BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

December 4, 2012

Call to Order The regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 3:03 p.m., on Tuesday, December 4, 2012, in the Board Chambers, at the George L. Gordon, Jr. Government Center.

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

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

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

Ray Scher	-	Affordable Care Act
Bill Botts	-	Affordable Care Act
George Anne Duckett	-	Affordable Care Act
Jimmy Franklin	-	Boat Tax

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

Mr. Milde	-	Deferred
Mr. Schieber	-	Gwyneth's Law, received Schools list today, meeting to be scheduled as soon as possible
Mr. Snellings	-	Deferred
Mr. Sterling	-	Deferred
Mr. Thomas	-	Falmouth Elementary rededication; Heritage Festival
Mr. Cavalier	-	Deferred

Ms. Stimpson - Finance, Audit, and Budget Presentation; Classification and Compensation Study (especially Public Safety); Self-Contained Breathing Apparatus replacement; Update on the Affordable Care Act including costs and pressure on the County due to mandates

Presentation: Rappahannock Area Community Services Board (RACSB) Update Mr. Jack Rowley gave a presentation and spoke on behalf of the RACSB. A tour of Stafford County facilities is scheduled for January 29, 2013 from 9:15 a.m. to 1:00 p.m. with transportation and lunch provided. All members of the Board were invited to attend. A 16 minute video was distributed to the Board along with additional hand-outs which detailed the RACSB's past accomplishments.

The FY2012 Comprehensive Annual Financial Report (CAFR) Presentation by Cherry, Bekaert and Holland Kurt Miller, a partner with Cherry Bekaert and Holland, gave a presentation and an overview of the recently completed County audit stating that it was a low-risk audit, and was given an unqualified opinion (OMB Circular A-133). Ms. Sarah Coehlo said that auditors were held responsible under professional standards and that in FY2012, there were no new standards adopted. She added that in 2013, however, there would be many new standards.

A significant deficiency was noted where not all Statements of Economic Interest were in compliance with the receipt date due of January 15, 2012. A number of forms were submitted after that date and the auditors were unable to determine that a significant effort had been made to get all Statements turned in on time.

Management recommendations were discussed including: a reconciliation of the Weldon/Cooper survey did not reconcile to the General Ledger. This item was rectified immediately by staff. The second management recommendation reflected a difference in the cash reconciliation between the Treasurer and the General Ledger. This, too, was rectified immediately by staff. A third recommendation referred to land, from 2006, and $5,850,000, which should have been dealt with at that time but was not. The County took care of this recommendation as well.

Mr. Sterling inquired as to who submits the Conflict of Interest form. Ms. Coehlo said that there were approximately 50 individuals required to submit the form by January 15th of each calendar year. She added that no elected officials were late in the submission of their Conflict of Interests forms and that the County should demonstrate significant effort to receive all required forms by the required date.

Ms. Stimpson thanked Mr. Miller and Ms. Coehlo for their report.

Report of the County Attorney Mr. Shumate deferred.

Report of the County Administrator Mr. Anthony Romanello, County Administrator, said that the November 20, 2012, minutes (Item #6 on the Consent Agenda) was deferred so that staff could revise certain portions of the minutes. He also told the Board that a binder containing the Human Services Master Plan was available at their seats, and introduced Donna Krauss who gave a presentation on the Plan. Ms. Krauss talked about the creation of a Human Services Inter-Agency Council, which will work towards connecting the dots between all agencies providing services in Stafford and surrounding localities.

Mr. Thomas said that he had an opportunity to review the Plan and said that, just as Planning/Zoning developed a one-stop shop to aid citizens; an Inter-Agency Council would benefit those seeking human services aid. Mr. Thomas asked about a fiscal analysis. Ms. Krauss said that as soon as the financial analysis was complete, it would be provided to the Board.

Ms. Stimpson thanked Ms. Krauss and said that she was doing a great job.

Legislative; Closed Meeting. At 3:59 P.M., following additional discussion on the issue, Mr. Thomas motioned, seconded by Mr. Sterling, to adopt proposed Resolution CM12-24.

The Voting tally was:

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

Resolution CM12-24 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel regarding the lawsuits being addressed by the Widewater Litigation Review Committee; and (2) consultation with legal counsel regarding the proposed TDR ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 4th day of December, 2012, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At 4:47 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Mr. Schieber, to adopt proposed Resolution CM12-24(a). Mr. Thomas also stated that the Board held a discussion on the TDR ordinance.

The Voting Board tally was:

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

Resolution CM12-24(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON DECEMBER 4, 2012

WHEREAS, the Board has, on this the 4th day of December, 2012, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 4th day of December, 2012, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Legislative; Additions and Deletions to the Agenda Mr. Sterling motioned, seconded by Mr. Schieber, to accept the agenda with no additions or deletions, and the deferral of Item 6. Legislative; Approve Minutes of the November 20, 2012 Board Meeting, to December 18, 2012.

The Voting Board tally was:

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

Legislative; Consent Agenda Mr. Milde motioned, seconded by Mr. Thomas, to accept the Consent Agenda consisting of Items 6 through 14, and deferring Item 6. to the December 18th Board Meeting.

The Voting Board tally was:
Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Item 7. Finance and Budget; Approve Expenditure Listing

Resolution R12-372 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED NOVEMBER 20, 2012 THROUGH DECEMBER 3, 2012

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that the above-mentioned EL be and hereby is approved.

Item 8. Finance and Budget; Reappropriate a Portion of the Schools' FY2012 Carryover to the School's Operating Fund

Resolution R12-369 reads as follows:

A RESOLUTION TO REAPPROPRIATE FY2012 SCHOOL OPERATING
FUNDS TO THE SCHOOLS' FY2013 OPERATING FUND

WHEREAS, Virginia Code § 15.2-2506 requires that appropriations be approved for a maximum period of one (1) fiscal year, and that appropriations lapse at fiscal year-end; and

WHEREAS, the School Board's adopted FY2013 budget includes $2,298,046 in FY2012 carryover funding that was not previously appropriated as part of the FY2013 budget process; and

WHEREAS, the completed Schools' FY2012 audit confirmed that these funds are available;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that the Schools' FY2013 Operating Fund budget and appropriation be increased by $2,298,046.

Item 9. Utilities; Authorize the County Administrator to Execute an Environmental Mitigation Agreement with Ridge Pointe Homeowners Association, Inc.

Resolution R12-363 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE RIDGE POINTE HOMEOWNER'S ASSOCIATION FOR ENVIRONMENTAL MITIGATION FOR THE ROCKY PEN RUN RESERVOIR

WHEREAS, environmental mitigation work for Rocky Pen Run Reservoir is required by the United States Army Corps of Engineers, and by the Virginia Department of Environmental Quality, via a Comprehensive Riverine Mitigation Plan (CRMP); and

WHEREAS, three of the required projects contained in the CRMP (water quality retrofits 5, 7, and 8) are located on property owned by the Ridge Pointe Homeowner's Association (HOA); and

WHEREAS, an agreement with the Ridge Pointe HOA is beneficial to the County in its efforts to complete the CRMP; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that it be and hereby does authorize the County Administrator, or his designee, to execute an agreement with the Ridge Pointe HOA for the purpose of environmental mitigation for the Rocky Pen Run Reservoir.

