

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

March 17, 2015

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Gary F. Snellings, Chairman, at 3:00 p.m., on Tuesday, March 17, 2015, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

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

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

Mr. Snellings announced that the School Division FY 16 Budget Presentation and Item 19, Finance and Budget; Authorize the County Administrator to Advertise a Public Hearing on the proposed Calendar Year 2015 tax rates, the proposed Fiscal Year 2016 County Budgets, and the proposed Fiscal Year 2016-2025 Capital Improvement Program, would be moved to the evening session.

VDOT Quarterly Update Mr. Sean Nelson, VDOT Residency Administrator, addressed the Board and provided updates on road construction projects in the County, including pot hole patching; unpaved road maintenance; and road sweeping.

Mr. Sterling asked about the 630 Interchange design and if it was redesigned due to need or due to the reduced budget. Mr. Nelson said that it was due to both need and budgetary concerns. Mr. Sterling said that the redesign was being built at today’s standards and not taking into account future transportation needs.

Ms. Bohmke asked the VDOT intervene with the contractor in fixing potholes at the Falmouth intersection. Mr. Nelson said that with warmer temperatures, it would soon be possible to use hot-mix asphalt to repair the damage.

Mr. Snellings thanked Mr. Nelson for VDOT’s expedient snow removal, saying that he had no complaints all winter about snow removal.

Legislative Update – Williams Mullen Mr. Ken Hutcheson addressed the Board and provided an overview of the recently completed General Assembly session, and the Board's 2015 legislative initiatives. The Admissions Tax was extended while the County pursued economic development opportunities, thanks to the efforts of Senator Richard Stuart and Speaker Bill Howell. Background checks for career and volunteer fire and rescue staff, after being met with initial resistance, the bill passed while working with the State Police and FBI. Regarding Jail Per Diem, the budget included \$13.8 in support of localities. Several bills were introduced regarding Procurement, which was not a Stafford initiative but, had it passed, would have impacted all localities in the Commonwealth. Mr. Romanello contacted Speaker Howell, local governments banded together, and the bill was defeated.

The adopted budget cut \$2.4 Billion from the Governor's budget. Projected revenues equaled \$520 Million. \$30 Million in Aid to Localities was fully funded. As a part of Direct Aid to Education, \$52,000 was allocated to Stafford County for 2014-2015; \$1.3 Million was allocated in 2015-2016. A 2% increase for state-supported local employees was included in the budget along with a 1.5% teachers increase, which included a local match; and \$5 Million in stormwater management programs.

Mr. Patrick Cushing, with Williams Mullen, addressed the Board and talked about land use initiatives.

SB1011 allowed the use of cash proffers for purchase of development rights. The bill was defeated mostly due to push back from the Home Builders Association.

Cluster Developments failed with the rationale that localities had over-existing authority as to what may (or may not) be put in cluster developments, and that some flexibility already existed in State Code. Mr. Milde asked that Mr. Cushing reaffirm his earlier statement. Mr. Cushing said that State Code was already set-up with enough flexibility that the County's initiative/bill was deemed to be unnecessary. Mr. Sterling asked if the General Assembly believed that the County had existing authority. Mr. Cushing agreed with Mr. Sterling's question, adding that the County should request a legal opinion as to the flexibility in the Code regarding cluster developments. If the legal opinion did not weigh out the General Assembly's opinion, it would lay the foundation for a renewed request at next year's session.

Expedited Retake of Standards of Learning Tests was introduced by Senator Stuart and several other legislators. All SOL bills were rolled into one, which passed both the House and Senate.

A Cable Franchise request, though not a part of the County initiatives, was originally introduced by Senator Stuart but withdrawn after conversations with cable companies and assurance of their willingness to work with localities. An update will be provided over the summer regarding the request to reduce service requirements from 30 to 20 customers-per-mile.

HB1887 changed transporting funding formulas from 40/30/30 to 45/27.5/27.5. Mr. Sterling asked who would control the funds. Mr. Cushing said that he believe that road construction would be controlled at the district level. Mr. Sterling asked if that was the Fredericksburg Area Metropolitan Planning Organization (FAMPO). Mr. Cushing said that he would have to verify that and would respond back to the Board. Ms. Bohmke said that she thought that it was the VDOT Residency Administrator. Mr. Sterling said that VDOT did not have the authority.

Mr. Cushing concluded his remarks saying that there was a change in removal of Commonwealth Transportation Board members, which used to be at the will of the Governor, but now had to be for cause. Mr. Snellings thanked Mr. Hutcheson and Mr. Cushing for their work on behalf of the County and the Board.

Presentations by the Public

- Alane Callander - Increase tax rates; subsidize the landfill
- Paul Waldowski - Quotes from George Orwell, Harry S. Truman, Benjamin Franklin, and others regarding freedom of speech

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

Ms. Bohmke - Public Safety Committee update; FY16 budget to include restoration of Fire Training Lieutenant to be funded by the Virginia Department of Fire Programs Aid to Localities; Watch for Children signs in the Leeland Station and Carriage Hill subdivision; Empower House one of twenty global organizations named a finalist for the 4th Annual Avon “Ask Me” Communication Award (\$5,000 if awarded); Toured University of Mary Washington Convergence Center; Received citizen complaints about the pay-for-dumping at the Landfill.

Mr. Cavalier - Deferred

Mr. Milde - Attended FAMPO and R-Board meetings

Ms. Sellers - Deferred

Mr. Snellings - Recognized the Colonial Forge Boys Wrestling and Basketball teams for winning the 2nd consecutive state championship.

Mr. Sterling - Deferred
Mr. Thomas - Finance, Audit and Budget Committee update including voting to send public hearing authorization to full Board for Budget/Taxes/CIP; also voted to send VPSA authorization to full Board for public hearing authorization; discussed regional landfill operations issues including privatizing, selling, and subsidizing options; initial discussions on upcoming bond projects.

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

Report of the County Administrator Mr. Romanello said that there were no changes to the agenda. He introduced Ms. Donna Krauss, Assistant to the County Administrator for Human Services. Ms. Krauss introduced the Board to “Freddy,” Stafford County’s top dog statue awarded by the United Way to the locality with the highest donations. County staff donated in excess of \$56,000 to the recent United Way campaign. Mr. Snellings thanked staff for its contributions and said that “Freddy” should have a proper dog house in which to reside. Following Ms. Krauss’ presentation, Mr. Romanello introduced another in the series of “Above and Beyond” videos, which highlighted Utilities Department staff.

Additions/Deletions to the Regular Agenda There were no additions or deletions to the agenda.

Legislative; Consent Agenda Ms. Sellers motioned, seconded by Mr. Thomas, to adopt the Consent Agenda which consisted of Items 4 through 14, omitting Items 6 and 8 at the request of Mr. Milde.

The Voting Board tally was:

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

Item 4. Legislative; Approve Minutes of the March 3, 2015 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R15-87 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED MARCH 03, 2015 THROUGH MARCH 16, 2015

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 17th day of March, 2015 that the above-mentioned EL be and it hereby is approved.

Item 7. Finance and Budget; Approve Technical Revision to Virginia Resources Authority (VRA) Bond Documents

Resolution R15-82 reads as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF STAFFORD COUNTY, VIRGINIA, AUTHORIZING THE ALLOCATION AND REALLOCATION OF PORTIONS OF THE PROCEEDS OF THE COUNTY'S LEASE FINANCING OF THE EMBREY MILL INDOOR RECREATION CENTER, THE PROCEEDS OF CERTAIN OF THE COUNTY'S GENERAL OBLIGATION BONDS AND FUNDS AVAILABLE FROM PROFFERS AND IN THE COUNTY'S CAPITAL PROJECTS RESERVE

WHEREAS, on August 13, 2014, the Virginia Resources Authority ("VRA") issued its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2014B (the "2014B VRA Bonds"), in the form of bonds, the interest on which is excludable from gross income for federal income tax purposes ("Tax-Exempt Bonds"); and

WHEREAS, VRA used a portion of the proceeds of the 2014B VRA Bonds to acquire the Local Lease Acquisition Agreement and Financing Lease dated June 26, 2014 (the "Financing Lease"), between VRA and the County of Stafford, Virginia (the "County"); and

WHEREAS, in the Financing Lease the County agreed to (i) apply a portion of the purchase price, along with other available funds, to finance the construction of the Embrey Mill Indoor Recreation Center and (ii) not to take or omit to take any actions that may adversely affect the Tax-Exempt Bond status of the 2014B VRA Bonds; and

WHEREAS, after the issue date of the 2014B VRA Bonds, the County entered into discussions with Eastern Sports Management regarding an arrangement (the "ESM Arrangement") under which, among other things, ESM would lease and operate the Embrey Mill Indoor Recreation Center for a period of up to 20 years; and

WHEREAS, since the Embrey Mill Indoor Recreation Center is part of the property leased to VRA under the Financing Lease, VRA has the right to consent to the ESM Arrangement and County staff contacted the County's Bond Counsel to review the ESM Arrangement and prepare the documents pursuant to which the VRA would provide its consent; and

WHEREAS, the County's Bond Counsel has advised that, unless certain actions are taken, the County's entry into the ESM Arrangement may imperil the status of the 2014B VRA Bonds as Tax-Exempt Bonds; and

WHEREAS, the County has recently completed, or has underway, three capital projects; the Smith Lake Parking Lot Improvements, Chichester Park and the Embrey Mills Athletic Fields Complex (collectively, the "Parks Projects"), that the County has financed or is financing with a combination of certain proceeds of the County's General Obligation Public Improvement Bonds, Series 2013, and other authorized but unissued general obligation bonds approved to finance parks and recreation projects at a special election on November 3, 2009 (collectively, the "Parks Bonds") and funds available from proffers and in the County's Capital Projects Reserve (collectively, the "County Equity" and, collectively with the above described proceeds of the 2014B VRA Bonds and the Parks Bonds, the "Funding Sources"); and

WHEREAS, the County's Bond Counsel has advised that the Treasury Regulations will permit certain allocations and reallocations of the Funding Sources between and among the Embrey Mill Indoor Recreation Center and the Parks Projects to preserve the Tax-Exempt Bond status of the 2014B VRA Bonds and not adversely affect either the Tax-Exempt Bond status of the Park Bonds or the validity of the Park Bonds under Virginia law; and

WHEREAS, the current and proposed allocations and reallocations of the Funding Sources are substantially as set forth in Annex 1 attached hereto;

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

Authorization of Allocation and Reallocation. The proposed allocations and reallocations of the Funding Sources are hereby approved in substantially the form set forth in Annex 1 attached hereto.

