

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

September 17, 2013

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Susan B. Stimpson, Chairman, at 3:01 p.m., on Tuesday, September 17, 2013, in the Board Chambers, at the George L. Gordon, Jr. Government Center.

Roll Call The following members were present: Susan B. Stimpson, Chairman; Robert “Bob” Thomas, Jr., Vice Chairman; Jack R. Cavalier; Paul V. Milde, III; Ty A. Schieber; Gary F. Snellings. Ms. Stimpson announced that Cord A. Sterling was absent from the 3:00 p.m. session due to a Commonwealth Transportation Board commitment and would arrive for the 7:00 p.m. session.

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:

Bonny Newton	-	Indian Point
Kenneth Pitts	-	Indian Point
John Lightner	-	Indian Point
Bill Johnson	-	Waste-to-Energy
Dave Harper	-	Indian Point
D.P. Newton	-	Indian Point
Barbara McPherson	-	Indian Point
Marsha Lockett	-	Extension Office
Wilburn Moore	-	Indian Point
Jenny Smith	-	Indian Point
Robert Minx	-	Indian Point
Rebecca Dye	-	Indian Point
Barbara Kirby	-	History/ Indian Point
Lou Silver	-	Indian Point
Robert Green	-	Indian Point
Gordon Silver	-	Indian Point

Following presentations by the public, Ms. Stimpson thanked everyone that spoke, saying that Indian Point was a compelling matter that would be discussed later in the meeting.

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

- Mr. Snellings - Deferred
- Mr. Sterling - Absent
- Mr. Thomas - Deferred
- Mr. Cavalier - Presented a petition with 713 signatures requesting a traffic light on Route 1 at the intersection of Tracy Street and Castle Court
- Mr. Milde - Deferred
- Mr. Schieber - Update on the Joint School Board/Board of Supervisors Working Group meeting held 9/9/13; Appreciated School Resource Officers in all middle schools/expressed desire to have SROs in elementary schools; Asked to consider waiving Conditional Use Permit fees for School projects; Courthouse Road east near Brooke Point High School/mowing needed; Concerned about shared services scope, control, and timeframe being too soon for FY2015 budget preparation; School Board meeting on 9/24/13 will provide demographics report, Board of Supervisors invited to attend
- Ms. Stimpson - Deferred

Report of the County Attorney Mr. Shumate deferred his report.

Report of the County Administrator Mr. Anthony Romanello deferred the report on Parks and Transportation Bond projects. He noted that Item #15 (Gwyneth’s Law proclamation) was moved to the October 1, 2013 Consent agenda. Mr. Romanello recognized David Noel who had twenty-five years of service; Mr. Harry Critzer had thirty-five years of service; and Ms. Beth Janis had forty-one years of service to the County. He added that at the recent service awards program, there were nine employees with twenty years; seven with twenty-five years; three with thirty years; three with thirty-five years; and one with forty (plus) years of employment with Stafford County.

Ms. Stimpson acknowledged staff for their years of service and dedication to the County.

Legislative; Additions and Deletions to the Agenda There were no additions to the agenda. Item 15, Recognize Staff and Volunteers that Contributed to the Successful Enactment of “Gwyneth’s Law” was deferred to the October 1st Board meeting.

Legislative; Consent Agenda Mr. Milde motioned, seconded by Mr. Thomas, to adopt the Consent Agenda consisting of Items 3 through 15, omitting Item 15.

The Voting Board tally was:

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

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

Item 4. Finance and Budget; Approve Expenditure Listing

Resolution R13-306 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED SEPTEMBER 3, 2013 THROUGH SEPTEMBER 17, 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 17th day of September 2013, that the above-mentioned EL be and hereby is approved.

Item 5. Sheriff; Authorize Approval of Grant Applications for the Fredericksburg Regional Emergency Services IP Network (ESINET); and Replacement of Wireless E-911

Resolution R 13-282 reads as follows:

A RESOLUTION AUTHORIZING TWO GRANT APPLICATIONS:
PLANNING AND DESIGN OF REPLACEMENT WIRELESS E-911
EQUIPMENT AND SERVICES; AND FREDERICKSBURG REGIONAL
EMERGENCY SERVICES IP NETWORK GRANT

WHEREAS, the Board desires to participate in the Virginia E-911 Services Board Grant Program in support of the County's E-911 operations; and

WHEREAS, the County's current E-911 system, which supports and routes E-911 emergency calls, has reached its "end-of-life" and is technically outdated; and

WHEREAS, a Grant through the Virginia E-911 Services Board is available in an amount up to \$150,000 and, if awarded, would be allocated for the design and planning of replacement wireless E-911 equipment and services; and

WHEREAS, a Grant through the Commonwealth of Virginia is available and would, if awarded, provide 100% funding for procurement (by the County) of an Emergency Services IP Network (ESInet), which is capable of supporting all telephone service provider-end offices that originate and route E-911 calls;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of September, 2013, that it be and hereby does authorize the Sheriff's Office staff to apply for the two aforementioned grants through the Virginia E-911 Services Board, and through the Commonwealth of Virginia, in the upcoming FY15 Grant cycle.

