

PRESENT: Benjamin T. Pitts, Battlefield District
Jerry I. Logan, Courtland District
Henry "Hap" Connors, Jr., Chancellor District
Gary Jackson, Salem District
Emmitt B. Marshall, Berkeley District
Gary F. Skinner, Lee Hill District
Thomas C. Waddy, Jr., Livingston District

STAFF PRESENT: James R. Wheeler, County Administrator
C. Douglas Barnes, Deputy County Administrator
Ernest L. Pennington, Deputy County Administrator
Jacob P. Stroman, IV, County Attorney
Aimee R. Mann, Deputy Clerk

Mr. Logan called the meeting to order at 3:00 p.m. Mr. Connors led the Pledge of Allegiance and Mr. Marshall gave the invocation.

WORK SESSION

Adoption of 2008 Tax Rates, FY 09 Budgets, and FY 09-13 CIP

On a motion by Mr. Connors, seconded by Mr. Skinner and passed 6 to 1 with Mr. Logan opposed, the Board approved the following:

County Admin

FLS delivery of Annual Report vs. USPS (6,200)
Delete Annual report (25,000)

Commissioner of Revenue

Reduce Overtime (3,031)
Reduce Part-time (21,832)

Assessment

Reduce Part-time (16,000)

Information Services

Reduce GIS Development Services (7,500)
Reduce IS Strategic Plan funding (100,000)
Delete vacant imaging tech position (General Fund share) (24,600)

Clerk of Circuit Court

Delete Part time clerk (24,000)

Fire/Rescue

Other misc reductions (27,446)

Juvenile Detention Center

Reduce county share of salary increases (23,368)

Animal Control

Reduce uniforms (3,500)

Reduce dues and association memberships (2,000)

Regional Agencies

4% cut from 08 level of all regional agencies (363,187)

Add CHIP Program 2,500

Sheriff

Reduce books and subscriptions (10,533)

Other misc reductions (29,498)

Add SRO, Dare Officer and 2 Detectives 495,629

Replace Sheriff Vehicles (5 cruisers & 1 van) 225,848

Parks & Recreation

Delete Halloween Hike (2,000)

Add Patriot Park Equipment 45,100

Social Services

Reduce 50% of DSS Program cuts (197,550)

Add two Social Workers 138,686

All Departments

Cut across the board training by 10% (42,653)

2% COLA for General Fund staff 1,200,000

Social Services

Add One Eligibility Worker 59,393

Mr. Jackson made a motion to approve the reduction of items 31 to 41 from the Board of Supervisors FY09 Budget. Mr. Connors made a substitute motion, seconded by Mr. Marshall and passed 6 to 1 with Mr. Jackson opposed, to approve Mr. Pitts recommended cuts of \$15,423 to the Board of Supervisors FY09 Budget as follows:

Advertising (7,247)

Printing and Binding (25)

Postal Service (65)

Telephone (900)

Subsistence & Lodging (845)

Education & Training (1,205)

Lake Anna Civic Association (500)

Dues & Assoc. Memberships (3,940)

(High Growth Coalition 3,640)

(Other Dues and Memberships 300)

Meeting Expenses (276)

Recognition/Awards/Sympathy (100)

Office Supplies (300)

Books and Subscriptions (20)

Mr. Logan made a motion, seconded by Mr. Waddy, to approve a tax rate of 0.56. Discussion ensued including: the impact on County personnel, the School Board funding gap, guidelines on the use of transportation funds, AAA bond rating, and the importance of school funding. Mr. Logan made a substitute motion, seconded by Mr. Waddy to approve the 0.56 tax rate resolution. The motion passed 4 to 3 with Mr. Connors, Mr. Marshall and Mr. Skinner opposed.

Mr. Pitts stated he misunderstood the motion. On a motion by Mr. Pitts, seconded by Mr. Connors and passed unanimously, the Board moved to reconsider the last vote.

Mr. Logan made a motion, seconded by Mr. Pitts, to reconsider approving the 0.56 tax rate resolution as presented. The motion failed 3 to 4 with Mr. Connors, Mr. Marshall, Mr. Skinner and Mr. Pitts opposed.

Mr. Logan made a motion, seconded by Mr. Jackson to set the tax rate at 0.56. The motion failed 3 to 4 with Mr. Connors, Mr. Marshall, Mr. Pitts and Mr. Skinner opposed.

On a motion by Mr. Marshall, seconded by Mr. Skinner and passed 5 to 2 with Mr. Jackson and Mr. Logan opposed, the Board approved 2 million in additional funding to the School Board.

On a motion by Mr. Skinner, seconded by Mr. Connors and passed 4 to 3 with Mr. Jackson, Mr. Logan and Mr. Waddy opposed, the Board set the tax rate at 0.62.

On a motion by Mr. Pitts, seconded by Mr. Connors and passed unanimously, the Board removed the following items from the budget:

County Admin

- Delete Intern (10,000)
- Reduce LEAD x 2 (4,680)
- Reduce Project Management Templates (3,200)
- Delete Beacon (39,500)
- Reduce Dues (alliance for innovation) (5,000)
- Reduce Dues ICMA (5,400)
- Delete Survey (20,000)
- Delete SPQA/Balanced Scorecard (3,413)

Human Resources

- Reduce Advertising (20,000)

Information Services

- Reduce Management Consulting Services (20,000)

Magistrate

- Reduce telephone services (1,414)

Animal Control

- Eliminate temp services (10,000)

General Services

Reduce management consulting services (16,550)

Economic Development

Delete vacant receptionist (44,000)

On a motion by Mr. Marshall, seconded by Mr. Connors and passed unanimously, the Board approved 1% of COLA to come from the health insurance reserve.

