

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

DRAFT MINUTES

Regular Meeting

December 18, 2012

Call to Order The regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 2:01 p.m., on Tuesday, December 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; Jack R. Cavalier; Paul V. Milde III; Ty A. Schieber; Gary F. Snellings; and Robert “Bob” Thomas, Jr.

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.

Presentation of a Proclamation Recognizing Ellen Grigg for 25 Years as a Member of the Rappahannock Criminal Justice Academy Executive Board Ms. Stimpson and Sheriff Charles Jett presented the proclamation to Ms. Grigg, honoring 25 years of service on the Rappahannock Criminal Justice Academy Executive Board.

Stafford Technology and Research Park Presentation by Rick Hurley, President of the University of Mary Washington Deputy County Administrator, Mr. Tim Baroody, introduced Mr. Hurley, who referenced the Memorandum of Agreement included as a part of the Consent Agenda for Board consideration. He introduced Dr. Dennis McBride, hired as the professional development coordinator, working at the Quantico Corporate Center. Mr. Hurley said that Dr. McBride was charged with coordinating classes and course offerings (both credit and non-credit) between University of Maryland/University College; George Mason University; Germanna Community College; and the University of Mary Washington (UMW). He added that UMW would be providing support staff, at least one person per week from the Small Business Center at UMW. Mr. Milde thanked Mr. Hurley for all the work he put into the project, as well as for the allocation of a person to work at the Center.

Ms. Stimpson said that progress on the Stafford Tech and Research Park was slow but steady, adding that she was pleased by how fast it actually moved along, saying that it will be (and already is) a great benefit to the community.

Mr. Sterling asked about anticipated types of class offerings. Mr. Hurley responded that it would be along the lines of computer science, systems engineers and many others.

Mr. Baroody then introduced Dr. Dennis McBride who spoke about the proposed 501(C)(3), saying that it was vital to moving forward and to presenting a strong university presence in the community. He added that a 501(C)(3) was the nexus that holds the project together, representing that the Tech and Research Park is not-for-profit. He added that without the 501(C)(3) designation, it may be hard to establish trust with prospective sponsors, tenants, and the federal government.

Mr. Sterling asked about forensic sciences, cyber-security, and biology classes being offered. Dr. McBride responded, “Yes, Yes, and Yes.”

Ms. Stimpson noted that it was lucky having Dr. McBride. She also thanked Tim Baroody for his hard work and leadership.

Presentations by the Public The following members of the public desired to speak:

- George Paxson - Elimination of the Boat Tax
- Jimmy Franklin - Elimination of the Boat Tax
- Larry Rinker - Shooting on private property
- Jim Worksworth - Elimination of the Boat Tax
- Bob Simms - Elimination of the Boat Tax
- Gary Howdershelt - Elimination of the Boat Tax
- Sandra Doucette - Elimination of the Boat Tax
- Alane Callandar - Boating Industry Impact

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

- Mr. Schieber - JLUS Policy Committee; Gwyneth’s Law Working Group
- Mr. Snellings - Defer
- Mr. Sterling - VDOT demolition of buildings at the Falmouth Intersection
- Mr. Thomas - Defer
- Mr. Cavalier - Public Safety Committee Update; Reduced penalties for swimming in County reservoirs; Public Safety staffing

- Mr. Milde - Community & Economic Development Committee Update; Code changes; Sidewalk mandates in the HCOD; CUP applications in the HCOD; Tech Zone update; Conference call re. Aquia Towne Center
- Ms. Stimpson - Defer

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Anthony Romanello, County Administrator, introduced Mr. Chris Hoppe, who gave an update on Parks Bond issues. He then introduced Mr. Mike Smith, who gave an update on Transportation Bond issues and transportation projects in the County. Following Mr. Hoppe and Mr. Smith’s remarks, Ms. Stimpson noted that there was an incredible amount of work being done on voter approved projects.

Budget Director, Ms. Nance Collins, gave a brief update on the Governor’s initial, proposed budget. Ms. Collins talked about increases involving proposed teacher raises. Mr. Sterling questioned if it was just instructional staff or all School personnel receiving raises, adding that the local share appeared to be \$2.4M. Ms. Collins said that it did not appear, based on the language, that it covered all positions. Ms. Stimpson asked if the County was required to pay for the majority of the raises, noting that the County appears to have no say in it. Mr. Romanello added that the raise is approximately 2% for teachers (and some other staff). Ms. Stimpson asked if that included para-professionals. Mr. Romanello said that staff would research that question and others and report back to the Board as soon as information regarding the Governor’s budget was clarified. Mr. Sterling asked for more details as soon as they were available.

Ms. Stimpson said that she wanted to go over how state funding for education was included in localities budgets. Mr. Romanello said that there were a number of funding sources, the largest being Basic Aid, which included a certain dollar amount per student, roughly \$5,000 per student in Stafford. Ms. Stimpson said that it may be a way of growing government, but under the radar, adding that it was a huge challenge given that it appeared that now the County was responsible for coming up with more revenue.

Legislative; Additions and Deletions to the Agenda Mr. Milde motioned, seconded by Mr. Thomas, to accept the agenda with no additions and the deletion of Item 28. Discuss Stafford High School Construction Transition Plan (Ms. Stimpson).

The Voting Board tally was:

- Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
- Nay: (0)

Legislative; Consent Agenda Mr. Thomas motioned, seconded by Mr. Schieber, to accept the Consent Agenda consisting of Items 3 through 18, omitting Items 6, 12, 13, and 15.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)

Item 3. Approve Minutes of the November 20, 2012 and December 4, 2012 Board Meetings

Item 4. Finance and Budget; Approve Expenditure Listing

Resolution R12-396 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED DECEMBER 4, 2012 THROUGH DECEMBER 17, 2012

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 18<sup>th</sup> day of December, 2012, that the above-mentioned EL be and it hereby is approved.

Item 5. Planning and Zoning; Award a Contract and Budget and Appropriate Funds for a Joint Land Use Study (JLUS) Contract

Resolution R12-373 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO AWARD A CONTRACT TO AECOM FOR CONSULTING  
SERVICES TO CONDUCT THE QUANTICO JOINT LAND USE  
STUDY, AND TO BUDGET AND APPROPRIATE FUNDS

WHEREAS, on December 13, 2011, the Board adopted Resolution R11-314, which endorsed a Joint Land Use Study (JLUS) for the regional area around Marine Corps Base (MCB) Quantico; and

WHEREAS, on September 11, 2012, the U. S. Department of Defense, through the Office of Economic Adjustment, awarded a grant to Stafford County for the JLUS; and

WHEREAS, the grant was awarded to the County in the amount of \$250,000 for consulting services for the JLUS, and \$16,000 for advertising, materials, and supplies; and

WHEREAS, Stafford County agreed to act as the project manager and fiscal agent for the JLUS; and

WHEREAS, AECOM submitted a proposal for preparation of the JLUS, with a cost estimate proposal in the amount of Two Hundred Fifty Thousand Dollars (\$250,000); and

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

WHEREAS, the Board desires to award the contract to AECOM; and

WHEREAS, the grant funds for the project must be budgeted and appropriated; and

WHEREAS, the Board finds that this contract 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 18<sup>th</sup> day of December, 2012, that the County Administrator be and he hereby is authorized to execute a contract with AECOM in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000), unless amended by a duly-executed contract amendment, for consulting services for preparation of the Joint Land Use Study for MCB Quantico and the surrounding counties of Stafford, Fauquier, and Prince William; and

BE IT FURTHER RESOLVED that funds in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) be and they hereby are budgeted and appropriated in FY2013 for consulting services for preparation of a JLUS for MCB Quantico and the surrounding counties of Stafford, Fauquier, and Prince William; and

BE IT STILL FURTHER RESOLVED that funds in an amount not to exceed Sixteen Thousand Dollars (\$16,000) be and they are hereby budgeted and appropriated in FY2013 for advertising, materials, and supplies for the JLUS.

Item 7. Utilities; Authorize the County Administrator to Execute an Agreement with VDOT Governing Relocation of Water and Sewer Utilities at the Onville Road/Garrisonville Road Intersection

Resolution R12-377 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION GOVERNING THE RELOCATION OF WATER AND SEWER UTILITIES AT THE ONVILLE ROAD/GARRISONVILLE ROAD INTERSECTION

WHEREAS, the Virginia Department of Transportation (VDOT) is designing, and will construct, improvements to the Onville Road/Garrisonville Road Intersection; and

WHEREAS, certain water and sewer utilities must be relocated for VDOT's proposed construction and completion of the project; and

WHEREAS, the County will bear the cost for the water and sewer relocations, including betterments, with the estimated cost not to exceed \$452,006; and

WHEREAS, it is necessary for VDOT and the County to enter into an agreement regarding the relocation of water and sewer utilities necessary for VDOT's proposed construction;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that the County Administrator be and he hereby is authorized to execute an agreement with VDOT for the relocation of water and sewer utilities at the Onville Road/Garrisonville Road Intersection in an amount not to exceed Four Hundred Fifty-two Thousand Six Dollars (\$452,006) unless amended by a duly-executed contract amendment; and

BE IT FURTHER RESOLVED that this project will be funded using FY2013 operating funds.

Item 8. Authorize a Public Hearing to Consider Vacating an Existing Water Line Easement in Connection with 342, Phase II Water Line Transmission Line Project

Resolution R12-380 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER VACATION OF EASEMENTS ON A PORTION OF THE PROPERTIES OF STAFFORD RAPPAHANNOCK, LLC, TAX MAP PARCELS 53K-A-A, 53K-B-A, 53K-C-A, 53K-21-A, 53K-22-A, and 53K-23-A, IN CONNECTION WITH THE 342 PHASE 2 WATER PRESSURE ZONE IMPROVEMENTS PROJECT

WHEREAS, the 2006 Water and Sewer Master Plan recommends construction of a new water transmission line from the new Rocky Pen Water Treatment Facility to the 342 Water Pressure Zone; and

WHEREAS, the Board approved the project, and is in the process of acquiring the necessary easements for the construction of the 342 Water Pressure Zone Improvements Project; and

WHEREAS, Stafford Rappahannock, LLC, the property owner, previously dedicated 30,318 square feet of water line easement and 14,846 square feet of temporary construction easement for this project (from R12-380) on Tax Map Parcels 53K-A-A, 53K-B-A, 53K-C-A, 53K-21-A, 53K-22-A, and 53K-23-A, the Property; and

WHEREAS, the property owner made improvements in the granted easement areas on the property making construction of the water line less desirable and more costly; and

WHEREAS, the property owner consents to vacation of the existing easement areas in exchange for 25,418 square feet of water line easement, and 13,130 square feet of temporary construction easement on the property, in more mutually desirable easement areas to both parties; and

WHEREAS, the Board desires to hold a public hearing considering vacation 14,846 square feet of temporary construction easement and 30,318 square feet of permanent water line easement on the property in exchange for 25,418 square feet of permanent water line easement and 13,130 square feet of temporary construction easement.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 18<sup>th</sup> day of December 2012, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider vacation of the Board's easement ownership of the property to complete construction and begin operation of the 342 Phase 2 Water Zone Improvements Project, an approved public use to meet the County's water demand needs.

