

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

ABSENT: Thomas C. Waddy, Jr.

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

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

**ADOPTION OF THE TAX RATE, BUDGETS AND CAPITAL IMPROVEMENTS PLAN**

Tammy Petrie, Director of Finance, reviewed two budget proposals, which the Board had requested, for an 89-cent and an 86-cent per \$100 assessed value for the real estate tax rate.

Mr. Marshall said he supported an 89-cent tax levy. He said with that rate the Board could balance the budget, use only a reasonable amount of the fund balance and reduce the request for the school budget by only 1.5%.

Mr. Marshall made a motion, seconded by Mr. Connors to set the real estate tax levy at 89 cents per \$100 of assessed value.

Mr. Onorato requested an additional \$10,000 for the Boys and Girls Club and \$6,000 for the ARC Dental Health Program for mentally retarded adults. Mary Sorrell, Budget Manager, said there would be flexibility in the fund balance to accommodate Mr. Onorato's requests.

Mr. Hagan offered a substitute motion to move the decisions on the budget to a meeting on Thursday, April 14, 2005 in case Board members would like to have the opportunity to review the two tax rate and budget proposals.

The motion failed on a 3 to 3 vote with Mr. Jackson, Mr. Marshall and Mr. Yakabouski opposed.

The original motion to set the real estate tax levy at 89 cents per \$100 of assessed value passed on a vote of 4 to 2 with Mr. Jackson and Mr. Yakabouski opposed.

Mr. Wheeler said that the Finance staff would prepare a resolution with all the appropriate figures for adoption later in the meeting.

**APPROVAL OF THE CONSENT AGENDA**

Mr. Connors requested that the Approval of an Agreement for the Farmer’s Market be pulled from the Consent Agenda for discussion.

On a motion by Mr. Marshall, seconded by Mr. Connors and passed 6 to 0 with Mr. Waddy absent, the Board approved the consent agenda, which consisted of the following:

1. Approval of the Minutes of the March 1, March 5, March 8 and March 22 Board Meetings;
2. Adoption of a Resolution Asking that the Streets in Ni-River Station, Be Taken Into the State System of Secondary Roads;

VOTE:

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

**RESOLUTION NO. 2005-31**

***Requesting that the Streets in Ni-River Station Be Added to the State System of Secondary Roads***

*WHEREAS, the streets in Ni-River Station, as described on the attached Additions Form SR-5 (A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, and*

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

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

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

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

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

- 3. Adoption of a Resolution Requesting Additions and Abandonment of Portions of Piedmont Drive, Secondary Route 673;

VOTE:

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

**RESOLUTION NO. 2005-31A**

***A Resolution Requesting Additions and Abandonment of Portions of Piedmont Drive, Secondary Route 673.***

*WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated February 7, 2005 depicting the additions and abandonments required in the secondary system of state highways as a result of project 0673-088-254,C501, which sketch is hereby incorporated herein by reference.*

*WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and*

*NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to Sec. 33.1-229, Code of Virginia, and*

*BE IT FURTHER RESOLVED, the Board concurs with the abandonment as part of the secondary system of state highways, those portions of road identified by the sketch to be abandoned, pursuant to Sec. 33.1-151, Code of Virginia; and*

*BE IT FURTHER RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to Sec. 33.1-155, Code of Virginia.*

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

4. Adoption of a Resolution Agreeing to Join into Participation with Stafford County in the Study Regarding the Assumption of Secondary Roads and Requesting the Virginia Department of Transportation to Fund the Study;

VOTE:

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

**RESOLUTION NO. 2005-32**

***Agreeing to Join into Participation with Stafford County in the Study Regarding the Assumption of Secondary Roads and Requesting the Virginia Department of Transportation to Fund the Study***

*WHEREAS, funding levels through traditional Virginia Department of Transportation formulas have not kept pace with secondary road needs of counties experiencing rapid population growth; and*

*WHEREAS, the Transportation Commissioner initiated discussions seeking counties to enter into a pilot program demonstrating intergovernmental cooperation and efficiencies through the assumption of secondary roads by counties; and*

*WHEREAS, Stafford County has developed and issued a Request for Proposals to analyze potential benefits and costs with regard to the assumption of secondary roads; and*

*WHEREAS, Stafford County has invited Spotsylvania County to participate in the determining the feasibility of assuming secondary roads and the need for VDOT funding of such a study; and*

*WHEREAS, the results of a secondary road assumption feasibility study will have significant implications for VDOT and many counties throughout the Commonwealth;*

*NOW, THEREFORE, BE IT RESOLVED, by the Spotsylvania County Board of Supervisors that it hereby agrees to participate with Stafford County to analyze the feasibility including costs and benefits regarding the assumption of secondary roads.*

*BE IT FURTHER RESOLVED, that VDOT be and hereby is requested to fund the feasibility study regarding the assumption of secondary roads.*

*BE IT FURTHER RESOLVED, that this resolution shall be forwarded to the Fredericksburg Area Metropolitan Planning Organization Policy Committee, and Stafford.*

- 5. Authorization to Advertise a Public Hearing on the Amendment of Chapter 12, Motor Vehicles and Traffic, Article VII, Towing;
- 6. Approval of the Following Special Events Application: SEA 05-02 Virginia Renaissance Faire, SEA 05-03 Lake Anna Winery, SEA 05-04 Jesus Jubilee Ministries, SEA 05-05 Spotsylvania Antique Tractor Show, SEA 05-06 Spotsylvania County Independence Day Celebration;
- 7. Adoption of a Resolution Proclaiming May, 2005 as National Historic Preservation Month.

**VOTE:**

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

**RESOLUTION NO. 2005-33**

***Proclaiming May, 2005 as National Historic Preservation Month***

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

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

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

*WHEREAS, "Restore America: Communities at a Crossroads " is the theme for National Historic Preservation Month 2005, co-sponsored by **Spotsylvania Preservation Foundation, Inc.** and the National Trust for Historic Preservation;*

*NOW, THEREFORE, we, The Spotsylvania County Board of Supervisors do proclaim May, 2005, 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.*

### **APPROVAL OF AN AGREEMENT FOR THE FARMER'S MARKET;**

Mr. Connors said he continued to get calls from vendors of crafts who would like to be able to market their crafts. He said the request was off the table for the Route 3 market but we did have the market at the Courthouse and if the farmers had no objection, he would like to have the committee revisit the regulations as they pertain to the Courthouse location. Mr. Pennington said he would be glad to take the regulations back to the Board of the Farmer's Market but asked for approval of the rules and regulations and application permit for the 2005 through 2007 market seasons so there would be no delay in opening the markets on April 30.

Mr. Onorato suggested that if non-edible items in the nature of crafts were to be allowed, that there would be a square-footage limit for such items so that the market would still be predominantly a farmer's market.

On a motion by Mr. Connors, seconded by Mr. Onorato and passed unanimously, the Board approved the Spotsylvania County Farmer's Market Rules and Regulations and Application Permit for the 2005 through 2007 market seasons.

### **APPROVAL OF THE AWARD OF CONTRACT FOR AUDITING SERVICES**

On a motion by Mr. Marshall, seconded by Mr. Connors and passed 6 to 0 with Mr. Waddy absent, the Board approved the award of a contract for auditing services to the Miller Foley Group for auditing services for the County and the Schools.

### **PROPOSED CONTRACT WITH THE URBAN LAND INSTITUTE**

Mr. Wheeler said this contract to conduct a Technical Assistance Panel for Land Use Planning for the Route 1 corridor was a follow up, which stemmed from the Board's strategy to deal with growth.

Mr. Connors said there was interest by those who would like to partner with us.

Mr. Yakabouski asked whether this would be for the entire Route 1 corridor. Planning Director Ric Goss said that it would be. Mr. Yakabouski asked whether it would be done in conjunction with the Industrial Development Authority (IDA) Business Plans that were being looked at. He said the IDA had just awarded a contract and he would like to make sure that both groups were talking.

Mr. Connors said that we could merge these studies and commented that the Urban Land Institute (ULI) people had worked on the Route 1 corridor north of Spotsylvania.

Mr. Connors made a motion, seconded by Mr. Onorato, to approve the contract with the Urban Land Institute.

Mr. Yakabouski said that the ULI plan was more of a land-use plan and these were outside people who had a certain level of expertise who would come for a day to tell us what we should be doing. He noted that the County had other plans such as the Four Mile Fork plan. He said if the ULI plan were done at all, and he was wary of it, he wanted to ensure that the County would not be paying for another plan and that would not be used. He said also that the Planning Commission and Planning Department should be involved.

Mr. Yakabouski made a substitute motion, seconded by Mr. Marshall, to table the vote on the award of the contract until staff could bring back an answer to make sure everyone was on the same page and that the Planning Commission and the Planning Department were integrally involved.

Mr. Onorato said he would like to set a 60-day time limit for the tabling.

Mr. Connors said if the plans were to be merged, he was all for it, and he asked Board members to provide any questions they had to Mr. Wheeler by April 22, 2005.

The substitute motion to table the case for 60 days passed 6 to 0 with Mr. Waddy absent.

### **ADOPTION OF POLICIES SETTING FORTH PROCEDURES FOR EVALUATION OF PUBLIC/PRIVATE PARTNERSHIPS PURSUANT TO PPEA AND PPTA**

On a motion by Mr. Jackson, seconded by Mr. Connors and passed 6 to 0 with Mr. Waddy absent, the Board adopted the policies setting forth procedures for evaluation of the Public Private Education Act (PPEA) and the Public Private Transportation Act (PPTA), as follows:

#### **PURCHASING POLICY IMPLEMENTING PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002 AND PUBLIC PRIVATE TRANSPORTATION ACT OF 1995**

##### **I. Introduction**

(a) The Public-Private Education Facilities and Infrastructure act of 2002, Va. Code Sections 56-575.1, *et seq.*, (the "PPEA") and the Public-Private Transportation Act of 1995, Va.

