

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

June 17, 2014

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 3:03 p.m., on Tuesday, June 17, 2014, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Jack R. Cavalier, Chairman; Gary F. Snellings, Vice Chairman; Meg Bohmke; Paul V. Milde, III; Laura A. Sellers; Cord A. Sterling; 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 other interested parties.

Presentation Recognizing and Commending Citizen Volunteers Mr. Cavalier read a proclamation recognizing all of the County’s Citizen Assistance volunteers. Mr. Jeff Shover, Manager of the Citizen Assistance and Volunteer Services Office, gave special recognition to Ms. Ida Ansell, a 23-year volunteer who was retiring. Other volunteers in attendance included Ms. Cecilia Miller; Mr. Nick Kopchinsky; Ms. Jane Conner; Ms. Doris McAdams; Ms. Charlotte Crismond; Ms. Debbie Murphy; and Ms. Valarie Hart.

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

Bill Johnson - Against the use of incinerators at the Landfill

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

Ms. Bohmke - Public Safety Committee update

Mr. Cavalier - Attended GEICO 20th Anniversary; Route 1/Boswell’s Corner meeting; DARE Day at Pratt Park; Aquia Harbour Rescue Squad (need room for new fire truck and training facilities); Brooke Point High School graduation; Dedication of a ball field at Patawomeck Park scheduled for Wednesday, 6/18/14, named after former Board member, Lindbergh Fritter; Celebration Stage grand opening, 6/25/14, at Pratt Park beginning at 5:00 p.m.; Meeting at Hilldrup, 6/19/14, regarding Widewater State Park Master Plan

- Mr. Milde - Elected Chairman of FAMPO, effective 7/1/14; Lloyd Robinson retiring; New CTB member, Hap Connors said that he was assured that funding for the I-90, Exit 40 Interchange would be restored; Would not support the new proffer recommendations/ increase in fees because higher proffers would drive development into the “out-reaches” of the County; Regarding citizen comment, disagreed with zero waste, saying that it was unrealistic, and not a healthy alternative for the County; an incinerator was not under consideration, commercial hauling fees were competitive
- Ms. Sellers - Attended North Stafford High School graduation; CPMT, biennial outcome indicated that there was a 76% improvement in behavior and stability of youths in the County; CPMT supported the 2015-2016 Virginia Juvenile Community Crime Control Act
- Mr. Snellings - Deferred
- Mr. Sterling - Finance, Audit and Budget Committee update; presented Power Point detailing a budget and proffer comparison
- Mr. Thomas - Deferred

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

Report of the County Administrator Mr. Romanello introduced Mr. Mike Smith, Director of Public Works, and Mr. Chris Hoppe, Capital Projects Manager. Mr. Smith provided a transportation/roads update. Mr. Snellings asked about funding for the Courthouse Streetscape project currently in progress. Mr. Smith said that it was 80% federally funded and 20% locally funded, with in-kind work, there was no cash being spent by the County on the project. Mr. Hoppe provided an update on Parks projects in the County.

Mr. Romanello noted that there were no changes to the agenda with the exception of Item #10 being pulled from the Consent Agenda at the request of Mr. Cavalier, who would abstain from voting on that item when it was considered by the Board.

Legislative; Consent Agenda Mr. Sterling motioned, seconded by Mr. Snellings, to adopt the Consent Agenda, which consisted of Items 4 through 16. Item #10 was pulled by Mr. Cavalier who read the following statement: “I am voluntarily abstaining from any discussion or vote on this matter today and in the future. My reason for doing so is that I have discussed a potential employment arrangement with a company that may have a business relationship in the future with one of the parties involved in this matter. The Clerk will please note my abstention and the reason in the record today and in the record at any future meeting where the Board discusses or considers this matter.”

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Item 4. Legislative; Approve Minutes of the June 3, 2014 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R14-154 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED JUNE 03, 2014 THROUGH JUNE 16, 2014

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 June, 2014 that the above-mentioned EL be and hereby is approved.

Item 6. Human Resources; Authorize Virginia Retirement Systems Contribution Rate Effective July1, 2014 for County Government and Public Schools

Resolution R14-148 reads as follows:

A RESOLUTION TO AUTHORIZE THE VIRGINIA RETIREMENT
SYSTEM EMPLOYER CONTRIBUTION RATES FOR STAFFORD
COUNTY

(In accordance with the 2014 Appropriation Act Item 468(H))

BE IT RESOLVED that Stafford County (#55189) does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of (a) the contribution rate in effect for FY2014, or (b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED that Stafford County (#55189) does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

(Check only one box)

Certified Rate of **10.78%**
; and

Alternate Rate of 8.86%

BE IT ALSO RESOLVED that Stafford County (#55189) does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution;

NOW, THEREFORE, the officers of Stafford County (#55189) are hereby authorized and directed in the name of Stafford County to carry out the provisions of this resolution, and said officers of Stafford County are authorized and directed to pay over to the Treasurer of Virginia from time-to-time such sums as are due to be paid by Stafford County for this purpose.

Resolution R14-149 reads as follows:

A RESOLUTION TO AUTHORIZE LOCAL GOVERNING BODY
CONCURRENCE WITH THE SCHOOL DIVISION ELECTING TO
PAY THE VRS BOARD-CERTIFIED RATE

(In accordance with the 2014 Appropriation Act Item 468(H))

BE IT RESOLVED that the Stafford County Board of Supervisors (#55189) does hereby acknowledge that the Stafford County Public Schools made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED that Stafford County (#55189) does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Stafford County Public Schools to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriation Act;

NOW, THEREFORE, the officers of Stafford County (#55189) are hereby authorized and directed in the name of the Board of Supervisors, to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the Stafford County Government, as appropriate, shall be affixed and attested by the Clerk.

Item 7. Finance and Budget; Authorize Draw Down on Master Lease Financing

Resolution R14-144 reads as follows:

A RESOLUTION OF THE STAFFORD COUNTY, VIRGINIA BOARD
OF SUPERVISORS AUTHORIZING THE LEASE FINANCING OF
EQUIPMENT FOR THE COUNTY

WHEREAS, pursuant to Resolution R08-248, adopted on May 28, 2008, by the Board of Supervisors (the "Board") of Stafford County, Virginia (the "County"), the County previously executed and delivered a Master Lease Agreement dated June 6, 2008, with SunTrust Equipment Finance & Leasing Corp. (as previously amended, the "Master Lease Agreement"), pursuant to which the County has previously entered into lease financings; and

WHEREAS, the Board determined that it is necessary and advisable to finance the cost of equipment for the County, consisting of, among other things a fire truck, fire and rescue equipment and computer equipment in the maximum principal amount of \$6,000,000; and

WHEREAS, the Board desires to authorize one or more lease financings of equipment for the County under the Master Lease Agreement;

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

Equipment Schedule. The Board hereby authorizes the execution and delivery of one or more equipment schedules to the Master Agreement to evidence the lease financing of equipment for the County. The County Administrator and the Chief Financial Officer of the County, or either of them, or such officers as either of them may designate are authorized to execute and deliver on behalf of the County such equipment schedules to the Master Lease Agreement; provided however, that the aggregate principal amount of all such equipment schedules may not exceed \$6,000,000; and

Authorization and Execution of Documents. The County Administrator and the Chief Financial Officer of the County, or either of them, or such officers as either of them may designate are authorized to execute and deliver on behalf of the County such instruments, agreements, documents or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this resolution; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed; and

Nature of Obligations. The obligation of the County to make payments under the Master Agreement or similar financing agreement will be subject to appropriation each year by the Board. Nothing in this resolution, the Master Agreement or similar financing agreement shall constitute a debt or a pledge of the faith and credit of the County; and

Effective Date. This Resolution shall take effect upon adoption. The undersigned Clerk of the Board of Supervisors of Stafford County, Virginia, certifies that the foregoing resolution was duly adopted at a meeting of the Board of Supervisors duly called and held on June 17, 2014.

Item 8. Utilities; Authorize the County Administrator to Execute a Contract for the Claiborne Run Pump Station Generator Project

Resolution R14-137 reads as follows:

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT WITH CROWDER CONSTRUCTION
COMPANY FOR THE CLAIBORNE RUN PUMP STATION GENERATOR
REPLACEMENT PROJECT**

WHEREAS, the Board included funds in the Utilities Department's FY2014 Capital Improvements Projects budget, and appropriated the funds, for a project to replace the Claiborne Run Pump Station Generator; and

WHEREAS, the Claiborne Run Pump Station Generator is in need of replacement for the continued effective operation of the Claiborne Run Pump Station; and

WHEREAS, the County solicited bids for the project; and

WHEREAS, two bids were received, and staff determined that the bid submitted by Crowder Construction Company, in the amount of \$618,240, is the lowest responsive and responsible bid; and

WHEREAS, staff determined that Crowder Construction Company's bid is reasonable for the scope of services proposed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that the County Administrator be and he hereby is authorized to execute a contract with Crowder Construction Company for the construction of the Claiborne Run Pump Station Generator Replacement Project, in an amount not to exceed Six Hundred Eighteen Thousand Two Hundred Forty Dollars (\$618,240), unless amended by a duly-approved change order.

Item 9. Public Works; Petition VDOT to Include the Abandonment of Stanstead Road and the Addition of Sections of Stanstead Road and of South Gateway Drive into the Secondary System of State Highways

Resolution R14-89 reads as follows:

**A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE THE ABANDONMENT OF
SECTIONS OF STANSTEAD ROAD FROM, AND THE ADDITION OF
SECTIONS OF STANSTEAD ROAD AND SOUTH GATEWAY DRIVE
INTO, THE SECONDARY SYSTEM OF STATE HIGHWAYS**

WHEREAS, pursuant to Virginia Code § 33.1-155, the Board desires to abandon sections of Stanstead Road from the Secondary System of State Highways; and

WHEREAS, pursuant to Virginia Code § 33.1-229, the Board desires VDOT to accept the abandonment of sections of Stanstead Road from the addition of sections of Stanstead Road, and the addition of South Gateway Drive, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) inspected these streets and found them satisfactory for acceptance 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 June, 2014 that VDOT be and it hereby is petitioned to accept the abandonment and the addition of the following streets into, the Secondary System of State Highways:

Type Change to the Secondary System of State Highways: Abandonment The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: Abandonment

Pursuant to Virginia Code: § 33.1-155

Street Name/ Route Number	Station	Length
Stanstead Road (SR-1050)	From: Stanstead Road (SR-670) To: 0.31 miles to the End	0.31 mi.
Stanstead Road (SR-670)	From: Intersection Warrenton Road (US-17) To: Stanstead Road (SR-1050)	0.30 mi.

