

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES

Regular Meeting  
February 17, 2009

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:05 P. M., Tsday, February 17, 2009, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: George H. Schwartz, Chairman; Robert “Bob” Woodson; M. S. “Joe” Brito; Harry E. Crisp, Vice Chairman; Mark Dudenhefer; and Paul V. Milde, III. Mr. Cord A. Sterling arrived at 1:35 P. M.

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

Legislative; Presentation on Wayfinding Signs. Ms. M. C. Moncure, Tourism Manager for Economic Development and Legislative Affairs, introduced Kathy Frazier and Sandy Hanger of Frazier Associates, who gave a presentation on the Wayfinding Signage Program and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Crisp, to approve the design as presented of the proposed wayfinding signs.

The Voting Board tally was:

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

Legislative: Transportation Impact Fees. Mr. Mike Neuhard, Deputy County Administrator, and Ms. Sara Woolfenden, Transportation Planner, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-119.

The Voting Board tally was:

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

Resolution R09-119 reads as follows:

A RESOLUTION TO REFER THE PROPOSED TRANSPORTATION IMPACT FEE PROGRAM TO THE TRANSPORTATION IMPACT FEE ADVISORY COMMITTEE FOR A RECOMMENDATION ON ITS METHODOLOGY AND ROAD IMPROVEMENT LIST

WHEREAS, the Board is evaluating a proposed Countywide Transportation Impact Fee Program, and

WHEREAS, a Transportation Impact Fee Advisory Committee, appointed by the Board, serves to provide its recommendations to the Board on the proposed program, and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of February 2009, that it hereby refers the proposed

Transportation Impact Fee Program to the Transportation Impact Fee Advisory Committee for its recommendation on the proposed methodology and the road improvement list within ninety (90) days.

Legislative; Other Post Employment Benefits. Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and responded to Board members questions.

Legislative; Health Insurance. Ms. Tammi Ellis, Acting Executive Director of Administration, gave a presentation and responded to Board members questions.

Legislative; Consent Agenda. Mr. Milde motioned, seconded by Mr. Woodson, to adopt the Consent Agenda consisting of Items 7 thru 16, removing Items 14 and 15.

The Voting Board tally was:

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

Nay: (0)

Item 7. Legislative; Approve Minutes of Board Meeting. Annual Meeting of January 6, 2009.

Item 8. Finance and Budget; Approve Expenditure Listing.

Resolution R09-85 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED FEBRUARY 3, 2009 THROUGH FEBRUARY 16, 2009

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of February 2009, that the above-mentioned EL be and it hereby is approved.

Item 9. Transportation; Petition VDOT to Include Millbrook Road and Brookesmill Lane within Brookesmill Estates Subdivision, Section 1, into the Secondary System of State Highways.

Resolution R09-66 reads as follows:

A RESOLUTION, WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE MILLBROOK ROAD AND BROOKESMILL LANE WITHIN BROOKESMILL ESTATES SUBDIVISION, SECTION ONE, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Millbrook Road and Brookesmill Lane within Brookesmill Estates Subdivision, Section 1, into the Secondary System of State Highways; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of February 2009, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets

within Brookesmill Estates Subdivision, Section 1, into the Secondary System of State Highways:

<u>Street</u>	<u>Station</u>	<u>Length</u>
Millbrook Rd. (SR-2140)	From: Inter. Brooke Rd. (SR-608) To: 0.72 Mi. N. from Brooke Rd. (SR-608)	0.72 Mi. 50' ROW
Brookesmill Ln. (SR-2141)	From: 0.01 Mi. S. of Millbrook Rd. (SR-2140) To: Millbrook Rd. (SR-2140)	0.01 Mi. 50' ROW
Brookesmill Ln. (SR-2141)	From: Inter. Millbrook Rd. (SR-2140) To: 0.09 Mi. N. Millbrook Rd. (SR-2140)	0.09 Mi. 50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Brookesmill Estates Subdivision, Section 1, PM 030000208, Ins. 030050928 recorded December 9, 2003; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Residency Administrator of VDOT.

Item 10. Fire and Rescue: Budget and Appropriate Federal Grant Funding for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

Resolution R09-74 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE FEDERAL GRANT FUNDING FOR THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT

WHEREAS, the Department of Homeland Security/Federal Emergency Management Agency has awarded the Fire and Rescue Department a non-match grant award in the amount of \$118,000; and

WHEREAS, these funds would be used to enhance volunteer recruitment and retention efforts within the County to provide better protection from fire and fire-related hazards; and

WHEREAS, management of the funds would be facilitated by the Recruitment and Retention Committee through the Volunteer Recruitment Officer with guidance from the County Fire Chief and the Fire and Rescue Association;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of February, 2009, that the County Administrator be and he hereby is authorized to budget and appropriate grant funding in the amount of One Hundred Eighteen Thousand Dollars (\$118,000) from the Department of Homeland Security/Federal Management Agency to the General Fund, Fire and Rescue Department.

Item 11. Human Resources; Approve a Contract with Anthem Blue Cross and Blue Shield for Employee Health Insurance.

