

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

May 21, 2013

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Robert “Bob” Thomas, Jr., Vice Chairman, at 3:02 p.m., on Tuesday, May 21, 2013, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Robert “Bob” Thomas, Jr., Vice Chairman; Jack R. Cavalier; Paul V. Milde III; Ty A. Schieber; Gary F. Snellings; and Cord A. Sterling. Susan B. Stimpson, Chairman; arrived at 3:14 p.m.

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.

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

Vanessa Griffin - Farmer’s Market

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

Mr. Snellings - Deferred
Mr. Sterling - Deferred
Mr. Thomas - Deferred
Mr. Cavalier - Deferred
Mr. Milde - Support for Farmer’s Market; Eskimo Hill Road Improvements; Waste-to-Energy plans; Pump and Haul; Rocky Pen Run Reservoir
Mr. Schieber - JLUS Policy Committee – Meeting at Hilldrup, 5/29, 6:00 p.m.
Ms. Stimpson - Absent

Presentation by VDOT Regarding Route 17 Improvements Mr. Greg Huffman gave a Power Point presentation about future improvement plans for Route 17.

Mr. Sterling asked Mr. Huffman to provide information on the proposed Route 17 tie to the Rappahannock River Crossing; Mr. Huffman was also asked to provide information on Route 17 truck traffic to Fredericksburg City Councilman, Matthew Kelley; further Mr. Huffman was asked to provide the Board with an update on the Courthouse Road (Route 63) intersection and the Falmouth Intersection.

Mr. Snellings asked that warning signs be posted on the Hartwood portion of Route 17 regarding construction closer to I-95 so that Hartwood residents may chose an alternate route if necessary to avoid delays during construction. Mr. Snellings added that the date in the Free Lance-Star was incorrectly noted at a meeting on May 22nd. The correct date of the meeting was May 23rd.

Mr. Huffman was asked to notify Mr. Thomas and Mr. Snellings about scheduled HOA meetings, as the Route 17 construction impacted both the George Washington and Hartwood Districts.

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Anthony Romanello, County Administrator, introduced Director of Public Works, Mike Smith, who gave an update on transportation issues in the County. Mr. Cavalier asked for an update on the Flippo Road paving project.

Following Mr. Smith's presentation, Director of Capital Projects, Mr. Chris Hoppe, gave a presentation on parks projects in the County.

Legislative; Additions and Deletions to the Agenda There was an addition to the agenda to Discuss Schools FY2014 Budget; Proposed Resolution R13-186.

Legislative; Consent Agenda Mr. Sterling motioned, seconded by Mr. Schieber, to adopt the Consent Agenda consisting of Items 3 through 13 omitting Items 5, 6, 7, and 10.

The Voting Board tally was:

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

Item 3. Legislative; Approve Minutes of the May 7, 2013 Meeting

Item 4. Finance and Budget; Approve Expenditure Listing

Resolution R13-149 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED MAY 7, 2013 THROUGH MAY 20, 2013

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 21st day of May 2013, that the above-mentioned EL be and hereby is approved.

Item 8. Finance and Budget; Authorize Renewal of Property and Casualty Insurance Contracts

Resolution R13-155 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACT RENEWALS FOR LIABILITY, PROPERTY, AUTOMOBILE, WORKERS' COMPENSATION, LINE OF DUTY, VOLUNTEER FIRE & RESCUE, SHERIFF'S SPECIAL DEPUTIES, AND THE SHERIFF'S AUXILIARY GROUPS' INSURANCE COVERAGE FOR FY2014

WHEREAS, the County reviewed its insurance coverage claims experience and related costs for FY2013; and

WHEREAS, the Board budgeted and appropriated funds for the County's insurance needs for FY2014; and

WHEREAS, VACoRP Risk Management Programs submitted a policy renewal proposal to the County for general liability, property, automobile, Line of Duty, and Workers' Compensation insurance; and

WHEREAS, Selective Insurance Company of America, through Wells Fargo Insurance Services USA, Inc., submitted policy renewal proposals to the County for property, liability, and automobile insurance for the volunteer and career Fire and Rescue Services; and

WHEREAS, Provident Insurance Company, through Welch, Graham, and Ogden Insurance, Inc., submitted a policy renewal proposal to the County for accident and sickness insurance for the Volunteer Fire and Rescue personnel, Sheriff's Special Deputies, and Sheriff's Auxiliary Groups; and

WHEREAS, staff determined that these proposals are reasonable for the scope of services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of May, 2013 that the County Administrator be and he hereby is authorized to:

1. Execute a contract renewal with VACoRP Risk Management Programs for general liability, automobile, property, Line of Duty, and Workers' Compensation insurance coverage for FY2014.
2. Execute a contract renewal with Wells Fargo Insurance Services USA, Inc., for Fire and Rescue and the Volunteer Fire and Rescue Services for liability, property, and automobile insurance for FY2014.
3. Execute a contract renewal with Welch, Graham and Ogden Insurance, Inc., for Volunteer Fire and Rescue, Sheriff's Special Deputies, and Sheriff's Auxiliary Groups for accident and sickness insurance coverage for FY2014.

Item 9. Fire and Rescue; Authorize the Purchase of Replacement Fire Engine

Resolution R13-144 reads as follows:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF
A REPLACEMENT FIRE ENGINE

WHEREAS, the County's Fire and Rescue Department (Department) operates fire engines as part of its all-hazards approach to emergency response; and

WHEREAS, the County currently has a 1995 model apparatus (with 90,000+ miles) that averages over 2,800 calls annually; and

WHEREAS, the current Engine exceeded its planned service-life of ten years, and the original planned replacement, in FY2005, was deferred for budgetary reasons; and

WHEREAS, the Department submitted a request for proposal for a replacement engine; and

WHEREAS, C.W. Williams Fire Equipment Specialists submitted a bid of \$532,848 for the replacement engine;

WHEREAS, the C. M. Williams Fire Equipment Specialists bid was deemed responsible and responsive; and

WHEREAS, staff reviewed the bid and determined that it was reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that the County Administrator be and he hereby is authorized to purchase a replacement Engine from C.W. Williams Fire Equipment Specialists in an amount not to exceed Five Hundred Forty Thousand Dollars (\$540,000), unless amended by a duly-executed contract amendment.

Item 11. Planning and Zoning; Refer Ordinance Amendments to the Planning Commission Regarding Lighting Standards

Resolution R13-154 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTIONS 22-215, "STREET LIGHTING;" 28-25, "DEFINITIONS OF SPECIFIC TERMS;" AND 28-87, "OUTDOOR LIGHTING STANDARDS"

WHEREAS, the Stafford County Code includes standards for the design and location of lighting; and

WHEREAS, the Board desires to amend the County Code to amend the lighting standards; and

WHEREAS, the proposed amendments to the County Code will clarify and bolster current lighting standards; 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 21st day of May, 2013, that proposed amendments to Stafford County Code Sections 22-215, "Street Lighting;" 28-25, "Definitions of Specific Terms;" and 28-87, "Outdoor Lighting Standards," be and they hereby are referred to the Planning Commission for a public hearing and its recommendations; and

BE IT FURTHER RESOLVED that the Planning Commission may make any modifications to the proposed ordinance that it deems appropriate or necessary.

Item 12. Planning and Zoning; Refer a Zoning Text Amendment to the Planning Commission Regarding Microbreweries

Resolution R13-175 reads as follows:

A RESOLUTION TO REFER ZONING ORDINANCE AMENDMENTS TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE SECTION 28-25, "DEFINITIONS OF "SPECIFIC TERMS;" SECTION 28-35, TABLE

3.1, “DISTRICT USES AND STANDARDS;” AND SECTION 28-39
“SPECIAL REGULATIONS;” TO DEFINE BREWERIES,
MICROBREWRIES, AND DISTILLERIES; AND TO ALLOW
THE USES IN VARIOUS ZONING DISTRICTS WITH SPECIAL
REGULATIONS

WHEREAS, Industrial Zoning Districts were established to provide areas within the County for the manufacturing and distribution of goods; and

WHEREAS, the Zoning Ordinance does not define or expressly provide for a brewery, microbrewery, or distillery; and

WHEREAS, the Board desires to amend the County Code to include a definition for the terms brewery, microbrewery, and distillery, and to allow such uses as permitted uses and conditional uses in various zoning districts with special regulations; 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 21st day of May, 2013, that an amendment to Stafford County Code Section 28-25, “Definitions of specific terms;” Section 28-35, Table 3.1, “District Uses and Standards;” and Section 28-39, “Special Regulations,” be and they hereby are referred to the Planning Commission for a public hearing and its recommendations; and

BE IT FURTHER RESOLVED that the Planning Commission may make any changes to the proposed ordinance that it deems necessary and appropriate.

