

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

MINUTES

Regular Meeting  
April 15, 2008

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:03 P. M., Tuesday, April 15, 2008, in the Board Chambers, Stafford County Administration Center.

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

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

Legislative; Work Session on General Government Budget Reductions and Outside Agencies. Mr. Anthony Romanello, County Administrator, gave a presentation and responded to Board members questions.

The following persons spoke:

Karin DeMoors, Senior Management Consultant, The PFM Group

Chris Hoppe, Director of Parks and Recreation

Daniel Chichester, Commonwealth’s Attorney

Jeff Harvey, Director of Planning and Zoning

Discussion ensued.

Legislative; Closed Meeting. Mr. Sterling motioned, seconded by Mr. Milde, to add an item regarding legal advice to Closed Meeting.

The Voting Board tally was:

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

Nay: (0)

Legislative; Addition to the Regular Agenda. Mr. Milde motioned, seconded by Mr. Woodson to add a discussion item on funding for the Purchase of Development Rights Program.

The Voting Board tally was:

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

Nay: (0)

Legislative; Consent Agenda. Mr. Brito motioned, seconded by Mr. Dudenhefer, to adopt the Consent Agenda, consisting of Items 2 thru 7, omitting Item 5a.

The Voting Board tally was:

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

Nay: (0)

Item 2. Legislative; Approve Minutes of Board Meetings. Regular Meeting of March 18, 2008, and Adjourned Meeting of March 25, 2008.

Item 3. Finance; Approve Expenditure Listing.

Resolution R08-226 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING  
(EL) DATED APRIL 1, 2008 THROUGH APRIL 14, 2008

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

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

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of April 2008, that the above-mentioned EL be and it hereby is approved.

Item 4. Legislative; Approve a Proclamation to Declare the Week of May 4-10, 2008 as Citizen Volunteer Appreciation Week in Stafford.

Proclamation P08-06 reads as follows:

A PROCLAMATION TO DECLARE THE WEEK OF MAY 4 – 10, 2008  
AS CITIZEN VOLUNTEER APPRECIATION WEEK IN STAFFORD

WHEREAS, one foundation of a decent and just society is the willingness of people to work together for the common good through volunteers who are dedicated to helping those experiencing a variety of problems; to give of their time to recreational and cultural programs; and to contribute their expertise to local governments; and

WHEREAS, volunteers provide essential switchboard, reception and ombudsman services in the Administration Center, and have responded more than 100,000 times to requests for information during the past year; and

WHEREAS, Citizen Assistance Volunteer Teams have contributed more than 8,500 hours of service during the past year, providing data entry and traffic and transportation services to the Sheriff's Office; assisting with clerical and reception duties in the Circuit, General District and Juvenile and Domestic Relations courts; providing general clerical support in every County department; and training to respond during a variety of emergency situations; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the contributions of these dedicated volunteers and, in particular, to recognize 13 volunteers who have contributed significant hours of service to include Charlotte Crismond, 680 hours; Bill Bowers, 290 hours; Ida Ansell, 267 hours; Jay Lockhart, 374 hours; Ginny Preda, 240 hours; Al Thompson, 341 hours; Clevo Wheeling, 243 hours; Valerie Hart, 287 hours; Nick Kopchinsky, 404 hours; Wilma Smith, 285 hours; Bill Smith, 200 hours; Ted Boatright, 219 hours; and Dave Stumpf, 201 hours;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 15th day of April, 2008, that the week of May 4 – 10, 2008 be and it hereby is declared as Citizen Volunteer Appreciation Week in Stafford.

Item 5b. Utilities; Sewer Easement Adjacent to Rowser Building.

Resolution R08-245 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO ADVERTISE A PUBLIC HEARING FOR A SANITARY SEWER  
EASEMENT ON COUNTY-OWNED PROPERTY AT THE ROWSER  
BUILDING

WHEREAS, R Income, LLC is requesting a sanitary sewer easement on County-owned property at the Rowser Building; and

WHEREAS, the easement is necessary to construct a project shown on the County's Generalized Sewer Improvement Plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of April 2008, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider granting a sanitary sewer easement on County-owned property at the Rowser Building.

Item 6. Transportation; Request Reimbursement from the Potomac and Rappahannock Transportation Commission for Transportation Expenditures for the Third Quarter of Fiscal Year 2008.

Resolution R08-244 reads as follows:

A RESOLUTION TO REQUEST REIMBURSEMENT FROM THE  
POTOMAC AND RAPPAHANNOCK TRANSPORTATION  
COMMISSION FOR TRANSPORTATION EXPENDITURES  
FOR THE THIRD QUARTER OF FISCAL YEAR 2008

WHEREAS, the County budgeted funds in the FY2008 Transportation Fund for various programs, including transportation services, quarterly transportation subsidies, road improvements, bike trails, and street signs; and

WHEREAS, the County expended the following amounts for transportation projects and services during FY2008 January through March 31, 2008; and

<u>Item</u>	<u>Amount</u>
Professional Services – Transportation Modeling	\$ 11,542
Transportation Services - FRED	238,828 (2 quarters)
Street Sign Program	7,341
Stafford Regional Airport Commission	57,143 (2 quarters)
Road Improvements	57
Public Street Repair	<u>186,620</u>
Total Reimbursement Request	\$ 501,531

WHEREAS, these funds can be reimbursed from the County fuel tax funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of April 2008, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Five

Hundred One Thousand Five Hundred Thirty-one Dollars (\$501,531) from the fuel tax funds.