Resolution R09-76 reads as follows:

A RESOLUTION TO APPROVE CONTRACT WITH ANTHEM BLUE  
CROSS AND BLUE SHIELD FOR EMPLOYEE HEALTH INSURANCE

WHEREAS, the Board desires to provide its employees with comprehensive health insurance coverage; and

WHEREAS, Request for Proposals have been received and reviewed, resulting in Anthem submitting the most responsive and qualified proposal; and

WHEREAS, the County has negotiated with Anthem to maintain the cost of health care at the current level through FY10;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of February, 2009, that the County Administrator be and he hereby is authorized to execute a contract with Anthem Blue Cross and Blue Shield to provide health insurance; and

BE IT FURTHER RESOLVED that this contract may be renewed annually for up to six (6) additional years.

Item 12. Code Administration: Authorize the County Administrator to Amend the Authorization for Suspension of County Permit Fees Relating to the Tornado of May 8, 2008.

Resolution R09-91 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO AMEND THE AUTHORIZATION FOR SUSPENSION OF COUNTY  
PERMIT FEES RELATING TO THE TORNADO OF MAY 8, 2008

WHEREAS, due to the destructive nature of the tornado that struck Stafford County on May 8, 2008, displacing many persons and causing serious damage to properties in the County, certain residents of Stafford County have experienced significant property loss; and

WHEREAS, the County Administrator, in his capacity as the Director of Emergency Services, declared a state of emergency on Friday, May 9, 2008; and

WHEREAS, this declaration was ratified by the Board on May 12, 2008;

WHEREAS, repair and replacement costs for residents will be very costly; and

WHEREAS, a variety of County permits will be required to repair and/or replace damaged structures in the area of the impact; and

WHEREAS, residents had no control over the damage from the tornado; and

WHEREAS, the Board wishes to give some relief due to the extraordinary circumstances;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of February, 2009, that County permit fees relating to repair and/or replacement of damaged structures in the area of impact be and they hereby are suspended until May 8, 2009 for tornado related damage.

Item 13a. Legislative; Authorize a Public Hearing to Public Services to Grant a Right-of-Way Easement on County Property to Columbia Gas for Leeland Station.

Resolution R09-109 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO ADVERTISE A PUBLIC HEARING TO CONSIDER A RIGHT-OF-  
WAY EASEMENT IN THE AREA OF LEELAND ROAD

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended, requires a public hearing for the conveyance of any real property interest owned by the County; and

WHEREAS, the Board desires to consider a right-of-way easement needed by Columbia Gas of Virginia as more fully set out on the plat dated 10/22/08; and

WHEREAS, the granting of this right-of-way easement will allow Columbia Gas of Virginia to enter the property for all purposes related to the construction and maintenance of a gas pipeline over and through all that certain tract of land situated in Leeland District; and

WHEREAS, the Board desires to consider public comments concerning the proposed conveyance of a right-of-way easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of February, 2009, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of considering the proposed conveyance of a right-of-way easement to Columbia Gas of Virginia.

Item 13b. Legislative; Authorize a Public Hearing to Finance and Budget to Consider the Issuance of Bonds to the Virginia Resources Authority to Evidence a Low-Interest Loan from the Virginia Revolving Loan Fund for Nutrient Reduction and Other Upgrades at the Aquia Wastewater Treatment Facility.

Resolution R09-110 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO  
CONSIDER A WATER AND SEWER SYSTEM REVENUE BOND  
FINANCING

WHEREAS, the Board has determined that it may be necessary or desirable to contract a debt and to issue water and sewer system revenue bonds (the "Bonds") of the County in an estimated maximum principal amount of \$32,200,000 to finance some or all of the costs of improvements to the Aquia Wastewater Treatment Facility (the "Project")

and acquisition of land or interest therein on the Crow's Nest peninsula (the "Real Property"); and

WHEREAS, the Board has determined that it may be necessary or desirable to advance money to pay costs of the Project and the Real Property and to reimburse such advances with proceeds of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of February, 2009 that:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of the Project from the proceeds of the Bonds to be issued in an estimated maximum principal amount of \$32,200,000.
2. The County Administrator is authorized to advertise a public hearing on the issuance of the Bonds.
3. This resolution shall take effect immediately upon its adoption.

Item 16. Legislative; Appoint Members to Boards, Authorities, Commissions and Committees.

Advisory Board on Towing.