Item 13. Public Works; Authorize a Public Hearing to Consider an Amendment to Stafford County Code Section 15-4.1(c) “Maximum Speed Limits in Certain Residential Districts; Penalty”

Resolution R13-158 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE § 15-4.1(C) ENTITLED “MAXIMUM SPEED LIMITS IN CERTAIN RESIDENCE DISTRICTS; PENALTY”

WHEREAS, Virginia Code § 46-2-878.2 authorizes a severe penalty for persons exceeding the maximum speed limit in certain residence districts; and

WHEREAS, on May 6, 1997, the Board adopted Ordinance O97-29(R), which established criteria for the establishment of residence districts where a maximum speed limit fine could be levied; and

WHEREAS, the County conducted a traffic study and determined that Town and Country Drive, in The Oaks at Ferry Farm subdivision, meets the criteria to establish a residence district; and

WHEREAS, the County received a petition from residents of The Oaks at Ferry Farm to establish a residence district within their subdivision;

WHEREAS, the Board is interested in promoting public health, safety, and welfare, including the prevention of accidents and injuries caused by speeding vehicles in certain residence districts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider designating Town and Country Drive (SR-1161) between Sierra Drive (SR-1620) and Ferry Road (SR-606) as a residence district.

Item 5. Finance and Budget; Increase FY2013 Appropriation to the Schools' Operating and Construction Funds Following discussion, Mr. Snellings motioned, seconded by Mr. Sterling, to adopt proposed Resolution R13-138.

The Voting Board tally was:

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

Resolution R13-138 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE FUNDS FROM THE SCHOOLS' HEALTH SERVICES FUND BALANCE TO THE SCHOOLS' FY2013 OPERATING BUDGET

WHEREAS, the School Board identified these one-time uses of funds from the Schools' Health Services Fund unrestricted and uncommitted fund balance:

- Instruction Hourly Assistance \$ 373,820
 - Pupil Transportation 1,046,327
 - Operation and Maintenance 1,149,500
 - Technology 186,414
- \$2,756,061

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that it be and hereby does increase the budget and appropriation in the Schools' FY2013 Operating Fund by Two Million Seven Hundred Fifty-six Thousand Sixty-one Dollars (\$2,756,061).

Mr. Snellings motioned, seconded by Mr. Sterling, to adopt proposed Resolution R13-160.

The Voting Board tally was:

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

Resolution R13-160 reads as follows:

A RESOLUTION TO APPROPRIATE THE BALANCE OF THE SCHOOLS' FY2013 VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) BOND PROCEEDS

WHEREAS, on October 2, 2012, the Board approved the issuance of FY2013 VPSA bonds in the amount of \$33,225,000 to fund projects identified in the FY2013-22 Capital Improvements Program (CIP); and

WHEREAS, the Board deferred appropriation of \$4 million of the total authorized amount, pending final determination of the use of available cash in the Schools' Health Benefits Fund; and

WHEREAS, the School Board identified other one-time uses for the available cash in the Schools' Health Benefits Fund; and

WHEREAS, Board appropriation of the \$4 million balance of the VPSA bond proceeds is needed to fund the projects identified in the CIP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that it be and hereby does increase the appropriation in the Schools' FY2013 Construction Fund by Four Million Dollars (\$4,000,000).

Item 6. Finance and Budget; Authorize a Public Hearing to Consider Budgeting and Appropriating Proposed VPSA Funded Continuing Projects After discussion, Mr. Snellings motioned, seconded by Mr. Sterling, to adopt proposed Resolution R13-165.

The Voting Board tally was:

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

Resolution R13-165 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER PARTICIPATION IN THE FALL 2013 AND SPRING 2014 AND FUTURE VIRGINIA PUBLIC SCHOOL AUTHORITY BOND SALES AND TO BUDGET AND APPROPRIATE CASH CAPITAL AND THE BOND PROCEEDS IN AN AMOUNT NOT TO EXCEED \$54,648,000

WHEREAS, the Board received a request from the Superintendent of the Stafford County Public Schools to contract a debt and issue General obligation Bonds of the County in the maximum amount of \$52,648,000 in one or more series to finance certain capital improvements for public school purposes (the “Bonds”) and to sell such bonds to the Virginia Public School Authority (“VPSA”); and

WHEREAS, the Board determined that it may be necessary or desirable to advance money to pay the costs for such capital projects for public school purposes (the “Projects”) and to reimburse such advances with proceeds of one or more financings; and

WHEREAS, \$2,000,000 is available from a VPSA advance refunding;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that:

1. The County Administrator is authorized to advertise a public hearing to seek public comment on the issuance of the Bonds and on budgeting and appropriating the proceeds and cash capital.
2. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County or the School Board of the County of Stafford, Virginia, to pay the costs of acquiring, constructing, and equipping the Projects from the proceeds of the Bonds to be issued in the maximum amount of \$52,648,000.
3. This Resolution shall take effect immediately upon its adoption.

Item 7. Finance and Budget; Increase FY2014 Appropriation to the Schools’ Construction Fund Mr. Scott Horan explained the situation with the roof at Shirley Heim Middle School. Following discussion, Mr. Cavalier motioned, seconded by Mr. Sterling, to adopt proposed Resolution R13-169.

The Voting Board tally was:

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

Resolution R13-169 reads as follows:

A RESOLUTION TO INCREASE THE SCHOOLS’ FY2013 CONSTRUCTION FUND BUDGET AND APPROPRIATION

WHEREAS, the School Board approved the roof repair at Shirley C. Heim Middle School to correct construction deficiencies created by design errors; and

WHEREAS, revenues from the settlement are available to cover the cost of the repairs;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that it be and hereby does increase the budget and appropriation in the Schools’ FY2013 Construction Fund by Eight Hundred Forty-seven Thousand Dollars (\$847,000).

Item 10. County Attorney; Authorize Memorandum of Agreement Regarding “Gwyneth’s Law” Following discussion, Mr. Schieber motioned, seconded by Mr. Sterling, to defer this item to the June 4th Board meeting.

The Voting Board tally was:

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

Legislative; Closed Meeting. At 3:33 p.m., Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution CM13-11.

The Voting Board tally was:

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

Resolution CM13-11 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for discussion regarding the potential acquisition of real property for a public purpose(s), including an academic presence and/or economic development; and

WHEREAS, pursuant to Virginia Code Section 2.2-3711(A)(3), such discussion may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 21st day of May, 2013, does hereby authorize discussion of the aforesated matter in Closed Meeting.

Call to Order At 4:49 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM13-11(a).

The Voting Board tally was:

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

Resolution CM13-11(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON MAY 21, 2013

WHEREAS, the Board has, on this the 21st day of May, 2013, 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 21st day of May, 2013, 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.

Recess At 4:49 p.m., the Chairman declared a recess. The Board traveled to the site of the new Chichester Park for a ground breaking ceremony.

Call to Order At 7:01 p.m. the Chairman called the meeting back to order.

Invocation Ms. Stimpson gave the Invocation.

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

Ms. Stimpson offered condolences to former Board member and Chairman, Mark Dudenhefer, on the passing of his mother. She also spoke of the tragedy in Moore, OK.

Presentation to the Williams Family on Naming the Chichester Park Access Road Posthumously for Sheriff Ralph Williams Mr. Snellings and Sheriff Jett presented a framed copy of the road sign designating the access road to Chichester Park as Ralph Williams Drive.

Historical Commission Annual Preservation Awards Ms. Anita Dodd gave a presentation and awarded plaques to Frank White; Norman Schools; Barbara Flack; Glenn Trimmer; and presented the NAACP Volunteer Award. Ms. Stimpson thanked the group for their hard work and efforts towards historic preservation in Stafford County.

