

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

ABSENT: Gary Jackson, Salem 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. Mr. Barnes suggested the Board move the Report of the County Administrator/County Attorney and Report of the Board of Supervisors to the end of the meeting to allow for more time in closed meeting. The request was approved by unanimous consent.

## **WORK SESSION**

### **Building Fees**

This was the third 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 associated with the Community Development departments. This work session focused on Building Safety 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, a majority of the Building review and inspection fees 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. Staff would continue to refine the process work sheets in the upcoming months in order to capture the cost of enforcement of the Uniform Statewide Building Code.

Discussion ensued including: online permitting status, costs of mandated services and the value of consideration of General Fund use to maintain levels of service.

### **Regional Scenario Planning Study**

FAMPO and Kimley Horn and Associates, Inc. presented an overview of the George Washington Region regional scenario planning project. Scenario planning helped communities

plan for growth by quantifying and qualifying policy decisions in outputs that were easily understood and measured. The focus of this scenario planning study was on transportation. The process was intended to create a dialog among the region's leaders and citizens about how the region should grow and how the needed transportation infrastructure should be provided. Today, the George Washington Region was the fastest-growing in Virginia. With more than 310,000 people living in the region, it was among the more populous area of Virginia. Having seen nearly 400 percent population growth since 1960, the region was expected to remain among the fastest growing in Virginia. The process included FAMPO/GWRC staff, the public, institutions, county staff, and elected and appointed officials.

### **PUBLIC PRESENTATIONS**

Martin Work, 11015 Blandfield Lane, Lee Hill District, he spoke saying the County had won. He said his home which was constructed over a failing drain field and 18 inch sewer drain pipe was foreclosed upon. He said due to the failed construction there was no incentive to rebuild or reinvest another \$250,000 including the legal fees that Lee's Hill Homeowners Association ran up in order to make their point that they had the last say in all things and matters. He said today they stood in bankruptcy because the HOA and the building and construction company did not do the right thing. He said this County, community and State affiliations should be proud of their business models and the consequences that followed.

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

On a motion by Mr. Pitts, seconded by Mr. Marshall and passed 6 to 0 with Mr. Jackson absent, the Board approved the Consent Agenda as follows:

1. Approval of Minutes of the November 10 and 24, 2009 Meetings of the Board of Supervisors;
2. Acceptance of Grant Award from the 2009 State Criminal Alien Assistance Program as follows:

#### VOTE:

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

### **RESOLUTION NO. 2009-164**

**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 grant revenue received from the U.S. Department of Justice for the offset of salaries at the Rappahannock Regional Jail to be expended only by order of the Board of Supervisors as follows: \$19,360.

3. Approval of Budget Adjustments Related to Special Service Districts as follows:

VOTE:

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

**RESOLUTION NO. 2009-165**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriation 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. To allocate the previously unallocated bond funds issued for capital projects in the Massaponax Special Service District, the following appropriation is approved by the Board of Supervisors:

**CAPITAL PROJECTS FUND: \$500,000**

4. Approval of Hazen & Sawyer Task Order #12 Engineering Services;
5. Endorsement of the VACo Region 7 Legislative Platform;
6. Appointment to the Agricultural/Forestral District Committee;
7. Appointment to the Rappahannock Area Agency on Aging Board of Directors;
8. Use of School Bond Interest Earnings to Fund Maintenance Projects as follows:

VOTE:

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

**RESOLUTION NO. 2009-166**

**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:

**SCHOOL OPERATING FUND:**

For use of School bond interest earnings, to be used to address deferred maintenance projects for schools, to be expended only by the order of the Board of Supervisors as follows: \$264,800

9. FY 2010 Appropriations – FY 2009 School Carryover Budget Amendment.

VOTE:

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

**RESOLUTION NO. 2009-167**

**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:

**SCHOOL CARRYOVER FUND:**

For use of carryover funds from FY 2009 local transfer and available School Carryover fund balance to be used to address operating costs associated with restricted sources; and to fund furnishings at the museum in the JJ Wright Educational and Cultural Center, to be expended only by the order of the Board of Supervisors as follows: \$93,042

**MEETING WITH VDOT**

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

The speed zones and guide signs on Route 17 were expected to be completed by the middle of January. The reduced speed limit on Mine Road was approved and Mr. Stanley anticipated the installation of the speed limit signs beginning of next week.

Towles Mill Road project remained fully funded and on schedule. He said utility relocations were under way and the project was scheduled to be advertised for construction in March.

The Bragg Road contractor would not be working on the project for 2 weeks during the holidays but the project was still four to five months ahead of schedule. Mr. Stanley was working with staff and the post office to address mail delivery concerns of residents on Bragg Road.

Mr. Logan stated he received complaints from elderly people who lived on Bragg Road that were affected by the moving of their mailboxes. Mr. Stanley said he was working with the post office to resolve the issue. Mr. Logan said door to door deliveries would alleviate the problem.

