

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

Staff requested removal of Authorization to Advertise a Joint Public Hearing with VDOT for April 26, 2011, for FY2012-17 Secondary Road 6-year Plan from the consent agenda for individual consideration.

APPROVAL OF THE CONSENT AGENDA

On a motion by Mr. Connors, seconded by Mr. Jackson and passed unanimously, the Board approved the amended Consent Agenda as follows:

1. Approval of Minutes of the March 1, 8, 22, 24, 29, and 31, 2011 Meetings of the Board of Supervisors;
2. Request Acceptance of the Water Quality Improvement Fund Grant Award for Massaponax Wastewater Treatment Plant 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. 2011-42

*BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE
COUNTY OF SPOTSYLVANIA, VIRGINIA THAT:*

*C. Douglas Barnes, County Administrator, OR
Ernest L. Pennington, Deputy County Administrator, OR*

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. 2011-44

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, 2010, from the funds and for the functions or purposes indicated.

GENERAL FUND:

For the use of proffer funding as a local match for the National Resources Conservation Service's Farm and Ranchland Protection Program for the purchase of agricultural conservation easements that are perpetual and that have the primary conservation purpose of protecting the agricultural uses and related conservation values of eligible land by limiting non-agricultural uses of the land to be expended only by order of the Board of Supervisors as follows: \$43,750.

4. Loriella Park - Breckenridge Trail Access 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. 2011-45

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, 2010, from the funds and for the functions or purposes indicated.

For the appropriation of proffer funding to cover cost of surveying and conceptual design of trail accessibility at Loriella Park/Breckenridge Development, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$20,868

5. Approval of Contract Renewals to Woodfin Heating, Inc. and James River Solutions, LLC for Delivered Fuel;
6. Livingston Landfill Rappahannock Electric Cooperative Easement;
7. 2011 Business Appreciation Week Proclamation 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

PROCLAMATION

***BUSINESS APPRECIATION WEEK
MAY 2-6, 2011***

WHEREAS, the County of Spotsylvania is pleased to have a thriving base of business and industry to support the local economy; and we recognize and appreciate these businesses; and

WHEREAS, the County of Spotsylvania recognizes that existing businesses play a crucial role preserving the economic well-being for its citizens in building a sustainable, prosperous community; and

WHEREAS, the businesses provide essential employment opportunities for the citizens of the County of Spotsylvania; and

WHEREAS, the County of Spotsylvania appreciates the value of our existing business community who offer opportunities for future generations to be able to live and work in the County; and

WHEREAS, these businesses also make significant contributions for our communities that promote educational opportunities for our children and promote a variety of activities which increase the quality of life of the County; and

WHEREAS, the County of Spotsylvania strives to embrace the needs of its existing businesses that effect the cost of doing business; and value the input from the business community who is vital in shaping the future of the County; and

WHEREAS, these businesses provide local revenues from which the entire local citizenry benefit; and

NOW, THEREFORE, we the governing body of the County of Spotsylvania hereby recognize our existing businesses and by virtue of this proclamation give notice to our citizens that the businesses of the County of Spotsylvania are exemplifying this year's theme of "Entrepreneurship and Innovation for a Sustainable Future".

8. Approval of Award for a Purchase Order Contract to Communications Specialists, Inc. for Audio Visual Equipment and Installation for Circuit Court Building;
9. Adoption of a Resolution requesting VDOT install Multi-Way Stop Signs along Stoney Creek Drive in Breezewood Subdivision 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. 2011-46

Requesting that Multi-Way Stop Signs be Installed along Stoney Creek Drive in Breezewood Subdivision

WHEREAS, a resident of Breezewood Subdivision requested that "Multi-way Stop" signs and "Speed Limit" signs be placed on Stoney Creek Drive at the intersections with White Lake Drive and with Windswept Drive of the Breezewood Subdivision; and

WHEREAS, residents of Breezewood Subdivision provided a petition signed by the property owners along Stoney Creek Drive, at the intersection of White Lake Drive and at the intersection Windswept Drive, to Spotsylvania County meeting the Virginia Department of Transportation requirements; and

WHEREAS, Virginia Department of Transportation designed appropriate measures to mitigate excessive speeds with additional "Multi-way Stop" signs and additional "Speed Limit" signs; and

NOW, THEREFORE, BE IT RESOLVED, that the Spotsylvania County Board of Supervisors hereby approves the citizens of Breezewood Subdivision request for the "Multi-way Stop" signs and "Speed Limit" signs in the Breezewood Subdivision at the intersections of Stoney Creek Drive with White Lake Drive and with Windswept Drive per the VDOT designs dated December 1, 2010; and

BE IT FURTHER RESOLVED that this resolution shall be forwarded to the Fredericksburg Residency Office of the Virginia Department of Transportation as a request for the installation of the sign.

