

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

May 20, 2014

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 3:02 p.m., on Tuesday, May 20, 2014, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Jack R. Cavalier, Chairman; Gary F. Snellings, Vice Chairman; Meg Bohmke; Paul V. Milde, III; Laura A. Sellers; Cord A. Sterling; and Robert “Bob” Thomas, Jr.

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

Presentation of a Proclamation Recognizing and Commending Mr. Ron Billingsley upon his Retirement from Stafford County Mr. Cavalier and Mr. Romanello presented the proclamation to Mr. Billingsley who was joined by his wife, Linda. Mr. Billingsley thanked the Board and said that in the past 31 years, he had the privilege of working with talented, hard-working, dedicated people. Mr. Billingsley received a standing ovation from his co-workers.

Presentation to Recognize May 18-24, 2014 as Emergency Medical Services Week Mr. Cavalier presented the proclamation to Fire Chief Lockhart, Assistant Chief of Support Services, Mark Doyle; Acting Division Chief of Emergency Medical Services, Lori Knowles; Assistant Chief of Operations, Joe Grainger; and Fire Fighter/Medic Lieutenant Talsey Cunningham.

Virginia Department of Transportation (VDOT) Quarterly Update Mr. Robert Poutier, Assistant Residency Administrator, provided an update on road projects in the County. Mr. Sterling asked that the Board be provided with an updated list of milling and paving projects. Mr. Thomas asked that synchronization be checked at the traffic signal at Route 17 and the Commuter Lot, that the left-protected light caused major traffic back-ups.

Ms. Bohmke thanked VDOT for its responsiveness to pothole repair requests and asked that the curve in Butler Road, approximately one-quarter mile from Jefferson Davis Highway, be looked at and the potholes (there) be repaired as soon as possible.

Presentations by the Public The following members of the public desired to speak:

Alane Callander - Falmouth Parking Enhancements

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

Ms. Bohmke - Public Safety Committee update including a review of Fire, Rescue apparatus including the pending purchase of four ambulances and the approved purchase of two pumper trucks; the purchase of a ladder truck was deferred until FY2016; Attended Joint School Board/BOS meeting with Mr. Cavalier, discussed shared services and a proposed efficiency study

Mr. Cavalier - Met with Mr. Milde and the developer regarding the residential component of Aquia Towne Center; Attended reception at Shirley Heim Middle School recognizing the Teacher of the Year and Principal of the Year

Mr. Milde - Attended VRE meeting, VRE will begin allowing Smartphones for ticketing validation; the “Firecracker” Train will run on July 4th; spoke to the CTB at VDOT’ s meeting in Tappahannock regarding the \$30M proposed reduction in the I-95/Exit 40 interchange reconstruction project ; Attended meetings regarding the Quantico Corporate Center and a grant-funded strategic plan/QCC accelerator

Ms. Sellers - Deferred

Mr. Snellings - Deferred

Mr. Sterling - Finance, Audit, and Budget Committee update included proffer guidelines, the Planning Commission’s recommendation and methodology; asked that the Board provide feedback to Planning Director, Jeff Harvey; proffers would (tentatively) return to the full Board for consideration on July 1st

Mr. Thomas - Attended meeting of the Central Rappahannock Regional Library Board; looking at level funding and possible use of the fund balance; cutting hours would be a last resort

Report of the County Attorney Mr. Shumate deferred his report.

Report of the County Administrator Mr. Romanello introduced Mr. Mike Smith and Mr. Chris Hoppe who provided roads and parks updates, respectively. Mr. Sterling said that the renovated Curtis Park Pool looked great but that the fence and restroom facilities were in serious need of restoration work or renovation. Ms. Bohmke told Mr. Hoppe that the stage at Pratt Park filled the space very nicely and looked great.

Mr. Romanello announced that there would be a rededication ceremony at the Curtis Park Pool on Saturday morning, May 24, 2014, at 8:30 a.m. Members of the Curtis family would be in attendance. He told the Board that the Aqua Landing Beach was recognized as being one of the Country's best restored beaches. On June 1, 2014, the Clerk to the Circuit Court, Ms. Barbara Decatur, celebrates her 40th year with Stafford County. Deputy County Administrator, Mr. Tim Baroody, graduated from Virginia Tech with a Master Degree in Public Administration.