Mr. Waddy said he was getting calls on the speed limit for Courthouse Bypass. He asked Mr. Stanley to fax him the information that was sent to Richmond.

Mr. Skinner requested an update on the Route 2 railroad crossing at New Post. Mr. Barnes said it was operative and the work was finished. He also requested an update on the Calgary Ridge holding pond. Mr. Stanley stated the hydrolic engineer on the project was laid off so a new engineer was looking at general flow and previous developments. He said at this point the study was not complete. Mr. Skinner also asked about progress on Benchmark Road. Mr. Stanley said phone calls were made and a date was set to coordinate and move forward.

Mr. Marshall stated he needed an answer on the speed study on Route 17 before January 21 because he was meeting with the homeowners association. He also asked Mr. Stanley to take a look at the drainage problems on Massaponax Church Road in front of Timberlake.

Mr. Pitts asked Mr. Stanley not to forget his speed study request on Rote 208 by the WaWa. He also stated he would forward information on locations that flooded on Lafayette Blvd to Mr. Stanley to review.

## **STAFF REPORTS**

### **U.S. Census 2010 Update**

The U.S. Census Bureau would be conducting the country's next 10-year census in 2010. The 2010 Census is a count of everyone living in the United States and is mandated by the U.S. Constitution. Since spring of 2009, the County had been partnering with the Census Bureau toward the important goal of ensuring that the Spotsylvania community got counted accurately. Staff initiated multiple GIS and public education efforts. A County staff Census Team, with multiple department representatives, had begun meeting regularly. Staff had been working closely with local Census officials to help augment public awareness of the upcoming census, local Census worker recruitment efforts, the census process, its importance and impact. The County Administrator was a panelist participant in the Greater Fredericksburg Virginia Area 2010 Census Community Forum held in October.

Complete Count Committees were volunteer teams consisting of community leaders, faith-based groups, schools, businesses, media and others who were appointed by elected officials. Virginia Governor Kaine announced formation of the Virginia Complete Count Committee (CCC) in November 2009 to serve as the central conduit of information in Virginia's efforts to ensure an accurate and comprehensive survey in the 2010 Census. The Virginia CCC will also facilitate the sharing of ideas and resources between various communities in the Commonwealth. The Virginia CCC "will enlist a broad range of stakeholders from various racial and ethnic groups as

well as representatives from constituencies historically considered ‘hard-to-count’ populations to ensure an accurate 2010 Census count.”

On a motion by Mr. Logan, seconded by Mr. Skinner and passed 6 to 1 with Mr. Jackson absent, the Board adopted the following resolution and directed staff to bring back a plan for formation of a local Complete Count Committee to the Board at their January 12, 2010 meeting, along with an update on Census-related matters:

VOTE:

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

**RESOLUTION NO. 2009-168**

**Resolution of the Spotsylvania County Board of Supervisors Affirming the Board’s Support of and Partnership with the 2010 Census**

WHEREAS the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population every ten years, which requirement provides an historic opportunity to help shape the foundation of our society and play an active role in American democracy;

WHEREAS the Spotsylvania Board of Supervisors and Spotsylvania County Government are committed to ensuring every resident is counted;

WHEREAS more than \$400 billion per year in federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data, including health care, community development, housing, education, transportation, social services, employment and other matters;

WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

WHEREAS the 2010 Census process creates hundreds of thousands of jobs across the Nation;

WHEREAS every Census Bureau worker takes a lifetime oath to protect confidentiality, and the Census Bureau ensures that the data identifying respondents or their household will not be released or shared for 72 years;

WHEREAS a united partnership between business, government, community-based and faith-based organizations, educators, media and others will allow the 2010 Census message to reach a broader citizen group, providing trustworthy public education about the 2010 Census;

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

1. Supports the goals and ideals for the 2010 Census outlined above and directs County Government staff to assist in disseminating 2010 Census information to encourage participation.
2. Encourages Spotsylvania County staff, organizations, citizens and the regional community to work together to achieve an accurate and complete count.
3. Encourages citizens in the community to participate in events and initiatives that will raise the overall awareness of the 2010 Census and increase participation among all populations.

Mr. Connors requested a work session on redistricting to let the public know what the process consisted of.

Mr. Stroman briefly explained the timeline and process on redistricting stating the Board was instrumental in the redistricting process.

#### Hensel Phelps Construction Company Contract for Campus Master Plan, Phase I

A Public Private Education and Facility Act (PPEA) Step 1. RFP was issued for the New Circuit Court and New Public Safety Building, related site and utility work - Campus Master Plan, Phase I, on May 22, 2008. Final pricing and Detailed Proposals were received from the following four (4) pre-qualified offerors on January 30, 2009:

A.D. Whitaker Construction, Inc. - Ashland, Va.
English Construction - Lynchburg Va.
Hensel Phelps Construction Co. - Chantilly, Va.
Howard Shockey & Sons Inc. - Winchester, Va.