Type Change to the Secondary System of State Highways: Addition The following additions to the Secondary System of State Highways, pursuant to the statutory provision(s) cited, are hereby requested; the right-of-way for which, including additional easements for cuts, fills, and drainage, as required, is hereby guaranteed:

Reason for Change: Realignment and Addition

Pursuant to Virginia Code: § 33.1-229

Street Name/ Route Number	Station	Length
Stanstead Road (SR-1050)	From: West Inter. of South Gateway Drive (SR-1707) To: East Inter. of South Gateway Drive (SR-1707)	0.18 mi. ROW 50'
South Gateway Drive (SR-1707)	From: Inter. Warrenton Road (US-17) To: West Inter. of Stanstead Road (SR-1050)	0.03 mi. ROW 120'
South Gateway Drive (SR-1707)	From: West Inter. of Stanstead Road (SR-1050) To: East Inter. of Stanstead Road (SR-1050)	0.15 mi. ROW 107'
South Gateway Drive (SR-1707)	From: East Inter. of Stanstead Road (SR-1050) To: 0.27 mi. N of East Inter. Stanstead Road (SR-1050)	0.27 mi. ROW 107'
South Gateway Drive (SR-1707)	From: 0.34 mi. S of Inter. Plantation Drive (SR-1706) To: Inter. with Falls Run Drive future (SR-618)	0.35 mi. ROW 60'

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, Subdivision and Easements of Carters Crossing, recorded in PM 070000164 with LR070022363 on September 17, 2007, and the Plat of Record entitled, Street Dedication and Easements for South Gateway Drive Extensions on the lands of JMC-IV Real Estate Company, recorded in PM 130000008 with LR130000745 on January 7, 2013; 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 10. Planning and Zoning; Authorize the County Administrator to Advertise a Public Hearing Regarding a Partial Plat Vacation in King James Village Mr. Cavalier abstained from voting on this item having stated earlier, “I am voluntarily abstaining from any discussion or vote on this matter today and in the future. My reason for doing so is that I have discussed a potential employment arrangement with a company that may have a business relationship in the future with one of the parties involved in this matter. The Clerk will please note my abstention and the reason in the record today and in the record at any future meeting where the Board discusses or considers this matter.”

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Resolution R14-161.

The Voting Board tally was:

Yea: (6) Bohmke, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)
Abstain: (1) Cavalier

Resolution R14-161 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING FOR THE REQUEST TO VACATE A
PORTION OF A SUBDIVISION PLAT KNOWN AS KING JAMES VILLAGE
WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, the subdivision plat known as King James Village was recorded in Plat Book 6, at Pages 151-151A, among the Stafford County land records on September 5, 1975 (the Plat), within the Griffis-Widewater Election District; and

WHEREAS, Assessor’s Parcel 20D-1-B (Parcel B) on the Plat was designated “Park;” and

WHEREAS, maintenance of a park amenity is not required in the R-1, Suburban Residential Zoning District; and

WHEREAS, the Board finds that no deed, covenant, or other restriction has been recorded in the Stafford County land records requiring a park in the King James Village Subdivision; and

WHEREAS, Big Bob’s Mobile Home Heaven, Inc., the owner of Parcel B submitted an application to vacate a portion of the Plat, specifically to vacate the “Park” designation on Parcel B; and

WHEREAS, pursuant to Stafford County Code Section 22-108, a public hearing to vacate a portion of the plat is required;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that a public hearing be an it hereby is authorized for the request to vacate the “Park” designation of Assessor’s Parcel 20D-1-B, Parcel B, within King James Village Subdivision.

Item 11. Human Services; Consider Consolidation of the Chaplin Group Home and the Rappahannock Area Services on Youth

Resolution R14-152 reads as follows:

A RESOLUTION APPROVING THE CONSOLIDATION OF THE CHAPLIN GROUP HOME COMMISSION AND THE RAPPAHANNOCK AREA OFFICE ON YOUTH; AND AUTHORIZING THE COUNTY ADMINISTRATOR TO SIGN A CONSOLIDATION AGREEMENT

WHEREAS, in 1990, the Spotsylvania and Stafford County Boards of Supervisors and the Fredericksburg City Council, approved an agreement creating the Spotsylvania, Stafford, Fredericksburg Group Home Commission (the Group Home Commission) pursuant to the Virginia Juvenile Detention Facilities Act (Virginia Code § 16.1-310 *et seq.*) to operate a residential home for youth in the three localities; and

WHEREAS, the Group Home Commission purchased 4.9 acres of property on Cool Springs Road in Stafford County, and constructed a group home known as the Chaplin Youth Center, named for Alvin N. Chaplin, Jr., and his wife, Joady; and

WHEREAS, the Group Home Commission has operated the Chaplin Youth Center for 20 years, and expanded its mission, on a contractual basis, to also house juveniles from Caroline and King George counties; and

WHEREAS, in 1989, the Rappahannock Area Office on youth (Office on Youth) was created by the City of Fredericksburg and the counties of Caroline, King George, Spotsylvania, and Stafford (pursuant to Virginia Code § 66-26 *et seq.*) to provide programs to reduce delinquency in the region by promoting positive youth development; and

WHEREAS, the governing bodies of the member localities of both organizations determined that it would be in the best interest of the youth in the region to combine the two organizations into one, allowing for administrative and program savings; and to combine the functions of the Office on Youth into the (Chaplin) Group Home Commission, renamed the Group Home Commission (the Commission) to reflect its combined function;

NOW THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 17th day of June, 2014, that the Agreement to create the combined Commission named the Rappahannock Area Youth Services and Group Home

Commission be and it hereby is approved, and that the County Administrator is authorized to sign the Agreement and any related documents, on behalf of Stafford County; and

BE IT FURTHER RESOLVED that the Board appoints Gary Snellings as its representative on the Commission, and appoints the County Administrator, Anthony Romanello, as the other member, with Donna Krauss appointed as Mr. Romanello's alternate. An alternate for Mr. Snellings will be appointed at a later date; and

BE IT STILL FURTHER RESOLVED that all terms on the Commission will begin on July 1, 2014, or when the Agreement is approved by all parties, for a period of four consecutive years, expiring on June 30, 2018, or until the appointees no longer hold their respective positions with the County.

Item 12. Human Services; Approve the Virginia Juvenile Community Crime Control Act Plan for 2015-2016

Resolution R14-157 reads as follows:

A RESOLUTION TO APPROVE THE VIRGINIA JUVENILE
COMMUNITY CRIME CONTROL ACT PLAN FOR 2015-2016

WHEREAS, Stafford County received funding pursuant to the Virginia Juvenile Community Crime Control Act to create additional delinquency prevention programs;

WHEREAS, the Board is asked to approve the Virginia Juvenile Community Control Act Plan for 2015-2016 (Plan); and

WHEREAS, the Judges of the 15th District Juvenile and Domestic Relations Court found the Plan acceptable and needed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that the Plan, as prepared by the Fifteenth Judicial District Court Services Unit for the use of these funds, received from the Department of Juvenile Justice, be and it hereby is approved; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute approval of the Plan.

Item 13. County Administration; Endorse Adjustments to the Limited-Access Right-of-Way to Accommodate a Second Right-Turn Lane from U.S. Route 1 onto Garrisonville Road

Resolution R14-153 reads as follows:

A RESOLUTION ENDORSING ADJUSTMENTS TO THE LIMITED-ACCESS
RIGHT-OF-WAY TO ACCOMMODATE A SECOND RIGHT-TURN LANE
FROM U. S. ROUTE 1 ONTO GARRISONVILLE ROAD

WHEREAS, the Board desires the construction of a second right-turn lane from southbound U. S. Route 1 onto westbound Garrisonville Road; and

WHEREAS, construction of the second right-turn lane requires a minor adjustment of the limited-access right-of-way adjacent to the northbound I-95, Exit 143 ramp onto westbound Garrisonville Road; and

WHEREAS, adjustments to the limited-access right-of-way require Board approval prior to consideration by state and federal agencies;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that it be and hereby does endorse adjustments to the limited-access right-of-way for Interstate 95, Exit 143, in order to construct a second right-turn lane from southbound U. S. Route 1 onto westbound Garrisonville Road; and

BE IT STILL FURTHER RESOLVED that the County Administrator will provide a copy of this resolution to the Fredericksburg District Administrator for the Virginia Department of Transportation.

Item 14. County Administration; Authorize the County Administrator to Accept Donation of Tax Map Parcel 21-158B

Resolution R14-158 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO ACCEPT THE DONATION OF PROPERTY LOCATED AT 3298
JEFFERSON DAVIS HIGHWAY, TAX MAP PARCEL 21-158B WITHIN
THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Janet Borden, owner, desires to donate property to the County, located at 3298 Jefferson Davis Highway, Tax Map Parcel 21-158B, within the Griffis-Widewater Election District;; and

WHEREAS, this property is located at the site of proposed intersection and safety improvements; and

WHEREAS, the Board desires to accept this property to facilitate completion of proposed intersection and safety improvements;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that it be and hereby does authorize the County Administrator to accept the donation of Tax Map Parcel 21-158B, located at 3298 Jefferson Davis Highway; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute all documents necessary and appropriate to transfer this property to the County.

Item 15. County Administration; Approve Reappointment of Mr. Terry Payne to the Industrial Development Authority of Stafford County and the City of Staunton, Virginia

Item 16. Public Information; Recognize and Commend Citizen Assistance Volunteers in Stafford County

Proclamation P14-18 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND
VOLUNTEERS WHO PROVIDE SERVICES THROUGH
THE CITIZENS ASSISTANCE AND VOLUNTEER SERVICES OFFICE

WHEREAS, one foundation of a decent and just society is the willingness of people to work together for the common good through volunteers mobilized to help those experiencing a variety of problems or issues; to give of their time to recreational and cultural programs and historic preservation; and to contribute their expertise to local government services; and

WHEREAS, volunteers in the Citizens Assistance and Volunteer Services Office provide switchboard, reception, and ombudsman services in the George L. Gordon, Jr., Government Center, and during the past year responded to more than 100,000 requests; and

WHEREAS, in the past year, Citizen Assistance volunteer teams gave more than 39,000 hours of service in response to citizen requests; providing data entry support; clerical and reception services to the Circuit and General District Courts and other offices as needed; and as needed provide immediate response and assistance during disasters; and

WHEREAS, the Board desires to call attention to the dedication of these citizens and, in particular, to recognize volunteers who have contributed significant hours of service including: Ida Ansell, 360 hours; Thomas Comuntzis, 248 hours; Jane Conner, 372 hours; Charlotte Crismond, 992.5 hours; Valerie Hart, 322 hours; Nick Kopchinsky, 1739.5 hours; Doris McAdams, 207.5 hours; Cecilia Miller, 862 hours; Debbie Murphy, 207.75 hours; Pat Riddlemoser, 675.5 hours; Frank Ringquist, 225 hours; Mark Seymour, 989.5 hours; James Smith, 206.5 hours; William Smith, 439 hours; Alyssa Winegarden, 283.5 hours; and Sharon Zornes, 225.36 hours;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that it be and hereby does recognize and commend citizen volunteers who provide high quality services to citizens, staff, and visitors to the Stafford County Government campus.