10. FY2012 Revenue Sharing Program 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. 2011-47

FY 2012 Revenue Sharing Program

WHEREAS, the Board of Supervisors of Spotsylvania County desires to submit an application for an allocation of funds of up to \$10,000,000 through the Virginia Department of Transportation Fiscal Year 2012, Revenue Sharing Program; and,

WHEREAS, \$6,308,099 of these funds are requested to fund the commuter parking lot that is associated with the Spotsylvania County Virginia Railway Express (VRE) station construction; and

WHEREAS, the commuter parking lot will provide air quality benefits, reduce accidents and congestion by allowing up to 1,000 motorists each day to use multimodal transportation opportunities such as park and ride, VRE rail, FRED transit, van pool and car pool modes to commute between home and work; and

WHEREAS, \$1,755,931 of these funds are requested to fund Harrison Rd East (Rt. 620), constructing 4-lane divided portion of Harrison Road from Jefferson Davis Hwy. (US Route 1) to Graningers Circle, with dual left turning lanes on northbound US Route 1, and reconfiguring side streets west of Route 1; and

WHEREAS, the completed intersection project will improve the current morning peak level of service from "D" to "C" through the year 2030, and will improve the current evening peak level of service from "E" to "D" through the year 2030; and

WHEREAS, the intersection of Harrison Road and Route 1 is a High Accident Location with 109 recorded accidents for the four (4) year period between 2005 and 2009; and

WHEREAS, the completed project will reduce accidents by providing dual left turning lanes for northbound Route 1 and dual receiving lanes for westbound Harrison Road.

NOW, THEREFORE, BE IT RESOLVED THAT: The Board of Supervisors of Spotsylvania County hereby support this application for an allocation of \$6,308,099 for the VRE commuter parking lot and \$1,755,931 for the Harrison / Route 1 Intersection project through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT, the Board of Supervisors of Spotsylvania County hereby grants authority for the County Administrator to execute project administration agreements for any approved revenue sharing projects.

ADOPTED this 12 day of April 2011.

11. Authorization to Advertise Public Hearing for Use of Eminent Domain-Mine/Landsdowne Intersection Improvements;
12. Early Retirement Reinsurance Program;
13. Authorization of Public Hearing for Energy Efficiency Tax Rates.

Ms. Golden advised that the County had \$442,683 in additional funding from VDOT to allocate to projects in the Secondary Road 6-year plan. On a motion by Mr. Connors, seconded by Mr. Skinner and passed unanimously, the Board authorized advertisement of a joint Public Hearing with VDOT for April 26, 2011, for FY2012-17 Secondary Road 6-year Plan.

WORK SESSION

Budget Work Session: Adopt FY 2012 Budget and CY2011 Tax Rate

Finance staff outlined a power point presentation which addressed some issues previously brought up at prior budget work sessions, including review of: FY2012-2016 CIP totals, updates to the recommended budget at the \$.86 tax rate; discussion of County/Schools personnel parity options and impacts on the overall County budget and employees; budget revisions as requested by or for review by Board members related to Department of Social Services, Procurement Office, and Treasurer's Office staffing; full funding of a Micah Ministries request; Farmers Market funding and Civil War tourism signs.

On a motion by Mr. Connors, seconded by Mr. Skinner and passed unanimously, the Board approved the CIP.

Mr. Jackson made a motion, seconded by Mr. Connors to include County/Schools parity Option 1 in the FY2012 budget. Mr. Marshall made a substitute motion in favor of County/Schools parity Option 2 in the FY2012 budget which passed 5 to 2 with Mr. Logan and Mr. Jackson opposed.

Gail Crooks, Acting Director of Social Services, addressed caseload increases and other matters related to the request for additional staff in the Department of Social Services. Mr. Jackson made a motion, seconded by Mr. Skinner, to include the five positions in the budget. Mr. Marshall made a substitute motion to fund three positions which failed 2 to 5 with Mr. Connors, Mr. Jackson Mr. Logan, Mr. Pitt and Mr. Skinner opposed. The original motion to include the five position in the budget passed 5 to 2 with Mr. Marshall and Mr. Waddy opposed.

On a motion by Mr. Connors, seconded by Mr. Skinner and passed 6 to 1 with Mr. Waddy opposed, the Board approved an Internal Auditor position, for one-half year.