Presentations by the Public The following members of the public spoke:

- Dean Fetterolf - Budget
- Robert Howard - Property Assessment Appeal
- Paul Waldowski - Stormwater Management; Decoy Sheriff’s cars; Water bill

Public Works; Municipal Separate Storm Sewer Systems (MS4) and Erosion and Sediment Control Update This item was deferred to a future Board meeting.

Planning and Zoning; Consider a Conditional Use Permit to Allow Vehicle Fuel Sales in a B-2, Urban Commercial Zoning District within the Highway Corridor Overlay Zoning District; and a Convenience Store within the Highway Corridor Overlay Zoning District on a Portion of Assessor’s Parcel 58-9E Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions. Kevin Primmer, for the Applicant also addressed the Board.

Mr. Thomas said that he was excited to see a new business in the area that fit with existing businesses, adding that Murphy Oil was a welcome addition and great help to capacity problem existing in that area.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Thomas motioned, seconded by Mr. Snellings, to adopt proposed Resolution R13-55.

The Voting Board tally was:

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

Resolution R13-55 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP1200391 TO ALLOW VEHICLE FUEL SALES WITHIN A B-2, URBAN COMMERCIAL ZONING DISTRICT AND WITHIN THE HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT AND A CONVENIENCE STORE WITHIN THE HIGHWAY CORRIDOR OVERLAY ZONING DISTRICT, ON A PORTION OF ASSESSOR'S PARCEL 58-9E, WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Bassam Ziada, Murphy Oil USA, Inc, applicant, submitted Application CUP1200391 requesting a Conditional Use Permit (CUP) to allow Motor Vehicle Fuel Sales in a B-2, Urban Commercial Zoning District and within the Highway Corridor Overlay Zoning District, and a convenience store within the Highway Corridor Overlay Zoning District on a Portion of Assessor's Parcel 58-9E within the George Washington 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 County Board of Supervisors on this the 21st day of May, 2013, that a CUP pursuant to application CUP1200391 be and it hereby is approved with the following conditions:

1. This CUP is to allow vehicle fuel sales and a convenience store within the B-2, Urban Commercial Zoning District within the Highway Corridor Overlay District (HCO) on a portion of Assessor's Parcel 58-9E.
2. The site shall be redeveloped in accordance with the GDP prepared by Greenberg Farrow, dated December 13, 2012, as it relates to the layout and orientation of the building, fuel pumps canopies, and drive aisles.
3. Direct vehicle access to/from Kings Highway is prohibited.
4. The building and fuel pump canopies shall be constructed in conformance with the approved architectural elevations prepared by B/R/R Architecture, Inc., dated December 13, 2012. The dumpster enclosure(s) shall be constructed with the same building materials as the main building and screened from public view with

additional appropriate landscaping. The monument sign shall utilize the same building materials as the main building and dumpster enclosure(s).

5. The applicant shall construct a sidewalk along the frontage of Kings Highway.
6. Any canopy lighting shall be recessed within the property. Freestanding lighting shall be directed downward and inward to minimize glare on surrounding public streets.
7. The applicant shall provide lighting at a level ranging from two (2) to three (3) footcandles for parking and pedestrian areas.
8. Fuel sales shall be limited to vehicles less than five (5) tons gross volume weight (GVW).
9. Loading spaces and truck delivery spaces, except for fuel delivery, shall be located outside of any required travel lane. Such spaces shall be designed to allow for adequate turning radius to accommodate free-flowing turning movements to prevent temporary obstruction of travel lanes.
10. The use of “carnival-style” flags, banners, balloons, windsocks, inflatable, and unapproved lighting is prohibited.
11. Trench drains shall be installed at the perimeter of the fueling area to capture spilled fuels and oils. The trench drains shall drain to an oil/water separator prior to discharging to the storm sewer system.
12. To the maximum extent practicable, trees and shrubs shall be oriented so as to not interfere with lighting or site distance. Trees shall be limbed up six (6) to eight (8) feet and shrubs be no taller than 36 inches. As part of the required street buffer, landscaping along Kings Highway shall include a continuous row of evergreen shrubs at least two (2) feet in height at planting and four (4) canopy trees.
13. 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, ordinance, or requirement.

Planning and Zoning; Consider a Conditional Use Permit to Allow a Cluster Subdivision with a Maximum Density of 2.25 Dwelling Units/Acre in an R-1, Residential Zoning District on Assessor’s Parcel 54C-1-26 and 54C-1-27 Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Dan Webb, applicant, also addressed the Board.

Mr. Sterling asked about adjacent lot sizes. Mr. Harvey said they were narrower and not as deep, adding that he would research Mr. Sterling’s question about the actual size of the adjacent lots.

Mr. Thomas asked for clarification about the number of lots by-right. Mr. Harvey confirmed that by-right there could have been 14 homes rather than the 20 homes in the application. Mr. Harvey went on to say that the developer would pay all water/sewer connection fees in addition to \$80k offered on condition of approval.

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. Snellings, to adopt proposed Resolution R13-111.

The Voting Board tally was:

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

Nay: (1) Sterling

Resolution R13-111 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP1200415 TO ALLOW A CLUSTER SUBDIVISION WITH A MAXIMUM DENSITY OF 2.25 DWELLING UNITS/ACRE IN AN R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT, ON ASSESSOR'S PARCELS 54C-1-26 AND 54C-1-27, WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Mark Doherty - Foundation Properties, LLC, applicant, submitted application CUP1200415 requesting a Conditional Use Permit (CUP) to allow a cluster subdivision with a maximum density of 2.25 dwelling units/acre in an R-1, Suburban Residential Zoning District, on Assessor's Parcels 54C-1-26 and 54C-1-27; and

WHEREAS, the application was submitted pursuant to County Code, Section 28-35, Table 3.1, which permits this use in an R-1, Suburban Residential Zoning District, after a CUP is issued by the Board; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission, staff, and public 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 21st day of May, 2013, that a CUP, pursuant to application CUP1200415, be and it hereby is approved with the following conditions:

1. This CUP is to allow a cluster subdivision with a maximum density of 2.25 dwelling units/acre in an R-1, Suburban Residential Zoning District, on Assessor's Parcels 54C-1-26 and 54C-1-27. Location of the entrance shall be consistent with the Generalized Development Plan (GDP) dated November 5, 2012, revised April 22, 2013.
2. There shall be no greater than twenty (20) lots permitted on the subject property as shown on the Generalized Development Plan (GDP).
3. The proposed open space and trail will be constructed as shown on the GDP dated November 5, 2012, revised April 22, 2013.
4. The developer (or owner) shall contribute a minimum of Eighty Thousand Dollars (\$80,000) or the proportionate share of the construction cost of the upgrades, whichever is greater, as determined by the Department of Utilities, to upgrade the water and sewer system to accommodate the Subdivision. The contribution shall be made prior to approval of the Subdivision's construction plan. Should the upgrades amount to less than \$80,000, the remainder shall be contributed to the County for other infrastructure needs.
5. Signage shall be installed to designate the limits of the Resource Protection Area (RPA). Two (2) RPA signs shall be located along Lots 6, 7 and 18. One (1) sign will be ten (10) feet away from the road and the other sign will be located at the rear setback, twenty-five (25) feet from the rear property line.
6. All newly created residential lots shall be located outside the RPA.
7. Homes will be designed and sited using the County's Neighborhood Development Standards, dated September 19, 2012.
8. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, state or federal law.

Public Works; Consider Adoption of Changes to the Comprehensive Plan; and Amend and Reordain Stafford County Code Section 13.5, "Impact Fees" Mr. Keith Dayton, Deputy County Administrator, gave a presentation and answered Board members questions.

Mr. Thomas asked that there be a process in place where projects were kept updated and that kept the fees accurate to true needs, which did not happen last time and may have been what "doomed" impact fees in his area, adding that there were three projects in the

South East District when it died. Mr. Dayton said that the process started in 2008 but that it took extraordinarily long to get to where the County was at present. He added that staff would work with the Infrastructure Committee to establish a two-year review process. Mr. Thomas said that the proposed Ordinance spoke to the fact that if a project was not built within seven-to-ten years, the County may have to refund the money or use it on another project.

Mr. Thomas asked for the hypothetical impact if he owned a 20-lot subdivision. Mr. Dayton replied that if even one lot was platted, at present, there would be no Impact Fees assessed upon development. He asked about bond-funded projects and if impact fees would be a part of them and, if so, would the developer pay twice. Mr. Dayton confirmed that bond funding was one source of potential funding. Mr. Thomas restated his question saying that a potential homeowner may have to pay thirty years of debt service as well as impact fees, thus paying twice. Mr. Romanello said that impact fees should be thought of as a cash payment; therefore less money would be borrowed so the debt service would be lessened.

