

APRIL 10, 2001

PRESENT: Mary Lee Carter, Chair
Benjamin T. Pitts, Vice Chair
Mark L. Cole
Gary Jackson
Emmitt B. Marshall
Patricia L. Messner
Thomas C. Waddy, Jr.

STAFF PRESENT: Douglas C. Walker, Acting County Administrator
Mark B. Taylor, County Attorney

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

ADOPTION OF THE REAL PROPERTY TAX RATE AND THE MOBILE HOME TAX RATE

Mr. Jackson asked for confirmation that no new Deputy Sheriff positions were included in the budget. Mr. Walker said that was correct, that only one new part-time detective was included.

Mrs. Messner asked why would there be a delay in paying for the 911 system costs. Director of Emergency Communications John Brown said the County would be reimbursed by the State if wireless 911 were included and, therefore, thought it advisable to wait a year until the wireless 911 could be included in the replacement.

On a **motion** by Mr. Marshall, seconded by Mr. Waddy and approved 5 to 2 with Mr. Cole and Mrs. Messner voting "no," the Board adopted a tax rate for Fiscal Year 2002 (FY 02) of \$1.07 per \$100 of assessed value with all other taxes to remain the same.

Mrs. Messner read an e-mail from a citizen who said he supported fire and rescue services and education, but asked where the line should be drawn between education and extras. He questioned tax increases in subsequent years and how he would continue to afford them.

Mrs. Messner said those who approve of higher taxes could write a check to make up the difference by sending a check to the department where they thought funds were needed. She said it was about choices and priorities. She said she would vote no to any tax increase today.

Mr. Marshall said had the State sent money to the localities to educate children, the County would not be in the fix it was in. He said he blamed the State of Virginia and that it was totally responsible for the County's budget dilemma.

Mr. Jackson said the County was seeing the consequences of growth. He said the County was growing so quickly that more services were needed. He said he hoped the Board members would remember the consequences of growth when it revisited the Comprehensive Plan. He said he supported the \$1.07 tax rate and said the Board could have looked at other taxes. He said it was outrageous what the State had done to localities and that it had not provided raises for teachers and deputies.

Mr. Pitts said he agreed with Mr. Marshall and Mr. Jackson regarding the actions of the State. He said the Board had an obligation to see that the services that were needed were provided. In regard to the Sheriff's Department, he said that the Board would have funded at least two deputies if the State of Virginia had lived up to its responsibilities. He noted that President Bush was planning to slash the Cops program and he wondered whether Gilmore and Bush were reading out of the same budget book by making cuts in public safety.

Mr. Waddy said the Governor's intention was to cut the car tax, but no budget had been approved. He asked what the Governor had done for the County . . . not anything and that was why the County was in the fix it was in today.

Mrs. Carter noted that next year the County would have an analyst to help with the budget. She said that some of the County's legislators might be taken away due to redistricting. She asked citizens to get on the telephone and tell the legislators how they felt about redistricting. She said she supported the \$1.07 tax rate.

ADOPTION OF THE GENERAL OPERATING FUND

After discussion, on a **motion** by Mr. Pitts, seconded by Mr. Waddy, and passed 4 to 3 with Mr. Cole, Mr. Jackson and Mrs. Messner voting "no," the Board approved the budget for the FY 02 General Operating Fund in the amount of \$51,008,954.

Mr. Jackson said the amount provided for the General Operating Fund did not reflect the priorities or values that he represented to the public. He said that additional funding was needed for the Sheriff's

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Department and that the levels of services were going backwards and cited the Sheriff and Fire and Rescue Departments as examples.

ADOPTION OF THE CAPITAL PROJECTS FUND

On a **motion** by Mr. Marshall, seconded by Mr. Waddy and passed 4 to 3 with Mr. Cole, Mr. Jackson and Mrs. Messner voting "no," the Board approved the FY02 Capital Projects Fund in the amount of \$3,353,439.

ADOPTION OF THE ECONOMIC DEVELOPMENT INCENTIVE FUND

On a **motion** by Mr. Waddy, seconded by Mr. Marshall and passed unanimously, the Board approved the FY 02 Economic Development Incentive Fund in the amount of \$150,000.

ADOPTION OF THE SCHOOL OPERATING FUND

Mrs. Carter suggested providing funds from the Fund Balance to the School Operating Fund. Mr. Taylor advised that to do so, the Board would have to hold a Public Hearing for an amendment to the budget.

