# BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

#### **MINUTES**

Regular Meeting March 17, 2009

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:03 P. M., Tuesday, March 17, 2009, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: George H. Schwartz, Chairman; Cord A. Sterling; Robert "Bob" Woodson; M. S. "Joe" Brito; Harry E. Crisp, Vice Chairman; Mark Dudenhefer; and Paul V. Milde, III.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

<u>Legislative</u>; <u>Student Government Day.</u> The Chairman welcomed all the Student Representatives from Brooke Point, Colonial Forge, Mountain View, North Stafford and Stafford High Schools.

Mr. Tom Coen, the teacher who is responsible for the student program, commented further.

<u>Legislative</u>; <u>Presentations by the Public-II.</u> Persons spoke on topics as identified:

LeAnne Seal - School lunches.

Ashley Lawrence - Employment at local businesses.

Sarah Green - Decatur Road.

Austin Flannery - School funding.

Sean Smiley - School funding.

Brenden Shepard - Government spending.

\_\_\_\_\_ - Outdated material.

Josh Peoples - Recreation Center on Warrenton Road.

Brandon Turner - Road safety.

Tim Devino - School SOL curriculum.

- School funding.

- Teacher salaries.

Joey \_\_\_\_\_ - Teen Activity Center.

Kyle Holden - School funding.

Blake Grasso - School funding.

Nick Carullo - Sex education.

Debra \_\_\_\_\_ - School funding.

Ryan Malone - Transportation issues.

Naomi Thomas - Sidewalks.

Beth Spence - Scholarship.

Tim Hamm - Driver education cost.

Ryan Patishnock - Dual enrollment.

Discussion ensued.

Legislative; Government Island. Mr. Milde commented.

Ms. Jane Conner, local author and historian, gave a presentation and responded to Board members questions.

Mr. Milde commented further.

Recess. At 2:00 P.M., the Chairman declared a recess.

Call to Order. At 2:17 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Government Island continued</u>. Mr. Milde commented.

Mr. Tim Baroody, Deputy County Administrator, commented further.

Hearing no objections from the Board, staff was requested to go out for bids for the Government Island trail development.

<u>Legislative</u>; <u>Belmont to Ferry Farm Trail.</u> Mr. Chris Hoppe, Director of Parks and Recreation, gave a presentation and responded to Board members questions.

Mr. Tim Baroody, Deputy County Administrator, commented further.

Discussion ensued.

<u>Legislative</u>; <u>Presentation by Public Financial Management.</u> Ms. Karin DeMoors, representative from Public Financial Management, gave a presentation and responded to Board members questions.

Discussion ensued.

<u>Budget</u>; <u>Fire and Rescue.</u> Mr. Rob Brown, Fire Chief, gave a presentation and responded to Board members questions.

Hearing no objections from the Board this item will be discussed later in the meeting.

<u>Budget; Sheriff.</u> Sheriff Jett gave a presentation and responded to Board members questions.

Discussion ensued.

<u>Budget</u>; Fire and Rescue Volunteer <u>Budget Policy</u>. Mr. David Stewart, President of Falmouth Fire and Rescue, gave a presentation and responded to Board members questions.

<u>Legislative</u>; Work Session on Personal Property Tax on Aircraft. Ms. Maria Perrotte, Chief Financial Officer, commented.

Ms. Perrotte introduced Mr. Walter George, Chairman, and Hank Scharpenberg of the Regional Airport Authority.

Mr. Scharpenberg gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Sterling, to authorize a public hearing to lower the aircraft tax from \$3.00 to .10 cents per \$100.00.

Discussion ensued.

Mr. Scott Mayausky, Commissioner of the Revenue, commented.

Mr. Milde made a substitute motion to set the rate at \$0.0001 to generate no tax bill.

Discussion ensued.

Mr. Milde withdrew the motion.

Ms. Karin DeMoores of Public Financial Management, in response to the Regional Airport Authority, commented on Moral and General Obligation bonds.

Hearing no objection from the Board, staff was requested to further review a lease/hold tax.

The Voting Board tally on the original motion was:

Yea: (5) Sterling, Crisp, Dudenhefer, Milde, Schwartz

Nay: (2) Brito, Woodson

Legislative; Funding for FY2010 Staffing of Fire Stations Mr. Schwartz commented.

Mr. Schwartz motioned, seconded by Mr. Crisp, to establish a Countywide Fire and Emergency Medical Services Tax District countywide and set a tax levy at one-third of .01 cents.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Sterling, to authorize a public hearing for the next Board to establish a Countywide Fire and Emergency Services Tax District and rates at \$0.78 for the real estate tax and \$0.07 for the fire tax levy.

Discussion further ensued.

Ms. Maria Perrotte, Chief Financial Officer, commented.

Mr. Milde amended the substitute motion, seconded by Mr. Sterling, to authorize a public hearing for the next Board meeting to establish a Countywide Fire and Emergency Medical Services Tax District.

The Voting Board tally on the amended substitute motion was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

Recess. At 6:00 P.M., the Chairman declared a recess until 7:00 P.M.

<u>Call to Order.</u> At 7:05 P.M., the Chairman called the meeting back to order.

Invocation. Mr. Milde gave the Invocation.

<u>Pledge of Allegiance.</u> Mr. Milde led in the Pledge of Allegiance to the Flag of the United States of America.

<u>Legislative</u>; Presentation of a Proclamation to Recognize Daniel Visone as the Recipient of the 2009 Florence D. Helms Award. Mr. Brito presented a proclamation to Daniel Visone to recognize and commend him as the recipient of the 2009 Florence D. Helms Award.

<u>Legislative</u>; <u>Presentations by the Public-II.</u> The following persons spoke on topics as identified:

Paul Waldowski - Removal of trash from property at Stafford

Meadows.

Rhonda Still - Alpha Kappa Alpha Sorority, Inc and Alpha Phi

Alpha Fraternity, Inc. legislative agenda.

Utilities; Consider the Issuance of Bonds to the Virginia Resources Authority to Evidence a Low-Interest Loan from the Virginia Revolving Loan Fund for Nutrient Reduction and Other Upgrades at the Aquia Wastewater Treatment Facility and Funding Towards the Acquisition of Crow's Nest. Ms. Maria Perrotte, Chief Financial Officer, gave a presentation and responded to Board member questions.

The Chairman opened the public hearing.