Finance and Budget; Authorize Amendments to the County's FY2015 General Fund Budget and Appropriations

Mr. Sterling motioned, seconded by Ms. Bohmke, to adopt proposed Resolution R14-155.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution R14-155 reads as follows:

A RESOLUTION AUTHORIZING AMENDMENTS TO THE
FY2015 GENERAL FUND BUDGET AND APPROPRIATIONS

WHEREAS, the Board adopted the FY2015 budgets on April 28, 2014, but deferred consideration of the Stormwater Service District because of a tie vote, with one member absent, until its May 6, 2014 meeting; and

WHEREAS, at its May 6, 2014 meeting, the Board did not enact the Stormwater Service District; and

WHEREAS, the Board directed staff to find operating savings in order to include mandated stormwater management operating costs within the approved FY2015 General Fund budget; and

WHEREAS, staff identified the following budget reductions:

- Debt service reduction through the refunding of higher interest outstanding debt, and delaying the issuance of new debt for the Embrey Mill Indoor Recreation Facility until Fall, 2014;
- Reduction of software maintenance contracts budget;
- Decrease in unemployment and liability insurance premiums; and
- Membership dues and other savings

; and

WHEREAS, savings in these areas may be used to fund operating costs associated with state and federal stormwater management mandates, which were not previously included in the FY2015 General Fund Budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that it be and hereby does authorize amendments to the FY2015 General Fund Budget as follows:

	Budget	Appropriations
	262,739,908	251,775,061
Operating Budget Transfer to Schools	111,429,456	105,857,983
Public Day School	518,000	492,100
School Debt Service	29,191,550	29,191,550
Board of Supervisors	630,982	599,433
Capital Projects	3,121,670	2,965,587
Central Rappahannock Regional Library	5,067,220	4,813,859
Circuit Court	274,750	261,013
Clerk of the Circuit Court	1,451,400	1,378,830
Commissioner of the Revenue	2,690,750	2,556,213
Commonwealth's Attorney	2,947,440	2,800,068
Cooperative Extension	171,020	162,469
Corrections	7,977,532	7,676,664
County Administration	1,110,560	1,055,032
County Attorney	1,070,580	1,017,051
Debt Service County	12,291,100	12,291,100
Economic Development	863,470	820,297
Finance and Budget	1,548,100	1,470,695
Fire and Rescue	16,211,430	15,400,859
General District Court	101,750	96,663
Human Resources	412,040	391,438
Human Services, Office of	5,389,040	5,119,588
Information Technology	2,130,410	2,023,890
Juvenile and Domestic Relations Court	65,740	62,453
Magistrate	9,330	8,864
Non-Departmental	2,667,284	2,533,920
Parks, Recreation and Community Facilities	11,029,230	10,477,769
Partner Agencies	1,700,920	1,615,874
Planning and Zoning	2,350,530	2,233,004
Public Works	4,468,904	4,245,459
Registrar & Electoral Board	476,870	453,027
Sheriff	24,485,910	23,261,615
Social Services	6,616,620	6,285,789
Treasurer	1,923,130	1,826,974
15th District Court Services Unit	345,190	327,931
Total all Expenditures	<u>262,739,908</u>	<u>251,775,061</u>

Finance and Budget; Authorize Amendments to the Schools' FY2015 General Fund Budget and Appropriations

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R14-156.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
 Nay: (0)

Resolution R14-156 reads as follows:

A RESOLUTION AUTHORIZING TECHNICAL ADJUSTMENTS TO THE FY2015 SCHOOLS' BUDGETS

WHEREAS, on April 28, 2014, the Board adopted the FY2015 Schools' Budgets, which was based on the Schools Board's approved budget request; and

WHEREAS, the School Board adopted its budget based on updated projections, including the local school funding adopted by the Board and the School Board requested technical adjustments to its FY2015 budgets;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that it be and hereby does authorize technical adjustments to the FY2015 Schools' budgets as follows:

	Budget	Appropriations
School Operating Fund	256,242,629	250,671,156
Fleet Services Fund	4,106,672	4,106,672
Nutrition Services Fund	13,695,511	13,695,511
Health Services Fund	35,847,255	35,847,255
Workers' Compensation Fund	600,166	600,166
Grants Fund	12,116,290	12,116,290

County Administration; Authorize the County Administrator to Execute a Contract for Construction of the Indoor Recreation Facility at Embrey Mill Park, Authorize Issuance of Debt, and Budget and Appropriate Funds

Ms. Sellers motioned, seconded by Mr. Sterling, to adopt proposed Resolution R14-98 and proposed Resolution R14-94.

Mr. Thomas offered a substitute motion to delay signing the construction contract until an operator was hired to run the facility. Mr. Milde proposed a three month delay to allow for the time to review the current design and to hire an operator. Mr. Thomas agreed to the addition of a three month delay to his substitute motion.

Mr. Sterling said that the building was being built for the County, not for an operator; that an operator, when hired, would work for the County and run the facility as directed by the County. He said that there was no need for additional studies; it was time to move forward, that nothing was being done and any delay would increase construction costs.

Mr. Milde said that he did not ask for additional studies but that he wanted a concessionaire to be hired before the construction contract was signed and building began. Mr. Thomas said that he was concerned about signing a \$12 million contract and not having the right operator or a determination that the County was running the facility (if that were to be the case).

Ms. Bohmke said that her concern was with cash flow and if projections for the facility were realistic. She also expressed concern that if the County ended up running the facility, was there an adequate number of trained staff to do so. Ms. Bohmke cited the example of the Ladysmith Baseball Complex, which closed after only a few years operation due to mismanagement and improper upkeep. She added that it was several years until a buyer was found for the Complex.

Mr. Milde said that he voted for the pool and was in favor of the design but did not have concrete numbers that it would cost taxpayers to run it; was it going to be run by Parks and Recreation, and as a for-profit or non-profit facility. He talked about the cost-benefit analysis and there being no leverage once construction started.

Mr. Snellings said that originally, he did not vote in favor of the facility but that Mr. Sterling made a good point in that the longer the County waited, the more it would cost. He added that if the County was going to build a pool, it should build a pool and he was in support of the two proposed Resolutions.

Mr. Milde motioned, seconded by Mr. Thomas, to defer the decision for three months and to select a concessionaire that will agree with and operate under the County's approved design.

The Voting Board tally was:

Yea: (3) Bohmke, Milde, Thomas
Nay: (4) Cavalier, Snellings, Sellers, Sterling

Ms. Sellers' restated her original motion, seconded by Mr. Sterling, to adopt proposed Resolution R14-98.

The Voting Board tally was:

Yea: (6) Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (1) Bohmke

Resolution R14-98 reads as follows:

A RESOLUTION OF THE STAFFORD COUNTY, VIRGINIA BOARD OF SUPERVISORS AUTHORIZING THE LEASE FINANCING OF THE EMBREY MILL INDOOR RECREATION CENTER FOR THE COUNTY, THE LEASING OF CERTAIN COUNTY-OWNED PROPERTY, THE EXECUTION AND DELIVERY OF FINANCING DOCUMENTS, AND OTHER RELATED ACTIONS

WHEREAS, the Board of Supervisors (the "Board") of Stafford County, Virginia (the "County"), intends to finance the construction of the Embrey Mill Indoor Recreation Center (the "Project"); and

WHEREAS, the Board determined that it is in the best interest of the County to enter into a lease arrangement in order to obtain funds to finance construction of the Project; and

WHEREAS, the Board proposes to budget and appropriate a portion of the proceeds of the proposed financing for the construction of the Project; and

WHEREAS, the Board is authorized, pursuant to Section 15.2-1800 of the Code of Virginia of 1950, as amended, to lease any improved or unimproved real estate held by the County; and

WHEREAS, the Virginia Resources Authority ("VRA") intends to issue its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2014B (the "VRA Bonds"), and, subject to VRA credit approval, to provide a portion of the proceeds to the County to finance the Project pursuant to the terms of a Local Lease Acquisition Agreement and Financing Lease or such other agreement as VRA may require (the "Financing Lease") between the County and VRA; and

WHEREAS, the County will enter into a Prime Lease (the "Prime Lease") with VRA whereby the County will lease certain real estate owned by the County, which may include any or all of the real estate on which the Project is located and such other real estate as VRA may approve (the "Real Estate") and the associated improvements and property located thereon (the "Improvements") to VRA; and

WHEREAS, the County will enter into the Financing Lease with VRA pursuant to which VRA will lease the Real Estate and the Improvements back to the County and the County will make rental payments corresponding in amount and timing to the debt service on the portion of the VRA Bonds issued to finance the Project (the "Rental Payments"); and

WHEREAS, pursuant to the Financing Lease the County will undertake and complete the Project; and

WHEREAS, the County intends to pay the Rental Payments out of appropriations from the County's General Fund; and

WHEREAS, the Financing Lease shall indicate that the amount of proceeds requested (the "Proceeds Requested") from VRA will consist of \$8,000,000 for the Project, plus the local costs of issuance, or such other amount as may be requested in writing by the County Administrator and approved by VRA prior to the sale of the VRA Bonds; and

WHEREAS, VRA advised the County that VRA's objective is to pay the County an amount which, in VRA's judgment, reflects the market value of the Rental Payments under the Financing Lease (the "VRA Purchase Price Objective"), taking into consideration the Proceeds Requested and such factors as the purchase price to be received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA (collectively, the "VRA Costs")) and other market conditions relating to the sale of the VRA Bonds; and

WHEREAS, such factors may result in the County receiving an amount other than the par amount of the aggregate principal components of the Rental Payments under the Financing Lease and consequently (i) the aggregate principal components of the Rental Payments under the Financing Lease may be greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized aggregate amount of the principal components of the Rental Payments under the Financing Lease does not equal or exceed the sum of the Proceeds Requested, the VRA Costs and any original issue discount, the amount to be paid to the County, given the VRA Purchase Price Objective and market conditions, will be less than the Proceeds Requested; and

WHEREAS, the Prime Lease and the Financing Lease are referred to herein as the "Documents;"

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

Authorization of Financing. The lease-leaseback arrangement with VRA to accomplish the financing of the Project is hereby approved. The leasing of the Real Estate and the Improvements by the County, as lessor, to VRA, as lessee, pursuant to the terms of the Prime Lease and the leasing of the Real Estate and the Improvements by VRA, as lessor, to the County, as lessee, pursuant to the terms of the Financing Lease are hereby authorized. The performance by the County of its obligations under the Documents is authorized.