The County held a public hearing on April 14<sup>th</sup> for public comments regarding proposals received, and a Notice of Intent to Award to Hensel Phelps was issued May 13<sup>th</sup>. July 14<sup>th</sup>, the Board adopted a Resolution of Public Necessity to acquire a 9.089 acre fee simple parcel and 1.639 acre temporary construction grading and construction easement from Tax Parcel #48-A-5, owned by Donald B. Schley and Carol B. Schley. The Schley parcel was needed for the New Public Safety Building. The New Circuit Court Building can be constructed independent of the Schley acquisition. With the unknown acquisition date of the 9.089 acre parcel, staff prepared a Comprehensive Agreement and First Modification document to isolate work outside of this parcel. The substantial completion date for the New Circuit Court building was May 2011.

The Guaranteed Maximum Price included the following:

- Notice to Proceed of 12/9/09 versus 7/1/09
- 30-year warranty for Standing Seam Metal Roof Panels, Metal Siding Panels and EPDM Membrane Roofing
- 5-year service contract for the Plumbing System and HVAC System
- Increase size of projection screens in Courtrooms per Commonwealth's Attorney request

On a motion by Mr. Skinner, seconded by Mr. Pitts and passed 6 to 0 with Mr. Jackson absent, the Board approved the award of a contract to Hensel Phelps Construction Co. in the amount of \$17,774,140 for construction of the New Circuit Court, related site and utility work - Campus Master Plan, Phase I.

### **PLANNING MATTERS TO BE VOTED**

#### **R07-0015 Good Seed, LLC, Chancellor Center**

The public hearing for R07-0015 took place on September 8, 2009. The Board expressed a concern that retail development may encroach into the existing residential neighborhood on Old Plank Road if parcels 22A-3-52 & 53 were changed to a commercial designation. The item was tabled indefinitely after the public hearing was closed. The applicant considered the Board's concerns and revised the application and proffers. The applicant was now seeking an Office 1 designation on parcels 22A-3-52 & 53, rather than the more intensive C-2 zoning. The Office 1 zoning designation does not allow retail uses. The proffer statement had been amended to be consistent with the change.

The rezoning request still involved nine (9) parcels totaling approximately 3.48 acres to be developed as a mixed-use office/retail building fronting on Rt. 740, Wrights Lane, just off Route 3 east. The property was currently zoned Residential 1, (R1) and Office 1 (O1), with commercial, residential, and office zoning surrounding the subject parcels. The applicant proposed one point of ingress and egress as depicted on the Generalized Development Plan (GDP) that would align with the future Plank Plaza entrance on Wrights Lane. The Plank Plaza Site Plan was approved on March 10, 2009 as a Commercial and Office development. The proposed land use was consistent with the existing and approved land uses to the north and northwest and the Office 2 zoning to the east. This proposal would serve as a transition from the Route 3 commercial and office development to the residential neighborhood along Old Plank Road. The proposed development was consistent with the emerging development pattern in the area and supported the goals of the Comprehensive Plan.

On a motion by Mr. Marshall, seconded by Mr. Pitts and passed 6 to 0 with Mr. Jackson absent, the Board adopted the following resolution with amended proffer statement dated November 24, 2009:

VOTE:

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

**RESOLUTION NO. 2009-169**

**Approve – R07-0015: Good Seed LLC, Chancellor Center**

**WHEREAS**, the applicant requests a rezoning of R-1 (Residential 1) and O-1 (Office 1) zoned land to C-2 (Commercial 2) and O-1 (Office 1) with proffers dated November 16, 2009 to construct a two- story office/retail building. The property is located on the south line Wrights Lane. This property lies within the Primary Settlement District of the Comprehensive Plan, tax parcels 22A-2-9, 22A-3-24,25,26,27, 28, 52 & 53 Salem Voting District; and

**WHEREAS**, staff has reviewed the subject application and recommends approval of the rezoning request as stated in the executive summary November 23 dated , 2009; and

**WHEREAS**, the Planning Commission held a public hearing on this item on August 5, 2009 and a motion was made and seconded to recommend approval with proffers and voted approval, 6-0 with one member absent; and

**WHEREAS**, the Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on September 8, 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 R07-0015 with proffers dated November, 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.

**R06-10 Marion E. Hicks, Summerfield**

The Board of Supervisors public hearing on R06-10 was held on November 10, 2009. The public hearing was closed and a motion was made by Mr. Pitts with a second by Mr. Jackson with a 7-0 vote to table the matter until the December 8, 2009 Board Meeting. The project and proffer statement remained unchanged since the public hearing.