Mr. Skinner made a motion, seconded by Mr. Connors to retain the present Procurement Officer II position. The motion failed 3 to 4 with Mr. Jackson, Mr. Marshall, Mr. Logan and Mr. Waddy opposed.

On a motion by Mr. Logan, seconded by Mr. Marshall and passed unanimously the Board approved a temporary part-time position in the Treasurer's Office, with the revenue impact of the position to be monitored.

By unanimous consent, Board members agreed to approve level funding for Micah Ministries.

On a motion by Mr. Connors, seconded by Mr. Jackson and passed 6 to 1 with Mr. Logan opposed, the Board voted to allocate \$25,000 toward enhancement of the Farmers Market, stating that this money would be in the Economic Development fund and this allocation would not affect the FY2012 budget. The County Administrator indicated that staff would come back to the Board with a full report outlining how the program would be expanded.

On a motion by Mr. Connors, seconded by Mr. Logan and passed 6 to 1 with Mr. Waddy opposed, the Board voted to allocate monies to the Museum fund for Civil War Tourism signs as a matching grant, not to exceed \$2,500. The County Administrator said staff would come back to the Board with a full report regarding sign placements, maintenance issues, etc.

On a motion by Mr. Jackson, seconded by Mr. Marshall and passed 6 to 1 with Mr. Logan opposed, the Board voted to allocate \$25,000 to create an employee reward and recognition program fund, to be administered by the Board of Supervisors under the direction of the County Administrator.

On a motion by Mr. Marshall, seconded by Mr. Skinner and passed 5 to 2 with Mr. Waddy and Mr. Logan opposed, the Board directed that \$3 million be placed in reserve toward

anticipation of a potential FY2013 purchase of the Vakos property currently leased by the County at the Spotsylvania Courthouse Village.

PRESENTATIONS/REPORTS BY STAFF

Urban Development Area Comprehensive Plan Initiation

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

VOTE:

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

RESOLUTION NO. 2011-48

Initiation of amendments to the Spotsylvania County Comprehensive Plan related to the adoption of Urban Development Areas

WHEREAS, Virginia Code, Sec. 15.2-2223.1 requires that localities such as Spotsylvania County establish one or more Urban Development Areas by July 1, 2011; and

WHEREAS, Spotsylvania County received a grant award from the Commonwealth of Virginia Office of Intermodal Planning and Investment consisting of \$225,000 worth of consultant services to be used to assist the County in designating at least one Urban Development Area; and

WHEREAS, designation of one or more Urban Development Areas is a Comprehensive Plan Implementation work action; and

WHEREAS, amendments to the Comprehensive Plan's Future Land Use and Transportation Elements are necessary to reflect the designation of the Urban Development Areas.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania Board of Supervisors hereby initiates the amendments to the Comprehensive Plan to designate Urban Development Areas.

BE IT FURTHER RESOLVED that the Spotsylvania Board of Supervisors directs the Planning Commission to hold a public hearing on

the amendments and provide a recommendation to the Board by May 18, 2011.

R10-0005: Keswick Land Co, LLC

Mr. Deci presented.

Mr. Skinner asked for a report indicating the number of homeless individuals in Spotsylvania County that are using facilities for last year and this year.

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

VOTE:

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

RESOLUTION NO. 2011-49

Approve – R10-0005: Keswick Land Co., LLC (formerly Spotsylvania Courthouse, LLC)

WHEREAS, the applicant requests a rezoning with proffers of three (3) parcels totaling 158 acres from Agricultural 2 (A-2) to Planned Development Housing 5 (PDH-5) for the establishment of a residential community, consisting of 240 apartments (not age restricted), 90 townhomes, 84 single family attached dwellings (age restricted), 100 apartments (age restricted), 150 single family homes, and an 100 bed assisted living facility. The proposal includes the proffered construction of a public park and trails facility, consisting of soccer fields, tennis courts, a picnic pavilion, a playground and a nature trail. This area of the County is envisioned in the Future Land Use Element of the Comprehensive Plan to develop as a Mixed Use Area. The site is situated in the Courthouse District of the Comprehensive Plan, which is intended as an attractive and harmonious community that embodies the best of rural and small town life, where a person feels continuity with the past. Tax map numbers 47((A))55A, 47((A))55B, and 47((A))55C in the Berkeley voting district; and

WHEREAS, staff has reviewed the subject application and recommends denial of the rezoning as stated in the staff report and executive summary, dated February 8, 2011; and

WHEREAS, the Planning Commission held a public hearing on this item on December 15, 2010 and a motion was made and seconded to recommend approval of the rezoning with proffers with a vote of 4-1; and

WHEREAS, the Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on March 8, 2011, 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 R10-0005 with proffer statement last revised February 16, 2011; 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.

