

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

MINUTES

Regular Meeting

December 1, 2009

Call to Order. A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:07 P. M., Tuesday, December 1, 2009, in the Board Chambers, Stafford County Administration Center.

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

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

Presentation of a Proclamation to Commemorate Shirley C. Heim for her Contributions to Stafford County. Mr. George Schwartz presented the proclamation to Mr. Phillip Heim, who in turn presented it to Ms. Mary Grace McGraw, Principal of Shirley C. Heim Middle School, to be displayed at the school.

Legislative; Presentations by the Public. No persons desired to speak.

Legislative; Report of the Superintendent of Schools. Dr. David Sawyer gave a presentation and responded to Board members questions.

Mr. Milde requested that Schools provide him with the percentage of occupancy relative to the architectural capacity of Stafford Middle School.

Mr. Sterling requested that Schools provide him with additional clarification concerning textbook funding and other funding due to the current economic climate, so that the Board will have as much information as possible while dealing with the issue of the 7% appropriation that Schools requested to be returned to them.

Mr. Milde asked how the Schools felt about the use of the same auditor as the County.

Legislative; Report of the VDOT Residency Administrator. Mr. David Stanley gave a presentation and answered Board members questions.

Mr. Milde requested that staff provide the number of houses that are on Bells Hill Road due to the continued buildout and need for ongoing improvements.

Mr. Dudenhefer requested that staff schedule a meeting between the Board and Quintin Elliott to discuss the progress of the Route 630 interchange.

Legislative; Presentations and Committee Reports by Board Members. Board members spoke on topics as identified:

- | | | |
|----------------|---|---|
| Mr. Woodson | - | Deferred |
| Mr. Brito | - | Deferred |
| Mr. Crisp | - | Spoke on the cold weather shelter and thanked Mike Neuhard and staff; permits were expedited to allow it to be ready for use. |
| Mr. Dudenhefer | - | Deferred |
| Mr. Milde | - | Attended an R-Board meeting |
| | - | VRE meeting |
| | - | Cell Towers meeting |

- Spoke on Lions Club Christmas Tree lot
- Mr. Sterling - Deferred
- Mr. Schwartz - Deferred to County Attorney, Mr. Joe Howard

Legislative Report of the County Attorney Mr. Joe Howard, County Attorney added two items to the Closed Meeting Agenda.

Legislative Report of the County Administrator Mr. Anthony J. Romanello, County Administrator, commented on the following:

- On December 14th at 7:00 a.m., two new career ambulances will be in service bringing the total to seven. They will be based out of Stafford Fire Station 2 and White Oak Rescue 7.
- Mr. Brito's additions to the agenda: Agenda Add-ons and the \$6.25M Reconciliation Funds.
- Asked that Ms. Maria Perrotte, Chief Financial Officer, respond to the report given by Dr. Sawyer.

Discussion ensued on the auditors that are used by the County and by the Schools.

Mr. Sterling suggested that the auditors, School staff, and the Board meet to discuss the discrepancies that have arisen from the \$6.25M.

Mr. Schwartz requested that the documentation referred to by Ms. Perrotte, that contradicts Dr. Sawyer's presentation, be provided at the upcoming Audit Committee meeting with himself and Mr. Crisp.

Mr. Dudenhefer asked Ms. Perrotte to provide the Board with a summary of options that are used by other localities concerning the use of joint (or separate) auditors by counties and schools.

The Board requested Joe Howard, County Attorney, to research whether or not the County can direct the Schools on the choice of an auditor.

Mr. Milde motioned, seconded by Mr. Sterling, to respectfully request that the Schools not renew the contract with the current auditor and that both the County and the Schools explore the option of a joint auditor.

The Voting Board tally was:

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

Nay: (0)

Mr. Crisp requested the addition of a discussion item regarding Dr. Sawyer's request that the County remove the 7% hold on the School's appropriation.

Legislative; Additions and Deletions to the Regular Agenda Mr. Brito motioned, seconded by Mr. Woodson to add the additions to the agenda, as well as adding the personnel matter to the Closed Meeting agenda.

Mr. Milde made a substitute motion, seconded by Mr. Sterling, to add all, with the exception of Item 20.

The Voting Board tally on the substitute motion was:

Yea: (3) Milde, Sterling, Dudenhefer

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

The Voting Board tally on the original motion was:

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

Nay: (3) Sterling, Milde, Dudenhefer

Legislative; Consent Agenda Mr. Milde motioned, seconded by Mr. Woodson to approve the Consent Agenda consisting of Items 2 through 16.

The Voting Board tally was:

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

Nay: (0)

Item 2. Legislative; Approve Minutes of November 17, 2009 Board Meeting

Item 3. Finance and Budget; Approve Expenditure Listing

Resolution R09-415 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED NOVEMBER 17, 2009 THROUGH NOVEMBER 30, 2009

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 1st day of December 2009, that the above-mentioned EL be and it hereby is approved.

Item 4. Planning and Zoning; Consideration of Name for Courthouse Road Railroad Bridge

Resolution R09-406 reads as follows:

A RESOLUTION TO RECOMMEND TO THE VIRGINIA
DEPARTMENT OF TRANSPORTATION THE NAME OF THE
COURTHOUSE ROAD CSX BRIDGE AS MINGLES HILL BRIDGE,
LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, the Board has requested that the bridge crossing the CSX railroad tracks on Courthouse Road be named; and

WHEREAS, the Board has requested a recommendation from the Historical Commission; and

WHEREAS, a petition for the name Mingles Hill Bridge was presented to the Historical Commission; and

WHEREAS, the Historical Commission recommended the name Mingles Hill Bridge be forwarded to the Board as requested by local residents;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December, 2009, that the Board be and it hereby does approve the name Mingles Hill Bridge for the bridge crossing the CSX railroad tracks on Courthouse Road; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Residency Administrator of VDOT.