Mr. Skinner discussed various options to potentially provide increased funding to the School Board.

APPROVAL OF THE CONSENT AGENDA

Mr. Wheeler requested removal of item 4 Community Action Partner (CAP) Network from the agenda indefinitely. Mr. Skinner requested removal of item 7 Resolution Adopting the Mission Statement and Objectives of the Coalition on Illegal Aliens for discussion.

On a motion by Mr. Jackson, seconded by Mr. Connors and passed unanimously, the Board approved the amended consent agenda, which consisted of the following:

1. Approval of Minutes of the March 4, 11, 18, and March 25, 2008 Meetings of the Board of Supervisors;
2. Public Service Recognition Week

PROCLAMATION

PUBLIC SERVICE RECOGNITION WEEK

WHEREAS, the first Monday through Sunday in May since 1985, has been designated as Public Service Recognition Week. This week has been set aside each year to honor the men and women who serve America as federal, state, county, and local government employees;" and

WHEREAS, the employees of Spotsylvania County Government are hereby being recognized for their dedication and commitment to Public Service; and

WHEREAS, Public Service Recognition Week increases public awareness of the valuable contributions that county employees provide to the citizens of Spotsylvania County;

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Spotsylvania, do hereby recognize May 5 – 11, 2008, as Public Service Recognition Week in the County of Spotsylvania and Commonwealth of Virginia, and we call this observance to the attention of all our citizens.

3. Commendation for County High School Winter Athletic Teams for Participation in 2007-2008 State Competitions as follows:

COMMENDATION

Chancellor High School Athlete

WHEREAS, athletics are an integral part of school curriculum, and achievement in athletics is a source of pride for the student athletes and their schools; and

WHEREAS, Spotsylvania County high school athletic teams competed in the 2007-2008 Virginia High School League State Play-offs; and

WHEREAS, Roderick Spruel of Chancellor High School has demonstrated his talent and dedication by becoming the “AA” State Champion in Indoor BoysTrack 55-Meter;

NOW THEREFORE BE IT RESOLVED, that the Spotsylvania County Board of Supervisors commends all athletes who competed for the County of Spotsylvania, especially the Chancellor High School Track and Field Team, and expresses its pride and appreciation for their excellence and achievement.

COMMENDATION

Commending Courtland High School Athletes

WHEREAS, athletics are an integral part of school curriculum, and achievement in athletics is a source of pride for the student athletes and their schools; and

WHEREAS, Spotsylvania County high school athletic teams competed in the 2007-2008 Virginia High School League State Play-offs; and

WHEREAS, Ryan Sutherland of Courtland High School has demonstrated his talent and dedication by becoming the “AA” State Champion in 215 pound Wrestling;

WHEREAS, Monae Waller has demonstrated her talent by becoming the “AA” State Champion in Girls Indoor Track 55 Meter Hurdles

WHEREAS, certain athletic teams at Courtland High School have demonstrated their talent and dedication;

WHEREAS, Courtland High School Boys Basketball was in the “AA” State Quarter Finals and Girls Indoor Track was the “AA” State Runner-up;

NOW THEREFORE BE IT RESOLVED, that the Spotsylvania County Board of Supervisors commends all athletes who competed for the County of Spotsylvania, especially the

Courtland High School Boys Basketball and Girls Indoor Track, and expresses its pride and appreciation for their excellence and achievement.

4. Board of Supervisors v. Evelyn M. Chewning;
5. Acceptance of the 2007 Assistance to Firefighter's Grant (AFG) Award;
6. SEA 08-000-06 – 145th Anniversary of the Battle of Chancellorsville;
7. Resolution Requesting that Streets in the Logan Heights Subdivision be Accepted into the State System of Secondary Roads as follows:

VOTE:

Ayes:	7	Mr. Connors, Mr. Jackson, Mr. Logan, Mr. Marshall, Mr. Pitts, Mr. Skinner, and Mr. Waddy.
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2008-43

***RESOLUTION REQUESTING STREET IN LOGAN HEIGHTS SUBDIVISION BE
ADDED TO THE STATE SYSTEM OF SECONDARY ROADS***

WHEREAS, the street in Logan Heights Subdivision, as described on the attached VDOT Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation,

WHEREAS, the County and the Virginia Department of Transportation have entered into a comprehensive agreement on June 6, 1997, for stormwater detention in Spotsylvania County,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached VDOT Form AM-4.3 to the secondary system of state highways, pursuant to Sec. 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

8. Approval of Award for a Professional Engineering Services Contract for Utilities Department Projects to Gannett Fleming, Inc.;
9. Approval of Award for a Professional Engineering Services Contract for Utilities Department Projects to O'Brien & Gere Engineers, Inc.;
10. Approval of Award for a Professional Engineering Services Contract for Utilities Department Projects to Hazen and Sawyer, PC;
11. Approval of Award for a Professional Engineering Services Contract for Utilities Department Projects to Whitman, Requardt, and Associates, LLP;
12. Approval of One-Year Extension of the Contract for Auditing Services to the Miller-Foley Group;
13. Approval of the Award of a Contract to Capitol Response Systems for the Purchase of Ambulances;
14. Appointment of Ms. Pam Keller-Arledge to the Parks & Recreation Commission Representing the Chancellor District.

