

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, 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**

#### **Utilities Rate and Fee Schedule Changes/Plan of Finance**

Davenport and County staff presented a preliminary plan of finance for the Utilities Fund based upon projected operating and capital expenditures through FY 2013. The plan of finance included increases in water and sewer user rates and increases in debt service and administrative fees.

Mr. Connors asked when the last rate increase was approved. Mr. Rogers said rate increases were approved in December 2005 and took effect in July 2006, July 2007, and July 2008.

Mr. Jackson asked if the debt service fee should be tiered to reflect the usage. Mr. Petrovich stated the fee was tiered based on the meter size.

On a motion by Mr. Pitts, seconded by Mr. Skinner and passed unanimously, the Board authorized staff to advertise a public hearing regarding recommended rate and fee increases through FY 2013.

### **APPROVAL OF THE CONSENT AGENDA**

On a motion by Mr. Marshall, seconded by Mr. Pitts and passed unanimously, the Board approved the Consent Agenda as follows:

1. Approval of Minutes of the October 13 and 27, 2009 Meetings of the Board of Supervisors;
2. Accept the FY 2010 TRIAD Crime Prevention for Seniors Grant Award 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. 2009-154**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2009, from the funds and for the functions or purposes indicated.

**GENERAL FUND:**

For federal grant revenue received by the Sheriff's Office from the Commonwealth of Virginia's Office of the Attorney General for costs associated with the FY10 TRIAD Crime Prevention for Seniors Grant Award to be expended only by order of the Board of Supervisors as follows: \$2,025.

3. Approve FY 2010 Utilities Budget Adjustments;
4. Approve FY 2010 Budget Amendment in Response to State Revenue Reductions 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. 2009-155**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following unappropriation be, and the same hereby are, made for the fiscal year beginning July 1, 2009, from the funds and for the functions or purposes indicated.

Based upon the Governor's FY 2010 Budget Reduction plan which reduces Compensation Board revenue to Spotsylvania, the following unappropriations are approved by the Board of Supervisors:

**GENERAL FUND: (\$124,414)**

5. Renewal of Multiple Engineering Services Contract with Sullivan, Donahoe and Ingalls;
6. Approval of ARRA School Competitive Grant Construction Project Application;
7. Postponement of Public Hearing – Amendment to Chapter 4, Animals and Fowl;
8. Approve Award of Contract to C. W. Williams for a Custom Class A Pumper, IFB #09-11-35.

## **STAFF REPORTS**

### **Planning Department Fees**

Staff presented the first of three presentations to the Board of Supervisors on Community Development fees calculated using a consistent work effort based methodology. On September 22, 2009, Brian Scott presented to the Board an overview of a work effort based fee methodology that had been developed to capture the costs associated with project review, permitting, and inspection associated with the Community Development departments. This work session focused on Planning Department fees. Staff developed flowcharts documenting each step in the processes. Those flowcharts were then used to develop work sheets that included an attribution of personnel, time, and cost to each step in the process.

Under the proposed methodology, some of the planning review fees decreased and some increased from the original fees adopted February 12, 2008 (prior to 25% reduction), as was reflected in the comparative table that showed the draft proposed fees.

Mr. Skinner asked for a breakdown of all costs associated with special use permits.

Mr. Logan asked for a breakdown of rezoning man hour costs.

Mr. Waddy asked how many planners review special use permits and how long it took to complete the review process. Ms. Parrish explained the process and said it took 46.2 hours associated with various individuals.

Mr. Connors asked staff to consider and review processes to see if there was a way to simplify the fees by collapsing the categories to eliminate some of the steps outlined and lower the cost of doing business.

## **PUBLIC PRESENTATIONS**

No citizens addressed the Board in the time reserved for public presentations.

## **MEETING WITH VDOT**

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

Over the last several weeks maintenance workers had been gearing up for snow removal. He said \$5.2 million was budgeted for snow removal.