Item 5. Planning and Zoning; Authorize a Public Hearing to Grant an Access Easement to Potomac and Rappahannock Transportation Commission (PRTC) and a Utilities Easement to Dominion Virginia Power; and Grant a Temporary Right of Entry to PRTC at Leeland Station

Resolution R09-416 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING REGARDING GRANTING EASEMENTS TO THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION AND DOMINION VIRGINIA POWER

WHEREAS, Potomac and Rappahannock Transportation Commission has requested an easement for ingress and egress across property owned by Stafford County to access property where a proposed communication tower has been approved by the Board to be constructed; and

WHEREAS, Dominion Virginia Power requires a utility easement across property owned by Stafford County to serve the Potomac and Rappahannock Transportation Commission proposed communication tower; and

WHEREAS, the granting of these easements will have no known negative impact on current or future operations of the County of Stafford; and

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended, requires that a public hearing be held prior to the granting of such easements;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December 2009, that the County Administrator be and

he hereby is authorized to advertise a public hearing to consider public comments regarding the granting of these easements to the Potomac and Rappahannock Transportation Commission and Dominion Virginia Power.

Resolution R09-417 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A TEMPORARY RIGHT OF ENTRY AGREEMENT WITH
POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION

WHEREAS, Potomac and Rappahannock Transportation Commission has requested conveyance of permanent ingress and egress across County owned property for the purpose of constructing a communication tower and facility for the Virginia Railway Express; and

WHEREAS, Virginia Railway Express intends to construct the tower and facility with federal homeland security grant funds for the safety and security of passengers and staff on Virginia railway Express trains; and

WHEREAS, the grant funds expire in March 2010; and

WHEREAS, the Board believes that time is of the essence for construction of the project; and

WHEREAS, the granting of this right of entry to allow construction of the communication tower to start will have no known negative impact on Stafford County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December 2009, that the County Administrator be and he hereby is authorized to execute a right of entry agreement with Potomac and Rappahannock Transportation Commission.

Item 6. Public Works; Petition the Virginia Department of Transportation for the Abandonment, Additions, and Data Correction to the Secondary System of State Highways within Courthouse Road (SR-630) and VDOT State Route 630 Project 0630-089-140, C503

Resolution R09-412 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE THE ABANDONMENT, ADDITIONS
AND CORRECTIONS TO SEGMENTS OF COURTHOUSE ROAD (SR-630),
ANDREW CHAPEL ROAD (SR-629) AND GALT WAY (SR-1365) TO THE
SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Virginia Department of Transportation (VDOT) has provided the Board with an illustration, dated May 2, 2008, depicting the abandonment, additions and corrections required in the Secondary System of State Highways as a result of Project 0630-089-140, C-503; and

WHEREAS, the new roads serve the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and

WHEREAS, as a result of these improvements, adjustments need to be added to the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December, 2009, that VDOT be and it hereby is requested to add to the Secondary System of State Highways those portions of road identified herein, and depicted on the contained herein, illustration, pursuant to Section 33.1-155, Section 33.1-229 and Section 33.1-69, of the Code of Virginia (1950), as amended:

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: VDOT Project

Pursuant to Code of Virginia Statute: Section 33.1-155

Street Name and/or State Route Number

Courthouse Road (Segment A-B) (SR-630)

- From: Courthouse Road (SR-630) (Station 102+10), 0.31 miles East of Black Hawk Drive (SR-1344)
To: Galt Way (SR-1365), a distance of 0.37 miles of Courthouse Road (Segment B-C) (SR- 630)
- From: Galt Way (SR-1365) (@ Station 107+93)
To: Courthouse Road (SR-630) (Station 109+70), a distance of 0.11 miles Courthouse Road (Segment D-E) (SR-630)
- From: Courthouse Road (SR-630) (Station 113+39)
To: Courthouse Road (SR-630) (Station 114+72), a distance of 0.08 miles Andrew Chapel Road (Segment E-F1) (SR-629)
- From: Old Intersection Courthouse Road (SR-630) (@ Station 114+72)
To: Andrew Chapel Road (SR-629) (Station 301+05), a distance of 0.07 miles

Courthouse Road (Segment F-G) (SR-630)

- From: Andrew Chapel Road (SR-629) (@ Station 114+92)
To: Courthouse Road (SR-630) (Station 116+27), a distance of 0.08 miles

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 or provisions 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: VDOT Project

Pursuant to Code of Virginia Statute: Section 33.1-229

Street Name and/or State Route Number

Courthouse Road (Segment A-B) (SR-630)

- From: Courthouse Road (SR-630) (Station 102+10), 0.31 miles East of Black Hawk Drive (SR-1344)
To: Galt Way (SR-1365), a distance of 0.36 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 72-177 feet

Courthouse Road (Segment B-C) (SR-630)

- From: Galt Way (SR-1365), @ Courthouse Road (SR-630) (Station 107+93)
To: Courthouse Road (SR-630) (Station 109+70), a distance of 0.11 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 65-102 feet

