

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

STAFF PRESENT: J. Randall Wheeler, County Administrator
C. Douglas Barnes, Deputy County Administrator
Ernest L. Pennington, Deputy County Administrator
Sharon Pandak, Interim County Attorney

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

DISCUSSION OF THE REAL ESTATE TAX RATE, THE FY 2007 BUDGET AND THE LEVEL OF PERSONAL PROPERTY TAX RELIEF

Debbie Williams, Commissioner of the Revenue, provided information on and discussed Personal Property Tax Relief with the Board members.

Regarding the Real Estate Tax Rate Mr. Connors suggested starting with the County Administrator's suggested tax rate of 65 cents per \$100 of assessed value. No one offered a motion.

Mr. Connors made a motion to adopt a real estate tax rate of 64 cents. Mr. Hagan said that for purposes of discussion he would second the motion.

Mr. Connors made the following remarks:

I would like to make a motion in support of the County Administrator's proposed budget at the lower tax rate of 64-cents. I propose doing this by taking \$1.3M from the reserves, which still leaves us within our financial advisors' recommended guidelines and our financial policies.

Even though this is a lower tax rate than our current 89-cents, I expect strong objections – and attacks – from some folks who seem bent on strangling services. But, this public investment represents a cost of 19-cents per day for the average homeowner – about the cost of two pieces of candy.

For two more pieces of candy, this budget funds the programs and priorities that our citizens have advocated in the citizen surveys for the past two years: fully funding great schools, enhancing public safety and fixing our gridlocked roads with better transportation solutions.

The Administrator's budget at this recommended rate not only funds these priorities and keeps taxes low – in fact, less than the rate of inflation – it also puts us on sound financial footing going forward, which is important for our bond rating. It takes care of the bond initiatives for fire and rescue that voters approved in 2001 and the bond initiatives that voters overwhelmingly approved last year: namely, public safety, transportation, schools, and with a lower margin and to a lesser extent, the library expansion and parks. This Board put those questions to the people for a vote, and the people spoke – again, by large margins. With that vote, I think the County reached a tipping point. Voters overwhelmingly rejected the politics of fear and timidity and approved a new vision that calls for leadership and action. They made their choice, and so, the question becomes: what is our choice? I choose to lead, act and move forward.

I'm troubled by recent Board conversations that seem to flirt with ignoring the results of a legitimate election. I cannot imagine that any of us wants to sit up here and question the legitimacy of the vote or the intelligence of Spotsylvania residents. They knew the issues and costs, and the majority – the majority – voted to approve these projects. I know that not everyone voted or voted for the bonds, and I know that some Board members were working against the bonds – even after they asked the Board to put items on the referenda. But, again, the majority of voters approved. That's how our system works, and it's time to move forward. While I agree that they did not give us a license to spend beyond our means, they did ask us to get on with these priorities, and so it's up to us to lead and manage and act in a way that delivers these projects in a fiscally responsible way. And we all know that delaying these decisions will only cost us more money in the long run.

1. In addition to funding those priorities, I also propose reprogramming \$1.5M from meals tax that is currently marked for our EDA to fund the following items instead:
 1. PDR Fund -- I propose we dedicate \$1M to our Purchase of Development Rights program. We created the ordinance to purchase development rights to help us manage growth, and now we need to fund it. Coupled with new impact fee and TDR authority, a funded PDR program will help strengthen our land use toolbox.
 2. Increase Tax Exemption – To take the bite of increased assessments off our most vulnerable citizens, I propose that we increase from \$760 to \$1000 the exemption for our disabled and elderly citizens. This was the recommendation from our Commissioner of Revenue and would cost \$163K.
 3. Library -- I propose to restore \$111K to fully fund the library's request. This allows them to boost salaries so they can retain dedicated workers likes the one we heard from at our public hearing and to continue serving our public with great

services. I've received many letters and phone calls from constituents who support this action.

4. Hire Two Planners – I'd like to hire an environmental engineer and a developmental services planner to help our overworked planning office and to help the Board with actual planning. These two positions would cost about \$135K.
5. Boys and Girls Club – We heard compelling success stories from these advocates and customers, and fully funding their request with an additional \$6K will more than pay for itself in the long run.
6. Restoration of Ellwood – The historic Ellwood home, part of the Wilderness Battlefield experience, sits just inside the Spotsylvania County boundary. The Friends of the Wilderness Battlefield is restoring it, and they have asked us to help. Since it is in our county and because it would be a nice addition to our heritage tourism efforts, I'd like to match Orange County's investment of \$5K with our own investment of \$5K.
7. The New Moss Free Clinic – Since thousands of our residents use this clinic, I think it's only appropriate that we start with a \$70K contribution to the Clinic's capital costs for its new facilities.

Reprogramming the meals tax money can do all of this – without disrupting the placement of additional staff for our economic development office. While I support our Economic Development Authority and our economic development efforts, the fact remains that we have no unified game plan, and devoting \$1.5M of taxpayer dollars to this void, while we have other pressing needs and priorities, is misguided at this point. Besides, this Board has always stated that if the EDA has a business opportunity they want us to pursue, we'll always back it up. We've done that and always will.

So, fellow Board members, thank you for your indulgence. That is my motion. I look forward to working with our new citizen budget advisory committee in the future, especially the need to review the funding formula for schools. In light of our growing funding needs on the general government side, we need to update that ratio to better reflect reality. I thank them for their work, but I cannot at this time accept their recommendation to cut school funding, which may jeopardize the pay increases for our teachers. Even by their own admission, this committee, which we only recently established, didn't have enough time to review our budget adequately, but going forward, I think we will find better ways to formulate our budgets.

Today, however, for two more pieces of candy, we can make a public investment to keep funding excellent schools, increased public safety, fix our roads and take care of all the needs of a fast-growing county – and helps us into the out years. I

know it's your money – mine, too – but it's our home. It's our community. What do we want it to look like in the future? That is the question before us, and we can't answer it by using the politics of fear or timidity or the politics of scarcity – all those things that represent an old and tired conversation here. Again, the voters have started a new conversation and have given us authority to create a new future with a new vision with bold leadership and action. Gentlemen, it's time for us to lead. Thank you.

Mr. Connors' motion failed 1 to 6 with Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Onorato, Mr. Waddy and Mr. Yakabouski opposed.

Mr. Hagan made a motion to adopt a real estate tax rate of 62 cents. Mr. Connors seconded the motion. Mr. Marshall asked what scenario Mr. Hagan was talking about. Mr. Hagan said he would preserve the initiatives in place and reduce funding across the board.

Mr. Connors made a substitute motion to use the County Administrator's 62-cent scenario for the tax rate. Mr. Connors' substitute motion failed 1 to 6 with Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Onorato, Mr. Waddy and Mr. Yakabouski opposed.

Mr. Hagan explained his original motion to adopt a 62-cent tax rate by reducing the budget across the board by 1% to save over \$1 million.

Ms. Petrie said that they would be able to reduce the budget only on those items that were under the County's control. Ms. Sorrell said that to reduce the budget by 1% and arrive at a 62-cent tax rate would result in about a 2.2% reduction in the categories under the County's control.

Board members agreed to table a vote on the tax rate resolution until later in the meeting after the Finance staff could provide an alternative budget for a 62-cent tax rate.

Mr. Yakabouski said he would like to go lower. He said a majority of residents wanted taxes and services to stay the same yet they wanted the items under the bond referendum. He said the number of people who voted for keeping taxes the same actually increased in the last citizen survey. He said in his district 59% of the people did not want taxes raised. He said it came to priorities. He said the transportation bond was well under what was needed to complete the projects. He said it made him uncomfortable that last year's taxes increased by 3 cents. He said the sources of revenue were increasing, the commercial base was increasing yet we are talking about money to do more and more things. It said it was a cumulative effect. He said the main excuse that people move down this way was to move from an oppressive tax rate. He said that we educate our kids then they won't be able to work here. He said we need to live within our means and asked the staff to look hard at these numbers and look at where we could reduce the increase.

Mr. Onorato said he was pleasantly surprised with the revenue the County was getting this year. He said that we were starting to see the fruits of the economic expansion of our base, but he worried about spending every penny and asking for a tax increase. He said it was time to look at

the schools, which asked for increases way above growth and inflation. He suggested a lower increase in the budget for schools. He said the schools did not fill all the positions anyway and suggested that the schools open up an escrow tax fund. He presented a \$105 check for the schools and said that citizens could voluntarily pay taxes.