The clearing at Benchmark Road and Route 2 had been completed to improve site distance.

Drainage on Catharpin Road had been improved.

He said he had not received a report from traffic engineering but anticipated receiving it by the end of the week and it would be disseminated as soon as possible.

He noted that round three of VDOT layoffs would begin the middle of December.

Mr. Pitts requested an update on the reduced speed limit signs on Mine Road. Mr. Stanley said the study was in Richmond waiting on final approval and all indications were that it would be approved. Mr. Pitts asked Mr. Stanley to follow up on the speed limit status study on Route 208 in the area of the WaWa. He also asked Mr. Stanley to keep the citizen in the loop regarding the ditch issues in Artillery Ridge.

Mr. Marshall asked for an update on the speed study from Cosner to New Post on Route 17. Mr. Stanley said he would follow up and forward the information when it was available.

Mr. Skinner requested an update on the speed study coming down the hill on Route 17. Mr. Stanley said the speed changes were recommended. Mr. Skinner said inside the railroad spurs need to be paved between Ruffins Pond and New Post. He also requested Mr. Stanley email him an update on the Calvary Ridge holding pond.

Mr. Waddy asked Mr. Stanley to address the Dillard's bridge site distance issue.

Mr. Logan asked when construction would move into the Route 3 area from the Bragg Road project. Mr. Stanley said he would take a look at the schedule. Mr. Logan asked if there had been a recent traffic count done on River Road. Mr. Stanley said he would need to look into that and follow up.

## **BOARD OF SUPERVISORS REPORTS**

### **Livingston District**

Mr. Waddy expressed mixed feelings regarding the Sherriff's office removing tags from vehicles if taxes hadn't been paid. He questioned how these individuals would get to work and survive if they did not have a vehicle.

### **Lee Hill District**

Mr. Skinner wished the Marine Corps a Happy 234<sup>th</sup> Birthday and thanked all the Veterans who had given us our freedom. He thanked the people of Spotsylvania County for voting issues versus platforms this year. He said he was excited knowing VRE would go on. He also said he had a car towed from his neighborhood and it cost him \$350 and the vehicle went 5 miles. He requested that the Towing Advisory Board bring forth a fee schedule that was fair. He said this was unfair to all citizens.

### **Berkeley District**

Mr. Marshall said there was no ALS crew at Company 3 and Company 8 to take care of emergencies after 6pm. He requested the County Administrator meet with Mr. Eudailey to address this problem. He also thanked the 2,397 voters who voted for him.

### **Battlefield District**

Mr. Pitts thanked the voters of the Battlefield District for re-electing him to a 4<sup>th</sup> term of the Board. He gave his gratitude to all veterans. He said he supported the Sherriff's office taking tags off vehicles with unpaid taxes due to the \$6 million in back taxes owed to the County.

### **Chancellor District**

Mr. Connors thanked everyone who worked the polls.

### **CLOSED MEETING**

On a motion by Mr. Jackson, seconded by Mr. Skinner 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. 2009-156**

#### **To Adjourn into Closed Meeting**

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion concerning two items pertaining to a prospective business or industry, or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; and

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 a lease agreement between the County and Civil War Life, Inc.; and

WHEREAS, pursuant to Code of Virginia Section 2.2-3711.A (5) 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 matter.

**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. 2009-157**

**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 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. 2009-158**

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SPOTSYLVANIA  
RELATING TO THE PROVIDING OF INCENTIVES FOR THE LOCATING OF A  
DISTRIBUTION CENTER IN SPOTSYLVANIA COUNTY**

RECITALS:

A. The Board of Supervisors of the County of Spotsylvania is dedicated to the furtherance of economic development in Spotsylvania County (the "County") and, as such, has considered the potential economic development benefits that would be derived from supporting the location of this business to Spotsylvania County.

B. The Board of Supervisors understands the value and importance of these organizations and the positive impact they have on the local workforce and economy.

