

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

October 2, 2012

Call to Order The regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 3:03 P. M., on Tuesday, September 18, 2012, in the Board Chambers, at the George L. Gordon, Jr. Government Center.

Roll Call The following members were present: Susan B. Stimpson, Chairman; Cord A. Sterling, Vice Chairman; Paul V. Milde III; Ty A. Schieber; Gary F. Snellings; and Robert “Bob” Thomas, Jr. Jack R. Cavalier was absent.

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

Ms. Stimpson introduced Ms. Pat Weiler, Finance Director for the City of Manassas, and the Virginia Government Financial Officers Association (GFOA) President. Ms. Weiler presented the 30<sup>th</sup> consecutive certificate of Achievement in Excellence in Financial Reporting for the 2011 Comprehensive Annual Finance Report (CAFR). Mr. Sterling presented certificates to Maria Perrotte, Chief Financial Officer; Shelley Carmichael, Assistant Finance Director; Mickey Kwiatkowski, Accounting Manager; Sherryl Lilly, Accountant; and Carol Atkinson, Risk Manager. Also recognized by Mr. Sterling was: Laura Rudy, Treasurer; Beth Janis, Deputy Treasurer of Revenue; Kathy Cox, Deputy Treasurer of Operations; Judy Barnes, Deputy Treasurer III; and Katie Bailey, Treasury Accounting Manager.

On behalf of the staff at the Little Falls Run Wastewater Treatment Plant, Brian Green, Plant Manager, accepted from Ms. Stimpson the National Association of Clean Water Agencies (NACWA) Platinum 8 Award. The Platinum 8 Award recognizes member agency facilities for outstanding compliance of the National Pollutant Discharge Elimination System (NPDES) permit limits. Little Falls Run achieved 100% compliance

over 12 consecutive years, making them one of only 16 facilities in the nation to receive this recognition. Also recognized was Joe Graninger, Assistant Plant Manager; Robert Carpenter; Clyde Collier, Jr.; Jason Cook; Michael Grigg; Timothy Hare; Hugh Jones, III; Steven Moore; Donald Newton; Paul Raines; Patricia Shippe; and Gary Williams, Jr.

Presentations by the Public The following members of the public spoke on topics as identified:

- Susan Randall - In favor of Stafford High School Rebuild
- Jennifer Bowles - In favor of Stafford High School Rebuild
- Joe Godsey - In favor of Stafford High School Rebuild

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

- Mr. Sterling - Finance, Audit and Budget Committee Update; VPSA borrow; Necessity of Stafford High School rebuild; FY2012 year-end results (complete audit needed to finalize)
- Mr. Thomas - GSA Event; White Oak VFD w/ RACSB re. housing project; Yankees in Falmouth (and cannons); Day to Serve; Condolences to Morton Family, thanks for Sheriff and School Board for helping the Morton family
- Mr. Cavalier - Absent
- Mr. Milde - Virginia Railway Express, PRTC, FAMPO, University of Maryland University College Ribbon Cutting
- Mr. Schieber - Quantico Regional Executive Steering Committee; Jt. School Board/Board of Supervisors meeting cancelled, no rescheduled date yet
- Mr. Snellings - Infrastructure Committee Update (special meeting to be scheduled for the following week); Discussed PPTA, Celebrate Virginia North; Bells Road; Impact Fees; Rt. 1/ Boswell's Corner; attended DSS Board meeting – the number of people receiving food stamps in Stafford is up 9.3% to 9,640.

Ms. Stimpson - Register to vote by 10/15/12; VRE budget/Ms. Stimpson and Mr. Milde voted to not send the budget forward to PRTC; VRE should have better internal controls

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Anthony Romanello, County Administrator, recognized the “Make a Difference” Award Winners who demonstrate exceptional services to the County. Those recognized were: Laura Rudy; Mickey Kwiatkowski; Beth Janis; Judy Barnes; Sheryl Lilly; Kathy Cox; Jenna Smith; and Katie Bailey. Mr. Romanello also recognized the winner of the “B.E.S.T. Award,” Michelle White, for her work coaching and training a part-time employee (and graduate of the Sheriff’s Star Cadet Program). In response to Ms. Stimpson’s question about the Stafford High School transition, Mr. Romanello responded that the School Board was meeting the following week and information would be available following that meeting. Ms. Stimpson recognized Ms. Meg Bohmke for her outstanding effort and leadership on the Stafford High School rebuild project.

Legislative; Additions and Deletions to the Agenda Mr. Schieber motioned, seconded by Mr. Thomas, to accept the Agenda with no additions or deletions.

The Voting Board tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)  
Absent: (1) Cavalier

Legislative; Consent Agenda Mr. Thomas motioned, seconded by Mr. Milde, to accept the Consent Agenda consisting of Items 4 through 18.

The Voting Board tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)  
Absent: (1) Cavalier

Item 4. Approve Minutes of September 18, 2012 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R12-307 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED SEPTEMBER 19, 2012 THROUGH OCTOBER 1, 2012

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October 2012 that the above-mentioned EL be and hereby is approved

Item 6. Finance and Budget; Budget and Appropriate Schools' Construction Funds for FY 2010 and FY 2011

Resolution R12-312 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE THE SCHOOLS'  
CARRYOVER FUNDS FROM FY2010 AND FY2011 TO THE  
SCHOOLS' FY2013 CONSTRUCTION BUDGET

WHEREAS, the FY2010 audited financial results show a balance of \$618,571 in the Schools' operating budget, which was identified in the Adopted Capital Improvement Program (CIP) to be held in reserve and used for construction of the Stafford High School Rebuild project; and

WHEREAS, the Board budgeted and appropriated proffer proceeds in FY2011 in the amount of \$112,831 which were not spent in FY2011 or FY2012; and

WHEREAS, interest, refunds, and miscellaneous fees totaling \$417,679 were received in FY2011, but not spent in FY2011 or FY2012;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that the Schools' FY2013 Construction Fund budget and appropriation be increased by \$1,149,081; and

BE IT FURTHER RESOLVED that the Board will consider re-appropriation of the balance of the Schools Board's FY2011 carryover funds request following the completion of the special audit.