Mr. Waddy said that every year citizens got an increase. He asked how you would feel if you were sick and could not buy medicine and he noted that young people could not buy a home. He said there was a lot in the budget that should not be there and that we had to tighten our belts.

Mr. Yakabouski made a motion to set the tax rate at 61 cents taking into consideration Mr. Onorato's and Mr. Waddy's comments. Mr. Onorato seconded the motion. Board members agreed to have the Finance staff develop a 61-cent tax rate as well.

Mr. Yakabouski said it was up to the School Board to prioritize to make sure that the teachers were well paid.

Mr. Marshall commented that with a 62-cent equalized tax rate, some people would pay more taxes and some would pay less and some would pay the same.

Mr. Connors said it was time for the budget review committee to meet with the schools and revisit the funding formula of 67% for schools and 33% for the County government.

Ms. Petrie asked whether there were any items that Board members did not want to see cut. Mr. Connors said that transportation should not be touched and Mr. Yakabouski said that revenue recovery should not be touched. Ms. Petrie noted that not decreasing some budget items would result in deeper cuts in others.

PUBLIC PRESENTATIONS

Martin Work, 10115 Blandfield Lane, Lee Hill District. Mr. Work requested and the Board granted 3 additional minutes for his presentation. Mr. Work spoke about the construction failure of the retaining wall on his property and the need to replace all 85 feet. He spoke about the staff involved and said that he and his wife rejected their solutions including the building of a second retaining wall.

Peggy Gonier, 11118 Dragons Lair, Salem District, said she was president of the Rappahannock Area Agency on Aging (RAAA) Board of Directors, and she thanked the Board for allowing the RAAA to utilize the Marshall Center for congregate meals. She introduced Jim Schaeffer, Executive Director of the RAAA who also thanked the Board for their support.

APPROVAL OF THE CONSENT AGENDA

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

1. Approval of Minutes of the March 7, 11, and 14, 2006 Board of Supervisors Meetings;

2. Adoption of a Resolution Asking that the Streets in Single Oak Estates be Added to 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. 2006-50

Requesting that the Streets in Single Oak Estates Be Added to the State System of Secondary Roads

WHEREAS, the streets in Single Oak Estates, as described on the attached VDOT Form AM-4.3, 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 Residency Administrator 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 VDOT Form AM-4.3 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 Residency Administrator for the Virginia Department of Transportation.

3. Adoption of a Resolution Asking that the Streets in River Club Estates Sections 1 and 2 be Added to 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. 2006-51

Requesting that the Streets in River Club Estates, Sections 1 and 2, Be Added to the State System of Secondary Roads

WHEREAS, the streets in River Club Estates Sections 1 and 2, as described on the attached VDOT Form AM-4.3, 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 Residency Administrator 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 ,and

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 VDOT Form AM-4.3 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 Residency Administrator for the Virginia Department of Transportation.

4. Authorization to Sign a Lease Agreement with the Rappahannock Regional Fire and EMS Training Center Commission;

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. 2006-52

***Authorization to Sign a Lease Agreement for the
Construction of a Fire Training Center***

WHEREAS, a Lease Agreement (which is incorporated by reference into this resolution) for the construction of a fire training center for the Rappahannock Area Fire Training Center Commission has been presented to the Spotsylvania County Board of Supervisors; and

WHEREAS, the Spotsylvania County Board of Supervisors has determined that execution of the agreement is in the best interest of the County,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Spotsylvania County, Virginia, that the Board of Supervisors does hereby authorize the County Administrator to execute the Lease Agreement and any other documents necessary to complete the referenced transaction.

5. Authorization to Sign the First Amendment to the Regional Fire and EMS Training Center Agreement;

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. 2006-53

***Authorization to Execute the First Amendment to the
Regional Fire and EMS Training Center Agreement***

WHEREAS, an Agreement was entered into between Spotsylvania County, King George County, Stafford County and the City of Fredericksburg for the Regional Fire and EMS Training Center; and

WHEREAS, an amendment to the Agreement was presented to the Board of Supervisors on April 11, 2006; and

WHEREAS, the Spotsylvania County Board of Supervisors has determined that an amendment to the Agreement to delete Stafford County and to increase the percentage of the Initial Capital Contributions between three (3) jurisdictions instead of four (4);

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Spotsylvania County, Virginia, that the Board of Supervisors does hereby authorize the County Administrator to execute the First Amendment to the Regional Fire and EMS Training Center Agreement.

6. Approval of an Agreement with the Rappahannock Area Agency on Aging for Use of the Marshall Teen/Senior Center;
7. Approval of a Revision to Farmer's Market Rules and Regulations for 2006-2007;
8. Approval of Special Event Permit Applications for the Jesus Jubilee; Lake Anna Wine Festival; and the Spotsylvania County Independence Day Celebration;
9. Approval of the Draft of a New Cable Ordinance;
10. Adoption of a Proclamation Declaring the Week of April 23-29, 2006 as "Spotsylvania Volunteer Appreciation Week";

VOTE:

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

PROCLAMATION NO. 2006-3

"Spotsylvania Volunteer Appreciation Week"
April 23-29, 2006

WHEREAS, since 1974 every U.S. President has signed an executive order establishing National Volunteer Week as an annual celebration of those who give of their time and talents for others; and,

WHEREAS, the national Points of Light Foundation has declared the week of April 23-29, 2006 to be National Volunteer Week; and

WHEREAS, opportunity is taken during this week for national and international recognition and thanks is given to volunteers for all they do to improve their communities; and,

WHEREAS, the 2006 theme “Inspire By Example” truly reflects the opportunities volunteers have to inspire those they serve, as well as to inspire others for service; and,

WHEREAS, Spotsylvania’s Board of Supervisor has stated that the objective of its “Citizen Outreach” goal is to actively involve citizens in their local government; and,

WHEREAS, Spotsylvania and area citizens have selflessly volunteered numerous hours for County government, schools and related agencies, as demonstrated through:

- *157,474 hours in 2005 for Spotsylvania volunteer fire, rescue and emergency services and assistance*
- *132,713 hours in 2005 for Spotsylvania Parks and Recreation*
- *75,738 hours in 2005 for Spotsylvania Schools*
- *2,200 hours in 2005 for Spotsylvania environmental programs*
- *and, additional unmeasured hours given on behalf of our County, citizens, community and agencies;*

NOW, THEREFORE, we, the Spotsylvania Board of Supervisors, do proclaim the week of April 23-29, 2006 to be celebrated as “Spotsylvania Volunteer Appreciation Week.”

11. Adoption of a Proclamation for Historic 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	

PROCLAMATION NO. 2006-4

***National Preservation Month 2006
Sustain America – Vision, Economics and Preservation***

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, "Sustain America - Vision, Economics, and Preservation" is the theme for National Preservation Month 2006, cosponsored by Spotsylvania Preservation Foundation, Inc. and the National Trust for Historic Preservation;

*NOW, THEREFORE, we, the **Spotsylvania Board of Supervisors** do proclaim May 2006, 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.*

12. Adoption of a Resolution Commending Spotsylvania Residents John and Steven Groth for Consistent and Outstanding Service to the Local Community through the Fredericksburg Area Food Bank.

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. 2006-54

***Commending John and Steven Groth for
Consistent and Outstanding Service to the
Local Community through the Fredericksburg Area Food Bank***

WHEREAS, John Groth and Steven Groth are father and son, and both are residents of Lee Hill District in Spotsylvania County, and

WHEREAS, John Groth and Steven Groth have partnered through outstanding commitment over the past several years to contribute to the Fredericksburg Area Food Bank by:

- *Setting aside spare change daily, adding seasonal cash contributions;*
- *Traveling to and cashing in change at a local bank;*

- *Dedicating time, financial resources and talent as “wise shoppers” to maximize purchases of nonperishable foods;*
- *Delivering canned goods to the Fredericksburg Area Food Bank on a committed, regular basis; and*

WHEREAS John and Steven Groth have donated 10,609 pounds of food through mid-March 2006, estimated by American Second Harvest to serve 7,974 meals to members of the local community, and

WHEREAS their financial contributions, noble efforts and commitment have exemplified an exceptional spirit of community involvement and giving without regard to, or seeking of, personal recognition,

NOW THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby recognizes and commends John and Steven Groth for their outstanding contributions toward feeding hungry individuals and families of Planning District 16, including Spotsylvania County, through the Fredericksburg Area Food Bank.