Item #6 was deleted from the Agenda and an additional resolution (R14-98) was included for the Board's consideration during the Embrey Mill public hearing (Item #16) scheduled for the evening session.

Legislative; Additions and Deletions to the Regular Agenda Mr. Thomas motioned, seconded by Mr. Sterling, to adopt the Agenda with the addition of proposed Resolution R14-98 to Item 16, and the deletion of Item 6.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Legislative; Consent Agenda Mr. Milde motioned, seconded by Mr. Sterling, to adopt the Consent Agenda, which consisted of Items 4 through 12, with the deletion of Item 6.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Item 4. Legislative; Approve Minutes of the May 6, 2014 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R14-120 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED MAY 6, 2014 THROUGH MAY 19, 2014

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 20th day of May, 2014 that the above-mentioned EL be and hereby is approved.

Item 6. Public Works; Petition VDOT to Include the Abandonment of Stanstead Road and the Addition of Sections of the Stanstead Road and South Gateway Drive into the Secondary System of State Highways This item was deleted from the agenda.

Item 7. Public Works; Petition VDOT to Improve William and Mary Lane as a Rural Rustic Road

Resolution R14-121 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO IMPROVE WILLIAM AND MARY LANE (SR-719) AS A 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 vpd (vehicles per day); and

WHEREAS, the Board requests that William and Mary Lane (SR-719), from the intersection of Decatur Road (SR-635) southwest 0.4 Miles to the end of State Maintenance be designated a Rural Rustic Road; and

WHEREAS, there is no planned or pending development that will significantly affect the existing traffic on William and Mary Lane; and

WHEREAS, William and Mary Lane is in the Board's Secondary Six-Year Plan for improvements to the Secondary System of State Highways; and

WHEREAS, the general public, particularly those citizens who own land abutting William and Mary Lane, are aware that William and Mary Lane may be paved with minimal improvements consistent with the development of a Rural Rustic Road project;

and

WHEREAS, the Board believes that William and Mary Lane should be so designated as a Rural Rustic Road project due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of May, 2014, that the Board hereby designates William and Mary Lane a Rural Rustic Road, and requests that the Residency Administrator for VDOT concur with this designation; and

BE IT FURTHER RESOLVED that the Board requests that William and Mary Lane 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, and rural rustic character along the road in their current state; and

BE IT FURTHER RESOLVED that the County Administrator or his designee forwards a certified copy of this Resolution to the VDOT Residency Administrator.

Item 8. Utilities; Authorize the County Administrator to Execute Contract Renewals on the Purchase of Utilities Billing and Mailing Services; Water Treatment Chemicals; Purchase of Liquid Sulfate and Odor Control Chemicals; Water Meters and Accessories; Waste Solid Management Services; and Water and Sewer Maintenance and Construction Services

Resolution R14-123 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACT RENEWALS FOR THE PURCHASE OF BILLING AND MAILING SERVICES; WATER TREATMENT CHEMICALS; LIQUID ALUMINUM SULFATE AND ODOR CONTROL CHEMICALS; WATER METERS AND ACCESSORIES; WASTE SOLIDS MANAGEMENT SERVICES; AND WATER AND SEWER MAINTENANCE AND CONSTRUCTION SERVICES

WHEREAS, the Utilities Department has an annual contract with DataProse, Inc., for Utilities billing and mailing services; and

WHEREAS, the Utilities Department has an annual contract with Univar USA, Inc., for process chemicals used at its water treatment facilities including ammonium hydroxide, caustic soda, hydrofluosilicic acid, sodium silicofluoride, and sodium hypochlorite; and

WHEREAS, the Utilities Department has an annual contract with Chemtrade Chemicals US, LLC (formerly General Chemical Performance Products LLC), for liquid aluminum sulfate used at its wastewater treatment facilities; and

WHEREAS, the Utilities Department has an annual contract with Univar USA, Inc., for custom-blended alkali odor control chemical used to minimize odors by suppressing hydrogen sulfide formation; and

WHEREAS, the Utilities Department has an annual sole-source contract with Sensus Metering Systems, Inc., for water meters and accessories compatible with its automated meter reading system; and

WHEREAS, the Utilities Department has an annual contract with Recyc Systems, Inc., for waste solids management services; and