No one desired to speak

The Chairman closed the public hearing

Mr. Milde motioned, seconded by Mr. Brito, to adopt proposed Resolution R09-137.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

#### Resolution R09-137 reads as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A WATER AND SEWER SYSTEM REVENUE BOND AND SETTING FORTH THE FORM, DETAILS, AND PROVISIONS FOR THE PAYMENT THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of Stafford, Virginia (the "County") has determined that it is necessary and desirable to improve the Aquia Wastewater Treatment Facility and to acquire, or to cause the acquisition by the Commonwealth of Virginia of, certain real estate or an interest therein on the Crow's Nest Peninsula (collectively, the "Projects"); and

WHEREAS, the Board has determined that it is in the best interest of the County to issue its water and sewer system revenue bond or bonds in one or more series in the maximum aggregate principal amount of \$32,200,000 and to use the proceeds of the sale thereof, along with other available funds, if any, to pay the costs of the Projects; and

WHEREAS, the County anticipates selling such water and sewer system revenue bond or bonds to or at the direction of the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund ("VRA"), in the principal amount of \$27,663,010 or such other amount as VRA may approve, subject to a maximum of \$32,200,000 (the "Bond") pursuant to the terms of a Financing Agreement (the "Financing Agreement"), between the County and VRA, dated as of a date specified by VRA; and

WHEREAS, the Bond will be issued as "Parity Indebtedness" under the Master Indenture of Trust dated as of November 1, 1993 (as supplemented and amended, the "Indenture"), between the County and The Bank of New York (successor to Signet Trust Company), as trustee, and the Bond will be secured by a pledge of the Net Revenues (as defined in the Financing Agreement) equally and ratably with the County's outstanding Water and Sewer System Revenue Bonds, Series 1996 (the "1996 Bonds"), and Water and Sewer System Revenue Refunding Bonds, Series 2003 (the "2003 Bonds"), and any Bonds and Parity Indebtedness to be issued in the future, but will not be secured by the Bond Fund or the Debt Service Reserve Fund established pursuant to the Indenture; and

WHEREAS, on March 17, 2009, the Board held a public hearing on the issuance of the Bond in accordance with the requirements of Section 15.2-2606 of the Code of Virginia of 1950, as amended;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of March, 2009, that:

- 1. Authorization of Bond and Use of Proceeds. The Board hereby finds and determines that it is advisable and in the best interest of the County to contract a debt and to issue water and sewer system revenue bonds to pay the costs of the Projects in the maximum principal amount of \$32,200,000 and to sell the Bond in the maximum principal amount of \$27,663,010, or such other amount as VRA may approve, to or at the direction of VRA, all pursuant to the terms of (i) this Resolution and (ii) the Financing Agreement. Such issuance and sale of the Bond are hereby authorized and approved. The Bond shall be designated the "Stafford County, Virginia Water and Sewer System Revenue Bond," or such other designation as may be approved in the discretion of the County Administrator, and shall include an appropriate series designation. The proceeds from the issuance and sale of the Bond shall be used, together with other available funds, if any, to pay the costs of the Projects.
- 2. Details of Bond. The Bond shall be issued as a single bond (or bonds, if issued in more than one series in the discretion of the County Administrator) in fully registered form and shall be dated the date of its issuance and delivery. The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to determine and approve all of the other final details of the Bond, including without limitation, the maximum principal amount authorized to be advanced thereunder, the Cost of Funds (as defined in the Financing Agreement), the maturity or payment dates and amounts, series designation, the optional redemption provisions and the final maturity date; provided, however, that (i) the maximum principal amount authorized to be advanced under the Bond shall not exceed the amount set forth in paragraph 1 of this Resolution, (ii) the Cost of Funds on the Bond shall not exceed four percent (4.0%) per annum, and (iii) the final maturity date of the Bond shall be no later than approximately twenty-five (25) years from its date of issuance. The approval of such details shall be evidenced conclusively by the execution and the delivery of the Bond.

- 3. **Pledge of Net Revenues.** The Bond shall be a limited obligation of the County and, except to the extent payable from the proceeds of the sale of the Bond or the income, if any, derived from the investment thereof, is payable exclusively from the Net Revenues, which the County hereby pledges to the payment of the principal of, premium, if any, and Cost of Funds on the Bond pursuant to the terms of the Financing Agreement. The Bond shall be issued as Parity Indebtedness under the Indenture and shall be secured by the Net Revenues equally and ratably with the 1996 Bonds, the 2003 Bonds, and any Bonds and Parity Indebtedness to be issued in the future, but shall not be secured by the Bond Fund or the Debt Service Reserve Fund established pursuant to the Indenture. Neither the Commonwealth of Virginia nor any of its political subdivisions, including the County, shall be obligated to pay the principal of, premium, if any, or Cost of Funds on the Bond or other costs incident to it except from the Net Revenues and any other money or property pledged for such purpose, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any of its political subdivisions, including the County, is pledged to the payment of the principal of, premium, if any, or Cost of Funds on the Bond or other costs incident to it. The issuance of the Bond does not directly, indirectly or contingently obligate the Commonwealth of Virginia or any of its political subdivisions, including the County, to levy any taxes for the payment of the Bond.
- **4.** <u>Creation of Account in Parity Debt Service Fund</u>. The County agrees to cause to be created within the Parity Debt Service Fund established pursuant to the Indenture an account for the payment of the Bond.
- 5. Form of Bond. The Bond shall be in substantially the form on file with the County Administrator, with such variations, insertions or deletions as may be approved by the County Administrator and the Chief Financial Officer, or either of them, which approval shall be evidenced conclusively by the execution and delivery of the Bond. There may be endorsed on the Bond such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

- 6. Execution and Delivery of Bond. The Chairman and Vice Chairman are authorized and directed to execute the Bond. The Clerk of the Board is authorized and directed to affix the seal of the County to the executed Bond and to attest it and such officers are authorized and directed to deliver the Bond or to cause the Bond to be delivered to or at the direction of VRA upon payment of the first principal advance thereunder. An authorized representative or other designee of VRA shall enter the amount and date of each principal advance as provided in the Certificate of Advances attached to the Bond when the proceeds of such advance are delivered to the County.
- **7.** Registration, Transfer and Exchange. The County appoints the Chief Financial Officer as its registrar and transfer agent (the "Registrar") to keep books for the registration and transfer of the Bond and to make such registrations and transfers on such books under such reasonable regulations as the County may prescribe.

Upon surrender for transfer or exchange of the Bond at the office of the Registrar, the County shall cause the execution and delivery in the name of the transferee or registered owner, as applicable, a new Bond for a principal amount equal to the Bond surrendered and of the same date and tenor as the Bond surrendered, subject in each case to such reasonable regulations as the County may prescribe. If surrendered for transfer, exchange, redemption or payment, the Bond shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the Registrar, duly executed by the registered owner or by such owner's duly authorized attorney-in-fact or legal representative.

A new Bond delivered upon any transfer or exchange shall be a valid limited obligation of the County, evidencing the same debt as the Bond surrendered and shall be entitled to all of the security and benefits of this Resolution to the same extent as the Bond surrendered.

**8.** Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of the Bond, but the Registrar may require payment by the holder of such Bond of a sum sufficient to cover any tax or any other governmental charge that may be imposed in relation thereto.

- Mutilated, Lost, Stolen or Destroyed Bond. If the Bond has been mutilated, lost, stolen or destroyed, the County shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon delivery to the Registrar and cancellation of, such mutilated Bond, or in lieu of and in substitution for such lost, stolen or destroyed Bond; provided, however, that the County shall execute, authenticate and deliver a new Bond only if its registered owner has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost, stolen or destroyed Bond (i) has filed with the Registrar evidence satisfactory to him or her that such Bond was lost, stolen or destroyed and that the holder of the Bond was its registered owner and (ii) has furnished to the County indemnity satisfactory to the Registrar. If the Bond has matured, instead of issuing a new Bond, the County may pay the Bond without surrender upon receipt of the aforesaid evidence and indemnity.
- 10. <u>Approval of Financing Agreement</u>. The County Administrator and the Chief Financial Officer, or either of them, are authorized to approve the Financing Agreement and to execute and deliver the Financing Agreement and such other documents and certificates as either such officer may consider necessary in connection therewith.
- 11. <u>Disclosure Documents</u>. The County Administrator and the Chief Financial Officer and such officers and agents of the County as may be designated by either of them, are hereby authorized and directed to prepare, execute, and deliver any appropriate disclosure documents regarding the County as may be necessary in connection with the public offering and sale of bonds issued by VRA (the "VRA Bonds") to finance the purchase of the Bond. The distribution and use by VRA of such disclosure in connection with such public offering and sale are hereby authorized and approved. The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to take whatever actions with respect to such disclosure documents as are necessary and/or appropriate to ensure compliance with Securities and Exchange Commission Rule 15c2-12.