Mr. Onorato presented resolutions to Mr. Steven Groth and Mr. John Groth for their outstanding service to the community through the Fredericksburg Area Food Bank.

APPROVAL OF FINANCIAL MATTERS:

CONTRACT ADDENDUM #5 FOR DESIGN AND CONSTRUCTION SERVICES FOR FIRE STATION NO. 5;

On a motion by Mr. Jackson, seconded by Mr. Hagan and passed unanimously, the Board approved Contract Addendum #5 for the contract with DJG Architects, not to exceed \$395,000, for the design and construction of Fire Station No. 5.

APPROVAL OF THE GIS STRATEGIC PLAN AND FUNDING

On a motion by Mr. Jackson, seconded by Mr. Hagan and passed unanimously, the Board approved the GIS Strategic Plan and budget adjustment and adopted the following resolution of appropriation:

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. 2005-55

Appropriating \$315,674 to Fund the GIS Strategic Plan

APRIL 2006 APPROPRIATION

Board of Supervisors

April 11, 2006

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, 2005 from the funds and for the functions or purposes indicated:

For the use of unbudgeted GIS Revenues in the General Fund to increase the Information Services budget to fund the GIS Strategic Plan, to be expended only by order of the Board of Supervisors as follows: \$315,674.

TRANSFER OF FUNDS FROM THE SCHOOL OPERATING INSTRUCTION FUND TO THE SCHOOL FOOD SERVICE FUND

LaShahn Gaines, Spotsylvania County Schools Financial Director, discussed the proposed transfer of funds from the School Operating Instruction Fund to the School Food Service Fund to fund retiree health insurance costs. She said that Chartwells, the contractors for School Food Services, was not responsible for retired food service employee costs but was responsible only for active employees. In response to questions from Mr. Onorato, she said that the auditors said these funds must be included in the Food Service Fund. She said they had previously been included in the General Fund and that this transfer was a point of clarification. She said she would provide information on ways other than the cost of meals that Chartwells made money and whether money from vending machines was being diverted from the classroom to Chartwells.

On a motion by Mr. Onorato, seconded by Mr. Jackson and passed unanimously, the Board tabled the vote on the transfer of \$98,000 in funds from the School Operating Instruction Fund to the School Food Service Fund.

TRANSFER OF FUNDING FOR THE ONE-ROOM SCHOOLHOUSE PROJECT FROM THE GENERAL OPERATING FUND TO THE CAPITAL PROJECTS FUND

Mr. Barnes said this requested transfer was to account for the money better.

On a motion by Mr. Marshall, seconded by Mr. Hagan and passed unanimously, the Board approved the budget adjustment and adopted the following two resolutions of appropriation:

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. 2006-56

***Transferring \$10,000 from the General Fund for the
One-Room Schoolhouse Project***

APRIL 2006 APPROPRIATION

Board of Supervisors

April 11, 2006

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, 2005 from the funds and for the functions or purposes indicated:

GENERAL FUND:

For the transfer of funding for the one-room schoolhouse project from the General Fund to the Capital Projects Fund, to be expended only by order of the Board of Supervisors as follows: (\$10,000).

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. 2006-57

***Transferring \$10,000 to the Capital Projects Fund for the
One-Room Schoolhouse Project***

APRIL 2006 APPROPRIATION

Board of Supervisors

April 11, 2006

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, 2005 from the funds and for the functions or purposes indicated:

CAPITAL PROJECTS FUND:

For the transfer of funding for the one-room schoolhouse project from the General Fund to the Capital Projects Fund, to be expended only by order of the Board of Supervisors as follows: \$10,000.

TRANSFER OF FUNDS FROM THE CONTINGENCY FUND FOR THE EXECUTIVE SEARCH TO FILL THE VACANT COUNTY ATTORNEY POSITION AND FOR INTERIM LEGAL SERVICES DURING THE TRANSITION PERIOD

On a motion by Mr. Marshall, seconded by Mr. Jackson and passed unanimously, the Board approved a budget amendment to transfer from the Contingency Fund \$16,000 for the executive search by Springsted, Inc., for a County Attorney and \$100,000 for interim legal services from Sands Anderson Marks & Miller.

MEETING WITH VDOT OFFICIALS

Scott Shropshire, the Assistant Residency Administrator with VDOT was present to discuss transportation matters and provide responses to issues raised at the last regular Board meeting.

Board members made the following requests of VDOT staff: (1) Provide written reports 24 hours in advance of the current meeting on the Board members' requests from the previous meeting (H. Connors); (2) Requested a speed study at the intersection of Routes 17 and 608 where the new light was installed to see whether a 45-mph speed limit was warranted (E. Marshall); (3) Consider making the new light at Routes 17 and 608 fully functional (E. Marshall); (4) Consider constructing left turn lanes, northbound and southbound on Route 1 at the Thornburg intersection (Routes 1 and 606), especially since the traffic has gotten a lot worse in the last 12 months (E. Marshall); (5) Forward the status of the traffic light at Massaponax High School being made fully functional (E. Marshall and H. Connors); (6) Look at the intersection of Harrison Road and Route 1 and the service road as well as other service roads, how they were being utilized and whether they were operating effectively. Report on the number of accidents related to service roads, whether they were dangerous and whether some or all needed to be closed (G. Jackson); (7) Look at reducing the green time on the traffic light at General Semmes Road with its intersection with Salem Church Road (B. Hagan); (8) Provide the status on a regular basis of the public-private partnership with the firm that synchronizes traffic lights (B. Hagan); (9) Provide the Board with the figures on properly installing drainage on Spotsylvania Parkway that caused VDOT to say it would be cost prohibitive (V. Onorato); (10) Inform the Board as to whether there will be a traffic signal on Route 1 at the Cosner Corner area when the Super Target opened in July (V. Onorato); (11) Provide the Board with an update on the widening of Route 1 at I-95, Exit 126, and construction of an additional storage lane for the southbound movement onto Route 1 (V. Onorato); (12) Provide a report on Route 612 from Route 522 to the Orange County line that was supposed to be widened two feet on each side and to have new asphalt put down and a centerline painted. (T. C. Waddy); (13) Ask Kim Martin to call Danny Mastin about Post Oak Road and the entrance to a new building being constructed by Mine Road Baptist Church (T. C. Waddy); and (14) Ask that the road contactors e-mail paving schedules to Board members

since those schedules would have greater detail than the schedule provided for the April 11, 2006 Board meeting (H. Connors).

Other matters discussed:

Mr. Schropshire said the contractor would remove the construction equipment in the Massaponax area and beautify that area.

Mr. Onorato commented that the County spent \$28 million for 2.3 miles of road for Spotsylvania Parkway. He noted that the developer and VDOT had made the decision that proper drainage for Spotsylvania Parkway would be cost prohibitive, and he asked why that decision was made without going through the County first, since it was proffer funds that were being used to pay for the road. He said that we wanted a functioning road that would not be a hazard in the winter.

RADCO REORGANIZATION, ELDON JAMES

Eldon James, Interim Executive Director of RADCO, and James Howard, Executive Chairman of the RADCO Executive Committee were present to present a Reorganization Plan for RADCO. Mr. Howard spoke about the executive search for a new director, that Eldon James had been appointed the Interim Executive Director and the hope to hire a new executive Director by the end of May. He said the idea for the reorganization was to design a more efficient and effective organization; to promote regional cooperation including priorities such as transportation, land use, water supply, water quality and housing data to better enable local decisions and emergency management planning.

He said the goal was to streamline the organization and the recommendation was that 2 members from each of the 5 jurisdictions rewrite the charter. He said that staffing improvement would enhance RADCO's ability to address land use; transportation; environmental issues including the drinking water supply, Chesapeake Bay tributary strategies and wastewater treatment; emergency management planning; and other data essential to local governing bodies.

He said the next steps would be to complete the executive search for an executive director, present the Commission Reorganization and with the endorsement of each of the member governing bodies, rewrite the charter.

Mr. Connors noted that transportation issues would grow in importance and he looked forward to moving ahead.