The rezoning request involved one parcel consisting of 34.1828 acres proposed to be developed as a mixed use residential development with 44 single family attached units and 83 single family detached units. The property was located on the north side of Hudgins Road in the Battlefield voting district. By-right, the property may be developed as 22 single family detached homes in a cluster subdivision. The applicant proposed two access points, the parcel had nearly 700 feet of frontage on Hudgins Road as depicted on the proffered Generalized Development Plan. The proposed development would offer a FRED Bus stop on the corner of the west entrance with Hudgins Road.

This application was submitted under the 2002 Comprehensive Plan, but was considered incomplete. The applicant made an amended submission in the fall of 2008. Since that time, the 2008 Comprehensive Plan was adopted. The property was located within the Primary Settlement District of the Comprehensive Plan. This district was planned to develop as a series of mixed use communities where residents could live, work, play, and shop. In addition, the newly adopted Future Land Use Map identified this area within the Mixed Use Land Use category which was appropriate for mixed use type housing developments within such area.

The applicant offered proffers to mitigate impacts and proffers defining elements of the proposal. The Proffer Statement dated August 20, 2009 include the following:

- Conformance with the Generalized Development Plan.
- Develop a mixed use housing type community for residential uses.
- Home owners association with architectural review board and landscaping standards.
- Right-Of-Way dedication and frontage improvements as provided on the GDP.
- Re-pavement of Hudgins Road.
- Improvements to the intersection of Hudgins Road and Route 1.
- Both active and passive recreation with multi-purpose fields, tot lots, and trail system.
- Design and install the required 8" water line on Hudgins Road.
- Proffer contribution consistent with the Board adopted Proffer Policy.

The County Traffic Engineer reviewed the project and found that the traffic generated by Summerfield Development would not significantly impact traffic at either of the two intersections within the study area on Route 1 (Hudgins Road and Harrison Road) through the year 2015. Planned left turn improvements at the intersection of Jefferson Davis Highway & Harrison Road (2005 Bond) would decrease delay for motorists traveling through this intersection.

Six years after build-out, PM peak hour level of service will deteriorate with or without this project, at both intersections, as a result of background traffic growth.

The applicant indicated on the GDP that Hudgins Road would be widened on the eastbound approach to Rt.1 and included a separate right turn lane for south bound traffic. This would improve level of service up to 2015. Post build (2021) analysis indicates that levels of service would deteriorate as a result of background traffic conditions which were the result of "off-site" issues. The transportation review was favorable.

The proposal was found to be consistent with the Comprehensive Plan. The proposal provided two types of residential units in an area characterized by commercial, office, and industrial uses, thereby enhancing the mix of uses in accordance with the Comprehensive Plan Future Land Use Map.

Mr. Pitts said if passed this project would result in a 477% increase over bi right development. Based on the staff report, he said the project did not financially support itself as shown in the financial impact analysis. He said he was advised by staff that this project would have a negative financial impact on the County between \$103,526 to \$143,330 annually. The comprehensive plan clearly stated that growth should pay for itself and he said he supported that statement. Mr. Pitts made a motion to deny R06-10. Mr. Marshall made a substitute motion, seconded by Mr. Waddy and passed 5 to 1 with Mr. Pitts opposed and Mr. Jackson absent, to adopt the following resolution with proffer statement dated August 20, 2009:

**VOTE:**

Ayes:	5	Mr. Connors, Mr. Logan, Mr. Marshall, Mr. Skinner, and Mr. Waddy.
Nays:	1	Mr. Pitts
Absent:	1	Mr. Jackson
Abstain:	0	

**RESOLUTION NO. 2009-170**

**Approve – R06-10: Marion E. Hicks, Summerfield**

**WHEREAS**, the applicant requests a rezoning 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; 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 December 8, 2009; and

**WHEREAS**, the Planning Commission held a public hearing on this item on September 16, 2009 and a motion was made and seconded to recommend approval with the Generalized Development Plan and proffers and voted approval, 6-0 with one member 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**, the Spotsylvania Board of Supervisors closed the public hearing and tabled the vote until the December 9, 2009 meeting; and

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

**NOW, THEREFORE, BE IT ORDAINED** that the Spotsylvania Board of Supervisors does hereby approve R06-10 with proffers dated August 20, 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.

### **CLOSED MEETING**

On a motion by Mr. Skinner, seconded by Mr. Waddy and passed 6 to 0 with Mr. Jackson absent, the Board adopted a resolution to adjourn into closed meeting as follows:

**VOTE:**

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

### **RESOLUTION NO. 2009-171**

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

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion concerning the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the Board, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice, specifically, acquisition of real property for a public facility and actual litigation, In re: Donald B. and Carol A. Schley, where such consultation in open meeting would adversely affect the litigating posture of the Board; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion concerning three items pertaining to prospective businesses or industries, or the expansion of existing businesses or industries where no previous announcement has been made of the businesses' or industries' interest in locating or expanding their facilities in the community; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into closed meeting for discussion regarding the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interests of the Board would be adversely affected, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice, specifically, expenditures for public finance transactions and legal issues related thereto; 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, specifically, legal issues related to potential amendment of provisions of the County Code related to the Technology and Tourism Zones; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion concerning the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining or negotiating strategy of the Board, and 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 Board would adversely affected, specifically, acquisition of a site for a transportation facility; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711.A (3), (5), (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 roll call vote, the Board returned to open meeting and adopted the following resolution:

**VOTE:**

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

### **RESOLUTION NO. 2009-172**

#### **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.

Mr. Logan declared a business involvement and recused himself.