Item 9. Utilities; Authorize a Public Hearing to Consider Vacating an Existing Sewer Easement on Tax Map Parcel 21-70 in Connection with the Route 1 North Sewer Replacement Project

Resolution R12-382 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE VACATION OF EASEMENTS ON A PORTION OF THE PROPERTY OF MANASSAS ICE AND FUEL CO., INC., TAX MAP PARCEL 21-70, IN CONNECTION WITH THE ROUTE 1 NORTH SEWER REPLACEMENT PROJECT

WHEREAS, the 2006 Water and Sewer Master Plan recommends replacement of a portion of the Route 1 North Interceptor sewer line; and

WHEREAS, the Board approved, and is in the process of acquiring the necessary easements for the construction of the Route 1 North Sewer Replacement Project; and

WHEREAS, the owner of Tax Map Parcel 21-70 previously dedicated 0.0462 acres of temporary construction easement and 0.3485 acres of permanent sewer easement to the County for this project; and

WHEREAS, a revised sewer alignment is necessary, which necessitates different easements; and

WHEREAS, the property owner consents to an exchange of 0.0545 acres of temporary construction easement and 0.3273 acres of permanent sewer easement on Tax Map Parcel 21-70 for the County's vacation of the existing easement areas; and

WHEREAS, the Board declares its intent to vacate the current 0.0462 acres of temporary construction easement and 0.3485 acres of permanent sewer easement on Tax Map Parcel 21-70 in exchange for 0.0545 acres of temporary construction easement and 0.3273 acres of permanent sewer easement; and

WHEREAS, the Board is required to and desires to hold a public hearing prior to the disposition of County-owned property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 18<sup>th</sup> day of December, 2012, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider vacation of the Board's easements on a portion of Tax Map Parcel 21-70 to complete construction and begin operation of the Route 1 North Sewer Replacement Project, an approved public use to meet the County's Sewer demand needs.

Item 10. Public Works; Authorize a Public Hearing to Convey an Easement to Dominion Virginia Power for Staffordboro Commuter Lot

Resolution R12-378 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONVEY AN EASEMENT ON COUNTY-OWNED PROPERTY, IDENTIFIED AS A PORTION OF TAX MAP PARCEL 21-65J, TO DOMINION VIRGINIA POWER FOR UTILITY LINE RELOCATION IN CONNECTION WITH IMPROVEMENTS TO THE STAFFORDBORO COMMUTER LOT

WHEREAS, the Board identified the completion of improvements to the Staffordboro Commuter Lot as a top transportation priority; and

WHEREAS, the County owns property adjacent to the Staffordboro Commuter Lot, identified as Tax Map Parcel 21-65J; and



WHEREAS, the commuter lot improvements will be completed by the Virginia Department of Transportation (VDOT); and

WHEREAS, Dominion Virginia Power must relocate its utility lines prior to construction of the commuter lot improvements; and

WHEREAS, Dominion Virginia Power requested an easement from the County for relocation of its utility lines; and

WHEREAS, conveyance of County-owned property requires Board approval and a public hearing; and

WHEREAS, the Board finds that this conveyance 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 18<sup>th</sup> day of December, 2012, that the Board be and it hereby does authorize the County Administrator to advertise a public hearing to consider the conveyance of a 0.049 acre easement on a portion of County-owned property identified as Tax Map Parcel 21-65J, to Dominion Virginia Power for relocation of the utility lines in connection with the improvements to the Staffordboro Commuter Lot.

Item 11. Public Works; Authorize an Agreement with Verizon for Utility Line Relocation Services as Part of the Mountain View Road Project

Resolution R12-379 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH VERIZON FOR PAYMENT OF UTILITY LINE RELOCATION SERVICES FOR THE MOUNTAIN VIEW ROAD PROJECT

WHEREAS, the Board identified the completion of road improvements on Mountain View Road, from Rose Hill Farm Drive to 0.25 miles north of Joshua Road, as a critical part of Stafford County's road improvement plan; and

WHEREAS, these improvements were included in the 2008 Transportation Bond Referendum; and

WHEREAS, a Verizon utility line must be relocated solely due to the road improvement project; and

WHEREAS, the County will bear the cost of the relocation services for all lines and facilities outside of the road right-of-way, the funds of which are included in the project budget; and

WHEREAS, Verizon requires an agreement with the County for payment of the utility line relocation services before the project can proceed; and

WHEREAS, Verizon estimated the County's cost for the relocation of the utility line services at Three Hundred Thirty-four Thousand Four Hundred Seventy-six Dollars (\$334,476);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that the Board be and it hereby does authorize the County Administrator to execute an agreement with Verizon for the payment of utility line relocation services in an amount not to exceed Three Hundred Thirty-four Thousand Four Hundred Seventy-six Dollars (\$334,476), unless amended by a duly-executed contract amendment.

Item 14. Authorize an Agreement with VDOT to Perform Maintenance Activities on Bells Hill Road

Resolution R12-390 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO PERFORM MAINTENANCE ACTIVITIES ON BELLS HILL ROAD WITH COUNTY FUNDS

WHEREAS, the traffic on Bells Hill Road increased significantly over the last several years and maintenance work is needed to keep this road safe; and

WHEREAS, the Virginia Department of Transportation (VDOT) estimates the cost to perform the maintenance on this road is Two Hundred Fifty Thousand Dollars (\$250,000); and

WHEREAS, VDOT agreed to enter into an agreement to schedule the maintenance work over the next two years using County funds; and

WHEREAS, Virginia Code § 33.1-75.3 authorizes both VDOT and the County to enter into an agreement to complete this project; and

WHEREAS, the Board desires to have the improvements completed for the public necessity, convenience, and general welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that the Board be and it hereby does request VDOT to administer maintenance work on Bells Hill Road with County funds, in an amount not exceed Two Hundred Fifty Thousand Dollars (\$250,000), unless amended by a duly-executed contract amendment, payable from the County's Transportation Fund; and

BE IT FURTHER RESOLVED that the County Administrator or his designee is

authorized to execute any and all documents associated with this project; and

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

Item 16. Information Technology: Authorize a Contract to Upgrade the County's Land Information System

Resolution R12-392 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH INFOR PUBLIC SECTOR TO UPGRADE THE COUNTY'S LAND INFORMATION SYSTEM'S HANSEN VERSION 7 TO HANSEN VERSION 8 SOFTWARE, AND PROVIDE RELATED SERVICES INCLUDING PROJECT MANAGEMENT, COMPUTER PROGRAMMING, AND DATA MIGRATION

WHEREAS, the County currently uses Version 7 of the HANSEN (Land Information System) software; and

WHEREAS, HANSEN Version 8 will improve internal operations and provide online building permit and other services to citizens, businesses, and the development community, while leveraging the County's investment and institutional knowledge of the HANSEN system; and

WHEREAS, Hansen 8 upgrades are supported by the Board of Supervisors Adopted Economic Development 10 Point Plan's Issue #2: *Enact Business Friendly Policies*; and

WHEREAS, the upgrade of the County's Land Information System (HANSEN Version 8 software) is included the FY 2012 -2017 Adopted Capital Improvement Program; and

WHEREAS, funds are available in the Capital Projects Reserve to fund the project; and

WHEREAS the County is collecting technology/user fees to reimburse the Capital Projects Reserve for this purchase; and

WHEREAS, Infor Public Sector proposed to perform the upgrade and provide the related services for \$680,000; and

WHEREAS, staff reviewed the proposal and determined that it is reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 18<sup>th</sup> day of December, 2012, that it be and hereby does authorize the County Administrator to execute a contract with Infor Public Sector to upgrade the

County's Land Information System from HANSEN Version 7 to HANSEN Version 8, with related services, including project management, computer programming, and data migration, in an amount not to exceed Six Hundred Eighty Thousand Dollars (\$680,000), unless amended by a duly-executed contract amendment; and

BE IT FURTHER RESOLVED that the County Administrator be and hereby is authorized to budget and appropriate \$680,000 from the Capital Projects Reserve to the Capital Projects Fund.

Item 17. Public Information; Recognize and Commend Ellen Grigg for 25 Years of Service on the Rappahannock Criminal Justice Academy Executive Board

Proclamation P12-20 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND ELLEN GRIGG  
FOR HER SERVICE AND DEDICATION TO THE RAPPAHANNOCK  
REGIONAL CRIMINAL JUSTICE ACADEMY EXECUTIVE BOARD

WHEREAS, Ellen Grigg served for more than 25 years on the Executive Board of the Rappahannock Regional Criminal Justice Academy; and

WHEREAS, her expertise, gained from a juvenile justice career with the federal government, contributed greatly to the Academy in the areas of budgeting and planning; and

WHEREAS, Ellen Grigg was a wonderful resource to the Executive Board both as a voice of the community, and as such, enhanced relations among the community, the Academy, and law enforcement; and

WHEREAS, Ellen Grigg supported the Academy's mission by attending graduations and participating in many role-playing training exercises;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 18th day of December, 2012, that it be and hereby does recognize and commend Ellen Grigg for her outstanding service to the citizens of Stafford County, and an area reaching from the Chesapeake Bay to West Virginia, served by the Rappahannock Regional Criminal Justice Academy.