Authorization of Documents. The Documents shall be in substantially the forms approved by the County Administrator and the County Attorney whose approval shall be conclusively evidenced by the execution and delivery of the Documents by the Chairman of the Board and the County Administrator, or either of them.

Approval of the Terms of the Rental Payments. The Rental Payments set forth in the Financing Lease shall be composed of principal and interest components reflecting an original aggregate principal amount not to exceed \$8,500,000 and a true interest cost not to exceed 5.5% per annum (exclusive of "Supplemental Interest" as provided in the Financing Lease and taking into account any original issue discount or premium); and the

final maturity shall be not later than approximately 25 years from the date of the Financing Lease. It is determined to be in the best interest of the County to enter into the Financing Lease with VRA, subject to the terms and conditions set forth in this Resolution. Given the VRA Purchase Price Objective and market conditions, it may become necessary to enter into the Financing Lease with aggregate principal components of the Rental Payments greater than the Proceeds Requested. If the limitation on the maximum aggregate principal components of Rental Payments on the Financing Lease set forth in this paragraph 3 restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the VRA Purchase Price Objective and market conditions, the County Administrator is authorized to accept a purchase price at an amount less than the Proceeds Requested. The County Administrator is authorized to accept the interest component of Rental Payments based on the interest rate or rates established by VRA and to determine the aggregate principal amount of the Rental Payments and the final terms of the Documents, subject to the parameters set forth in this paragraph 3. The actions of the County Administrator shall be conclusive, and no further action shall be necessary on the part of the Board.

Other Payments under Financing Lease. The County agrees to pay all amounts required by the Financing Lease in addition to the Rental Payments, including the "Supplemental Interest," as provided in the Financing Lease.

Execution and Recordation of Documents. The Chairman and the County Administrator, either of whom may act, are authorized and directed to execute the Documents and deliver them to the other parties thereto. The Clerk of the Board of Supervisors and any Deputy Clerk, any of whom may act, are authorized to affix the seal of the County or a facsimile thereof to the Documents, if required, and to attest such seal. The Chairman and the County Administrator, either of whom may act, are further authorized to cause the Prime Lease and the Financing Lease to be recorded in the Clerk's Office of the Circuit Court of Stafford County.

Essentiality of the Project and Real Estate. The Project, the Real Estate, and the Improvements are hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Project, the Real Estate, and the Improvements will continue to be essential to the operation of the County during the term of the Financing Lease.

Annual Budget. While recognizing that it is not empowered to make any binding commitment to make Rental Payments and any other payments required under the Financing Lease beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay the Rental Payments and all other payments coming due under the Financing Lease during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Financing Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the Rental

Payments and any other payments required under the Financing Lease, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

Rental Payments Subject to Appropriation. The County's obligation to make the Rental Payments and all other payments pursuant to the Financing Lease is hereby specifically stated to be subject to annual appropriation by the Board, and nothing in this Resolution or the Documents shall constitute a pledge of the full faith and credit or taxing power of the County or compel the Board to make any such appropriation.

Disclosure Documents. The County authorizes and consents to the inclusion of information with respect to the County in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both to be prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as VRA shall determine. The County Administrator is authorized and directed to take whatever actions are necessary or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

Tax Documents. The County Administrator and the County's Chief Financial Officer, either of whom may act, is authorized to execute a Nonarbitrage Certificate and Tax Compliance Agreement and any related document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the VRA Bonds to be received pursuant to the Documents and containing such covenants as may be necessary in order for the County and VRA to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), with respect to the VRA Bonds and the Documents including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds of the VRA Bonds to be received pursuant to the Documents will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the Financing Lease and that the County shall comply with the other covenants and representations contained therein.

Other Actions. All other actions of the officers of the County in conformity with the purpose and intent of this Resolution are hereby approved and confirmed. The officers of the County are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the actions contemplated by this Resolution or the execution and delivery of the Documents.

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 County Administrator and the County Treasurer, or either of them, to utilize SNAP in connection with the investment of the proceeds of the lease-leaseback transaction if the County Administrator and the County Treasurer, either of whom may act, determines that the utilization of SNAP is in the best interest of the

County. The Board 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.

Appropriation. The Board budgets and appropriates an amount equal to \$11,025,000 from proceeds of the Financing Lease, proffers, and the County's Capital Project Reserve to pay the costs of construction of the Project.

Effective Date. This Resolution shall take effect immediately.

CERTIFICATE OF CLERK

The undersigned Clerk of the Board of Stafford County, Virginia, hereby certifies that:

A regular meeting (the "Meeting") of the Board of Supervisors (the "Board") of Stafford County, Virginia was held on June 17, 2014, at which the following members were present and absent:

PRESENT: Jack Cavalier, Chairman; Gary Snellings, Vice-Chairman; Meg Bohmke; Paul Milde; Laura Sellers; Cord Sterling; and Robert “Bob” Thomas, Jr.

ABSENT: None

A Resolution entitled "A RESOLUTION OF THE STAFFORD COUNTY, VIRGINIA BOARD OF SUPERVISORS AUTHORIZING THE LEASE FINANCING OF THE EMBREY MILL INDOOR RECREATION CENTER FOR THE COUNTY, THE LEASING OF CERTAIN COUNTY-OWNED PROPERTY, THE EXECUTION AND DELIVERY OF FINANCING DOCUMENTS, AND OTHER RELATED ACTIONS" was duly adopted at the Meeting by the recorded affirmative vote of a majority of all of the members elected to the Board, the ayes and nays being recorded in the minutes of the Meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Jack Cavalier, Chairman	Yes
Gary Snellings, Vice Chairman	Yes
Meg Bohmke	No
Paul Milde	Yes
Laura Sellers	Yes
Cord Sterling	Yes
Robert “Bob” Thomas, Jr.	Yes

Attached hereto is a true and correct copy of the foregoing resolution as recorded in full in the minutes of the meeting.

Ms. Sellers’ motioned, seconded by Mr. Sterling to adopt proposed Resolution R14-94.

The Voting Board tally was:

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

Nay: (1) Bohmke

Resolution R14-94 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LOUGHRIDGE & COMPANY, LLC, FOR THE CONSTRUCTION OF THE INDOOR RECREATION FACILITY AT EMBREY MILL

WHEREAS, construction of the Indoor Recreation Facility at Embrey Mill was approved by the Board; and

WHEREAS, designs for the Indoor Recreation Facility at Embrey Mill and the Embrey Mill Athletic Fields were completed and the construction contract was offered for public bid; and

WHEREAS, the County received six bids for construction of the Indoor Recreation Facility; and

WHEREAS, staff determined that the bid in the amount of Eleven Million Nine Hundred Eighty-seven Thousand Five Hundred Dollars (\$11,987,500), received from Loughridge & Company, LLC, was the lowest responsive and responsible bid; and

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that the County Administrator is authorized to execute a contract with Loughridge & Company, LLC, for the construction of the Indoor Recreation Facility at Embrey Mill, in an amount not to exceed Eleven Million Nine Hundred Eighty-seven Thousand Five Hundred Dollars (\$11,987,500), unless amended by a duly-executed change order.

Public Works; Authorize Updates to the Stormwater Manual and Stormwater Ordinance

Mr. Steve Hubble, Assistant Director of Public Works, gave a presentation indicating that the item was originally presented then deferred from the June 3rd Board meeting.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Ordinance O14-16.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas

Nay: (0)

Ordinance O14-16 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE CHAPTER 21.5, “STORMWATER MANAGEMENT”

WHEREAS, on September 3, 2011, the Virginia Soil and Water Conservation Board adopted revised stormwater management regulations; and

WHEREAS, in accordance with the revised state regulations, the County is required to revise its stormwater management program to implement the new regulations; and

WHEREAS, staff developed a revised Stormwater Management Ordinance for Board consideration; and

WHEREAS, the revised stormwater management ordinance must be submitted to the Virginia Department of Environmental Quality for its approval prior to June 15, 2014; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that Stafford County Code Chapter 21.5, “Stormwater Management,” be and it hereby is amended and reordained as follows, all other sections remaining unchanged:

Chapter 21.5 - STORMWATER MANAGEMENT
ARTICLE I. - IN GENERAL

Sec. 21.5-1. Purpose and authority.

(a) Purpose. The purpose of this chapter is to ensure the general health, safety, and welfare of the citizens of Stafford County and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.

(b) Statutory Authority. This Ordinance is adopted pursuant to Virginia Code § 62.1-44.15.27.

(c) Conflict of Provisions. To the extent possible, the provisions of the county code should be interpreted so as to not be in conflict with one another. In any case where the requirements of this chapter conflict with any other provisions of the county code, whichever imposes the more stringent restrictions shall apply. Approvals issues pursuant to this chapter do not relieve the applicant of the

responsibility to secure applicable federal, state, and county permits or approvals for regulated activities. When any referenced Virginia Code or county code section is subsequently amended, the amended code section shall be the applied standard.

(d) Severability. If any provision or application of this chapter to any person, property, or circumstance is held invalid by a court of competent jurisdiction, the remainder of this chapter shall remain in full force and effect and its application to other persons, property, or circumstances shall not be affected.

(e) Incorporation by reference. For the purpose of this chapter, the following documents are incorporated herein and shall have the force and effect of this chapter:

- a. Stafford County Stormwater Management Design Manual; and
- b. Virginia Stormwater Management Handbook.

Sec. 21.5-2. Definitions.

In addition to the definitions set forth in 9VAC25-870-10, which are expressly adopted and incorporated herein by reference, the following words and terms used in this chapter shall have the following meanings unless otherwise specified. Where definitions differ, those incorporated herein shall have precedence.

Administrator means the VSMP authority including the County Administrator or his designee(s) responsible for administering the VSMP on behalf of the county.

Applicant means any person submitting an application for a permit or requesting issuance of a permit under this Chapter.

Best management practice or BMP means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

Board of supervisors means the Stafford County Board of Supervisors.

Chesapeake Bay Preservation Act land-disturbing activity means any land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal to or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation Act, Virginia Administrative Code 9VAC25-830 et seq.

Clean Water Act or CWA means the federal Clean Water Act (33 U.S.C. § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

Common plan of development or sale means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

Control measure means any best management practice, stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

County means Stafford County, Virginia.

Department means the Virginia Department of Environmental Quality.

Design manual means the Stafford County Stormwater Management Design Manual.

Development means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures, or the clearing of land for non-agricultural or non-silvicultural purposes. The regulation of discharges from development, for purposes of these regulations, does not include the exemptions found in 9VAC25-870-300.

General permit means the state permit titled, GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES, found in Part XIV (9VAC25-880 *et seq.*) of the Regulations authorizing a category of discharges under the CWA and the Act within Virginia.

Land disturbance or land-disturbing activity means a manmade change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation, except that the term shall not include those exemptions specified in Virginia Code § 62.1-44.15:34.