Courthouse Road (Segment D-E) (SR-630)

- From: Courthouse Road (SR-630) (Station 113+39)
To: Courthouse Road (SR-630) (Station 114+72), a distance of 0.08 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 75-144 feet

Andrew Chapel Road (Segment F-F1) (SR-629)

- From: Intersection Courthouse Road (SR-630) (@ Station 114+92)
To: Andrew Chapel Road (SR-629) (Station 301+05), a distance of 0.07 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 82-127 feet

Courthouse Road (Segment F-G) (SR-630)

- From: Andrew Chapel Road, @ Courthouse Road (SR-630) (Station 114+92)
To: Courthouse Road (SR-630) (Station 116+27), a distance of 0.08 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 72-95 feet

Type Change to the Secondary System of State Highways: Data Correction

This Board hereby requests the transfer of the following segment(s) of the Interstate or Primary System to this County's Secondary System of State Highways:

Reason for Change: VDOT Project

Pursuant to Code of Virginia Statute: Section 33.1-69

Street Name and/or State Route Number

Galt Way (Segment B-B1) (SR-1366)

- From: Intersection Courthouse Road (SR-630), @ Galt Way (SR-1365) (Station 200+00)
- To: Galt Way (SR-1365) (Station 200+60), 0.08 miles North of Gloucester Way (SR-1366), a distance of 0.03 miles

Courthouse Road (Segment C-D) (SR-630)

- From: Courthouse Road (SR-630) (Station 109+70)
- To: Courthouse Road (SR-630) (Station 113+39), a distance of 0.23 miles

Courthouse Road (Segment E-F) (SR-630)

- From: Courthouse Road (SR-630) (Station 114+72)
- To: Courthouse Road (SR-630) (Station 114+92), a distance of 0.01 miles

Courthouse Road (Segment G-H) (SR-630)

- From: Courthouse Road (SR-630) (Station 116+27)
- To: Hamn Lane @ Courthouse Road (SR-630) (Station 116+62), a distance of 0.03 miles

Courthouse Road (Segment H-J) (SR-630)

- From: Hamn Lane @ Courthouse Road (SR-630) (Station 116+62)
- To: Courthouse Road (SR-630) (Station 116+80), 0.27 miles West of CSX Bridge, a distance of 0.02 miles

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Residency Administrator of VDOT.

Item 7. Public Works; Petition the Virginia Department of Transportation for the Abandonment, Additions, and Data Correction to the Secondary System of State Highways within VDOT State Route 218 Project 0128-089-V05, C501

Resolution R09-413 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE THE ABANDONMENT, ADDITIONS AND CORRECTIONS TO SEGMENTS OF DISTRICT SHOP ROAD (SR-1149), DEACON ROAD (SR-607), COOL SPRING ROAD (SR-607), RIDGE PONTE LANE (SR-1389), NORTHSIDE DRIVE (SR-1107), WILLOW STREET (SR-1157), THOMPSON AVENUE (SR-1130), DEBRUEN LANE (SR-1149) AND MARION STREET (SR-1134) TO THE PRIMARY AND SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Virginia Department of Transportation (VDOT) has provided the Board with an illustration, dated December 15, 2004, revised April 30, 2009, depicting the abandonment, additions and corrections required in the Primary and Secondary System of State Highways as a result of Project 0218-089-V05, C501; and

WHEREAS, the new roads serve the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and

WHEREAS, as a result of these improvements, adjustments need to be added to the Primary and Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December, 2009, that VDOT be and it hereby is requested to add to the Primary and Secondary System of State Highways those portions of road identified herein, and depicted on the contained herein, illustration, pursuant to Section 33.1-155, Section 33.1-229 and Section 33.1-69, of the Code of Virginia (1950), as amended:

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: VDOT Project
Pursuant to Code of Virginia Statute: Section 33.1-155

Street Name and State Route Number

District Shop Road (Section 6) (SR-1149)

- From: Intersection old section Deacon Road (SR-607)
To: End, Fredericksburg District Parking, a distance of 0.19 miles

Deacon Road (Section 7) (SR-607)

- From: Station 322+75, new segment Deacon Road (SR-607) (Station 66+31)
To: Intersection old SR-1149 (Station 59+00), a distance of 0.14 miles

Deacon Road (Section 8) (SR-607)

- From: Intersection old segment District Shop Road (SR-1149) (Station 59+00)
To: Intersection old segment White Oak Road (SR-218) (Station 50+00),
a distance of 0.17 miles

Cool Spring Road (Section 9) (SR-607)

- From: Intersection old segment White Oak Road (SR-218) (Station 50+00)
To: Station 301+50, Deacon Road (SR-607) (old station 44+37), a distance
of 0.10 miles

Ridge Pointe Lane (Section 10) (SR-1389)

- From: Intersection Deacon Road (SR-607) (Station 324+43)
To: Intersection South Pointe Lane (SR-1388), a distance of 0.07 miles

Northside Drive (Section 12) (SR-1107)

- From: Intersection old segment White Oak Road (SR-218)
To: Intersection White Oak Road (SR-218) new alignment, a distance of
0.09 miles

Willow Street (Section 13) (SR-1157)

- From: Intersection Chatham Heights Road (SR-212) (Station 210+25)
To: Intersection Marion Street (SR-1134), a distance of 0.09 miles

Thompson Avenue (Section 14) (SR-1135)

