

PRESENT: Robert F. Hagan, Chair
Henry "Hap" Connors, Jr., Vice Chair
Gary Jackson
Emmitt B. Marshall
Vince Onorato
Thomas C. Waddy, Jr.
Chris Yakabouski

STAFF PRESENT: J. Randall Wheeler, County Administrator
C. Douglas Barnes, Interim Deputy County Administrator
Ernest L. Pennington, Interim Deputy County Administrator
Mark B. Taylor, County Attorney

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

PROPOSED RIPARIAN EASEMENTS, CITY OF FREDERICKSBURG

Mayor Bill Beck, City of Fredericksburg, addressed the Board about the City's intention to donate land that it owned along the Rappahannock River, as a conservation easement to the Nature Conservancy and the Virginia Outdoors Foundation. The proposed easement, a total of 4,452 acres, included land located in Spotsylvania, Stafford, Orange, Culpeper and Fauquier Counties. The purpose the conservation easement would be to protect the Rappahannock River.

In response to questions from Board members, Mayor Beck said that some parcels, totaling 221 acres, would be excluded because the conservation groups and City staff agreed they were far enough back from the river that they did not have enough conservation status. He said that land to accommodate water service would be excluded from the easement and that the City staff and the conservation groups were still discussing impoundment. Sewage facilities had not yet been discussed. Currently, five access points were allowed for boat ramps and 5 more access points would be allowed.

Mr. Marshall commented that people he represented would object to the restriction of motorboats.

Mayor Beck said that early in the century there was a move to develop hydroelectric power, but many of the proposed dams were never built and when Virginia Power offered the land for sale, the City bought it for \$.5 million. He said that now the City would only sell it with an easement on it and that the people of Fredericksburg felt that the protection of the river was important.

Mayor Beck suggested holding a work session with the City Manager and the easement holders. He said that the decision on additional boat ramp would lie with the City as property owner and the easement holders and who he said would respond to the Department of Game and Inland

Fisheries and the jurisdictions. He said the decision would be made when someone came to the City with a proposal for a boat ramp.

BUDGET FY 2005 AND TAX RATE FY 2004

Mr. Jackson recommended including components of Spotsylvania Cares for Kids Program and part-time hours for the Clerk of the Court.

Mr. Hagan said that the contribution to the Rappahannock Regional Jail had been reduced by \$170,000 and said that those funds could be used to fund a coordinator for foster care and for the Boys and Girls Club.

Mr. Marshall said he supported using the \$170,000 for education, which was the Number 1 priority that he supported.

On a motion by Mr. Jackson, seconded by Mr. Onorato and passed 5 to 2 with Mr. Waddy and Mr. Marshall dissenting, the Board approved the inclusion of a Coordinator for Foster Care and the Boys and Girls Club in the FY 2005 Budget with the funding to be drawn from \$170,000 in funds left over from the Rappahannock Regional Jail.

On a motion by Mr. Connors, seconded by Mr. Jackson and passed 6 to 1 with Mr. Waddy dissenting, the Board approved the inclusion of \$9,089 to fund additional hours for staff for the Clerk of the Court.

On a motion by Mr. Connors, seconded by Mr. Jackson and passed 6 to 1 with Mr. Waddy dissenting, the Board included \$30,000 in the FY 2005 Budget for the funding the DisAbility Resource Center with the funding to be channeled through the Department of Social Services.

Mr. Hagan made a motion, seconded by Mr. Connors to move the remainder of the \$170,000 in leftover funds from the Rappahannock Regional Jail to the Contingency Fund.

Mr. Onorato made a substitute motion, seconded by Mr. Marshall, to include \$60,000 as additional funding for the School Budget. The motion was defeated with Mr. Yakabouski, Mr. Jackson, Mr. Hagan and Mr. Waddy dissenting.

Mr. Hagan called for a vote on the original motion to move the remainder of the funds to the Contingency Funds. The motion passed unanimously.

LEGISLATIVE LIAISON

Legislative Liaison, Randy Cook reported on the budget impasse in the General Assembly.

APPROVAL OF THE CONSENT AGENDA

Mr. Jackson made a motion, seconded by Mr. Waddy, to approve the Consent Agenda.