Mrs. Messner said that the Board would be spending money that it could not guarantee would be available next year.

Mr. Jackson said that the School Operating Fund was inadequate and that the school system was moving back and that was not the direction the County wanted to go.

On a **motion** by Mr. Waddy, seconded by Mr. Marshall and passed 4 to 3 with Mr. Cole, Mr. Jackson and Mrs. Messner voting "no," the Board approved the FY 02 School Operating Fund in the amount of \$151,123,623.

ADOPTION OF THE SCHOOL FOOD SERVICE FUND

Mr. Cole asked whether this service was self-supporting. Dr. James Meyer, Assistant Superintendent of Schools said that it was.

Mrs. Messner commented that there would be no cost to the County.

On a **motion** by Mr. Pitts, seconded by Mr. Waddy and passed unanimously, the Board approved the FY 02 School Food Service Fund in the amount of \$5,280,644.

ADOPTION OF THE SCHOOL CAPITAL PROJECTS FUND

On a **motion** by Mr. Marshall, seconded by Mr. Pitts and passed 5 to 2 with Mr. Cole and Mrs. Messner voting "no," the Board approved the FY 02 School Capital Projects Fund in the amount of \$19,519,768.

ADOPTION OF A RESOLUTION REGARDING FUNDS UNSPENT FROM THE FISCAL YEAR 2002 SCHOOL BUDGET

Mr. Cole suggested that instead of providing a blanket approval to wait until the actual funds were identified.

Mrs. Messner noted that there was \$1.8 million left over from last year.

On a **motion** by Mr. Marshall, seconded by Mr. Pitts and passed 5 to 2 with Mr. Cole and Mrs. Messner voting "no," the Board adopted the following resolution that funds appropriated to the school system in FY 02 and remaining unspent at the end of the fiscal year shall be returned to the School Carryover Fund:

RESOLUTION NO. 2001-27 A

VOTE:

Ayes:	5	Mrs. Carter, Mr. Jackson, Mr. Marshall, Mr. Pitts and Mr. Waddy
Nays:	2	Mrs. Messner and Mr. Cole
Absent :	0	
Abstain	0	

Return of Unspent Funds to the School Carryover Fund

BE IT RESOLVED by the Spotsylvania County Board of Supervisors that any local funds appropriated to the school system in Fiscal Year 2002 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.

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ADVERTISEMENT OF A PUBLIC HEARING TO SUPPLEMENT THE SCHOOL BUDGET

On a **motion** by Mr. Marshall, seconded by Mr. Waddy and passed 5 to 2 with Mr. Cole and Mrs. Messner voting "no," the Board authorized staff to advertise a public hearing to amend the budget for an appropriation of \$1 million from the General Fund to the School Operating Fund.

ADOPTION OF THE UTILITIES OPERATING BUDGET

Mrs. Messner commented that the Utilities operations were 100% self-supporting. Mr. Walker agreed that operations were supported by user and connection fees.

On a **motion** by Mr. Pitts, seconded by Mr. Waddy and passed unanimously, the Board approved the FY 02 Utilities Operating Budget in the amount of \$18,589,864.

ADOPTION OF THE UTILITIES CAPITAL PROJECTS BUDGET

Mrs. Messner asked whether the Utilities Capital Projects Budget was covered 100% by fees. Mr. Walker said that was correct. Mr. Jackson noted that there were other costs associated with the utilities budget, such as administrative and attorney costs, that meant the utilities operations were not entirely self-sufficient.

On a **motion** by Mr. Marshall, seconded by Mr. Cole and passed unanimously, the Board adopted the FY 02 Utilities Capital Projects Budget in the amount of \$46,796,417.

ADOPTION OF THE CAPITAL IMPROVEMENTS PLAN

On a **motion** by Mr. Marshall, seconded by Mr. Pitts and passed 5 to 2 with Mr. Cole and Mrs. Messner voting "no," the Board approved the FY 02 Capital Improvements Plan in the following amounts: General Capital Projects, \$15,926,996; Utilities Capital Projects, \$104,320,330; and School Capital Projects, \$85,586,379.