Item 7. Planning and Zoning; Vacate a Subdivision Plat of Colonial Port Section 1-C.

Ordinance O08-29 reads as follows:

AN ORDINANCE TO VACATE A SUBDIVISION PLAT OF COLONIAL  
PORT SECTION 1-C, WITHIN THE GRIFFIS-WIDEWATER ELECTION  
DISTRICT

WHEREAS, application SUB2501241 was filed with the County on July 15, 2005 with a plat to create a subdivision of Colonial Port Section 1-C; and

WHEREAS, the plat for Colonial Port Section 1-C was recorded on December 21, 2007 as instrument number 070028923 and plat map PM070000241 without the benefit of posting securities for public improvements and approval of a deed of dedication in violation of the Subdivision Ordinance ; and

WHEREAS, the Board desires to vacate the plat of Colonial Port Section 1-C pursuant to Section 15.2-2272 and 15.2-2278 of the Code of Virginia (1950), as amended; and

WHEREAS, Section 15.2-2274 of the Code of Virginia (1950), as amended, stipulates that such a vacation shall operate to destroy the force and effect of the recording of the plat but subject to the rights of the owners of any public utility installations which had previously been erected on the property; and

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

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of April, 2008, that the plat of Colonial Port Section 1-C

recorded as instrument number 070028923 and plat map PM070000241 in the Office of the Clerk of the Circuit Court on December 21, 2007 be and it hereby shall be vacated.

Finance; Authorize a Public Hearing for Lease Financing Through a Master Agreement for Fire and Rescue Equipment. Mr. Brito commented.

Ms. Maria Perrott, Chief Financial Officer, commented further.

Mr. Brito motioned, seconded by Mr. Sterling, to adopt proposed Resolution R08-233 and R08-239.

Discussion ensued.

The Voting Board tally was:

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

Nay: (0)

Resolution R08-233 reads as follows:

A RESOLUTION AUTHORIZING A PUBLIC HEARING FOR LEASE  
FINANCING THROUGH A MASTER LEASE AGREEMENT

WHEREAS, the Board has determined that it is necessary and advisable to finance, on a tax-exempt basis, the cost of the acquisition of certain fire and rescue equipment (the "Fire and Rescue Equipment") consisting primarily of fire trucks and rescue vehicles for the County ("Plan of Finance"); and

WHEREAS, the Fire and Rescue Equipment will be used by various 501(c)(3) organizations (volunteer fire and rescue organizations) operating in the County; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, requires the Board hold a public hearing on such Plan of Finance; and

WHEREAS, the Board has determined that it may be necessary or desirable to advance money to pay certain costs of financing the Fire and Rescue Equipment and to reimburse such advances with proceeds of a lease financing;

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



1. The County Administrator is authorized to advertise a public hearing to authorize lease financing of the Fire and Rescue Equipment.

2. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of financing or refinancing the Fire and Rescue Equipment from the proceeds of a lease financing.

3. This resolution shall take effect immediately upon its adoption.

Resolution R08-239 reads as follows:

A RESOLUTION AUTHORIZING A PUBLIC HEARING FOR LEASE  
FINANCING THROUGH A NEW MASTER LEASE AGREEMENT

WHEREAS, the Board has determined that it is necessary and advisable to finance, on a tax-exempt basis and taxable, the cost of the acquisition of certain (1) fire and rescue equipment (the "Fire and Rescue Equipment") consisting primarily of fire trucks and rescue vehicles (2) software and technology upgrades (the "Technology Equipment") and/or (3) school vehicles (the "School Equipment", together with the Fire and Rescue Equipment and Technology Equipment, the "Equipment"); and

WHEREAS, the Fire and Rescue Equipment will be used by various 501(c)(3) organizations (volunteer fire and rescue organizations) operating in the County; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, requires the Board hold a public hearing on the financing of such Fire and Rescue Equipment; and

WHEREAS, the Board has determined that it may be necessary or desirable to advance money to pay certain costs of financing the Equipment and to reimburse such advances with proceeds of a lease financing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of May, 2008:

1. The County Administrator is authorized to advertise a public hearing to authorize lease financing of the Equipment.
2. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of financing or refinancing the Equipment from the proceeds of a lease financing in an amount not to exceed \$16,000,000.
3. This resolution shall take effect immediately upon its adoption.

Recess. At 3:06 P.M., the Chairman declared a recess.

Call to Order. At 3:18 P.M., the Chairman called the meeting back to order.

Planning and Zoning; Reconsider the Action on the Issue to Vacate a Subdivision Plat of Colonial Port Section 1-C).

Mr. Woodson motioned, seconded by Mr. Crisp, to reconsider Item 7 on the Regular Agenda.

The Voting Board tally was:

Yea:	(5)	Crisp, Dudenhefer, Schwartz, Sterling, Woodson
Nay:	(0)	
Absent:	(2)	Brito, Milde

Planning and Zoning; Vacate a Subdivision Plat of Colonial Port Section 1-C).

