

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

ABSENT: Henry "Hap" Connors, Jr., Vice Chair

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

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

MEETING WITH SCHOOL BOARD AND ADMINISTRATION

Present from the School Board: Martin A. Wilder, Jr., Chairman; Charles C. Cowsert; Richard Fleming; Gary F. Skinner and Donald Holmes. Ray Lora and Lee Broughton were absent.

Present from School Administration: Dr. Jerry Hill and Dr. James Meyer.

Mr. Wilder called the School Board Meeting to order.

Mr. Hagan relayed a remark that Mr. Jackson had made about the School Board and staff, that they were only doing their jobs. Mr. Hagan said that the remark was true for all of us, there were no members up for election, no political gains to be made, no personal interests but they were all trying to do the best for the citizens of the County.

Mr. Hagan commended the School Board for voting to fund half of the matching funds for a grant for the Sheriff's Office. He said he applauded the action and the spirit of cooperation.

He said there were no such things as simply County issues that did not include providing quality education for all the children of our County. He said he knew that the School Board also realized that bonds for transportation will help us to get home to those children sooner, bonds for libraries were critical to the education of our entire population old and young and that bonds for safety will ensure a safe environment for all our citizens including children. He quoted Dr. Hill as having said without a safe environment the educational process cannot take place.

He said the Board of Supervisors realized that this year was the first of a two-step process, the adoption of one year of funding on the referenda so there would be time to consider the impact of the Gibson report. He asked that both Boards join together to move forward to support all the needs of the County.

Dr. Wilder called the School Board meeting to order and said he was appreciative of the opportunity to have dialogue. He said that we were at a critical juncture in taking care of 24,000 students and in taking care of the multiple needs of the County. He said it was a growing County and capital needs were substantial.

He said when our Board submitted its capital needs resolution, we hoped the process would unfold very differently. He said the crux of this matter was that fact that the School Board believed they had constitutional authority and statutory requirements in meeting the needs of the school division and their concern was over the action of the Board of Supervisors to take a resolution from the School Board and change it substantively in a way to determine how the capital needs unfolded. He said that the big issue that had been expressed on the part of the Board of Supervisors was the Gibson report. He noted that the report contained 69 recommendations for ways to improve efficiency. He said the School Board had taken action on the vast majority of the recommendations and that many recommendations were for future implementation and that they had every intention of taking action on those. He said the recommendation that had gotten the most attention related to construction costs. He said the consultant did not say the School Board was necessarily spending too much, that they may be spending 20% above the State average, but the consultant was not saying that the money was not well spent. He said the spending needed to be analyzed and tied to programs and to a greater level of specificity. He said that square footage affected cost but to cut square footage may mean to cut programs. He said that another cost consideration was building materials and systems, that the Schools may be spending to build at a high standard but there may be a savings in reduced maintenance and repair. He discussed how the School Board was addressing some of the recommendations including hiring a consultant. He said the four-year request that the School Board had submitted was for almost \$185 million. He said the Gibson Report suggested there might be \$31 million in potential savings. He said the Board of Supervisors had reduced the \$185 million by a huge amount allowing enough money to design projects without knowing whether there would be enough money to fully fund those projects. He said there should have been discussion and dialogue. He said he believed the School Board was willing to meet and rescind their earlier resolution and take the \$31 million in potential savings out and submit a resolution for \$153 million to fund the four-year program. He said they would go through their process to see if they could find a savings of \$31 million. Otherwise, they would come back for additional funding. And if there were a greater savings, they would not spend it on anything other than necessary projects offered for the Board of Supervisors' consideration.

Dr Hill said that 2 members of the Board of Supervisors and 2 members of the School Board would be invited to be part of a committee to work with the consultant.

Mr. Onorato said when the Board of Supervisors had chosen to fully fund projects for one year, he thought the School Board would be happy but we were told you were going to sue.

Dr. Hill said he thought the action that the Board of Supervisors had taken was illegal and he disagreed that the Board of Supervisors hadn't changed projects. He said they had sent back 5 projects that had been approved on April 12, 2005 as one-year projects.

Mr. Onorato said so the answer is “no,” you didn’t make a reference to suing at that time. Dr. Hill said that was correct.

Mr. Onorato spoke about the elimination of behind the wheel training in schools and noted that the number 1 cause of deaths of teenagers was motor vehicle accidents.

He cited sections of the Gibson Report noting that the school system was low in per pupil spending and high in facility expenditures. He said the schools were ranked below average in instruction but above in construction and transportation. He noted that only one salary was competitive with other school systems and that was the Superintendent’s. He noted a recommendation to utilize scope teachers better. He noted that Riverbend High School was the most expensive in the State and that John J. Wright School was the second most expensive. He said that the Board of Supervisors had run the Fire and Rescue Department through the mill because the County only had a finite amount of money to spend. He said the design for John J. Wright School was based on the design of Freedom Middle School but there had been an increase in the size of the John J. Wright School without a corresponding increase in the number of students.

He said what he had found was lower than average results in student achievement and higher than average expenditures for bricks and mortar.

Mr. Wilder noted that the Gibson study was requested by the schools and embraced by the School Board, and they did it because they wanted to improve and wanted to get better. He invited the Supervisors to a public meeting with the Gibson consultant on the following Tuesday. He said the School Board was moving forward on the recommendation and there were also many positive things in that report.

Mr. Hagan said that one of the core issues was the ability of the Board of Supervisors to alter a requested bond amount. He questioned whether the Board of Supervisors had the ability to alter that figure or not and they were struggling with how to resolve that with the new policy. He said he appreciated the School Board’s recommendation.