Item 6. Utilities; Authorize a Public Hearing to Execute a Declaration of Restrictions on County-Owned Property as Part of the Environmental Mitigation Plan for the Rocky Pen Run Reservoir Dam Project

Resolution R13-291 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER EXECUTION OF A DECLARATION OF RESTRICTIONS ON COUNTY-OWNED PROPERTY, TAX MAP PARCEL 43-22B, AS PART OF THE ENVIRONMENTAL MITIGATION PLAN FOR THE ROCKY PEN RUN DAM AND RESERVOIR PROJECT

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

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

WHEREAS, the County owns Tax Map Parcel 43-22B; and

WHEREAS, the Board desires to consider executing a Declaration of Restrictions on Tax Map Parcel 43-22B; and

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

WHEREAS, the Board finds that the conservation of Tax Map Parcel 43-22B under the Declaration of Restrictions will promote the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of September, 2013, that the County Administrator be and he hereby is authorized to advertise a public hearing to allow for presentation and public comment for the purpose of considering execution of the Declaration of Restrictions, in part or in whole, on County-owned Tax Map Parcel 43-22B, in connection with the Rocky Pen Run Dam and Reservoir Project.

Item 7. Authorize Amendment to the Project Budget/Contract with W.C. Spratt, Inc. for the Falls Run Sewer Interceptor Project

Resolution R13-300 reads as follows:

A RESOLUTION AUTHORIZING AN INCREASE IN THE PROJECT BUDGET FOR THE FALLS RUN SEWER INTERCEPTOR PROJECT

WHEREAS, during the construction of the Falls Run Sewer Interceptor, Phase 1 Replacement Project, a collapse in the existing casing under I-95 was discovered rendering the casing unusable in its current condition; and

WHEREAS, the County solicited a proposal from W.C. Spratt, Inc., the contractor for the Phase 1 project, to complete the emergency repairs as needed; and

WHEREAS, the proposed insertion of a 42-inch casing into the deteriorated tunnel-liner was selected as the most cost effective and technically beneficial approach; and

WHEREAS, the cost of this emergency repair is estimated at \$552,339; and

WHEREAS, funds are budgeted in the Utilities Department's FY14 Capital Improvements Projects budget to complete this work; and

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

WHEREAS, the Utilities Commission considered this matter at its September 10, 2013 meeting and approved this action;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of September 2013, that the Board be and hereby does authorize the County Administrator to execute a contract amendment with W.C. Spratt, Inc., for the Falls Run Sewer Interceptor project, in an amount not to exceed Five Hundred Fifty-two Thousand Three Hundred and Thirty-nine Dollars (\$552,339), unless amended by a duly-authorized contract amendment.

Item 8. Authorize the County Administrator to Execute a Contract for Emergency Generator Replacement at the Claiborne Run Sewage Pump Station

Resolution R13-305 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CARTER MACHINERY COMPANY, INC., FOR TWO 550-KILOWATT CATERPILLAR, INC. EMERGENCY GENERATORS, DIESEL FUEL FILTERS, AND TANKS FOR THE CLAIBORNE RUN PUMP STATION

WHEREAS, the existing emergency generators at the Claiborne Run Sewage Pump Station can no longer fully power the station; and

WHEREAS, staff determined that utilizing a contract of the National Joint Powers Alliance through a cooperative procurement provides the most efficient procurement and most cost-effective pricing of the required two generators, including the related diesel fuel filters and tanks; and

WHEREAS, the contract is with the Carter Machinery Company, Inc.;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 17th day of September 2013, that the County Administrator be and he hereby is authorized to execute a contract with Carter Machinery Company, Inc., for two emergency generators and related equipment, in an amount not to exceed Three Hundred Thirty-nine Thousand Ninety Dollars (\$339,090), unless amended by a duly-authorized contract amendment.

Item 9. Utilities; Amend the Pump and Haul Agreement at the Stafford Regional Airport for Non-subsidized Pump and Haul

Resolution R13-301 reads as follows:

A RESOLUTION TO AMEND THE PUMP AND HAUL AGREEMENT AT THE STAFFORD REGIONAL AIRPORT FOR THE PROPOSED CORPORATE HANGAR AT SPACE C-2 AND THE PERMANENT TERMINAL BUILDING

WHEREAS, the property at the Stafford Regional Airport is an approved non-residential pump and haul customer under Resolution R02-123, which was subsequently amended by Resolution R06-339; and

WHEREAS, Resolution R06-339 provides that the property owner may not expand and/or modify the existing structure unless approved on a case-by-case basis by the Utilities Commission and by the Board; and

WHEREAS, Stafford Regional Airport requested permission to construct a corporate hangar at Space C-2 on the Airport property, and a permanent terminal building, both of which would be connected to the Airport pump and haul tanks;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of September, 2013, that the Pump and Haul Agreement, authorized by Resolution R02-123 on April 16, 2002, be and it hereby is amended to allow the construction of a corporate hangar at Space C-2 and a permanent terminal building, connected to the Airport pump and haul tanks.

Item 10. Utilities; Consider Low Pressure Sewer System for Assessor's Parcels 54C-1-18A and 54C-1-19

Resolution R13-299 reads as follows:

A RESOLUTION AUTHORIZING THE USE OF A LOW PRESSURE SEWER SYSTEM ON TAX MAP PARCELS 54C-1-18A AND 54C-1-19

WHEREAS, at its meeting on October 7, 2003, the Board adopted Resolution R03-361, which limits the use of low pressure sewer systems for new residential subdivisions to those specifically authorized by the Board, after the Board determines that such a system is in the best interest of the County; and

WHEREAS, Tax Map Parcels 54C-1-18A and 54C-1-19 are inside the Urban Service Area; and

WHEREAS, County Code Section 25-71(b) requires properties within the Urban Service Area utilize the public sewer system; and

WHEREAS, there is no public sewer in the vicinity of Tax Map Parcels 54C-1-18A and 54C-1-19 that will allow the use of a gravity sewer; and

WHEREAS, the Utility Commission considered this matter at its September 10, 2013 meeting and voted 3-1 to recommend approval of the low pressure sewer system to serve these parcels; and

WHEREAS, the Board finds that adoption of this resolution 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 17th day of September, 2013, that use of a low pressure sanitary sewer system with grinder pumps, be permitted on Tax Map Parcels 54C-1-18A and 54C-1-19; and

BE IT FURTHER RESOLVED that the owner(s) of Tax Map Parcels 54C-1-18 and 54C-1-19 shall comply with the following requirements:

1. Ensure that any deeds to each property contain a clause that the property owner(s) shall be required to maintain a contract with a qualified repair firm for maintenance and repair of the grinder pump should it fail.

