

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

July 5, 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 Wednesday, July 5, 2017, in the Board Chambers, 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. There were none.

Ms. Bohmke motioned, seconded by Ms. Sellers, to adopt the regular agenda.

The Voting Board tally was:

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

School Superintendent, Dr. Bruce Benson, gave a presentation to the Board and talked about the recently completed and very successful 2017 Teaching and Learning Summit (Summit). During his remarks, Dr. Benson showed pictures taken at the Summit and thanked Mr. Thomas for attending the opening day of the Summit. Dr. Benson shared the Munis ESS Live was a self-serve module available to all Schools’ staff providing access to payroll and benefits information. He noted that they were shifting the entire division to Google Cloud. Recognition was received for the Schools’ budget book, its Parent Communication newsletter; and the Employee Buzz newsletter.

Dr. Benson talked about using Westgate and Shelton Woods proffers to pay for capacity expansion at Colonial Forge HS and Mountain View HS, which would free up Virginia Public School Authority (VPSA) funds to be applied to the cost of the rebuild of Moncure Elementary School.

Also included in Dr. Benson's request was a one-time appropriation of Capital Reserve funds to the Schools' Construction Fund, in the amount of \$319,904, also to be applied to the overage in the construction bid for Moncure ES.

Dr. Benson announced the following appointments: Chris Fulmer, Chief Financial Officer; Lisa Boatwright, Executive Director of Human Resources; Wendy Martin-Johnson, Executive Director of Student Services; and Nicole Stewart, Executive Director of Technology. These positions are considered to be part of the Superintendent's Cabinet, effective July 1, 2017.

School Board Chairman, Ms. Holly Hazard, addressed the Board saying that Dr. Benson's contract was renewed for an additional four years. Mr. Snellings confirmed that it was a contract extension. He then asked if a timeline determination had been made for construction of High School #6. Dr. Benson replied that it had not; a methodology and formula had to first be approved by the School Board. High School #6 had to be included in the joint Capital Improvement Program (CIP) and therefore, a decision should be made soon.

Mr. Curry Roberts, Director of the Fredericksburg Regional Alliance (FRA), addressed the Board providing an update on FRA's activities. He spoke about CANSEC Defense Contractor connections. Ms. Sellers asked about contractors and companies in this region with existing relationships with Canadian defense contractors and offered to work with Mr. Curry. Mr. Curry responded that he would be in touch with Ms. Sellers and thanked her for her assistance.

Ms. Bohmke noted that transportation was one of the biggest challenges in this region and asked Mr. Curry to relate two of the top things that out-of-area developers love about Stafford County, and two of their top concerns. Mr. Curry responded that the light tax burden, the business climate, and the skill set of the local workforce were all things that attracted businesses to Stafford County. Items of concern included the lack of sites, especially improved sites for business and industrial development. He also cited transportation as being both a blessing and a curse. FRA lost a prospect two years ago due to its concern that it would not be able to travel efficiently on I-95 between Washington D.C. and Stafford County. Mr. Curry said that I-95 was not "our" problem to solve; that it was a major thorough-fare on the east coast. Ms. Sellers spoke about Mr. Curry's comment about lack of site-ready locations. She said that the Board would be proactive with rezonings for business and industry as it was one of the Board's top priorities. Mr. Milde mentioned Riverside as being zoned M-1 with established work space. He said that the Board wished there was more interest in Riverside. He added that the County invested in development around Stafford Hospital and the Courthouse.

Mr. Curry said that Riverside had not yet been scored for its readiness level, which must be done for inclusion in the State's database. FRA would work with the County's economic development staff to make that happen. Mr. Milde said that Mr. Curry should connect with Bruce Register, Economic Development Director, and Tom Foley, County Administrator. Mr. Milde talked about infill development in the Chatham and Butler Road areas, as well as the Ferry Road and Route 3 area.

Mrs. Maurer asked if developers had to ask to be scored or did FRA look at Stafford County as a whole, and identified properties that it was interested in. Mr. Curry replied that FRA wanted the developer involved in the site-finding process; that the developer's involvement was invaluable to the process. Mrs. Maurer said that Riverside was interested and asked that Mr. Curry reach out to them. Mr. Curry agreed and added that it would and said that for it to be included on the data center list, the capacity had to be in place and there was no driving through residential areas to reach the Center.

Ms. Bohmke asked about the four projects noted on Mr. Curry's Power Point slide. Mr. Curry said that one was in King George County and the other three were in Spotsylvania; the three in Spotsylvania went into existing buildings. Ms. Sellers referred to another chart asked how other localities were funding economic development. Mr. Curry said that it was not economic development funding shown on the chart; it was the per capita taxes paid in each locality. Mr. Cavalier said that only \$1.00 per capita went to FRA. Mr. Foley said that staff would work with Economic Development on identifying sites in the County.

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

Patrick Lowery - Seafood manager at Shoppers', County resident since 1990, Harris Teeter should foot its own bill, there should be no tax incentives – that money should be used for schools and road/transportation issues.

Donald Hockaday - Employed by Giant Food, asked the Board to vote no on the Harris Teeter tax incentives; confused by the varying dollar amounts on the MOU and where the money was going. Harris Teeter should foot its own bill as did Giant Food.

Felicia Miller - Asked the Board to vote no on the tax incentives for Harris Teeter; it took money away from the County's residents; Harris Teeter should pay its own way.

Heath Fenner - Union representative for Giant Food and Shoppers; against tax incentives for Harris Teeter or developers; there are plenty of grocery stores, most of which are under-performing; a tax incentive would have a negative impact on employees at existing stores; it is not the role of government to give incentives; give the money to County teachers.

Jennifer Morgan - Concerned about the lack of transparency, the changing dollar amounts and percentages, and that the Board gave the sole power for negotiating the MOU to the County Administrator; talked about reporting revenue loss; GASBY/tax abatement, which required public approval.

Jeffrey Trigger - The County cannot afford back-door deals with Mosaic; talked about Petco and Hair Cuttery at Doc Stone; said the County was setting a bad precedent; talked about the long term effect to infrastructure and Schools; it was too big a risk, asked who paid the bills if it failed; noted that Stafford was the ninth wealthiest county in the country.

Patricia Harman - On the Aquia Harbour (AH) Board of Directors; talked about the County getting new revenue from what is now an abandoned lot; 60% of the taxes would go to the Schools; accepting the Mosaic MOU was not giving away tax payer's money; the Board was not listening to its staff; challenged the Board to give unanimous approval to the Mosaic MOU; said that the abandoned lot was a failure.

David Humphrey - AH resident, former president of the AH Board of Directors; if the Harris Teeter deal did not go through, it would be hard to market Aquia Town Center to other developers with no frontage on Route 1; AH residents beg to not have to cross Route 1 or I-95 to get to Garrisonville Road. He shops at Wegman's; there is a need for a high-quality grocer in north Stafford.

Frank Adams - Resident of AH; not a perfect deal but the Board should vote in favor of the Mosaic MOU as something was better than nothing. For 13 years drove by the blight where Aquia Town Center used to be; promises were broken. Citizens elected the Board and they can get them out of office, too, not a threat. He trusts that the Board would do right by his family and fix that area.

James Hepner - Not against Harris Teeter but Kroger is a multi-billion dollar company that can pay its own way; full-time jobs with benefits are needed in the County, not another grocery store with part time jobs paying minimum wage. The County should patch pot holes, provide better pay for its teachers, and the Board should vote no on the Mosaic MOU.

Ruth Carlone - Mosaic is doing a snow job on the County, which will melt away and leave nothing. Regarding Sycamore Grove, in the flight pattern of the airport and in a Dam Break Inundation Zone (DBIZ); Board members are ignoring the County's Comprehensive Plan (after the Winding Creek debacle). The Sycamore Grove land should be used for business and industry, not residential, ludicrous. Asked if the houses were sprinkled; said that sound-proofing did nothing; asked about the soil composition and if tests were done to the highly erodible, shrink-swell soil.

Yolanda Roussel - Aquia District resident and candidate for the Aquia District Board of Supervisors seat on the Board; left New Orleans in 2005 because of Hurricane Katrina; Sycamore Grove is in the DBIZ and no one should live there or build there; asked if there would be full disclosure to buyers regarding the DBIZ; asked if buyers could be assured of no damage in the event of a plane crash and if the Schools and emergency providers had a back-up plan in the event of a flood or plane crash. Said there was no way she would ever live there.

Walter Kaplan - Does not work for grocery stores; travels by the blight of Aquia Town Center every day on his way to work in northern Virginia; no revenue there for the last ten years, any deal is better than no deal; travels out of the County to grocery shop; an upscale grocer is needed; asked the Board to vote to consider the Mosaic deal.

Russ Fenner - County resident since 1975, there used to be a Bond Foods and a 7-11 on Route 610, now they are gone and there is a Giant, Aldi, Shoppers, and a new Wal-Mart

food store, none of which are operating at full capacity; do not need another grocery store and giving a tax break to Kroger is ludicrous. Harris Teeter would not get much traffic nor would they want to be located next to a rent-restricted apartment complex. Mr. Cavalier is his representative on the Board and he has done excellent work for residents of AH working with the cable companies. Mr. Fenner said he does not support Mosaic.

Alexis Harvey - Vice President of the AH Board of Directors; sad to hear Board members say “it’s not in my district.” Aquia Town Center is blight on the entire County where it could be an asset if it were developed. If the Board turns down Harris Teeter, other stores will not want to go there. Stafford County is a horrible walking community; there is nothing on the east side of I-95 and crossing Route 610 is unsafe as there is too much traffic. The Mosaic plan is inviting and would fix the blight at Aquia Town Center.

Dan Squillaro - Vote no on the Mosaic MOU but unsure what the Board would vote no on, is it the negotiations? or the MOU? There is murkiness there, “Buyer Beware.” There has been no public hearing; is it a donation or a tax incentive? Total lack of transparency and the “better than nothing” philosophy is a logical fallacy. If approved, it’s selling short the welfare of the County’s children – the money should go to the Schools, not Mosaic or Harris Teeter, and the County should wait for a better deal.

Mr. Milde noted that the background report, which was available on the County’s website, went into full detail on the Mosaic MOU and negotiations.

Hank Scharpenberg - Regarding Sycamore Grove, the worst rezoning in the County’s history with 105 units under the Airport’s traffic pattern; increasing the number to 170 would have obvious safety implications. He encouraged the Board to rise above the interest of a few and vote against Sycamore Grove for the good of the many.

Dana Brown - Likes Harris Teeter but not enough to agree with the Mosaic deal; the County should “let them walk” and not set a precedent; it left a bad taste in her mouth and the Board should recognize extortion when it sees it. If anything, the Board should go back to the original deal at \$6 million.

Jim Hodges - Lived in Stafford County since 1981; served on the AH Board of Directors as Treasurer and President (two terms each). A lot of money spent on amenities that are open to County residents in AH; \$150,000 on road improvements; \$1 million on law enforcement; \$100,000 on dredging, navigation and flood control; the AH police help the County’s Sheriff’s deputies; Aquia Town Center is an eyesore. Mr. Milde and Mr. Cavalier attend AH Board of Director’s meetings and get “beat up” by residents about the future of the Town Center and it’s time the Board did the right thing. Mr. Thomas attended a meeting before the election and state that he was in favor of the Mosaic agreement; Ms. Susan Stimpson attended and she was not in favor of the Mosaic agreement.