In regard to the approval of the minutes of April 13, 2004, specifically regarding Resolution No. 2004-44, Mr. Marshall said he had mistakenly voted against the resolution and in a substitute motion, seconded by Mr. Jackson moved to reconsider the resolution as originally prepared. The motion passed 4 to 3 with Mr. Yakabouski, Mr. Connors and Mr. Onorato dissenting and the resolution was adopted as follows:

VOTE:

Ayes:	4	Mr. Hagan, Mr. Jackson, Mr. Marshall, and Mr. Waddy
Nays:	3	Mr. Connors, Mr. Onorato, and Mr. Yakabouski
Absent:	0	
Abstain	0	

RESOLUTION NO. 2004-45

***TO DIRECT THE PLANNING COMMISSION TO PREPARE AMENDMENT(S)
TO THE
COMPREHENSIVE PLAN TO IDENTIFY POTENTIAL SITES SUITABLE
FOR A FIRE AND RESCUE STATION
OR OTHER PUBLIC FACILITIES IN THE VICINITY OF SPOTSYLVANIA
COURTHOUSE***

WHEREAS, Spotsylvania County Volunteer Fire Company #1 has been located at Spotsylvania Courthouse for more than fifty years, providing invaluable service to our citizens and being, thereby, established as a fixture of our Historic Village community; and

WHEREAS, the Spotsylvania County Volunteer Fire Company #1 building is no longer adequate to serve the needs of our growing community; and

WHEREAS, Spotsylvania County has purchased land at the intersection of Courthouse Road and Courthouse Commons Boulevard (Tax Map No. 48 ((A)) parcel 4; hereinafter referred to as "Commons Corner"), upon the recommendation of the Fire, Rescue & Emergency Services Commission, to accommodate new public facilities for Fire, Rescue & Emergency Services in the immediate vicinity of Spotsylvania Courthouse; and

WHEREAS, the Board of Supervisors notes the Planning Commission's finding that the development of a fire station at Commons Corner is not in general conformity with the present Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors on this the 13th day of April, 2004, that the Spotsylvania County Planning Commission is hereby directed, by this writing, to prepare and submit to public hearing within sixty (60) days of this Resolution, such amendment(s) to the Comprehensive Plan as necessary to identify Commons Corner as a site suitable for development of a public facility, specifically including but not limited to a fire and rescue station; and

BE IT FURTHER RESOLVED that on this the 13th day of April, 2004, that the Spotsylvania County Planning Commission is hereby directed, by this writing, to prepare and submit to public hearing within sixty (60) days of this Resolution, such amendment(s) to the Comprehensive Plan as necessary to identify not less than three (3) additional sites in the immediate vicinity of Spotsylvania Courthouse as sites suitable for the development of public facilities, specifically including but not limited to fire and rescue stations; and

BE IT FURTHER RESOLVED that, for the purposes of this Resolution, the phrase "immediate vicinity" shall be taken as meaning within the delineated Historic Village Area, or otherwise within a distance of not more than one-half mile, and that the phrases "site suitable" or "sites suitable" shall be taken to mean land or lands featuring a minimum of 5 (five) usable acres of land and found fit for the development of a public facility site, giving due consideration to site access, sight distances, traffic, utility availability, soil composition, drainage, topography, any other prevailing physical conditions.

The motion to approve the Consent Agenda was unanimously passed as follows:

1. Approval of the Minutes of the April 6, 8 and 13, 2004 Board of Supervisors Meetings;
2. Adoption of a Resolution Proclaiming May 2004 as National Preservation Month;

VOTE:

Ayes:	7	Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Onorato, Mr. Waddy and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain	0	

RESOLUTION NO. 2004-46

Proclaiming May, 2004, National Historic Preservation Month

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "New Frontiers in Preservation" is the theme for National Historic Preservation Month 2004, cosponsored by Spotsylvania Preservation Foundation, Inc. and the National Trust for Historic Preservation

NOW, THEREFORE, we, the Board of Supervisors of Spotsylvania County, do proclaim May, 2004, as National Historic Preservation Month, and call upon the people of Spotsylvania County to join their fellow citizens across the United States in recognizing and participating in this special observance.

- 3. Adoption of a Resolution that the Streets in Pelham’s Crossing, Section 1, Be Taken Into the State System of Secondary Roads;

VOTE:

Ayes:	7	Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Onorato, Mr. Waddy and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain	0	

RESOLUTION NO. 2004-47

Requesting that a Streets in Pelham’s Crossing Section 1, Be Added to the State System of Secondary Roads

WHEREAS, a street in Pelham’s Crossing Section 1, as described on the attached Additions Form SR-5 (A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation,

WHEREAS, the County and the Virginia Department of Transportation have entered into a comprehensive agreement on June 6, 1997, for stormwater detention in Spotsylvania County,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form SR-5 (A) to the secondary system of state highways, pursuant to Sec. 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

4. Authorization to Issue a Request for Proposals to Replace the Existing Work Stations and Consoles at the Emergency 911 Call and Dispatch Center;
5. Approval of the Anderson, Inc., Contract for Ni Chemical Feed Improvements, Change Order No. 13.

