

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 6:00 p.m.

APPROVAL OF THE CONSENT AGENDA

On a motion by Mr. Skinner, seconded by Mr. Marshall and passed 5 to 0 with Mr. Jackson and Mr. Pitts absent, the Board approved the Consent Agenda as follows:

1. Approval of Additional Funding for Replacement of Remittance Processor as follows:

VOTE:

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

RESOLUTION NO. 2009-161

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 the use of credit card fee and land sale revenue to provide the additional funding needed to replace the remittance processor for the Treasurers Office to be expended only by order of the Board of Supervisors as follows: \$12,929.

2. Authorization for Public Hearing - Condemnation of Utility Easement on Tyler Property;
3. Approval of SEA 09-0024 for 32nd Annual Spotsylvania County Holiday Parade;
4. Approval of Award for a Custom Heavy Rescue Contract to C. W. Williams, IFB #09-11-34;

5. Amendment to Contract with C. W. Williams for an Additional Custom Class "A" Pumper;
6. Approval of Corrections to the August 18, 2009 Minutes.

SPECIAL PRESENTATION

Presentation of the FY 2009 Audit Results

The audit for fiscal year 2009 had been completed and its results were presented by Nancy Miller, partner from the Miller Foley Group. The CAFR was presented to the Board. It conforms with the standards of financial reporting as prescribed by the Governmental Accounting Standards Board (GASB), the Government Finance Officers Association of the United States and Canada (GFOA), and the Auditor of Public Accounts (APA) of the Commonwealth of Virginia. It presented a snapshot of the balance sheets for all funds (items such as cash, receivables, payables, and fund balances) as of June 30, 2009, and the results of operations for the entire fiscal year (revenues, expenditures, and transfers) including comparisons to the budget. Entity-wide Statements of Net Assets and Activities were also included.

Mr. Seaux commended staff for their leadership and working through the financial issues with strong internal controls. Mr. Connors also thanked staff for their guidance and stewardship in a tough fiscal year.

Mr. Jackson arrived at 6:24 p.m.

WORK SESSION

FY 2011 Pre-Budget Work Session

Finance Staff made a presentation outlining the current economic conditions and reviewed plans for the development of the FY 2011 budget. A pre-budget public hearing was scheduled to receive comments from citizens about priorities for our community that should be considered in preparing the FY 2011 Recommended Budget.

Mr. Skinner clarified that the 9 facilities categorized as fair and the 4 as poor were not school facilities. He requested a listing of what those facilities were.

PUBLIC HEARING

Public Hearing to receive comments and suggestions from citizens about local government priorities for our community, which will be considered in preparing the FY 2011 Budget for the fiscal year beginning July 1, 2010.

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

On a motion by Mr. Jackson, seconded by Mr. Marshall and passed 6 to 0 with Mr. Pitts absent, the Board approved the FY 2011 Budget Calendar.

WORK SESSION

GIS Fees

This was the second of four 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. GIS is a division of the Information Services Department. This work session focused on GIS fees. Staff developed flowcharts, documenting each step in GIS 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 GIS 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.

There had also been several areas in which potential new fees were identified, which would be further analyzed for possible future presentation to the Board. While staff had confidence in the base fees and didn't expect them to change much as they continued to refine the process work sheets, the complexity factors that were used to define the fees for larger than base level applications would likely see additional adjustments.

Mr. Skinner asked if GIS had to be self supporting. Mr. Scott said the Board could decide to designate general funds.

Mr. Marshall asked if these changes were adopted as proposed how much additional funding would that bring in. Mr. Scott said the County would lose \$78,000 in revenue based on the proposed fees.

Mr. Waddy asked how many people were collecting applications in GIS. Mr. Scott stated there were 3 employees. Mr. Waddy asked what their duties were. Ms. Reeve gave a breakdown of the GIS processes.

Mr. Connors spoke about business opportunities available with public and private companies.

Mr. Jackson asked if fees could be charged by the hour to be more equitable. Mr. Scott said that decision would be at the pleasure of the Board.