Item 7. Public Works; Petition VDOT to Provide a Discontinuance to Stafford High School Entrance Roads (SR-9399)

Resolution R12-308 reads as follows:

A RESOLUTION PETITIONING THE VIRGINIA DEPARTMENT  
OF TRANSPORTATION TO DISCONTINUE STATE MAINTENANCE  
ON STAFFORD HIGH SCHOOL ENTRANCE ROADS (SR-9399)

WHEREAS, there are two entrances to Stafford High School which must be reconstructed as part of the Rebuild project; and

WHEREAS, these entrances are part of the Secondary System of State Highways and identified by the Virginia Department of Transportation (VDOT) as SR-9399; and

WHEREAS, the Stafford County School Board provided annual maintenance to the existing entrance roads (SR-9399), to include snow and ice removal and pavement maintenance; and

WHEREAS, SR-9399 from (1) the intersection of Enon Road (SR-753), for a distance of 0.46 miles leading to Stafford High School's bus loop (with a maximum width of 44 feet of pavement); and (2) a section of road from the intersection of Porter Lane (SR-640) and the second entrance for Stafford High School, for a distance of 0.15 miles leading to the high school's Student Driver Education driving range (with a maximum width of 20 feet of pavement), should be discontinued as a part of the Secondary System of State Highways because doing so will reduce the construction costs associated with reconstruction of SR-9399;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that the Virginia Department of Transportation (VDOT) be and it hereby is requested to take the necessary action to discontinue the above referenced portions of SR-9399 as a part of the Secondary System of State Highways, and pursuant to Virginia Code § 33.1-84.1; and

BE IT FURTHER RESOLVED that the County Administrator or his designee forward a copy of this Resolution to the VDOT Fredericksburg Residency Administrator; and

BE IT STILL FURTHER RESOLVED that the final disposition of SR-9399 be such that all adjacent properties are provided with unrestricted access to a public road.

Item 8. Public Works; Request Reimbursement from the Potomac and Rappahannock Transportation Commission (PRTC) for Transportation Expenditures during the 4<sup>th</sup> Quarter of FY 2012

Resolution R12-287 reads as follows:

A RESOLUTION TO REQUEST REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION (PRTC) FOR TRANSPORTATION EXPENDITURES DURING THE 4<sup>th</sup> QUARTER OF FY 2012

WHEREAS, the County budgeted funds in the FY2012 Transportation Fund for various programs, including professional services, transportation model, transportation impact fee analysis, transportation services - FREDericksburg Regional Transit, street name signs, Stafford Regional Airport Authority, right-of-way land acquisition for major road improvement projects, bike trails, road improvements, bus shelters, and social services client transportation; and

WHEREAS, the County expended \$984,376 for qualifying transportation-related expenses during the fourth quarter of FY2012; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Nine Hundred Eighty-four Thousand Three Hundred Seventy-six Dollars (\$984,376) from the County Motor Fuels Tax Fund; and

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

Item 9. Planning and Zoning; Budget and Appropriate Funds for the Purchase of Development Rights (PDR) Program and Authorize Application for State Matching Funds

Resolution R12-301 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE FUNDS FOR THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM, AND APPLY FOR STATE MATCHING FUNDS THROUGH THE VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

WHEREAS, the Stafford County Purchase of Development Rights (PDR) Program was established in 2007 and initiated its Pilot Program in 2009; and

WHEREAS, the PDR Program has \$169,500, available through FY2012 rollback tax revenues (in excess of \$80,000), for purchasing development rights on property in the County; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services (VDACS) announced that \$1.3 million is available in FY2013 in State matching funds for localities with certified PDR programs; and

WHEREAS, the Board desires to apply for VDACS matching funds through VDACS by the October 19, 2012 deadline; and

WHEREAS, the County must certify that it budgeted and appropriated funds to its PDR Program in order to apply for VDACS matching funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that funds in the amount of One Hundred Sixty-nine Thousand Five Hundred Dollars (\$169,500) be and they hereby are budgeted and appropriated in FY2013 for the Stafford County Purchase of Development Rights program; and

BE IT FURTHER RESOLVED that the County Administrator, or the Purchase of Development Rights Administrator, is authorized to apply for matching funds through the Virginia Department of Agriculture and Consumer Services in the amount not to exceed One Hundred Sixty-nine Thousand Five Hundred Dollars (\$169,500) for the Stafford County Purchase of Development Rights program.

Item 10. Planning and Zoning; Grant an Extension to the Planning Commission Regarding Architectural Guidelines

Resolution R12-309 reads as follows:

A RESOLUTION TO GRANT A TIME EXTENSION TO THE PLANNING COMMISSION REGARDING PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN, SPECIFICALLY THE TRADITIONAL NEIGHBORHOOD DEVELOPMENT PLAN, DATED APRIL 18, 2007, TO INCLUDE, AMONG OTHER THINGS, ARCHITECTURAL DESIGN GUIDELINES

WHEREAS, the Board adopted a small area plan in the Courthouse Area as an element of the County's Comprehensive Plan (the Courthouse UDA); and

WHEREAS, the Board previously adopted a Traditional Neighborhood Development Plan, as an element of the Comprehensive Plan, which provides design standards for the type of development recommended in the Courthouse UDA; and

WHEREAS, the Board desires to incorporate additional development guidelines and standards in the Courthouse UDA, by modifying the recommendations in the Traditional Neighborhood Development Plan, to incorporate, among other things, Architectural Design Guidelines; and

WHEREAS, the Board previously referred proposed amendments to the Comprehensive Plan, specifically the TND Plan, to the Planning Commission, pursuant to Resolution R12-68, with a deadline of June 5, 2012; and

WHEREAS, the Board previously granted two extensions to the Planning Commission, pursuant to Resolution R12-116, with a deadline of September 5, 2012, and pursuant to Resolution R12-212, with a deadline of October 5, 2012; and

WHEREAS, the Planning Commission is requesting an additional extension to November 14, 2012 to accommodate its new meeting schedule and allow for minor amendments prior to scheduling the Commission's public hearing;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that the Planning Commission be and it hereby is granted an extension until November 14, 2012, to prepare, hold a public hearing, and provide the Board with its recommendations on the proposed amendments to the Comprehensive Plan, specifically the Traditional Neighborhood Development Plan, dated April 18, 2007, to include, among other things, Architectural Design Guidelines; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall provide the Planning Commission with a copy of this resolution.

Item 11. Planning and Zoning; Authorize a Public Hearing to Amend Fees for Lot Consolidation

Resolution R10-310 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER ESTABLISHING A SEPARATE FEE FOR LOT CONSOLIDATION PLAT APPLICATION REVIEW SERVICES PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING

WHEREAS, the Board is authorized by the Virginia Code to set reasonable fees for land development review services provided by the Department of Planning and Zoning; and

WHEREAS, the Board acknowledges that the fees for these services should be kept current with the actual cost of providing these services; and



WHEREAS, lot consolidation falls under the category of boundary line adjustments for the purpose of fees; and

WHEREAS, the Board desires to establish a separate fee for the review of lot consolidation plats provided by the Department of Planning and Zoning, to reflect the cost for the services rendered; and

WHEREAS, the Board is required and desires to hold a public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that it be and hereby does authorize the County Administrator to advertise a public hearing to consider amending the review fee schedule by establishing a separate fee for lot consolidation plat review by the Department of Planning and Zoning.