Dr. Wilder said when the Board took its action to modify the resolution from the School Board, we convened in closed Session and sought a legal perspective. He said the School Board never contested that the Board of Supervisors could say no to the resolution, but it was the changing of the amount that the School Board objected to. He said they never received a response to a request to meet and talk about it and they felt they had no other avenue to pursue other than to go to court. He said the two Boards should talk these things through on the front end and that dialogue was the key. He said the School Board would recess their meeting and pass the appropriate resolution and get it back to the Board of Supervisor before this meeting was over.

Mr. Onorato asked whether at this point the amount could be changed on the ballot. Mr. Taylor said that it could be.

Mr. Jackson said he was surprised by this whole episode. He said the impasse began in December 2004 at a Finance Committee meeting, that Dr. Hill and Dr. Meyer were there and Dr.

Hill expressed concern about the bond referendum. He said the minutes said Dr. Hill supported community involvement, but cited concerns about a bond referendum. Mr. Jackson said there had been a joint meeting on January 25, 2005 and none of these issues were raised and we have met on a number of other occasions and that there had been plenty of opportunity for dialogue. He said he had not been contacted.

Mr. Jackson said he had looked at the State law regarding modifying a School Board Resolution and did not think it was true that the Board of Supervisors could not modify a resolution from the School Board and that in addition the School Board made the request in the "maximum amount" of \$184 million and the Board of Supervisors authorized a lesser amount. He said he thought the Board of Supervisors was acting within their rights.

He said the Gibson Report was only one perspective and noted that some of the items the School Board had requested in the referendum were not in the Capital Improvements Plan, buying property for school sites, for example. He said he for one was not interested in a four-year program and he thought it was healthy to have a regular discussion with the voters. He said he thought fundamentally the School Board had misunderstood our Bond Referendum Policy. He said not every capital expenditure should go to the voters.

He said he did not mind the School Board questioning the judgments that the Board of Supervisors made. But he said he objected to bad mouthing the Board of Supervisors when the School Board and their staff did not like the decisions the Board of Supervisors made. He said he thought it was their clear intention to undermine the authority of the Board of Supervisors. He commented that Dr. Hill was a talented individual and had done some good things in this community, but he questioned an e-mail that he said twisted the facts. He referred for example to the citing of a ruling by the Attorney General's Office, that was not a ruling but a 30-year old opinion.

He said he was still satisfied with the decision that the Board of Supervisors had made.

Dr. Hill said it was his understanding that a school project that could not be paid for under the operational budget would have to go on the bond referendum. He said rather than criticizing each other, it would be better to discuss how the two Boards could move forward. Regarding the Gibson Report he said the intent was to have things pointed out so we could improve. He said over the last four years the school system went from 4 to 26 accredited schools. He said the School Division had met 99% of AYP (Average Yearly Progress, (part of the No Child Left Behind Act)).

He said he did not agree with a one-year bond project and he disagreed that that was a good way to proceed with buildings.

Mr. Onorato noted that before the Gibson Report the Schools had asked for \$174 million and after, \$184 million.

In response to questions from Mr. Waddy, Dr. Hill said that the costs of constructing schools in the County was above the State average; that the Gibson Report had been requested in order to

save the taxpayers money; and that wider halls, such as those constructed in Riverbend High School, were known to be safer, but he said trimming square footage would cut costs.

Mr. Waddy commented that the School Board was happy when they got what they wanted but when they didn't, they put the Board of Supervisors down. He said that money did not come easy for some people in the County and the proposed costs for education programs made them nervous.

Mr. Marshall advised the School Board that they should consider not participating at all in the Bond Referendum because if you are going to have a referendum that does not have the support of the school administration, he did not think it would pass.

Mr. Skinner thanked Mr. Jackson for being calm and professional. He said that even if the word "maximum" wasn't in there, it sounded as though the Supervisors would not have approved it anyway. He said that the Gibson Report also showed that the schools had some outstanding initiatives and no one had recognized those. He said there was a need for trust and communication and trust was built through communications.

Mr. Wilder said that he believed since the action was taken by the Board of Supervisors that the key issue, the Gibson Report, and the \$31 million in proposed construction savings seemed to have been the focus. He said the School would meet in closed session to consider the adoption of another resolution. He declared the Spotsylvania County School Board in recess and said it would reconvene at the School Administrative Offices.

APPROVAL OF THE CONSENT AGENDA

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

1. Approval of the Minutes of the July 12, and July 26, 2005 Board Meetings;
2. Approval of the Extension of a Special Use Permit for Rock Church Ministries, SP02-22;
3. Acceptance of the List of Taxes and Delinquent Fees to be Written Off as Uncollectable;
4. Authorization to Advertise a Public Hearing for September 13, 2005 to Consider Amending Chapter 12, Motor Vehicles and Traffic by Adding Section 12-156, Towing from Private Property;
5. Approval of a Request for Public Hearing to Raise Cable Franchise Fees to 5% from 3%;
6. Authorization to Advertise a Public Hearing to Consider Designating a Portion of Southpoint Parkway as a Residence District;
7. Adoption of a Resolution Supporting an Application for Preserve America Community Designation, as follows:

VOTE:

Ayes:	6	Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Onorato, Mr. Waddy and Mr. Yakabouski
Nays:	0	

Absent: 1 Mr. Connors
Abstain 0

RESOLUTION NO. 2005-87

***To Apply for
Preserve America Community Designation***

WHEREAS, Preserve America is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, designation as a Preserve America Community will improve our community's ability to protect and promote its historic resources;