WHEREAS, the Utilities Department has annual contracts with Kruckenberg Service Company (primary responder); and Rising Sun, Inc. (secondary responder), for water and sewer maintenance and construction services; and

WHEREAS, each of these annual contracts contains a renewal clause and each is currently in need of renewal for another year; and

WHEREAS, the renewal amount for each of these contracts has been closely evaluated, determined to be reasonable by staff, and sufficient funding is available in the adopted FY2015 Department of Utilities operating budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of May, 2014, that the County Administrator be and he hereby is authorized to execute the following contract renewals, as follows, unless amended by a duly-executed contract amendment:

DataProse, Inc., to provide utility bill printing and mailing services in an amount not to exceed Two Hundred Twenty-One Thousand Dollars (\$221,000);

Univar USA, Inc., for water treatment process chemicals in an amount not to exceed Six Hundred Five Thousand Five Hundred Seventy-six Dollars (\$605,576);

Chemtrade Chemicals US, LLC (formerly known as General Performance Products, LLC), for liquid aluminum sulfate in an amount not to exceed Two Hundred Forty-seven Thousand Three Hundred Twenty Dollars (\$247,320);

Univar USA, Inc., for custom-blended alkali odor control chemical in an amount not to exceed Four Hundred Thirty-four Thousand Five Hundred Dollars (\$434,500);

Sensus Metering Systems, Inc., for water meters and accessories in an amount not to exceed Five Hundred Fifty-five Thousand Nine Hundred Thirty-two Dollars (\$555,932);

Recyc Systems, Inc., for waste solids management services in an amount not to exceed Four Hundred Eighteen Thousand Seven Hundred Sixty-seven Dollars (\$418,767);

Kruckenberg Service Company, for water and sewer maintenance and construction services as primary responder in an amount not to exceed Three Hundred Thousand Dollars (\$300,000); and

Rising Sun, Inc., for water and sewer maintenance and construction services as secondary responder in an amount not to exceed One Hundred Thousand Dollars (\$100,000).

Item 9. Public Information; Recognize GEICO On Its 20th Anniversary In Stafford County

Proclamation P14-14 reads as follows:

A PROCLAMATION RECOGNIZING GEICO'S 20TH ANNIVERSARY
AT ITS CURRENT STAFFORD COUNTY LOCATION

WHEREAS, 2014 marks GEICO's 20th anniversary of doing business at its current location in Stafford County; and

WHEREAS, GEICO has been an outstanding business partner employing more than 11,000 people during its time in Stafford County; and

WHEREAS, GEICO provides excellent customer service and its affordable insurance rates benefit residents in Stafford County; and

WHEREAS, GEICO's generous charitable practices benefits the County greatly through its contribution of nearly \$12 million to groups including the Stafford County Public Schools, the Stafford Education Association, the Rappahannock YMCA, Stafford Rotary, Boys and Girls Clubs, and many other organizations; and

WHEREAS, GEICO's employees give thousands of hours of invaluable volunteer service to the community; and

WHEREAS, GEICO's presence in the County greatly improves the quality of life for its citizens by its business and charitable practices;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this 20th day of May, 2014, that it be and hereby does recognize and commend GEICO on its 20th anniversary at its current location in Stafford County.

Item 10. Public Information; Recognize May 18-24, 2014 as Emergency Medical Services Week

Proclamation P14-15 reads as follows:

A PROCLAMATION RECOGNIZING MAY 18 – 24, 2014 AS “EMERGENCY MEDICAL SERVICES WEEK” IN STAFFORD COUNTY

WHEREAS, emergency medical services are a vital public service; and

WHEREAS, members of Stafford County’s emergency medical service teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education each year to enhance their lifesaving skills; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency room physicians, emergency room nurses, emergency medical technicians, paramedics, firefighters, educators, and administrators; and

WHEREAS, the Board desires to recognize the value and contributions of the County’s emergency medical services providers;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 20th day of May, 2014, that it be and hereby does recognize May 18 - 24, 2014, as “Emergency Medical Services Week” in Stafford County.