Item 10. Public Works; Approve the Design of Poplar Road Phase II, Safety Improvements

Resolution R12-365 reads as follows:

A RESOLUTION TO APPROVE DESIGN OF THE POPLAR ROAD PHASE II SAFETY IMPROVEMENTS

WHEREAS, the County advanced design of the Poplar Road Phase II Safety Improvements, UPC #102688, to the point where acquisition of right-of-way may proceed; and

WHEREAS, the County completed the public hearing for the project, prepared transcripts of the proceedings, and is prepared to request authorization for right-of-way acquisition from the Commonwealth Transportation Board (CTB); and

WHEREAS, Board approval of the road design is necessary for the Virginia Department of Transportation (VDOT) to consider recommending authorization for right-of-way acquisition to the CTB; and

WHEREAS, VDOT must forward this request to the CTB for approval;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that the design of the Poplar Road Phase II Safety Improvements be and it hereby is approved; and

BE IT FURTHER RESOLVED that VDOT is requested to forward the County's request to the CTB with a VDOT recommendation of approval to authorize the project for right-of-way acquisition; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee shall provide a copy of this resolution to the Fredericksburg Area VDOT Residency Administrator.

Item 11. Planning and Zoning; Refer to the Planning Commission, Authorize the County Administrator to Initiate a Conditional Use Permit for Residential Dwellings in an H-1, Historic District on Assessor's Parcels 54-81 and 54-02A at 180 and 200 Kings Highway

Resolution R12-370 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO INITIATE AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW EMPLOYEE DWELLINGS IN THE HI, HERITAGE INTERPRETATION ZONING DISTRICT, ON ASSESSOR'S PARCELS 54-91 AND 54-92A, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, on December 18, 2012, the Board will consider amending the Zoning Map to reclassify Assessor's Parcels 54-91 and 54-92A from A-1, Agricultural, Zoning District to HI, Heritage Interpretation Zoning District; and

WHEREAS, The George Washington Foundation, the property owner, desires to continue using the existing residences as employee dwellings; and

WHEREAS, pursuant to Stafford County Code Section 28-35, the HI Zoning District requires a conditional use permit for employee dwellings; and

WHEREAS, the Board desires to act as the applicant on behalf of the property owner;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that the County Administrator be and he hereby is authorized to initiate an application for a conditional use permit to allow employee dwellings in the HI, Heritage Interpretation Zoning District; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to act as the applicant on behalf of The George Washington Foundation in order to process the application for a conditional use permit; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee, forward the application to the Planning Commission for a public hearing and its recommendations.

Item 12. Planning and Zoning; Refer to the Planning Commission, Authorize the County Administrator to Initiate Reclassification to Remove HR, Heritage Resource Overlay District on Assessor's Parcels 54-93 and 54-93A at 268 Kings Highway

Resolution R12-371 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO INITIATE AN AMENDMENT TO THE ZONING MAP TO REMOVE THE HR DESIGNATION, HISTORIC RESOURCE OVERLAY ZONING DISTRICT, ON ASSESSOR'S PARCELS 54-93 AND 54-93A, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, in 1985, the Board amended the Zoning Map to include Assessor's Parcels 54-93 and 54-93A within an Historic Resource (HR) Overlay Zoning District; and

WHEREAS, The George Washington Foundation, the property owner, desires to remove the HR Zoning District designation from the property; and

WHEREAS, the Board desires to act as the applicant on behalf of the property owner; and

WHEREAS, the Board believes the property no longer requires the HR Zoning District designation; and

WHEREAS, the Board finds that the public necessity, convenience, general welfare, and good zoning practices require such a reclassification;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that the County Administrator be and he hereby is authorized to initiate an application for reclassification to remove the HR, Historic Resource Overlay District designation on Assessors Parcels 54-93 and 93A; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to act as the applicant on behalf of The George Washington Foundation in order to process the application for reclassification; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee, forward the application to the Planning Commission for a public hearing and its recommendations.

Item 13. County Administration; Award Contract for Traffic Engineering Study of Route 1 Corridor Between Garrisonville Road and Courthouse Road

Resolution R12-375 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO AWARD A CONTRACT TO BOWMAN CONSULTING GROUP, LTD., FOR THE ROUTE 1 CORRIDOR TRAFFIC STUDY, AND BUDGET AND APPROPRIATE PROFFER FUNDS

WHEREAS, traffic congestion along the Jefferson Davis Highway (US-1) corridor between Garrisonville Road (SR-610) and Courthouse Road (SR-630) is a serious problem; and

WHEREAS, a comprehensive traffic engineering analysis will be useful in identifying near-term and long-term solutions to improving the flow of traffic in this area; and

WHEREAS, Bowman Consulting Group, Ltd., an engineering firm authorized to perform on-call transportation engineering services for the County, proposed to perform this traffic analysis for $186,100; and

WHEREAS, staff determined that this fee is reasonable for the scope of services offered; and

WHEREAS, the County received $150,000 in proffer funds to complete this analysis; and

WHEREAS, the proffer funds must be budgeted and appropriated for this use; and

WHEREAS, the balance of $36,100 needed for this study is available in the Transportation Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that it be and hereby does authorize the County Administrator to execute a contract with Bowman Consulting Group, Ltd., in an amount not to exceed One Hundred Eighty-six Thousand One Hundred Dollars ($186,100), unless amended by a duly-executed contract amendment, for a traffic engineering analysis of the Jefferson Davis Highway (US-1) corridor between Garrisonville Road (SR-610) and Courthouse Road (SR-630).

BE IT FURTHER RESOLVED that proffer funds in the amount of One Hundred Fifty Thousand Dollars ($150,000) be and they hereby are budgeted and appropriated for this contract.

Item 14. Public Information; Recognize and the Hartwood Volunteer Fire Department on its 45th Anniversary

Proclamation P12-19 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND THE HARTWOOD VOLUNTEER FIRE DEPARTMENT ON ITS 45TH ANNIVERSARY

WHEREAS, in December, 2012, the Hartwood Volunteer Fire Department will celebrate its 45th anniversary of serving the Hartwood community; and

WHEREAS, the Hartwood Volunteer Fire Department was established with the help of the Falmouth Volunteer Fire Department, whose members agreed to donate the initial equipment needed and provide necessary training; and

WHEREAS, the Hartwood community worked together to establish the Hartwood Volunteer Fire Department, raising funds and building the facilities themselves, and, in the early days, receiving emergency calls at their personal residences; and

WHEREAS, the Hartwood Volunteer Fire Department worked tirelessly over the years to raise funds to secure special equipment, sometimes refurbishing trucks themselves, and to build and expand the fire house, as the area grew and the needs became greater; and

WHEREAS, the Hartwood Volunteer Fire Department donated to Stafford County the land upon which Rescue Station 12 was constructed; and

WHEREAS, the Hartwood Volunteer Fire Department made advanced and specialized training a priority over the years, always seeking to better meet the needs of the community;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that it be and hereby does recognize and commend the Hartwood Volunteer Fire Department on its 45th anniversary for its service to the citizens of Stafford County.

Finance and Budget; FY2013 First Quarter Review Budget Director, Nancy Collins, gave a presentation and answered Board member's questions.

Mr. Sterling asked how the Schools, with their number of employees, will be affected by the Health Care Act. Maria Perrotte, Chief Financial Officer, said that $500k was set-aside. Mr. Sterling asked if that was a sufficient amount. Ms. Perrotte responded that the process just started and that she was unsure, at that time, if $500k would be enough. Mr. Sterling asked if it was an annual cost, to which Ms. Perrotte said no, it was a one-time expense. Ms. Stimpson said that she could not imagine what it will cost. Mr. Sterling talked about the fiscal cliff ahead, sequestration, tax increases, and local economy's revenue being hit 4-5%, and asked if the County had a prediction of what was to come. Ms. Collins responded that there was no prediction yet. Mr. Romanello spoke of the Fairfax County's analysis and the impact of sequestration on its economy. A copy of the document would be provided to the Board.

