

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

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

WORK SESSION

Presentation of the FY2010 Recommended Budget

Doug Barnes, Interim County Administrator, delivered the following budget message:

Thank you for the opportunity to present to you the FY 2010 County Administrator’s Recommended Budget. In order to fully understand how the FY 2010 Budget was crafted, there needs to be an understanding of the driving forces behind the decisions reflected in this recommended budget. The first obstacle started with the closing out of the FY 2008 Budget by dealing with a \$13.5M General Fund revenue shortfall due to the nationwide economic slowdown. Staff was able to close the gap by:

- Reducing department and agency budgets;
- Implementing hiring delays and hiring freezes;
- Freezing contingencies;
- Delaying or eliminating capital projects in the amount of \$4.8M;
- Transferring approximately \$750K of the Capital Projects Fund balance back to the General Fund; and
- Holding the School and County discretionary FY 2007 carry-forwards.

These actions enabled the County to maintain its 10% fund balance guideline through FY 2008 while continuing to deliver the same level of services to our citizens.

Early in FY 2009, the local and national economies continued to worsen and by mid-year the United States was declared to be in recession. Estimates of receipts from sales tax, meals tax, recordation fees, business licenses, personal property, interest earnings, and excess fees were reduced early in FY 2009 in response. However, as FY 2009 progressed, consumer confidence continued to decline causing local sales tax, meals tax and personal property revenues to decline more than projections. Likewise, a weak housing market led to recordation revenues and excess

fees being even less than the already revised FY 2009 projections. Weakening financial markets coupled with the Federal Reserve's lowering of interest rates in an attempt to boost the economy meant lower interest rates for County investments resulting in reduced interest earnings. By February 2009, the County's FY 2009 General Fund revenue shortfall was \$14.6 million, and the Code Compliance Fund faced a \$1.8 million shortfall.

To close the \$16.4 million combined General Fund and Code Compliance revenue shortfall in FY 2009, the Board of Supervisors approved the following adjustments:

- 3% reductions to all General Fund departments;
- Reductions in contributions to regional agencies;
- Freezes of the contingency account and the operating reserve;
- Holding of the County and Schools' FY 2008 discretionary carry-forward requests;
- 0.6% reduction in the FY 2009 local transfer to Schools;
- Continuation of the FY 2008 hiring freeze;
- Reduction of the transfer from the General Fund to the Capital Projects Fund;
- Delay or elimination of additional capital projects;
- Reduction of the transfer to the Transportation Fund;
- Use of Transportation set-asides;
- Use of the GIS reserve;
- Use of debt service savings realized by not issuing bonds in FY 2009 as previously planned;
- Additional departmental reductions; and
- Reductions-in-force and vacancy eliminations in Code Compliance.

The FY 2010 Recommended Budget was crafted in consideration of the current economic situation and is based on the following assumptions: maintaining the 62-cent real property tax rate, equalizing the personal property tax rate, and planning for potential further declines in revenues. Looking ahead to the 2010 reassessment, we are assuming the real property tax rate will be equalized in the spring of 2010 to offset an anticipated decline in real estate values. This will affect the June 2010 real property taxes collected in FY 2010. Strategies utilized in dealing with declining revenues over the past year have been incorporated within the FY 2010 Budget. Despite the use of these strategies, the FY 2010 Budget enables departments and agencies to perform core functions with minimal impact to our citizens by maintaining the majority of currently filled positions.

We must learn from the past year and position Spotsylvania to remain financially stable in anticipation of a slow economic recovery. I would like to note that the County has been responding to declining revenues totaling approximately \$30M over the past two fiscal years. This amount is just shy of our current fund balance. Our response resulted in reducing the County budget by an equal amount over the past two fiscal years which afforded us the ability to protect our fund balance.

The proposed FY 2010 General Fund Budget is a decrease of \$9.7 M, or 4.3%, from the FY 2009 Approved Budget.

	FY 2009 Approved	FY 2010 Recommended	Difference	
			\$	%
General Government Administration	\$13,681,595	\$13,396,676	(284,919)	-2.1%
Judicial Administration	3,554,044	3,474,125	(79,919)	-2.2%
Public Safety	37,707,147	37,094,987	(612,160)	-1.6%
General Services	7,769,186	7,867,984	98,798	1.3%
Health & Welfare	18,270,612	18,023,121	(247,491)	-1.4%
Parks, Recreation & Cultural	6,902,467	6,402,899	(499,568)	-7.2%
Community Development	3,281,238	2,677,812	(603,426)	-18.4%
General Debt Service	8,254,265	5,709,430	(2,544,835)	-30.8%
Non-Departmental	1,866,534	1,692,091	(174,443)	-9.3%
Total General Fund Expenditures	101,287,088	96,339,125	(4,947,963)	-4.9%
Transfer to Capital Projects	2,774,243	3,180,771	406,528	14.7%
Transfer to Transportation	2,932,079	2,900,574	(31,505)	-1.1%
Transfer to Schools	119,941,782	114,295,813	(5,645,969)	-4.7%
Transfer to Utilities	69,602	(69,602)	(69,602)	-100.0%
Transfer to Code Compliance	32,054	651,453	619,399	n/a
Total General Fund Budget	227,036,848	217,367,736	(9,669,112)	-4.3%