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to remove this item from the Regular Agenda.

The Voting Board tally was:

Yea: (5) Crisp, Dudenhefer, Schwartz, Sterling, Woodson  
Nay: (0)  
Absent: (2) Milde, Brito

Planning and Zoning; Consider an Amendment to the Street Addressing Ordinance to Rename Portions of Roads to Primmer House Road and Forbes Court. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Schwartz motioned, seconded by Mr. Sterling, to defer indefinitely proposed Ordinance O08-31.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp  
Nay: (0)

Transportation; Authorize a Public Hearing to Consider the VDOT FY2009-2014 Six-Year Secondary Road Improvement Program. Mr. Fulton DeLamorton, Transportation Administrator, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-235 with a change to include Andrew Chapel Church Road.

Discussion ensued.

Mr. Woodson made a substitute motion, seconded by Mr. Schwartz, to adopt proposed Resolution R08-235.

The Voting Board tally on the substitute motion was:

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

Nay: (2) Dudenhefer, Milde

Resolution R08-235 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO ADVERTISE A PUBLIC HEARING TO ADOPT THE VIRGINIA  
DEPARTMENT OF TRANSPORTATION FY2009-FY2014 SIX-YEAR  
SECONDARY ROAD IMPROVEMENT PROGRAM

WHEREAS, the Virginia Department of Transportation is responsible for the construction and maintenance of the Secondary System of State Highways in the County; and

WHEREAS, the Board sets priorities for the Six-Year Secondary Road Improvement Program; and

WHEREAS, the Board has received and considered the proposed FY2009-FY2014 Six-Year Secondary Road Improvement Program; and

WHEREAS, pursuant to the Section 33.1-70.01 of the Code of Virginia (1950), as amended, the Board shall conduct a joint public hearing with the Virginia Department of Transportation prior to adopting the Six-Year Secondary Road Improvement Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of April, 2008, that the County Administrator be and he hereby is authorized to advertise a public hearing for May 20, 2008, to adopt the

FY2009-FY2014 Six-Year Secondary Road Improvement Program as recommended by the Planning Commission.

Legislative; Discuss the Board of Supervisors Bylaws. Mr. Schwartz commented.

Mr. Crisp and Mr. Sterling commented on the Bylaws and proposed changes.

Discussion ensued.

Mr. Crisp motioned, seconded by Mr. Sterling, to incorporate the changes into the Bylaws.

Discussion further ensued.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Milde, to adopt the proposed changes to the Bylaws but exclude Section 5-1.

The Voting Board tally on the substitute motion was:

Yea: (2) Dudenhefer, Milde

Nay: (5) Woodson, Brito, Crisp, Dudenhefer, Schwartz, Sterling

The Voting Board tally on the original motion was:

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

Nay: (2) Dudenhefer, Milde

Legislative; Amend and Adopt By-Laws and Rules of Procedure for the Board of Supervisors and to Recommend that All Boards, Authorities, Committees and/or Commissions with Members appointed by the Board of Supervisors to Amend and Adopt Similar Changes to their By-Laws and Rules. Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-232.

The Voting Board tally was:

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

Nay: (1) Milde

Resolution R08-232 reads as follows:

A RESOLUTION TO AMEND AND ADOPT BY-LAWS AND RULES OF PROCEDURE FOR THE BOARD OF SUPERVISORS AND TO RECOMMEND THAT ALL BOARDS, AUTHORITIES, COMMITTEES AND/OR COMMISSIONS WITH MEMBERS APPOINTED BY THE BOARD

OF SUPERVISORS TO AMEND AND ADOPT SIMILAR CHANGES TO THEIR BY-LAWS AND RULES

WHEREAS the Board of Supervisors, though made up of seven individuals representing their respective electoral districts, functions as a single legislative and policy-making body vested with the rights and powers conferred by general law; and

WHEREAS; in order for the Board to accomplish its goals and duties as the legislative and policy-determining body of the County, it must operate in an agreed manner of procedure and agreed manner of conduct reflective of the importance and solemnity of the office; and

WHEREAS, the Board has previously on January 2, 2008, adopted by-laws and rules of procedure for the conduct of business, and, from time to time, has determined the need to amend such by-laws and rules; and

WHEREAS, the Board has previously amended said by-laws and rules of procedure for the conduct of business on February 5, 2008; and

WHEREAS, specifically, the Board has determined to amend Section 6-1 of its By-laws and Rules of Procedure entitled “Actions by Individual Members of the Board” by the addition of language that provides for appropriate interaction between individual Board members and County staff and the use of staff’s time; and

WHEREAS, the interaction with County staff by members of all boards, authorities, committees and commissions made up of members appointed by the Board of Supervisors should be required to conduct themselves and their public business in a similar manner with the constraints placed upon the Board by its By-laws and rules; and

WHEREAS, the Board wishes to adopt a resolution strongly encouraging all appointed boards and commissions to amend and readopt By-laws and Rules of Conduct that include a provisions for appropriate interaction with and use of County Staff and its resources;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15<sup>th</sup> day of April, 2008, be and it hereby does, by resolution, amend and readopt its By-Laws and Rules of Procedure as attached hereto; and

BE IT FURTHER RESOLVED that the Board of Supervisors does, by resolution, request of all boards and commissions with members appointed by the Board of Supervisor to amend and adopt such similar changes in their by-laws and rules of procedure, particularly as it relates to actions by individual members of such boards and/or commissions and their interaction with County staff; and

BE IT FURTHER RESOLVED that a copy of Section 6-1 of the Board’s By-laws and Rules of Procedure be forwarded to the chairman of all boards, authorities, committees and commissions appointed by this Board, urging their cooperation in

following the policy and procedures contained therein by adopting similar by-laws provisions.