Authorization of Documents and Other Actions. The County Administrator is authorized to cause the preparation of documents necessary or appropriate to amend the Financing Lease and any financing or tax documents or certificates delivered in connection with the 2014B VRA Bonds and the Parks Bonds and to cause the execution and delivery of such amending documents or certificates by appropriate officers of the County following approval by the County Attorney. All other actions of the officers of the County in conformity with the purpose and intent of this Resolution are hereby approved and confirmed. The officers of the County are hereby authorized and directed to take all such further action as they may consider necessary or appropriate in carrying out the purpose and intent of this Resolution, including obtaining VRA's consent to the ESM Arrangement and the amendments to the Financing Lease.

Effective Date. This resolution shall take effect immediately.

Item 9. Public Works; Request Reimbursement from the Potomac and Rappahannock Transportation Commission (PRTC) for Transportation Expenditures during FY15 1st and 2nd Quarters

Resolution R15-83 reads as follows:

A RESOLUTION REQUESTING REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION (PRTC) FOR TRANSPORTATION EXPENDITURES DURING THE FIRST AND SECOND QUARTERS OF FY2015

WHEREAS, the County budgeted funds in the FY2015 Transportation Fund for various programs, including financial services, FREDericksburg Regional Transit, the Stafford Regional Airport Authority, street name signs, road improvements, revenue sharing, and enhancement grants; and

WHEREAS, during the first and second quarters of FY2015, the County expended \$1,311,201 in qualifying transportation-related expenses; and

WHEREAS, the Board desires to request that PRTC reimburse the County for these qualifying transportation-related expenses from the County Motor Fuels Tax Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that the Potomac and Rappahannock Transportation Commission (PRTC) be and it hereby is requested to reimburse the County One Million Three Hundred Eleven Thousand Two Hundred One Dollars (\$1,311,201) from the County Motor Fuels Tax Fund; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall provide a copy of this resolution to PRTC.

Item 10. Public Works; Authorize the Installation of Watch for Children Signs on Riggs Road, Walnut Farms Parkway, Portland Drive, and Perth Drive in the Leeland Station Subdivision; and on Carriage Hill Drive in the Carriage Hill Subdivision

Resolution R15-46 reads as follows:

A RESOLUTION AUTHORIZING THE INSTALLATION OF WATCH FOR CHILDREN SIGNS ON RIGGS ROAD (SR-1960), WALNUT FARMS PARKWAY (SR-1953), PORTLAND DRIVE (SR-1950) AND PERTH DRIVE (SR-2345) WITHIN THE LEELAND STATION SUBDIVISION, IN THE FALMOUTH ELECTION DISTRICT

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

WHEREAS, on February 19, 2008, the Board adopted the Residential Traffic Management Plan (RTMP), to provide County citizens with various programs to address their traffic-related concerns; and

WHEREAS, installation of Watch for Children signs is authorized under Virginia Code § 33.2-251; and

WHEREAS, the Leeland Station Homeowners Association requested the installation of Watch for Children signs in this subdivision; and

WHEREAS, the Virginia Department of Transportation's (VDOT) policy will permit the installation of these signs along Riggs Road, Walnut Farms Parkway, Portland Drive, and Perth Drive; and

WHEREAS, based on the County's current RTMP, the proposed locations meet the essential criteria for the installation, Watch for Children Signs, as Riggs Road, Walnut Farms Parkway, Portland Drive, and Perth Drive meet the definition of a residential local road; and

WHEREAS, the Board finds that installing these signs promotes the health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that the Board be and it hereby does approve the installation of four Watch for Children signs at the following locations within the Leeland Station Subdivision in the Falmouth Election District, with the specific locations as determined by VDOT:

- Just beyond the intersection of Riggs Road and Denton Court (southbound);
- Prior to the intersection of Walnut Farms Parkway and Hunton Drive (westbound);
- Just beyond the intersection of Portland Drive and Hunton Drive (westbound); and
- Perth Drive (eastbound) near the property line for 6 and 8 Perth Drive; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall transmit a copy of the Resolution to the Virginia Department of Transportation (VDOT).

Resolution R15-88 reads as follows:

A RESOLUTION AUTHORIZING THE INSTALLATION OF A WATCH FOR CHILDREN SIGN ON CARRIAGE HILL DRIVE (SR-2150) WITHIN THE CARRIAGE HILL SUBDIVISION, IN THE GEORGE WASHINGTON DISTRICT

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

WHEREAS, on February 19, 2008, the Board adopted the Residential Traffic Management Plan (RTMP), to provide County citizens with various programs to address their traffic-related concerns; and

WHEREAS, installation of a Watch for Children sign is authorized under Virginia Code § 33.2-251; and

WHEREAS, the Carriage Hill Homeowners Association requested the installation of a Watch for Children sign within its subdivision; and

WHEREAS, the Virginia Department of Transportation's (VDOT) policy will permit the installation of this sign along Carriage Hill Drive; and

WHEREAS, based on the current County's RTMP, the proposed location meets the essential criteria for installation of a Watch for Children sign, as Carriage Hill Drive meets the definition of a residential local road; and

WHEREAS, the Board finds that installing this sign promotes the health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that the Board be and it hereby does approve the installation of one Watch for Children sign on Carriage Hill Drive, within the Carriage Hill Subdivision, in the George Washington Election District, with the specific location as determined by VDOT:

- Approximately 200 feet past the posted speed limit sign on Carriage Hill Drive near the entrance to the Carriage Hill; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Administrator or his designee shall transmit a copy of this resolution to VDOT.

Item 11. Planning and Zoning; Authorize the County Administrator to Initiate a Proffer Amendment Application

Resolution R15-89 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO INITIATE A PROFFER AMENDMENT, AND TO ACT AS THE APPLICANT ON BEHALF OF 1182 RAMOTH RD., LLC, ON ASSESSOR'S PARCEL 38-34D WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, 1182 Ramoth Rd., LLC, is the owner of Assessor's Parcel 38-34D (the Property), located within the Hartwood Election District; and

WHEREAS, on February 4, 1992, the Board adopted Ordinance O92-09, which amended the proffered conditions for development of the Property, zoned M-1, Light Industrial; and

WHEREAS, the proffers adopted pursuant to Ordinance O92-09 require the Property owner to construct various improvements related to the development of the Property; and

WHEREAS, many of the on-site improvements required by the proffers, adopted pursuant to Ordinance O92-09, are now incorporated into the County's Zoning Ordinance; and

WHEREAS, the Board desires to consider amending the proffers adopted pursuant to Ordinance O92-09, to facilitate development that will comply with current standards and development practices; and

WHEREAS, on February 3, 2015, the Board adopted Resolution R15-54, which authorized the County Administrator to initiate a proffer amendment on Assessor's Parcels 38-14B, 38-14F, 38-14G, 38-14H, and 38-34E; and

WHEREAS, Assessor's Parcel 38-34D was not included; and

WHEREAS, 1182 Ramoth Rd., LLC, desires to have the Property included in the application; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require consideration of amending the proffers;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that the County Administrator be and he hereby is authorized to initiate a proffer amendment on behalf of 1182 Ramoth Rd., LLC, on Assessor's Parcel 38-34D; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to act as the applicant on behalf of 1182 Ramoth Rd., LLC, in order to process the application for a proffer amendment.

Item 12. Planning and Zoning; Refer Amendments to the Cemetery Ordinance to the Planning Commission

Resolution R15-89 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO INITIATE A PROFFER AMENDMENT, AND TO ACT AS THE APPLICANT ON BEHALF OF 1182 RAMOTH RD., LLC, ON ASSESSOR'S PARCEL 38-34D WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, 1182 Ramoth Rd., LLC, is the owner of Assessor's Parcel 38-34D (the Property), located within the Hartwood Election District; and

WHEREAS, on February 4, 1992, the Board adopted Ordinance O92-09, which amended the proffered conditions for development of the Property, zoned M-1, Light Industrial; and

WHEREAS, the proffers adopted pursuant to Ordinance O92-09 require the Property owner to construct various improvements related to the development of the Property; and

WHEREAS, many of the on-site improvements required by the proffers, adopted pursuant to Ordinance O92-09, are now incorporated into the County's Zoning Ordinance; and

WHEREAS, the Board desires to consider amending the proffers adopted pursuant to Ordinance O92-09, to facilitate development that will comply with current standards and development practices; and

WHEREAS, on February 3, 2015, the Board adopted Resolution R15-54, which authorized the County Administrator to initiate a proffer amendment on Assessor's Parcels 38-14B, 38-14F, 38-14G, 38-14H, and 38-34E; and

WHEREAS, Assessor's Parcel 38-34D was not included; and

WHEREAS, 1182 Ramoth Rd., LLC, desires to have the Property included in the application; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require consideration of amending the proffers;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that the County Administrator be and he hereby is authorized to initiate a proffer amendment on behalf of 1182 Ramoth Rd., LLC, on Assessor's Parcel 38-34D; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to act as the applicant on behalf of 1182 Ramoth Rd., LLC, in order to process the application for a proffer amendment.

Item 13. Planning and Zoning; Authorize the County Administrator to Advertise a Public Hearing for a Plat Vacation on Tax Map Parcel 20A-9A; and Authorize the County Administrator to Advertise a Public Hearing for a Donation of Property to Habitat for Humanity

Resolution R15-102 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER CONVEYING COUNTY-OWNED PROPERTY, ASSESSOR’S PARCEL 20A-9A, TO HABITAT FOR HUMANITY, LOCATED WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Stafford County is the owner of Assessor’s Parcel 20A-9A (Property), located in the Griffis-Widewater Election District; and

WHEREAS, the Board determined that the Property is no longer needed by the County; and

WHEREAS, the Board desires to consider conveying the Property to Habitat for Humanity, for their construction of a single-family detached dwelling; and

WHEREAS, pursuant to Virginia Code § 15.2-1800, the Board desires and is required to hold a public hearing to consider conveyance of County-owned property;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider conveying Assessor’s Parcel 20A-9A to Habitat for Humanity.