Item 18. Economic Development; Stafford Technology and Research Park Memorandum of Agreement and 501(C)(3) Designation

Resolution R12-397 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A STAFFORD TECHNOLOGY AND RESEARCH  
CENTER MEMORANDUM OF AGREEMENT (MOA) ON

ACADEMIC MATTERS, AND AUTHORIZE THE CREATION OF  
501(C)(3) ORGANIZATION

WHEREAS, in October, 2010, the Board authorized staff to execute a Memorandum of Understanding (MOU) with the University of Mary Washington, George Mason University, Germanna Community College, and MTCSC (now ManTech); and

WHEREAS, the MOU stated, in part: "[The] parties wish to collaborate to explore the possibility of providing academic services, research, and economic development opportunities at locations in and near Marine Corps Base Quantico"; and

WHEREAS, the Board adopted a Redevelopment Plan for Boswell's Corner, and added it as a component of the Comprehensive Plan, and adopted a Form-Based Code for the Boswell's Corner area, and increased the floor area ratio to allow for a more urban utilization of the land; and

WHEREAS, the Board adopted the Economic Development 10-Point Plan, which supports the creation of a research and technology park in Stafford County, to encourage investment and revenue growth, and to support the creation of high-quality jobs; and

WHEREAS, the MOU serves as a partnership arrangement among the parties to advance the concept of the increased academic offerings at the planned Stafford Research and Technology Park; and

WHEREAS, the creation of a 501(C)(3) organization is designed to attract and build relationships with technology start-ups, existing industry, and national security-focused federal entities; and

WHEREAS, the Board finds that adopting this Resolution 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 18th day of December, 2012, that it be and hereby does authorize the County Administrator to execute a MOA with the University of Mary Washington, George Mason University, Germanna Community College, Mantech (formerly MTCSE), and the County's Economic Development Authority that names the University of Mary Washington as the academic lead for the Research and Technology Park's educational efforts; and

BE IT FURTHER RESOLVED that the County Administrator or his designee is authorized to execute any documents necessary, in collaboration with the Economic Development Authority, for the creation of a 501(C)(3) organization to provide a legal framework to guide the pursuit of the Technology and Research Park.

Item 6. Parks, Recreation and Community Facilities; Authorize a Contract for the Replacement of a Portion of the Courthouse Roof Following discussion, Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R12-374.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)

Resolution R12-374 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO AWARD A CONTRACT TO GARLAND/DBS, INC., FOR REPLACEMENT OF A PORTION OF THE ROOF ON THE COURTHOUSE BUILDING

WHEREAS, a portion of the roof on the Courthouse Building needs to be replaced because it is over thirty years old and can no longer be repaired; and

WHEREAS, an experienced roofing contractor with the skills, equipment, and manpower to perform the job correctly is required; and

WHEREAS, Garland/DBS, Inc., submitted the most responsive proposal for completing this project, and is a qualified contractor who participates in the U. S. Communities contracting program; and

WHEREAS, funds for the rood replacement are available in FY2013 Cash Capital Infrastructure funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that the County Administrator be and he hereby is authorized to award a contract with Garland/DBS, Inc., for roof replacement of a portion of the roof on the Courthouse Building, in an amount not to exceed One Hundred Ninety-nine Thousand Eight Hundred Fifty-five Dollars (\$199,855), unless amended by a duly-executed contract amendment.

Item 12. Public Works; Award a No-Cost Time Extension to the Chichester Building Construction Contract Following discussion, Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-388.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)

Resolution R12-388 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A NO-COST CONTRACT TIME EXTENSION OF THIRTY-SIX DAYS FOR THE CONSTRUCTION OF THE CHICHESTER BUILDING

WHEREAS, on October 4, 2011, the Board adopted Resolution R11-278, approving the award of a construction contract for the Chichester Building to Falls Church Construction Company, with a duration of 365 days, from notice to proceed to substantial completion; and

WHEREAS, unexpected, unsuitable soils were encountered during the excavation of the building footers; and

WHEREAS, the contractor, Falls Church Construction Company, performed and was compensated for the additional work, which delayed the project by thirty six days; and

WHEREAS, County Purchasing Policy requires Board approval for time extensions in excess of thirty days;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that the Board be and it hereby does authorize the County Administrator to execute a thirty-six (36) day, no-cost time extension to Falls Church Construction Company for the delays caused by the unsuitable soils, which extends the substantial completion for the Chichester Building dated from November 7, 2012 to December 13, 2012.

Public Works; Consider Approval of Congestion Mitigation Air Quality (CMAQ); Regional Surface Transportation Program (RSTP) Project Funding for FY14-FY19  
Following discussion, Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-389.

The Voting tally was:

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

Resolution R12-389 reads as follows:

A RESOLUTION TO APPROVE PROJECTS FOR THE FY2019  
CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT  
PROGRAM FUNDING

WHEREAS, the Board desires to take advantage of all available regional funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive federal Congestion Mitigation and Air Quality (CMAQ) Program funds; and

WHEREAS, the Virginia Department of Transportation (VDOT) and Fredericksburg Area Metropolitan Planning Organization (FAMPO) recommend projects to the Commonwealth Transportation Board (CTB) for funding in this region; and

WHEREAS, approximately \$3,900,000 in CMAQ funding will be distributed to qualifying projects in the Fredericksburg District in FY2019;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that the Board be and it hereby does indicate its desire to have the following items added to the project list for CMAQ FY2019 funding:

- Intersection improvements at Jefferson Davis Highway (US-1) and Courthouse Road (SR-630);
- Intersection improvements at Kings Highway (SR-3) and Ferry Road (SR- 606);
- Intersection improvements at Jefferson Davis Highway (US-1) and Garrisonville Road (SR-610); and
- Intersection improvements at Jefferson Davis Highway (US-1) and American Legion Road/Eskimo Hill Road (SR-628).

BE IT FURTHER RESOLVED that the County Administrator or his designee shall forward a certified copy of this resolution to the FAMPO Administrator.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-389.

The Voting tally was:

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

Resolution R12-394 reads as follows:

**A RESOLUTION TO APPROVE PROJECTS FOR THE FY2019 REGIONAL SURFACE TRANSPORTATION PROGRAM PROJECT FUNDING**

WHEREAS, the Board desires to take advantage of all available regional funding for transportation improvements in the County; and

WHEREAS, the County is eligible to receive federal Regional Surface Transportation Program (RSTP) funds; and

WHEREAS, the Virginia Department of Transportation (VDOT) and the Fredericksburg Area Metropolitan Planning Organization (FAMPO) recommend projects to the Commonwealth Transportation Board (CTB) for funding in this region; and



WHEREAS, approximately \$1,200,000 in RSTP funding will be distributed to qualifying projects in the Fredericksburg District in FY2019;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that the Board be and it hereby does indicate its desire to have the below items added to the project list for RSTP FY2019 funding:

- Intersection improvements at Jefferson Davis Highway (US-1) and Courthouse Road (SR-630)
- Intersection improvements at Kings Highway (SR-3) and Ferry Road (SR-606)
- Intersection improvements at Jefferson Davis Highway (US-1) and Garrisonville Road (SR-610)
- Intersection improvements at Jefferson Davis Highway (US-1) and American Legion Road/Eskimo Hill Road (SR-628)

BE IT FURTHER RESOLVED that the County Administrator or his designee shall forward a certified copy of this resolution to the FAMPO Administrator.

Item 15. Fire and Rescue; Authorize the Purchase of Replacement Self-Contained Breathing Apparatus Following discussion, Ms. Stimpson motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-391.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)

Resolution R12-391 reads as follows:

**A RESOLUTION TO AUTHORIZE THE PURCHASE OF REPLACEMENT SELF-CONTAINED BREATHING APPARATUS (SCBA) EQUIPMENT FOR THE FIRE AND RESCUE DEPARTMENT**

WHEREAS, the Stafford County Fire and Rescue Department (the Department) utilizes Self-Contained Breathing Apparatus (SCBA) as part of its all-hazards approach to emergency response; and

WHEREAS, the current compressed air cylinders that provide air to firefighters will expire within a year based on the National Fire Protection Association (NFPA) 15-year service life requirement; and

WHEREAS, the aging units require increased maintenance costs to sustain safe operational standards; and

WHEREAS, the purchase price of the replacement SCBA will increase by 5% in January, 2013, and by an additional 15-20% in May, 2013; and

WHEREAS, the timeliness of the purchase of SCBAs will ensure the Department is in compliance with current NFPA standards; and

WHEREAS, in February, 2012, the Public Safety Committee was briefed on, and given an opportunity to review, the SCBA replacement plan, and the Finance, Audit and Budget Committee was briefed in December, 2012; and

WHEREAS, the purchase of replacement SCBA equipment was included in the FY2013 Capital Improvement Program, to be funded through the Master Lease with the resulting debt service programmed into the multi-year budget projections;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2012, that it be and hereby does authorize the County Administrator to execute a contract for the purchase of replacement SCBA equipment with Scott Safety (through Municipal Emergency Services) in an amount not to exceed Two Million Seven Hundred Forty-six Thousand Twelve Dollars (\$2,746,012), unless amended by a duly-executed contract amendment; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to budget and appropriate two Million Seven Hundred Forty-six Thousand Twelve Dollars from the Master Lease proceeds to fund the purchase of the SCBA equipment.

Legislative; Authorize the County Administrator to Execute an Agreement with Celebrate Virginia Development Company, LLC Regarding Completion of the Celebrate Virginia Parkway Mr. Anthony Romanello, County Administrator, gave a presentation and answered Board members questions. Mr. Romanello told the Board that there was equity in the amount of \$500K in the parcel being offered as collateral. Mr. Thomas asked if the developer approached the County or vice versa. Mr. Romanello said that it was a combination of both. There were established neighborhoods with roads built to state standards that could not be accepted into the State System because they were not connected to an already accepted road. He added that it means that there would be no snow removal, no road maintenance, etc.

Mr. Thomas asked about the roads used to access the Rocky Pen Run Dam. Mr. Romanello said that roads through Celebrate Virginia are currently being used and that there was an agreement with the developer that the roads would be restored (due to truck traffic) if there was any damage done to them. Mr. Thomas asked if the agreement was in writing or just a gentleman's agreement. Mr. Romanello said that he did not know if it was in writing or simply an understanding with the developer. Mr. Milde said that this was not an unprecedented agreement. Mr. Snellings said that if there were no bids this was, in his opinion, a bit like putting the cart before the horse. He added that staff should bring bids back to the Board before the Board gave consideration to the proposed agreement. Mr. Romanello noted that acceptance by the Board, before bids were

received, was within the parameters of the proposed agreement. Mr. Sterling said that the County would not go out for bid without authority from the Board to move forward.