WHEREAS, the County of Spotsylvania has demonstrated its commitment to the protection of its historic resources by applying for and receiving designation as a Certified Local Government, now therefore be it

RESOLVED, that the County of Spotsylvania will apply for the designation of the County of Spotsylvania as a Preserve America Community; and be it further

RESOLVED, that the County of Spotsylvania will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

APPROVAL OF FINANCIAL MATTERS

Mr. Jackson made a motion, seconded by Mr. Marshall, to approve all the financial matters as proposed. Mr. Onorato asked that the Authorization to Enter into a Cost Share Agreement for Lee's Parke be voted on separately. Mr. Jackson amended his motion, and Mr. Marshall his second, to approve all the financial matters except the item Mr. Onorato had mentioned. The motion passed 6 to 0 with Mr. Connors absent and the following financial matters were approved:

1. Approval to Authorize Contract with Wiley & Wilson to Provide Design Services for Two Elevated Water Storage Tanks;

2. Authorization to Sign Change Order #6, Wishner Pumping Station and Plant Abandonment;
3. Approval to Purchase Wetlands Mitigation Credits/Massaponax Sewer Interceptor Project – Stage I;
4. Approval of the Award of a Contract for HCC Drive Realignment Project;
5. Approval of a Resolution for VPSA Refunding Bonds, 2003D, Savings to Localities;

VOTE:

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

RESOLUTION NO. 2005-88

Authorizing the Execution and Delivery of a Continuing Disclosure Agreement in Connection with the Issuance by the Virginia Public School Authority of its School Financing Bonds (1997 Resolution) Refunding Series 2003 D, a Portion of the Proceeds of which Refunded the County of Spotsylvania General Obligation School Bonds, Refunding Series 1994 A; and Authorizing Any Other Actions Necessary to Achieve the Objectives Contemplated Hereby

WHEREAS, the Virginia Public School Authority (the “Authority”) pursuant to (i) a bond resolution adopted on May 21, 1963 (the “1963 Resolution”); (ii) a bond resolution adopted on August 13, 1987, as amended and supplemented (the “1987 Resolution”); and (iii) a bond resolution adopted on October 23, 1997, as amended, restated and supplemented (the “1997 Resolution”) issued bonds (respectively, the “1963 Resolution Bonds”, “1987 Resolution Bonds” and the “1997 Resolution Bonds”) for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia;

WHEREAS, the Authority used a portion of the proceeds of certain 1963 Resolution Bonds and certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of Spotsylvania County, Virginia (the “County”) designated the Spotsylvania County School Bonds, Series of 1985, Series of 1986, Series of 1987A, Series of 1987B, Series of 1988A, Series of 1988B, Series of 1989A, Series of 1989B, and 1991 Series C (“Prior Local School Bonds”);

WHEREAS, the Authority has issued under the 1987 Resolution two series of 1987 Resolution Bonds designated as “School Financing Bonds (1987 Resolution) 1991 Refunding Series C” (the “Series 1991 C Bonds”) and “School Financing Bonds (1987 Resolution) 1993 Refunding Series B” (the “Series 1993 B Bonds”) of the Authority;

WHEREAS, the Authority refunded certain 1963 Resolution Bonds and certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1991 C Bonds and its Series 1993 B Bonds and, in connection therewith, the County exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the County of Spotsylvania General Obligation School Bond, Series 1994 A (the "Local School Bonds");

WHEREAS, the Authority refunded its Series 1991 C Bonds and Series 1993 C Bonds ("Refunded Bonds") with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the "Refunding Bonds") issued pursuant to the 1997 Resolution;

WHEREAS, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution;

WHEREAS, the Authority is required to assist the underwriters (the "Underwriters") of the Refunding Bonds with their duty to comply with Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule");

WHEREAS, the Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and;

WHEREAS, the Board of Supervisors of the County of Spotsylvania, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement;

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

1. Continuing Disclosure Agreement.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement in the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and

delivery of the Continuing Disclosure Agreement and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

3. Effective Date.

This resolution shall take effect immediately.

6. Approval of a Budget Amendment for FY05 Carryover for IS Projects in Progress;
7. Approval of the Continuation of School Resource Officer Programs at Thornburg, J.J. Wright, Ni River and Battlefield Middle Schools.

COST SHARE AGREEMENT WITH LEE'S PARKE

Authorization to Enter into a Cost Share Agreement for a 24-inch Water Line Upgrade Through Lee's Parke, Pod C, Sections 3 and 4

Mr. Onorato said it was his policy not to vote for any upgrades for Lee's Parke. He said all these things should have been accounted for in the proffer statement.

On a motion by Mr. Jackson, seconded by Mr. Marshall and passed 5 to 1 with Mr. Onorato opposed and Mr. Connors absent, the Board approved a cost share agreement for a 24-inch water line upgrade through Lee's Parke, Pod C, Sections 3 and 4.

SPECIAL PRESENTATION BY JIM LIGHTHIZER, CIVIL WAR PRESERVATION TRUST

Jim Lighthizer, President of the Civil War Preservation Trust, thanked and complimented the Board of Supervisors for their role in preserving a significant piece of American history, the great Battle of Chancellorsville. He said the coming together of elected officials, the development community, citizens and the preservation community was through the unique and special leadership that the Board members had shown. He said he was here to thank the Board members but more important to recognize their outstanding leadership. He said this Board should be a model for local elected officials throughout this country when it comes to unique approaches to save an important part of our national history.

He presented each Board member with a plaque.