- From: Intersection Chatham Heights Road (SR-212) (Station 218+40)
To: Intersection Willow Street (SR-1157), a distance of 0.03 miles

Type Change to Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions 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: VDOT Project

Pursuant to Code of Virginia Statute: Section 33.1-229

Street Name and State Route Number

Deacon Road (Section 15) (SR-607)

- From: Intersection White Oak Road (SR-218) (Station 317+25)
To: Intersection Ridge Pointe Lane (SR-1389) new location
(Station 322+75), a distance of 0.10 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 106-180 feet

Cool Spring Road (Section 6) (SR-607)

- From: Intersection old segment White Oak Road (SR-218) (Station 306+65)
To: Intersection White Oak Road (SR-218) (Station 317+25), a distance of 0.20 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 106-240 feet

Cool Spring Road (Section 17) (SR-607)

- From: Station 306+00
To: Intersection old segment White Oak Road (SR-218) (Station 306+65), a distance of: 0.01 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 106 feet

Cool Spring Road (Section 18) (SR-607)

- From: Cool Spring Road (SR 607) (Station 301+50)
To: Cool Spring Road (SR- 607) (Station 306+00), a distance of 0.09 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 100-118 feet

District Shop Road (Section 19) (SR-1389)

- From: 0.07 miles West of Deacon Road (SR-607)
To: Intersection Deacon Road (SR-607) (@ Station 322+75), a distance of 0.07 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 50 feet

Ridge Pointe Lane (Section 20) (SR-1389)

- From: Intersection Deacon Road (SR-607) (@ Station 322+75)
To: Intersection South Pointe Lane (SR-1388), a distance of 0.07 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 140-225 feet

Debruen Lane (Section 22) (SR-1149)

- From: Intersection Deacon Road (SR-607) new location (@ Station 306+00)
To: CSX Railroad Tracks, a distance of 0.07 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 60-142 feet

Marion Street (Section 23) (SR-1134)

- From: Intersection Chatham Heights Road (SR-212) new location (Station 221+50)
To: Intersection Thompson Avenue (SR-1135), a distance of 0.09 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 56-138 feet

Willow Street (Section 24) (SR-1157)

- From: Intersection Chatham Heights Road (SR-212) (Station 211+37)
To: Intersection Marion Street (SR-1134), a distance of 0.07 miles
Recordation Reference: VDOT Plans
Right of Way width (feet) = 51-106 feet

Type Change to Secondary System of State Highways: Data Correction

This Board hereby requests the transfer of the following segment(s) of the Interstate or Primary System to this County's Secondary System of State Highways.

Reason for Change: VDOT Project
Pursuant to Code of Virginia Statute: Section 33.1-69

Street Name and/or State Route Number

Northside Drive (Section 21) (SR-1107)

- From: Intersection White Oak Road (SR-218) new location
To: 0.03 miles North East of White Oak Road (SR-218), a distance of 0.03 miles

Deacon Road (Section 25) (SR-607)

- From: Intersection Ridge Pointe Lane (SR-1389) new location (Station 322+75)
To: Ridge Pointe Lane (SR-1389) (Station 328+50), a distance of 0.11 miles

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Residency Administrator of VDOT.

Item 8. Public Works; Authorize the County Administrator to Enter into an Agreement with the Virginia Department of Transportation on the Poplar Road Construction Project

Resolution R09-414 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO LOCALLY ADMINISTER TRANSPORTATION BOND PROGRAM PROJECTS ON MOUNTAIN VIEW ROAD AND POPLAR ROAD

WHEREAS, the Board designated FY2009 Virginia Department of Transportation (VDOT) Revenue Sharing Program funds to the Transportation Bond project to reconstruct Mountain View Road (SR-627) from Rose Hill Farm Drive (SR-1245) to 0.25 miles North of Joshua Road (SR-643), VDOT UPC 91619; and

WHEREAS, the Board designated FY2010 VDOT Revenue Sharing Program funds to the Transportation Bond Program project to reconstruct Poplar Road (SR-616) from 0.20 miles north of Kellogg Mill Road (SR-651) to 0.77 miles north of Kellogg Mill Road, VDOT UPC 94827; and

WHEREAS, the Commonwealth Transportation Board approved the County's FY2009 and FY2010 designations; and

WHEREAS, the projects will be locally administered necessitating a separate agreement between VDOT and the County for each; and

WHEREAS, VDOT requires affirmation of the County Administrator's authority to enter into said agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December, 2009, that the County Administrator be and he hereby is authorized to execute an agreement with VDOT to locally administer the project to reconstruct Mountain View Road (SR-627) from Rose Hill Farm Drive (SR-1245) to 0.25 miles North of Joshua Road (SR-643), VDOT UPC 91619; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute an agreement with VDOT to locally administer the project to reconstruct Poplar Road (SR-616) from 0.20 miles north of Kellogg Mill Road (SR-651) to 0.77 miles north of Kellogg Mill Road, VDOT UPC 94827; and

BE IT STILL FURTHER RESOLVED that the VDOT Residency Administrator receives a certified copy of this Resolution.