Ms. Stimpson asked if access traffic to and from the Dam could use only the road(s) in question. Mr. Byron Counsell, Project Manager, confirmed that these were the only roads available. Mr. Sterling asked to see the legal access to the Dam. Mr. Romanello said that the road was dedicated to public use; it was not a private road. Mr. Harvey said that right-of-way was already dedicated for certain parts of Celebrate Virginia Parkway.

Mr. Sterling asked if the developer could deny access to the Dam. Mr. Harvey responded that the recorded sections of the Parkway were dedicated to the County for public use.

Mr. Sterling asked what would happen if the bids, when returned, came back high. Mr. Romanello said that it would then be the Board’s prerogative to deny the bids. Ms. Stimpson said the bottom line was that the County had to finish the Rocky Pen Run Dam project. Mr. Sterling said that he was comfortable with the action that the Board was taking.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-285.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)

Resolution R12-285 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH CELEBRATE VIRGINIA DEVELOPMENT COMPANY, LLC, FOR COMPLETION OF THE CELEBRATE VIRGINIA PARKWAY FOR ACCEPTANCE INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, construction of the Celebrate Virginia Parkway (“the Parkway”) was completed by the developer, Celebrate Virginia Development Company, LLC, (“the Developer”) but the road was never accepted into the Secondary System of State Highways for maintenance; and

WHEREAS, the Parkway serves a large commercial area, residential neighborhoods, County construction efforts associated with Rocky Pen Run Reservoir, and a planned office park; and

WHEREAS, it will cost up to \$450,000 to complete the remaining work for the Virginia Department of Transportation (VDOT) to accept the Parkway into the Secondary System of State Highways; and

WHEREAS, this cost will rise substantially if immediate action is not taken to complete the work for acceptance by VDOT; and

WHEREAS, the Developer indicated that it is unable to fully fund the remaining work at this time, but it will execute an agreement with the County, subject to certain terms, to allow the County to complete the work; and

WHEREAS, the following provisions will be included in the agreement:

- The Developer will provide \$300,000 to the County upon execution of the agreement to complete the remaining work on the Parkway.
- The County will provide up to an additional \$150,000 for the completion of the work, should it be necessary, and the Developer will reimburse the County at \$30,000 per year for not longer than the next five (5) years.
- The Developer offered Parcel 44W-4A as collateral towards the satisfaction of this obligation, should the cost of the work exceed the \$300,000 they are providing.
- The Developer requests the right to review construction bids prior to issuance of a contract by the County, and to attempt to obtain a lower price if they feel the cost is excessive.
- The County will solely manage the work necessary to complete the Parkway.

WHEREAS, staff reviewed these terms and determined that they are reasonable and acceptable; and

WHEREAS, the agreement will contain other necessary and appropriate terms defining the responsibilities of the parties; and

WHEREAS, the Board finds that this agreement, and completion of the Parkway, 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 18<sup>th</sup> day of December, 2012, that it be and hereby does authorize the County Administrator to execute an agreement and any other necessary documents with Celebrate Virginia Development Company, LLC, for the County to complete the Celebrate Virginia Parkway for acceptance into the Secondary System of State Highways.

Finance and Budget/Commissioner of the Revenue; Consider Guidance to the County Administrator Regarding the Boat Tax in the Proposed FY2014 Budget Commissioner of the Revenue, Scott Mayausky, gave a presentation and a chart was distributed showing boat size and revenue. Mr. Sterling said that the Community and Economic Development Committee talked about boat tax, about the economic development side, and tax revenue generated by marinas, etc. Mr. Mayausky said that with a reduction in, or elimination of, the boat tax, there was potential for an increase in economic development activities, as

well as an increase in meals, fuel, and sales tax, adding that he did not know how much of an increase. Mr. Mayausky said that small boats do not generate as much tax as larger ones.

Mr. Sterling said that he would like to see a review, looking at Prince William County in terms of economic values, both before and after they eliminated the boat tax.

Mr. Milde said that Jimmy Franklin, with Hope Springs Marina, spent \$1M, which equated to \$10k in taxes to the County. He said that currently, there are only seven (7) boats larger than forty feet (40') registered in Stafford County. Ms. Stimpson asked why, on the chart included with agenda materials, Fairfax County showed \$0.01 as the boat tax rate. Mr. Mayausky replied that no one had legal authority to eliminate a tax so Prince William County and Fairfax County set the rate so low as to not have to collect it.

Mr. Cavalier said that Aquia Harbour Marina spent \$2.4 M in dock replacement and storage and pays taxes on the marina, which has 150 slips. He said that the percentage of full slips used to be greater, that it was now less than fifty per cent (50%) due to the high rate of boat taxes charged in Stafford. Mr. Milde said that Prince William and Fairfax Counties are famous for their high taxes but they removed the boat tax. He said that Stafford should seriously consider phasing out the boat tax. Ms. Stimpson noted that reduction of taxes was a priority in the County's Economic Development Ten Point Plan.

Mr. Snellings asked about recreational vehicles and motorcycles, which, as Ms. Stimpson noted, use roads whereas especially the larger boats do not. Mr. Mayausky said that the City of Fredericksburg charges taxes on recreational vehicles but that Prince William County does not.

Mr. Schieber said that he did not own a boat but that the County's boat tax rate seemed high. He said that the County should address the issue with eyes wide open in looking at what the boating industry means to Virginia and to Stafford County. Mr. Schieber said that he wanted to see a revenue estimate that could result in phasing out, or elimination of the boat tax.

Mr. Milde said that the Board debated the boat tax issue for years, that he saw enough evidence to get rid of the boat tax and look to the resulting revenue that would be generated. Mr. Milde motioned that the County Administrator present the FY2014 budget with the elimination of the boat tax. Mr. Sterling said that the Board needed a report on the revenue that Mr. Milde was talking about before eliminating the boat tax. Mr. Milde said that the Board did the same thing with BPOL. Mr. Sterling said that BPOL was an entirely different thing. Ms. Stimpson asked for direction from County

Attorney, Charles Shumate. Mr. Shumate said that the Board could eliminate the boat tax right that moment. Mr. Milde said, not now but during the budget process.

Mr. Snellings said that taxes could not be raised after they were advertised for the budget public hearing. Ms. Stimpson confirmed Mr. Snellings statement. Mr. Snellings said that he had been given no idea of how to make up the boat tax revenue if it were to be eliminated. Mr. Schieber said that he agreed with Mr. Snellings and Mr. Sterling, asking for additional information before being asked to make a decision. Mr. Thomas talked about the need to keep budget priorities in mind.

Mr. Sterling made a substitute motion (to Mr. Milde’s earlier motion to eliminate the boat tax in the FY2014 budget) whereby the County Administrator would present three scenarios during budget deliberations. They were: 1) elimination of the boat tax; 2) three-year phase out of the boat tax; and 3) a do-nothing approach regarding the boat tax. Mr. Cavalier seconded Mr. Sterling’s substitute motion.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)

Planning and Zoning; Rezone 106 Acres from A-1, Agricultural and B-2, Urban Commercial to HI, Heritage Interpretation Zoning District for George Washington’s Boyhood Home at Ferry Farm Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

Mr. Thomas motioned, seconded by Mr. Snellings, to adopt proposed Ordinance O12-42.

The Voting tally was:

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

Ordinance O12-42 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM A-1, AGRICULTURAL AND B-2, URBAN COMMERCIAL ZONING DISTRICTS, TO HI, HERITAGE INTERPRETATION ZONING DISTRICT, ON ASSESSOR’S PARCELS 54-91, 54-92, 54-92A, 54-93, AND 54-93A, WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Board, applicant on behalf of the George Washington Foundation, submitted application RC1200307 requesting a reclassification from A-1, Agricultural and B-2, Urban Commercial Zoning Districts, to HI, Heritage Interpretation Zoning District, on Assessor’s Parcels 54-91, 54-92, 54-92A, 54-93 and 54-93A within the George Washington Election District; and

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

WHEREAS, the Board determined that the requested zoning is compatible with surrounding land uses and zoning; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from A-1, Agricultural and B-2, Urban Commercial Zoning Districts to HI, Heritage Interpretation Zoning District, on Assessor’s Parcels 54-91, 54-92, 54- 92A, 54-93, and 54-93A, as depicted on the zoning plat prepared by Vanasse Hangen and Brustlin, Inc., dated August 24, 2012, with proffers entitled “Proffer Statement,” dated December 18, 2012.

Legislative; Closed Meeting. At 4:01 p.m., Mr. Sterling motioned, seconded by Mr. Schieber, to adopt proposed Resolution CM12-26.

The Voting tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)

Resolution CM12-26 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion and consultation with legal counsel regarding the potential acquisition of real property for a public purpose(s), including economic development, pertaining to the Technology and Research Park, and (2) consultation with legal counsel and briefings by staff regarding the third-party complaint filed against Stafford County in *Layne Geoconstruction Corporation v. General Excavation, Inc., et al.* (Case No. CL12-596); (3) consultation with legal counsel regarding the proposed Embrey Mill proffer amendment; and (4) discussion of prospective candidates for employment as the Fire Chief for the Fire and Rescue Department; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors, on this the 18<sup>th</sup> day of December, 2012, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order At 4:50 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Resolution CM12-26(a).

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)

Resolution CM12-26(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON DECEMBER 18, 2012

WHEREAS, the Board has, on this the 18<sup>th</sup> day of December, 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 18<sup>th</sup> day of December, 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.