Resolution R15-103 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO VACATE A PORTION OF THE QUANTICO DEVELOPMENT CORPORATION SUBDIVISION PLAT (ALSO KNOWN AS BARRETT HEIGHTS) RECORDED AMONG THE STAFFORD COUNTY LAND RECORDS IN PLAT BOOK 1 AT PAGE 195, LOCATED WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, the subdivision plat known as Quantico Development Corporation (also known as Barrett Heights) (Subdivision) was recorded in Plat Book 1, at Page 195, among the Stafford County Land Records on September 18, 1953 (Plat), within the Griffis-Widewater Election District; and

WHEREAS, the Plat includes a notation on Assessor’s Parcel 20A-9A (Property) designating it as a “Well Lot;” and

WHEREAS, the Subdivision no longer requires the use of the Property as a “Well Lot,” as the Subdivision is now served by public water; and

WHEREAS, Stafford County is the owner of the Property; and

WHEREAS, the Board desires to consider vacating a portion of the Plat, specifically to remove the “Well Lot” designation from the Property; and

WHEREAS, pursuant to Virginia Code § 15.2-2272(2), and Stafford County Code Sec. 22-108, the Board must hold a public hearing on the proposed vacation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider a partial vacation of the subdivision plat known as Quantico Development Corporation (also known as Barrett Heights) for the removal of the “Well Lot” designation on Assessor’s Parcel 20A-9A.

Item 14. County Administration; Approve Appointment of Mr. Steve Martino to the Telecommunications Commission

Item 6. Finance and Budget; Authorize the County Administrator to Advertise a Public Hearing on FY2016 Virginia Public Schools Authority (VPSA) Debt Mr. Milde noted that he pulled Item 6 and 8 due to references to the Stafford High School rebuild.

Ms. Sellers motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R15-97.

The Voting Board tally was:

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

Resolution R15-97 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER PARTICIPATION IN THE FALL 2015 AND SPRING 2016 VIRGINIA PUBLIC SCHOOL AUTHORITY BOND SALES AND TO BUDGET AND APPROPRIATE THE BOND PROCEEDS IN AN AMOUNT NOT TO EXCEED \$26,830,000

WHEREAS, the County received a request from the Superintendent of Stafford County Public Schools to contract a debt and issue General Obligation Bonds of the County in the maximum amount of \$26,830,000 in one or more series to finance certain capital improvements for public school purposes (Bonds) in compliance with the Capital Improvements Programs and to sell such bonds to the Virginia Public School Authority (VPSA); and

WHEREAS, the Board determined that it may be necessary or desirable to advance money to pay the costs for such capital projects for public school purposes (Projects) and to reimburse such advances with proceeds of one or more financings; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that:

1. The County Administrator is authorized to advertise a public hearing to seek public comment on the issuance of the Bonds and on budgeting and appropriating the proceeds;

2. The Board adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board reasonably expects to reimburse advances made or to be made by the County or the School Board of the County of Stafford, Virginia to pay the costs of acquiring, constructing and equipping the Projects from the proceeds of the Bonds to be issued in the maximum amount of \$26,830,000; and
3. This resolution shall take effect immediately upon its adoption.

Item 8. Finance and Budget; Authorize Participation in the Spring 2015 Virginia Public School Authority (VPSA) Bond Sales

Ms. Sellers motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R15-90.

The Voting Board tally was:

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

Nay: (1) Milde

Resolution R15-90 reads as follows:

A RESOLUTION TO AUTHORIZE THE ISSUANCE OF NOT TO EXCEED \$7,685,000 GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF STAFFORD, VIRGINIA, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, on June 18, 2013, the Board of Supervisors (the "Board") of the County of Stafford, Virginia (the "County") held a public hearing, duly noticed, on the issuance of the County's general obligation school bonds in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code") and adopted a resolution (the "2013 Resolution"), identified as Resolution R13-166, approving the issuance and sale of general obligation school bonds in an amount not to exceed \$52,648,000 for the purpose of financing certain projects more particularly specified therein (the "Projects"), subject to the adoption of a subsequent resolution authorizing and setting forth the terms of such bonds; and

WHEREAS, the County has previously issued its general obligation school bonds pursuant to the 2013 Resolution in the aggregate principal amount of \$37,833,550; and

WHEREAS, the principal amount of general obligation school bond approved and unissued under the 2013 Resolution is \$14,814,450 ("Unissued Authorization"); and

WHEREAS, the Board has now determined that it is necessary and expedient to borrow an amount not to exceed \$7,685,000 and to issue pursuant to a portion of the Unissued Authorization its general obligation school bond (as more specifically defined below, the "Local School Bond") for the purpose of financing the Projects, and to authorize and set forth the details thereof, as required by the 2013 Resolution; and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond; and

WHEREAS, the Virginia Public School Authority ("VPSA") has offered to purchase the Local School Bond along with the local school bonds of certain other localities, with a portion of the proceeds of certain bonds to be issued by VPSA in the spring of 2015 (the "VPSA Bonds"); and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$7,685,000 is the amount of proceeds requested by the County (the "Proceeds Requested") from VPSA in connection with the sale of the Local School Bond; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Local School Bond relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA from the sale of the VPSA Bonds, and other market conditions relating to the sale of the VPSA Bonds; and

WHEREAS, such factors may result in requiring the County to accept a discount, given the VPSA Purchase Price Objective and market conditions, under which circumstances the proceeds from the sale of the Local School Bond received by the County will be less than the Proceeds Requested since the maximum authorized principal amount of the Local School Bond set forth in paragraph 1 below does not exceed the Proceeds Requested;

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

1. **Authorization of Local School Bond and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in an aggregate principal amount not to exceed \$7,685,000 (the "Local School Bond") for the purpose of financing the Project. The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution.
2. **Sale of the Local School Bond.** The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum principal amount on the Local School Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, the Local School Bond may be sold for a purchase price not lower than 95% of the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them (each a "Delegate"), and such other officer or officers of the County as either

may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved.

3. **Details of the Local School Bond.** The Local School Bond shall be dated 16 days prior to the date of its issuance and delivery or such other date designated by VPSA; shall be designated "General Obligation School Bond, Series 2015A"; shall bear interest from its dated date payable semi-annually on each January 15 and July 15 beginning January 15, 2016 (each an "Interest Payment Date"), at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts acceptable to a Delegate (the "Principal Installments"), subject to the provisions of paragraph 4 of this Resolution.

4. **Interest Rates and Principal Installments.** Each Delegate is hereby authorized and directed to accept the interest rates on the Local School Bond established by VPSA, provided that each interest rate shall be five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Local School Bond, and provided further that the true interest cost of the Local School Bond does not exceed five and fifty one-hundredths percent (5.50%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of VPSA. Each Delegate is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall not exceed 21 years from the date of the issuance and delivery of the Local School Bond. The execution and delivery of the Local School Bond as described in paragraph 8 hereof shall conclusively evidence the approval and acceptance of all of the details of the Local School Bond by the Delegate as authorized by this Resolution.

5. **Form of the Local School Bond.** The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Local School Bond:

For as long as VPSA is the registered owner of the Local School Bond, all payments of principal, premium, if any, and interest on the Local School Bond shall be made in immediately available funds to VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Local School Bond.

U.S. Bank National Association, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Local School Bond.

7. **Prepayment or Redemption.** The Principal Installments of the Local School Bond held by VPSA coming due on or before July 15, 2025, and the definitive bond for which the Local School Bond held by VPSA may be exchanged that mature on or before July 15, 2025, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Local School Bond held by VPSA coming due on or after July 15, 2026, and the definitive bond(s) for which the Local School Bond held by VPSA may be exchanged that mature on or after July 15, 2026, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2025, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Local School Bond to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2025 through July 14, 2026	101%
July 15, 2026 through July 14, 2027	100½
July 15, 2027 and thereafter	100

Provided, however, that the Local School Bond shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or other registered owner of the Local School Bond. Notice of any such prepayment or redemption shall be given by the Bond Registrar to VPSA or other registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

If VPSA refunds the VPSA Bonds in the future and such refunding causes the Local School Bond to be deemed refunded, the prepayment or redemption of the Local School Bond will be subject to VPSA approval and subject to similar prepayment or redemption provisions as set forth above that correspond to the call period of the VPSA bonds issued in part to refund the Local School Bond.

8. **Execution of the Local School Bond.** The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of, premium, if any, and the interest on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any portion of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Local School Bond as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. **Use of Proceeds Certificate and Tax Compliance Agreement.** The Chairman of the Board, the County Administrator and such other officer or officers of the County or the School Board as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in such Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the VPSA Bonds will remain excludable from gross income for federal income tax purposes.

11. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Local School Bond. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

12. **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix D to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by VPSA to be a MOP (as defined in the Bond Sale Agreement).
13. **Refunding.** The Board hereby acknowledges that VPSA may issue refunding bonds to refund any bonds previously issued by VPSA, including the VPSA Bonds issued to purchase the Local School Bond, and that the purpose of such refunding bonds would be to enable VPSA to pass on annual debt service savings to the local issuers, including the County. Each of the Delegates is authorized to execute and deliver to VPSA such allonge to the Local School Bond, revised debt service schedule, IRS Form 8038-G or such other documents reasonably deemed necessary by VPSA and VPSA's bond counsel to be necessary to reflect and facilitate the refunding of the Local School Bond and the allocation of the annual debt service savings to the County by VPSA. The Clerk to the Board is authorized to affix the County's seal on any such documents and attest or countersign the same.
14. **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.
15. **Election to Proceed under Public Finance Act.** In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.
16. **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and otherwise in furtherance of this Resolution and any such action previously taken is hereby ratified and confirmed.
17. **Effective Date.** This Resolution shall take effect immediately.

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 March 17, 2015, 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: Meg Bohmke; Jack R. Cavalier; Paul V. Milde, III; Laura A. Sellers; Gary F. Snellings; Cord A. Sterling; and Robert “Bob” Thomas. Members absent from the meeting were: none. Members voting in favor of the foregoing resolution were: Meg Bohmke; Jack R. Cavalier; Laura A. Sellers; Gary F. Snellings; Cord A. Sterling; and Robert “Bob” Thomas. Members voting against the foregoing resolution were: Paul V. Milde, III. Members abstaining from voting on the foregoing Resolution were: none.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Stafford, Virginia, this 17th day of March, 2015.

EXHIBIT A

(FORM OF TEMPORARY BOND)

NO. TR-1

\$ _____

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

COUNTY OF STAFFORD

General Obligation School Bond

Series 2015A

Dated Date: April __ [16 days prior to issuance], 2015

Issue Date: May __, 2015

The **COUNTY OF STAFFORD, VIRGINIA** (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the **VIRGINIA PUBLIC SCHOOL AUTHORITY** ("VPSA") the principal amount of _____ DOLLARS (\$ _____), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 20__ and annually on July 15 thereafter to and including July 15, 20__ (each a "Principal Payment Date"), together with interest from the dated date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on January 15, 2016 (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Principal and interest and premium, if any, on this Bond are payable in lawful money of the United States of America.

