

BOARD OF SUPERVISORS
STAFFORD, VIRGINIA
MINUTES
Regular Meeting
April 2, 2019

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Gary Snellings, Chairman, at 3:00 p.m., on Tuesday, April 2, 2019 in the Board Chambers, George L. Gordon, Jr., Government Center, 1300 Courthouse Road, Stafford, VA.

Roll Call The following members were present: Gary Snellings, Chairman; L. Mark Dudenhefer, Vice Chairman; Meg Bohmke; Jack R. Cavalier; Thomas C. Coen; Wendy E. Maurer; and Cindy C. Shelton.

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

Mrs. Maurer motioned, seconded by Mr. Coen, to adopt the regular agenda. There was one addition to the agenda; Community Engagement; Proclamation Recognizing National Crime Victims' Right Week, April 7 – 13, 2019, in Stafford County.

The Voting Board tally was:

Yea:	(7)	Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay:	(0)	

Mr. Snellings presented a proclamation to Ms. Alvenia McQueen and Mr. George Millsaps with the United States Census Bureau. Following presentation of the proclamation, Ms. McQueen and Mr. Millsaps (accompanied by his service dog, Luna) gave a presentation about the upcoming 2020 Census. The 2020 Census is mandated by Article 1, Section 2 of the U.S. Constitution; it determines the number of seats in the House of Representatives, conducts redistricting at the federal, state, and local levels, distributes over \$675 Billion federal dollars to state and local governments, provides statistical support for grant applications, and helps communities plan for future needs. Ms. McQueen said that the goal of the 2020 Census was to count everyone only once and in the right place. The Census Bureau is maximizing outreach by using both traditional and new media, offering and encouraging people to use the secure on-line response option, providing its field workers with handheld devices for collecting Census data, and they are utilizing automated systems for recruiting, training, and payroll. Included in Ms. McQueen's presentation was a list of 50 ways Census data was used as well as a discussion about confidentiality and privacy of responses to Census questions and penalties if confidentiality is broken by Census workers. She also provided a timeline for the 2020 Census.

Mr. Millsaps spoke about the 3% decline in Stafford County's response from the 2000 to the 2010 Census. He talked about the Census tracts and areas of the County that were more difficult to count or that had low response score variables. Mr. Millsaps spoke about how local governments could collaborate with the U.S. Census Bureau including operational and promotional support and forming a Complete County Committee (CCC), which could be local and/or regional. He said it would increase the response rate for residents through a focused neighbor-to-neighbor program; it would utilize the local knowledge, expertise, and the influence of each CCC member to design and implement a Census awareness campaign targeted to the locality; and bring together a cross-section of community members whose focus was on 2020 Census awareness. He noted that the next steps included forming the CCC, coordinating and collaborating on a regional basis, and finding trusted voices in Stafford County. Jobs are available on USAjobs or Census.gov and 60,000 people will be hired in each state. Mr. Millsaps requested that an "easy button" be placed on the County's website linking interested applicants to either one of these websites. Mr. Foley said the County would look into promoting interest in the 2020 Census and would discuss a regional or local CCC. Mr. Millsaps said it was not an either/or proposition, both regional and local CCC's would be beneficial on differing levels. Ms. Bohmke spoke about getting the Schools' participation and getting the Superintendent involved to get them engaged in the process.

Presentations by the Public The following persons addressed the Board:

Gregory Gavan - Had a Power Point presentation and talked about clean roads and the 2019 spring clean-up. He pointed out winning the war with litter in the Hartwood District and in the County and the roads (for the most part) looking great. He named Mr. Jeff Harvey and Ms. M. C. Moncure (Morris) and her team with the R-Board, as well as the Stafford Sheriff's Office. Mr. Gavan noted that certain violators responded with illegal and unethical tactics by leaving motor oil laced signs throughout the VDOT water drainage system and at times the sheer volume of signs and waste was overwhelming to him. He displayed a blue bag that can be obtained by Ms. Moncure, free of charge, to pick up litter and read from an e-mail he sent to and was responded by Mr. Foley.

Eron Sodie - Spoke about an amendment to the Aquia Town Center MOU and workable terms therein; asked that the timeline be extended by 12 months to permit his company enough time to get a tenant and negotiate a contract. He said that rushing it hurt the development prospects going forward and his company would keep their feet to the fire. They have voluntarily "wiped out" the escalator and would have a better chance for success if the Board granted his request additional 12 months.

Paul Waldowski - Said that "Mr. Waldowski" was his father; said that a previous public speaker did not know what an anchor store was and 12 more months should not be granted. Spoke about (deceased) Senator Edward Kennedy and "Uncle Joe" on two ballots for two offices at the same time and getting off the regional vs. local bandwagon. He did research on BPOL, which was pulled out of the County and State Code Sec. 58.1-3703.1A2 authorizing the Commissioner of the Revenue to grant business licenses but the Board took away that authority. Mr. Waldowski spoke about Wal-Mart and Sam Walton giving benefits and mentioned crooked people and United States money being challenged and 75 years taking over from Great Britain, who was in Brexit Heaven. He said he wanted a receipt and the Utilities Department had been committing fraud for 30 years.

