

PRESENT: Mary Lee Carter, Chair
Thomas C. Waddy, Jr., Vice Chair
Henry Connors, Jr.
Robert F. Hagan
Gary Jackson
Emmitt B. Marshall
Benjamin T. Pitts

STAFF PRESENT: Anthony W. Barrett, County Administrator
Mark B. Taylor, County Attorney

Mrs. Carter called the meeting to order at 2:00 p.m. Mr. Barrett led the Pledge of Allegiance, and Mr. Marshall gave the invocation.

ADOPTION OF TAX RATE AND FISCAL YEAR 2004 (FY04) BUDGET

Adoption of the Tax Rate

On a motion by Mr. Marshall, seconded by Mr. Jackson and passed unanimously the Board adopted a Real Property Tax Rate and a Mobile Home Tax Rate of \$1.01 per one hundred dollars (\$100) of assessed value, with all other tax rates to remain the same.

VOTE:

Ayes: 7 Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson,
Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays: 0
Absent: 0
Abstain 0

Adoption of the General Operating Fund

On a motion by Mr. Marshall, seconded by Mr. Connors and passed unanimously, the Board adopted the General Operating Fund in the amount of \$62,650,025.

VOTE:

Ayes: 7 Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson,
Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays: 0
Absent: 0
Abstain 0

Adoption of the Capital Projects Fund

On a motion by Mr. Waddy, Seconded by Mr. Pitts and passed unanimously, the Board adopted the Capital Projects Fund in the amount of \$7,990,184.

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

Adoption of the Industrial Development Authority Fund

On a motion by Mr. Pitts, seconded by Mr. Waddy and passed unanimously, the Board adopted the Industrial Development Authority Fund in the amount of \$371,850.

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

Adoption of the Revenue Maximization Fund

On a motion by Mr. Connors, seconded by Mr. Pitts and passed unanimously, the Board adopted the Revenue Maximization Fund in the account of \$175,674.

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

Adoption of the School Operating Fund

On a motion by Mr. Waddy, seconded by Mr. Pitts and passed unanimously, the Board adopted the School Operating Fund in the amount of \$179,577,290.

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

In a subsequent and related motion later in the meeting by Mr. Marshall, seconded by Mr. Waddy, and passed unanimously, the Board approved the inclusion of a transfer of local funds in the amount of \$88,198,270, an amount which would be reduced if the State provided additional funding for teacher raises, estimated at \$450,000.

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

Adoption of the School Food Service Fund

On a motion by Mr. Pitts, seconded by Mr. Connors and passed unanimously, the Board adopted the School Food Service Fund in an amount of \$6,415,298.

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

Adoption of the School Capital Projects Fund

On a motion by Mr. Waddy, seconded by Mr. Connors and passed unanimously, the Board adopted the School Capital Projects Fund in the amount of \$36,810,016.

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

Adoption of a Resolution Regarding Funds Unspent from the Fiscal Year 2004 School Budget

On a motion by Mr. Connors, seconded by Mr. Marshall and passed 6 to 1 with Mr. Hagan voting "no," the Board adopted the following resolution:

VOTE:

Ayes:	6	Mrs. Carter, Mr. Connors, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	1	Mr. Hagan
Absent:	0	
Abstain	0	

RESOLUTION NO. 2003-38***Regarding Funds Unspent from the Fiscal Year 2004 School Budget***

BE IT RESOLVED by the Spotsylvania County Board of Supervisors that any local funds appropriated to the school system in Fiscal Year 2004 and remaining unspent at the end of the fiscal year shall be returned to the School Carryover Fund. The amount of such funds shall be determined by the annual audit.

Adoption of the Utilities Operating Budget

On a motion by Mr. Marshall, seconded by Mr. Pitts and passed unanimously, the Board adopted the Utilities Operating Budget for FY 04 in the total amount of \$18,748,905.

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

Adoption of the Utilities Capital Projects Budget

On a motion by Mr. Pitts, seconded by Mr. Connors and passed unanimously, the Board adopted the Utilities Capital Projects Budget for Fiscal Year 2004 in the total amount of \$17,058,688.