IMPLEMENTATION OF THE COMPENSATION PHILOSOPHY

Mr. Jackson said he did not agree with each and every component of the Compensation Philosophy. He said he disagreed with the amount of the health benefits premium that employees would be required to pay and he did not agree with using the Employee Benefit Reserve to offset increased health insurance costs for six months, from July 1, 2001 to January 1, 2002. He said he thought these two components were generous given that the salaries would be at market values. He said the Board should take a hard look at the co-pay and that the proposal was unusually generous.

Mrs. Messner suggested discussing the value of benefits at a work session and what employees in other jurisdictions were paying for health plans.

On a **motion** by Mr. Jackson, seconded by Mr. Pitts and passed 5 to 2 with Mr. Cole and Mrs. Messner voting "no," the Board approved the implementation of the Compensation Philosophy in regard to adjusting salaries to market levels. Board members agreed to discuss further the cost sharing of health benefits and related matters.

After further discussion, Board members agreed to remove four components related to employee health benefits for further discussion.

On a **motion** by Mr. Jackson, seconded by Mr. Pitts and passed 5 to 2 with Mr. Cole and Mrs. Messner voting "no," the Board approved the implementation of the Compensation Philosophy in regard to adjusting salaries to market levels, as follows:

- Adoption of the Segal Company Pay Schedules effective July 1, 2001;
- Implementation of the new pay system for all departments effective July 1, 2001 using a 2.5% longevity increment for years in current position and \$100 per year (up to \$1,600) for years in a previous position in the County (assuming consecutive service);
- Providing a 2.5% Merit on anniversary date for FY2002, based on performance;
- Continue to explore additional cafeteria plan offerings for employee selection;
- Discontinue educational supplements.

APPROVAL OF CONSENT AGENDA

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

1. Approval of the minutes of its meetings of March 6, March 8 and March 27, 2001;
2. Adoption of a resolution proclaiming May, 2001 as Historic Preservation Month, as follows:

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RESOLUTION NO. 2001-28**VOTE:**

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

Proclaiming May, 2001 as 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, "RESTORE, RENEW, REDISCOVER YOUR HISTORIC NEIGHBORHOOD!" is the theme for National Preservation Week 2001, cosponsored by Spotsylvania Preservation Foundation, Inc. (SPFI), and the National Trust for Historic Preservation

NOW, THEREFORE, the Spotsylvania County Board of Supervisors does proclaim May 2001 as Historic Preservation Month and calls 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 Asking that the Streets in Kingswood Subdivision, Section 9, Be Taken Into the State System of Secondary Roads, as follows:

RESOLUTION NO. 2001-29**VOTE:**

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

Requesting that Streets in Kingswood, Section 9, Be Added to the State System of Secondary Roads

WHEREAS, the streets in Kingswood, Section 9, 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

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

Report of Changes in the Secondary System of State Highways

Kingswood - Section 9

Type of Change: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street
Pursuant to Code of Virginia Statute: §33.1-229

Route Number and/or Street Name

Carriage Way Lane, State Route Number 1513

Description: **From:** Harris Mill Court
To: Oxbow Court

A distance of: 0.07 miles.

Right of Way Record: Filed with the Land Records Office on 12/11/1998, Plat File 7, Page 44, with a width of 50

Description: **From:** Oxbow Court
To: 0.08 miles W of Oxbow Court

A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 12/11/1998, Plat File 7, Page 44, with a width of 50

Harris Mill Court, State Route Number 1512

Description: **From:** Kingswood Boulevard (Route 1344)
To: Carriage Way Lane

A distance of: 0.21 miles.

Right of Way Record: Filed with the Land Records Office on 12/11/1998, Plat File 7, Page 44, with a width of 50

Description: **From:** Carriage Way Lane
To: 0.08 miles N of Carriage Way Lane

A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 12/11/1998, Plat File 7, Page 44, with a width of 50

Oxbow Court, State Route Number 1515

Description: **From:** Carriage Way Lane
To: 0.06 miles N of Carriage Way Lane

A distance of: 0.06 miles.

Right of Way Record: Filed with the Land Records Office on 12/11/1998, Plat File 7, Page 44, with a width of 50

Description: **From:** Carriage Way Lane
To: 0.08 miles S of Carriage Way Lane

A distance of: 0.08 miles.

Right of Way Record: Filed with the Land Records Office on 12/11/1998, Plat File 7, Page 44, with a width of 50

MEETING WITH VDOT OFFICIALS

The Board met with representatives of the VDOT Residency Office who provided a summary of construction and maintenance matters.