Ruth Carlone - Asked that Riverside Park be named for Irma Clifton. Said that cameras were needed on Route 17 at Gateway Drive where cars slip through the red-light signal. She spoke about the outrage of the FRED bus stop where people waiting to ride the bus had a 4' area of grass to stand on, with no shelter from the elements; she saw six workers there, having crossed Route 17 to get to the bus stop; they were shivering. Ms. Carlone said she did not understand the going back and forth about the roads but making people cross over three lanes of traffic to stand on a little sliver of land. She said she was quite serious and "mad as hell."

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 - Ms. Bohmke thanked everyone, donors and sponsors that attended the Unmasquerade Ball held last Saturday at the Olde Silk Mill. She said it was a benefit for RCASA and victims of sexual assault.

Mr. Cavalier - Mr. Cavalier spoke about the School Board's recent decision on elementary school redistricting and noted that the Board of Supervisors had no veto power whatsoever over the Schools' decision. He said the Board of Supervisors did support the redistricting study due to severe over-crowding at some locations and also supported the purchase of Fredericksburg Christian School to help alleviate that situation somewhat. However, while it seemed like a good idea at the time, Mr. Cavalier said that the School Board's final decision was worse than could be imagined. He said that in his opinion, it was recreating segregation in Stafford County and he met with members of the NAACP who were going to take affirmative action against the Plan.

Mr. Coen - Mr. Coen attended the Rappahannock River Basin Commission meeting and also attended the Fire, Rescue, and Emergency Services Awards Banquet. He thanked those public safety personnel that put their lives on the line doing their duty, both volunteers and career staff. He said it was great to see some of those that he did ride-alongs

with being honored for their hard work and dedication. He helped serve dinner at Head Start and jokingly said it was good that he was taller than most of those that he served. Mr. Coen thanked Virgil Gray and Team Rubicon for the Falmouth Beach clean-up from the recent flooding. He did a ride-along with the White Oak Rescue Squad and it was great to see the rapport with citizens in that area of the County. He spoke about the County's video contest open to middle and high school students; the deadline for submission of videos is April 19th and interested students should contact Mr. Jeff Shover in Citizen's Assistance.

Mr. Dudenhefer - Mr. Dudenhefer spoke about the potential grant opportunities that could help fund OmniRide, which was a bus service now in Prince William County; it would fund eight buses between north Stafford and the Pentagon and Washington, D.C. The results would be known this summer and it could take 500 riders off the roads during both morning and evening rush hours. In the Infrastructure Committee (IC) meeting, there was a discussion about Falmouth Beach that resulted in a lot of questions and will be brought back to the IC in May. He said if citizens had input on the beach at Falmouth, please let their supervisors know. A good thing, Mr. Dudenhefer said, was that the Enon Road project may benefit from additional funding being moved around in addition to a couple of other projects. He said that The Garrison/Regal Cinemas had arrived at an agreement and were awaiting their attorneys to put pen to paper; a joint agreement would be announced in another week (or so). He said that project was very important to the quality of life in north Stafford. Mr. Dudenhefer said that it was very important that people understand that the Board of Supervisors did not decide what teachers were paid; that the Board sent money across the street and the School Board, who received the money, had a history of not giving raises with the money earmarked for that purpose. He said he believed that the School Board had the funds necessary to provide for a 5% salary increase and the Board of Supervisors did not neglect its duty for the school children and School staff. He spoke about looking system-wide before building a new high school but that the Board was committed to it when it became necessary. Property would be researched and purchased in the next year for that project but the School Board's number keep changing and the Board would not commit the funds until there was a firm commitment on the part of the School Board as to the cost and size of the proposed facility. He repeated that the Board of Supervisors had nothing to do with the recent redistricting plan or teacher's pay.

Mrs. Maurer - Mrs. Maurer said that she did not do much due to her illness (bronchitis) and thanked people for their patience saying it was a long month due to her being sick but she was back now. In the Infrastructure Committee meeting there was a discussion about PRTC bringing OmniRide bus service along the Route 610 Corridor that Mr. Dudenhefer elaborated on.

Ms. Shelton - Ms. Shelton said that April 3rd was World Autism Day and the White House and United Nations would be clothed in blue lights to commemorate the event; she spoke about autism-related disorders and how some who were formerly being bused out of the County for treatment would be able to remain in the County. There is an upcoming ribbon cutting for FOCUS with its on-site treatment of autism spectrum disorders. Ms. Shelton said she would be wearing blue on April 3rd in support of World Autism Day.

Mr. Snellings - Mr. Snellings jokingly asked if Mr. Pence (with The Garrison) would build a restaurant on Route 17. He announced that the evening session would be held at Brooke Point High School beginning at 7:00 p.m. and would include public hearings on the proposed tax rates and the FY2020 budget and capital improvement program (CIP).

Report of the County Attorney – Ms. McClendon gave a report and preliminary update on the 2019 amended proffer legislation. She said that Virginia Code § 15.2-2303.4 (2016) will be amended by HB 2342. The 2016 proffer language, which prohibited localities from requiring unreasonable proffers, still remains in the 2019 amendments. However, Ms. McClendon said the 2019 amendments allowed an application to submit any onsite or offsite proffers that the applicant deemed reasonable and appropriate, as conclusively evidenced by the signed proffers. In addition, the 2019 amendments clarifies that the legislation in and of itself does not prohibit the County from communicating with the applicant and discussing potential impacts of new residential development. She noted that it was important for the Board, the Planning Commission, County employees, the public and the development community to remember that the 2019 amendments do not go into effect until July 1, 2019, which means that no application can be submitted or discussed under the 2019 amendments until July 1, 2019 or later. Staff is working on an implementation process, which will allow the County to reasonably and cautiously take full advantage of the 2019 changes and will provide the Board and the Planning Commission with a briefing regarding implementation in June. Mr. Snellings asked Ms. McClendon about getting together with developers to review the changes in proffer legislation.