For as long as VPSA is the registered owner of this Bond, U.S. Bank National Association, as bond registrar (the "Bond Registrar"), shall make all payments of the principal of and interest and premium, if any, on this Bond, without the presentation or surrender hereof, to VPSA, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia

or for the Commonwealth of Virginia, then the payment of the principal of and interest and premium, if any, on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next succeeding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of this Bond provides, and Section 15.2-2624, Code of Virginia 1950, as amended (the "Virginia Code"), requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of and interest and premium, if any, on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Virginia Code, and resolutions duly adopted by the Board of Supervisors of the County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the VPSA, at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, and having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the VPSA on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive bonds as hereinabove provided, such definitive bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2025 and the definitive bonds for which this Bond may be exchanged that mature on or before July 15, 2025, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due on or after July 15, 2026, and the definitive bonds for which this Bond may be exchanged that mature on or after July 15, 2026, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2025, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be

prepaid or the principal amount of this Bond to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2025 through July 14, 2026	101%
July 15, 2026 through July 14, 2027	100½
July 15, 2027 and thereafter	100

Provided, however, that the principal installments on this Bond shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of VPSA or other registered owner of this Bond. Notice of any such prepayment or redemption shall be given by the Bond Registrar to VPSA or other registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

If VPSA refunds its bonds issued in part to purchase this Bond in the future and such refunding causes this Bond to be deemed refunded, the prepayment or redemption of this Bond will be subject to VPSA approval and subject to similar prepayment or redemption provisions as set forth above that correspond to the call period of the VPSA bonds issued in part to refund this Bond.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Stafford, Virginia has caused this Bond to be issued in the name of the County of Stafford, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated April __ [16 days prior to the closing date], 2015.

Planning and Zoning; Consider a Conditional Use Permit to Allow a Cluster Subdivision/Courthouse Manor Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and detailed the revised GDP and changes (provided in the Board’s add-on folder).

Ms. Sellers talked about the right-of-way being cleared and partially graded. Mr. Harvey said that the applicant would clear it and agreed to maintain it. There was a 25’ buffer to the east that would not be cleared until the County began work on the Courthouse Bypass.

Ms. Bohmke asked if the plans for the Bypass were in the CIP. Mr. Harvey said that while it was included in the County’s Comprehensive Plan, the Bypass was not in the CIP. Mr. Sterling asked if it was in the Redevelopment Area. Mr. Harvey said that it was

in the RDA. He added that the proposed development offered lower density than in the RDA.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R15-16. Mr. Thomas made a friendly amendment to add language to Condition 18 regarding the maintenance of the open space by the Homeowner's Association. Mr. Milde agreed.

Ms. Sellers made a substitute motion, seconded by Ms. Bohmke, to remove Condition 22. Ms. Bohmke said to remove the PDR donation, that the proposed development should be looked at on its own merit and be separate from the PDR donation. Mr. Sterling asked why the County would want to turn down a \$400,000 donation. Ms. Sellers said that the donation was unenforceable and that it did not look good. Ms. Bohme said that it was setting a precedent. Mr. Sterling said that each PDR case was reviewed on its own merit, and in his opinion, it would be derelict to turn down the money. Ms. Sellers said that the donation should not be conditional upon PDR use in the Aquia District.

Mr. Milde said there was no way he would vote for approval without the \$400,000 donation. Deputy County Attorney, Rysheda McClendon, advised the Board that the opinion of the County Attorney's office had not changed and she was willing to take the matter into Closed Meeting for further discussion if the Board so desired.

Mr. Snellings asked if the donation went into the overall PDR program. Mr. Romanello said yes, but that it was earmarked for a project in the Aquia District. However, it did not bump other projects; each project was evaluated on its own merit and scored and/or approved accordingly. Mr. Thomas clarified that if the top three projects were not in the Aquia District, the donation would not cause the fourth project, if it was in the Aquia District, to be bumped up. Mr. Romanello said that PDR awards were at the Board's discretion.

The Voting Board tally on the substitute motion was:

Yea: (3) Bohmke, Sellers, Snellings
Nay: (4) Cavalier, Milde, Sterling, Thomas

The Voting Board tally on the original motion was:

Yea: (4) Cavalier, Milde, Sellers, Sterling
Nay: (3) Bohmke, Snellings, Thomas

Resolution R15-16 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP141500252 TO ALLOW A CLUSTER SUBDIVISION WITH A MAXIMUM DENSITY OF 2.25 DWELLING UNITS/ACRE IN THE R-1,

SUBURBAN RESIDENTIAL ZONING DISTRICT, ON
ASSESSOR'S PARCELS 30-136 AND 30-78, WITHIN THE
AQUIA ELECTION DISTRICT

WHEREAS, Miller and Smith at Stafford, LLC, applicant, submitted application CUP141500252 requesting a conditional use permit (CUP), to allow a cluster subdivision with a maximum density of 2.25 dwelling units/acre in the R-1, Suburban Residential Zoning District, on Assessor's Parcels 30-136 and 30-78, located within the Aquia Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code Sec. 28-35, which permits this use in the R-1 Zoning District, after a CUP is approved by the Board; and

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

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require approval of this CUP request;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that a conditional use permit (CUP) request, pursuant to application CUP141500252, be and it hereby is approved with the following conditions:

1. This CUP is to allow for a cluster subdivision in the R-1, Suburban Residential Zoning District, which shall be limited to 75 single-family dwelling units.
2. A 20-foot street buffer, consisting of a double row of evergreen trees, shall be located between the residential lots and the right-of-way for the future Northeast Courthouse Bypass Road (Bypass Road). A screening buffer consisting of a double row of evergreens shall extend between the northern property boundary and Assessor's Parcels 30-79 and 30-79B, in addition to between the proposed development and Assessor's Parcel 30-130A as depicted on the Generalized Development Plan (GDP), prepared by Bowman Consulting, dated June 2014 as last revised March 10, 2015.
3. Except as reasonably required for the purpose of implementing Condition #12 and meeting stormwater management requirements for the project, the applicant shall not clear Open Space Parcel "E," located between the right-of-way for the future Bypass Road and the residential lot lines to the east, as depicted on the GDP.
4. The applicant shall dedicate 60 feet of right-of-way for the future Bypass Road with the recordation of the applicable subdivision plat.

5. The easement for a sewer force main from Hope Road to Dent Road, running the length of the proposed Bypass Road right-of-way, as depicted on the GDP, shall be dedicated to the County with the recordation of the applicable subdivision plat.
6. Each building permit shall be reviewed for consistency with the design elevation in Exhibit B, dated June 2, 2014, with the addition that potential expanses of unadorned walls shall be divided by windows or trees.
7. Driveways shall maintain a distance of at least 20 feet from the edge of the sidewalk abutting the lot line to the garage.
8. Each lot shall contain typical foundation landscaping and at least one tree shall be provided in the rear yard.
9. The option of at least one access point at grade for handicap access will be available for home purchasers.
10. A Phase I Cultural Resource Study shall be completed prior to the approval of the preliminary plan, and a Phase II Study would also be completed if warranted by the results of the Phase I Study.
11. The stormwater management pond embankment shall be designed to appropriate width and stability to support the future construction of the Bypass Road.
12. The applicant shall provide construction easements for the future construction of the proposed Bypass Road, as depicted on the GDP.
13. The applicant shall dedicate right-of-way on Hope Road to equal a minimum of 30 feet from the centerline, and to accommodate the design of the future Bypass Road intersection, as depicted on the GDP.
14. The applicant shall dedicate right-of-way on Courthouse Road to equal 55 feet from the centerline, as depicted on the GDP.
15. Residential fire sprinklers shall be provided within each residential unit, or each side-yard setback shall be ten feet.
16. The applicant shall construct a sidewalk adjacent to Lot 1, connecting to the pedestrian network of Stafford Elementary School to the west, as shown on the GDP.
17. The applicant shall dedicate a 15-foot access easement to accommodate a 6-foot wide pedestrian connection to Stafford Elementary School, in the vicinity of Lot 15 as shown on the GDP.
18. The applicant shall clear and partially grade the right-of-way for the Northeast Courthouse Bypass Road (“Bypass Road”) to the extent reasonably possible leaving a 25-foot wide undisturbed area along the eastern property line as shown

- on the Generalized Landscape Plan (“Undisturbed Area”), except the applicant may clear portions of the Undisturbed Area to address stormwater management and storm drainage requirements for the project. The applicant or the applicable homeowners association (HOA) shall petition the Board to consider entering into an agreement for use of the cleared portion of the right of way, outside of the Undisturbed Area, as an open play area. Upon entering an agreement with the County, the applicant or the applicable HOA shall be responsible for generally maintaining the open play area until such time as the County terminates the agreement and proceeds forward to construct the bypass road. For purposes of the applicant’s clearing and partial grading of the Bypass Road, top soil will be removed within the Bypass Road right-of-way to assist in the future grading of the Northeast Courthouse Bypass. Also, no unsuitable soils will be placed in the Bypass Road right-of-way. Six inches of top soil will be re-spread over the Bypass Road right-of-way to promote stabilization.
19. The applicant shall provide a 6-foot board-on-board fence along the property separating proposed Lot 15, Lots 71 through 73, and a portion of Lot 74 from Assessor’s Parcel 30-79, as shown on the GDP.
 20. The County’s Transfer of Development Rights (TDR) program shall not be applicable to the subject parcels of this CUP.
 21. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, state or federal code, law, ordinance, or regulation.
 22. As an affirmative statement and in accordance with positive corporate goodwill as a new business in Stafford County, and this voluntary condition deriving solely from the Applicant regarding that certain conditional use permit zoning application CUP 14-150252, known as "Courthouse Manor" (collectively the "Project"), the Applicant will contribute and donate the sum of \$400,000 to the County's Purchase of Development Rights program ("PDR Program") for purposes of assisting the County in preserving rural and environmentally sensitive areas within the Aquia District, which donation will assist in offsetting any impacts deriving from the additional residential density requested pursuant to CUP 14-150252. The Applicant agrees to coordinate all donation efforts described herein with applicable PDR County staff and commissions. The entire donation payment will be made no later than upon final site plan approval for the Project.