Mr. Waddy asked about a potential drainage problem that might result from construction of the Route 208 Bypass. Mr. Kilpatrick said he would consult with the designer regarding drainage.

Mrs. Messner asked whether a decision had been made on whether to change the timing on the traffic light at Route 3 and Cherry Road (Route 706). She was informed that no decision had been made yet.

Mrs. Messner said there was a drainage problem on Harrison Road, which might be a result of a water line project.

Mr. Cole said that Brimstone Drive in Wilbur Farms subdivision had not been repaved and that the Maple Grove Drive pavement was in bad shape.

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Mr. Cole requested a caution sign for poor sight lines for a driveway on River Road. He was informed that VDOT did not erect "Hidden Driveway" signs but that VDOT staff would look at it.

Mr. Pitts said that the arrows for the turn lanes on Lafayette for Southgate Avenue and Falcon Drive were too close.

Mr. Jackson thanked VDOT staff for installing signage on Foster Road.

Mr. Jackson noted that the board had approved making a portion of Smith Station Road a "Residence District."

Mr. Jackson asked whether dead trees in the median on Route 3 could be replaced.

Mr. Waddy asked for a bigger "Stop" sign at Belmont Road (Route 652) and Lawyers Road (Route 601).

Mr. Marshall asked about the north lane on I-95 in the Thornburg area. He was informed that the portion of the road he referred to needed to be repaved.

On a **motion** by Mr. Marshall, seconded by Mr. Jackson and passed 6 to 0 with Mr. Waddy absent for the vote, the Board approved a request for "Watch for Children" signs in the Berkshire subdivision contingent upon the Berkshire Homeowners Association paying for the signs.

Mrs. Carter complimented VDOT staff on the yellow flowers alongside northbound I-95 between Fredericksburg and Washington, D. C.

Mrs. Carter said she was concerned about a concrete slab at Hamilton's Crossing. VDOT staff said they had talked with the railroad concerning the slab.

Mrs. Carter asked that a tree near the Fredericksburg Christian School be taken care of.

RURAL ADDITION PROGRAM OVERVIEW AND ADDITIONS TO THE RURAL ADDITION PRIORITY LIST

Transportation Engineer Janet Chandler provided an overview of the Rural Additions Program in which roads are improved for VDOT acceptance and are subsequently maintained by VDOT. She recommended the addition of River Will subdivision and Canwick Estates subdivision as number 28 and 29 respectively on the Rural Addition Priority List.

On a **motion** by Mr. Cole, seconded by Mr. Waddy and passed unanimously, the Board approved the addition of River Will subdivision and Canwick Estates subdivision to the Rural Addition Priority List.

PROPOSAL FOR THE YMCA TO TEACH COUNTY SUMMER SWIM LESSONS AT LORIELLA PARK POOL

Parks and Recreation Director Ernie Pennington said the program would cost \$20,000 and would be paid for through users fees, which would be \$5 more than last year.

On a **motion** by Mr. Waddy, seconded by Mr. Pitts and approved 6-0 with Mrs. Messner absent for the vote, the Board approved a proposal for the YMCA to teach summer swim lessons at Loriella Park Pool.

AMENDMENT TO THE FY 2001 COMPREHENSIVE SERVICES ACT (CSA) BUDGET

Loraine Lemoine, Director of Social Services and Secretary of the Community Policy Management Team introduced the Chairman of the CPMT, Dr. David Goldman. Dr. Goldman acknowledged Mrs. Messner as a valuable member of the CPMT over the past year. Dr. Goldman explained that costs for the Comprehensive Services Act Program were driven by residential treatment costs and that the number of children served by the program increased each year.

Board members discussed with Dr. Goldman and Mrs. Lemoine the requirements for residential vs. non-residential care, additional mechanisms to pay for care and that the program was mandated.

On a **motion** by Mr. Jackson, seconded by Mr. Waddy and passed unanimously, the Board amended the FY 2001 Comprehensive Services Act (CSA) Budget by increasing total funding by \$172,000 with the local share being \$77,400 from the contingency fund.