Officer are authorized to execute a Tax Compliance Agreement or any related document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the Bond and containing such covenants as may be necessary in order to cause the Bond or the VRA Bonds to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds from the issuance and sale of the Bond will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the Bond and the County shall comply with the other covenants and representations contained therein.

Administrator, the Chief Financial Officer and such officers and agents of the County as may be designated by either of them are authorized and directed to take such further actions as they deem necessary regarding the issuance and sale of the Bond and the execution, delivery and performance of the Financing Agreement, including, without limitation, the execution and delivery of closing documents and certificates. All such actions previously taken by such officers and agents are ratified and confirmed. The County Administrator is authorized to designate the County's Authorized Representatives for purposes of the Financing Agreement.

**14.** <u>Filing of Resolution</u>. The County Attorney is authorized and directed to file a certified copy of this Resolution with the Circuit Court of Stafford County, Virginia, pursuant to Sections 15.2-2607 and 15.2-2653 of the Code of Virginia of 1950, as amended.

**15. Effective Date.** This Resolution shall take effect immediately.

Adopted this 17<sup>th</sup> day of March, 2009.

Clerk, Board of Supervisors

#### County of Stafford, Virginia

#### **FORM OF BOND**

R-1

# UNITED STATES OF AMERICA COMMONWEALTH OF VIRGINIA COUNTY OF STAFFORD WATER AND SEWER SYSTEM REVENUE BOND, SERIES 2009[A]

COST OF FUNDS MATURITY DATE DATED DATE

REGISTERED OWNER: VIRGINIA RESOURCES AUTHORITY, AS

ADMINISTRATOR OF THE VIRGINIA WATER

FACILITIES REVOLVING FUND

#### PRINCIPAL AMOUNT:

The **COUNTY OF STAFFORD, VIRGINIA,** a political subdivision of the Commonwealth of Virginia (the "County"), for value received, promises to pay, solely from the revenues and other money and property pledged to the payment of this Bond, to the registered owner of this Bond or legal representative, the principal sum stated above, together with a Cost of Funds (as defined in the hereinafter defined Financing Agreement) thereon at the annual rate stated above, as set forth below.

The outstanding principal balance of this Bond shall bear Cost of Funds from	om the
date of each advance of principal until payment of the entire principal amount. C	Cost of
Funds only on this Bond shall be due and payable on Comme	encing
, and continuing semi-annually thereafter on	1 and
1 in each year, the principal of and Cost of Funds on this Bond sh	ıall be
payable in equal principal and Cost of Funds installments of \$ with	a fina

installment of \$\_\_\_\_\_\_ due on \_\_\_\_\_\_. Each installment shall be applied first to the Cost of Funds due and payable on this Bond, and then to the principal. If principal advances up to \$\_\_\_\_\_ are not made, the principal amount due on this Bond shall not include the unadvanced amount and shall be reduced as provided in the Financing Agreement (as defined below). Cost of Funds on this Bond shall include Supplemental Interest (as defined in the hereinafter defined Financing Agreement), if an when due and payable pursuant to the provisions of the Financing Agreement.

If any installment of principal of this Bond is not paid to the registered owner of this Bond within ten (10) days after its due date, the County shall pay to the registered owner of this Bond a late payment charge in an amount equal to five percent (5%) of the overdue installment.

All amounts due under this Bond are payable in lawful money of the United States.

The principal balance of this Bond shall be equal to the sum of the amounts advanced by the registered owner, as shown on the certificate of principal advances appearing at the end of this Bond, less the aggregate amount of the payments and any prepayments of principal which may have been made on this Bond. No notation is required to be made on this Bond of the payment or prepayment of principal. HENCE, THE FACE AMOUNT OF THIS BOND MAY EXCEED THE PRINCIPAL SUM REMAINING OUTSTANDING AND DUE HEREUNDER.

The issuance of this Bond has been duly authorized by the Board of Supervisors of the County by a resolution adopted on March 17, 2009 (the "Resolution"), under the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended. The County will use the proceeds of this Bond, along with other available funds, if any, to pay the costs of improvements to the Aquia Wastewater Treatment Facility and the acquisition of certain real estate or an interest therein on the Crow's Nest Peninsula.

This Bond is issued pursuant to the terms of: the Resolution; a Financing Agreement dated as of \_\_\_\_\_\_\_1, 2009 (the "Financing Agreement"), between the County and the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund; and a Master Indenture of Trust dated as of November 1, 1993 (as supplemented and amended, the "Local Indenture"), between the County and The Bank of New York (successor to Signet Trust Company), as trustee (the "Trustee"). Reference is made to the Resolution, the Financing Agreement, and the Local Indenture for a description of the revenues and property pledged and assigned and the provisions, among other things, with respect to the nature and extent of the security for this Bond, the rights and obligations of the County and the Trustee, the terms on which this Bond is issued, the rights of the registered owner of this Bond, and the provisions for defeasance of such rights.

This Bond is issued under the Local Indenture as Parity Indebtedness (as defined in the Local Indenture) and is secured by a pledge of the Net Revenues (as defined in the Local Indenture) equally and ratably with the County's outstanding Water and Sewer System Revenue Bonds, Series 1996, and Water and Sewer System Revenue Refunding Bonds, Series 2003, and any Bonds (as defined in the Local Indenture) and Parity Indebtedness to be issued in the future, but is not secured by the Bond Fund or the Debt Service Reserve Fund established pursuant to the Local Indenture.

This Bond is a limited obligation of the County and, except to the extent payable from the proceeds of the sale of the Bond or the income, if any, derived from the investment thereof, is payable exclusively from the Net Revenues.

NEITHER THE COMMONWEALTH OF VIRGINIA NOR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY, SHALL BE OBLIGATED TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, OR COST OF FUNDS ON THIS BOND OR THE OTHER COSTS INCIDENT TO IT EXCEPT FROM THE NET REVENUES AND ANY OTHER MONEY OR PROPERTY PLEDGED FOR SUCH PURPOSE, AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE COMMONWEALTH OF VIRGINIA OR

ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY, IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF, PREMIUM, IF ANY, OR COST OF FUNDS ON THIS BOND OR OTHER COSTS INCIDENT TO IT. THE ISSUANCE OF THIS BOND DOES NOT DIRECTLY, INDIRECTLY OR CONTINGENTLY OBLIGATE THE COMMONWEALTH OF VIRGINIA OR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING THE COUNTY, TO LEVY ANY TAXES FOR THE PAYMENT OF THIS BOND.

The obligations of the County under this Bond shall terminate when all amounts due and to become due pursuant to this Bond and the Financing Agreement have been paid in full.

This Bond may not be prepaid without the written consent of the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund, in accordance with the terms of the Financing Agreement.

If an Event of Default (as defined in the Financing Agreement) occurs, the principal of this Bond may be declared immediately due and payable by the registered owner of this Bond by written notice to the County, as provided in the Financing Agreement.