Memorandum of Understanding with Mason Enterprise Center

On December 9th, 2010, the General Services Administration announced that 8 of 13 Teleworks Centers would be closing throughout the greater Washington DC area. One of the Teleworks Centers closing is located in Spotsylvania County at Massaponax Crossings in Southpoint I.

December 13th a meeting was held with GMU's Keith Segerson, Managing Director of the Mason Enterprise Center, to measure MEC's interest in developing an Incubator, Flex-Office Space and Business Resource Center in place of the Telework Center. MEC informed the County on February 4, 2011 of its interest to form a partnership to create the Mason Enterprise Center--Spotsylvania. Spotsylvania County's Board of Supervisors then gave staff approval to jointly develop an MOU with MEC.

At the Economic Development Authority's March 24th meeting, the EDA approved the jointly developed MOU and is now ready for Board approval.

On a motion by Mr. Connors, seconded by Mr. Jackson and passed unanimously, the Board directed the County Administrator to execute the Memorandum of Understanding between the Spotsylvania Greenways Initiative and the County.

Memorandum of Understanding between Spotsylvania County and the Spotsylvania County Greenways Initiative

On February 22, 2011, the Board of Supervisors approved adoption of the Spotsylvania Trailways Master Plan. When implementation is complete, the adopted Trailways Master Plan will have resulted in the development of approximately 100 new greenway trail miles in addition to the many miles of planned bicycle and pedestrian friendly roadway improvement projects.

Now that trailways system planning has been completed, the focus will shift to plan implementation and maintenance functions. Coordination of the Trailways Master Plan implementation and maintenance of the system is expected to be accomplished by two bodies; Spotsylvania County and the Spotsylvania Greenways Initiative (SGI).

SGI is a volunteer based organization made up of local citizens, public and private sector organizations, and state and national bicycle and railway groups. SGI, along with their advisory committee that include a number of County agencies, represent a wealth of experience and talent in the planning, development, and branding of greenway trails on both a local and national scale. Their mission is to create greenways in Spotsylvania County to connect natural and culturally significant areas to provide recreation opportunities that inspire respect and responsibility for green space everywhere.

Recognizing their importance to the successful implementation of the County's trailways plan, the Spotsylvania County Board of Supervisors approved partnering with SGI on February 9, 2010.

A Memorandum of Understanding (MOU) has been crafted in an effort to foster a cooperative relationship between SGI and the County and its different departments, and to advance the development, creation, and maintenance of a trailways system for the purpose of ultimately providing transportation alternatives and recreational opportunities for the citizens of Spotsylvania County.

On a motion by Mr. Connors, seconded by Mr. Skinner and passed unanimously, the Board directed the County Administrator to execute the Memorandum of Understanding between the Spotsylvania Greenways Initiative and the County.

2010 Census-Redistricting Process Update

Staff provided an update to the Board on the status of the 2010 Census redistricting process and the current plan draft, Scenario 2A. Mr. Pitts requested that staff provide large maps with street names indicated for Scenario 2A to Board members.

COUNTY ADMINISTRATION/COUNTY ATTORNEY REPORTS

Budget Resolutions

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

VOTE:

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

RESOLUTION NO. 2011-50

*A RESOLUTION TO ADOPT THE TAX RATES FOR CALENDAR YEAR
2011*

WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to set the tax rates for Calendar Year 2011; and

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

RESOLVED by the Spotsylvania County Board of Supervisors this 12th day of April 2011, That the following tax rates for Calendar Year 2011 be, and are hereby, approved, as set forth below; and, be it

CALENDAR YEAR 2011 COUNTY TAX RATES

Real Estate.....\$0.86 per \$100 of assessed valuation

Personal Property.....\$6.26 per \$100 of assessed valuation, assessed at 50% of fair market value

Business Furniture & Fixtures.....\$5.95 per \$100 of assessed valuation, assessed at no greater than 50% of fair market value

Mobile Homes.....\$0.86 per \$100 of assessed valuation

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

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

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

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

*Lee Hill East Special Service District
Special Tax.....\$0.33 per \$100 of assessed valuation*

*Lee Hill West Special Service District
Special Tax.....\$0.75 per \$100 of assessed valuation*