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
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Nays: 0
Absent: 0
Abstain 0

Adoption of the Capital Improvements Plan

On a motion by Mr. Jackson, seconded by Mr. Waddy and passed 6 to 1 with Mr. Hagan voting “no,” the Board adopted the Capital Improvements Plan for Fiscal Year 2004-2009 in the following amounts: General Capital Projects, \$94,961,417; Utilities Capital Projects, \$114,131,326; and School Capital Projects, \$151,365,828.

VOTE:

Ayes: 6 Mrs. Carter, Mr. Connors, Mr. Jackson, Mr. Marshall,
Mr. Pitts and Mr. Waddy
Nays: 1 Mr. Hagan
Absent: 0
Abstain 0

Mrs. Petrie remarked that the fund balance was at 10.1%, which was above the County’s guideline of 8 to 10%.

Board members commented on how pleased they were to have been able to keep the tax rate at \$1.01, and they commended staff and each other for having completed the budget.

APPROVAL OF THE CONSENT AGENDA

On a motion by Mr. Jackson, seconded by Mr. Connors and passed unanimously, the Board approved the Consent Agenda, which consisted of the following:

1. Adoption of a Resolution Proclaiming April 13 through 19, 2003 as National Telecommunications Week, as follows:

VOTE:

Ayes: 7 Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson,
Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays: 0
Absent: 0
Abstain 0

RESOLUTION NO. 2003-39

National Public-Safety Telecommunications Week

April 13-19, 2003

Whereas emergencies can occur at anytime that require sheriff, fire or emergency medical services;

And Whereas when an emergency occurs the prompt response of sheriff officers, firefighters and paramedics is critical to the protection of life and preservation of property;

And Whereas the safety of our sheriff deputies and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the County's Emergency Communications Center

And Whereas Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services;

And Whereas Public Safety Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety;

And Whereas Public Safety Dispatchers of the Spotsylvania County Emergency Communications Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients;

And Whereas each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

Therefore Be It Resolved that the Board of Supervisors of Spotsylvania County declares the week of April 13 through 19, 2002 to be National Telecommunications Week in Spotsylvania, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

2. Authorization to Purchase VESTA 911-Phone System
3. Approval of the Receipt and Expenditure of Grant Funds from the Department of Emergency Management and Adoption of a Resolution of Appropriation, as follows:

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	

Abstain 0

RESOLUTION NO. 2003-40

Appropriating \$21,850 in Grant Revenues for the Department of Fire, Rescue and Emergency Services

April 2003 Appropriation

Board of Supervisors

April 8, 2003

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, 2002, from the funds and for the functions or purposes indicated.

GENERAL FUND:

For receipt of grant revenues from the Department of Emergency Management for emergency planning to be expended by the Department of Fire, Rescue, and Emergency Services in the General Operating Fund only by order of the Board of Supervisors as follows: \$21,850

- 4. Approval of School Budget Amendment # 4 and Adoption of a Resolution of Appropriation for \$298,311 to be Transferred to the School Operating Fund, as follows:

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

RESOLUTION NO. 2003-41

Appropriating \$298,311 to be Transferred to the School Operating Fund

April 2003 Appropriation

Board of Supervisors

April 8, 2003

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, 2002 from the funds and for the functions or proposes indicated:

GENERAL FUND

For additional State, Federal and Other funds awarded to Spotsylvania County Schools to be transferred to the School Operating fund and expended only by order of the Board of Supervisors as follows: \$298,311.

5. Special Event Applications – Haymaker Productions; Children’s Miracle Network; Spotsylvania Battlefield Education Association; and Spotsylvania Historic Preservation Foundation

REPORT OF THE COUNTY SHERIFF

Sheriff Knight presented his monthly report.

Mr. Connors asked the Sheriff to continue to enforce the speed limit on Catharpin Road especially near the schools.

In response to Mr. Waddy, Sheriff Knight said his deputies were enforcing no parking in handicapped spots and in fire lanes.

Mr. Jackson requested to have the Smart Trailer placed in Salem Fields along Rappahannock Boulevard.

