

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

June 20, 2017

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Paul V. Milde, III, Chairman, at 3:00 p.m., on Tuesday, June 20, 2017, in the Board Chambers, at the George L. Gordon, Jr., Government Center, 1300 Courthouse Road, Stafford, VA.

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

Also in attendance were: Thomas C. Foley, County Administrator; Charles Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Cheryl D. Giles, Deputy Clerk; associated staff and other interested parties.

Mr. Milde asked for any additions or deletions to the agenda. Mr. Milde noted that Ms. Sellers had an addition, proposed Resolution R17-195, which was in regards to proffers for the rebuild of Anne E. Moncure Elementary School. Mrs. Maurer clarified that it should be placed on the agenda as New Business, to which Ms. Sellers agreed.

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt the regular agenda with the addition of proposed Resolution R17-195 (Moncure ES proffers) to New Business.

The Voting Board tally was:

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

Ms. Sellers and Ms. Donna Krauss, Human Services Director, presented a proclamation and recognized Mr. Ron Branscome on his retirement after serving for 31 years as the Executive Director of the Rappahannock Area Community Services Board (RACSB). Mr. Branscome thanked the Board and noted that he and his wife would continue to live in Stafford; he hoped to remain involved and was happy to help out.

Presentations by the Public The following persons indicated a desire to address the Board:

Patricia Harman - Acting General Manager of Aquia Harbour, Police Chief of Record; she encouraged Board approval of Mosaic Agreement regarding the Aquia Town Center

Chris Green - Aquia Harbour Property Owners Association President; he encouraged Board approval of Mosaic Agreement regarding the Aquia Town Center.

Jennifer Morgan - Spoke about economic development in the County; expressed concerns about the “shady” deal with Mosaic, saying that the money should go to the Schools, not a gift to Mosaic and Harris Teeter.

Phyllis Filoso - 30-year resident; credits to Mosaic were \$6 million, then \$10 million, now \$16-18 million; County is one of the top ten richest in the United States. It is “highway robbery” to take money from school children; the Aquia Town Center is adjacent to I-95 and Route 1 and would bring a lot of business; hates to cross I-95 and fight traffic on Garrisonville Road.

Kristen Barnes - Active member of County and School committees; moved back to Stafford in 2005; to “live here is to fight traffic;” Board should stop rezoning properties/no new houses; the County is at a “tipping point.” Cluster developments lower the quality of life and proffers do not keep up with the needs demanded by out of control development.

Steve Aycock - Concerns about Mosaic; why use government dollars to support the free market? Why wasn't Harris Teeter named specifically in the agreement? It's not fair to support one grocer when there are several grocery store chains in the County; it is not the government's role to support Mosaic or Harris Teeter.

Frank Adams - Mosaic should be held to the original \$6 million agreement; the public has been lied to; the Board needs to take care of schools; predicts that there will be trailers on Stafford school sites within five years like in Fairfax; spent 24 years in the United States Air Force, took time off work in Bethesda to be at the Board meeting; his children are home schooled by choice but good schools draw more residents.

Sam Hess - Aquia Harbour saves the County money by maintaining its own roads and doing its own snow plowing; the Mosaic agreement should be renegotiated.

Monica Guy - Aquia Harbour resident. Good-willed people are looking to the Board for guidance; Board members should do a better job of communicating with constituents by “blowing up” Facebook, Twitter, e-mail, Instagram, and the like with regular updates. If the Mosaic deal is taking money away from the schools, she was very upset, but otherwise it's a good deal for the seven million travelers that pass by every year.

Paul Waldowski - Lame duck Board; 5:00 p.m. dinner with the EDA is at the taxpayer's expense; HOA stands for “Houses of Aquia;” new delegate-elect won with 49% of

the vote, not a majority plus one; this is the Commonwealth where common sense is not common; red and white campaign signs remind of the flag; green signs mean money; Sheriff's waste of \$100k empty police cars scattered around the County is like the sidewalk to nowhere.

Jo Knight - When the first Mosaic agreement was approved, it was a very different economic climate; everyone was a victim of the crash, Mosaic was not the first developer of the Aquia Town Center; the first developer went bankrupt. Ms. Knight said she pays \$2,000 taxes on a house and vacant lot; Aquia Town Center needs renovation badly but Mosaic is greedy – there should be full disclosure of all plans and a specified timeframe. Traffic is the #1 problem in the County; this renovation would keep people off the highways and in the Harbour; it will attract businesses; the Board should give it consideration as it is important to the County.

Elaine Diepenbrock - Concerned that zoning guidelines are not being followed; there are always exceptions allowed; used to live in Rockville, MD but sprawl happened and the lifestyle that used to be available to its residents could never be reclaimed. There is no smart growth pattern in the County.

Dan Squillaro - Does not envy the Board having to make the Mosaic decision; asked what would prevent Mosaic from demanding future payments; County should hire a professional negotiator before signing any agreement with Mosaic.

Ruth Carlone - Rezoning Winding Creek from A-1 to R-1 is outrageous; approving 97 units instead of 20 is ludicrous; Winding Creek proffers are laughable (referenced 1 tree in each backyard after clear cutting 34 acres); tot lot and picnic shelter, “whoopie!” The Board is ignoring the goals of the Comprehensive Plan and needs to look at the end goal; there was no compelling reason to approve the Winding Creek application.

Gregory Bundrick - Growth in the County is excessive and doesn't lead to smaller class sizes, less grid lock, better public safety or infrastructure, environment, or lessen the stress on wildlife and natural resources. The Board should not approve each development; it's detrimental to the quality of life in the County.

Philip Kenoyer - Representing the Berkshire HOA; met on June 15<sup>th</sup> with VDOT, Mr. Keith Dayton, Ms. Sellers, Ms. Maurer, and Charlie Payne to discuss concerns about Winding Creek Road. Thanked everyone for meeting in the blistering heat and thanked staff for its work on the Winding Creek application.

Eron Sodie - Principal partner with Mosaic Realty Partners; said that the Aquia Town Center project was dormant and his company was trying to fix the blight in that area. Harris Teeter is/was ready to pull the plug on locating there and Mosaic was trying to hold the deal together. He agreed that more revenue would yield more taxes, higher meals taxes which were earmarked for the Schools Division, and he wanted to clear up any misconceptions that the

requested incentives were going into Mosaic's pocket. A revived Aquia Town Center would put millions of dollars into the County and a new, high-end grocery store was a win-win for everyone. He urged the Board to adopt the resolution and approve the eventual agreement.

Board Member Presentations Board members spoke on topics as identified and asked that the following items be pulled for discussion from the Consent Agenda:

Ms. Bohmke - Attended the White Oak Volunteer Rescue Squad installation of officers banquet with Mr. Thomas; participated in an excellent tour of specific areas of Marine Corps Base Quantico and had a better understanding of the Base's mission by physically watching the Marine's in action; attended the Stafford High School graduation with Mr. Thomas and offered congratulations to all graduates in the County. Working on legislative priorities with members of the George Washington Regional Commission (GWRC) and meeting with legislators in July to discuss priorities including Smart Scale; proffers; Children's Services Act (CSA); and equal taxing authority. The Commonwealth Transportation Board's meeting on Wednesday, June 21<sup>st</sup> will be live streamed on the VDOT website. The VACo Region 7 meeting at Sunset Cove in Louisa is on Thursday, June 22<sup>nd</sup>, the meeting starts at 7:00 p.m. with dinner beforehand at 5:30 p.m.

Mr. Cavalier - Agreed with Mr. Snellings that Stafford County Schools were excellent but admitted that more money was needed to fund all of the Schools' requests and to get better teachers; it could not be further from the truth that money was being taken from the Schools for the Mosaic agreement; it will add to the County's tax base, which would provide more money to the Schools. The office building at Aquia Town Center has been taken over by the bank. Sometimes it takes spending money to make money; do not be fooled by what is being written on Facebook and social media.

Mrs. Maurer - Son graduated early, congratulations to all graduates; events and member revenues at the Jeff Rouse Swim and Sports Center are well above projections. At the Finance, Audit, and Budget (FAB) Committee meeting there was no recommendation about proffers for Moncure ES. No items to pull from the Consent Agenda...

Mr. Milde - Be careful about where information posted on social media is coming from, sources are not always accurate and people have their own agendas. Regarding growth in the County, the Board has done an amazing job over the past 10-12 years in placing land into conservation, 10,000 acres or more, in hard to serve areas of the County. VDOT will begin its Courthouse Road widening project officially on July 10<sup>th</sup>. Fox 5 News will be doing an all morning show on June 30<sup>th</sup> at Embrey Mill and other areas around the County; please watch.

Ms. Sellers - Attended GWRC, began working on its legislative agenda; there is a lot of work to be done with CSA on the regional level and will need Donna Krauss' (Director of Human Services) help with the private day school element; Mr. Milde will remain Chairman of FAMPO through December. At the Public Safety Committee (PSC) meeting, the

COPS grant was approved and is on the Consent Agenda for authorization to apply for the grant for up to 25 positions in the Sheriff’s Office; regarding the Fire, Rescue, and Emergency Services (FRES) assessment, staff is going over the 52 recommendations and both volunteer and career fire fighters are included in the on-going review. Attended the recent School Board’s work session where it was discussed that Moncure ES was \$2.5 million over budget; Schools’ cut \$1.5 million but needed the additional \$1 million; \$859,000 was available in proffer funds.

Mr. Snellings - Stafford schools are second to none and he has been told that schools (here) are better than in Fairfax. The Armed Services Memorial construction continues; the dedication is scheduled for 10:00 a.m. on Saturday, July 15<sup>th</sup>. There will be off-site parking and shuttle buses; more than a thousand people are expected to attend so arrive early. The featured speaker is the Commandant of the United States Marine Corps; commemorative bricks arrived today and look great; if you wish to order a brick to commemorate a member of the military (past or present), order forms are available on the County’s website.