Mr. Skinner requested data that proved illegal aliens caused an increase in crime in communities prior to voting on the proposed resolution. On a motion by Mr. Connors, seconded by Mr. Jackson and passed unanimously, the Board tabled the resolution adopting the mission statement and objectives of the Coalition on Illegal Aliens for further discussion.

MEETING WITH VDOT

David Stanley, Residency Administrator with VDOT was present. He addressed the following Board concerns:

- Will meet advertising deadline for September for the remaining Route 208 project.
- Reduction of 8 VDOT positions out of the Post Oak headquarters. Mr. Stanley stated he would let the Board know how that would impact the County as soon as he knew.
- Wakeman Drive – Scheduled and approved to be striped.
- Traffic signal study at the intersection of Spotsylvania Parkway and Balls Bluff Road has been submitted and will take up to 90 days to complete.
- The fallen tree between VDOT's right of way and the asphalt portion of the road at 301 Chestnut Lane in Spotswood Estates has been removed.
- The yellow arrows at the sharp curve on Smith Station Road just down from Smith Station Elementary have been reinstalled.
- The ditches at the intersection of Smith Station and Foster Road have been cleaned out. VDOT is obtaining estimates to concrete and install two drop inlets with curb and gutter to eliminate the water problems.
- Traffic calming study is being reviewed for Smoketree.
- VDOT will be taking a look at the right turn lane on Route 3 East at Andora Drive which may need repair.
- Potholes on Route 608 Robert E. Lee Drive between Route 648 and Route 612 have been repaired.
- The request to have the centerline for Route 612 (Monrovia Road) from Route 719 to Route 522 has been submitted.

- Traffic Engineering department has the first light on Courthouse Bypass under consideration to be deactivated.

Mr. Skinner asked when the Route 1 signs would be going up. Mr. Stanley stated there has been a recommendation for a reduction in speed and that the signs have been ordered.

Mr. Waddy stated he gets complaints regarding water back up in yards on Days Ridge Road and when he calls VDOT he is told the ditch machine is broke down. Mr. Stanley stated there is only 1 ditch machine for the entire residency and they are currently working on their gradall equipment and also looking at outsourcing.

Mr. Connors requested an update on Stonewall Estates.

Mr. Marshall asked Mr. Stanley to help push along the purchasing of the right-of-way for Towles Mill Road.

Mr. Jackson requested again that VDOT coordinate the right turn arrow and left turn arrows at Gordon Road and Route 3.

Mr. Pitts requested a response to the crossover request at Wakeman Drive. He asked how long it would take to complete the traffic signal study in Lees Park. Mr. Stanley stated it would take about 3 to 4 months. He also asked about the crosswalk at Mine Road and Falcon Drive. Mr. Stanley said that it could be accommodated.

Mr. Logan stated the paving of River Road has made a huge improvement. He requested the dam on Waverly Village Drive be looked at because there is still heavy truck traffic coming over the dam. He also received a complaint about standing water in the ditches at Burgess Lane to the end of Bragg Road.

WORK SESSION (continued)

On a motion by Mr. Connors, seconded by Mr. Skinner and passed 6 to 1 with Mr. Jackson opposed, the Board approved a lump sum appropriation to the School Board.

On a motion by Mr. Marshall, seconded by Mr. Pitts and passed unanimously, the Board increased the amount of the health care reserve to be used to fund the 1% COLA for non-general fund County employees to 125,000.

On a motion by Mr. Connors, seconded by Mr. Pitts and passed unanimously, the Board approved an increase transfer to Capital Projects in the amount of 82,671.

CLOSED MEETING

On a motion by Mr. Connors, seconded by Mr. Skinner and passed unanimously, the Board adopted the following resolution to adjourn into closed meeting:

VOTE:

Ayes: 7 Mr. Connors, Mr. Jackson, Mr. Logan, Mr. Marshall,
Mr. Pitts, Mr. Skinner, and Mr. Waddy.
Nays: 0
Absent: 0
Abstain: 0

RESOLUTION NO. 2008-44

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for consultation and briefing with legal counsel pertaining to the following:

1. The extent to which a political subdivision is legally liable for homeowners' association dues and disposition of public property, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body;

2. Consultation with legal counsel regarding issues related to actual litigation, specifically, Hill v. Spotsylvania County; and

3. Issues related to acquisition of public property adjacent to the Hunting Run Reservoir, where bargaining or negotiation is involved, and discussion in open meeting would adversely affect the financial interest, negotiating or litigating posture of the public body.

WHEREAS, pursuant to Sections 2.2-3711(A)(3), (6) and (7) of the Code of Virginia, such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby authorize discussion of the aforestated matters.