Roger Feldman - Retired with three grandchildren; Kroger is rich and does not need the tax incentives; they are looking store-by-store and location-by-location to decide where to locate its new stores; the Aquia Town Center is an eyesore; a good business plan makes sense and is needed to build it into a thriving center.

Board Member Presentations Board members spoke on related topics and asked that items as identified be removed from the Consent Agenda for discussion and separate vote:

Ms. Bohmke - Attended the Rappahannock River Basin meeting and received a report that Pennsylvania was getting on board with efforts at reducing run-off into the Chesapeake Bay including nitrates, sediment, and phosphorous flowing downstream from Pennsylvania into the Bay. Attended two HOA meetings, one in Ridgepoint regarding stormwater management, and another one at the Dogwood Airport on garages and hangar structures; Attended the Greenfield Assisted Living Celebration and said it was unbelievable the wonderful facility now compared to how it was years ago. Provided an update on the Infrastructure Committee (IC) meeting including changes to the Commonwealth Transportation Board (CTB) revenue sharing projects; the County is doing a sidewalk project on Onville Road; considering a permanent right-of-way on Stillwater Lane once it has been brought into the State System; a sewer project on Snellings Lane (#8 on the Consent Agenda); a possible service district at Lake Carroll due to a failed dam (19 residents live there in the George Washington District). The cost is \$25,000 to start but once a service district was established, the County would be repaid. That project would move along as the required number of property owners signed a petition requesting it. No tax payers aside from those living at Lake Carroll would be impacted by the Service District, if established. Eagle Scout Braden Clayberg's project in the Public Safety Building gives recognition to two fire fighters that lost their lives in the line of duty in 1956 and in 1990 (Izzy Rodriguez and Jay Sullivan). The project showcases their uniforms and is very well done, all should go see it.

Mr. Cavalier - Regarding Mr. Thomas' report, Petco is not moving from Doc Stone to the Aquia Town Center. He asked that the Board, at its meeting on August 15<sup>th</sup>, present a proclamation to Mark Smith, Stafford Middle School, where Mr. Cavalier's children attended, is the winner of Virginia's Middle School Principal of the Year award.

Mrs. Maurer - Mrs. Maurer stated that she was really disappointed with fellow Board members, especially Mr. Cavalier who said there were too many women on the Board; she asked for a formal apology. The Rock Hill Volunteer Fire Department celebrated its 41<sup>st</sup> anniversary with the installation of officers; it was a wonderful event where career and volunteer staff came together. The keynote speaker talked about the value of a combined career/volunteer system. Attended the VACo Region 7 Legislative Meeting and the High Growth Coalition Meeting where she heard a strong desire to get rid of the Proffer Bill and that Impact Fees are gaining momentum, which Mrs. Maurer said she found surprising coming from

the localities and developers. Attended the Joint Schools Working Committee (JSWC) and the Joint Finance, Audit, and Budget Committee (JFAB) meetings; quite a bit of miscommunication on how the Schools are using proffer funds; will go into detail when Item 11 on the agenda was discussed later in the meeting. Attended the ribbon cutting of the Wal-Mart grocery on Route 610, they opened without corporate welfare; the parking lot is full, the company is happy and so are its customers. In an observation about information provided to the public in the agenda item background reports Mrs. Maurer said that she asked very specifically for a side-by-side comparison of the Renaissance Report and the Commissioner of the Revenue's (COR) revenue report, which was important because the COR did not agree with the Renaissance report regarding revenues in the County. If the Board used the COR's report, the total amount over 30 years was \$56 million instead of \$72 million stated in the Renaissance documentation. And if the Board used the COR's numbers, the \$16 million deal would not be paid off in 20 years. She was dismayed by the lack of transparency and the lack of information disseminated to the public saying that the Chair had the power to control the message to the public. Mrs. Maurer said when she released the data through non-official channels, there were accusations of her being a nemesis against the Aquia Town Center. The reality was that the Board was not releasing staff's reports that demonstrated its concerns and details, and not releasing the original Renaissance Report that said that ... Mr. Cavalier called for a point of order. Mrs. Maurer said that she had the authority to take her full five minutes to provide her report. Mr. Milde said that he believed there was a point of order ... Mr. Cavalier began speaking again saying that the Board's Bylaws and Standards of Conduct... Mrs. Maurer said that she had five minutes to present her report. Mr. Milde said that a point of order took precedence and he had to check Robert's Rules of Order. Mr. Cavalier said that the Board's rules stated that a Board member could not make personal attacks against another Board member. Mrs. Maurer said she was not doing that. Mr. Milde asked the County Attorney for a point of order. Mr. Shumate replied that he was the Parliamentarian and there in an advisory role; he said that as Chairman, Mr. Milde was the one to rule on these matters. Mr. Milde asked that Mrs. Maurer keep her attacks as "unpersonable" as possible.

Mrs. Maurer said that her solution to the lack of transparency was that over the six weeks before the next Board meeting, she would convert her website and Facebook page to provide the public with all the analysis provided to the Board, except items specifically marked non-releasable as specified by State Code. She would publish the agenda and supporting documentation and revisions to the documentation that the Board received subsequent to the Agenda being posted. Mrs. Maurer said that if the majority of the Board wished to control the message and call the naysayers uninformed, she would allow the public to make its own decisions by providing transparency and all the details. Mrs. Maurer said the only reason the public participated in the County's democracy was because she called the Free Lance-Star when the agenda item was initially published on the draft agenda; she had the draft agendas that she would provide and thanked Ms. Bohmke for her efforts to have the Mosaic item removed from the Consent Agenda. Mrs. Maurer added that the Board was elected by the public to conduct the business of the public and she intended to ensure that the business was conducted in public; having her constituents question her and her analysis made her a better supervisor. The public was encouraged to view *Stafford Growing Pains* and *Break the Wheel* and to listen to what they had

to say then to make its own determination. Mrs. Maurer concluded her remarks saying that it was a free country and the public should feel free to disagree. Mrs. Maurer had no items to pull from the Consent Agenda.

Mr. Milde - Mr. Milde said that he was “sorry that it had gotten to this” and said that if Board members did not do sidebars while others were speaking, there would be no need for an apology. It only took four members to keep Mr. Milde as Chairman or to fire him and every Board member had the right to pull items from the agenda, and that as passionate as Mrs. Maurer’s speech was, he was not trying to hide anything from the public. Mr. Milde said that he and Mr. Cavalier were involved for years trying to fix the problem at Aquia Town Center. Changing the subject, Mr. Milde said that Mr. Snellings was not getting the credit he deserved for his work on the Armed Services Memorial and he had not seen anyone work any harder on anything; the money was raised on schedule and he thanked Mr. Snellings. Mr. Snellings said that it took a lot of hard work on the part of a lot of people, not just him; it was a five-year project. Mr. Milde thanked TV Channel Fox 5 for its Zip Trip to Stafford County, and thanked Ms. Bohmke, Ms. Sellers, and Mr. Dan Chichester for their parts in the interviews. He also thanked staff who worked very hard to bring that event to fruition; saying that it was seamless and wonderful publicity for the County. Mr. Milde attended the Ferry Farm Fabulous 4<sup>th</sup> of July celebration with members of the Fredericksburg City Council and Congressman Wittman. He added that it was an amazing event and he was grateful to be there. He also attended a wonderful event later that night at Pratt Park, with great fireworks.

Ms. Sellers - Deferred her comments.

Mr. Snellings - Mr. Snellings said that it was a busy two weeks. Lake Mooney was open for fishing but no motors gasoline were allowed, and everyone should wear life vests. The Armed Services Memorial ribbon cutting is at 10:00 a.m. on Saturday, July 15<sup>th</sup>. The Commandant of the Marine Corps was the keynote speaker, all were welcome. Mr. Snellings pulled #8 (Sewer Connections on Snellings Road) from the Consent Agenda.

Mr. Thomas - Attended the VACo Region 7 meeting; gave an overview of the Community and Economic Development Committee (CEDC) meeting including a review of drive-through facilities in the County; discussed free standing emergency rooms (are they separate or should they be considered a hospital); Readiness and Environmental Protection Initiative (REPI), which was an extension of the Purchase of Development Rights (PDR) program where the federal government gives money for development rights near military installations, in this case, Marine Corps Base Quantico, and no houses would be built there. There was a \$150,000 match and the government match was \$450,000. Gave credit to Kathy Baker, Assistant Director of Planning and Zoning, for her work on REPI/PDR. Regarding the Aquia Town Center, if passed, the resolution only gives the County Administrator the authority to begin negotiations with Mosaic; it was not a final vote on the MOU. Three things were discussed as possible additions to the proposed resolution: 1. Ask the Commissioner of the

Revenue to identify taxes at existing businesses that may move to the Town Center and to not give them full tax credit as they were already an established business in the County; 2. CEDC recommended a 60-day time limit for negotiations; and 3. Build all the new buildings in the beginning so that property values would increase and tax dollars increase on day one and the site would be cleaned up and the dirt removed.

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

Report of the County Administrator – Assistant Planning and Zoning Director, Ms. Kathy Baker, gave a presentation on Readiness and Environmental Integration (REPI), Item #9 on the Consent Agenda saying that REPI was a cost-share program for acquisition of easements or land from willing sellers to buffer military installations. It protects military missions by helping avoid land-use conflicts near installations; a nation-wide program that was established in 2003 and administered by the Secretary of Defense. MCB Quantico administers the local program through the Department of the Navy. In 2008, MCB Quantico partnered with Stafford County and a public meeting was held in the Board Chambers in a joint effort to identify property and notify property owners; the County signed an encroachment partnering agreement (amended in 2017). In 2015, the County expanded its PDR program to include overall land conservation, utilizing REPI and other opportunities and submitted two REPI applications; notification of funding approval was received in 2016. Current applications are on the Sterne property (218 acres and 72 development rights) and on the Jenkins property (8 acres and 12 development rights) and a July 31<sup>st</sup> deadline for a new round of applications. The McClevey property (80 acres and 20 development rights) is anticipated for acquisition in the amount of \$600,000, with potential for \$450,000 reimbursed. Mr. Milde thanked Ms. Baker for her great work.

#### CONSENT AGENDA

Ms. Sellers motioned, seconded by Ms. Bohmke, to accept the Consent Agenda as presented, omitting Item #8 at Mr. Snellings' request.

The Voting Board tally was:

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

Item 3. Legislative; Approve the Minutes of the June 20, 2017 Board Meeting

Item 4. Finance and Budget; Approve the Expenditure Listing

Resolution R17-199 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED JUNE 20, 2017 THROUGH JUNE 30, 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 5<sup>th</sup> day of July, 2017, that the above-mentioned EL be and hereby is approved.