Resolution R09-92 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE ADVISORY  
BOARD ON TOWING

WHEREAS, pursuant to Section 46.2-1217 of the Code of Virginia (1950), as amended, the Board may regulate, pursuant to police towing requests, any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles by ordinance; and

WHEREAS, the Board adopted Resolution R94-503 which establishes the Advisory Board on Towing; and

WHEREAS, the Advisory Board on Towing is composed of eleven members to be appointed by the Board and shall include four law-enforcement officers including a representative from the Virginia State Police, the County Attorney or her designee, four towing and recovery operators, and two citizens; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
Joe Patrick (Towing & Recovery Operator Zone 1)	December 31, 2009
Kevin Beach (Towing & Recovery Operator Zone 2)	December 31, 2009
Roy Boswell (Towing & Recovery Operator Zone 3)	December 31, 2009
Ray Hodge (Heavy Duty Towing & Recovery Operator)	December 31, 2009
Cathy Eckles	December 31, 2009

(County Attorney or Designee)

Charles E. Jett  
(Sheriff) December 31, 2009

Brian Jacobs, 1st Sgt.  
(Law Enforcement Officer) December 31, 2009

Patrick Kelley-Lieutenant  
(Law Enforcement Officer) December 31, 2009

W. Payne Marks  
(Virginia State Police or Designee) December 31, 2009

Gerald Crosby  
(Citizen) December 31, 2009

George Paxson  
(Citizen) December 31, 2009

WHEREAS, W. Payne Marks is no longer the Virginia State Police designee; and

WHEREAS, the Board desires to fill this vacancy;

WHEREAS, the term of appointment is one year;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of February, 2009, that

NAME

EXPIRATION

Keith H. Hairston, 1st Sgt  
(Virginia State Police or Designee)

December 31, 2009

be and he hereby is appointed to the Advisory Board on Towing.

Board of Building Code Appeals.

Resolution R09-105 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE BOARD OF  
BUILDING CODE APPEALS

WHEREAS, Section 36-105 of the Code of Virginia (1950), as amended, provides for the establishment of a local Board of Building Code Appeals whose composition, duties and responsibilities are prescribed in the Virginia Uniform Statewide Building Code; and

WHEREAS, the local Board of Building Code Appeals shall consist of five members with the following qualifications: one member an experienced builder; one member a licensed professional engineer or architect; one member an experienced property manager; and two others who are able to render a fair and competent decision regarding the application of the Building Code; and

WHEREAS, the Board has appointed the following:

NAME

EXPIRATION

Charles Moore  
(Member-At-Large)

December 31, 2009

A. C. Glover

December 31, 2009

(Member-At-Large)

Frank Jett, Jr.

December 31, 2009

(Member-At-Large)

Russell Hall

December 31, 2009

(Builder)

VACANT

(Architect/Engineer)

WHEREAS, the Board desires to appoint at least three alternate members; and

WHEREAS, a vacancy exist; and

WHEREAS, the Board desires to fill this vacancy; and

WHEREAS, the term of appointment is one year;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of February 2009, that

NAME

EXPIRATION

Joe Alexander

December 31, 2009

(Civil Engineer)

VACANT

(Alternate Member-At-Large)

VACANT

(Alternate Member-At-Large)

VACANT

(Alternate Member-At-Large)

be and he hereby is appointed as a member of the Board of Building Code Appeals.

Countywide Advisory Task Force on the Virginia Property Maintenance Code.

Resolution R09-108 reads as follows:

A RESOLUTION TO ESTABLISH A COUNTYWIDE ADVISORY  
TASK FORCE ON THE VIRGINIA PROPERTY MAINTENANCE  
CODE AND APPOINT MEMBERS THERETO

WHEREAS, the Virginia Code authorizes counties to adopt the Virginia Maintenance Code either in full or in part; and

WHEREAS, the Board, during the last year, has considered the benefits of adopting the Virginia Maintenance Code to address increasing concerns from citizens regarding the conditions of properties in the more urban areas of the County; and

WHEREAS, in an effort to address community concerns, the Board has requested Stafford's delegation to the Virginia General Assembly introduce legislation to allow counties greater flexibility in adopting the Virginia Maintenance Code in more urban parts of counties, while excluding more rural portions of local jurisdictions; and

WHEREAS, because of the wide difference in population and density in the various regions of the County, the potential application of the Virginia Maintenance Code Countywide has raised a number of questions regarding implementation, administration and enforcement; and

WHEREAS, in an effort to better understand the value of the Virginia Maintenance Code in regards to implementing local community property standards and to provide recommendations to possible application of the Virginia Maintenance Code in the County, it is proposed that a local Countywide Advisory Task Force be established by the Board; and

WHEREAS, the Task Force would be comprised of 11 members, one from each election district; two Board members appointed by the Chairman of the Board; the Director of Code Administration, and a representative from the Sheriff’s Department; and

WHEREAS, staff support would be provided by the Department of Code Administration with assistance from the County Administrator’s Office; and

WHEREAS, the Task Force would be chartered to explore and report its findings to the Board within six months of appointment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of February, 2009 that

<u>NAME</u>	<u>EXPIRATION</u>
Harry E. Crisp, II. (Board of Supervisor)	Project
Mark Dudenhefer (Board of Supervisor)	Project
Keith Dayton (Director of Code Administration)	Project

Charles Jett  
(Sheriff) Project

Chris Myers  
(Garrisonville District) Project

Douglas Curtis  
(George Washington District) Project

George Paxson  
(Hartwood District) Project

\_\_\_\_\_  
(Aquia District) Project

\_\_\_\_\_  
(Falmouth District) Project

\_\_\_\_\_  
(Griffis-Widewater District) Project

\_\_\_\_\_  
(Rock Hill District) Project

be and they hereby are appointed to a Countywide Advisory Task Force on the Virginia Property Maintenance Code.