Utilities; Consider Amendments to the County’s Pump and Haul Policy Mr. Mike Smith, Director of Utilities, gave a presentation and answered Board members questions. Mr. Sterling asked for clarification if the income ratios were earned income or annual gross income (not adjusted). Mr. Smith said it was the annual gross income as it was reported to the IRS. Mr. Smith noted that while a public hearing on amendments to the Pump and Haul Policy was not required, proposed Resolution R15-115 was offered for the Board’s consideration.

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Resolution R15-115.

The Voting Board tally was:

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

Nay: (0)

Proposed Resolution R15-115 reads as follows:

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENTS
TO THE COUNTY’S PUMP AND HAUL PROGRAM**

WHEREAS, Resolution R06-240 revised the County’s established policy pertaining to the use of pump and haul services to provide sewer service to existing residences at the subsidized rate, when there are no feasible alternatives for repair or replacement of failed on-site sewage disposal systems, and it is not cost-effective to extend public sewer; and

WHEREAS, Resolution R06-339 established a similar policy to address property owners with failed on-site sewage disposal systems, but who did not qualify for the subsidized pump and haul services provided under Resolution R06-240; and

WHEREAS, the County desires to consider combining these two policies into one program; and

WHEREAS, the County desires to maintain a Pump and Haul Sewer Service Policy to address public health problems caused by malfunctioning on-site sewage disposal systems; and

WHEREAS, the County desires to continue to permit temporary pump and haul sewer service for properties planned to be served by proposed sewer extension projects; and

WHEREAS, the Utilities Commission recommended adoption of the proposed amendments to the County’s current Pump and Haul policy; and

WHEREAS, the Board desires to hold a public hearing to receive public testimony, if any, on the proposed amendments to the County’s current Pump and Haul policy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that it be and hereby does authorize the County Administrator to advertise a public hearing to consider the proposed amendments to the Pump and Haul policy.

Fire and Rescue; Authorize the County Administrator to Advertise a Public Hearing Regarding a Lease Assignment for Station 9; and Authorize the County Administrator to Execute a Purchase Agreement for Station 9 Mr. Anthony Romanello briefed the Board. Mr. Sterling asked if Station 9 responded to calls outside Aquia Harbour. Mr. Cavalier responded, “Yes.” Mr. Romanello said that \$195,000 was dedicated to improving Washington Drive to two through lanes entering the Harbour.

Mr. Cavalier motioned, seconded by Mr. Milde, to adopt proposed Resolution R15-114.

The Voting Board tally was:

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

Proposed Resolution R15-114 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PURCHASE AGREEMENT FOR THE AQUIA HARBOUR RESCUE SQUAD BUILDING AND A PORTION OF TAX MAP PARCEL 21B-9, AND TO BUDGET AND APPROPRIATE FUNDS IN THE AMOUNT OF \$195,000 FROM THE CAPITAL PROJECT RESERVE FUND

WHEREAS, the Aquia Harbour Volunteer Rescue Squad, Inc. (AHVRS), operates Fire and Rescue Station No. 9 (Station 9) on a portion of Tax Map Parcel No. 21B-9 (the Parcel) located in the Griffis-Widewater Election District; and

WHEREAS, the Aquia Harbour Property Owners Association, Inc. (AHPOA) agreed to convey the Parcel, including Station 9, to the County; and

WHEREAS, pursuant to a lease dated April 24, 1990, which expires on April 30, 2020, the AHPOA currently leases the Parcel to the AHVRS; and

WHEREAS, the AHPOA desires to assign its interest in the lease, including any interest in Station 9, to the County; and

WHEREAS, pursuant to Resolution R14-204, the Board agreed to accept the conveyance of the Parcel, including Station 9; and

WHEREAS, the Board desires to continue using the Parcel, including Station 9, for fire and rescue purposes as part of the County’s Fire and Rescue Department; and

WHEREAS, Station 9 is located on Washington Drive, which leads into the Aquia Harbour subdivision, and must be widened to enhance access and safety, and lessen congestion; and

WHEREAS, the cost to widen Washington Drive is approximately \$195,000; and

WHEREAS, the Board desires to purchase the Parcel, including Station 9, from AHPOA for \$195,000, so that AHPOA can widen Washington Drive; and

WHEREAS, the Board finds that purchasing the Parcel, including Station 9, will secure and promote 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 17th day of March, 2015, that it be and hereby does authorize the purchase of the Aquia Harbour Rescue Squad Building (Fire and Rescue Station 9), a portion of Tax Map Parcel 21B-9, in an amount not to exceed One Hundred Ninety-five Thousand Dollars (\$195,000), subject to the terms and conditions in the Purchase Agreement; and

BE IT FURTHER RESOLVED that the Board authorizes the County Administrator, or his designee, to execute the Purchase Agreement, and any and all other documents that he deems necessary and/or appropriate to purchase the Parcel, including Station 9.

Ms. Sellers motioned, seconded by Mr. Milde, to adopt proposed Resolution R15-113.

The Voting Board tally was:

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

Nay: (0)

Proposed Resolution R15-113 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER EXECUTING A LEASE ASSIGNMENT WITH THE AQUIA HARBOUR VOLUNTEER RESCUE SQUAD, INC., ON COUNTY-OWNED PROPERTY, IN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, the Aquia Harbour Volunteer Rescue Squad, Inc. (AHVRS) operates Fire and Rescue Station No. 9 (Station 9) on a portion of Tax Map Parcel 21B-9 (Parcel), located within the Griffis-Widewater Election District; and

WHEREAS, the Aquia Harbour Property Owners Association, Inc. (AHPOA) agreed to convey the Parcel, including Station 9, to the County; and

WHEREAS, pursuant to a lease dated April 24, 1990, which expires on April 30, 2020, the AHPOA currently leases the Parcel to the AHVRS; and

WHEREAS, the AHPOA desires to assign its interest in the lease, including any interest in Station 9, to the County; and

WHEREAS, pursuant to Resolution R14-204, the Board agreed to accept the conveyance of the Parcel, including Station 9; and

WHEREAS, the Board desires to continue using the Parcel, including Station 9, for fire and rescue purposes as part of the County’s Fire and Rescue Department; and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), the Board desires and is required to hold a public hearing and receive public testimony, if any, to consider accepting the lease assignment, and execution of the lease assignment on County-owned property;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors, on this the 17th day of March, 2015, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider accepting the lease assignment from the Aquia Harbour Property Owners Association, Inc., and executing the lease assignment with the Aquia Harbour Volunteer Rescue Squad for a portion of Tax Map Parcel 21B-9, including Fire and Rescue Station No. 9.

Finance and Budget; Proposed FY2016-2025 Capital Improvement Program (CIP) Overview Ms. Nancy Collins, Budget Division Director, introduced the CIP discussion and presentation.

Fire Chief Mark Lockhart spoke about plans in the CIP for replacement of cardiac equipment and renovation of the Aquia Station.

Mr. David Noel, Director of Information Technology, talked about plans for updating the electronic plan review system. Planning and Zoning Director, Jeff Harvey, presented the overall plan including the Hansen 8 upgrade that was implemented on June 23, 2014. The new plan includes a Dynamic Portal module, which gives the capability for electronic plan review and on-line application submissions. Electronic Plan Review eliminates the time lost with transferring paper copies and eliminations reproduction costs as well as allowing electronic mark-ups and comments. Software as a Service (SAAS) included all hardware, software, and maintenance costs related to each included in a fixed subscription cost for services rendered by the vendor. Another IT request was for replacement of all legacy voting equipment with state-of-the-art systems for use in all precincts, the absentee process, several spare machines, and associated support equipment.

Ms. Maria Perrotte, Chief Financial Officer, gave the Parks, Recreation and Community Facilities CIP update, which included completion of the next phases of Embrey Mill Park; Duff McDuff Green Park; Patawomeck Park; and new and renovated park amenities (parking/roads/trails/ADA upgrades/lights/signage/restrooms/picnic shelters/playgrounds/courts/athletic fields/skate parks). Infrastructure Projects include HVAC/energy management; roof replacement/repairs; asphalt parking/roads/signs; ADA upgrades; security lighting; building renovations/repairs; site improvements/fields/trails. Also

included was Porter Library Renovations. Ms. Sellers asked where additional space would be found at Porter Library. Mr. Thomas said the original footprint would be reconfigured.

Mr. Keith Dayton, Deputy County Administrator, gave the CIP update for Public Works and Transportation. A \$29,001,000 Courthouse renovation was planned for design in FY2019 and construction in FY2020/2021, which included expansion for additional courtrooms, renovation to existing courtrooms, office space and a prisoner holding area. Ms. Sellers asked where an addition would be located. Mr. Dayton said that it would encompass the area where the old jail was before it was demolished, as well as the parking lot. He said that the existing parking lot could be restriped to add a large number of additional spaces.

The proposed CIP transportation priorities that are underway for funding include: Poplar Road; Mountain View Road; Brooke Road; Garrisonville Road; Truslow Road; Ferry Road; Enon Road; and Courthouse Road, all of which are funded for completion as previously scheduled. The next priority projects that benefited from federal funding, impact fees, and/or proffers to leverage against Revenue Sharing include: Berea Church Road; and Eskimo Hill Road. Courthouse Road widening from Winding Creek Road to Shelton Shop Road was moved to start in FY2022. Improvements to Route 1 at Potomac Creek Drive were moved to FY2023.

Numerous projects were removed from the CIP: Courthouse Road and Route 1 intersection (construction); Stafford Parkway; Butler Road improvements; Leeland Road improvements; Shelton Shop Road between Garrisonville Road and Mountain View Road; Falmouth safety improvements; Boswell Corner improvements; Courthouse area improvements; and Mountain View Road (Shelton Shop to Choptank). Mr. Milde asked about Transportation Impact Fees and what was budgeted. Mr. Dayton said that it was in the 10's of 1000's for the first two or three years, but over a million dollars in future years. Mr. Milde asked if impact fees could be collected on lots built by-right. Mr. Dayton said that impact fees could only be collected on newly recorded lots.

Mr. Scott Horan addressed the Board and provided details on the Schools CIP. Elementary School #18 is proposed to open in September, 2028; Middle School #9 is also proposed to have a September, 2028 opening date (both schools are located in the Embrey Mill area of the County). High School #6, sited in Westlake, is due to open in September, 2026. Mr. Sterling asked that Mr. Horan provide the current number of excess capacity seats in the County's elementary, middle, and high schools.