Item 5. County Administration; Authorize the County Administrator to Execute an Agreement with Columbia Gas for the New Animal Shelter

Resolution R17-186 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO GRANT A GAS PIPELINE EASEMENT TO AND TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH COLUMBIA GAS OF VIRGINIA, INC. ON TAX MAP PARCEL NOS. 38-86A AND 38-86C, LOCATED IN THE HARTWOOD ELECTION DISTRICT

WHEREAS, natural gas service is needed for operation of the new animal shelter (Shelter), which is in the County’s Capital Improvement Program, and located on Tax Map Parcel No. 38-86A (Property), within the Hartwood Election District; and

WHEREAS, Columbia Gas of Virginia, Inc. (Columbia Gas), the sole provider of natural gas service in this area, requested a variable width gas pipeline easement on the Property and Tax map Parcel No. 38-86C to install, operate, and maintain the underground gas pipeline necessary to supply natural gas service to the Shelter; and

WHEREAS, the Board desires to grant this easement to Columbia Gas for natural gas service to the new Shelter;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of July, 2017, that the County Administrator be and he hereby is authorized to grant a variable width gas pipeline easement on Tax Map Parcel Nos. 38-86A and 38-86C, to Columbia Gas of Virginia Inc., in the general location shown on that certain plat entitled, “Variable Width Gas Pipeline Easement Across the Property of County of Stafford, Virginia,” dated May 17, 2017, for natural gas service to the new animal shelter; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, is authorized to execute the Right-of-Way agreement, and any documents that he deems necessary and appropriate to effectuate this grant of easement.

Item 6. County Administration; Authorize the Process for the Joint Schools/County Capital Improvement Program

Resolution R17-203 reads as follows:

A RESOLUTION TO APPROVE THE PROCESS FOR THE JOINT SCHOOLS/COUNTY CAPITAL IMPROVEMENT PROGRAM

WHEREAS, it is the desire of the Board of Supervisors and the School Board to form a joint Capital Improvement Program (CIP); and

WHEREAS, at its meeting on June 29, 2017, staff provided the joint County/Schools Finance, Audit, and Budget (FAB) Committees with a draft proposal on the joint CIP program process; and

WHEREAS, both the County and Schools FAB Committees agreed with the proposed process for developing a joint CIP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of July, 2017, that it be and hereby does approve the process (Exhibit A) for a joint Capital Improvement Program between Stafford County Government and the Stafford County Schools Division.

Item 7. Utilities; Authorize the County Administrator to Execute a Contract for the design of the Claiborne Run Force Main

Resolution R17-198 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SULLIVAN, DONAHOE & INGALLS, P.C. FOR ENGINEERING AND DESIGN SERVICES FOR THE CLAIBORNE RUN PARALLEL FORCE MAIN REPLACEMENT PROJECT, LOCATED IN THE GEORGE WASHINGTON DISTRICT

WHEREAS, the Department of Utilities Water and Sewer Master Plan recommends the replacement of the Claiborne Run parallel force main (Project), located in the George Washington Election District; and

WHEREAS, the Project is in the approved Utilities' Capital Improvement Program (CIP), and funds are available in the Utilities Fund to complete the Project; and

WHEREAS, the County received a proposal from Sullivan, Donahoe & Ingalls, P.C., one of the designated firms that provides on-call professional engineering services to Utilities to support the Utilities' CIP; and

WHEREAS, Sullivan, Donahoe & Ingalls, P.C., submitted a proposal in the amount of Three Hundred Eighteen Thousand Seven Hundred Ninety-Five Dollars (\$318,795) for engineering and design services for the Project; and

WHEREAS, staff reviewed the proposal and determined that it is reasonable for the scope of services requested;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of July, 2017, that the County Administrator be and he hereby is authorized to execute a contract with Sullivan, Donahoe & Ingalls, P.C., for engineering and design services for the Claiborne Run parallel force main replacement project, in an amount not to exceed Three Hundred Eighteen Thousand Seven Hundred Ninety-Five Dollars (\$318,795), unless modified by a duly executed contract amendment.

Item 8. Utilities; Authorize the Implementation of the Snellings Road Sewer Project Mr. Snellings abstained from voting on this item even though, so far as he was aware, he had no relatives living on Snellings Road.

Ms. Sellers motioned, seconded by Ms. Bohmke, to adopt proposed Resolution R17-205.

Mr. Jason Towery, Director of the Utilities Department explained the extension project and that it would be available to 11 property owners but could eventually serve as many as 24 if other lots on Snellings Road were to hook up to the system later. The projected cost was \$477,000, with funding available in the Utilities CIP. He said that the project was located within the Urban Services Area (USA) and was recommended for approval by the Utilities Commission. Mr. Towery explained that each interested property owner would submit a \$500 deposit and once the engineering and construction was complete, if the applicant ultimately chose to hook-up to the sewer extension, the \$500 deposit would be credited to the \$3500 sewer availability fee; the sewer connection fee of \$2100, and associated administrative fees.

Mr. Milde said that he opposed the project; that the County had raised water bills by 9% and it could not keep doing that. He said there were a lot of old drainfields going bad but it wasn't noted in the background report if Snellings Road residents tried to identify another solution. Mr. Milde said the process was not based on a good system and to spend a half million dollars for only have 11 people that may take advantage of it was not a good deal. Mr. Towery said that residents would have one year to hook-up after sewer construction was complete. After that time, they would forfeit their \$500 deposit.

Ms. Sellers asked if user fees would pay for this. Mr. Towery said no, that this was coming from a different bucket, from availability fees. Ms. Sellers said that she did not want to give the impression that the County would raise other user's rates for 11 people on Snellings Road. Mr. Towery confirmed that the Board sets the user fees, but did not necessarily determine into which account the fees went, which was predefined. Mr. Milde said that the Board discussed how much of the Utilities CIP should be paid for by citizen's monthly bills v. how much would be paid for by hook-up fees and construction. The Board sets those amounts. Mr. Towery agreed.

Ms. Bohmke asked about the sewer project on Truslow Road. Mr. Towery stated that it was bid out but not yet complete. Ms. Bohmke confirmed that the Board approved the Truslow Road project; it was a part of the neighborhood policy. She said if the Board chose to not go forward with Snellings Road, there was a policy in place that the Board was not supporting. Mr. Towery said that the policy gave the Board the right to approve or deny a project. He said there were issues about the way the policy was structured that warranted further discussion.

Mrs. Maurer said that she would vote against the project. She felt for the residents on Snellings Road but that it was the responsibility of the homeowner to invest the \$26,000 (or so) that it cost to get an alternative system, if their system failed, as some residents of the Rock Hill District had to do. She added that she would have more support for a service district that would extend the line than for the County to pay \$477,000 for this project; she felt a service district was a more appropriate way to go. Mrs. Maurer added that she believed in "pulling yourself up by your boot straps" and a service district was more appropriate for Snellings Road.

Ms. Sellers asked what would happen if the County built a sewer line but none of the 11 residents connect to it. Mr. Towery said that there would be the additional infrastructure to maintain and monitor; but it was not as labor intensive as a waterline that would have to be flushed consistently. He said that with a sewer connection, it was not a huge issue.

Mr. Thomas said that he would feel better about the project if there was a firm commitment from the 11 homeowners to connect to the sewer line once constructed. He asked about additional fees that the homeowners would pay to connect. Mr. Towery replied that a plumber's fee to connect to the line was approximately \$10,000 to \$12,000. He added that the current policy did not stipulate that residents had to connect once the construction was completed. Mr. Thomas asked hypothetically, if two property owners at the end of the line chose not to connect, would there be enough gravity to keep the line clear. Mr. Towery said there could possibly be issues with "cleansing flow" if there were not enough residents hooked-up to keep the line moving.

Mr. Milde asked Mr. Shumate if the Board could go back to the drawing board and require that residents affirm that they would hook up to the sewer extension, if approved. Mr. Shumate suggested that it should first go back to the Utilities Commission, but said he would answer in the positive to Mr. Milde's question.

Mr. Thomas asked if this was time sensitive. Mr. Towery said it was not although some residents had complained about issues with their systems. Ms. Bohmke addressed her comment to other residents and citizens watching the Board meeting from home, saying that the 11 residents did have "skin in the game," so far as having to pay availability fees, etc. Mr. Towery replied that residents had to put up a \$500 deposit and had one year to pay the additional fees and hook-up to the new system or forfeit their deposit.

Mr. Thomas clarified that the County could pay \$477,000 to install this system and only have one person connect. Mr. Towery said that it was possible.

Ms. Sellers withdrew her motion for approval. Mrs. Maurer made a substitute motion to defer the item, with no specified return date. Ms. Bohmke seconded the deferral motion.

Mr. Milde asked for clarification if Mrs. Maurer was asking that the Board look at the policy as well as deferring a vote on Snellings Road. Mrs. Maurer said that she would yield the floor to Ms. Bohmke (as the project was in her District). Ms. Bohmke said that she wanted to give staff direction to come back to the Board with more certainty that the County would have a full commitment from the residents on Snellings Road. Mr. Milde said that the Board needed to work on the policy and asked to which committee that should be tasked. Mrs. Maurer said it should go on the Infrastructure Committee agenda at its next meeting.

Mr. Thomas said that if staff had not looked at why the sewer system was needed, and if staff found that the sewer systems were all 60 year old, he was not apt to help them out. Property owners should know that a septic system was not something you built once and expect it to last forever. Mr. Thomas suggested if it did not cost a lot of money, have the Health Department query each property owner as it did not appear as though all of the septic systems were failing at

present. Mr. Towery said that some had reported problems with their existing systems. Mr. Thomas would like for staff and/or the Health Department to look at individual properties as was done with the Truslow Road project and to come back with good information why the County would be doing this project.

The Voting Board tally to defer the item was:

Yea:	(5)	Bohmke, Maurer, Milde, Sellers, Thomas
Nay:	(1)	Cavalier
Abstain:	(1)	Snellings

Following the vote, Ms. Bohmke asked that the record show that Health Department’s comments in the background report were specifically about the Truslow Road project, not the Snellings Road project. Ms. Bohmke added that when this item came back it should be reported specifically on the Snellings Road project, not Truslow Road.

Item 9. Planning and Zoning: Authorize the County Administrator to Negotiate and Execute Deeds of Conservation Easement on TMP 17-23A, 17-23L, 17-25, and 19-47; Budget and Appropriate Funds; Authorize New Applications for Matching Funds

Resolution R17-190 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO NEGOTIATE AND EXECUTE DEEDS FOR THE PURCHASE OF CONSERVATION EASEMENTS ON TAX MAP PARCEL NOS. 17-23A, 17-23L AND 17-25 (STERNE PROPERTY) LOCATED IN THE HARTWOOD ELECTION DISTRICT, AND TAX MAP PARCEL NO. 19-47 (JENKINS PROPERTY), LOCATED WITHIN THE ROCK HILL ELECTION DISTRICTS

WHEREAS, the Department of Defense’s (DoD) Readiness and Environmental Protection Initiative (REPI) Program protects the Nation’s military readiness, enhances relationships with communities, and preserves the environment; and

WHEREAS, REPI funds cost-sharing partnerships for the military with state and local governments, and private conservation organizations, as authorized in 2002 by the United States Congress pursuant to 10 U.S.C. § 2684a; and

WHEREAS, the partnerships obtain easements or other interests in land from willing sellers/property owners that preserve critical buffer areas near military installations; and

WHEREAS, in 2013, pursuant to Resolution R13-95, the Board entered into a multi-year, multi-party agreement with the United States Department of Navy for partnering opportunities in the protection of suitable lands; and

WHEREAS, the County applied for and received funding in the amount of \$674,150 through the REPI program for Tax Map Parcel Nos. 17-23A, 17-23L and 17-25 (Sterne Property) and Tax Map Parcel No. 19-47 (Jenkins Property); and

WHEREAS, the County received authorization from the Department of Navy to proceed with the acquisition of easements on the Sterne and Jenkins Properties; and

WHEREAS, \$674,150 in Purchase of Development Rights (PDR)/land conservation funds have previously been budgeted and appropriated for the acquisition of easements on the Sterne and Jenkins Properties;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of July, 2017, that the County Administrator be and he hereby is authorized to proceed with negotiating the terms for deeds of conservation easement on Tax Map Parcel Nos. 17-23A, 17-23L and 17-25 (Sterne Property) and Tax Map Parcel No. 19-47 (Jenkins Property) in a total amount not to exceed One Million Three Hundred Forty-Eight Thousand Three Hundred Dollars (\$1,348,300), with a minimum of Six Hundred Seventy-Four Thousand One Hundred Fifty Dollars (\$674,150) reimbursable by the United States Government; and

BE IT FURTHER RESOLVED that Six Hundred Seventy-Four Thousand One Hundred Fifty Dollars (\$674,150) from the United States Government funds be budgeted and appropriated to the Purchase of Development Rights/Land Conservation Fund to be used for the purpose stated herein.