RETURN TO OPEN MEETING AND CERTIFICATION

On a roll call vote and passed unanimously, the Board returned to open meeting and adopted the following resolution:

VOTE:

Ayes: 7 Mr. Connors, Mr. Jackson, Mr. Logan, Mr. Marshall,
Mr. Pitts, Mr. Skinner, and Mr. Waddy.
Nays: 0
Absent: 0
Abstain: 0

RESOLUTION NO. 2008-45

Return to Open Meeting

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 2.2-3712 (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 Meeting were heard, discussed or considered in the Closed Meeting.

On a motion by Mr. Connors, seconded by Mr. Waddy and passed unanimously, the Board authorized council and staff to move forward with a proposed settlement concerning the Home Owners Association dues with Mineral Springs Plantation.

On a motion by Mr. Connors, seconded by Mr. Jackson and passed unanimously, the Board authorized council and staff to move forward with a contract modification with Mr. Nogueiras and if that contract modification is unsuccessful to permit the County to move forward with condemnation of Mr. Nogueiras' property.

PUBLIC HEARINGS

RIGHT-OF-WAY EASEMENT

The purpose of the public hearing was to receive comments and suggestions from citizens regarding granting a right-of-way easement on County-owned property to Verizon Virginia, Inc., to install telephone service to serve the Company 1 Fire & Rescue station. Tax Map Parcel 48C-1-A1.

Mr. Logan declared the public hearing open when no one indicated an intention to speak, closed the public hearing.

On a motion by Mr. Connors, seconded by Mr. Jackson and approved unanimously, the Board granted the requested easement on County-owned property to Verizon Virginia, Inc. to install telephone service to serve the Company 1 Fire & Rescue station.

R06-16: DHARMENDRA M. PATEL, HASMUKHLAL M. PATEL, ASHA D. PATEL, & USHABEN PATEL:

The purpose of the public hearing was to receive comments and suggestions from citizens regarding the request of a Commercial 2 (C-2) zoning designation for a multi-tenant facility on the northwest corner of the intersection of Lafayette Boulevard and Harrison Road, between Harrison Road and Lee Street. The parcels are currently zoned Residential (R-1). The development proposal is for one multi-tenant building with an approximate square footage of 10,000 square feet. The project is to be accessed by two entrances; a 'right-in' off of Lafayette Boulevard, and a standard entrance off of Harrison Road. This property is located in the Primary Settlement District of the Comprehensive Plan, which is planned to development as a series of mixed-use communities where residents can live, work, play, and shop. Tax map parcel numbers 24C ((2))A-39, 24C((2))A-40, 24C((2))A-41, & 24C((2))A-42. Battlefield Voting District.

Mr. Deci presented the case.

Wanda Parrish began the presentation by apologizing to the Board for a mistake that staff had made in the review and reporting on the Patel rezoning case. Ms. Parrish stated that staff had been in error when they stated to the Board at the prior R06-16 public hearing that Harrison Road was not included in the Thoroughfare Plan. Harrison Road is in the Thoroughfare Plan as a 4-lane divided roadway. Wanda Parrish discussed the issues raised as to the adequacy of right of way along Harrison Road. Subsequent to the March 11, 2008 hearing for this application, Capital Projects Management and Planning staff met with the applicant and discussed potential future improvements along Harrison Road. The applicant agreed to dedicate additional right of way and develop an additional lane along the frontage. The proffer statement and GDP have been revised to reflect this change. Because the change to the proffers was substantial, another public hearing was required.

Mr. Logan opened the public hearing.

John McManus, 10824 Chadham Ridge Way, spoke on behalf of the applicant.

Mr. Logan closed the public hearing

Mr. Pitts made a motion, seconded by Mr. Marshall and passed unanimously, the Board adopted the following resolution:

VOTE:

Ayes:	7	Mr. Connors, Mr. Jackson, Mr. Logan, Mr. Marshall, Mr. Pitts, Mr. Skinner, and Mr. Waddy.
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2008-46

Approve – R06-16: Dharmendra Patel, Et. Al.

WHEREAS, the applicant requests a C-2 (Commercial-2) zoning designation for a multi-tenant facility on the northwest corner of the intersection of Lafayette Boulevard and Harrison Road, between Harrison Road and Lee Street. The parcels are currently zoned R-1 (Residential-1). The development proposal is for one multi-tenant building with an approximate square footage of 10,000 square feet. The project is to be accessed by two entrances; a 'right-in' off of Lafayette Boulevard, and a standard entrance off of Harrison Road. This property is located in the Primary Settlement District of the Comprehensive Plan, which is planned to development as a series of mixed-use communities where residents can live, work, play, and shop. Tax map parcel numbers 24C((2))A-39, 24C((2))A-40, 24C((2))A-41, & 24C((2))A-42; Battlefield Voting District; and

WHEREAS, staff has reviewed the subject application and recommends approval of the proffer amendment as stated in the staff report, dated March 11, 2008 and executive summary, dated April 10, 2008; and

WHEREAS, the Planning Commission held a public hearing on this item on January 16, 2008, and a motion was made and seconded to recommend approval of the rezoning; and

WHEREAS, the Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on April 10, 2008, and interested citizens were heard; and

WHEREAS, general welfare and good zoning practice are served by approval of the application;

NOW, THEREFORE, BE IT ORDAINED that the Spotsylvania Board of Supervisors does hereby approve R06-16 with proffer statement dated April 8, 2008; and

BE IT FINALLY ORDAINED that the Spotsylvania Board of Supervisors' approval and adoption of any proffers or conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

R07-08 L. FRANKLIN & LINDA FAGAN SEALY:

Mr. Deci presented the case. He stated the applicant had proffered a traffic light within five years of the project or \$70,000 in cash after the five year period of time.