Mr. Mike Smith, Director of Utilities, gave an update of the Utilities CIP, which included projects in the Courthouse redevelopment area, Centreport Parkway, and the Boswell's Corner redevelopment area, all of which would work to spur growth and jobs in those

areas. Water and sewer projects were added to the out years and the Utilities Department was in the process of updating its Master Plan, which may affect some of the projects in the CIP. Mr. Smith said that the goal of the Department was to have on hand a 300 day cash reserve, even though the Plan only called for a 150 day cash reserve.

Mr. Sterling asked that Mr. Smith provide the Board with an outline of rate increases over the last eight years including state and federal mandates, which caused the increased rates.

Ms. Collins concluded the CIP discussion saying that the budget calendar called for an April 14th public hearing and adoption of the budget, taxes, and CIP on April 21, 2015.

Public Works; Authorize the County Administrator to Advertise a Public Hearing to Consider the Condemnation and Exercise of Quick-Take Powers for Right-of-Way Acquisitions and/or Temporary and Permanent Easements on Tax Map Parcels 45-9 and 45J-1-7 for the Truslow Road Improvements Project Mr. Anthony Romanello briefed the Board. Mr. Snellings stated that he had family on Truslow Road and would abstain from the discussion and voting.

Mf. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R15-101.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Sterling, Thomas
 Nay: (0)
 Abstain: (1) Snellings

Proposed Resolution R15-101 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS IN CONNECTION WITH THE TRUSLOW ROAD RECONSTRUCTION PROJECT, FOR RIGHT-OF-WAY ACQUISITIONS AND/OR TEMPORARY AND PERMANENT EASEMENTS ON TAX MAP PARCEL NUMBERS 45-9 AND 45J-1-7

WHEREAS, the Board identified the completion of road improvements on Truslow Road (SR-652), between Berea Church Road (SR-654) and Plantation Drive (SR-1706) (Project), as a critical part of the County's road improvement plan; and

WHEREAS, the Board approved the acquisition of the land and easements necessary for the completion of the Project, and staff is in the process of acquiring the necessary portions of land for right-of-way, and temporary and permanent easements; and

WHEREAS, the Board determined that there are currently two parcels containing land and easements that staff is unable to obtain through negotiations between the parcels' owners and the County's consultant; and

WHEREAS, Tax Map Parcel 45-9 consists of approximately 1.976 acres of land owned by Nancy Bourne Samuels; and

WHEREAS, due to the design of the Project, the Board must acquire 11,352 square feet of fee simple right-of-way; 7,166 square feet of temporary construction easement; and 1,254 square feet of permanent drainage easement, on Tax Map Parcel 45-9; and

WHEREAS, the fair market value for the required areas of Tax Map Parcel 45-9, together with damages, if any, to the remainder of the parcel is Twenty Five Thousand Seven Hundred Fifty Dollars (\$25,750), based upon the 2014 appraisal conducted by the County's consultant; and

WHEREAS, Tax Map Parcel 45J-1-7 consists of approximately 3.002 acres of land owned by William H. and Linda I.A. Peck; and

WHEREAS, due to the design of the Project, the Board must acquire 866 square feet of permanent utility easement to be conveyed to the Virginia Department of Transportation (VDOT) on Tax Map Parcel 45J-1-7; and

WHEREAS, the fair market value for the required area of Tax Map Parcel 45J-1-7, together with damages, if any, to the remainder of the parcel is Two Hundred Dollars (\$200), based upon 2014 assessed values; and

WHEREAS, the Board, through its consulting negotiator, made a bona fide, but ineffectual, efforts to purchase the above-referenced affected areas of the listed parcels by offering said fair market value on behalf of the County to the respective property owners; and

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

WHEREAS, to consider acquiring the land and easements for the construction of the Truslow Road Reconstruction Project by condemnation and exercise of its quick-take powers, the Board desires and is required to hold a public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that pursuant to Virginia Code §§ 15.2-1903(B) and 15.2-1905(C), the Board be and it hereby does authorize the County Administrator to advertise public hearings to consider the condemnation and use of its quick-take powers to acquire a fee simple right-of-way, temporary construction easement, permanent drainage easement, and permanent utility easement to be conveyed

to VDOT on the properties of Nancy Bourne Samuels, Tax Map Parcel 45-9; and William H. and Linda I.A. Peck, Tax Map Parcel 45J-1-7; all in connection with the Truslow Road Reconstruction Project.

Legislative; Closed Meeting. At 4:56 p.m., Mr. Thomas motioned, seconded by Mr. Sterling, to adopt proposed Resolution CM15-06.

The Voting Board tally was:

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

Resolution CM15-06 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion concerning two prospective businesses where no previous announcement has been made of their interest in locating their respective facilities in the County; and (2) consultation with legal counsel regarding liability for actions taken by another public entity located within Stafford County; and

WHEREAS, pursuant to Virginia Code § 2.2-3711(A)(5) and (A)(7) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 17th day of March, 2015, does hereby authorize discussion of the above matter in Closed Meeting.

Call to Order At 5:20 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM15-06(a).

The Voting Board tally was:

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

Resolution CM15-06 (a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MARCH 17, 2015

WHEREAS, the Board has, on this the 17th day of March, 2015, 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 17th day of March, 2015, 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 R15-07

The Voting Board tally was:

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

Resolution R15-07 reads as follows:

A RESOLUTION APPROVING SIMVENTIONS, INC’S
APPLICATION FOR TECHNOLOGY ZONE INCENTIVES

WHEREAS, a Technology Zone is a valuable tool used to encourage new businesses to locate, and existing businesses to expand, in Stafford County; and

WHEREAS, the establishment of a Technology Zone allows the County to create special incentives for qualified businesses locating or expanding operations within the Technology Zone; and

WHEREAS, on January 19, 2010, the Board adopted Ordinance O10-02, which amended Stafford County Code, adding Chapter 23A, “Technology Zones”; and

WHEREAS, on October 13, 2013, the Board adopted O13-08, further amending portions of Stafford County Code Chapter 23A; and

WHEREAS, SimVentions, Inc. submitted an application for Technology Zone Incentives, and intends to bring 160 new high wage jobs upon relocation, and 50 more within two years; and

WHEREAS, approval of SimVentions, Inc.’s application will be used by staff to market the Technology Zone Incentives Program to additional businesses that may consider opening new, or expanding existing, facilities in the County; and

WHEREAS, funds are available in the Stafford Opportunity Fund for the incentive award;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that it be and hereby does approve SimVentions, Inc.'s Technology Zone incentive application in an amount not to exceed Three Hundred Thousand Dollars (\$300,000) for permitting fee and personal property tax rebates and permanent taxable infrastructure enhancements, over five years, sourced from the Stafford Opportunity Fund; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute the agreement, and budget and appropriate the funds (once metrics are validated) annually as prescribed in the Memorandum of Understanding from the Stafford Opportunity Fund.

At 5:21 p.m., the Chairman declared the meeting adjourned until 7:00 p.m.

Call to Order At 7:00 p.m., the Chairman called the evening session to order.

Invocation Ms. Bohmke gave the invocation.

Pledge of Allegiance Boy Scout Troop 1889 led the recitation of the Pledge of Allegiance.

Presentation of a Proclamation to Mrs. Betty Schwartz Mr. Snellings presented a proclamation to Mrs. Betty Schwartz, recognizing her years of service on the Rappahannock Area Agency on Aging's Board of Directors and Advisory Board.

Presentations by the Public – II

Theresa Thompson	-	School budget
Paul Waldowski	-	Name pronunciation, lame duck districts, dumpsters, water and sewer for Stafford Meadows, Shannon Alder quote, empty police cars
Kathleen Riley	-	Schools budget

School Division FY 16 Budget Presentation Chairman of the School Board, Ms. Nanette Kidby, gave a presentation and answered Board members questions. Ms. Kidby talked about being an innovative learning organization and outlined the School Board's budget philosophy and goals. She spoke about fiscal stewardship and detailed the process undertaken in preparation of the FY16 budget, which included aiming for total rewards for School staff in compensation, benefits, work life, recognition, and professional development. Ms. Kidby talked about a resource utilization study and the shared services study (currently underway). The total funding request for FY2016 was \$3,998,000.

Ms. Sellers asked Dr. Benson about new teachers not being paid until October, and what was being done about it. Ms. Kidby said that all new teachers attended a week-long new Teachers Institute, and if funding for professional development was approved by the County, new teachers would be paid for attending the Institute.

Mr. Thomas said that previous School budgets were frustrating and thanked Ms. Kidby and Dr. Benson for taking a huge step forward and presenting exactly what the proposed budget would buy. He said that he believed that Dr. Benson was doing a great job and he hoped that he would stay.

Mr. Cavalier said that work was being done on the proposed budget since last years' budget was approved. He said that there were several meetings and a lot of good work as a result. He said that his major emphasis was a salary increase, as there was none in the last budget.

Mr. Cavalier also suggested looking for “low hanging fruit” available as a result of the Shared Services study and cost savings therein. Ms. Kidby said that part of it was timing, that the Shared Services study would not be complete until April, and that the Schools looked for (and at) internal efficiencies in the meantime.

Ms. Bohmke announced that her counterpart on the School Board, Mr. Scott Hiron, was not present due to a previous engagement. She said that Mr. Hiron was an integral part of finance discussions and the budget preparation.

Dr. Benson handed out the full budget books. Mr. Snellings thanked Ms. Kidby and Dr. Benson and said that the Colonial Forge Boys Basketball and Wrestling teams were state champions for the second year in a row. He said that both teams would be coming to a future Board meeting to be recognized for their accomplishments.

Parks, Recreation and Community Facilities; Consider Leasing County-owned Property Near Aquia Landing Park to the Patowomeck Indian Tribe of Virginia Mr. Tim Baroody, Deputy County Administrator, gave a presentation and answered Board members questions. He said that the original lease, dated 1996, expired in 2000, and it was the consensus of staff and the Tribe to arrive at a new lease, for a ten-year term, for the land (including the Medicine Wheel) to be used for ceremonies, etc. The Tribe got its 501c3 designation and demonstrated sufficient insurance to cover the land for the term of the lease. Mr. Thomas noted that the red-lined items in the Board's add-on folder included specific mention of the Medicine Wheel, which was always intended and now spelled out in the revised lease and proposed Resolution.

The Chairman opened the public hearing.