Regional Landfill Civil War Site.

Resolution R09-115 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE REGIONAL  
LANDFILL CIVIL WAR SITE

WHEREAS, the Board has established that civil war sites and resources do exist on the property of the Rappahannock Regional Solid Waste Management Board (R-Board), the regional landfill operated by the County of Stafford and the City of Fredericksburg; and

WHEREAS, the Regional Landfill Civil War Site Steering Committee consists of at least one member from the Historical Commission, one member from the Planning Commission, two members from the Board of Supervisors, two members from the Friends of Stafford Civil War Sites, two members from the Stafford Historical Society and a member from the County Planning staff, Economic Development staff, and Parks and Recreation staff; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
Harry E. Crisp II (Board of Supervisors)	Pleasure of the Board
Paul V. Milde III (Board of Supervisors)	Pleasure of the Board
Archer DiPeppe (Planning Commission)	Pleasure of the Board
_____	Pleasure of the Board
(Stafford Historical Society)	

\_\_\_\_\_  
(Stafford Historical Society)

Pleasure of the Board

\_\_\_\_\_  
(Historical Commission)

Pleasure of the Board

\_\_\_\_\_  
(Friends of Civil War Sites)

Pleasure of the Board

\_\_\_\_\_  
(Friends of Civil War Sites)

Pleasure of the Board

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of February 2009, that

Cessie Howell  
(Historical Commission)

Pleasure of the Board

be and she hereby is appointed to the Regional Landfill Civil War Site Steering Committee.

Legal; Authorize the County Administrator to Execute Agreement and Provide Funds to Friends of Stafford Civil War Sites. Mr. Tim Baroody, Deputy County Administrator, gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Crisp, to adopt proposed Resolution R09-90 with a change.

The Voting Board tally was:

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

Nay: (0)

Resolution R09-90 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE AN AGREEMENT AND PROVIDE FUNDS TO FRIENDS  
OF STAFFORD CIVIL WAR SITES

WHEREAS, the Board adopted the Friends of Stafford Civil War Sites plan for a Civil War Park at the Regional Landfill at the December 16, 2008 meeting; and

WHEREAS, the Board designated \$25,000 for the 25 acre site at the Regional Landfill;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of February, 2009, that the Board be and it hereby does authorize the County Administrator to execute an Agreement with the Friends of Stafford Civil War Sites and provide Twenty-five Thousand Dollars (\$25,000) for their work at the Civil War site; and

BE IT FURTHER RESOLVED that the \$25,000 be and it hereby is budgeted and appropriated to the General Fund.

Economic Development: Authorize the County Administrator to Execute a Contract for Phase II of the Master Redevelopment Plan. Mr. Tim Barody, Deputy County Administrator, gave a presentation and responded to Board members questions.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to adopt proposed Resolution R09-89.

The Voting Board tally was:

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

Nay: (0)

Resolution R09-89 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A CONTRACT TO PREPARE PHASE II OF THE MASTER  
REDEVELOPMENT PLAN

WHEREAS, on October 3, 2006, the Board adopted Resolution R06-454 which authorized staff to hire a Redevelopment Administrator and to issue a Request for Proposals to seek professional services to guide work on redevelopment planning for the areas around Boswell's Corner, the Courthouse, Falmouth, and US-17 west of Interstate 95; and

WHEREAS, a Request for Proposals was released on September 26, 2007 resulting in responses from six qualified teams; and

WHEREAS, a selection committee comprised of members from Code Administration, Economic Development, Fire and Rescue, GIS, Planning and Zoning, Transportation and Utilities reviewed the six proposals and identified one team, lead by CMSS Architects, PC, as being the best prepared to successfully formulate the master redevelopment plan; and

WHEREAS, the details of a project to prepare the master redevelopment plan for the four redevelopment areas at a cost of \$732,000 was negotiated; and

WHEREAS, the Board adopted Resolution R08-197 on March 18, 2008 authorizing \$432,000 for the commencement of work, with the remainder of the project to be funded with \$150,000 from FY2009 General funds, subject to appropriation of

future funds for this purpose, and requesting the Economic Development Authority to fund \$150,000, in calendar year 2008, to assist in funding this important work; and

WHEREAS, the Economic Development Authority approved the request for \$150,000 on October 17, 2008 and additional negotiations have reduced total project costs by \$60,000 (8.2%);

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of February 2009, that the County Administrator be and he hereby is authorized to execute a contract with CMSS Architects, PC in the amount not to exceed Two Hundred Forty Thousand Dollars (\$240,000) to finish this critical work.

Economic Development and Legislative Affairs; Support Request for Federal Funding for County Priorities Through the Federal Appropriations Process. Mr. Tim Baroody, Deputy County Administrator, gave a presentation and responded to Board members questions.

Discussion ensued.

Hearing no objections from the Board, a committee of Mr. Brito and Mr. Sterling was formed to further review the proposed package.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R09-113.