Mrs. Carter asked to have the Smart Trailer placed on Lansdowne Road to read, “No Through Truck Traffic.”

Sheriff Knight commented that not enough money was yet being provided from the federal government for Homeland Security. Mrs. Carter asked that Representative Davis and Senators Allen and Warner be contacted.

COMPENSATION FOR COUNTY EMPLOYEES CALLED TO ACTIVE DUTY

Director of Human Resources Theresa O’Quinn said that the State would pay salary differentials for those state employees called to active duty and recommended that the County do the same

On a motion by Mr. Marshall, seconded by Mr. Waddy and passed unanimously, the Board agreed to pay the salary differential for those County employees called to active duty.

RECOMMENDATIONS ON HEALTH BENEFITS

Mrs. O’Quinn reiterated a recommendation of the Employee Compensation Committee that if the employees would embrace a mandatory generic drug program, then the County would pay a portion of the Key Care 10 program.

Ms. O'Quinn also made a recommendation to allow employees to try the HMO program, which provides a cost savings to both the employee and the County, that an additional open enrollment period be allowed for 6 months.

RECOGNITION OF EMERGENCY COMMUNICATIONS EMPLOYEES

Board members recognized and congratulated the following Emergency Communications employees: Denise Livesay and Lisa O'Neal as Supervisors of the Year, Jonathan Harvey as Dispatcher of the Year and Crystal Surles as Most Improved Dispatcher of the Year.

MEETING WITH VDOT OFFICIALS

Garrett Moore and Fulton de Lamorton, Assistant Resident Engineers discussed transportation matters with the Board.

Mr. Kilpatrick reported that Leavells Road was moving along; a contract had been awarded for Piedmont Drive (Route 673); Block House Road (Route 648) should be finished by mid-summer; a meeting about Towles Mill Road (Route 656) was to be scheduled; the Golin Run project (replacement Bridge on River Road) was moving forward; the public hearing on Bragg Road (Route 639) was held and the comment period had closed; Spotswood Furnace Road (Route 620) was scheduled for maintenance; and the ditches on Gardenia Lane in Red Rose Village seemed to be functioning

Mr. Marshall would like to know the cost estimates for improvements to Roxbury Mill Road (Route 632) and Swift Road (Route 605) under the Rural Rustic Program.

Mr. Marshall and staff discussed bringing roads into the State system for two Rural Additions Blount's Harbour and Hunters Lodge.

Mr. Connors discussed design issues and speed limits near Wilderness and Ni River Middle Schools. He said there was a blind spot for vehicles leaving the middle school and the need to make people more aware that this area was a school zone.

Mr. Hagan commented on the outstanding job on River Road and the need to coordinate all staff contacts through the County Administrator.

Mr. Waddy asked about the Courthouse Bypass. Mr. Kilpatrick said it was still scheduled for mid-2007 for the lower end.

Mr. Waddy asked about improvements to Brock Road (Route 613) and to Monrovia Road (Route 612) from Route 522 to the Orange County Line. Mr. Kilpatrick could not give him a time when those would be worked on.

In response to questions from Mrs. Carter, Mr. White said the traffic signal at Massaponax High School should be installed by the first of June. And Mr. Kilpatrick said he didn't recommend a

multi-way stop sign at Lansdowne and Mine Roads, but that that intersection would eventually need a traffic signal.

Mrs. Carter requested that wild flower seeds be planted at the I-95 intersection.

Mr. Pitts reported that a stretch of pavement needed to be replaced at the Route 208 Commuter Parking Lot and that there was an abandoned vehicle there.

INFORMATION ON EARTH DAY

Director of General Services Doug Barnes provided the Board with information on Earth Day, April 19. He said he would be providing compost material made with sewage sludge. Mr. Barnes said the County was using the compost for parks and recreation fields as a demonstration program and that his department was producing and marketing the product.

Board members congratulated and complimented Mr. Barnes and his staff for this program.