2. Ensure that the recorded subdivision plat for each parcel contains a Notice to the Public that the grinder pumps shall be owned by of the property owner(s) and that the property owner(s) are required to have a maintenance contract with a qualified repair firm for maintenance and repair of the grinder pumps should it fail.
3. Install and maintain each grinder pump outside of the house.
4. Provide and maintain a backup power source for each grinder pump.
5. Provide and maintain a manual transfer switch for each grinder pump located outside of the house.

Item 11. Public Works; Petition VDOT to Include Bergamot Drive, Scarlet Flax Court, Twinleaf Drive, and Snapdragon Drive within the Glens Subdivision into the Secondary System of State Highways

Resolution R13-302 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE BERGAMOT DRIVE, SCARLET FLAX COURT, TWINLEAF DRIVE, AND SNAPDRAGON DRIVE WITHIN THE GLENS, SECTION TWO, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Virginia Code § 33.1-229, desires to include Bergamot Drive, Scarlet Flax Court, Twinleaf Drive, and Snapdragon Drive within The Glens, Section Two, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) inspected these streets and found them satisfactory to be accepted into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of, September 2013 that VDOT be and it hereby is petitioned to include the following streets within The Glens, Section Two, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Bergamot Drive (SR-2156)	From: Stefaniga Farm Drive (SR-2155) To: Twinleaf Drive (SR-2158)	0.11 mi. ROW 50'
Bergamot Drive (SR-2156)	From: Twinleaf Drive (SR-2158) To: 0.17 mi. NE of Twinleaf Drive (SR-2158)	0.17 mi. ROW 50'
Twinleaf Drive (SR- 2158)	From: Bergamot Drive (SR-2156) To: Snapdragon Drive (SR-2159)	0.21 mi. ROW 50'
Twinleaf Drive (SR- 2158)	From: Snapdragon Drive (SR-2159) To: 0.03 mi. E of Snapdragon Drive (SR-2159)	0.03 mi. ROW 50'

Snapdragon Drive (SR-2159)	From: Twinleaf Drive (SR-2158) To: Scarlet Flax Court (SR-2160)	0.62 mi. ROW 50'
Snapdragon Drive (SR-2159)	From: Scarlet Flax Court (SR-2160) To: Stefaniga Road (SR-648)	0.13 mi. ROW 50'
Scarlet Flax Court (SR-2160)	From: Snapdragon Drive (SR-2159) To: 0.12 mi. W of Snapdragon Drive (SR-2159)	0.12 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, The Glens, Section Two, recorded in PM 060000036 with LR 060007213 on March 2, 2006; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall forward a copy of this resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Item 12. Public Information; Recognize the Falmouth Tide Football Team for Winning the 2012 American Youth Football Association's Division 2 Championship

Proclamation P13-28 reads as follows:

A PROCLAMATION RECOGNIZING THE FALMOUTH TIDE FOOTBALL TEAM FOR WINNING THE AMERICAN YOUTH FOOTBALL ASSOCIATION'S NATIONAL DIVISION 2 CHAMPIONSHIP

WHEREAS, the Falmouth Tide football team, a member of the Virginia American Youth Football Association, won a National American Youth Football Association Division 2 Championship in December, 2012 by a score of 20-13 over the Upper Marlboro Gators; and

WHEREAS, the Falmouth Tide football players (Herschel McLemore, Mark Roberts, Vaughn Lane, Darnell Lardge, Patrick Ayala, Daniel Dittmann, Marcus Bevels, Alan "A.J." Castro, Jamil Collison-Cofie, DeSean Davis, Adonis Napoleon, Kennard McNeal, "Reilley" Jameson Jenkins, Landon Woodson, Jared Obozele, Xavier Smith, Daelen Williams, and Preston Morgan) are to be congratulated for their outstanding season and national representation of Stafford County; and

WHEREAS, Head Coach James McClendon, Assistant Coaches David Stover, Shawn Woodson, Charles Williams, and Alan Castro, and the sponsors of the Falmouth Tide are to be commended for setting a great example and for their selfless devotion in helping these young players to be successful in life as well as in athletics; and

WHEREAS, Virginia American Youth Football Association Board members, Sterling Collins, Travis Scott, and Pastor Daniel L. Jones, are recognized for being proponents of the Association and its goals of promoting education, a strong work ethic, teamwork, and positive reinforcement;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 17th day of September, 2013, that it be and hereby does recognize the players on the Falmouth Tide Football Team, their parents, coaches, and sponsors, as well as members of the Virginia American Youth Football Association on the occasion of the Falmouth Tide's National Division 2 Championship.