C. The Board of Supervisors recognizes the value in supporting this business in that projects, such as this, coincide with the County's ultimate goal to provide local business opportunities for the local population.

WHEREAS, Spotsylvania County will provide a grant from the County's Economic Development Incentive Fund up to \$100,000 as a match to a grant from the Virginia Department of Transportation Industrial Access Fund.

WHEREAS, Spotsylvania County will provide a grant from the County's Infrastructure Improvement Fund up to \$300,000 for Infrastructure Improvements based upon the following conditions:

- The business operation is not a retail store
- The Company remains in operation within the County for a minimum of 5 years

If the above conditions are not met, or if the actual investment figures by the Company differ significantly from what has been proposed, a 100% "claw back" of the \$300,000 provided as part of the County's Infrastructure Improvement Fund will be implemented.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA:

1. The Board of Supervisors hereby desires to support the location of this Company to Spotsylvania County and is offering incentives from the County's Economic Development Incentive Fund based upon the described schedule.

ADOPTED this 10<sup>th</sup> day of November 2009.

On a motion by Mr. Waddy, seconded by Mr. Marshall and passed unanimously, the Board authorized staff to pursue negotiations for the business discussed in closed meeting to relocate to Spotsylvania County.

## **SPECIAL PRESENTATION**

Virginia Senator R. Edward Houck (17<sup>th</sup> District) was visiting with all the Boards/governing bodies within his area of representation to present brief remarks related to "the state of the Commonwealth." He noted that the state has already reduced Virginia's General Fund budget by over \$7 billion in the FY 08-10 budget and that currently there was a projection that an additional \$200-300 million must be located to reconcile this budget. Senator Houck asked the Board for input, further noting that for the first time in Virginia history, money was being taken out of the secondary road maintenance system to draw down match federal funds. Mr. Connors commented that the General Assembly needed to have a constructive conversation about government reform.

## **PUBLIC PRESENTATIONS**

No citizens addressed the Board in the time reserved for public presentations.

## **PUBLIC HEARING**

**R06-10 Marion E. Hicks:** Requests a rezoning with proffers offered of a single parcel of land from Residential 1 (R1) to Planned Development Housing 4 (PDH4) to develop single family attached and single family detached dwelling units. The parcel consists of 34.183 acres located west of Route 1 at 525 Hudgins Road. The site lies within the Primary Settlement District of the Comprehensive Plan, which is planned to develop as a series of mixed-use communities where residents can live, work, play, and shop. The Future Land Use Map identifies this area as Mixed Use Land Use. Tax parcel 24((A))10. Battlefield voting district.

Mr. Morgan presented the case. Staff recommended approval with proffer statement dated August 20, 2009.

Mr. Connors declared the public hearing opened.

Ron Hicks, son of the applicant: He said he grew up on the farm and his father had owned the property for over 60 years. The project was 127 units in the County of Spotsylvania. He said the lot sizes varied with no more than 88 houses and no more than 88 town homes. He said there was a community meeting on July 29 and other than the concern of having another development adjacent to them, the citizens were concerned about the extension of Hudgins Road. He spoke about changes to the plans such as the removal of the trails. Mr. Hicks pointed out that the lots in Summerfield were smaller than the Kingswood lots but were typical for the more urban areas. He spoke about the cash proffers, the extension of the water line to create redundancy for the water flow, improvements to Route 1 and the widening of Hudgins Road. He noted that 17 uses were proffered out. He said the impact analysis did not take into account the jobs that would be created and the taxes that would be generated.

Megan Bickerstaff, 12104 Kingswood Blvd, Battlefield District: She said she was concerned about the traffic this would create in the County. She said this project did not pay for itself. The lot sizes were dramatically smaller than those in Kingswood.

Kelly Tivnan, 12009 Kingswood Blvd, Battlefield District: She said her main concern was the traffic on Route 1. She said this development would not pay for itself and the citizens of this County should not have to pay for it.