Item 9. County Administration; Approve Deed of Easement for the Purchase of Development Rights for Property Located at 650 Belle Plains Road

Resolution R09-394 reads as follows:

A RESOLUTION TO APPROVE A DEED OF EASEMENT FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON ASSESSOR'S PARCEL 48-15 WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

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

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

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

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

WHEREAS, a pilot program for PDR applications was initiated in January 2009; and

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

WHEREAS, the Board reviewed the recommendations of the PDR Administrator and PDR Committee and determined that Assessor's Parcel 48-15 be considered for the purchase of development rights under the PDR program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December, 2009, that the Board be and it hereby does approve the deed of easement and the purchase of development rights on Assessor's Parcel 48-15 for an amount not to exceed Six Hundred Thousand Dollars (\$600,000), with Two Hundred Ninety-nine Thousand Two Hundred Forty-two Dollars (\$299,242) reimbursable by the Commonwealth of Virginia; and

BE IT FURTHER RESOLVED that funds are budgeted and appropriated in the amount of Five Hundred Ninety-eight Thousand Four Hundred Eighty-four Dollars (\$598,484) for the foregoing proposal; and

BE IT STILL FURTHER RESOLVED that the County Administrator be and he hereby is authorized to release payment upon settlement.

Item 10. Public Works; Accept Unsolicited Public-Private Transportation Act (PPTA) Proposal from Lane Construction and Authorize the County Administrator to Post Public Notice for Competing Unsolicited Proposals

Resolution R09-418 reads as follows:

A RESOLUTION TO ACCEPT THE UNSOLICITED PUBLIC-PRIVATE TRANSPORTATION ACT (PPTA) PROPOSAL FROM LANE CONSTRUCTION CORPORATION AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO POST PUBLIC NOTICE FOR COMPETING PROPOSALS

WHEREAS, the County received an unsolicited Public-Private Transportation Act (PPTA) proposal from The Lane Construction Corporation; and

WHEREAS, the Board's Transportation Bond Committee recommended to accept the proposal; and

WHEREAS, pursuant to the County's PPTA Guidelines, with such an action, the County must post public notice for competing PPTA proposals;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December, 2009, that it be and hereby does accept the unsolicited PPTA proposal submitted by The Lane Construction Corporation; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to post for ninety (90) days public notice for competing PPTA proposals.

Item 11. Sheriff; Budget and Appropriate Grant Funds

Resolution R09-411 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE IDENTIFIED
GRANT FUNDS TO THE SHERIFF'S BUDGET FOR THE FACILITATION
OF IDENTIFIED PROJECTS

WHEREAS, the Stafford County Sheriff's Office has recently been awarded funds for providing redundancy to its 9-1-1 infrastructure to best utilize technology to do its best to assure the delivery of 9-1-1 and emergency calls to the communication center; and

WHEREAS, a regional grant to be facilitated through Stafford County has recently been awarded to improve training resources and simulators to improve and/or enhance required training for Dispatchers; and

WHEREAS, a regional Interoperable Emergency Communications Grant Program (IECGP) to be facilitated through Stafford County has recently been awarded to provide for an analysis of radio communications interoperability throughout the region and, in particular, along major interstate corridors such as I-95 through the Fredericksburg region, and

WHEREAS, a regional State Homeland Security Grant (SHSGP) to be facilitated by Stafford County has recently been awarded to procure and install communication gateways throughout the region to enable, improve and/or facilitate a base level of interoperability between communication centers and amongst public safety responders; and

WHEREAS, there are no matching funding required of Stafford County or other localities to facilitate these Grants;

NOW, THEREFORE, BE IT RESOLVED that by the Stafford County Board of Supervisors on this the 1st day of December, 2009, One Million Eight Hundred Twenty-three Thousand Three Hundred Twenty Dollars (\$1,823,320) be and it hereby is budgeted and appropriated to the Sheriff's Office Budget.

Item 12. Legislative; Appoint Eric C. Cole to the Economic Development Authority

Item 13. Parks, Recreation and Community Facilities; Proclamation to Recognize Dr. John LeDoux for his Dedicated Service on the Parks and Recreation Advisory Commission

Proclamation P09-24 reads as follows:

A PROCLAMATION TO RECOGNIZE DR. JOHN LEDOUX FOR HIS
DEDICATED SERVICE ON THE PARKS AND RECREATION
ADVISORY COMMISSION

WHEREAS, Dr. John LeDoux has served continuously on the Parks and Recreation Advisory Commission since January 1, 1982, and has served as Chairman; and

WHEREAS, Dr. John LeDoux has served on the Parks and Recreation Advisory Commission as the Aquia District representative and as the School Board representative and has always had the best interest of children as his top priority; and

WHEREAS, Dr. John LeDoux has offered his expertise and worked tirelessly in the passage of several parks and recreation bond referenda for the benefit of Stafford residents; and

WHEREAS, Dr. John LeDoux has demonstrated his relaxed temperament, calm demeanor, and outstanding communication skills to resolve issues and work toward the future for parks and recreation opportunities; and

WHEREAS, at its meeting on November 19, 2009, the Parks and Recreation Advisory Commission voted to recognize Dr. John LeDoux for his 28 years of dedicated service to the citizens of Stafford County by serving on the Parks and Recreation Advisory Commission;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 1st day of December 2009, that Dr. John LeDoux be and he hereby is recognized for his dedicated service and contribution to the citizens of Stafford County by serving on the Parks and Recreation Advisory Commission.