ADOPTION OF A RESOLUTION REFERRING A PROPOSED ZONING ORDINANCE AMENDMENT TO ALLOW LIMITED NON-RESIDENTIAL DEVELOPMENT IN FLOODPLAINS TO THE PLANNING COMMISSION FOR THE INITIATION OF PUBLIC HEARINGS

In response to questions from Board members Environmental Engineer Jim Dossett said the County's current ordinance was more stringent than others because it had been based on a Fairfax County

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Ordinance. He said the County would not be lessening its sensitivity to the environment and that industrial developers were losing a portion of their properties.

On a **motion** by Mr. Cole, seconded by Mrs. Messner and passed unanimously, the Board adopted the following Resolution Referring a Proposed Zoning Ordinance Amendment to Allow Limited Non-Residential Development in Floodplains to the Planning Commission.

RESOLUTION NO. 2001-30

VOTE:

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

A Resolution Initiating Certain Amendments to the Zoning Ordinance to Allow Limited Non-Residential Development in Floodplains

WHEREAS, pursuant to Section 15.2-2286(A)(7) of the Code of Virginia, the Board finds that the public necessity, convenience, general welfare and good zoning practice require consideration of the following amendment to the Zoning Ordinance:

*Article 7, Division 1, Generally
Section 23-7.2.5, Definitions;
Section 23-7.2.10, Interpretation of district exact boundaries;
Section 23-7.2.12, District provisions/general provisions; and
Section 23-7.2.16, Exempt development*

NOW, THEREFORE, BE IT RESOLVED:

- (1) The Board authorizes consideration of such proposed amendments.*
- (2) Such proposed amendments are referred to the Planning Commission for its recommendations.*
- (3) Public notice shall be given and public hearings shall be conducted as required by law.*

STATUS REPORT ON THE COUNTY DRAINAGE POLICY AND CONSIDERATION OF AN AMENDMENT TO THE SUBDIVISION ORDINANCE REGARDING MAINTENANCE OF DRAINAGE EASEMENTS

Mr. Dossett said he was researching whether the county would be allowed under the Dillon Rule to develop a policy and said he may do it as a nuisance ordinance. He said he would bring back the policy on May 8, 2001.

Mrs. Messner asked about exempting certain parts of the County from the proposed policy. Mr. Jackson suggested contacting Chesterfield County, which had developed a similar policy.

REPORT ON REFERENDUM ON BOND FINANCING OF FIRE, RESCUE AND EMERGENCY SERVICES CAPITAL IMPROVEMENTS

Mr. Taylor reviewed the requirements for a bond referendum. He suggested a bond issue of up to \$30 million. He said the funding sources for repayment could be general obligation bonds or hybrid bonds that could be paid in part through fees for services. He said the Board should hold two public hearings, one on an amendment to the Capital Improvements Plan to include the projects to be funded and the other on an ordinance prescribing a bond referendum to be added to the scheduled election for November 2001.

Board members and staff discussed using fees for transport for ambulance service and perhaps for fire related services as well, using funds from the operating budget for repayment and the ability to use alternate financing should the referendum fail. They discussed informing the public of the possibility of a 5 cent increase on the tax rate, that the needs were profound and that the voters should help the Board decide whether citizens should pay for the service through an increase in taxes or through fees for service.

On a **motion** by Mr. Jackson, seconded by Mr. Pitts and passed unanimously, the Board authorized staff to advertise public hearings to amend the FY 2002-FY2006 Capital Improvements Plan to add fire and rescue facilities and equipment in the amount of approximately \$30 million and to adopt an ordinance prescribing a bond referendum to be added to the scheduled election for November 2001.

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RESCUE STATION 1, WATER AND SEWER CONNECTION

In response to questions from Board members, Director of Fire, Rescue and Emergency Services said that the rescue station, which had been destroyed by fire, had been rebuilt with insurance money, but that the water line extension and a hookup for water and sewer were still needed. He said that since the building was on County property, the extended water line would not precipitate new development.

On a **motion** by Mr. Marshall, seconded by Mr. Jackson and passed unanimously, the Board approved expenditures from the Utilities Capital Projects Fund and the General Fund Contingency for a water line extension and for water and sewer hookup at Rescue Station 1.

REPORT OF THE BOARD OF SUPERVISORS**Chancellor District**

Mrs. Messner reported on an auto accident. She said the response time of the Rescue Squad was excellent and that she would send a check to the Chancellor Volunteer Fire Department.