Drew Gallagher, 12020 Kingswood Blvd, Battlefield District: He said he had a petition that was signed by over 150 in opposition of the rezoning. He said the opposition was near unanimous due to the cost of the houses. He said the most important thing he had heard was that Summerfield did not pay for itself.

Ralph Rapillo, 12018 Kingswood Blvd, Battlefield District: He spoke in opposition of the project due to the size.

Stacey Guthiel, 12016 Kingswood Blvd, Battlefield District: She spoke in opposition to the project due to its high density. She said approval of this project would prove the County would only be concerned with the one time proffer and not the long term impact.

Paul Downey, 4812 Harvest Glen Ct, Battlefield District: He said the average lot sizes proposed were somewhere between 6,000-8,000 square feet and his lot size was 38,000 square feet in Kingswood. He said his home was 3400 square foot and was less than \$350,000 value. He said this was not a mixed use community and there would be no new jobs as part of this subdivision.

Betty Nolan Kiser, 11705 Duchess Dr, Battlefield District: She said she was a real estate agent in the County and she did not support the rezoning of this parcel. She said this area could not support anymore townhomes in the near future especially in the higher price range. She gave statistics of the number of town homes sold and asked the Board if they would personally invest over \$300,000 in a town home.

Lisa Barrett, 117115 Harris Mill Ct, Battlefield District: She said this project was not financially sound and did not appear to pay for itself. She said the homes in order to pay for the proffers would have to be sold at a high price. She said the Board members ran for office they ran on a platform. She asked the Board to say what you mean, mean what you say and do what you promise.

Bob Reilly, 4806 Harvest Glen Ct, Battlefield District: He said Mr. Hicks had every right to develop the property and he asked the Board to ponder the following: were they willing to approve a rezoning, where would the money come from to underwrite a project that can't pay for itself, and where would you build. He said everyone knew illegal day workers come down and build houses in the area. He asked for assurance that only Virginians, Spotsylvanians and Americans would be building these houses.

Kip Foster, 4807 Integrity Ct, Battlefield District: He spoke in opposition saying the housing prices were unrealistic, the project did not pay for itself, and traffic volumes were a concern. He asked the Board to be more fiscally sound in this environment.

Dale Guthiel, Battlefield District: He spoke in opposition to the project and expressed concern about a connection at Hudgins Road. He said he was concerned about density and the line of site between his house and Route 1.

Rick Furnival, spoke on behalf of the applicant: He said there were program improvements slated for Harrison Road and those were taken into account with the traffic analysis which will greatly mitigate the situation that currently exists on Route 1. He said it was often said this project would not pay for itself. He said they used the County model when putting together their financial statement since they were engineers and not economists. He said there are many things not included in that statement that should be considered such as property taxes, gas taxes and sales taxes. He assured the public that when the new storm water management policies were enacted that this project would not be exempted from them.

Mr. Connors declared the public hearing closed.

On a motion by Mr. Pitts, seconded by Mr. Jackson and passed unanimously, the Board tabled action until December 8, 2009.

**R09-0002 Chris Stacey:** Requests a rezoning with proffers offered of two parcels from Residential 1 (R1) to Planned Development Housing 4 (PDH4) to develop an age restricted community to include 33 Single Family Detached Dwellings, 30 Townhouses units and a 90 resident Assisted Living Facility. The request consists of two parcels totaling 18.6249 acres located west of Bragg Road on the South side of River Road approximately 300 feet west of the intersection of River Road and Bragg Road. The parcels are within the Primary Settlement District of the Comprehensive Plan, which is planned to develop as a series of mixed-use communities where residents can live, work, play, and shop. The Future Land Use Map identifies this area as low density single family detached residential land use. Tax parcels 13-A-74H & 74G. Courtland voting district.

Mr. Morgan presented the case. Staff recommended approval with proffer statement dated September 8, 2009.