Mr. Milde asked when the County began working on impact fees. Mr. Dayton replied that it was in 2008. Mr. Milde said that the legislation first became available in 2006. Mr. Dayton confirmed that the legislation changed in 2007. Mr. Milde noted that it was one of the Board's legislative priorities in an attempt to make developers "pay their fair share."

The Chairman opened the public hearing.

The following persons desired to speak:

Dean Fetterolf
Bill Johnson
Paul Waldowski
Tom Cropp
Don Hall

The Chairman closed the public hearing.

Prior to making a motion, Mr. Milde said that he had utmost respect for some of the speakers at the public hearing. He said that what he was going to support was a lower fee with one-year grandfathered, and if a developer was in construction plan approval stage, it would also be grandfathered. Mr. Milde said that the impact fee related to a developer's project, or that it contributed to it. Mr. Milde said that he opposed the bond referendum but that it passed, and more than one-half the County's residents wanted them, that VDOT was not doing enough, especially on secondary roads.

Mr. Milde talked about sprawl and the difficulty of obtaining a rezoning in the County. He added that building permits were now at the level as they were in 2005 and that farms in the County were being subdivided at a record level. Mr. Milde said that impact fees were a small way to provide for the future.

Mr. Sterling said that if a house was built, it had an impact on roads. The existing homeowners still bore a burden; there was a substantial amount of work having to be done on roads in the County. He said that new development drove a greater need. Mr. Sterling compared it to commercial dump fees at the landfill, saying that it created an impact at the landfill. He added that he did not have a problem with impact fees because it was new development helping to pay for itself.

Mr. Snellings asked Mr. Dayton about the funding for Poplar Road improvements. Mr. Dayton said that it was funded (in portion) by the Central West Impact Fees that have been collected since 2003. Another portion of the project, north of Truslow Road, was partial Revenue Sharing and part Transportation Fund monies.

Mr. Thomas said that he was not opposed to figuring out a new and equitable way to have new development pay for itself. He drove Brooke Road and said that whether a new house was built along that route, or not, a need already existed for improvements to Brooke Road. Mr. Thomas said that he was not sure that the County had yet to arrive at the right mix of impact fees v. bond funding for road improvements.

Ms. Stimpson asked Mr. Dayton, regarding a reference in his report, to repeat the financial impact, and when the County would actually realize money from impact fees, and when they would actually be applied. Mr. Dayton replied that the County would begin collecting impact fees the moment the Ordinance took effect, adding that the County was currently collecting impact fees in the Central West District. The projections were for slightly above \$100k annually beginning immediately. In two years, the County would begin collecting significantly more per year. If the County exempted preliminarily approved lots, approximately 7200 would not be included nor charged impact fees.

Mr. Thomas said that he and Mr. Snellings had many family farms in their respective districts and that as the family farm tradition is not carried on, it became the farmer's retirement nest egg. He said that a 100 acre farm, subdivided by thirty lots, would devalue the property by approximately \$600k. Mr. Thomas said that impact fees would devalue a lot of agricultural property in the County. Mr. Milde said that road improvements give more value to property than any devaluation caused by impact fees.

Mr. Sterling said that he agreed with Mr. Thomas' statement that existing roads have existing needs. However, the model outlined by Mr. Dayton, took that into account. Mr. Sterling said that the County had been "not there yet" for many years causing congestion problems, safety issues, etc., and that the County's transportation network must be updated. He said that it was only fair that new development, rather than existing homeowners, pay to subsidize new roads and improvements to existing roads in the County. Mr. Sterling said that the longer the County waits, the longer it will be until it is able to address its transportation needs. The transportation network in the State was deteriorating and companies left Virginia due to that. Mr. Sterling asked that Board members please tell him if they disagreed with the State's Six-Year Plan.

Ms. Stimpson asked Mr. Dayton how many counties in the Commonwealth charge impact fees. Mr. Dayton replied that he was not aware of any other counties that charged impact fees. Mr. Thomas said that he was not saying that the County did not have challenges to its road/transportation network. He clarified that he was saying that he was unsure if the County arrived at the right formula.

Mr. Schieber said that Mr. Milde made the point that the current proffers were significantly higher than the proposed impact fees. He said that the County was trying to be sensitive to the impact of new development v. the financial impact on developers; that it was part and parcel of what went into the proposed impact fee recommendation. Mr. Dayton said that transportation component of proffers was about three times that of the impact fee proposal. He added that staff looked at the certain roads that would be impacted by growth, and those were the only roads that would be impacted; proffer guidelines were much broader, county-wide, and covered many roads that were not included in the proposed impact fee ordinance.

Ms. Stimpson asked if staff was talking about amending proffers. Mr. Dayton said that he was not talking about amending proffers. Ms. Stimpson asked what the current proffer fees were and if there were reductions to proffers considered in lieu of impact fees. Mr. Harvey said that they were focusing on CIP projects and it was in the neighborhood of \$560k in proffers. Mr. Milde said that if there was a proffer already on a unit, a credit was given. Mr. Milde said that the County made a mistake the first time by not finding a way to not impact commercial development, the same as happened in Culpeper County. He said that nothing killed economic development faster than charging an impact fee on commercial development.

Mr. Dayton said that proposed Resolution R13-61 must be considered first, and if approved, then proposed Ordinance O13-15 should be taken up separately for a vote by the Board. Mr. Milde discussed reducing the amount of the impact fee to \$2,999

Mr. Thomas asked if he could take an affirmative vote on proposed Resolution R13-61, as he saw it as a valuable tool, then take an alternate vote on proposed Ordinance O13-15. Mr. Dayton said they are independent actions; that R13-61 must precede the vote on O13-15. Mr. Romanello noted that if the Board did not approve R13-61, it was done, there would be no vote taken on O13-15. Mr. Dayton added that the vote would then be taken on R13-62 which denied impact fees.

Ms. Stimpson said that the Commonwealth was a Dillon Rule state and therefore, the General Assembly was constitutionally charged to levy taxes; that it was put in place to keep a hold of localities where taxes were concerned. Everything the County does was at the pleasure of the State, which had to give authority to a county to put impact fees in place. She added that when the Board talked about meeting transportation needs, Ms. Stimpson said that she would submit that it was the General Assembly that should do it. When people talked about Stafford County being the seventh highest income in the United States, she wished to remind them that income tax went to the State, not to the County. Ms. Stimpson talked about the growth in the State's budget but the transportation budget staying at only 5% growth. She said that the term used was raising revenue, that it may be called an impact fee but in reality, it was just another tax on some of the citizens of Stafford County. Ms. Stimpson talked about taxing the Internet, vending machines, and now a new tax, called impact fees. She concluded her remarks saying that the Board prided itself on reducing or eliminating taxes such as BPOL, the boat tax, etc., but now the Board was about to approve impact fees. The transportation bond was a bond approved by the citizens of the County to take care of the road infrastructure in the County. Voters did not approve impact fees. She said that it was a move called devolution whereby counties become responsible for its roads, even though the State is supposed to be responsible; that Stafford was a donor county with needs that were not being met by the State. Ms. Stimpson added that she hoped that the Board did not pass impact fees; that she felt that it was just another burden to the citizens of the County and she was very disappointed that it was even being considered in light of the amount of money that it would bring in (\$100k, which was not even the cost of a traffic light). It was not a pioneering effort for which Ms. Stimpson wished Stafford to be known.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R13-61.