Item 12. Utilities; Authorize a Contract for the Purchase of Odor Control Chemicals for Sewer Pump Stations

Resolution R12-300 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR  
TO EXECUTE A CONTRACT WITH UNIVAR, USA FOR ODOR  
CONTROL CHEMICALS

WHEREAS, the Department of Utilities uses odor control chemicals to eliminate hydrogen sulfide formation at a number of its wastewater pump stations and in the wastewater collection system which also prevents damage to pipes and manholes; and

WHEREAS, the Board awarded the current contract for these chemicals to Univar, USA, in 2011; and

WHEREAS, the current contract with Univar, USA, contains a provision for four (4) additional one-year contract renewals; and

WHEREAS, staff reviewed the prices offered by Univar, USA, and found them to be reasonable; and

WHEREAS, funds were included in the FY 2013 Facilities Maintenance Operating budget and appropriated for this purpose;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October 2012, that the County Administrator be and he hereby is authorized to execute a contract with Univar, USA, in an amount not to exceed Four Hundred Thirty-four Thousand Five Hundred Dollars (\$434,500), unless amended by a duly-authorized contract amendment, to provide Custom Blended Alkali CBA-45 to the County.

Item 13. Utilities; Authorize a Contract for the Falls Run Sewer Interceptor Phase I Replacement Project

Resolution R12-306 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH W. C. SPRATT, INC., FOR THE FALLS RUN SEWER INTERCEPTOR – PHASE 1 REPLACEMENT PROJECT

WHEREAS, the Board budgeted funds in the Utilities Department’s FY2013 Capital Improvements Projects budget, for replacing the Falls Run Sewer Interceptor from Jefferson Davis Highway (US-1), along Warrenton Road (US-17), to west of I-95; and

WHEREAS, the County solicited public bids for this project; and

WHEREAS, eight (8) bids were received, with the bid of \$6,262,637 received from W. C. Spratt, Inc., determined to be the lowest responsive and responsible bid; and

WHEREAS, staff determined that W. C. Spratt, Inc.’s proposal is reasonable for the scope of services proposed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that the County Administrator be and he hereby is authorized to execute a contract with W. C. Spratt, Inc., in an amount not to exceed Six Million Two Hundred Sixty-two Thousand Six Hundred and Thirty-seven Dollars (\$6,262,637), unless amended by a duly-authorized contract amendment, for the Falls Run Sewer Interceptor – Phase 1 Replacement project.

Item 14. Utilities; Authorize a Public Hearing to Place County-Owned Property Near Rocky Pen Run Dam into conservation as part of Environmental Mitigation for the Rocky Pen Run Dam Project

Resolution R12-200 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER EXECUTING A DECLARATION OF RESTRICTIONS, IN PART OR IN WHOLE, ON

TAX MAP PARCELS 43-26B, 43-27A, 43-27, 43-28, 43-29, 43-81A, 51-1,  
AND 51-2, AS PART OF THE ENVIRONMENTAL MITIGATION PLAN  
IN CONNECTION WITH THE ROCKY PEN RUN DAM AND  
RESERVOIR PROJECT

WHEREAS, the County is required to mitigate the environmental impacts of the Rocky Pen Run Dam and Reservoir project; and

WHEREAS, on February 21, 2012, the Board approved Resolution R12-59, which determined that the replacement mitigation plan is beneficial to Stafford County; and

WHEREAS, the County owns Tax Map Parcels 43-26B, 43-27A, 43-27, 43-28, 43-29, 43-81A, 51-1, and 51-2; and

WHEREAS, the Board desires to consider executing a Declaration of Restrictions, in part or in whole, on Tax Map Parcels 43-26B, 43-27A, 43-27, 43-28, 43-29, 43-81A, 51-1, and 51-2; and

WHEREAS, the Board is required and desires to hold a public hearing for the purpose of receiving public testimony on the Declaration of Restrictions; and

WHEREAS, the Board finds that the conservation of the Property under the Declaration of Restrictions will promote the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that the County Administrator be and he hereby is authorized to advertise a public hearing to allow for presentation and public comment for the purpose of considering execution of a Declaration of Restrictions, in part or in whole, on County-owned Tax Map Parcels 43-26B, 43-27A, 43-27, 43-28, 43-29, 43-81A, 51-1, and 51-2, in connection with the Rocky Pen Run Dam and Reservoir Project.

Item 15. Public Information; Recognize Stafford County's Participation in the Great Southeast Shakeout

Proclamation P12-10 reads as follows:

A PROCLAMATION RECOGNIZING STAFFORD COUNTY'S  
PARTICIPATION IN THE GREAT SOUTHEAST SHAKEOUT

WHEREAS, Stafford County recognizes that no community is immune from natural hazards whether it be earthquake, floods, tornados, winter storms, drought or heat wave, and recognizes the importance of enhancing the County's ability to withstand

natural hazards as well as the importance of reducing the human suffering, property damage, interruption of public services, and economic losses caused by those hazards; and

WHEREAS, earthquakes pose an ongoing threat to Stafford County and the entire region; and

WHEREAS, the County has a responsibility to promote earthquake preparedness and plan appropriately for earthquake-related disasters; and

WHEREAS, the protection of County employees allows them to facilitate the continuity of government and assist the public following a major earthquake event; and

WHEREAS, community resiliency to earthquakes and other disasters depends on the preparedness level of all stakeholders in the community – individuals, families, schools, community organizations, faith-based organizations, non-profits, businesses, and government; and

WHEREAS, by participation in the Great Earthquake Shakeout, Stafford County joined in support of the Commonwealth of Virginia in strengthening community and regional resiliency;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that it be and hereby does recognize the Fire and Rescue Department for participating in the Great Earthquake Shakeout and for taking time to recognize and acknowledge the importance of a prepared government work force, local businesses, and citizenry for the purpose of building a safer community and reducing the loss of lives and property from a major earthquake event.

Item 16. County Administration; Authorize a Contract for Engineering Services for the Design of Embrey Park

Resolution R12-318 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO AWARD A CONTRACT TO TIMMONS GROUP FOR ENGINEERING  
SERVICES FOR THE DESIGN OF EMBREY MILL PARK

WHEREAS, the Board adopted Resolution R12-276, authorizing the initiation of design of the Embrey Mill Park, including a rectangular field complex and an indoor recreational facility with a pool; and

WHEREAS, staff contacted Timmons Group (Timmons) to provide an engineering cost proposal for these services due to its experience in designing similar facilities for the County; and

WHEREAS, Timmons is authorized to provide on-call engineering services for the County; and

WHEREAS, Timmons provided an engineering cost proposal in the amount of \$593,555 to perform the necessary engineering services for the design of the Embrey Mill Park; and

WHEREAS, staff determined that this proposal is reasonable for the scope of work proposed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that the County Administrator be and he hereby is authorized to execute a contract with Timmons Group, in an amount not to exceed Five Hundred Ninety-three Thousand, Five Hundred Fifty-five Dollars (\$593,555), for engineering services for the design of Embrey Mill Park, unless modified by a duly-authorized change order; and

BE IT FURTHER RESOLVED, that the amount of Five Hundred Ninety-three Thousand, Five Hundred Fifty-five Dollars (\$593,555) from the Capital Projects Reserve Fund is budgeted and appropriated for this project; and

BE IT STILL FURTHER RESOLVED that Intent to reimburse for the design of Embrey Mill Park made out of the Capital Reserve Funds for FY2013 be and it hereby is adopted as follows:

NOTICE OF INTENT TO REIMBURSE  
CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

Section 1: Statement of Intent. The County presently intends to finance engineering services for the design of Embrey Mill Park with tax-exempt or taxable bonds or other obligations (the "Bonds") and to reimburse capital expenditures paid by Stafford County (including expenditures previously paid by the County to the extent permitted by law) in connection with the Embrey Mill Park project before the issuance of the Bonds.