Report of the County Administrator – Mr. Foley provided and update on the Healthy Growth strategic priority and growth management strategies to manage growth in rural areas of the County. He said that on April 8th and 9th, there would be interviews with stakeholders and on April 10th, there would be two roundtable discussions. He announced meetings on April 26th at Margaret Brent ES (7:00 to 8:30 p.m.) and on April 23rd at T. Benton Gayle MS (same time). The results of these meetings would be provided to the Board in late May to early June. Mr. Foley also noted that the County received a Public-Private Education (PPEA) proposal for the Courthouse expansion; it is being reviewed by staff and will be presented to the Board in May and reviews the design-build vs. design-bid process. The project is scheduled to begin design in July and this may speed up the procurement process and have other advantages.

APPROVAL OF THE CONSENT AGENDA

Mrs. Maurer motioned, seconded by Mr. Coen, to adopt the Consent Agenda with addition of the Add-On item.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay: (0)

Item 1. County Administration; Approve the March 19, 2019 Meeting Minutes.

Item 2. Finance and Budget; Approve the Expenditure Listing

Resolution R19-104 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED MARCH 19, 2019 THROUGH APRIL 1, 2019,

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 2nd day of April, 2019 that the above-mentioned EL be and hereby is approved.

Item 3. Finance and Budget; Authorize the County Administrator to Appropriate Funding for the Addition/Renovation of Ferry Farm Elementary School; and Budget and Appropriate Funds for the Renovation of North Star Early Childhood Education Center

Resolution R19-105 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE VIRGINIA PUBLIC SCHOOL AUTHORITY BOND PROCEEDS FOR THE PURCHASE OF FURNITURE, FIXTURES AND EQUIPMENT FOR NORTH STAR EARLY CHILDHOOD EDUCATION CENTER; AND THE APPROPRIATION OF CAPITAL PROJECT FUNDS FOR DESIGN OF THE BASEMENT RENOVATION AT FERRY FARM ELEMENTARY SCHOOL

WHEREAS, the FY2019-28 Capital Improvement Program (CIP), plans the use of Virginia Public School Authority (VPSA) funds to finance the construction, contingency, and purchase of furniture, fixtures and equipment in support of the North Star Early Childhood Education Center and Ferry Farm Elementary School; and

WHEREAS, the Schools are requesting the budget and appropriation of \$400,000 for the procurement of furniture, fixtures, and equipment associated with the renovation of North Star Early Childhood Education Center; and

WHEREAS, the Schools are also requesting the appropriation of \$211,200 for the renovation of the 1966 wing of the basement of Ferry Farm Elementary School, which was added to the scope of the project and approved by the Board on February 19, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of April, 2019, that it be and hereby does budget and appropriate Four Hundred Thousand Dollars (\$400,000) of Virginia Public School Authority bond proceeds from the County Construction Fund to the Schools' Capital Project Fund for the procurement of furniture, fixtures, and equipment associated with the renovation of the North Star Early Childhood Education Center; and

BE IT FURTHER RESOLVED that the Board appropriates Two Hundred Eleven Thousand Two Hundred Dollars (\$211,200) from the School's capital projects fund held in County's Fund Balance to General Fund, and appropriates and transfers the same to the Schools' Capital Projects Fund for the renovation of the 1966 wing of the basement of Ferry Farm Elementary School.

Item 4. Public Works (Transportation); Petition VDOT to Include Phase 2 of Mine Road, Within Embrey Mill, into the Secondary System of State Highways

Resolution R19-83 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE PHASE 2 OF MINE ROAD, WITHIN EMBREY MILL, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS, LOCATED WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Phase 2 of Mine Road, within Embrey Mill, into the Secondary System of State Highways; and

WHEREAS, VDOT inspected Phase 2 of Mine Road and found it satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of April, 2019, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street phase, within Embrey Mill, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Mine Road (SR-684)	From: Intersection with Alder Drive (SR-2381) To: Intersection with Embrey Mill Road (SR-733)	0.56 mi. ROW 115'

An unrestricted right-of-way, as indicated above, for this street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Phase 2 Mine Road Embrey Mill, recorded among the land records of Stafford County, Virginia in Plat Map No. PM150000103 with Instrument No. LR150013878 recorded on August 11, 2015; and

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

Item 5. Public Works (Transportation); Authorize the County Administrator to Execute Contracts for Construction Engineering and Inspection Services, and Construction Services for the Poplar Road Curve Improvement Project; and Appropriate Construction Funds

Resolution R19-88 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH A. MORTON THOMAS & ASSOCIATES, INC., FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE POPLAR ROAD CURVE IMPROVEMENT PROJECT, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Poplar Road (SR-616) at the intersection with Cedar Hill Lane (Private Road) (Project), as a critical part of the County's road improvement plan; and