SOLID WASTE HAULERS ORDINANCE REVIEW

Kimberly McWhirt, Acting Director of General Services, and Ed Carneal, Public Works Superintendent, were present. Ms. McWhirt said the recommendation was to amend the County Code to allow commercial trash haulers to pick up trash at commercial and residential locations starting at 6:00 a.m.

On a motion by Mr. Marshall, seconded by Mr. Hagan and passed unanimously, the Board authorized a public hearing to amend the County Code to allow commercial trash haulers to begin trash pickup for both commercial and residential locations at 6:00 a.m.

DRAFT DESIGN GUIDELINES AND STANDARDS

Ric Goss, Planning Director, said he had presented Design Guidelines on February 28, 2006. He reported on the responses to questions Board members had posed at that meeting. He requested direction from the Board and said he would like to proceed to public hearings.

Mr. Hagan made a motion, seconded by Mr. Onorato to schedule public hearings.

Mr. Jackson recommended that the Guidelines and Standards should apply to the entire County and not just to the Primary Settlement, Jackson Gateway and the Lake Anna development districts.

Mr. Hagan amended his motion and Mr. Onorato his second and the Board unanimously approved the scheduling of public hearings to incorporate the Design Guidelines and Standards into the Spotsylvania County Design Standards Manual and establish design overlay districts within Chapter 23, Zoning, of the County Code, and that the Design Guidelines and Standards should apply to the entire County.

SECONDARY ROAD TAKEOVER STUDY

Mr. Goss explained the joint study with Stafford County and VDOT on the takeover of the secondary road system. Mr. Goss said that VDOT had issued an RFP, that a firm by the name of TransTech was chosen and that the cost for Spotsylvania to continue with the study would be \$33,454.50.

Mr. Wheeler said he thought the money would be well worth spent but if the Board was not interested, we should not proceed.

Mr. Onorato noted that the money would still have to come from the State and said he did not feel comfortable relying on the State for a revenue stream and thought it might be a savings not to do it.

Mr. Marshall agreed and said it would be a burden on the County and we would not get any more money.

No other Board member disagreed and Mr. Goss said he would forward the decision to VDOT.

CHANCELLOR ROAD SIGNALIZATION PROJECT

Dan Cole, Traffic Engineer, said he was seeking authorization to move forward with the Chancellor Road Signalization Project, Option C, the award of a contract to Clark/Nexen and approval of a VDOT/County Project Administration Agreement.

Mr. Jackson suggested Option A as a more effective option. He said there was a need for adequate turn lanes and without them the light would be a waste. Mr. Connors said the County had the estimated \$1 million.

On a motion by Mr. Jackson, seconded by Mr. Yakabouski and passed unanimously, the Board approved the Chancellor Road signalization Project, Option A, the award of a contract to Clark/Nexen and approval of the VDOT/County Project Administration Agreement.

THURMAN BRISBANE CENTER

Loraine Lemoine, Social Services Director, introduced members of the Executive Board of the Thurman Brisbane Center, the area homeless shelter. She said the Center was requesting a supplement to the FY06 funding of \$30,200 and \$45,000 for the proposed FY07 County budget. She said they were requesting that a member of the Board of Supervisors be appointed to their Executive Board.

Mr. Hagan said that the recommendation was the consensus of the Social Services Advisory Board. He said the funding request for the next fiscal year was reasonable.

Mr. Waddy asked for information on a cost of \$13,000 for telephone calls. Bunny Melzer, Executive Director of the Center, said that bill was not strictly for telephone calls for but telephone lines, rollover lines and voice mail. She said the average phone bill was \$60 per month.

In response to other questions from Board members, Ms. Melzer said that the center currently had 17 employees, that about 25% of the residents came from Spotsylvania. She said they allowed people to stay at the Shelter for 90 days and that they were averaging 76 people per day. She said the average age of adults was in their 30's; some were disabled and could not work and lacked education; many were single parents; many had made bad choices. She said that the residents were required to save 75% of their income, were given a strict program plan and were required to work with their case managers. She said the children attended school in the area of their origins.

On a motion by Mr. Hagan, seconded by Mr. Jackson and passed unanimously, the Board approved the two budget requests, for a supplement of \$30,200 for FY 2006 and for proposed funding of \$45,000 for FY07 and to appoint a member of the Board of Supervisors to the Thurman Brisbane Executive Board.

ACCEPTANCE OF A MEMORANDUM OF UNDERSTANDING WITH THE SPOTSYLVANIA HISTORICAL ASSOCIATION

Mr. Barnes said that the museum would have cable TV as did most of the County buildings and that the County's insurer would not insure items in the museum because the County did not own them.

Mr. Hagan suggested that a hold harmless agreement be included with the Memorandum of Understanding.

On a motion by Mr. Connors, seconded by Mr. Hagan and passed unanimously, the Board approved the Memorandum of Understanding between Spotsylvania County and the Spotsylvania Historical Association.

ADOPTION OF A RESOLUTION IN SUPPORT OF FORT A. P. HILL

Lt. Col. James M. Mis and Ken Perotte, Public Relations Officer, were present from Fort A. P. Hill.

Mr. Yakabouski read a proposed resolution in support of Fort A. P. Hill.

Mr. Yakabouski made a motion, seconded by Mr. Waddy to adopt a Resolution to Support Fort A. P. Hill.

Board members discussed working with the Planning Department to address encroachment issues, keeping the lines of communication open and a joint land use study.

Lt. Col. Mis said he appreciated the Board's support.

Mr. Connors asked to include all the area bases in the resolution.

On a motion by Mr. Yakabouski, seconded by Mr. Waddy and passed unanimously, the Board adopted the following resolution as amended:

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. 2006-58

To Support Fort A.P. Hill

WHEREAS, Fort A.P. Hill is located in neighboring Caroline County and is adjacent to Spotsylvania County; and

WHEREAS, Fort A.P. Hill's vital mission in the defense of our nation including the War on Terror is growing in scope and consequence; and

WHEREAS, The Commander of Fort A.P. Hill has communicated to the Spotsylvania Board of Supervisors the importance of the base, and also the danger of encroachment; and

WHEREAS, the Base Realignment and Closure Commission recently warned about the danger of encroachment to military installations and discussed the very real possibility of closure of some facilities where encroachment has severely constrained the ability of the facilities to conduct their missions; and

WHEREAS, The Spotsylvania Board of Supervisors can have a significant and positive impact on encroachment issues related to Fort A.P. Hill through its future land use decisions;

BE IT RESOLVED that the Spotsylvania Board of Supervisors does hereby support the mission of Fort A.P. Hill, as well as the Marine Corps Base, Quantico and the Naval Surface Warfare Center, Dahlgren and acknowledges the potential dangers to not only National Security by encroachment on Fort A.P. Hill but also the Economic Development opportunities related to the continued success of Fort A.P. Hill.

BE IT FURTHER RESOLVED that this Spotsylvania Board of Supervisors will aggressively support Fort A.P. Hill and will pursue those avenues of public policy that will lead to the strengthening of Fort A.P. Hill by resolving to limit encroachment.

BOARD OF SUPERVISORS REPORTS

Courtland District

Mr. Hagan, who was resigning from the Board effective April 14, 2006 to become President of the Fredericksburg Area Chamber of Commerce said it had been an honor to be a member of the Board and he appreciated the friendship and support of the people.

Other Board members wished Mr. Hagan well and thanked him for his service to the County and looked forward to working with him in the future.

Lee Hill District

On a motion by Mr. Onorato, seconded by Mr. Jackson and passed unanimously, the Board reappointed Laura Montgomery to the Social Services Advisory Board.

Livingston District

On a motion by Mr. Waddy, seconded by Mr. Marshall and passed unanimously, the Board appointed Robert Bennett to serve on RADCO.

On a motion by Mr. Waddy, seconded by Mr. Yakabouski and passed unanimously, the Board appointed Annie Lindren to the Cable Commission.

Chancellor District

On a motion by Mr. Connors, seconded by Mr. Yakabouski and passed unanimously, the Board appointed Kira Fredenburgh to the Historic Preservation Commission.