Section 2: Source of Interim Financing and Payment of Bonds. Stafford County expects to pay the capital expenditure related to the engineering services for the design of Embrey Mill Park incurred before the issuance of the Bonds with an inter-fund loan or loans from the General Fund or from temporary appropriations or loans from the Capital Reserve Fund. Stafford County expects to pay debt service on the Bonds from the General Fund consisting of general tax revenues for the planning and design of Embrey Mill Park.

Section 3: Effective Date; Public Inspection. This Resolution is adopted for the purposes of complying with Treasury Regulation Section, 1.150-2, or any successor regulation, and shall be in full force and effect upon its adoption. The Clerk of the Board shall file a copy of this Resolution in the records of Stafford County available for inspection by the general public during Stafford County's normal business hours.

Item 17. Commonwealth’s Attorney; Authorize Participation in the Implementation of the Award Community Recognition Program for Promising Practices in Domestic Violence Response

Resolution R12-311 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO APPLY FOR AND PARTICIPATE IN THE VIRGINIA ATTORNEY GENERAL’S COMMUNITY RECOGNITION PROGRAM FOR PROMISING PRACTICES IN DOMESTIC VIOLENCE RESPONSE

WHEREAS, domestic violence impacts thousands of Virginians each year, and threatens our citizens, our families, our children, our homes, and our communities; and

WHEREAS, the Board is committed to the safety and security of its citizens and communities that are impacted by domestic violence, and to holding perpetrators of domestic violence accountable for their actions and to proactively combat domestic violence; and

WHEREAS, the Board continues to support promising programs and initiatives that address the issue of domestic violence in the community and among its citizens; and

WHEREAS, the Board has the opportunity to apply for recognition for the domestic violence practices and initiatives in the community from the Virginia Attorney General’s Community Recognition Program for Promising Practices in Domestic Violence Response; and

WHEREAS, an application for recognition by the Attorney General’s Community Recognition Program requires a resolution of support from the Board; and

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

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 2nd day of October, 2012, that the County Administrator or his designee be and he hereby is authorized to apply for recognition by the Virginia Attorney General’s Community Recognition Program for Promising Practices in Domestic Violence Response, and that the Board fully supports all reasonable efforts to meet the application requirements established by the Office of the Virginia Attorney General for such application; and

BE IT FURTHER RESOLVED, the community application for recognition requires the designation of a local coordinator representing an existing inter-agency domestic violence team as the contact point for the recognition process, and the Board

designates Marilyn Dufrat, Victim/Witness Assistance Program, to represent the community for participation in this program; and

BE IT STILL FURTHER RESOLVED, that the County Administrator or his designee, and Marilyn Dufrat are authorized to execute all documents necessary for the County to apply for and participate in this Program.

Item 18. Legislative; Approve Appointment of Mr. John Harris to the Utilities Commission

Public Works; Consider Condemnation and Exercise Quick-Take Powers to Acquire Right-of-Way, Utility Easements, and a Temporary Construction Easement for the Mountain View Road Improvement Project Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members questions.

Mr. Sterling asked if a certified appraiser provided the land values for properties being presented for condemnation and quick-take. Mr. Smith responded that it was a certified appraiser. Mr. Sterling asked about the concern about vegetation slated for removal and asked Mr. Smith to provide additional information at the next meeting concerning the landowner's request for additional payment for replacement of indigenous vegetation.

Mr. Sterling motioned, seconded by Mr. Milde, to defer this item to the October 16<sup>th</sup> meeting.

The Voting Board tally was:

- Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)
- Absent: (1) Cavalier

Public Works; Designate FY 2014 VDOT Revenue Sharing Program Funds Mr. Keith Dayton, Deputy County Administrator, gave a presentation and answered Board members questions.

Mr. Milde asked for clarification on the amount spent on the Truslow Road project and said that he cannot argue with the list, adding that he was happy to see the U.S. 1/ Courthouse Road intersection included. Mr. Milde also asked for a description of how the backup (to the Five Guys restaurant and beyond on some days) would be alleviated by the proposed project. Mr. Dayton provided details on the proposal including

synchronizing the traffic lights to ensure smoother traffic flow on Jefferson Davis Highway through the Courthouse area.

Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Resolution R12-313.

The Voting Board tally was:

Yea: (5) Milde, Schieber, Snellings, Stimpson, Thomas  
Nay: (0)  
Absent: (1) Cavalier  
Abstain: (1) Sterling

Proposed Resolution R12-313 reads as follows:

**A RESOLUTION TO DESIGNATE FY 2014 VIRGINIA DEPARTMENT  
OF TRANSPORTATION REVENUE SHARING PROGRAM FUNDS**

WHEREAS, the Board desires to participate in the FY 2014 Virginia Department of Transportation (VDOT) Revenue Sharing Program; and

WHEREAS, full funding of the Garrisonville Road widening project, between Onville Road and Eustace Road, is the Board’s first priority for VDOT Revenue Sharing funds; and

WHEREAS, the Board requests VDOT Revenue Sharing funds in the amount of \$500,000 for the Garrisonville Road widening project, to be matched equally with County funds; and

WHEREAS, the Board further requests additional VDOT Revenue Sharing funds for Truslow Road (west) improvements, from Berea Church Road to Plantation Drive, as the Board’s second priority project in the amount of \$1,908,500, to be matched equally with County funds; and

WHEREAS, the Board further requests additional VDOT Revenue Sharing funds for Courthouse Road (west) improvements, from Cedar Lane to Ramoth Church Road, as the Board’s third priority project in the amount of \$6,089,500 to be matched equally with County funds; and

WHEREAS, the Board further requests additional VDOT Revenue Sharing funds for improvements to the intersection of Courthouse Road and Jefferson Davis Highway, as the Board’s fourth priority project in the amount of \$1,502,000 to be matched equally with County funds; and

WHEREAS, the Board commits to matching \$10,000,000 in VDOT Revenue Sharing funds with \$10,000,000 in County funds for the listed projects;



NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that the following projects be and they hereby are designated for the FY 2014 VDOT Revenue Sharing Program:

1. Garrisonville Road widening project between Onville Road and Eustace Road: Five Hundred Thousand Dollars (\$500,000) in Revenue Sharing Program funds, with Five Hundred Thousand Dollars (\$500,000) in matching County revenue;
2. Truslow Road (west) from Berea Church Road to Plantation Drive: One Million Nine Hundred Eight Thousand Five Hundred Dollars (\$1,908,500) in Revenue Sharing Program funds, with One Million Nine Hundred Eight Thousand Five Hundred Dollars (\$1,908,500) in matching County revenue;
3. Courthouse Road (west) from Cedar Lane to Ramoth Church Road: Six Million Eighty-nine Thousand Five Hundred Dollars (\$6,089,500) in Revenue Sharing Program funds, with Six Million Eighty-nine Thousand Five Hundred Dollars (\$6,089,500) in matching County revenue;
4. Intersection of Courthouse Road and Jefferson Davis Highway; One Million Five Hundred Two Thousand Dollars (\$1,502,000) in Revenue Sharing Program funds, with One Million Five Hundred Two Thousand Dollars (\$1,502,000) in matching County revenue; and

BE IT FURTHER RESOLVED THAT the Stafford County Board of Supervisors requests that VDOT apply funding to the projects in the order of priority established by the Board in this Resolution; and

BE IT FURTHER RESOLVED THAT the Stafford County Board of Supervisors hereby authorizes the County Administrator or his designee to execute project administration agreements for any approved VDOT revenue sharing projects; and

BE IT STILL FURTHER RESOLVED that the VDOT District Administrator is provided three certified copies of this Resolution.

Planning and Zoning; Authorize a Public Hearing to Amend Fees for Cluster Development Concept Plan Applications Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. A vote on this item was deferred from the September 18, 2012, meeting so that additional information could be provided to the Board.

Mr. Sterling and Mr. Milde indicated that they were not in favor of this item and would vote against amending fees for Cluster Development Concept Plan application.

Mr. Snellings motioned, seconded by Mr. Schieber, to adopt proposed Resolution R12-254.

The Voting Board tally was:

- Yea: (4) Snellings, Schieber, Stimpson, Thomas
- Nay: (2) Milde, Sterling
- Absent: (1) Cavalier

Resolution R12-254 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDING AND REORDAINING THE FEE FOR CLUSTER CONCEPT DEVELOPMENT PLAN APPLICATION REVIEW SERVICES PROVIDED BY THE DEPARTMENTS OF PLANNING AND ZONING, AND UTILITIES

WHEREAS, the Board is authorized by the Virginia Code to set reasonable fees for land development application review services provided by the Departments of Planning and Zoning, and Utilities; and

WHEREAS, Cluster Concept Plans are now administratively approved, requiring less staff time to review the cluster concept plans; and

WHEREAS, the Board desires that the fees be kept current with the actual costs of providing these services, and that the fee schedule be amended to reflect this; and

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

WHEREAS, the Board is required and desires to consider public comments concerning the proposed fee changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that it be and hereby does authorize the County Administrator to advertise a public hearing to allow for presentation and comments by the public for the purposes of considering amending and reordaining the Cluster Concept Plan application review fee schedule for review services provided by the Departments of Planning and Zoning, and Utilities.

Finance and Budget; Authorize Participation in VPSA Borrow and Budget and Appropriate Proceeds Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and answered Board members questions.

Mr. Sterling said that the Finance, Audit, and Budget Committee discussed the VPSA borrow (and appropriation) and agreed to a borrow of \$33,225,000 but an appropriation of only \$29,225,000, adding that the balance of \$4M would be decided at a later date after discussion, and exploring the option of using cash capital for that portion of the debt.

Mr. Milde called Mr. Scott Horan, Assistant Superintendent for School Construction, to the podium answer questions about the Stafford High School rebuild vs. remodel. Mr. Milde's questions included transportation options and missed class time moving students to other facilities while the rebuild is taking place as well as if practice fields would be within walking distance of the current fields. Mr. Horan said that the School Board would be looking at Mr. Milde's questions and other matters relative to the rebuild and that it would be pre-mature for him to answer Mr. Milde's questions until the School Board had a chance to discuss them. Responding to a citizen's concern about asbestos in the current facility, Mr. Horan said that no student is in danger (at any school in Stafford County).

Mr. Schieber said that in his opinion, it was better to "stay the course" and continue with the rebuild of Stafford High School. Mr. Milde said that he is against the rebuild, there is nothing wrong with Stafford High School that remodeling will not fix and the amount of money spent remodeling vs. rebuilding is a huge problem as debt capacity is maxed out. He added that the students at Stafford High School want a renovation, especially those students involved in athletics and the automotive programs.

Mr. Snellings said that he spent one-half day at Stafford High School and that when the bell rang it was so crowded that some students told him that they only had ten minutes left for lunch by the time they worked their way through the crowds and got to the lunch room. He added that the elementary school was shut down during renovation and students were relocated until the project was complete. Mr. Snellings added that he could not imagine, after visiting the school, how a renovation would be handled without closing the building entirely. He said that he supported moving on with the rebuild of Stafford High School.

Ms. Stimpson thanked the teachers who spoke during Public Presentations, adding that the numbers were crunched and a process followed. She talked about \$35M being spent on Crow's Nest and said that she was thankful to Ms. Meg Bohmke for her hard work on

this process. Ms. Stimpson concluded her remarks talking about the rebuild being worth the money, and justified for academic and safety reasons. Mr. Milde requested information on the affordability study that was done as well as specific data on the cost of Crow's Nest.

Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-240 and proposed Resolution R12-241 (with changes to the appropriation amount as reflected below).

The Voting Board tally was:

Yea: (5) Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (1) Milde  
Absent: (1) Cavalier

Resolution R12-240 reads as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF STAFFORD, VIRGINIA, IN AN AMOUNT NOT TO EXCEED \$33,225,000 TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of Stafford, Virginia (the "County") has determined that it is necessary and expedient to borrow an amount not to exceed \$33,225,000 and to issue its general obligation school bonds to finance (i) renovation costs to Grafton Village Elementary School and Stafford Elementary School; (ii) the rebuilding of Stafford High School; (iii) the installation of fiber optics cable at various public schools throughout the County; (iv) infrastructure upgrades at North Stafford High School, Colonial Forge High School, A. G. Wright Middle School, Anthony Burns Elementary School, Grafton Village Elementary School, Hampton Oaks Elementary School, Hartwood Elementary School, Kate Waller Barrett Elementary School, Margaret Brent Elementary School, Rocky Run Elementary School, Stafford Elementary School, Widewater Elementary School, and Winding Creek Elementary School; and (v) any other school improvement projects for public school purposes (the "Projects"); and