**2008**  
**BY-LAWS AND RULES OF PROCEDURE**

**BOARD OF SUPERVISORS**  
**COUNTY OF STAFFORD**  
**STAFFORD, VIRGINIA**

**Adopted February 5, 2008**

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**BY-LAWS AND RULES OF PROCEDURE  
STAFFORD COUNTY BOARD OF SUPERVISORS**

**Section 1 -- Meetings**

**Section 1-1      Annual organizational meetings**

A.    The first January meeting of each year shall be known as the annual meeting. The County Administrator shall preside to open the annual meeting and to conduct the election of the Chairman.

B.    The Chairman shall be elected at the annual meeting for a term of one year. The Chairman may succeed himself in office.

C.    Following his election, the Chairman shall assume the Chair and conduct the election of the Vice Chairman for a term of one year.

D. No member shall serve as Chairman or Vice Chairman for more than two consecutive years.

E. Following the election of the Vice Chairman, the Board shall:

1. Establish days, times and places for its regular meetings; and
2. Adopt its By-Laws and Rules of Procedure.

**Section 1-2 When regular meetings held**

Whenever the regularly scheduled meeting date falls on a legal holiday, the regular meeting shall be held on the following day in accordance with Section 15.2-1416 of the Code of Virginia (1950), as amended. The Chairman may cancel any meeting because of inclement weather or disaster and should reschedule any cancelled meeting at the earliest possible date.

**Section 1-3 Special Meetings**

The Board may hold such special meetings as it deems necessary at such times and places, as it may find convenient; and it may adjourn from time to time. A special meeting of the Board shall be called pursuant to Section 15.2-1418 of the Code of Virginia (1950), as amended. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the members of the Board and the County Attorney.

**Section 1-4 Quorum and method of voting**

A. A quorum shall consist of a majority of the members of the Board of Supervisors.

B. At meetings of the Board, the presiding officer shall announce which members are absent and the reasons for their absence, if known. Such announcement shall be made immediately after the roll call of members; or, if a member leaves after the roll call, as soon as practicable thereafter. Any absences and the reasons therefore also shall be recorded in the minutes of the meeting.

C. All questions submitted to the Board for decision shall be voted using the electronic voting board. Any member may request a roll call vote. A green light represents a "Yea" vote and a red light represents a "Nay" vote. The Chairman shall call for the vote and each member shall cast his vote via the electronic voting board. The Chairman shall then call for the Clerk to close the vote. Upon closing the vote, the Clerk shall display the vote as directed by the Chairman. Upon the display of the vote, the Chairman shall announce the vote.

D. It shall be the duty of every member to vote on issues before the Board of Supervisors. If a member must abstain, he shall state his reason for abstaining for the record. If an abstention occurs, it shall be the responsibility of the Chairman to have the reason for the abstention noted in the official record, if a reason is requested by any member of the Board.

E. A tie vote fails; however, if all members are not present for the vote, the matter shall be passed by until the next regular meeting of the Board, when the matter shall be placed on the agenda as if for the first time, with full discussion and debate allowed by all members and with a new vote taken by all members present.

F. Failure of a motion couched in the negative (i.e., to deny a rezoning), whether due to tie vote or otherwise, does not authorize positive action.

## **Section 2 -- Officers**

### **Section 2-1 Chairman and Vice Chairman**

The Chairman shall preside at all meetings of the Board of Supervisors. The Vice Chairman serves in the absence of the Chairman. In the absence from any meeting of both the Chairman and the Vice Chairman, the members present shall choose one of their members as a temporary Chairman. The Chairman shall make all appointments to Board of Supervisors' committees. Substitutes or alternates appointed to Board of Supervisors' committees may participate only if so authorized by the Chairman.

### **Section 2-2 Preservation of order**

At meetings of the Board, the presiding officer shall preserve order and decorum.

### **Section 2-3 Chairman may administer oaths**

The Chairman shall have the power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

### **Section 2-4 Parliamentarian**

Except as modified herein or as provided by law, the most current edition of Robert's Rules of Order shall be the parliamentary authority of the Board of Supervisors using the Rules for small bodies. The County Attorney shall act as Parliamentarian to the Board. Any questions involving the interpretation or application of Robert's Rules of Order shall be addressed to the County Attorney. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.

### **Section 2-5 Clerk**

The Clerk of the Board shall be the County Administrator as set out in Sections 15.2-1538 and 15.2-1539 of the Code of Virginia (1950), as amended.