Charlie Payne, spoke on behalf of the applicant: He spoke saying an assisted living facility was an absolute necessity in Spotsylvania County. He highlighted the rezoning, the generalized development plan, traffic impacts, transportation design and proffers.

Mr. Connors declared the public hearing opened.

Tim Swain, 10704 Whispering Way, Chancellor District: He spoke in favor of the project stating that there was a need for an assisted living facility in Spotsylvania County.

Tim Coleman, Livingston District: He spoke in favor of the project stating he was appreciative of the efforts for older people in the community.

Bob Walker, 11216 Buckner Road, Chancellor District: He spoke in favor of the project stating that there were many residents in the County in need of this type of project.

Bill Hurst, 5500 Heritage Hills Circle: He spoke in favor of the project due to the location and the low impact on the community.

Judy Scheibe, 10101 Colchester Street, Lee Hill District: She spoke about alzheimers disease and the need for an assisted living facility to accommodate these individuals.

Garnett Campbell, 10800 Lakeshore Lane, Chancellor District: He spoke in favor of the project saying it was less intrusive on the County than a previously proposed project. He said the project was well designed. He asked that Board vote to approve the project.

Brad Neal, Chancellor District: He said he worked with several 55 and older people in a technology company. He said as people retired they were looking for a place to settle down and this River Crossing project could really fit from a technology standpoint.

Randy Allensworth, 7118 Destiny Lane, Chancellor District: He spoke in favor of the project and thanked Chris for giving back to the community saying he was a young man who cared and he was very proud of him.

Randy Helwig, 11311 Boxwood Road: He spoke in favor of the project saying it made sense for the growing population of residents over 55. He addressed the jobs it would create and the positive impact on the County.

Claudia Robinson, 12324 Willow Woods Drive, Chancellor District: She spoke in favor of the project saying three of her family members had macular degeneration and could benefit from this project. She said she wanted to keep her family within the County.

Gary Short, 9922 Elys Ford Road: He said he spoke in favor of the project. He said a friend signed the petition due to traffic concerns but was not given correct information.

Marie McAllister, 6207 River Road, Courtland District: She spoke in opposition of the project due to traffic concerns.

Ellen Wiseman, 5412 River Road, Courtland District: She spoke in favor of the project saying this was prime location for senior living. She thought the project would make for a great transition for older residents on River Road who currently reside on several acres.

Stuart Gelzer, 6207 River Road, Courtland District: He spoke in opposition of the project saying River Road was a scenic asset. He said this project would affect the atmosphere of this road.

Danny Pemberton, 6206 Plank Road, Chancellor District: He spoke in favor of this project due to its location and the low impact it would have on the County. He said the project was attractive and Chris Stacey was a good developer.

Nancy Lee Cole, 13603 McLane Place, Courtland District: She asked what she needed to proffer to save her neighborhood that she had lived in for over 20 years. She read a letter from her previous Courtland Supervisor regarding the project. She said this project was too intense and it would dump too many additional cars onto River Road endangering their safety. She referenced the petition of over 400 signatures opposed to the project.

Rita VanArsdall, 13605 McLane Place, Courtland District: She spoke in opposition of the project referencing traffic back ups. She said another assisted living facility within 5 miles of 3 other assisted living facilities was not needed. She said this was a good project in a bad location.

Cooky Harpold, 6703 River Road, Courtland District: She spoke in favor of the development saying this project had much less impact. She said most of what she had to say had been covered. She said history supported that development took place in a regimented order. She said the petition placed before the Board largely had to do with the original proposal. She raised concerns about the validity of the petition. She said this was a good improvement to the area and she wanted one in her neighborhood.

Joanna Reynolds, 5510 River Road, Courtland District: She spoke in favor of the project saying it would be an aesthetically pleasing and useful project. She urged the Board to approve the project.