Mr. Hagan thanked the Civil War Preservation Trust for their support as they supported the preservation of Civil War properties throughout the country. He said the Board was pleased and honored to have the opportunity to preserve the battlefield that was the site of the first day of the Battle of Chancellorsville.

SEWER EXTENSION POLICY FOR 4129 MINE ROAD AND FOR 4304 MINE ROAD

Brent Elam, Utilities Engineer, spoke about the need for these two extensions and the financing for them.

Mr. Onorato said he had been contacted by constituents who were concerned that their well might become contaminated. Mr. Elam said that instead of a standard pipe, they would use a more expensive, stronger and better gasket pipe.

On a motion by Mr. Onorato, seconded by Mr. Waddy and passed 6 to 0 with Mr. Connors absent, the Board authorized the Utilities Department to construct a sewer line to 4129 and 4304 Mine Road pursuant to the adopted extension policy with the owners paying their 40% shares toward the projects.

WATER AND/OR SEWER EXTENSION POLICY

On a motion by Mr. Marshall, seconded by Mr. Waddy and passed 6 to 0 with Mr. Connors absent, the Board authorized the County Administrator or the Director of Utilities to be the approving authority for Water and/or Sewer Extensions by Policy if within their respective spending authorities.

SEWER SERVICES TO PARCEL 21-((12)) B1

Tim Slaydon, Director of Utilities, said the owner of Parcel 21-((12))B1 had requested the extension of water and sewer lines to his property, which was outside the Primary Development Boundary. Board members agreed that Utilities should not be extended beyond the Primary Settlement Boundary and took no action on the request.

WATER/SEWER SERVICE CONNECTIONS BEYOND THE PRIMARY DEVELOPMENT BOUNDARY

On a motion by Mr. Marshall, seconded by Mr. Onorato and passed 6 to 0 with Mr. Connors absent the Board directed the County Attorney to prepare amendments to the County Code regarding water and sewer service connections beyond the Primary Development Boundary, as follows:

1. Incorporate the definition of the Primary Development Boundary (PDB) or equivalent as the authorized water and sewer service area for the Spotsylvania County Department of Utilities.
2. Include provisions for amending and subsequently adopting the PDB.
3. Include a provision that for properties which abut any portion of the PDB or which abut any street, right-of-way, or easement in which the Department of Utilities' water or sewage collection or other gravity sewer is located or may in the future be located, the

Department of Utilities may provide water and or sewer service under the following conditions:

- a. For existing public water and gravity sewer lines, the structure or structures for which such service is intended shall be in place on or before 1 July 2005 and the property shall be within 100-feet of the existing line from which the service is to be provided.
- b. For future public water and gravity sewer lines where such lines are installed along the PDB or within any street, right-of-way, or easement, the structure shall be existing and be or have been occupied for at least twelve months before such time as the future water or gravity sewer line is placed into service, and the property shall be within 100-feet of the future line from which the service is to be provided.
- c. Where service, pursuant to paragraphs a and b above, has been provided to such structures, the pipes and service lines that connect the structures to the public water or gravity sewer lines shall not be used for additional extensions without either the Board of Supervisors' approval or amendments to the PDB.

REVIEW OF BOND REFERENDA BROCHURE

Brian Scott, Director of Information Services, presented a draft of a brochure to be sent to County residents to provide information on the four Bond Referenda questions. Regarding the impact on the tax rate, Mr. Barnes said that staff would need to provide more details at the proposed Town Hall meetings and that full financial analysis would be published on the County's web page.

Mr. Hagan asked that comments be provided to Mr. Scott and that the brochure be brought to the Board at their August 23rd meeting.

ADOPTION OF A RESOLUTION REGARDING THE REALIGNMENT OF CHANCELLOR/GORDON ROAD

Dan Cole, Traffic Engineer, explained that the project would include the realignment of Chancellor Road with Rappahannock Drive and signalization with Gordon Road. He said that VDOT estimated the project would take 36 months and that staff was seeking the adoption of a resolution for the County to do the project.

Mr. Jackson said he appreciated staff taking the initiative on this project to circumnavigate the bottleneck and that 3 years was just too long to accomplish the project. He said it was about safety. He suggested installing a light now at Chancellor and Gordon Roads and moving it after the realignment was completed. He said an amount of \$900,000 was available in surplus funds from the Piedmont Road project and the Board had approved \$1.3 million for this project.

Mr. Marshall said he would support this project but hoped the Board members would remember that special help was needed in Berkeley District.

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

VOTE:

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

RESOLUTION NO. 2005-89

***Requesting the Virginia Department of Transportation to Allow the
Chancellor/Gordon Road Project to Be Locally Administered***

WHEREAS, this project is fully funded by revenue sharing funds, and

WHEREAS, the projected timeline presented by VDOT to complete this project is thirty-six (36) months, and

WHEREAS, staff has indicated that this project could be completed in a shorter period of time, and

WHEREAS, VDOT has developed a set of draft guidelines for the local administration of VDOT projects,

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Spotsylvania County hereby approves that staff proceed with the administration of this project following the criteria established in the "Guide for Local Administration of Virginia Department of Transportation Projects" and subject to authorization from VDOT to proceed with the project; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of Spotsylvania County requests the Virginia Department of Transportation to establish an urban system highway project for the realignment to Chancellor Road with Rappahannock Drive and the signalization with Gordon Road to be locally administered; and

BE IT FURTHER RESOLVED, that the Board of Supervisors of Spotsylvania County hereby agrees to pay its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the County

of Spotsylvania subsequently elects to cancel this project, the County of Spotsylvania hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

CITIZEN SATISFACTION SURVEY UPDATE

Dr. Thomas M. Guterbock of the Center for Survey Research at the University of Virginia, Mr. Pennington and Kathy Smith, Public Information Officer, discussed the upcoming Citizen Satisfaction Survey.