Layout means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

Minor modification means an amendment to an existing general permit before its expiration that does not require extensive review and evaluation including, but not limited to, changes in Environmental Protection Agency promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

Operator means the owner or operator of any facility or activity subject to the Act and this chapter. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project

that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specification; or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other state permit or VSMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions). In the context of stormwater discharges from a Municipal Separate Storm Sewer System (MS4), operator means the operator of the regulated MS4.

Permit or VSMP Authority Permit means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this chapter, and which may only be issued after evidence of general permit coverage has been provided by the Department.

Permittee means the person to whom the VSMP Authority Permit is issued.

Person means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of the Commonwealth of Virginia or another state, any governmental body (including a federal, state, or local entity as applicable), any interstate body, or any other legal entity.

Regulations means the Virginia Stormwater Management Program Permit Regulations, 9VAC25-870 *et seq.*

Site means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

State means the Commonwealth of Virginia.

State Board means the Virginia State Water Control Board.

State permit means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these State Permits, the State imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

State Water Control Law means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Virginia Code.

State waters means all water, on the surface and under the ground, wholly or partially within or bordering the State or within its jurisdiction, including wetlands.

Stormwater means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater management plan means a document(s) containing material describing methods for complying with the requirements of this Chapter.

Stormwater Pollution Prevention Plan or SWPPP means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Chapter. In addition, the document shall identify and require the implementation of control measures, and shall include, but not be limited to, the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

Subdivision means the same as defined in Chapter 22 of the county code.

Total maximum daily load or TMDL means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

Virginia Stormwater Management Act or Act means Article 2.3 (§ 62.1-44.15:24 *et seq.*) of Chapter 3.1 of Title 62.1 of the Virginia Code.

Virginia Stormwater BMP Clearinghouse website means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

Virginia Stormwater Management Program or VSMP means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

Virginia Stormwater Management Program authority or VSMP authority means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program.

Sec. 21.5-3. Stormwater permit requirement; exemptions.

- (a) Except as provided herein, no person may engage in any land-disturbing activity until a VSMP Authority Permit has been issued by the Administrator in accordance with the provisions of this article.
- (b) A Chesapeake Bay Preservation Act Land-Disturbing activity shall be subject to an erosion and sediment control plan consistent with the requirements of the Erosion and Sediment Control Ordinance, a stormwater management plan as outlined under county code section 21.5-6, the technical criteria and administrative requirements for land-disturbing activities outlined in county code section 21.5-9, and the requirements for control measures long-term maintenance outlined in county code section 21.5-12.
- (c) Notwithstanding any other provisions of this article, the following activities are exempt, unless otherwise required by federal law:
- (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects, conducted under the provisions of Title 45.1 of the Virginia Code;
 - (2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 *et seq.*) of Title 10.1 of the Virginia Code or is converted to bona fide agricultural or improved pasture use as described in Virginia Code § 10.1-1163(B);
 - (3) Single-family residences separately built and disturbing less 2,500 square feet and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures in areas designated as a Chesapeake Bay Preservation Area;
 - (4) Land disturbing activities that disturb less than 2,500 square feet of land area or activities that are part of a larger common plan of development or sale that includes one acre or greater of land disturbance;
 - (5) Discharges to a sanitary sewer system or a combined sewer system;
 - (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
 - (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving

of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and

- (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection (a) of this section is required within 30 days of commencing the land-disturbing activity.

Sec. 21.5-4. Stormwater management program established; submission and approval of plans; prohibitions.

- (a) Pursuant to Virginia Code § 62.1-44.15:27, the county establishes a Virginia Stormwater Management Program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Board for the purposes set out in county code section 21.5-1.
- (b) No VSMP Authority Permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:
- (1) A permit application that includes a general permit registration statement, if such registration statement is required;
 - (2) An erosion and sediment control plan approved in accordance with chapter 11 of the county code; and
 - (3) Stormwater management plans that meet the requirements of county code section 21.5-6.
- (c) No VSMP Authority Permit shall be issued until evidence of general permit coverage is obtained. Registration statements shall not be required for detached single-family home construction within or outside of a common plan of development, however, such project must adhere to the requirements of the general permit.
- (d) No VSMP Authority Permit shall be issued until the fees required to be paid pursuant to county code section 21.5-17 are received and a performance bond required pursuant to county code section 21.5-18 has been submitted and approved.
- (e) No VSMP Authority Permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land

clearing, construction, disturbance, land development, and drainage will be done according to the approved permit.

- (f) No grading, building, or other county permit shall be issued for a property unless a VSMP Authority Permit has been issued by the Administrator, where applicable.

Sec. 21.5-5. Stormwater pollution prevention plan; contents of plans.

- (a) The SWPPP shall include the content specified by section 9VAC25-870-54 and shall comply with the requirements and general information set forth in 9VAC25-880-70, Section II [stormwater pollution prevention plan] of the general permit.
- (b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to State waters which is not addressed by the existing SWPPP.
- (c) The operator shall maintain the SWPPP onsite at a central location onsite, unless an appropriate onsite location is not available. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

Sec. 21.5-6. Stormwater management plans; contents of plans.

- (a) Stormwater management concept plans.
- (1) All preliminary subdivision plans shall include a stormwater management concept plan generally describing how stormwater runoff through and from the development will be addressed.
- (2) The stormwater management concept plan must be approved prior to submission of a stormwater management design plan (as part of a construction plan) for the entire plan of development or sale where applicable, or portions thereof.
- (3) A copy of the approved stormwater concept plan shall be submitted with the stormwater management design plan. The Administrator shall check the design plan for consistency with the concept plan and may require a revised stormwater management concept plan if changes in the site development proposal have been made.
- (4) The stormwater management concept plan shall provide all appropriate information as identified in the Design manual.
- (5) The stormwater management concept plan shall include a hydrologic/hydraulic analysis of the downstream watercourse for all

concentrated surface waters that will be discharged onto a developed property. The Administrator may request relocation of a stormwater outfall if other alternative discharge locations are practical.

- (6) The stormwater management concept plan shall identify any dam break inundation zones on the site. Any proposal to encroach into the dam break inundation zone shall meet the requirements set forth in Virginia Code §§ 10.1-606.2 and 10.1-603.3.

(b) Stormwater management design plans.

The stormwater management design plan, required under county code section 21.5-4, must apply the stormwater management technical criteria set forth in county code section 21.5-9 to the entire land-disturbing activity, consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to subsurface runoff, and include the following information:

- (1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged, including surface waters or karst features, if present, and the predevelopment and postdevelopment drainage areas.
- (2) Contact information including the name, address, and telephone number of the owner and the Assessor's Parcel number of the property or properties affected.
- (3) A narrative that includes a description of current site conditions and final site conditions.
- (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete.
- (5) Information on the proposed stormwater management facilities, including, but not limited to:
 - i. The type(s) of facilities;
 - ii. The location of the facilities, including geographic coordinates;
 - iii. The number of acres treated; and
 - iv. The surface waters or karst features, if present, into which the facilities will discharge.
- (6) Hydrologic and hydraulic computations, including runoff characteristics.
- (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of county code section 21.5-9.
- (8) Map(s) of the site that depicts the topography of the site, including, but not limited to:
 - i. All contributing drainage areas;
 - ii. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;

- iii. Soil types, geologic formations (if karst features are present in the area), forest cover, and other vegetative areas;
- iv. Current land use(s), including existing buildings, structures, roads, and the locations of known utilities and easements;
- v. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
- vi. The limits of clearing and grading, and the proposed drainage patterns on the site;
- vii. Proposed buildings, structures, roads, parking areas, utilities, stormwater management facilities, and any other improvements;
- viii. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including, but not limited to, the planned locations of utilities, roads, and easements;
- ix. Locations of floodplains and Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Panel number reference; and
- x. Locations of Critical Resource Protection Areas (CRPAs) in accordance with county code section 28-62.

(9) If an operator intends to meet the water quality and/or quantity requirements set forth in county code section 21.5-9 through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by Virginia Code § 62.1-44.15:350.

10) Elements of the stormwater management plans that include activities regulated under Article 1 of Chapter 4 (§ 54.1-400 *et seq.*) of Title 54.1 of the Virginia Code shall be appropriately sealed and signed by a professional engineer, registered in Virginia pursuant to Article 1 (§ 54.1-400 *et seq.*) of Chapter 4 of Title 54.1 of the Virginia Code.

(c) As-built plans.

An as-built drawing for permanent stormwater management facilities, in accordance with the requirements of the Design manual shall be submitted to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional engineer, registered in Virginia, certifying that the stormwater management facilities have been constructed in accordance with the Design manual.

Sec. 21.5-7. Pollution prevention plan; contents of plans.

- (a) A pollution prevention plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary. The pollution prevention plan shall detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
- (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (b) The pollution prevention plan shall include effective BMPs to prohibit the following discharges:
- (1) Wastewater from washout of concrete, unless managed by an appropriate control(s);
 - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - (4) Soaps or solvents used in vehicle and equipment washing.
- (c) Discharges from dewatering activities, including discharges from the dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

Sec. 21.5-8. Review of stormwater management plan.

- (a) The Administrator shall review stormwater management plans. The Administrator shall approve or disapprove a stormwater management plan according to the following.

- (1) The Administrator shall determine the completeness of a plan in accordance with county code section 21.5-4, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt of a plan. If the plan is deemed to be incomplete, the Administrator's written notification shall contain the reasons that the plan is deemed incomplete.
 - (2) The Administrator shall have an additional 60 calendar days from the date of the notification of completeness to review the plan, except that if a completeness determination is not made within the time prescribed in county code section 21.5-8(a)(1), then the plan shall be deemed complete and the Administrator shall have 60 calendar days from the submission date to review the plan.
 - (3) The Administrator shall review any plan that has been previously disapproved within 45 calendar days of the date of resubmission.
 - (4) During the review period, the plan shall be approved or disapproved and the decision, communicated in writing, to the applicant or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this article.
 - (5) If a plan meeting all requirements of this article is submitted and the Administrator takes no action within the time provided above in subsection (a)(2) of this section for review, the plan shall be deemed approved.
- (b) Approved stormwater plans may be modified as follows.
- (1) Modification(s) to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to either approve or disapprove, in writing, a modification(s) request.
 - (2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection(s).

Sec. 21.5-9. Technical criteria for regulated land disturbing activities.

(a) General.

- (1) Site designs shall minimize the generation of stormwater and maximize pervious areas for stormwater treatment. The use of structural and non-structural infiltration facilities and Low Impact Development technologies shall be encouraged to provide stormwater quality and quantity control and groundwater recharge.