CLOSED MEETING

On a motion by Mr. Jackson, seconded by Mr. Waddy and passed unanimously, the Board adopted the following resolution and adjourned into Closed Meeting:

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. 2006-58 A

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion of 1) a proposed settlement of a condemnation case; 2) a proposed condemnation; and 3) legal advice regarding a proposed economic development agreement, a proposed community development authority and related legal matters; and

WHEREAS, pursuant to Section 2.2-3711 (A) (7) VA Code Ann., such discussions may occur in Closed Meeting;

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

RETURN TO OPEN MEETING AND CERTIFICATION

The Board returned to open meeting 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. 2006-58 B

Return to Open Meeting

WHEREAS, the Spotsylvania County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby returns to open meeting and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into Closed Meeting were heard, discussed or considered in the Closed Meeting.

PUBLIC PRESENTATIONS:

Bridgett Harvey, 1432 Candlewood St., Courtland District, was accompanied by three dogs and their owners. She explained that the dogs were trained by Spirit Keepers and were a part of a library reading program in which children read to the dogs. Ms. Harvey thanked the Board for their support and said the dogs went once a month to Salem Church and to Snow Libraries. Two of the dog owners Michele Cuba and Linda Damiano spoke about the program and said the dogs went into the schools as well.

Linda Damiano spoke also about Southpoint Parkway and the need for crosswalks and traffic calming. She said that the speeding continued.

Nancy McNamara, said she was speaking as an individual but said she knew she expressed the thoughts of many as she wished Bob Hagan well and said that she appreciated all the Board members.

Herb Lux, thanked the Board for commercial development. Regarding Spotsylvania Mall he said the County could use the tax base. He said he appreciated efforts to keep the budget as low as possible for those on fixed incomes.

PUBLIC PRESENTATIONS:

AMENDMENT TO THE FY 2006 BUDGET TO TRANSFER EXCESS DEBT SERVICE FOR THE PURCHASE OF FIRE/RESCUE EQUIPMENT

Mr. Barnes said he was proposing to transfer \$850,000 in excess funding in the FY06 budget to the Capital Projects Fund to fund the purchase of a replacement ambulance, a replacement fire truck and for future Fire/Rescue needs that were requested in the FY07-FY12 Capital Improvements Plan.

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

On a motion by Mr. Jackson, seconded by Mr. Onorato and passed unanimously the Board approved the budget adjustment and 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. 2006-59

***To Transfer \$850,000 from Excess Debt Service in the
General Fund for the Purchase of Fire/Rescue Equipment***

APRIL 2006 APPROPRIATION

Board of Supervisors

April 11, 2006

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, 2005 from the funds and for the functions or purposes indicated:

GENERAL FUND:

For the transfer of funding from excess Debt Service in the General Fund to the Capital Projects Fund for the purchase of Fire/Rescue equipment, to be expended only by order of the Board of Supervisors as follows: (\$850,000).

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. 2006-60

***To Transfer \$850,000 in Funding to the
Capital Projects Fund for the Purchase of Fire/Rescue Equipment***

APRIL 2006 APPROPRIATION

Board of Supervisors

April 11, 2006

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, 2005 from the funds and for the functions or purposes indicated:

CAPITAL PROJECTS FUND:

For the transfer of funding from excess Debt Service in the General Fund to the Capital Projects Fund for the purchase of Fire/Rescue equipment, to be expended only by order of the Board of Supervisors as follows: \$850,000.

REZONING R05-18 SPOTSYLVANIA MALL COMPANY

Wanda Parrish, Planning Manager, presented the case and said the Planning Commission and Staff recommended approval with the proffer statement dated March 27, 2006.

Mr. Connors opened the Public Hearing.

J. J. Cafaro, with the Cafaro Company, Developers of Spotsylvania Mall, spoke about the cooperation between the Cafaro Company, the County and the State. He said he did not know the terms of the CDA and said that timing could be affected. He said he would be complying with 10% of the Best Management Practices (BMPs) and that cost of complying with 35% of the BMPs would be a 7-figure number but that 10% would be in compliance with County rules and regulations.

In response to questions from Board members, he said they had acquired most of the rights-of-way through negotiation, and that they had not approached anyone about condemnation. Regarding the connector road, he said they had talked to landowners in the City of Fredericksburg.

Doug Craig, 3529 Waverly Drive, Courtland District, presented a petition of the residents of Waverly Village regarding the proffers and traffic patterns. He said he was concerned about commercial and encroachment on the residential area. He expressed concern about dangerous traffic patterns that would become more dangerous.

Tom Van Arsdall, said he was testifying for the Friends of the Rappahannock, which was a collaborative organization. He said we had an opportunity with this land to get it right. He said he would be saddened if they only did 10% of the BMPs. He asked how that position was supported by the Planning Department, the City, the County and the Soil and Water Conservation District. He said the response to increasing the percentage of BMPs from the Cafaro Company was “no.” He said he would hope that the Board would at least challenge the Cafaro Company to go back to the drawing board to see what the best we could do was. He added his congratulations and sorrow for Mr. Hagan leaving the Board of Supervisors.

A woman spoke who said she owned two homes in Waverly Village and she objected to the traffic for the good of the children and the families. She said there were about 500 voters in Waverly Village and there were a lot of objections and the taking over of people’s properties for commercial benefit.

Rebuttal: Mr. Cafaro said regarding the issue of the intersection of Route 710 and Bragg Road that it would remain at a Level of Service A and B. He said it was not necessary to make Route 710 into a 4-lane road. He said they would be improving Route 710, that they took away the round-about and were responding to what the citizens in that area wanted to happen. He said they would construct the concrete barriers if they were approved by VDOT and if the County wanted them. He said they were not taking anyone’s property; if any property was taken it would be for public purpose.

Mr. Connors closed the public hearing.

Mr. Hagan asked for a commitment to have Mr. DeCristofaro, (Attorney for the Cafaro Company) meet with Mr. Van Arsdall and him to see if there was a way to improve the percentage of BMPs. Mr. Cafaro said he had no objection.

Mr. Hagan said he posed basic questions: Was this use reasonable, was it in the best interests of the County and was it in a reasonable location. He said he thought the answer was yes and he moved for approval as presented to the Board of Supervisors. Mr. Onorato seconded the motion.

Mr. Yakabouski offered a friendly amendment to dedicate a percentage of the new sales tax revenues for the improvement of Harrison Road. Mr. Hagan said he appreciated the recommendation but asked to vote on the recommendation separately. Mr. Yakabouski withdrew his motion.

The motion passed unanimously, and 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. 2006-61

Approve – Rezoning R05-18 – Spotsylvania Mall Company

WHEREAS, this is a request for a rezoning and to amend the proffer statement for CZ91-06 to allow expansion of Spotsylvania Mall. This site is located on the south side of Route 3 adjacent to the west side of I-95 and bounded by Bragg Road on the west and State Route 710 on the South and is identified on County tax maps as 13(A)107 and 23(A)101. The site is zoned Commercial 2 (C-2) and Residential 1 (R-1) and is located within the Primary Settlement District on the Comprehensive Plan and lies within the Regional Oriented Commercial Infill Development Zone of the Route 3 Corridor Plan; and

WHEREAS, the Planning Commission held a public hearing on this item on February 1, 2006, and recommended approval of the rezoning with a recommendation that the Board of Supervisors consider a limited access overlay on the connector road; and

WHEREAS, the Board of Supervisors held a public hearing on this item March 14, 2006, and tabled consideration of the application in order to allow the applicant to further refine its proffers, as stated in the staff report and executive summary, dated March 1, 2006; and

WHEREAS, staff has reviewed the subject application and recommends contingent approval of R05-18 with the proffer statement last amended March 24, 2006, as stated in the staff report and executive summary, dated March 31, 2006; and

WHEREAS, a second Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on April 11, 2006, and interested citizens were heard; and

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

NOW, THEREFORE, BE IT ORDAINED that the Spotsylvania Board of Supervisors does hereby approve Rezoning #R05-18 subject to proffers dated March 24, 2006; and

BE IT FURTHER ORDAINED that the Spotsylvania Board of Supervisors' approval and adoption of any proffers or conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Mr. Yakabouski resubmitted his motion to dedicate a percentage of the new sales tax revenues from the improved and expanded Mall to the improvement of Harrison Road.

Mr. Marshall asked how the Board would balance the budget if they gave all the revenue away.

Mr. Hagan suggested setting aside 10% of the additional revenue to be allocated for transportation and offered the recommendation as a substitute motion.

Mr. Onorato asked what percentage of the new sales tax revenue was going toward the remodeling of the mall.