Dr. Guterbock said his staff had incorporated the suggestions of reducing the timeframe and focusing on priority issues and satisfaction questions from previous surveys.

He said that some questions were dropped but would be shifted to a rotating basis and questions about the most important items would be asked every year.

Board members discussed changes to the questions and the benefit of open-ended questions.

Mr. Waddy wanted to ensure that people in his district were called.

CLOSED SESSION

On a motion by Mr. Jackson, seconded by Mr. Onorato and passed 5 to 0 with Mr. Connors absent and Mr. Waddy absent for the vote, the Board approved a motion to adjourn into closed session in accordance with Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as Amended, to discuss a prospective business.

RETURN TO OPEN SESSION AND CERTIFICATION

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

VOTE:

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

RESOLUTION NO. 2005-90

Return to Open Session

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

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

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

PUBLIC PRESENTATIONS:

Charles Parry, 12504 Shady Lane, Chancellor District, said that on behalf of the Coalition for 24/7 for increasing fire and EMS coverage and for Station 7, he expressed his deep appreciation for the folks who served and protected County residents with all emergency services. He said we spoke, you listened and you acted.

Linda Damiano, 10605 Houck Drive, Battlefield District, spoke of incidences of road rage, littering, vandalism and suspected drug traffic on Southpoint Parkway. She said speeding continued to be a problem and said the important issue was that tractor-trailers were speeding close to residences. She commented on an article in the *Free Lance-Star* about the implementation of crosswalks, traffic calmers and traffic counters in College Heights in Fredericksburg.

Lisa Allen, 10628 Wakeman Dr., Battlefield District, asked the Board for support for the safety of residents in Ballantraye subdivision. She spoke of encountering a road rage incident for which she would be going to court.

Del Harr, 10706 Gideon Court, Battlefield District, asked for help with Southpoint Parkway. He said the Sheriff's department had done an excellent job. He spoke about the problem with having to drive $\frac{3}{4}$ miles before you can turn around and that fire and rescue trucks would have to make a u-turn.

PUBLIC HEARINGS:

[The following two ordinances were heard together.]

CHAPTER 4 AND CHAPTER 13, ANIMALS AND FOWL/DOG ORDINANCE:

Proposed amendment to Chapter 4 of the Spotsylvania County Code as follows:

Amend: ARTICLE II. DOGS GENERALLY

Section 4-26. Kennels and kennel dogs – Generally; display of license tag;

disposition of identification plates.

Section 4-27. Same – Permitting kennel dogs to stray beyond limits of enclosures.

Section 4-28. Same – Fraudulent, etc., operation of kennel.

Section 4-29. Number of Dogs Allowed.

Amend: ARTICLE IV. DOG LICENSE

Section 4-42. Fee Imposed.

Section 4-50. Revocation of kennel license.

and add: Section 4-51. Requirements to obtain multi-dog license.

CHAPTER 13, SECTION 13-6: DOGS CONSTITUTING A PUBLIC NUISANCE:

Proposed amendment to Chapter 13, Nuisances, of the Code of Spotsylvania County, to consider amending Section 13-6. Dogs constituting public nuisance to consider adding, as a nuisance, dogs attacking a person to cause injury or death if the owner or custodian shall fail to exercise proper care and control of the dog.

Mr. Barnes said the ordinances, which had been revised, removed references to tethering and chaining.

Donald Palm, 12807 Orange Plank Road, Livingston District, said his dogs were well kept. He asked to be grandfathered with the number of dogs he had and said he would not increase that number.

Maureen Hill-Hauch, 6900 Ridge Way Drive, Chancellor District, said the ordinances would create problems in terms of people not licensing their dogs. She said responsible dog owners would be upset; if the Board deemed it necessary to pass this law she said she hoped they would grandfather dogs, otherwise the choice would be to kill them or take them to a shelter. She said there had been lawsuits in other communities where such laws had been passed.

Kay Ann Kramer, 9 Bainbridge Lane, Battlefield District, said the issue was not the number of dogs but owner responsibility. She asked the Board to at least grandfather the number of dogs for those who own more than 4.

Bonnie Chivers, Lake Acres, Livingston District, said that Seminole County, Florida had an effective animal control law based on whether the animal was vicious and on a case-by-case basis. She said that dogs were personal property and the proposed ordinances would be hard to control.

Susan Sparks, Harvestdale, Chancellor District, said because more people had moved in around her she is being told she had to limit the number of dogs she had. She said she owned more than the proposed maximum but had received no complaints. She said it was not the number of dogs that determined whether or not a person was a responsible dog owner but whether a person was responsible in the treatment of those dogs.

Martin Sparks, Harvestdale, Chancellor District, said he had owned dogs for 19 years and never had one complaint. He said the dogs were their children and that they took better care of them

than of themselves. He said they were their life and asked that the Board not take their kids away.

Kim Kincheloe, 7536 Hunters Lodge Drive, Berkeley District, pointed out the number of people sitting in her section of the audience that were against the ordinance. She said it was not the number of dogs that created the nuisance; it was the responsibility of the owner. She said the ordinance was arbitrary and that it had been challenged before and would be challenged again.

Shauna Scizofski, 3606 Overview Drive, said there has to be a way to allow people to keep their dogs. She suggested inspections and said it was not the number of dogs it was the people.