Ms. Stimpson said that Fitch noted that the County was in a good position and talked about 1% growth. Mr. Romanello said that it was closer to 2%; that the County was building up its reserves so as to be well positioned in the coming year. Ms. Stimpson added that the County should get as much information as possible to prepare for "what if," adding that the County had been very aggressive in the past with its budget preparations. Mr. Sterling said that sometimes Fitch is wrong; adding that Quantico may face across the board cuts and funding would go first to overseas operations. He said that it is not a road bump but called a cliff for a good reason. Ms. Stimpson asked if Mr. Sterling proposed cutting taxes and saving more. Mr. Sterling said that the County has to be prepared and not count on a 2% revenue increase when it could take a hit of 4-5%.

Recess At 4:58 p.m., the Chairman declared a recess so that members of the Board could attend the County's tree lighting, which was also attended by Mr. and Mrs. Claus, staff and County citizens.

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

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

Dean Fetterolf	-	Cluster ordinance; TDR; Boat Tax
Alane Callandar	-	RACSB; Videos
Paul Waldowski	-	I-95 interchange; vertical parking

Planning and Zoning; Approve Creation of a Transfer of Development Rights Comprehensive Plan / Ordinance Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Schieber asked if TDR required a rezoning. Mr. Harvey replied that it was by-right, there was no public hearing required, it was an administrative matter.

Mr. Sterling asked if it was one-for-one and the underlying purpose. Mr. Harvey replied that it was a tool for managing growth, and controlling growth in rural areas of the County. Mr. Sterling asked if there was a savings to public infrastructure. Mr. Harvey said that it may cost more, that the more rural the area, the less it is developed and the less infrastructure would already be in place.

Mr. Snellings expressed concern about five, single-family detached houses per acre, stating that it could end up a real "hodge podge." Mr. Sterling asked if the receiving area was in the Courthouse Urban Development Area (UDA). Mr. Harvey affirmed its location as being in the Courthouse UDA. Mr. Snellings asked about campgrounds (like a KOA) usage for Scouts, etc. Mr. Harvey said that there could be no recreational vehicles on the site.

Mr. Milde said there were 913 potential lots available to sever development rights, approximately between 1800 and 2100 acres if all development rights were taken. Mr. Milde asked how the Board would know when development rights are severed. Mr. Harvey replied that a deed would be recorded, the Commissioner of Revenue would pick it up, and a tax bill would be assigned to those development rights.

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

Patrick Cody	Alane Callandar	Joe Samaha
Tom Cropp	Dean Fetterolf	Paul Waldowski
Cecelia Kirkman		

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Thomas, to defer this item 6 weeks then changed his motion to refer it to the Board's TDR Committee (consisting of Gary Snellings, Paul Milde, and Bob Thomas).

Mr. Thomas made a friendly amendment to Mr. Milde's motion, adding that the Board's sub-committee would work on TDR. Mr. Snellings agreed.

The Voting tally was:

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

Following the vote, Mr. Sterling said that he was discouraged by the comments about campgrounds, about the opposition to campgrounds on public property and how beneficial it could have been for Scouts, etc.

Finance and Budget; Authorize the Issuance of General Obligation Bonds for Parks and Transportation Projects and Appropriate the Proceeds Ms. Nancy Collins, Budget Division Director, gave a presentation and answered Board members questions.

Mr. Sterling talked about these being voter-approved projects. Ms. Stimpson thanked staff, saying that these projects were worked on for years and were identified as priority projects, adding that PFM gave an okay to the debt and levels of service.

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

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R12-346.

The Voting tally was:

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

Resolution R12-346 reads as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2013

WHEREAS, at an election held on November 4, 2008 (the "Transportation Bond Referendum") the voters of the County of Stafford, Virginia (the "County") approved the issuance of general obligation bonds of the County in the maximum amount of $70,000,000 to finance transportation improvement projects (the "Transportation Projects"); and

WHEREAS, at an election held on November 3, 2009 (the "Recreation Bond Referendum") the voters of the County approved the issuance of general obligation bonds of the County in the maximum amount of $29,000,000 to finance parks and recreation projects (the "Recreation Projects"); and

WHEREAS, the County has not previously issued any of the bonds approved at the Transportation Bond Referendum or the Recreation Bond Referendum; and

WHEREAS the Board of Supervisors has determined that it is advisable to issue general obligation bonds pursuant to the Transportation Bond Referendum in the maximum principal amount of $8,659,500 (the "Transportation Bonds") and pursuant to the Recreation Bond Referendum in the maximum principal amount of $21,780,000 (the "Recreation Bonds" and together with the Transportation Bonds, the "Bonds");

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

Authorization of Bonds and Use of Proceeds. The Board of Supervisors hereby determines that it is advisable to contract a debt and to issue and sell the Bonds in the maximum aggregate principal amount of $30,439,500, consisting of Transportation Bonds in the maximum principal amount of $8,659,500 and Recreation Bonds in the maximum principal amount of $21,780,000. The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Transportation Bonds shall be used to pay costs of the Transportation Projects and the proceeds from the issuance and sale of the Recreation Bonds shall be used to pay costs of the Recreation Projects.

Pledge of Full Faith and Credit. The full faith and credit of the County are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The Board of Supervisors shall levy an annual ad valorem tax upon all property in the County, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Bonds shall be issued in fully registered form, in one or more series, shall be dated such date or dates as the County Administrator and the Chief Financial Officer, or either of them, may approve, shall be in the denominations of

$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the County Administrator and the Chief Financial Officer, or either of them, may approve, provided that the final maturity of any Bond is not more than approximately 25 years from its date and the aggregate principal amount of the Bonds is not more than the amount set forth in paragraph 1. The County Administrator and the Chief Financial Officer, or either of them, is authorized and directed to determine the method of sale of the Bonds which may be a bank placement or a competitive or negotiated sale. The County Administrator and the Chief Financial Officer, or either of them, is authorized and directed to accept a bid for the purchase of the Bonds which results in the lowest true interest cost to the County, or in the case of a bank placement or a negotiated sale, to accept a proposal from a bank, underwriter or group of underwriters and execute and deliver on behalf of the County a bond purchase agreement or other appropriate agreement with such bank or underwriter or underwriters as such officers determine to be in the best interests of the County. The Bonds shall bear interest, payable on such dates, at such rate or rates and shall be sold to the successful bidder or bidders at such price as may be set forth in the bid or proposal so accepted, provided that the true interest cost of the Bonds shall not exceed 6.5% per annum and the sale price of the Bonds, not taking into account any original issue discount, shall not be less than 98% of par. The County Administrator and the Chief Financial Officer, or either of them, is authorized and directed to approve such optional redemption provisions and other terms for the Bonds as such officer or officers determine to be in the best interest of the County.

Form of Bonds. The Bonds shall be in substantially the form attached to this Resolution as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. There may be endorsed on the Bonds 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.

Book-Entry-Only-Form. The Bonds may be issued in book-entry-only form. The Bonds shall be issued in fully-registered form and may be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC") as registered owner of the Bonds, and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds may be registered to Cede & Co. In such event, beneficial owners of the Bonds shall not receive physical delivery of the Bonds and principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds may be made by DTC and its participants (the "Participants"), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. The County shall comply with the agreements set forth in the County's Letter of Representations to DTC.

In the event the Bonds are issued in book-entry-only form and registered in the name of DTC's nominee as permitted above, replacement Bonds (the "Replacement Bonds") may be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

DTC determines not to continue to act as securities depository for the Bonds; or

The County has advised DTC of its determination not to use DTC as a securities depository; or

The County has determined that it is in the best interest of the beneficial owners of the Bonds or the County not to continue the book-entry system of transfer.