Mr. Thomas - Attended the White Oak Volunteer Rescue Squad event with Ms. Bohmke; also attend the Stafford High School graduation – daughter graduated, one down and seven more to go. Normally 50 graduates are summa cum laude; in this class there were 65 students achieving that level and many are attending top of the line colleges and universities.

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

Report of the County Administrator – Mr. Foley introduced Mr. Chris Rapp, Director of Public Works. Mr. Rapp provided an update on transportation projects in the County. Ms. Maurer asked about the Pence clearing and if it was related to roads or the development. Mr. Rapp said that it was for road work. Ms. Sellers asked about the hold-up on the Mine Road sidewalk project. Mr. Rapp replied that the TAP funds were not sufficient so it took multiple years to accrue the money needed for the project.

Mr. Chris Hoppe, Assistant Director of Public Works, provided an update on the County’s parks projects. There were no questions directed to Mr. Hoppe.

Consent Agenda

Mrs. Maurer motioned, seconded by Ms. Bohmke, to accept the Consent Agenda as presented.

The Voting Board tally was:

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

Item 4. Legislative: Approve the Minutes of the June 6, 2017 Board Meeting

Item 5. Finance and Budget; Approve the Expenditure Listing

Resolution R17-182 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED JUNE 06, 2017 THROUGH JUNE 19, 2017

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 20<sup>th</sup> day of June, 2017, that the above-mentioned EL be and hereby is approved.

Item 6. Finance and Budget; Authorize the County Administrator to Budget and Appropriate Capital Project Funds for the Scoreboard at Chichester Park

Resolution R17-170 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO BUDGET AND APPROPRIATE \$15,000 FROM THE CAPITAL PROJECTS RESERVE FUND TO REIMBURSE THE GENERAL FUND FOR A SCOREBOARD AT CHICHESTER PARK

WHEREAS, on May 2, 2017, the Board budgeted and appropriated \$30,000 from the Capital Projects Reserve Fund for the purchase and installation of a scoreboard for the 90-foot baseball field at Chichester Park (Project); and

WHEREAS, the mounting support along with the design, engineering, and installation of the scoreboard, are higher than the initial estimate, and the final cost of the Project is \$45,000; and

WHEREAS, funding has been identified in FY2017 to cover the revised cost of the Project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that it be and hereby does authorize the County Administrator to budget and appropriate Fifteen Thousand Dollars (\$15,000) from the Capital Projects Reserve Fund to reimburse the General Fund for the scoreboard at the 90-foot baseball field at Chichester Park.

Item 7. Sheriff/Animal Control; Authorize the County Administrator to Waive Animal Adoption Fees at the 3<sup>rd</sup> Annual Clear the Shelter Event

Resolution R17-150 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO WAIVE ANIMAL ADOPTION FEES FOR THE ANNUAL “CLEAR THE SHELTERS” EVENT ON AUGUST 19, 2017

WHEREAS, the National Broadcasting Company’s (NBC) Washington DC affiliate, Channel 4, is sponsoring its 3<sup>rd</sup> Annual “Clear the Shelters” event to find permanent homes for animals currently in local animal shelters; and

WHEREAS, the Stafford County Animal Shelter's (Shelter) participation in last year's event resulted in the adoption of 20 dogs and cats; and

WHEREAS, the Shelter desires to participate in this event again and requests that animal adoption fees be waived on August 19, 2017;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the County Administrator be and he hereby is authorized to waive animal adoption fees at the Stafford County Animal Shelter on August 19, 2017, for the "Clear the Shelters" event.

Item 8. Sheriff; Authorize the County Administrator to Apply for a United States Department of Justice Community Oriented Policing Grant (COPS)

Resolution R17-184 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPLY TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS), FOR A FY2017 COPS HIRING PROGRAM (CHP) GRANT TO PARTIALLY FUND TEN DEPUTY SHERIFF I POSITIONS, AND THE COUNTY ATTORNEY TO PROVIDE THE REQUIRED CERTIFICATION

WHEREAS, the Community Oriented Policing Services (COPS) FY2017 Hiring Program (CHP) provides funding directly to law enforcement agencies to hire new law enforcement officers in an effort to create new jobs, and to increase their community policing capacity and crime-prevention efforts; and

WHEREAS, the Sheriff's Office desires to achieve a 30% rate of uncommitted patrol time for community policing services; and

WHEREAS, the CHP grant would cover 75% of the entry-level salary and fringe benefits of each newly hired, full-time, sworn career law enforcement officer for 36 months; and

WHEREAS, the County would be required to provide a local match for the 36-month grant period, and as a condition of the grant, provide 100% of the salary and benefits for those positions for not less than 12 months after the expiration of the 36-month grant period; and

WHEREAS, the Sheriff's Office desires to seek grant funding for ten entry-level Deputy Sheriff I positions through the FY2017 CHP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the County Administrator, or his designee, be and he hereby is authorized to apply to the United States Department of Justice Community Oriented Policing Services Hiring Program Grant for ten entry-level Deputy Sheriff I positions; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, is authorized to execute any documents that he deems necessary and appropriate to effectuate this transaction; and

BE IT STILL FURTHER RESOLVED that the County Attorney, or his designee, is authorized to provide the appropriate certification of compliance with 8 U.S.C. § 1373 and any other information or documents as required of the chief legal officer in accordance with grant guidance.

Item 9. Human Services; Authorize the Appointment of Sarah Reid to the Rappahannock Area Youth Services and Group Home Commission

Resolution R17-156 reads as follows:

A RESOLUTION APPROVING THE APPOINTMENT OF MS. SARAH REID TO THE RAPPAHANNOCK AREA YOUTH SERVICES AND GROUP HOME COMMISSION

WHEREAS, the Boards of Supervisors of Spotsylvania County, Stafford County, and the Fredericksburg City Council have entered into an agreement dated August 5, 2014 (Agreement) creating a residential home and group home serving youth from the three localities known as the Rappahannock Area Youth Services and Group Home Commission (Commission); and

WHEREAS, the Commission is governed by a seven person board consisting of two persons from each of the member jurisdictions appointed by the governing body of each member jurisdiction, and one person appointed by the governing bodies from the Advisory Board to the Commission; and

WHEREAS, the Commission has appointed Ms. Sarah Reid to its Advisory Board and the Commission requests that each member jurisdiction approve the appointment of Ms. Reid as the seventh voting member of the Commission as authorized under the Agreement; and

WHEREAS, Ms. Reid is the Middle School Coordinator for the Office of Student Support Services for Spotsylvania County Public Schools, and works with middle school administrators and staff in supporting students with disabilities; and has previous teaching experience in Giles, Carroll, and Mathews County Public Schools; and she further serves on the Leadership Board of Wilderness Community Church, and serves on the Board of Trustees for Bluefield College in Bluefield, Virginia;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that it be and hereby does approve the appointment of Ms. Sarah Reid as the seventh voting member to the Rappahannock Area Youth Services and Group Home Commission for a one-year term beginning July 1, 2017 and ending June 30, 2018.

Item 10. Human Services; Approve the Appointment of Gregory Sokolowski to the Rappahannock Area Community Services Board (RACSB)

Item 11. County Administration; Approve the Reappointment of Gary Adkins to the Industrial Development Authority of Stafford, Virginia and the City of Staunton, Virginia

Item 12. County Administration; Authorize the County Administrator to Advertise a Public Hearing to Consider Establishing a Lynhaven Lane Service District



Resolution R17-166 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER ESTABLISHING THE LYNHAVEN LANE SERVICE DISTRICT, LOCATED IN THE ROCK HILL ELECTION DISTRICT

WHEREAS, the property owners adjacent to Lynhaven Lane desire to have their private road improved to meet standards for acceptance into the Secondary System of State Highways for maintenance; and

WHEREAS, the necessary upgrades to Lynhaven Lane include dedication of additional right-of-way, widening and straightening the road, stormwater drainage improvements, the addition of a stone base and hard surface treatment, and construction of a cul-de-sac at the end of the road (Improvements); and

WHEREAS, the Board previously approved funding for a survey and engineering analysis to develop an accurate cost estimate for these Improvements; and

WHEREAS, the results of this analysis indicate that the Improvements will cost approximately \$380,000; and

WHEREAS, the Improvements may be partially funded from proffers dedicated to sight distance improvements along Courthouse Road and State revenue sharing funds, with the remainder of the funding being provided by the property owners along Lynhaven Lane through the establishment of the Lynhaven Lane Service District (LLSD), to allow an annual assessment on properties within the LLSD boundaries; and

WHEREAS, over 50% of the residents who own not less than 50% of the area to be included in the LLSD have petitioned the Board to adopt the LLSD to fund the improvements, as required by Virginia Code § 15.2-2403; and

WHEREAS, the Board desires and is required to conduct a public hearing to consider public input prior to the establishment of the LLSD;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider the establishment of the Lynhaven Lane Service District.

Item 13. County Administration; Authorize the County Administrator to Execute an Easement Agreement with Dominion Energy for Electric Service at the New Animal Shelter

Resolution R17-169 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH DOMINION ENERGY VIRGINIA, FOR ELECTRIC SERVICE TO THE NEW ANIMAL SHELTER

WHEREAS, electric service is needed for operation of the new animal shelter (Shelter), located on Tax Map Parcel No. 38-86A in the Hartwood Election District; and

WHEREAS, Dominion Energy Virginia (Dominion), the sole provider of electric service in this area, requested a 15-foot wide right-of-way easement to install, operate, and maintain underground conduit and cable lines for transmitting and distributing electric service to the Shelter; and

WHEREAS, the Board desires to grant this easement to Dominion for electric service to the new Shelter;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20th day of June, 2016, that the County Administrator be and he hereby is authorized to grant an easement to Dominion Energy Virginia, as shown and in the general location on that certain plat entitled, “Plat to Accompany Right-of-Way Agreement,” on Tax Map Parcel No. 38-86A, for electric service to the new animal shelter; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, is authorized to execute any documents necessary to effectuate this grant of easement.