Mr. Logan opened the public hearing.

Frank Sealy, applicant, spoke regarding the need for office space in the County, traffic concerns, the concerns over a 4 story building and the land acquisition for a turn lane.

John Sinnett, 4950 Lansdowne Road, Lee Hill District, stated he has lived in the County for 25 years and traffic has gotten worse on Mine Road. He stated the County does not need commercial development in this area until the appropriate infrastructure has been put in place.

Julien Mason Jr., 4545 Mine Road, Battlefield District, spoke in opposition of the project due to the traffic and stated there is abundance of vacant commercial property in Spotsylvania County that should be filled first.

Sarah Riley, 4528 Mine Road, Lee Hill District, spoke in opposition of the project. She spoke about traffic concerns, the existing vacant office space currently in the County and the fact there is already planned medical offices around the new hospital in Massaponax.

Paul Cseko Sr., 10708 Stone Drive, Lee Hill District, spoke in favor of the project and stated it would bring in additional revenue.

Paul Cseko Jr., 10012 Grass Market Court, Lee Hill District, stated this was an excellent project for the County that will bring in additional revenue, more specialized medicine. He said the area was suited for growth.

Susan Muerdler, 10726 Auburn Lane, Lee Hill District, spoke in opposition of the project due to the traffic problems and the amount of vacant office space throughout the County.

Evelyn Taylor, 10621 S. Ann Davis Drive, Battlefield District, had concerns about traffic, speeding on Mine Road and the fact she cannot back out of her driveway with the amount of traffic already on this road.

David Winn, 10611 S. Ann Davis Drive, Battlefield District, spoke in opposition of the project. He stated that trucks come through everyday despite the fact there is supposed to be no thru truck traffic. He stated the Planning Commission is opposed to spot zoning yet this proposal is exactly that. He also said many people use wells for water and the amount of paving that would be done would decrease their water supply. He felt this project would degrade the quality of life for residents.

Billy Seargant 2312 Mine Road, Battlefield District, spoke in favor of the project. He stated he has lived in his house for 25 years and he thought this was an excellent location. He was hopeful the 2 traffic signals would dampen the traffic.

Bruce Davis, stated he thought this was the perfect facility in a great location that would provide tax revenue to the County.

Harry Drain, 3917 Chatman Drive, spoke in favor of project stating it was a great addition to the County and an opportunity for new revenue.

Mary, Watford Lane, spoke in opposition of the project stating she travels the road 4 to 6 times per day and there was not a need for a building of that size.

Terry Yates, 21564 Monrovia Road, stated he is the applicants engineer. He said if the applicant is unable to get the right-of-way then the design can be shifted slightly to the south to avoid the need for the right-of-way acquisition.

Wendy Daniels, Harrenview Drive, stated she is a small business owner in Fredericksburg and as they grow and expand they will be looking for office space that is welcoming to customers and employees. She encouraged approval of the building.

Frank Sealy, applicant, stated he would be happy to answer any questions.

Discussion ensued regarding the inability to create an entrance behind the WaWa.

Mr. Logan closed the public hearing.

Mr Pitts made a motion, seconded by Mr. Jackson to deny R07-08. Mr. Skinner made a substitute motion to table R07-08 for 30 days to look at options for another entrance. Mr. Marshall seconded the motion and it passed 6 to 1 with Mr. Pitts opposed.

R07-0014 TRICORD INC:

Mr. Hundley presented the case.

Mr. Logan opened the public hearing.

Ron Maupin, 9108 Courthouse Rd, spoke on behalf of applicant.

Mr. Logan closed the public hearing.

On a motion by Mr. Logan, seconded by Mr. Connors and passed unanimously, the Board adopted the following resolution:

VOTE:

Ayes:	7	Mr. Connors, Mr. Jackson, Mr. Logan, Mr. Marshall, Mr. Pitts, Mr. Skinner, and Mr. Waddy.
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2008-47

Approve – R07-0014: Tricord Inc.

WHEREAS, the applicant has requested two amendments to the proffers for case R01-03 associated with the Commercial 2 (C-2) portion of Regency Park. The first is to amend proffer number 6 to permit an additional 3,000 square feet of aggregate office lot coverage. This

amendment will allow an overall aggregate of 69,000 square feet of office lot coverage. The second amendment is to amend the General Development Plan (GDP) and amend proffer number 8 to allow the 7.17 acre property to be subdivided into lots that are less than the minimum permitted lot size of 20,000 square feet. No lot would be subdivided that is less than 6,000 square feet. The proffer pertains to tax map parcel 12 ((A)) 69G, which totals 7.17 acres, and is zoned Commercial-2 (C-2.) The property is located on the northeast side of Five Mile Road (Route 675), approximately 1,000 feet north of Plank Road (Route 3), in the Rural Development District of the Comprehensive Plan, and in the Courtland voting district; and