The Voting Board tally was:

Yea: (5) Cavalier, Milde, Schieber, Snellings, Sterling
 Nay: (2) Stimpson, Thomas

Resolution R13-61 reads as follows:

A RESOLUTION TO APPROVE AND ADOPT PROPOSED AMENDMENTS TO THE TEXTUAL DOCUMENT, “STAFFORD COUNTY, VIRGINIA, COMPREHENSIVE PLAN, 2010-2030,” AND THE TEXTUAL DOCUMENT, “TRANSPORTATION PLAN”

WHEREAS, under Virginia Code § 15.2-2229, the Board may amend its Comprehensive Plan; and

WHEREAS, on February 5, 2013, the Board directed the Planning Commission to hold a public hearing to consider the proposed Comprehensive Plan Amendments for Chapter 4, Transportation Plan and Transportation Plan Background information, and Appendix G, of the Comprehensive Plan; and

WHEREAS, the proposed Comprehensive Plan Amendments would amend the Comprehensive Plan by amending the textual document, “Stafford County, Virginia, Comprehensive Plan, 2010-2030,” and the textual document, “Transportation Plan,” to: (1) eliminate references to the current impact fee areas; (2) establish a County-wide Impact Fee Service Area that would encompass all properties within the boundary of the County, excluding lands within Quantico Marine Corps Base; (3) establish an Impact Fee project list; (4) provide maps depicting the proposed projects; and (5) amend the appendix of the Comprehensive Plan to eliminate old typical street cross sections for roadway design and establish new typical street cross sections for roadway design; and

WHEREAS, the Planning Commission duly advertised and held a public hearing on March 27, 2013 on the proposed Comprehensive Plan Amendments, received staff’s recommendation supporting approval of the proposed Comprehensive Plan Amendments, received and considered public testimony, and voted 7-0 to recommend approval of the proposed Comprehensive Plan Amendments, and forwarded its recommendation to the Board; and

WHEREAS, the Board duly advertised, and held a public hearing on the proposed Comprehensive Plan Amendments on May 21, 2013, at which time public testimony was received and the proposed Comprehensive Plan Amendments were considered 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 desires to adopt the proposed Comprehensive Plan amendments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that it be and hereby does adopt the proposed Comprehensive Plan amendments as advertised.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O13-15 with the \$2999.00 option; with one-year grandfathering, and an exemption if construction plans were already approved. Mr. Dayton said that those issues were already imbedded within the proposed Ordinance. Mr. Romanello confirmed that Stafford was the only county to impose impact fees under the old legislation; Culpeper County imposed then repealed impact fees under the new legislation.

Mr. Sterling said that he just heard Ms. Stimpson talking about the General Assembly's responsibility for roads in the State, but in the past she criticized them for doing so. Ms. Stimpson said she was talking about prioritizing. He added that while Ms. Stimpson advocated that it be done through bonding, road bonds would be paid for over thirty years, which would put a debt on the County's children, which Mr. Sterling strenuously opposed.

Mr. Romanello ensured that the Board was clear on the motion saying that in Exhibit A, the date changed from June, 2012, to January, 2013; in Exhibit B, the dollar amount changed to \$2,999; and the effective date of the Ordinance would be one year from May 21, 2013. Mr. Milde confirmed that the intent of his motion was as Mr. Romanello stated, including that it exempted family subdivisions. He added that his motion represented a compromise from the \$540k originally proposed.

Mr. Thomas asked Mr. Dayton about a model which kicked-out the higher number, which staff may recommend then the Board, every two years, and would want to lower. Mr. Dayton said that as the financial model was set up, in accordance with whatever the Board puts in place, staff would have to recognize some financial deficiencies from new growth, and come up with a plan to cover those deficiencies through the Transportation Plan, through transportation bonds, or other identified revenue sources. Staff would work immediately towards setting up the financial model based on whatever the Board adopts.

In two years, staff would see how collections were going, how the CIP was moving forward, which was a key component, and bring that to the Board. Mr. Thomas said that his fear was that once it was adopted with a lower fee, it would be very easy for the fee to rise and in five years, be where the recommendation was at present. Mr. Dayton said that the formula would be based on modeling, which was not done yet, but would be built around the proposed lower \$2,999 number. Mr. Thomas said that with the new, lower number, Mr. Milde believed that the 20 project list would be shortened. Mr. Dayton clarified that it would take a longer time to complete the list.

Ms. Stimpson said that the Board was supposed to be a steward of the County’s tax dollars, having the Board’s priorities reflected in the County’s budget. The General Assembly was tasked with prioritizing needs in the State’s budget, after the County levied taxes on its citizens. As a Dillon Rule State, the State was responsible for its infrastructure; its roads. Any bonds that the County moved forward were within strict financial guidelines based on what the County could afford. Ms. Stimpson said that it was a very sad day that another tax was being passed on to its citizens; that she could not believe that the Board was adding another tax burden to its citizens.

The Voting Board tally was:

- Yea: (5) Cavalier, Milde, Schieber, Snellings, Sterling
- Nay: (2) Stimpson, Thomas

Mr. Milde said that it was very gratifying to have this common sense ordinance passed after seven years.

Ordinance O13-15 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 13.5, ARTICLE I, ENTITLED “ROAD IMPACT FEES”

WHEREAS, the Board desires to amend Stafford County Code, Chapter 13.5, Article I, entitled “Road Impact Fees;” and

WHEREAS, the Board’s adoption of this ordinance will repeal the road impact fees for the Central West impact fee service area; and

WHEREAS, the Board’s adoption of this ordinance will adopt a County-wide road impact fee service area; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that Stafford County Code be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Chapter 13.5 - IMPACT FEES

ARTICLE I. - ROAD IMPACT FEES

Sec. 13.5-1. - Short title, authority, and applicability.

- (a) This article shall be known and may be cited as the "Road Impact Fee Ordinance."
- (b) The board of supervisors has the authority to adopt this article pursuant to Virginia Code section 15.2-2317, et seq. ~~Code of Virginia, (1950), as amended.~~
- (c) Except as specifically provided herein, this article shall apply, upon the effective date, ~~thereof~~ May 21, 2014, to new development of all land contained in a the designated impact fee service area in Stafford County to generate revenue to fund or recover the costs of reasonable road improvements ~~necessitated by and attributable to~~ benefitting new development.

Sec. 13.5-2. - Definitions.

- (a) *Cost* includes, those expenses attributable to completion of road improvement projects, in addition to all labor, materials, machinery, and equipment for construction; (i) acquisition of land, rights-of-way, property rights, easements, and interests, including the cost of moving or relocating utilities; (ii) demolition or removal of any structure on land so acquired, including acquisition of land to which such structure may be moved; (iii) survey, engineering, environmental, archeological, and architectural expenses; (iv) legal, administrative, and other related expenses; and (v) interest charges and other financing costs if impact fees are used for the payment of principal and interest on bonds, notes, or other obligations issued by the ~~locality~~ county to finance the road improvement.
- (b) *Impact fee* means a charge or assessment imposed against new development ~~contained~~ located within a the designated impact fee service area in order to generate revenue to fund or recover the costs of reasonable road improvements ~~necessitated by and attributable to~~ benefitting the new development in said area. Impact fees may not be assessed and imposed for road repair, operation, and maintenance, nor to expand existing roads to meet demand which existed prior to the new development.
- (c) *New development* means all new residential use and development of lands in a the designated impact fee service area except for ~~new development by religious organizations exempt from taxation under article X, section 6 of the Constitution of Virginia, and~~ new development designated in the county's capital improvements program to be financed and constructed with public funds. New development shall not include additions to existing residential buildings and/or replacement of existing residential buildings.
- (d) *Impact fee service area* means land designated ~~by ordinance~~ within this article and the comprehensive plan of the county, having clearly defined boundaries and clearly related traffic needs and within which development is to be subject to the assessment of impact fees.
- (e) *Road improvement* includes construction of new roads or improvement or expansion of existing roads and related appurtenances as required by applicable construction

standards of the Virginia Department of Transportation, or the applicable standards of the county, to meet increased demand attributable to new development. Road improvements do not include on-site construction of roads that a developer may be required to provide pursuant to Virginia Code sections 15.2-2241 through 15.2-2245. ~~{Code of Virginia 1950}~~.

State law reference: Virginia Code § 15.2-2318.

Sec. 13.5-3. - Imposition of road impact fees.

(a) Except as provided in section 13.5-7 of this article, any person who, after the effective date of this article ~~{June 30, 2003}~~, May 21, 2014, seeks to engage in new development in a the designated impact fee service area, ~~by applying to Stafford County for the approval of a subdivision plat or plan of development, or the issuance of a building permit~~ shall be required to pay a road impact fee ~~in the manner and amount set forth in this article.~~ The amount of impact fees to be imposed on a specific development or subdivision shall be determined before or at the time of construction site plan or subdivision construction plan approval. For Minor subdivisions, which do not have a construction approval stage, the amount to be imposed will be calculated at the time of final plat approval.