Code Section 56-557, *et seq.*, (the “PPTA”) (together, the “Acts”) grant the County of Spotsylvania (the “County”), a responsible public entity as defined in the Acts, the authority to create public-private partnerships for the development of a wide range of projects for public use if the County determines there is a public need for the project and that private involvement may provide the project to the public in a timely or cost-effective fashion. Individually negotiated comprehensive agreements between an operator, as defined in the Acts, and the County will define the respective rights and obligations of the County and the private operator. Although guidance with regard to the application of the PPEA and PPTA is provided herein, it will be incumbent upon the County and all private entities to comply with the provisions of the PPEA or PPTA as applicable.

(b) In order for a project to come under the PPEA or the PPTA, it must meet the definition of a “qualifying project” as defined in the applicable Act. The Acts contain broad definitions of qualifying projects that include, but are not limited to public buildings and facilities, and transportation facilities of all types; for example:

1. An education facility, including, but not limited to, a school building (including any stadium or other facility primarily used for school purposes), any functionally-related and subordinate facility and land to a school building, and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education;
2. A building or facility for principal use by any public entity;
3. Improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity;
4. Utility and telecommunications and other communications infrastructure; or
5. A recreational facility.
6. A transportation facility such as a road, mass transit facility, parking facility or other commercial facility used for the transportation of persons or goods.

(c) The Acts establish requirements that the County must adhere to when reviewing and approving proposals received pursuant to the PPEA or the PPTA. In addition, the Acts specify the criteria that must be used to select a proposal and the contents of the comprehensive agreement detailing the relationship between the County and the private entity. Any proposal received or solicited by the County pursuant to either the PPEA or the PPTA will be reviewed in accordance with the provisions of the applicable Act and these regulations as they may apply.

(d) The Spotsylvania County Board of Supervisors (the “Board”) adopted this policy effective April 12, 2005 to implement the PPEA and the PPTA. Therefore, in accordance with Board directive, the County Administrator will follow this policy to receive and evaluate any proposal submitted to the County under the provisions of the PPEA or the PPTA. The procedures and regulations provided in this policy may be amended only by an act of the Board.

(e) The County Administrator is authorized to designate a working group to be responsible for evaluating proposals and negotiating the comprehensive agreement.

(f) The individual designated by the County Administrator to serve as the point of contact for implementation of procedures, to receive proposals submitted under the PPEA or the PPTA and to respond to inquiries regarding the PPEA or the PPTA or this adopted policy shall be the Purchasing Manager.

## **II. General Provisions**

### **(a) Proposal Submission**

(1) A proposal under either Act may be either solicited by the County or delivered by a private entity on an unsolicited basis. Proposers may be required to follow a two-part proposal submission process consisting of a conceptual phase and a detailed phase, as described herein.

(2) The Acts allow private entities to include innovative financing methods, including the imposition of user fees or service payments, in a proposal. Such financing arrangements may include the issuance of debt instruments, equity or other securities or obligations. Proposals may include, if applicable, the portion of the tax-exempt private activity bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant to the Economic Growth and Tax Relief Reconciliation Act of 2001<sup>1</sup> for the development of education facilities using public-private partnerships.

(3) Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the County. Project benefits to be considered are those occurring during the construction, renovation, expansion or improvement phase and during the life cycle of the project. Proposals also should include a comprehensive scope of work and a financial plan for the project, containing enough detail to allow an analysis by the County of the financial feasibility of the proposed project. Initial proposal submittals should include not less than ten (10) originals. The County may, at any time, require the proposer to provide additional information, additional copies of prior submissions, and/or clarification to any submission.

### **(b) Affected Local Jurisdictions**

The term "affected local jurisdiction" means any county, city or town in which all or a portion of a qualifying project is located. Any private entity requesting

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<sup>1</sup> Public Law 107 -16; Section 142(k)(5) of the Internal Revenue Code of 1986, as amended.

approval from or submitting a conceptual or detailed proposal to the County must provide any other affected jurisdiction with a copy of the private entity's request or proposal by certified mail, express delivery or hand delivery within five (5) business days of submission of the proposal to the County. Evidence of the delivery of the proposal to any other affected local jurisdiction shall be provided to the County within five (5) business days of such delivery. Any affected jurisdiction shall have 60 days from the receipt of the request or proposal to submit written comments to the County and to indicate whether the proposed qualifying project is compatible with the (i) jurisdiction's comprehensive plan, (ii) jurisdiction's infrastructure development plans, and (iii) capital improvements budget or other government spending plan. Comments received within the 60-day period shall be given consideration by the County, and no negative inference shall be drawn from the absence of comment by an affected jurisdiction. The County may begin or continue its evaluation of any such proposal during the 60-day period for the receipt of comments from other affected local jurisdictions.

(c) Proposal Review Fee

For unsolicited proposals and unsolicited competing proposals, the County will require an initial processing fee of \$5,000 with an additional proposal fee \$10,000 to be charged should the project proceed beyond the initial review. The initial processing fee shall be submitted with the initial proposal or competing proposal. The County will refund any portion of fees paid in excess of its direct costs which include, but are not limited to, all staff costs, and outside consultants, financial advisors, engineers and attorney's fees, associated with evaluating the proposal. In the event either the initial processing fee of \$5,000 or the additional proposal fee of \$10,000 is insufficient to cover all of the direct costs incurred by the County, the proposer shall pay such additional direct costs incurred by the County in reviewing the proposal.

(d) Freedom of Information Act

1. Generally, proposal documents submitted by private entities are subject to the Virginia Freedom of Information act ("FOIA").<sup>2</sup> In accordance with Section 2.2-3705 A 56 of FOIA, such documents are releasable if requested, except to the extent that they relate to (i) confidential proprietary information submitted to the County under a promise of confidentiality or (ii) memoranda, working papers or other records related to proposals if making public such records would adversely affect the financial interest of the County or the private entity or the bargaining position of either party.

2. Subsection 56-575.4 G of the PPEA imposes an obligation on the County and any affected jurisdiction to protect confidential proprietary information submitted by a private entity or operator. When the private

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<sup>2</sup> Virginia Code Section 2.2-3700 et seq.

entity requests that the County not disclose information, the private entity must (i) invoke the exclusion in writing when the data or materials are submitted to the County or before such submission, (ii) identify the specific data and particular materials for which protection from disclosure is sought, and (iii) state why the exclusion from disclosure is necessary. A private entity may request and receive a determination from the County as to the anticipated scope of protection prior to submitting the proposal. The County is authorized and obligated to protect only confidential proprietary information, and thus will not protect any portion of a proposal from disclosure if the entire proposal has been designated confidential by the proposer without reasonably differentiating between the proprietary and non-proprietary information contained therein.

3. Upon receipt of a request that designated portions of a proposal be protected from disclosure as confidential and proprietary, the County shall determine whether such protection is appropriate under applicable law and, if appropriate, the scope of such appropriate protection, and shall communicate its determination to the proposer. If the determination regarding protection or the scope thereof differs from the proposer's request, then the County will accord the proposer a reasonable opportunity to clarify and justify its request. Upon a final determination by the County to accord less protection than requested by the proposer, the proposer would be accorded an opportunity to withdraw its proposal. A proposal so withdrawn should be treated in the same manner as a proposal not accepted for publication and conceptual-phase consideration as provided below.

(e) Use of Public Funds

Virginia constitutional and statutory requirements and County ordinances and policies as they apply to appropriation and expenditure of public funds apply to any comprehensive agreement entered into under the Acts. Accordingly, the processes and procedural requirements associated with the expenditure or obligation of public funds shall be incorporated into planning for any PPEA or PPTA project or projects.

(f) Applicability of Other Laws

Nothing in the PPEA or PPTA shall affect the duty of the County to comply with all other applicable laws not in conflict with the PPEA or the PPTA. The applicability of the Virginia Public Procurement Act (the "VPPA") is as set forth in the PPEA and the PPTA.

### III. Solicited Proposals

(a) The County may invite bids or proposals from private entities to acquire, design, construct, improve, renovate, expand, equip, maintain or operate qualifying projects. The County may use a two-part process consisting of an initial conceptual phase and a detailed phase. The County will set forth in the solicitation the format and supporting information that is required to be submitted, consistent with the provisions of the applicable Act.

(b) The solicitation will specify, but not necessarily be limited to, information and documents that must accompany each proposal and the factors that will be used in evaluating the submitted proposals. The solicitation will be posted in such public areas as are normally used for posting of the County's notices, including the County's website. The solicitation will also contain or incorporate by reference other applicable terms and conditions, including any unique capabilities or qualifications that will be required of the private entities submitting proposals. Informational meetings and/or pre-proposal conferences may be held as deemed appropriate by the County.

### IV. Unsolicited Proposals

(a) The PPEA and the PPTA permit the County to receive and evaluate unsolicited proposals from private entities to acquire, design, construct, improve, renovate, expand, equip, maintain, or operate a qualifying project.

(b) The County may publicize its needs and may encourage or notify interested parties to submit proposals subject to the terms and conditions of the PPEA. When such proposals are received without issuance of a solicitation, the proposal shall be treated as an unsolicited proposal.