The following persons desired to speak:

Jacqueline Farris

Chief John Lightner

Deborah Shelton

Alane Callander
Paul Waldowski

The Chairman closed the public hearing.

Ms. Sellers asked the Chief for a description of the Medicine Wheel. The Chief said that the original Medicine Wheel was located in Sheridan, Wyoming and displayed the four directions and four elements of the earth. He said it was used ceremonially, and spiritually, but that the original meaning or its true intent was not really known.

Mr. Thomas reiterated that the lease included references to the Medicine Wheel in two places. Mr. Milde said he worked with Mr. Thomas and Ms. Porter; that the Tribe stepped up in getting its 501c3 designation, which was not east, and that the land being leased belonged to the Tribe in the first place.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R15-61.

The Voting Board tally was:

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

Proposed Resolution R15-61 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE WITH THE PATAWOMECK INDIAN TRIBE OF VIRGINIA FOR 6.5 ACRES OF COUNTY-OWNED PROPERTY NEAR AQUIA LANDING PARK (A PORTION OF TAX MAP PARCEL 41-6) IN THE AQUIA ELECTION DISTRICT

WHEREAS, on May 29, 1996, the Board entered into a lease agreement with the American Indian Society of Washington, D.C., on behalf of the Patowomeck Indian Tribe of Virginia (the Tribe) for 6.5 acres of land near Aquia Landing Park, a portion of Tax Map Parcel 41-6 as a monument and memorial to the first inhabitants; and

WHEREAS, that lease agreement expired on June 30, 2000; and

WHEREAS, effective March 20, 2014, the Tribe is recognized by the Virginia State Corporation Commission (SCC) and the Internal Revenue Service (IRS) as a 501(c)(3) corporate non-profit and tax exempt organization; and

WHEREAS, the Tribe desires to enter into a lease agreement with the County; and

WHEREAS, the Tribe will be responsible for certain land improvements as outlined in the Generalized Capital Development Plan (dated March 17, 2015) and other terms, conditions, and requirements as stated in the Deed of Ground Lease; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that the County Administrator be and he hereby is authorized to execute the Deed of Ground Lease with the Patawomeck Indian Tribe of Virginia, to lease 6.5 acres of County-owned property near Aquia Landing Park, (a portion of Tax Map Parcel 41-6), in the Aquia Election District.

Public Works; Consider Condemnation and Quick-Take Powers to Acquire Right-of Way Easements; Drainage and Utilities Easements; and Temporary Construction and Entrance Easements in Connection with the Truslow Road Improvements Project Mr. Chris Rapp, Director of Public Works, gave a presentation and answered Board members questions. He informed the Board that the owners represented in proposed Resolution R15-74 settled. Mr. Snellings recused himself saying that he had family in the area and therefore, would not participate in the discussion or vote on the matter.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing

Mr. Sterling motioned, seconded by Mr. Milde to adopt proposed Resolutions R15-69, 70, 71, 72, and 73.

The Voting Board tally was:

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

Nay: (0)

Abstain: (1) Snellings

Proposed Resolution R15-69 reads as follows:

A RESOLUTION AUTHORIZING THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A FEE SIMPLE RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENT, PERMANENT DRAINAGE EASEMENT, AND A PERMANENT UTILITY EASEMENT TO BE CONVEYED TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION, FOR THE TRUSLOW ROAD RECONSTRUCTION PROJECT ON TAX MAP PARCEL 45-119G, LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Truslow Road (SR-652), between Berea Church Road (SR-654) and Plantation Drive (SR-1706) (Project), as a critical part of the County's road improvement plan; and

WHEREAS, the Board approved the acquisition of the land and easements necessary for the completion of the Project, and staff is in the process of acquiring the necessary portions of land for right-of-way, and temporary and permanent easements; and

WHEREAS, Tax Map Parcel 45-119G (Property) consists of approximately 16.04 acres of land owned by the Centrum-Stafford Limited Partnership (Property Owner), located within the Falmouth Election District; and

WHEREAS, the Board must acquire fee simple right-of-way, a temporary construction easement, a permanent drainage easement, and a permanent utility easement to be conveyed to the Virginia Department of Transportation (VDOT) because the design of the Project requires 1,949 square feet of fee simple right-of-way, 666 square feet of temporary construction easement, 221 square feet of permanent drainage easement, and 2,166 square feet of permanent utility easement to be conveyed to VDOT on the Property; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Eleven Thousand Fifty Dollars (\$11,050), based upon 2014 assessed values; and

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

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

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

WHEREAS, the Board declares its intent to use its condemnation and quick-take powers to enter and take the above-referenced 1,949 square feet of fee simple right-of-way, 666 square feet of temporary construction easement, 221 square feet of permanent drainage easement, and 2,166 square feet of permanent utility easement to be conveyed to VDOT, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of fee simple right-of-way, a temporary construction easement, a permanent drainage easement, and a permanent utility easement to be conveyed to the Virginia Department of Transportation (VDOT) on Tax Map Parcel 45-119G (Property) to complete the Truslow Road Reconstruction Project; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise the County's quick-take powers to enter upon and immediately acquire 1,949 square feet of fee simple right-of-way, 666 square feet of temporary construction easement, 221 square feet of permanent drainage easement, and 2,166 square feet of permanent utility easement to be conveyed to VDOT, on the Property for the construction and operation of the Truslow Road Reconstruction Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Eleven Thousand Fifty Dollars (\$11,050), with the Clerk of the Stafford County Circuit Court, for the Property Owner's benefit, before entering and taking possession of the fee simple right-of-way, a temporary construction easement, a permanent drainage easement, and a permanent utility easement to be conveyed to VDOT, in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Proposed Resolution R15-70 reads as follows:

A RESOLUTION AUTHORIZING THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A FEE SIMPLE RIGHT-OF-WAY, PRESCRIPTIVE RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENT, AND A PERMANENT DRAINAGE EASEMENT, FOR THE TRUSLOW ROAD RECONSTRUCTION PROJECT ON TAX MAP PARCEL 44-115, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Truslow Road (SR-652), between Berea Church Road (SR-654) and Plantation Drive (SR-1706) (Project), as a critical part of the County's road improvement plan; and

WHEREAS, the Board approved the acquisition of the land and easements necessary for the completion of the Project, and staff is in the process of acquiring the necessary portions of land for right-of-way, and temporary and permanent easements; and

WHEREAS, Tax Map Parcel 44-115 (Property) consists of approximately 3.70 acres of land owned by Kenneth R. Wine, Jr. and Bonnie J. Lansdowne (Property Owners), located within the Hartwood Election District; and

WHEREAS, the Board must acquire fee simple right-of-way, prescriptive right-of-way, a temporary construction easement, and a permanent drainage easement, on the Property, because the design of the Project requires 6,191 square feet of fee simple right-of-way, 5,166 square feet of prescriptive right-of-way, 3,275 square feet of temporary construction easement, and 1,660 square feet of permanent drainage easement on the Property; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Four Thousand Eight Hundred Dollars (\$4,800), based upon 2014 assessed values; and

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

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

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

WHEREAS, the Board declares its intent to use its condemnation and quick-take powers to enter and take the above-referenced 6,191 square feet of fee simple right-of-way, 5,166 square feet of prescriptive right-of-way, 3,275 square feet of temporary construction easement, and 1,660 square feet of permanent drainage easement on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of the fee simple right-of-way, prescriptive right-of-way, temporary construction easement, and permanent drainage easement, on Tax Map Parcel 44-115 (Property) to complete the Truslow Road Reconstruction Project; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Four Thousand Eight Hundred Dollars (\$4,800) as just compensation for the fee simple right-of-way, prescriptive right-of-way, temporary construction easement, and permanent drainage easement, including damages, if any, to the remainder of the Property, that the Board and Kenneth R. Wine, Jr. and Bonnie J. Lansdowne (Property Owners) cannot agree on compensation to be paid or on the terms of purchase and settlement; and

BE IT STILL FURTHER RESOLVED that the Board declares its intent to exercise the County's condemnation and quick-take powers to enter upon and immediately acquire 6,191 square feet of fee simple right-of-way, 5,166 square feet of prescriptive right-of-way, 3,275 square feet of temporary construction easement, and 1,660 square feet of permanent drainage easement on the Property for the construction and operation of the Truslow Road Reconstruction Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Four Thousand Eight Hundred Dollars (\$4,800), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the fee simple right-of-way, prescriptive right-of-way, temporary construction easement, and permanent drainage easement, in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Proposed Resolution R15-71 reads as follows:

A RESOLUTION AUTHORIZING THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A FEE SIMPLE RIGHT-OF-WAY, PRESCRIPTIVE RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENT, TEMPORARY ENTRANCE EASEMENT, AND PERMANENT SIGHT DISTANCE EASEMENT, FOR THE TRUSLOW ROAD RECONSTRUCTION PROJECT ON TAX MAP PARCEL 45-1, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Truslow Road (SR-652), between Berea Church Road (SR-654) and Plantation Drive (SR-1706) (Project), as a critical part of the County's road improvement plan; and

WHEREAS, the Board approved the acquisition of the land and easements necessary for the completion of the Project, and staff is in the process of acquiring the necessary portions of land for right-of-way, and temporary and permanent easements; and

WHEREAS, Tax Map Parcel 45-1 (Property) consists of approximately 2.00 acres of land owned by Kenneth R. Wine, Jr. and Bonnie J. Lansdowne (Property Owners), within the Hartwood Election District; and

WHEREAS, the Board must acquire fee simple right-of-way, prescriptive right-of-way, a temporary construction easement, a temporary entrance easement, and a permanent sight distance easement, on the Property, because the design of the Project requires 4,002 square feet of fee simple right-of-way, 3,508 square feet of prescriptive right-of-way, 2,082 square feet of temporary construction easement, 1,211 square feet of temporary entrance easement, and 2,343 square feet of permanent sight distance easement; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Seven Thousand Seven Hundred Dollars (\$7,700), based upon 2014 assessed values; and