### **Section 3 -- Conduct of Business**

#### **Section 3-1 Order of business**

A. At the Board's first meeting of the month, the order of business shall be generally as follows:

- call to order (1:00 p.m.)
- roll call of members
- announcement of absences
- presentations by the public-I
- presentations and committee reports by members of the Board in rotation
- report of the Superintendent of Schools
- report of the County Attorney
- report of the County Administrator
- consent agenda
- unfinished business
- new business
- items added by Board members
- closed meeting (if necessary)
- recess
- invocation (7:00 p.m.)
- Pledge of Allegiance
- presentations by the public-II
- public hearings

adjournment

B. At the Board's second meeting of the month, the order of business shall be generally as follows:

call to order (1:00 p.m.)  
roll call of members  
announcement of absences  
work session  
report from VDOT (quarterly)  
recess  
invocation (7:00 p.m.)  
Pledge of Allegiance  
presentations by the public  
public hearings  
consent agenda  
closed meeting (if necessary)  
adjournment

C. The above order of business and times may be modified by the Chairman should there not be an evening portion of the meeting, or for presentations by VDOT, the Sheriff, the public, etc., and appointments which are occasional in nature.

D. Presentations and committee reports by Board members are limited to three (3) minutes each. It shall be the responsibility of the Chairman to enforce this rule.

E. Presentations by the public are governed by the following rules:

1. Comments shall be addressed to the Chairman and Board as a whole and not to individual Board members.



2. Comments by the public shall be limited to three (3) minutes for all speakers.
3. Any person who speaks during the day public presentation portion of the meeting shall not be permitted to speak during the evening period.
4. Though encouraged to complete a speaker's card in advance for record purposes, any person wishing to speak may do so without completion of a speaker card. All speakers must identify themselves and state their address.
5. Public presentations that require the use of the County's electronic system for power point or other visual displays must be submitted to the County Administrator's office by noon on the Monday before the Board meeting at which the presentation is to be made.
6. Members of the Board will not respond to questions or engage in discussions with the audience or the citizen making presentations during Presentations by the Public. At the conclusion of Presentations by the Public, the Board may refer any matter raised to the County Administrator for investigation, further study, and report to the Board.

F. No action shall be taken on any committee report unless it is time sensitive. All action shall be scheduled for the next regular agenda.

**Section 3-2      Consent agenda**

A. The consent agenda shall be introduced by a motion "to approve the consent agenda," and shall be considered by the Board as a single item.

B. There shall be no debate or discussion by any member of the Board regarding any item on the consent agenda.

C. The expenditure of funds which have been approved in the annual County budget may be placed on the consent agenda.

D. The appointment of individuals to County boards, authorities, commissions, and committees to at-large positions may be placed on the consent agenda, provided that the names and necessary biographical information of the nominees, including education, are provided to the Board as a part of its package prior to the meeting at which the appointment is to occur.

E. The acceptance of grants from federal or state agencies and flow-through funds awarded to county entities, departments and agencies may be placed on the consent agenda.

F. The acceptance of property or the ratification of the purchase of property previously authorized by the Board of Supervisors may be placed on the consent agenda.

**Section 3-3      Motions**

A. No motion shall be discussed prior to being duly seconded in accordance with these By-laws.

B. The Chairman may make a motion without relinquishing the chair.

C. A substitute motion shall be allowed to any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If a vote on the substitute motion does not dispose of the former motion, the former

motion must then be voted. Once a substitute motion is voted upon, a second substitute motion may be made. No more than two (2) substitute motions may be made.

**Section 3-4 Appeal to Board**

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order or the interpretation of these By-laws. A majority vote of those present is necessary to overrule the Chairman. No second is required on a member's appeal.

**Section 3-5 Suspending rules**

One or more of these By-Laws and Rules of Procedure may be suspended with the concurrence of two-thirds of the members present.

**Section 4 -- Public Hearings**

**Section 4-1 Chairman to conduct public hearings**

The Chairman shall conduct all public hearings.

**Section 4-2 Hearing presentations**

Hearings may begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the County Administrator. The presentation shall summarize the facts about the issue. Board members' inquiry during the staff's presentation shall be limited to questions about the issue. Discussion or debate about the merits of the proposal shall occur after the close of the public hearing.

**Section 4-3 Order of public hearings**

The order of public hearings shall be as follows:

A. The Chairman shall open the public hearing.

B. The applicant or his representative shall be the first speaker(s). There shall be a time limit of five (5) minutes for the applicant's or his representative's presentation, unless extended by the Chair. Any and all representations made by the applicant or his representative to the County on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the County.

C. The Chairman shall then solicit comments from the public. Each speaker must clearly state his name and address. There shall be a time limit of four (4) minutes for each speaker.

D. Public hearing presentations that require the use of the County's electronic system for power point or other visual displays must be submitted to the County Administrator's office by noon on the Monday before the Board meeting at which the presentation is to be made.

E. After public comments have been received, the applicant or the representative of the applicant, at his discretion, may respond with further information. There shall be a five (5) minute time limit for rebuttal.

F. Upon the conclusion of the applicant's comments, the Chairman shall close the public hearing.

**Section 4-4      Members' participation**

Board members shall withhold their comments in public hearings to ensure participation by the public without Board interference.

**Section 4-5      Close of hearing**

When a public hearing has been closed by the Chairman, no further public comments shall be permitted. Board members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee or a staff member for clarification prior to taking any vote, if a vote is in order.