Resolution R17-197 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO APPLY FOR MATCHING FUNDS THROUGH VARIOUS LAND CONSERVATION AGENCIES TO SUPPORT THE STAFFORD COUNTY LAND CONSERVATION PROGRAM

WHEREAS, the Department of Defense's (DoD) Readiness and Environmental Protection Initiative (REPI) Program protects the Nation's military readiness, enhances relationships with communities, and preserves the environment; and

WHEREAS, REPI funds cost-sharing partnerships for the military with state and local governments, and private conservation organizations, as authorized in 2002 by the United States Congress pursuant to 10 U.S.C. § 2684a; and

WHEREAS, the partnerships obtain easements or other interests in land from willing sellers that preserve critical buffer areas near military installations; and

WHEREAS, in 2013, pursuant to Resolution R13-95, the Board entered into a multi-year, multi-party agreement with the United States Department of Navy for partnering opportunities in the protection of suitable lands; and

WHEREAS, a new REPI application round has been announced for FY2018; and

WHEREAS, the Virginia Land Conservation Foundation (VLCF) has also announced a new application round for FY2018; and

WHEREAS, the owner of Tax Map Parcel No. 22-19 ha expressed a willingness to grant a conservation easement through the REPI program, and the County believes the property is suitable for such easement; and

WHEREAS, approximately \$826,891 in Purchase of Development Rights (PDR)/land conservation funds are available in FY2018 for land conservation purposes; and

WHEREAS, the Board desires to purchase a conservation easement on Tax Map Parcel No. 22-19, and apply for matching funds to leverage the County's PDR/land conservation funds;

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good Planning practice require adoption of this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of July, 2017, that the County Administrator be and he hereby is authorized to negotiate the acquisition of a conservation easement on Tax Map Parcel No. 22-19 subject to appropriation and the availability of funds through the County's Purchase of Development Rights (PDR)/land conservation fund, and apply for matching funds through the Department of Defense's Readiness and Environmental Protection Initiative Program and the Virginia Land Conservation Foundation, in an amount not to exceed Four Hundred Fifty Thousand Dollars (\$450,000), for the potential acquisition of such easement.

Mr. Milde said that the Board was supposed to go to the Public Safety Building for a photo and press release regarding the new grant-funded drug disposal receptacle, but due to time constraints, it would be unable to make it to the Public Safety Building. Ms. Hollenberger was asked to contact the Sheriff with the Board's apologies and request to reschedule. Ms. Sellers noted that it was much more than a photo opportunity; that CVS provided grant money to purchase and install the drug disposal receptacle in part due to the opioid crisis and as part of a public education effort about the crisis and to let the public know that it is a 24/7 take-back receptacle for drugs of any kind.

### UNFINISHED BUSINESS

Item 10. Planning and Zoning; Consider Rezoning 88 Acres from A-1 to B-2 and R-2 to Allow Single-Family and Commercial Uses (Sycamore Grove) Mr. Cavalier left the meeting at 5:01 p.m. and returned at 5:41 p.m.

Mrs. Maurer asked that for the record, Mr. Cavalier restate his conflict of interest. Mr. Cavalier said that when he made the original statement, it was to be included in all future discussions or votes on Oakenwold (renamed Sycamore Grove). Mrs. Maurer asked that Mr. Cavalier's original statement be included in the record:

Note: At the Board's August 19, 2014 meeting, Mr. Cavalier recused himself from the discussion and abstained from voting with the following statement: *"I am voluntarily abstaining from any discussion or vote on the Oakenwold rezoning and King James Village partial plat vacation this evening and in the future because I have an employment arrangement with one of the parties involved. The Clerk will please note my abstention and the reason in the record today and in the record at any future meeting where the Board discusses or considers these matters."*

Mr. Harvey addressed the Board saying that a public hearing was held on June 20, 2017. The public hearing was closed and a vote on Sycamore Grove was deferred to July 5, 2017. The proposal was for up to 170 homes and up to 150,000 s.f. of retail/office space. Included in the Board's add-on folder, in addition to signed proffers dated June 29, 2017, was a letter from the Stafford Regional Airport Authority (SRAA), stating that they changed their opinion and were not taking a position about the Sycamore Grove development. Regarding concerns expressed about the walking trails, the revised proffers stipulated that walking trails would be created in consultation with the Sheriff's Office. Mr. Harvey stated that the scholarship proffer (\$50,000) was removed and rolled into the other school proffers. Mrs. Maurer asked if the scholarship proffer amount was moved into the school proffers. Mr. Harvey said that it was an off-set and increased school proffers by \$50,000.

Mrs. Maurer asked if they changed the building permit to an occupancy permit or were they still doing a building permit. And if that change did occur, all she saw was that they were building a pad site but no reference to an occupancy permit. Mr. Harvey said it dealt with non-residential. The developer would have approximately 20,000 s.f. of commercial space site pad constructed before the 101 single-family units were built, and further complete the necessary infrastructure improvements so that the said pad site was ready. After Mr. Harvey read the revised proffers, Mrs. Maurer said there was no guarantee that commercial would be built-out before the residential. Mr. Harvey said that the proffer gave some assurance that the commercial space would be constructed but there was no guarantee as to commercial occupancy.

Ms. Bohmke asked about the County's per unit proffer cost. Mr. Harvey said it was \$48,000 per dwelling unit. Ms. Bohmke asked about the proffered per-unit amount for Sycamore Grove. Mr. Harvey said it was \$14,000 but that was taking into account the credit for by-right uses associated with the A-1 zoning.

Mr. Snellings asked if were true that if the Board did not approve the application, the developer could still build houses there. Mr. Harvey agreed, saying that the property was currently zoned A-1, Agricultural, and houses could be built there by right. Mr. Harvey confirmed that the developer had a pending cluster plan showing 105 lots. Mr. Harvey said that as a by-right development, there would be no proffers required but there would be transportation impact fees of \$2,999 per dwelling unit. Mr. Snellings said if the application was not approved, 130 acres would not be left as open space nor would there be any off-site transportation improvements. Mr. Harvey confirmed that the entire property could be developed by-right, and there would possibly be no open space and/or no off-site improvements, nor any improvements to the historic Oakenwold house and associated out buildings; and there was no guaranteed commercial development.

Mrs. Maurer said that 77 units were guaranteed by right; 105 would be if the developer won the pending lawsuit regarding the County's cluster ordinance. Mr. Harvey said the lawsuit was

filed when the County's cluster ordinance was considered to be in transition and that was the subject of the lawsuit. Mrs. Maurer asked if by saying 105 lots, the County was conceding that it was going to lose the lawsuit. Mr. Thomas made a point of order saying there was a pending lawsuit and anything said in open session could jeopardize the County's position with the Courts and the citizens that the Board was charged with representing. Mrs. Maurer said that she agreed, which was why she was concerned about overstating the development at 105 units. Mr. Milde said that Mrs. Maurer's point was taken.

Mr. Harvey said that 77 units was staff's estimate before the cluster plan got as far along as it was, and was based in part on the environmental constraints of the property. Ms. Bohmke asked how many of the 105 units, if built, were under the Airport Compatibility Zone H-1. Mr. Harvey said that the entire property was under the H-1 Zone. Mr. Milde asked how many were in the H-1 Zone by-right vs. the proposed application. Mr. Thomas said they all were.

Mr. Milde said that both he and Mr. Thomas were pilots and pilots liked open space under them when piloting small planes. Mr. Harvey said that according to the County's Comprehensive Plan, residential development was discouraged but mitigating measures could be taken, one of which was to include open space as Mr. Milde mentioned.

Mr. Milde asked if the area in question was adjacent to Centreport Parkway with the five big billboards. Mr. Snellings said it adjoined that property but the property to which Mr. Milde referred was a separate parcel. Mr. Snellings said it was currently retained by the Moncure family and was partially wooded and partially cleared.

Mr. Milde invited Mr. Charlie Payne, the applicant's representative, to briefly address the Board. Mr. Payne said that in response to the Board's concerns and taking into account the County's land-use compatibility plan, the single-family home sites were moved further to the south; 130 acres were proffered as open space. Mr. Payne continued saying that with the 105 by-right cluster units, there would be no proffers or \$500,000 in off-site transportation improvements, no waived credits for impact fees, or \$2 million in cash proffers, most of which was earmarked for Schools. Mr. Thomas said that from 105 to 170, there were approximately 65 additional units. Mr. Payne said that was an additional \$3,126,145 or \$48,000 per unit. Mrs. Maurer asked to see the breakdown on that because staff just said it was \$14,000 per unit. Mr. Payne clarified that \$14,000 was just cash; it did not take into account in-kind contributions and impact fees.

Mr. Milde asked if the 130 acres was going into conservation or would the County control that part of the property. Mr. Payne said that it would be encumbered and could not be developed; that the County would have control over when and it would be placed in conservation at the County's direction. Mr. Snellings said it was not a rezoning for 105, it was a rezoning for 65 units, with 105 units there whether the Board liked it or not. The SRAA reversed its earlier decision and was not taking a position. He said that if the application was turned down, the County would lose all the proffers, the 130 acres preserved open space, and restoration of the 17<sup>th</sup> century Oakenwold house and surrounding buildings, and commercial development.

Mrs. Maurer said that she would not support the project. She found that the proffers were not in accordance with County guidelines and the Board needed to stop accepting less because if the Board continued to accept less, two things happened. 1. There was no longer a standard; and 2. The County would always be offered less. There was a house in the Rock Hill District where three roads converged and water flowed down around it. It got so bad that they built a moat around the house to contain the run-off. Mrs. Maurer said she sat at that house and wondered why the Board approved it and what irresponsible developer built it. The project in question was in the area of three dam break inundation zones (DBIZ); right over where airplanes landed; there were two eagle's nests; and wetlands that required a federal permit to mitigate. She added that although she could not control the 77 or 105 homes, she could control whether the person sitting in their house at that location wondered why on earth she supported the project.

The Planning Commission voted the project down 7 – 0, staff recommended denial of the application, there was not adequate infrastructure to support it so she would not support it. It was in the Margaret Brent ES attendance zone, which was already at maximum enrollment. She said that she thought it was in the Colonial Forge HS district, which was also at capacity. Roads were over-crowded, and she said she could not buy “if we don't take this, we get nothing.”

Mr. Thomas asked to see the map from the June 20<sup>th</sup> meeting's Power Point presentation that outlined the DBIZ. Mr. Harvey said that State law prohibited the County from restricting house building in the DBIZ. He added that Abel Lake was two miles from the project. Mr. Milde asked Mr. Harvey how much of the County was in a DBIZ. Mr. Harvey said there were some significant areas including industrial space along Route 1 and I-95. He added that the Moncure Tract was also in the DBIZ.