- (2) Natural channel characteristics shall be preserved to the maximum extent practicable.
- (3) Residential, commercial, and industrial development projects, as a whole, shall be subject to these stormwater management criteria. Individual residential lots in subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations. Stormwater management plans that are approved for residential, commercial, and industrial subdivisions shall govern the development of the individual parcels.
- (4) Dam break inundation zones shall be developed as required by Virginia Code §§ 10.1-606.2 and 10.1-606.3. Any proposal to encroach into a dam break inundation zone shall meet the requirements of Virginia Code §§ 10.1-606.2 and 10.1-606.3.
- (5) Stormwater runoff from parking lots shall utilize stormwater management infiltration facilities and/or stormwater management filtering systems.
- (6) All land development projects shall provide for a system of adequate stormwater drainage. The system shall be based on sound engineering practices and shall be certified as adequate to provide for the necessary stormwater drainage by a professional licensed in Virginia to perform such work.
- (7) Concentrated surface waters, including outflows from stormwater management facilities, shall not be discharged onto an adjoining property, unless a storm drainage easement has been recorded on the affected property or unless the discharge is into a well-defined stream or channel (i.e. incised channel with bed and banks) or an existing drainage system of adequate capacity. Such drainage easement shall be obtained prior to approval of the stormwater management design plan and shall extend to the nearest recorded storm drainage easement, well defined natural stream, or manmade stormwater facility, channel, or pipe of adequate capacity.
- (8) Storm drainage easements shall be extended where necessary to upstream property lines to permit future development reasonable access to onsite drainageways or drainage systems for connections.
- (9) Surface runoff greater than three cubic feet per second for the ten year storm event that flows through lots shall be piped when the average lot size is less than 30,000 square feet except that the program administrator may approve an open channel system where the preservation of a natural drainageway is desirable or the use of an open channel will not interfere with the use of the property.

- (10) Any project for which the technical criteria of this article are not applicable shall be designed in accordance with the technical criteria of the most recent prior version of the Stafford County Stormwater Management Ordinance and Design manual for water quality, water quantity, drainage, and other relevant technical criteria in effect prior to the adoption of this chapter.
- (b) Water quality.
To protect the quality and quantity of State water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the county adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, including, but not limited to, 9VAC25-870-63 [water quality design criteria requirements] and 9VAC25-870-65 [water quality compliance]; which shall apply to all land-disturbing activities regulated pursuant to this article, except as expressly set forth in county code section 21.5-3(c). In addition, the activities shall comply with any additional requirements of the Design manual.
- (c) Water quantity (Stream Channel Protection and Flood Protection).
To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the county adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations expressly to include 9VAC25-870-66 [water quantity], which shall apply to all land-disturbing activities regulated pursuant to this article, except as expressly set forth in county code section 21.5-3(c). In addition, land-disturbing activities shall comply with any additional requirements of the Design manual.
- (d) Offsite compliance.
To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the county hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, expressly to include 9VAC25-870-69 [offsite compliance options], which shall apply to all land-disturbing activities regulated pursuant to this article, except as expressly set forth in county code section 21.5-3(c). In addition, land-disturbing activities shall comply with any additional requirements of the Design manual.
- (e) Calculation methods.
To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the county adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, including, but not limited to, 9VAC25-870-72 [design storms and hydrologic methods], which shall apply to all land-disturbing activities regulated pursuant to this article. In addition, land-disturbing activities shall comply with any additional requirements of the Design manual.

(f) Stormwater harvesting.

To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the county adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, including, but not limited to, 9VAC25-870-74 [stormwater harvesting], which shall apply to all land-disturbing activities regulated pursuant to this article, except as expressly set forth in county code section 21.5-3(c). In addition, land-disturbing activities shall comply with any additional requirements of the Design manual.

(g) Linear development projects.

To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the county adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, including, but not limited to, 9VAC25-870-76 [linear development projects], which shall apply to all land-disturbing activities regulated pursuant to this article, except as expressly set forth in county code section 21.5-3(c). In addition, land-disturbing activities shall comply with any additional requirements of the Design manual.

(h) Stormwater management impounding structures.

To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the county adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, including, but not limited to, 9VAC25-870-85 [stormwater management impoundment structures or facilities], which shall apply to all land-disturbing activities regulated pursuant to this article, except as expressly set forth in county code section 21.5-3(c). In addition, land-disturbing activities shall comply with any additional requirements of the Design manual.

Sec. 21.5-10. Grandfathering provisions.

(a) Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or conditional zoning plan, preliminary subdivision plan, final subdivision plat, preliminary or final site plan, zoning with a plan of development, or any document that is specifically determined by the county as being equivalent thereto, was approved by the county prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, and for which land disturbance did not commence prior to July 1, 2014, shall be considered grandfathered by the Administrator. Such grandfathered projects shall not be subject to the technical criteria of Part II B of the Regulations, but shall be subject to the technical criteria of the most recent prior version of the Stafford County Stormwater Management Ordinance and Design manual for water quality, water quantity, drainage, and other relevant technical criteria in effect prior to the approval of Ordinance O14-16 for those areas that were included in the approval, provided that the Administrator finds that such proffered or conditional zoning plan, preliminary subdivision plan, final subdivision plat, preliminary or final site

- plan, zoning with a plan of development, or any document that is specifically determined by the county as being equivalent thereto, (i) provides for a layout as defined in 9VAC25-870-10, and (ii) the resulting land-disturbing activity will be compliant with the requirements of Part II C of the Regulations. The grandfathering shall continue in the event that the county-approved document is subsequently modified or amended in such a manner that there is no increase over the previous approval (i) in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and (ii) in the volume or rate of runoff.
- (b) Until June 30, 2019, for county, state, and federal projects for which there has been an obligation of county, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Department has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by the county. Such projects shall not be subject to the technical requirements of Part II B of the Regulations, but shall be subject to the technical requirements of the most recent version of the Stafford County Stormwater Management Ordinance and Design manual for water quality, water quantity, drainage, and other relevant technical criteria in effect prior to the adoption of Ordinance O14-16 for those areas that were included in the approval.
- (c) For land-disturbing activities grandfathered under this section, construction must be completed by June 30, 2019, or any portion(s) of the project that is not under construction shall become subject to the technical requirements of subsection (a) of this section.
- (d) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements of the most recent version of the Stafford County Stormwater Management Ordinance and Design manual for water quality, water quantity, drainage, and other relevant technical criteria in effect prior to the adoption of Ordinance O14-16.

Sec. 21.5-11. Exceptions.

- (a) Requests for exception(s) shall be submitted in writing to the Administrator.
- (b) The Administrator may grant exceptions to the technical requirements of this article, provided that:
- (1) The requested exception is the minimum necessary to afford relief;
 - (2) Reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this article are preserved;
 - (3) Granting the exception will not confer any special privileges that are denied in other similar circumstances; and

- (4) Economic hardship alone is not a sufficient reason to grant an exception from the requirements of this article.
- (c) The Administrator shall not grant an exception to the requirement that the land-disturbing activity obtain required VSMP Authority Permit. The Administrator shall not approve the use of a BMP that is not found on the Virginia Stormwater BMP Clearinghouse Website or any other control measure.
- (d) The Administrator shall not grant exceptions to requirements for phosphorus reductions unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.

Sec. 21.5-12. Long-term maintenance of permanent stormwater facilities.

- (a) For all permanent stormwater management facilities, a maintenance agreement shall be completed, shall be identified to run with the land in perpetuity, and shall be recorded in the land records of the county with the Clerk of the Circuit Court prior to approval. The maintenance agreement shall identify the roles of the county and owner for maintenance, allow access to the facilities for county inspection staff, and shall specify the frequency of required inspections.
- (b) Responsibility for the operation and maintenance of the stormwater management facilities and storm drainage system, unless assumed by the county, shall remain with the property owner(s) or property/home owners' association. All maintenance activities shall be in accordance with standard maintenance practices for stormwater facilities and the Design manual.
- (c) To ensure proper performance of the stormwater facility, the property owner(s) or property/home owners' association shall comply with the requirements of the maintenance agreement and the Stormwater Facility Maintenance Inspection Program.
- (d) The county shall notify the property owner(s) or property/home owners' association in writing when a determination has been made that the property/home owners' association stormwater facility is in disrepair or is not functioning as intended. The notice shall specify the measures needed to comply with the determination and state the time within such measures shall be completed. If the responsible party fails to perform such maintenance and repair, the county shall have the authority to perform the work and recover the costs from the responsible party.

Sec. 21.5-13. Monitoring and inspections.

- (a) The Administrator shall inspect the land-disturbing activity during construction for:
- (1) Compliance with the approved erosion and sediment control plan;

- (2) Compliance with the approved stormwater management plan;
 - (3) Development, updating, and implementation of a pollution prevention plan; and
 - (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (b) The Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article.
 - (c) In accordance with a performance bond with surety, cash escrow, letter of credit, or any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
 - (d) Pursuant to Virginia Code § 62.1-44.15:37, the Administrator may require every VSMP Authority Permit applicant or permittee, or any such person subject to VSMP Authority Permit requirements under this article, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this article.
 - (e) Post-construction inspections of stormwater management facilities required by the provisions of this article shall be conducted by the Administrator, pursuant to the county's and State Board-approved inspection program, and shall occur, at minimum, at least once every five years, except as may otherwise be provided for in county code section 21.5-12.

Sec. 21.5-14. Hearings.

- (a) Any permit applicant or permittee, or person subject to the requirements of this article, aggrieved by any action of the county taken without a formal hearing, or by inaction of the county, may demand, in writing, a formal hearing by the Board of Supervisors, provided that the written demand for such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.
- (b) The hearings held under this section shall be conducted by the Board of Supervisors at a regular or special meeting of the Board of Supervisors.
- (c) A verbatim record of the proceedings of such hearings shall be taken. Depositions may be taken and read as in actions at law.

(d) The Board of Supervisors or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the reasonable request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the Board of Supervisors, or its designated member, whose action may include the procurement of an order of enforcement from the Stafford County Circuit Court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

Sec. 21.5-15. Appeals.

Any person, including the county, aggrieved by a decision of the Board of Supervisors made pursuant to county code section 21.5-14, may seek judicial review of such decision in the Stafford County Circuit Court.

Sec. 21.5-16. Enforcement.

(a) If the Administrator determines that there is a failure to comply with the VSMP Authority Permit conditions or determines that there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.

(1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection (b) of this section or the permit may be revoked by the Administrator.

(2) If a permittee fails to comply with a notice issued in accordance with this section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until (i) the violation of the permit has ceased, or (ii) an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with the county's enforcement procedures. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the county land records, or by personal delivery by the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion to lands or sediment deposition in waters within State watersheds or otherwise

substantially impacting water quality, he may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site. The Administrator shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with county code section 21.5-16.

(b) In addition to any other remedy provided by this chapter, if the Administrator determines that there is a failure to comply with the provisions of this chapter, he/she may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with the county's enforcement procedures.