Item 14. County Administration; Authorize the County Administrator to Execute a Lease Amendment with ESM Embrey Mill, LLC for Maintenance at the Jeff Rouse Swim and Sport Center

Resolution R17-153 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE LEASE WITH ESM, EMBREY MILL, LLC (ESM) FOR THE OPERATION OF THE JEFF ROUSE SWIM AND SPORT CENTER; AUTHORIZING THE INCREASE OF FULL-TIME NON-PUBLIC SAFETY STAFFING LEVEL; AND BUDGETING AND APPROPRIATING FUNDS FROM ESM

WHEREAS, the Board and ESM Embrey Mill, LLC (ESM) executed a Deed of Lease for operation of the Jeff Rouse Swim and Sport Center (JRSSC), dated June 17, 2015 (Lease); and

WHEREAS, the Lease requires ESM to provide maintenance services for the JRSSC; and

WHEREAS, maintenance service for the electrical, mechanical and instrumentation systems installed in the JRSSC could be provided more efficiently and effectively if managed by the County; and

WHEREAS, ESM has agreed to provide funding in the amount of \$70,000 for one full-time County employee whose primary responsibility will be to provide these services for the JRSSC; and

WHEREAS, the Board desires to amend the Lease to assume the maintenance responsibilities; and

WHEREAS, the Board desires to increase the authorized full time staffing level for this new position, and to budget and appropriate the funding provided by ESM for this position;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the County Administrator be and he hereby is authorized to execute an amendment to the Deed of Lease with ESM Embrey Mill, LLC, wherein the County shall assume maintenance responsibilities and provide a maintenance person, and other support staff for the Jeff Rouse Swim and Sport Center, in exchange for payment of Seventy Thousand Dollars (\$70,000) annually from ESM Embrey Mill, LLC (ESM) to compensate the County for these services and provide for the full salary and benefits package for a new County position that the County Administrator is authorized to fill. One new full-time position in the Department of Parks, Recreation, and Community Facilities (PRCF) to fulfill this Resolution; and

BE IT FURTHER RESOLVED that the authorized full-time strength is amended as stated below with all other portions remaining unchanged:

General Fund	
• Non-Public Safety	353 354
Total	910 911

; and

BE IT FURTHER RESOLVED that Seventy Thousand Dollars (\$70,000) paid to the County by ESM for the purposes provided herein is budgeted and appropriated to the General Fund for PRCF.

Item 15. Public Works; Authorize the County Administrator to Execute Contracts for Construction, Engineering, and Inspection Services for the Mine Road Sidewalk Project; and Budget and Appropriate Funds from the FY2018 Transportation Fund to the Mine Road Sidewalk Project

Resolution R17-165 reads as follows:

AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONSTRUCTION CONTRACT WITH TAVARES CONCRETE CO., INC. AND A CONSTRUCTION ENGINEERING INSPECTION SERVICES CONTRACT WITH A. MORTON THOMAS & ASSOCIATES, INCORPORATED FOR THE MINE ROAD SIDEWALK PROJECT, LOCATED IN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, the County received initial grant funding from the Transportation Alternatives Program (TAP) from the Virginia Department of Transportation (VDOT) for the design and construction of the Mine Road Sidewalk Project (Project); and

WHEREAS, staff advertised an invitation to bid to provide the construction of the Mine Road Sidewalk Project; and

WHEREAS, staff evaluated the proposals received and determined that Tavares Concrete Co. Inc., was the lowest responsive and responsible bidder, with a bid in the amount of Two Hundred Seventy-three Thousand Eight Hundred Seventy-one Dollars (\$273,871); and

WHEREAS, staff solicited a request for proposal for construction engineering inspection (CEI) services from A. Morton Thomas and Associates, Inc. (ATM), a firm authorized to provide on-call (as needed) professional engineering consulting services for the County through Board Resolution R15-266; and

WHEREAS, the AMT proposal for CEI services was in the amount of Fifty Thousand One Hundred Seventy-three Dollars (\$50,173); and

WHEREAS, VDOT has reviewed both the construction and the CEI award submittal amounts and determined them to be acceptable and reasonable for the scope of work to be performed; and

WHEREAS, the Project will receive an 80% reimbursement from available TAP grant funding; and

WHEREAS, the TAP grant requires a 20% local match from the County; and

WHEREAS, funding is available in the Transportation Fund to cover the Project expenditures; AND

WHEREAS, funds were budgeted and appropriated as part of the FY2018 budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the County Administrator be and he hereby is authorized to execute a contract with Tavares Concrete Co. Inc., in an amount not to exceed Two Hundred Seventy-three Thousand Eight Hundred Seventy-one Dollars (\$273,871) for the construction of the Mine Road Sidewalk Project, unless amended by a duly executed change order; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute a contract with A. Morton Thomas & Associates, Inc., in an amount not to exceed Fifty Thousand One Hundred Seventy-three Dollars (\$50,173) for construction engineering and inspection services for the Mine Road Sidewalk Project, unless amended by a duly executed contract amendment; and

BE IT STILL FURTHER RESOLVED that the County Administrator be and he hereby is authorized to sign all documents that he deems necessary for Stafford County to administer this project.

Item 16. Public Works; Authorize the County Administrator to Petition VDOT to Include Embrey Mill Road, Within Embrey Mill Phase I, into the Secondary System of State Highways

Resolution R17-168 reads as follows:

PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE EMBREY MILL ROAD WITHIN EMBREY MILL PHASE I, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS.

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Embrey Mill Road within Embrey Mill, Phase I, located at the end of the state maintenance of the existing Embrey Mill Road (SR-733) approximately 0.09 mile East of River Oak Drive (SR-1851), into the Secondary System of State Highways; and

WHEREAS, VDOT inspected Embrey Mill Road, and found it satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Embrey Mill, Phase I, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Embrey Mill Road (SR-733)	From: 0.09 mile east of River Oak Drive (SR-1851) To: 0.18 mile east of River Oak Drive (SR-1851)	0.09 mi. ROW 69'
Embrey Mill Road (SR-733)	From: 0.18 mile east of River Oak Drive (SR-1851) To: Intersection of future Crab Apple Drive	0.05 mi. ROW 69'
Embrey Mill Road (SR-733)	From: Intersection of future Crab Apple Drive To: Intersection of future Park Avenue	0.11 mi. ROW 69'
Embrey Mill Road (SR-733)	From: Intersection of future Park Avenue To: Intersection of future Basswood Drive	0.06 mi. ROW 69'
Embrey Mill Road (SR-733)	From: Intersection of future Basswood Drive To: Intersection of future Daisy Hill Lane	0.06 mi. ROW 69'
Embrey Mill Road (SR-733)	From: Intersection of future Daisy Hill Lane To: Intersection of future Coriander Lane	0.06 mi. ROW 69'
Embrey Mill Road (SR-733)	From: Intersection of future Coriander Lane To: Intersection of future Aspen Lane	0.06 mi. ROW 69'
Embrey Mill Road (SR-733)	From: Intersection of future Aspen Lane To: Intersection of future Mine Road (SR-684)	0.16 mi. ROW 69'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Embrey Mill Road Extension, Embrey Mill, Phase 1, recorded among the Land Records of Stafford County, Virginia as Plat Map No. PM160000055, with Instrument No. LR160006570 on April 25, 2016; and

BE IT STILL FURTHER RESOLVED that the County Administrator, or his designee, shall forward a copy of this Resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Item 17. Utilities; Authorize the County Administrator to Execute Contract Renewals for Water/Wastewater Chemicals, Water Meters, Repair Supplies, and Billing Services

Resolution R17-167 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS AND CONTRACT RENEWALS FOR WATER

METERS AND WATER SYSTEM COMPONENTS, PURCHASE OF  
TREATMENT CHEMICALS, SUPPLIES FOR INFRASTRUCTURE, AND  
BILL PRINTING AND MAILING SERVICES

WHEREAS, the Utilities Department (Department) has annual contracts with Sensus USA, Inc., for water meters and accessories compatible with its automated meter reading system; and

WHEREAS, the Department has an annual contract with George S. Coyne Chemical Co., Inc., as the distributor of Sterling Water Technologies' CP 78D and CP 711 corrosion inhibitors and to provide the polymer Zetag 8846 FS; and

WHEREAS, the Utilities Department has an annual contract with Source Technologies, LLC, for proprietary odor control reagents; and

WHEREAS, Univar USA Inc. has a contract to provide the Utilities Department with ammonium hydroxide, caustic soda, sodium hypochlorite, and calcium hydroxide; and

WHEREAS, Chemtrade Chemicals US LLC, has a contract to provide the Department with liquid aluminum sulfate in dry ton; and

WHEREAS, Premier Magnesia, LLC, a Delaware limited liability company, has a contract to provide the Department with magnesium hydroxide; and

WHEREAS, Kemira Water Solutions, Inc. has a contract to provide the Department with liquid ferric sulfate; and

WHEREAS, Xelera, Inc., has a contract to provide the Department with XTC C 6272 Polymer; and

WHEREAS, Ferguson Enterprises, Inc. has a contract to provide the Utilities Department maintenance supplies; and

WHEREAS, CSG Systems, Inc., d.b.a. DataProse, has a contract to provide monthly printing and mailing of bills for the Utilities Department; and

WHEREAS, these aforementioned contracts are in need of renewal; and

WHEREAS, the renewal amount and conditions of these contracts were closely evaluated and determined by staff to be reasonable for the scope of services provided;

NOW, THEREFORE, BE IT RESOLVED by Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the County Administrator be and he hereby is authorized to execute the following contracts and contract renewals as follows:

Univar USA Inc. to provide water treatment chemicals Ammonium Hydroxide, Caustic Soda, and Sodium Hypochlorite, in an amount not to exceed Five Hundred Thirteen Thousand, Nine Hundred Eighty-Seven Dollars (\$513,987), and to provide waste water chemical, Calcium Hydroxide, in an amount not to exceed Three Hundred Seventy-Five Thousand Five Dollars (\$375,000), unless modified by a duly executed contract amendment;