(b) ~~No occupancy permit~~ building permit for any activity requiring payment of a road impact fee in a the designated impact fee service area shall be issued unless and until the road impact fee has been paid as provided ~~herein~~ in this article.

(c) The county shall calculate and account for the required road impact fees for the development of any new non-residential site plan.

State law references: Virginia Code §§§ 15.2-2317, 15.2-2319, and 15.2-2323.

Sec. 13.5-4. - Road impact service area.

~~There is hereby established a road impact fee service area in the western portion of the county as more particularly designated in exhibit A, attached to Ordinance No. 003-32, which is on file in the office of the county administrator. There is hereby established a road impact fee service area that encompasses all land located in the county, except any land located within the boundary of Marine Corps Base Quantico, as shown within the county's comprehensive plan.~~

State law reference: Virginia Code § 15.2-2320.

Sec. 13.5-5. - Road impact fee schedule.

(a) The amount of the road impact fee shall be determined by the schedule attached to this article as Exhibit B ("Road Improvements Plan and Road Impact Fees"), dated January 2013, which is incorporated herein by reference.

~~(b) The amount of road impact fees to be imposed for a specific project or development shall be determined as provided by the schedule before or at the time the subdivision plat or site plan is approved. For projects or developments where the subdivision plat or the site plan was approved prior to the effective date of this article [June 30, 2003], or for specific projects for which no subdivision plat or site plan is required, the amount of the road impact fee or fees shall be determined as provided by the schedule at the time of issuance of any building permit or permits.~~

(b) The road impact fee schedule has been calculated using the road impact fee project list identified in Chapter 4 of the Comprehensive Plan and attached as Exhibit A (Road Impact Fee Project List), dated June 2012, which is incorporated herein by reference.

State law references: Virginia Code §§ 15.2-2322 and 15.2-2323.

Sec. 13.5-6. - When road impact fees to be paid.

Road impact fees shall be paid in full to the county at the time of issuance of a ~~certificate of occupancy~~ building permit unless the county administrator has agreed to accept installment payments at a reasonable rate of interest for a fixed number of years.

State law reference: Virginia Code § 15.2-2323.

Sec. 13.5-7. - Credits against road impact fees.

~~(a) An estimate of funds received by the county for fuel and highway user's taxes attributable to various types of development have been included as a credit against the road impact fees as set forth in exhibit B.~~

~~(b) Credit shall be given for the cost of any dedication, contribution or construction by a property owner for approved off-site road improvements within the impact fee service area. As a condition of receiving this credit, the property owner shall provide the county with an engineer's certificate of the cost for said offsite improvements with supporting documentation satisfactory to the county.~~

~~(c) To the extent that credits have not previously been considered under subsections (a) and (b) above, credits shall also be calculated and applied against road impact fees to the extent that (i) new development has already contributed to the cost of existing roads which will serve the development; (ii) new development will contribute to the cost of existing roads; and (iii) new development will contribute to the cost of road improvements in the future other than through impact fees.~~

The value, as calculated according to the county impact fee policy, of any dedication, contribution, or construction from the developer for off-site road or other transportation improvements benefiting the impact fee service area shall be treated as a credit against the impact fees imposed on the developer's project. The county shall treat as a credit any off-

site transportation dedication, contribution, or construction, whether it is a condition of a rezoning or otherwise committed to the county.

The county also shall calculate and credit against impact fees the extent to which (i) other developments have already contributed to the cost of existing roads which will benefit the development, (ii) new development will contribute to the cost of existing roads, and (iii) new development will contribute to the cost of road improvements in the future other than through impact fees, including any special taxing districts, special assessments, or community development authorities.

The county may employ the transportation fund to complete road impact fee projects and credit the road impact fee trust fund for these expenses.

State law reference: Virginia Code § 15.2-2324.

Sec. 13.5-8. - Exemption from payment of road impact fees.

~~No road impact fee shall be assessed or imposed upon new development if the owner or developer has proffered conditions pursuant to sections 15.2-2298 or 15.2-2303, Code of Virginia, (1950), as amended, for off-site road improvements, and the proffered conditions have been accepted by the county.~~

(a) Non-residential development is exempt from the imposition and collection of the road impact fees established under this article.

(b) The road impact fees associated with the future growth of non-residential development are incorporated in the road impact fee methodology and will be calculated and accounted for considering expenditures of qualified, non-road impact fee funding on road impact fee projects.

(c) In the event funding is insufficient to offset the exemption, the board of supervisors will either commit sufficient funds to the road impact fee trust fund or will repeal the exemption so that, in either case, the road improvement plan can be implemented at adopted levels of service and nonexempt development will not pay more than its proportionate share as a result of the exemption established in this section.

(d) Family Subdivisions shall be exempt from the imposition and collection of the road impact fees established under this article.

Sec. 13.5-9. - Road impact fee trust fund.

(a) There is hereby established a road impact fee trust fund for the impact fee service area as set forth above established under section 13.5-4 and designated within the county's comprehensive plan.

(b) All funds collected through road impact fees shall be deposited in an interest-bearing

account for the benefit of the impact fee service area. Interest earned on each deposit shall become funds of the account.

(c) The expenditure of funds from the account shall be only for road improvements ~~within~~ benefitting the designated impact fee service area as set forth in this Ordinance ~~the road improvement plan for this area.~~

State law reference: Virginia Code § 15.2-2326.

Sec. 13.5-10. - Refund of road impact fees.

(a) The county shall refund ~~all or a pro-rata portion of~~ any road impact fee, ~~or portion thereof, for which construction of a project is not completed within a reasonable period of time, not to exceed fifteen years. In the event that impact fees are not committed to road improvements benefiting the impact fee service area within seven years from the date of collection, the county may commit any such impact fees to the secondary or urban system construction program of the county for road improvements that benefit the impact fee service area. with any interest earned if construction of a project within the designated impact fee service area which was proposed at the time the fee was imposed is not substantially completed within fifteen (15) years after the time the fee was paid.~~

(b) Upon completion of a ~~major~~ project included in the road improvement plan, the county shall recalculate the road impact fee based on the actual cost of the improvements; ~~and. The county shall~~ refund any difference if the road impact fee exceeds the actual costs by more than fifteen (15) percent.

(c) Any refunds shall be made to the record owner of the property at the time the refund is ~~required to be made.~~

State law reference: Virginia Code § 15.2-2327.

Sec. 13.5-11. - Appeals.

(a) There is ~~hereby~~ established ~~the~~ a road impact fee appeals board. The board shall consist of five (5) members including the county administrator or his designee, the county treasurer, the Virginia Department of Transportation (VDOT) resident engineer or his designee, and two (2) citizens appointed by the board of supervisors, one of whom shall be a representative from the development industry.

(b) Any person aggrieved by any administrative decision or determination regarding the imposition of road impact fees may appeal the administrative decision or determination to the road impact fees appeals board.

(c) The appeal to the road impact fee appeals board shall be taken within thirty (30) days after the administrative decision or determination appealed from by filing with the county administrator, or his designee, a written notice of appeal specifying the grounds thereof of the appeal. Upon receipt of a written notice of appeal, the county administrator, or his designee, or the road impact fee appeals board, may request additional documentation and information specifying the grounds and basis of the appeal.

(d) Upon receipt of a written notice of appeal, the road impact fee appeals board shall set and hold a hearing to consider the appeal within sixty (60) days of the date that the appeals board receives notice of the appeal. During a hearing, the person(s) appealing the administrative decision or determination, and the county administrator or his designee, may present oral testimony and documents to the board for its consideration. The road impact fee appeals board shall issue its written decision on the appeal within thirty (30) days following the completion of the hearing.

State law reference: Virginia Code § 15.2-2323.

Sec. 13.5-12. - Updating plan and amending road impact fees.

(a) The county shall update the needs assessment and the assumptions and projections underlying the road impact fee schedule at least once every two (2) years.

(b) The road ~~improvement~~ impact fee project list plan shall be updated at least every two (2) years to reflect the current assumptions and projections.

(c) The road impact fee schedule may be amended to reflect any substantial changes in such assumptions and projections. Any impact fees not yet paid shall be assessed at the updated rate.

State law reference: Virginia Code § 15.2-2325.

Sec. 13.5-13. - Severability.