WHEREAS, the Board desires to begin construction of the improvements on Poplar Road and will require construction engineering and inspection services for the Project; and

WHEREAS, staff determined that A. Morton Thomas and Associates, Inc., (AMT), an on-call engineering firm selected to provide professional engineering services for roadways or other linear projects with state or federal funds pursuant to Request for Proposal (RFP) #78153, approved by the Board in Resolution R15-266, is best qualified to provide these services; and

WHEREAS, AMT submitted a cost proposal of \$120,024 to perform the construction engineering and inspection services for the Project; and

WHEREAS, County staff reviewed the proposal and determined that it is reasonable for the scope of work proposed; and

WHEREAS, additional funds must be budgeted and appropriated from the Transportation Fund in order to execute a contract for the construction engineering and inspection services for the Project; and

WHEREAS, the Board desires to award the contract and budget and appropriate funds for the Project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of April 2019, that the County Administrator be and he hereby is authorized to execute a contract with A. Morton Thomas & Associates, Inc., in an amount not to exceed One Hundred Twenty Thousand Twenty-Four Dollars (\$120,024) for construction engineering and inspection services for the Poplar Road Curve Improvement Project (Project), unless amended by a duly-executed contract amendment; and

BE IT FURTHER RESOLVED that One Hundred Twenty Thousand Twenty-Four Dollars (\$120,024) is budgeted and appropriated from the Transportation Fund to the Project account for construction engineering and inspection services for the Project.

Resolution R19-89 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH J. L. KENT & SONS, INC., AND BUDGET AND APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE POPLAR ROAD CURVE IMPROVEMENT PROJECT, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Poplar Road (SR-616) at the intersection with Cedar Hill Lane (Private Road) (Project), as a critical part of the County's road improvement plan; and

WHEREAS, the County advertised for bids for the Project in February, 2019, and received bids on March 6, 2019; and

WHEREAS, the bid received from J. L. Kent & Sons, Inc., in the amount of \$794,999, was the lowest responsive and responsible bid for the construction of the Project; and

WHEREAS, additional funds must be budgeted and appropriated from the Transportation Fund in order to execute a contract for the construction of the Project; and

WHEREAS, the Board desires to award the contract and budget and appropriate funds for the Project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of April, 2019, that the County Administrator be and he hereby is authorized to execute a contract with J. L. Kent & Sons, Inc. for the construction of the Poplar Road Curve Improvement Project (Project), in an amount not to exceed Seven Hundred Ninety-Four Thousand Nine Hundred Ninety-Nine Dollars (\$794,999), unless amended by a duly executed change order; and

BE IT FURTHER RESOLVED that Seven Hundred Ninety-Four Thousand Nine Hundred Ninety-Nine Dollars (\$794,999) is budgeted and appropriated from the Transportation Fund to the Project account for construction of the roadway improvements to Poplar Road.

These costs will be reimbursed 100% from Virginia Department of Transportation Secondary Six-Year Plan funds.

Item 6. Public Works (Utilities); Authorize the County Administrator to Execute a Contract for the Replace of Aqua Disk Controls for the Aquia Wastewater Facility

Resolution R19-97 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE REPLACEMENT OF AQUA DISK CONTROLS FOR AQUIA WASTEWATER FACILITY

WHEREAS, Public Works, Utilities Division, has a computer-operated AquaDisk Filtration System which requires controls to determine different functions performed by five individual AquaDisk filters that filter wastewater at the Aquia Wastewater Treatment Facility; and

WHEREAS, the current controls used to perform these functions have become unreliable, outdated and costly to service; and

WHEREAS, the filters are an integral part of the wastewater treatment process to maintain system reliability, which is required to meet the facility's Virginia Pollutant Discharge Elimination System (VPDES) permit limits with the Virginia Department of Environmental Quality; and

WHEREAS, AquaDisk filters, controls, and appurtenances are proprietary to Aqua-Aerobic Systems Inc. (Aqua-Aerobic Systems); therefore, Aqua-Aerobic Systems is the only source practicably available to provide the replacement controls for the AquaDisk Filter System; and

WHEREAS, the staff has reviewed the cost and purchase information from Aqua-Aerobic Systems, and found it to be reasonable for the purchase of replacement controls;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of April, 2019, that the County Administrator be and hereby is authorized to execute a contract with Aqua-Aerobic Systems Inc. for the purchase of replacement controls for the AquaDisk Filtration System used in the Aquia Wastewater Treatment Facility, in an amount not to exceed Ninety-Nine Thousand Seven Hundred Seventy-Five Dollars (\$99,775), unless modified by a duly executed contract amendment.