George S. Coyne Chemical Co., Inc., to provide Corrosive Inhibitor CP78D and CP711, in an amount not to exceed One Hundred Twenty-Two Thousand One Hundred Sixty-One Dollars (\$122,161), and waste water chemical, Zetag 8846 FS Polymer, in an amount not to exceed One Hundred Forty-Eight Thousand Two Hundred Nineteen Dollars (\$148,219), unless modified by a duly executed contract amendment;

Chemtrade Chemicals US LLC, to provide Liquid Aluminum Sulfate, in an amount not to exceed Three Hundred Twenty-Eight Thousand Eight Hundred Thirty Dollars (\$328,830), unless modified by a duly executed contract amendment;

Source Technologies LLC, to provide odor control chemicals ETX, ESP, STX, and Hydrogen Peroxide, in an amount not to exceed Two Hundred Twenty Thousand Dollars (\$220,000), unless modified by a duly executed contract amendment;

Premier Magnesia, LLC, a Delaware limited liability company, to provide Magnesium Hydroxide in an amount not to exceed Three Hundred Thirty-Nine Thousand One Hundred Thirty-Six Dollars (\$339,136), unless modified by a duly executed contract amendment;

Kemira Water Solutions, Inc. to provide Liquid Ferric Sulfate in an amount not to exceed Four Hundred Sixteen Thousand Eight Hundred Ninety-Five Dollars (\$416,895), unless modified by a duly executed contract amendment;

Xelera Inc. to provide XTC C6272 Polymer, in an amount not to exceed One Hundred Eight Thousand Four Hundred Seventy-Nine Dollars (\$108,479), unless modified by a duly executed contract amendment;

Sensus USA, Inc. to provide meters and meter accessories, in an amount not to exceed Four Hundred Ninety-Nine Thousand Six Hundred Ninety Dollars (\$499,690) , unless modified by a duly executed contract amendment;

Ferguson Enterprises, Inc. to provide maintenance supplies such as lead free brass pipe fittings, saddles and repair clamps, in an amount not to exceed One Hundred Twenty Thousand Dollars (\$120,000), unless modified by a duly executed contract amendment; and

CSG Systems, Inc., d.b.a., DataProse, to provide monthly printing and mailing of Utilities billings, in an amount not to exceed Two Hundred Forty-Five Thousand Dollars (\$245,000), unless modified by a duly executed contract amendment.

Item 18. Utilities; Authorize the County Administrator to Execute a Contract for the Purchase and Installation of CCTV Equipment Used in Sewer Line Inspections and Repairs

Resolution R17-157 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH INDIAN RIVER EQUIPMENT CO. FOR THE PURCHASE AND INSTALLATION OF CLOSED-CIRCUIT TELEVISION EQUIPMENT USED IN SEWER LINE INSPECTIONS AND REPAIRS

WHEREAS, the Utilities Department (Department) must replace its current closed-circuit television (CCTV) truck equipment in order to continue performing inspections and repairs to the County’s sewage distribution and collection system; and

WHEREAS, pricing has been provided by Indian River Equipment Co., through the Houston-Galveston Area Council (H-GAC), a cooperative purchasing program that assists local governments in reducing costs through a nationwide government-to-government procurement service; and

WHEREAS, H-GAC contract pricing for the CCTV truck equipment and installation as specified is One Hundred Seventy Thousand One Hundred Forty-Four Dollars (\$170,144); and

WHEREAS, Indian River Equipment Co. is the Virginia dealer of R.S. Technical Services Inc.’s CCTV equipment; and

WHEREAS, staff reviewed this purchase price and found it to be reasonable for the scope of services desired;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the County Administrator be and he hereby is authorized to execute a contract with Indian River Equipment Co. for the purchase and installation of closed-circuit television truck equipment, in an amount not to exceed One Hundred Seventy Thousand One Hundred Forty-Four Dollars (\$170,144), unless modified by a duly executed contract amendment.

Item 19. Utilities; Authorize the County Administrator to Execute an Agreement with VDOT for Construction of Water and Sewer Betterments at the Ferry Road Intersection

Resolution R17-172 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF WATER AND SEWER UTILITY BETTERMENTS AT THE FERRY ROAD/KINGS HIGHWAY INTERSECTION LOCATED IN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Virginia Department of Transportation (VDOT) is designing and will construct improvements to the Ferry Road/Kings Highway Intersection (Project); and

WHEREAS, it is financially responsible for the County to have water and sewer utility betterments to be completed at the same time as VDOT’s Project; and

WHEREAS, the County will bear the cost for the betterments, which are estimated not to exceed \$600,000; and

WHEREAS, it is necessary for VDOT and the County to enter into an agreement regarding the water and sewer utility betterments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the County Administrator be and he hereby is authorized



to execute an agreement with Virginia Department of Transportation for the construction of water and sewer utility betterments at the Ferry Road/Kings Highway Intersection in an amount not to exceed Six Hundred Thousand Dollars (\$600,000), unless amended by a duly-executed change order; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, is authorized to execute any other necessary or appropriate documents related to the agreement.

Item 20. Utilities; Authorize the County Administrator to Execute a Contract for Painting the Ferry Road Elevated Water Storage Tank

Resolution R17-175 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH GEORGE KOUNTOUPES PAINTING COMPANY, FOR PAINTING OF THE FERRY ROAD ELEVATED WATER STORAGE TANK LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Ferry Road elevated water storage tank is in need of repainting (Project) in order to maintain acceptable water quality and to prevent deterioration of the metal structure; and

WHEREAS, the County received eight bids, of which George Kountoupes Painting Company was determined to be the lowest responsive and responsible bidder, with a bid of \$299,000; and

WHEREAS, funding is available in the FY2017 Utilities' budget for this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 20<sup>th</sup> day of June, 2017, that the County Administrator be and he hereby is authorized to execute a contract with George Kountoupes Painting Company, for the painting of the Ferry Road elevated water storage tank, in an amount not to exceed Two Hundred Ninety-nine Thousand Dollars (\$299,000), unless amended by a duly-authorized contract amendment.

Item 21. Parks, Recreation, and Community Facilities; Authorize the County Administrator to Execute a Contract for Back-up Generator Services

Resolution R17-173 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT RENEWAL WITH CARTER MACHINERY COMPANY, INCORPORATED, FOR BACK-UP GENERATOR SERVICES

WHEREAS, professional generator services are needed to service, maintain, and repair back-up generators at various County facilities, which are beyond the capacity of County staff; and

WHEREAS, the County procured the services of Carter Machinery Company, Incorporated (Carter), cooperatively in 2014 through the University of Virginia's contract through the Virginia Association of State College and University Purchasing Professionals (VASCUPP), contract number UVA1087144 for these services; and

WHEREAS, the University of Virginia extended its VASCUPP contract with Carter through April 28, 2018; and

WHEREAS, staff determined that the proposed contract with Carter is reasonable for the proposed scope of services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the County Administrator be and he hereby is authorized to execute a contract renewal with Carter Machinery Company, Incorporated, to service, maintain, and repair back-up generators at various County facilities, in an amount not to exceed One Hundred Seventy-five Thousand Dollars (\$175,000), unless amended by a duly-executed contract amendment.

Item 22. Parks, Recreation, and Community Facilities; Authorize the County Administrator to Execute a Contract for Landscaping and Ground Maintenance

Resolution R17-174 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH VIRGINIA LANDSCAPE MANAGEMENT, INC. FOR LANDSCAPING AND GROUNDS MAINTENANCE SERVICES

WHEREAS, professional landscaping, grounds maintenance, and Virginia Department of Transportation (VDOT) right-of-way services are needed at various County facilities, that are beyond the capabilities of County staff; and

WHEREAS, bids were received and reviewed, and staff determined that Virginia Landscape Management, Inc. submitted the lowest responsive and responsible bid for these services; and

WHEREAS, funds are available in the Department of Parks, Recreation, and Community Facilities' FY2018 budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the County Administrator be and he hereby is authorized to execute a contract with Virginia Landscape Management, Inc. for landscaping and grounds maintenance services at various County facilities for a one year term with up to four one-year renewals, in an amount not to exceed One Hundred Thousand One Hundred Eighty-eight Dollars (\$100,188), with appropriate consumer Price Index adjustment, unless amended by a duly-executed contract amendment.

Item 23. Public Information/Human Services; Proclamation Recognizing Mr. Ron Branscome on His Retirement as the Executive Director of the Rappahannock Area Community Services Board (RACSB)

Proclamation P17-20 reads as follows:

A PROCLAMATION RECOGNIZING RONALD BRANSCOME ON HIS RETIRMENT FROM THE RAPPAHANNOCK AREA COMMUNITY SERVICES BOARD (RACSB)

WHEREAS, the Rappahannock Area Community Services Board (RACSB) is committed to improving the quality of life for people residing in Stafford County and surrounding localities with mental health, developmental disability, and substance abuse problems, and is committed to preventing the occurrence of these conditions; and

WHEREAS, Ronald Branscome first arrived in Fredericksburg in 1974 to coordinate a project for the Association of Retarded Citizens-Rappahannock Area, which established a community-based system of care for developmentally disabled citizens; and

WHEREAS, Mr. Branscome has served as Director of the RACSB since 1983, and under his leadership, the RACSB has greatly expanded its services in order to meet Virginia's objective to provide more community-based services as alternatives to institutions; and

WHEREAS, during his tenure with the RACSB, Mr. Branscome demonstrated a tireless commitment to those with mental health challenges; the RACSB has built five mental health and substance abuse outpatient clinics and day support sites, as well as 15 residential programs (five of which are located in Stafford County), including The Sunshine Lady House for Mental Health Wellness and Recovery; and

WHEREAS, Mr. Branscome is the longest tenured Executive Director of the 40 Community Services Boards in Virginia; and

WHEREAS, Mr. Branscome received multiple recognitions of his work; the Advocate Award by the Association of Retarded Citizens-Rappahannock, the Rappahannock United Way's (RUW) David A. Langford Volunteer of the Year Award, and the Community Service Award, presented by the Mount Olive Baptist Church. He served as the 2006 RUW Campaign Chair that raised over \$2.8 million to support 35 non-profit human service organizations; and

WHEREAS, Mr. Branscome has served this community in multiple ways to include serving on the RUW board and on the Mary Washington Healthcare Board of Trustees. He is also a member of the Rappahannock-Fredericksburg Rotary, which named him Citizen of the Year in 2015; and

WHEREAS, the Board of Supervisors recognizes the importance of the impact of these services to the citizens of Stafford, and Mr. Branscome's dedication, commitment, and steadfast leadership which greatly impacted the region; and

WHEREAS, the Board acknowledges the efforts and success of Mr. Branscome in enhancing and impacting the availability of resources for those facing mental health challenges and the supports offered for families in our region; and

WHEREAS, the Board also acknowledges the value in Mr. Branscome's partnership with the County and his collaborative leadership that has created opportunities for the citizens of Stafford; and

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that it be and hereby does recognize Mr. Ronald Branscome on the occasion of his retirement and for his contributions to the citizens of Stafford County.