Highlights of the FY 2010 Recommended Budget include the following:

- No new positions
- No COLA or merit increases for County employees
- Reductions in the General Fund work force to include 3 eliminated positions and 4 unfunded positions
- 10% reductions to outside agencies
- Reduction to Fredericksburg Regional Alliance
- Juvenile Detention contribution is \$45K less than FY2009
- Regional Jail contribution increased \$222K due to new debt service
- 15 replacement vehicles for the Sheriff
- 14 General Fund vacant positions funded for half year
- The implementation of a new health insurance program and the use of health insurance reserves to eliminate health insurance increases to the county and employees in FY 2010.
- Equalizing the Personal Property Tax Rate to address a 21% decline in property values

Community Development

The divisions within Community Development continue to experience a decline in revenues, which is a significant impact since these divisions are set up to be fee supported. Together, these divisions have eliminated 20 positions in 2008 due to the lack of work; expended almost \$2M in reserves; and required an additional \$850K from the General Fund and other funding sources to make up their deficit.

In order to deal with the continual decline in revenues, reductions in the work load and overall effectiveness of the group, the Board approved the temporary assignment of a Development Services Administrator to aid in the restructuring of the various departments. The next step we must take is to insure the core functions can be maintained during a time of unstable revenue. To achieve this critical milestone, the FY 2010 Budget reflects the following for Community Development:

- Regrettably, staff recommends another reduction in work force by 9 positions; 7 current filled positions, 1 vacant position and 1 position not funded but held in the event revenues change.
- The borrowing of \$650K from the General Fund Balance to begin to infuse a portion of the cost of the core functions into the General Fund. The Fund Balance will be paid back over the next few years from Community Development reserves as the economy improves. This strategy has been reviewed by our financial consultants and should not negatively affect our bond rating. Also, the strategy will prepare us to place a portion of the cost of core functions into the General Fund base budget in FY 2011.

Staff is concerned that without the approval of these recommendations, there will be the need to infuse another \$1M into the Community Services group in FY 2010, when the General Fund does not have the capacity to do so. This strategy will also stabilize the work force at a level that can provide core services and address the current workloads. I believe it is imperative that we begin to protect the core functions the Community Services division provides to our citizens and business community, as well as, prevent further deficits.

Schools

The FY 2009 Adopted Budget provided the School Operating Fund with a local transfer of \$119M which was \$3.7M above the 67% of undesignated revenues guideline. During FY 2009, in response to the revenue shortfall, the School Board offered up \$1.8M in FY 2008 carryover funds and an additional \$672K from the FY 2009 local transfer. Please note that the Schools' FY 2009 appropriations were based on the Adopted Budget which reflected estimated revenue the County never received in the amount of \$8.8M. The School Board was not able to offer the County additional help for the declining revenue which resulted in the General Fund absorbing 85% of the \$14.6M deficit, as well as the additional \$1.8M in Code Compliance.

The Recommended FY 2010 Budget does not provide sufficient capacity for the General Fund to absorb both its share, as well as, the bulk of the Schools' share (67%) of declining revenues. Therefore the Recommended FY 2010 Budget provides a local transfer of \$114.3M fully based on the 67% guideline of undesignated revenues. County staff continues to meet with Schools staff to openly discuss needs, concerns and opportunities.

County Employee Health Insurance

Health insurance costs are estimated to increase by 26.5% in FY 2010 if we maintain our current policy. This increase would impact both the employee and employer share of health insurance

premiums. An increase of this size would have a sizable impact on our employees in a time when no salary increases are proposed to offset the health insurance increases. To address this situation, staff recommends the following:

- The implementation of Key Care 20 as the County's primary program
- Retain the Key Care 15 program as a second option for employees who would pay the full share of the increased cost above the Key Care 20 program
- Increase prescription co-payments in both programs
- The elimination of the Key Care 10 program
- The use of \$800K from the health insurance reserve to offset the balance of the estimated increase in health insurance costs. After this use, the reserve balance will be \$1.3M, which is a sufficient balance according to our health insurance consultant.