PUBLIC PRESENTATIONS

Mike Cotter, 9700 Flint Hill Court, Chancellor District, said that the “no tax” pledge of some members of the General Assembly was a shame. He said that an 86-cent tax rate in Spotsylvania just would not do it. He said in view of the 96-cent tax rate proposed by the County Administrator that a 91-cent tax rate would be a fair compromise. He asked if there had been no reassessment, would the Board have raised taxes. He commended Superintendent of Schools Jerry Hill and said he had brought more change in the last three years than he had seen in 30 years. He said the problem was in Richmond and acknowledged that those on a fixed income needed help.

Rob Boyd, 112 Appleby Court, Locust Grove, said he was the Director of the Disability Resource Center. He said the mission of the Center was to help people with disabilities to become independent. He said the Center worked with children in the School system and cited other services of the Center for people in the community.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) ACTIVITIES

Larry Land, VACo Legislative Liaison for Transportation and Environment said the purpose of VACo’s was advocacy on behalf of counties to the General Assembly, State agencies and Capitol Hill in D.C. and to provide educational opportunities to County Supervisors. He said that VACo’s door was always open and he invited comments and participation.

COST SHARING AGREEMENT FOR SEWER IMPROVEMENTS IN SOUTHPOINT PLAZA III

On a motion by Mr. Jackson, seconded by Mr. Marshall and unanimously approved, the Board authorized the County Administrator to draft and execute a cost share agreement with W. J. Vakos and Company in the amount of \$141,736 for constructing a 24-inch sewer line through Southpoint Plaza and a 36-inch interceptor under Southpoint Parkway.

COST SHARING AGREEMENT FOR A 16-INCH WATER LINE ALONG SOUTH POINT PARKWAY

On a motion by Mr. Waddy, seconded by Mr. Yakabouski and passed unanimously, the Board authorized the County Administrator to execute a cost share agreement with W. J. Vakos and Company in the amount of \$251,000 for constructing a 16-inch ductile iron water line along Southpoint Parkway.

CONSUMER INCENTIVE CONNECTION PROGRAM

Tim Slaydon, Director of Utilities, said the object of the Consumer Incentive Program was to increase County revenues without encouraging new growth.

In response to questions from Board members, Mr. Slaydon said that not every project in the capital improvements program was for new growth, that the program would be Countywide and that a sliding scale would be implicit since a more expensive home would likely require a larger water meter and would use more water.

In addition to the proposed discount, Mr. Marshall suggested a 10% discount for those people who paid cash.

On a motion by Mr. Marshall, seconded by Mr. Connors and passed unanimously, the Board authorized the County Administrator and the County Attorney to prepare an ordinance that implemented a proposed consumer connection fee discount of 20% and increase in the repayment schedule from one year up to four years and a discount of 10% for those customers who paid cash. Eligible persons would include existing residents that could currently connect to Utilities' water and sewer services and residents that were deemed qualified through Capital Retrofit or Extension by Policy.

WETLAND MITIGATION SITE MONITORING

Bruce Boyer, Water Resources Engineer, reported that in accordance with federal and state permits for construction of the Hunting Run Reservoir, the 12-acre wetlands mitigation site located on State Route 629 needed to be continued to be monitored.

On a motion by Mr. Connors, seconded by Mr. Onorato and passed unanimously, the Board approved the allocation of funds in the amount of \$68,000 for Hayes, Seay, Mattern and Mattern, Inc., to continue monitoring the Wetland mitigation construction site (formerly the Butzer property).

FILM FESTIVAL DATES FOR 2004

Mr. Wheeler said the film festival for 2004 was proposed to be held on July 8, 9, 10 and 11. No one objected to the proposed dates.

CREATION OF A SPOTSYLVANIA PRESERVATION FUND

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

VOTE:

Ayes:	7	Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Onorato, Mr. Waddy and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain	0	

RESOLUTION NO. 2004-48

**TO ESTABLISH THE
“SPOTSYLVANIA PRESERVATION FUND”**

WHEREAS, the Board of Supervisors finds that the preservation of historically and culturally significant lands for the benefit of present and future citizens and their recreation, education and enjoyment could significantly advance the general welfare of the County, and

WHEREAS, the Board of Supervisors finds that tourism and other beneficial community activities are promoted by such preservation, particularly where preserved lands are accessible by the public, meaningfully interpreted and/or feature improvements that facilitate public recreation, education and appreciation of Spotsylvania County’s unique heritage, and

WHEREAS, fiscal constraints of local government operations in Virginia’s prevailing budgetary climate severely limit the Board of Supervisors’ capacity to fund preservation efforts out of general County revenues, and

WHEREAS, the organizers of the upcoming County-sponsored 140th Anniversary Re-Enactment of the Battle of Spotsylvania Courthouse, apprehending citizen interest in supporting preservation as set forth herein, support the creation of a “Spotsylvania Preservation Fund” as a line item of the Spotsylvania County Budget, to account for and to facilitate the prudent disposition of citizen contributions and other funds as may be from time to time allocated for purposes identified in or consistent with the intent of this Resolution, and