Item 11. Finance and Budget; Authorize the County Administrator to Advertise a Public Hearing to Ratify Master Lease Financing

Resolution R14-129 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO RATIFY MASTER LEASE FINANCING

WHEREAS, on May 20, 2008, the Board of Supervisors (the "Board") of the County of Stafford, Virginia (the "County"), adopted a resolution (the "Original Resolution"), identified as R08-248, which authorized the borrowing of up to \$16 million to finance the purchase of certain school equipment, fire and rescue vehicles, technology upgrades, and other County equipment under a Master Lease; and

WHEREAS, the County purchased a heavy-duty fire and rescue vehicle, Self-Contained Breathing Apparatus (SCBA) equipment, and a Computer-Aided Dispatch (CAD) System as authorized by the Board and part of the County’s Capital Improvement Program (CIP); and

WHEREAS, due to restrictions in the Internal Revenue Code of 1986, as amended, a public hearing is necessary in order to finance the equipment through the Master Lease;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA:

The County Administrator is authorized to advertise notice of the public hearing for June, 2014.

* * *

The undersigned Clerk of the Board of Supervisors of the County of Stafford, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on May 20 2014, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. Members present at the meeting were: Jack R. Cavalier, Chairman; Gary F. Snellings, Vice Chairman; Meg Bohmke; Paul V. Milde III; Laura A. Sellers; Cord A. Sterling; and Robert “Bob” Thomas, Jr. No members absent from the meeting were. All members voted in favor of the foregoing resolution. No members voted against the foregoing resolution. No members abstained from voting on the foregoing resolution.

Briefing on Potential Falmouth Parking Enhancements Mr. Tim Baroody introduced the briefing. Following Mr. Baroody’s remarks, Ms. Jamie Porter, Parks, Recreation, and Community Facilities Director, addressed the Board and spoke about trail options, improved fencing, lighting, and parking in the area of Falmouth Bottom. Lighting improvements, if approved by the Architectural Review Board, would consist of black-coated aluminum poles and cost approximately \$140,000. Mr. Sterling asked about the style of fencing proposed. Ms. Porter said that it was split-rail fencing. Mr. Sterling expressed concern that split-rail fencing was not a deterrent from keeping people off the beach at night. Ms. Porter said that the height of the fence could be increased but that it was only meant as a distraction, not a foolproof method of restricting beach access. Mr. Milde noted that anyone could walk into any of the County’s parks after dark. Mr. Thomas said that moving the fence increased aesthetics in the area. Mr. Sterling asked about paving. Ms. Porter said that paving was not part of the proposal.

Regarding the Counting House, Ms. Porter said it was hoped that a commercial developer would be interested in a long-term lease, including undertaking the needed renovations. Mr. Milde said that he hoped that someone would be found to restore the Counting House. Mr. Sterling wondered what type of business would succeed in that location. Mr. Thomas said that the first step would be to add a floor to the building.

Ms. Sellers asked if the NAACP was contacted regarding the Port of Falmouth and its connection to the “Trail of Freedom” where 10,000 slaves crossed the Rappahannock River to freedom. Ms. Porter said that she was in touch with the NAACP but not

regarding the “Trail of Freedom.” Ms. Porter agreed to contact Mr. Mike Lovitt, as suggested by Ms. Sellers.

Public Works Director, Mr. Mike Smith, addressed re-vegetation in the area of the Falmouth beach, intended to return the area to its more natural, original state. Re-vegetation included planting mature trees in the riparian areas at a cost of approximately \$65,000.

Ms. Bohmke talked about flooding on River Road and asked how newly planted trees would withstand flooding. Mr. Smith replied that mature trees, planted correctly, would help with flooding.

Following the briefing, the Board took no action on Falmouth parking enhancements.

Public Works; Authorize the County Administrator to Advertise a Public Hearing to Amend and Reordain Fees for Land Development Inspection and Plan Review Services Collected by the Department of Planning and Zoning and the Department of Pubic Works
Mr. Steve Hubble, Assistant Director of Public Works, gave a presentation and answered Board members questions.

Mr. Sterling asked for justification of the 28% paid to the Commonwealth, calling it a tax imposed on the counties. Mr. Hubble said it was to cover the cost of program over-sight. Mr. Sterling reiterated that it was his belief that it was a state-mandated tax on stormwater activities. Mr. Romanello noted that the Commonwealth received 28% regardless of the amount set by the County. Mr. Hubble said that fees were determined by the size of the project, and that on single-family homes there was no 28% return requirement. It was noted that on the proposed resolution, the word *returned* should be replaced with the word *remitted*.