On a motion by Mr. Skinner, seconded by Mr. Connors and passed 5 to 0 with Mr. Jackson absent and Mr. Logan abstaining, the Board adopted the following resolution:

VOTE:

Ayes:	5	Mr. Connors, Mr. Marshall, Mr. Pitts, Mr. Skinner, and Mr. Waddy.
Nays:	0	
Absent:	1	Mr. Jackson
Abstain:	1	Mr. Logan

**RESOLUTION NO. 2009-173**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA RELATING TO THE PROVIDING OF ECONOMIC INCENTIVES TO A COMPANY FOR LOCATING A BUSINESS IN SPOTSYLVANIA COUNTY**

WHEREAS, the Board of Supervisors of the County of Spotsylvania is dedicated to the furtherance of economic development in Spotsylvania County (the "County") and the provision of local business opportunities to the citizens of the County; and

WHEREAS, the Board of Supervisors understands the value, importance and positive impact that new businesses can have on the local workforce and economy; and

WHEREAS, the Board of Supervisors has considered the potential economic development benefits that would be derived from supporting the locating of the Company within the County.

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

The Board of Supervisors hereby desires to support the location of the Company to Spotsylvania County through the offering of economic incentives as set forth below:

(1) Provide the Company an incentive in the form of a grant equivalent to Business, Professional and Occupational License Tax and Machinery and Tools Tax paid to the County. The incentive will be over a 5-year period and allocated in the following manner: Year 1 - 100% rebate; Year 2 - 100% rebate; Year 3 - 50% rebate; Year 4 - 50% rebate; Year 5 - 50% rebate.

(2) The Company will be placed in the County's established Fast Track Development Review, Permitting and Inspections Program.

(3) In order to receive this incentive, upon locating within the County, the Company must:

- i. Employ and maintain a minimum of fifteen (15) employees with a minimum average annual salary of at least 20% over the County's current average annual salary level at the County business location throughout the 5-year incentive period; and
- ii. Remain in the County for a minimum of 5 years after completing the 5-year incentive period; and
- iii. Provide to the County verification of employment levels, capital investment and any further information requested by the Department of Economic Development by March 1 of each incentive year.

(4) The failure to meet any of the above delineated conditions will result in termination of all incentives and the Company will be obligated to pay back to the County 100% of all monies received during the incentive period.

(5) This incentive offer is valid for a period of one (1) year from the date of approval by the Board of Supervisors and will be void if the Company does not locate a business in the County and meet all requirements by such date.

Mr. Logan declared a business involvement and recused himself.

On a motion by Mr. Skinner, seconded by Mr. Waddy and passed 5 to 0 with Mr. Jackson absent and Mr. Logan abstaining, the Board adopted the following resolution:

VOTE:

Ayes:	5	Mr. Connors, Mr. Marshall, Mr. Pitts, Mr. Skinner, and Mr. Waddy.
Nays:	0	
Absent:	1	Mr. Jackson
Abstain:	1	Mr. Logan

**RESOLUTION NO. 2009-174**

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SPOTSYLVANIA  
RELATING TO THE PROVIDING OF INCENTIVES FOR A BUSINESS  
EXPANSION/LOCATION IN SPOTSYLVANIA COUNTY**

RECITALS:

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

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 reimbursement of the projected development fees associated with the proposed project.

WHEREAS, Spotsylvania County will install a sewer line in accordance with the prospect’s request, to Building A2.

WHEREAS, Spotsylvania County will reimburse 25% of the cost of construction, but not to exceed \$50,000, for the proposed new guest arrival center. The design and location, of which, to be approved by the County.

WHEREAS, Spotsylvania County will provide these incentives based upon the following conditions:

- The Company renovates the 4 existing buildings, creating the proposed facilities, consistent with their proposal and timeframe
- The Company invests a minimum of \$1.6 million in the project within 5 years
- The Company remains in operation within the County for a minimum of 5 years after all incentives have been provided
- The Company would not be eligible to apply for the Tourism Zone Program until after Year 5

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 all funds provided 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 proposed project and is offering incentives based upon the described schedule.

ADOPTED this 8<sup>th</sup> day of December 2009.