Nancy Walker, 10622 Heather Greens Circle, Salem District, said adopting a limit according to property size would be difficult to enforce. She asked of those dogs on the dangerous dog list how many of their owners had more than four dogs. She said she knew people who performed rescue work and without these people our shelters would be even more overcrowded. She said having more laws was not the answer.

Elaine A. Geer, 5818 Stanfield Road, Berkeley District, said she had four dogs and had a kennel in the back yard and took special precautions of putting up six-foot fences and locks on kennel doors. She said to take away her dogs would be to take away her life.

Deborah Hembree, 4537 Lewiston Road, Berkeley District, said the people who don't take responsibility for their dogs are the people who should have limits, not those who care for and cherish their animals. She said there was a need for a grandfather clause. She said these are our babies and let us take the responsibility and go after the irresponsible owners.

Charlotte A. Mills, 10310 Ni River Dr., Livingston District, said there were already laws on the books that would take care of the nuisance factor and asked the Board to please consider a grandfather clause.

Alan Manges, 5135 Dickerson Road, Partlow, Berkeley District, said you should not be limiting the dogs but you should be limiting the number of people who train dogs to be vicious. He said the Board should make it a crime for anyone who would train a dog to be vicious.

Felicia Mazur, 12011 Lee Drive, said the limiting laws would not address the incident that recently occurred. She asked the Board to address the owners of dangerous dogs not responsible dog owners.

Shelly Donnelly, 9009 Judiciary Drive, Livingston District, spoke about people who take care of their animals and who have helped with cases of dogs who have been neglected.

Debra Schultz, 7229 Towles Mill Road, Berkeley District, said the proposed law was ridiculous. She said dogs that attack should be put down and people who own vicious animals should be held responsible. She said people who were held responsible may be able to see their mistakes and would be more responsible, but the more they were able to slide and get away with mistakes,

then we would have more problems. She said irresponsible people keep making mistakes and we have to pay for their mistakes.

Joyce Ackerman, 6908 Roxbury Mill Road, Berkeley District, said when you take rights from people, it chisels away their freedoms; when you make laws to control, you give them more freedom. She said the only time a dog of hers had bitten anyone was when she had only one dog. She said the only time you should take dogs away from people is when they are being treated cruelly. She urged people to get the license number of anyone who dumps a dog.

A woman name Sylvia who had not signed up to speak said it would be heartless to take somebody's dogs away.

Chris Wakefield, Catharpin Road, said he never recalled anything about dogs as a problem until the pit bull incident. He said he did not see how a limit on the number of dogs would help that situation. He said persons should be liable but you cannot penalize someone for someone else's action.

Yvonne Eppolito, 5109 Greenbranch St., Berkeley District, said there was no reason to limit the number of dogs; you have to take care of the people who aren't taking care of them.

Mr. Hagan closed the public hearing.

In response to questions from Board members, Mr. Harris said that prior to the proposed ordinance, there was a County-wide limit of 50 dogs; the proposed ordinance would limit the number of dogs to 4 on ½ acres County wide with other limitations only in the Primary Settlement District; the ordinance would provide for a committee that could authorize an individual to keep more dogs if the dogs would be taken care of.

Board members also talked about the problems with enforcement on the limit on the number of dogs a person may own and about tightening the nuisance ordinance.

On a motion by Mr. Onorato, seconded by Mr. Waddy and passed 6 to 0 with Mr. Connors absent, the Board adopted the proposed amendments with the elimination of Section 4-29. Number of Dogs Allowed and as follows:

ORDINANCE NO. 4-23

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4, ANIMALS AND FOWL 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 4, is hereby amended and reordained, as follows:

By amending:

Article II. Dogs Generally

Sec. 4-26. Kennels and kennel dogs--Generally; display of license tag; disposition of identification plates.

Sec. 4-27. Same--Permitting kennel dogs to stray beyond limits of enclosure.

Sec. 4-28. Same--Fraudulent, etc. operation of kennel.

by amending:

Article IV. Dog License

Sec. 4-42. Fee imposed.

Sec. 4-50. Revocation of kennel license.

and by adding:

Sec. 4-51. Requirements to obtain multi-dog license.

Article II. Dogs Generally

Sec. 4-26. Multi-dog License and multi-dog license dogs--Generally; display of license tag; disposition of identification plates.

The owner of a multi-dog license shall display the license tag in full view in a prominent location adjacent to where the dogs are kept. Regardless of how the dogs are confined, one of the identification plates provided therewith shall be attached to the collar of each dog authorized to be kept. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any animal control officer or other law enforcement officer upon request.

(Ord. No. 4-2, 6-1-93; Ord. No. 4-13, 8-11-98)

Sec. 4-27. Same--Permitting multi-dog license dogs to stray beyond limits of enclosure.

A dog licensed under a multi-dog license shall not be permitted to stray beyond the limits of the facility. This restriction shall not operate to prohibit dogs from being temporarily removed from the facility while under the control of the owner to exercise, hunt, breed, show or to engage in field trials.

(Ord. No. 4-2, 6-1-93)

Sec. 4-28. Same--Obtaining a multi-dog license by fraudulent means, etc.

A multi-dog license shall not be obtained or utilized in such a manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or in any manner to violate other provisions of this article. Violation of this section shall constitute a Class 3 misdemeanor.

(Ord. No. 4-2, 6-1-93)

Article IV. Dog License

Sec. 4-42. Fee imposed.

(a) An annual license fee is hereby imposed on dogs required to be licensed under this article. The amount of the license tax shall be established by resolution adopted by the board

of supervisors.