WHEREAS, the Board held a public hearing on September 18, 2012, on the issuance of the Bonds (as defined below) in accordance with the requirements of Virginia Code Section 15.2-2606; and

WHEREAS, the School Board of the County, by resolution dated June 26, 2012, requested the Board to authorize the issuance of the Bonds (as hereinafter defined) and consented to the issuance of the Bonds; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$33,225,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority ("VPSA") in connection with the sale of the Bonds; and

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

WHEREAS, such factors may result in requiring the County to accept a discount, given the VPSA Purchase Price Objective and market conditions, under which circumstance the proceeds from the sale of the Bonds received by the County will be less than the amount set forth in the paragraph entitled "Authorization of Bonds and Use of Proceeds" below;

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

Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and to issue and sell general obligation school bonds of the County in one or more series in the aggregate principal amount not to exceed \$33,225,000 (the "Bonds") for the purpose of financing the Projects. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Bonds at a price determined by VPSA and accepted by the Chairman of the Board or the County Administrator, and upon the terms established pursuant to this Resolution. The County Administrator and the Chairman of the Board, or either of them, and such officer or officers of the County as either of them may designate, are hereby authorized and directed to enter into one or more Bond Sale Agreements with VPSA providing for the sale of the Bonds to VPSA in substantially the form on file with the County Administrator, which form is hereby approved (the "Bond Sale Agreement").

Details of the Bonds. The Bonds shall be issuable in fully registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2012B" (or such other designation as the County Administrator may approve); shall bear interest from the date of delivery thereof payable semi-annually on each January 15th and July 15th (each an "Interest Payment Date"), at the rates established in accordance with the paragraph entitled "Interest Rates and Principal Installments" of this Resolution; and shall mature on July 15th in the years (each a "Principal Payment Date") and in the amounts established in accordance with the paragraph entitled "Interest Rates and

Principal Installments” below. The Interest Payment Dates and the Principal Payment Dates are subject to change at the request of VPSA.

Interest Rates and Principal Installments. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by VPSA, provided that each interest rate shall be no more than five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the bonds to be issued by VPSA (“the VPSA Bonds”), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed six percent (6%) per annum. The County Administrator is further authorized and directed to accept the aggregate principal amount of the Bonds and the amounts of principal of the Bonds coming due on each Principal Payment Date (“Principal Installments”) established by VPSA, including any changes in the Interest Payment Dates, the Principal Payment Dates, and the Principal Installments which may be requested by VPSA provided that such aggregate principal amount shall not exceed the maximum amount set forth in the paragraph entitled “Authorization of Bonds” above, and the final maturity of the Bonds shall not be later than twenty-six (26) years from the issuance date. The execution and delivery of the Bonds as described in the paragraph entitled “Execution of Bonds” below shall conclusively evidence such Interest Payment Dates, Principal Payment Dates, interest rates, principal amount, and Principal Installments as having been so accepted as authorized by this Resolution.

Form of the Bonds. The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

- (a) For as long as VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date, or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date, or date fixed for prepayment or redemption.
- (b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.
- (c) U.S. Bank National Association, Richmond, Virginia, is designated as the Bond Registrar and Paying Agent for the Bonds.

Prepayment or Redemption. With respect to any Bonds sold to VPSA in the Fall, 2012 sale, the Principal Installments of such Bonds held by VPSA coming due on or

before July 15, 2022, and the definitive Bonds for which the Bonds held by VPSA may be exchanged that mature on or before July 15, 2022, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by VPSA coming due after July 15, 2022, and the definitive bonds for which the Bonds held by VPSA may be exchanged that mature after July 15, 2022, are subject to prepayment or redemption at the option of the County prior to their stated maturities, in whole or in part, on any date on or after July 15, 2022, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2022 through July 14, 2023 .....	101.0%
July 15, 2023 through July 14, 2024 .....	100.5%
July 15, 2024 and thereafter .....	100.0%;

provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption. The County Administrator is authorized to approve such other redemption provisions, including changes to the redemption dates set forth above, as may be requested by VPSA.

With respect to any Bonds sold to VPSA in a subsequent sale, the Principal Installments of such Bonds will be subject to similar prepayment or redemptions provisions as may be set forth by VPSA at the time of such sale.

Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto. The manner of such execution may be by facsimile, provided that if both signatures are by facsimile, the Bonds shall not be valid until authenticated by the manual signature of the Paying Agent.

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

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

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

Continuing Disclosure Agreement. The Chairman of the Board and the County Administrator, or either of them, and such other officer or officers of the County as either of them may designate are hereby authorized and directed (i) to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed; and (ii) to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

Further Actions. The County Administrator, the Chairman of the Board, and all such other officers, employees, and agents of the County as either of them may designate are hereby authorized to take such action as the County Administrator or the Chairman of the Board may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.



Effective Date. This Resolution shall take effect immediately.

1. The undersigned Clerk of the Board of Supervisors of the County of Stafford, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of the meeting of the Board of Supervisors held on October 2, 2012, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

2. WITNESS MY HAND and the seal of the Board of Supervisors of the County of Stafford, Virginia, this 2<sup>nd</sup> day of October, 2012.

Resolution R12-241 reads as follows:

**A RESOLUTION TO BUDGET AND APPROPRIATE BOND PROCEEDS  
FROM GENERAL OBLIGATION SCHOOL BONDS TO THE SCHOOL  
CONSTRUCTION FUND**

WHEREAS, the Board, on October 2, 2012, adopted Resolution R12-240 which approved the issuance and sale of general obligation school bonds in an amount not to exceed \$33,225,000; and

WHEREAS, the budget must be amended to allow the County to receive the bond proceeds and transfer them to the School Construction Fund; and

WHEREAS, a public hearing on the proposed amendment to the budget was held on September 18, 2012, as required by Virginia Code Section 15.2-2507; and

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

WHEREAS, up to \$17,460,000 in bonds will be sold in the Fall of 2012 and up to \$15,765,000 in bonds will be sold in the Spring of 2013; and

WHEREAS, the School Board and Board of Supervisors may consider the use of cash for a portion of the projects;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that the County Administrator be and he hereby is authorized to budget and appropriate funds as follows:

**GENERAL CAPITAL PROJECTS FUND:**

Revenue:	
Proceeds from Fall, 2012 VPSA Bond Sale	\$17,460,000
Proceeds from Spring, 2013 VPSA Bond Sale	\$11,765,000
Expenditure:	
Transfer to School Construction Fund	\$29,225,000

SCHOOL CONSTRUCTION FUND

Revenue	
Transfer from Capital Projects Fund	\$29,225,000
Expense	
School Construction Fund	\$29,225,000

BE IT FURTHER RESOLVED that the appropriation of an additional four million dollars (\$4,000,000) from cash or bond proceeds will be considered at a later date.