WHEREAS, the Board of Supervisors specifically intends that expenditures from the Spotsylvania Preservation Fund shall be made only as specifically authorized by the Board of Supervisors, and that the interest accruing on any balance in this fund shall be credited directly to such fund:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Spotsylvania County, Virginia, hereby establishes the Spotsylvania Preservation Fund as an line item within the County's Capital Improvements Fund, which monies shall be expended only upon specific authorization of the Board of Supervisors for the preservation of historically and culturally significant lands and purposes otherwise consistent with the intent of this Resolution, with all interest accruing thereon to be directly credited to the fund upon accrual.

BOARD OF SUPERVISORS REPORTS

Lee Hill District

On a motion by Mr. Onorato, seconded by Mr. Yakabouski and passed 7 to 0, the Board appointed Matthew Hartwig to the Cable and Telecommunications Commission.

On a motion by Mr. Onorato, seconded by Mr. Waddy and passed unanimously, the Board reappointed David L. Rose to the Germanna Community College Board.

Livingston District

Mr. Waddy announced a meeting on the White Hall Development of 519 Homes to be held on May 3 at 7 p.m.

Berkeley District

Mr. Marshall reported he was receiving complaints from people who lived next to property where sludge was being applied, and he asked whether the County had any control over the land application of sludge. Mr. Taylor said that Judge Ledbetter had ruled that the application of sludge was the State's prerogative.

Larry Land of VACo said it was an issue that VACo would be considering in light of the court's decision.

Battlefield District

On a motion by Mr. Yakabouski, seconded by Mr. Waddy and passed unanimously, the Board appointed James R. Chapman III to the Parks and Recreation Commission.

Courtland District

On a motion by Mr. Hagan, seconded by Mr. Jackson and passed 6 to 0 to 1 with Mr. Onorato abstaining, the Board appointed Vince Onorato to the YMCA Board.

On a motion by Mr. Hagan, seconded by Mr. Onorato and passed unanimously, the Board appointed Mr. Connors to the Joint Operations Committee.

CLOSED SESSION

On a motion by Mr. Jackson, seconded by Mr. Connors and passed unanimously, the Board approved a motion to adjourn into closed session in accordance with Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as Amended, to discuss a prospective business and Section 2.2-3711(A)(1) to discuss a personnel matter.

RETURN TO OPEN SESSION AND CERTIFICATION

On a motion by Mr. Jackson, seconded by Mr. Marshall and passed unanimously, the Board returned to open session and approved the following resolution:

VOTE:

Ayes:	7	Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Onorato, Mr. Waddy and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain	0	

RESOLUTION NO. 2004-49***Return to Open Session***

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 Session were heard, discussed or considered in the Closed Session.

PUBLIC PRESENTATIONS:

Mr. Hagan said that the Board of Supervisors had met with the School Board in a joint session to discuss the budget. He said that the meeting was the completion of the responsibility of the School Board and that the responsibility of the Board of Supervisors was to set the tax levy.

Jennie McDonald, Livingston District, said she was concerned about the under funding of the education of children and the taking of necessary programs and opportunities for the future. She asked how could the County leave the tax rate at such a low rate. She said we couldn't get a loaf of bread or a gallon of milk and expect to pay the same price as we had years ago. She said she was in favor of fully funding the school budget at 96 cents or a compromise. She commended Dr. Hill.

Peter Pfothenaur, 10604 Wakeman Drive, Fredericksburg 22407, said he was a teacher and that he was concerned about asking the school system to stretch its dollars. Without money the needs of the students would be affected. The school system needed to staff the new high school with qualified teachers. He asked how the school system would teach 850 new students and offer competitive salaries without enough money. He said the school system was losing qualified teachers. He urged the Board and the School Board to solve their differences and to listen to each other.

Susan Ingebretsen, 200 Courtland Lane, said the lack of full funding would have consequences on her family and that should be multiplied by 23,000 children. She said her daughter had been assigned to a trailer and that she knew of three teachers who were leaving for better salaries. She said that the Board must accept responsibility for new growth. She said it was unconscionable that the Board refused to meet with the School Board. She said the Board members should listen to the voters and to vote no on the 86-cent tax rate.

Richard Ingebretsen, 200 Courtland Lane, said he was a 7th grader at Battlefield Middle School. He spoke about a vision he had of attending school with the effects of an 86-cent tax rate and expressed concern about riding on old buses, lack of maintenance, sharing textbooks, limited lab space, losing teachers, losing German as a course, a crowded cafeteria, etc. He said that public education was the right of every citizen. He said that Spotsylvania had the 20th fastest growing school system and asked wouldn't it be good if we were the 20th best school system.