(b) The annual license shall be available to be purchased individually for all dog owners subject to the number of dogs that may be owned as set forth in this chapter. The annual license shall also be available for purchase as a multi-dog license for those County residents who satisfy the requirements of this chapter, specifically those set forth in Section 4-51 and subject to the number of dogs, which may be owned as set forth in this chapter. The multi-dog license may be available as ten, twenty, thirty, forty or fifty dog licenses as established by resolution adopted by the board of supervisors. However, a person or persons regardless of whether the dogs are kept on one or more tax map parcels may purchase only one multi-dog license.

(c) No license fee shall be imposed under this section on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing-impaired person; or that is a search and rescue dog; or that is trained and serves as a service dog for a mobility-impaired person. As used herein, the term "hearing dog" means a dog trained to alert its owner, by touch, to sounds of danger and sounds to which the owner should respond; and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities or service or support.

(d) All money collected by the treasurer pursuant to this section shall be deposited into the general fund of the county.

(Code 1980, § 4-25; Ord. of 9-13-88(1); Ord. No. 4-2, 6-1-93; Ord. No. 4-5, 9-27-94; Ord. No. 4-6, 10-11-94)

Cross References: General license tax schedule, § 11-51 et seq.

State Law References: Duty of county to impose dog license tax, limit on the amount thereof and provisions similar to subsection (b) above, Code of Virginia, § 3.1-796.87.

Sec. 4-50. Revocation of multi-dog license.

If a holder of a multi-dog license is convicted for a violation of section 4-21 of this chapter, the multi-dog license issued under this article may be revoked if it appears to the trial court that such section was violated by reason of the carelessness or negligence of the operation. Upon such revocation, the holder of a multi-dog license shall be required to pay an individual license tax on each dog.

(Ord. No. 4-2, 6-1-93)

Sec. 4-51. Requirements to obtain multi-dog license.

(a) Any dog owner or custodian wishing to obtain a multi-dog license shall:

- (1) Satisfy all other requirements of the County code
- (2) Apply for the license with animal control;

- (3) Maintain the dogs on any one tax map parcel greater than one-half (½) acre in size;
- (4) Maintain sufficient facilities to ensure containment of the dogs; and
- (5) The facilities shall ensure containment of the dogs not less than thirty (30) feet from all property lines;

Except:

- (i) Facilities in place as of July 26, 2005 shall not be subject to this thirty (30) foot set back, so long as no complaints against the owner, dogs or facilities thereof have been lodged with Animal Control prior to July 26, 2005. This exception shall only apply to the owner or owners of the tax map parcel as of July 26, 2005, as determined by County land and tax records; or
- (ii) Facilities in place as of July 26, 2005 shall not be subject to this thirty (30) foot set back so long as the tax map parcel adjacent to the facilities is owned by the same owner as the tax map parcel on which the facilities are located and the adjacent tax map parcel is at least thirty (30) feet in width.

(b) Compliance with the provisions of Section (a) above shall be determined by an on-site inspection conducted by animal control. Upon a finding that all of the above requirements have been satisfied, the applicant shall be provided a certificate, which must be presented to the treasurer showing they have satisfied the foregoing requirements.

(c) To obtain the same size or a smaller size multi-dog license, an affidavit stating that the requirements set forth in Section (a) are satisfied may be accepted at the discretion of animal control in lieu of the on-site inspection required above. If an affidavit is accepted, the applicant shall be provided a certificate, which must be presented to the treasurer showing they have satisfied the foregoing requirements.

On a motion by Mr. Waddy, seconded by Mr. Onorato and passed 6 to 0 the Board tabled Chapter 12, Section 13-6; Dogs Constituting a Public Nuisance.

**05-G: COURTLAND FAMILY MEDICAL CENTER COMPREHENSIVE PLAN
AMENDMENT:**

Requests an amendment to the Spotsylvania County Comprehensive Plan to remove tax parcel 34(11)B from the Rural Development District and include it in the Primary Settlement District in order to receive public water and sewer for a medical center. The Comprehensive Plan vision for the Rural Development District is to maintain the existing rural and historic character of this portion of the county and protect water quality while accommodating additional residential large lot and cluster development. The vision for the Primary Settlement District is that it shall develop as a series of mixed-use communities where residents can live, work, and play. The approximately 2.20 acre parcel proposed for development is located on the south side of

Courthouse Road (State Route 208) approximately 500 feet west of its intersection with Smith Station Road (State Route 628). Lee Hill voting district.

Planner Sarah Coakley presented the case and said the Planning Commission and staff recommended denial of including the parcel in the Primary Settlement District but the Planning Commission recommended allowing public utilities hook-ups for this parcel and the parcels immediately adjacent to the east and to the west of it.

Clifton Sheets, 6511 Prospect St., Lee Hill District, representing the applicant, spoke about the plans for the proposed medical center and said it would support schools and County facilities. He said it had to be on a high volume road with visibility and access to other properties.

Mr. Hagan opened the Public Hearing:

Frank Pohanka, 2125 Marengo Plantation Lane, Lee Hill District, spoke in favor of the amendment and said he had been on the Planning Commission when this property had been rezoned.

Jim Ostrander, 4230 Woodside Drive, Salem District, said that in 1998 he had been asked to find a site for an urgent care, extended hours facility. He said the rezoning was approved. He said that after several false starts everything was in order, but they needed water and sewer.

Judy Aldridge, 6413 Prospect St., Lee Hill District, said she supported the amendment. She said that she needed a medical facility close by that would take her insurance and said that the County was growing and needed such a facility.

Darrell Caldwell, 1001 Featherston Ct., Fredericksburg, said he was the engineer representing Medicorps. He said there was already a water line located on Smith Station Road and the site had all the facilities needed for a commercial node. He spoke about the location and said all of the necessities for a good commercial area were there. He asked the Board to grant them the utilities.