**Section 4-6      Debate**

Following the close of the public hearing, the Chairman entertains a motion and a second to dispose of the issue and the Board may debate the merits of the issue.

**Section 5 -- Agenda**

**Section 5-1      Preparation**

The County Administrator, in consultation with the Chairman, shall prepare an agenda for each regular and special meeting of the Board, conforming to the order of business specified in Section 3-1.A and Section 3-1.B of these Bylaws. The Chairman shall schedule topics proposed for work sessions on the second monthly meeting of the Board, and any special meetings, as necessary.

**Section 5-2      Transmittal**

After completion of the agenda preparation by the Chairman and County Administrator for each meeting, the proposed agenda shall be electronically transmitted

to each member of the Board. Under normal circumstances, the transmittal should occur approximately 11 calendar days prior to the scheduled meeting of the Board.

**Section 5.3      Board Member Additions to Proposed Agendas**

A.      After the proposed agenda has been transmitted to the Board, individual Board members may request additional items to be placed on the agenda for discussion. Each Board member shall have the opportunity to request no more than two (2) items to be added to the agenda for discussion. The request from the Board member must be received by the County Administrator by the close of business on the Tuesday of the week prior to the Board meeting (generally seven (7) calendar days prior to the Board meeting).

B.      It is the intent of this provision to allow all Board members to increase the topics being presented for discussion at each meeting, while keeping the meeting agenda at a manageable level in the interest of providing time for Board action, full discussion of the business matters coming before the Board at each meeting, as well as full participation of the public at public presentations and scheduled public hearings.

C.      The items requested to be included in the agenda that meet the foregoing requirements shall not be removed from the agenda, without the consent of the requesting member, except by majority vote of the Board at the meeting. Such discussion items will not involve staff work for preparation of Board packages or reports. After consideration of the discussion item at the Board meeting, if approved by the Board, the matter may be referred to a committee or scheduled for a future Board meeting, with all necessary staff work being provided to permit the Board to take any appropriate action.

**Section 5-4      Further Additions to Agenda**

If a member of the Board has more than two (2) items he desires to add to the agenda for discussion at a meeting, or if a Board member is not able to request addition of the item in time to comply with the time limits of this Section, the County Administrator will place such items on a separate handout for the Board's consideration as an "add-on" at the meeting, as long as the request is received in time to permit a handout to be prepared. If there is insufficient time to have a written handout prepared, the Board member may orally request the item to be added to the agenda with the other "add-ons". Any such items may be added to the agenda only on majority vote of the Board at the involved meeting. Generally such matters should be of a time sensitive nature, requiring consideration or action prior to the next regularly scheduled meeting of the Board. In the alternative, if agreed to by the requesting Board member, the item may be placed on the next regularly scheduled meeting of the Board by the County Administrator.

#### **Section 5-5      Proclamations**

When a Board member requests a proclamation to be placed on the agenda, the County Administrator shall place the name of the requesting Board member on the agenda as part of the item. Each member of the Board may request no more than two proclamations for any regular meeting. In the event that a Board member has more than two proclamations, the additional proclamations will be handled as set forth in Section 5-4 above as Further Additions to Agenda.

#### **Section 5-6      Appointments**

Appointments may be placed on the agenda for consideration at any time, provided that no appointments shall be made prior to the annual organizational meeting of the Board for a term beginning on January 1 of the calendar year. Generally all appointments to standing boards, commissions, committees and authorities should be made between the annual organizational meeting of the Board and March 31 of that

calendar year. The foregoing restrictions do not preclude appointments when vacancies occur, when new boards, authorities, commissions and committees are created, or if the Board agrees to make an appointment to a regional body from the membership of the Board, due to the organizational structure of the regional body, and which would negatively impact Stafford County's participation in the regional body, if an appointment were to be delayed until the organizational meeting of the Board.

**Section 5-7      Emergency Matters**

Any matter not included in the scheduled agenda, after any additions approved pursuant to Section 5-4 above, may be considered by the Board, only upon majority vote of the Board. Any such matter should only be added to the agenda if it is of an emergency nature, vital to the continued proper and lawful operation of the County.

**Section 5-8      Minutes**

The Clerk of the Board shall prepare and maintain adequate minutes of the proceedings of the Board in accordance with the requirements of the Code of Virginia (1950), as amended. Each recorded vote shall indicate how each member of the Board voted. Preparation of minutes will not include every aspect of the Board's meetings relating specifically to discussion and debate, but will include all significant events relating to official action. Minutes shall be included as part of the agenda package for the subsequent meeting of the Board.

**Section 6 -- General Operating Policy**

**Section 6-1      Actions by individual members of the Board**

A. It shall be the policy of the Board that no one member shall exert individual action or direct any County employee, or any board, authority, commission or committee



of the Board, to initiate any action that would require a County employee to perform any action contrary to the laws, ordinances or policies of Stafford County or which would require the expenditure of public funds in any amount without the approval of the Board. It shall further be the policy that when any Board member writes a letter or memorandum expressing his views, that he place on the same document the following, if appropriate:

This letter, memorandum, or document represents only the views of the writer or writers and does not necessarily represent the views of any other member of the Board of Supervisors or the Board of Supervisors as the governing body of Stafford County, Virginia.