Item 13. Public Information; Recognize Dr. James Schwartz for His Work on the Planning Commission and Stafford County's 350th Anniversary Blue Ribbon Committee

Proclamation P13-29 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND DR. JAMES SCHWARTZ FOR HIS WORK ON THE PLANNING COMMISSION AND ON STAFFORD COUNTY'S 350TH ANNIVERSARY BLUE RIBBON COMMITTEE

WHEREAS, Dr. James Schwartz served as the George Washington District representative on the Stafford County Planning Commission from January 1, 2012 through August 30, 2013; and

WHEREAS, during his time on the Planning Commission, Dr. Schwartz helped review several innovative and new concepts in the County including Urban Development Areas, Neighborhood Design Guidelines, Transfer of Development Rights, and Cluster Development, which promoted quality development in the County; and

WHEREAS, Dr. Schwartz was a strong supporter of historic preservation, providing guidance for rezoning projects for George Washington's Boyhood Home at Ferry Farm, and restoring his personal residence, Little Whim, which lies in a historic district, and served as headquarters for General Burnside during the Civil War; and

WHEREAS, Dr. Schwartz has been a devoted and very active member of the 350th Anniversary Blue Ribbon Committee, serving as a co-chair of the Events Subcommittee, spending countless hours with volunteer organizations and in meetings planning a world-class anniversary program filled with events, activities, and programs to engage every aspect of the community;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 17th day of September, 2013, that it be and hereby does recognize and commend Dr. James Schwartz for his lasting contribution to the citizens of Stafford County.

Item 14. Public Information; Recognize Red Ribbon Week and the Young Marines Program in Stafford County

Proclamation P13-30 reads as follows:

A PROCLAMATION TO RECOGNIZE RED RIBBON WEEK AND THE
YOUNG MARINES PROGRAM IN STAFFORD COUNTY

WHEREAS, the Young Marines is a program to reduce the demand for illegal drugs, with membership for children ages 8-18 or through completion of high school; and

WHEREAS, the Young Marines model its program after the Marine Corps values of honor, courage, and commitment by focusing on teaching youth to live a drug-free lifestyle and teaching ideals such as leadership, teamwork, and discipline; and

WHEREAS, the local branch of the Young Marines is named after Lance Corporal Caleb John Powers, a Marine from Fredericksburg who participated in the Program and was killed in action in Iraq; and

WHEREAS, the Lance Corporal Caleb John Powers Young Marines participate in and promote The National Red Ribbon Campaign; and

WHEREAS, each year, the Young Marines sponsor a national Red Ribbon Week that gives individuals the opportunity to wear a red ribbon signifying their opposition to illegal drug use; and

WHEREAS, the National Red Ribbon Campaign will be celebrated in communities across America the week of October 23-31, 2013; and

WHEREAS, business, government, parents, law enforcement, media, medical institutions, religious institutions, schools, senior citizens, service organizations, and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying red ribbons during this week-long campaign; and

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 17th day of September, 2013, that it be and hereby does recognize and commend the Lance Corporal Caleb John Powers Young Marines and its commitment to living a drug-free life and participation in Red Ribbon Week.

Item 15. Public Information; Recognize Staff and Volunteers that Contributed to the Successful Enactment of “Gwyneth’s Law” Mr. Schieber requested that this item be deferred to the October 1, 2013 Board meeting.

Planning and Zoning; Direct the County Administrator to Send a Letter to Atlantic Builders Regarding a Phase I Archeological Study at Indian Point Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Milde said that he believed it was reasonable to ask the developer, Atlantic Builders, to consider a Phase I archaeological study on the Indian Point property. He added that the builder had been conscientious in other areas of the County. Mr. Milde talked about parts of the old courthouse jutting out of the ground on Marlborough Point as well as other items of historic significance and value in the area.

Ms. Stimpson asked what might be found if a study were to be undertaken. Mr. Milde said there could be chips and shards of pottery and that human remains may also be buried there. Ms. Stimpson asked if the developer had been asked previously. Mr. Milde said that the Historic Commission asked and was told, “No.” He added that a request coming from Board level may bear additional consideration.

Mr. Schieber noted that if human remains were found during the course of construction, by law, it would have to be reported with, or without, an archaeological study. He said that he was unsure as to the likelihood of any significant findings at the site. Mr. Schieber stated that he had no problem supporting a letter to the developer with a request (not a mandate) that further exploration be permitted at the Indian Point site.

Mr. Snellings asked the County Attorney, Mr. Charles Shumate, if the County could mandate that the developer permit a study on his property. Mr. Shumate said that his office had not reviewed the issue but he believed the County did have the right to ask the developer for permission to conduct a study.

Mr. Snellings asked Kathy Baker, Assistant Director of Planning and Zoning, to define the steps taken in Phase I, Phase II, and Phase III studies. Ms. Baker said that if a Phase I study found as few as three artifacts, it moved forward to a Phase II study. Mr. Snellings asked about length of time for the studies. Ms. Baker replied that she received a few estimates and that 30-90 days was average for a Phase I study. Mr. Snellings asked about the cost. Ms. Baker said that for a 6.5 acre site, the cost could range from \$2,600 to \$12,000 for Phase I study. Phase II study costs began at approximately \$13,000.

Mr. Thomas said that there was a need to determine what was there, but perhaps not a need for a full Phase I study. Mr. Milde said that there was a need and that the State was interested in participating. Mr. Thomas said that regulations required that if human remains were found, they must be reported. He inquired about the enforcement mechanism for such reporting. Mr. Shumate said that if remains are found, the developer must comply with state statute. Mr. Thomas asked that staff look into enforcement and report back to the Board with what other mechanisms were in place in other localities.

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R13-280 adding the verbiage “including human remains” to the letter to Atlantic Builders.

Ms. Stimpson asked Mr. Milde if he had spoken with Atlantic Builders, Mr. Adam Fried. Mr. Milde said that he had not spoken with Mr. Fried. Mr. Snellings said that his great-grandmother was a member of Potomac Indian tribe and he was in favor of finding any remains that may be located on Marlborough Point. However, he added that there was no proof of any artifacts or remains at Indian Point. Mr. Snellings added that he was willing to serve on a committee with Mr. Milde to work with the builder, adding that if the full Board voted, it was setting a precedent of which he did not approve.