Charlie Payne, spoke on behalf of the applicant: He said the participants who came out and spoke before and against shaped this project in many ways in reducing its density and increasing its beneficial yield to the County. He said that was what they had set out to do and wanted to accomplish. He thanked the Board for their time and support and requested the Board vote for the project tonight.

Mr. Connors declared the public hearing closed.

Mr. Logan gave a history of River Road. On a motion by Mr. Logan, seconded by Mr. Skinner and passed unanimously, 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. 2009-159**

**Approve – R09-0002: Stacy Development, LLC, Spring Arbor**

**WHEREAS**, the applicant requests a rezoning of two separate parcels from Residential 1 (R1) to Planned Development Housing 4 (PDH4) to develop an age restricted community to include 33 Single Family Detached Dwellings, 30 Townhouses units and a 90 resident Assisted Living Facility. The request consists of 18.6249 acres located on the south side of River Road approximately 300 feet from the intersection of River Road and Bragg Road. The parcels are within the Primary Settlement District of the Comprehensive Plan, which is planned to develop as a series of mixed-use communities where residents can live, work, play, and shop. The Future Land Use Map identifies this area as low density single family detached residential land use. Tax parcels 13-A-74H & 74G. Battlefield voting district; and

**WHEREAS**, staff has reviewed the subject application and recommends approval of the rezoning request as stated in the staff report and executive summary dated November 10, 2009; and

**WHEREAS**, the Planning Commission held a public hearing on this item on October 7, 2009 and a motion was made and seconded to recommend approval with proffers and voted approval, 5-0 with two members absent; and

**WHEREAS**, at the Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on November 10, 2009 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 R09-0002 with proffers dated September 8, 2009; 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.

**Public Hearing to receive public comment regarding a request by the Central Virginia Battlefields Trust, Inc.** ("CVBT"), for the Board of Supervisors to adopt an ordinance pursuant to Va. Code Ann. § 58.1-3651 (1950, as amended), designating certain property owned by CVBT as exempt from real property taxation, pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia.

Mr. Logan stated he had served on the Central Virginia Battlefields Trust, Inc for 10 years but intended to vote.

Debbie Williams presented the case. Staff recommended approval.

Mr. Connors declared the public hearing opened.

Jerry Brandt, spoke as the applicant: He said the organization preserved threatened Civil War battlefields for the use and enjoyment of all citizens. In addition, Central Virginia Battlefields Trust undertook education and outreach initiatives to emphasize the importance of preserving these sites.

Mr. Connors declared the public hearing closed.

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

VOTE:

Ayes:	6	Mr. Connors, Mr. Jackson, Mr. Logan, Mr. Marshall, Mr. Pitts, and Mr. Skinner.
Nays:	1	Mr. Waddy
Absent:	0	
Abstain:	0	

**ORDINANCE NO. 2009-05**

AN ORDINANCE TO EXEMPT REAL ESTATE TAXES FROM PROPERTY OWNED BY CENTRAL VIRGINIA BATTLEFIELDS TRUST, INC. TAX MAP PARCEL NUMBERS 11 ((9)) 20, 11 ((9)) 21, 25 ((11)) 4 AND 37 J ((1)) A

IT IS HEREBY ORDAINED by the Board of Supervisors of Spotsylvania County, Virginia, as follows:

Section 1. Central Virginia Battlefields Trust, Inc. is a corporation organized and qualified as a charitable and benevolent non-profit organization within the meaning of §501(c)(3) of the Internal Revenue Code, such corporation formed to preserve threatened civil war battlefields for the use and enjoyment of all citizens. In addition, Central Virginia Battlefields Trust, Inc. undertakes education and outreach initiatives to emphasize the importance of preserving these sites.