Following the Closed Meeting, Mr. Cavalier motioned, seconded by Mr. Sterling, to deny the third-party complaint filed against Stafford County in Layne Geoconstruction Corporation v. General Excavation, Inc.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas



Nay: (0)

County Attorney; Consider the Creation of an Embrey Mill Community Development Authority (CDA) Mr. Schieber motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O12-43 with proffers dated December 14, 2012.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Ordinance O12-43 reads as follows:

AN ORDINANCE TO AUTHORIZE AND ESTABLISH A COMMUNITY DEVELOPMENT AUTHORITY PURSUANT TO VIRGINIA CODE SECTIONS 15.2-5152, ET SEQ., TO BE KNOWN AS THE EMBREY MILL COMMUNITY DEVELOPMENT AUTHORITY

WHEREAS, the Board received a petition (the “Petition”) from NASH STAFFORD, LLC (the “Landowner”) for the creation of the Embrey Mill Community Development Authority (the “CDA”), and the Landowner represented that it owns more than 51% of all of the land within the proposed CDA District, as defined below; and

WHEREAS, a public hearing was held on November 20, 2012, by the Board on the adoption of this Ordinance (the “Ordinance”) and notice was duly provided as set forth in § 15.2-5156 of the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2, Code of Virginia of 1950, as amended (the “Act”); and

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

WHEREAS, the Board proposes to create the CDA in order to provide the infrastructure improvements and services described in the Petition; and

WHEREAS, the creation of the CDA to assist in financing the infrastructure improvements and services in connection with Embrey Mill, a residential and commercial development center to be located west of Interstate 95, north of State Route 630 (Courthouse Road), and south of State Route 610 (Garrisonville Road) in the County (the “Project”) will benefit the citizens of the County by promoting increased employment opportunities, by strengthening the County’s economic base and increasing the County’s tax revenues, and will meet the increased demands placed upon the County as a result of development within the CDA District; and

WHEREAS, Proffer 2(j)(ii) of the Embrey Mill Proffers (adopted by Ordinance 001-08 on March 6, 2001) provides that the applicant’s obligation to construct certain road improvements is contingent upon the Board’s cooperation in establishing a community development authority for the purpose of constructing Mine Road and other infrastructure in connection with the development of the Project; and

WHEREAS, the Landowner waived in writing the right to withdraw its signature from the Petition in accordance with § 15.2-5156 of the Act; and

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE BOARD OF SUPERVISORS OF STAFFORD COUNTY, VIRGINIA:

1. Creation of Authority. The Embrey Mill Community Development Authority is hereby created as a public body politic and corporate and political subdivision of the Commonwealth of Virginia in accordance with the applicable provisions of the Act. The CDA shall have all the powers set forth in the Act.

2. Boundaries of CDA. The CDA boundaries shall initially include the parcels of land containing approximately 869 acres, more or less, being described more particularly on the description attached hereto and made a part hereof as Exhibit A, which land constitutes a portion of the property currently constituting Stafford County tax map parcels set forth in Exhibit B (the “CDA District”). In accordance with § 15.2-5157 of the Act, a copy of this Ordinance shall be recorded in the land records of the Circuit Court of Stafford County for each tax map parcel in the CDA District as such CDA District exists at the time of issuance of the CDA’s bonds (the “Bonds”) and the CDA District shall be noted on the land records of the County. The Board may release or exclude from the CDA District at any time before the issuance of the Bonds land within the CDA District so long as the owners of at least 51 percent of the land area or assessed value of land remaining in the CDA District after adjustment petitioned for the creation of the CDA and, after the issuance of the Bonds, certain de minimis portions of land not to exceed approximately one acre in the aggregate. In addition, the CDA board may release and exclude from the CDA District parcels of land with respect to which all special assessments have been paid or prepaid.

3. Facilities and Services. The CDA is created for the purpose of exercising the powers set forth in the Act, including acquiring, financing, constructing and developing, and owning and maintaining, if necessary, certain public infrastructure improvements in connection with the development of the Project as described in the Petition and the Articles of Incorporation described below. The CDA shall not provide services which are provided by, or obligated to be provided by, any authority already in existence pursuant to the Act unless such authority provides the certification required by § 15.2-5155 of the Act.

4. Articles of Incorporation. Attached hereto and made a part hereof as Exhibit C are the proposed Articles of Incorporation of the CDA. The County Administrator is authorized and directed to execute and file such Articles of Incorporation on behalf of the Board with the State Corporation Commission in substantially the form attached as Exhibit C with such changes, including insubstantial changes to the boundary description of the CDA District described therein, as the County Administrator may approve. The County Administrator is authorized to approve such changes or corrections to the Articles of Incorporation prior to filing with the State Corporation Commission as do not change the purpose or function of the CDA as set forth in this Ordinance and in the Petition.

5. Capital Cost Estimates. The Board hereby finds, in accordance with § 15.2-5103(B) of the Act, that it is impracticable to include capital cost estimates, project proposals, and project service rates, except as summarized in the Petition.

6. Membership of the Authority.

(a) The powers of the CDA shall be exercised by an authority board consisting of five (5) members.

(b) All members of the CDA board shall be appointed by the Board in accordance with the provisions of § 15.2-5113 of the Act. Petitioner shall be entitled to nominate members and submit such nominations to the Board in advance of any appointments by the Board. The Board agrees to consider such nominations as part of the selection process.

(c) The initial members of the CDA board shall be as set forth in the Articles of Incorporation for the terms set forth therein.

(d) Each CDA board member shall receive such compensation for his or her services as a CDA board member as may be authorized from time to time by resolution of the CDA board, provided that no member shall receive compensation in excess of \$300 per meeting attended unless authorized by resolution of the Board.

7. Plan of Finance; Issuance of Bonds.

(a) The infrastructure improvements, services, and operations to be undertaken by the CDA as described herein and in the Petition shall be funded from all or some of the following sources: (i) bonds to be issued by the CDA; (ii) special assessments to be levied pursuant to § 15.2-5158(A)(5) of the Act and (iii) any other source of funding available to the CDA including rates, fees, and charges to be levied by the CDA for the services and facilities provided or funded by the CDA and any other appropriations, grants, contributions, or financial assistance that the CDA receives from other governmental entities. Notwithstanding anything herein to the contrary, in accordance with § 15.2-5103 of the Act, the County will not pay any portion of debt service on any CDA bonds other than from revenues derived from special assessments or other revenues collected pursuant to § 15.2-5158 of the Act.

(b) The Bonds to be issued by the CDA will be in the maximum aggregate principal amount of \$45,000,000, will have a final maturity of not more than thirty (30) years, will amortize principal over a period of not more than twenty-seven (27) years and will have a capitalized interest period of not more than three (3) years. The proceeds of the Bonds will be used to pay the costs of public infrastructure improvements as described herein and in the Petition, the costs of issuing the Bonds, the funding of any required reserves, and the payment of interest on the Bonds prior to and during construction and for a period up to one year after completion of such infrastructure (but in no event greater than an aggregate period of three (3) years).

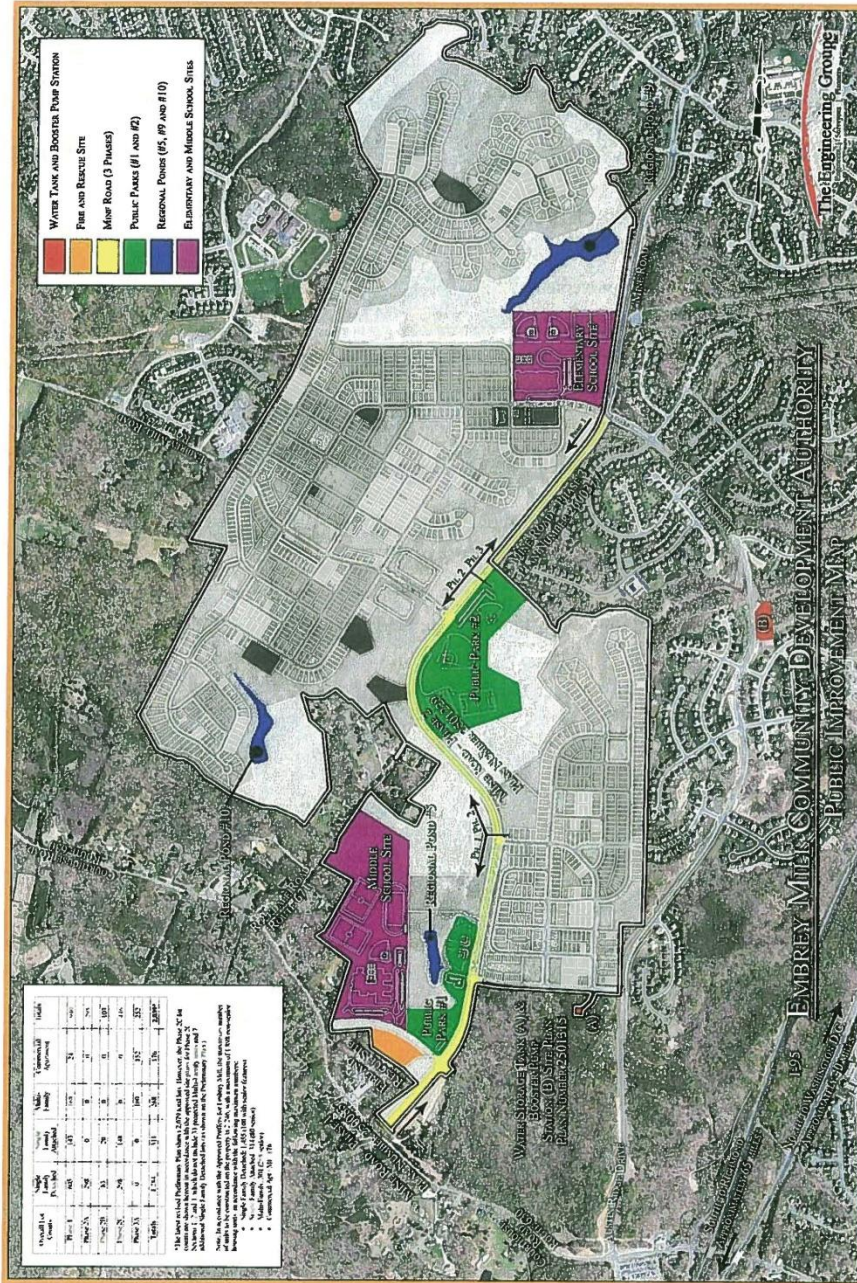
(c) Any bonds issued by the CDA or any other financing arrangements entered into by the CDA will be debt of the CDA, will not be a debt or other general obligation of the County and will not constitute a pledge of the faith and credit of the County.