Upon occurrence of the event described in (i) or (ii) above, the County shall attempt to locate another qualified securities depository. If the County fails to locate another qualified securities depository to replace DTC, the appropriate officers and agents of the County shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to the Resolution to the Participants. In the event the Board of Supervisors, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the County shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Resolution to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Resolution and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Resolution and the Bonds.

Appointment of Bond Registrar and Paying Agent. The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds and as long as the Bonds are in book-entry form, either of such officers may serve as Paying Agent.

The County Administrator and the Chief Financial Officer, or either of them, may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such registrar or paying agent.

Execution of Bonds. The Chairman of the Board of Supervisors and the Clerk of the Board of Supervisors are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the County thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Chairman and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

CUSIP Numbers. The Bonds may have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the County, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the County and any officer or agent of the County, by reason of any inaccuracy, error or omission with respect to such numbers.

Registration, Transfer and Exchange. Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the County shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the County and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the County and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the County, evidencing the same debt as the Bonds surrendered, shall be secured by this Resolution and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of Bonds, but the County may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

Non-Arbitrage Certificate and Tax Covenants. The County Administrator and the Chief Financial Officer, or either of them, and such officers and agents of the County as either of them may designate are authorized and directed to execute with respect to the Bonds a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Tax Code, including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The Board of Supervisors covenants on behalf of the County that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the County's Non-Arbitrage Certificate and Tax Covenants relating to such Bonds, to be delivered simultaneously with the issuance and delivery of the Bonds and that the County shall comply with the other covenants and representations contained therein.

Disclosure Documents. The County Administrator and the Chief Financial Officer, or either of them, and such officers and agents of the County as either of them

may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Chief Financial Officer shall determine. The County Administrator and the Chief Financial Officer, or either of them, is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

SNAP Investment Authorization. The County has heretofore received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the County has determined to authorize the Chief Financial Officer to utilize SNAP in connection with the investment of the proceeds of the Bonds if the Chief Financial Officer determines that the utilization of SNAP is in the best interest of the County. The Board of Supervisors acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

Further Actions. The County Administrator and the Chief Financial Officer and such officers and agents of the County as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds and the execution and delivery of any such other documents, agreements and certificates as they may deem necessary or desirable and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

Effective Date. This Resolution shall take effect at the time of its adoption.

Mr. Milde motioned, seconded by Mr. Mr. Sterling to adopt proposed Resolution R12-364.

The Voting tally was:

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

Following both votes, Mr. Snellings reentered the room and asked that the record state that he is in favor of both R12-346 and R12-364.

Resolution R12-364 reads as follows:

A RESOLUTION TO AMEND THE FY13 TRANSPORTATION FUND AND CAPITAL PROJECTS FUND BUDGETS

WHEREAS, the Board on December 4, 2012, approved Resolution R12-346 which authorizes the issuance of General Obligation bonds to finance transportation and parks projects; and

WHEREAS, proceeds from the bonds and other sources identified for the projects need to be appropriated prior to their expenditures;

WHEREAS, a public hearing on the budget amendment was held on December 4, 2012 in the Board Chambers, 1300 Courthouse Road, Stafford, VA;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that the County Administrator be and he hereby is authorized to increase the FY13 budget and appropriation as follows:

Transportation Fund	$25,882,500
Capital Projects Fund	$21,780,000

Planning and Zoning; Consider an Amendment to the Zoning Ordinance Regarding Data and Computer Services Ms. Susan Blackburn, Zoning Administrator; and Bethany Miller, Business Retention and Expansion Manager, gave a presentation and outlined the proposed projects, and answer Board members questions.

Following a discussion about parking requirements, Mr. Thomas asked how it is possible to verify the maximum number of people working on a shift. He asked if a low number of employees could be reported to the County, in the planning process, so as to avoid the cost of building an adequate number of parking spaces. Ms. Blackburn replied that normally owners/developers are ethical, that only a very slim number are deceptive so she felt that an accurate number would be presented at the time the plan was submitted.

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

Mr. Milde motioned, seconded by Mr. Schieber, to adopt proposed Ordinance O12-16.

The Voting tally was:

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

Ordinance O12-16 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-25, "DEFINITIONS OF SPECIFIC TERMS;" SECTION 28-35, TABLE 3.1, "DISTRICT USES AND STANDARDS;" AND SECTION 28-108, TABLE 7.1, "REQUIRED PARKING SPACES"

WHEREAS, the Board desires to attract data and computer services centers to the County as an economic development strategy; and

WHEREAS, data and computer services centers are not specifically listed as a permitted use in the Zoning Ordinance; and

WHEREAS, the Board desires to include data and computer services centers as a listed use in the Zoning Ordinance and to establish its specific parking standard; and

WHEREAS, the Board conducted a public hearing and carefully considered the recommendation of staff and the testimony, if any, at the public hearing; 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 ORDAINED by the Stafford County Board of Supervisors on this 4th day of December, 2012, that Stafford County Code, Section 28-25, "Definitions of specific terms;" Section 28-35, Table 3.1, "District Uses and Standards;" and Section 28-108, Table 7.1, "Required Parking Spaces" be and they hereby are amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-25. - Definitions of specific terms.

When used in this chapter, the following terms shall have the meaning herein ascribed to them:

Data and Computer Service Centers. A use where the majority of the space is occupied by computers and/or related equipment, and where electronic information is processed, transferred, and/or stored. Data and computer services centers may contain data technology centers, internet service providers, network operations centers, web hosting facilities, and other similar establishments primarily engaged in providing direct access through telecommunications networks to computer-held information.

Sec. 28-35. -Table of uses and standards.

Table 3.1 District Uses and Standards

B-2 Urban Commercial

(a) *Uses permitted by right*:

Data and computer services centers

RBC Recreational Business Campus.

(a) *Uses permitted by right:*

Data and computer services centers

M-1 Industrial Light

(a) *Uses permitted by right*

Data and computer services centers

M-2 Industrial, Heavy.

(a) *Uses permitted by right:*

Data and computer services centers

Sec. 28-108. – Restricted access entrances.

Table 7.1

Required Parking Spaces

Use Category	**Subcategory or Condition**	**Spaces Required**
Data and computer services centers	Per number of employees on maximum shift	1.5 spaces

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

Planning and Zoning; Amend the Zoning Ordinance Regarding Signs in the A-1, A-2, R-1, R-2, R-3, and R-4 Zoning Districts Ms. Susan Blackburn, Zoning Administrator, gave a presentation and answered Board members questions.

Mr. Milde inquired if a conditional use permit was required. Ms. Blackburn said that it was by permit only. Mr. Milde asked about the pictures provided. Ms. Blackburn said that they were included only to provide an example of signage to the Board.

Mr. Sterling said that Shiloh Baptist Church had a problem, that their sign is non-conforming due to road reconfiguration, and that this item came forth because without an amendment to the Zoning Ordinance, Shiloh would be unable to redo their sign.

The Chairman opened the public hearing.
The following person desired to speak:
Paul Waldowski
The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Snellings, to adopt proposed Ordinance O12-33.