WHEREAS, staff has reviewed the subject application and recommends approval of the proffer amendment as stated in the staff report dated March 11, 2008 and executive summary, written March 27, 2008; and

WHEREAS, the Planning Commission held a public hearing on this item on March 19, 2008, and a motion was made and seconded to recommend approval of the rezoning; and

WHEREAS, a Spotsylvania County Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on April 10, 2008, and interested citizens were heard; and

WHEREAS, general welfare and good zoning practice are served by approval of the application, R07-0014;

NOW, THEREFORE, BE IT ORDAINED that the Spotsylvania Board of Supervisors does hereby approve R07-0014 with amended proffer statement dated February 20, 2008; and

BE IT FINALLY ORDAINED that the Spotsylvania Board of Supervisors' approval and adoption of any proffers or conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

On a motion by Mr. Connors, seconded by Mr. Pitts and passed 5 to 2 with Mr. Jackson and Mr. Logan opposed, the Board adopted the following resolution:

VOTE:

Ayes:	5	Mr. Connors, Mr. Marshall, Mr. Pitts, Mr. Skinner, and Mr. Waddy.
Nays:	2	Mr. Jackson and Mr. Logan
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2008-48

**A RESOLUTION TO ADOPT THE FISCAL YEAR (FY) 2009 BUDGET AND
THE TAX RATES FOR CALENDAR YEAR 2008**

WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to approve and control the County's fiscal plan for FY 2009; and

WHEREAS, the Board of Supervisors has received and reviewed the County Administrator's Recommended Budget for FY 2009; and

WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to set the tax rates for Calendar Year 2008; and

WHEREAS, the Board of Supervisors has received comments on the recommended tax rates and the recommended budget from citizens of Spotsylvania County at a duly advertised public hearing; and

WHEREAS, it is the intent of the Board of Supervisors that departments and agencies shall adhere to the budgeted funds in accordance with departmental budgets presented by the County Administrator and amended by the Board of Supervisors; and

RESOLVED by the Spotsylvania County Board of Supervisors this 10th day of April 2008, That the following tax rates for Calendar Year 2008 be, and are hereby, approved, as set forth below; and, be it

RESOLVED FURTHER, That local tax supported expenditures of the School Division's overall budget of \$283,254,158 shall not exceed \$119,941,782 of local funds and, be it

RESOLVED FURTHER, That the following budgets be, and are hereby, approved effective July 1, 2008, as set forth below; and, be it

RESOLVED FURTHER, That all financial activities, purchases, travel, personnel actions, etc., shall be in accordance with the policies and procedures established by the Board of Supervisors and administered by the County Administrator.

CALENDAR YEAR 2008 COUNTY TAX RATES

Real Estate.....\$.62 per \$100 of assessed valuation

Personal Property.....\$5.00per \$100 of assessed valuation, assessed at 50% of fair market value

Mobile Homes.....\$.62 per \$100 of assessed valuation

Machinery and Tools..... \$2.50 per \$100 of assessed valuation

Heavy Duty Equipment.....\$2.00 per \$100 of assessed valuation

Massaponax Special Service District
Special Tax.....\$0.35 per \$100 of assessed valuation

Harrison Crossing Special Service District
Special Tax.....\$0.35 per \$100 of assessed valuation

FISCAL YEAR 2009 COUNTY BUDGETS

1. Total County Budget for Fiscal Year 2009 in the amount of \$ 435,592,694, to include the following funds:

a. General Operating Fund \$ 101,287,088

b. Capital Projects Fund \$ 41,455,292

c. Economic Development Opportunities Fund \$ 312,942

d. Code Compliance Fund \$ 4,180,206

e. Transportation Fund \$ 5,103,008

f. School Operating Fund \$ 265,666,949

g. School Food Service Fund \$ 9,274,411

h. Joint Fleet Maintenance Fund \$ 2,110,041

i. School Capital Projects Fund \$ 6,202,757

2. Utilities Operating Budget for Fiscal Year 2009 in the total amount of \$ 29,188,140

3. Utilities Capital Projects Budget for Fiscal Year 2009 in the total amount of \$ 30,911,619

4. Capital Improvements Plan for Fiscal Year 2009 - 2013 in the following amounts:

General Capital Projects \$254,104,486

Utilities Capital Projects \$ 118,066,552

School Capital Projects \$ 95,772,188

RESOLVED FURTHER, that the County Administrator is authorized to take all necessary actions to give this resolution effect.

Funds Unspent from the Fiscal Year 2009 School Budget:

BE IT RESOLVED by the Spotsylvania County Board of Supervisors that any local funds appropriated to the school system in Fiscal Year 2009 and remaining unspent at the end of the fiscal year shall be used to support Spotsylvania County public school system. The amount of such funds shall be determined by the annual audit.