On a **motion** by Mrs. Messner, seconded by Mr. Cole and passed unanimously, the Board appointed Kristen Pruitt to the Industrial Development Authority representing the Chancellor District.

Courtland District

Mr. Cole said he had attended a Boy Scouts Court of Honor hosted by the Peace United Methodist Church and he thanked the church parishioners for their support.

On a **motion** by Mr. Cole, seconded by Mr. Jackson and passed unanimously, the Board recommended to the Fredericksburg Area Metropolitan Planning Organization (FAMPO) that Den C. Boyd be appointed to the Transportation Advisory Committee.

Battlefield District

Mr. Pitts asked for information on the Rappahannock Regional Jail, specifically on overcrowding and how many people in jail were awaiting transportation to a state facility.

Berkeley District

Mr. Marshall said he would like information on the proposal to sell the former jail. Mr. Walker said that proposals were due at the end of the month.

Livingston District

Mr. Waddy said that May 13 through 19, 2001 would be National Police Week and that on May 15 flags should be lowered to half-staff.

On a **motion** by Mr. Waddy, seconded by Mr. Cole and passed unanimously, the Board directed that on Wednesday, May 15, 2001, flags on County premises be lowered to half-staff.

Mr. Waddy asked about a former policy whereby employees who were 62 years of age and had 10 years of service could retire and receive full health benefits. Mr. Walker said it had always been a County policy that an employee must fully retire at age 65 in accordance with Social Security or in accordance with the Virginia Retirement System regulations before he or she could receive health benefits. He said he would provide the language from the former policy and the new.

Mr. Waddy asked about a meeting with Mark Kuechler, President of the Spotsylvania Volunteer Fire Department about control over their budget being given back to them. Mr. Walker said there was a long list of items that had been discussed and he expected to have the items resolved before the next budget.

Salem District

Mr. Jackson suggested inviting the Fire, Rescue and EMS Commission to a future Board work session.

Mr. Jackson said he had attended a Fredericksburg Regional Alliance (FRA) meeting last month. The FRA staff had presented a marketing plan and asked for suggestions. He said he would like to discuss three FRA industry reports with the School Board and asked that they be included on the agenda for the joint meeting on April 26.

Mr. Jackson said he had attended a Rappahannock River Basin Commission meeting and would like to include a discussion of the "Home-A-Syst" Program on the agenda for next time and perhaps host a meeting at the Marshall Center and suggested a tentative date of June 23.

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He said that the Spotsylvania Preservation Foundation's Easter Egg Roll for the benefit of restoring the old jail was successful.

Lee Hill District

Mrs. Carter said she had attended a reception hosted by the FRA for sixteen business leaders from the Republic of South Korea.

Mrs. Carter said that a recent "Middle School Night" held at the Senior Teen Center for young people ages 12 and up was successful.

Mrs. Carter commented on the difficulty in meeting health regulations for special events held at farms. She said there were so many mandates that it was difficult for farmers to keep their farmland.

CLOSED SESSION

On a **motion** by Mr. Jackson, seconded by Mr. Cole and approved unanimously, the Board approved a motion to adjourn into closed session in accordance with Section 2.1-344(A)(1) of the Code of Virginia, 1950, as Amended, to discuss a personnel matter and personnel compensation.

RECESS

RETURN TO OPEN SESSION AND CERTIFICATION

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

RESOLUTION NO. 2001-31

VOTE:

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

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 2.1-344.1(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.

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

SP00-19, WAWA, INC.: Requests a special use permit for a convenience store with gas pumps in the Commercial 2 (C-2) zoning district on approximately 2.387 of a 36.91 acre parcel. The property is located at the northeast corner of Falcon Drive & Mine Road, approximately 1600 feet east of the Mine Road and Route 1 intersection. Parcel 24 (6) A. Lee Hill Voting District.

Planner Joe Lerch presented the case. He said that Planning Commission and staff had recommended approval. In response to questions from Board members he said that the applicant had agreed to use light shields to mitigate light pollution and that the minimum buffering required was 60 ft. but that the General Development Plan, which the applicant was required to comply with showed 70 ft. He said the applicant would retain the existing vegetation rather than place a berm on the property. He said there was no stop time for construction and that he and the applicant had worked with the adjacent property owners on buffering and hours of construction.

Mrs. Carter opened the public hearing.