Mr. Milde asked what would happen if the County (or the Board) elected to do nothing. Mr. Hubble replied that after the July 1, 2014 roll-out date, the County would be responsible for remitting to the State 28% of its collected fees. Mr. Milde said it was basically an unfunded mandate. Mr. Hubble added that the County would owe approximately \$40,000 to the state.

Mr. Snellings asked under what conditions was Spotsylvania County able to opt out of an MS4 designation. Mr. Hubble said that he would investigate and reply to the Board.

Mr. Milde motioned, seconded by Ms. Sellers to adopt proposed Resolution R14-122.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Snellings, Thomas
Nay: (1) Sterling

Resolution R14-122 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN FEES FOR LAND DEVELOPMENT INSPECTIONS AND PLAN REVIEW SERVICES COLLECTED BY THE DEPARTMENT OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, on September 3, 2011, the Virginia Soil and Water Conservation Board adopted revised stormwater management regulations, and in accordance with the revised state regulations, the County is required to revise its stormwater management program to implement the new state regulations; and

WHEREAS, the State stormwater regulations recommend additional fees to support the adoption of the Virginia Stormwater Management Program (VSMP) by localities, including the requirement that 28% certain fees be remitted to the Virginia Department of Environmental Quality as required by the State regulations for program oversight; and

WHEREAS, the Board is authorized by the Virginia Code to set reasonable fees for building and land development services provided by the Department of Planning and Zoning and the Department of Public Works; and

WHEREAS, at its meeting on May 15, 2012, the Board last amended building and land development fees with the adoption of Ordinance O12-19; and

WHEREAS, the Board desires to seek input from citizens and other stakeholders, and is required to hold a public hearing to amend the development fee schedule of the Department of Planning and Zoning and the Department of Public Works, to support the additional requirements of the VSMP for plan review, administration, permitting, and inspection;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of May, 2014, that the County Administrator be and he hereby is authorized to advertise a public hearing to amend and reordain fees for land development inspections and plan review services collected by the Department of Planning and Zoning and the Department of Public Works.

Legislative; Closed Meeting. At 4:03 p.m., Mr. Thomas motioned, seconded by Mr. Sterling, to adopt proposed Resolution CM14-11.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution CM14-11 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel regarding claims submitted by Haymes Brothers, Inc. pertaining to the Rocky Pen Run Reservoir Dam Construction Project; (2) consultation with legal counsel regarding *North Stafford Associates, LC v. Stafford County, et al.*, Case Nos. CL09-1542, CL10-401, CL10-134, CL12-1427, and CL12-1426; (3) consultation with legal counsel regarding legal representation for the Stafford County Board of Zoning Appeals; and (4) consultation with legal counsel regarding a potential agreement between the County and Aquia Church; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 20th day of May, 2014, does hereby authorize discussion of the aforesated matters in Closed Meeting.

Call to Order At 4:53 p.m., the Chairman called the meeting back to order.

Legislative: Closed Meeting Certification Mr. Thomas motioned, seconded by Mr. Sterling, to adopt proposed Resolution CM14-11(a).

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution CM14-11(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MAY 20, 2014

WHEREAS, the Board has, on this the 20th day of May, 2014, 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 20th day of May, 2014, 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.

Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Resolution R14-132.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas

Nay: (0)

Resolution R14-132 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A SETTLEMENT AGREEMENT WITH HAYMES BROTHERS, INC. REGARDING THE ROCKY PEN RUN RESERVOIR DAM CONSTRUCTION PROJECT

WHEREAS, the County and Haymes Brothers, Inc. (“Haymes Brothers”) entered into a contract (“Contract”) in which Haymes Brothers agreed to furnish construction services in connection with the Rocky Pen Run Reservoir Dam Construction Project (“Project”), and the County agreed to pay Haymes Brothers certain compensation for its work; and

WHEREAS, Haymes Brothers submitted various claims, change order requests, and requests for equitable adjustment in which Haymes Brothers asserted certain claims on behalf of itself and its subcontractor ASI Constructors, Inc. against the County arising out of the Contract pertaining to, among other things, Haymes Brothers’ allegations that it was entitled to additional compensation due to alleged design revisions, changes in the plans and specifications, unanticipated rock removal, delays, inefficiencies and other matters (“Haymes Brothers Claims”); and

WHEREAS, the County and Haymes Brothers desire to settle fully and finally the Haymes Brothers Claims and any other claims that Haymes Brothers may have relating to the Contract and the performance of work pertaining to the Project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of May, 2014, that the County Administrator or his designee is authorized to execute any and all documents necessary to settle the Haymes Brothers Claims, and any other claims that Haymes Brothers may have relating to the Contract and the performance of work pertaining to the Project, in an amount not to exceed Nine Hundred Fifty Thousand Dollars (\$950,000).

Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Resolution R14-134.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution R14-134 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY AND COUNTY ADMINISTRATOR TO EXECUTE A SETTLEMENT AGREEMENT WITH THE PLAINTIFF IN THE FOLLOWING CASES: *NORTH STAFFORD ASSOCIATES, LC V. STAFFORD COUNTY, ET AL.*, CASE NOS. CL09-1542, CL10-401, CL10-134, CL12-1427, and CL12-1426

WHEREAS, the County is a defendant in the following erroneous tax assessment cases: *North Stafford Associates, LC v. Stafford County, et al.*, Case Nos. CL09-1542, CL10-401, CL10-134, CL12-1427, and CL12-1426 (“Tax Cases”); and

WHEREAS, the County and the Plaintiff in the Tax Cases desire to settle fully and finally the Tax Cases;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of May, 2014, that the County Attorney and the County Administrator, or their designees, are authorized to execute any and all documents that are necessary to settle the following erroneous tax assessment cases: *North Stafford Associates, LC v. Stafford County, et al.*, Case Nos. CL09-1542, CL10-401, CL10-134, CL12-1427, and CL12-1426; and

BE IT FURTHER RESOLVED that Six Hundred Fifty-eight Thousand Three Hundred Forty Dollars (\$658,340), from prior year fund balance, be and it hereby is budgeted and appropriated for this purpose.

Recess At 4:55 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. Bohmke gave the invocation.

Pledge of Allegiance Ms. Sellers led the recitation of the Pledge of Allegiance.

Historic Commission’s Annual Preservation Awards Anita Dodd, Chairman of the Historical Commission, presented awards to:

Mr. and Mrs. Jerry Silver of Silver Ridge Farm, which has been owned by the Silver family since 1870. A portion of the Farm’s property was placed in a conservation easement.

Retired General Ron Christmas, for leading the County’s 350th anniversary efforts and raising approximately \$946,000 towards an eventual goal of \$1 Million. General Christmas was also a member of the Armed Services Committee, tasked with developing an Armed Forces Memorial in Stafford County.

James and Bernadette Schwartz, stewards of Little Whim since 1993. Little Whim was built in 1852 and has undergone significant restoration by the Schwartz family.

Falmouth Cemetery Trustees, William, Chris, and Herbert Shelton work to maintain the cultural integrity of the cemetery, located behind the remains of the Union Church. It is still an active cemetery.

Ms. Dodd thanked all of the recipients and supporters of the Historical Commission.

Presentations by the Public - The following members of the public desired to speak:

- George Schwartz - Oakenwold Development; Economic Development Marketing concerns
- Dean Fetterolf - Oakenwold; Economic Development Authority
- Bill Johnston - Falmouth Beach; Against incinerator at the Landfill
- Paul Waldowski - Texas Hold ‘Em; Water Bill; too many members of the Planning Commission, Board of Supervisors, School Board, and Utilities Commission; phantom Sheriff’s vehicles; Brown v. BOE; WaWa

Planning And Zoning; Consider (1) Zoning Reclassification of 1.64 Acres From R-1, Suburban Residential to M-1, Light Industrial Zoning District on Assessor's Parcel 13-3; and (2) Amendment to 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, gave a presentation and answered Board members questions. Mr. Clark Leming, for the applicant, also addressed the Board.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O14-18.