On a motion by Mr. Marshall, seconded by Mr. Skinner and passed unanimously, the Board adopted the following resolution:

VOTE:

Ayes:	7	Mr. Connors, Mr. Jackson, Mr. Logan, Mr. Marshall, Mr. Pitts, Mr. Skinner, and Mr. Waddy.
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2008-49

A RESOLUTION PURSUANT TO SECTION 21-38 OF THE CODE OF SPOTSYLVANIA COUNTY, VIRGINIA TO SET THE PERCENTAGE OF PERSONAL PROPERTY TAX RELIEF AT THE LEVEL NECESSARY TO EXHAUST PERSONAL PROPERTY TAX RELIEF ACT FUNDS FOR 2008

WHEREAS, on December 13, 2005, and for tax years beginning in 2006, the Board adopted as Section 21-38 of the Code of Spotsylvania County, Virginia, the provisions of Item 503.E of Chapter 951 of the 2005 Appropriations Act of the General Assembly providing for computation of personal property tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due for personal property, and the reporting of such specific dollar relief amount on the tax bill; and

WHEREAS, the Board is required as part of its annual budget process, to adopt a resolution setting the percentage of tax relief at the level that is anticipated to exhaust Personal Property Tax Relief Act (PPTRA) funds provided to the County by the Commonwealth of Virginia for each tax year, and

WHEREAS, the ordinance requires that personal property tax bills set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the manner in which relief is allocated.

WHEREFORE, be it resolved by the Board of Supervisors of Spotsylvania County, Virginia, that pursuant to Section 21-38 of the Code of the County of Spotsylvania, that the

percentage of tax relief that is anticipated to exhaust PPTRA relief funds provided to the County by the Commonwealth shall be set for tax year 2008 as follows:

1. For personal use vehicles valued at \$1,000.00 or less, the percentage of relief shall be set at one hundred percent (100%)
2. For vehicles valued at more than \$1,000.00, the percentage of relief shall be set at fifty-two percent (52%) for up to and including the first \$20,000.00 of value; and

BE IT FURTHER RESOLVED, that the Treasurer shall insure that 2008 personal property tax bills set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the manner in which relief is allocated.

STAFF REPORTS

Secondary Streets and Access Management

Mr. Wheeler recommended moving this item to the April 22, 2008 work session. The Board agreed by unanimous consent.

Zoning Evaluation and Proffer Policy Update

Staff requested that the Board of Supervisors provide direction on whether to pursue a 2008 update to the Zoning Evaluation and Proffer Policy Guide or to send a letter of support to VACO in support of continuing to work through the compromise.

On a motion by Mr. Connors, seconded by Mr. Jackson and passed unanimously, the Board deferred action on a cash proffer guideline pending negotiation of impact fees.

Approve Funding for SVFD Turnout Gear

The Fire and EMS Commission sought funding from the County for an immediate need of the Spotsylvania Volunteer Fire Department (SVFD) to procure 30 sets of turnout gear for its membership. This need had developed due to a shortage in the Fire Programs funds, their safety officer's recent rejection of 15 sets of existing gear, and an influx of new members resulting from a very successful recruitment campaign. The total cost of 30 sets of gear at \$2,275/each is \$68,250. Due to the budget situation, the Commission requested the County's assistance with funding from the Contingency Fund to address this safety issue.

On a motion by Mr. Pitts, seconded by Mr. Marshall and passed unanimously, the Board agreed to unfreeze the contingency fund for this expense only and approve 30 sets of turnout gear in the amount of \$68,250.

Water Supply Plan – Engineering Services

The Utilities Department put forth an agreement for engineering services to Black and Veatch for the preparation of a water supply plan on the March 11th Board of Supervisors consent agenda. Mr. Jackson asked that the agreement be removed from the Consent Agenda. The Board of Supervisors then tabled the decision on the item until the April 8, 2008 Board of Supervisors meeting. The requirement for a regional water supply plan is contained at Code of Virginia Section 62.1-44.38:1. The components of the plan are set forth in 9 VAC 25-780. Given the timing and the cost of the project, the Utilities Department requests that the Board of Supervisors take no action on the water supply plan agreement. The Utilities Department believes that it can realize cost savings by using staff to perform portions of the tasks that are in the scope of the project. Staff will be reviewing and developing scoping requirements that will focus on technical consulting services which relate to critical decisions on future water supplies, permitting, and infrastructure. The DEQ deadline to submit a regional water supply plan is November 2, 2011, which gives the department sufficient time to rework the issue and meet the DEQ deadline for submission. Completing the technical analysis promptly is strategically advantageous to the County in staking its interest in future sources of supply for the County and the Region.

Treasurer's Relief Request/Hiring Freeze

The Treasurer's office will be losing a full-time and a regular part-time position in April and will also have two full-time employees who will be taking Family Medical Leave for an undetermined length of time. The Treasurer stated the office will be seriously impacted by the staffing shortages and he needs to be able to fill the vacant positions as soon as possible so they can continue to process liens and DMV freezes to collect delinquent taxes, post payments, and make timely deposits.

On a motion by Mr. Connors, seconded by Mr. Jackson and passed unanimously, the Board requested a regular update from the Commissioner of Revenue regarding progress and activities related to sales tax.

On a motion by Mr. Connors, seconded by Mr. Skinner and passed unanimously, the Board waived the hiring freeze to fill the vacant positions in the Treasurer's Office.