REPORT OF THE COUNTY ADMINISTRATOR/COUNTY ATTORNEY

On a motion by Mr. Connors, seconded by Mr. Waddy and passed 6 to 0 with Mr. Pitts absent, the Board adopted the following resolution:

VOTE:

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

RESOLUTION NO. 2009-162

Resolution in Support of Hospital Corporation of America (HCA)

WHEREAS, on January 10, 2006, the Spotsylvania County Board of Supervisors passed a resolution of support for HCA's plans to move forward with construction of the Spotsylvania Regional Medical Center; and

WHEREAS, Spotsylvania Regional Medical Center's application for a certificate of need included a linear accelerator for radiation therapy services for cancer patients, which the Board supported; and

WHEREAS, on September 11, 2009, Chairman Henry L. "Hap" Connors, Jr. appeared at the Certificate of Public Need Hearing before the Virginia Department of Health on Request No. VA-7669 for an additional linear accelerator and radiosurgery services for MediCorp Health System's facility at Mary Washington Hospital; and

WHEREAS, at that hearing Chairman Connors reaffirmed his and the Board's strong support for the Spotsylvania Regional Medical Center and competition and choice in healthcare delivery and urged that Medicorp's application for a linear accelerator and radiosurgery services be denied so that Spotsylvania Regional Medical Center's cancer care project could be approved; and

WHEREAS, Chairman Connors reiterated the Board's position in a November 3, 2009 letter to Douglas R. Harris, Adjudication Officer of the Virginia Department of Health, on which each member of this Board was copied.

NOW, THEREFORE, BE IT RESOLVED that once again the Spotsylvania County Board of Supervisors strongly supports the Spotsylvania Regional Medical Center and the location of the next linear accelerator approved in Planning District 16 be located at the Spotsylvania Regional Medical Center, where it can best improve patient access and choice, and introduce much needed competition; and

BE IT FURTHER RESOLVED that Chairman Connors' remarks at the September 11, 2009 Certificate of Public Need Hearing and his letter dated November 3, 2009 reflect the consistent view of the Board of Supervisors that the next linear accelerator be located at Spotsylvania

County Regional Medical Center, and not at Medicorp's Mary Washington Hospital facility; and

BE IT FURTHER RESOLVED, that the Spotsylvania County Board of Supervisors therefore continues to oppose COPN Request No. VA-7669 because it would place an additional linear accelerator in Mary Washington Hospital rather than at the Spotsylvania Regional Medical Center.

Mr. Pitts arrived at 7:40 p.m.

Recommendation of Appointments to the Board of Equalization

On a motion by Mr. Pitts, seconded by Mr. Logan and passed unanimously, the Board nominated Larry Raymond, Val Folden, and Robert Knutsson to the Board of Equalization for appointment by the Circuit Court Judge.

Entry of Certification by the Secretary of the Commonwealth - Requirement for Membership in the Potomac Rappahannock Transportation District

On August 18, 2009, the Board voted to join PRTC and VRE. One of the steps required to join PRTC is to enter in the minutes of the governing body of the county the certification by the Secretary of the Commonwealth that the requirements of § 15.2-4529 of the Code of Virginia, 1950, as amended, have been satisfied. Upon entry of the certification, the County would become a member jurisdiction of the transportation district.

On a motion by Mr. Logan, seconded by Mr. Skinner and passed 4 to 3 with Mr. Jackson, Mr. Marshall and Mr. Waddy opposed, the Board adopted the following resolution:

VOTE:

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

RESOLUTION NO. 2009-163

A RESOLUTION FOR ENTRY OF THE CERTIFICATION BY THE SECRETARY OF THE COMMONWEALTH TO THE TAX COMMISSIONER FOR THE ADMISSION OF THE COUNTY OF SPOTSYLVANIA TO MEMBERSHIP IN PRTC

WHEREAS, § 15.2-4529 of the Code of Virginia, 1950, as amended, provides that a transportation district may be enlarged to include any additional county contiguous thereto, upon such terms and conditions, consistent with the provisions of this chapter, as may be agreed upon

by the commission and such additional county and in conformance with the procedures set forth therein.

WHEREAS, the governing body of the County of Spotsylvania on August 18, 2009, in accordance with § 15.2-4529 of the Code of Virginia, 1950, as amended, adopted an ordinance specifying the area to be enlarged, containing the finding specified in § 15.2-4504 of the Code of Virginia, 1950, as amended and a statement that a contract or agreement between the County of Spotsylvania and the commission, specifying the terms and conditions of admittance to the transportation district, had been executed.