Recess At 4:22 p.m., the Chairman declared a recess.

Call to Order At 4:33 p.m. the Chairman called the meeting back to order.

Discuss Armed Forces Memorial Commission Mr. Gary Snellings discussed the Concept Plan and Vision Statement developed by the Commission, and requested that the Board authorize \$25,000 to retain an architect to begin design of the Memorial. Ms. Stimpson noted that the by-laws would have to be waived to enable the Board to vote on Mr. Snellings' request.

Mr. Sterling motioned, seconded by Mr. Milde, to waive the by-laws.

The Voting tally was:

- Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)
- Absent: (1) Cavalier

Mr. Snellings motioned, seconded by Mr. Milde, to appropriate \$25,000 from the Contingency Fund for design, by an architect, of the Armed Forces Memorial.

The Voting tally was:

- Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)
- Absent: (1) Cavalier

Finance and Budget; Briefing of the FY2012 Preliminary Year-End Results Ms. Nancy Collins, Budget Division Director, gave a presentation and answered Board members questions.

Mr. Sterling said that the report was good news, if preliminary, awaiting the final audit. He asked about the Clerk of Court digitizing court records, as well as the Registrar's new voting machines. He also asked about purchasing heavy equipment using the Master Lease or paying out of cash capital. Mr. Sterling added that \$1M for the Schools student management system was under-funded and that the Board should ask for a plan of action, from the School Board, prior to funding and purchasing a student management system.

Ms. Stimpson thanked the Finance and Budget departments for their great work.

Planning and Zoning; Authorize the County Administrator to Initiate Modifications to the Embrey Mill Proffer Amendments Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Schieber said that Embrey Mill was in his district (Garrisonville) and that he, staff, and Newland worked hard on the project.

Mr. Schieber motioned, seconded by Mr. Sterling, to adopt proposed Resolution R12-280.

The Voting tally was:

Yea: (6) Milde, Schieber, Snellings Sterling, Stimpson, Thomas

Nay: (0)

Absent: (1) Cavalier

Resolution R12-280 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO INITIATE A PROFFER AMENDMENT ON ASSESSOR'S PARCELS 29-53 (PORTION), 29G-AA, 29G-K, 29G-L, AND 29G-M, WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, Nash Stafford LLC is the owner of Assessor's Parcels 29-53, 29G-AA, 29G-L, and 29G-M; and

WHEREAS, Stafford County is the owner of Assessor's Parcel 29G-K; and

WHEREAS, the property was reclassified to A-1, Agricultural; A-2, Rural Residential; and PD-2, Planned Development-2 Zoning Districts in 2001, with proffers, pursuant to Ordinance O01-08, adopted by the Board on March 6, 2001; and

WHEREAS, the proffers associated with Ordinance O01-08 are specific to the locations, acreage, and use of public park, school sites, and a fire and rescue site; and

WHEREAS, the Board desires to amend Ordinance O01-08 to allow flexibility in site location and design for public park and school sites; and

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

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that the County Administrator be and he hereby is authorized to initiate a proffer amendment on behalf of Nash Stafford LLC and Stafford County to allow flexibility in site location and design for public park and school sites; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to act as applicant on behalf of Nash Stafford LLC and Stafford County in order to process the application for a proffer amendment.

Planning and Zoning; Refer to the Planning Commission Authorization of a Zoning Text Amendment Regarding Apartments in the RBC Zoning District Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions. Mr. Harvey told the Board that the Community and Economic Development Committee discussed the matter and did not support it. The Board took no action.

Discuss VDOT Fall Multimodal Meetings Including the FY2014-2019 Six-Year Improvement Program; Highway; Rail; and Public Transportation Initiatives Mr. Anthony Romanello, County Administrator, gave a presentation and answered Board members questions. Mr. Keith Dayton was asked to provide a letter to the Commonwealth Transportation Board stating Stafford County and FAMPO's priorities.

VDOT Quarterly Report Ms. Marcy Parker provided an update on road projects and the Falmouth Bridge sidewalk project. There will be a public hearing held at Colonial Forge High School on November 29, 2012, as well as a meeting scheduled for October 29, 2012, at Massaponax High School, to discuss regional transportation projects.

Ms. Parker thanked the Board for their support and noted the good working relationship between staff and VDOT.

Mr. Schieber said that work on the Mine Road interchange was well done and made a big difference with traffic flow in the area.

Recess At 4:58 p.m., the Chairman declared a recess.

Call to Order At 7:02 p.m. the Chairman called the meeting back to order.

Invocation Ms. Stimpson gave the Invocation.

Pledge of Allegiance Mr. Thomas led the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Boy Scout, Dylan Eichberg, attending the meeting and was introduced by Ms. Stimpson.

Presentations by the Public The following members of the public spoke on topics as identified:

- Emily Dudenhefer - Thanks to Fire and Rescue personnel
- Mark Dudenhefer - Thanks to Fire and Rescue personnel; transportation projects/road improvements
- Paul Waldowski - Mountain View Road; Stafford High School rebuild
- R. C. Stevens - Stafford High School Rebuild
- Robert Belman - Stafford High School Rebuild

Discuss Stafford Median Family Income Mr. Sterling began his remarks saying that he was concerned about the drop in median family income from 7<sup>th</sup> last year to 13<sup>th</sup> this year. He said that the Finance, Audit, and Budget Committee talked about it and are worried about the impact in future years. He requested that staff dissect the \$3000.00 loss in median income and report back to the Board regarding the decline in household income. Mr. Sterling said it may have to do with military income/deployment but something happened, and he wanted to know why and if it was cause for alarm.

Mr. Milde noted that median income fell nation-wide. Ms. Stimpson asked Mr. Sterling if he'd looked at the entire report. Mr. Schieber asked what data access tool should be reviewed to do the forensics to look at and determine the cause.

Mr. Romanello replied that Amy Ansong would work with the U.S. Census Bureau to determine if this was a statistical sampling due to it being between census years. Ms. Ansong will inquire about their methodology. Mr. Milde said that while he shared Mr.

Sterling's curiosity, and even though the County slipped five spots, the tax base grew and that was good news.

Ms. Stimpson said that it was counter-intuitive, adding that that family income went up. She relayed to the Board that the number of reduced lunches was going up in the Schools. Ms. Stimpson requested that it be brought back to the Finance, Audit, and Budget Committee for a deeper look. Mr. Romanello said that he would ensure that it was added it to the next FAB agenda.

Planning and Zoning; Allow Exceptions to the Maximum Permissible Sound Levels in Stafford County Code, Chapter 16 Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Snellings asked specifically if there had been any requests for an exemption from the Noise Ordinance. Mr. Harvey replied that there had not been any requests aside from those covered by the VDOT/state exemption.

Mr. Snellings motioned, seconded by Mr. Thomas, to deny proposed Ordinance O12-26.

