

PRESENT: Benjamin T. Pitts, Chair
Gary Jackson, Vice Chair
Mary Lee Carter
B. Jerry Marcus
Emmitt B. Marshall
Patricia J. Lenwell
Thomas C. Waddy, Jr.

STAFF PRESENT: Anthony W. Barrett, County Administrator
Douglas C. Walker, Deputy County Administrator
Mark B. Taylor, County Attorney

Mr. Pitts called the meeting to order at 2:00 p.m. Mr. Barrett led the Pledge of Allegiance, and Mr. Marshall gave the invocation.

ADOPTION OF THE FY 2003 BUDGET INCLUDING TAX RATES AND THE FIVE-YEAR CAPITAL IMPROVEMENTS PLAN

The County Administrator introduced a consensus budget for the Board's consideration funded at a \$1.01 tax rate. This proposal included additions and deletions suggested by various Board members funded at a tax rate of \$1.01. Other items outlined by the County Administrator included additional personnel, deletions from the school budget, funding for regional agencies and proposed adjustments with offsetting revenues and one time funding items.

Additional Position of Deputy County Administrator

On a motion by Mr. Marshall, seconded by Ms. Lenwell and passed unanimously, the Board tabled a decision to hire an additional Deputy County Administrator until the County Administrator could provide more information on the position.

Adoption of the Tax Rate

Mr. Pitts made a motion, seconded by Mr. Jackson to adopt a Real Property Tax rate and a Mobile Home Tax rate of \$1.01 per \$100 of assessed value with all other taxes to remain the same.

Mr. Marshall said he thought the budget could have been funded at a rate of \$1.00, but said no other Board members supported that rate.

Mr. Waddy said he was in favor of a \$.97 tax rate. He noted that the State budget was running in the red and he cited higher County fees.

Ms. Lenwell offered a substitute motion to adopt a Real Property Tax rate and a Mobile Home Tax rate of \$.93 per \$100 of assessed value with all other taxes to remain the same.

Ms. Lenwell offered a substitute motion to adopt the \$.93 equalized tax rate, fund all justifiable public safety issues as a first priority using the revenues provided by the natural increase, and then fund those other items deemed necessary from the remaining revenues, using the fund balance for those additional items that also should be funded, ensuring it is taken no lower than the recommended 8%. She said the County would then have 12 months to re-evaluate all programs that have been funded in this budget and past budgets, look for alternative sources of revenue, and in the next budget process, fund that which we can from natural increases in revenue.

The motion failed 1 to 6 with Mrs. Carter, Mr. Jackson, Mr. Marcus, Mr. Marshall, Mr. Pitts and Mr. Waddy voting "no."

Mr. Jackson said he had looked at reducing the tax rate to lower than \$1.01, but the \$1.01 rate would maintain the current level of service and enhance public safety.

Mr. Pitts and Mr. Jackson's original motion passed 5 to 2 with Ms. Lenwell and Mr. Waddy voting "no."

Adoption of the Total County Budget

On a motion by Mr. Jackson, seconded by Mrs. Carter and passed 6 to 1 with Ms. Lenwell voting "no," the Board adopted the Total County Budget for fiscal Year 2003 in the total amount of \$271,963,278, to include the following funds: General Operating Fund: \$57,469,714; Capital Projects Fund, \$5,005,535; Industrial Development Authority Fund, \$784,018; School Operating Fund, \$165,389,877 (to include a transfer of local funds in the amount of \$82,346,054); School Food Service Fund, \$5,669,249; and School Capital Projects Fund: \$37,644,885.

Adoption of a Resolution Regarding Funds Unspent from the Fiscal Year 2003 School Budget

On a motion by Mrs. Carter/ seconded by Mr. Jackson and passed 6 to 1 with Ms. Lenwell voting "no," the Board adopted a resolution regarding Funds Unspent from the Fiscal Year 2003 School Budget.

Adoption of the Utilities Operating Budget

On a motion by Mr. Jackson, seconded by Mr. Marshall and passed unanimously, the Board Adopted the Utilities Operation Budget for Fiscal Year 2003 in the total amount of \$17,730,579.

Adoption of the Utilities Capital Budget

On a motion by Mr. Jackson, seconded by Mrs. Carter and passed 6 to 1 with Ms. Lenwell voting “no,” the Board approved the Utilities Capital Projects budget for Fiscal Year 2003 in the total amount of \$26,386,510.