Mr. Yakabouski said that the main concern was if we built large highways, his hope was that the Board would embrace the vote that people had made for the Bond Referendum. He said this would be an alternative funding source and he would like to see this Board dedicate revenues to fixing Harrison Road. He said the percentage was not as important because the General Engineering Consultant was still looking at the cost as approved in the Bond referendum. Mr. Onorato seconded Mr. Yakabouski's motion.

Mr. Connors said he shared Mr. Marshall's concern, if we were to earmark all revenues for transportation. He said he was looking for a certain percentage.

Mr. Yakabouski said that Harrison Road had 27,000 vehicles per day with a LOS of F and he would like to see the Board take the initiative to support the portion of Harrison Road that was to be supported by the larger CDA.

Mr. Jackson agreed and said that the Board had just voted to rezone for a project that would generate more vehicles per day. He said that the Board was dedicating 10% of new revenue to Harrison Crossing and Cosner Corner and perhaps we ought to maintain the policy of 10%.

Mr. Jackson made a substitute motion, seconded by Mr. Hagan and passed unanimously to set aside 10% of net new revenues for transportation improvements for Harrison Road.

PLANNING MATTER TO BE VOTED:

SPECIAL USE PERMIT SP05-25 SPOTSYLVANIA MALL COMPANY

On a motion by Mr. Hagan, seconded by Mr. Jackson and passed unanimously, the Board approved SP05-25 Spotsylvania Mall Company and 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. 2006-62

Approve – Special Use Permit SP05-25 – Spotsylvania Mall Company

WHEREAS, this is a request for several directional monument style signs in excess of the maximum six (6) square feet permitted in Sec. 23-5.8.3 of the Code of Spotsylvania County and for modification of the transitional screening requirements in Sec. 23-5.5 along the south side of the Mall project. This site is located on the south side of Route 3 adjacent to the west side of I-95 and bounded by Bragg Road on the west and State Route 710 on the South and is identified on County tax maps as 13(A)107 and 23(A)101. The site is zoned Commercial 2 (C-2) and Residential 1 (R-1) and is located within the Primary Settlement District on the Comprehensive Plan and lies within the Regional Oriented Commercial Infill Development Zone of the Route 3 Corridor Plan; and

WHEREAS, staff has reviewed the subject application and while staff in its April 31, 2006 staff report and executive summary recommends the approval of the permit; and

WHEREAS, the Planning Commission held a public hearing on this item on February 1, 2006 and recommended approval of only the sign waiver portion of the proposed special use permit; and

WHEREAS, a Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on March 14, 2006, and interested citizens were heard; and

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

NOW, THEREFORE, BE IT ORDAINED that the Spotsylvania Board of Supervisors does hereby approve Special Use Permit #SP05-25, as conditioned with conditions dated March 2, 2006; and

BE IT FURTHER ORDAINED that the Spotsylvania Board of Supervisors' approval and adoption of any conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable, ordinances, regulations, or other adopted standards.

PUBLIC HEARINGS CONTINUED:

ORDINANCE TO AUTHORIZE THE BOARD OF SUPERVISORS TO CONSIDER PETITIONS TO CREATE COMMUNITY DEVELOPMENT AUTHORITIES

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

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

VOTE:

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

ORDINANCE NO. 21-57

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 21, TAXATION, 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 21, taxation, is hereby amended by adding article XIV, community development Authorities, Section 21-340, Power to consider petitions for the creation of Community Development Authorities, as follows:

State law reference—Code of Virginia, Section 15.2-5152C

ARTICLE XIV. Community Development Authorities

Sec. 21-340. Power to consider petitions for the creation of Community Development Authorities.

(a) Spotsylvania County assumes the power to consider petitions for the creation of Community Development Authorities in accordance with the Virginia water and Waste Authorities Act, Section 15.25152.C of the Code of Virginia.

(b) This Ordinance shall become effective upon adoption.

State law reference—Code of Virginia, Section 15.2-5152.C

APPROVAL OF COMMUNITY DEVELOPMENT AUTHORITY GUIDELINES

On a motion by Mr. Hagan, seconded by Mr. Waddy and passed unanimously, the Board approved the proposed Community Development Authority Guidelines and adopted the following resolution:

VOTE:

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

RESOLUTION NO. 2006-63

Approve – Community Development Authority Guidelines

WHEREAS, the Spotsylvania Board of County Supervisors has enacted an ordinance permitting it to consider petitions for community development authorities (“CDAs”); and

WHEREAS, staff have recommended that the Board adopt guidelines for its review of proposed petitions in order to better analyze the financial implications and infrastructure benefits of the proposed CDA;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania Board of Supervisors does hereby approve the Community Development Authority Guidelines, as follow:

**SPOTSYLVANIA COUNTY
POLICY GUIDELINES FOR APPROVAL OF THE CREATION OF A
COMMUNITY DEVELOPMENT AUTHORITY**

WHEREAS, the Board of Supervisors of Spotsylvania County (the “Board”) has determined that, under certain circumstances, the creation of a Community Development Authority (“CDA”) can further the community and/or economic development goals of Spotsylvania County (the “County”) through the financing and/or provision of various services, facilities and improvements (a “Project”);

WHEREAS, in order to make informed decisions as to the proposed creation of a CDA, and subsequent issuance of revenue bonds or other debt obligations by such CDA, if any (the “Bonds”), the Board needs to receive, and have an opportunity to review and discuss, certain background, financial, and structural information with respect to the CDA, the Project and the Bonds;

WHEREAS, the Board has determined that in order to facilitate petitions for, and the creation of, a CDA which will further the community and/or economic development goals of the County, the Petitioners requesting the creation of a CDA (the “Petitioners”) should be provided an opportunity to submit to the Board over a scheduled period of time the information required to evaluate the petition, and that not all information which will be required by the Board prior to approving the issuance of the Bonds must be provided prior to the Board’s consideration of an ordinance regarding the creation of the CDA itself;

NOW THEREFORE, the following Guidelines are designed to ensure that the Board and the County staff, and the County's consultants and advisors, if any, receive and have an opportunity to review information necessary to make informed decisions as to both the creation of a CDA and the subsequent issuance of the Bonds, if any, while providing the Petitioners with an opportunity to provide such information over a period of time.

I. Submission of Draft Petition.

- a. **Submit a Draft Petition:** the Petitioners must submit a petition for County staff review which is in accordance with Section 15.2-5154 VA Code Ann. In particular, and in addition to any other information required thereby, such petition must contain the following information:
- (i) The name and boundaries of the proposed district, including a representation that the Petitioners are the owners of at least 51% of the assessed value or land area of the real property contained within the jurisdictional boundaries of the proposed CDA (the "CDA District");
 - (ii) A general description of the services and facilities proposed to be undertaken by the CDA within the CDA District;
 - (iii) A general description of the proposed plan for providing and financing such services and facilities within the CDA District;
 - (iv) A general description of the benefits that can be expected from the provision of such services and facilities by the CDA and specifically in what manner would the creation of the CDA be in furtherance of the community and/or economic development goals of Spotsylvania County;
 - (v) Provisions governing the selection of the board members of the CDA in accordance with the Code, and that the main office of the CDA shall be located in Spotsylvania County; and that the names, addresses, and phone numbers of those individuals recommended by the Petitioners to serve as the initial board members of the CDA shall be submitted with the petition or within 72 hours of the request from the County Administrator
 - (vi) A request that the Board of Supervisors establish the proposed CDA for the purposes set forth in the petition;
 - (vii) A provision stating that the CDA will not issue bonds or debt or enter into arrangements or agreements for legal and financial services without the consent of the Board. Any bonds issued by the CDA shall be a debt of the CDA and not of the County. The County shall not retire any part of the bonds or pay any debt service of the CDA out of revenues or funds derived from sources other than the special tax or assessment authorized in

§15.2-5158 VA Code Ann., except as may be specifically provided in the ordinance creating the CDA;