Personal Property Tax Rate

The current personal property tax rate is \$5.00 per \$100 of assessed value using 50% of the value. This rate has been in affect since 1993. However, due to a 21% decline in assessed values, maintaining our current rate would result in a potential revenue shortfall in the amount of \$8.8M in FY 2010 and an additional reduction of \$4.4M in FY 2009 revenues. The projected decline in revenue at our current rate is due to the excessive decline in values from NADA which is utilized by the Commissioner to determine vehicle valuation. I am recommending equalizing the personal property tax rate by increasing it to \$6.33 per \$100 of assessed value using 50% of the value. This change should result in an annual tax increase of \$50 or less for 96% of our residents per vehicle. However, approximately 30% of our resident's vehicles will see a decrease. In addition, the Commissioner of Revenue is still finalizing values for business property furniture and fixtures and they may also show a change. I will provide a recommended tax rate for those properties at the March 24, 2009 work session when you will need to make a decision on the tax rates to be advertised.

This recommended budget represents a conservative approach for dealing with an uncertain economy while maintaining our core functions. We will continue to monitor revenues and review all County operations as we work with staff to determine if there are other potential restructurings that will increase the overall efficiency of the County. I am very optimistic at the current and future opportunities the County has in regard to how we will look and function once we come through this unsettling economic time. I look forward to working with the Board of Supervisors as we develop the FY 2010 Adopted Budget. Finally, I would like to take this opportunity to thank all the Constitutional Officers, Directors and staff that have collectively supported me during the adjustments to the current budget and the preparation of this budget.

Mr. Pitts asked for scenarios of what the Interim County Administrator would recommend the Board cut if the personal property tax rate was not equalized. Mr. Jackson asked for scenarios if the real estate tax rate was not equalized for FY2011. Mr. Connors said he hoped this years budget could be handled in a way that would put the County in a good position for FY2010 but that would also position the County more strongly in the outer years. He asked if quarterly or

semi annual appropriations could be made on an 85/15 split to help manage cash flow through the year. Staff will provide scenarios to the Board at the April budget work sessions.

CLOSED MEETING

On a motion by Mr. Skinner, seconded by Mr. Marshall and passed unanimously, the Board adopted a resolution to adjourn into closed meeting 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. 2009-33

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, legal issues related to the proposed subdivision ordinance amendments for annual divisions in the A-2 and A-3 zoning districts; and

WHEREAS, pursuant to Va. Code Ann. §2.2-3711(A)(7), 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 aforesated matters.

RETURN TO OPEN MEETING AND CERTIFICATION

On a roll call vote, 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. 2009-34

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.

PUBLIC PRESENTATIONS

Martin Work, 10115 Blandfield Lane, Lee Hill District: He spoke regarding the need for the Board of Supervisors to provide a lot more transparency on where tax dollars are spent. He also spoke about the Silver Companies proffers to build a road and a bridge around the Massaponax Hospital and what affect that would have on the tax payers.

John Sinnett, 4950 Lansdowne Road, Lee Hill District: He referenced an article in the Free Lance-Star about service people returning from Iraq. He asked what the County had done to help citizens come back from overseas. He suggested the Board vote to rezone the division of 3 acre lots into affordable housing for those returning from war.

APPROVAL OF THE CONSENT AGENDA

Mr. Jackson stated he was concerned about the amount of money being spent on consultants and requested a work session to discuss contracts. On a motion by Mr. Pitts, seconded by Mr. Skinner and passed unanimously, the Board approved the Consent Agenda, which consisted of the following:

1. Approval of Minutes of the February 10 and 24, 2009 Meetings of the Board of Supervisors;
2. Renewal of Multiple Engineering Services Contract with Whitman, Requardt & Associates, LLP;
3. VDOT Supplemental Project Administration Agreement for Monrovia Road Curve Straightening;
4. Appointment of Mr. Jack Blalock to the Sesquicentennial of the Civil War Committee;
5. Appointment of Mr. Carl R. Ingebretsen to the Economic Development Authority.

MEETING WITH VDOT

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

Mr. Stanley introduced Kurt Cooper who is the project manager for the Towles Mill Project. Mr. Cooper said the project was in the right-of-way phase and 42 of 57 parcels had been acquired. He said the next step would be relocation of the utilities and he expected that to start in June. He noted an eagles nest located on the north end of the project that could impose a time restriction.

Mr. Stanley stated the work has started on the Bragg Road project. He said the paving was scheduled next week and public notices would be posted.

The 4-way multi-way signs in Stonewall Estates had been installed.

Mr. Stanley met with Mr. Skinner regarding the Route 17 and Route 1 issue with jake brakes. He said VDOT was looking at another study in that area regarding speed limits.

VDOT is beginning to do work on the gravel roads in the area.

Route 208 drainage concern had been resolved.

Lawyers Road project should move along quickly and Mr. Stanley stated he anticipated construction beginning early summer.

Route 1 at Hudgins Road was being repaved.

Mine Road and Falcon Drive phasing changes and striping were scheduled to begin.

Mr. Stanley stated he was waiting for notices on speed limit reductions in several areas. He said when those notices were available he would contact the Board of Supervisors individually with the information as it became available.