The Voting Board tally was:

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

Nay: (0)

Resolution R09-113 reads as follows:

A RESOLUTION TO SUPPORT REQUESTS FOR FEDERAL  
FUNDING OF COUNTY PRIORITIES

WHEREAS, the Chairman and Vice Chairman of the Board will travel to Washington, D.C. on February 26, 2009, as the official representatives for Stafford County, to meet with U.S. Senator Webb, U.S. Senator Warner and U.S. Congressman Wittman; and

WHEREAS, the purpose of this annual legislative trip to Capitol Hill will be to discuss federal funding for County priorities through federal appropriations and other funding vehicles; and

WHEREAS, specifically, the priorities include federal funding requests for transportation, public safety, utility infrastructure, public services, and education; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of February 2009, that it does hereby endorse efforts to secure federal funding for the aforementioned priorities; and

BE IT FURTHER RESOLVED that copies of this resolution be provided to the members of Stafford's congressional delegation so that they may be apprised of the sense of the Board on this matter.

Administration; Consolidated Statistical Report . Mr. Anthony Romanello, County Administrator, commented on the additional information being provided monthly to the Board.

Discussion ensued.

Recess. At 2:37 P.M., the Chairman declared a recess.

Call to Order. At 3:00 P.M., the Chairman called the meeting back to order.

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

Discussion ensued.

Mr. Peter J. Fields, Chairman, and Mr. Arch DiPeppe, Vice Chairman, of the Planning Commission, commented further.

Hearing no objections from the Board, this item was deferred to the next Board meeting.

Recess. At 5:03 P.M., the Chairman declared a recess until 7:00 P.M.

Call to Order. At 7:05 P.M., the Chairman called the meeting back to order.

Invocation. Mr. Milde gave the Invocation.

Pledge of Allegiance. Mr. Milde led in the Pledge of Allegiance to the Flag of the United States of America.

Utilities; Consider the Issuance of Bonds to the Virginia Resources Authority to Evidence a Low-Interest Loan from the Virginia Revolving Loan for Nutrient Reduction and Other Upgrades at the Little Falls Run Wastewater Treatment Facility. Mr. Harry Critzer, Director of Utilities, gave a presentation and responded to Board members questions.

The Chairman opened the public hearing.

No one desired to speak

The Chairman closed the public hearing

Mr. Crisp motioned, seconded by Mr. Sterling, to adopt proposed Resolution R09-60 with a change.

The Voting Board tally was:

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

Nay: (0)

Resolution R09-60 reads as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A WATER AND SEWER SYSTEM REVENUE BOND AND SETTING FORTH THE FORM, DETAILS, AND PROVISIONS FOR THE PAYMENT THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of Stafford, Virginia (the "County") has determined that it is necessary and desirable to undertake the Little Falls Run Wastewater Treatment Facility Nutrient Removal Upgrade Project (the "Project"); and

WHEREAS, the Board has determined that it is in the best interest of the County to issue its water and sewer system revenue bond or bonds in one or more series in the maximum aggregate principal amount of \$12,000,000 and to use the proceeds of the sale thereof, along with other available funds, if any, to pay the costs of the Project; and

WHEREAS, the County anticipates selling such water and sewer system revenue bond or bonds to or at the direction of the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund ("VRA"), in the principal amount of \$7,815,755 or such greater amount as VRA may approve, subject to a maximum of \$12,000,000 (the "Bond") pursuant to the terms of a Financing Agreement (the "Financing Agreement"), between the County and VRA, dated as of a date specified by VRA; and

WHEREAS, the Bond will be issued as "Parity Indebtedness" under the Master Indenture of Trust dated as of November 1, 1993 (as supplemented and amended, the "Indenture"), between the County and The Bank of New York (successor to Signet Trust Company), as trustee, and the Bond will be secured by a pledge of the Net Revenues (as defined in the Indenture) equally and ratably with the County's outstanding Water and Sewer System Revenue Bonds, Series 1996 (the "1996 Bonds"), and Water and Sewer System Revenue Refunding Bonds, Series 2003 (the "2003 Bonds"), and any Bonds and Parity Indebtedness to be issued in the future, but will not be secured by the Bond Fund or the Debt Service Reserve Fund established pursuant to the Indenture; and

WHEREAS, on February 17, 2009, the Board held a public hearing on the issuance of the Bond in accordance with the requirements of Section 15.2-2606 of the Code of Virginia of 1950, as amended;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of February, 2009, that it be and hereby does:

1. **Authorization of Bond and Use of Proceeds.** The Board hereby finds and determines that it is advisable and in the best interest of the County to contract a debt and to issue water and sewer system revenue bonds to pay the costs of the Project in the maximum principal amount of \$12,000,000 and to sell the Bond in the maximum principal amount of \$12,000,000, or such lesser amount as VRA may approve, to or at the direction of VRA, all pursuant to the terms of (i) this Resolution and (ii) the Financing Agreement. Such issuance and sale of the Bond are hereby authorized and approved. The Bond shall be designated the "Stafford County, Virginia Water and Sewer System Revenue Bond," or such other designation as may be approved in the discretion of the County Administrator, and shall include an appropriate series designation. The proceeds from the issuance and sale of the Bond shall be used, together with other available funds, if any, to pay the costs of the Project.