Item 14. Public Works; Petition the Virginia Department of Transportation to Include Foreston Woods Drive into the Secondary System of State Highways

Resolution R09-419 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE FORESTON WOODS DRIVE INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Foreston Woods Drive into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable; and

WHEREAS, in accordance with Section 24 Va. Admin. Code 30-91-140, a Street Maintenance and Administrative Cost Recovery Fee is required by VDOT and cannot be waived; and

WHEREAS, in accordance with Section 24 Va. Admin. Code 30-91-140, a Street Surety Bond is required to be posted, however, VDOT has agreed to accept said bond in the form of a resolution by the Board;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December 2009 that VDOT be and it hereby is petitioned to include the following street into the Secondary System of State Highways:

Street: Foreston Woods Drive (SR-2167)
From: Intersection Jefferson Davis Highway (US-1) Length: 0.38 Miles
To: Cul-de-sac ROW Width = 60-120 ft

An unrestricted right-of-way (ROW), as indicated above, for the street indicated above, with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled:

H.J. Howard and United Postal Service, Plat Book 22, Pages 80-81, Recorded June 27, 1991;
Villages of Aquia, Section 1, Plat Book 29, Pages 124-126, Recorded August 7, 1996;
Villages of Aquia, Section 2, Plat Book 32, Pages 162-164, Recorded November 5, 1998; Instrument Number 980021611; and

BE IT FURTHER RESOLVED that the Board be and it hereby does request the County Administrator to process payments in the amount of One Thousand Three

Hundred Dollars (\$1,300) for an Administrative Cost Recovery Fee and a Maintenance Fee of One Thousand Two Hundred Dollars (\$1,200); and

BE IT FURTHER RESOLVED that the Board hereby guarantees a surety in the amount of Sixteen Thousand Dollars (\$16,000) for the specific purpose of recovering all loss, cost, damage, or expense incurred to correct faulty workmanship or materials associated with the construction of the mileage on the street and/or related drainage facilities referenced on the VDOT DACHS form AM-4.3 for a period of one year from the date of the legal addition of the referenced mileage to the VDOT Secondary System of State Highways; and

BE IT STILL FURTHER RESOLVED that a copy of this resolution be forwarded to the Residency Administrator of VDOT.

Item 15. Public Works; Petition the Virginia Department of Transportation to Include Lansberry Park Drive, Garner Drive, Crescent Valley Drive and Brookeshire Drive within Crescent Valley Subdivision into the Secondary System of State Highways

Resolution R09-420 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE LANSBERRY PARK DRIVE, GARNER DRIVE, CRESCENT VALLEY DRIVE AND BROOKESHIRE DRIVE WITHIN THE CRESCENT VALLEY SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Lansberry Park Drive, Garner Drive, Crescent Valley Drive, and Brookeshire Drive within the Crescent Valley Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December 2009, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within the Crescent Valley Subdivision into the Secondary System of State Highways:

Street: Lansberry Park Drive (ab) (SR-2134)	
From: Lansberry Park Drive temporary Cul-de-sac	Length: 0.03 Miles
To: Intersection Garner Drive	ROW Width = 50 ft

Street: Lansberry Park Drive (bc) (SR-2134)

WHEREAS, equipment required to be removed and reinstalled to facilitate implementation of the upgrades was found to be unable to be reinstalled due to structural degradation; and

WHEREAS, the equipment is available sole source from Schreiber, LLC, and can be installed more cost effectively during their installation of components for the enhanced nutrient removal upgrade; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December 2009, that the County Administrator be and he hereby is authorized to execute a contract with Schreiber, LLC, for providing and installing replacement mixer, scraper and skimmer blade assemblies during construction of enhanced nutrient removal upgrades at Little Falls Run Wastewater Treatment Facility at a cost not to exceed One Hundred Thirty-one Thousand Six Hundred Ninety-eight Dollars (\$131,698).

Legislative; Closed Meeting. At 2:10 p.m., Mr. Woodson motioned, seconded by Mr. Milde to adopt proposed Resolution CM09-19.

The Voting Board tally was:

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

Nay: (0)

Resolution CM09-19 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to consult with counsel and discuss in Closed Meeting a Potential Business or Industry Prospect Where No Public Announcement Has Been Made; and legal advice regarding a Personnel Matter;

WHEREAS, pursuant to Section 2.2-3711 A.1 and A.5, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 1st day of December, 2009, does hereby authorize discussions of the aforesated matters in Closed Meeting.

Call to Order. At 2:38 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Dudenhefer motioned, seconded by Mr. Milde to adopt proposed Resolution CM09-19a.

The Voting Board tally was:

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

Nay: (0)

Resolution CM09-19a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON DECEMBER 1, 2009

WHEREAS, the Board has, on this the 1st day of December, 2009, 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 1st day of December, 2009, 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.

Finance and Budget; Presentation on 2006 and 2008 Lease Revenue Bond Proceeds. Ms. Maria Perrotte, Chief Financial Officer gave a presentation and answered Board members questions.

Mr. Brito requested that staff report on funds leftover from the Library account. It was his understanding, as well as Mr. Milde's, that any leftover funds should be reallocated to Museum funding.

Parks, Recreation and Community Facilities; Execute an Agreement to Operate the Youth Baseball Plan.

Mr. Dudenhefer commented that a compromise was reached between the County, and the SBL, and that the language was reflected in the updated Agreement.

Mr. Dudenhefer motioned, seconded by Mr. Sterling to adopt proposed Resolution R09-395.