Adoption of the Capital Improvements Plan

On a motion by Mr. Pitts, seconded by Mr. Jackson and passed 6 to 1 with Ms. Lenwell voting “no,” the Board adopted the Capital Improvements Plan for Fiscal Year 2003-2008 in the following amounts: General Capital Projects, \$71,306,546; Utilities Capital Projects, \$113,773,852; and School Capital Projects, \$172,427,111.

Ms. Carter commented that she had voted for the \$1.01 Tax Rate to catch up with Public Safety needs. She said that next year two new schools would need to be opened and the budget would be tighter next year.

UPDATE ON THE RIVER RUN BUSINESS CENTER

Amy Templeton of Luck Stone and Ed Dee of Emerald Construction gave a presentation on the development of River Run Business Park.

MEMORANDUM OF AGREEMENT WITH RADCO FOR A WATER AND SEWER FACILITIES COMMITTEE

Steve Manster, Executive Director of the Rappahannock Area Development Corporation presented the Memorandum of Agreement. He said it was a regional agreement about the use of water resources and how to address the demand for water and federal requirements. He said it was an agreement to meet and confer.

On a motion by Mr. Marshall, seconded by Mrs. Carter and passed unanimously, the Board authorized the County Administrator to execute a Memorandum of Agreement to implement and manage the development of water resources and facilities for the localities that comprise the RADCO region.

PUBLIC PRESENTATIONS

Jeffrey Sisk, 8636 Old Mill Lane, asked the Board to request the Virginia Department of Transportation (VDOT) to lower the speed limit on Old Mill Lane where it was 35 mph to 25 mph.

APPROVAL OF THE CONSENT AGENDA

On a motion by Mr. Jackson, seconded by Mrs. Carter and passed unanimously, the Board approved the Consent Agenda, which consisted of the following:

1. Approval of Minutes of the March 14, 19, 21 and 26, 2002 Board Meetings;
2. Authorization to Advertise a Public Hearing for Lease of Space on the NuLine Water Tank;
3. Approval of School Budget Amendment #7 FY 2002 and Adoption of a Resolution of Appropriation;

VOTE:

Ayes:	7	Mrs. Carter, Mr. Jackson, Mr. Marcus, Mr. Marshall, Ms. Lenwell, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

RESOLUTION NO. 2002-47

***To Approve an Appropriation for School Budget Amendment #7 FY 2002
to be Transferred to the Schools Operating Fund***

April 2002 APPROPRIATION

Board of Supervisors

April 9, 2002

BE IT RESOLVED by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2001 from the funds and for the functions or purposes indicated:

GENERAL FUND:

For additional Federal and Other funds awarded to Spotsylvania County Schools to be transferred to the School Operating Fund and expended only by order of the Board of Supervisors as follows: \$147,342 

4. Adoption of a Resolution Proclaiming the Week of April 14 as National Telecommunications Week;

VOTE:

Ayes:	7	Mrs. Carter, Mr. Jackson, Mr. Marcus, Mr. Marshall, Ms. Lenwell, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

RESOLUTION NO. 2002-48

***National Public-Safety Telecommunications Week
April 14-20, 2002***

WHEREAS emergencies can occur at anytime that require sheriff, fire or emergency medical services; and

WHEREAS when an emergency occurs the prompt response of sheriff officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS the safety of our sheriff deputies and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the County's Emergency Communications Center; and

WHEREAS Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and

WHEREAS Public Safety Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS Public Safety Dispatchers of the Spotsylvania County Emergency Communications Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

THEREFORE BE IT RESOLVED that the Board of Supervisors of Spotsylvania County declares the week of April 14 through 20, 2002 to be National Telecommunications Week in Spotsylvania, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

5. Adoption of a Resolution Commending Social Work Staff;

VOTE:

Ayes:	7	Mrs. Carter, Mr. Jackson, Mr. Marcus, Mr. Marshall, Ms. Lenwell, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

RESOLUTION NO. 2002-49

Commending Social Work Staff

WHEREAS, Social Workers in local Departments of Social Services in Virginia provide strength based, family focused services to families in the Commonwealth; and

WHEREAS, Virginia continues to see unprecedented changes in service programs as they become more intensive and complex in nature and local Social Workers are called upon to be knowledgeable in all areas of Social Work practice; and

WHEREAS, Virginia's 2500 local Social Workers have been in the forefront of public efforts to meet the needs of all Virginians to maintain families, to create permanency for children, to protect aged and disabled adults and to protect children; and

WHEREAS, local Social Workers must assist diverse populations and provide supportive interventions to adults and families in various situations to include; enrolling new persons in VIEW Service programs, investigating complaints of Adult Abuse and Neglect, arranging for adults Companion/Homemaker services, conducting Medicaid Preadmission screenings, conducting Assisted Living Facility Assessments, providing Foster Care services, investigating Child Protective Services Referrals, completing Adoptions, arranging for Child Care Services Referrals, completing Adoptions, arranging for Child Care Services, and making Welfare Reform a reality.