Board members thanked environmental coordinator Clara Mills for having litter picked up on various road throughout the County. Mrs. Carter asked Mrs. Mills and Kimberly McWhirt to develop a program for keeping County roads free from litter and sending a blue ribbon in the beginning.

REFUNDING OF 1993 GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS

David Rose of Davenport and Company was present to discuss a refunding opportunity. The company recommended the issuance and sale of a \$3,998,023 General Obligation Refunding Bond providing for the refunding of the Series 1993 General Obligation Public Improvement Refunding Bonds. He said it would result in a savings of \$155,000 for the County and the interest rate would be 3.15%.

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

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

RESOLUTION NO. 2003-42

**RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF A \$3,998,023 GENERAL OBLIGATION
REFUNDING BOND, SERIES 2003A, OF THE COUNTY OF**

**SPOTSYLVANIA, VIRGINIA, PROVIDING FOR THE
FORM, DETAILS AND PAYMENT THEREOF, AND
PROVIDING FOR THE REFUNDING OF THE COUNTY'S
GENERAL OBLIGATION REFUNDING BONDS, SERIES
OF 1993**

WHEREAS, on November 17, 1993, the County of Spotsylvania, Virginia (the "County"), issued its \$5,560,000 General Obligation Refunding Bonds, Series of 1993 (the "1993 Bonds"); and

WHEREAS, the County administration, in consultation with Davenport & Company LLC, the County's financial advisor (the "Financial Advisor"), has determined that the County can effect considerable savings by issuing general obligation refunding bonds to refund the outstanding 1993 Bonds maturing on March 1, 2004 through 2011, in the aggregate principal amount of \$3,845,000 (the "Refunded 1993 Bonds"), and to pay the costs of refunding the Refunded Bonds and of issuing the refunding bonds; and

WHEREAS, the County Board of Supervisors (the "Board") desires to issue and sell such an issue of general obligation refunding bonds through a private placement with SunTrust Bank (the "Bank");

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

1. Issuance of Bond. There shall be issued, pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, a general obligation refunding bond of the County in the principal amount of \$3,998,023 (the "Bond") to provide funds to refund the Refunded Bonds, including funds to pay principal of and premium and interest on the Refunded Bonds when due and to pay the costs incurred in connection with refunding the Refunded Bonds and issuing the Bond.

2. Bond Details. The Bond shall be in the form of a single, typewritten bond, shall be designated "General Obligation Refunding Bond, Series 2003A," shall be in registered form, shall be dated the date of its delivery, shall be numbered R-1 upward, and shall bear interest from its date, payable on March 1 and September 1, beginning on September 1, 2003, at the rate of 3.15% per year, calculated on the basis of a 360-day year of twelve 30-day months. The Bond shall mature in installments on March 1 in years and amounts, as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2004	\$352,397	2008	\$499,648
2005	495,947	2009	522,602
2006	511,545	2010	539,314
2007	521,268	2011	555,302

If the date on which any payment is due with respect to the Bond is not a Business Day (as hereinafter defined), the payment shall be made on the next succeeding Business Day. "Business Day" shall mean a day on which banking business is transacted, but not including a Saturday, Sunday or legal holiday, or any other day on which banking institutions are authorized by law to close in the Commonwealth of Virginia.

Principal and interest shall be payable by the Registrar (as hereinafter defined) by check or draft mailed to the Bank, as the registered owner, at the address as it appears on the registration books kept by the Registrar on the last Business Day of the month preceding each interest payment date. Principal and interest shall be payable in lawful money of the United States of America.

3. Redemption Provisions. The Bond is not subject to redemption prior to maturity.

4. Execution and Authentication. The Bond shall be signed by the manual signature of the Chairman or Vice Chairman of the Board, shall be countersigned by the manual signature of the Clerk or Deputy Clerk of the Board and the Board's seal shall be affixed thereto. The Bond shall be issued as a typewritten bond in substantially the form of Exhibit A attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Chairman or Vice Chairman of the Board, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

5. Pledge of Full Faith and Credit. The full faith and credit of the County are irrevocably pledged for the payment of principal of and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment of the Bond, the Board shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay when due the principal of and interest on the Bond.