WHEREAS, in accordance with § 15.2-4529 of the Code of Virginia, 1950, as amended the ordinance adopted by the governing body of the County of Spotsylvania, to which was attached a certified copy of the contract or agreement, was filed with the Secretary of the Commonwealth.

WHEREAS, § 15.2-4529 of the Code of Virginia, 1950, as amended, provides upon certification by the Secretary of the Commonwealth to the Tax Commissioner that the ordinance required by this section has been filed and that its terms conform to the requirements of this section, the additional county, upon the entry of such certification in the minutes of the proceeds of the governing body of this county, shall become a component government of the transportation district and part of the transportation district.

NOW, THEREFORE, BE IT RESOLVED, that the Spotsylvania County Board of Supervisors hereby enters the aforementioned certification, which is attached hereto as Exhibit A, in its minutes.

Authorization for Public Hearing on December 8, 2009, to consider Adoption of Amendments to County Code Chapter 4, Animals and Fowl

At the public hearing on October 13, 2009, the ordinance amendments for Chapter 4 were adopted by the Board. During discussion following the public hearing, the Board discussed further ordinance amendments, including the “two-person complaint requirement”, and eliminating the warning as a prerequisite to a charge. Since the new amendments had not been advertised as part of the public hearing, the Board voted to hold another public hearing on the new amendments on November 10, 2009. At the recommendation of staff, on November 10, 2009, the Board voted to postpone the public hearing on these amendments from November 10 until December 8, 2009. Counsel and staff advised the Board on November 10 that additional suggestions for the ordinance amendment would be brought to the November 24, 2009 meeting for the Board’s consideration.

Since the last Board meeting, counsel and staff met with Supervisors Pitts and Marshall, the Sheriff, the Commonwealth Attorney and the Captain of the Animal Control Division on November 12, 2009, regarding the proposed additional amendments discussed by the Board during the October 13, 2009 meeting. The proposed amendments sought to engender a harmonious existence between those citizens who own animals and those who do not.

Specifically, Section 4-16(a) contained a change that reduced the length of time an animal may create plainly audible noise within a residential dwelling from two hours to one hour; and two changes to Section 4-16(b) which removed the notice requirement by the sheriff's deputy or animal control officer, as well as created a provision that permitted a sheriff's deputy or animal control officer to be counted as a complainant with respect to the "two-person complaint" requirement.

Mr. Skinner stated he had trouble with barking dogs in his neighborhood and requested a change that would put in a time of day restriction. Mr. Stroman requested that the Board refer this back to the Sherriff's office for review and report back to the Board at the first meeting in January.

On a motion by Mr. Connors, seconded by Mr. Jackson and passed unanimously, the Board referred this back to the Sherriff's office for review and to report back to the Board at the first meeting in January.

Authorization for Public Hearing on December 8, 2009 to Consider Adoption of Amendments to County Code, Chapter 10, Libraries

The proposed amendment to Chapter 10, Section 10-27 would increase the law library fee, which was assessed as part of the costs incident to each civil action filed in the courts located within the boundaries of the County, from two dollars (\$2.00) to four dollars (\$4.00). The 2009 General Assembly enacted changes to Virginia Code § 42.1-70 to now allow localities to assess a maximum fee of four dollars (\$4.00).

The County Attorney's office consulted with the Judges of the Spotsylvania County courts, as well as the Clerks of Circuit, General District and Juvenile & Domestic Relations courts. There was a consensus to raise the fee.

On a motion by Mr. Pitts, seconded by Mr. Skinner and passed unanimously, the Board of Supervisors authorized the advertisement of a public hearing for the proposed amendment to Chapter 10, Section 10-27, of County Code at the Board's meeting on December 8, 2009.

Mr. Connors announced the 32nd Annual Holiday parade on December 5 and the 7th Annual Christmas Luminary on December 6. He said the Board appreciated everyone's work in these events.

ADJOURNMENT

On a motion by Mr. Skinner, seconded by Mr. Jackson and passed unanimously, the Board adjourned its meeting at 7:55 p.m.

C. Douglas Barnes
Clerk to the Board of Supervisors