NOW, THEREFORE, BE IT RESOLVED, the Spotsylvania Board of Supervisors does hereby commend all Social workers in local Departments of Social Services across the Commonwealth for a job well done and calls Spotsylvanians to join in acknowledging their public service and contributions this 9th day of April 2002.

6. Adoption of a Resolution for Child Abuse Prevention Month;

VOTE:

Ayes:	7	Mrs. Carter, Mr. Jackson, Mr. Marcus, Mr. Marshall, Ms. Lenwell, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

RESOLUTION NO. 2002-50

Proclaiming April 2002 as Child Abuse Prevention Month

WHEREAS, every child in our great Commonwealth is a precious gift, full of promise and potential; and

WHEREAS; child abuse and neglect is a serious problem in Virginia and across the nation; and

WHEREAS; the prevention of child abuse is crucial to the preservation of the health and well-being of Virginia's families and can be accomplished by providing support and information to families as well as through increased community awareness; and

WHEREAS; all children learn from role models at home, at church, at school and in their communities and all children benefit from the love and leadership displayed by caring and responsible adults; and

WHEREAS; children are our most precious resource and we are committed to keeping the children of this great Commonwealth safe and happy;

NOW, THEREFORE, the Spotsylvania Board of Supervisors, does hereby recognize April 2002 as CHILD ABUSE PREVENTION MONTH in Spotsylvania and calls this observance to the attention of all our citizens

ADVERTISEMENT FOR A COMPUTER-ASSISTED MASS APPRAISAL AND ASSESSMENT ADMINISTRATION (CAMA) SYSTEM

On a motion by Mr. Jackson, seconded by Ms. Lenwell and passed unanimously, the Board authorized the advertisement of the acquisition of Computer-Assisted Mass Appraisal and Assessment Administration Systems.

**CONSULTANT FOR A NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM PERMIT COMPLIANCE**

On a motion by Ms. Lenwell, seconded by Mr. Jackson and passed unanimously, the Board authorized the advertisement of a Request for Proposals for a Consultant for National Pollutant Discharge Elimination System (NPDES) Compliance.

MEETING WITH VDOT OFFICIALS

Charles Kilpatrick, VDOT Resident Engineer and Fulton de Lamorton, Assistant Resident Engineer discussed transportation matters with the Board.

Mr. Barrett asked about the status of the Courthouse Bypass. Mr. Kilpatrick said it remained a high priority.

Mrs. Carter asked about progress on Cowan Boulevard. Mr. Kilpatrick said it was a safety project and was moving ahead.

Mrs. Carter presented VDOT with petitions with over 1,000 signatures supporting the placement of a stoplight in front of Massaponax High School on Route 1.

Mrs. Carter asked whether work on Routes 2 and 17 was progressing. Transportation Engineer Janet Chandler said that it was.

Mrs. Carter asked whether the work on Lad Land Drive was progressing. Mrs. Chandler said that it was.

Mr. Marshall requested that the VDOT staff lay back the banks at Lancaster Gate on Massaponax Church road (Route 608). Mr. Kilpatrick said he would check on it.

Mr. Waddy asked for chevron signs on Orange Springs Road (Route 653); for a 35 miles per hour (mph) speed limit sign at the church near the intersection of Routes 608 and 612; and for a speed limit sign on Old Mill Lane.

After discussion, on a motion by Mr. Waddy, seconded by Mrs. Carter and passed unanimously, the Board requested that the speed limit on Old Mill Lane where it currently was 35 mph be reduced to 25 mph.

Mr. Jackson said that a portion of Chancellor School Road was to be taken into the State system. Mr. Kilpatrick said that VDOT would maintain it but the gates would have to be removed.

Mr. Jackson requested that for a State Department of Conservation and Recreation grant, that VDOT provide a sign designating the crossing of Massaponax Creek.

Ms. Lenwell said there had been complaints that the Outer Connector was not specifically being identified as the Northwest Quadrant on the Transportation Priority List and asked whether it was considered to be among the higher priorities. Mr. Kilpatrick said it was considered a high priority for the region.