The Voting tally was:
Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Ordinance O12-33 reads as follows:
AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-25, "DEFINITIONS OF SPECIFIC TERMS;" SECTION 28-123, "TYPES PERMITTED IN A-1 DISTRICTS;" SECTION 28-124, "TYPES PERMITTED IN A-2 DISTRICTS;" SECTION 28-124.1 "TYPES PERMITTED IN R-1 DISTRICTS;" AND SECTION 28-125 "TYPES PERMITTED IN R-2, R-3, AND R-4 DISTRICTS"

WHEREAS, the Board desires to amend the County Code to provide sign regulations for uses such as places of worship, community centers, marinas, golf courses, nursing homes, schools, and similar uses; and

WHEREAS, these uses are by-right uses and uses allowed with a conditional use permit in various zoning districts, but the County Code does not contain provisions allowing for signage in these various zoning districts; 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 the public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that Stafford County Code Section 28-25, "Definitions of specific terms;" Section 28-123, "Types permitted in A-1 districts;" Section 28-124, "Types permitted in A-2 districts;" Section 28-124.1, "Types permitted in R-1 districts;" Section 28-125, "Types permitted in R-2, R-3, and R-4 districts;" be and they hereby are amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-25. - Definitions of specific terms.

Sign, off-premise directional. An off-premise sign not over three (3) square feet in area, indicating the location of places of worship, schools, hospitals, parks, scenic or historic places, or other places of general public interest. The signs and mountings shall not exceed five (5) feet in total height and not more than one (1) sign pertaining to a single place shall be displayed along any one (1) street.

Sign, place of worship. An on-site, freestanding monument style sign that does not exceed fifty (50) square feet in area nor six (6) feet in height.

Sec. 28-123. - Types permitted in A-1 districts.

(9) Sign, directional.

(10) Sign, off-premise directional.

(11) Sign, place of worship.

(12) School signs. provided that:

a. No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.

b. No wall sign shall be greater in height than the roof line of the main building located on the premises.

c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.

d. No more than one (1) freestanding sign shall be located on any one (1) road frontage of any lot or premises.

e. The school shall have a regular enrollment of at least fifty (50) students grades K—8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.

Sec. 28-124. - Types permitted in A-2 districts.

(8) Sign, directional.

(9) Sign, off-premise directional.

(10) Business signs, provided that:

a. No portion of a freestanding sign shall be greater than six (6) feet above

ground level.

b. No wall sign shall be greater in height than the roof line of the main building located on the premises.

c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed fifty (50) square feet.

d. No more than one (1) freestanding sign shall be located on any one (1) road frontage of any lot or premises.

(11) Sign, place of worship.

(12) School signs, provided that:

a. No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.

b. No wall sign shall be greater in height than the roof line of the main building located on the premises.

c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.

d. No more than one (1) freestanding sign shall be located on any one (1) road frontage of any lot or premises.

e. The school shall have a regular enrollment of at least fifty (50) students grades K—8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.

Sec. 28-124.1. - Types permitted in R-1 districts.

(7) Sign, place of worship.

(8) Business signs, provided that:

a. No portion of a freestanding sign shall be greater than six (6) feet above ground level.

b. No wall sign shall be greater in height than the roof line of the main building located on the premises.

c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed fifty (50) square feet.

d. No more than one (1) freestanding sign shall be located on any one (1) road frontage of any lot or premises.

(9) Sign, directional.

(10) Sign, off-premise directional

(11) School signs, provided that:

a. No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.

b. No wall sign shall be greater in height than the roof line of the main building located on the premises.

c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.

d. No more than one (1) freestanding sign shall be located on any one (1) road frontage of any lot or premises.

e. The school shall have a regular enrollment of at least fifty (50) students grades K—8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.

Sec. 28-125. - Types permitted in R-2, R-3, and R-4 districts.

(6) Sign, place of worship.

(7) Business signs, provided that:

a. No portion of a freestanding sign shall be greater than six (6) feet above ground level.

b. No wall sign shall be greater in height than the roof line of the main building located on the premises.

c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed fifty (50) square feet.

d. No more than one (1) freestanding sign shall be located on any one (1) road frontage of any lot or premises.

(8) Sign, directional.

(9) Sign, off-premise directional.

(10) School signs, provided that:

a. No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.

b. No wall sign shall be greater in height than the roof line of the main building located on the premises.

c. The aggregate area of freestanding, or projecting, or wall signs shall not

exceed forty (40) square feet.

d. No more than one (1) freestanding sign shall be located on any one (1) road frontage of any lot or premises.

e. The school shall have a regular enrollment of at least fifty (50) students grades K—8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.

Planning and Zoning; Amend the Zoning Ordinance to Reinstate the Lot Width Requirement for Lots in a Conventional Subdivision in the A-1, Agricultural District Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

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

Mr. Snellings motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O12-29. Mr. Sterling made a friendly amendment to send the entire Cluster Ordinance back to the Planning Commission, then withdrew his friendly amendment after Mr. Harvey noted that this ordinance applies to conventional subdivisions.

The Voting Board tally was:

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

Ordinance O12-29 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-35, TABLE 3.1, "DISTRICT USES AND STANDARDS," TO REINSTATE THE LOT WIDTH REQUIREMENT FOR LOTS IN THE A-1, AGRICULTURAL ZONING DISTRICT

WHEREAS, lot width regulations are specifically listed and required as a development tool in the Zoning Ordinance; and

WHEREAS, the Zoning Ordinance requires a specific lot width on all lots in the A-1, Agricultural Zoning District; and

WHEREAS, on June 19, 2012, the Board adopted Ordinance O12-17 in which a revision accidentally removed the lot width requirement for lots zoned A-1, Agricultural Zoning District, in a non-cluster subdivision; and

WHEREAS, the Board desires to amend and reordain Stafford County Code Section 28-35, Table 3.1, "District Uses and Standards," to reinstate the lot width requirement for lots in the A-1, Agricultural Zoning District; and

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

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards," be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-35. - Table of uses and standards.

Table 3.1 District Uses and Standards

A-1 Agricultural.

(d) *Requirements:*

(5) *Minimum lot width: (feet)*

Conventional Subdivision…..200

Cluster Subdivision…..100

Planning and Zoning; Amend the Zoning Ordinance to Allow Medical and Dental Clinic Uses by Conditional Use Permit in the M-1 Light Industrial and M-2 Heavy Industrial Zoning Districts Ms. Susan Blackburn, Zoning Administrator, gave a presentation and answered Board members questions.

Ms. Stimpson asked why the Planning Commission denied this item. Ms. Blackburn said that the Planning Commission felt that there were not enough safeguards to keep clinics from inappropriate use. Ms. Stimpson asked if the definition restricts the use by abortion clinics. Mr. Harvey responded that the clinics would be permitted by-right, however a conditional use permit was required, and the vote on a CUP (by the Board) would be weighed by whether or not the request was for an appropriate use, for a particular location. Mr. Sterling asked why certain types of medical use would not be allowed. Mr.

Harvey said that certain demands, traffic needs, etc., could restrict certain types of use, or certain types of clinics.

Ms. Stimpson asked about the medical definition of a clinic and how it would fit with the proposed rezoning and/or how it was more restrictive than the current, allowable use. Mr. Harvey said that the current, allowed use is more liberal, whereas this request, if granted, requires a CUP, and the usage outlined in the CUP must be approved by the Board, therefore restricting such uses as abortion clinics, if that was the will of the Board. Mr. Milde said that each application would be reviewed on a case-by-case basis and that he did not feel that it was an issue here.

Mr. Thomas asked if applicants could simply ask for a rezoning. Ms. Stimpson commented on why change the ordinance if an applicant could just ask for a rezoning. Mr. Harvey said it had to do, in part, with landowners who lease (or wish to lease) portions of their buildings to tenants intending to place a medical or dental clinic in the building, and that it would be impossible to rezone one office space without rezoning an entire piece of property. Mr. Sterling, citing Riverside, said that the only way to place a medical or dental clinic there would be to rezone the entire property.