Ms. Sellers said she would support the project. There was no guarantee about planes; Embrey Mill was under the flight path for Reagan National Airport; it would be noise from Black Hawk helicopters that would be a problem, not small aircraft. She said it was the sound of freedom and residents would get used to it. Ms. Sellers said that it was better to have the development with the proffers going to the County than to let 105 units go in by-right.

Ms. Bohmke said that she could not support the project because it did not follow the recommendations of the Comprehensive Plan. Transportation levels of service on Centreport Parkway and Mountain View Road were at levels D and F. She had a problem with the traffic impact analysis and the reported negative impact to several intersections without any mitigation. She could not support putting more children in already over-crowded schools or adding more houses to the County right now.

Mr. Milde noted that it was common to only ask for proffers on the additional units. The County was getting a high proffer value, not just cash but improvements to mitigate the impact of the new development. He asked about permits needed to mitigate wetlands. Mr. Harvey replied that above 1/10<sup>th</sup> of an acre there would be additional costs for development due to the required federal and state permits, which were part of the Clean Water Act. Mr. Milde said that he could not imagine who would want to live on the property between I-95 and Centreport Parkway. He wondered who would worry about airplanes with the constant drone of interstate

traffic. Mr. Milde said the idea that the County could hold out for a more perfect plan was not true; that staff worked on this for two or three years. He said that he believed that the County would either have the project as presented or there would be 105 units built was not a fair representation, which the Board dealt with all the time, and had to choose sometimes between the lesser of two evils. He concluded his remarks saying that he would support the project. Mr. Thomas said that in his time on the Board, he never saw \$48,000 per unit in proffers and with the new proffer legislation, it would not happen in the future. This may be one of the last projects to come through under the old rules. He added that hopefully the Board could get back to common sense with the new proffer rules, impact fees, and things like that.

Mrs. Maurer said that in the staff report there was \$13,000 or \$24,000 based on staff's analysis but no valuation of any in-kind proffers. Mr. Harvey said that in Mr. Payne's presentation, he detailed the value of the in-kind proffers.

Ms. Bohmke asked Mr. Harvey why the Planning Commission unanimously voted against the project. Mr. Harvey said that the Planning Commission minutes included with the agenda materials gave a detailed accounting of their comments and concerns. Mostly it was due to the concerns of the SRAA and the property being in the DBIZ. Mr. Thomas said that Mr. Snellings met with the SRAA, who had reversed its earlier decision and that many things had happened between the time the Planning Commission's vote and today's presentation to the Board. Mr. Milde said that he applauded the applicant for its responsiveness to concerns expressed by the SRAA, the Board, and County residents. Mr. Thomas said that he would support this application.

Mr. Snellings motioned, seconded by Ms. Sellers, for approval of proposed Ordinance O17-15.

The Voting Board tally was:

Yea: (4) Milde, Sellers, Snellings, Thomas  
 Nay: (2) Bohmke, Maurer  
 Abstain: (1) Cavalier

Proposed Ordinance O17-15 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-2, URBAN RESIDENTIAL – MEDIUM DENSITY ZONING DISTRICT AND B-2, URBAN COMMERCIAL ZONING DISTRICT, A PORTION OF TAX MAP PARCEL NO. 37-80, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, IVI Strategies, LLC (Applicant), submitted application RC16151347, requesting a reclassification from the A-1, Agricultural Zoning District to the R-2, Urban Residential-Medium Density Zoning District and B-2, Urban Commercial Zoning District, on a portion of Tax Map Parcel No. 37-80, located within the Hartwood 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 5<sup>th</sup> day of July, 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-2, Urban Residential-Medium Density Zoning District and B-2, Urban Commercial Zoning District, on a portion of Tax Map Parcel No. 37-80, in the location identified on the plat entitled, “Zoning Plat on the Property of Michelle L. Moncure,” prepared by The Engineering Groupe Inc., dated June 6, 2016, with proffers entitled “Voluntary Proffer Statement,” dated June 29, 2017.

Item 11. County Administration/Finance and Budget; Authorize the County Administrator to Budget and Appropriate Proffer Funds for Anne E. Moncure Elementary School Mr. Foley presented this item and answered Board members questions. He provided background on the project saying that the Schools recently went out to bid and the low construction bid came in at approximately \$2.5 million above the estimate for the Moncure ES rebuild. School staff, along with the School Board worked diligently on value engineering bringing down the cost with the exception of about \$1 million. There were two options before the Board. Ms. Sellers originally brought forth proposed Resolution R17-195 to utilize the balance of proffers for Embrey Mill, Westgate, and the Town Center at Aquia totaling about \$859,000. To bring it to the \$1 million, they would need \$170,000 from year-end FY2017 funds, the primary logic being to rely less heavily on Capital Reserve funds.

Since that proposal was placed before the Board at its last meeting, the School Board came forward with a new proposal but also passed a resolution in support of Ms. Sellers’ suggestion. The School Board’s solution to cover the overage was to allocate Town Center of Aquia proffers (\$323,974) and use Westgate and Shelton Woods proffers to pay for the additions to Colonial Forge HS (\$148,300) and Mountain View HS (\$121,494) respectively. The use of Westgate and Shelton Woods proffer funds for the expansion projects at Colonial Forge HS and Mountain View HS would allow Virginia Public School Authority (VPSA) funds to be applied to the rebuild of Moncure ES. In addition, the School Board submitted a request asking the Board to appropriate Capital Reserve funds to the Schools’ Construction Fund in the amount of \$319,904, all of which would be used for the one-time expense for the rebuild of Moncure ES. An additional \$116,000 would be needed in FY2017 year-end funds to meet the total \$1,030,000 to meet the low bid. They asked for direction from the Board of Supervisors as to how they should proceed.

Mr. Milde said that Mr. Foley said that the School Board would go ahead one way or another. He asked that Dr. Benson explain that. Dr. Benson addressed the Board saying that the Board’s previous action authorized the School Board to go ahead with a notice to proceed with the low

bid, which the School Board did. With funds needed to go ahead with the contract, the Schools are covered. Dr. Benson said that these are funds that would be needed over the next two years to bring the project to closure.

Ms. Sellers talked about the restricted use of proffer funds for capacity expansion within certain attendance zones; the additional seats at Moncure ES would provide additional capacity in north Stafford. She said the use of carry-over funds was not restricted and could be used anywhere in the County, and that was why she recommended the proffer dollars going to Moncure ES. It was the most transparent use and showed what dollars and why they were being allocated to the rebuild. It allowed the County to use carry-over and Capital Reserve funds elsewhere.

Mrs. Maurer said that she agreed with Ms. Sellers, and that Ms. Sellers was absolutely correct in how these proffer dollars should be used. Mrs. Maurer said that there was some miscommunication between Schools and County staff about the attendance zones and there should be further communication to address the wider policy regarding attendance zones and the use of proffer dollars. The School Board wanted to use Shelton Woods proffers to pay down some Mountain View HS expenses and free up debt capacity, and it would get to the entire delta if the Board did that. Chief Financial Officer, Ms. Maria Perrotte addressed the Board and answered Mrs. Maurer's question saying that it got it down to within \$20,000 if Shelton Woods proffers were used as described.

Ms. Sellers said that as a point of clarification saying it was how it was interpreted, there was no miscommunication. She said she believed it was a political issue and thanked staff for its help in crafting proposed Resolution R17-195.

Mr. Cavalier motioned, seconded by Ms. Sellers, to adopt proposed Resolution R17-195. Following the motion and second, Mr. Cavalier said that he would like to thank Ms. Sellers for the excellent job she did putting together a plan that worked to cover the overage in the construction bid for Moncure ES.

Mrs. Maurer asked to make a friendly amendment but gave the floor to Mr. Thomas. Mr. Thomas said that Mr. Cavalier motioned the resolution in the Board package; Mr. Cavalier said that he would add the \$121,494 as a revision to the original motion. Deputy County Attorney, Ms. Rysheda McClendon asked for a point of clarification saying that Shelton Woods proffers were restricted to use in the Rock Hill District. Mrs. Maurer said that it would go toward the Mountain View HS addition, which would free up the VPSA bonds for Moncure ES.

Mr. Thomas said that the School Board asked for \$593,000 but the Board was giving them \$1 million. Mrs. Maurer said that it was not that the Board was giving the School Board more than it asked for. It was that the Board was using restricted rather than unrestricted funds. Mr. Milde said he wanted to better understand that. Mrs. Maurer replied that originally they were looking for about \$1 million. Proffers are restricted funds so what the Board was offering was the use of proffers (restricted funds) instead of utilizing their cash capital and carry-over funds from

FY17. Mr. Milde confirmed that the overall amount did not change; it is just where the money is coming from. Mrs. Maurer agreed.

Mr. Milde said that it drove him crazy that the Board reached a hard fought agreement and now the School Board was coming back asking for more. He asked why anyone would believe that this was the last time that the School Board would come back looking for more money for Moncure ES. Assistant School Superintendent for Facilities, Mr. Scott Horan, said that this was based on the lowest bid. Ms. Sellers said that it would not go up anymore; that they were at 90% design rate. Mr. Milde concluded his remarks saying that he was not happy or comfortable with the bid.

The Voting Board tally was:

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

Resolution R17-195 reads as follows:

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO BUDGET AND APPROPRIATE PROFFER FUNDS FOR THE ANNE E. MONCURE ELEMENTARY SCHOOL REBUILD**

WHEREAS, the construction bids for Anne E. Moncure Elementary School rebuild project (Project) exceed the available Project budget; and

WHEREAS, Schools category proffer funds from the Embrey Mill and Westgate developments, in the amount of \$535,332, are available; and

WHEREAS, although the Embrey Mill and Westgate developments are outside of the Anne E. Moncure Elementary School (Moncure ES) attendance zone, the Board believes that the impacts and mitigation of those impacts are collective, and capacity added at Moncure ES will likewise make capacity more available at other schools; and

WHEREAS, Schools category proffer funds are available from The Town Center at Aquia development, in the amount of \$323,974, which is in the Moncure ES attendance zone;

WHEREAS, Schools category proffer funds from the Shelton Woods development, in the amount of \$121,495, are available; and

WHEREAS, the Shelton Woods development is in the Mountain View High School attendance zone; and

WHEREAS, the Mountain View High School is under construction to increase capacity, funded with VPSA bond funds, which can be reallocated to the Moncure project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of July, 2017, that the County Administrator be and he hereby is authorized to budget and appropriate \$859,306 from the Schools Proffer funds, as follows, to the Schools Construction Fund for the Anne E. Moncure Elementary School rebuild project:

The Town Center at Aquia	\$323,974
Embrey Mill	\$283,955
Westgate	<u>\$251,377</u>
Total:	\$859,306

BE IT FURTHER RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of July, 2017, that the County Administrator be and he hereby is authorized to budget and appropriate \$121,495 from the Shelton Woods Development Schools Proffer funds to the Schools Construction Fund for the Mountain View High School expansion project.