6. Registration, Transfer and Owners of Bond. The Bond shall be issued in registered form without coupons, payable to the registered holders or registered assigns. The County Treasurer is hereby appointed paying agent and registrar for the Bond (the "Registrar"). The Registrar shall maintain registration books for the registration and registration of transfers of Bond. Upon presentation and surrender of the Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County; except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the Record Date.

7. Preparation and Delivery of Bond. The Chairman or Vice Chairman and the Clerk or Deputy Clerk of the Board are authorized and directed to take all proper steps to have the Bond

prepared and executed in accordance with its terms and to deliver the Bond to the Bank upon payment therefor.

8. Escrow Deposit Agreement. The County Administrator, the County Treasurer and the Director of Finance, or any of them, are authorized and directed to execute an escrow deposit agreement (the "Escrow Agreement") between the County and SunTrust Bank, Richmond, Virginia, which is hereby appointed Escrow Agent (the "Escrow Agent"). The Escrow Agreement shall be in the form approved by the County Administrator, in collaboration with the County Attorney and the County's bond counsel, the execution thereof by the County Administrator, the County Treasurer or the Director of Finance to constitute conclusive evidence of approval of the Escrow Agreement. The Escrow Agreement shall provide for the irrevocable deposit of a portion of the Bond proceeds (the "Refunding Portion") in an escrow fund which shall be sufficient, when invested in noncallable, direct obligations of the United States Government (the "Government Obligations"), to provide for payment of principal of and premium, if any, and interest on the Refunded Bonds; provided, however, that such Bond proceeds shall be invested in such manner that the Bond will not be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations issued pursuant thereto. The Escrow Agent is authorized and directed to execute an initial subscription form for the purchase of the Government Obligations.

9. Deposit of Bond Proceeds. The County Treasurer is authorized and directed (a) to provide for the delivery of the Refunding Portion to the Escrow Agent for deposit in the escrow fund established by the Escrow Agreement, in an amount that will be sufficient, together with the interest thereon when invested as provided in the Escrow Agreement, (i) to pay when due the interest on the Refunded Bonds to the first date on which they may be redeemed at the option of the County and (ii) to pay upon the earlier of maturity or redemption the principal of the Refunded Bonds, plus any interest accrued and unpaid to such redemption date, plus the applicable redemption premium, and (b) to provide for the deposit of the remaining proceeds of the Bond in a special account to be used to pay the costs of refunding the Refunded Bonds and issuing the Bond. The County Treasurer is further authorized and directed to take all such further action as may be necessary or desirable in connection with the payment and refunding of the Refunded Bonds.

10. Redemption of Refunded Bonds. The Refunded 1993 Bonds are specifically and irrevocably called for redemption on June 1, 2003. The Escrow Agreement shall provide for notice of redemption to be given in accordance with the resolution providing for the issuance of the 1993 Bonds to the registered owners of the Refunded Bonds.

11. Arbitrage Covenants. (a) The County represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Bond within the meaning of Treasury Regulations Section 1.150-1A(c).

(b) The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code, or otherwise cause interest on the Bond to be includable in the gross income of the registered owners thereof under existing law. Without limiting the generality of the foregoing,

the County shall comply with any provision of law which may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being includable in the gross income of the registered owners thereof under existing law. The County shall pay any such required rebate from its legally available funds.

12. Non-Arbitrage Certificate and Elections. Such officers of the County as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bond in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the County.

13. Limitation on Private Use. The County covenants that it shall not permit the proceeds of the Bond or the facilities refinanced with the proceeds of the Bond to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities refinanced with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities refinanced with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bond from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

14. Other Actions. All other actions of officers of the County in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond are approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bond.

15. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are repealed.

16. Effective Date. This Resolution shall take effect immediately.

BOARD OF SUPERVISORS REPORTS

Chancellor District

On a motion by Mr. Connors, seconded by Mr. Waddy and passed unanimously, the Board appointed John Cummings to the Tourism Commission.