Mr. Stanley shared that there would be a Public Hearing on March 30 beginning at 6:00 p.m. at the Caroline County Community Center to discuss the departments blue prints.

Mr. Pitts asked if the Route 3 and I95 rest stop was one of the stops proposed to be closed. Mr. Stanley was not able to offer any guarantees and encouraged Mr. Pitts to attend the public hearing and share his concerns. Mr. Pitts commended Kenny Hale, a VDOT employee who works out of the Massaponax office for responding to a citizen request for snow removal due to a health issue.

Mr. Jackson requested Mr. Stanley forward to him a plan of action for the drainage problem at the 7-Eleven on Gordon Road. He also requested an update on the light at Breckenridge.

Mr. Marshall presented a petition to Mr. Stanley for a traffic light at Route 607 and Jefferson Davis Highway. He requested a speed study on behalf of the Timberlake Homeowners Association.

Mr. Skinner requested a timeframe for the speed study on Route 17. He also asked for an update on the White residence. Mr. Stanley stated they were working on getting everything lined up but needed to coordinate it and work around the weather.

Mr. Waddy thanked Mr. Stanley for fixing Grand Brooks Road. He said last weekend there was ice and water all over the intersection of Route 650 and Route 733. He asked for the potholes on Jones Powell Road be fixed. Additionally, he asked why the Courthouse Bypass speed limit was 45 instead of 55 miles per hour.

Mr. Logan thanked Mr. Stanley for the great job on the Bragg Road project. He noted there had been a community meeting regarding a proposed project on the corner of River Road and Bragg Road. He said there was question about expanding the sidewalk for pedestrian access from Central Park. Mr. Stanley stated he would talk with the City of Fredericksburg regarding the question. Mr. Logan also requested a pothole on Industrial Drive be fixed.

Mr. Connors requested an update on the ditch and pipe in Stonewall Estates and also installation of the light at Old Plank Road and Harrison Road.

STAFF REPORTS

Fire Company 2 – Bunk Room Addition

Some of the current stations do not have adequate sleeping facilities. The FC 2 project had been identified previously. Staff considered utilizing existing space within the facility to convert to sleeping space but due to numerous code issues decided this was not a viable option. Approximately one year ago, the Board of Supervisors approved staff to issue a RFP to hire an architect to develop plans for the bunk room addition. This project is currently in the CIP. A permit had been issued for this project and with the current economic downturn (particularly in the construction industry) it was felt it would be an opportune time to solicit bids for this project. Staff would negotiate with the low bidder to bring this project within adopted budget if necessary.

On a motion by Mr. Waddy, seconded by Mr. Jackson and passed unanimously, the Board authorized staff to proceed with an IFB for Fire Company 2.

PLANNING MATTER TO BE VOTED

Mr. Marshall read the following disclosure:

I am required, pursuant to Section 2.2-3115.G and Section 2.2-3112.A2 of the Code of Virginia, to declare for the record my interest in the transaction now before this Board of Supervisors. I therefore declare the following:

That the Board will be considering an amendment of Chapters 20 and 23 of the Spotsylvania County Code , to allow for an annual division of land in the Agricultural 2 and Agricultural 3 zoning districts;

That I own property within Spotsylvania County zoned Agricultural 2 and Agricultural 3, which will be affected by these amendments;

That I am a member of a group of three or more members who will be affected by this amendment; and,

That I am able to participate in this transaction fairly, objectively and in the interest of the public.

I have also made a written declaration which is available for public inspection in the Office of the Interim County Administrator.

CA08-0021: Ch. 20 and Ch. 23 Ordinance Amendments – Annual Division

The Board of Supervisors held a public hearing on February 10, 2009 related to an Annual Division provision within the Subdivision Ordinance and the Zoning Ordinance that would allow the creation of one lot per year in the A-2 and A-3 zoning districts with a minimum lot size of 3 acres. The vote was tabled to allow the Board to consult with the County Attorney's office.

Staff had presented a maximum potential of 8,864 additional parcels that could be created under this provision over at least 10 years. Staff conducted a line by line review of the data and found some replication of information. The review resulted in a reduction in the original number of 8,864 to 8,754, a difference of 110 lots. As discussed at the hearing, this calculation takes into account parcels and yield. A portion of these lots could not be created due to environmental and drainfield constraints. A reduction of 10 percent for these constraints results in a maximum lot yield of 7,879 lots.

Staff recommended denial of CA08-0021.

On a motion by Mr. Marshall, seconded by Mr. Skinner and passed 4 to 3 with Mr. Connors, Mr. Jackson and Mr. Pitts opposed, the Board approved CA08-0021 to change the existing ordinance to allow the creation of 3-acre lots in the A-2 and A-3 zoning districts as amended to lower the cap from 10 to 6 and to limit the total number of lots created in any 12-month period to 100, and to include a sunset clause wherein one year from the date of passage the Board would need to automatically take action to continue or discontinue this ordinance change.