Item 12. County Administration/Economic Development; Consider Authorizing Negotiations with Mosaic Aquia Capital, LLC to Award Future Incremental Taxes to Incentivize the Redevelopment of Aquia Town Center Mr. Foley addressed the Board and brought to the Board’s attention the changes to the resolved clauses in revised Resolution R17-183. The amount proposed by Mosaic was reduced from \$18.25 million to \$16.5 million. The previously suggested 30 year term was reduced to 20 years. Mr. Foley read the last four “resolved” clauses in the revised, proposed Resolution, R17-183. Mr. Foley point out that if the Board adopted the proposed Resolution it only gave him authority to negotiate with Mosaic Aquia Capital, LLC (Mosaic) on a Memorandum of Understanding (MOU). The draft MOU would be brought back to the Board at its meeting in August, most likely in closed session, for discussion of the negotiated terms. Ms. Sellers asked if it would be brought back to the public at the Board’s August 15, 2017 meeting. Mr. Foley suggested that it go to the Board in closed session on August 15<sup>th</sup> then come back to the public in open session at the Board’s September 5<sup>th</sup> meeting.

Mr. Thomas gave an example of why Freedom of Information Act regulations permitted this to be discussed in closed session saying that if it was negotiated in public, Mosaic would know what the Board was going for and consequently, the Board may not be able to get the best deal for County citizens. Mr. Thomas said that he knew this was true because at the last meeting, he mentioned going from 30 to 20 years and Mosaic came up with a counter proposal for 20 years. He agreed with Ms. Sellers that the final results absolutely must be shared with the public so the Board could hear public opinion about the proposal. Mr. Thomas said that upon returning from a family vacation, someone told him that he was against the Mosaic proposal. He said that anyone who knew him knew that he always waited until the final proposal to make a decision – he did not know what the final MOU would look like and therefore, he could not have already made a decision regardless of what was posted on Facebook. Mr. Foley said that the ability of the Board or any public entity to negotiate was best done in closed session.

Ms. Sellers asked that the item be brought back before the public as unfinished business at the Board’s September 19<sup>th</sup> meeting. The draft resolution was amended to reflect *on or before September 19<sup>th</sup>* as the date when the County Administrator would bring back the final draft MOU for Board consideration and a vote. Mr. Thomas clarified that the results would be given to the public on September 5<sup>th</sup> but a vote would be taken on the 19<sup>th</sup>.

Ms. Bohmke asked if the MOU was in part contingent upon Harris Teeter being the grocery store/anchor, and was it contingent upon the size of the store that Harris Teeter built at Aquia Town Center. She requested that the square footage be included in the MOU. Mr. Eron Sodie, with Mosaic Realty Partners, the developer of Aquia Town Center, said there was a proto-type for all Harris Teeter stores, 76,000 s.f., and it would be fine to tie it to the MOU.

Mrs. Maurer asked Mr. Sodie if the Harris Teeter deal had fallen through. She also asked about whether the Petco moving from Doc Stone to Aquia Town Center deal had fallen through as there was a public hearing that evening changing the ordinance to permit vaccination clinics and was that no longer necessary. Mr. Sodie said that the Petco deal was a function of its website not being updated as that deal fell through many months ago. The vaccination clinic public hearing was not directly relevant to Petco but could possibly be for another tenant.

Mr. Sodie said that civic engagement in Stafford County was alive and well and bode very well for the County. He said that the County could maintain the status quo at Aquia Town Center and would be assured that it was getting 100% of the estimated \$4 million revenue. Or the County could go with a plan that was actionable in the very near future and have a slice of the pie – not 100%, which he said he knew could be troublesome. But that slice of the pie would be \$44 million, not \$4 million. This came from the economic projections by a company hired by the County. That extra \$40 million could be used County-wide, and the icing on the cake would be a mixed-use facility frequented by many County residents.

Mrs. Maurer talked about the piles of rubble and the County's trash ordinance and asked what recourse the County had to clean them up. Deputy County Administrator, Mr. Mike Smith, answered Mrs. Maurer's question saying that the County had securities for stormwater and E&S (erosion and sediment control) that would ensure stormwater facilities and with E&S, some or all of the debris could be cleaned up. Based on the County's new trash ordinance, Mrs. Maurer asked if the developer was allowed to leave that debris there. Mr. Smith said he was not sure as it was a commercial site and asked Mr. Harvey to respond. Mr. Harvey said that the County ordinance did consider construction debris and if it were no longer an active construction site, the County could cite the developer. Mrs. Maurer confirmed that according to the new ordinance, the County could clean up the site and fine the developer to recoup the cost. Mr. Harvey confirmed Mrs. Maurer's statement.

Mr. Cavalier said that he had to drive by the site every day and whenever he saw the debris (he said there was an old sofa and chair behind the site), Mosaic had been responsive to cleaning it up. He said that there was another sofa and assorted bins behind the Rite Aid that had to be cleaned up and asked Mr. Foley to have staff enforce the trash ordinance there.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R17-183 with the amendments and changes noted by Mr. Foley and Ms. Sellers.

Ms. Sellers said that she was going to support the motion and talked about the blight being off the Interstate Exit 143. She said that thousands of people exited I-95 there every day and the

question was if someone got off I-95 and saw this, would it give a favorable impression of Stafford County, and the answer was no. Ms. Sellers added that it was about more than Harris Teeter. She did not want the Aquia Town Center as it looked at present to be the face of Stafford County. She grew up here, attended North Stafford High School and wanted people to see that the County had grown up, too. She did not want Stafford to be called the new Dumfries or Triangle. Once negotiations were final, she would host community meetings to see what people were saying and thinking.

Mrs. Maurer said that while she appreciated taking a big step back, she did not believe this was the role of government and said that typically these types of incentives were reserved for high paying jobs for unique services being brought in to the County, and she did not feel that this rose to that level. She said that the Board was creating a subsidized shopping center that would have to compete with all the non-subsidized shopping centers and was giving Mosaic a competitive advantage that put existing Stafford businesses at risk. Mrs. Maurer said that she felt for the Aquia Harbour residents; that there was recourse to clean up the rubble and stabilize the site; there were bonds in place and it would not stay like it was now. The Board had the power of the law behind it to enforce clean-up. She said that people kept asking what her solution was and she said that she was almost ready to grade the site, seed it, and make it into a passive park until the economy changed. Mrs. Maurer continued by saying that just because the developers got into trouble in 2012 it did not warrant subsidizing it in 2017. She said it set an awful precedent and she would not be voting in favor of the negotiations.

Mr. Snellings said that Mrs. Maurer's speech gave the impression that the Board was approving this thing and he was not approving anything. He said that the Board owed it to the taxpayers to allow for negotiation and if it did not turn out right, he would vote against it. The motion on the floor was only to allow the County Administrator to enter into negotiations with Mosaic. It was not a vote in favor of or against the MOU, which would come at a later date. Mr. Milde said that Mr. Snellings was correct in his statement about the vote being to authorize negotiations.

Ms. Bohmke thanked Mr. Sodie for the Harris Teeter project, and for the proposed mixed-use development. She said that she was happy with the revised Resolution but thought that Mosaic should honor its original deal. She said that the Aquia Town Center, as it sat today, was a slight blight but not real true blight based on what she saw in California or in parts of Richmond. She said that she looked at the grocery stores already on 610. Aldi recently expanded, and there was the Pence project and Shoppers and no subsidies for any of those. Ms. Bohmke said that when she voted in favor of the original agreement, she was on the fence about the project, and now that Mosaic was coming back for another bite of the apple, the deal was too rich and she did not believe that it was the role of government. Ms. Bohmke said that it was setting a precedent and by her voting no, she was saying that she was willing to honor the original agreement, no more. Nor was she willing to allow the County Administrator to try to strike a better deal, which she said, was just her opinion. She said it was a free market and based on the recently released Weldon Cooper study, growth in this area will be dramatic. Any business that came to Stafford should be able to support itself; an investment by definition was risk and return. There were no guarantees and in her opinion, it was not the place of government to guarantee returns to

corporations wanting to do business in Stafford. Ms. Bohmke said that she analyzed the e-mails that she received and tried to play devil's advocate but she could not support this deal.

Mr. Thomas said that he, too, voted for the original deal. A gentleman earlier spoke about Ms. Stimpson attacking some of them for supporting it and when he stood shoulder-to-shoulder it was to defend the action of the original Board. He said that when he was first elected to the Board, he sat down with other Board members individually to determine what they were trying to accomplish. One of the very first things Mr. Milde said to Mr. Thomas was that he needed help figuring out Aquia Town Center. He said that when this opportunity came up five years or so ago, he believed that the Board would be looking at a thriving center by now. It was a 7 – 0 vote. But times changed and it did not happen and he was willing to give the County Administrator an opportunity to renegotiate in hopes of getting a better deal. Mr. Thomas said that he had not made up his mind yet as he did not know what would be voted on until negotiations were complete.

Mr. Cavalier showed several slides of the present day Aquia Town Center and said that the Board already approved a \$6 million deal so it was nothing new, just an augmented deal. The original plan as proposed had no strings attached to it. This plan ties in the Harris Teeter, which would be a major anchor to the development; the stores that would come in were dependent on this particular anchor. He said that in economic development terms, the County did not do this a lot but chose in this particular case to pursue it; economic development incentives were common throughout the country. Stafford County lost a lot of projects in the past for not offering anything; Legoland was a good example. They chose New York because Stafford County could not compete. Mr. Cavalier said that for a long time the Board has tried to encourage economic development. Tax revenue taken in by the County was disproportionate to the residents; 80% of the County's tax revenue was from the homeowners. Any commercial project added more commercial tax dollars to the mix, lessening the burden on the homeowners. Mr. Cavalier said that had been the Board's position, but if it changed, the sign on I-95 that said Stafford was a certified business location should be changed to read that Stafford was closed for business. He went on to say that this project under any scenario provided more money for Schools; there was no scenario that gave less money to the Schools. He said that he was supporting this because his neighbors and constituents had been beating him on the head for the last 10 years, something that Mr. Milde could substantiate. (Mr. Milde cautioned that he did not want to hear comments from the Chambers.) Mr. Cavalier said that some people did not support this and were employing a personal vendetta, which was unfair but the reality of politics.

Mr. Milde said that he ran for office in 2005 and at that time promised to fix Aquia Town Center. 9,000 Aquia Harbour residents wanted to see the Aquia Town Center fixed. He said that you could argue about the responsibility of government but not change some people's minds. In 2006-2007, the Board created the TND, Traditional Neighborhood Development, just for Aquia Town Center then two years later, with a split Board, fought to get it zoned. The former developer had to sell it; then built the apartments there. It has been a disaster. TIFs work all over the Country. The County would be giving back part of what the Aquia Town

Center created in tax revenue. It was not giving away something that was the County's; it did not exist as present. Mr. Milde said that it was time for the County to set a precedent; its population doubled over the last 20 years. There was more than one shopping area that fell down like the Route 3/Ferry Farm intersection and the Butler Road/Chatham location. He said the devil was in the details and it may have to do with the age of the community and rapid growth that was causing the problem. The original deal did not work anymore as some of the variables changed, in part because of Kroger's poor earnings in the stock market. Mosaic spent \$10 million of its own money thinking they had a deal with Harris Teeter, as did the Board. They made a deal and started to build a free-standing Rite Aid that they were going to rent at cost. Then Harris Teeter called to say they were scaling down development by 65% and the deal was off. Mr. Milde said that he shopped at Wegman's every chance he got; that it was a more upscale type of store and people in Stafford wanted that opportunity.