Mr. Snellings made a substitute motion, seconded by Ms. Stimpson, to form a sub-committee to meet with the developer to further discuss the issue.

Mr. Milde said that he did not wish to serve on a committee; that he did wish to set a precedent, adding that the Marlborough Point area was not the same as Hartwood, that Hartwood was not where the Indians lived. He said that the houses under construction at Indian Point were “spec” houses; that a precedent was overdue and the archaeological work should have been done years earlier.

The Voting Board tally on the substitute motion was:

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

Mr. Thomas said that the letter should be hand-delivered to the developer. Ms. Stimpson said that it was not setting a precedent, adding that she knew Mr. Fried and was willing to discuss with him the subject of an archaeological study at Indian Point. Mr. Milde said that Mr. Fried was well aware of the issue.

Ms. Stimpson asked how to determine what was historical in nature. Mr. Schieber said evidence suggested that there were items of historical significance at Indian Point and stated that he had no objection to sending a letter to Atlantic Builders.

Mr. Thomas said that he felt that there was no harm in taking the letter to Mr. Fried. Mr. Milde said that he would be happy to personally deliver the letter to Mr. Fried.

Recess: At 4:30 p.m., the chairman called for a five minute recess.

Call to Order: At 4:36 p.m., the chairman reconvened the meeting.

Mr. Milde said that he would personally deliver the letter to Mr. Fried requesting permission for an archaeological dig at Indian Point. Ms. Stimpson said that personal delivery may help soften the request but added that she still had concerns.

Mr. Romanello said that staff would work toward a more uniform policy, County-wide, not just relative to Marlborough Point.

The Voting Board tally on the original motion was:

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

Resolution R13-280 reads as follows:

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SEND A LETTER TO ATLANTIC BUILDERS REQUESTING PERMISSION TO CONDUCT ARCHAEOLOGICAL INVESTIGATIONS ON ASSESSORS PARCELS 49R-1 THROUGH 49R-5, AND 49C-2-1-15

WHEREAS, Atlantic Builders is the owner of Assessor's Parcels 49R-1 through 49R-5, and 49C-2-1-15 (the Parcels); and

WHEREAS, there is the potential for archaeological resources, including human remains, to be located on the above-referenced Parcels; and

WHEREAS, the Board desires to have archaeological investigations conducted on the Parcels; and

WHEREAS, the Virginia Department of Historic Resources (VDHR) indicated a desire to assist with the archaeological investigations on the Parcels; and

WHEREAS, VDHR desires to request that Atlantic Builders grant permission for the County to coordinate and conduct archaeological investigations on the Parcels; and

WHEREAS, the Board desires to send a letter to Atlantic Builders requesting that it allow the County, and/or designated representatives, to conduct the archaeological investigations;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 17th day of September, 2013, that the County Administrator be and he hereby is directed to send a letter to Atlantic Builders requesting permission to conduct archaeological investigations on Assessor's Parcels 49R-1 through 49R-5, and 49C-2-1-15.

Planning and Zoning; Authorize the Purchase of Development Rights Administrator to Negotiate and Execute Deeds of Easement for the Purchase of Development Rights Ms. Kathy Baker, Assistant Director of Planning and Zoning, gave a presentation and answered Board members questions. The nine ranked areas were the Holsing, Shelton, Adams, Major, Jones, Harris, Tang, Thacker, and Wilson properties.

Mr. Milde asked how the properties were found. Ms. Baker responded that notices were sent to land-owners with 20+ acre parcels. Mr. Milde said that staff did a great job. He asked how the selected parcels would remain in conservation in perpetuity. Ms. Baker said that conservation easements placed on the property spelled out the restrictions.

Mr. Thomas asked if a property owner could take less money than the County offered. Ms. Baker said that a property owner could take less, and have a tax write-off, that it would be considered a donation. Mr. Thomas asked if that was taken into consideration before the rankings were done. Ms. Baker said that it had not been considered. Mr. Thomas asked for a map showing all the properties in proximity to each other.

Mr. Milde said that PDR was a work in process from 2006 and that the Board was supportive, it demonstrated a great way to preserve open-space.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R13-297.

The Voting Board tally was:

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

Resolution R13-297 reads as follows:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF DEVELOPMENT RIGHTS ADMINISTRATOR TO NEGOTIATE AND EXECUTE A DEED OF EASEMENT FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON ASSESSOR'S PARCELS 47-66 AND 47-67 (HOLSINGER PROPERTY); ASSESSOR'S PARCELS 56-120A, 56-122, AND 56-125 (SHELTON PROPERTY); AND ASSESSOR'S PARCEL 36-60 (ADAMS PROPERTY) WITHIN THE GEORGE WASHINGTON AND HARTWOOD ELECTION DISTRICTS

WHEREAS, in 2007, the Board established County Code, Chapter 22A, Purchase of Development Rights (PDR), to enable the County to acquire conservation easements voluntarily offered by property owners to serve as one means of assuring that the County's open space, agricultural and forest lands, and natural and cultural resources are protected and efficiently used; and

WHEREAS, the Board established a PDR Administrator to administer and implement the PDR program; and

WHEREAS, the Board established a PDR Committee to promote the PDR program in cooperation with and under the guidance of the PDR Administrator; and

WHEREAS, a new program round for PDR applications was initiated in January, 2013; and