The Voting Board tally was:

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

Nay: (0)

Absent: (1) Milde

Resolution R09-395 reads as follows:

**A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN AGREEMENT TO OPERATE THE YOUTH
BASEBALL PROGRAM**

WHEREAS, the Stafford Baseball League, Inc. is currently operating the youth baseball program in the County; and

WHEREAS, the Stafford Baseball League, Inc. has operated the program successfully; and

WHEREAS, the Board has determined that it would be in the best interest of the citizens to permit the Stafford Baseball League, Inc. to continue to conduct the youth baseball program; and

WHEREAS, at a meeting on October 19, 2009, the Parks and Recreation Advisory Commission endorsed adoption of a new Agreement with the Stafford Baseball League, Inc.;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st of December 2009, that the County Administrator be and he hereby is authorized to execute an Agreement with the Stafford Baseball League, Inc., to operate the youth baseball program.

Legislative: Discuss Stafford County’s 2010 Census Efforts. Ms. Amy Ansong, Senior Planner, Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Dudenhefer requested that staff provide him with the number of employees at the United States Census Bureau and the number that would be hired to staff the Census effort in Stafford County.

Discuss Agenda Add-ons. Mr. Brito commented that staff should add any resolutions passed and any other pertinent information to the on-line agenda.

Discussion ensued.

Mr. Romanello expressed some concern for the 24 hour turn-around.

Mr. Brito made an amended motion, seconded by Mr. Woodson, for additional add-on information to be added to the on-line agenda within 48 hours of the conclusion of the meeting.

The Voting Board tally was:

Yea: (6) Brito, Woodson, Dudenhefer, Crisp, Sterling, Schwartz
Nay: (1) Milde

The \$6.25M Reconciliation Funds. Mr. Brito stated that last April he requested School staff to provide information to him about salaries so he could look at the possibility of giving raises to teachers so that Stafford County’s salaries would be comparable to Spotsylvania County. He felt that with the \$6.25M, it would be possible and Mr. Brito would like to see a raise for teachers effective January 1, 2010. The raise would be an approximate 1.5% increase.

Mr. Sterling and Mr. Milde questioned the timing of such a huge expenditure and asked for clarification.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Woodson, to budget and appropriate a portion of the Schools reconciliation funds to the School Board.

Mr. Sterling questioned how the money would be spent if it were transferred to the Schools Operating Fund.

Ms. Maria Perrotte, Chief Financial Officer, explained that according to State Code, all school employees, including cafeteria workers, bus drivers, and some administrators, depending on their title and category, could also at the discretion of the School Board, receive a pay increase.

Mr. Sterling made a friendly amendment, seconded by Mr. Milde, to defer any action on this item until the January 19, 2010 meeting and ask that the Schools provide a detailed accounting of how teachers and administrators are funded, and if it were possible for the Board to provide raises to teachers only.

Mr. Dudenhefer expressed concern that there was not enough information provided on County teachers, their longevity, and how salaries compare to their counterparts in Spotsylvania County.

Mr. Sterling questioned how County deputy salaries compared to their counterparts in Spotsylvania County.

Mr. Brito answered that deputies received an increase in January, 2009.

Mr. Milde asked Mr. Romanello to clarify the raise that the deputies received. Mr. Romanello explained that in January, 2009, all County employees received a 1.2% raise. In that same fiscal year, in July 2008, school staff received 2.5% raises, and in December, 2008, they received one-time stipends.

Discussion ensued.

Mr. Crisp expressed concern that County teachers are paid less than their counterparts in surrounding localities, and stated that since the cost of living is higher in Stafford, the County is losing ground and therefore it should be a consideration. He also thought that consideration should be made to Dr. Sawyer's request to release the 7% hold on the School's appropriation.

Mr. Sterling said that he would support giving the Schools the \$1.416M if it is only used for teachers and that no other action would be taken. He felt that the County has too many challenges in the next budget cycle to consider transferring additional funds.

Mr. Milde asked that this item be deferred to the December 15th so the Board could receive additional information and be able to make a more informed decision. He then asked Mr. Romanello how this decision might impact the upcoming budget process.

Mr. Brito said that the School Board would have to approve the raises, and he wants their raises to be in effect on January 1, 2010, so this item needed approval so it could be forwarded to the School Board in time for its next meeting.

Mr. Milde again requested Mr. Romanello's input on how this action would potentially affect the budget. Mr. Romanello explained that the teacher's year begins at the start of school in September making this is a mid-year action. If this were to become a salary increase, it would be on a recurring basis and actually add approximately \$3M. If it is a one-time bonus, it would not be added to the base. He asked that this item be delayed,

and looked at within the context of the budget process and expressed concern that use of the fund balance could potentially affect the County's bond rating.

Discussion ensued.

Mr. Milde requested Mr. Romanello's input on the financial impact to the County if this item were approved. Mr. Romanello again stated that items of this magnitude would best be considered within the context of the budget process saying that at that time, he would be better informed as to what State and County budgets look like and also at that time, he would have a better sense of whether a tax increase may be a scenario to recommend.

Mr. Schwartz requested that the Board vote on the substitute motion that was on the floor which was to defer any action on this item until the January 19, 2010 meeting and ask that Schools provide a detailed accounting of funding for teachers and administrators, and how the Board might provide raises to teachers only.

The Voting Board tally was:

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

Mr. Sterling motioned, seconded by Mr. Milde to give \$1M to the Schools for teacher bonuses, and the Board take a \$5,000 reduction in compensation.