VOTE:

Ayes:	4	Mr. Logan, Mr. Marshall, Mr. Skinner and Mr. Waddy.
Nays:	3	Mr. Connors, Mr. Jackson and Mr. Pitts.
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2009-35

Approve – CA08-0021: Annual Division Zoning and Subdivision Ordinance Amendments

WHEREAS, the Board of Supervisors initiated an amendment of Chapter 23, of the Zoning Ordinance, Article 6, Agricultural 1 (A-1), Agricultural 2 (A-2), Agricultural 3 (A-3), Resort Agricultural (R-A), Residential Resort (R-R) and Rural (Ru) Zoning Districts, and an amendment of Chapter 20, of the Subdivision Ordinance, Article 2.1.3, Definitions, on October 28, 2008. The amendment proposed to allow an annual division of at least three acres in the A-2 and A-3 Zoning Districts; and

WHEREAS, planning staff recommended denial of this proposed amendment as noted in the staff memo dated December 29, 2008 and the Executive Summary dated February 10, 2009; and

WHEREAS, the Planning Commission held a public hearing on this item on January 21, 2009, and a motion was made and seconded to recommend approval of the proposed amendment with a vote of 5-1; and

WHEREAS, on February 10, 2009 the Board of Supervisors held a duly advertised public hearing to consider the proposed amendment and receive public comment; and

WHEREAS, general welfare and good subdivision standards and zoning are served by the approval of the amendment;

NOW, THEREFORE, BE IT ORDAINED that the Spotsylvania Board of Supervisors does hereby approve the amendment to Chapters 20 and 23 of the Spotsylvania County Code pertaining to the Annual Division (case CA08-0021);

NOW, THEREFORE BE IT FURTHER ORDAINED that the Spotsylvania Board of Supervisors directs staff to report to the Board in February of 2010 the number of Annual Division lots that have been created and the number of applications that are in process so that the Board may determine whether the need exists to amend the ordinances related to the Annual Division.

Mr. Jackson said this proposal served no legitimate public interest. In fact, it created a new, special privilege for a select group of real estate developers that allowed them to avoid paying their fair share of the cost of schools, fire and rescue, law enforcement, and other infrastructure that would be required to serve their projects. Instead, it would unjustly shift these costs to taxpayers. He said this proposal would repeat the mistakes of the past, it violated the comprehensive plan and it violated the Board's duty to be fiscally responsible. He also said he hoped the Board had the wisdom and courage to reject this taxpayer bailout for developers.

Mr. Pitts said he and Mr. Jackson shared the same concerns and considered this to be a bad proposal. Mr. Skinner stated that this would not impose a major impact on the County and that it would save land to be more rural. Mr. Connors stated he wanted to help those who needed it but

was reminded that this Board had worked hard to make development pay for itself. He said that development does have an impact. He also said he was going to suggest a penny for preservation campaign that could use one penny of the property tax to help fund the purchase of development rights.

On a motion by Mr. Logan, seconded by Mr. Skinner and passed unanimously, the Board adopted an amended resolution referring the matter of fee structure and implementation related to filings on 3-acre lots to the Planning Commission and directed that body to consider the matter at their April 1 meeting and to report their recommendation back to the Board of Supervisors expeditiously for further Board consideration of adoption of a fee schedule at the Board's April 28 meeting.

BOARD OF SUPERVISORS REPORTS

Courtland District

Mr. Logan spoke about the Assisted Living Facility proposed project. He said the project was moving forward and there would be ample opportunity for citizens to speak at the Planning Commission and Board of Supervisors meetings.

Livingston District

Mr. Waddy stated he had attended the Black History Event and thought it was well organized. He said he really enjoyed it.

Battlefield District

Mr. Pitts stated he attended the Black History Event and the focus was supporting our youth. He said he couldn't think of a better time to be supporting our youth than during these economic times. Mr. Pitts said that Spotsylvania County through NACo was involved in the prescription program. He said 3100 residents had participated having approximately 8800 prescriptions filled. He asked staff to explore the opportunity of including this benefit into the next mass mailing done to the citizens.

Mr. Pitts instructed staff to prepare a letter to go to the General Assembly to support the e-verify program. Mr. Stroman said it appeared that the primary roadblock to this proposal had been the \$90,000 cost impact for maintaining the database. He said the status was up in the air.

On a motion by Mr. Pitts, seconded by Mr. Waddy and passed unanimously, the Board directed staff to streamline the grants process related to Department of Justice stimulus items for which the Sherriff's Office might apply, sending those items from the grant writer directly to the Interim County Administrator.