- (viii) A provision stating that no amendment to an ordinance creating a CDA shall dilute the residential, economic development or other public benefits or protections which accrue to the County pursuant to the language contained in the original ordinance;
 - (ix) A provision stating that the Petitioners commit to cover all costs for staff time in reviewing and evaluating the documents required to create a CDA, advertising for public hearing, retaining financial, legal, engineering, and other consultants, printing, and other direct and indirect costs incurred in creating the CDA and obtaining the financing for the improvements sought;
 - (x) A provision stating that the CDA Board shall be comprised of five/seven members (with the number to be determined by the Board of Supervisors at the time of creation of the CDA) who are appointed by the Board of Supervisors; the term of office shall be for four (4) years with each member subject to reappointment. No person outside the Spotsylvania County may serve on the Board.
 - (xi) The rate and method of the apportionment of assessments shall be fully disclosed to potential purchasers of property subject to a special assessment, and such assessment may be fully paid at any time and the obligation to make any annual payments there under may be permanently satisfied by payment of an amount computed in accordance with the assessment methodology.
 - (xii) The CDA and/or Petitioner will reimburse the County for any costs incurred in levying and collecting the special tax or assessments, if any, and any other ongoing administrative costs of the County in connection thereby.
- b. **Provide Funds Sufficient to Cover County Expenditures and Staff Time Incurred Creating the CDA and Reviewing Financing:** At the time of submitting the petition, the Petitioners must provide:
- (i) A cashier's check in the amount of \$20,000 (the "Initial Submission Fee") or a letter of credit or other surety sufficient to cover the anticipated future costs.
 - (ii) Such surety will be called upon if the Petitioners fail to reimburse the County for the additional expenditures within 45 days of receipt of the invoice.
- c. **Demonstrate Potential Community and Economic Development Benefits.**

The initial information required to be provided with the draft petition must indicate that the proposed project or purpose for establishing a CDA has the potential for advancing the County's community and/or economic development goals in conformity with the County's comprehensive plan.

d. **Work with County Staff to Develop the Petition and the Ordinance creating the CDA:**

- (i) The Petitioners will respond to and incorporate changes to the draft petition as requested by County staff prior to any notice of public hearing being published with respect to the proposed creation of the CDA. Failure to incorporate such changes will result in a staff recommendation to the Board against the creation of the CDA.
- (ii) The Petitioners will work with and cooperate with County staff to draft a proposed ordinance or resolution with respect to the creation of the CDA which will be available for public inspection at the time of publication of the notice. In addition to such other information as may be required by County Staff and the Board, the proposed ordinance shall contain a statement substantially to the effect that the adoption by the Board of an ordinance approving the creation of a CDA does not constitute approval of the issuance of any bonds or similar debt obligations by the CDA.

II. Prior to the Posting of a Notice of a Public Hearing. The Petitioners shall submit the following items prior to the notice of public hearing being published with respect to the proposed creation of the CDA. With the specific written permission of the County Administrator information responsive to items II. a. iii. through xii. below may be submitted after the notice of public hearing being published with respect to the creation of the CDA but prior to the time that the Board of Supervisors is requested to approve the District Assessment or Bond Issuance, whichever event shall occur sooner, on a schedule set forth by the County Administrator:

a. **Detailed Information Regarding the CDA.** The following information and/or descriptions must be provided:

- (i) A general description of the Project itself, including background and other information with respect to the Petitioners and/or developers of the Project, and the boundaries of the proposed CDA District.
- (ii) The improvements, services and facilities anticipated to be financed by the Bonds, including preliminary cost estimates, project phasing, and projected land absorption within the CDA District.

- (iii) A detailed summary of the CDA's proposed financing structure, including a schedule of the proposed CDA financing and debt service,
- (iv) A discussion of the security for, and means by which, debt service on the Bonds will be paid, including a discussion of any applicable debt service reserve fund, capitalized interest financing, and estimated lien-to-value ratios at both the time the Bonds will be issued and once the development is expected to be complete.
- (v) A detailed summary of the assessment methodology to be used in determining the apportionment of benefits and special assessments within the CDA District, including a description of the anticipated assessment liens and the means of imposing, collecting and terminating installment payments payable pursuant to such assessment liens.
- (vi) Initial Pro-Forma Projected Financial Information with respect to the Bonds.
- (vii) A copy of an executed commitment letter from a reputable buyer or underwriter to finance, purchase, or otherwise place an offering of the Bonds, which shall be in form and substance acceptable to the Board and which shall include, among other things, the following conditions that must be satisfied prior to the issuance of the Bonds.
- (viii) Receipt of the unqualified opinion of Bond Counsel, in form and substance acceptable to the Underwriter, that the Bonds will be the legal, valid and limited obligations of the CDA.
- (ix) Delivery of Pro-Forma Financial projections which indicate sufficient debt service coverage and lien-to-value ratios to successfully market the Bonds, with such projections being prepared by an organization or consultant with recognized experience and reputation in such matters.
- (x) A feasibility study relating to the projected development of the property within the proposed CDA District and an appraisal with respect to commercial property or other property which is expected to provide additional funds for debt service coverage on the Bonds or which will be included as additional security for the Bonds, unless otherwise directed by the Board.
- (xi) Corporate and/or personal guaranties, letters of credit, certificates of insurance, or such other evidences of credit enhancement devices in form and substance acceptable to the Underwriter.
- (xii) A preliminary estimate of the aggregate face amount, interest rate and amortization period for the Bonds based on current market conditions.

Nays: 0
Absent: 0
Abstain: 0

RESOLUTION NO. 2006-64

Receive a Petition for the Proposed Harrison Road Connector Community Development Authority and Authorize a Public Hearing to Consider the Creation of a Proposed Community Development Authority

WHEREAS, the Spotsylvania Board of County Supervisors has enacted an ordinance permitting it to consider petitions for community development authorities (“CDAs”) and approved proposed CDA Guidelines to review petitions; and

WHEREAS, the Spotsylvania Mall Company and other landowners in the vicinity of the Spotsylvania Mall have submitted a petition for the Harrison Road Connector Community Development Authority;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania Board of Supervisors does hereby receive the proposed petition for the Harrison Road Connector Community Development Authority; and be it

FURTHER RESOLVED that the Board directs staff to review said petition for conformance with the Community Development Authority Guidelines, and if consistent, to work with the petitioners to obtain the information necessary for Board consideration of the merits of a CDA, prepare a proposed ordinance creating a CDA and schedule the proposed creation of a CDA for public hearing.

APPROVAL OF AN ECONOMIC DEVELOPMENT AGREEMENT

Mr. Barnes explained changes to the agreement.

On a motion by Mr. Hagan, seconded by Mr. Connors and passed unanimously, the Board approved an Economic Development Agreement that would provide a financial incentive to the Spotsylvania Mall Company to renovate and expand the current Mall through County payments from sales tax revenues through the Economic Development Authority to the Spotsylvania Mall Company.

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. 2006-65

Authorize Execution of Economic Development Agreement with Spotsylvania Mall Company and Economic Development Authority

WHEREAS, an incentive agreement with the Spotsylvania Mall Company ("SMC") has been proposed in order to induce SMC to develop and construct the renovation and expansion of the Spotsylvania Mall into a first class retail shopping center by making incentive payments to SMC from a portion of new annual local sales tax revenues to be generated by the new construction of a Life-Style Center and Peripheral Development and the expansion of the existing department stores; and

WHEREAS, the Spotsylvania Mall Company has committed to invest at least \$12 million towards the expansion of the existing mall and at least \$80 million towards the construction of a Life-Style Center and Peripheral Development;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania Board of Supervisors does hereby approve the attached Economic Development Agreement; and be it

FURTHER RESOLVED that the Board authorizes the County Administrator to execute the Agreement and forward it to the Economic Development Authority for approval.

Ms. Pandak said the agreement would go to the Economic Development Authority for approval.

DISCUSSION OF THE TAX RATE AND ADOPTION OF THE BUDGET

Ms. Petrie said that Finance Staff was presenting two scenarios, one with a 2.22% cut in line items, across the Board to the extent possible, for a 62-cent real estate tax rate and a 2.88% cut for a 61-cent tax rate.

After further discussion Mr. Onorato made a motion to establish a 62-cent real estate tax rate using funds from the debt service reserve of \$1.3 million, the equivalent 1 cent on the tax rate, and increasing the school budget over last year by \$8.1 million, instead of by \$10.7 Million as the School Board had originally requested.

The motion passed 6 to 1 with Mr. Connors opposed.