Mr. Sterling said that he had medical appointments prior to the start of the Board meeting that were not in Stafford County. He added that he believed it would help if the County could get more medical facilities.

Ms. Stimpson talked about industrial areas, saying that she did not believe this was a good fit. Mr. Harvey agreed, saying that several industrial areas are not suitable to support the proposed usage, but that the CUP would determine if it was a proper use and in a good location.

Ms. Stimpson asked again for clarification as to why the Planning Commission denied this request. Mr. Harvey said that the Planning Commission felt that there were not enough safeguards to keep the clinics from inappropriate use and that they were concerned about placement of clinics in inappropriate, industrial areas.

Mr. Sterling said that if the market dictates, medical and dental clinics would be placed (or move) elsewhere. Ms. Stimpson asked if fees could be lifted around the area of the hospital to encourage clinics to locate in that vicinity. Mr. Harvey said the Code was amended to allow by-right uses by the hospital.

The Chairman opened the public hearing.

The following persons desired to speak:

Heather Stefl

Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde said that it should be allowable around Riverside and the Quantico Corporate Center. Mr. Sterling echoed Mr. Milde's comments adding that with a CUP, that will restrict they types of uses and various types of clinics, and that he believed that passing this was logical and smart. Ms. Stimpson said that she did not support this, that she felt that the County should encourage by-right uses at, or near, the hospital.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O12-37.

The Voting Board tally was:

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

Nay: (1) Stimpson

Ordinance O12-37 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-35, TABLE 3.1, "DISTRICT USES AND STANDARDS" TO ALLOW MEDICAL AND DENTAL CLINICS WITH A CONDITIONAL USE PERMIT IN THE M-1, LIGHT INDUSTRIAL AND M-2, HEAVY INDUSTRIAL ZONING DISTRICTS

WHEREAS, medical and dental clinics are not a listed use in the Industrial Zoning Districts; and

WHEREAS, the Board desires to allow medical and dental clinics as a conditional use in the M-1, Industrial Light and M-2, Industrial, Heavy Zoning District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and County staff, and the testimony, if any, at the public hearing; 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 ORDAINED by the Stafford County Board of Supervisors on this the day of , 2012, that Stafford County Code Section 28-35, Table 3.1 "District Uses and Standards," be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 28-35. - Table of uses and standards.

Table 3.1. District Uses and Standards

M-1 Industrial Light.

(b) *Conditional use permit:*

Clinic, medical and dental

M-2 Industrial, Heavy.

(b) *Conditional use permit:*

Clinic, medical and dental

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

Planning and Zoning; Adopt the Proposed Neighborhood Development Standards Plan as an Amendment to the Comprehensive Plan Mr. Mike Zuraf, Principal Planner, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.
The following person desired to speak:
Paul Waldowski
The Chairman closed the public hearing.

Mr. Milde, seconded by Mr. Sterling, to adopt proposed Resolution R12-348.

The Voting Board tally was:
Yea: (7) Cavalier, Milde, Schieber, Snellings, Sterling, Stimpson, Thomas
Nay: (0)

Resolution R12-348 reads as follows:

A RESOLUTION TO AMEND THE STAFFORD COUNTY COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 15.2-2229 OF THE CODE OF VIRGINIA (1950), AS AMENDED, BY ADOPTING THE PROPOSED AMENDMENTS, AS ADVERTISED, TO THE TEXTUAL DOCUMENT ENTITLED, "TRADITIONAL NEIGHBORHOOD DEVELOPMENT PLAN," DATED APRIL 18, 2007, RETITLING THE SECTION "NEIGHBORHOOD DESIGN STANDARDS PLAN," DATED SEPTEMBER 19, 2012

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

WHEREAS, under Virginia Code § 15.2-2229, the Planning Commission ("Commission") was directed by the Board, pursuant to Resolution R12-68, to conduct a public hearing, and provide its recommendations to the Board on certain Comprehensive Plan amendments ("the proposed Comprehensive Plan Amendments"); and

WHEREAS, in accordance with Resolution R12-68, the proposed Comprehensive Plan Amendments propose, among other things, to amend the Traditional Neighborhood Development Plan (TND Plan), an element of the Comprehensive Plan, to include architectural design guidelines; and

WHEREAS, the Commission held a public hearing on October 24, 2012, on the proposed Comprehensive Plan Amendments; received a recommendation from County staff supporting approval of the proposed Comprehensive Plan Amendments; received and considered public testimony; and recommended approval of the proposed Comprehensive Plan Amendments by a vote of 7-0, and forwarded its recommendation to the Board; and

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

WHEREAS, the Board concludes that adoption of the proposed Comprehensive Plan Amendments, as advertised, will guide and accomplish a coordinated, adjusted, and harmonious development in the County, which will, in accordance with the present and probable future needs and resources of the County, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the citizens of the County, including the elderly and persons with disabilities; and

WHEREAS, the Board concludes that adoption of the proposed Comprehensive Plan Amendments, as advertised, is consistent with good planning practices;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 4th day of December, 2012, that it be and hereby does approve and adopt the proposed Comprehensive Plan Amendments, dated September 19, 2012, as advertised.

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

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

Legislative; Consider Adoption of 2013 Legislative Initiatives Mr. Tim Baroody, Deputy County Administrator, introduced Mr. Ken Hutcheson and Mr. Patrick Cushing, with Williams and Mullen.

Mr. Sterling asked Mr. Hutcheson what vibe he was picking up from the Finance Committee. Mr. Hutcheson responded that there is restraint, fear, and caution within the Senate Finance Committee. He added that there are four issues; Revenue, Uranium Mining, Transportation, and Healthcare/Medicare, that the Committee focused on at their recent retreat.

Mr. Hutcheson said that it was a good year to move transportation projects forward. In speaking about Aid to Localities, he suggested that it would be good for the Speaker of the House, Bill Howell, to hear from the Board.

Mr. Cushing talked about SJR297 saying it looks at public transit funding, it had been on-going for two years, and that the bills were not yet filed. He talked about a potential decrease in funding for FRED and VRE and said that the fund is tied to high-performance systems. The formula for performance metrics includes three classifications; Urban, Suburban, and Rural, with higher density areas receiving more funding. Mr. Cushing said that VRE was lumped into a peer group but that in reality, there is no peer group for VRE.

Mr. Cushing talked about proposed legislation regarding the Freedom of Information Act (FOIA). He said that there is opposition from the Virginia Coalition for Open Government and from the press associations. One question being asked is "what constitutes an emergency?" This is in reference to the portion of the bill that refers to allowing a member of a public body to give notification a day or two ahead of time that they would not be attending a meeting, but would call in, due to a personal matter or an emergency. Mr. Cushing said that Senator Richard Stuart chairs the FOIA Council and he believes that the Senator will support this bill.

Mr. Schieber asked that "cost to compete" be added to the County's list of legislative initiatives. He talked about Prince William and Spotsylvania Counties having a higher wage scale and that Prince William County receives one-hundred per cent whereas Stafford County only receives twenty-five percent, which is based on the JLARC study dating back to 1988.

Ms. Stimpson agreed with Mr. Schieber's addition to the 2013 legislative initiatives list reiterating that Prince William County receives 100% of the cost to compete. She added

that the County exists at the pleasure of the state but that Stafford County should receive its fair share.

Mr. Schieber motioned, seconded by Mr. Milde, to adopt proposed Resolution R12-338 with the addition of Item 4 to the 2013 Legislative Agenda, "Cost to Compete." Ms. Stimpson said that the Board, and the County, will work with Senator Stuart. She thanked Mr. Hutcheson and Mr. Cushing for their efforts on behalf of Stafford County.