Chancellor District

Mr. Connors stated he attended the Green Government Commission meeting last night and they spoke about an energy to waste initiative. He invited the Board to the next GWRC meeting to learn more. He said at the FAMPO meeting the Chairman requested a letter be sent to the Commonwealth Transportation Board to restore funding due to stimulus package funds coming for Route 208 and Route 3. He noted that FAMPO agreed and was moving forward.

CLOSED MEETING

On a motion by Mr. Jackson, seconded by Mr. Logan and passed unanimously, the Board adopted a resolution to adjourn into closed meeting 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. 2009-36

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for consultation with legal counsel regarding discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected; and consultation regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, legal issues related to the development of transportation improvements in the Cosner's Corner East area, including the possible formation of a special service district; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting regarding discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected; specifically, consideration of proposals pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002, for the construction of facilities related to the Campus Master Plan; and

WHEREAS, pursuant to Va. Code Ann. §2.2-3711(A)(6) and (7), 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 aforesated matters.

RETURN TO OPEN MEETING AND CERTIFICATION

On a motion by Mr. Skinner, seconded by Mr. Jackson and passed unanimously by roll call vote, 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. 2009-37

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. Logan, seconded by Mr. Skinner and passed unanimously, the Board authorized a public hearing on April 14, 2009 to receive public comment on the proposals for the Campus Master Plan.

SPECIAL PRESENTATION

The Board of Supervisors recognized the 14U Archie L. Roberts Youth Sports Association Scorpions as the 2008 14U AAU national football champions.

PUBLIC PRESENTATIONS

Charles Tuck, 11506 General Wadsworth Drive, Livingston District: He spoke regarding the County joining the VRE and research regarding the gasoline tax.

Darrell Sears, 3911 Norris Drive, Courtland District: He spoke regarding the need for the county to subsidize van pools and buses stating that VRE was not always a feasible option for commuters due to the location of their employers.

Lynette Prescott, 9508 Todd's Tavern Drive, Livingston District: She spoke on behalf of the Todd's Tavern Homeowners Association. She asked when or if their roads would be taken into the State system. She stated their roads had been on the priority list for 12 years.

Lewis Gentry: He said he appreciated the new audio system stating that residents were able to hear the meetings better.

PUBLIC HEARING

To Consider Whether to Convey a Portion of County-Owned Property to the Virginia Department of Transportation (VDOT), by Deed, for the Widening of Towles Mill Road. The proposed conveyance is a 0.004 acre of fee acquisition for permanent right of way, a 0.038 acre of existing prescriptive easement, and a 0.072 acre permanent drainage easement from Tax Map #58-A-130A.

Becky Golden presented the case. Staff recommended approval.

Mr. Connors opened the public hearing and when 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 approved conveyance of property to the Virginia Department of Transportation, by Deed, for the construction of Towles Mill Road and the budget amendment in the amount of \$1,682.

CPA 06-M Board of Supervisors: A County initiated Comprehensive Plan Amendment adding an Open Space element with the purpose of preserving existing open space, identifying additional land suitable as open space and providing County residents and visitors with connected open spaces. The following open space goals are proposed for use County-wide: Goal 1: Create a system of connected open space for the enjoyment of the community and as an alternative transportation mode; Goal 2: Increase the supply of passive and active open space to provide recreational and aesthetic opportunities for resident and visitors; Goal 3: Use open space as a tool to protect important natural resources and to thereby preserve and enhance the character and landscape of the County; Goal 4: Foster respect for and enhance the historic, cultural, and battlefield viewsheds; Goal 5: Conserve and maintain prime agricultural and forestall lands as economic and cultural benefits to the community; and Goal 6: Utilize the transfer of development rights as a tool to increase open space supply and connectivity.

Patrick Mulhern presented the case. Staff recommended approval.

Discussion ensued including: the strategy for placing reservoirs in a separate category, whether or not future schools were calculated into the plan, and the State standards.

Mr. Connors opened the public hearing.

Chris Folger, 11210 Valor Bridge Drive, Livingston District: She spoke in favor of the amendment on behalf of the Spotsylvania Greenways Initiative. She gave the mission of the advisory committee and spoke about their creation.

Hart Rutherford, 9818 Minute Man Court: He said he was concerned about a special use park being proposed in the New Post area. He requested the specific size and location and the strategy being used to acquire the land. He stated it was premature to include this park in the Comprehensive Plan without having talked through the details. He recommended this be omitted from the proposal.

Mr. Connors closed the public hearing.

On a motion by Mr. Logan, seconded by Mr. Pitts and passed unanimously, the Board adopted the following resolution at 100% including the schools in the numbers and removing the proposed park:

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. 2009-38

CPA-06-M-Consideration to Add a Parks and Open Space Element to the Comprehensive Plan and CA08-0023 – Consider Endorsement of the Parks and Recreation Master Plan.