(c) Any person violating, failing, neglecting, or refusing to obey any rule, requirement, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted by the county, in the Stafford County Circuit Court, to obey the same and to comply therewith by injunction, mandamus, or other appropriate remedy.

(d) Any person who violates any provision of this article or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation, within the discretion of the Court. Each day of violation shall constitute a separate offense.

(1) Violations for which a penalty may be imposed under this section shall include, but are not limited to, the following:

- (i) No state permit registration;
- (ii) No SWPPP;
- (iii) Incomplete SWPPP;
- (iv) SWPPP not available for review;
- (v) No approved erosion and sediment control plan;
- (vi) Failure to install stormwater BMPs or erosion and sediment controls;
- (vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
- (viii) Operational deficiencies;
- (ix) Failure to conduct required inspections;
- (x) Incomplete, improper, or missed inspections; and
- (xi) Discharges that are not in compliance with the requirements of 9VAC25-880-70.

(2) The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.

(3) In imposing a civil penalty pursuant to this section, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.

(4) Any civil penalties assessed by a court, as a result of a summons issued by the county, shall be paid into the county treasury to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of county waters and abating environmental pollution therein, in such a manner as the court may, by order, direct.

(e) Notwithstanding any other civil or equitable remedy provided by this section or by law, any person who willfully or negligently violates any provision of this article, any order of the Administrator, any condition of a permit, or any relevant court order concerning enforcement of this article, shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and/or a fine of not less than \$2,500 nor more than \$32,500.

Sec. 21.5-17. Fees.

Fees shall be paid to the county in accordance with the county fee schedule to defray the cost of program implementation, including administrative review, plan review, permitting, and inspection requirements.

Sec. 21.5-18. Performance bond.

Prior to issuance of any permit, the Applicant shall submit a performance bond to the Administrator in accordance with the County's Security Policy. The performance bond shall be subject to the Administrator's review and approval.

ARTICLE II. STORMWATER POLLUTION AND ILLICIT DISCHARGE

Sec. 21.5-1619. Title.

This article shall be known as the Stafford County Stormwater Pollution and Illicit Discharge Ordinance.

Sec. 21.5-1720. Findings.

Sec. 21.5-1821. Definitions.

Sec. 21.5-1922. Prohibitions.

(b) Subject to the provisions of subsection (c) below, the following activities shall not be unlawful discharges:

(13) Dechlorinated swimming pool discharges.

Sec. 21.5-2023. Inspections and monitoring.

Sec.21.5-~~2124~~. Notice to correct violation.

Sec. 21.5-~~2225~~. Penalties and violations.

; and

BE IT FURTHER ORDAINED that this ordinance shall become effective on July 1, 2014, subject to the approval of the Virginia Department of Environmental Quality.

Mr. Milde motioned, seconded by Mr. Thomas, to adopt proposed Resolution R14-78.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas

Nay: (0)

Resolution R14-78 reads as follows:

A RESOLUTION TO ADOPT THE STAFFORD COUNTY
STORMWATER MANAGEMENT DESIGN MANUAL, FOURTH
EDITION, MARCH 2014

WHEREAS, the Virginia Soil and Water Conservation Board adopted revised stormwater management regulations on September 3, 2011; and

WHEREAS, in accordance with the revised State regulations, the County is required to revise its stormwater management program to implement the new State regulations; and

WHEREAS, County staff developed a revised stormwater management design manual for Board consideration; and

WHEREAS, the revised stormwater management ordinance and design manual must be submitted to the Virginia Department of Environmental Quality for its approval prior to June 15, 2014; and

WHEREAS, the revised stormwater management design manual provides updated design guidance and policy to aid staff, developers, contractors, and engineers in the development and implementation of stormwater management plans; and

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

WHEREAS, the Board finds that the revised stormwater management design manual secures and 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 June, 2014, that the Board be and it hereby does adopt

the Stafford County Stormwater Management Design Manual, Fourth Addition, March 2014; and

BE IT FURTHER RESOLVED that the Design Manual, Fourth Addition, March 2014, shall become effective on July 1, 2014, subject to the approval of the Virginia Department of Environmental Quality.

Public Works; Stormwater Management Mandates/TMDL Update Mr. Mike Smith gave an update and answered Board member's questions. In his update, Mr. Smith indicated that a report must be provided to the Department of Environmental Quality (DEQ) no later than October, 2014.

Mr. Sterling inquired about the costs associated with the state mandates as well as the cost to home owner associations. Mr. Smith said that he was not yet sure of the cost to home owner associations but that overall, there would be a savings for the County.

Mr. Snellings requested that a representative from DEQ be invited to attend the next Community and Economic Development (CEDC) meeting. Mr. Smith agreed to arrange that in time for the next CEDC meeting scheduled for July 1, 2014.

County Administration; Regional Landfill Briefing Mr. Keith Dayton, Deputy County Administrator, introduced the item by giving a brief overview of the history of the R-Board, adding that the R-Board requested a briefing with the Board regarding financial matters related to operation of the Landfill. He said that a new cell must be operational by December, 2015 to allow Landfill operations to continue. There were approximately 800 acres off Eskimo Hill Road, with 150 acres currently in use. The Landfill and related off-site collection areas had 29 employees, although it was authorized for 34 staff. In addition to Eskimo Hill, there was a convenience site on Belman Road and five remote drop-off locations for recycling, as well as a litter crew. The Landfill was one of only two public landfills in Virginia to earn an E3 rating (Exemplary Environmental Enterprise.)

The local government subsidy of the Landfill was discontinued in 2002. The Landfill was funded mainly by user fees from waste-haulers. Other major sources of revenue came from a wide variety of commercial clients and recycle revenue, in addition to methane gas sales, grants, and compost sales. Mr. Sterling inquired why commercial waste was up 18%. Mr. Dayton said it was due to Board policies, increase in building and businesses.

He noted that construction waste goes into debris waste; supermarket waste was considered commercial; subdivision waste was considered residential. Mr. Sterling said that he was concerned about the inequity between the County and the City of Fredericksburg where city residents do not pay tipping fees. Mr. Dayton said that City

residents pay for trash pick-up but not tipping fees. A subscriber service for trash pick-up in the City was approximately \$28/month.

Mr. Dayton noted that the Landfill operated with a surplus every year until 2001. In an effort to off-set the declining surplus, the R-Board took action including cutting service hours on weekends; eliminating three under-performing and abused remote recycling locations; reducing staff levels by 15%; cutting discretionary spending; and demonstrating a reduced operational budget since 2012. However, the FY2015 operating budget faced a \$200,000 shortfall, and the cost of opening the next cell, by December, 2015, was estimated at a capital cost of \$4 million. Mr. Milde said that restricted assets in the amount of \$6.5 million were considered post-closure liabilities and not available for other usages.

Mr. Sterling asked how much tonnage was in a single haul. Mr. Jason Pauley, R-Board Superintendent, answered that it depended on the size of the truck and the types of materials but that it averaged 5 tons. Mr. Sterling asked about the sliding scale for tipping fees and if that could be increased. Mr. Dayton said that if it were to be increased, trash haulers would likely take their trucks elsewhere that were more economical. Mr. Milde noted that it was a Catch-22, if tipping fees were lowered, it would generate more traffic but the cells would fill up faster.

Mr. Cavalier asked what cuts could be made. Mr. Dayton offered the following options: (1) Elimination of litter control efforts (estimated to save a net of \$275,000); (2) Elimination of the Belman Road operation (estimated savings of \$225,000) - Mr. Dayton said that one caveat to closing the Belman facility was that the City may consider picking up its continued operation; (3) Elimination of Sunday hours (estimated to save \$62,000) for a total optional savings of \$562,000. (4) Another option was to increase tipping fees but concern was expressed that a significant increase in tipping fees would result in billable material being diverted to private landfills. (5) Another option was for the County (and the City of Fredericksburg) to reinstate its subsidy to the Landfill. On a side note, Mr. Dayton said that Spotsylvania subsidized its landfill with \$2.69 million from its General Fund. (6) Charging Fredericksburg Public Works \$20/ton in FY2015 would generate approximately \$165,000; and (7) Charging City and County residents per/trip fee of \$3.00, which would generate an estimated \$1.5 million.

Ms. Sellers talked about utilizing National Honor Society and other student groups in need of community service hours for litter pick-up. Mr. Milde talked about the current use of prisoners saying that the inmates are free but that the R-Board pays for the guards. He said that if litter pick-up was to be discontinued, the County would be covered with trash. Ms. Bohmke said that she received a number of e-mails from constituents, some of whom worked in Northern Virginia. The prevailing statement was that since northern

localities began charging a fee at its landfills, there was trash all over the road because people refused to pay to drop off trash.

Mr. Milde also said that it was virtually impossible to drive past the Landfill on the weekends and he felt that if Sunday service was to be discontinued an additional 1000 cars (+/-) would be added to the traffic nightmare on Saturdays. Mr. Sterling asked about closing on a weekday instead of Sunday. Mr. Dayton said that if that happened, trash haulers would take their trucks elsewhere.

Ms. Bohmke asked if compaction or settling would allow one of the already closed cells to be reopened. Mr. Dayton responded that there was approximately nine months capacity in an old cell but the cost to reopen a closed cell was extensive due to gas collection equipment installed when a cell was shut down. He said it would gain time, but not a significant amount and not enough to absorb the cost.

Mr. Milde said that the R-Board was in need of \$114,000 subsidy or the Board could pick which options it wished to exercise, adding that \$114,000 was a quick fix but not a long-term solution.

Mr. Cavalier said that the Board wanted recommendations from the R-Board. Mr. Sterling mentioned closing Belman. Mr. Dayton said it was speculative that the City would take over the Belman operations if the County chose to close it down. Mr. Milde asked if the Board wanted to start charging residents to use the Landfill. He added that neither he nor Mr. Snellings were in favor of that option. Ms. Sellers noted that a lot of residents already paid for trash pick-up. Mr. Sterling pointed out that tipping fees were imbedded in the cost paid by residents for commercial trash pick-up. Mr. Milde said that some residents did not have commercial trash pick-up available to them. Mr. Sterling said that if that were the case, \$3.00 was not too much for them to pay to dump trash.

Mr. Cavalier said that one of the Board's standing committees should be tasked with further review of the Landfill issues. After discussion, it was decided that the matter would be brought to the Infrastructure Committee at its July 1, 2014 meeting.

Legislative; Closed Meeting. At 5:01 p.m., Mr. Thomas motioned, seconded by Mr. Milde, to adopt proposed Resolution CM14-13.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
Nay: (0)

Resolution CM14-13 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for discussion and consideration of confidential proprietary records, voluntarily provided by a private business pursuant to a promise of confidentiality from the County, for business retention, and County-prepared records related to a business that is considering locating in the County; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(40) and 2.2-3705.6(3), such discussion may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 17th day of June, 2014, does hereby authorize discussion of the aforestated matter in Closed Meeting.