CLOSED MEETING

On a motion by Mr. Onorato, seconded by Mr. Yakabouski and passed unanimously, the Board adjourned into Closed Meeting and 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. 2006-64 A

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion of 1) a proposed settlement of a condemnation case; 2) a proposed condemnation; and 3) legal advice regarding a proposed economic development agreement, a proposed community development authority and related legal matters; and

WHEREAS, pursuant to Section 2.2-3711 (A) (7) VA Code Ann., such discussions may occur in Closed Meeting;

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

RETURN TO OPEN MEETING AND CERTIFICATION

On a motion by Mr. Yakabouski, seconded by Mr. Jackson and passed unanimously, the Board returned to open meeting 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. 2006-64 B

Return to Open Meeting

WHEREAS, the Spotsylvania County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted

in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby returns to open meeting and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into Closed Meeting were heard, discussed or considered in the Closed Meeting.

ADOPTION OF A RESOLUTION DETERMINING THE NECESSITY TO ENTER UPON AND TAKE CERTAIN EASEMENTS FOR THE PUBLIC BENEFIT OF SPOTSYLVANIA COUNTY, VIRGINIA PRIOR TO OR DURING CONDEMNATION PROCEEDINGS

On a motion by Mr. Connors, seconded by Mr. Marshall 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. 2006-66

A RESOLUTION DETERMINING THE NECESSITY TO ENTER UPON AND TAKE CERTAIN EASEMENTS FOR THE PUBLIC BENEFIT OF SPOTSYLVANIA COUNTY, VIRGINIA PRIOR TO OR DURING CONDEMNATION PROCEEDINGS

WHEREAS, The Board of Supervisors of Spotsylvania County, Virginia is aware that the installation of the Hunting Run Reservoir has flooded a portion of the existing Columbia Gas of Virginia's (formerly Commonwealth Gas) natural gas distribution pipe line as currently located; and

WHEREAS, the gas pipe line needs to be rerouted and relocated so as to minimize the probability of damage to the pipe line caused by it's being submerged under water, a condition it was not designed to withstand, and

WHEREAS, the County, on behalf of Columbia Gas of Virginia, has sought to acquire certain easements for the rerouting, construction, installation and maintenance of the gas distribution pipeline and related facilities for

Columbia Gas of Virginia across, through and under and upon certain properties, and

WHEREAS, the County has successfully acquired easements across, under, over properties necessary for the rerouting of the gas line easement with the exception of the following:

- 1. Tax Map Parcel # 4-7-A1 belonging to Edward and Roberta Blaszyck*
- 2. Tax Map Parcel # 4-A-54A belonging to Thomas and Patricia Lovett*
- 3. Tax Map Parcel # 4-18-4 belonging to Virginia Skelton*
- 4. Tax Map Parcel # 4-18-3 belonging to W.E. and J.L. Bishop Trust*
- 5. Tax Map Parcel # 4-18-5 belonging to Mark and Jeanette Shoemaker*
- 6. Tax Map Parcel # 4-18-6 belonging to Sidney and Susan Glover*

NOW THEREFORE BE IT RESOLVED, that the Spotsylvania County Board of Supervisors hereby approves the public use and necessity of rerouting the gas line heretofore described, and hereby authorizes and directs the County Attorney's office to proceed with the acquisition of the remaining easements located on the above described parcels through condemnation or by other means.

ADOPTION OF A RESOLUTION PURSUANT TO SECTION 21-88 OF THE CODE OF SPOTSYLVANIA COUNTY, VIRGINIA TO SET THE PERCENTAGE OF PERSONAL PROPERTY TAX RELIEF AT THE LEVEL NECESSARY TO EXHAUST PERSONAL PROPERTY TAX RELIEF ACT FUNDS FOR 2006

Mr. Connors said he would like to have strong language included in the resolution about what General Assembly inaction was forcing the County to do.

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. 2006-67

A RESOLUTION PURSUANT TO SECTION 21-88 OF THE CODE OF SPOTSYLVANIA COUNTY, VIRGINIA TO SET THE PERCENTAGE OF PERSONAL PROPERTY TAX RELIEF AT THE LEVEL NECESSARY TO EXHAUST PERSONAL PROPERTY TAX RELIEF ACT FUNDS FOR 2006

WHEREAS, the Commonwealth of Virginia has established a fixed cap on the amount on total dollar funding it will allocate to support the Commonwealth's Personal Property Tax Relief Program, which will erode the percentage of tax relief available to taxpayers and which will result in a significant increase in the amount of personal property tax paid by the citizens of Spotsylvania County; and

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

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

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

THEREFORE, be it resolved by the Board of Supervisors of Spotsylvania County, Virginia, that pursuant to Section 21-38 of the Code of the County of Spotsylvania, that the percentage of tax relief that is anticipated to exhaust PPTRA relief funds provided to the County by the Commonwealth shall be set for tax year 2006 as follows:

- 1. For personal use vehicles valued at \$1,000.00 or less, the percentage of relief shall be set at one hundred percent (100%)*
- 2. For vehicles valued at more than \$1,000.00, the percentage of relief shall be set at fifty-seven percent (57%) for and up to the first \$20,000.00 of value; and*

BE IT FURTHER RESOLVED, that the Treasurer shall insure that 2006 personal property tax bills set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the manner in which relief is allocated.

ADOPTION OF THE BUDGET FOR FISCAL YEAR 2007 AND THE TAX RATES FOR CALENDAR YEAR 2006

On a motion by Mr. Yakabouski, seconded by Mr. Hagan and passed 6 to 1 with Mr. Connors opposed, the Board adopted the following resolution:

VOTE:

Ayes: 6 Mr. Hagan, Mr. Jackson, Mr. Marshall,
Mr. Onorato, Mr. Waddy and Mr. Yakabouski
Nays: 1 Mr. Connors
Absent: 0
Abstain: 0

RESOLUTION No. 2006 - 68

***A RESOLUTION TO ADOPT THE FISCAL YEAR (FY) 2007 BUDGET AND
THE TAX RATES FOR CALENDAR YEAR 2006***

WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to approve and control the County's fiscal plan for FY 2007; and

WHEREAS, the Board of Supervisors has received and reviewed the County Administrator's Recommended Budget for FY 2007; and

WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to set the tax rates for Calendar Year 2006; and

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

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

RESOLVED by the Spotsylvania County Board of Supervisors this 11th day of April 2006, that the following tax rates for Calendar Year 2006 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 \$302,297,653 shall not exceed \$109,165,396 of local funds and, be it

RESOLVED FURTHER, that the following budgets be, and are hereby, approved effective July 1, 2006, 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 2006 COUNTY TAX RATES

<i>Real Estate</i>	<i>\$0.62 per \$100 of assessed valuation</i>
<i>Personal Property</i>	<i>\$5.00 per \$100 of assessed valuation, assessed at 50% of fair market value</i>
<i>Mobile Homes</i>	<i>\$0.62 per \$100 of assessed valuation</i>
<i>Machinery and Tools</i>	<i>\$2.50 per \$100 of assessed valuation</i>
<i>Heavy Duty Equipment</i>	<i>\$2.00 per \$100 of assessed valuation</i>

FISCAL YEAR 2007 COUNTY BUDGETS

1. Total County Budget for Fiscal Year 2007 in the amount of \$ 402,040,574, to include the following funds:

<i>a. General Operating Fund</i>	<u>\$ 87,098,369</u>
<i>b. Capital Projects Fund</i>	<u>\$ 4,858,517</u>
<i>c. Economic Development Authority Fund</i>	<u>\$ 1,734,369</u>
<i>d. Resource Management & Development Fund</i>	<u>\$ 47,573</u>
<i>e. Code Compliance Fund</i>	<u>\$ 4,033,704</u>
<i>f. Transportation Fund</i>	<u>\$ 1,970,388</u>
<i>g. School Operating Fund</i>	<u>\$241,824,906</u>
<i>h. School Food Service Fund</i>	<u>\$ 8,348,523</u>
<i>i. School Capital Projects Fund</i>	<u>\$ 52,124,224</u>

2. Utilities Operating Budget for Fiscal Year 2007 in the total amount of \$25,889,981.

3. Utilities Capital Projects Budget for Fiscal Year 2007 in the total amount of \$22,663,300.

Funds Unspent from the Fiscal Year 2007 School Budget:

BE IT RESOLVED by the Spotsylvania County Board of Supervisors that any local funds appropriated to the school system in Fiscal Year 2007 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