2. **Details of Bond.** The Bond shall be issued as a single bond (or bonds, if issued in more than one series in the discretion of the County Administrator) in fully registered form and shall be dated the date of its issuance and delivery. The County

Administrator and the Chief Financial Officer, or either of them, are authorized and directed to determine and approve all of the other final details of the Bond, including without limitation, the maximum principal amount authorized to be advanced thereunder, the Cost of Funds, the maturity or payment dates and amounts, series designation, the optional redemption provisions and the final maturity date; provided, however, that (i) the maximum principal amount authorized to be advanced under the Bond shall not exceed the amount set forth in paragraph 1 of this Resolution, (ii) the Cost of Funds (as defined in the Financing Agreement) on the Bond shall not exceed three and fifty-five hundredths percent (3.55%) per annum, and (iii) the final maturity date of the Bond shall be no later than approximately twenty-five (25) years from its date of issuance. The approval of such details shall be evidenced conclusively by the execution and the delivery of the Bond.

**3. Pledge of Net Revenues.** The Bond shall be a limited obligation of the County and, except to the extent payable from the proceeds of the sale of the Bond or the income, if any, derived from the investment thereof, is payable exclusively from the Net Revenues, which the County hereby pledges to the payment of the principal of, premium, if any, and Cost of Funds on the Bond pursuant to the terms of the Financing Agreement. The Bond shall be issued as Parity Indebtedness under the Indenture and shall be secured by the Net Revenues equally and ratably with the 1996 Bonds, the 2003 Bonds, and any Bonds and Parity Indebtedness to be issued in the future, but shall not be secured by the Bond Fund or the Debt Service Reserve Fund established pursuant to the Indenture. Neither the Commonwealth of Virginia nor any of its political subdivisions, including the County, shall be obligated to pay the principal of, premium, if any, or Cost of Funds on the Bond or other costs incident to it except from the Net Revenues and any other money or property pledged for such purpose, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any of its political subdivisions, including the County, is pledged to the payment of the principal of, premium, if any, or Cost of Funds on the Bond or other costs incident to it. The issuance of the Bond does not directly, indirectly or contingently obligate the Commonwealth of Virginia or any of its political subdivisions, including the County, to levy any taxes for the payment of the Bond.

4. **Creation of Account in Parity Debt Service Fund.** The County agrees to cause to be created within the Parity Debt Service Fund established pursuant to the Indenture an account for the payment of the Bond.

5. **Form of Bond.** The Bond shall be in substantially the form on file with the County Administrator, with such variations, insertions or deletions as may be approved by the County Administrator and the Chief Financial Officer, or either of them, which approval shall be evidenced conclusively by the execution and delivery of the Bond. There may be endorsed on the Bond such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

6. **Execution and Delivery of Bond.** The Chairman and Vice Chairman are authorized and directed to execute the Bond. The Clerk of the Board is authorized and directed to affix the seal of the County to the executed Bond and to attest it and such officers are authorized and directed to deliver the Bond or to cause the Bond to be delivered to or at the direction of VRA upon payment of the first principal advance thereunder. An authorized representative or other designee of VRA shall enter the amount and date of each principal advance as provided in the Certificate of Advances attached to the Bond when the proceeds of such advance are delivered to the County.

7. **Registration, Transfer and Exchange.** The County appoints the Chief Financial Officer as its registrar and transfer agent (the "Registrar") to keep books for the registration and transfer of the Bond and to make such registrations and transfers on such books under such reasonable regulations as the County may prescribe.

Upon surrender for transfer or exchange of the Bond at the office of the Registrar, the County shall cause the execution and delivery in the name of the transferee or registered owner, as applicable, a new Bond for a principal amount equal to the Bond surrendered and of the same date and tenor as the Bond surrendered, subject in each case to such reasonable regulations as the County may prescribe. If surrendered for transfer, exchange, redemption or payment, the Bond shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and

substance reasonably satisfactory to the Registrar, duly executed by the registered owner or by such owner's duly authorized attorney-in-fact or legal representative.

A new Bond delivered upon any transfer or exchange shall be a valid limited obligation of the County, evidencing the same debt as the Bond surrendered and shall be entitled to all of the security and benefits of this Resolution to the same extent as the Bond surrendered.

8. **Charges for Exchange or Transfer.** No charge shall be made for any exchange or transfer of the Bond, but the Registrar may require payment by the holder of such Bond of a sum sufficient to cover any tax or any other governmental charge that may be imposed in relation thereto.

9. **Mutilated, Lost, Stolen or Destroyed Bond.** If the Bond has been mutilated, lost, stolen or destroyed, the County shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon delivery to the Registrar and cancellation of, such mutilated Bond, or in lieu of and in substitution for such lost, stolen or destroyed Bond; provided, however, that the County shall execute, authenticate and deliver a new Bond only if its registered owner has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost, stolen or destroyed Bond (i) has filed with the Registrar evidence satisfactory to him or her that such Bond was lost, stolen or destroyed and that the holder of the Bond was its registered owner and (ii) has furnished to the County indemnity satisfactory to the Registrar. If the Bond has matured, instead of issuing a new Bond, the County may pay the Bond without surrender upon receipt of the aforesaid evidence and indemnity.