8. Effective Date. This ordinance shall take effect immediately.

Exhibits:

- A - Initial CDA District Boundaries
- B - List of Parcels by Tax Map Number
- C - Proposed Articles of Incorporation

**EXHIBIT A**



**EXHIBIT B**

<b>Parcel Owner</b>	<b>Parcel ID</b>	<b>Legal Descrip. Property Address</b>	<b>Acres</b>	<b>Lot</b>
NASH Stafford, LLC	29G-1-33	312 Shields Road	0.06	33
NASH Stafford, LLC	29G-1-34	310 Shields Road	0.05	34
NASH Stafford, LLC	29G-1-35	308 Shields Road	0.05	35
NASH Stafford, LLC	29G-1-36	306 Shields Road	0.05	36
NASH Stafford, LLC	29G-1-37	304 Shields Road	0.05	37
NASH Stafford, LLC	29G-1-38	302 Shields Road	0.05	38
NASH Stafford, LLC	29G-1-39	300 Shields Road	0.06	39
NASH Stafford, LLC	29G-1-40	210 Shields Road	0.06	40
NASH Stafford, LLC	29G-1-41	208 Shields Road	0.05	41
NASH Stafford, LLC	29G-1-42	206 Shields Road	0.05	42
NASH Stafford, LLC	29G-1-43	204 Shields Road	0.05	43
NASH Stafford, LLC	29G-1-44	202 Shields Road	0.05	44
NASH Stafford, LLC	29G-1-45	200 Shields Road	0.06	45
NASH Stafford, LLC	29G-1-46	101 Almond Drive	0.06	46
NASH Stafford, LLC	29G-1-47	103 Almond Drive	0.05	47
NASH Stafford, LLC	29G-1-48	105 Almond Drive	0.05	48
NASH Stafford, LLC	29G-1-49	107 Almond Drive	0.05	49
NASH Stafford, LLC	29G-1-50	109 Almond Drive	0.05	50
NASH Stafford, LLC	29G-1-51	111 Almond Drive	0.06	51
NASH Stafford, LLC	29G-1-52	115 Almond Drive	0.06	52
NASH Stafford, LLC	29G-1-53	117 Almond Drive	0.05	53
NASH Stafford, LLC	29G-1-54	119 Almond Drive	0.05	54
NASH Stafford, LLC	29G-1-55	121 Almond Drive	0.05	55
NASH Stafford, LLC	29G-1-56	123 Almond Drive	0.05	56
NASH Stafford, LLC	29G-1-57	125 Almond Drive	0.05	57
NASH Stafford, LLC	29G-1-58	127 Almond Drive	0.06	58
NASH Stafford, LLC	29G-1-59	100 Alder Drive	0.05	59
NASH Stafford, LLC	29G-1-60	102 Alder Drive	0.04	60
NASH Stafford, LLC	29G-1-61	104 Alder Drive	0.04	61
NASH Stafford, LLC	29G-1-62	106 Alder Drive	0.04	62
NASH Stafford, LLC	29G-1-63	108 Alder Drive	0.04	63
NASH Stafford, LLC	29G-1-64	110 Alder Drive	0.04	64
NASH Stafford, LLC	29G-1-65	112 Alder Drive	0.04	65
NASH Stafford, LLC	29G-1-66	114 Alder Drive	0.04	66
NASH Stafford, LLC	29G-1-67	116 Alder Drive	0.04	67
NASH Stafford, LLC	29G-1-68	118 Alder Drive	0.05	68
NASH Stafford, LLC	29G-1-69	140 Alder Drive	0.05	69
NASH Stafford, LLC	29G-1-70	138 Alder Drive	0.04	70
NASH Stafford, LLC	29G-1-71	136 Alder Drive	0.04	71
NASH Stafford, LLC	29G-1-72	134 Alder Drive	0.04	72
NASH Stafford, LLC	29G-1-73	132 Alder Drive	0.04	73

NASH Stafford, LLC	29G-1-74	130 Alder Drive	0.04	74
NASH Stafford, LLC	29G-1-75	128 Alder Drive	0.04	75
NASH Stafford, LLC	29G-1-76	126 Alder Drive	0.04	76
NASH Stafford, LLC	29G-1-77	124 Alder Drive	0.04	77
NASH Stafford, LLC	29G-1-78	122 Alder Drive	0.05	78
NASH Stafford, LLC	29G-1-79	200 Alder Drive	0.05	79
NASH Stafford, LLC	29G-1-80	202 Alder Drive	0.04	80
NASH Stafford, LLC	29G-1-81	204 Alder Drive	0.04	81
NASH Stafford, LLC	29G-1-82	206 Alder Drive	0.04	82
NASH Stafford, LLC	29G-1-90	238 Alder Drive	0.04	90
NASH Stafford, LLC	29G-1-91	236 Alder Drive	0.04	91
NASH Stafford, LLC	29G-1-92	234 Alder Drive	0.04	92
NASH Stafford, LLC	29G-1-93	232 Alder Drive	0.04	93
NASH Stafford, LLC	29G-1-94	230 Alder Drive	0.04	94
NASH Stafford, LLC	29G-1-95	228 Alder Drive	0.04	95
NASH Stafford, LLC	29G-1-96	226 Alder Drive	0.04	96
NASH Stafford, LLC	29G-1-97	224 Alder Drive	0.04	97
NASH Stafford, LLC	29G-1-98	222 Alder Drive	0.05	98
NASH Stafford, LLC	29G-1-99	201 Freesia Lane	0.14	99
NASH Stafford, LLC	29G-1-83	208 Alder Drive	0.04	83
NASH Stafford, LLC	29G-1-84	210 Alder Drive	0.04	84
NASH Stafford, LLC	29G-1-85	212 Alder Drive	0.04	85
NASH Stafford, LLC	29G-1-86	214 Alder Drive	0.04	86
NASH Stafford, LLC	29G-1-87	216 Alder Drive	0.04	87
NASH Stafford, LLC	29G-1-88	218 Alder Drive	0.05	88
NASH Stafford, LLC	29G-1-89	240 Alder Drive	0.05	89
NASH Stafford, LLC	29G-1-100	102 Almond Drive	0.15	100
NASH Stafford, LLC	29G-1-101	106 Almond Drive	0.13	101
NASH Stafford, LLC	29G-1-102	110 Almond Drive	0.13	102
NASH Stafford, LLC	29G-1-103	114 Almond Drive	0.13	103
NASH Stafford, LLC	29G-1-104	120 Almond Drive	0.13	104
NASH Stafford, LLC	29G-1-105	126 Almond Drive	0.13	105
NASH Stafford, LLC	29G-1-106	200 Apricot Street	0.06	106
NASH Stafford, LLC	29G-1-107	202 Apricot Street	0.05	107
NASH Stafford, LLC	29G-1-108	204 Apricot Street	0.05	108
NASH Stafford, LLC	29G-1-109	206 Apricot Street	0.05	109
NASH Stafford, LLC	29G-1-110	208 Apricot Street	0.05	110
NASH Stafford, LLC	29G-1-111	210 Apricot Street	0.05	111
NASH Stafford, LLC	29G-1-112	212 Apricot Street	0.05	112
NASH Stafford, LLC	29G-1-113	214 Apricot Street	0.05	113
NASH Stafford, LLC	29G-1-114	216 Apricot Street	0.05	114
NASH Stafford, LLC	29G-1-115	218 Apricot Street	0.06	115
NASH Stafford, LLC	29G-1-116	221 Freesia Lane	0.13	116
NASH Stafford, LLC	29G-1-117	217 Freesia Lane	0.13	117
NASH Stafford, LLC	29G-1-118	213 Freesia Lane	0.13	118
NASH Stafford, LLC	29G-1-119	209 Freesia Lane	0.13	119
NASH Stafford, LLC	29G-1-120	205 Freesia Lane	0.13	120



NASH Stafford, LLC	29G-1-154	220 Pear Blossom Road	0.20	154
NASH Stafford, LLC	29G-1-155	200 Freesia Lane	1.09	155
NASH Stafford, LLC	29G-1-156	204 Freesia Lane	0.16	156
NASH Stafford, LLC	29G-1-157	208 Freesia Lane	0.16	157
NASH Stafford, LLC	29G-1-158	212 Freesia Lane	0.15	158
NASH Stafford, LLC	29G-1-159	300 Apricot Street	0.16	159
NASH Stafford, LLC	29G-1-160	302 Apricot Street	0.14	160
NASH Stafford, LLC	29G-1-161	304 Apricot Street	0.14	161
NASH Stafford, LLC	29G-1-162	306 Apricot Street	0.17	162
NASH Stafford, LLC	29G-1-163	208 Pear Blossom Road	0.16	163
NASH Stafford, LLC	29G-1-164	212 Pear Blossom Road	0.17	164
NASH Stafford, LLC	29G-1-165	216 Pear Blossom Road	0.18	165
NASH Stafford, LLC	29G-1-187	421 Alder Drive	0.19	187
NASH Stafford, LLC	29G-1-188	419 Alder Drive	0.14	188
NASH Stafford, LLC	29G-1-189	417 Alder Drive	0.14	189
NASH Stafford, LLC	29G-1-190	415 Alder Drive	0.14	190
NASH Stafford, LLC	29G-1-191	413 Alder Drive	0.14	191
NASH Stafford, LLC	29G-1-192	411 Alder Drive	0.14	192
NASH Stafford, LLC	29G-1-193	409 Alder Drive	0.20	193
NASH Stafford, LLC	29G-1-194	407 Alder Drive	0.14	194
NASH Stafford, LLC	29G-1-195	221 Pear Blossom Road	0.17	195
NASH Stafford, LLC	29G-1-196	217 Pear Blossom Road	0.17	196
NASH Stafford, LLC	29G-1-197	213 Pear Blossom Road	0.17	197
NASH Stafford, LLC	29G-1-198	209 Pear Blossom Road	0.17	198
NASH Stafford, LLC	29G-1-199	205 Pear Blossom Road	0.17	199
NASH Stafford, LLC	29G-1-325	261 Pear Blossom Road	0.15	325
NASH Stafford, LLC	29G-1-326	257 Pear Blossom Road	0.13	326
NASH Stafford, LLC	29G-1-327	253 Pear Blossom Road	0.12	327
NASH Stafford, LLC	29G-1-328	249 Pear Blossom Road	0.14	328
NASH Stafford, LLC	29G-1-329	245 Pear Blossom Road	0.18	329
NASH Stafford, LLC	29G-1-330	241 Pear Blossom Road	0.21	330
NASH Stafford, LLC	29G-1-331	237 Pear Blossom Road	0.20	331
NASH Stafford, LLC	29G-1-332	233 Pear Blossom Road	0.18	332
NASH Stafford, LLC	29G-1-333	229 Pear Blossom Road	0.18	333
NASH Stafford, LLC	29G-1-334	225 Pear Blossom Road	0.19	334
NASH Stafford, LLC	29G-1-335	400 Alder Drive	0.13	335
NASH Stafford, LLC	29G-1-336	402 Alder Drive	0.14	336
NASH Stafford, LLC	29G-1-337	404 Alder Drive	0.18	337
NASH Stafford, LLC	29G-1-338	100 Gardenia Drive	0.19	338
NASH Stafford, LLC	29G-1-339	104 Gardenia Drive	0.16	339
NASH Stafford, LLC	29G-1-340	108 Gardenia Drive	0.15	340
NASH Stafford, LLC	29G-1-341	112 Gardenia Drive	0.13	341
NASH Stafford, LLC	29G-1-342	116 Gardenia Drive	0.15	342
NASH Stafford, LLC	29G-1-343	242 Pear Blossom Road	0.18	343
NASH Stafford, LLC	29G-1-344	246 Pear Blossom Road	0.18	344
NASH Stafford, LLC	29G-1-345	250 Pear Blossom Road	0.18	345
NASH Stafford, LLC	29G-1-346	254 Pear Blossom Road	0.18	346