This Bond may be transferred only by an assignment duly executed by the registered owner or such owner's attorney or legal representative in form satisfactory to the Chief Financial Officer, as registrar. Such transfer shall be made in the registration books kept by the Chief Financial Officer, as registrar, upon presentation and surrender of this Bond.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to the issuance of this Bond have happened, exist or been performed in due time, form and manner as so required and that the indebtedness evidenced by this Bond is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

# [Signature Page Follows]

**IN WITNESS WHEREOF**, the County of Stafford, Virginia has caused this Bond to be signed by the Chairman of its Board of Supervisors and the County's seal to be affixed and attested by the signature of the Clerk of the Board of Supervisors.

COUNTY OF STAFFORD, VIRGINIA
By:
Chairman, Board of Supervisors

# **Certificate of Advances**

The principal sum payable under this Bond, not to exceed \$, shall	l be
an amount equal to the aggregate of all principal advances noted below. The aggreg	gate
amount of all principal advances under this Bond shall be certified by an authori	zed
representative of the registered owner of this Bond.	

Amount	<u>Date</u>	:	Authorized Signature
\$			

# **ASSIGNMENT**

FOR VALUE RECEIVED, the undersign	ned sells, assigns and transfers unto
(PLEASE PRINT OR TYPEWRITE NAME AN	ID ADDDESS INCLUDING 7ID CODE
OF ASSIGNEE.)	ND ADDRESS, INCLUDING ZIF CODE
OF ASSIGNEE.)	
PLEASE INSERT SOCIAL SECURITY OR OT	THER
IDENTIFYING NUMBER OF ASSIGNEE:	
41' D	• ,
this Bond and does irrevocably constitute and ap	•
on the books kept for its registration, with full po	ower of substitution in the premises.
Dated:	
Signature Guaranteed:	
(NOTICE: Signature(s) must be guaranteed by	Registered Owner
an Eligible Guarantor Institution such as a	(NOTICE: The signature above must
Commercial Bank, Trust Company, Securities	correspond with the name of the Registered
Broker/Dealer, Credit Union or Savings	Owner as it appears on the books kept for
Association which is a member of a medallion	registration of this Bond in every particular,
program approved by The Securities Transfer	without alteration or change.)
Association, Inc.)	

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R09-160.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Resolution R09-160 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE BOND PROCEEDS IN THE AMOUNT OF 3.5 MILLION DOLLARS FOR THE ACQUISITION OF A PORTION OF THE CROWS NEST PROPERTY

WHEREAS, the Board, on March 17, 2009 approved Resolution R09-137 authorizing the issuance and sale of a water and sewer system revenue bond which included funds for the acquisition of a portion of the Crows Nest property; and

WHEREAS, the Board desires to acquire the Crows Nest property without an undue financial burden on the tax payers of Stafford County; and

WHEREAS, the funds for the Crows Nest property add no additional cost to the County;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this 17<sup>th</sup> day of March that it be and hereby does budget and appropriate \$3.5 million dollars for the acquisition of a portion of the Crows Nest property.

Planning and Zoning; Request for the Vacation of the Designation and Restriction of Open Space for Parcel F within The Hills of Aquia Subdivision, Section 2A. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened the public hearing.

The following persons spoke:

Clark Leming, on behalf of the Applicant

Scott Heller

Michael Jackson

Michelle Ortiz

Brian Zacherl

Suzanne Lizana

David Lizana

Mark Wilson

Rebecca Wilson

Anita Martin

**Ed Martin** 

Clark Leming

The Chairman closed the public hearing

Mr. Woodson motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R09-136.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O09-17.

The Voting Board tally on the substitute motion was:

Yea: (4) Sterling, Crisp, Dudenhefer, Milde

Nay: (3) Woodson, Brito, Schwartz

Ordinance O09-17 reads as follows:

AN ORDINANCE TO VACATE THE DESIGNATION OF OPEN SPACE ON PARCEL F, ASSESSOR'S PARCEL 21Y-2A-F AND ITS INCLUSION IN THE HILLS OF AQUIA SUBDIVISION, SECTION 2A

WHEREAS, Parcel F was dedicated as open space when Hills of Aquia, Section 2A was recorded as plat map number 070000115 on July 2, 2007; and

WHEREAS, the open space is not a requirement of the R-1, Suburban Residential Zoning District of this subdivision; and

WHEREAS, no deed or covenant restrictions have been recorded in the Clerk of the Circuit courts office requiring open space for this subdivision; and

WHEREAS, Aquia Commercial LLC is the owner of Parcel F and has made application to vacate the open space designation and to remove Parcel F from the subdivision plat of Section 2A of Hills of Aquia; and

WHEREAS, the owner has indicated that including Parcel F on part of Section 2A of Hills of Aquia, and designating it as open space, was in error; and

WHEREAS, the Board has considered the recommendation of Staff and the testimony at the public hearing; and

WHEREAS, the Board has concluded that an inadvertent mistake was made in including Parcel F in Section 2A of Hills of Aquia and designating Parcel F open space on the final recorded plat of subdivision; and

WHEREAS, the Board believes that vacation of the open space designation and restriction on Parcel F would be appropriate to correct the inadvertent mistake; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of March, 2009, that the open space designation and the inclusion of Parcel F within Hills of Aquia Subdivision, Section 2A, be and hereby are vacated.

Planning and Zoning; Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify from R-1, Suburban Residential to B-2, Urban Commercial on Assessor's Parcel 21Y-2A-F, 3.19 Acres Located at 161 Coachman Circle. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Clark Leming, on behalf of the Applicant

Michael Jackson

Brian Zacherl

Michelle Ortiz

Suzanne Lizana

David Lizana

Rebecca Wilson

Mark Wilson

Anita Martin

Scott Heller

Anita Martin

Clark Leming, on behalf of the Applicant

The public hearing remained open.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to keep the public hearing open and defer this item to the May 5<sup>th</sup> Board Meeting.

The Voting Board tally was:

Yea: (4) Crisp, Dudenhefer, Milde, Sterling

Nay: (3) Woodson, Brito, Schwartz

<u>Utilities</u>; Consider Addition of a New Rate Class for A "Water-Dependent Home-Based Business". Mr. Harry Critzer, Director of Utilities, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Mike Williamson

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O09-16.