(c) Decision to Accept and Consider Unsolicited Proposal; Notice

1. Upon receipt of any unsolicited proposal or group of proposals and payment of the required fee by the proposer or proposers, the County will determine whether to accept the unsolicited proposal for publication and conceptual-phase consideration. If the County determines not to accept the proposal and not proceed to publication and conceptual-phase consideration, it should return the proposal, together with all fees and accompanying documentation, to the proposer.
2. If the County chooses to accept an unsolicited proposal for conceptual-phase consideration, it shall post a notice in a public area regularly used by the County for posting of public notices for a period of not less than 45 days. The County shall also publish the same notice in one or more newspapers or periodicals of general circulation in the County *and the Virginia Business Opportunities* to notify any parties that may be interested in submitting competing unsolicited proposals. Interested parties shall have at least 45 days from the date the notice is first published by the County to submit competing unsolicited proposals. The notice shall state that the County (i) has received and accepted an unsolicited

proposal under the PPEA or PPTA, (ii) intends to evaluate the proposal, (iii) may negotiate a comprehensive agreement with the proposer based on the proposal, and (iv) will accept for simultaneous consideration any competing proposals that comply with the procedures adopted by the County and the PPEA or PPTA. The notice also shall summarize the proposed qualifying project or projects, and identify their proposed locations.

(d) Initial Review at the Conceptual Stage

1. Only proposals complying with the requirements of the PPEA or PPTA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by the county for further review at the conceptual stage.
2. The County will determine at this initial stage of review whether it will proceed using:
  - (a) Standard “competitive sealed bidding” procurement procedures consistent with the VPPA; or
  - (b) Procedures developed by the County that are consistent with procurement of other than professional services through “competitive negotiation” as the term is defined in Section 2.2-4301 of the Code of Virginia. The County may proceed using competitive negotiation procedures only if it makes a written determination that doing so is likely to be advantageous to the County and the public based upon either (i) the probable scope, complexity or urgency of need, or (ii) the risk sharing, added value, increase in funding or economic benefit from the project would otherwise not be available.
3. After reviewing the original proposal and any competing unsolicited proposals submitted during the notice period, the County may determine;
  - (a) not to proceed further with any proposal,
  - (b) to proceed to the detailed phase of review with the original proposal,
  - (c) to proceed to the detailed phase with a competing proposal, or
  - (d) to proceed to the detailed phase with multiple proposals.

**V. Unsolicited Proposal Preparation and Submission**

- (a) Format for submissions at the Conceptual Stage

The County will require that unsolicited proposals at the conceptual stage contain the following information in the following format plus such other information as the County may reasonably request to complete its review or to comply with the requirements of the PPEA or PPTA:

1. Qualifications and Experience

- (a) Identify the legal structure of the entity or consortium of entities making the proposal. Identify the organizational structure for the project, the management approach and how each entity in the structure fits into the overall team.
- (b) Describe the experience of the entity or consortium of entities making the proposal, the key principals and project managers involved in the proposed project including experience with projects of comparable size and complexity, including prior experience bringing similar projects to completion on budget and in compliance with design, land use, service and other standards. Describe the length of time in business, business experience, public sector experience and other engagements of the entity or consortium of entities. Include the identity of any entities that will provide design, construction and completion guarantees and warranties and a description of such guarantees and warranties.
- (c) Provide the names, prior experience, addresses, telephone numbers and e-mail addresses of persons within the entity or consortium of entities who will be directly involved in the project or who may be contacted for further information.
- (d) Provide a current or most recently audited financial statement of the entity or entities and each partner with an equity interest of ten percent (10%) or greater, and/or each entity or partner that has performed work of aggregate value exceeding \$250,000.00 in Spotsylvania County in the past ten (10) years.
- (e) Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (Section 2.2-3100 et seq.) of Title 2.2.
- (f) For each entity, major subcontractor, key principal, and/or project manager that will be utilized or involved in the project, provide a statement, listing the prior projects and clients of each for the past five (5) years and contact information for same (name, address,

telephone number, e-mail address). If an entity has worked on more than ten (10) projects during this period, it may limit its prior project list to ten (10), but shall first include all projects similar in scope and size to the proposed project and, second, it shall include as many of its most recent projects as possible. Each shall be required to submit all performance evaluation reports or other documents, which are in its possession evaluating performance during the preceding five (5) years in terms of cost, quality, schedule maintenance, safety and other matters relevant to the successful project development, operation, and completion.

2. Project Characteristics

- (a) Provide a description of the project, including the conceptual design. Describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified.
- (b) Identify and fully describe any work to be performed by the County or any other public entity.
- (c) Include a list of all federal, state and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.
- (d) Identify any anticipated adverse social, economic, environmental and transportation impacts of the project measured against the County's comprehensive land use plan and applicable ordinances and design standards. Specify the strategies or actions to mitigate known impacts of the project.
- (e) Identify the projected positive social, economic, environmental and transportation impacts of the project measured against the County's comprehensive land use plan and applicable ordinances and design standards.
- (f) Identify the proposed schedule for the work on the project, including sufficient time for the County's review and the estimated time for completion.
- (g) Propose allocation of risk and liability, and assurances for timely completion of the project.
- (h) State assumptions related to ownership, legal liability, law enforcement and operation of the project and the existence of any restrictions on the County's use of the project.

- (i) Provide information relative to phased openings of the proposed project.

3. Project Financing

- (a) Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.
- (b) Submit a plan for the development, financing and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds, including any anticipated debt service costs. The operational plan should include appropriate staffing levels and associated costs based upon the County's adopted operational standards.
- (c) Include a list and discussion of assumptions underlying all major elements of the plan.
- (d) Identify the proposed risk factors and methods for dealing with these factors. Describe methods and remedies associated with any financial default.
- (e) Identify any local, state or federal resources that the proposer contemplates requesting for the project along with an anticipated schedule of resource requirements. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment, both one-time and on going.
- (f) Identify the need, if any, for the County to provide either its general obligation or moral obligation backing. The underlying assumptions should address this need and/or state that the credit would be via a "Service agreement", for example. Any debt issuance should be expected to receive an investment grade rating from a nationally recognized statistical rating agency. If the natural rating is not investment grade, the County may require the use of credit enhancements.
- (g) Outline what impact, if any, a drop in interest rates would have on the ultimate annual project cost. Indicate if there is a method to refinance for cost savings or does the firm only receive benefit of this potential?

- (h) Outline the financial penalties, if any, that would result should the County wish to terminate a project early or restructure the cash flows for some reason of its own choosing. The firm should be specific on this point.
- (i) Provide a breakout of the fees to any underwriting firm(s) and the type of obligation the firm(s) are using with a financing component. Be specific as to tax-exempt, taxable, floating rate, fixed rate, etc.

4. Project Benefit and Compatibility

- (a) Identify who will benefit from the project, how they will benefit and how the project will benefit the County and the overall community.
- (b) Identify any anticipated public support or opposition, as well as any anticipated government support or opposition (including that in any affected jurisdiction), for the project.
- (c) Explain the strategy and plans, including the anticipated timeline that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.
- (d) Describe any anticipated significant benefits to the community and the County, including anticipated benefits to the economic, social, environmental, transportation, etc., condition of the County and whether the project is critical to attracting or maintaining competitive industries and businesses to the County.
- (e) Describe compatibility with the County's and/or affected jurisdiction's local comprehensive plan (including related environmental, land use and facility standards ordinances, where applicable), infrastructure development plans, transportation plans, the capital improvements plan and capital budget or other government spending plan.

5. Any additional information as the County may request

- (a) Format for Submissions at the Detailed Stage

If the County decides to proceed to the detailed phase of review with one or more proposals, the following information should be provided by the private entity unless waived by the County:

1. A topographical map (1:2, 000 or other appropriate scale) depicting the location of the proposal project.
2. A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the proposer to accommodate such crossings.
3. Information relating to the current plans for development of facilities to be used by a public entity that are similar to the qualifying project being proposed by the private entity, if any, of each affected jurisdiction.
4. A statement and strategy setting out the plans for securing all necessary property and/or easements. The statement must include the names and addresses, if known, of the current owners of the subject property as well as a list of any property the proposer intends to request the County or affected jurisdiction to condemn.
5. A detailed listing of all entities, along with their relevant experience and abilities, that will provide specific design, construction and completion guarantees and warranties, and a brief description of such guarantees and warranties along with a record of any prior defaults for performance.
6. A total life-cycle cost, including maintenance, specifying methodology and assumptions of the project or projects including major building systems (e.g., electrical, mechanical, etc.), and the proposed project start date. Include anticipated commitment of all parties; equity, debt, and other financing mechanisms; and a schedule of project revenues and project costs. The life-cycle cost analysis should include, but not be limited to, a detailed analysis of the projected return, rate of return, or both, expected useful life of facility and estimated annual operating expenses using County adopted service levels and standards.
7. A detailed discussion of assumptions about user fees or rates, lease payments and other service payments, and the methodology and circumstances for changes, and usage of the projects over the useful life of the projects.
8. Identification of any known government support or opposition, or general public support or opposition for the project. Government or public support should be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications.

9. Demonstration of consistency with appropriate County and/or affected jurisdiction comprehensive plans (including related environmental, land use and facility standards ordinances, where applicable), infrastructure development plans, transportation plans, the capital improvement plan and capital budget, or indication of the steps required for acceptance into such plans.
10. Explanation of how the proposed project would impact the County's or affected jurisdiction's development plans.
11. Identification of any known conflicts of interest or other factors that may impact the County's consideration of the proposal, including the identification of any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (section 2.2-3100 et seq.) of Title 2.2
12. Additional material and information as the County may reasonably request.

## **VI. Proposal Evaluation and Selection Criteria**

In evaluating any request or proposal, the County may rely upon internal staff reports or the advice of outside advisors or consultants. Some or all of the following items, along with the specified information required under V. (a) and (b) above, shall be considered in the evaluation and selection of PPEA and PPTA proposals. The county, however, reserves and retains the right to reject any request or proposal at any time for any reason whatsoever.