<b>NASH Stafford, LLC</b>	29G-1-347	258 Pear Blossom Road	0.22	347
<b>NASH Stafford, LLC</b>	29-53	Embrey Mill Residue A	685.189 3	
<b>NASH Stafford, LLC</b>	29G-1-J	Parcel J Sec 1	1.033	
<b>NASH Stafford, LLC</b>	29G-AA	Parcel AA Embrey Mill Residue	99.2982	
<b>County of Stafford, Virginia</b>	29G-BB	Parcel BB	0.4699	
<b>County of Stafford, Virginia</b>	29G-K	Parcel K	10.7712	
<b>NASH Stafford, LLC</b>	29G-L	Parcel L Embrey Mill	9.6834	
<b>NASH Stafford, LLC</b>	29G-M	Parcel M Embrey Mill	11.4495	
<b>Austin Ridge HOA</b>	29C-6A-CC	Parcel CC Booster Station	0.089	
<b>County of Stafford, Virginia</b>	29C-6A-MM	Parcel MM Booster Station	0.224	
<b>Embrey Mill HOA</b>	29G-1-A	Parcel A Private Alley	0.739	
<b>Embrey Mill HOA</b>	29G-1-B	Parcel B Private Alley	0.481	
<b>Embrey Mill HOA</b>	29G-1-C	Parcel C	0.413	
<b>Embrey Mill HOA</b>	29G-1-D	Parcel D Private Alley	0.343	
<b>Embrey Mill HOA</b>	29G-1-E	Parcel E Private Alley	1.311	
<b>Embrey Mill HOA</b>	29G-1-F	Parcel F Private Alley	7.671	
<b>Embrey Mill HOA</b>	29G-1-G	Parcel G Private Alley	0.302	
<b>Embrey Mill HOA</b>	29G-1-H	Parcel H	0.731	
<b>County of Stafford, Virginia</b>	ROW Dedication	Mine Road Phase 1	10.6875 4	
<b>County of Stafford, Virginia</b>	ROW Dedication	Mine Road Phase 3	4.1614	
<b>County of Stafford, Virginia</b>	ROW Dedication	Embrey Mill Sec 1	10.4140 2	

**TOTAL CDA DISTRICT AREA: 869.39 Acres**

**EXHIBIT C**

DESCRIPTION OF PROPOSED INFRASTRUCTURE

- Sanitary sewer improvements
- Water utility improvements
- Storm sewer, stormwater management and retention improvements
- Parks and recreational facilities
- Parking facilities
- Sidewalks
- Road, curbs and gutters
- Street signalization, signage, and lighting
- Landscape improvements

Estimated cost of Infrastructure \$25,733,225\*

Legislative; Authorize the County Administrator to Initiate a Proffer Amendment for the Embrey Mill Property Mr. Schieber motioned, seconded by Mr. Sterling, to adopt proposed Resolution R12-352.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas

Nay: (0)

Resolution R12-352 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, the County is the owner of Assessor’s Parcel 29G-K; and

WHEREAS, on March 6, 2001, pursuant to Ordinance O01-08, the Board reclassified the above properties to A-1, Agricultural; A-2, Rural Residential; and PD-2, Planned Development-2 Zoning Districts, with proffers; 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, as well as construction of recreational facilities for a public park; and

WHEREAS, the Board desires to amend Ordinance O01-08 to allow flexibility in the site location, and design for public park and school sites, and to allow a provision for a monetary contribution for recreational facilities, in lieu of construction of said facilities; and

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

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that the County Administrator be and he hereby is authorized to initiate a proffer amendment, pursuant to proposed Ordinance O12-41, on behalf of Nash Stafford, LLC, and Stafford County; and

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

BE IT STILL FURTHER RESOLVED that the County Administrator is authorized to act as the applicant for a revised preliminary Subdivision Plan, if necessary, as a result of this proffer amendment.

Economic Development; Short Pump CDA Presentation Mr. Tim Baroody, Deputy County Administrator and Director of Economic Development, gave a presentation about the Short Pump CDA.

Mr. Sterling asked about the level, or amount, of incremental financing that was involved in the Short Pump CDA. Ms. Bonnie France answered that it was 100%, which was paid off in nine years. \$25.5M in bonds (from 2003-2009) were paid off in six years from when the bonds were issued, adding that litigation held up the bond issue. Mr. Sterling asked if once all of the bonds were retired, did the all the revenue go back to the County. Ms. France responded that yes, it did. Mr. Milde asked if there was a back-up special assessment. Ms. France said that it was not necessary. Mr. Baroody said that the Chief Financial Officer in Henrico County confirmed that a special assessment was never needed.

Mr. Sterling asked if the County could use something similar to the Short Pump CDA to jump-start Aquia Towne Center. Mr. Baroody said that it was possible, that conversations continued with the developer/owners of Aquia Towne Center.

Finance and Budget; Capital Improvement Program (CIP) Following a Power Point presentation and discussion with Nancy Collins, Budget Director Mr. Cavalier requested that the Parks and Recreation Commission vet the Parks projects contained in the CIP. Mr. Romanello said that the Parks portion of the CIP would be submitted to the Parks and Rec Commission for their input.

Legislative; Add Enabling Legislation to the 2013 Legislative Initiatives for Stafford County Regarding Admissions Tax Mr. Tim Baroody gave a presentation and answered Board members questions.

Mr. Milde motioned, seconded by Mr. Snellings, to adopt proposed Resolution R12-395.

The Voting Board tally was:

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

Discuss George Washington Regional Commission’s Legislative Package Mr. Snellings presented this for discussion saying that GWRC wished to have Stafford County’s support (along with all localities in Planning District 16) asking that if the proposed baseball stadium comes to fruition, that the locality where the stadium is located may retain all sales tax generated by the stadium.

Mr. Snellings motioned, seconded by Mr. Sterling, that Stafford County’s support be included in GWRC’s legislative package.

The Voting Board tally was:

Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas  
Nay: (0)

Discuss Stafford High School Construction Transition Plan This item was deleted from the agenda.

Recess At 5:23 p.m., the Chairman declared a recess. Mr. Sterling left the meeting at the close of the afternoon session.

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.

Senator Richard Stuart and Delegate Mark Dudenhefer presented a plaque to the first Stafford County Girls’ softball team, recognizing the team for winning the 2011 state softball championship.

Senator Stuart and Delegate Dudenhefer also recognized the Boys’ 15U softball team that also won the state softball championship for their division.

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

- Paul Waldowski - Stafford High School rebuild
- Antoinette Frankie - Against uranium mining
- Nan Rawlinson - Against uranium mining

Planning and Zoning; Approve Consider a Conditional Use Permit to Allow a Drive-Through Facility at 15 South Gateway Drive Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Milde said that the Community and Economic Development Committee discussed the cost for a conditional use permit (CUP) necessary for a drive-through, that \$30k was a conservative estimate after the developer paid the architect, engineer, traffic engineer, etc. The applicant, Scott Little, Vice-President of Development for Silver Companies, said that \$30k was a very conservative estimate. In response to a concern voiced by the Planning Commission, Mr. Little said that Silver Companies was content with striping over the elevated curb.

Mr. Snellings asked if Panera had any concerns with the restriction on delivery hours. Mr. Little said that Panera receives deliveries before and after business hours; that the CUP did not bind them to that but rather encouraged those hours for delivery. He added and that unless there were unforeseen circumstances out of Panera’s control, they were fine with limiting deliveries to before and after business hours as it also is a convenience to Panera’s customers to avoid deliveries during regular business hours.

The Chairman opened the public hearing.  
The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution R12-350 with striking the word “raised” and adding the words “yellow paint simulated curb” to Condition 11. Following his motion, Mr. Thomas said that there is a need for more restaurants along the Rt. 17 corridor and thanked Panera for choosing this location. Mr. Snellings echoed Mr. Thomas’ comments saying that the majority of e-mails he gets, and comments at Town Hall meetings, are requests to bring more restaurants to Route 17. He, too, thanked Panera for choosing this location. Ms. Stimpson agreed with both Mr. Thomas’ and Mr. Snellings’ comments.

The Voting tally was:

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

R12-350 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP1200345, TO

ALLOW A DRIVE-THROUGH FACILITY IN AN HC,  
HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT, ON A  
PORTION OF ASSESSOR'S PARCEL 45T-2, WITHIN THE  
GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Silver-Honaker Development, LLC, applicant, submitted Application CUP1200345, requesting a conditional use permit (CUP) to allow a drive-through facility in an HC, Highway Corridor Overlay Zoning District, on a portion of Assessor's Parcel 45T-2, located within the George Washington Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code Sectio 28-35, Table 3.1, which permits this use in an HC, Highway Corridor Overlay Zoning District, after a CUP is issued by the Board; and

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

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that a conditional use permit pursuant to application CUP1200345, be and it hereby is approved with the following conditions:

1. This CUP is to allow a drive-through facility within the HC, Highway Corridor Overlay Zoning District;
2. The Generalized Development Plan (GDP), referenced in these conditions, does not replace or waive the requirements necessary to comply with all applicable site development plan requirements of County Code;
3. Access to the site shall be limited to the two existing entrances from South Gateway Drive and Stanstead Road, as shown on the GDP prepared by Fairbanks and Franklin, dated 10/29/2012;
4. The location of the drive-through window and associated stacking lane shall be consistent with the GDP;
5. The building shall be constructed in general conformance with the architectural rendering in Exhibit 1, entitled Panera Bread, dated 9/4/2012;
6. The dumpster enclosure and all monument signage materials shall be of consistent design and material as the primary building materials. Doors to the dumpster enclosure shall remain closed when not in use;
7. The applicant shall establish a store policy that limits deliveries to before and after normal business hours. The policy shall also limit unloading deliveries during normal business hours to no more than 30 minutes;

8. No carnival style flags, banners, lights, balloons, windsocks, or general advertising signs shall be utilized or placed on the site;
9. This CUP may be revoked or conditions modified for violations of the conditions or any applicable federal, state, or county laws, regulations, requirements, or ordinances;
10. The location of the signs directing traffic to the drive-through shall be consistent with the locations shown on the drawing by Fairbanks & Franklin, labeled Panera Bread Sign Exhibit, dated 11/14/12; and
11. The entrance to the drive-through shall be designed to restrict direct access from the southern entrance to the property by extending the yellow simulated curb along the drive-through aisle and flaring the yellow simulated curb to the west, thus requiring access into the drive-through lane from the interior parking lot.