Item 7. Public Works (Utilities); Authorize the County Administrator to Advertise a Public Hearing to Consider the Condemnation and Exercise of the County's Quick Take Powers in Connection with the Lower Accokeek Sewer Project

Resolution R19-80 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS IN CONNECTION WITH THE LOWER ACCOKEEK SEWER PROJECT, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, the Board identified the completion of the Lower Accokeek Sewer Project (Project) as an important sewer improvement and critical element of the County's sewer system, through adoption of the Water and Sewer Master Plan by Resolution R18-68; and

WHEREAS, the Board approved the acquisition of the land and easements necessary for the completion of the Project within the engineering scope of work approved in Resolution R16-216; and

WHEREAS, Tax Map Parcel No. 39-62A (Property) consists of approximately 27.747 acres of land owned by Anthony Kenneth Walchester (Property Owner); and

WHEREAS, due to the design of the Project, the Board must acquire 23,253 square feet of water-sanitary sewer easement, of which 12,329 square feet is exclusive, and 12,480 square feet of temporary construction easement on the Property; and

WHEREAS, the fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Seven Thousand Three Hundred Dollars (\$7,300), based upon the 2018 appraisal conducted by the County's consultant; and

WHEREAS, the Board, through its staff and consultant, made bona fide but ineffectual efforts to purchase the affected areas of the Property by offering said fair market value or greater on behalf of the County to the Property Owner; and

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

WHEREAS, to determine the necessity for condemnation and exercise of its quick-take powers to acquire the land and easement for the construction of the Project, the Board desires and is required to hold a public hearing, pursuant to Virginia Code §§ 15.2-1903(B) and 15.2-1905(C);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of April 2019, that the Board be and it hereby does authorize the County Administrator to advertise a public hearing to consider the condemnation and use of its quick-take powers to acquire a permanent water-sanitary sewer easement, exclusive water-sanitary sewer easement, and temporary construction easement on the property of Anthony Kenneth Walchester, Tax Map Parcel No. 39-62A, in connection with the Lower Accokeek Sewer Project, under Virginia Code §§ 15.2-1903(B) and 15.2-1905(C).

Item 8. Public Works (Utilities); Authorize the County Administrator to Execute a Contract for the Purchase of a Replacement Crane Truck

Resolution R19-22 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE PURCHASE OF A REPLACEMENT CRANE TRUCK

WHEREAS, a crane truck is vital for the daily maintenance and service to wastewater and water pumping stations to assure the reliability of the County's water and wastewater systems; and

WHEREAS, the crane truck allows crews to safely lift pumps and motors to make necessary repairs and to perform preventative maintenance; and

WHEREAS, the replacement of the current crane truck is necessary due to age and multiple mechanical issues that make it no longer cost effective to repair; and

WHEREAS, the County may cooperatively procure a replacement crane truck with Chastang Enterprises dba Chastang Ford, through its contract with Houston-Galveston Area Council (HGAC) Contract #HT06-18;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of April, 2019, that the County Administrator be and he hereby is authorized to execute a contact with Chastang Enterprises dba Chastang Ford for the purchase of a replacement crane truck, in an amount not to exceed One Hundred Eighteen Thousand Five Hundred Twenty-One Dollars (\$118,521), unless modified by a duly executed contact amendment.

Item 9. Community Engagement; Proclamation Recognizing April 1, 2019 as Census Awareness Day

Proclamation P19-24 reads as follows:

A PROCLAMATION TO RECOGNIZE APRIL 1, 2019, AS CENSUS AWARENESS DAY

WHEREAS, the United States Constitution mandates that a census be conducted every 10 years in Article 1, 2 Section 2; and

WHEREAS, the first census took place in 1790 and there have been 22 national censuses taken since, with the next census scheduled for 2020; and

WHEREAS, the Bureau of the Census in the United States Department of Commerce is responsible for conducting the census and the federal government is charged with funding the cost of the census; and

WHEREAS, it takes the cooperation and investment of states and local government working in conjunction with the federal government to ensure that the census is fully executed and represents a complete and accurate count of the people within each jurisdiction; and

WHEREAS, the results of the census are the foundation for many important decisions made by federal and state government, including the disbursement of federal funds to states based on population; and

WHEREAS, it will take the collaboration of community leaders, faith organizations, non-profit organizations, local government, legislative leaders and the Governor of the Commonwealth of Virginia to raise the public's awareness of the importance of the census and to find ways to support the census efforts;

NOW THEREFORE BE IT PROCLAIMED that the Stafford County Board of Supervisors on this the 2nd day of April, 2019, recognizes the importance of the 2020 census and recognizes April 1, 2019, as Census Awareness Day.

Item 10. Community Engagement: Proclamation Recognizing Local Government in Education Week (April 1 – 7, 2019) in Stafford County

Proclamation P19-07 reads as follows:

A PROCLAMATION TO RECOGNIZE APRIL 1 – 7, 2019, AS LOCAL GOVERNMENT EDUCATION WEEK IN STAFFORD COUNTY

WHEREAS, local governments throughout the Commonwealth provide valuable services to the citizens of the communities they serve; and

WHEREAS, citizen services such as, law enforcement, public health and safety, recreational opportunities, and educating local children, are most often delivered at the local level; and

WHEREAS, in recognition of the work performed by local governments, the Virginia General Assembly, on February 29, 2012, designated the first week in April as Local Government Education Week in Virginia; and

WHEREAS, April 2, 1908 was the creation of the Council-Manager form of government in the City of Staunton thereby making the first week in April appropriate for this designation.

WHEREAS, Stafford County is celebrating Local Government in Education Week this year via a video contest for middle and high schools, tours for third grade classes throughout Stafford County and Student Government Day;

NOW, THEREFORE, BE IT PROCLAIMED, by the Stafford County Board of Supervisors on this the 2nd day of April, 2019, that it be and hereby does designate April 1 – 7, 2019, as Local Government Education Week; and

BE IT FURTHER PROCLAIMED that the Stafford County Board of Supervisors and the Stafford County School Board will partner to promote civic education and engagement in an effort to educate citizens about their local government, strengthen the sense of community, and engage the next generation of local government managers.