Mr. Pitts reported that in the Route 208 commuter lot, a vehicle with no tags had been left there for 4 or 5 months.

Mr. Waddy asked Mr. Kilpatrick to follow up on a request to reduce the speed limit to 25 mph on Red Hill Road.

Mrs. Carter spoke about a statewide campaign against littering through the Department of Environmental Quality. Mr. Kilpatrick said that VDOT had had tremendous success working with Clara Mills, the litter control coordinator in the County.

CIVIL WAR PRESERVATION TRUST GRANT APPLICATION FOR TEA-21 FUNDS

Scott Palumbo with the Civil War Preservation Trust (CWPT) said that the Trust had applied for a TEA-21 Grant to purchase 232 acres at Spotsylvania Courthouse north of the Bloody Angle. He said the property was a core battlefield and it would be turned over to the National Park Service. He said it was a Priority 1, Class A property.

Ms. Lenwell said there was a limit to the money that was available under TEA-21 and that the CWPT request was not the best use of funds and there was a better means of getting people off the road. She said she would not support the application.

On a motion by Mr. Waddy, seconded by Mr. Marshall and approved 6 to 1 with Ms. Lenwell voting “no,” the Board agreed to support the Civil War Preservation Trust’s TEA-21 grant application for the purchase of the 232-acre Dickinson Tract at the site of the 1864 Battle of Spotsylvania Courthouse.

R01-09 JAMES SMITH/LEIGH BURKE LLC

On a motion by Mr. Marcus, seconded by Mr. Marshall and passed unanimously, the Board approved R01-09 James Smith/Leigh Burke LLC with proffers.

PRESENTATION TO MEMBERS OF THE EMERGENCY COMMUNICATIONS STAFF

Board members congratulated the following Emergency Communications Staff members: Pamela Anderson for Dispatcher of the Year; Jessica Lynd for Most Improved Dispatcher and Ali Rodrigues for Supervisor of the Year.

BOARD OF SUPERVISORS REPORTS

Chancellor District

Ms. Lenwell said in regard to her comments on the FY 2003 budget, she urged those interested to call her at 786-5420 to receive her newsletter or to visit her website at <http://hometown.aol.com/bosladyt/myhomepage/index.html>. She said she was concerned for those on fixed incomes.

Ms. Lenwell thanked the Finance Staff for answers to her questions. She also thanked the General Services and Code Compliance Staffs and the County Attorney's office for the clean up of the burned trailer site on Route 621 and at no cost to the taxpayer.

Salem District

Mr. Jackson asked that information from the Fredericksburg Regional Alliance be distributed to the Board members and the County Administrator. He said the latest industry report focused on the small business sector and that the FRA would move forward to address those issues.

Mr. Jackson said he had attended the first meeting of Representative Jo Ann Davis's BRAC Taskforce and requested that information on that meeting be distributed to the Board members and the County Administrator. He commented that military bases were important to the local economy and it was up to the localities to do what was necessary to save their bases.

Berkeley District

Mr. Marshall suggested Board members should send a letter to Senators Allen and Warner asking what could be done to control the price of gasoline. He said the letter should ask whether the oil companies were making normal profits or big profits, and if big profits were being realized, the federal government should intervene. The consensus of the Board members was to ask staff to write the letter.

Lee Hill District

Mrs. Carter said that the Children's Miracle Network in cooperation with Food Lion and Lee's Hill Shopping Center will sponsor a car show as a fundraising event on Saturday, April 20 beginning at 10 a.m. with the proceeds going to the Children's Miracle Network.

Mrs. Carter said there was a process that allowed the Industrial Development Authority members to have input on the selection of IDA members.

Mrs. Carter asked about an amendment to HB30 for an appeal of Constitutional Officers for the budget. She said the issue needed to be addressed.

Mrs. Carter asked that staff report back to the Board regarding the problem with the well water on Pella Lane.

Mrs. Carter thanked the students and parents who signed the petition for the placement of a traffic light in front of Massaponax High School.

Livingston District

Mr. Waddy questioned the request from the IDA in telling Board members whom they should appoint from their districts.

Mr. Waddy asked whether a policy still existed that allowed the County to tow junk cars out of neighborhoods. County Attorney Mark Taylor said there was an ordinance on junk cars and that it was enforced through the Zoning Administrator.