The Voting Board tally was:

Yea: (5) Crisp, Milde, Schwartz, Sterling, Woodson

Nay: (0)

#### Ordinance O09-16 reads as follows:

AN ORDINANCE TO ADD A NEW RATE FOR A NEW CLASS
OF WATER CUSTOMER DEFINED AS A "WATER-DEPENDENT
HOME-BASED BUSINESS"

WHEREAS, the Board did not intend for the residential water conservation rate for usage in excess of 20,000 gallons per month to impact home-based businesses that use substantial quantities of water in the course of their business operations; and

WHEREAS, the Board wishes to establish an additional class of water customer designated as a "Water-Dependent Home-Based Business" and defined as a home business meeting the definition of a "Home Business" as stated in Chapter 28, Article II, Section 28-25 of the Stafford County Code which uses, or expects to use, an average of 25,000 gallons or more per month with all, or the majority of all, water used above 20,000 gallons per month being used for purposes associated with the operation of the home business; and

WHEREAS, the Board desires to set a flat rate of 2.5 times the non-residential rate per 1,000 gallons of water used by a Water-Dependent Home-Based Business; and

WHEREAS, the Board has carefully considered the recommendation of the Utilities Commission, staff, and the testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of March, 2009 that the fees for providing public water and sewer service be amended and are hereby readopted as follows:

User Fees:

July 1, 2008:

			Code
<u>Service</u>	Water Fees	Sewer Fees	Section
Monthly Service Charges (Co	onsumption per 1,000 g	allons)	25-96(b)
0-4,000 gallons	1.86		
4,001-8,000 gallons	2.82		
8,001-12,000 gallons	5.51		
12,001-20,000 gallons	7.85		
all over 20,000 gallons	23.55		

Sewer Charge up to Seasonal Average & 20%

3.91

25-96(b)

Non-Residential (excludes Irrigation Meters)

All consumption

2.83

3.91

Water-Dependent Home-Based Business

All consumption 2.5 time

2.5 times the current

3.91

non-residential rate

**Irrigation Meters** 

Same as Bulk Rate

n/a

Bulk Water (per 1,000 gal)

13.00

25-96(e)

BE IT FURTHER ORDAINED that, except as otherwise stipulated, the effective date of this ordinance is for all bills issued after July 31, 2008.

<u>Public Services</u>; Grant Right-of-Way Easement on County Property Columbia Gas of <u>Virginia</u>. Mr. Anthony Romanello, County Administrator, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Crisp motioned, seconded by Mr. Sterling, to adopt proposed Resolution R09-114.

The Voting Board tally was:

Yea:

(5) Crisp, Milde, Schwartz, Sterling, Woodson

Nay:

(0)

Absent:

(2) Dudenhefer, Brito

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Resolution R09-114 reads as follows:

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF A RIGHT-

OF-WAY EASEMENT TO COLUMBIA GAS OF VIRGINIA ON

COUNTY-OWNED PROPERTY ON TM 46-93D

WHEREAS, Columbia Gas of Virginia has requested a twenty (20') foot wide

right-of-way easement on County-owned property on TM 46-93D; and

WHEREAS, this right-of-way easement is necessary for Columbia Gas of

Virginia to construct and continue to operate a gas pipeline over and through all that

certain tract of land situated in Falmouth District, Stafford County, Virginia; and

WHEREAS, the Board has carefully considered the recommendation of staff and

the testimony at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 17<sup>th</sup> day of March, 2009, that the County Administrator be and he

hereby is authorized to convey a twenty (20') foot right-of-way easement on County-

owned property located on TM 46-93D to Columbia Gas of Virginia.

Legislative; Addition to the Regular Agenda. Mr. Sterling motioned, seconded by Mr.

Crisp, to add an appointment to the Military Affairs Council.

The Voting Board tally was:

Yea:

(6) Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay:

(0)

(1)

Absent:

Dudenhefer

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Milde motioned, seconded by Mr. Crisp, to adopt the Consent Agenda consisting of Items 14 thru 24, removing Item 17 and 28.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Absent: (1) Dudenhefer

<u>Item 14. Legislative; Approve Minutes of Board Meeting.</u> Regular Meeting of February 3, 2009.

<u>Item 15.</u> Finance and Budget; Approve Expenditure Listing.

Resolution R09-118 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED MARCH 3, 2009 THROUGH MARCH 16, 2009

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of March 2009, that the above-mentioned EL be and it hereby is approved.

Item 16. Legislative; Approve a Proclamation.

#### Proclamation P09-05 reads as follows:

# A PROCLAMATION TO DESIGNATE APRIL 2009 AS "DONATE LIFE MONTH" IN STAFFORD

WHEREAS, almost 2,000 people living in the Washington, D.C. metropolitan areas are currently on waiting lists for life-saving organ transplants, and thousands more are in need of eye and tissue transplants this year; and

WHEREAS, every day, 18 of the more than 101,000 Americans awaiting organ transplants will die before they receive a second chance at life; and

WHEREAS, the Washington Regional Transplant Community is observing more than 20 years of efforts to educate citizens throughout Northern Virginia about the importance of offering the "gift of life" through organ, eye and tissue donation; and

WHEREAS, citizens may designate themselves as donors on their drivers' licenses or sign up online at <a href="www.save7lives.org">www.save7lives.org</a>, and should discuss their decision with spouses and family members to ensure that their wishes are honored; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the importance of sharing the "gift of life" through organ and tissue donation programs, and wishes to honor those who help save thousands of lives each year;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of March 2009 that April 2009 be and it hereby is designated as "Donate Life Month" in Stafford.

#### Proclamation P09-04 reads as follows:

# A PROCLAMATION TO RECOGNIZE DANIEL VISONE AS THE RECIPIENT OF THE 2009 FLORENCE D. HELMS AWARD

WHEREAS, this award has been given to individuals and groups who have made outstanding contributions in the areas of recreation, education, guidance, health, or other fields in which the service contributed to the character development of the youth of Stafford County; and

WHEREAS, Daniel Visone's 30 years of volunteer experience include scholarships for vision impaired children in Stafford, eyeglass collection contests, Easter and Thanksgiving basket projects, gift certificates for needy children, mentoring, and coaching 43 seasons of soccer; and

WHEREAS, at a meeting on February 19, 2009, the Parks and Recreation Commission voted to recognize Daniel Visone as the recipient of the 2009 Florence D. Helms Award;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 17th day of March 2009, that Daniel Visone be and he hereby is recognized for his outstanding volunteerism and contributions toward the youth of Stafford County as the recipient of the 2009 Florence D. Helms Award.

<u>Item 19. Utilities; Award Contract for Construction-Phase Engineering and Inspection</u>
<u>Services for the Little Falls Run Wastewater Treatment Facility Upgrade Project.</u>

#### Resolution R09-148 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT FOR ENGINEERING AND INSPECTION
SERVICES FOR THE LITTLE FALLS RUN WASTEWATER TREATMENT
FACILITY NUTRIENT REMOVAL UPGRADES PROJECT

WHEREAS, the Board has authorized the Phase I Nutrient Removal Upgrades Project at the Little Falls Run Wastewater Treatment Facility; and

WHEREAS, engineering and inspection services will be required as part of that project to ensure compliance with approved plans and specifications; and

WHEREAS, Parsons Water and Infrastructure is currently one of the County's approved Capital Improvements Program engineering firms and has submitted a proposal to provide these engineering and inspection services; and

WHEREAS, staff has determined that the Parsons proposal is reasonable and encompasses the scope of services desired by the County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2009, that the County Administrator be and he hereby is authorized to execute a contract with Parsons Water and Infrastructure to provide engineering and inspection services for Phase I of the Nutrient Removal Upgrades Project at the Little Falls Run Waste Water Treatment Facility in an amount not to exceed Eight Hundred Twelve Thousand Nine Hundred Fifty Dollars (\$812,950).

<u>Item 20. Utilities; Award Contracts for Engineering Services for Rocky Pen Run</u> Reservoir.