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

On a motion by Mr. Jackson, seconded by Mr. Skinner and passed 5 to 2 with Mr. Logan and Mr. Waddy opposed, the Board approved the following resolution:

VOTE:

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

RESOLUTION NO. 2011-51

A RESOLUTION TO ADOPT THE FISCAL YEAR (FY) 2012 BUDGET

WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to approve and control the County's fiscal plan for FY 2012; and

WHEREAS, the Board of Supervisors has received and reviewed the County Administrator's Recommended Budget for FY 2012, including amended fiscal policies; and

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

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

RESOLVED by the Spotsylvania County Board of Supervisors this 12th day of April 2011, That the following budgets be, and are hereby, approved effective July 1, 2011, as set forth below; and, be it

RESOLVED FURTHER, That local tax supported expenditures of the School Division's overall budget of \$252,647,871 shall not exceed \$114,830,339 of local funds and, be it

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

FISCAL YEAR 2012 COUNTY BUDGETS

1. Total County Budget for Fiscal Year 2012 in the amount of \$407,460,709 to include the following funds:

<i>a. General Operating Fund</i>	<i>\$101,935,700</i>
<i>b. Capital Projects Fund</i>	<i>\$7,240,190</i>
<i>c. Economic Development Opportunities Fund</i>	<i>\$355,458</i>
<i>d. Code Compliance Fund</i>	<i>\$3,165,236</i>
<i>e. Transportation Fund</i>	<i>\$9,409,812</i>
<i>f. School Operating Fund</i>	<i>\$242,695,678</i>
<i>g. School Food Service Fund</i>	<i>\$9,252,193</i>

- h. School Capital Projects Fund \$700,000
 - i. Utilities Operating Fund \$29,522,486
 - j. Utilities Capital Projects Fund \$3,183,956
2. Joint Fleet Maintenance Fund for Fiscal Year 2012 in the amount of \$2,038,973

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

On a motion by Mr. Skinner, seconded by Mr. Connors 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. 2011-52

*A RESOLUTION TO ADOPT THE FISCAL YEAR (FY) 2012 – FY 2016
CAPITAL IMPROVEMENT PLAN*

WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to approve and control the County's fiscal plans; and

WHEREAS, the Board of Supervisors has received and reviewed the County Administrator's Recommended Capital Improvement Plan (CIP) for FY 2012 – FY 2016; and

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

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

RESOLVED, that the following five-year capital plan is, and is hereby, approved effective July 1, 2011, as set forth below.

FY 2012 – FY 2016 CAPITAL IMPROVEMENT PLAN

3. Capital Improvement Plan for FY 2012 – FY 2016 in the following amounts:

<i>a. General Capital Projects</i>	<i>\$76,321,256</i>
<i>b. Transportation Capital Projects</i>	<i>\$81,737,284</i>
<i>c. Utilities Capital Projects</i>	<i>\$52,002,256</i>
<i>d. School Capital Projects</i>	<i>\$47,406,368</i>

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

On a motion by Mr. Skinner, seconded by Mr. Connors 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. 2011-53

A RESOLUTION PURSUANT TO SECTION 21-38 OF THE CODE OF SPOTSYLVANIA COUNTY, VIRGINIA TO SET THE PERCENTAGE OF PERSONAL PROPERTY TAX RELIEF AT THE LEVEL NECESSARY TO EXHAUST PERSONAL PROPERTY TAX RELIEF ACT FUNDS FOR 2011

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

due for personal property, and the reporting of such specific dollar relief amount on the tax bill; and

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

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

WHEREFORE, be it resolved by the Board of Supervisors of Spotsylvania County, Virginia, that pursuant to Section 21-38 of the Code of the County of Spotsylvania, that the percentage of tax relief that is anticipated to exhaust PPTRA relief funds provided to the County by the Commonwealth shall be set for tax year 2011 as follows:

- 1. For personal use vehicles valued at \$1,000.00 or less, the percentage of relief shall be set at one hundred percent (100%)*
- 2. For vehicles valued at more than \$1,000.00, the percentage of relief shall be set at forty-six percent (46%) for up to and including the first \$20,000.00 of value; and*

BE IT FURTHER RESOLVED, that the Treasurer shall insure that 2011 personal property tax bills set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the manner in which relief is allocated.

Maintenance of Bragg Road

At a recent meeting, Mr. Logan raised a concern regarding conditions on the section of Bragg Road Extension, the private portion of Bragg Road. He also inquired as to whether the County was in a position to influence repairs to the private road.