WHEREAS, the PDR Administrator and PDR Committee reviewed applications submitted under the PDR program and ranked the applications in accordance with the requirements and criteria established in the County Code, Chapter 22A; and

WHEREAS, the Board reviewed the recommendations of the PDR Administrator and PDR Committee and determined that Assessor's Parcels 47-66 and 47-67 (Holsinger Property); Assessor's Parcels 56-120A, 56-122 and 56-125 (Shelton Property); and Assessor's Parcel 36-60 (Adams Property) be considered for the purchase of development rights under the PDR program; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of September, 2013, that the Board be and it hereby does authorize the PDR Administrator to proceed with the negotiation of terms for deeds of easement for the purchase of development rights on Assessor's Parcels 47-66 and 47-67 (Holsinger Property); Assessor's Parcels 56-120A, 56-122 and 56-125 (Shelton Property); and Assessor's Parcel 36-60 (Adams Property) for an amount not to exceed \$1 Million Dollars, with a minimum of \$226,808 reimbursable by the Commonwealth of Virginia; and

BE IT FURTHER RESOLVED that if negotiations fail with the owners of Assessor's Parcels 47-66 and 47-67 (Holsinger Property); Assessor's Parcels 56-120A, 56-122 and 56-125 (Shelton Property); and/or Assessor's Parcel 36-60 (Adams Property) then negotiations would proceed to a property, or properties on the chart (below), as determined by the PDR Administrator, and in accordance with County Code, Chapter 22A.

RANKING	APPLICANT	TAX MAP PARCEL(S)	ELECTION DISTRICT	ACREAGE	ZONING	TOTAL POINTS (max 270 pts)	DEVELOPMENT RIGHTS	ESTIMATED COST
1	Holsinger	47-66, 47-67	George Washington	89	A-1	154	20	\$500,000
2	Shelton	56-120A, 56-122, 56-125	George Washington	76	A-1	132	9	\$225,000
3	Adams	36-60	Hartwood	38	A-1	129	11	\$275,000
4	Major	34-7	Hartwood	149	A-1	119	43	\$1,075,000
5	Jones	59-21	George Washington	43	A-2	118	27	\$675,000
6	Harris	25-40	Hartwood	100	A-1	114	25	\$625,000
7	Tang	17-15E	Hartwood	42	A-1	114	11	\$275,000
8	Thacker	35-6R, 35-6U	Hartwood	41	A-1, A-2	98	9	\$225,000
9	Wilson	49-2A	Aquia	50	A-2	90	8	\$200,000
		TOTAL		628			163	\$4,075,000

Recess At 4:59 p.m., the Chairman declared a recess.

Call to Order At 7:04 p.m. the Chairman called the meeting back to order. Mr. Sterling joined the meeting.

Invocation Ms. Stimpson gave the invocation.

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

Presentation Recognizing the Falmouth Tide Football Team for Winning the 2012 American Youth Football Association's National Division 2 Championship Ms. Stimpson, along with Pastor Daniel Jones, recognized the Falmouth Tide football team, its coaches, parents, and sponsors.

Presentation Recognizing Red Ribbon Week and the Young Marine Program in Stafford County Ms. Stimpson recognized members of the Young Marine Program in Stafford County.

Presentation by Empower House Ms. Kathy Johnson with Empower House, formerly the Rappahannock Council on Domestic Violence, gave a presentation and statistics on domestic violence in the County and the Commonwealth. Ms. Johnson reported that a vigil was scheduled for October 8, 2013, on the Stafford County Courthouse steps.

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

- Pastor Daniel Jones - Youth recreation in N. Stafford
- Dean Fetterolf - Waste-to-Energy; Courtesy to public speakers
- D.P. Newton - Indian Point
- Paul Waldowski - Vertical Parking; Sidewalks; Station 14; Sports

Legislative; Closed Meeting. At 7:42 p.m., Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM13-15.

The Voting Board tally was:

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

Resolution CM13-15 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion and consultation with legal counsel regarding *Layne GeoConstruction Corp. v. General Excavation, Inc., et al.*, CL12-596, and other potential litigation relative to the Rocky Pen Run Reservoir and Dam project; (2) discussion and consultation with legal counsel regarding *In re: June 25, 2013 Decision of the Board of Zoning Appeals for Stafford County, Virginia on Variance Application – V13-02/1300245*, CL13-843, and *In re: June 25, 2013 Decision of the Board of Zoning Appeals for Stafford County, Virginia on Appeal Application – A13-01-1300088*, CL13-844; (3) discussion concerning a prospective business where no previous announcement has been made of the business’ interest in locating its facilities in the County; (4) consultation with legal counsel regarding the Transfer of Development Rights Ordinance; and (5) discussion regarding the performance and discipline of a specific County employee; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(1), (A)(5), and (A)(7), such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 17th day of September, 2013, does hereby authorize discussion of the aforesated matters in Closed Meeting.

Call to Order At 8:00 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 CM13-15(a).

The Voting Board tally was:

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

Resolution CM13-15(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON SEPTEMBER 17, 2013

WHEREAS, the Board has, on this the 17th day of September, 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 17th day of September, 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.

Planning and Zoning; Amend Stafford County Code and Comprehensive Plan Regarding Transfer of Development Rights (TDR) Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Milde asked how many development rights were from the Brooke sending area. Mr. Harvey said that there was one active and there were several other inquiries. Mr. Milde asked if the densities were consistent with the County's Comprehensive Plan. Mr. Harvey replied that most were in the Urban Development Areas (UDA).

Mr. Snellings said that the receiving area expanded across Route 1 included Paradise Estates. He asked if residents of Paradise Estates received notice of the public hearing. Mr. Harvey said that they did not receive advanced notice of the public hearing.