Item 24. Public Information; Proclamation Recognizing International Assistance Dog Week, August 6 – 12, 2017

Proclamation P17-121 reads as follows:

A PROCLAMATION RECOGNIZING INTERNATIONAL ASSISTANCE DOG WEEK, AUGUST 6 – 12, 2017

WHEREAS, assistance dogs help individuals mitigate their disability-related limitations; and

WHEREAS, assistance dogs include service dogs, guide dogs, hearing alert dogs, diabetes and seizure alert/response dogs, and facilities dogs; and

WHEREAS, guide dogs assist people with vision limitations; and service dogs assist people with walking, balance/mobility issues, dressing, retrieving objects and carrying items, opening doors and drawers, pushing buttons, pulling wheelchairs, and aiding in household chores; and

WHEREAS, hearing alert dogs assist their companions with recognizing audible sounds such as an oven timer, a ringing phone or doorbell, crying baby, sirens, smoke or fire alarms; and diabetes and seizure alert/medical response dogs alert their human partners to potential medical conditions such as heart attacks, strokes, diabetic episodes, epilepsy, panic attacks, and coping with post-traumatic stress disorder; and facilities dogs work in a variety of settings providing comfort and companionship to children and adults in stressful situations;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of August, 2017, that it be and hereby does recognize and commend all service/assistance dogs, their trainers and human companions, during International Assistance Dog Week, August 6 – 12, 2017.

Item 25. Information Technology; Authorize the County Administrator to Execute a Contract for a Fiber Network Extension to Potomac Mills, Fire Station #10

Resolution R17-188 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EXPRESS TECHNOLOGIES, INCORPORATED FOR THE EXTENSION OF THE COUNTY'S FIBER NETWORK TO POTOMAC HILLS FIRE DEPARTMENT STATION #10

WHEREAS, the County's Information Technology Department (IT) is working to provide reliable and fast network connection to all of its fire and rescue stations; and

WHEREAS, the Board's Finance, Audit, and Budget Committee and its Public Safety Committee have recommended prioritizing fiber deployment to the County's remote public safety sites; and

WHEREAS, the County can partner with Express Technologies, Inc., under VITA Contract VA-160322-EXPR, to provide fiber and cabling to Potomac Hills Fire Department Station #10; and

WHEREAS, IT staff reviewed the proposal and found it to be reasonable for the scope of services provided, and funds are available in the FY2017 IT budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the County Administrator be and he hereby is authorized to execute a contract with Express Technologies, Inc., under VITA Contract VA-160322-EXPR, in an amount not to exceed One Hundred Nine Thousand Four Hundred Dollars (\$109,400) to provide fiber and cabling to Potomac Hills Fire Department Station #10 unless modified by a duly executed contract amendment.

### UNFINISHED BUSINESS

Item 26. Planning and Zoning; Consider Rezoning 61 Acres from A-1 to R-1 to Allow 97 Single-Family Cluster Lots (Winding Creek) – and –

Item 27. Planning and Zoning; Consider a Conditional Use Permit to Allow a Cluster Subdivision on 61 Acres Zoned R-1 (Winding Creek)

Ms. Kathy Baker, Assistant Director of Planning and Zoning presented these two items concurrently. A public hearing was held on January 24, 2017. It was deferred at that time; transportation issues were of concern to the Board.

Proposed proffer changes included widening Winding Creek Road from the site to the Flatford/Walpole intersection (12' paved travel lanes and 6' shoulders); improvements at Northampton Blvd./Eustace Road were deleted and \$150,662 in improvements were reallocated to Winding Creek Road; cash proffers were revised from \$22,840/unit to \$19,995/unit with an increased value of road improvements from \$786,409 to \$1,186,794; an increase in school proffers from \$16,669 to \$18,215/unit; and increased proffers for the North Stafford HS (NSHS) Capital Improvement Program (CIP) from \$550,000 to \$650,000. The Planning Commission recommended approval (4 – 2) at its meeting on October 26, 2017. Staff also recommended approval with the recommendation to the applicant to consider adding curb, gutter, and sidewalks to the Winding Creek Road improvements to upgrade it to and “urban two-lane major local standard” road.

Mrs. Maurer asked for clarification about the acceptable uses of the \$650,000 proffers for NSHS and whether it had to be used for capacity expansion or could it be used for capital improvements and a general upgrade to the school. Mr. Harvey cited the example of improvements to the Brooke Point HS library as being a capital improvement that was considered capacity expansion.

Ms. Bohmke noted that the project was in the Urban Services Area (USA) but not in the Targeted Growth Area (TGA). Ms. Baker agreed that it was in the USA but not in a designated

TGA. Mr. Harvey added that it was in a suburban area. The deadline for Board action was June 29, 2017; however, the applicant granted an extension through the end of July, 2017.

Ms. Sellers spoke about the project as it was presented two years previous with the proposed Fireberry Blvd. cut-through saying that since that has been removed, and with the newly proffered road improvements, she would support the project. She added that a lot of work was done by Board members, the applicant, and sitting around resident's kitchen tables, in meetings held in gymnasiums, and on the road-side. Ms. Sellers spoke about NSHS saying that the school's bones were good but it needed capital improvements to accommodate additional students. She thanked the community, County staff, and the applicant.

Mrs. Maurer thanked the applicant saying that it was a long tough road. Purchase of Development Rights (PDR) came out of the proffers, as did Belmont. She said that she was not going to support the project but it was not for lacking of trying on the part of the applicant. Mrs. Maurer added that the proffers were insufficient; the NSHS set-aside was problematic and the list of wants was not approved by the School Board. Winding Creek ES was at 100% capacity and residents were tired of being pushed out of their schools due to redistricting. She said the developer worked hard and it was a far better project than what was initially presented but she still could not support it.

Ms. Bohmke said that Mrs. Maurer said it all; she would not support the project either. She talked about the traffic level of service at Eustace Road and Northampton Blvd. being a level E or F, and she couldn't support it for those residents that live out there and that were tired of growth. There was no capacity at Winding Creek ES and although the developer worked hard, she would not support the application.

Mr. Thomas noted that it was the last empty parcel of land in that area and if it were to be developed by-right, the County would receive nothing. He said that he had been very selective with his votes on new development; he voted yes for the Abberly project in order to receive proffers dedicated to a new Germanna Community College (GCC) campus, which would never have happened without those proffers. Mr. Thomas said there was compelling interest in getting Winding Creek Road and intersections in that area fixed. He said that he believed that the School Board should be allowed to use the proffered school money as they see fit. He would support the project.

Mr. Milde said that his initial support of the project was due to the PDR element of the proffers, which had been removed, so he would no longer support the application. He said that as a rule, he did not support small lot subdivisions, which contribute nothing (or very little) to the County but put a strain on its public safety, schools, and other services.

Ms. Sellers motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O17-02

The Voting Board tally was:

Yea: (4) Cavalier, Sellers, Snellings, Thomas

Nay: (3) Bohmke, Milde, Maurer

Ordinance O17-02 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE A-1, AGRICULTURAL ZONING DISTRICT TO THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT, TAX MAP PARCEL NO. 29-4, LOCATED WITHIN THE GARRISONVILLE AND ROCK HILL ELECTION DISTRICTS

WHEREAS, Winding Creek Owner, LLC (Applicant), submitted application RC16151333, requesting a reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning, on Tax Map Parcel No. 29-4, located in the Garrisonville and Rock Hill Election Districts; 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 requested zoning amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of this Ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District, Tax Map Parcel No. 29-4, in the location shown on the plat entitled “Boundary Survey of the Lands of John J. Musselman, Trustee of the Earl F. Musselman Trust, Created U/A/D November 28, 2001” prepared by Bowman Consulting, dated April 1, 2014, sealed June 8, 2016, with proffers entitled “Proffer Statement,” dated June 16, 2017.

Ms. Sellers motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R17-10.