Ms. Sellers said that she shopped at Giant. She and her family fought really hard to keep it from closing. She said that this was exactly the role of government; to negotiate deals for the good of the County and its residents. Ms. Sellers said that she was adamantly opposed to the idea of two of her colleagues on the Board that it was not; this was exactly the role of government.

Mrs. Maurer clarified Mr. Snellings' comment saying that she was well aware that the Board was not voting on the MOU, that it was a vote to authorize negotiations. She was grateful that it was coming back before the public because prior to the revised resolution, there was not that stipulation. But she did not think it was worth negotiating; it would create a subsidized shopping center and to that point, she did not think it was worth negotiation.

Mr. Snellings reminded the Board that they had five public hearings starting in 24 minutes.

The Voting Board tally on the revised Resolution was:

Yea:	(5)	Cavalier, Milde, Sellers, Snellings, Thomas
Nay:	(2)	Bohmke, Maurer

Resolution R17-183 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO NEGOTIATE WITH MOSAIC AQUIA CAPITAL, LLC TO AWARD FUTURE INCREMENTAL TAXES TO INCENTIVIZE THE REDEVELOPMENT OF AQUIA TOWN CENTER

WHEREAS, the Aquia Town Center has long been a key commercial gateway to the County, and the property has been adversely affected by the general economic decline in recent years; and

WHEREAS, Mosaic Aquia Capital, LLC (Mosaic), a private real estate investment firm founded in 2012 for the primary purpose of investing in office, retail and industrial real estate in the Mid-Atlantic region, has acquired the commercial portion of the Aquia Town Center, Tax Map Parcel No. 21-49 (Property); and

WHEREAS, the Renaissance Planning Group, an external financial consultant, projected that the tax revenues from the proposed development would exceed \$71 million over the next 30 years; and

WHEREAS, Mosaic requested assistance from the County in the form of a future incremental tax supported incentive; and

WHEREAS, Mosaic would use these funds to go to construction on approximately 167,000 square feet of new commercial space, at an estimated cost of \$55 million; and

WHEREAS, having the Aquia Town Center operating as an active and vibrant major commercial gateway located adjacent to Interstate 95, Route 1, and Garrisonville Road is in the best interest of the citizens of Stafford County; and

WHEREAS, the Board desires to bring investment to the Property to fulfill the vision of the Aquia Town Center, approved in 2008; and

WHEREAS, the Board believes Mosaic's proposal for the Aquia Town Center fulfills much of that vision and will have a positive economic impact on the broader area around the Town Center; and

WHEREAS, the Board approved a prior tax incentive agreement with Mosaic, but Mosaic requires additional incentives to bring a desirable anchor tenant to the Project; and

WHEREAS, the Board created the Economic Development Authority of Stafford County, Virginia (EDA), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (Act); and

WHEREAS, the County has the authority, pursuant to Virginia Code § 15.2-953, to make gifts, donations and appropriations of money to the EDA for the purposes of promoting economic development; and

WHEREAS, the EDA has the authority to make grants of money and property pursuant to the Act in furtherance of its purposes, including promoting economic development; and

WHEREAS, the Board determined that it is necessary and desirable to provide certain incentives for the redevelopment and development of Aquia Town Center (Project) which it believes will have a positive economic impact beyond the Town Center; and

WHEREAS, the Project would further the public interest and benefit the County and its citizens through the redevelopment of an under-developed area in Stafford County, and by creating additional jobs in the County and increasing the County's tax base; and

WHEREAS, the Board desires to enter into an agreement with the EDA and Mosaic, providing for the terms of the incentives to be provided to Mosaic for the Project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of July, 2017, that it be and hereby does authorize negotiations with Mosaic Aquia Capital LLC's (Mosaic), in an amount up to Sixteen Million Five Hundred Thousand in current dollars (\$16,500,000) to be outlined in a Memorandum of Understanding (MOU) as

referenced below, paid annually with a net present value escalation of up to 5%, in an amount not to exceed the incremental increases in the previous year's tax collections on the commercial property at Aquia Town Center (Tax Map Parcel No. 21-49), to assist in the redevelopment and revitalization of the Aquia Town Center (Center); and

BE IT FURTHER RESOLVED that the County Administrator is authorized to negotiate the final terms of the MOU with Mosaic and the Stafford County Economic Development Authority (EDA) in order to realize this incentive in conformance with the terms of this Resolution and other material terms as determined by the Board; and

BE IT FURTHER RESOLVED that the final terms of the MOU shall specifically include Harris Teeter grocery store, and that any payment made by the Board pursuant to the MOU is contingent upon the Harris Teeter grocery store leasing and operating within Center; and

BE IT FURTHER RESOLVED that the final terms of the MOU shall include a provision by which Mosaic agrees to construct at least 167,000 square feet of commercial space within the Center by a specific date, and further agrees that the Center will not be developed in phases; and

BE IT FURTHER RESOLVED that the Commissioner of the Revenue is requested to develop a methodology to identify and quantify leakage within a five-mile radius of the Center, and to report his methodology and findings to the Board at its August 15, 2017; and

BE IT STILL FURTHER RESOLVED that the County Administrator will present the proposed final terms of the MOU to the Board for its consideration and authorization of execution on or before September 19, 2017.

At 6:39 p.m., the Chairman recessed the afternoon session of the meeting.

At 7:03 p.m. the Chairman reconvened the meeting. Ms. Bohmke gave the Invocation and Mr. Snellings led the Pledge of Allegiance.

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

Leann Orsolini - Getting the run around from the nice people on the Telecommunications Commission and getting no response to her many calls to Maria Schuler with Comcast. She is an executive nurse and needs internet capabilities to do her job. Mr. Milde provided her with his business card and asked that she contact him.

Dean Fetterolf - Tax incentives were give aways; the Board should dial back its comments about unprofessional behavior; the Board was balancing the County's budget on the backs of students; the County was below the state's pupil/teacher ratio; the responsibility for below average funding rested solely on the Board of Supervisors' shoulders and he hoped that November would change that.

NEW BUSINESS

Item 13. Public Works; Consider Granting Relief from the Right-of-Way Dedication Requirement along Kellogg Mill Road (SR-651) for Ramoth Baptist Church Public Works Director, Mr. Chris Rapp, gave a presentation and answered Board members questions. He said introduced the project engineer, Mike Bagby, who asked the Board to consider voting on the item that evening. Ms. McClendon reminded the Board that as a new business item, it would have to suspend its bylaws in order to vote on the item that night.

Mr. Cavalier motioned, seconded by Mr. Snellings to waive the Board’s bylaws.

The Voting Board tally was:

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

Mr. Snellings motioned, seconded by Ms. Sellers, to adopt proposed resolution R17-191.

The Voting Board tally was:

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

Resolution R17-191 reads as follows:

A RESOLUTION TO GRANT RELIEF FROM THE RIGHT-OF-WAY DEDICATON REQUIREMENT ALONG KELLOGG MILL ROAD (SR-651) FOR RAMOTH BAPTIST CHURCH LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the Comprehensive Plan identifies future road improvements to accommodate projected growth and orderly development; and

WHEREAS, pursuant to the Comprehensive Plan, Stafford County Code Sec. 28-256 requires developments to dedicate at least half of the necessary right-of-way for transportation improvement projects identified in the Comprehensive Plan; and

WHEREAS, Ramoth Baptist Church (Church) is located on Tax Map Parcel No. 28-86 and proposes to construct an addition to the existing building with an expanded parking areas, which requires a right-of-way dedication of 30 feet from the centerline along Kellogg Mill Road (SR-651); and

WHEREAS, the Church is a non-conforming building as to its required front yard setback due to the location of the existing church building, and its proximity from the centerline of Kellogg Mill Road (SR-651); and

WHEREAS, it is not possible for the church to dedicate the required amount of right-of-way along Kellogg Mill Road (SR-651); and

WHEREAS, Stafford County Code Sec. 25-256 (c)(1) allows the Board to grant relief from the requirement to dedicate right-of-way; and

WHEREAS, the Board has considered the recommendations of staff, and believes that it is appropriate to grant relief from the requirement to dedicate right-of-way;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the day of July 5, 2017, that it be and hereby does grant relief from the requirement to dedicate right-of-way on Tax Map Parcel No. 28-86 along Kellogg Mill Road (SR-651), in accordance with the site plan entitled “Right of Way Exhibit 2 Ramoth Baptist Church Building Addition Rock Hill District,” dated June 13, 2017.

PUBLIC HEARINGS

Item 14. Planning and Zoning; Consider Amending County Code to Provide a New Definition for Pet Stores to Include an Accessory Use as a Vaccination Clinic for Dogs and Cats Ms. Kathy Baker presented this item and answered Board members questions. Mr. Thomas clarified that this was intended for any pet store, County-wide. Mr. Snellings asked if the pet stores must be licensed to administer vaccinations. Ms. Baker said that Mr. Thomas was correct, it was County-wide. To Mr. Snellings question, Ms. Baker said the facilities had to be state licensed.

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

Ms. Sellers motioned, seconded by Ms. Bohmke, to adopt proposed Ordinance O17-12.

The Voting Board tally was:

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

Ordinance O17-12 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-25, “DEFINITIONS OF SPECIFIC TERMS”

WHEREAS, the Stafford County Code (Code) includes definitions for the specific terms used in the zoning ordinance; and

WHEREAS, the Board desires to amend the definition of pet store and create a definition for a veterinary vaccination clinic; and

WHEREAS, amending to the Code will clarify the current pet store definition and allow for limited veterinary care for dogs and cats at pet stores; 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 5<sup>th</sup> day of July, 2017, that Stafford County Code Sec. 28-25, "Definitions of specific

terms," be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-25. Definitions of specific terms

*Pet store.* A retail establishment engaged in the retail sale of domestic animals such as dogs, cats, fish, birds and rodents, along with equipment and food necessary for the keeping of pets. Limited on-site grooming and a veterinary vaccination clinic is an are permitted as accessory uses, but a pet store does not include boarding. ~~or veterinary services.~~

*Veterinary vaccination clinic.* A facility staffed with medical personnel licensed in Virginia for the purpose of administering vaccinations to dogs and cats, providing heart worm testing and preventative medications for dogs, and providing flea and tick preventatives for dogs and cats.

; and

BE IT FURTHER ORDAINED that this Ordinance shall become effective 30 days after its adoption.

Item 15. Planning and Zoning; Consider Amending County Code to Prohibit Certain Uses in the FR District Ms. Kathy Baker gave a presentation and answered Board members questions. She told the Board that this amendment would prohibit additional uses in the FR, Falmouth Redevelopment Area Overlay District.

Ms. Sellers asked about a movie theater like Regal or AMC in the historic district. Ms. Baker said that the land size was not feasible for a building as large as that and the conditional use permit (CUP) did not permit a facility with an excess of 3500 seats.

The Chairman opened the public hearing. The following individual indicated a desire to speak.  
Irma Clifton

The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Ms. Bohmke, to adopt proposed Ordinance O17-20.

Following the motion discussion ensued about the definition of a convenience site vs. a convenience center. Ms. Baker said that a convenience center designation was based on square footage and a higher traffic volume. Regarding discussion of a prohibited use as a funeral home, Ms. Baker said that none of the existing empty parcels in the FR District would accommodate the amount of parking required for a funeral home. Mr. Thomas asked Ms. McClendon if the vote and public hearing could proceed if funeral home was added to the list of prohibited uses. Ms. McClendon said it could advance without the funeral home use; that all parcels within the FR District had to meet all other regulations and parking requirements.