### **(a) Qualifications and Experience**

Factors to be considered in either phase of the County's review to determine whether the proposer possesses the requisite qualifications and experience may include, but are not necessarily limited to:

1. Experience with similar projects;
2. Demonstration of ability to perform work;
3. Leadership structure;
4. Project manager's experience;
5. Management approach;

6. Financial condition; and
  7. Project ownership.
- (b) Project Characteristics

Factors to be considered in determining the project characteristics may include, along with the specified information required under V. (a) and (b) above, but are not necessarily limited to, the following:

1. Project definition;
2. Proposed project schedule;
3. Operation of the project;
4. Technology and technical feasibility;
5. Conformity to State, County or affected jurisdiction laws, regulations, and standards;
6. Environmental impacts;
7. Condemnation impacts;
8. State and local permits; and
9. Maintenance of the project.

(c) Project Financing

Factors to be considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project may include, along with the specified information required under V. (a) and (b) above, but are not necessarily limited to, the following:

1. Cost and cost benefit to the County;
2. Financing and the impact on the debt or debt burden of the County;
3. Financial plan including default implications;
4. Estimated cost; including debt source, operating costs, etc. and
5. Life-cycle cost analysis.

(d) Project Benefit and Compatibility

Factors to be considered in determining the proposed project's compatibility with the County's, affected jurisdiction's or regional comprehensive or development plans may include, along with the specified information required under V. (a) and (b) above, but are not necessarily limited to, the following:

1. Community benefits;
2. Community support or opposition, or both;
3. Public involvement strategy;
4. Compatibility with existing and planned facilities;
5. Compatibility with County, regional, and state economic development efforts; and
6. Compatibility with County's and affected jurisdiction's land use plan, transportation plan, and capital improvements plan.

**VII. Contract**

(a) Prior to acquiring, designing, constructing, improving, renovating, expanding, equipping, maintaining, or operating the qualifying project, the selected proposer shall enter into a written contract with the County. Each contract shall define the rights and obligations of the County and the selected proposer with regard to the project.

(b) The terms of the contract shall be tailored to address the specifics of the project and shall include but not be limited to:

1. The delivery of maintenance, performance and payment bonds or letters of credit in connection with any acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project;
2. The review and approval of plans and specifications for the qualifying project by the County;
3. The rights of the county to inspect and/or terms under which the County would receive certified third-party inspections of the qualifying project to ensure compliance with the contract;
4. The maintenance of a policy or policies of liability insurance or self-insurance reasonably sufficient to insure coverage of the project and the tort liability to the

- public and employees and to enable the continued operation of the qualifying project;
5. The monitoring of the practices of the operator by the County to ensure proper maintenance, safety, use and management of the qualifying project;
  6. The terms under which the operator will reimburse the County for services provided;
  7. The policy and procedures that will govern the rights and responsibilities of the County and the operator in the event that the contract is terminated or there is a material default by the operator including the conditions governing assumption of the duties and responsibilities of the operator by the County and the transfer or purchase of property or other interests of the operator by the County;
  8. The terms under which the operator will file appropriate financial statements on a periodic basis.
  9. The mechanism by which user fees, lease payments, or service payments, if any, may be established from time to time upon agreement of the parties. Any payments or fees shall be the same for persons using the facility under like conditions and that will not materially discourage use of the qualifying project;
    - (a) A copy of any service contract shall be filed with the County.
    - (b) A schedule of the current user fees or lease payments shall be made available by the operator to any member of the public upon request.
    - (c) Classifications according to reasonable categories for assessment of user fees may be made.
  10. The terms and conditions under which the County will contribute financial resources, if any, for the qualifying project; and
  11. Other requirements of the PPEA or PPTA or provisions that the County determines serve the public purpose of the PPEA or PPTA.
    - (c) The contract and any amendments thereto shall be approved and entered into in writing by the Board of County Supervisors.

**PROPOSED DOG ORDINANCE**

Doug Barnes, Deputy County Administrator, discussed the proposed Dog Ordinance and recommended that it be advertised for a public hearing and that a workshop be set up with State legislators.

Board members and staff discussed the required distance of kennels from the property line and other issues relating to dogs.

Mr. Marshall requested that existing kennels be grandfathered from having to comply with the requirement that kennels must be 30 feet from the property line if there have been no complaints or if the owner of a kennel owned the adjacent property. John Harris, Assistant County Attorney, said he would make those modifications.

Mr. Marshall made a motion, seconded by Mr. Onorato, to advertise the proposed dog ordinance for a public hearing.

In further discussion Mr. Connors noted that to maximize fees, the Board would have to get permission from the General Assembly. Mr. Barnes said that he proposed to set up a meeting with the General Assembly members. He noted that a kennel was defined as the keeping of four dogs.

The motion passed 6 to 0 with Mr. Waddy absent.

**SPECIAL PRESENTATION TO RICK WOMBLE**

Board members presented a framed resolution to Rick Womble, as follows:

**RESOLUTION NO. 2005-34**

***Commending Rick Womble  
For his Service to Spotsylvania County***

*WHEREAS, Rick Womble has been an intelligent and articulate spokesman for Spotsylvania County over the last decade, and*

*WHEREAS, Mr. Womble served Spotsylvania County with energy and vision for four years from 1995 to 1999 on the Board of Supervisors representing the Salem District and in 2004 as Chairman of the Spotsylvania County Industrial Development Authority, and*

*WHEREAS, Mr. Womble has prevailed over his challenges with courage and an indomitable spirit, and*

*WHEREAS, Mr. Womble is a well-respected and well-loved member of this community,*

*NOW THEREFORE BE IT RESOLVED that the Spotsylvania County Board of Supervisors commends Rick Womble for his excellent service to Spotsylvania County and extends all best wishes for his retirement.*

Mr. Womble thanked the Board for the honor. He said that often you have folks that complain; they have time to complain but not for involvement. He encouraged every citizen to get involved with his or her community.

### **REQUEST FOR TRANSFER OF FUNDS WITHIN THE UTILITIES DEPARTMENT**

On a motion by Mr. Jackson, seconded by Mr. Marshall and passed 5 to 0 with Mr. Connors absent for the vote and Mr. Waddy absent, the Board authorized the County Administrator to transfer \$15,000 from the Utilities Contingency Fund to the Ni River Water Treatment Plant Materials and Supplies line item to provide adequate funds for the clearing of trees and brush from the spillway slope.

### **STATUS REPORT ON THE DESIGN OF THE MASSAPONAX/THORNBURG SEWER INTERCEPTOR**

Patrick Brady, Vice President of Construction Dynamics Group, reviewed the Massaponax/Thornburg Sewer Interceptor project. He said that he would hold a community meeting to explain the complete design and acquisition and that the entire project should be completed by 2008. He said he had not done a cost comparison but some of the pump stations would be abandoned.

### **APPEAL OF A DECISION OF THE TOWING ADVISORY BOARD**

Board members heard an appeal of a decision of the Towing Advisory Board to suspend Thornburg Shell for 30 days from the towing rotation list for soliciting business at the scene of a multiple vehicle accident that occurred on January 19, 2005.

First Sgt. R. W. Gill, Deputy, Deputy J. A. Gall, State Trooper M. H. Williamson and State Trooper J. R. Vaught presented the Board with information on the incident that led to the Towing Advisory Board's decision to suspend Thornburg Shell from the Towing Rotation List for 30 days.

Deputy County Attorney, Steve Judy said the purpose of the Board of Supervisors reviewing this decision was to determine if the information as it was presented to the Towing Advisory Board was reasonably sufficient for those who had reached the conclusion that they did, that the tower had violated the towing policy with regard to solicitation and not necessarily the issue of why he was there in the first place. He said that what the Board needed to look at most closely was the statements from the car owners that they were indeed solicited by the towing company. He said there were two different issues, one, whether the trooper had the authority to suspend the Towing Rotation List to ask Thornburg Shell to help remove cars from the roadway and two, whether Thornburg Shell violated the towing policy by soliciting business on the scene.

James Hart, the owner of Thornburg Shell, said he had not solicited any business nor did he give out any business cards.

Mr. Marshall said it was a bad night due to snow and it was a multiple-car accident. He said it would be cruel to suspend Mr. Hart from the list and he said he thought the punishment was excessive.

Mr. Marshall made a motion, seconded by Mr. Connors, not to uphold the decision of the Towing Advisory Board in suspending Thornburg Shell from the Towing Rotation List for 30 days. The motion failed and the decision of the Towing Advisory Board was upheld on a 3 to 3 vote with Mr. Jackson, Mr. Onorato and Mr. Yakabouski opposed.

Mr. Marshall made a motion to send the case back to the Towing Advisory Board. Mr. Taylor said that such a motion would have to come from the prevailing side, which would be one of the members who were opposed. No one from the prevailing side offered a motion.