#### Resolution R09-149 reads as follows:

A RESOLUTION TO AWARD CONTRACTS FOR ENGINEERING SERVICES FOR THE DESIGN OF THE DAM FOR THE ROCKY PEN RUN RESERVOIR

WHEREAS, the Board has deemed it necessary to proceed with the design and construction of an earth dam for the Rocky Pen Run Reservoir; and

WHEREAS, it is vital to complete additional geotechnical investigations to assess subsurface conditions for the dam and associated structures, as currently proposed, along with identifying the location of sufficient quantities of borrow material to construct the dam; and

WHEREAS, URS, the engineering firm selected to provide design services for the Rocky Pen Run Reservoir has proposed to provide the necessary geotechnical engineering services at a cost of \$354,436; and

WHEREAS, quality assurance and value review for the design of the dam and associated features is highly desirable for this complex project; and

WHEREAS, Schnabel Engineering, LLC has proposed to provide independent design review services of the preliminary and final design of the Rocky Pen Run Reservoir at a cost of \$200,000; and

WHEREAS, staff has reviewed these proposals and determined that they are reasonable for the scope of services proposed; and

WHEREAS, sufficient funds are budgeted in the project account for these services:

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of March, 2009, that the County Administrator be and he hereby is authorized to execute a contract with URS for geotechnical engineering services related to the design of the Rocky Pen Run Reservoir in an amount not to exceed Three Hundred Fifty-four Thousand Four Hundred Thirty-six Dollars (\$354,436);

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute a contract with Schnabel Engineering, LLC for independent design review services during the design of the Rocky Pen Run Reservoir in an amount not to exceed Two Hundred Thousand Dollars (\$200,000).

<u>Item 21. Transportation; Petition VDOT to Include Stefaniga Farms Drive within The</u> Glens Subdivision, Section 1, into the Secondary System of State Highways.

#### Resolution R09-147 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE STEFANIGA FARMS DRIVE
WITHIN THE GLENS SUBDIVISION, SECTION ONE, INTO THE
SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Stefaniga Farms Drive within The Glens Subdivision, Section 1, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of March 2009, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within The Glens Subdivision, Section 1, into the Secondary System of State Highways:

<u>Street</u>	<u>Station</u>	<u>Length</u>
Stefaniga Farms Dr. (SR-2155) From	m: Inter. Stefaniga Rd. (SR-648)	0.22 Mi.
-	To: Bergamot Dr. Roundabout	50'-200' ROW

Stefaniga Farms Dr. (SR-2155) From: Bergamot Dr. Roundabout 0.23 Mi.

To: Wakerobin Dr. (future) 50'-200' ROW

Stefaniga Farms Dr. (SR-2155) From: Wakerobin Dr. (future) 0.30 Mi.

To: Stefaniga Farms Dr. (SR-2155) 50'-110' ROW

(cul-de-sac)

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled The Glens Subdivision, Section 1, PM 050000057, Ins. 050009534 recorded March 22, 2005; and

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

Item 22. Sheriff; Budget and Appropriate Grant Funds to the Sheriff's Emergency Communications Fund.

#### Resolution R09-144 reads as follows:

A RESOLUTION TO AMEND THE SHERIFF'S EMERGENCY
COMMUNICATIONS BUDGET FOR A GRANT FROM THE OFFICE
OF EMERGENCY MEDICAL SERVICES FOR THE PURCHASE OF
MEDICAL CARDS TO BE USED BY THE TELECOMMUNICATORS
TO FACILITATE PUBLIC SAFETY

WHEREAS, the Sheriff's Office Emergency Communications Division has recently been awarded funds for the purchase of Emergency Medical Cards and training in their use; and

WHEREAS, the Grant will pay \$27,015 for the purchase and training, 100% of the cost; and

NOW, THEREFORE, BE IT RESOLVED that by the Stafford County Board of Supervisors on this the 17 day of March, 2009, Twenty-seven Thousand Fifteen Dollars (\$27,015) be and it hereby is budgeted and appropriated to the Sheriff's Office Emergency Communications Budget.

Item 23. Economic Development; Appropriate Grant Funds from the Department of Defense for the Quantico Growth Management Planning Assistance Grants.

#### Resolution R09-135 reads as follows:

A RESOLUTION TO APPROPRIATE GRANT FUNDS FROM THE DEPARTMENT OF DEFENSE, OFFICE OF ECONOMIC ADJUSTMENT, FOR THE PURPOSES OF CONTINUING SUPPORT FOR THE QUANTICO GROWTH MANAGEMENT COMMITTEE'S OFFICE OF BRAC COORDINATOR, UNDER THE DEPARTMENT OF ECONOMIC DEVELOPMENT

WHEREAS, Stafford County was awarded \$207,454 in grant funds from the Department of Defense, Office of Economic Adjustment, for Growth Management Planning assistance; and

WHEREAS, all of the funds are designated for expenses in FY09; and

WHEREAS, these funds require a 10 percent local match, which is accomplished by existing budgeted funds from the Department of Economic Development, to fund the BRAC Coordinator position; and

WHEREAS, the BRAC Coordinator serves as staff to the Quantico Growth Management Committee, a committee made up of three elected leaders each from Stafford County and Prince William County, and Quantico Marine Corps Base, and serves to facilitate communication between the U.S. Department of Defense, and other state and federal agencies on BRAC 2005 movements effecting our communities;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2009, that the County Administrator be and he hereby is authorized to budget and appropriate funds awarded to Stafford County, as the fiscal agent for the Quantico Growth Management Committee, by the federal office of Economic Adjustment in the amount of Two Hundred Seven Thousand Four Hundred Fifty-four Dollars (\$207,454) to the General Fund.

Item 24. Legislative; Appoint Members to Boards, Authorities, Commissions and Committees.

Resolution R09-154 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE STAFFORD COUNTY HISTORICAL COMMISSION

WHEREAS, the Board, by adoption of Resolution R92-304, established the Stafford County Historical Commission; and

WHEREAS, the Stafford County Historical Commission is composed of seven members who are appointed by the Board to serve at its pleasure; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u> <u>EXPIRATION</u>

Pleasure of Board Anita Dodd (Garrisonville District) H. Stewart Jones Pleasure of Board (Hartwood District) Jane Henderson Conner Pleasure of Board (Rock Hill District) Cecelia S. Howell Pleasure of Board (Falmouth District) Stephen Gambaro Pleasure of Board (Aquia District) Pleasure of Board (Vacant) (Griffis-Widewater District) Pleasure of Board (Vacant) (George Washington District) WHEREAS, H. Stewart Jones and Stephen Gambaro have submitted resignations; WHEREAS, the Board desires to fill a position;

<u>NAME</u> <u>EXPIRATION</u>

Supervisors, on this the 17<sup>th</sup> day of March, 2009, that:

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

and

Barbara Kirby	Pleasure of Board
(Hartwood District)	
Ann Rolls	Pleasure of Board
(George Washington District)	
, e e	
(Vacant)	Pleasure of Board
(Aquia District)	
(Tiquia 2 isonot)	
(Vacant)	Pleasure of Board
	r leasure of board
(Griffis-Widewater District)	

be and they hereby are appointed to the Stafford County Historical Commission.

<u>Utilities</u>; Authorize Agreement of Conveyance for the Rocky Pen Run Reservoir. Mr. Milde commented.

Mr. Keith Dayton, Director of Code Administration, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R09-145.