The Voting Board tally was:

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

Nay: (1) Cavalier

Ordinance O17-20 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY  
CODE SEC. 28-35, “TABLE OF USES AND STANDARDS”

WHEREAS, to enhance redevelopment opportunities in Falmouth, pursuant to Ordinance O16-24, the Board created the Falmouth Redevelopment Area Overlay Zoning District (FR); and

WHEREAS, the FR has a list of prohibited and conditional uses; 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 to amend the prohibited and conditional uses in the FR;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the day of , 2017, that Stafford County Code Sec. 28-35, "Table of uses and standards," be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 28-35. - Table of uses and standards.**

**Table 3.1. District Uses and Standards**

*Falmouth Redevelopment Area Overlay (FR)*

(b) *Conditional uses.* All conditional uses permitted in the underlying zoning district. Additional conditional uses shall be:

~~Fleet parking.~~

Medium intensity commercial retail.

Theater with fewer than 3,500 seats.

(c) *Prohibited uses:* The following uses shall be prohibited in the FR district:

Adult Business.

Boat sales.

Broadcast station.

Building material sale and storage yard and mulch sale.

Convenience Center.

Fleet parking.

High intensity commercial retail.

Hospital.

Laboratory research and testing facility.

Marina.

Motor vehicle rental.

Night Club.

Theater with 3,500 or more seats.

; and

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon adoption.

Item 16. Planning and Zoning; Consider Reclassification of 81 Parcels for the FR Overlay Zoning District Ms. Kathy Baker gave a presentation and answered Board members questions. She said that the request was a reclassification to apply the FR, Falmouth Redevelopment Area Overlay District to approximately 75 parcels in historic Falmouth. The number was reduced from the original 81 parcels subsequent to requests from two property owners that did not wish to have their property included in the FR District. In response to Mr. Thomas' question, Lightner's Store was not included in the Overlay District. She said she spoke with the Store's owners and they were happy with the way things were.

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

Irma Clifton

Alane Callander

The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Ordinance O17-16.

Following the vote, and in response to citizen comment, Mr. Thomas said that this was not rushed; going back to the days when Dr. Harry Crisp was on the Board there was work being done to revitalize historic Falmouth. Mr. Thomas and Ms. Bohmke held town hall meetings and a lot of people (staff and County residents) had input into the FR District. Based on its regulations, there would not be a heavy increase in traffic, nor parking along streets and in front of residents' homes. The County requested that VDOT reduce the speed on River Road from 35mph to 25 mph but VDOT would not make the change.

The Belmont-Ferry Farm Trail was raised and now there were enhanced speeding fines if caught speeding in the vicinity of the Trail. Mr. Thomas said that he appreciated citizen input and the Board's support.

Ms. Sellers said that she was in support of the FR District; that the report given by Mr. Curry Roberts with the FRA noted that there was not enough developed sites in the County to attract certain businesses and this may be part of the solution to that issue.

Mr. Cavalier said that he believed that the list of restricted uses was too severe. Ms. Bohmke thanked Ms. Clifton and Ms. Callander for their input and acknowledged that more sidewalks were needed in the Falmouth area. She said she would work with new businesses to mitigate parking constraints. Mr. Snellings said he would support it however, so long as Falmouth Beach was sitting in the middle of Falmouth, it would remain a choke point; the beach had taken over Falmouth.

The Voting Board tally was:

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

Ordinance O17-16 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO APPLY THE FR, FALMOUTH REDEVELOPMENT AREA OVERLAY ZONING DISTRICT TO TAX MAP PARCEL NOS. 53-107, 53D-1-9A, 53D-1-11, 53D-1-13, 53D-1-14, 53D-1-14A, 53D-1-15, 53D-1-16, 53D-1-17, 53D-1-17A, 53D-1-18, 53D-1-19, 53D-1-20, 53D-1-31, 53D-1-32A, 53D-1-33, 53D-1-33A, 53D-1-34, 53D-1-35, 53D-1-36, 53D-1-37, 53D-1-38, 53D-1-43, 53D-1-43A, 53D-1-45, 53D-1-46, 53D-1-47, 53D-1-60, 53D-1-61, 53D-1-62, 53D-1-63, 54D-1-73, 54D-1-76, 53D-1-77, 53D-1-78, 53D-1-79, 53D-1-80, 53D-1-81, 53D-1-82, 53D-1-83, 53D-1-97, 53D-1-98A, 53D-1-99, 53D-1-100, 53D-1-100A, 53D-1-101, 53D-1-102, 53D-1-103, 53D-1-104, 53D-1-104A, 53D-1-105, 53D-1-106, 53D-1-107, 53D-1-108, 53D-1-109, 53D-1-110, 53D-1-110A, 53D-2-2 AND 53D-2-5, WITHIN THE FALMOUTH AND GEORGE WASHINGTON ELECTION DISTRICTS

WHEREAS, the Board submitted application RC17161533, initiating a zoning reclassification to apply the FR, Falmouth Redevelopment Area Overlay Zoning District to the above mentioned parcels, pursuant to Resolution R16-353; 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 5<sup>th</sup> day of July, 2017, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to apply the FR, Falmouth Redevelopment Area Overlay District to Tax Map Parcel Nos. 53-107, 53D-1-9A, 53D-1-11, 53D-1-13, 53D-1-14, 53D-1-14A, 53D-1-15, 53D-1-16, 53D-1-17, 53D-1-17A, 53D-1-18, 53D-1-19, 53D-1-20, 53D-1-31, 53D-1-32A, 53D-1-33, 53D-1-33A, 53D-1-34, 53D-1-35, 53D-1-36, 53D-1-37, 53D-1-38, 53D-1-43, 53D-1-43A, 53D-1-45, 53D-1-46, 53D-1-47, 53D-1-60, 53D-1-61, 53D-1-62, 53D-1-63, 54D-1-73, 54D-1-76, 53D-1-77, 53D-1-78, 53D-1-79, 53D-1-80, 53D-1-81, 53D-1-82, 53D-1-83, 53D-1-97, 53D-1-98A, 53D-1-99, 53D-1-100, 53D-1-100A, 53D-1-101, 53D-1-102, 53D-1-103, 53D-1-104, 53D-1-104A, 53D-1-105, 53D-1-106, 53D-1-107, 53D-1-108, 53D-1-109, 53D-1-110, 53D-1-110A, 53D-2-2 and 53D-2-5.

Item 17. Public Works; Authorize the County Administrator to Consider Transfer to VDOT on TMP 29-99; and Grant a Stormwater Easement to VDOT on TMP 29-98 Mr. Chris Rapp gave a presentation and answered Board members questions. He said that VDOT requested that the County donate TMP 29-99, located immediately west of Fire & Rescue Station 2, to construct

the expanded commuter lot, which would have approximately 85 spaces. The unimproved parcel was 3.356 acres with an assessed value of just over \$1 million.

VDOT also requested a stormwater easement on TMP 29-98. The easement area was 0/679 acre in size and the easement was intended for improvement and future maintenance of an existing stormwater facility. VDOT submitted a letter of request for the conveyance in order to move forward with the additional spaces and the new commuter lot.

Mr. Snellings asked if this was brought before the Board at a previous time. Project Manager, Mr. Keith Dayton said, “Not officially.” Mr. Dayton said it was discussed at the committee level and was a part of Smart Scale. Mr. Snellings asked if the County had future plans for the requested parcels. Mr. Dayton said it did not. Mr. Milde said VDOT was doubling the size of the commuter lot.

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

Mr. Snellings motioned, seconded by Ms. Sellers, to adopt proposed Resolution R17-148 (TMP 29-99).

The Voting Board tally was:

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

Resolution R17-148 reads as follows:

A RESOLUTION AUTHORIZING THE CONVEYANCE OF TAX MAP PARCEL NO. 29-99 TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the County is the owner of Tax Map Parcel No. 29-99 (Property) on Courthouse Road (SR 630), located within the Hartwood Election District; and

WHEREAS, the Virginia Department of Transportation (VDOT) wishes to proceed with the construction of the Interstate I-95/Route 630 (Courthouse Road) Interchange Relocation and Widening project (Project); and

WHEREAS, as part of the Project, VDOT has proposed relocating and replacing the existing commuter parking lot with an expanded lot which will provide approximately 850 parking spaces, with dedicated carpool/vanpool pick-up and drop-off area to assist with High Occupancy Vehicle use; and

WHEREAS, in order to construct, maintain, and operate the proposed commuter lot, VDOT has requested that the County convey Tax Map Parcel No. 29-99 to VDOT in fee simple; and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), the Board conducted a public hearing and considered the recommendation of staff, and the public testimony, if any, received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of July, 2017, that the Board be and it hereby does authorize the conveyance of Tax Map Parcel No. 29-99 to the Virginia Department of Transportation as part of the Interstate I-95/Route 630 (Courthouse Road) Interchange Relocation and Widening Project; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute the deed of conveyance and any other documents that he deems necessary and appropriate to effectuate the Board's desires and this Resolution.

Mr. Snellings motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R17-149 (TMP 29-98).

The Voting Board tally was:

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

Resolution R17-149 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO GRANT A DRAINAGE EASEMENT ON TAX MAP PARCEL NO. 29-98 TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the County is the owner of Tax Map Parcel No. 29-98 (Property) on Courthouse Road (State Route 630), located within the Hartwood Election District; and

WHEREAS, the Virginia Department of Transportation (VDOT) wishes to proceed with the construction of the Interstate I-95/Route 630 (Courthouse Road) Interchange Relocation and Widening project (Project); and

WHEREAS, a 0.679 acre drainage easement on the Property is needed for VDOT to improve and maintain the stormwater pond currently located on Tax Map Parcel Nos. 22-98 and 22-99; and

WHEREAS, the Project contains critical road infrastructure that will provide long-term benefits for transportation and economic development needs within the County; and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), the Board conducted a public hearing and considered the recommendation of staff, and the public testimony, if any, received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of July, 2017, that the County Administrator be and he here hereby is authorized to grant a 0.679 acre drainage easement on Tax Map Parcel No. 29-98 to the Virginia

Department of Transportation in support of the Interstate I-95/ Route 630 (Courthouse Road) Interchange Relocation and Widening Project; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute the deed of easement and any other documents that he deems necessary and appropriate to effectuate the Board's desires and this Resolution.

CLOSED MEETING

At 8:05 p.m., Ms. Bohmke motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM 17-11.

The Voting Board tally was:

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

Resolution CM-12 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, (2) 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 (3) discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board; and

WHEREAS, pursuant to Virginia Code § 2.2-3711(A)(3) and (29) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 5<sup>th</sup> day of July, 2017, does hereby authorize discussion of the above matters in Closed Meeting.

Closed Meeting Certification. At 9:03 p.m., Ms. Bohmke motioned, seconded by Mr. Thomas, to adopt proposed Resolution CM 17-12(a).

The Voting Board tally was:

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

Resolution CM-12(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JULY 5, 2017

WHEREAS, the Board has, on this the 5<sup>th</sup> day of July, 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 5<sup>th</sup> day of July, 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.

Adjournment At 9:04 p.m., the Chairman adjourned the July 5, 2017 meeting of the Stafford County Board of Supervisors.

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Thomas C. Foley  
County Administrator

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Paul V. Milde, III  
Chairman