### **RAPPAHANNOCK REGIONAL JUSTICE ACADEMY FINANCING, ADOPTION OF A RESOLUTION**

On a motion by Mr. Jackson, seconded by Mr. Onorato and passed 6 to 0 with Mr. Waddy absent, the Board approved the following resolution:

#### VOTE:

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

#### **RESOLUTION NO. 2005-35**

#### ***Concurrence Resolution of the Board of Supervisors of the County of Spotsylvania, Virginia***

***WHEREAS***, the Industrial Development Authority of the County of Caroline, Virginia (***the “Caroline Authority”***) has been requested by the Rappahannock Regional Criminal Justice Training Academy (***the “Academy”***) to issue its revenue bond or note in an amount not to exceed \$2,200,000 (***the “2005 Bond”***) (1) to refinance the Academy’s borrowing through a Revenue Bond, dated October 30, 1998 in the original principal amount of \$1,600,000 issued by the Industrial Development Authority of King George County, Virginia (***the “King George Authority”***), Series 1998 (***the “1998 Bond”***); (2) for additional monies to pay for the costs of the acquisition, construction and equipping of a new driver training facility (***the “New Facility”***) adjacent to the Academy’s existing facilities (***the “Existing Facility”***) located at 3630 Lee Hill Drive in the County of Spotsylvania, Virginia (***the “County”***); and (3) the costs of issuance thereof; and

*WHEREAS, Section 15.2-4905 of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia, as amended (the “Act”) provides that if a locality has created an industrial development authority, no industrial development authority created by another locality may finance a facility located in a locality unless the governing body of such locality concurs with the inducement resolution adopted by the industrial development authority created by another locality; and*

*WHEREAS, the New Facility will be located in the County and the Existing Facility is located in the County and the Board of Supervisors of Spotsylvania County, Virginia (the “Board”) constitutes the highest elected governmental unit of the County; and*

*WHEREAS, the Board had previously approved the issuance of the 1998 Bond by the King George Authority to finance a portion of the Existing Facility; and*

*WHEREAS, the Academy has requested that the Board concur in the inducement resolution of the Caroline Authority relating to the issuance of the 2005 Bond by the Caroline Authority for facilities located in the County in order to allow the 2005 Bond to be “bank qualified” and effect a lower interest rate for the Academy’s borrowing;*

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

- 1. The Board concurs with the inducement resolution of the Caroline Authority relating to the issuance of the 2005 Bond by the Caroline Authority for facilities located in the County for the benefit of the Academy, as required by Section 15.2-4905 of the Code of Virginia, as amended (the “Code”) to permit the Caroline Authority to assist in the financing.*
- 2. The Board’s action in adopting this resolution concurring with the issuance of the 2005 Bond by the Caroline Authority does not constitute an endorsement of the 2005 Bond or any guarantee of such 2005 Bond nor does it constitute in any manner a “moral obligation” in support of the 2005 Bond.*

*This resolution shall take effect immediately upon its adoption.*

#### **MEMORANDUM OF UNDERSTANDING FOR THE REGIONAL TOURISM MARKETING PROGRAMS**

David Holder with the City of Fredericksburg Tourism Department discussed the Memorandum of Understanding (MOU).

Mr. Yakabouski said he appreciated the work and was in favor of the County having the ability at the end of two fiscal years to opt out of the agreement.

Mr. Yakabouski made a motion to approve the Memorandum of Understanding for Regional Tourism Marketing Programs.

Mr. Onorato said he thought that Spotsylvania had taken a back seat to Fredericksburg. He said he saw no mention of Spotsylvania in the Fredericksburg Area Tourism (FAT) promotional materials.

Mr. Holder said the promotional video did a nice job of representing the full aspects of the area. He admitted that FAT could do a better job of increasing its video and photo library, but said the material promoted the region as a destination.

Mr. Hagan suggested that the MOU end in FY 2006 rather than FY 2007.

Mr. Yakabouski said that he was disturbed because Spotsylvania was left off the title and out of the book. He agreed to amend his motion that the MOU should end after one year in FY 2006 and he asked Mr. Holder to work with the County. Mr. Hagan seconded the motion, which passed 4 to 1 with Mr. Onorato opposed, Mr. Jackson absent for the vote and Mr. Waddy absent.

### **REFORMULATED GAS, ADOPTION OF A RESOLUTION**

On a motion by Mr. Connors, seconded by Mr. Marshall and passed 5 to 0 with Mr. Jackson absent for the vote and Mr. Waddy absent, the Board adopted the following resolution:

#### VOTE:

Ayes:	5	Mr. Connors, Mr. Hagan, Mr. Marshall, Mr. Onorato and Mr. Yakabouski
Nays:	0	
Absent:	2	Mr. Jackson and Mr. Waddy
Abstain	0	

### **RESOLUTION NO. 2005-36**

#### ***Resolution Expressing the Preference of the Board of Supervisors Regarding the Mandated Use of Reformulated Gasoline***

*WHEREAS, Spotsylvania County was classified as a air quality non-attainment area by the United States Environmental Protection Agency (EPA) and Virginia's Department of Environmental Quality (DEQ) in 2004; and*

*WHEREAS, Spotsylvania County being classified as a non-attainment area has the option of requesting, through the Governor's office, mandated use of*

*reformulated gasoline within its jurisdiction as part of air quality compliance efforts; and*

*WHEREAS, in reviewing information from EPA's Office of Water and other arguments for and against the mandated use of reformulated gasoline there exists insufficient information to clearly identify the health impacts of Methyl tert-Butyl Ether (MTBE), a potential human carcinogen in high doses, especially related to ground water contamination; and*

*NOW, THEREFORE, BE IT RESOLVED, the Spotsylvania County Board of Supervisors does hereby oppose the use of reformulated gasoline in Spotsylvania County,*

*BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to FAMPO and Virginia's Department of Environmental Quality.*

Mr. Onorato commented that reformulated gas did not get at the root cause of the problem, it was not what automobiles were burning, it was the number of automobiles. He said he supported financing for public transportation.

Board and staff members noted that RADCO, Stafford County and the City of Fredericksburg did not support the use of reformulated gas.

### **BOARD OF SUPERVISORS REPORTS**

On a motion by Mr. Connors, seconded by Mr. Marshall and passed 5 to 0 with Mr. Jackson absent for the vote and Mr. Waddy absent, the Board appointed Benjamin J. Nagle to the Rappahannock Area Youth Commission.

#### **Chancellor District**

Mr. Connors said it was a pleasure to have joined about 100 people in planting trees on the old Mullins Tract (Lick Run Battlefield). He said he was pleased with all the people who came out and about 2,000 trees had been planted.

#### **Lee Hill District**

Mr. Onorato said the Special Olympics sponsored by the Spotsylvania Sheriff's Department would be held this Friday at 6 p.m. at Courtland High School.

### **RECESS AND RETURN TO ORDER**

Mr. Hagan adjourned the meeting for a recess, and then called the meeting to order again at 6:30 p.m.

## **PUBLIC PRESENTATIONS**

Linda Damiano, 10605 Houck Drive, Battlefield District, thanked the Board for lowering the speed limit on Southpoint Parkway. She said she would appreciate continued assistance in getting the Sheriff and State police to enforce the speed limit. She said that people needed to get across the Parkway. Her other concerns were trucks and buses using the road as a short cut and inadequate emergency access to Greta Lynn Court and Hillary Court.

Kim Gardner, 8612 Berkeley Farms Lane, Berkeley District, said that she and her husband had purchased land through an auction and was not given any information about new County regulations for exempt divisions of property. She said they could not get the soil work completed before the regulations had changed and asked to be grandfathered to be able to sell two lots under the previous regulations.

Lisa Allen, 10628 Wakeman Drive, Battlefield District, said that she appreciated the speed limit on Southpoint Parkway being dropped but that some drivers continued to speed. She said she would appreciate having the speed limit enforced and said that residents needed to be able to cross the street. She said that trucks and buses did not go 25 mph or even 35 mph. She thanked the Board members for their support.

Del Harr, 10706 Gideon Court, Battlefield District, thanked the Board for its assistance and said there was a need for a turn lane.

Sheryl Bennett, 10402 Boathouse Point, Livingston District, said she represented the 24/7 Coalition for Fire and EMS Coverage and thanked the Board members for their consideration for passing a revenue recovery ordinance. She said her group remained committed to informing and educating the residents on Fire and EMS coverage.

## **PUBLIC HEARINGS:**

**05-A Board of Supervisors:** Amendment of the unified Fee Schedule (Land Use and Building) as authorized by Section 15.2-2286(6) of the Code of Virginia as related to Chapter 23, Zoning, of the Code of the County of Spotsylvania (Section 23-4.1.3. Processing and review fees) and Chapter 20, Subdivisions, of the Code of the County of Spotsylvania (Section 20-4.1.1. Who may file; Payment of fees).

Wanda Parrish, Planning Manager, presented the case.

Mr. Marshall said that a \$5,000 fee for a Special Use Permit would be a hardship for small businesses.

Ms. Parrish said the fee schedule would allow for a Minor Special Use Permit where there was little or no land development and no generalized development plan. The fee for such Minor Special Use Permits would be \$2,000 plus mailing.

In response to questions from Board members, Ms. Parrish said a home occupation would fall under Minor Special Use Permits. She said fees for telecommunications towers had been bundled into an \$8,000 fee, but she did not know how they compared with those of other jurisdictions. Mr. Wheeler said if the applicants did not pay these fees, the costs would be paid through general taxes.