Mr. Waddy said he had been receiving e-mails and phone calls regarding the problem of trash. Mr. Barrett said with the new deputies being added to the staff, the Sheriff may make it a priority. He said he would hold a meeting with the Judges and the Sheriff regarding the problem of enforcing the prohibition against littering.

CLOSED SESSION

On a motion by Mrs. Carter, seconded by Mr. Marshall and passed unanimously, the Board approved a motion to adjourn into closed session in accordance with Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as Amended, to discuss probable litigation.

RETURN TO OPEN SESSION AND CERTIFICATION

On a motion by Ms. Lenwell, seconded by Mrs. Carter and passed unanimously, the Board returned to open session and approved the following resolution:

VOTE:

Ayes	(7)	Mrs. Carter, Mr. Jackson, Mr. Marcus, Mr. Marshall, Ms. Lenwell, Mr. Pitts and Mr. Waddy
Nays	(0)	
Absent (0)		
Abstain	(0)	

RESOLUTION NO. 2001-51

Return to Open Session

WHEREAS, the Spotsylvania County Board of Supervisors has convened a

closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1(D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby returns to open session and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into Closed Session were heard, discussed or considered in the Closed Session.

PUBLIC PRESENTATIONS

John Sinnett, said the Board should ask the Interior Department to donate industrial acreage on Lansdowne Road, where a shopping center could be built and the Board should ask the Park Service to proffer 100 ft. of parkland along Lansdowne Road to make it into a four-lane road.

PUBLIC HEARINGS:

SALE OF COUNTY PROPERTY

Sale of 1.7 Acres of County Property to J. D. S., LLC.

Mr. Walker said the 1.7 acres were being proposed for sale for \$135,000 plus 3 acres of property behind the judicial Center.

Mr. Pitts opened the Public Hearing.

Those speaking in favor:

Ron Maupin, 9108 Courthouse Road, counsel for JDS, LLC, said the applicant would purchase the property to construct an office building and an access way.

Mr. Pitts closed the Public Hearing.

On a motion by Mr. Marshall, seconded by Ms. Lenwell and passed unanimously, the Board approved the sale of 1.7 acres of County Property to J.D.S., LLC.

R02-03 FENTON BROOKS/LONG AND FOSTER REAL ESTATE:

Requests a proffer amendment to a previously approved rezoning case (95-7, approved on 9/26/95 with proffers). The property is 1.0 acre in the Commercial 2 (C-2) zoning district. It is

located at 5706 Fenton Road (Route 752), on the northeast corner of Fenton Road and Lawyers Road (Route 601). Tax Parcel 70(A)69. Livingston Voting District.

Senior Planner Wanda Parrish presented the case and said that the Planning Commission and staff recommended approval.

Mr. Pitts opened the Public Hearing.

Those speaking in favor:

Dave Gabardy, 16025 Monrovia Road, said it was his intention to open a Long and Foster Real Estate office on the property

On a motion by Mr. Waddy, seconded by Mrs. Carter and passed unanimously, the Board approved a proffer amendment to allow business and professional offices at the subject site where formerly the proffers would not allow such uses.

01-G BOARD OF SUPERVISORS:

An amendment to Chapter 23, Zoning, Article 2, Definitions of the Code of the County of Spotsylvania by adding the definitions for *wood by-products* and *wood by-products recycling center*; and amending Article 6, Zoning Districts of the Code of the County of Spotsylvania, by adding *wood by-products recycling center* as a special use in the following districts: Agricultural 1 (A-1), Agricultural 2 (A-2), Agricultural 3 (A-3), Industrial 1 (I-1), and Rural (Ru); and amending Article 6, Zoning Districts, Development Standards requiring a minimum lot area for a *wood by-products recycling center* to be ten (10) acres in the Agricultural – 1 (A-1), Agricultural – 2 (A-2), Agricultural – 3 (A-3), Industrial – 1 (I-1), and Rural (Ru) Districts.

Planner Gary Mitchell presented the case and said that the Planning Commission and staff recommended approval.

Mr. Pitts opened the Public Hearing and after no one indicated an intention to speak, closed the Public Hearing.