The Voting Board tally was:

- Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
- Nay: (0)

Ordinance O14-18 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT, TO THE M-1, LIGHT INDUSTRIAL ZONING DISTRICT, ON ASSESSOR’S PARCEL 13-3, WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Hilldrup Transfer and Storage, Inc., applicant, submitted application RC1400006 requesting a reclassification from the R-1, Suburban Residential Zoning District, to the M-1, Light Industrial Zoning District, on Assessor’s Parcel 13-3 consisting of 1.64 acres within the Griffis-Widewater Election District; and

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

WHEREAS, the Board determined that the requested reclassification 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 20th day of May, 2014, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the R-1, Suburban Residential Zoning District, to the M-1, Light Industrial Zoning District, on Assessor’s Parcel 13-3, in the location identified on the Zoning Exhibit Plat, prepared by Bagby, Caldwell, and Associates, P.C., dated August 6, 2013, with proffers entitled, “Proffers,” dated April 23, 2014.

Mr. Cavalier motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O14-19.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Ordinance O14-19 reads as follows:

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

WHEREAS, Hilldrup Transfer and Storage, Inc., applicant, submitted application RC1400007 requesting an amendment to proffered conditions on Assessor’s Parcel 13-9

(portion), consisting of 8.71 acres, zoned M-1, Light Industrial within the Griffis-Widewater Election District; and

WHEREAS, Assessor's Parcel 13-9 (portion) is subject to proffered conditions pursuant to Ordinance O12-35(R), adopted by the Board on October 16, 2012; 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 amendments to proffered conditions are 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 amend the proffered conditions on the subject properties;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of May, 2014, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the proffered conditions on Assessor's Parcel 13-9 (portion) consisting of 8.71 acres, zoned M-1, Light Industrial, as specified in the proffer statement entitled, "Proffers," dated December 20, 2013.

Public Works; Consider the VDOT FY2015-FY2020 Secondary Six-Year Improvement Program Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members questions. Mr. Robert Poutier, VDOT Assistant Residency Administrator, was present and addressed the Board.

Based on the figures as presented on the Power Point presentation, Mr. Snellings asked if there would be no paving until 2017, after paving William and Mary Lane. Mr. Smith said that current projects would be paved and that additional funds would accumulate for paving additional roads not on the current list. Mr. Snellings said that he wished to meet with Mr. Smith to discuss the percentage of funding allocated for Coakley Lane.

Mr. Keith Dayton said that the County was bidding Centerport Parkway later in 2014, and anticipated a surplus that would be added to the SSYP for paving additional roads; an amount would be identified by the end of the year.

Mr. Sterling asked that Skywood Court be looked at. Ms. Bohmke asked that Southern View Drive be considered and that she be kept updated. Mr. Dayton said that staff looked at unpaved, state-maintained roads with sufficient traffic to qualify for paving.

Mr. Milde asked about paving Raven Road. Mr. Romanello was asked to contact the Department of Conservation and Recreation (DCR) to discuss Widewater Park and

Crow’s Nest access. Mr. Milde said that there was a temporary bridge and no legitimate access; the State could not open the Park without improved access.

Ms. Bohmke said that she was excited about the traffic signal planned for Leeland Station and asked when it would be installed. Mr. Poutier responded that it would be late summer or early fall, 2014.

The Chairman opened the public hearing.

The following persons desired to speak:

Mark Galvin

Paul Waldowski

The Chairman closed the public hearing.

Mr. Snellings said that he would arrange to meet with Mr. Galvin to discuss paving roads in Harwill Acres. Mr. Poutier said that he would be willing to meet Mr. Galvin there to look at the roads and discuss his concerns about VDOT’s maintenance of the streets.

Mr. Sterling motioned, seconded by Ms. Bohmke, to adopt proposed Resolution R14-96.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas

Nay: (0)

Resolution R14-96 reads as follows:

**A RESOLUTION TO ADOPT THE VIRGINIA DEPARTMENT OF
TRANSPORTATION FY2015-FY2020 SECONDARY SYSTEM SIX-
YEAR IMPROVEMENT PROGRAM**

WHEREAS, pursuant to Virginia Code § 33.1-70.01, the Board and representatives of the Virginia Department of Transportation (VDOT), conducted a joint public hearing for the proposed FY2015-FY2020 Secondary System Six-Year Improvement Program (SSYP); and

WHEREAS, the Board sets priorities for the road improvement projects in the County for the SSYP; and

WHEREAS, the Board desires to receive the funding provided by the proposed FY2015-FY2020 SSYP to complete road improvement priorities in the County; and

WHEREAS, the Board considered the recommendations of staff, VDOT, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that the adoption of this resolution 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 20th day of May, 2014, that the FY2015-FY2020 Secondary System Six-Year Improvement Program be and it hereby is adopted; and

BE IT FURTHER RESOLVED that the County Administrator or his designee forwards a copy of this resolution to the VDOT Residency Administrator.