By unanimous consent, Mr. Connors appointed Mr. Skinner and Mr. Logan to serve on the PRTC and Mr. Connors and Mr. Pitts to serve as alternates. He also appointed Mr. Skinner to the VRE Operations Board and Mr. Logan to serve as an alternate.

Mr. Barnes stated the holiday parade had been rescheduled for this Saturday at 2:00 p.m.

## **BOARD OF SUPERVISORS REPORTS**

### **Livingston District**

Mr. Waddy asked staff to look into placement of “No Dumping” signs on property at Stewart Drive. Mr. Waddy also discussed the second Mary Washington Hospital application for a cancer center permit. Mr. Stroman stated that the Certificate of Public Need was pending with a February 2010 timeline and that there was a Hospital Corporation of America action contesting the permit pending in Circuit Court.

### **Berkeley District**

Mr. Marshall said he had received several complaints related to a recent newspaper article on school administration salaries and he wanted to clarify that the Board of Supervisors did not set school official’s salaries.

### **Battlefield District**

Mr. Pitts asked County staff during the budget process to look at whether moving County employees to a monthly pay cycle could bring about cost savings for the County.

### **Chancellor District**

Mr. Connors addressed the state’s potential \$3.6 billion funding gap which would affect localities. He said he would follow, and also directed staff to follow, any potential legislation by Senator Mary Margaret Whipple of Arlington County, or other legislators, which would grant localities the same flexible taxing authority as cities and towns. Mr. Connors also asked staff to research a memo looking into different forms of government in Virginia and perhaps bring voters into this consideration.

## **PUBLIC PRESENTATIONS**

Greg Cebula, 3700 Irvine Street, Berkeley District: He spoke about a free concert to the public and personally extended an invitation from members of the chorus.

Jeff Small, 10050 Jeff Davis Highway, Lee Hill District: He thanked those that came out to support him by wearing green shirts. He gave an overview of the green construction of his car wash and requested the Board consider seasonal water rates.

Nail Small, 10050 Jeff Davis Highway, Lee Hill District: He said he had been waiting for this meeting for 12 years. He spoke about being on the cutting edge environmentally. He said their carwash was set up to protect the Chesapeake watershed.

Mary Walsh, 10050 Jeff Davis Highway, Lee Hill District: She said she came to complain about her water bill. She said she had 9 children and her family was being penalized for having a large family. She said she pays the same price for a gallon of gas and for a gallon of milk no matter how much she buys and her water should be the same way.

D.J. McGuire, 10809 Hamiltons Crossing Drive, Lee Hill District: He spoke about the way water rates were charged. He said water was a government provided service and as a government entity the County should be sure the fees charged cover the cost of doing business and no more. He said not to balance the budget on the backs of large families and businesses.

Jon Riley, 1201 Central Park Boulevard: He asked the Board to consider the economic development impact the proposed water rates would have on attracting industry to the County.

## **PUBLIC HEARING**

**SUP09-0005 Dan Spear and Debbie Hawkins:** Requests a special use permit for a Bed & Breakfast and Civic, Social or Fraternal Facility in the RU (Rural) Zoning District. The approximately 87 acre tract is proposed to develop as multiple bed & breakfast units and a special event center. A combination of existing and future buildings are prepared to accommodate for the uses. The site lies within the Rural Development District of the Comprehensive Plan, which is intended to maintain the existing rural and historic character and protect water quality, while accommodating additional residential large lot and cluster developments. The Future Land Use Element of the Comprehensive Plan indicates that this area should be developed as Rural Residential Land Uses. The site lies on the west side of Courthouse Road (Route 208), just north of the Sagun's Landing Subdivision. The site address is 6901 Meeting Street, Spotsylvania, Virginia. Tax map numbers 34((12))1, 34((12))2, 34((12))3, 34((12))4, 34((12))5, 34((12))6. Livingston voting district.

Mr. Deci presented the case. Staff recommended approval of SUP09-0005 with conditions dated November 18, 2009.

Jennifer Hawkins, 7803 Chancellors Pond Lane, Chancellor District: She spoke on behalf of the applicant giving history of the property. She spoke about the benefits to the County including

tourism and taxes. She said the project was environmentally friendly and by restoring antique structures they would be using the existing timbers. She said noise and traffic were concerns so they would be limiting their hours of operation.

Mr. Connors declared the public hearing opened.

Kenneth Munsford Jr, 9604 Conatey Circle: He spoke in opposition of this project stating the outdoor special events center caused him much concern.

John Cummings, 10408 Meadowlark Lane, Berkeley District: He said he had known Dan and Debbie for 10 years now and that he watched this project mature into something beautiful. He said this would be a shining star in Spotsylvania County tourism experience and hoped the Board voted to approve the special use permit.

David and Carol Libbon, 5506 Treemont Lane, Livingston District: He said he agreed with Mr. Munsford that there were a lot of benefits to a bed and breakfast but he was concerned about the outdoor events and the noise. He said the volume of traffic and number of people could be troublesome. He said an event center would be a major impact to the neighbors.