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

On a motion by Mr. Onorato, seconded by Mr. Jackson and passed 6 to 0 with Mr. Waddy absent, the Board approved the proposed Land Use and Building Fee Schedule, as follows:

**Fee Category:**

**Adopted Fee:**

**GIS fees: (Newly Adopted Fees) Effective May 1, 2005**

Road Name Change	\$750.00 + \$250.00 per sign + \$5.00 per affected lot
Rezoning	\$500.00 + map change cost of \$300.00 + \$5.00 per lot + document processing of \$5.00 per page
Special Use Permit	\$250.00 + map change cost of \$75 + \$5.00 per lot + document processing of \$5.00 per page
Consolidations, Lot Line Adjustments, Right-of-way dedications, Easements, Family Exempts	\$750.00 + map change cost of \$300.00 + \$5.00 per lot + document processing of \$5.00 per page
Preliminary Plats, Site Plans, Record Plats	\$2,500.00 + map change cost of \$800.00 + \$5.00 per lot + document processing of \$5.00 per page
Site Plans (Commercial/Industrial)	\$2,500.00 for Site Plan Review + map change cost of \$800.00 + \$5.00 per lot plus document processing of \$5.00 per page

**Planning: Effective July 1, 2005**

Commercial/Industrial Site Plan Review	\$2,000.00 + \$400 per improved acre (includes submission + one revision) + \$500 for each additional review thereafter
CBPO RPA encroachment (requiring Planning Commission Public Hearing)	\$350.00
CBPO RPA encroachment (requiring Administrative review)	\$50.00 per hour or portion thereof
E & S review fee	\$50.00 for every 10,000 sq. ft. of disturbed area, capped @ \$1000.00

**Zoning:**

Special Use Permit (New Development)	\$5,000.00 per application + \$100 per acre/AC > 5AC + mailing fees
Special Use Permit Telecommunication Tower	\$8,000.00 per application (cost includes fees for 3 <sup>rd</sup> party technical review) + mailing fees
Rezoning	\$8,000.00 + \$100/AC > 5AC + mailing fees
Rezoning Proffer Amendment	\$5,000.00 + \$20/AC > 5AC + mailing fees
Historic District Certificates	
Signs/Minor Modifications	\$200.00
Alterations to Existing Buildings	\$250.00
Major Renovation/New Construction	\$400.00

**Planning: Subdivisions**

Subdivision Review Final/Record Plat	\$1,300.00 + \$100.00 per lot
Family Exempt Subdivision	\$800.00 + \$50.00 per lot
Consolidation/Adjustment/Row	\$500.00
Dedication/Easements	
Subdivision Site Construction Plan Review	\$4,000.00 + \$400.00 per lot + \$500 for each additional review after 1 <sup>st</sup> revision

**Transportation Fees: (Newly Adopted Fees)**

Letter of Credit or Bond	125% of the approved Engineer's estimate
Site Plan Review	\$200.00 per review
Traffic Study Review	\$50.00 per hour or portion thereof
Engineer's Estimate Review	\$100.00 per review
Bond or Letter of Credit Reduction (Review/Reduction)	\$200.00 per request
Final Inspection for Bond/Letter of Credit Release	\$300.00
Snow Removal Bond	\$500.00 + \$20.00 per lot

**R04-02 COURTHOUSE ROAD PROPERTIES, LLC.:**

Requests a rezoning of 2.44 acres from Residential 1 (R-1) to Village Commercial (VC) with proffers for mixed-use residential and commercial. Proposed residential density is 5.83 units per gross acre and non-residential floor area ratio (FAR) of 0.31. The property is located along the north side of Courthouse Road (Route 208), 9122 Courthouse Road, across from American Legion Drive, approximately 1000 feet south of the intersection of Courthouse Road (Route 208) and Brock Road (Route 613). This property is located within the Courthouse Development District of the Comprehensive Plan which proposes to maintain a harmonious community that embodies the best of rural and small town life where one feels continuity with the past. Tax parcel 47(A)151. Livingston voting district.

Mr. Hagan opened the public hearing.

Andrea Hornung, Senior Planner, said that the Planning Commission and staff had recommended approval of Rezoning R04-02 with Alternative 2.

The developer, Bill Vakos, said he was ready to move forward with the Courthouse development. He said the simplest approach would be to align Independence Drive and American Legion Drive and provide stormwater management. He said it was an excellent opportunity to move forward and to put the water and sewer in a location that was good for the County and for the development. He asked the Board to adopt Alternative 1.

Mr. Hagan closed the public hearing.

Mr. Marshall made a motion, seconded by Mr. Connors, to approve R04-02 Courthouse Road Properties with Alternative 2.

Mr. Onorato said with Alternative 2 there was no guarantee the right-of-way would be acquired. He said he would rather see it done right the first time and require the acquisition of the right-of-way.

Mr. Onorato made a substitute motion, seconded by Mr. Jackson to approve R04-02 Courthouse Road Properties with Alternative 1.

The motion passed 6 to 0 with Mr. Waddy absent.

**R04-06 LEE'S HILL PARTNERSHIP, LLC:**

Requests a rezoning of 100.45 acres from Residential 1 (R-1), Commercial 2 (C-2), and Commercial 3 (C-3) to Planned Development Commercial (PDC) with proffers for the Lee's Hill Town Center, which includes a mix of office, commercial, and a 400-unit apartment complex. The property includes several parcels in the Lee's Hill commercial center, generally bounded by Spotsylvania Avenue to the west, the Food Lion grocery store complex to the north, Gallahans and The Meadows residential development to the east, and Massaponax Creek to the south. This property is located within the Primary Settlement District of the Comprehensive Plan, which is proposed to develop as a series of mixed-use communities with a recommended residential density range of 0.5 to 3.0 units per acre. Tax parcels 36(A)13 and 13C, 36(17)T, U, FF, GG, HH, JJ and NN. Lee Hill voting district.

Wanda Parrish, Planning Manager, presented the case and said that staff recommended approval and the Planning Commission recommended approval on a vote of 4 to 1.

Board members and staff discussed the rezoning. Ms. Parrish said the applicant was hesitant to extend Spotsylvania Avenue since Massaponax Creek was a big environmental constraint and a structure over the wetlands and the creek would be cost prohibitive.

Mr. Onorato commented that amenities were not proffers, they were marketing.

Ms. Parrish said that the applicant had held two neighborhood specific community meetings.

Mr. Jackson commented that rather than contributing to FRED, a better way to proffer would be to contribute to the County's Transportation Fund and allow the County to decide how it would be spent.

Ms. Parish said there was no promise that the commercial component would be built first and no specific phasing plan. She said the proposed design center would focus on home improvement and draw on Gallahan's, an existing furniture store. She said the rezoning could provide a workforce for the Capital One Building, and restaurants might be more readily attracted to the area.

Mr. Connors said he was concerned about the lack of information on the commercial component, that the Board was being asked to approve a rezoning for 400 apartment units and that the Board should trust the applicant on the rest. He asked about the design center, whether \$900 a month was affordable and about the architectural commitment.

Bob Wulff of Hazel Land Company said he was the project manager. He spoke about the loss of jobs, the creation of a town center and allowing people to walk to work. He spoke about affordable housing and discounts for County public employees and reducing traffic, since residents would be able to walk to work and to shopping. He said he would provide a list of prospective stores and he would hire a professional management company to manage the apartments.

Mr. Yakabiouski said he would like to see more information on the design center and a definite timetable for its development.

Mr. Hagan closed the public hearing.

Mr. Onorato said there was a need to solve the traffic problems and the loss of jobs from Capital One. He commented that American workers required health care coverage and Indian workers did not.

On a motion by Mr. Onorato, seconded by Mr. Yakabouski, and passed 6 to 0 with Mr. Waddy absent, the Board denied the rezoning, R04-06.

**R04-11 VIRGINIA PROPERTIES, INC.:**

Requests a rezoning of 10.83 acres from Commercial 3 (C-3) and Rural (Ru) to C-3 with proffers for an office/flex business park comprised of six buildings with eight units in each. The property is located at 9700 Jim Morris Road (Route 609) on the northwest corner of Route 609 and Route 17 Bypass. This property is located within the Primary Settlement District of the Comprehensive Plan, which is proposed to develop as a series of mixed-use communities. Tax parcels 37(A)56 & 57. Lee Hill Voting District.

Ms. Parrish presented the case and said the Planning Commission and staff recommended approval.

Mr. Hagan opened the public hearing.

Don Hart, 14 River Downs Drive, Chancellor District, said he represented the applicant and offered to answer questions.

Mr. Onorato said there was a need to be sensitive to the degree of illumination at night to preserve a little of the nighttime sky.

Mr. Hagan closed the public hearing.

On a motion by Mr. Onorato, seconded by Mr. Marshall and passed 6 to 0 with Mr. Waddy absent, the Board approved the rezoning R04-11, Virginia Properties, Inc., with proffers.

**SP04-18 VIRGINIA PAVING COMPANY:**

Requests a special use permit to construct a new asphalt plant to replace an outdated, existing plant in the Industrial 2 (I-2) zoning district. The new plant would be located on approximately 8.8-acres of a 189.2-acre parcel located at 10133 Tidewater Trail (Routes 2 & 17), which is the same property where the existing plant is located. Operation of an asphalt plant within an Industrial 2 zoning district requires approval of the board of supervisors through the public hearing process. The site is situated approximately 4400 feet northeast of Tidewater Trail in an industrial area between Arbor Glen subdivision and Ruffins Pond/Massaponax Creek. The site lies within the Primary Settlement District of the Comprehensive Plan, which is planned to develop as a series of mixed-use communities. Portion of tax parcel 26(A)2. Lee Hill voting district.

Ms. Parrish presented the case and said that the Planning Commission and staff recommended approval.

Mr. Hagan opened the public hearing.

Ron Maupin, 9108 Courthouse Road, said he was the attorney representing the applicant. He said that Virginia Paving hoped to replace the existing plant with a more efficient and quieter one with less heat infusion. A community meeting was scheduled but no members of the public attended. He said the plant would be in the middle of 189 acres and the conditions would limit the hours of operation.

Mr. Hagan closed the public hearing.

On a motion by Mr. Onorato, seconded by Mr. Jackson and passed 6 to 0 with Mr. Waddy absent, the Board approved the Special Use Permit, SP04-18, Virginia Paving Company, including the tall buildings and with the following conditions:

1. Development of the site shall be in substantial conformance with the GDP prepared by Sullivan, Donahoe & Ingalls, revised 10/25/04 and supplemental narrative information

submitted for the application. Substantial conformance shall be defined as general site layout, building layout, and access driveways. Changes to the site plan as a result of detailed code provisions or requested waiver approval/denial shall not be considered substantial amendments to the GDP.

