area would be at full capacity in 2013, Mr. Snellings asked what would happen in 2014. Mr. Shultis responded that it could affect reliability of electrical service to the area served by the existing sub-station at Crane's Corner which covers south Stafford.

The Chairman opened the public hearing.

The following persons desired to speak:

Bonnie Newton Harris

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Snellings, to adopt proposed Resolution R11-216.

Discussion ensued. Mr. Woodson said that he had concerns about the adverse effect of building the sub-station on the proposed property and after giving the matter serious thought, he was going to vote against the requested CUP.

Ms. Stimpson asked that Dominion clarify the criteria used to determine that the proposed site was the ideal location for the new sub-station. Mr. Shultis responded that it gave Dominion excellent access to KB lines and fits in with existing transmission lines, although the original location planned was two miles west of the proposed sub-station. Mr. Milde asked if rates would be raised to pay for construction of the sub-station. Mr. Shultis responded, “No, only the State has the governing authority to raise rates.”

Following a discussion about the Bethel sub-station, it was determined that Bethel was owned and operated by the Northern Neck Electric Cooperative.

Dr. Crisp suggest that the Board defer action on this item for two weeks to allow Dominion to gather answers to many of the Board member’s questions including time to provide a more an in-depth explanation of how Dominion arrived at the decision to use the proposed location, current and future electric demands, etc.

Dr. Crisp withdrew his original motion and motioned, seconded by Ms. Stimpson, to defer this item to the September 20, 2011 Board meeting.

The Voting Board tally was:

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

Planning and Zoning; Consider an Amendment to the Zoning Ordinance regarding Temporary Health Care Structures Mr. Jeff Harvey, Planning Director, presented the item and answered Board member’s questions. Discussion ensued and the item was deferred until July 1, 2012 in hopes of obtaining clarification from the General Assembly on several issues including HOA rights, length of time permitted for occupancy, etc.

Mr. Sterling motioned, seconded by Mr. Milde, to defer this item until July 1, 2012.

The Voting Board tally was:

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

Nay: (0)

Recess At 8:36 p.m., the Chairman declared a recess.

Call to Order At 8:46 p.m., the Chairman called the meeting back to order.

Utilities; Authorize the Issuance and Sale of Water and Sewer System Revenue Bonds

Ms. Deidre Jett, Financial Analyst with the Department of Utilities, gave a presentation and answered Board members questions.

Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Resolution R11-209.

The Voting Board tally was:

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

Nay: (0)

Resolution R11-209 reads as follows:

A RESOLUTION TO AUTHORIZE THE ISSUANCE AND  
SALE OF WATER AND SEWER SYSTEM REVENUE BONDS

WHEREAS, the Board of Supervisors (the "Board") in the County of Stafford, Virginia (the "County") has determined that it is necessary or desirable to undertake certain expansion of and improvements to the County's water and sewer system (the "Project"); and

WHEREAS, the Board proposes to finance all or a portion of the costs of the Project with the issuance of its water and sewer system revenue bonds (the "Bonds"), in one or more series in the maximum aggregate principal amount of \$69,800,000 and to use the proceeds of the sale thereof, along with other available funds, if any, to pay the costs of the Project; and

WHEREAS, the County expects to either (i) issue and sell the Bonds in a competitive or negotiated sale pursuant to an indenture of trust and, if appropriate, a supplemental indenture of trust, a bond purchase agreement if the Bonds are sold pursuant to a negotiated sale, and a continuing disclosure agreement (such documents referred to collectively as the "Financing Documents"), or (ii) issue and sell the Bonds as long-term debt through Virginia Resources Authority (the "VRA") pursuant to a Financing Agreement or such other agreements as VRA may require (the "VRA Documents"); and

WHEREAS, a public hearing as required under Section 15.2-2606 of the Code of Virginia (1950), as amended (the "Virginia Code"), was held on July 5, 2011 on the issuance of the Bonds.