The Voting Board tally was:

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

Resolution R12-338 reads as follows:

A RESOLUTION TO ESTABLISH PRIORITY LEGISLATIVE INITIATIVES FOR THE 2013 VIRGINIA GENERAL ASSEMBLY

WHEREAS, the Board seeks enabling legislation and amendments to the Code of Virginia to accomplish Stafford County's legislative initiatives for the 2013 Virginia General Assembly; and

WHEREAS, the Board recognizes that the Commonwealth and its local governments are partners in providing services to Stafford County citizens; and

WHEREAS, the Board opposes efforts to reduce the authority or flexibility of local governments to govern their citizens, or to shift responsibility for shared services to localities alone;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that the members of the General Assembly representing Stafford be and they hereby are requested to introduce and support the following priority initiatives:

1. **Freedom of Information Act; Electronic Communication Meetings by Local and Regional Public Bodies.** This expands the authority for the conduct of electronic communication meetings to all public bodies. Currently, local public bodies are prohibited from conducting public meetings in this manner, except when the Governor declares a state of emergency.

2. **Reversing "Aid to Localities" and Fulfilling State Commitments.** For the past three fiscal years, the Commonwealth reported a revenue surplus, which is a sign of both conservative forecasting and economic growth. If the trend continues for a fourth year, the County expects to see continued gains in funding for local governments.

3. **SJR-297 Study.** A recent study by the Virginia Department of Rail and Public Transportation (VDRPT) recommends changes to the allocation of funds to transportation agencies partially funded by Stafford County, and providing transit services to Stafford County residents. The changes suggested have the potential to reduce the amounts allocated to the Virginia Railway Express (VRE) and the Fredericksburg Regional Transit (FRED) system. The General Assembly is scheduled to take up this matter next year and County staff recommends this legislative initiative to ensure that funding allocations are maintained at current levels.

4. **Cost to Compete.** There is a state formula to determine what it costs to educate a child. Communities are offered augmented funding depending on the wage scale in each locality. Stafford County is currently at 25% and desires to raise the augmented funding to 100%.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board will follow other important legislation during the 2013 General Assembly Session regarding matters that may adversely or positively impact Stafford County, its residents, and its businesses, and will respond accordingly.

Planning and Zoning; Refer to the Planning Commission a Review of the Cluster Ordinance Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Sterling motioned, seconded by Mr. Milde, to refer the Cluster Ordinance back to the Planning Commission and give the Commission the latitude to make any changes and to return their recommendations back to the Board within sixty days.

Mr. Sterling asked for clarification as to how staff drafted the ordinance being sent to the Planning Commission. Mr. Harvey replied that all A-1 lots would have the requirement of 1.5 acres per lot regardless of water and sewer or well and septic. He added that there have not been any approved A-1 Cluster applications yet. Mr. Sterling clarified that all that is included is the elimination of the bonus density. Mr. Harvey agreed. Mr. Sterling said that he did not wish to restrict the Planning Commission if other things come up during their review. Mr. Harvey said that proposed Resolution R12-376 gives the Planning Commission 60 days to review, adding that is somewhat of a time crunch.

Mr. Milde said that TDR reminds him of this and asked if there are any proffer provisions in Clusters. Mr. Harvey replied, “No.”

Ms. Stimpson said that the suit, as she understood it, involved 800 to 1000 units. She said that there is confusion and cited the example of a developer with 300 acres outside the Urban Services Area (USA), clustering one-half of the land, with one-half dedicated to open space. She asked how many units could be developed. Mr. Harvey reinforced Ms. Stimpson's assertion that one-half of the land would be open space, and of the residual one-half, ten percent would go for right-of-way and roads, leaving 135 acres. Lot requirements are 1.5 acres. Mr. Sterling said that if it was done by-right, it would be approximately 100 lots.

Ms. Stimpson said that there are no bonus densities outside the USA, so why would a developer do a cluster development, and asked if there were any benefits to a developer. Mr. Harvey replied that with a cluster development, there may be smaller lots. He added that there may be infrastructure cost savings as well. Ms. Stimpson said then there is an advantage to clustering on units that are outside the USA. She asked why we allow a different density within the USA. Mr. Harvey replied that if an area is already on water and sewer, and with smaller lot sizes, there are not as many issues with spacing, and for water and septic, and if it is on a public system that is reliable, there is less of a chance of a system failing and unable to be repaired.

Ms. Stimpson said that if you are outside the USA, but clustering, we are still getting the benefit of minimizing sprawl. She asked what the Planning Commission was thinking when they authorized bonus density within the USA, adding that there may just be a problem with open space, not with the Cluster Ordinance in general.

Mr. Milde said that adding up to 1000 units, without proffers, which equal about $52M dollars, is a problem. He added that he likes the idea of clustering, just without the bonus, saying that he felt that the process of the new Cluster Ordinance was rushed, that the product was a disaster and that he, Mr. Cavalier, and Mr. Sterling voted against it. He added that he was happy to send it back to the Planning Commission and have it revisited.

Mr. Snellings asked if density will be increased in A-1, from the County's current ordinance. Mr. Harvey replied that it will reduce the potential number of lots in A-1, with water and sewer. Mr. Snellings asked about water and septic; Mr. Harvey replied that the way the ordinance was structured, lots must have water and sewer. Mr. Snellings said this has no effect on A-1 properties outside the USA. He asked if this would give them an easier path to extend water and sewer if they border the USA. Mr. Harvey said that it would not. Mr. Snellings asked what the major benefit was of sending the ordinance back to the Planning Commission if nothing is changing.

Ms. Stimpson asked how it fit in with TDRs adding that the County cannot have more lots in TDRs than in Clusters. Mr. Harvey said it would have no bearing on TDRs at all.

Mr. Sterling asked how many formal Cluster applications were submitted and how many (informally) started the process. Mr. Harvey said that there are two current applications in process in the A-1 Zoning District, and one in the R-1 District for review, as well as a request for a CUP for a Cluster project. Unofficially, Mr. Harvey said that he heard that there may be one or two more. Mr. Sterling said that if the Board wishes to allow approximately 1000+ extra units; that is the Board's conscious decision. He added that he thinks that 1000+ extra units was an unintentional consequence and that he was asking to get rid of the bonus density, and to get rid of the additional 1000+ units.

Ms. Stimpson said that Mr. Sterling was framing it in an entirely false way and talked about increasing the lot yield in other zoning categories all the time, that being what the state allowed. She added that the idea behind clustering was to focus it towards the USA. Ms. Stimpson pointed out that the words "served by" are not found in the Ordinance. Mr. Harvey said that it means that you have to have water and sewer on the lots. Ms. Stimpson reiterated that it did not say "served by."

Mr. Cavalier said that at the last meeting there was a lot of discussion about the bonus proviso, adding that in looking at the materials provided, he did not see that, even though it was brought up, that it is not a state mandate that the County have a bonus proviso in its ordinance. He asked Mr. Harvey if the County is silent to that or waiting for the Planning Commission to re-wicker this.

Ms. Stimpson had Mr. Harvey read the third Whereas Clause from the original ordinance, saying afterward that it is clear that it has to be designated for water and sewer within the USA. Mr. Harvey clarified that it says that if it is within the USA, the County cannot prohibit them from getting water and sewer. Mr. Sterling said that it said "if it was in the USA." Ms. Stimpson said that there was the confusion at the last meeting, whether water and sewer was available.