Call to Order At 5:29 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Mr. Thomas motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM14-13(a).

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas

Nay: (0)

Resolution CM14-13(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 17, 2014

WHEREAS, the Board has, on this the 17th day of June, 2014, 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 June, 2014, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Recess At 5:30 p.m., the Chairman declared a recess until 7:00 p.m.

Call to Order At 7:00 p.m. the Chairman called the meeting back to order.

Invocation Mr. Cavalier called for a moment of silence.

Pledge of Allegiance Mr. Thomas led the recitation of the Pledge of Allegiance.

Purchase of Development Rights (PDR) Recognition to David and Nancy Holsinger; Edward and Victoria Silver; and Edward and Rebecca Shelton Plaques and signs for display on the recognized, participating properties were handed out by Mr. Thomas, aided by Mr. John Harbin with Planning and Zoning.

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

Paul Waldowski - Announced his candidacy for Supervisor in the Rock Hill, Griffis-Widewater, and George Washington Districts; Cannot fix the School Board until the 2020 Census; 150th anniversary of Arlington National Cemetery; Former President George Herbert Walker Bush went skydiving on his 90th birthday; RCA television was 75 years old as was *Gone with the Wind* and the *Wizard of Oz*; reading Lawyers and Other Reptiles; Sheriff's phantom car

Art Hart - Stormwater manual, state mandates, County's stormwater ordinance; County employee threatened to arrest Mr. Hart for holding open a door at the Courthouse

Planning And Zoning; Consider a Conditional Use Permit to Allow a Propane Distribution Tank in the M-1 Light Industrial Zoning District Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Darrell Caldwell spoke on behalf of the applicant.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Cavalier motioned, seconded by Mr. Thomas, to adopt proposed Resolution R14-115.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas

Nay: (0)

Resolution R14-115 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW A PROPANE DISTRIBUTION FACILITY IN THE M-1, LIGHT INDUSTRIAL, ZONING DISTRICT ON ASSESSOR'S PARCEL 13-9 (PORTION), WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Anderson Propane Services, applicant, submitted application CUP1400041 requesting a conditional use permit (CUP) to allow a propane distribution facility in an M-1, Light Industrial, Zoning District on Assessor's Parcel 13-9 (portion) within the Griffis-Widewater Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code Section 28-35, which permits the above-referenced use in the M-1 Zoning District, after a CUP is issued by the Board; and

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

WHEREAS, the Board finds that the request meets the standards of the County Code for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that a conditional use permit, pursuant to application CUP1400041, be and it hereby is approved with the following conditions:

1. A site plan shall be submitted to the Department of Planning and Zoning for review and approval prior to construction.
2. Provide an updated fire safety analysis for the site as required by the National Fire Protection Association Liquefied Petroleum Gas Code (NFPA 58), prior to site plan approval.
3. Prior to the installation of the propane tank, remove striping for parking, and post signs to prevent parking and/or combustible storage, within 100 feet of the propane tank site.
4. Provide two pole-mounted halogen spotlights for dusk-to-dawn lighting coverage for the entire propane tank site.
5. Provide a permanent, metal, "in case of emergency" sign that provides the name of the propane tank owner, and a 24-hour emergency contact number.
6. Provide fencing and bollards to secure the site as shown and described on the generalized development plan entitled, "Generalized Development Plan for Anderson Propane Service Inc., Propane Bulk Storage, Tax Map 13 Parcel 9 (Part)," as revised on April 9, 2014.
7. The area within the waterline easement, adjacent to the tank shall provide clear, above-ground air rights.
8. Prior to the installation of the propane tank, provide pavement striping for the loading/unloading area.

9. The height of the bottom of the propane tank shall be a minimum of three feet above the North American Vertical Datum 88 Base Flood Elevation (BFE).
10. All fixtures and equipment associated with the propane tank and this CUP shall be flood-proofed in accordance with Federal Emergency Management Agency (FEMA) standards, including double-walled construction; the height of the bollards shall be three feet above BFE; and the placement of fuel lines, controls, and valves shall be three feet above BFE.
11. An as-built plan that demonstrates that all flood-proofing requirements are accomplished shall be submitted for County review and approval.
12. This CUP may be revoked or conditions modified by the Board for violation of these conditions or any applicable County, state or federal code, law, ordinance, regulation, or requirement, after the applicant has been notified in writing by the County of said violation(s) and the applicant is given an opportunity to cure said violation(s).

Planning and Zoning; Consider Amendment to Proffer Conditions on 21.77 Acres on Assessor's Parcels 44FF-1, 44FF-2, and 44FF-2B Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Charlie Payne spoke on behalf of the applicant.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Thomas said that the Crossings was a five-star operation in the County and residency there was in high demand as it was the only facility of its kind in Stafford.

Mr. Thomas motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O14-20.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas

Nay: (0)

Ordinance O14-20 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON ASSESSOR'S PARCELS 44FF-1, 44FF-2, AND 44FF-2B, ZONED LC, LIFE CARE/RETIREMENT COMMUNITY, WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Stafford IL-AL Investors, LLC, and Stafford Residential I, LLC, applicants, submitted application RC1300524 requesting an amendment to proffered conditions on Assessor’s Parcels 44FF-1, 44FF-2, and 44FF-2B, consisting of 21.77 acres, zoned LC, Life Care/Retirement Community, within the George Washington Election District; and

WHEREAS, Assessor’s Parcels 44FF-1, 44FF-2, and 44FF-2B are subject to proffered conditions pursuant to Ordinance O09-35, adopted by the Board on August 18, 2009; and

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

WHEREAS, the Board determined that the requested amendments to proffered conditions are compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to amend the proffered conditions on the subject properties;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the proffered conditions on Assessor’s Parcels 44FF-1, 44FF-2, and 44FF-2B consisting of 21.77 acres, zoned LC, Life Care/ Retirement Community, as specified in the proffer statement entitled, “Proffer Amendment Statement, Stafford Nursing Home and Retirement Community Stafford, Virginia,” dated March 31, 2014.

Public Works; Amend and Reordain Fees for Land Development Inspection and Plan Review Services Collected by the Departments of Planning and Zoning, and Public Works Mr. Steve Hubble, Assistant Director of Public Works, gave a presentation and answered Board members questions. Mr. Hubble noted that in a meeting with representatives of the Fredericksburg Area Builders Association, several of their concerns were alleviated, particularly those about the increase in grading fees. Mr. Snellings pointed out, with Mr. Romanello’s concurrence, that the County is not permitted by state law to charge more than the actual costs incurred.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O14-22.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling, Thomas
 Nay: (0)

Ordinance O14-22 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN FEES FOR LAND DEVELOPMENT INSPECTIONS AND PLAN REVIEW SERVICES COLLECTED BY THE DEPARTMENT OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Virginia Code §§ 15.2-2241, 15.2-2286, and 62.1-44.15:28 authorizes the Board to set reasonable fees for land development inspections and plan review services provided by the Department of Planning and Zoning and the Department of Public Works; and

WHEREAS, at its meeting on May 15, 2012, the Board adopted Ordinance O12-19, which amended the building and land development fees; and

WHEREAS, the County is required to adopt and comply with the requirements of the revised Virginia Stormwater Management Program (VSMP); and

WHEREAS, the Board desires to amend the fees for land development inspections and plan review services to support the additional requirements of the VSMP for plan review, administration, permitting, and inspections; and

WHEREAS, the Board desires that the fees for these services should be kept current with the actual costs of providing these services; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of June, 2014, that the schedule of fees collected by the Department of Planning and Zoning and the Department of Public Works for land development inspections and plan review services, be and it hereby is amended and reordained as follows, with all other fees to remain unchanged:

SERVICE	PROPOSED FEES
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Erosion and Sediment Control, Stormwater Management, and Chesapeake Bay Preservation Area

Grading Permit - Development Projects

<u>Virginia Stormwater Management Program (VSMP) Inspection Fee - Sites equal to or greater than 2,500 square feet and less than 1 acre *</u>	<u>\$290; \$20 modification or transfer; \$50 annual maintenance fee</u>
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<u>VSMP Inspection Fee - Sites equal to or greater than 1 acre</u>	<u>\$2,700; \$200 modification or</u>
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<u>and less than 5 acres *</u>	<u>transfer: \$400 annual maintenance fee</u>
<u>VSMP Inspection Fee - Sites equal to or greater than 5 acres and less than 10 acres *</u>	<u>\$3,400; \$250 modification or transfer; \$500 annual maintenance fee</u>
<u>VSMP Inspection Fee - Sites equal to or greater than 10 acres and less than 50 acres *</u>	<u>\$4,500; \$300 modification or transfer; \$650 annual maintenance fee</u>
<u>VSMP Inspection Fee - Sites equal to or greater than 50 acres and less than 100 acres *</u>	<u>\$6,100; \$450 modification or transfer; \$900 annual maintenance fee</u>
<u>VSMP Inspection Fee - Sites equal to or greater than 100 acres *</u>	<u>\$9,600; \$700 modification or transfer; \$1,400 annual maintenance fee</u>

For all fees marked with an *, 28% of the fee must be returned to the Virginia Department of Environmental Quality in accordance with State regulations

Residential Lot Grading - Fee charged with building permit

<u>VSMP Inspection Fee</u>		<u>\$209</u>
Development Review Fee on Planning and Zoning Applications		
Erosion and Sediment Control (E&S) and Stormwater Management (SWM) Plan Reviews		
Preliminary Subdivision Plan	\$1,100	<u>\$1,200</u>
Preliminary Subdivision Plan (Third and subsequent reviews)	\$550	<u>\$600</u>
Subdivision Construction Plan	\$2,200	<u>\$2,400</u>
Subdivision Construction Plan (Third and subsequent reviews)	\$1,100	<u>\$1,200</u>
Major Site Plan	\$3,000	<u>\$3,300</u>
Major Site Plan (Third and subsequent reviews)	\$1,500	<u>\$1,700</u>
Grading Plan	\$1,100	<u>\$2,400</u>
Grading Plan (Third and subsequent reviews)	\$550	<u>\$1,200</u>
Infrastructure Plan	\$1,100	<u>\$1,200</u>

Infrastructure Plan (Third and subsequent reviews)	\$550	<u>\$600</u>
Stormwater Management Exception Request	\$450	<u>\$500</u>

; and

BE IT FURTHER ORDAINED that 28% of certain fees shall be returned to the Virginia Department of Environmental Quality as required by State regulations; and

BE IT STILL FURTHER ORDAINED that this ordinance will become effective on July 1, 2014.

Adjournment: At 7:44 p.m. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Jack R. Cavalier
Chairman