B. It is anticipated and expected that a member cast a vote, or otherwise take official action, which is consistent with the position taken by the Board, as expressed in an official vote, while acting on any other board, authority, commission, committee, or other legal entity. By accepting the nomination, the nominee agrees to the adherence of these By-Laws.

**Section 6-2      Legal action**

The Board members, the County Administrator, the County Attorney, and any other public official are required to advise the Board prior to filing any civil suit that involves the County. The Building Official, the Zoning Administrator, and/or the Fire Marshal, when appropriate, may seek injunctive relief in accordance with the procedures set forth by the County Administrator and the County Attorney.

**Section 6-3      Discussion of zoning and land use matters**

Board of Supervisors' members shall not engage in negotiations with applicants on zoning or land use matters while the matter is before the Planning Commission and prior to the Planning Commission's referral of the matter to the Board of Supervisors.

**Section 6-4                    Polling Procedure**

The County Administrator or his designee may separately contact members of the Board of Supervisors for the purpose of ascertaining a member's position with respect to public business, provided the contact does not constitute a meeting as defined in Section 2.2-3701 of the Code of Virginia (1950), as amended.

**Section 6-5                    Action on Land Use Matters in Election Years**

In any year in which members of the Board of Supervisors are elected, the Board shall not take any action or consider any rezoning applications, Conditional Use Permit Applications, Comprehensive Plan Amendments, or zoning text amendments from October 31 until January 1 of the next year.

**Section 7 -- Amendments**

**Section 7-1                    Amendments to the By-Laws and Rules of Procedure**

The By-Laws and Rules of Procedure may be amended as necessary by majority vote of the Board.

Legislative; Discuss Board and Planning Commission Members Salaries. Mr. Dudenhefer commented.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to suspend the salaries of the Board and the Planning Commission to per January 1, 2008 levels.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Woodson, to suspend the salary increase for the Board that was scheduled for January 1, 2009.

Discussion further ensued.

The Voting Board tally on the substitute motion was:

Yea: (4) Schwartz, Woodson, Brito, Crisp

Nay: (3) Dudenhefer, Milde, Sterling

Legislative; Discuss Potomac River Overlay Ordinance. Mr. Milde commented.

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

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to send this back to the Planning Commission to request that the proposed overlay ordinance be amended to include all tributaries and streams of the Rappahannock River as well as the Potomac River.

Discussion further ensued.

Mr. Sterling made a friendly amendment to request that the Planning Commission bring to the Board a comprehensive overlay district for the Potomac River and Rappahannock River but to come back no later than September 2, 2008 or earlier if they can get it done because the Board finds that public necessity, convenience, general welfare, and good zoning practice requires the adoption of such an ordinance.

Discussion ensued.

The Voting Board tally on the amended motion was:

Yea: (3) Dudenhefer, Milde, Sterling  
Nay: (4) Woodson, Brito, Crisp, Schwartz

Mr. Milde motioned, seconded by Mr. Crisp, to direct the Planning Commission to include the Rappahannock River in a comprehensive Protection Overlay Ordinance and bring back to the Board no later than September 2008 because the Board finds that public necessity, convenience, general welfare, and good zoning practice requires the adoption of such an ordinance.

Mr. Sterling made a friendly amendment to request that the Planning Commission report back to the Board no later than September 2, 2008.

The Voting Board tally on the amended motion was:

Yea: (4) Crisp, Dudenhefer, Milde, Sterling  
Nay: (3) Brito, Schwartz, Woodson

Mr. Milde motioned, seconded by Mr. Sterling, to direct staff provide additional information to the Board regarding the economic impact analysis and a map for the proposed overlay on the Potomac River prior to the scheduled public hearing.

Mr. Harvey commented.

Discussion ensued.

The County Administrator commented further.

The Voting Board tally was:

Yea: (4) Dudenhefer, Milde, Sterling, Brito  
Nay: (3) Crisp, Schwartz, Woodson

Legislative; Discuss Purchase of Development Rights. Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Woodson, to request staff work with the PDR Committee and authorize staff to proceed towards a bond referendum on Purchase of Development Rights Program in November, 2008.

Discussion ensued.

Mr. Sterling made a substitute motion, seconded by Mr. Dudenhefer, to request staff work with the PDR Committee and authorize staff to proceed towards a bond referendum on Purchase of Development Rights Program in November, 2009.

Discussion further ensued.

The Voting Board tally on the substitute motion was:

Yea: (2) Sterling, Brito

Nay: (5) Milde, Schwartz, Woodson, Crisp, Dudenhefer

The Voting Board tally on the original motion was:

Yea: (3) Milde, Woodson, Crisp

Nay: (4) Dudenhefer, Schwartz, Sterling, Brito

Mr. Milde motioned, seconded by Mr. Sterling, to request staff work with the PDR Committee and authorize staff to proceed towards a bond referendum on Purchase of Development Rights Program in November, 2009.

The Voting Board tally was:

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

Nay: (3) Schwartz, Brito, Dudenhefer

Mr. Milde motioned, seconded by Mr. Crisp, to approve funds in the amount of \$300,000 for Purchase of Development Rights Program for FY2009.

Mr. Brito made a friendly amendment, seconded by Mr. Milde, to approve funds in the amount of \$300,000 for Purchase of Development Rights Program and/or a Conservation Easements Program.