Finance and Budget; Authorize the County Administrator to Execute a Contract for Construction of the Embrey Mill Indoor Recreation Facility at Embrey Mill and Authorize Issuance of Debt and Appropriate Funds Mr. Keith Dayton, Deputy County Administrator; and Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and answered Board members questions.

Ms. Bohmke asked about \$2.8 Million. Mr. Dayton said that it covered the cost of grading and parking for the six athletic fields. Ms. Bohmke said that it seemed like a high number.

Mr. Sterling asked if there was the possibility of using an impervious surface on the parking lots. Mr. Dayton said that a stormwater pond, part of the Embrey Mill development, was already in place.

Mr. Thomas asked who was chosen to operate the indoor recreation facility. Mr. Dayton said that the County was not close, yet, to choosing an operator for the facility, that it would brought before the Board late in 2014 or early in 2015. Mr. Thomas asked about the proposed therapy pool, saying that in Richmond he was told that a therapy pool was a losing proposition, that it cost big money with little or no return on the investment. Mr. Dayton said that it was his understanding that a therapy pool provided options for senior citizens and persons in need of rehabilitation; that the proposed therapy pool was 800 s.f. (not large) and that it would be used for exercise-based activities. Mr. Thomas said that he was opposed to voting on funding prior to an operator being identified and on board with the County's plans for the facility.

Mr. Sterling said that the facility was being built for (and by) the County, not for an operator; that the County would tell the chosen operator how it wanted the facility to be managed. Mr. Thomas said that there were too many unknowns; he believed that the Board was going to be given another option to look at the facility and it's intended use before being asked to vote on a contract and funding.

Mr. Milde said that he agreed with Mr. Thomas and asked for the design feedback received from respondents to the RFP for operators of the facility. He said that he was

not encouraging a change in the design of the facility but that he wished to know what the experts thought about the County's planned usage of the facility.

Ms. Bohmke said she spoke with Mr. Dayton early in the process and had serious concerns about the construction of the fields not being researched as thoroughly as it should have been. She talked about the focus of competitive teams and leagues and suggested that the Virginia High School League (VHS) should be contacted in order to determine all the requirements that must be met in order to successfully bid on A, AA, AAA and other division competitions and tournaments.

Ms. Sellers said that she, too, had concerns about the fields and asked if the proposed fields were single-sport or multi-use fields. Mr. Dayton confirmed that the two football fields had the same dimensions as a soccer, rugby, lacrosse, or field hockey fields.

Mr. Sterling asked if the item being brought before the Board was pertaining to fields or to the indoor recreation center. Mr. Dayton said that it was specifically the indoor recreation center. Mr. Snellings asked how long the vote could be deferred without altering the construction schedule. Mr. Dayton said that it was at the Board's discretion, but that bids were good for ninety days, so approximately August, following the Board's summer recess, would be the latest the Board could act on the current bids.

The Chairman opened the public hearing.

The following persons desired to speak:

Dean Fetterolf

Paul Waldowski

The Chairman closed the public hearing.

Ms. Sellers motioned, seconded by Mr. Thomas, to defer this item to the June 17th Board meeting.

Mr. Cavalier said that he was surprised that, at that juncture in the project, that the Board wanted to defer a vote on the indoor recreation facility; that the center was being built for (and by) the County, not for an operator. He said that the Board would be unfaithful to the Referendum. Mr. Thomas said that he wished to see a commitment, even a verbal commitment would do, from an operator, before construction contracts were signed, to confirm that the County was heading in the right direction and doing what was best for the community. Mr. Sterling said that he supported the motion for deferral.

Ms. Bohmke said that from the perspective of her time spent on the School Board, she believed that the operator should weigh-in, as with the rebuild of Stafford High School and issues at Mountain View High School and Colonial Forge High School, the people in the best position to advise on the needs for the facility were the staff and teachers at each

location. Therefore, an operator’s input should be considered on the County’s proposed uses for the indoor recreation facility.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas

Nay: (0)

Adjournment: At 8:31 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Jack R. Cavalier
Chairman