Mr. Milde said that the UDA originally included Paradise Estates. Mr. Harvey said that there would be no receiving area until adoption of the Comprehensive Plan. Mr. Milde asked how neighbors would be notified. Mr. Harvey said that similar to zoning changes, submittal of site or subdivisions plans, the County must notify adjacent property owners.

Mr. Sterling asked if redevelopment areas (RDA) included architectural standards. Mr. Harvey said that it did. Mr. Sterling said that TDR (itself) did not but that if a development right was transferred into a RDA, it must comply with existing architectural standards. Mr. Harvey agreed. Mr. Sterling asked how property values were determined. Mr. Harvey said that the Commissioner of the Revenue established values by looking at comparable properties. Mr. Milde said that something could be built in the Courthouse area without adhering to design standards. Mr. Harvey clarified that the exception was within the HCOD, where the builder had to comply with neighborhood design standards.

Mr. Milde asked if R-4 was taken from receiving areas, could the Board remove Paradise Estates from consideration. Mr. Shumate said that it would fall within the scope of the advertisement.

Mr. Harvey said that TDR was by-rite, that no proffers were involved. Ms. Stimpson asked about moving densities to smaller areas. She asked about the number of lots in the largest development in Crow's Nest. Mr. Milde said it was approximately 120 lots. Ms. Stimpson talked about small space density growing more quickly. Mr. Harvey said that by-right did not have to go through rezoning. Ms. Stimpson clarified that no public hearing was necessary, that it would "just happen." Mr. Milde said it would not be faster, just in different areas; that the County's Comprehensive Plan designated the Courthouse area for a denser use.

Mr. Snellings asked if the County allowed building on Crow's Nest, how many units would be permitted. Mr. Harvey said 364, or less if converted to commercial square footage. One dwelling unit equaled 3000 square feet of commercial space. Mr. Schieber asked if the receiving area west of I-95 was part of a RDA. Mr. Harvey said that it was.

Mr. Sterling noted that the Board's Infrastructure Committee discussed Route 1 congestion and intersection improvement at Courthouse Road and Route 1, and funding. Mr. Harvey talked about the map (on the Power Point presentation), which outlined the targeted area. Mr. Sterling asked if the focus was on water, sewer and transportation. Mr. Harvey said, "Yes." Ms. Stimpson asked who paid for infrastructure. Mr. Harvey said it would be the developer's responsibility.

The Chairman opened the public hearing.

The following persons desired to speak:

Mark Jenkins
Joe Samaha
Dean Fetterolf

Nan Rawlison
John Edgar
Bill Hoyt

Joe Brito
Keith Gidd
Stephen Walker

David Fowler	Rob Gallahan	Alane Callander
Becky Reid	Donna Hart	Debraerae Karnes
Valerie Setzer	Douglas Brown	Skip Causey
Mike (last name inaudible)	L. Franklin Sealy	Ryan Ferrugi
Ruth Carlone	Aubrey Hawkins	Alan Burrow
Gary Michael	Alex Long	Paul Waldowski
Donna Powers	Jo Knight	Steven Apicella
Lynn (last name inaudible)	Asminta Santoyo	Cecelia Kirkman

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Schieber, to defer this item to the March 18, 2014 Board meeting.

Ms. Stimpson said that the public deserved an up or down vote, not deferral. Mr. Shumate suggested that deferral to March, 2014 would present a problem because State Code called for Board action within 60-90 days of the Planning Commission's action.

Mr. Sterling withdrew his motion and motioned to deny proposed Ordinance O13-48, seconded by Mr. Snellings.

Mr. Milde said that the Planning Commission did what was asked and now Board members were changing their mind(s). Mr. Sterling said that he originally voted against TDR. Mr. Milde said that doing nothing created urban sprawl and that every delay resulted in more homes being built. Mr. Thomas said that he voted in favor of TDR; that he, Mr. Snellings, and Mr. Milde were on a committee that recommended moving densities down, as well as recommending smaller sending and receiving areas be included in a pilot program. Mr. Schieber said that initially he, too, voted in favor and asked for details of the pilot program, which conceptually targeted growth but where there were no proffers to support infrastructure. He added that the money had to come from somewhere.

Mr. Milde made a substitute motion, seconded by Mr. Cavalier, to defer this item to October 15, 2013 and to remove R-4 zoning, including Paradise Estates.

Mr. Shumate said that if no vote was taken, the County would still have TDR, but without a Comprehensive Plan aspect. Mr. Snellings said he voted for a test program, which had more than doubled, and he found that hard to manage. He agreed with a deferral to the October 15, 2013 meeting. Mr. Thomas said he agreed with a deferral to fix clerical issues and to remove Paradise Estates. Mr. Milde said to keep Crow's Nest but take out R-4 zoning. Mr. Snellings said that he would not support the expanded area.

Mr. Thomas noted that if a vote was taken, a new Board in January could take up Mr. Sterling's March, 2014 deferral date.

Mr. Thomas said that in the George Washington and Hartwood Districts, sending and receiving areas could not be paired. He talked about preventing timbering and ensuring that once a development right was severed, the same use of the property be continued. Mr. Cavalier said that taking out the trailer park was sensitive to the needs of its residents and that a better plan would be presented to the Board on October 15, 2013. Ms. Stimpson said that she believed that the public deserved an up/down vote and that she would not support deferral.

Mr. Sterling said that the following should be added to the County's legislative initiatives: restrict timbering; add architectural standards to TDR; and pare down sending and receiving areas in TDR.