Kandra Orr, P O Box 1292, Spotsylvania, Berkeley District, said she was a teacher and supported the 96-cent tax rate. She was opposed to cutting funding for education. She asked the Board to stop the rate of real estate development and that it was rapid population growth that was causing the need to build schools. She said the Board should not abandon the needs of children and run the risk of major cities with crime, drug addiction and violence. She said that Dr. Hill had insured the Board that there had been no padding in the school budget. She said that a schoolteacher's salary was not enough to live on independently and that many must work second jobs. She said that after parenting, teaching was the most important job.

Brett Carroll, 10426 Chesterbrook Drive, said he was a PTA president. He said the shortfall in the School Budget was \$6.6 million and that that amount would have to be recouped next year. He said that a lot of things would not be paid for. He said the lack of funding would hurt activities, class size, textbooks and new teachers. He said it was a nickel and dime mentality and that parents were always being asked for money.

Charles Cowser, 4 Carmine Circle, said he was a member of the School Board and part of the budget deliberations. He apologized for a comment he had made on the lack of funding. He said

the 86-cent tax rate and the 1% reduction in the School Board Budget request and the use of ½ of carryover funds would have a negative effect on schools. He said school needs were assessed at \$6.6 million higher. He said, however, in the future he looked forward to a team effort in serving the people with a responsive government that cares.

Joe Rodkey, Principal at Massaponax High School, said that parents and staff expected him to speak. He seconded the comments of Mike Cotter and spoke to Dr. Hill's leadership, vision and integrity. He said Dr. Hill established a budget review committee and the proposed School Budget reflected the actual needs of the schools. He said that citizens were shocked and disappointed that the Board would consider a tax rate of 86 cents. He noted there were 20-year old school buses and cited the loss of teachers and the need to teach 850 new students. He said he wished that the General Assembly had provided adequate state funding but that the Board had to rise to the responsibility. He said that Massaponax high school had 11 trailers. He said a no tax increase sounded good, but was untenable. He urged the Board not to set the tax rate at 86 cents. He said a 91-cent tax rate was only \$11 more a month for a \$200,000 home.

Amanda Blalock, 2610 Schuman St., Lee Hill District, said an 86-cent tax rate would have a negative effect on the schools. She said that the carryover money was needed for the purposes intended. She said she was willing to pay for quality education. She cited the teacher attrition rate, low student morale and buses that needed to be replaced. She said these needs were not excessive and asked what parent would not want what was best for our children.

William Smith, 201 Courtland Lane, Fredericksburg, Battlefield District, said he was on the Advisory Board for the School Budget. He the committee had gone through the budget line by line. He said the original request was for \$30 million and they had whittled it down to \$17 million of which \$6 million would come from the State. He cited fixed costs that must be paid including the opening of Riverbend High School. He said that 86 Cents would take drastic changes and urged the Board to set a 96-cent tax rate.

Jeffrey B. Smith, 7101 Pebble Lane West, Spotsylvania, Salem Voting District, asked the Board to support education. He said there was no greater obligation, that education should be No. 1 and everything should trickle down from there. He said that education needed to be fully funded at all times. He said he came from the east bay of California where they could not fund the schools' athletic, music or language programs. He asked when it was going to stop. He said that he might be able to afford a fee for an activity, but not everyone could afford to do that. He asked what happened to lottery funds and asked the Board to fund education.

Kevin Koch, 6802 Autumn Wood Drive, Salem District, said that a tax rate would shape the course of the County. He said that failure to fund schools might affect the bond rating and the County would have repercussions for years to come. He urged the Board to meet with the School Board. He said the adamant refusal to meet with the School Board assaulted the validity of financial planners and the County Administrator. He cited as potential problems the deterioration of schools, charging fees for after school programs, paying for new teachers, morale problems, less pay for teachers and teachers having to pay more in benefits. He said that teachers were woefully underpaid. He said that an artificially low tax rate made it attractive for

new development that did not pay its own way. He urged the Board to see the whole picture and meet with the School Board.

Adam Staton, 60 Devonne Drive, Battlefield District, said that leftover money from the regional jail would pay for school buses. He said that Massaponax High School was raising funds for a handicapped playground and that students were willing to put forward extra money. He said also that science books needed to be new.

James Flythe, 6634 Rumsey Lane, Livingston District, said the qualifying (firing) range was dangerous and a huge liability for the County. He said it was built on a hill over a large valley and that hundreds of families were in what should be a safety zone. He said that thousands of rounds were going off these berms and the trees were damaged. He said the County didn't know who was using the range and that the Zoning Department didn't know about this range, that no special use permit had been issued. He said there was a permit for a 5-acre range, which was $\frac{3}{4}$ of a mile from this range. He said that people from all over the states were using this range. He said the Sheriff should close the range until the berm could be built up but that shooting was missing the 9-foot berm. He said that people could be hit and that those using the range should start using the original range.