Discussion ensued.

The Voting Board tally on the amended motion was:

Yea: (2) Crisp, Milde

Nay: (5) Woodson, Brito, Dudenhefer, Schwartz, Sterling

Legislative; Closed Meeting. At 5:47 P.M., Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM08-08.

The Voting Board tally was:

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

Nay: (0)

Resolution CM08-08 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting legal advice regarding the possible rezoning of 104 Hoyt Street; the water damage done to the Humphries' house; and a personnel matter; and

WHEREAS, pursuant to Section 2.2-3711 A.1 and A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 15<sup>th</sup> day of April, 2008, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order. At 5:47 P. M., Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM08-08a.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Woodson

Resolution CM08-08a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON APRIL 15, 2008

WHEREAS, the Board has, on this the 15<sup>th</sup> day of April, 2008, 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 15<sup>th</sup> day of April, 2008, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such

public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Legislative; Initiate Amendments to the Zoning Map Regarding Assessor's Parcel 54D 3-1-6 to Consider a Change to its Classification from B-1 to R-1.

Mr. Crisp motioned, seconded by Mr. Sterling, to adopt proposed Resolution R08-260.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp  
Nay: (0)

Resolution R08-260 reads as follows:

A RESOLUTION TO INITIATE AMENDMENTS TO THE ZONING  
MAP REGARDING ASSESSOR'S PARCEL 54D 3-1-6 TO CONSIDER  
A CHANGE TO ITS CLASSIFICATION FROM B-1 TO R-1

WHEREAS, the Board has discussed the matters involving Assessor's Parcel 54D 3-1-6, a property currently zoned B-1 but not used for any commercial purpose, the issue being whether the property should be rezoned to a residential district designation in accordance with the surrounding zoning designation; and

WHEREAS, the Board, pursuant to Va. Code Section 15.2-2285, desires to initiate the process for consideration of such proposed zoning map amendment and to refer the proposed amendments to the Planning Commission for its recommendations; and

WHEREAS, public necessity, convenience, general welfare and good zoning practices requires review and public consideration of such proposed amendments to the



zoning map as provided for hereinabove, and for such other amendments as may be determined necessary;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of April, 2008, that the proposed amendment to the Zoning Map be and it is hereby initiated and referred to the Stafford County Planning

Commission for its review and public hearing, and its recommendations returned to the Board for consideration on or before the Board's August 19, 2008 meeting.

Legislative; Authorize the County Administrator to Negotiate a Settlement with Michelle Humphries for her Water Damage Claim.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R08-258.

The Voting Board tally was:

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

Nay: (0)

Resolution R08-258 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO NEGOTIATE A SETTLEMENT WITH MICHELLE HUMPHRIES  
FOR HER WATER DAMAGE CLAIM

WHEREAS, the Board has received a claim for damages from Michelle Humphries for water damages at her residence at 1 Greenridge Drive; and

WHEREAS, Utilities staff has investigated the incident to determine the cause of the water damage to the Humphries residence; and

WHEREAS, the Utilities staff is continuing to review the situation regarding the water damage to the Humphries' house; and

WHEREAS, the Board has been briefed about the results of the investigation and has received legal advice concerning the claim for damages filed by Michelle Humphries;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this 15<sup>th</sup> day of April, 2008, be and it hereby does authorize the County Administrator to negotiate a settlement with Michelle Humphries for her damage claim.

Recess. At 6:30 P. M. the Chairman declared a recess until 7:00 P. M.

Call to Order. At 7:05 P. M. the Chairman called the meeting back to order at Colonial Forge High School Auditorium.

Invocation. Mr. Crisp gave the Invocation.

Pledge of Allegiance. Mr. Sterling lead in the Pledge of Allegiance to the Flag of the United States of America.

Budget; Consider the 2008 Property Tax Rates and Fiscal Year 2009 County Budgets.

The Chairman opened a public hearing.

The following persons spoke:

Anne LeDoux

Jannette Martin

William Woods

Suzanne Battista

Meghann Cotter

Tina Skinner

Billy Shelton  
Robert Mirlioica  
Dana Brown  
Trina McCarthy  
Peggy Gonier  
Dr. Dean Fetterolf  
Heather Stefl  
Jizelle Pickering  
Marie Gozzi  
Ernest Ackermann  
Ronny Kaye Tice  
Dale Lewis  
Shawn Lawrence  
Judith Kaelen  
Nickolas Kopchinsky  
Lou Wendling  
Holly Hazard  
Buddy Secor  
Ann Emerson  
Madalin Bickel  
Alane Callander  
Kaila Huebner  
Andrew Aversa  
Robert Hopkins  
Kimberly Lett  
Alexander Youngson  
Elayna Youngson  
Bill Botts  
Laurie Bersteene  
George McWhirt  
Bettina M. McWhirt

Rick Scriven  
Patricia Kurpiel  
Becky Reed  
Jo Knight  
Darlene Davis  
Luciella Brent

The Chairman closed the public hearing.

Adjournment. At 9:22 P. M. the Chairman declared the meeting adjourned until 6:00 P.M., Tuesday, April 22, 2008 in Board Chambers.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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George H. Schwartz  
Chairman