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

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

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

WHEREAS, the Board declares its intent to use its condemnation and quick-take powers to enter and take the above-referenced 4,002 square feet of fee simple right-of-way, 3,508 square feet of prescriptive right-of-way, 2,082 square feet of temporary construction easement, 1,211 square feet of temporary entrance easement, and 2,343 square feet of permanent sight distance easement on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of the fee simple right-of-way, prescriptive right-of-way, a temporary construction easement, a temporary entrance easement, and a permanent sight distance easement on Tax Map Parcel 45-1 (Property) to complete the Truslow Road Reconstruction Project; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of Seven Thousand Seven Hundred Dollars (\$7,700) as just compensation for the fee simple right-of-way, prescriptive right-of-way, a temporary construction easement, a temporary entrance easement, and a permanent sight distance easement, including damages, if any, to the remainder of the Property, that the Board and Kenneth R. Wine, Jr. and Bonnie J. Lansdowne (Property Owners) cannot agree on compensation to be paid or on the terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board declares its intent to exercise the County's condemnation and quick-take powers to enter upon and immediately acquire 4,002 square feet of fee simple right-of-way, 3,508 square feet of prescriptive right-of-way, 2,082 square feet of temporary construction easement, 1,211 square feet of temporary entrance easement, and 2,343 square feet of permanent sight distance easement on the Property for the construction and operation of the Truslow Road Reconstruction Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Seven Thousand Seven Hundred Dollars (\$7,700), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the fee simple right-of-way, prescriptive right-of-way, a temporary construction easement, a temporary entrance easement, and a permanent sight distance easement, in connection with the quick-take condemnation

process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Proposed Resolution R15-72 reads as follows:

A RESOLUTION AUTHORIZING THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT DRAINAGE EASEMENT, FOR THE TRUSLOW ROAD RECONSTRUCTION PROJECT ON TAX MAP PARCEL 45-11A, LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Truslow Road (SR-652), between Berea Church Road (SR-654) and Plantation Drive (SR-1706) (Project), as a critical part of the County’s road improvement plan; and

WHEREAS, the Board approved the acquisition of the land and easements necessary for the completion of the project, and staff is in the process of acquiring the necessary portions of land for temporary and permanent easements; and

WHEREAS, Tax Map Parcel 45-11A (“the Property”) consists of approximately 0.92 acres of land owned by Melissa M. Wine and Kenneth R. Wine, Jr. (Property Owners), located within the Falmouth Election District; and

WHEREAS, the Board must acquire a temporary construction easement and a permanent drainage easement because the design of the Project requires 169 square feet of temporary construction easement and 959 square feet of permanent drainage easement on the Property; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is One Thousand One Hundred Dollars (\$1,100), based upon 2014 assessed values; and

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

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

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

WHEREAS, the Board declares its intent to use its condemnation and quick-take powers to enter and take the above-referenced 169 square feet of temporary construction easement and 959 square feet of permanent drainage easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015 that the Board be and it hereby does find that public necessity exists for the Board's ownership of a temporary construction easement and a permanent drainage easement on Tax Map Parcel 45-11A (Property) to complete the Truslow Road Reconstruction Project; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of One Thousand One Hundred Dollars (\$1,100) as just compensation for the temporary construction easement and a permanent drainage easement, including damages, if any, to the remainder of the Property, that the Board and Melissa M. Wine and Kenneth R. Wine, Jr. (Property Owners) cannot agree on compensation to be paid or on the terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board declares its intent to exercise the County's condemnation and quick-take powers to enter upon and immediately acquire 169 square feet of temporary construction easement and 959 square feet of permanent drainage easement, on the Property for the construction and operation of the Truslow Road Reconstruction Project, under provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and the Chief Financial Officer, or their designees, to sign the Certificate and to deposit One Thousand One Hundred Dollars (\$1,100), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the temporary construction easement, and a permanent drainage easement in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Proposed Resolution R15-73 reads as follows:

A RESOLUTION AUTHORIZING THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE PRESCRIPTIVE RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENT, TEMPORARY ENTRANCE EASEMENT, AND A PERMANENT SIGHT DISTANCE EASEMENT, FOR THE TRUSLOW ROAD RECONSTRUCTION PROJECT ON TAX MAP PARCEL 45-12, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Truslow Road (SR-652), between Berea Church Road (SR-654) and Plantation Drive (SR-1706) (Project), as a critical part of the County's road improvement plan; and

WHEREAS, the Board approved the acquisition of the land and easements necessary for the completion of the Project, and staff is in the process of acquiring the necessary portions of land for right-of-way, and temporary and permanent easements; and

WHEREAS, Tax Map Parcel 45-12 (“the Property”) consists of approximately 0.82 acres of land owned by Kenneth R. Wine, Jr. and Bonnie J. Lansdowne (Property Owners), located within the Hartwood Election District; and

WHEREAS, the Board must acquire prescriptive right-of-way, a temporary construction easement, a temporary entrance easement, and a permanent sight distance easement, on the Property, because the design of the Project requires 1,157 square feet of prescriptive right-of-way, 1,370 square feet of temporary construction easement, 632 square feet of temporary entrance easement, and 405 square feet of permanent sight distance easement; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is One Thousand Four Hundred Ten Dollars (\$1,410), based upon 2014 assessed values; and

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

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

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

WHEREAS, the Board declares its intent to use its condemnation and quick-take powers to enter and take the above-referenced 1,157 square feet of prescriptive right-of-way, 1,370 square feet of temporary construction easement, 632 square feet of temporary entrance easement, and 405 square feet of permanent sight distance easement, on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015 that the Board be and it hereby does find that public necessity exists for the Board’s ownership of the prescriptive right-of-way, a temporary construction easement, a temporary entrance easement, and a permanent sight distance easement on Tax Map Parcel 45-12 (Property) to complete the Truslow Road Reconstruction Project; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board’s bona fide offer of One Thousand Four Hundred Ten Dollars (\$1,410) as just

compensation for the prescriptive right-of-way, a temporary construction easement, a temporary entrance easement, and a permanent sight distance easement, including damages, if any, to the remainder of the Property, that the Board and Kenneth R. Wine, Jr. and Bonnie L. Lansdowne (Property Owners) cannot agree on compensation to be paid or on the terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board declares its intent to exercise the County's condemnation and quick-take powers to enter upon and immediately acquire 1,157 square feet of prescriptive right-of-way, 1,370 square feet of temporary construction easement, 632 square feet of temporary entrance easement, and 405 square feet of permanent sight distance easement on the Property for the construction and operation of the Truslow Road Reconstruction Project, under the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and the Chief Financial Officer, or their designees, to sign the Certificate and to deposit One Thousand Four Hundred Ten Dollars (\$1,410), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the prescriptive right-of-way, a temporary construction easement, a temporary entrance easement, and a permanent sight distance easement, in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

County Administration; Authorize the County Administrator to Execute a Lease for Operation of the Jeff Rouse Swim and Sport Center Mr. Keith Dayton, Deputy County Administrator, gave a presentation and answered Board members questions.

Mr. Dayton explained the selection process and the resulting staff recommendation that Eastern Sports Management be selected for operating the Jeff Rouse Swim and Sports Center. He said that interviews were conducted and site visits taken. Mr. Dayton detailed the terms of the proposed lease agreement, including maintenance responsibilities, scheduling of the pools and athletic fields, etc. He noted that because the Center would be operated as "for profit" it was necessary to restructure financing with the Virginia Resources Authority (VRA), which had been done successfully.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Ms. Sellers motioned, seconded by Mr. Sterling, to adopt proposed Resolution R15-77.

The Voting Board tally was:

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

Proposed Resolution R15-77 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE WITH ESM EMBREY MILL, LLC, FOR OPERATION OF THE JEFF ROUSE SWIM AND SPORT CENTER

WHEREAS, the Board desires the Jeff Rouse Swim and Sport Center (Center) to be operated privately; and

WHEREAS, the Board authorized the solicitation of proposals from firms interested in operating the Center; and

WHEREAS, three proposals were received in response to this solicitation; and

WHEREAS, following review, it has been determined that operation of the Center by ESM Embrey Mill, LLC, is in the best interest of Stafford County; and

WHEREAS, terms of a lease between the County and ESM have been negotiated; and

WHEREAS, these terms ensure the facility will be operated in a manner that best serves the athletic and recreational needs of the residents of the County, and provide for high quality operation and maintenance of this recreational asset; and

WHEREAS, the conditions of the tax exempt financing used to fund the Center require an adjustment to the distribution of proceeds relative to the various projects funded by the bonds to assure there are no impacts to the tax exempt status of these funds; and

WHEREAS, the Virginia Resources Authority (VRA) is reviewing the proposed reallocation of bond proceeds, and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), the Board held a public hearing on this granting of a lease interest in County-owned property; and

WHEREAS, the Board considered the recommendations of County staff, and the public testimony, if any, at the public hearing regarding this lease; and

WHEREAS, the Board finds that this lease secures and 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 17th day of March, 2015, that the County Administrator be and he hereby is authorized to execute a lease with ESM Embrey Mill, LLC, for the operation of the Jeff Rouse Swim and Sport Center, subject to Virginia Resources Authority (VRA) approval of the plan to reallocate bond proceeds; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute any documentation that he deems necessary and/or appropriate to execute this lease.

Finance and Budget; Authorize the County Administrator to Advertise a Public Hearing on the Proposed CY 2015 Taxes; the Proposed FY 2016 County Budgets; and the Proposed FY 2016-2025 Capital Improvement Program Ms. Nancy Collins, Budget Division Director, gave a presentation and answered Board members questions. Mr. Thomas noted that the proposed Resolution and public hearing authorization was taken up by the Finance, Audit, and Budget, and voted 3 – 0, to send the proposed budgets, tax rates, and CIP to public hearing.

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution R15-92.

Ms. Sellers made a substitute motion, seconded by Mr. Milde for discussion, to consider a real estate tax rate of \$1.049, raising the current rate proposed, by three cents. Mr. Milde withdrew his motion.

The Voting Board tally on the original motion was:

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

Proposed Resolution R15-92 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE PUBLIC HEARINGS ON THE PROPOSED CALENDAR YEAR 2015 TAX RATES; PROPOSED FISCAL YEAR 2016 COUNTY BUDGETS; AND PROPOSED FISCAL YEAR 2016-2025 CAPITAL IMPROVEMENT PROGRAM

WHEREAS, Virginia Code § 15.2-2506 requires that the Board shall cause to be published in a newspaper having general circulation in the County, a brief synopsis of the proposed tax rates, budgets, and Capital Improvement Program (CIP), and notices of a public hearing, at which any citizen of the County shall have the right to attend and state his/her views;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17st day of March, 2015, that the County Administrator be and he hereby is authorized to publish a brief synopsis and to advertise a public hearing on the proposed CY2015 tax rates; the proposed FY2016 County budgets; and the proposed FY2016-2025 CIP.

Adjournment At 8:24 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Gary F. Snellings
Chairman