Jeff Everhart, 12502 Quarter Charge Drive, Spotsylvania, Chancellor District, said he was floored at the lack of public notification about this hearing. He cited overcrowding, no sports and old textbooks. He said the County needed to raise taxes at a low rate and that the County was a magnet for the commuting populace.

Candi Naylor, 97 Gallimore Drive, Chancellor District, said she was a 3rd grade teacher. She said there was a budget crisis thanks to that State's "no tax" legislature. She said the County must pick up the slack and that could not be done with an 86-cent tax rate. She said that teachers were leaving and traffic was bad and asked the Board to not shortchange our County.

Kathryn Lilley, 11712 Rutherford Drive, said that an 86-cent tax rate to neutralize assessment did not make sense. She said it was foolish to think that the County would rather not pay a little more in taxes rather than watch real estate values decline. She said she was willing to pay additional taxes to support parks, recreation, law enforcement, emergency services, health services, libraries and to fully fund the school division. She said the School Board's estimate was more reliable than the Board of Supervisors'.

Charles Murrell, 691 Folin Court, Courtland District, said he was an English teacher at Spotsylvania High School. He said a good budget relied on planning. He noted that there was contention over the carryover fund and that more discussion was needed. He asked the Board to take time to visit the schools this year and next year to see the impact on the schools due to the decision the Board would make tonight.

Ruth Kochenour, 11007 Abbey Lane, Salem District, urged the Board to fully fund the schools.

Walter Watson, 71 C. L. Walker Blvd., Fredericksburg, said we hired Dr. Hill for his expertise and we entrusted the School Board to make prudent decisions that would set boundaries for

professional instruction. He said he trusted Dr. Hill if he told you what he presented to you is what he needed then he believed him. He asked who had more confidence to fully fund the school budget.

Rosemary Van Brundt, 5301 South Branch Road, said she was a concerned parent who supported a 96-cent tax rate. She said she had a daughter in a wheel chair at Thornburg Middle School and the bathrooms were a problem. She had another daughter whose Latin teacher left to go to the Stafford school system. She said it was important to retain our teachers and pay them. She said we should not under fund teachers and that class size was an important issue.

Pat Hannifin, 1108 Rutherford Drive, Courtland District, said as a conservative he would like to pass on that many think problems were handled better at the local level, but nobody picked up the ball at the local level. He said the Board and the School Board had a code of ethics but it was a sleight of hand to use part of the carryover, that it sounded like something out of Washington. He said last year it was a unanimous vote to fund 100% of the school budget, but this year the Board was actually not funding an increase at all. He said he had heard that the Board was holding this hearing only to appease citizens. He said he served on the budget review committee and what was left were real needs.

Carlton A. Smith, 10804 Hebron Church Road, Livingston District, spoke about the problems with the shooting range. He said it sounded like a war zone, that people were shooting automatic weapons. He said the range on those shells was over two miles and that people should not be living in a war zone. He said the range needed to be moved.

PUBLIC HEARINGS:

SP03-33 Spotsylvania County School Board:

Requests a special use permit for a new middle school in the Agricultural 3 (A-3) zoning district. The approximately 250.6 acre parcel is located on the south side of Route 208 on the same parcel as, and immediately to the west of, the existing Spotsylvania High School, 6975 Courthouse Road. This property is located within the Agricultural/Forestral District of the Comprehensive Plan, which is intended to maintain and conserve the rural character of the farm and forestlands in the county. Tax parcel 60 (A) 18. Livingston and Berkeley voting districts.

Planner Brenda Schulte presented the case and said that the new school would accommodate 850 students and that the Planning Commission and staff recommended approval with conditions.

In response to questions from Board members Mrs. Schulte said that stormwater management ponds would be based on topography and in relation to wetlands and that low Impact Development (LID) would be considered at site plan. The number of proposed ball fields fulfilled the requirement. Access to the gravesite was not a problem. Flow equalization would be worked out at the site plan process. The level of service would continue to be a D and VDOT would not need to add a light.

Mr. Hagan opened the public hearing.

Dr. James Meyer, Assistant Superintendent of Schools, said the application was approved by the Planning Commission. The School Administration thinks it is a good fit for the site. It will address the needs for physical education fields for a middle school and it would meet the needs of the John J. Wright School.

Lee Broughton, School Board Member, 6906 Massaponax Church Road, Berkeley District, said she supported the school for the students of John J. Wright School. She said the John J. Wright School building needed to be replaced due to its age.