Ray Haney, 108 Spotslee Drive, Livingston District: He said he was a life long resident of Spotsylvania County. He said the bed and breakfast was a good idea for tourism. He said everyone was talking about the noise and he didn't feel there would be a huge impact since the use would be periodic and not daily. He encouraged the Board to approve the special use permit.

James Patton Jr, 9601 Treemont Lane, Livingston District: He spoke in favor of the special use permit. He said he had known Dan and Debbie for 20 years and everything they did was high quality.

Jennifer Hawkins, 7803 Chancellors Pond Lane, Chancellor District: She spoke on behalf of the applicant. She said the applicant was not looking at doing more than a handful of outdoor events per year.

Mr. Connors declared the public hearing closed.

Mr. Logan questioned what types of events could be held on the property and whether a special use permit was required. Mr. Stroman said outdoor music would require a special use permit.

On a motion by Mr. Waddy, seconded by Mr. Marshall and passed 6 to 0 with Mr. Jackson absent, the Board adopted the following resolution with conditions dated November 18, 2009 and the addition of the shoulder improvement:

VOTE:

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

**RESOLUTION NO. 2009-175**

**Approve – SUP09-0005: Dan Spear and Debbie Hawkins**

**WHEREAS**, the applicant requests a special use permit for a Bed & Breakfast and Civic, Social or Fraternal Facility in the RU (Rural) Zoning District. The approximately 87 acre tract is proposed to develop as multiple bed & breakfast units and a special event center. A combination of existing and future buildings will accommodate the uses. The site lies within the Rural Development District of the Comprehensive Plan, which is intended to maintain the existing rural and historic character and protect water quality, while accommodating additional residential large lot and cluster developments. The Future Land Use Element of the Comprehensive Plan indicates that this area should be developed as Rural Residential Land Uses. The site lies on the west side of Courthouse Road (Route 208), just north of the Sagun's Landing Subdivision. The site address is 6901 Meeting Street, Spotsylvania, Virginia. Tax map numbers 34((12))1, 34((12))2, 34((12))3, 34((12))4, 34((12))5, 34((12))6, Livingston voting district; and

**WHEREAS**, staff has reviewed the subject application and recommends approval of the rezoning request as stated in the staff report updated November 20, 2009 and executive summary dated December 8, 2009; and

**WHEREAS**, the Planning Commission held a public hearing on this item on November 18, 2009, and a motion was made and seconded to recommend approval with voted 6-0; 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 December 8, 2009 and interested citizens were heard; and

**WHEREAS**, the Spotsylvania Board of Supervisors considered the special use permit request in accordance with Sec. 23-4.5.7, Standards of Review, and finds that the application satisfies the following standards:

1. That the proposed use is in accord with the comprehensive plan and other official plans adopted by the county;
2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;

3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard;
8. That the proposed use will have no unduly adverse impact on environmental or natural resources.

**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 SUP09-0005 with conditions dated November 18, 2009 and listed below:

1. The project shall be developed in conformance with the Generalized Development Plan (dated August 11, 2009 and revised October 5, 2009) and the Generalized Development Plan Narrative.
2. The number of parked vehicles on-site shall not exceed 225 vehicles at any one time.
3. No vehicles parked on-site shall be located closer than 400' from the right-of-way line of Courthouse Road (Route 208).
4. A row of evergreen trees shall be planted between the proposed parking area and the right-of-way line, at a density of at least one tree for every forty (40) feet, as indicated on the Generalized Development Plan.
5. All new lighting shall be "dark sky"-compliant, with fully-shielded fixtures and lenses that are horizontal to the ground. Any lights located within 100' of the right-of-way line of Courthouse Road shall be oriented and/or shielded to prevent glare to on-coming vehicles.
6. "The Lodge" special events center shall not exceed ~~150~~ 200 guests ~~at any one time per seating~~, subject to VDH, Fire Marshal, and Building Official approvals.
7. Events located on the property shall be limited to the following hours:
  - a. Friday & Saturday:
    - i. Outdoor Events: 8am—11pm
    - ii. Indoor Events: 8am—12pm
  - b. Sunday—Thursday:
    - i. Outdoor Events: 8am—10pm
    - ii. Indoor Events: 8am—11pm

8. The entrenchment located on parcels three, four, and five shall not be disturbed. A buffer area of 25', established from the center line of the entrenchment, shall be identified on future development plans, including residential site plans for the properties.
9. Signage on the property shall be developed in conformance with the signage renderings submitted with the application. All private signage (including promotional) shall be located out of the right-of-way. Signage shall be lit in a "dark sky"-compliant manner, with fully-shielded fixtures and lens horizontal to the ground.
10. Areas where cars are to be parked shall be maintained to a grass height of no more than 6" from grade.
11. The applicant shall install the shoulder improvements across the frontage of the property at the time that either of the adjacent property owners does the same.