10. **Approval of Financing Agreement.** The County Administrator and the Chief Financial Officer, or either of them, are authorized to approve the Financing Agreement and to execute and deliver the Financing Agreement and such other documents and certificates as either such officer may consider necessary in connection therewith.

11. **Disclosure Documents.** The County Administrator and the Chief Financial Officer and such officers and agents of the County as may be designated by either of them, are hereby authorized and directed to prepare, execute, and deliver any appropriate disclosure documents regarding the County as may be necessary in connection with the public offering and sale of bonds issued by VRA (the "VRA Bonds") to finance the purchase of the Bond. The distribution and use by VRA of such disclosure in connection with such public offering and sale are hereby authorized and approved. The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to take whatever actions with respect to such disclosure documents as are necessary and/or appropriate to ensure compliance with Securities and Exchange Commission Rule 15c2-12.

12. **Tax Documents.** The County Administrator and the Chief Financial Officer are authorized to execute a Tax Compliance Agreement or any related document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the Bond and containing such covenants as may be necessary in order to cause the Bond or the VRA Bonds to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds from the issuance and sale of the Bond will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the Bond and the County shall comply with the other covenants and representations contained therein.

13. **Further Actions; Authorized Representative.** The County Administrator, the Chief Financial Officer and such officers and agents of the County as may be designated by either of them are authorized and directed to take such further actions as they deem necessary regarding the issuance and sale of the Bond and the execution, delivery and performance of the Financing Agreement, including, without limitation, the execution and delivery of closing documents and certificates. All such actions previously taken by such officers and agents are ratified and confirmed. The

County Administrator is authorized to designate the County's Authorized Representatives for purposes of the Financing Agreement.

14. **Filing of Resolution.** The County Attorney is authorized and directed to file a certified copy of this Resolution with the Circuit Court of Stafford County, Virginia, pursuant to Sections 15.2-2607 and 15.2-2653 of the Code of Virginia of 1950, as amended.

15. **Effective Date.** This Resolution shall take effect immediately.

Adopted this 17<sup>th</sup> day of February, 2009.

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Clerk, Board of Supervisors  
County of Stafford, Virginia

**FORM OF BOND**

R-1

**UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD  
WATER AND SEWER SYSTEM REVENUE BOND,  
SERIES 2009**

**COST OF FUNDS**

**MATURITY DATE**

**DATED DATE**

**REGISTERED OWNER: VIRGINIA RESOURCES AUTHORITY, AS  
ADMINISTRATOR OF THE VIRGINIA WATER  
FACILITIES REVOLVING FUND**

**PRINCIPAL AMOUNT:**

The **COUNTY OF STAFFORD, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), for value received, promises to pay, solely from the revenues and other property pledged to the payment of this Bond, to the registered owner of this Bond or legal representative, the principal sum stated above, together with a Cost of Funds (as defined in the hereinafter defined Financing Agreement) thereon at the annual rate stated above, as set forth below.

The outstanding principal balance of this Bond shall bear Cost of Funds from the date of each advance of principal until payment of the entire principal amount. Cost of Funds only on this Bond shall be due and payable on \_\_\_\_\_. Commencing \_\_\_\_\_, and continuing semi-annually thereafter on \_\_\_\_\_ 1 and \_\_\_\_\_ 1 in each year, the principal of and Cost of Funds on this Bond shall be payable in equal principal and Cost of Funds installments of \$\_\_\_\_\_ with a final installment of \$\_\_\_\_\_ due on \_\_\_\_\_. Each installment shall be applied first to the Cost of Funds due and payable on this Bond, and then to the principal. If principal advances up to \$\_\_\_\_\_ are not made, the principal amount due on this Bond shall not include the unadvanced amount and shall be reduced as provided in the Financing Agreement (as defined below). Cost of Funds on this Bond shall include Supplemental Interest (as defined in the hereinafter defined Financing Agreement), if any when due and payable pursuant to the provisions of the Financing Agreement.

If any installment of principal of this Bond is not paid to the registered owner of this Bond within ten (10) days after its due date, the County shall pay to the registered owner of this Bond a late payment charge in an amount equal to five percent (5%) of the overdue installment.

All amounts due under this Bond are payable in lawful money of the United States.

The principal balance of this Bond shall be equal to the sum of the amounts advanced by the registered owner, as shown on the certificate of principal advances appearing at the end of this Bond, less the aggregate amount of the payments and any prepayments of principal which may have been made on this Bond. No notation is required to be made on this Bond of the payment or prepayment of principal. HENCE, THE FACE AMOUNT OF THIS BOND MAY EXCEED THE PRINCIPAL SUM REMAINING OUTSTANDING AND DUE HEREUNDER.