In response to questions from Board members Dr. Meyer said that the Public Facilities Element of the Comprehensive Plan determined the amount of facilities the School Administration should plan for when they put up a school in combination of the needs of the Parks and Recreation Department. He said he did not know whether there was an efficiency ratio but that a group had met to plan for the fields and that Parks and Recreation would have full utilization of the fields that were there.

Mrs. Broughton responded to a question about the age of John J. Wright School, that it had been built piecemeal starting on 1909, that it had burned down and at a later point a cafeteria had been added.

Dr. Meyer said there was an additional 5,000 sq. ft. over Freedom Middle School for a larger library and media center. He did not have a price per square foot because the price of steel was going up.

Mr. Hagan closed the public hearing

On a motion by Mr. Marshall, seconded by Mr. Waddy and approved unanimously, the Board approved SP03-33 Spotsylvania County School Board, a Special Use Permit for a new middle school with the following conditions:

1. Development of the site shall be in substantial conformance with the GDP prepared by Timmons Group dated December 22, 2003 and revised March 9, 2004. Substantial conformance shall be defined as general site layout, building layout, access driveways, buffering, and landscaping. Changes to the site plan as a result of detailed code provisions or requested waiver approval/denial shall not be considered substantial amendments to the GDP.
2. All landscaping, screening and buffering shall meet Spotsylvania County Ordinance 23-5.5 as required at site plan, and all landscaping, screening and buffering shall be perpetually maintained.
3. Activity areas including, but not limited to, ball fields and the gymnasium shall be made available to the Spotsylvania County Parks and Recreation Department for programmed activities.

SP04-01 Saint Matthew Catholic Church:

Requests a special use permit for a 31,756 square foot activity center/church expansion in the Agricultural 3 (A-3) zoning district on a portion of an 11.73-acre parcel. The property is located at 8200 Robert E. Lee Drive, the south-west corner of Robert E. Lee Drive and Block House Road, in the Rural Planning Area of the Courthouse Development District which envisions an attractive, harmonious community that embodies the best of rural and small town life where one feels continuity with the past. Tax Parcel 47 (A) 26. Livingston Voting District.

Mr. Hagan opened the public hearing.

Planner Brenda Schulte presented the case and said that the Planning Commission and staff approved the application.

Mr. Hagan said he would like to see Low Impact Development replace stormwater management.

Father David Meng, 8208 Robert E. Lee Drive, said his church seated approximately 275 people and the church would have to build the additions to meet the needs of the church. He said the church ran a successful thrift shop and an outreach committee worked with Spotsylvania Social Services. The church supported the family educator project and the food share program and provided money to police and fire activities.

Mel Allen, 6905 Bernly Court, Livingston District, said he devoted much of his retirement time to the church and community activities. He said there was a need for an activities center for the youth in the community. He asked for approval and said the addition would increase support for the youth in the community.

Greg Cebula, 3700 Irvine Street, Berkeley District, said the addition would be a plus for the community, the church community and the County. He asked the Board to consider doing both phases at once.

Donna Hart, 14 River Downs Drive, Chancellor District said the church met real needs. She said there was standing room only at services.

Barbara Kriskovich, 8324 Courthouse Road, said there was a need for religious education and social activities and asked for a positive recommendation for a much needed building.

Lawrence Linder, Stubbs Bridge Road, said he was thankful for the outreach program and said there was a need for this building.

Dale Clark, said there were a lot of things we need to do that would make our life easier if the Board approved the application.

Loraine Lemoine, Director of Social Services, said she echoed the comments of other speakers. She said St. Matthew had been very generous with the volunteer family educator project and other projects and urged the Board to approve the proposal.

Mr. Hagan closed the public hearing.

On a motion by Mr. Waddy, seconded by Mr. Onorato and passed unanimously, the Board approved SP04-01 St. Matthew Catholic Church for an activity center/church expansion with the following conditions:

1. Development of the site shall be in substantial conformance with the GDP prepared by Christopher Consultants dated March 23, 2004. Substantial conformance shall be defined as general site layout, building layout, access driveways, buffering, and landscaping. Changes to the site plan as a result of detailed code provisions or requested waiver approval/denial shall not be considered substantial amendments to the GDP.
2. All landscaping, screening and buffering shall meet Spotsylvania County Ordinance 23-5.5 as required at site plan, and all landscaping, screening and buffering shall be perpetually maintained.
3. All outdoor lighting shall be designed and located such that the maximum illumination, measured in foot-candles at the property line shall not exceed five tenths (0.5) foot-candles, and be located, screened or shielded so that the adjacent property owners are not directly illuminated. The parking areas shall not be lighted at any time other than during the same hours that the church and activity center are in use, except for necessary security lighting.
4. All right of way dedication along both Route 608 and Route 648, the widening/improvements of the existing entrances, and 100' road tapers shown on the GDP prepared by Christopher Consultants, dated March 23, 2004, shall be completed prior to the issuance of the Occupancy Permit for the activity center for Phase 1.