2. The applicant shall maintain files containing reports to or inspections by those various federal, state, and local agencies overseeing this type of operation, and shall make those files available to authorized representatives of the County upon request.
3. Hours of operation related to the plant and the shipping and receiving of materials shall be limited to Monday through Friday 6:00 am to 7:00 pm and Saturdays from 7:00 am and 3:00 pm. No operations shall occur on Sundays, Thanksgiving Day, or Christmas day. Shipping, loading, and processing shall be allowed outside these hours, including on Sundays, in the event that a federal, state, or local agency or authority requests or requires that operations or shipments be conducted during other hours (i.e. road work at night at the direction of federal, VDOT or local officials).

If commercial or industrial facilities purchasing the applicant's product require or request materials be delivered during off-business hours, the applicant may, upon three (3) days notice to the Zoning Administrator (including the company name, contact person, phone and fax numbers of the purchaser) operate the plant outside the above defined hours.

4. There shall be no withdrawal of water directly from the Rappahannock River nor direct discharge of water into the Rappahannock River.
5. The existing plant may continue operation until such time as the new plant has been installed and otherwise permitted to operate (including DEQ permitting). The existing plant shall be removed within 120 days of permitting of the new plant.

#### **SP05-02 DOMINION CAMPGROUND INC.:**

Requests a special use permit for continuation of the existing KOA campground and construction of a building to house the bath and shower facilities, camp store, registration area and storage. The campground facility exists on approximately 35 acres located at 7400 Brookside Lane off of Guinea Station Road (Route 607), 1.4 miles south of the I-95 overpass. The property is in the Agricultural 3 (A-3) zoning district and located within the Rural Development District of the Comprehensive Plan which is proposed to maintain the existing rural and historic character of this portion of the county and protect water quality while accommodating additional residential large lot and cluster developments. Portion of tax parcel 64(A) 1A. Berkeley voting district.

Planner Rashida Jeffers presented the case and said that the Planning Commission and the staff recommended approval.

Mr. Hagan opened the public hearing.

Ron Maupin, 9108 Courthouse Road, the attorney representing the applicant, asked that this matter be expedited since it was critical to the operation of the campground. He said that the special use permit was for the entire campground in case another building should burn down.

Mr. Hagan closed the public hearing.

On a motion by Mr. Marshall, seconded by Mr. Onorato and passed 6 to 0 with Mr. Waddy absent, the Board approved SP05-02, Dominion Campground, Inc., with the following condition:

1. The applicant shall develop and operate the campground in conformance with the descriptions contained in this application. As determined by the Zoning Administrator, future expansion within the existing campground perimeter in keeping with this approval and maintaining the existing wooded buffer adjacent to Guinea Station Road may be allowed under this permit

**FY05 CAPITAL BUDGET ADJUSTMENT**

Suzanne Swinson, Budget Analyst, said the budget adjustment would reduce the funding for revised projects to more accurately reflect the current planned spending.

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

On a motion by Mr. Marshall, seconded by Mr. Jackson and passed 6 to 0 with Mr. Waddy absent, the Board approved a budget amendment and adopted the following resolution:

VOTE:

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

**RESOLUTION NO. 2005-37**

***For a Reduction in the Bond Revenue in the Amount of \$2,455,096 for  
General Capital Projects***

**April 2005 Appropriation**

***Board of Supervisors***

***April 12, 2005***

***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, 2004, from the funds and for the functions or purposes indicated.

**CAPITAL PROJECTS:**

*For a reduction in the bond revenue received for General Capital projects due to revisions in the Capital Project construction schedules: (\$2,455,096)*

**AMENDMENT TO THE COUNTY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE II, BOARDS, COMMISSIONS AND AUTHORITIES, TO CONSIDER CHANGING THE NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY TO “ECONOMIC DEVELOPMENT AUTHORITY.”**

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

On a motion by Mr. Yakabouski, seconded by Mr. Connors and passed 6 to 0 with Mr. Waddy absent, the Board approved the following amendment to the County Code, as follows:

VOTE:

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

ORDINANCE NO. 2-14

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, 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 2, Administration, Article II. Boards, Commissions and Authorities is hereby amended and reordained by amending Division 4, as follows:

**Article II. Boards, Commissions and Authorities**

DIVISION 4. ECONOMIC DEVELOPMENT AUTHORITY

**Sec. 2-81. Created; name.**

There is hereby created a political subdivision of the commonwealth, the name of which shall be the Economic Development Authority of the County of Spotsylvania, Virginia.

**Sec. 2-82. Board of directors.**

The economic development authority shall be governed by a board of seven (7) directors to be appointed by the board of supervisors. The initial directors shall be appointed two (2) each for terms of one (1), two (2) and three (3) years and one (1) for a term of four (4) years.

Subsequent appointments shall be for terms of four (4) years, except appointments to fill vacancies, which shall be for the unexpired terms.

**Sec. 2-83. Powers.**

The economic development authority shall have such public and corporate powers as are set forth in the Industrial Development and Revenue Bond Act (title 15.2 and 15.2-4900 et seq. of the Code of Virginia), including such powers as may hereafter be set forth from time to time in such act.

**Secs. 2-84--2-100. Reserved.**

**AMENDMENT TO THE COUNTY CODE, CHAPTER 19, SOLID WASTE, SECTION 19-5, UNLAWFUL ACCUMULATIONS**

John Harris, Assistant County Attorney, said the amendment would allow the offense of unlawful accumulations of solid waste to be a Class 4 misdemeanor for first-time offenders who bring their property into compliance.

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

On a motion by Mr. Connors, seconded by Mr. Onorato and passed 6 to 0 with Mr. Waddy absent, the Board amended the County Code as follows:

VOTE:

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

ORDINANCE NO. 19-8

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SOLID WASTE, 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 19, Solid Waste, is hereby amended and reordained by amending Article I, In General, Section 19-5, Unlawful accumulations, as follows:

Chapter 19. Solid Waste  
Article I. In General

**Sec. 19-5. Unlawful accumulations.**

(a) The owner of any property in the county shall not store, accumulate or dump any

trash, garbage, refuse, litter, solid waste or other substances on such property in such quantities or in such manner or for such a period of time which might endanger or be injurious to the health or safety of the public.

(b) If after reasonable notice to the owner and lien holders of the property of the violation of this section the violation is not corrected, the county administrator may correct the violation by using county agents or employees. The cost or expenses thereof shall be assessed to and paid by the owner and lien holders and shall be a lien on the property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Code of Virginia.

(c) The zoning administrator and/or his designee may enforce this section. Nothing herein shall be construed as preventing the sheriff's department or other county officials from enforcing this section.

(d) Any person violating this Code section shall be guilty of a Class 2 misdemeanor.

(e) Any person who is a first time violator of this Code section may be found guilty of a Class 4 misdemeanor if the property is in compliance before the time of the trial.

(Code 1980, § 14-4; Ord. No. 19-5, 8-25-92)

**Cross References:** Accumulations of debris in subdivisions, § 14-9.

**State Law References:** Authority for above section, Code of Virginia, § 15.2-901.

**AMENDMENT TO THE COUNTY CODE, CHAPTER 12, MOTOR VEHICLES AND TRAFFIC, ARTICLE I, IN GENERAL, SECTION 12-20, KEEPING OF INOPERATIVE VEHICLES**

Mr. Harris said the amendment would allow the offense of storing inoperable vehicles for first time offenders who bring their property into compliance to be a Class 4 misdemeanor.

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

On a motion by Mr. Onorato, seconded by Mr. Connors and passed 6 to 0 with Mr. Waddy absent, the Board approved the amendment to the County Code as follows:

VOTE:

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

## ORDINANCE NO. 12-36

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 12, MOTOR VEHICLES AND TRAFFIC, 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 12, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article I, In General, Section 12-20, Keeping of inoperative motor vehicles, as follows:

**Article I. In General**

**Sec. 12-20. Keeping of inoperative vehicles.**

- (1) Definitions as used in this section:
  - (a) *Motor vehicle or vehicle* means any motor vehicle, trailer or semi-trailer, or any part thereof, as defined in Code of Virginia (1950), §46.2-100, as amended.
  - (b) *Inoperable vehicle* means any vehicle:
    - (i) Which is not in operating condition; or
    - (ii) Which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or
    - (iii) On which there are displayed no valid state license plates; or
    - (iv) On which there is displayed no valid state inspection decal; or
    - (v) This definition of “inoperative vehicle” shall not include a registered and licensed antique vehicle, classic vehicle, or prestige vehicle so long as the vehicle is in operating condition.
  - (c) *Shielded or screened from view* means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located by using one of the following methods:
    - (i) A form fitted, defect-free cover specifically designed and manufactured to completely shield the motor vehicle, trailer or semi-trailer from view;
    - (ii) A hedge or dense evergreen landscape planting not less than six (6) feet high and ten (10) feet wide that is neat and well maintained; or

- (iii) An opaque masonry wall or treated wood fence of stockade, board and batten, panel or similar type design in good repair of not less than six (6) feet high and ten (10) feet wide, provided such wall or fence meets the restrictions set forth in §23-5.2.1 of the Spotsylvania County Zoning Ordinance.
- (2) The keeping by any person, firm or corporation, except within a fully enclosed building or structure or otherwise shielded or screened from view, of any inoperable motor vehicle on any property zoned for residential, commercial or agricultural purposes is detrimental to the public health, safety and welfare, and is hereby declared to constitute a public nuisance.
- (3) It shall be unlawful for any person, firm or corporation to keep on any property zoned for residential, commercial or agricultural purposes any vehicle, which is inoperative, except as follows:
  - (a) On property less than two (2) acres, one (1) inoperative vehicle, including any portions thereof, may be kept provided they are shielded or screened from view; or
  - (b) On property two (2) acres and larger, two (2) inoperative vehicles, including any portions thereof, may be kept provided they are shielded or screened from view; or
  - (c) The inoperative vehicle is kept at a commercial business in compliance with the county's zoning regulations covering such business and /or a conditional use permit has been issued for the operation of such business; or
  - (d) An inoperative vehicle being repaired at an automobile repair business may be kept at such property for no more than sixty (60) continuous days; or
  - (e) The inoperative vehicle is kept within a fully enclosed building or structure.
- (4) The provisions of this section shall not apply to any entity, which was licensed and regularly engaged in business as an automobile dealer, salvage dealer or scrap processor, as of June 26, 1970.
- (5) Any person violating this Code section shall be guilty of a Class 1 misdemeanor. Each day's continuation of a violation of this Code section shall be deemed a separate offense.