If any section, phrase, sentence, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions ~~thereof~~ of this article.

Sec. 13.5-14. - Effective date.

This article assessing and imposing impact fees on new development shall become effective on ~~June 30, 2003~~ May 21, 2014.

Exhibit A

Road Impact Fee Project List
June 2012

	From	To
Richards Ferry Road	Warrenton Road	Cotton Lane
Holly Corner Road	Warrenton Road	Hall Lane
Ramoth Church Road	Courthouse Road	Kellogg Mill Road
Embrey Mill Road	Winding Creek Road	Eustace Road
Courthouse Road	Austin Ridge Drive	Walpole Street
Enon Road	Hulls Chapel Road	Truslow Road
Enon Road	Porter Lane	Hulls Chapel Road
Enon Road	Cambridge Street	Porter Lane
Cambridge Street	City of Fredericksburg Line	Warrenton Road / Butler Road
Eustace Road	Embrey Mill Road	Garrisonville Road
Kellogg Mill Road	Poplar Road	Ramoth Church Road
Eskimo Hill Road	Jefferson Davis Highway	Potomac Run Road
Brooke Road	New Hope Church Road	Andrew Chapel Road
Jefferson Davis Highway	Garrisonville Road	Telegraph Road
Andrew Chapel Road	Courthouse Road	Brooke Road
Winding Creek Road	Courthouse Road	Shelton Shop Road
Staffordboro Boulevard	Sunningdale Drive	Pike Place
Staffordboro Boulevard	Garrisonville Road	Sunningdale Drive
Mine Road	Garrisonville Road	Settlers Way
Truslow Road	Cambridge Street	Poplar Road
Garrisonville Road	Rock Hill Church Road	Joshua Road
Plantation Drive	Lichfield Boulevard	Lyons Boulevard / Gladstone Drive
Joshua Road	Garrisonville Road	St. George's Drive

Exhibit B

**Road Improvements Plan and Road Impact Fees
Per Study Dated January 2013**

Land Use Type	Unit	Impact Fee
Residential		
Single Family Detached	DU	\$2,999
Single Family Attached	DU	\$2,999

Multi-Family	DU	\$2,999
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Non-Residential

Industrial	1,000 SF	\$900
Retail	1,000 SF	\$7,450
Office	1,000 SF	\$2,800
Other	1,000 SF	\$2,800

Recess: At 9:10 p.m., the Chairman declared a recess.

Call to Order: At 9:23 p.m., the Chairman called the meeting back to order.

Item 20. Planning and Zoning; Consider an Amendment to the Fee Schedule for Transfer of Development Rights Applications Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Ordinance O13-29.

The Voting Board tally was:

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

Nay: (1) Stimpson

Ordinance O13-29 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE REGARDING FEES FOR TRANSFER OF DEVELOPMENT RIGHTS APPLICATION REVIEW SERVICES

WHEREAS, Virginia Code §§ 15.2-2240 and 15.2-2286 authorize the Board to set reasonable fees for land development application review services provided by the Department of Planning and Zoning; and

WHEREAS, on February 19, 2013, under Virginia Code §§ 15.2-2316.1 and 15.2-2316.2, the Board adopted a Transfer of Development Rights (TDR) Ordinance, and established a TDR program; and

WHEREAS, the TDR ordinance requires the submission and review of applications and other required information; and

WHEREAS, the Board desires to adopt fees for the review of TDR applications; and

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

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

NOW, THEREFORE BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that the schedule of fees for development review services listed below, and provided by the Department of Planning and Zoning, be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

<u>Service</u>	<u>Current Fee</u>	<u>Proposed Fee</u>	<u>Percent Change</u>
<u>Determination of Development rights</u>	<u>\$0</u>	<u>\$50.00</u> <u>+2.75% technology fee</u>	<u>100%</u>
<u>Issuance of TDR certificate & severance of development rights</u>	<u>\$0</u>	<u>\$180.00</u> <u>+2.75% technology fee</u>	<u>100%</u>
<u>Ownership transfer of TDR certificate</u>	<u>\$0</u>	<u>\$85.00</u> <u>+2.75% technology fee</u>	<u>100%</u>

; and

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

Public Works; Convey Easements and Right-of-Way on County-owned Property for the Mountain View Road Improvement Project Mr. Mike Smith, Director of Public Works, 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. Snellings, to adopt proposed Resolution R13-135.

The Voting Board tally was:

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

Nay: (0)

Resolution R13-135 reads as follows:

A RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PROPERTY AS ROAD RIGHT-OF-WAY TO VDOT; AND A PERMANENT DRAINAGE EASEMENT AND UTILITY EASEMENT TO BE CONVEYED TO NORTHERN VIRGINIA ELECTRIC COOPERATIVE (NOVEC), FOR THE MOUNTAIN VIEW ROAD IMPROVEMENT PROJECT

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

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

WHEREAS, the Board approved the acquisition of the properties necessary for the completion of the road improvements, and County staff has acquired the necessary portions of property for right-of-way, and permanent drainage and utility easements; and

WHEREAS, the County must convey portions of Tax Map Parcel 18-74 to VDOT and NOVEC in order for the road improvement project to proceed; and

WHEREAS, the property required is One Hundred Twenty-three square feet (123 sq. ft.) of right-of-way to be conveyed to VDOT; and Two Hundred Eighty-eight square feet (288 sq. ft.) of permanent drainage easement and Two Thousand Five Hundred Fifty-three square feet (2,553 sq. ft.) of utility easement to be conveyed to Northern Virginia Electric Cooperative (NOVEC); and

WHEREAS, the Board conducted a public hearing, pursuant to Virginia Code § 15.2-1800(B), to determine the necessity of conveying these property interests, and carefully consider the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board finds that the above-referenced conveyances 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 21st day of May 2013, that the Board be and it hereby does authorize the conveyance of portions of Tax Map Parcel 18-74 in the following amounts: One Hundred Twenty-three square feet (123 sq. ft.) of right-of-way to VDOT; and Two Hundred Eighty-eight square feet (288 sq. ft.) of permanent drainage easement and Two Thousand Five Hundred Fifty-three square feet (2,553 sq. ft.) of utility easement to be conveyed to NOVEC; and

BE IT FURTHER RESOLVED that the County Administrator or his designee is authorized to execute any documentation that is necessary or appropriate to convey this right-of-way and these easements.

Item 14. Infrastructure Committee; Provide Direction on Design Elements of the Indoor Recreation Center at Embrey Mill Mr. Schieber discussed the process that went into the decision and recommendation for Option 5 and talked about the difference in building the facility new v. identifying an additional need later on and having to pay for a remodel, which was much more cost prohibitive than “getting it right the first time.” He said that it was an investment that the County could afford. Mr. Thomas said that he and Jeff Rouse, Olympic Gold Medal swimmer and member of the Parks and Recreation Commission, toured similar facilities. He added that it was his intention to put the needs of families in the County first, and that with the option to add a removable floor to enable family access to a shallow-end of the proposed pool, he was in support of Option 5.

Ms. Stimpson said that she aggressively moved forward with the idea of having another pool and she admired Mr. Cavalier and Mr. Schieber (and staff) for their hard work on this; that she met with Mr. Barney Reilly with the YMCA about a proposed YMCA, with a price tag of \$6M. The proposed pool, Option 5, was now at \$11M and that while she believed that the community needed a pool, she would be voting no because the project was too expensive.

Mr. Schieber motioned, seconded by Mr. Cavalier to adopt proposed Resolution R13-140.

The Voting Board tally was:

Yea: (5) Cavalier, Milde, Schieber, Sterling, Thomas
Nay: (2) Snellings, Stimpson

Resolution R13-140 reads as follows:

A RESOLUTION TO PROVIDE DIRECTION TO THE COUNTY ADMINISTRATOR ON THE DESIGN OF THE INDOOR RECREATION CENTER AT EMBREY MILL

WHEREAS, staff identified multiple options for the design of the aquatics area within the indoor recreation center at Embrey Mill (the Facility); and

WHEREAS, these options provide for increasing opportunities to host local, state, and regional swimming meets; and

WHEREAS, hosting local, state, and regional swimming meets will provide an economic benefit to the Facility and to many businesses in the County from the participants attending these events; and

WHEREAS, improving the aquatics area to enhance the ability to attract larger events will increase the cost of the Facility above the original estimated construction cost of \$7.3 million; and

WHEREAS, increasing the size of the Facility to allow additional seating capacity, deck area for athletes, competition timing systems, parking, and other improvements (Option 1) will increase the construction cost for the Facility to an estimated \$8.85 million; and

WHEREAS, further improvements to add a warm-up pool for athletes, a pool depth not less than two meters, and other amenities (Option 5) will increase the construction cost for the Facility to slightly more than \$11 million;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that the County Administrator be and he is hereby directed to design the indoor recreation center at Embrey Mill Option 5.