Section 2. Central Virginia Battlefields Trust, Inc. owns real property within Spotsylvania County, and designated as Tax Map Parcels 11 ((9)) 20, 11 ((9)) 21, 25 ((11)) 4 and 37 J ((1)) A, which is to be used exclusively for the non-profit purposes stated herein above. Central Virginia Battlefields Trust, Inc. meets all of the requirements and qualifications as enumerated in §58.1-3651 of the Code of Virginia for real estate tax exemption.

Section 3. Central Virginia Battlefields Trust, Inc. has made the following representations to the Board of Supervisors with respect to factors to be considered by the Board of Supervisors pursuant to Virginia Code § 58.1-3651:

1. Central Virginia Battlefields Trust, Inc. is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954.

2. No annual alcoholic beverage license has been issued by the Virginia ABC Board and there is no intent to request one.

3. No director, officer, or employee of Central Virginia Battlefields Trust, Inc. is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders.

4. No part of the net earnings of Central Virginia Battlefields Trust, Inc. inures to the benefit of any individual. A significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants.

5. Central Virginia Battlefields Trust, Inc. is formed to preserve threatened civil war battlefields for the use and enjoyment of all citizens.

6. No substantial part of the activities of the Central Virginia Battlefields Trust, Inc. involves carrying on propaganda, or otherwise attempting to influence legislation and Central Virginia Battlefields Trust, Inc. does not participate in, or intervene in, any political campaign on behalf of any candidate for public office.

7. Effective January 1<sup>st</sup>, 2009, the revenue impact to the locality and its taxpayers of exempting the property would be the loss of real property tax based on the current assessment, as of January 1, 2009, of land of \$8,494.62, and an annual tax of approximately \$8,494.62.

Section 4. Pursuant to the authority of subsection 6(a)(6) of Article X of the Constitution of Virginia, and Section 58.1-3651 of the Code of Virginia, and after consideration of the above, the Board of Supervisors does hereby ordain and does designate the real property owned by Central Virginia Battlefields Trust, Inc., identified as Tax Map Parcels 11 (9) 20 and 11 (9) 21, located in Spotsylvania County, in the Chancellor Magisterial District, and 25 (11) 4 and 37J (1) A, located in Spotsylvania County, in the Lee Hill Magisterial District, so long as the real property is used for the purposes herein stated, exempt from real estate taxes under Chapter 21, Article III of the Spotsylvania County Code.

On a motion by Mr. Skinner, seconded by Mr. Logan and passed 4 to 3 with Mr. Pitts, Mr. Jackson, and Mr. Waddy opposed, the Board approved a charitable donation to the Central Virginia Battlefields Trust, Inc in the amount of \$8,494.62.

**Public Hearing to consider endorsing a FY2010-2011 Transportation Enhancement grant application to the Virginia Department of Transportation for the following project: Spotsylvania Courthouse Streetscape Project, Phases II and III.**

Mr. White 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. Jackson 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. 2009-160**

**Resolution of Endorsement for the Spotsylvania Courthouse Streetscape Project – Phases II & III Transportation Enhancement Project**

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring local jurisdiction or state / federal agency in order that the Virginia Department of Transportation establish an enhancement project in the County of Spotsylvania.

NOW, THEREFORE BE IT RESOLVED, that the County of Spotsylvania, requests the Commonwealth Transportation Board to establish a project for the improvement of the Spotsylvania Courthouse Streetscape Project.

BE IT FURTHER RESOLVED, that the County of Spotsylvania hereby agrees to provide a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project.

BE IT FURTHER RESOLVED, that the County of Spotsylvania, hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

BE IT FURTHER RESOLVED, that the County of Spotsylvania will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds.

BE IT FURTHER RESOLVED, that if the County of Spotsylvania subsequently elects to cancel this project the County of Spotsylvania hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The County of Spotsylvania also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

**ADJOURNMENT**

On a motion by Mr. Jackson, seconded by Mr. Pitts and passed unanimously, the Board adjourned its meeting at 9:02 p.m.

---

C. Douglas Barnes  
Clerk to the Board of Supervisors