At-Risk Youth

The At-Risk Youth Task Force was formed by the Board of Supervisors on September 11, 2007. The At-Risk Youth Task Force was charged with examining existing programs, service delivery mechanisms and program assessment methods to identify possible opportunities for improvement in serving at-risk youth and their families and in developing and recommending strategies for the identification and then the timely and successful intervention by the County to the furthest extent allowed by law in cases where the environment is unstable or excessively fragile. The At-Risk Task Force is also requested to develop strategies and action plans designed to lessen the occurrence of child abuse and juvenile crime within the community.

The Task Force Committee members at the February 28, 2008 meeting made the following recommendations:

1. The Child Abuse Response Team (CART) that was formed by the Dept. of Social Services, the Sheriff, and the Commonwealth Attorney be continued because this new approach has made a great improvement in the joint investigation and prosecution of child abuse and neglect cases. The committee endorses a detective and a social worker in Child Protective Services to the rapidly growing child abuse and neglect caseload be funded. The cost for the two positions in the FY09 budget would be \$179,686.
2. The Safe Harbors Child Advocacy Center has been established and is looking for an office location. The center would be a facility wherein child victims of abuse and neglect would be interviewed by a first responder who would be representing all parties potentially involved in the case. It was suggested that possibly the Maupin House owned by the County be utilized for a few years as the physical location of the facility. The Safe Harbor Child Advocacy Center was also looking at vacant office space at the EDA building at Southpoint.
3. The confidentiality and communications between agencies has improved in regard to sharing necessary information.
4. The County has recently joined the NACo Campaign Against Sexual Exploitation (CASE). Sheriff Smith is forming the task force for the CASE program.
5. The County should continue to work with and to encourage outside organizations such as the Library, Rappahannock Boys and Girls Club, Rappahannock Office on Youth, and churches to provide opportunities and programs for the youth.
6. The school division has a separate youth task force. It was recommended that the members of the two committees be merged together since the school division committee will continue to be active.
7. The state budget shows improvements to child services including support for foster care and services for vulnerable children. Also the state budget calls for enhancing child welfare worker training in methods to strengthen permanent family connections for children in care.

On a motion by Mr. Jackson, seconded by Mr. Skinner and passed unanimously, the Board accepted the recommendations from the At-Risk Youth Task Force.

Mr. Logan appointed Mr. Skinner to serve on the Joint Fleet Maintenance Facility and appointed Mr. Jackson to serve as the alternate.

REPORT OF THE BOARD OF SUPERVISORS AND COMMITTEE REPORTS

Chancellor District

Mr. Connors thanked staff for their work during the budget process and Mr. Logan for facilitating the budget discussion with aplomb and patience. He requested information from the

Procurement Office that reports the number of women and minority owned small business contracts coming through the County. He asked for a report from the County Attorney on procurement policies with respect to promoting local business opportunities.

Livingston District

Mr. Waddy stated that employees transferred to the Joint Fleet Maintenance Facility shouldn't have to take a pay cut or pay more for their health insurance benefits. Discussion ensued regarding the effects of not transferring these employees. The Board requested the County Administrator to bring back a recommendation regarding transferring 3 utilities positions to the Joint Fleet Maintenance Facility.

Lee Hill District

Mr. Skinner thanked staff for their help during the budget process.

Courtland District

Mr. Logan thanked staff and the Board for their hard work during the budget process. He stated he would like to implement a program to funnel more business to local businesses in the County. He said that if people shopped in Spotsylvania County then County Government, County residents and County businesses would all benefit; it is a win win.

CLOSED MEETING

On a motion by Mr. Jackson, seconded by Mr. Skinner and passed unanimously, the Board adopted the following resolution to adjourn into closed meeting:

VOTE:

Ayes:	7	Mr. Connors, Mr. Jackson, Mr. Logan, Mr. Marshall, Mr. Pitts, Mr. Skinner, and Mr. Waddy.
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2008-50

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for consultation and briefing with legal counsel pertaining to the following:

2. *Consultation with legal counsel regarding issues related to actual litigation, specifically, Hill v. Spotsylvania County; and*

3. *Issues related to acquisition of public property adjacent to the Hunting Run Reservoir, where bargaining or negotiation is involved, and discussion in open meeting would adversely affect the financial interest, negotiating or litigating posture of the public body.*

WHEREAS, pursuant to Sections 2.2-3711(A)(3), (6) and (7) of the Code of Virginia, such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby authorize discussion of the aforestated matters.

RETURN TO OPEN MEETING AND CERTIFICATION

On a roll call vote and passed unanimously, the Board returned to open meeting and adopted the following resolution:

VOTE:

Ayes:	7	Mr. Connors, Mr. Jackson, Mr. Logan, Mr. Marshall, Mr. Pitts, Mr. Skinner, and Mr. Waddy.
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2008-51

Return to Open Meeting

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 2.2-3712 (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 Meeting were heard, discussed or considered in the Closed Meeting.

On a motion by Mr. Jackson, seconded by Mr. Waddy and passed unanimously, the Board authorized council and staff to submit an offer under threat of condemnation to Mr. and Mrs. Haun.

On a motion by Mr. Jackson, seconded by Marshall and passed unanimously, the Board authorized a public hearing in the event that the offer is not accepted at the first meeting in May to move forward with condemnation.

ADJOURNMENT

On a motion by Mr. Connors, seconded by Mr. Marshall and passed unanimously the Board adjourned its meeting at 10:24 p.m.

James R. Wheeler
County Administrator