The Voting Board tally was:

Yea: (5) Schwartz, Sterling, Woodson, Crisp, Milde

Nay: (0)

Abstain: (1) Brito

Absent: (1) Dudenhefer

# Resolution R09-145 reads as follows:

A RESOLUTION APPROVING LAND ACQUISITION CONTRACT

# FOR THE PURCHASE OF PARCEL 51-1 FOR ROCKY PEN RUN RESERVOIR

WHEREAS, Resolution R04-237 authorized the County Administrator to enter into contracts for the purchase of certain properties for Rocky Pen Run Reservoir; and

WHEREAS, it is in the County's interest to acquire the entire 99.76 acre parcel to provide the area in this parcel required for the reservoir, water treatment facility, access road, and an easily accessible, cost effective source of fill for the dam; and

WHEREAS, the property owner, Silver Celebrate Virginia Golf, LLC, accepted the County's offer to purchase the entire parcel for the appraised value of \$2,643,600; and

WHEREAS, the Board desires to purchase of this property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of March, 2009, that the County Administrator be and he hereby is authorized to execute the Agreement of Conveyance between the Board of Supervisors of Stafford County and Silver Celebrate Virginia Golf, LLC, regarding TM 51-1 in the amount of Two Million Six Hundred Forty-three Thousand Six Hundred Dollars (\$2,643,600); and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute all documents necessary to close on the above-referenced property.

<u>Planning and Zoning</u>; Refer to the <u>Planning Commission an Amendment to the Zoning Ordinance Regarding Propane and Heating Fuel Distribution Facilities.</u> Mr. Anthony Romanello, County Administrator, gave a presentation and responded to Board members questions.

Mr. Jeff Harvey, Director of Planning and Zoning, commented.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Sterling, Woodson, Brito, Crisp, Milde, Schwartz

Nay: (0)

Absent: (1) Dudenhefer

### Resolution R09-129 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT TO THE ZONING ORDINANCE TO THE PLANNING COMMISION REGARDING PROPANE AND HEATING FUEL DISTRIBUTION FACILITIES

WHEREAS, under the current ordinance, it is unclear whether or not propane and heating fuel distribution facilities are public facilities/utilities and permitted by-right in most zoning districts; and

WHEREAS, for fire, safety, emergency and evacuation purposes, a propane and heating fuel distribution may have an impact on the location of the establishment and the surrounding neighborhood; and

WHEREAS, the Board desires to require the issuance of a Conditional Use Permit for propane and heating fuel distribution facilities to be located in the M-1 and M-2 zoning districts; and

WHEREAS, public necessity, convenience, general welfare and good zoning practices require the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of March, 2009, that the amendment to the Zoning Ordinance by proposed Ordinance O09-13 be and it hereby is referred to the Planning Commission for its consideration.

Recess. At 9:33 P.M., the Chairman declared a recess.

<u>Call to Order.</u> At 9:45 P.M., the Chairman called the meeting back to order.

<u>Finance and Budget; Authorize a Public Hearing for the FY2010 County Budgets and CY2009 Property Tax Rate.</u> Ms. Nancy Collins, Budget Director, gave a presentation and responded to Board members questions.

Mr. Brito motioned, seconded by Mr. Crisp, to adopt proposed Resolution R09-150 with changes.

The Voting Board tally was:

Yea: (5) Brito, Crisp, Dudenhefer, Schwartz, Sterling

Nay: (2) Woodson, Milde

### Resolution R09-150 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO ADVERTISE PUBLIC HEARINGS ON THE PROPOSED FISCAL
YEAR 2010 COUNTY BUDGETS AND THE PROPOSED 2009
PROPERTY TAX RATES

WHEREAS, the Code of Virginia requires that the governing body shall cause to be published in a newspaper having general circulation in the County, a brief synopsis of the budget and proposed property tax levies and notices at a public hearing, at which any citizen of the County shall have the right to attend and state views thereon; NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2009, that the County Administrator be and he hereby is authorized to publish a brief synopsis of the Proposed Fiscal Year 2010 County Budgets for public hearing on April 7, 2009 and the Proposed 2009 Property Tax Rates for public hearing on April 7, 2009.

Sheriff; Authorize the County Administrator to Extend and/or Renew Existing Contract with RCC Consultants, Inc. Mr. Anthony Romanello, County Administrator, commented.

Mr. Sterling commented further.

Mr. Wayne Stack, RCC Consultants, Inc. commented.

Mr. Crisp motioned, seconded by Mr. Milde, to adopt proposed Resolution R09-112.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

### Resolution R09-112 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXTEND THE EXISTING CONTRACT WITH RCC CONSULTANTS, INC.

WHEREAS, the County as authorized by the Board, pursuant to Resolution R07-293, entered into a contract for services with RCC Consultants, Inc. on August 21, 2007; and

WHEREAS, as part of the public safety radio communications system, the need

exists to continue the services of a consultant with an expertise in public safety radio

communications systems; and

WHEREAS, the County contract with RCC Consultants, Inc. provides for an

annual renewal of the contract in the amount of \$259,428;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 17th day of March, 2009, that the Board be and it hereby does

authorize the County Administrator to renew its contract with RCC Consultants, Inc. in

an amount not to exceed Two Hundred Fifty-nine Thousand Four Hundred Twenty-eight

Dollars (\$259,428).

Public Services; Award Contract for Construction of England Run Library. Ms. Tammi

Ellis, Executive Director of Administration, gave a presentation and responded to Board

members questions.

Mr. Schwartz motioned, seconded by Mr. Brito, to adopt proposed Resolution R09-77.

Discussion ensued.

Hearing no objections from the Board, staff was requested to add to the Regular Agenda

for the next Board meeting a discussion concerning the proposed new Courthouse

Judicial Center.

The Voting Board tally was:

Yea:

Crisp, Dudenhefer, Schwartz, Sterling, Woodson, Brito (6)

Milde Nay: (1)

Resolution R09-77 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO AWARD A CONTRACT FOR THE CONSTRUCTION OF A NEW

**COUNTY LIBRARY** 

WHEREAS, the County desires to construct a new Library to be located at the

intersection of Lyons Boulevard and Plantation Drive; and

WHEREAS, Lukmire partnership has completed the design and engineering for

the new Library and the request for bid was advertised; and

WHEREAS, the lowest and most responsive bidder was EE Reed Construction,

L.P. at a cost not to exceed \$6,625,591;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 17<sup>th</sup> day of March, 2009, that the County Administrator be and he

hereby is authorized to execute a contract with EE Reed Construction, L.P. in an amount

not to exceed Six Million Six Hundred Twenty-five Thousand Five Hundred Ninety-one

Dollars (\$6,625,591); and

BE IT FURTHER RESOLVED that Two Thousand Three Hundred Ninety-five

Dollars (\$2,395) in proffer funds be budgeted and appropriated for the library project.

Legislative; Discuss Pay for Performance. Mr. Sterling commented.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R09-

120 with changes.

The Voting Board tally was:

Yea:

(3) Milde, Sterling, Dudenhefer

Nay: (4)

Schwartz, Woodson, Brito, Crisp

Discussion ensued.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R09-120.