On a motion by Mr. Marshall, seconded by Mr. Waddy and passed unanimously, the Board adopted an amendment to the County Code, Chapter 23, Zoning, Article 2 and Article 6 regarding wood by-products and wood by-products recycling center, as follows:

VOTE:

Ayes:	7	Mrs. Carter, Mr. Jackson, Mr. Marcus, Mr. Marshall, Ms. Lenwell, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

ORDINANCE NO. 23-100

**AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, ZONING,
OF THE CODE OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA.**

BE IT ORDAINED By the Board of Supervisors of the County of Spotsylvania,
Virginia, that Chapter 23, Zoning, is hereby amended and reordained, as follows:

ARTICLE 2. RULES OF CONSTRUCTION

Sec. 23-2.1.4. Definitions

ARTICLE 6. ZONING DISTRICTS

Division 2. Agricultural 1 (A-1) District

Sec. 23-6.2.3. Special uses.

Sec. 23-6.2.4. Development standards

Division 3. Agricultural 2 (A-2) District

Sec. 23-6.3.3. Special uses.

Sec. 23-6.3.4. Development standards.

Division 4. Agricultural 3 (A-3) District

Sec. 23-6.4.3. Special uses.

Sec. 23-6.4.4. Development standards

Division 21. Industrial (1) (I-1) District

Sec. 23-21.3. Special uses.

Sec. 23-6.21.5. Lot size requirements

Division 24. Rural (Ru) District

Sec. 23-24.3. Special uses

Sec. 23-24.4. Development standards

ARTICLE 2. RULES OF CONSTRUCTION

Sec. 23-2.1.4 Definitions.

Wood by-products means a substance, which is principally composed of woody materials such as stumps, logs, limbs, brush, leaves, and similar items that can be chipped or ground into smaller components.

Wood by-products recycling center means a building and/or associated land area and equipment primarily used for the processing of wood by-products into mulch, wood chips, topsoil and similar materials. On-site retail

sales of the processed materials and other similar commodities such as sand, gravel and rock shall be considered an auxiliary use.

ARTICLE 6. ZONING DISTRICTS
DIVISION 2: AGRICULTURAL 1 (A-1) DISTRICT

Sec. 23-6.2.3 Special uses.

(34) Wood by-products recycling center

Sec. 23-6.2.4 Development standards.

(b) Minimum lot area:

(9) Wood by-products recycling center: ten (10) acres.

(10) All other uses: two (2) acres

DIVISION 3: AGRICULTURAL 2 (A-2) DISTRICT

Sec. 23-6.3.3 Special uses.

(34) Wood by-products recycling center

Sec. 23-6.3.4 Development standards.

(b) Minimum lot area:

(8) Wood by-products recycling center: ten (10) acres.

(9) All other uses: two (2) acres.

DIVISION 4: AGRICULTURAL 3 (A-3) DISTRICT

Sec. 23-6.4.3 Special uses.

(34) Wood by-products recycling center

Sec. 23-6.4.4 Development standards.

(b) Minimum lot area:

(10) Wood by-products recycling center: ten (10) acres.

(11) All other uses: two (2) acres.

DIVISION 21: INDUSTRIAL – 1 (I-1) DISTRICT

Sec. 23-6.21.3 Special uses.

(14) Wood by-products recycling center

Sec. 23-6.21.5 Lot size requirements.

(3) Wood by-products recycling center: ten (10) acres.

(4) The board of supervisors may waive or modify the lot size requirements by special use.

DIVISION 24: Rural (Ru) District

Sec. 23-6.24.3 Special uses.

(30) Wood by-products recycling center

Sec. 23-6.24.4 Development standards.

(b) Minimum lot area:

(9) Wood by-products recycling center: ten (10) acres.

(10) All other uses: two (2) acres.

SP01-34 CLYDE & TAMAH MASSEY:

Requests a special use permit for a wood by-products recycling center in the Agricultural 3 (A~3) zoning district on a portion of a 27.11-acre parcel. The property is located at 6030 Courthouse Road, approximately 1000 feet south of the Livingston Elementary School. Parcel 71 (A) 9 (a part of). Livingston Voting District.

Planner Gary Mitchell presented the case and said that the Planning Commission and staff recommended approval.

Mr. Pitts opened the Public Hearing.

Mr. Waddy and attorney for the applicant Jay Jarrell clarified that the conditions would include that the wood recycling center would not accept material on trucks nor allow trucks to leave the property while school buses were transporting children to the schools nearby.

Mr. Pitts closed the Public Hearing.