Courtland District

On a motion by Mr. Hagan, seconded by Mr. Waddy and passed unanimously, the Board appointed Dainan Gibson to the Tourism Commission.

Salem District

Mr. Jackson said he would hold a Community meeting on May 6 and would ask the Director of Fire, Rescue and Emergency Services Chris Eudailey to attend and to recommend what might be appropriate for a 3-acre site.

Regarding the Tourism and Special Events Commission, Mr. Jackson suggested holding a mini-marathon, a 20-mile race, as a fall event in the Courthouse area.

Appointments of Board Members to the Spotsylvania Courthouse Tourism and Special Events Commission

On a motion by Mrs. Carter, seconded by Mr. Marshall and passed unanimously, the Board appointed Mr. Jackson to serve on the Spotsylvania Courthouse Tourism and Special Events Commission.

On a motion by Mr. Jackson, seconded by Mr. Waddy and passed unanimously, the Board appointed Mrs. Carter to serve on the Spotsylvania Courthouse Tourism and Special Events Commission.

Battlefield District

On a motion by Mr. Pitts, seconded by Mr. Waddy and passed unanimously, the Board appointed Phyllis D. Hollis to the Social Services Advisory Board to represent the Battlefield District.

Berkeley District

Mr. Marshall requested the County Attorney to write a letter to Senator Allen asking his help in allowing the County Historic Museum to keep the bust of Matthew Fontaine Maury, which had been on loan to the museum from the Department of the Navy since 1997 at the request of former Senator Charles Robb.

Lee Hill District

Mrs. Carter announced a ground breaking for a new building at Germanna Community College on April 25. She said that a shopping center developer had expressed an interest in developing at Lee's Park. She thanked Mr. Barnes and his staff for signs for senior citizen parking. She asked that a meeting date be set for a meeting with the School Board on the Joint Committee. And, she asked that a rope be replaced on an area on Benchmark Road across from Mary Lee Carter Park. She said the area was being used as a dumping ground.

CLOSED SESSION

On a motion by Mr. Jackson, seconded by Mr. Marshall and passed unanimously, the Board approved a motion to adjourn into closed session in accordance with Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as Amended, to discuss a personnel matter and in accordance with Section 2.2-3711(A)(5) of the Code of Virginia, 1950, as Amended, to discuss a prospective business.

RETURN TO OPEN SESSION AND CERTIFICATION

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

VOTE:

Ayes	(7)	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays	(0)	
Absent	(0)	
Abstain	(0)	

RESOLUTION NO. 2003-43

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 2.2-3711.1(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.

CABLE COMMISSION ANNUAL REPORT

Don Shelby, Chairman of the Cable Television and Telecommunications Commission, presented the 2002 Annual Report of the Commission.

The Commission was recommending approval of a Public Educational Government (PEG) Channel and cellular tower review authority on a one-year basis.

Mr. Hagan made a motion, seconded by Mr. Waddy to approve a Public Educational Government (PEG) Channel and cellular tower review authority on a one-year basis.

Mr. Jackson asked what sort of authority they were seeking in regard to cellular tower review. Director of Information Services Brian Scott said the Commission would give recommendations on a trial basis to see whether it would be helpful. He said the County would be able to use the experience of those on the Cable Commission.

Mr. Jackson noted that cellular tower review was being done through the Planning Department and suggested a collaborative approach.

Mr. Shelby said the Commission was not looking for authority to approve but to provide another pair of eyes.

The motion was approved unanimously.

AFD02-01 Renewal of Agricultural & Forestal District(s): Sam Harris has applied to renew his agricultural districts, also known as Harris AFD 1 and Harris AFD 2. Harris AFD 1 is composed of the following parcels; 67 ((A)) 1A, 2, 3, 5, 5A, 5B, 5C, 5D, 6A, 7, 7A, 7B, 8 and 54 ((A)) 15, 45, 46A, and 47. The total acreage of Harris AFD 1 is approximately 996.31 acres, located in the vicinity of Route 612 (Monrovia Road) and Route 522 (Zachary Taylor Highway). Harris AFD 2 is composed of the following parcels; 40 ((A)) 2, 7, 8, 9 and 11. The total acreage of Harris AFD 2 is approximately 403.94 acres located in the vicinity of Route 653 (Orange Springs Road) and Route 687 (Shirley Road). Livingston Voting District.