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Philip Sasser, 9064 Courthouse Road and Attorney representing the applicant, said the applicant would amend the conditions to stipulate that construction would stop at dark or at 7 p.m., whichever was earlier.

In response to a question on the greater than required number of parking spaces, Greg Harvey, Engineer with Wawa, said that Wawa normally allowed for a greater number of spaces because there was more emphases on in-store sales than with other convenience stores and it allowed customers to park in a space rather than leave their cars at the gas pumps.

Those speaking in favor: None.

Those speaking in opposition:

Julian J. Mason, Jr., 4545 Mine Road, said the development would have an impact on his home and family. He thanked Mrs. Messner for her reply to his concerns. He commented that the original rezoning was for office space and light retail buildings but that this development was for a more intense use. He urged the inclusion of a 70-ft. buffer between the development and his property.

Kathi Mason, 4545 Mine Road, said she would like to see no construction on Sundays so that she and her family could have one day of peace.

Mr. Sasser said the applicant agreed that no machinery would be run on Sundays.

Mr. Pitts said he would like to have the Board vote on the case at the next meeting.

SP01-03 SPOTSYLVANIA COUNTY SCHOOL BOARD (MIDDLE SCHOOL #7): Requests a special use permit to build and operate a public school in the Residential 1 (R-1) zoning district. The proposed middle school would be constructed on a 76.72-acre parcel located at 7319 Smith Station Road, across from Smith Station Elementary School and approximately 0.25 miles south of Gordon Road. Tax parcel 22(A)89. Salem Voting District.

Planner Wanda Parrish presented the case. She said that the Planning Commission and staff had recommended approval.

Board members questioned tapers and turn lanes, the approval of a subdivision adjacent to the proposed school, the construction of a subdivision road over a portion of school property and whether the starting and ending times for the proposed middle school and the existing elementary school across the road would conflict.

Those speaking in favor:

Dr. James Meyer, 3618 North Rock Creek Drive and Assistant Superintendent of Schools, said the site and location were excellent. He said he would address the question of the subdivision road traversing school property and that the starting and ending times of the two schools would not conflict. He said there would be no more than two entrances and he would discuss with VDOT the need for turn lanes and tapers.

Those speaking in opposition: None.

On a motion by Mr. Jackson, seconded by Mr. Waddy and passed 6 to 1 with Mrs. Messner voting "no," the Board approved a special use permit for Middle School No. 7 with the following conditions:

1. Development of the project and landscaping shall be in general conformance with the Generalized Development Plan (revision date 2/27/2001) and the other plans and descriptions submitted as part of the application.
2. Sidewalks and trails shall be constructed as shown on the Generalized Development Plan.
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.
4. The school restroom facilities shall be made available to the Spotsylvania County Parks and Recreation Department for programmed activities.

LEASE OF SPACE ON THE CHANCELLOR TOWER TO VDOT

Mrs. Carter opened the public hearing and, after no one indicated they would like to speak, closed the public hearing.

APRIL 10, 2001

NEGOTIATION OF A CONTRACT WITH TRIGON BLUE CROSS/BLUE SHIELD FOR EMPLOYEE HEALTH COVERAGE

On a **motion** by Mr. Cole, seconded by Mrs. Messner and passed unanimously, the Board authorized the Acting County Administrator to negotiate and bring back to the Board a Contract with Trigon Blue Cross/Blue Shield for health coverage for County employees effective July 1, 2001.

CLOSED SESSION

On a **motion** by Mrs. Messner, seconded by Mr. Cole, and approved unanimously the Board approved a motion to adjourn into closed session in accordance with Section 2.1-344(A)(1) of the Code of Virginia, 1950, as Amended, to discuss a personnel matter.

RETURN TO OPEN SESSION AND CERTIFICATION

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

RESOLUTION NO. 2001-32**VOTE:**

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

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 2.1-344.1(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.

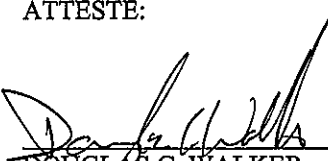
ADJOURNMENT

On a **motion** by Mr. Waddy, seconded by Mrs. Messner and approved unanimously, the Board adjourned its meeting at 8:35 p.m.

APPROVED:

ATTESTE:


 CHAIR


 DOUGLAS C. WALKER
 ACTING COUNTY ADMINISTRATOR