Mr. Romanello noted that this exemption is in addition to emergency exemptions for public notice and weather related events, tornado warning sirens, etc. Mr. Milde said that he had no trouble with the County Administrator granting the exemptions.

Mr. Snellings restated his concerns that if an exemption were to be granted in the Hartwood District, it would be he, not Mr. Romanello, who would get the calls from his constituents. He added that with emergency waivers and state waivers, it was his belief that appropriate measures were already in place and that he would vote against the item.

Mr. Sterling said that if an exemption were needed, and the proposed Ordinance was not already in the County Code, it would take at least six to eight weeks which may put a project at risk. He added that he felt that it was good to have a process in place to circumvent the possible ramifications of not having it covered, in the event that it is needed. Mr. Thomas said that he agreed with Mr. Sterling, he felt as though having this in place was like having a "tool in the tool box."

Mr. Sterling made a substitute motion, seconded by Mr. Schieber, to adopt proposed Ordinance O12-26, requiring that if/when there was a request, the County Administrator would notify the supervisor whose district is affected.

The Voting tally was:

- Yea: (5) Milde, Schieber, Sterling, Stimpson, Thomas
- Nay: (1) Snellings
- Absent: (1) Cavalier

Ordinance O12-26 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 16-5, ENTITLED “EMERGENCY EXCEPTION”

WHEREAS, Stafford County Code, Chapter 16, entitled “Noise,” (“Noise Ordinance”) establishes maximum permissible sound levels for daytime and nighttime activities in the County, and prohibits certain activities as loud noises; and

WHEREAS, the Noise Ordinance only allows exceptions to the maximum permissible sound level for emergency situations and emergency work; and

WHEREAS, the Board desires to establish a procedure whereby exemptions from the Noise Ordinance may be granted for activities that are in the public interest, are of public benefit, and do not endanger the public health, safety, or welfare, but do not constitute an emergency situation or emergency work; and

WHEREAS, the Board held a public hearing on this Ordinance and carefully considered the testimony at the public hearing, staff comments, and the comments of the Sheriff’s Office; and

WHEREAS, the Board finds that this Ordinance promotes the public health, safety, and welfare of the inhabitants of the County;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that it be and hereby does amend and reordain Stafford County Code, Section 16-5, entitled “Emergency exception,” as follows with all other portions remaining unchanged:

**Sec. 16-5. – ~~Emergency exception~~ Exemptions.**

(a) Any person responsible for any noise source may apply to the County Administrator, or his designee, for an exemption from the provisions of this Chapter. The County Administrator, or his designee, may grant such exemption if he finds that:

- (1) The noise does not endanger the public health, safety, or welfare;  
and

- (2) Compliance with the provisions of this Chapter from which an exemption is sought would produce serious hardship without producing equal or greater benefit to the public.
- (b) In determining whether to grant such an exemption, the County Administrator, or his designee, shall consider the following:

  - (1) The time of day the noise will occur;
  - (2) The duration of the noise;
  - (3) The loudness of the noise in relation to the maximum permissible sound levels set forth in this Chapter;
  - (4) Whether the noise is intermittent or continuous; and
  - (5) Any other factor that is reasonably related to the impact of the noise on the health, safety, and welfare of the community and the degree of hardship that may result from the enforcement of the provisions of this Chapter.
- (c) Exemptions issued pursuant to this section shall be granted for such period of time as the County Administrator, or his designee, deems reasonable. Exemptions shall be revoked upon violation of the terms of the exemption granted.
- (d) No provisions of this Chapter shall apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this ordinance shall become effective upon adoption.

Public Works; Consider Vacation of an Ingress/Egress from Mount Hope Church Road to the Civil War Park Mr. Mike Smith, Director of Public Works, gave a presentation and answered Board members question.

The Chairman opened the public hearing.  
No persons desired to speak.  
The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Thomas, to approve proposed Resolution R12-288.



The Voting tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Absent: (1) Cavalier

Resolution R12-288 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO VACATE THE INGRESS/EGRESS EASEMENT ON PROPERTY IDENTIFIED AS TAX MAP PARCEL 39Q-A, AT THE CIVIL WAR PARK

WHEREAS, in March, 2010, Culpeper Investments, LLC, granted a 50-foot ingress/egress easement on property identified as Tax Map Parcel 39Q-A, to the City of Fredericksburg and to Stafford County for an entrance to the Civil War Park; and

WHEREAS, the design of the entrance location shifted outside of the easement; and

WHEREAS, on July 24, 2012, Mt. Hope Investments, LLC (formerly Culpeper Investments, LLC), granted a new ingress/egress easement on the property identified as Tax Map Parcel 39Q-10, to the City of Fredericksburg and Stafford County for the redesigned entrance to the Civil War Park; and

WHEREAS, due to the change in the entrance location at the Civil War Park, the City of Fredericksburg and Stafford County no longer have a use for the ingress/egress easement on Tax Map Parcel 39Q-A; and

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

WHEREAS, the Board finds that the vacation of the easement on Tax Map Parcel 39Q-A promotes the health, safety, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, that it be and hereby does authorize the County Administrator to vacate the ingress/egress easement on the property identified as Tax Map Parcel 39Q-A, at the Civil War Park.

Legislative; Closed Meeting. At 7:54 P.M., Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM12-21.

The Voting tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)  
Absent: (1) Cavalier

Resolution CM12-21 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desire to hold a Closed Meeting for (1) discussion and consultation with legal counsel regarding the award of a public contract(s) for a parks and recreational facility and services; (2) discussion and consideration of prospective candidates for appointment(s) to the Stafford Regional Airport Authority; and (3) discussion regarding the potential acquisition of real property for a public purpose(s), including economic development, pertaining to the Technology and Research Park; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(1), (A)(3), (A)(7), and (A)(29) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of October, 2012, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order At 8:34 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Schieber motioned, seconded by Mr. Thomas, to adopt proposed Resolution CM12-21(a).

The Voting Board tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)  
Absent: (1) Cavalier

Resolution CM12-21(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON OCTOBER 2, 2012

WHEREAS, the Board has, on this the 2<sup>nd</sup> day of October, 2012, 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 2<sup>nd</sup> day of October, 2012, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Mr. Milde motioned, there was no second needed as per the County Attorney's opinion, to appoint Mr. Samer Shalaby to fill one of the vacancies on the Stafford Regional Airport Commission.

The Voting tally was:

Yea: (5) Milde, Schieber, Sterling, Stimpson, Thomas  
Nay: (1) Snellings  
Absent: (1) Cavalier

Mr. Thomas motioned, there was no second needed as per the County Attorney's opinion, to appoint Mr. Lindy Kirkland to fill one of the vacancies on the Stafford Regional Airport Commission.

The Voting tally was:

Yea: (6) Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)  
Absent: (1) Cavalier

Adjournment: At 8:36 p.m. the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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Susan B. Stimpson  
Chairman