Planner Andrea Hornung presented the case and said that included in the application were boundary line adjustments for property to be acquired by Kirk O'Cliff Presbyterian Church, which would diminish the application for AFD 1 by .714 acres.

Mrs. Carter Opened the Public Hearing.

Sam Harris, owner of the property, 5801 Zachary Taylor Highway, Mineral, requested that the two Agricultural and Forestal Districts be renewed.

Rachel Morris, Virginia Farm Bureau Federation spoke about the benefits of Agricultural/Forestal Districts including the protection of agricultural and forestal lands.

Ray Sims, 7 Bainbridge Lane, said the Harris family was a farm family and that farming was a valued way of life in the County. He said the Harrises were stewards of the land and have received numerous awards for protecting the environment. He said he strongly supported the agricultural/forestal districts and the protection of this way of life.

John Conway, 6701 Harris Lane, Orange, said he owned 60 acres of land all in forestry. He said the Harrises had been excellent stewards of the property.

Mrs. Carter closed the public hearing.

On a motion by Mr. Waddy, seconded by Marshall and passed unanimously, the Board approved the renewal of Agricultural/Forestral Districts 1 and 2 with the removal of approximately .7 acres from District 1 for acquisition by Kirk O'Cliff Presbyterian Church.

03-B Spotsylvania County Board of Supervisors: An amendment to Chapter 14-13, Offenses - Miscellaneous, of the Code of Spotsylvania County to amend regulations affecting the application, fee, location, placement, and enforcement of "No Wake" buoy markers on the waters of Lake Anna.

Mrs. Carter opened the public hearing.

Zoning Administrator Troy Tignor presented the amendment and said there would be an administrative fee of \$50 for processing the application. He said that the Planning Commission had voted 7 to 0 to approve the amendment.

James Oliver, Sundown Court, said he was the Chair of the Navigation Subcommittee of the Lake Anna Advisory Committee. He said it was important for additional ordinances to slow down the proliferation of "no wake buoys."

Mrs. Carter closed the public hearing

On a motion by Mr. Waddy, seconded by Mr. Marshall and passed unanimously, the Board approved Amendment 03-B to amend regulations for "No Wake" buoy markets on the waters of Lake Anna.

VOTE:

Ayes:	7	Mrs. Carter, Mr. Connors, Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	0	
Absent:	0	
Abstain	0	

ORDINANCE NO.14-9

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 14, OFFENSES - MISCELLANEOUS, 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 14, Offenses-Miscellaneous, is hereby amended and reordained by amending Section 14-13, Regulatory Markers on Lake Anna; violations, as follows:

OFFENSES -- MISCELLANEOUS

Sec. 14-13. Regulatory Markers on Lake Anna; violations

(a) Operation of boat at unlawful speed in "no wake" areas of Lake Anna. No person shall operate a motorboat or vessel at such a speed as to create a wake, swell or displacement wave in the waters of Lake Anna in any area where the placement of "NO WAKE" buoys or other markers has been authorized by the state director of game and inland fisheries. A violation of this subsection shall constitute a Class 4 misdemeanor.

(b) Any person who desires to place "no wake" buoys or other markers relating to safe and efficient operation of vessels pursuant to this article shall apply to the Zoning Administrator, and, for requested regulatory markers on Lake Anna other than "no wake" buoys, the Zoning Administrator shall consult with the Board Member representing the voting district, the County Administrator, and the Lake Anna Advisory Committee. With regard to "no wake" buoys on Lake Anna, the Zoning Administrator will notify the Lake Anna Advisory Committee of requests at the same time as adjoining property owners are contacted. Affected adjoining property owners are to be contacted with respect to all requests, and the applicant shall provide the required number of copies of forms and maps denoting the affected area. The zoning administrator shall forward a recommendation with the application and maps within thirty (30) days to the Virginia Department of Game and Inland Fisheries who will make a final decision within thirty (30) days regarding the placement and type of marker.