The Voting Board tally was:

Yea: (4) Cavalier, Sellers, Snellings, Thomas

Nay: (3) Bohmke, Milde, Maurer

Resolution R17-10 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP16151334 TO ALLOW A CLUSTER SUBDIVISION WITH A MAXIMUM DENSITY OF UP TO 2.25 DWELLING UNITS/ACRE IN THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT, ON TAX MAP PARCEL NO. 29-4, WITHIN THE GARRISONVILLE AND ROCK HILL ELECTION DISTRICTS

WHEREAS, Winding Creek Owner, LLC (Applicant), submitted application CUP16151334, requesting a conditional use permit (CUP) to allow a cluster subdivision with a maximum density of up to 2.25 dwelling units/acre in the R-1, Suburban Residential Zoning District, on Tax Map Parcel No. 29-4, located within the Garrisonville and Rock Hill Election Districts; and

WHEREAS, the application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1, which permits this use in the R-1, Suburban Residential 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 20<sup>th</sup> day of June, 2017, that a conditional use permit (CUP) request, pursuant to application CUP16151334, to allow a cluster subdivision with a maximum density of up to 2.25 dwelling units per acre on Tax Map Parcel No. 29-4, be and it hereby is approved with the following conditions:

1. This CUP allows a cluster subdivision in the R-1, Suburban Residential Zoning District, which shall be limited to 97 single-family detached dwelling units.
2. The Applicant shall offer as an option to purchasers of any unit, a fire sprinkler system within the unit. The fire sprinkler system is not a requirement for purposes of construction and/or permitting, but rather only an option payable by the purchaser of the unit.
3. 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.

Item 28. Planning and Zoning; Consider Rezoning 1.15 Acres from R-1 to B-1 to Allow Office and Commercial Uses (Falmouth Village Commercial Ms. Baker gave a presentation and answered Board members questions. She noted that the issue brought up by a citizen at the Board's June 20<sup>th</sup> public hearing concerning the access strip along the property frontage was a VDOT right-of-way, not owned by that citizen as was told the Board. Mr. Thomas said that it would all be resolved at final site plan approval.

Ms. Bohmke asked about Gordon Street. Ms. Baker said there were two parcels on Gordon Street and one would be dedicated for parking. Ms. Bohmke asked about Jeromy Range's house. Mr. Thomas said that the developer would have to meet the County's parking standards; Mr. Range's house would not be impacted.

Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O17-17.



The Voting Board tally was:

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

Ordinance O17-17 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT TO THE B-1, CONVENIENCE COMMERCIAL ZONING DISTRICT, ON TAX MAP PARCEL NOS. 53D-1-34, 53D-1-35, 53D-1-43, AND 53D-1-43A, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, LCT and JSC, LLC (Applicant), submitted application RC16151459, requesting a reclassification from the R-1, Suburban Residential Zoning District to the B-1, Convenience Commercial Zoning District, on Tax Map Parcel Nos. 53D-1-34, 53D-1-35, 53D-1-43, and 53D-1-43A, located within the George Washington Election District; 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 requested zoning amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of this Ordinance to reclassify the subject properties;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the R-1, Suburban Residential Zoning District to the B-1, Convenience Commercial Zoning District, on Tax Map Parcel Nos. 53D-1-34, 53D-1-35, 53D-1-43, and 53D-1-43A, in the location identified on the plat entitled, “Zoning Plat on the Lands of Loyd C. Taylor” prepared by Bowman Consulting, dated July 15, 2016, with proffers entitled “Voluntary Proffer Statement,” dated April 25, 2017.

NEW BUSINESS

Item 29. County Administration/Economic Development; Approve an Award of Future Incremental Taxes to Mosaic Aquia Capital, LLC to Incentivize the Redevelopment of Aquia Town Center Mr. Foley presented the item and responded to Board members questions. He said that proposed Resolution R17-183 would permit him to enter into negotiations with Mosaic on a Memorandum of Understanding (MOU). He noted that Meals Taxes went to the Schools and would not be impacted by the proposed incentives.

Mrs. Maurer asked Mr. Foley to confirm if she heard right about fluctuating numbers and the County Administrator granting approval without the final numbers being presented to the Board. Mr. Foley replied that the Board would have a vote before the County entered into an agreement with Mosaic. He said that the net total pay-out was \$18.25 million and the net present value would increase by 5% per year, depending on how quickly revenue came in. Mr. Foley reiterated that the proposed Resolution only gave the County Administrator authorization to enter into negotiations on the MOU, the Board would have the final vote and the MOU would be discussed in Closed Meeting before open session. He said that the MOU would closely mirror the language in the previous agreement, but that any changes would be discussed by the Board in Closed Meeting.

Ms. Sellers asked Deputy County Attorney, Rysheda McClendon, if the \$18.25 million was “not to exceed” number. Ms. McClendon told Ms. Sellers that it was worded that way in the proposed Resolution. Ms. Sellers asked if that language would be in the final terms of the MOU. Mr. Foley responded that it would be. Ms. Sellers asked if there was no agreement, and the Board was at an impasse with Mosaic, would there be no contract. Ms. McClendon agreed that if the terms of the MOU could not be agreed upon by both parties, it would be at an impasse.

Ms. Bohmke wondered if the previous MOU identified a specific grocery store and was told that it did not. Mr. Thomas suggested that the negotiations be for 25 years instead of 30. Mr. Foley said that it could be negotiated that way and he would have more conversations with the Board before entering into negotiations with Mosaic, if the Board adopted proposed Resolution R17-183.

Mrs. Maurer asked Ms. McClendon to explain the difference in a TIF and a gift. Ms. McClendon replied that a TIF required an ordinance and a public hearing, and restricted how the money was used. This “gift,” if approved, would be through an agreement with the County’s Economic Development Authority (EDA). The EDA, not the County, would make the donation to Mosaic. Mrs. Maurer asked why the County could not make the donation directly to the developer. Ms. McClendon replied that it was due to statutory requirements; using the EDA as a pass-through circumvented TIF regulations. Mrs. Maurer asked why it was being called a TIF. Ms. McClendon answered that it was using the TIF formula but it was not a TIF.

Mr. Milde asked if there were any scenario where the County additional money and was there any exposure for the County go into a hole. Mr. Foley said, “No,” and Ms. McClendon also said, “No.”

Mr. Thomas said that a traditional TIF would be used if the developer was using bond financing for the project. Ms. Bohmke asked about Meals Tax going to the Schools and requested historical data about those amounts. Chief Financial Officer, Ms. Maria Perrotte, addressed the Board saying the in FY1990, \$900,000 was budgeted towards a \$25 million Schools budget. In FY2017, Meals Taxes were \$7.5 million towards a \$144 million Schools budget. In FY2018,

Meals Taxes were budgeted at \$8 million. Ms. Bohmke asked for confirmation that the Schools would not lose any money. Ms. Perrotte assured Ms. Bohmke and the Board that the Schools would not lose any money; that there was no impact on the Meals Tax allocation to the Schools.

Mr. Milde asked Mr. Harvey if several of the already existing restaurants in that area were a part of the proposed agreement with Mosaic. Mr. Harvey said they were not. Mrs. Maurer asked if the agreement was not approved, if anything would/could ever be built there again without a donation to the developer; was there anything in County Code that would prevent building without a donation. Mr. Harvey said there was not, there would have to be negotiations with a new applicant or developer.

Ms. Bohmke noted that GEICO had been in the County for 20 years and asked if they were provided any incentives. Mr. Harvey said that the County funded a turn lane on Warrenton Road. Ms. Bohmke asked about other incentives. Board members mentioned the Quantico Corporate Center, Amy's Café in Falmouth Bottom, SimVentions, the Panera Bread sewer hook-up (but that was one-time).

Mr. Scott Mayausky, the Commissioner of the Revenue, said that he shared some of Mrs. Maurer's concerns. In response to the question, Mr. Mayausky said that he'd been the Commissioner of the Revenue for 17 years and was a real estate appraiser before that. Mrs. Maurer asked how long the original Aquia Town Center lasted. Mr. Mayausky said it was approximately 20 years. She asked about the projected Meals Tax of \$530.00 per square foot. Mr. Mayausky said that the average in the County was \$270.00 per square foot and in some areas it was \$355.00 per square foot.

Mrs. Maurer said that the supposed new revenue was not all new revenue as it would take business away (or divert business away) from existing grocery stores and restaurants. Mr. Mayausky said that was a concern of his, too. He added that "leakage" was only an issue with sales and meals taxes; it was not an issue with personal property or real estate taxes.

Mr. Cavalier asked Mr. Mayausky where he went to college; Mr. Mayausky responded that he graduated from West Virginia University. Mr. Cavalier said that everyone had to shop and eat someplace and adding capacity was a good thing; that economic development was a very important tool. He said that to wrap up the discussion, he felt that there were not enough negatives to outweigh the positives. Mr. Milde said there was enough of a selection of restaurants but not enough retail and/or commercial. Mr. Snellings said that it was not fair to put Mr. Mayausky on the "witness stand."

By verbal agreement of the Board, this item was deferred to the Board's July 5, 2017 meeting.

Mrs. Maurer reminded the Board that there was another new business item to take up before adjourning the afternoon session. Ms. Sellers asked that Moncure ES proffers be deferred to the July 5<sup>th</sup> meeting so that she could obtain additional information about attendance zones.

The Board adjourned to the ABC Conference Room for a joint dinner/meeting with the EDA.

At 7:03 p.m. the Chairman reconvened the meeting. Ms. Bohmke gave the Invocation and Mr. Cavalier led the Pledge of Allegiance. Mr. Milde announced that the Board would adjourn to Closed Meeting to discuss an item coming up for public hearing.

Presentations by the Public II – The following persons indicated a desire to speak:

Bill Johnson-Miles - Spoke about education and teacher's pay; said that the Board held the School's purse strings; in the FY2018 budget, only 51% went to the Schools. Stafford County has the sixth highest median income in the United States yet it is 430 out of 470 on the teacher salary scale; turnover exceeds 10%. The Board must invest in its schools.

Stephanie Carter - Said she shrugs with disappointment because school budgets were shrinking; houses were going up everywhere; traffic was hideous; and the quality of life in Stafford suffered. She suggested that citizens' vote for Democrats in November both on the local and state level to ensure needed change.

Phyllis Filoso - Reminded Board members about the recession and how Stafford County came through it in good shape; Harris Teeter and Mosaic should be reminded of that and it should encourage them to come into the County without unnecessary incentives.