On a motion by Mr. Waddy, seconded by Mrs. Carter and passed unanimously, the Board approved a special use permit for a wood by-products recycling center in the Agricultural 3 zoning district with conditions as follow:

1. Development of the project shall be in general conformance with the Generalized Development Plan dated October 22, 2001, and the other plans and descriptions submitted as part of the application.
2. All outside exterior lights shall be shielded so as to reflect all light from this project to the ground and the light shall not exceed 0.5 foot-candles at adjoining property lines. Additionally, all such light sources shall also be shielded so as not be visible from any adjoining property line or public right-of-way.
3. The required road improvements as shown on the GPD dated October 22, 2001, shall be installed prior to the issuance of any Certificate of Occupancy by Spotsylvania County. These improvements include the two hundred (200) foot right turn lane and the associated one hundred-fifty (150) foot taper. The road improvements shall minimize the disturbance to the existing tree line across the property to the greatest extent possible. A tree preservation/protection plan shall be submitted with the site plan.
4. With the exception of the entrance into the wood recycling facility the existing tree line across that portion of the property, which has frontage on Courthouse Road, shall be preserved in its current condition. (This will assist in preserving the rural character of the County.)
5. The fifty (50) foot ingress and egress easement and parking area shall be hard surfaced with Portland cement, asphalt or similar dust free surface.
6. Any future development along Courthouse Road shall be accessed by using the single curb cut for the wood-recycling center or via an internal service road to ingress/egress easement serving the childcare center to the north or a new entrance located to the extreme southern point of the property subject to Spotsylvania County Planning Department and VDOT approval.
7. This internal service road when constructed shall have a fifty (50) foot easement and be hard surfaced with Portland cement, asphalt, or similar dust free surface.
8. The hours of operation shall be established as 7 a.m. to 5 p.m., Monday through Saturday. However, no trucks shall be permitted to enter or leave the site between the hours of 8:00 a.m. and 9 a.m., Monday through Friday.
9. Noise levels shall not exceed seventy (70) Db at all property lines.

10. All equipment shall be in working order. No inoperable equipment or motor vehicles shall be stored on this parcel (tax map 71 (a) 9).
11. Runoff shall be collected filtered through a Forbay Filter and contained in a stormwater management pond.
12. Signage shall be a non-illuminated, monument style sign and shall not exceed five (5) feet in height and thirty-two (32) square feet in area.
13. The office building shall be a permanent structure. The building shall be of business scale and appearance and meet the requirements of the Uniform Building Code of the State of Virginia for a B-2 use group.
14. The applicant may use a temporary office trailer for the initial 12 months prior to the construction of the office building.
15. Brush, stumps, tree limbs, and similar items to be processed shall be placed only within the debris storage area as shown on the GDP. Storage of these materials shall not exceed an area of 3 acres (120,000 square feet) and 20 feet in height. The applicant shall delineate (length and width) this area his GDP.
16. A permanent access shall be provided to the cemetery located on the site for the descendants of the interned as required by the Code of Virginia.
17. The facility shall be gated and locked to prevent unauthorized entry.
18. There shall be no burning on the site.
19. No painted or treated wood or construction materials may be brought to the site for recycling.

SP01-38 RGK REAL ESTATE DEVELOPMENT CO., INC.:

Requests a special use permit for a vehicle, light service establishment in the Commercial-2 zoning district on an approximately 1.62-acre property. This use is proposed at 3504 Plank Road (Route 3), approximately 175 feet west of Bragg Road (Route 710). Tax parcel 13 (A) 112. Courtland Voting District.

Planner Gary Mitchell presented the case. He said the Planning Commission recommended approval on a 4 to 3 vote and the staff recommended approval.

Mr. Pitts opened the Public Hearing:

Ron Maupin, 9108 Courthouse Road, said the property was zoned C-2 and the operation would have 10 bays for changing oil filters, vehicle lubrications and selling and changing tires. He said that traffic noise would be greater than the noise for the proposed uses including the use of air wrenches.

A representative of the applicant gave a report on sound levels, comparing road traffic to air wrench noise and concluded that there would be no adverse sound levels.

Stanley Stolz, River Junction, said the noise would be disruptive to his business and to other sites as well. He said he was concerned about the parking and that Einstein Bagels and Starbucks parking areas were filled every morning. He said the proposed business would not be compatible with eating establishments, specifically the odor of grease and oil. He said he was concerned with runoff.

Mitchell Sojak, 1715 Sunken Road, said that investors looked for stability and predictability. He said he had invested in that location based on the promised use of office. He said he was concerned about the sight of open bay doors, the number of cars and the noise of the equipment. He said the proposal was utterly incompatible.