Planning and Zoning; Approve Consider a Conditional Use Permit to Allow an Automobile Service Facility in a B-2, Urban Commercial Zoning District at 2775 McWhirt Loop Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R12-356.

The Voting tally was:

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

Nay: (0)

Absent: (1) Sterling

Resolution R12-356 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT (CUP) PURSUANT TO APPLICATION CUP1200284, TO ALLOW AN AUTOMOBILE SERVICE FACILITY IN A B-2, URBAN COMMERCIAL ZONING DISTRICT, AND HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT, ON A PORTION OF ASSESSOR'S PARCEL 44Y-16, WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, McNeel Properties, LLC, applicant, submitted application CUP1200284 requesting a CUP to allow an automobile service facility in a B-2, Urban Commercial Zoning District, and HC, Highway Corridor Overlay Zoning District, on a portion of Assessor's Parcel 44Y-16 within the Hartwood Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code, Section 28-35, Table 3.1, which permits this use in a B-2, Urban Commercial Zoning District and HC, Highway Corridor Overlay Zoning District, after a CUP is issued by the Board; and

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

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that a CUP, pursuant to application CUP1200284, be and it hereby is approved with the following conditions:

1. This CUP is to allow an Automobile Service Facility in a B-2, Urban Commercial Zoning and within the HC, Highway Corridor Overlay Zoning District, on a portion of Assessor's Parcel 44Y-16.
2. Ingress and egress to the site shall be limited to one point off of McWhirt Loop. No vehicle access shall be permitted from Warrenton Road or Celebrate Virginia Parkway.
3. All vehicle service shall be conducted within designated service bays.
4. There shall be no inoperable or unlicensed vehicles parked on the property.
5. All petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with the Stafford County Fire Prevention Code and all applicable federal and state laws, regulations, and requirements.
6. Automatic fire sprinkler systems shall be installed in all buildings constructed on the property.
7. There shall be no outdoor display or storage of automobile parts, with the exception that tires may be stored within an enclosed area.
8. The dumpster and its pad, and any outdoor tire storage, shall be screened from view with materials similar to the primary building.
9. All service bay doors shall be screened in the following manner:



- a. Along the south-east property line, with a board-on-board fence, six feet in height. The fence shall remain until such time that Assessor’s Parcel 44Y-16B is developed in a manner that sufficiently screens the bay doors from view of Warrenton Road.
  - b. Along the north-west property line, with enhanced landscaping to include a minimum of 50 percent evergreen trees.
10. All rooftop mechanical equipment shall be screened from public view by utilizing mansards or other architectural features.
  11. No portable signage may be utilized on the property. All signage shall be of a complimentary color and design. Monument signage shall consist of materials similar to that of the primary building.
  12. All stormwater management facilities located on the property shall be designed with oil/water separators to prevent hydrocarbons from exiting stormwater discharge from the site.
  13. There shall be no carnival style flags, banners, lights, balloons, or windsocks placed on site.
  14. This CUP may be revoked, or conditions amended, by the Board, for violation of these conditions or any applicable county, state, or federal law, regulation, requirement, or ordinance.

Planning and Zoning: Approve Consider a Conditional Use Permit to Allow an Automobile Service Facility in a B-2, Urban Commercial Zoning District at 2701 McWhirt Loop Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Thomas, to adopt proposed Resolution R12-354.

The Voting tally was:

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

Resolution R12-354 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT, PURSUANT TO APPLICATION CUP1200282, TO ALLOW AN AUTOMOBILE SERVICE FACILITY IN A B-2, URBAN COMMERCIAL ZONING DISTRICT, AND HC, HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT ON A PORTION OF ASSESSOR'S PARCEL 44Y-15B, WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Pavilion MT-South Stafford, LLC, applicant, submitted Application CUP1200282 requesting a conditional use permit (CUP) to allow an automobile service facility in a B-2, Urban Commercial Zoning District, and HC, Highway Corridor Overlay Zoning District, on a portion of Assessor's Parcel 44Y-15B, within the Hartwood Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code, Section 28-35, Table 3.1, which permits this use in a B-2, Urban Commercial Zoning District and HC, Highway Corridor Overlay Zoning District, after a CUP is issued by the Board; and

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

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that a CUP, pursuant to Application CUP1200282, be and it hereby is approved with the following conditions:

1. This CUP is to allow an automobile service facility in a B-2, Urban Commercial Zoning District, and within the HC, Highway Corridor Overlay Zoning District, on a portion of Assessor's Parcel 44Y-15B (the Property).
2. Ingress and egress to the site shall be limited to one point off of the internal travel-way, as shown on Attachment 6, the Generalized Development Plan (GDP), Merchant's Tire and Auto Center, prepared by Kimley-Horn and Associates, Inc. on July 19, 2012, revised on October 30, 2012. No vehicle access shall be permitted directly from Warrenton Road.
3. All vehicle service shall be conducted within designated service bays.
4. There shall be no inoperable or unlicensed vehicles parked on the property.
5. All petroleum products, anti-freeze, and hazardous materials, shall be disposed of in accordance with the Stafford County Fire Prevention Code and all applicable federal and state laws, regulations, and requirements.

6. Automatic fire sprinkler systems shall be installed in all buildings constructed on the Property.
7. There shall be no outdoor display or storage of automobile parts, with the exception that tires may be stored within an enclosed area.
8. The dumpster and its pad and any outdoor tire storage, shall be screened from view with materials similar to the primary building.
9. All service bay doors shall be screened by the installation of an opaque fence or wall along the southeast property line that is a minimum of eight feet in height. The fence shall remain until such time that Assessor's Parcel 44Y-15C is developed in a manner that screens the bay doors from view of Warrenton Road.
10. All rooftop mechanical equipment shall be screened from public view by utilizing parapet walls or other architectural features.
11. No portable signage may be utilized on the Property. All signage shall be of a complimentary color and design. All monument signage shall consist of materials similar to that of the primary building.
12. All stormwater management facilities shall be designed with oil/water separators to prevent hydrocarbons from exiting stormwater discharge from the Property.
13. There shall be no carnival style flags, banners, lights, balloons, or windsocks placed on the Property.
14. This CUP may be revoked, or the conditions may be amended by the Board, for a violation of these conditions or any applicable county, state, or federal law, regulation, requirement or ordinance, if said violation is not corrected within thirty (30) days of notification of the violation.

Planning and Zoning; Approve a Zoning Ordinance Amendment to Require Installation of Amenities or Post Securities Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Ms. Stimpson said that this ensures that residents may be confident that their interests are represented and that amenities will be built before the first occupancy permit is issued.

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 adopt proposed Ordinance O12-11.

The Voting tally was:

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

Ordinance O12-11 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 22-134, ENTITLED “REQUIRED AMENITIES”

WHEREAS, currently, the amenities in a subdivision must be constructed prior to approval and recordation of the final plat for the corresponding section of the subdivision; and

WHEREAS, it may not be economically feasible for a developer to construct all amenities prior to plat approval and recordation where no property owners live to support the amenities; and

WHEREAS, the County may allow developers to post securities at final plat recordation as an alternative to ensure that amenities will be constructed in the corresponding section of the subdivision; and

WHEREAS, the Board desires to amend and reordain Stafford County Code Section 22-134, entitled “Required Amenities,” to allow the posting of securities for incomplete amenities prior to approval and recordation of the final plat for the corresponding section of a subdivision; and

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

WHEREAS, the Board finds that this ordinance is consistent with good planning practices;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18<sup>th</sup> day of December, 2012, that Stafford County Code, Section 22-134, “Required Amenities,” be and it hereby is amended and reordained as follows, with all other portions remaining unchanged:

**Sec. 22-134. – Required amenities.** Amenities shown on an approved preliminary subdivision plan, including subdivision signs, shall be constructed, or securities posted for the amenities associated with the corresponding section of the subdivision. ~~Such amenities shall be completed~~ prior to approval of a final plat for that section of the subdivision. The subdivision sign shall contain the name of the subdivision approved per section 22-46. Before any structure in the corresponding section of the subdivision may be occupied, amenities as provided for on the approved preliminary subdivision plan shall be constructed prior to the first occupancy permit as shown on the approved construction

plan for the corresponding section where such structure is located. Disclosure of required amenities shall be made to all future home owners prior to the issuance of the occupancy permit for the corresponding section of the subdivision. An exception may be granted by the agent where all future home owners have signed an affidavit, provided to the subdivision agent, acknowledging the requirement for the amenities prior to occupying the dwelling.

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

Recess At 8:59 p.m., the Chairman declared a recess.

Call to Order At 9:12 p.m., the Chairman called the meeting back to order.

Due to his absence when the initial vote was taken on: Planning and Zoning; Rezone 106 acres from A-1, Agricultural and B-2, Urban Commercial to HI, Heritage Interpretation Zoning District for George Washington’s Boyhood Home at Ferry Farm, Mr. Milde asked that the vote be retaken.

Mr. Thomas motioned, seconded by Mr. Schieber, to reconsider the vote on the item listed above.

The Voting tally on the motion to reconsider was:

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

Mr. Thomas motioned, seconded by Mr. Schieber, to re-vote on the original motion with a notation that Mr. Sterling, who was ill and left the meeting at the conclusion of the afternoon session, voted affirmatively at the time of the original motion and vote.

The Voting tally was:

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

Adjournment: At 7:49 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