Greg Bundrick - Attended the afternoon session and heard Board members rebuke speaker comments; dial back on school concerns; and tell constituents to dial back on social media. He said that the Board Chambers was a protected space; that citizens who took time to come to Board meetings should be encouraged, not rebuked; that the Board needed citizen engagement and people had the right to use whatever media they chose. Board members should not use Board meetings as a soap box and there should be no talking back; great respect should be shown.

#### CLOSED MEETING

At 7:18 p.m., Ms. Bohmke motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM17-11.

The Voting Board tally was:

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

Nay: (0)

Resolution CM17-11 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion and consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board, and (2) consultation with legal counsel and briefings by staff members pertaining to

actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Board; and

WHEREAS, pursuant to Virginia Code § 2.2-3711(A)(3) and (7) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, does hereby authorize discussion of the above matters in Closed Meeting.

Legislative; Closed Meeting Certification At 7:35 p.m., Mrs. Maurer motioned seconded by Ms. Bohmke, to adopt proposed Resolution CM17-11(a).

The Voting Board tally was:

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

Resolution CM17-11 (a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 20, 2017

WHEREAS, the Board has, on this the 20<sup>th</sup> day of June, 2017, 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 20<sup>th</sup> day of June, 2017, 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.

### PUBLIC HEARINGS

Mr. Cavalier left the meeting at 7:36 p.m. citing a possible business conflict with Item 30, Sycamore Grove. He returned to the meeting at the end of the public hearing.

Item 30. Planning and Zoning; Consider Rezoning 88 Acres from A-1 to B-2 to Allow Single-Family and Commercial Uses (Sycamore Grove) Mr. Harvey gave a presentation and answered Board members questions. Mr. Charlie Payne, for the applicant, also gave a presentation and answered Board members questions.

Mr. Harvey outlined the proposed traffic changes and road improvements and talked about a round-a-bout at the Mountain View Road intersection. Ms. Sellers asked why not install a traffic signal. Mr. Harvey said that VDOT would not approve a signal but they did approve a round-a-bout there, as there was a higher probability of accidents at a signalized intersection than at a round-a-bout.

Ms. Bohmke asked if all the details had been worked out regarding a proffer for an additional right turn lane onto the I-95 ramp. Mr. Harvey said that an additional engineering study was needed but that it was in the planning stages.

Mr. Harvey said that the proposed development was in a Dam Break Inundation Zone (DBIZ), and siting new buildings and structures within a DBIZ was not compatible with the Comprehensive Plan (Comp Plan). Mrs. Maurer asked if they were high hazard dams, to which Mr. Harvey agreed. She asked about responsibility in the event of a dam failure. Mr. Harvey said the E-911 reverse calling system would be one source of notification; that there was an established notification protocol in the event of dam failure. Mrs. Maurer asked if all three dams were high hazard dams. Mr. Harvey said that Abel Lake, Potomac Creek and the Curtis Lake dam were all high hazard dams. Mr. Snellings asked how far away Curtis Lake was from the proposed development. Mr. Harvey said that it was several miles away and its DBIZ only touched the smallest portion of the proposed development area.

Mr. Harvey noted that there were two bald eagle nests within the proposed site, which were covered under two levels of protection for active nests including set-backs of 330' and 660'. Proffers were included indicating that development would not impact the eagle's nests. Mrs. Maurer asked if the eagle's nests were active, how the developer would proceed. Mr. Harvey said they would have to reconfigure or restrict their plans; that the eagle's nests would be identified as active (or inactive) in the preliminary stages of development so as to minimize the impacts. Ms. Sellers mentioned the long-eared bat in north Stafford and that no trees could be cut down during certain months of the year. Mr. Milde said that both the eagles and long-eared bats could be worked around.

Mr. Milde asked about monetary proffers. Mr. Harvey said that the proposed monetary contributions equaled \$13,656.44 per unit for a total of \$2,321,594.80. Lump sum payments amounted to \$215,000 for a traffic signal and \$50,000 for other community purposes. If approved by FRED, a bus stop would be constructed; there would be a community pool and walking trails; and the historic Oakenwold residence and outbuildings would be preserved. Mr. Snellings asked if the application was denied, was there any by-right obligation to preserve Oakenwold. Mr. Harvey said there would be no protection at all. Mr. Snellings said if it were to be denied, 105 units could be built by-right.

Ms. Bohmke spoke about the wetlands impacts. Mr. Harvey noted that the Comp Plan recommended that the impacts be avoided or minimized as significant permitting, which was lengthy and costly for a Federal permit, would be required if the intermittent stream or wetlands were impacted. Ms. Sellers said that working with the Army Corps of Engineers and the

Environmental Protection Agency (EPA) was a long process and outside the County's control. Mrs. Maurer asked if it were to be a by-right development (only), would the developer still have to work with the EPA, etc. Mr. Harvey said, "Yes."

Mr. Thomas asked about the H-1 Airport Land Use Compatibility Zone and if anything would ever be recommended for location there. Mr. Harvey spoke about possible acceptable uses. Mr. Thomas spoke about other criteria including the DBIZ. Mr. Harvey said that the location being in a DBIZ could not prevent development although the Comp Plan recommended against it. Staff was recommending the proposed B-2 zoning reclassification, but not the requested R-2 zoning; the proffers were predicated on both rezonings being approved. He added that the Planning Commission voted 7 – 0 to recommend denial at its meeting on April 26, 2017. Mr. Snellings asked if there was a time limit. Mr. Harvey said there was June 29, 2017, but that the applicant granted an extension to the end of July 2017

Mr. Payne gave a presentation and answered Board members questions. He confirmed Mr. Harvey's statement that the applicant agreed to give the Board until the end of July to make a decision. Ms. Sellers asked Mr. Payne about trails back to the eagle's nests. Mr. Payne said that it would be addressed at site plan review. He noted that the applicant, The Engineering Groupe, was planning to move its headquarters into a portion of the commercial space that was a part of the development.

Mr. Payne discussed the residential component and gave an overview of the commercial portion of the project. He said that pursuant to the initial filing, the land was a part of the Centreport Urban Development Area (UDA) and was currently within the Central Stafford Business Planning Area, adding that the proposed commercial uses are consistent with the Comp Plan and the project is within the Urban Services Area (USA).

Mr. Payne spoke about the Mack McCarthy \$50,000 endowed Scholarship. Mrs. Maurer asked Ms. McClendon if that was enforceable. Ms. McClendon said it was not. Mrs. Maurer said that if the scholarship was intended to assist the Schools, why not convert it to a schools proffer. Mr. Payne said he would think about it.

Mr. Snellings said he had a concern about the walking trails; that people purchasing a \$500,000 house would not want strangers or undesirables walking around their houses, and asked Mr. Payne how he/they would control that. Mr. Payne said that they would have to look it at from that perspective and how to deal with that. Mrs. Maurer spoke about a homeowner's association and the trails option being up to the residents. Mr. Payne said they had not gotten that far yet. He said that if the County did not want the 130 open space acres, it could be placed in a conservation easement. Mrs. Maurer spoke about maintaining trails on the easements. Mr. Payne said that it would be up to the holder of the easement but that trails would not be within the 130 acres of open space or wetlands. He said that the developer would give the County the right of first refusal on the 130 acres of open space. Mr. Snellings clarified that he did not mean to say that all people that walk on trails were undesirable but there were statistics about crimes

committed on some trails. Ms. Sellers spoke about the good trails at Austin Ridge and Park Ridge.

The Chairman opened the public hearing. The following persons spoke:

Ruth Carlone

Hank Scharpenberg

Hamilton Palmer

Alane Callendar

Mr. Payne gave the applicant's rebuttal saying that his client did listen to the Board's concern from when the development was first presented and changed the plan from 650 mixed-use to 150 single-family residences; it was not a planned stand-alone residential community, there would be 150,000 s.f. of commercial and significant open space. He said that the H-1, Airport Compatibility Zone, did not kick-out residential development, it suggested that it be given close oversight; that the planned homes would be 3200 feet away from the mid-point of the runway; noise mitigation would be built into the construction; and there would be an owner's disclosure signed by all buyers. Mr. Payne said that he met with the Airport Authority and that neither he nor his client ignored concerns of residents or the Board.

The Chairman closed the public hearing.

Mr. Snellings said that he wished to defer the item until he had an opportunity to meet with members of the Stafford Regional Airport Authority.

Mr. Snellings motioned, seconded by Ms. Sellers, to defer this item to July 5, 2017.

The Voting Board tally was:

Yea: (6) Bohmke, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Abstain: (1) Cavalier

Item 31. Planning and Zoning; Consider Amending Proffer Conditions to Allow the Approved 207 Independent Living Units to be Developed as Either Assisted Living Beds or Independent Living Units, Zoned LC Mr. Harvey gave a presentation and answered Board members questions. Mr. Charlie Payne, representing the applicant, also addressed the Board.

Mr. Harvey said that the requested proffer amendment (#1) modified the mix of dwelling unit types permitted to allow the approved 556 beds, either as assisted living (AL) or independent living (IL), of which at least 100 would be IL (200) through full build-out of the project, but no less than 30 IL units at any one time. Proffer amendment (#5) dealt with Fire and Rescue issues including any increase in AL beds that may result in an increase EMS calls to the wood-framed construction. Mr. Snellings asked if there would be sprinklers. Mr. Harvey said there would be sprinklers.



Proffer amendment (#2) clarified a prior requirement the IL units were the only types of units required to pay cash proffers; and would prohibit the applicant from seeking any future reimbursement of cash proffers previously paid for IL units. Mrs. Maurer asked about the total number of units to which the developer committed. Mr. Harvey said the current, paid contributions/cash proffers were \$367,770 with in-kind transportation improvements paid in the amount of \$582,000. Future contributions with 54 IL units were \$431,730, for a total of \$1,381,500. Mrs. Maurer said that it looked like the County was losing \$300,000 on this deal. She asked if the goal was to reduce cash proffers or get more flexibility based on the current market. Mr. Harvey said that the developer was reacting to the needs of the community.