As part of its 1991 rezoning, the Spotsylvania Mall Company (“SMC”) entered into a maintenance agreement (“The Agreement”) pursuant to which it agreed, “to perpetually maintain, at its sole cost and expense, that certain portion of Bragg Road...”. The Agreement further provides that SMC shall perform, “[A]ll other necessary work required to maintain the road in a condition that will allow for reasonable and safe access of standard passenger vehicles.” In addition, the Agreement provides that the Board, or its authorized representative, is the sole judge of the proper level of maintenance. The

Agreement gives the Board significant latitude to require maintenance to be performed, provided that it meets the standard of reasonableness. A copy of the Agreement is attached.

Following Mr. Logan's expressions of concern, County Administrator C. Douglas Barnes contacted Anthony Cafaro, Jr., Vice-President of the Cafaro Company. Mr. Cafaro indicated that SMC would be making repairs of potholes shortly, "now that asphalt plants have recently reopened." Accordingly, it appears that the current road conditions will shortly be addressed.

CLOSED SESSION

On a motion by Mr. Skinner, seconded by Mr. Jackson 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. 2011-54

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion or consideration of 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 for consultation with legal counsel and briefings by staff members regarding specific legal matters requiring the provision of legal advice, specifically, procurement related to public safety radios and legal issues relevant thereto; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for consultation with legal counsel and briefings by staff members regarding specific legal matters requiring the provision of legal advice; specifically, legal issues related to the submission of proffers; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711.A (6), (7) and (29), such discussions may occur in Closed Meeting.

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

RETURN TO OPEN MEETING AND CERTIFICATION

On a roll call vote, 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. 2011-55

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. Skinner, seconded by Mr. Pitts and passed unanimously, the Board authorized a public hearing at their second meeting in May for Stickbow LLC Lakeside.

PUBLIC PRESENTATIONS

Gary Bullis, 3334 Fisherman Way, Berkeley District: He requested the surplus of funds be returned to the tax payers and spoke about the need to cut spending.

Wayne Winslow, 5900 Chadwick Court, Lee Hill District: He spoke about the surplus and overspending as taxpayers continue to struggle in a major recession. He said the only recourse to fix the problem would be in November.

Dale Swanson, 11904 Burgess Lane, Courtland District: She spoke about the tax rate increase last year, the surplus this year, and her previous request to lower the tax rate by 3 cents. She said the people were tired of being ignored. She spoke about the underhanded voting by the Board and reminded them November was coming.

Nancy McNamara, 11506 General Wadsworth Way, Livingston District: She said she was practically at the verge of tears. She thanked Mr. Waddy and Mr. Logan for their courageous vote in favor of the tax cut. She said businesses were failing and a tax cut would have helped them. She spoke about the number of home foreclosures and how it's attached to the tax rate. She said she believed in the right to vote.

Scott Cooper, 9905 Welford Court, Lee Hill District: He said the vote was published to be on the 12th and vote was on the 5th. He requested to be walked through the process and the decision to vote on the 5th. He also wanted to know what the plans for the surplus were.

BOARD OF SUPERVISORS REPORTS

Mr. Connors asked the County Attorney to explain the votes that were taken on the 5th. Mr. Stroman cited the legality of the Board's prior vote on the tax rate, which took place more than seven days after the public hearing was held.

Mr. Logan spoke about his support of cutting the tax rate saying a three-cent rollback would have been reasonable.

Mr. Waddy requested the Board approve a sign request for Spotsylvania Baptist Church. On a motion by Mr. Waddy, seconded by Mr. Marshall and passed 6 to 1 with Mr. Pitts opposed, the Board voted to fund approximately \$48 in costs for the creation of signs on the Spotsylvania Courthouse Bypass noting the location of Spotsylvania Baptist Church.

Mr. Skinner spoke about drainage problems on Lansdowne Road. He gave thanks to everyone involved in the redistricting process and expressed compliments on the openness of the redistricting process and public participation to date.

New Business

On a motion by Mr. Skinner, seconded by Mr. Waddy and passed unanimously, the Board approved the request brought up by the County Administrator to submit grant application requests to the Commonwealth, seeking federal and/or state funding to address the needs of the County's Public Safety Interoperable Communications, for public safety purposes.

ADJOURNMENT

On a motion by Mr. Jackson, seconded by Mr. Pitts and passed 6 to 0 with Mr. Waddy absent from the vote, the Board adjourned its meeting at 6:47 p.m.

C. Douglas Barnes
Clerk to the Board of Supervisors