The Voting Board tally was:

Yea: (4) Milde, Sterling, Crisp, Dudenhefer

Nay: (3) Schwartz, Woodson, Brito

Resolution R09-120 reads as follows:

A RESOLUTION TO ADOPT PERFORMANCE-BASED ANNUAL
COMPENSATION FOR BOARD MEMBER CORD STERLING OF THE
STAFFORD COUNTY BOARD OF SUPERVISORS

WHEREAS, Section 15.2-1414.2 of the Code of Virginia (1950), as amended, provides that the "annual compensation to be allowed each member of the board of supervisors of a county shall be determined by the board of supervisors of such county but such compensation shall not be more than a maximum" that is determined by a majority vote of the Board;

WHEREAS, on June 19, 2007 a majority vote of the Board set the maximum compensation for Supervisors at \$25,000; and

WHEREAS, the Code of Virginia (1950), as amended, does not prohibit Boards from tying payment of compensation, or portions thereof, to achievement of specific goals; and

WHEREAS, the goals of Stafford County include a quality educational system, improvements to its transportation network, improvements to public safety, and the maintenance of fiscal responsibility;

WHEREAS, Supervisor Cord A. Sterling has requested that a portion of his salary be tied to the achievement of the goals of Stafford County; and

WHEREAS, Supervisor Sterling has requested that any of his salary forfeited due to the failure of the County reaching its goals be donated equally to the PTO's of the elementary and middle schools serving the Rock Hill District;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of March, 2009, that beginning in Fiscal Year 2010, 20% of the compensation for Supervisor Cord A. Sterling shall only be paid if specific priority goals are achieved as follows:

- 1. 5% shall only be paid only if Stafford County demonstrates fiscal responsibility as follows:
  - a. 2.5% on October 1<sup>st</sup> of each year if Stafford County has a balanced budget for the previous year without reducing the fund balance below the county's fiscal goals, and
  - b. 2.5% on July 1st of each year only if the average Stafford County taxpayer does not incur an increased county tax burden (except in those cases where the citizens specifically approve such an increase as part of a bond referendum passed by a majority of the voters).
- 2. 5% shall be paid upon the receipt of validated data only if student scores in Stafford schools exceed the average scores of peer school divisions as outlined in appendix 1;
- 3. 5% shall only be made available upon receipt of validated data if public safety improves as follows:
  - 2.5% if there is a reduction in the Group A (major crimes) crime rate, and
  - 2.5% if there is a reduction in fire and rescue response times;

4. 5% shall be paid on April 1<sup>st</sup> of each year only if Stafford County meets its annual

Transportation Improvement Plan targets on time and on budget;

BE IT FURTHER RESOLVED that if goals outlined above are not

achieved, those portions of the Supervisor Sterling's compensation will be donated

equally to the PTO's of the elementary and middle schools serving the Rock Hill District.

Legislative; Discuss Radio Communication Tower Leases. Mr. Sterling commented.

Ms. Carol Adams, Communications Manager, responded to Board members questions.

Discussion ensued.

Legislative; Discuss a Requirement of a 5-Vote Majority to Raise Any Tax Rate. Mr.

Dudenhefer commented.

Mr. Dudenhefer motioned, seconded by Mr. Sterling, to direct staff to prepare an

ordinance for advertisement of a public hearing for a 5-Vote majority to raise any tax

rate.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Crisp, to direct staff to prepare an

ordinance for advertisement of a public hearing for a 5-Vote majority on all tax matters.

The Voting Board tally was:

Yea:

(6) Sterling, Woodson, Brito, Crisp, Dudenhefer, Schwartz

Nay: (1)

(1) Milde

<u>Legislative</u>; <u>Discuss Updating the Youth Drivers Task Force.</u> Mr. Dudenhefer

commented.

Discussion ensued.

Hearing no objections from the Board, a committee of Mr. Crisp, Mr. Dudenhefer, and

Mr. Sterling, were requested to further review and provide additional information at the

next Board meeting.

<u>Legislative</u>; <u>Discuss Leeland Station VRE Walkway Paving</u>. Mr. Crisp commented.

Mr. Crisp motioned, seconded by Mr. Woodson, to authorize the County Administrator to

place a small paved walkway thru the lot at Leeland Station in an amount not-to-exceed

\$5,000.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Wood

Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Legislative; Request Virginia Railway Express Adopt a Voucher System. Mr. Sterling

commented.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution

R09-153.

Discussion ensued.

The Voting Board tally was:

Yea: (4) Brito, Crisp, Dudenhefer, Sterling

Nay: (3) Milde, Schwartz, Woodson

## Resolution R09-153 reads as follows:

A RESOLUTION TO DIRECT BILLING OF NON-PARTICIPATING
JURISDICTIONS WITH RIDERSHIP ON VRE AND DIRECTING VRE
REPRESENTATIVES TO ADVOCATE FOR A VOUCHER SYSTEM FOR
STAFFORD RIDERSHIP

WHEREAS, the County is a member of the Virginia Railway Express (VRE) and funds an annualized subsidy for County residents to use this service; and

WHEREAS, in order to maintain the integrity of the system and sufficient seating for County riders; and

WHEREAS, in order to maintain fairness and equity for Stafford County taxpayers; and

WHEREAS, surrounding jurisdictions have not joined the VRE, while their residents use the facilities provided for Stafford residents without paying the subsidy; and

WHEREAS, Stafford County would subsidize the following counties in the proposed 2010 VRE budget: Spotsylvania County—Two Hundred Ninety-five Thousand Sixty Dollars (\$295,060); Fauquier County—Seventy-six Thousand Three Hundred Forty-six Dollars (\$76,346); King George County—Thirty-six Thousand Two Hundred Ninety-six Dollars (\$36,296); Caroline County—Twenty-six Thousand Two Hundred Eighty-three Dollars (\$26,283);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of March, 2009, that the County Administrator be and he

hereby is directed to bill the adjoining non-participating jurisdictions for their proportion of ridership in the VRE affecting the Stafford subsidy; and

BE IT FURTHER RESOLVED that the Stafford County Representatives to the VRE are hereby directed to advocate for the development and implementation of a voucher system for Stafford County riders.

Legislative; Consider Time and Date for Adjourned Meeting on Comprehensive Plan.

Mr. Schwartz commented.

Hearing no objections from the Board, the meeting is scheduled for Monday, April 13, 2009, at 6:30 P.M., in the First Floor Conference Rooms.

<u>Legislative</u>; Water Hookups Outside the USA. Mr. Woodson commented.

Hearing no objections from the Board, a committee of Mr. Brito and Mr. Woodson was to further review this item was deferred to the next Board meeting to a Committee of Mr. Brito and Mr. Woodson.

Legislative; Appoint a Member to the Military Affairs Council.

Mr. Sterling motioned, seconded by Mr. Woodson, to appoint Harry E. Crisp to the Military Affairs Council.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

<u>Legislative</u>; <u>Closed Meeting</u>. At 12:03 A.M., Mr. Sterling motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM09-06.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

### Resolution CM09-06 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting, Potential Disposition of County-owned Property, regarding Gauntlet Golf Course Negotiations; and Acquisition of Real Property for Public Purpose; regarding Rocky Pen Run Reservoir; negotiations for properties remaining to be acquired from the following owners: Nini, Dever, Pruitt, Orris, Brito, Roberson and Shifflett; and

WHEREAS, pursuant to Section 2.2-3711 A.3, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 17<sup>th</sup> day of March, 2009, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 12:29 A.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Certification of Actions.</u> Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM09-06a.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

#### Resolution CM09-06a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD

COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON

MARCH 17, 2009

WHEREAS, the Board has, on this the 17<sup>th</sup> day of March, 2009, 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 17<sup>th</sup> day of March, 2009, 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. No member

dissents from the aforesaid certification.

Adjournment. At 12:28 A. M. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM

George H. Schwartz

**County Administrator** 

Chairman