WHEREAS, The implementation section of the newly adopted 2008 Comprehensive Plan includes recommendations that an Open Space and Trailways Plan be prepared and adopted with the intent of preserving natural areas and providing a network of natural areas, public parks and open spaces consistent with the County's goals for parks, recreation, open space, and trails; and

WHEREAS, On January 9, 2006 an Update to the Parks and Open Space Element of the Comprehensive Plan was initiated; and

WHEREAS, Following work sessions and public hearings before the Planning Commission and Board of Supervisors the Parks and Open Space Element Update was deemed unsatisfactory and tabled by the Board of Supervisors on April 10, 2007; and

WHEREAS, The previous Parks and Recreation Element and Master Plan drafts initially reviewed by the Planning Commission in November of 2006 and the Board of Supervisors in April 2007 have been completely rewritten using Prince William County's Park and Open Space Plan as a model; and

WHEREAS, The amended Parks Plan language and charts provide a clear and objective look at our current inventory of park land and facilities, projects needs in five year increments and will provide a guide for future Parks and Recreation, CIP planning and park proffer negotiations; and

WHEREAS, The amended plans were unanimous approved by the Parks Commission on October 16, 2008 and the Planning Commission on January 7, 2009; and

WHEREAS, On March 10, 2009 the Board of Supervisors held a Public Hearing to consider approval of the Parks and Open Space Element Update and endorsement of the Parks and Recreation Master Plan;

NOW, THEREFORE BE IT RESOLVED that the Spotsylvania Board of Supervisors does hereby approve the Parks and Open Space Plan Element Update to the Comprehensive Plan.

CA08-0023 Parks Commission: The Spotsylvania Parks and Recreation Master Plan has been developed to establish minimum park standards and set goals for future park needs in Spotsylvania County. The plan recommends acquiring, creating, and operating new and existing parks, and other recreational areas as needed throughout Spotsylvania County. Development of a Parks Master Plan is consistent with the implementation strategies of the adopted 2008 Comprehensive Plan. The Parks Master Plan has been developed as a resource to address the goals and objectives identified in the Parks and Recreation portion of the Comprehensive Plan Public Facilities Element which sets the framework for development of the Plan County-wide.

Patrick Mulhern presented the case. Staff recommended approval.

Mr. Connors opened the public hearing and when no one indicated an intention to speak, closed the public hearing.

On a motion by Mr. Logan, seconded by Mr. Waddy and passed unanimously, the Board adopted the following resolution at 100% including the schools and conditioned upon adding the reservoirs :

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. 2009-39

APPROVE CA08-0023, THE PARKS AND RECREATION MASTER PLAN

WHEREAS, The implementation section of the newly adopted 2008 Comprehensive Plan includes recommendations with the intent of preserving natural areas and providing a network of natural areas, public parks and open spaces consistent with the County's goals for parks, recreation, open space, and trails; and

WHEREAS, The previous Parks and Recreation Element and Master Plan drafts initially reviewed by the Planning Commission in November of 2006 and the Board of Supervisors in April 2007 have been completely rewritten using Prince William County's Park and Open Space Plan as a model; and

WHEREAS, The amended Parks Plan language and charts provide a clear and objective look at our current inventory of park land and facilities, projects needs in five year increments and will provide a guide for future Parks and Recreation, CIP planning and park proffer negotiations; and

WHEREAS, The amended plan was unanimously approved by the Parks Commission on October 16, 2008; and

WHEREAS, On March 10, 2009 the Board of Supervisors held a Public Hearing to consider endorsement of the Parks and Recreation Master Plan;

NOW, THEREFORE BE IT RESOLVED that the Spotsylvania Board of Supervisors does hereby endorse the Parks and Recreation Commission's Parks and Recreation Master Plan subject to inclusion of reservoir acreage consistent with the Parks and Open Space Element of the Comprehensive Plan.

CA08-0024 Board of Supervisors: An amendment to Chapter 23, Zoning, of the Code of the County of Spotsylvania, Section 23-5.8.3 Exempted from permit requirement, and Section 23-5.8.6 Prohibited signs. The amendment would prohibit the use of neon, argon, tube lighting, rope lighting, or similar type lighting affixed to a building, wall, or window without first obtaining a special use permit while exempting "open" and "closed" signs less than three (3) square feet from the permit requirement County-wide.

Jacob Pastwick presented the case.

Discussion ensued including: cost of a special use permit, how much should be dictated to National chains such as Krispy Kreme, what the conditions to receiving a special use permit were and was there a guarantee, use of neon lights for uses other than marketing, and whether this action would be business friendly.

Mr. Connors opened the public hearing and when no one indicated an intention to speak, closed the public hearing.

On a motion by Mr. Skinner, seconded by Mr. Marshall and passed unanimously, the Board denied CA08-0024. The Board approved 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. 2009-40

DENY– CA08-0024:

Spotsylvania County Board of Supervisors: Neon Signage Ordinance Amendment.