ADD-ON TO THE CONSENT AGENDA

Community Engagement; Proclamation Recognizing National Crime Victim's Week, April 7 – 13, 2019 in Stafford County

Proclamation P19-28 reads as follows:

A PROCLAMATION RECOGNIZING NATIONAL CRIME VICTIMS' RIGHTS WEEK, APRIL 7 – 13, 2019, IN STAFFORD COUNTY

WHEREAS, Americans are the victims of more than 20 million crimes each year, and crime can touch the lives of anyone regardless of age, national origin, race, creed, gender, sexual orientation, or economic status; and

WHEREAS, many victims face challenges in finding appropriate services, including victims with disabilities, victims of color, deaf and hard of hearing victims, the elderly, immigrants, teens, victims with mental illness, and others; and

WHEREAS, repeat victims who fail to receive support services are at greater risk for long-term consequences of crime; and

WHEREAS, the victim services community has worked to create an environment for victims that is safe, supportive, effective and intervening early with services that support and empower victims providing a pathway to recover from crime and abuse; and

WHEREAS, honoring the rights of victims, including the right to be heard and to be treated with fairness, dignity, respect, and working to meet their needs helps to rebuild the victim's trust in the criminal justice and social services system;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 2nd day of April, 2019, that it be and hereby does recognize National Crime Victims' Rights Week in Stafford County on April 7 – 13, 2019; and

BE IT FURTHER PROCLAIMED that the Stafford County Board of Supervisors expresses its sincere gratitude and appreciation for those community members, victim service providers, and criminal justice providers who are committed to responding to all victims of crime so that they may continue to find relevant assistance, support, justice, and peace.

UNFINISHED BUSINESS

Item 11. Economic Development; Consider Rescinding or Amending a Memorandum of Understanding with Aquia Capital LLC, Associated with Aquia Town Center

Director of Economic Development and Tourism, Mr. John Holden, addressed the Board saying that staff recommended an amendment to the Memorandum of Understanding (MOU). He discussed the difference in nominal value (no "escalator") and present value. Mrs. Maurer asked about the 15,000 s.f. performance term and if that was completed space, and if Rite Aid would rebuild, would that qualify for the ITR. Mr. Holden said it would qualify. Mrs. Maurer asked if it transferred to new property within the three year window, would that restart the 15,000 clock. Ms. McClendon said that it would not restart the clock and the revised MOU, if agreed upon by the Board, would include additional clarifying language. Mrs. Maurer asked additionally the 15,000 s.f., Mr. Smith responded that that portion of the Agreement it would be fulfilled at certificate of occupancy. Mr. Dudenhefer asked about the current Rite Aid; Mr. Smith said at its current location, it was approximately 12,000 s.f.

Mr. Foley spoke about site clean-up. Mr. Holden mentioned the large grassy area with a fence, which would be mowed and the rubble removed. He said that the complete clean-up list from Planning and Zoning had not yet been shared with Mosaic. Mr. Cavalier noted that clean-up was Item 7 on the red-lined version of proposed Resolution R19-108. Mr. Foley said that language would be in the proposed amendment to the MOU to which Mosaic has not yet agreed; that there was a difference of opinion between the County and the developer. Mr. Cavalier talked about the fence blocking the view-shed and said he felt sorry for the apartments, which Mosaic did not own. Ms. Bohmke said that paragraph gave her heartburn and that immediate action meant different things to different people; there should be a specific date by which all clean-up is completed. Mr. Smith said they would work on the clean-up issues, stormwater issues, grass, the unneeded fencing, and maintenance needed where the theater used to be. Mr. Cavalier asked how the mounds of dirt would be dealt with, would they be leveled out. Mr. Smith said they would probably be left in place, maintained and mowed. He said grass would look better than straw; that there were utilities underneath and moving them would be cost prohibitive. He said it would be stable and aesthetically pleasing. Mr. Foley noted work being done with the environmental staff and would be back to the Board. He asked for guidance if the Board's intention was to repeal the ITR or to amend the MOU.

Ms. Shelton said that there was nothing in the MOU that says if it was not signed within a certain timeframe (30 days?) it would be null and void and rescinded. Mr. Smith said he agreed there should be a time limit but that 30 days was probably too short a time and suggested a 60 day time in which Mosaic would have to agree to the terms and sign the amended MOU. Mrs. Maurer asked about other elements of the MOU such as attorney fees. Ms. McClendon said the revised MOU would be complete with all the terms spelled out.

Ms. Bohmke said she supported the amendments and additional of the 60 day time limit; that it was embarrassing to the community for that area to have not been cleaned up already as it has been that way for the over three years; the developer should have had more respect for the County and its residents.

Ms. Shelton motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R19-108, with the addition of verbiage that Mosaic must sign the amended MOU within 60 days of it being presented to them. Mr. Dudenhefer spoke about in 2006 there was a Main Street design with a theater in the back, restaurants, shops and such and the Board was thrilled. He said he was never party to the commercial and residential development, which he felt degraded the opportunity to make the Main Street concept happen and he never would have supported the incentives if he had been on the Board when that came up; that entire process gave them an unfair advantage, he said, and it makes him shake his head. He said that he was willing to give Mosaic one more chance but his heart went out to the residents of Aquia Harbour who deserve better. He said there had to be ways to make this work and jump start the process.