(c) Any applicant aggrieved of a decision by the Zoning Administrator regarding the placement of no wake buoys may appeal such decision to the Board of Supervisors.

(d) Regulatory markers not marked by an agency of the United States, shall be a combination of international orange and white, the symbols and writing adhering to the Virginia Department of Game and Inland Fisheries (VDGIF) regulations. No regulatory marker or other waterway marker affecting the safety, health and well-being of a boat operator, excepting those placed by an agency of the United States, shall be placed in on or near the water unless authorized, designed, placed, and maintained according to rules prescribed by the department of game and inland fisheries.

(e) Upon authorization by VDGIF, the applicant shall place and maintain the approved regulatory marker(s), at the expense of the applicant. Any marker or buoy which is not in conformance with the VDGIF regulations shall be removed.

(f) All law enforcement officers may enforce the proper observance by watercraft operators of any marker installed under this article. Violations shall constitute a class 4 misdemeanor.

(g) Fees: Applications shall include a \$50.00 administration fee.

(h) "No boats" area on Lake Anna; violations. No person shall operate a motor boat or vessel in the waters of Lake Anna within any "No Boats" area designated and marked with "No Boats" buoys or other markers, as approved by the Department of Game and Inland Fisheries. A violation of this subsection shall constitute a Class 4 misdemeanor.

03-D Board of Supervisors: An amendment to the Spotsylvania County Comprehensive Plan in accordance with Section 15.2-2229 of the Code of Virginia (1950), as amended, to revise the Facility Design and Location Standards for Public Schools as identified in the Public Facilities Element.

Mrs. Carter opened the public hearing.

In response to questions from Board members Assistant Superintendent of Schools, Dr. James Meyer said the new design would accommodate 1,800 students; that the school administration continues to consider the question of the social cost of such a large school; and that the design would include a two-story wing.

Mrs. Carter closed the public hearing

On a motion by Mr. Marshall, seconded by Mr. Pitts and passed 6 to 1 with Mr. Connors voting “no,” the Board approved the Amendment to the Comprehensive Plan, 03-D.

Board members agreed to hear the following three cases together:

SP03-08 Spotsylvania County School Board: Requests a special use permit for an approximately 11,800 square foot addition to the existing Smith Station Elementary School, located at 7320 Smith Station Road in the RU zoning district. The site is in the Primary Settlement District, which is recommended to develop as a series of mixed-use communities where residents can live, work, play and shop. Tax parcel 22(A)88A. Salem voting district.

SP03-09 Spotsylvania County School Board: Requests a special use permit for an approximately 9,565 square foot addition to the existing Harrison Road Elementary School, located at 6230 Harrison Road in the R1 zoning district. The site is in the Primary Settlement District, which is recommended to develop as a series of mixed-use communities where residents can live, work, play and shop. Tax parcel 22(A) 129A. Salem voting district.

SP03-10 Spotsylvania County School Board: Requests a special use permit for an approximately 11,000 square foot addition to the existing Brock Road Elementary School, located at 10207 Brock Road in the RU zoning district. The site is in the Rural Development District, which is intended to maintain the existing rural and historic character of this portion of the county and protect water quality while accommodating additional residential large lot and cluster development. Tax parcel 19(A) 76 & 78A. Livingston voting district.

Mrs. Carter opened the public hearing.

Dr. Meyer requested approval and said the additions would increase the schools’ capacities to accommodate between 850 and 900 students.

On a motion by Mr. Jackson, seconded by Mr. Marshall and passed unanimously, the Board approved SP03-08.

On a motion by Mr. Waddy, seconded by Mr. Marshall and passed unanimously, the Board approved SP03-09.

On a motion by Mr. Waddy, seconded by Mr. Pitts and passed unanimously, the Board approved SP03-10.

ADJOURNMENT: On a motion by Mr. Pitts, seconded by Mr. Waddy and approved unanimously, the Board adjourned its meeting at 7:40 p.m.

Anthony W. Barrett
County Administrator