The Voting Board tally was:

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

Mr. Brito amended his motion, seconded by Mr. Woodson, to include the language "except administrators" so as not to leave out other school employees.

Mr. Sterling made a substitute motion to give \$1M to the Schools for teacher bonuses and to look at this next year when revenues come in. He further moved that \$500,000 be given to the Sheriff's Office for one-time bonuses for deputies.

Mr. Milde made a second substitute motion, seconded by Mr. Sterling, to use \$500,000 to give a one-time bonus to all County deputies and Sheriff's employees.

The Voting Board tally on the second substitute motion was:

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

Mr. Crisp motioned, seconded by Mr. Woodson, to reconsider the last vote.

The Voting Board tally was:

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

The Voting Board tally on the original substitute motion was:

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

Mr. Sterling made another substitute motion, seconded by Mr. Dudenhefer, to budget and appropriate to the Schools \$1M for one-time teacher bonuses, \$57,000 for paraprofessionals, \$15,000 for school nurses, and the remainder of the \$1.416M to the Sheriff's deputies for one-time bonuses.

The Voting Board tally on the substitute motion was:

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

Mr. Sterling motioned, seconded by Mr. Dudenhefer to adjourn the meeting. No vote was taken on this motion.

Mr. Brito motioned, seconded by Mr. Crisp, to request a public hearing for the December 15th meeting, and an ordinance to be created to “Budget and Appropriate a Portion of the Schools Reconciliation Funds to All FY2009 Real Estate Taxpayers.”

Discussion ensued.

Mr. Sterling asked the Commissioner of the Revenue to come forward and offer his opinion. Mr. Scott Mayausky commented that there were a number of logistical concerns such as land use and tax relief programs. The County would also have to look at the legality of the issue. He also had concerns with a flat refund for all taxpayers. Mr. Mayausky felt that his office would not have much to do with refunds, due to the fact that he cannot change assessments. He then deferred to Ms. Laura Rudy, Treasurer. Ms. Rudy expressed concern with the amount of work involved without enough personnel to perform it in a timely manner.

Mr. Brito motioned, seconded by Mr. Woodson, to advertise this item for a public hearing to be held on December 15th.

Mr. Milde asked Mr. Romanello for his input on the subject. Mr. Romanello stated that he had no opinion because this was the first time he was made aware of it. He felt that the Board, the County Attorney, County Finance staff, and the Treasurer should meet and discuss the mechanics of the item, and the undertaking that would be involved for staff. He would like more time to vet it and come back to the Board with recommendations.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, that the resolution be placed on an agenda in January 2010. He also requested that County Administration, the County Attorney, the Treasurer and the Commissioner of the Revenue discuss and present documentation on the fiscal ramifications, as well as cost of implementation.

The Voting Board tally on the substitute motion was:

Yea: (3) Sterling, Dudenhefer, Milde

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

Discussion ensued.

Mr. Sterling made a friendly amendment to change the last sentence of the ordinance to say “proportional to tax payment.”

Mr. Scott Mayausky commented that the County is anticipating \$30M in revenue reduction for the next fiscal year. He felt that the Board was creating a scenario in which the County refunds money one month and may have to raise the real estate tax rate a month later due to budget shortfalls. He stated that he agreed with the statement that Mr. Romanello made that the County should hold the money and let staff address it during the budget cycle. Mr. Mayausky also stated that he felt the County should hold the revenue, and look at the financial picture, adding that real estate is only one part of the equation, There is also personal property and income tax to be considered. He urged the Board not to take this step forward.

Mr. Sterling made a motion to defer this item.

The Voting Board tally on the motion was:

Yea: (3) Milde, Dudenhefer, Sterling

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

Mr. Brito motioned to call the question.

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Sterling, to suspend the collection of the Business, Personal and Occupational License (BPOL) tax, authorize a public hearing for the

February 16th meeting, explore budget opportunities to fill the hole created in the budget by suspending BPOL, and releasing the 7% to the Schools.

The Voting Board tally on the motion was:

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

Mr. Brito motioned, seconded by Mr. Woodson, to advertise this item for a public hearing to be held on December 15th with the additional language “proportional to tax payments.”

The Voting Board tally on the original motion was:

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

Resolution R09-429 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO ENACT, AMEND AND REORDAIN STAFFORD COUNTY CODE TO ADD A NEW SECTION 23-16 TO ESTABLISH A METHOD FOR RETURNING REAL PROPERTY TAXES TO TAXPAYERS

WHEREAS, Section 15.2-2511.1 of the Virginia Code, authorizes the County to develop a method for returning surplus real property tax revenues to taxpayers who are assessed real property taxes in any fiscal year in which the County reports a surplus; and

WHEREAS, the Board desires to establish a method to refund surplus real property taxes to taxpayers who paid real property taxes in fiscal years where a surplus has been achieved; and

WHEREAS, the Board desires to consider public comments concerning the proposed change;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of December, 2009, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of enacting, amending, and reordaining Stafford County

Code to add a new Section 23-16 to establish a method for returning surplus real property taxes to taxpayers proportional to the amount of real property taxes paid.

Discuss Removing 7% hold and Releasing to the Schools. Mr. Crisp commented that he would like to look at releasing the 7% hold and transferring the funds back to the Schools as requested by Dr. Sawyer.

Mr. Sterling motioned, seconded by Mr. Milde to adjourn.

The Voting Board tally was:

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

Nay: (0)

At 4:46 p.m., the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

George H. Schwartz
Chairman