Mrs. Maurer commended Ms. Shelton and Mr. Harvey and said she was highly critical of the original deal and was a firm "No" on the first MOU. She said that Ms. Shelton stuck to her guns and if this goes through she performed a service to the citizens of Aquia Harbour by doing what should have been done a long time ago. Mr. Cavalier noted that the first agreement in 2006 was with another owner and that the TND Ordinance had a lot of loopholes, which allowed selling off to commercial and residential components. He said that this was a viable project that was a long time coming; the 15,000 s.f. was not a hard footprint, it was already there and right up in front. Mr. Cavalier said he liked the requirements for clean-up and noted that the County did not pick the stores for the development. Mr. Coen also commended staff for its work and spoke about the development from his perspective as (then) Planning Commissioner.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay: (0)

Resolution R19-108 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING WITH MOSAIC AQUIA CAPITAL LLC, ASSOCIATED WITH THE AQUIA TOWN CENTER

WHEREAS, Resolution R15-192, dated May 5, 2015, authorized the County Administrator to execute a Memorandum of Understanding (MOU) with Mosaic Realty Partners and the Stafford County Economic Development Authority (EDA); and

WHEREAS, the MOU was executed on September 1, 2015, with Mosaic Aquia Capital LLC (Mosaic) and the EDA; and

WHEREAS, the MOU authorized the payment of incremental tax revenue up to \$6,250,000 net present value as of January 1, 2016, to assist in the redevelopment, revitalizing, and development of the property known as Aquia Town Center (Tax Map Parcel No. 21-49) (Property); and

WHEREAS, Mosaic was to develop the Property and construct approximately 160,000 square feet of new commercial space; and

WHEREAS, little or no substantial development has taken place or been proposed since the parties entered the MOU; and

WHEREAS, no additional tax revenue has been generated from the Property since the parties entered the MOU; and

WHEREAS, amending and restating the MOU to specify development terms and conditions for payment of incremental tax revenue, and to allow transfer of the MOU to subsequent owners of the Property will be mutually beneficial to the parties of the MOU; and

WHEREAS, the Board desires to amend and restate the MOU to allow Mosaic another opportunity to achieve development on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of April, 2019, that it be and hereby does authorize the County Administrator to execute an amended and restated memorandum of understanding (Amended MOU) with Mosaic Aquia Capital LLC and the Stafford County Economic Development Authority, to assist in the redevelopment, revitalizing, and development of the property known as Aquia Town Center (Tax Map Parcel No. 21-49) (Property); and

BE IT FURTHER RESOLVED that the amended MOU shall provide terms to materially address the following:

1. Amended terms to begin upon the execution of the Amended MOU and to extend for an initial term of three years. If development of at least 15,000 square feet of new commercial space does not take place within the three-year term the Amended MOU automatically terminates.
2. The Incremental Tax Revenue (ITR) payback will be \$6.25million in nominal (annual) terms.
3. The ITR will have a base of \$66,024.
4. The ITR payback will be initiated upon the issuance of a certificate(s) of occupancy for at least 15,000 square feet on the Property.
5. Mosaic will receive 75% and the County 25% of the ITR payback, until one half of the ITR payback has been returned to Mosaic (\$3.125 million); thereafter, Mosaic and the County will each receive 50% of the ITR payback until the sooner of the following occurs, (1) the ITR payback amount, as defined in paragraph 2, is fully received by Mosaic, or (2) 15 years has passed from the date the first certificate of occupancy was issued.

6. The Amended MOU is transferable to future Property owners, if transferred within the three-year term.
7. Mosaic will take immediate action to clean-up the Property, as determined by County staff, and maintain a clean site until development commences.
8. Mosaic will submit an updated cost estimate for required securities and provide additional funds if the cost estimates have increased. These securities will be maintained in line with the State law and the County's securities policy.

; and

BE IT FURTHER RESOLVED that the County Administrator and County Attorney, or their designees, are authorized to include additional terms for the clear administration, interpretation, and enforcement of the Amended MOU, which are not inconsistent with any terms contained herein this Resolution.

CLOSED MEETING

At 4:16 p.m., Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to adopt proposed Resolution CM 19-06.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay: (0)

Resolution CM19-06 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel employed by the Board regarding the Virginia Freedom of Information Act and social media, which is a specific legal matter requiring the provision of legal advice by counsel, and (2) discussion of the performance of a specific public officer; and

WHEREAS, pursuant to Virginia Code § 2.2-3711 (A)(1) and (A)(8) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors that on this the 2nd day of April, 2019, that it be and hereby does authorize discussion of the above matter in Closed Meeting.

CLOSED MEETING CERTIFICATION

At 5:02 p.m., Mr. Dudenhefer motioned, seconded by Mrs. Maurer, to adopt proposed Resolution CM 19-04(c).