Theresa Rose, 245 Greek Road, Stafford, said the proposed business would be 100 feet in front of her building. She said she hoped the supervisors would agree that the proposed project was not compatible and would devalue the other property. She said cars would be left overnight, there would be trash, tires and mufflers left out and there would be a smell of oil and grease and that only 25 parking spaces would be added.

John Sinnett, Lee Hill District, said there was a similar operation nearby that did muffler work and the noise was not objectionable.

Robert Brooks said he was a social worker who had an office on the 3rd floor of an adjacent building and his office faced the area where the proposed business would be. He said his work relied on a quiet, peaceful setting and the proposed business was not conducive to his counseling practice. He cited the problems of noise, traffic and lack of parking.

Bob Goodall, Attorney, Courthouse Road in Stafford said a number of inconsistent promises had been made. He said an easement had been granted conditioned on the property behind being used for office space. He said the property owner had promised to build a road and was under court order to do so. He cited the need for parking spaces. He said the proposed project was oversized and the space inadequate.

Jim Kiley, 810 Sylvania Avenue, said he had deeded property to Mr. George, the property owner to benefit the site and he hadn't come through. He said businesses would not come to Spotsylvania when they saw the proposed development. He said parking would be taken away. He said approval of this project would massacre property values and take away a potential building site.

Rebuttal:

Ron Maupin, said the project should be judged on the merit of the development. He said the area was not a pastoral setting, that the land was zoned C-2, which would allow uses that would generate more traffic than the proposed use. He said a greater number of parking spaces than needed would be created.

Mr. Pitts closed the Public Hearing.

Mr. Marcus said there were probably some commercial businesses that would be more compatible to the office park. He said he didn't think the use was appropriate. He said he tended to believe that Tires Plus was a good business, but not the right business for this particular parcel.

On a motion by Mr. Marcus, seconded by Mr. Jackson and passed unanimously, the Board denied SP01-38, RGK Real Estate Development Company, Inc., a special use permit for a vehicle, light service establishment.

SP02-04 SPOTSYLVANIA COUNTY SCHOOL BOARD:

Requests a special use permit for expansion of a public middle school in the Residential 1 (R-1) zoning district on a portion of an approximately 60-acre parcel. The school is Battlefield Middle, located at 11120 Leavells Road (Route 639), approximately 2500 feet south of Harrison Road (Route 620). Tax parcel 23(A)56A. Salem Voting District.

Senior Planner Wanda Parrish presented the case. She said the Planning Commission and staff recommended approval.

Mr. Pitts opened the Public Hearing.

Dr. James Meyer, Assistant Superintendent of Schools, said he would answer any questions from the Board.

Jackie Martin, 6017 Cathedral Road, said her house was behind the baseball field. She said there already was a water drainage problem and she was concerned about the runoff. She requested a study to see what could be done and noted that the removal of trees took away from absorption.

Dr. Meyer said that a stormwater detention pond was planned.

Mr. Pitts closed the Public Hearing.

Mr. Jackson discussed the need for additional screening along the parking lot.

Mr. Jackson made a motion, seconded by Mr. Marshall to approved SP02-04, a special use permit for expansion of Battlefield Middle School.

Ms. Lenwell said the addition of a gym and playing fields would make the school like a High School. She said that too much money went into such facilities and that she was more interested in supporting academics.

Board members agreed to increase the landscaping along the parking lot to achieve a solid row of evergreens.

The motion passed 6 to 1 with Ms. Lenwell voting “no” and with the following conditions:

1. Development of the project shall be in substantial conformance with the Generalized Development Plan (received in the Planning Department on 3/6/2002) and the other plans and descriptions submitted as part of the application.
2. At a minimum a five (5) foot wide planting strip shall be provided along the south property line outside of the utility easement in accordance with the Design Standards Manual. Adjacent to the parking lot area the transitional screening shall be supplemented with evergreen trees in order to achieve a solid buffer of vegetation.
3. The walls of the addition shall be brick to complement the existing building.
4. Recreation areas shall be made available to the Spotsylvania County Parks and Recreation Department for programmed activities.
5. The proposed restroom facilities shall be made available to the Spotsylvania County Parks and Recreation Department for programmed activities.
6. All outdoor lighting shall be arranged or shielded to minimize impacts on nearby residential properties.
7. The sidewalks installed by the Virginia Department of Transportation as part of the Leavells Road improvement project shall be extended by the applicant to the school.

ADJOURNMENT

On a motion by Mr. Jackson, seconded by Mrs. Carter and passed unanimously, the Board adjourned its meeting at 8:40 p.m.

Anthony W. Barrett
County Administrator