WHEREAS, the Board of Supervisors initiated an amendment to Chapter 23, Zoning, Section 23-5.8.3 of the Code of the County of Spotsylvania (Exempted from permit requirement), and Section 23-5.8.6 (Prohibited signs). The amendment would prohibit the use of neon, argon, tube lighting, rope lighting, or similar type lighting affixed to a building, wall, or window without first obtaining a special use permit while making allowances for certain neon “open” or “closed” signs less than 3 square feet exempt from permit requirement. The following changes were proposed to Sec. 23-5.8.3:

(k) Window signs: and

(l) Neon signs, less than 3 square feet, displaying the words “open” or “closed”.

And Section 23-5.8.6 (Prohibited signs):

(7) ~~Which outlines any building, bare or uncovered neon illumination. Any sign or illumination that is affixed to a building, wall, or window, (whether on the interior or exterior of the door or window) shall not contain bare or uncovered tube lighting, neon or argon tube lighting, rope lighting, or any similar display, without first obtaining special use permit approval in accordance with Section 23-4.5.1 et seq.~~

WHEREAS, the Planning Commission held a public hearing on this item on February 4, 2009 and a motion was made and seconded to recommend denial of the zoning ordinance amendment with a vote of 7-0; and

WHEREAS, the Spotsylvania Board of Supervisors’ held a duly advertised public hearing on March 10, 2009 to hear from interested citizens; and

WHEREAS, general welfare and good zoning practice are served by denial of the code amendment;

NOW, THEREFORE, BE IT ORDAINED that the Spotsylvania Board of Supervisors does hereby deny CA08-0024.

The Board requested that the Planning Commission Sign Committee review and report back on limiting neon used as an accent to windows and buildings.

CA08-0025 Board of Supervisors: An amendment to Chapter 23, Zoning, of the Code of the County of Spotsylvania, Section 23-2.1.4 Definitions, to add the definitions of "Agreement in lieu of plan" and "Agreement in Lieu of Plan Approval" and to amend the definition of "Site plan" to exclude accessory structures where the land disturbance is less than 2,500 square feet; to amend Section 23-4.1.1, Required permits and approvals, to add "Agreement in Lieu of Plan Approval" as a required approval; to amend Section 23-4.4.2, Required approvals to amend subsection (a) (1) to exclude accessory structures from site plan approval and allow for agreement in lieu of plan approval; to amend Section 23-4.11.1, Purpose and applicability, to amend subsection (b) to exclude accessory structures from site plan approval and allow for agreement in lieu of plan approval where the land disturbance is less than 2,500 square feet County-wide.

Andrew Hopewell presented the case. Staff recommended approval.

Mr. Logan asked if one were looking to build a detached garage would that fall under this category and Mr. Tignor answered yes.

Mr. Connors opened the public hearing and when no one indicated an intention to speak, closed the public hearing.

On a motion by Mr. Logan, 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. 2009-41

RESOLUTION TO APPROVE CA08-0025 SHED AMENDMENT

WHEREAS, the Board of Supervisors finds that public necessity, convenience, general welfare, and good zoning practice require the amendment to the Zoning Ordinance, as follows:

WHEREAS, the Spotsylvania County Board of Supervisors desires to amend Section 23-2.1.4, Definitions, to add the definition of “Agreement in lieu of plan” and amend the definition of “Site plan” to exclude accessory structures; to amend Section 23-4.1.1, Required permits and approvals, to add “Agreement in Lieu of Plan Approval”; to amend Section 23-4.4.2, Required approvals to amend subsection (a) (1) to exclude accessory structures from site plan approval and allow for agreement in lieu of plan approval; to amend Section 23-4.11.1, Purpose and applicability, to amend subsection (b) to exclude accessory structures from site plan approval and allow for agreement in lieu of plan approval.

WHEREAS, the Planning Commission held a public hearing on this item on February 4, 2009, and a motion was made and seconded to recommend approval of the proposed amendment with a vote of 7-0; and

WHEREAS, on March 10, 2009 the Board of Supervisors held a duly advertised public hearing to consider the proposed amendment and receive public comment; and

WHEREAS, Spotsylvania County supports the amendment of the Zoning Ordinance to allow for the use of an agreement in lieu of plan approval for accessory structures; and

WHEREAS, The Board of Supervisors finds to secure and promote the health, safety and general welfare of its citizens the proposed amendments are necessary.

NOW THEREFORE, BE IT RESOLVED, that the Spotsylvania County Board of Supervisors does hereby approve the amendment to Chapter 23 of the Spotsylvania County Code pertaining to the Shed Amendment and Agreement in Lieu of Plan (case CA08-0025).

ADJOURNMENT

On a motion by Mr. Pitts, seconded by Mr. Jackson and passed unanimously, the Board adjourned its meeting at 7:50 p.m.

C. Douglas Barnes
Interim County Administrator