Item 15. Utilities; Presentation on the Cost of Services/Rates Study by Public Resources Management Group (PRMG); Presentation of the Utilities CIP; and Authorize Public Hearings to Amend Water and Sewer User Fees; Consider Water and Sewer Revenue Bond Financing Program, and the Utilities Proposed FY2013-2023 Capital Improvement Program Mr. Harry Critzer, Director of Utilities, introduced the item. A presentation was given by Mr. Rob Ori, Public Resources Management Group (PRMG).

Ms. Stimpson questioned the use of energy efficient appliances which, Mr. Ori responded, led to greater water conservation results by those who use them. Regarding the CIP “wish list,” Mr. Romanello said that it was done by thorough analysis of what was recommended, but that the Board did not have to do all at one time. He added that a 9.5% rate increase was recommended by PRMG.

Mr. Sterling noted that PRMG’s estimate v. the Bureau of Labor Statistic’s numbers did not match the pie chart (Slide 26) and asked which was correct. Mr. Ori said that it did not include benefits, which accounted for the variance.

Mr. Sterling asked Mr. Critzer about implementation dates. Mr. Critzer said that it was hoped to implement water usage rates on July 1, 2013, with the increase being shown on the August 1, 2013 bills. In subsequent years, it would take place on June 1st and be billed on July 1st.

Ms. Stimpson said that the CIP portion of the presentation would be deferred to June 4, 2013.

Mr. Cavalier motioned, seconded by Mr. Sterling, to adopt proposed Resolution R13-139.

The Voting Board tally was:

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

Resolution R13-139 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE PUBLIC HEARINGS TO CONSIDER AMENDING AND READOPTING FEES FOR PROVIDING PUBLIC WATER AND SEWER SERVICE; AUTHORIZING A WATER AND SEWER REVENUE BOND FINANCING PROGRAM; AND ADOPTING THE PROPOSED FY2014-2023 CAPITAL IMPROVEMENTS PROGRAM FOR THE DEPARTMENT OF UTILITIES

WHEREAS, the Board is authorized to establish reasonable fees and charges for public water and sewer service; and

WHEREAS, such authority is found in Virginia Code §§ 15.1-2111, 15.2-2119, and 15.2-2122, and Chapter 25 of the County Code authorizes the establishment of such fees; and

WHEREAS, the Board desires to establish the fees commensurate with the services provided by the County; and

WHEREAS, the Board determined that it may be necessary or desirable to contract a debt, and to issue water and sewer system revenue bonds (the “Bonds”), in an estimated maximum principal amount not to exceed \$51,500,000, which includes an amount sufficient to fund \$45,000,000 in project costs, plus the cost of issuance, possible discounts, and required reserves, to finance some or all of the costs of projects associated with the Department of Utilities Capital Improvement Program (“Projects”); and

WHEREAS, the Board determined that it may be necessary or desirable to advance money to pay costs of the Projects, and to reimburse such advances with proceeds from the Bonds; and

WHEREAS, Virginia Code §15.2-2506 requires that the Board shall cause to be published in a newspaper having general circulation in the County, a brief synopsis of the budget, and notices of a public hearing, at which any citizen of the County shall have the right to attend and state his/her views thereon; and

WHEREAS, the Board desires to bring to the attention of the citizens of the County those projects addressing critical needs as are included in the Department of Utilities FY2014-2023 Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 21st day of May, 2013, that the County Administrator be and he hereby is authorized to advertise public hearings to consider amending and readopting fees for providing public water and sewer service; to consider a water and sewer system revenue bond financing program; and to consider adoption of the proposed FY2014-2023 Capital Improvements Program for the Department of Utilities; and

BE IT FURTHER RESOLVED that the Board adopts this declaration of official intent under Treasury Regulation Section 1.150-2, and reasonably expects to reimburse advances made, or to be made, by the County to pay the costs of the Projects from the proceeds of the Bonds, to be issued in an estimated maximum principal amount not to exceed \$51,500,000, which includes an amount sufficient to fund \$45,000,000 of project costs, plus the cost of issuance, possible discounts, and required reserves.

Item 22. Discuss the School Board's Budget. This item was added for discussion by Mr. Thomas. Mr. Thomas said that the Board was asked to help the School Board by adding additional money to its FY2014 budget, designated for teacher/staff raises. The School Board's approved budget summary was provided for the Board's review.

Mr. Thomas motioned, seconded by Mr. Snellings, to suspend the Board's Bylaws to vote on proposed Resolution R13-186.

The Voting Board tally was:

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

Mr. Sterling said that he had a concern about the \$600k Activity Fee, adding that he wanted additional information on the need and planned uses of that money before he could vote affirmatively on proposed Resolution R13-186. He was fine with going

forward with 99% of the proposed Resolution, just not the portion referring to the Activity Fee until the Board received greater detail from the School Board.

Mr. Cavalier said that there was no rush to pass the proposed Resolution and suggested a two-week deferral until the information could be obtained from the School Board.

Mr. Sterling motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R13-186, omitting the \$600k Activity Fund until additional information was received from the School Board.

The Voting Board tally was:

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

Resolution R13-186 reads as follows:

A RESOLUTION TO AMEND THE FY2014 BUDGET AND APPROPRIATION FOR THE SCHOOLS' OPERATING FUND

WHEREAS, the School Board has adopted a budget that meets the Board of Supervisors' priority of increasing compensation for Schools' employees with a 2.5% increase effective July 1, 2013 for employees who are not at the top of the scale, a 1% salary increase effective July 1, 2013 for all employees, and funding for the next step of the mandatory VRS 5-5; and

WHEREAS, additional \$600,000 in additional revenues are available by implementing an activities fee; and

WHEREAS, FY2013 carryover money has been included in the School Board's approved budget which will be considered for budget and appropriation by the Board of Supervisors after the completion of the FY2013 audit; and

WHEREAS, the School Board adjustments do not remove any funding from the classroom and no one-time money was used to fund raises;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that it be and hereby does adjust the budget and appropriation of the FY2014 Schools' Operating Fund as follows:

	Adopted Budget (R13-98)	Amended Budget	Appropriation (R13-99)	Amended Appropriation
School Operating Fund				
Instruction	187,997,963	187,200,238	183,884,682	183,105,029
Administration Attendance and Health	10,260,085	10,956,118	10,035,555	10,716,254
Transportation	14,469,534	14,290,207	14,153,001	13,977,508
Operation and Maintenance	22,980,883	22,404,023	22,478,154	21,913,890
Instructional Technology and Information Services	14,097,287	15,137,438	13,788,969	14,806,119
Food service	227,611	234,657	222,682	229,728
Facilities	287,721	98,403	281,697	96,212
Debt Service	461,909	461,909	461,909	461,909
Contingency	500,000	500,000	500,000	500,000
Total School Operating Fund	251,282,993	251,282,993	245,806,649	245,806,649

Legislative; Closed Meeting. At 10:37 p.m., Mr. Snellings motioned, seconded by Mr. Thomas, to adopt proposed Resolution CM13-11.

The Voting Board tally was:

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

Resolution CM13-11 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for discussion regarding the potential acquisition of real property for a public purpose(s), including an academic presence and/or economic development; and

WHEREAS, pursuant to Virginia Code Section 2.2-3711(A)(3), such discussion may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 21st day of May, 2013, does hereby authorize discussion of the aforestated matter in Closed Meeting.

Call to Order At 10:49 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Snellings motioned, seconded by Mr. Thomas, to adopt proposed Resolution CM13-11(a).

The Voting Board tally was:

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

Resolution CM13-11(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD
COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON
MAY 21, 2013

WHEREAS, the Board has, on this the 21st day of May, 2013, 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 21st day of May, 2013, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Adjournment: At 10:50 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Susan B. Stimpson
Chairman