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

**1. Authorization of Bonds and Use of Proceeds.** The Board of Supervisors hereby determines that it is advisable to contract a debt and to issue and sell the Bonds in one or more series in an aggregate principal amount not to exceed \$69,800,000. The issuance and sale of the Bonds is hereby authorized upon the terms set forth herein and upon such other terms as may be determined in the manner set forth herein. The proceeds from the issuance and sale of the Bonds shall be used, along with other available money, if any, to pay the costs of the Project, provide for the funding of any required debt service reserve fund, and to pay costs of issuing the Bonds. The County Administrator and the Chief Financial Officer, either of whom may act, are also authorized to enter into a short-term borrowing on behalf of the County in anticipation of the issuance and sale of the Bonds or a portion thereof if such officers determine it to be in the County's best interests. Such short-term borrowing shall be for no more than five years, shall be evidenced by one or more negotiable water and sewer system revenue notes, which may be sold at public or private sale and shall otherwise be subject to the terms and conditions set forth herein for the Bond, unless clearly inapplicable, subject to any changes in form or terminology that are desirable or customary for short-term borrowings.

**2. Financing Documents.** The Bonds shall be issued pursuant to the Financing Documents or the VRA Documents, as appropriate. The County Administrator and the Chief Financial Officer are authorized and directed to approve the terms of the Financing Documents or the VRA Documents, as appropriate, such approval to be evidenced conclusively by the execution and delivery of the Financing Documents or the VRA Documents. The County Administrator and the Chief Financial Officer, or either of them, are authorized to execute on behalf of the County and, if required, the Clerk of the Board of Supervisors is authorized to affix and attest the seal of the County to the Financing Documents or the VRA Documents, as appropriate.

**3. Pledge of Revenues.** The Bonds shall be limited obligations of the County and principal of, premium, if any, and interest on the Bonds shall be payable solely from the revenues derived by the County from its water and sewer systems, as set forth in the Bonds and the Financing Documents or the VRA Documents, as appropriate, and from any other funds that may be pledged for such purpose under the terms and

conditions of the Financing Documents, or the VRA Documents, as appropriate. Nothing in this resolution, the Bonds, the Financing Documents, or the VRA Documents, as appropriate, shall be deemed to pledge the full faith and credit of the County to the payment of the Bonds.

**4. Details of and Sale of Bonds.** The Bonds shall be issued in one or more series upon the terms established pursuant to this resolution and upon such other terms as may be determined in the manner set forth in this resolution. The Bonds shall be issued in fully registered form, shall be dated the date of their issuance, shall bear interest payable semi-annually (or at such other intervals as may be determined by the County's Chief Financial Officer) at the rates established as set forth below, shall be in the denominations of \$5,000 each or whole multiples thereof, and shall be numbered from R-1 upwards consecutively.

The County Administrator, in consultation with the Chief Financial Officer, is authorized and directed to determine the manner of sale of the Bonds, which may be pursuant to a negotiated or competitive sale, or through the VRA. The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to determine and approve the final details of the Bonds, including, without limitation, the aggregate principal amount, the optional and mandatory redemption provisions, the maturity or maturities, and the sale price of the Bonds, provided that (i) the true interest cost of the Bonds shall not exceed 5.5% (taking into account any original issue discount or premium); (ii) the Bonds shall have a final maturity no later than approximately 32 years from their date of issuance; and (iii) the sale price of the Bonds, excluding any original issue discount, shall not be less than 99% of par. The approval of such officer shall be evidenced conclusively by the execution and delivery of the Bond Purchase Agreement if the Bonds are sold pursuant to a negotiated sale, by acceptance of a bid for the Bonds if they are sold pursuant to a competitive sale or by execution and delivery of the VRA Documents if the Bonds are sold to VRA.

**5. Execution and Delivery of the Bonds.** The Chairman of the Board of Supervisors is hereby authorized and directed to execute the Bonds by manual or facsimile signature, the County's seal to be affixed thereto or a facsimile thereof printed thereon and attested by the manual or facsimile signature of the Clerk of the Board of Supervisors, and to deliver the Bonds to the purchaser thereof upon payment of the purchase price therefor.

**6. Disclosure Documents.** The County Administrator and the Chief Financial Officer and such officers and agents of the County as either of them may designate, are hereby authorized and directed to prepare, execute, and deliver, as appropriate, a preliminary official statement, a final official statement, and such other disclosure documents as may be necessary to expedite the sale of the Bonds. Such preliminary official statement, final official statement, and such other disclosure documents shall be published in such publications and distributed in such manner, including by electronic distribution, and at such times as the County Administrator and the Chief Financial Officer or such officers or agents of the County as either of them may designate, shall determine. The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to deem the preliminary disclosure document

"final" for purposes of Securities and Exchange Commission Rule 15(c)2-12 (the "Rule") and to take such other actions as may be necessary to comply with the Rule.