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Coen, Dudenhefer, Maurer, Shelton, Snellings
Nay: (0)

Resolution CM19-06(c) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON APRIL 2, 2019

WHEREAS, the Board has, on this the 2nd day of April, 2019, 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 provides for certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 2nd day of April, 2019, 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, and (2) only such public business matters as were identified in the Motion by which the Closed Meeting was convened, were heard, discussed, or considered by the Board.

At 5:03 p.m., Mr. Snellings recessed the afternoon session of the April 2, 2019 meeting to the A/B/C Conference Room for a budget work session. He announced that the evening session would resume at 7:00 p.m. in the Auditorium at Brooke Point High School. (Note: the minutes of the April 2nd budget work session are contained in a separate document.)

At 7:00 p.m., in the auditorium at Brooke Point High School, 1700 Courthouse Road Stafford, VA, the Chairman called the evening session to order. Ms. Shelton gave the invocation, and Mr. Snellings led the Pledge of Allegiance to the Flag of the United States of America.

Mr. Cavalier presented a proclamation to the Brooke Point High School Wrestling Team, for winning the State Championship for the third year in a row. The coach noted that it was appreciated and a great honor for the student-athletes and said he was looking forward to next year.

Presentations by the Public – II The following person addressed the Board:

Craig Harper - Spoke about the building he owns on Route 1 by Route 610, Frank Lloyd Wright style architecture; said he and his family paid 70 years' worth of taxes on the building and spoke about the proposed budget saying that if more people spent more money

in Stafford County, there would be less budget issues to worry about. He said there was a tourist center at Exit 133A off I-95 and there should be one off Exit 143A. Mr. Harper noted that well-known architect, Doug Bowman, designed the building, which received countless items of publicity over the years. He said that the County would not have to use the entire facility; it could be shared and become a showcase for Stafford County. He said it could be done cheaply as the infrastructure already existed and its location was on one of the busiest roads in the County and it could become a landmark.

Paul Waldowski - Said he was a resident of the gerrymandered Rock Hill District; spoke about the Census presentation that took place at the earlier, afternoon session of the Board of Supervisors meeting; he spoke about Senator Mark Warner and said that the Globe and Laurel Restaurant was Prince William County.

Kenneth Dunn - Spoke about public parking in residential areas and showed photos of Amy Clae where he has been a resident since 2003; a retired Marine since 2004, and having a running battle since he moved there with a large black truck being parked in front of his house. He said that County Code was unclear and the problem needed to be fixed before it got out of hand. Mr. Dunn said he was a taxpayer and a veteran and objected to the three minute time limit for public speakers saying that he was not notified of that in advance; that he went to the Board Chambers first and saw the sign stating that the evening session was moved to the high school. Sheriff Decatur approached Mr. Dunn and spoke with him regarding his parking complaint.

PUBLIC HEARINGS Prior to the start of the public hearings, Mr. Snellings announced that there would be no votes taken that night. A vote on the taxes and budgets was scheduled for the evening session of the Board's April 16, 2019 meeting. He introduced Mr. Foley who provided an update on the FY2020 proposed budget.

Mr. Foley noted that there would be two public hearings that evening – the first one on CY2019 tax rates and the tax rate to be established for the Lynhaven Lane Service District; and the second public hearing on the FY2020 budget and the FY2020-2024 CIP. He said that the proposed budget was based on the current \$0.99/\$100 tax rate and that if the Board's advertised tax rate of \$1.03/\$100 was adopted (in two weeks) there would be a reallocation of funds to account for the tax increase. Mr. Foley then provided a broad overview of the FY2020 proposed budget, 61.7% of which went to the Schools, debt service, and capital. He spoke about revenue sources, the General Fund, Non-Departmental, Real Estate and Personal Property taxes and a significant reallocation of budget savings to strategic plan priorities.

Item 12. Finance and Budget: Consider Calendar Year 2019 Taxes and the Tax Rate for the Lynhaven Lane Special Service District

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

Julie Perham	Rachel O'Mara Paddock	Christian Peabody
Dana Brown	Matthew Lentz	Kimberly Maselli
Al Watkins	Rebecca Musso	Jennifer Robinson-O'Brien
Michele Wittman	Becky Guy	Alane Calander
Sharon Foley	David (last name inaudible/no speaker card completed)	

The Chairman closed the public hearing.

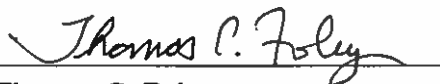
Item 13. Consider the FY2020 Budget and the FY2020-2024 Capital Improvement Program

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

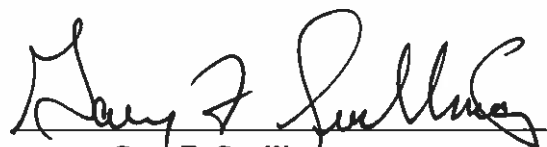
Katerina Vollten	Elizabeth Borst	Kim Lally
Juanita Shanks	Janet Gullickson	Roberta Schreiber
Kathryn Palmer	Teresa Bowers	Michelle Hedrich
Debe Fults	Lawrie Parker	Janet Brown
Linda Millsaps	Alane Callander	Holly Hazard

The Chairman closed the public hearing.

Adjournment At 8:54 p.m., the Chairman adjourned the April 2, 2019 meeting of the Stafford County Board of Supervisors.



Thomas C. Foley
County Administrator



Gary F. Snellings
Chairman