The Voting Board tally was:

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

Recess: At 10:18 the Chairman declared a recess.

Call to Order At 10:25 p.m., the Chairman called the meeting back to order.

Planning and Zoning; Amend the Zoning Ordinance Regarding Cluster-Designed Subdivisions in the A-1, Agricultural and A-2, Rural Residential Zoning Districts Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski
Eric Curry
Paul Miller

The Chairman closed the public hearing.

Mr. Milde asked why the open space ratio was limited to fifty percent, why not sixty-six percent open space. Mr. Harvey said that clustering was condensed development in one section and open space in others. He said that additional open space was discussed and that it could be sent back to the Planning Commission for further adjustments.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O13-38 with the added request that the Planning Commission look at smaller lot sizes.

The Voting Board tally was:

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

Ordinance O13-38 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SECTION 28-35, TABLE 3.1 “DISTRICT USES AND STANDARDS”

WHEREAS, Virginia Code § 15.2-2286.1 requires that the County provide for cluster-designed subdivisions; and

WHEREAS, the Board desires to amend the County Code Section 28-35, Table 3.1, “District Uses and Standards,” to further clarify the minimum lot size that will apply in a cluster-designed subdivision in the A-1, Agricultural and A-2, Rural Residential Zoning Districts; and

WHEREAS, the Board conducted a public hearing and 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 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 17th day of September, 2013, 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:*

(2) *Minimum lot area (acres):*

Conventional Subdivision.....3

Cluster Subdivision.....+ 1.5 (average density 1 lot per 1.5 ae)

A-2 Rural Residential.

(d) *Requirements:*

(2) *Minimum lot area (acres):*

Conventional Subdivision1

Cluster Subdivision (~~public water/sewer~~) = 0.5 ~~average density one (1) lot~~
~~per acre:~~0.7

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

Finance and Budget; Amend the Schools’ Health Services Fund Ms. Maria Perrotte, Chief Financial Officer 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. Schieber motioned, seconded by Mr. Sterling, to adopt proposed Resolution R13-289.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Milde

Resolution R13-289 reads as follows:

A RESOLUTION TO AMEND THE SCHOOLS’ FY2014 HEALTH SERVICES FUND BUDGET AND APPROPRIATE THE FUNDS

WHEREAS, on July 2, 2013, the Board appropriated one-quarter of the FY2014 Schools’ Health Services Fund (Fund); and

WHEREAS, the Board deferred appropriation of the remainder of the Fund pending receipt of details of the Fund’s revenues and expenditures; and

WHEREAS, the requested information was provided by School staff; and

WHEREAS, the School Board requested an amendment to the Fund budget and appropriation of the funds; and

WHEREAS, a public hearing was held on Tuesday, September 17, 2013, in the Board Chambers at the Stafford County Administration Center, located at 1300 Courthouse Road, Stafford, VA;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of September, 2013, that it be and hereby does amend the FY2014 Schools’ Health Services Fund budget and appropriate the funds as follows:

Amended Budget	Amended Appropriation
\$34,186,082	\$34,186,082

Legislative; Closed Meeting. At 10:48 p.m., Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM13-15.

The Voting Board tally was:

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

Resolution CM13-15 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) discussion and consultation with legal counsel regarding *Layne GeoConstruction Corp. v. General Excavation, Inc., et al.*, CL12-596, and other potential litigation relative to the Rocky Pen Run Reservoir and Dam project; (2) discussion and consultation with legal counsel regarding *In re: June 25, 2013 Decision of the Board of Zoning Appeals for Stafford County, Virginia on Variance Application – V13-02/1300245*, CL13-843, and *In re: June 25, 2013 Decision of the Board of Zoning Appeals for Stafford County, Virginia on Appeal Application – A13-01-1300088*, CL13-844; (3) discussion concerning a prospective business where no previous announcement has been made of the business’ interest in locating its facilities in the County; (4) consultation with legal counsel regarding the Transfer of Development Rights Ordinance; and (5) discussion regarding the performance and discipline of a specific County employee; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(1), (A)(5), and (A)(7), such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 17th day of September, 2013, does hereby authorize discussion of the aforestated matters in Closed Meeting.

Call to Order At 11:40 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 CM13-15(a).

The Voting Board tally was:

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

Resolution CM13-15(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON SEPTEMBER 17, 2013

WHEREAS, the Board has, on this the 17th day of September, 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 17th day of September, 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.

Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution R13-314.

The Voting Board tally was:

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

Resolution R314 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ATTORNEY TO EXCEED THE \$100,000 LIMIT IMPOSED BY THE COUNTY'S PROCUREMENT POLICIES AND REGULATIONS FOR LEGAL AND PROFESSIONAL SERVICES RELATED TO *LAYNE GEOCONSTRUCTION CORP. V. GENERAL EXCAVATION, INC., ET AL.*

WHEREAS, in September/October, 2012, General Excavation, Inc., filed a Third-Party Complaint against the County in a case involving the Rocky Pen Run Dam, *Layne Geoconstruction Corp. v. General Excavation, Inc., et al.*, Case No. CL12-596; and

WHEREAS, the County Attorney's Office hired outside counsel, and intends to utilize other professional services, to assist the Office in defending the County in this case; and

WHEREAS, under the County's Procurement Policies and Regulations, Board approval is required for any contract for services exceeding \$100,000;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of September, 2013, that the County Attorney be and he hereby is authorized to exceed the \$100,000 limit imposed by the County's Procurement Policies and Regulations for legal and professional services related to *Layne Geoconstruction Corp. v. General Excavation, Inc., et al.*

Adjournment: At 11:41 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Susan B. Stimpson
Chairman