PROHIBITION OF SHOOTING ON THE FIRING RANGE

On a motion by Mr. Waddy, seconded by Mr. Marshall and passed 7 to 0, the Board directed that shooting at the firing range be prohibited until all safety matters were addressed.

MINERAL SPRINGS PLANTATION AGREEMENT

On a motion by Mr. Jackson, seconded by Mr. Connors and passed 7 to 0 the Board Authorized the County Administrator to sign an agreement with Mineral Springs Plantation with the terms discussed in Closed Session.

CONSERVATION EASEMENT ON RIPARIAN LANDS

On a motion by Mr. Marshall, seconded by Mr. Waddy and passed unanimously, the Board requested that the County Administrator send a letter to the Fredericksburg City Council asked to defer action on the proposed conservation easement on riparian lands located in the County of Spotsylvania until more dialogue between the County and City could be had.

APPROVAL OF THE FY 2005 BUDGET AND THE CY 2004 TAX RATE

Board members commented on the proposed budget.

Mr. Connors made a motion seconded by Mr. Onorato to meet again with the School Board and staff regarding the school budget on Saturday May 1, 2004 at 7 a.m.

After discussion among Board members, School Board members and School Administration staff questioning what would be accomplished, Mr. Connors withdrew his motion and Mr. Onorato his second.

Mr. Marshall made a motion, seconded by Mr. Onorato to set the FY 2004 Tax Levy at 87 cents per \$100 of assessed value with \$840,000 in additional funds to be added to the School Budget.

The motion failed with Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Waddy and Mr. Yakabouski opposed.

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

VOTE:

Ayes:	7	Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Onorato, Mr. Waddy and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain	0	

RESOLUTION NO. 2004-50

To Adopt the Fiscal Year (FY) 2004 Budget and the Tax Rates for Calendar Year 2004

WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to approve and control the County's fiscal plan for FY 2005; and

WHEREAS, the Board of Supervisors has received and reviewed the County Administrator's Recommended Budget for FY 2005; and

WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to set the tax rates for Calendar Year 2004; and

WHEREAS, the Board of Supervisors has received comments on the proposed tax rates and the proposed 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 adjusted by the Board of Supervisors; and

RESOLVED by the Spotsylvania County Board of Supervisors this 27th day of April 2004, That the following tax rates for Calendar Year 2004 be, and are hereby, approved, as set forth below; and, be it

RESOLVED FURTHER, That local tax supported expenditures of the School Division's overall budget of \$237,150,295 shall not exceed \$95,248,577 of local funds and, be it

RESOLVED FURTHER, That the following budgets be, and are hereby, approved effective July 1, 2004, as set forth below; and, be it

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

CALENDAR YEAR 2004 COUNTY TAX RATES

- Real Estate.....\$0.86 per \$100 of assessed valuation
- Personal Property.....\$5.00 per \$100 of assessed valuation, assessed at 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

FISCAL YEAR 2005 COUNTY BUDGETS

1. Total County Budget for Fiscal Year 2005 in the total amount of \$328,087,787, to include the following funds:

- a. General Operating Fund \$ 68,545,517
- b. Capital Projects Fund \$ 16,910,640
- c. Industrial Development Authority Fund \$ 221,313

d. Revenue Maximization Fund	<u>\$ 247,959</u>
e. Code Compliance Fund	<u>\$ 3,669,563</u>
f. Transportation Fund	<u>\$ 1,342,500</u>
f. School Operating Fund	<u>\$195,050,469</u>
g. School Food Service Fund	<u>\$ 7,308,992</u>
h. School Capital Projects Fund	<u>\$ 34,790,834</u>

2. Utilities Operating Budget for Fiscal Year 2005 in the total amount of \$20,520,012.

3. Utilities Capital Projects Budget for Fiscal Year 2005 in the total amount of \$19,963,259

4. Capital Improvements Plan for Fiscal Year 2005 - 2010 in the following amounts:

General Capital Projects	<u>\$ 120,571,781</u>
Utilities Capital Projects	<u>\$ 129,765,234</u>
School Capital Projects	<u>\$ 207,089,897</u>

Funds Unspent from the Fiscal Year 2005 School Budget:

BE IT RESOLVED by the Spotsylvania County Board of Supervisors that any local funds appropriated to the school system in Fiscal Year 2005 and remaining unspent at the end of the fiscal year shall be used to support Spotsylvania County public school system. The amount of such funds shall be determined by the annual audit.

ADJOURNMENT

On a motion by Mr. Jackson, seconded by Mr. Yakabouski and passed unanimously, the Board adjourned its meeting.

J. Randall Wheeler
County Administrator