- (6) Any person who is a first time violator of this Code section may be found guilty of a Class 4 misdemeanor if the property is in compliance before the time of trial.
- (7) The zoning administrator and code enforcement officer are hereby authorized to take any action necessary to ensure compliance with this Code section.

(Ord. No. 12-20, 5-22-90)

**State law reference(s)**--Authority to restrict keeping of inoperative motor vehicles, etc., on residential or commercial property; removal of such vehicles, Code of Virginia, § 15.2-904(A).

**AMENDMENT TO THE COUNTY CODE, CHAPTER 21, TAXATION, TO CONSIDER AMENDING SECTION 21-27.3, SAME – LIMITATION OF TAX EXEMPTION FOR MEMBERS AND AUXILIARY MEMBERS OF VOLUNTEER RESCUE SQUADS AND VOLUNTEER FIRE DEPARTMENTS**

Debbie Williams, Commissioner of the Revenue, explained that the amendment would bring the County Code into compliance with the State Code to allow two tax exemptions per household for members and auxiliary members of volunteer rescue squads and volunteer fire departments.

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

On a motion by Mr. Marshall, seconded by Mr. Yakabouski and passed 6 to 0 with Mr. Waddy absent, the Board amended the County Code, as follows:

VOTE:

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

ORDINANCE NO. 21-52

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 and reordained effective January 1, 2005, by amending Section 21-27.3, Same--Limitation of tax exemption for members and auxiliary members of volunteer rescue squads and volunteer fire departments, as follows:

**Sec. 21-27.3. Same--Limitation of tax exemption for members and auxiliary members of volunteer rescue squads and volunteer fire departments.**

If a volunteer rescue squad or fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two (2) special classification exemptions under section 21-27.1 or 21-27.2 of this article.

**THE GRANTING OF AN EASEMENT ON COUNTY-OWNED PROPERTY TO DOMINION VIRGINIA POWER FOR ELECTRICAL SERVICE THAT WILL TRAVERSE PORTIONS OF COUNTY-OWNED PROPERTY AT COSNER PARK AND THE MASSAPONAX WASTEWATER TREATMENT FACILITY. TAX MAP PARCEL 26-A-1.**

Steve Judy, Deputy County Attorney, said the proposal was for an easement across the Massaponax Wastewater Treatment Plant for service to southern Stafford County and Spotsylvania County with a loop system to provide power in case of a power outage.

Mr. Hagan opened the public hearing.

Steve Eisenrauch with Dominion Virginia Power said the loop system would be strictly for service reliability for customers in Spotsylvania and Stafford Counties.

Mr. Hagan closed the public hearing.

On a motion by Mr. Onorato, seconded by Mr. Connors and passed 6 to 0 with Mr. Waddy absent, the Board approved the granting of the right-of-way agreement with Dominion Virginia Power.

**NEW BUSINESS**

Mr. Yakabouski said that being on the Economic Development and Tourism Committee he wanted to discuss the issue of a planned road map for economic development and how the County would get to that point. He said the resolution that the Board had passed at the April 5, 2005 meeting regarding the Spotsylvania Mall expansion and improvements raised questions in his mind about policy particularly in regard to incentive packages for retail development, the rezoning process and looking more favorably on developers who held public meetings. He said it was imperative to have a stated policy and asked to know the will of the Board.

On a motion by Mr. Yakabouski, seconded by Mr. Jackson and passed 6 to 0 with Mr. Waddy absent, the Board agreed to instruct the Economic Development and Tourism Committee to create parameters for dealing with a requested resolution of support for development including but not limited to incentive packages.

**UNFINISHED BUSINESS**

**APPROVAL OF THE BUDGET AND TAX RATE**

Ms. Petrie reviewed the budget figures and tax rate.

Regarding interest rates on debt, Mr. Onorato suggested paying off on principal for a cost savings.

Mr. Connors commented that at the 89-cent tax rate the County was increasing the School Budget and although it was not all, it was close to what the School Board had requested. He said the Board had found common ground and increased funding for schools and public safety and had kept the Transportation Fund intact. He said according to the Citizen Survey these were things that people supported.

Mr. Jackson noted that revenues had increased and that more money would be spent on services. He said the 7.5% increase in revenues was healthy and that local government and the School Board had to learn to live within their means.

Mr. Marshall said the whole thing in a nutshell was that if the General Assembly had sent the money they were supposed to have sent, the County would not have to put money into transportation. He noted the General Assembly hadn't raised the gas tax since 1986.

**ADOPTION OF THE TAX RATE**

On a motion by Mr. Connors, seconded by Mr. Onorato and passed 4 to 2 with Mr. Jackson and Mr. Yakabouski opposed and Mr. Waddy absent, the Board adopted the following resolution on the Tax Rate for Calendar Year 2005:

VOTE:

Ayes:	4	Mr. Connors, Mr. Hagan, Mr. Marshall, and Mr. Onorato
Nays:	2	Mr. Jackson and Mr. Yakabouski
Absent:	1	Mr. Waddy
Abstain	0	

**RESOLUTION NO. 2005-38**

***To Adopt the Tax Rates for Calendar Year 2005***

*WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to approve and control the County's fiscal plan for FY 2006; and*

*WHEREAS, the Board of Supervisors has received and reviewed the County Administrator's Recommended Budget for FY 2006; and*

*WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to set the tax rates for Calendar Year 2005; and*

*WHEREAS, the Board of Supervisors has received comments on the proposed tax rates and the proposed budget from citizens of Spotsylvania County at a duly advertised public hearing; now therefore be it*

*RESOLVED by the Spotsylvania County Board of Supervisors this 12<sup>th</sup> day of April, 2005, that the following tax rates for Calendar Year 2005 be, and are hereby, approved, as set forth below;*

**CALENDAR YEAR 2005 COUNTY TAX RATES**

*Real Estate .....\$0.89 per \$100 of assessed valuation*

*Personal Property.....\$5.00 per \$100 of assessed valuation, assessed at 50% of fair market value*

*Mobile Homes .....\$0.89 per \$100 of assessed valuation*

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

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

**ADOPTION OF THE BUDGET**

On a motion by Mr. Jackson, seconded by Mr. Connors and passed 6 to 0 with Mr. Waddy absent the Board adopted the following resolution on the budget for Fiscal Year 2006:

**VOTE:**

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

**RESOLUTION NO. 2005-39**

***To Adopt the Fiscal Year 2006 Budget***

*WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to approve and control the County's fiscal plan for FY 2006; and*

*WHEREAS, the Board of Supervisors has received and reviewed the County Administrator's Recommended Budget for FY 2006; and*

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

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

*RESOLVED by the Spotsylvania County Board of Supervisors this 12<sup>th</sup> day of April, 2005 that the following Budgets for Fiscal 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 \$263,740,301 shall not exceed \$101,019,590 of local funds and, be it*

*RESOLVED FURTHER, that the following budgets be, and are hereby, approved effective July 1, 2005, 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.*

#### FISCAL YEAR 2006 COUNTY BUDGETS

*1. Total County Budget for Fiscal Year 2006 in the total amount of \$367,646,386, to include the following funds:*

<i>a. General Operating Fund</i>	<u>\$ 75,810,863</u>
<i>b. Capital Projects Fund</i>	<u>\$ 23,590,675</u>
<i>c. Industrial Development Authority Fund</i>	<u>\$ 204,758</u>
<i>d. Resource Management &amp; Development Fund</i>	<u>\$ 48,928</u>
<i>e. Code Compliance Fund</i>	<u>\$ 3,785,121</u>
<i>f. Transportation Fund</i>	<u>\$ 465,740</u>
<i>f. School Operating Fund</i>	<u>\$215,951,554</u>

g. School Food Service Fund	<u>\$ 7,521,232</u>
h. School Capital Projects Fund	<u>\$ 40,267,515</u>

2. *Utilities Operating Budget for Fiscal Year 2006 in the total amount of \$22,248,598.*

### **ADOPTION OF THE CAPITAL IMPROVEMENTS PLAN**

On a motion by Mr. Marshall, seconded by Mr. Onorato and passed 6 to 0 with Mr. Waddy absent, the Board adopted the following resolution on the Capital Improvements Plan for Fiscal Year 2006:

#### VOTE:

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

#### **RESOLUTION NO. 2005-40**

#### ***To Adopt the Capital Improvements Plan for Fiscal Years 2006 Through 2011***

*WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to approve and control the County's fiscal plan for FY 2006; and*

*WHEREAS, the Board of Supervisors has received and reviewed the County Administrator's Recommended Budget for FY 2006; and*

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

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

*RESOLVED by the Spotsylvania County Board of Supervisors this 12<sup>th</sup> day of April, 2005 that the following budget be, and is hereby, approved effective July 1, 2005, as set forth below; and, be it*