**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.

**CA09-0005 Spotsylvania County Board of Supervisors:** An amendment to Chapter 23, Zoning, of the Code of the County of Spotsylvania, Sec 23-2.1.4, adding a definition for *Sign, monument*, and *Sign, electronic or digital display*, in order to complement proposed ordinance language proposed in Sections 23-5.8.6., 23-7.3.12, and 23-7.6.9 intended to prohibit the use of digital/ electronic signage within the Historic Overlay District and restrict use within the Highway Corridor Overlay District. Section 23-5.12.2 General Provisions of Division 12- Outdoor Lighting has been amended to prohibit use of permanent tube or rope type lighting to outline a window or door visible from the exterior of any non-residential or mixed-use building.

Mr. Pastwick presented the case. Staff recommended approval.

Mr. Marshall asked if this would affect Christmas decorations. Mr. Pastwick said the ordinance was for permanent lighting.

Mr. Logan asked about string lighting. Mr. Pastwick said the ordinance restricted the outlining of doors and windows exclusively.

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

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

VOTE:

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

**RESOLUTION NO. 2009-176**

**Approve – CA09-0005: Spotsylvania County Board of Supervisors; Digital- Electronic Signage and Neon Outdoor Lighting Ordinance Amendment.**

**WHEREAS**, an amendment to Chapter 23, Zoning, of the Code of the County of Spotsylvania has been proposed to restrict the use of *sign, electronic or digital display* within the Highway Corridor Overlay District and prohibit use in the Historic Overlay District. The proposed amendment also prohibits the use of permanently mounted tube type lighting from outlining windows or doors county-wide. The following changes were proposed:

Amend Chapter 23, Zoning, of the Code of the County of Spotsylvania, Sec 23-2.1.4, adding a definition for *sign, monument*, and *sign, electronic or digital display*, in order to complement proposed ordinance language proposed in Sections 23-5.8.6., 23-7.3.12, and 23-7.6.9 to prohibit the use of digital/ electronic signage within the Historic Overlay District and restrict use within the Highway Corridor Overlay District. Section 23-5.12.2 General Provisions of Division 12- Outdoor Lighting has been amended to prohibit use of permanent tube type lighting to outline a window, or door visible from the exterior of any non-residential or mixed-use building.

**WHEREAS**, staff has reviewed the subject code amendment and recommends approval of the zoning ordinance amendment as stated in the executive summary, dated December 8, 2009; and

**WHEREAS**, the Planning Commission held a public hearing on this item on November 4, 2009 and a motion was made and seconded to recommend approval of the zoning ordinance amendment with a vote of 3-2; 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 December 8, 2009 and interested citizens were heard; and

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

**NOW, THEREFORE, BE IT ORDAINED** that the Spotsylvania Board of Supervisors does hereby approve CA09-0005.

**Public Hearing on proposed amendments to Section 10-27 of Spotsylvania County Code Chapter 10, Libraries.** The text of the amendment is as follows:

Sec. 10-27. Fee for support as part of court costs in civil actions--Assessment.

For the support of the law library, a fee of ~~two~~ four dollars (\$~~2.00~~ 4.00) shall be assessed as part of the costs incident to each civil action filed in the courts located within the boundaries of the county. The assessment provided for in this section shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the commonwealth, political subdivision thereof or federal government.

Mr. Stroman presented the case. Staff recommended approval.

Ms. Haley: She said the revenue would help them to better serve the public.

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

On a motion by Mr. Pitts, seconded by Mr. Marshall and passed 6 to 0 with Mr. Jackson absent, the Board approved the following ordinance:

VOTE:

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

ORDINANCE NO. 10-2

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 10, LIBRARIES OF THE CODE OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA.

BE IT ORDAINED By the Board of Supervisors of the County of Spotsylvania, Virginia, that Chapter 10, Libraries, is hereby amended and reordained by amending Virginia Code Section 10-27, as follows:

**Chapter 10**

**LIBRARIES**

**Sec. 10-27. Fee for support as part of court costs in civil actions--Assessment.**

For the support of the law library, a fee of four dollars (\$4.00) shall be assessed as part of the costs incident to each civil action filed in the courts located within the boundaries of the county. The assessment provided for in this section shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the commonwealth, political subdivision thereof or federal government.

(Code 1980, § 24-3; Ords. of 1-24-84(1); 8-8-89(1); 8-8-89(2); Ord. No. 10-1, 8-14-01)

### **ADJOURNMENT**

On a motion by Mr. Pitts, seconded by Mr. Skinner and passed 6 to 0 with Mr. Jackson absent, the Board adjourned its meeting at 7:36 p.m.

---

C. Douglas Barnes  
Clerk to the Board of Supervisors