Mr. Milde said that the project that was first presented in 2008 and was very different. There was a big difference between the care and services in AL vs. IL. Mr. Harvey said that the in-kind transportation improvements were complete. Mr. Thomas asked if the IL converted to AL, could they ask for their money back. Mr. Harvey said they could not. Mrs. Maurer said that they saved \$1 million on transportation improvements. Ms. Sellers asked how many of these people would have a vehicle. Mr. Milde replied that none in the AL units would have one. Mrs. Maurer said that her mother-in-law and father-in-law were in need of help and she saw the need for flexibility but wanted to know if AL converted to IL would they not have to pay proffers. Mr. Harvey said not unless the number of units was below 100.

Mr. Harvey said that the Planning Commission recommend approval by a vote of 5 – 0. Mr. Snellings said that fire protection was better than in stand-alone apartments. Mr. Harvey said there would be a mix of units with 24/7 staffing and an evacuation plan on file in the AL units. There was no 24/7 staffing in the IL units but there would be an evacuation plan in the event of fire. Mr. Snellings said he was very familiar with the building and he understood Fire and Rescue's concerns. Mr. Thomas asked if the number of beds increased would the number of staff increase as well. Mr. Harvey said there was an established staff to resident ratio to which they had to adhere.

Mr. Payne addressed the Board. Mr. Milde asked about the special entrance off Independence Blvd. for fire trucks. Mr. Payne said that it was closed now as it was no longer needed. Mrs. Maurer spoke about \$7,995/unit. Mr. Payne said it could go up but could not go below 100 units. Mr. Payne told Mrs. Maurer that if IL is changed to an AL classification, they must notify the State and the County.

The Chairman opened the public hearing. The following persons indicated a desire to speak:

Greg Bundrick  
Alane Callendar

Mr. Payne, in the applicant's rebuttal said that there was a definite need in the community for such facilities and this community was in close contact with friends and family of its residents.

He said there are walking trails, a shuttle bus to shops, restaurants, etc., and that placing such a development next to the hustle, bustle of a hospital was undesirable to its residents.

The Chairman closed the public hearing.

Mr. Thomas said that he had the same concerns as did Fire and Rescue. Ms. Sellers talked about treatment models and that in-home care was not what was being taught anymore. It was good to keep spouses together in IL or AL units. Ms. Bohmke said she'd visited the location for several events and the demand today was very different than in years past. Mrs. Maurer spoke about her in-laws and said she would support this. Mr. Snelling said that he would not support it as he had major concerns about evacuations in case of a fire. Mr. Milde said it was an interesting application and that he knew well about retirement communities after taking care of his grandparents in Florida. They were in a high-rise in Fort Myers, Florida and loved it, they were proud of living there, it was a great experience for them and they even had hospice in place at that same facility.

Mr. Thomas motioned, seconded by Mrs. Maurer, to adopt proposed Ordinance O17-21.

The Voting Board tally was:

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

Ordinance O17-21 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON TAX MAP PARCEL NOS. 44FF-1, 44FF-2, AND 44FF-2B, ZONED LC, LIFE CARE/RETIREMENT COMMUNITY, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Stafford IL-AL Investors, LLC, and Stafford Residential I, LLC (Applicants), submitted application RC16151470, requesting an amendment to proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, consisting of 21.77 acres, zoned LC, Life Care/Retirement Community, within the George Washington Election District; and

WHEREAS, Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B are subject to proffered conditions pursuant to Ordinance O14-20, adopted by the Board on June 17, 2014; 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 requested proffer condition amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of this Ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained to amend proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, zoned LC, Life Care/Retirement Community, as specified in the proffer statement entitled, “Proffer Amendment Statement, Stafford Nursing Home and Retirement Community Stafford, Virginia,” dated April 26, 2017.

Item 32. Planning and Zoning; Consider Rezoning 2.65 Acres from A-1 to M-1 to Allow for a Mini-Storage Facility (Cool Spring Storage) Ms. Kathy Baker gave a presentation and answered Board members questions. She noted that properties all around the subject parcel were already zoned M-1. Bill Johnson was the applicant. Access to the subject parcel would be through the cell tower parcel, with no new access points off Cool Spring Road. The existing equipment storage yard and fencing would be removed and the uses established would not result in the generation of more than 500 vehicle trips per day. The Planning Commission voted 6 – 0 to approve the application.

The Chairman opened the public hearing. No persons indicated a desire to speak.

The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Ms. Bohmke, to adopt proposed Ordinance O17-23.

The Voting Board tally was:

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

Ordinance O17-23 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE A-1, AGRICULTURAL ZONING DISTRICT TO THE M-1, LIGHT INDUSTRIAL ZONING DISTRICT, TAX MAP PARCEL NO. 54E-2-19A, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Johnson Commercial Real Estate, Inc. (Applicant), submitted application RC17151632, requesting a reclassification from the A-1, Agricultural Zoning District to the M-1, Light Industrial Zoning District, on Tax Map Parcel No. 54E-2-19A, located within the George Washington Election District; 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 requested zoning amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of this Ordinance to reclassify the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the A-1, Agricultural Zoning District to the M-1, Light Industrial Zoning District, on Tax Map Parcel No. 54E-2-19A, in the location identified on the plat entitled ALTA/NSPS LAND TITLE SURVEY ON THE LANDS OF PERRY R. SISSON, prepared by Fairbanks & Franklin, dated March 4, 2016, with proffers entitled “PROFFERS - Cool Spring Storage Facility” dated March 16, 2017.

Note: Mr. Snellings left the meeting at 9:30 p.m. citing health reasons.

Item 33. Planning and Zoning; Consider Amending the Comprehensive Plan to Expand the Transfer of Development Rights Receiving Area – and –

Item 34. Planning and Zoning; Consider Amending the Zoning Ordinance “Receiving Properties” to Modify the Transfer of Development Rights Ordinance Deleting the Requirement that Property be Designated as Part of a Redevelopment Area to Qualify as a Receiving Property

Mr. Jeff Harvey gave a presentation on both Item 33 and 34 concurrently. The request amended Chapter 3.8 of the Comp Plan to expand the Transfer of Development Rights (TDR) receiving area; and to amend Code Sec. 28-358, “Receiving Properties,” to modify the TDR ordinance by deleting the requirement that property be designated as part of a Redevelopment Area (RDA) to qualify as a receiving property. This would increase the maximum number of dwellings units the receiving area could accommodate from 2,240 to 3,081 future units. Mr. Milde said there was no correlation, and it would not make any difference to the number of receiving units by Code in the established receiving area but that he hoped this would encourage residents to participate in the TDR program.

The Chairman opened the public hearing.

Alane Callendar

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R17-93.

The Voting Board tally was:

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

Resolution R17-93 reads as follows:

A RESOLUTION TO AMEND THE STAFFORD COUNTY COMPREHENSIVE PLAN IN ACCORDANCE WITH VIRGINIA CODE §15.2-2229, BY ADOPTING THE PROPOSED AMENDMENTS TO

CHAPTER 3, “THE LAND USE PLAN,” OF THE TEXTUAL DOCUMENT ENTITLED “STAFFORD COUNTY, VIRGINIA, COMPREHENSIVE PLAN, 2016-2036,” ADOPTED ON AUGUST 16, 2016 (COMPREHENSIVE PLAN), REGARDING EXPANSION OF THE TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA

WHEREAS, the Transfer of Development Rights (TDR) Program became effective in 2015; and

WHEREAS, since adoption of the TDR Program, no property owners have participated in the Program; and

WHEREAS, Virginia Code §15.2-2229 authorizes the Board to amend the Comprehensive Plan; and

WHEREAS, the Board desires to expand the TDR Receiving Area to enhance the opportunity for property owners to participate in the Program; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed Comprehensive Plan amendments and provided its recommendations to 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 adoption of the proposed Comprehensive Plan amendments are consistent with good planning practices;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that it be and hereby does adopt amendments to Chapter 3.8, Transfer of Development Rights, of the textual document entitled “Stafford County, Virginia, Comprehensive Plan, 2016-2036,” adopted on August 16, 2016, as identified in Exhibit A.

Ms. Sellers motioned, seconded by Ms. Bohmke, to adopt proposed Ordinance O17-19.

The Voting Board tally was:

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

Ordinance O17-19 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-358, “RECEIVING PROPERTIES”

WHEREAS, the Transfer of Development Rights (TDR) Program became effective in 2015; and

WHEREAS, since adoption of the TDR Program, no property owners have participated in the Program; and

WHEREAS, the Board believes that expanding the TDR Receiving Area will enhance the opportunity for property owners to participate in the program; and

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

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of June, 2017, that Stafford County Code Sec. 28-358, “Receiving properties” be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 28-358. - Receiving properties.**

(a)

In order for a property in a receiving area to qualify as a receiving property eligible for a transfer of development rights to said property, such property shall be:

- (3) Located within the urban services area (USA) by the comprehensive plan; and
- ~~(4) Designated as part of a redevelopment area (RDA) by the comprehensive plan; and~~
- ~~(5)~~ (4) Included in an assessment of the infrastructure in the receiving area that identifies the ability of the area to accept increases in density and its plans to provide necessary utility services within any designated receiving area.

Add-on Item 35. Authorize the County Administrator to Budget and Appropriate Proffers for Anne E. Moncure Elementary School Ms. Sellers said that she wished to pull back on this item to allow time to discuss attendance zones with the School Board. Mrs. Maurer said that she appreciated the pull back. Mr. Thomas noted that if it was discussed at this meeting, then it could be brought back as Unfinished Business. Ms. Sellers said that the cost was \$2.5 million over budget; the Schools reduced the cost by \$1.5 million but were still in need of an additional \$1 million. She said that she wanted to see the impact on Garrisonville students before going to bat for a school in the Griffis-Widewater District.

Adjournment At 9:52 p.m., the Chairman adjourned the Board of Supervisors meeting.

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Thomas C. Foley  
County Administrator

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Paul V. Milde, III  
Chairman