The issuance of this Bond has been duly authorized by the Board of Supervisors of the County by a resolution adopted on February 17, 2009 (the "Resolution"), under the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended. The County will use the proceeds of this Bond, along with other available funds, if any, to pay the costs of the Little Falls Run Wastewater Treatment Facility Nutrient Removal Upgrade Project.

This Bond is issued pursuant to the terms of: the Resolution; a Financing Agreement dated as of \_\_\_\_\_ 1, 2009 (the "Financing Agreement"), between the County and the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund; and a Master Indenture of Trust dated as of November 1, 1993 (as supplemented and amended, the "Local Indenture"), between the County and The Bank of New York (successor to Signet Trust Company), as trustee (the "Trustee"). Reference is made to the Resolution, the Financing Agreement, and the Local Indenture for a description of the revenues and property pledged and assigned and the provisions, among other things, with respect to the nature and extent of the security for this Bond, the rights and obligations of the County and the Trustee, the terms on which this Bond is issued, the rights of the registered owner of this Bond, and the provisions for defeasance of such rights.

This Bond is issued under the Local Indenture as Parity Indebtedness (as defined in the Local Indenture) and is secured by a pledge of the Net Revenues (as defined in the

Local Indenture) equally and ratably with the County's outstanding Water and Sewer System Revenue Bonds, Series 1996, and Water and Sewer System Revenue Refunding Bonds, Series 2003, and any Bonds (as defined in the Local Indenture) and Parity Indebtedness to be issued in the future, but is not secured by the Bond Fund or the Debt Service Reserve Fund established pursuant to the Local Indenture.

This Bond is a limited obligation of the County and, except to the extent payable from the proceeds of the sale of the Bond or the income, if any, derived from the investment thereof, is payable exclusively from the Net Revenues.

**NEITHER THE COMMONWEALTH OF VIRGINIA NOR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY, SHALL BE OBLIGATED TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, OR COST OF FUNDS ON THIS BOND OR THE OTHER COSTS INCIDENT TO IT EXCEPT FROM THE NET REVENUES AND ANY OTHER MONEY OR PROPERTY PLEDGED FOR SUCH PURPOSE, AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE COMMONWEALTH OF VIRGINIA OR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY, IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF, PREMIUM, IF ANY, OR COST OF FUNDS ON THIS BOND OR OTHER COSTS INCIDENT TO IT. THE ISSUANCE OF THIS BOND DOES NOT DIRECTLY, INDIRECTLY OR CONTINGENTLY OBLIGATE THE COMMONWEALTH OF VIRGINIA OR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY, TO LEVY ANY TAXES FOR THE PAYMENT OF THIS BOND.**

The obligations of the County under this Bond shall terminate when all amounts due and to become due pursuant to this Bond and the Financing Agreement have been paid in full.

This Bond may not be prepaid without the written consent of the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund, in accordance with the terms of the Financing Agreement.

If an Event of Default (as defined in the Financing Agreement) occurs, the principal of this Bond may be declared immediately due and payable by the registered owner of this Bond by written notice to the County, as provided in the Financing Agreement.

This Bond may be transferred only by an assignment duly executed by the registered owner or such owner's attorney or legal representative in form satisfactory to the Chief Financial Officer, as registrar. Such transfer shall be made in the registration books kept by the Chief Financial Officer, as registrar, upon presentation and surrender of this Bond.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to the issuance of this Bond have happened, exist or been performed in due time, form and manner as so required and that the indebtedness evidenced by this Bond is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

[Signature Page Follows]

**IN WITNESS WHEREOF**, the County of Stafford, Virginia has caused this Bond to be signed by the Chairman of its Board of Supervisors and the County's seal to be affixed and attested by the signature of the Clerk of the Board of Supervisors.

**COUNTY OF STAFFORD, VIRGINIA**

By:

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Chairman, Board of Supervisors

[SEAL]



ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_ (PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE OF ASSIGNEE.)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE: \_\_\_\_\_

this Bond and does irrevocably constitute and appoint \_\_\_\_\_, attorney, to transfer this Bond on the books kept for its registration, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed: \_\_\_\_\_

(NOTICE: Signature(s) must be guaranteed by an Eligible Guarantor Institution such as a Commercial Bank, Trust Company, Securities Broker/Dealer, Credit Union or Savings Association which is a member of a medallion program approved by The Securities Transfer Association, Inc.)

Registered Owner  
(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the books kept for registration of this Bond in every particular, without alteration or change.)

Planning and Zoning: Appeal the Director of Planning and Zoning Decision Regarding Changes to the Hills of Aquia Section 2A Plat. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to defer this item to the next Board meeting.

The County Attorney commented.

Discussion ensued.

The Voting Board tally was:

Yea: (4) Sterling, Crisp, Dudenhefer, Milde

Nay: (3) Woodson, Brito, Schwartz

Legislative: Discuss Pay for Performance. Mr. Sterling commented.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-120.

Discussion ensued.

The Voting Board tally was:

Yea: (3) Dudenhefer, Milde, Sterling

Nay: (4) Woodson, Brito, Crisp, Schwartz

Adjournment. At 7:50 P. M. the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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George H. Schwartz  
Chairman