Mr. Cavalier said that he was not clear on the reading of Table 3.1, Section D2. Mr. Harvey said the intent was to say that it did not matter if the lot was on water and sewer or water and septic, the density was still 1.5 acre per lot. Mr. Cavalier concluded that a "Cluster is a Cluster."

Mr. Sterling said that, as he understood it, the 746 units are by-right, administrative, and do not come before the Board. Mr. Harvey agreed with Mr. Sterling's statement, adding that in the USA, all lots are required to be served by water and sewer. Ms. Stimpson asked if there are other zoning categories that would function that same way where the state would require it to be covered administratively. Mr. Harvey said that all subdivisions are administratively reviewed, except that the Planning Commission ultimately approved all preliminary subdivision plans, adding that for the most part, by-right development is an administrative function. Ms. Stimpson said that this is the same thing that happens in other zoning categories and, going back to (maybe) 700 to 1000 units, with the idea of clustering, targeting it more toward the USA, she asked why a developer would cluster without incentives. Ms. Stimpson asked again about the issue and the need to refer this back to the Planning Commission. Mr. Harvey responded that it was ultimately the Board's decision.

Mr. Milde said that it was to get rid of the additional 1000 units that would be approved without proffers. He said that having public water and sewer is the same as being "served by" water and sewer; it was just a slight distinction. Mr. Milde added that it was not practical to say that people within the USA must provide access to water and sewer and restated that as it was written, the Cluster Ordinance adds 1000+ additional units, with no proffers, and that developers love to cluster as it costs less.

Ms. Stimpson asked, referring to TDRs, if there is any bonus density that can be received. Mr. Harvey said that there was none. She asked about R-1 and Mr. Harvey replied that they would get a one-for one exchange.

Mr. Scheiber said that he is trying to determine what the Board is asking the Planning Commission to do in terms of clarifying that there is no bonus density, and in terms of the Board's intent whether water and sewer or water and septic. He asked Mr. Harvey what else changed. Mr. Harvey replied that nothing changed except for the water/sewer designation. Mr. Schieber asked about the effect on proffers, to which Mr. Harvey replied that proffers are not involved with by-right development.

Mr. Snellings offered a substitute motion, seconded by Mr. Thomas, to defer discussion for two weeks to give time for the Board to meet with Legal and Planning and Zoning staff.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R12-376.

The Voting Board tally on Mr. Snellings' substitute motion was:

Yea: (3) Snellings, Stimpson, Thomas
Nay: (4) Cavalier, Milde, Schieber, Sterling

The Voting Board tally on Mr. Sterling's original motion was:
Yea: (4) Cavalier, Milde, Schieber, Sterling,
Nay: (3) Snellings, Stimpson, Thomas

Resolution R12-376 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTION 28-35, TABLE 3.1, "DISTRICT USES AND STANDARDS"

WHEREAS, the Zoning Ordinance requires a specific minimum lot size for all residential developments in the A-1, Agricultural District; and

WHEREAS, the minimum required area for lots created under the cluster provisions in the A-1, Agricultural Zoning District are not the same for lots served by well and septic, and public water and sewer; and

WHEREAS, the Board desires to provide a uniform minimum area requirement for lots created under the cluster provisions within the A-1, Agricultural Zoning District; and

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

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 4th day of December, 2012, that the amendment to Stafford County Code Section 28-35, Table 3.1, "District Uses and Standards," pursuant to proposed Ordinance O12-46, be and it hereby is referred to the Planning Commission for a public hearing and its recommendations; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications as it deems appropriate to proposed Ordinance O12-46, and shall provide its recommendation to the Board within sixty (60) days.

Finance and Budget; Presentation of the Capital Improvement Program (CIP) This item was deferred to the December 18th meeting.

Finance and Budget; Boat Tax Mr. Scott Mayausky, Commissioner of the Revenue, gave a presentation and answered Board members questions. Mr. Milde said that Stafford's boat tax was the highest in the region, with King George being the next highest. Mr.

Snellings asked how the County would recoup the lost revenue if the boat tax was eliminated. Mr. Sterling said the the County would make up the revenue with real estate taxes and new additional marina business. Mr. Milde asked that the study referred to by Mr. Jimmy Franklin, be made available, adding that if the boat tax were to be phased-out, it would bring larger boats to Stafford County. Mr. Thomas asked about the number and size of "larger" boats. Mr. Mayausky said that there are seven boats in excess of forty feet currently registered in the County. Mr. Thomas said that fuel, and food, etc., would help to make up revenue lost by eliminating the boat tax. Mr. Thomas said that the boat tax should be added to the FY 2014 budget discussion. Mr. Snellings said he was reluctant to vote in favor as he did not see how lost revenue would be made up. Mr. Schieber asked if there was a five-year phase out plan and if there was any similar precedent set. Mr. Mayausky said yes, involving some classes of farm equipment.

Mr. Cavalier asked if the discussion came out of the Community and Economic Development Committee's recommendation. Mr. Milde replied yes, that it was the second time, and by unanimous vote, to get rid of the boat tax. Mr. Cavalier said that the Board should deal with tax rates at the appropriate time, following the budget public hearing, and when the other tax rates are set. Mr. Milde agreed that it was unusual to deal with taxes mid-year, suggesting that the Board give Mr. Romanello direction to include boat tax in the proposed budget, adding that it should be addressed as an economic development issue.

Mr. Cavalier asked that staff, before a vote was taken to eliminate the boat tax, prepare a report indicating how lost revenue would be made up. Mr. Schieber said that he agreed with Mr. Cavalier. Mr. Milde said that he did not agree.
Ms. Stimpson said that the boat tax should be eliminated, that no study was necessary. Mr. Milde asked that Mr. Romanello work on a four-year plan. Ms. Stimpson directed Mr. Romanello to bring the boat tax issue back as an Action Item on December 18, 2012. After being asked by Ms. Stimpson for his agreement, Mr. Cavalier agreed that it was not a time-sensitive issue.

<u>Economic Development; Short Pump CDA Presentation</u> This item was deferred to the December 18th Board meeting.

<u>Discuss Bylaws Change</u> Mr. Sterling recommended that the By-Laws Committee reconvene in January. Mr. Sterling said that Boards, Authorities, Committees, and Commission (BACC) nominations were done by Board consensus, and requested that a review of the By-Laws include the consensus method of voting for the Board's Standing Committees. He also asked the Committee to review of the roles and responsibilities of

the County Administrator and the County Attorney as well as the reference, in the By-Laws, to providing individual Board members with information regarding legal and legislative assistance. Mr. Thomas and Mr. Snellings, members of the By-Laws Committee, agreed to reconvene in January, 2013.

Legislative; Closed Meeting. At 10:47 p.m., Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution CM12-25.

The Voting tally was:

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

Resolution CM12-25 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion of the award of a public contract under the Public Private Transportation Act (PPTA) for County Road Bond projects; (2) discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating its facilities in the County; (3) discussion regarding the potential disposition of County-owned property in the Courthouse area to be used for educational purposes; (4) discussion and consultation with legal counsel regarding the award of a public contract(s) for a parks and recreational facility and services; and (5) discussion and consultation with legal counsel regarding the potential acquisition of real property for a public purpose(s), including economic development, pertaining to the Technology and Research Park; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(3), (5), (7), and (29) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 4th day of December, 2012, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At 11:56 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Sterling motioned, seconded by Mr. Thomas, to adopt proposed Resolution CM12-25(a).

The Voting Board tally was:

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

Resolution CM12-25(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON DECEMBER 4, 2012

WHEREAS, the Board has, on this the 4th day of December, 2012, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 4th day of December, 2012, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Adjournment: At 11:57 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM	Susan B. Stimpson
County Administrator	Chairman