7. **Tax Documents.** The County Administrator and the Chief Financial Officer, or either of them, and such officers and agents of the County as either of them may designate are authorized and directed to execute a Tax Compliance Agreement, a Non-Arbitrage Certificate, and Tax Covenants or any similar document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"), including the provisions of Section 148 of the Internal Revenue Code and applicable regulations relating to "arbitrage bonds." The Board of Supervisors covenants on behalf of the County that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the County's Tax Documents, to be delivered simultaneously with the issuance and delivery of the Bonds and that the County shall comply with the other covenants and representations contained therein.

8. **Further Actions.** The County Administrator, the Chief Financial Officer, and such officers and agents of the County as either of them may designate, are authorized and directed to take such further action as they deem necessary or appropriate regarding the issuance and sale of the Bonds, including, without limitation, the preparation, execution, and delivery of instruments, agreements, and documents related to the issuance and sale of the Bonds. All actions previously taken by such officers and agents in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

9. **Filing of Resolution.** The appropriate officers or agents of the County are authorized and directed to file or cause to be filed a certified copy of this Resolution with the Circuit Court of the County of Stafford, Virginia, pursuant to Sections 15.2-2607 and 15.2-2627 of the Virginia Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of September, 2011, that it be and hereby does authorize the issuance and sale of water and sewer system revenue bonds.

Website Presentation This item was deferred to the September 20<sup>th</sup> Board meeting.

Approve Bonus Obligation Matching Funds for VRE Commuter Lots Mr. Milde discussed bonus obligation funds and the original bid for expansion of the Leeland and Brooke VRE lots which came in \$800,000 over budget. County staff, led by Mr. Keith Dayton, rebid and in response to the second bid, bids came in \$900,000 less than the original bid.

Ms. Stimpson thanked Mr. Dayton, adding that she was very appreciative to Mr. Dayton and Mr. Romanello for their hard work and for freeing up additional dollars for other projects particularly because both Leeland and Brooke lots are over capacity.

Legislative: Discuss Suspending County Permit Fees Relating to Earthquake Damage/Repair and/or Hurricane Damage/Repair Mr. Dudenhefer felt that the proposed resolution should include all catastrophic events including fires, natural disasters, etc. Hearing no objection, this item will be amended by staff and brought back at a future Board meeting (no date was specified).

Discuss Silt Build-up in the Rappahannock River Mr. Snellings brought up the problem of silt build-up on the Rappahannock River and how, at some stages of low tide, it is almost possible to walk across the entire span of the riverbed. He said that the City was addressing the issue but encouraged the Board to become involved.

Mr. Romanello said that the City had engaged Resources International, a firm based out of Hanover, VA, to do a quick analysis of silt build-up on the Rappahannock and offered to provide a copy of the report to the Board.

Mr. Sterling said that the County should look for mutual cooperation with the City. Mr. Snellings added that events that took place in 2004 were under a different regime, adding that the River is in serious trouble.

Mr. Snellings and Mr. Romanello were tasked with working with the City on river issues.

Discuss Non-Conforming Commercial Lots / Parcels on Route 17 Mr. Snellings talked about widening Route 17 as a good thing but talked about non-conforming parcels that would be impacted by the proposed widening, the resulting reduction of parking spaces, and it causing future redevelopment problems. County Administration was asked to look into zoning issues related to the widening of Route 17.

Legislative; Closed Meeting. At 9:20 p.m., Mr. Sterling motioned, seconded by Mr. Snellings, to adopt proposed Resolution CM11-14.

The Voting Board tally was:

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

Nay: (0)

Resolution CM11-14 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting (1) a personnel matter regarding Appointment of Members to the Stafford County 350th Anniversary Blue Ribbon Committee; and (2) the Potential Acquisition of Real Property for a Public Purpose; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of September, 2011, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 9:44 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution CM11-14(a).

The Voting Board tally was:

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

Nay: (0)

Resolution CM11-14(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON SEPTEMBER 6, 2011

WHEREAS, the Board has, on this the 6<sup>th</sup> day of September, 2011 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 6<sup>th</sup> day of September, 2011, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Adjournment At 9:45 p.m. the Chairman declared the meeting adjourned.

---

Anthony J. Romanello, ICMA-CM  
County Administrator

---

Mark Dudenhefer  
Chairman