Paul Gehring, 10 Sweetbriar Ct., Fredericksburg, said he was the Executive Director for the YMCA. He said the facility would be good for the YMCA and its 10,000 members. He said a lot of people got injured and having an emergency urgent care facility made sense.

Mr. Hagan closed the public hearing.

Mr. Onorato said the extension of the Primary Settlement Boundary may be addressed in the Comprehensive Plan update.

Mr. Onorato made a motion, seconded by Mr. Yakabouski to table 05-G.

Mr. Onorato said it could be tabled until after the Comprehensive Plan update and after the referendum.

Mr. Marshall noted that the property already had a sewer line and that a water line was in front of the property.

The motion passed 4 to 2 with Mr. Marshall and Mr. Waddy opposed and Mr. Connors absent.

CHAPTER 22, SECTION 22 181-188. PROPOSED AMENDMENTS TO CHAPTER 22 WATER, SEWERS AND SEWAGE DISPOSAL, OF THE SPOTSYLVANIA COUNTY CODE, AS FOLLOWS:

ARTICLE I. IN GENERAL

By amending:

Sec. 22-1. Definitions.

ARTICLE II. Water Service

DIVISION 7. CROSS-CONNECTION AND BACKFLOW PREVENTION

By Amending:

Sec. 22-181. Program adopted by reference.

Sec. 22-182. Protection of potable water and waterworks.

Sec. 22-183. Labeling of water outlets not supplied by potable system.

Sec. 22-184. Inspections.

Sec. 22-185. Discontinuance of water service.

By Adding:

Sec. 22-186. Responsibilities of the County of Spotsylvania, the Director of Utilities.

Sec. 22-187. Responsibilities of the Owner of the Consumer's Water Supply System

Sec. 22-188. Mobile Cross Connections

The purpose of these amendments is to abate or control actual or potential cross connections and to protect the public health from contamination of the public water supply; and to provide a program of cross connection control and backflow prevention in accordance with the Commonwealth of Virginia, State Board of Health, Waterworks Regulations 1995.

Tim Slaydon, Director of Utilities, discussed the amendments and recommended approval.

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

On a motion by Mr. Jackson, seconded by Mr. Marshall and passed 6 to 0 with Mr. Connors absent, the Board approved the County Code Amendments to Chapter 22, Division 7, Water, Sewers and Sewage Disposal, as follows:

ORDINANCE NO. 22-21

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 22, WATER, SEWERS AND SEWAGE DISPOSAL, 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 22, Water, Sewer and Sewage Disposal, is hereby amended and reordained, as follows:

ARTICLE I.

IN GENERAL

By amending

Sec. 22-1. Definitions.

ARTICLE II. Water Service

DIVISION 7. CROSS-CONNECTION AND BACKFLOW PREVENTION

By Amending:

Sec. 22-181. Program adopted by reference.

Sec. 22-182. Protection of potable water and waterworks.

Sec. 22-183. Labeling of water outlets not supplied by potable system.

Sec. 22-184. Inspections.

Sec. 22-185. Discontinuance of water service.

By Adding:

Sec. 22-186. Responsibilities of the County of Spotsylvania, the Director of Utilities.

Sec. 22-187. Responsibilities of the Owner of the Consumer's Water Supply System

Sec. 22-188. Mobile Cross Connections

ARTICLE I. IN GENERAL

Sec. 22-1. Definitions.

Backflow Prevention by Separation ("Separation") means preventing backflow by either an air gap or by physical disconnection of a waterworks by the removal or absence of pipes, fittings, or fixtures that connect a waterworks directly or indirectly to a nonpotable system or one of questionable quality.

Backflow Prevention Device ("Device") means any County approved device intended to prevent backflow into a waterworks.

ARTICLE II. Water Service

DIVISION 7. CROSS-CONNECTION AND BACKFLOW PREVENTION

Sec. 22-181. Program adopted by reference.

The county cross-connection and backflow prevention control program, originally dated June 10, 1977, and revised August 9, 2005 and published by the county is herewith adopted and made a part of this chapter, except any section which may be in conflict with state laws or this Code, in which case state laws or this Code shall prevail. A copy of the program shall be available to the public at the office of the county administrator, the Utilities Department and the Code Compliance Office.

(Code 1980, § 17-52(a))

Sec. 22-182. Protection of potable water and waterworks.

(a) Potable water available on properties served by the waterworks shall be protected from contamination or pollution by enforcement of this ordinance and those sections of the building code of the county relating to plumbing.

(b) The purpose of this ordinance is to abate or control actual or potential cross connections and protect the public health from contamination of the public water supply. This ordinance provides program of cross connection control and backflow prevention in accordance with the Commonwealth of Virginia, State Board of Health, Waterworks Regulations 1995, or as amended.

(Code 1980, § 17-52(b), (d))

Sec. 22-183. Authority of the ordinance.

The authority for this ordinance is the Virginia Department of Health, Waterworks Regulations, 12VAC5-590-580 which requires the county, as the water purveyor, to establish and enforce a cross connection control program.

(Code 1980, § 17-52(c))

Sec. 22-184. Administration of the ordinance.

(a) The Director of Utilities, under the direction of the County Administrator, shall administer and enforce the provisions of this ordinance.

(b) It shall be the duty of the Director of Utilities to evaluate properties served by the waterworks where cross connection with the waterworks is deemed possible. The method of determining potential cross connection with the waterworks and the administrative procedures shall be established by the Director of Utilities in a Cross Connection Control Program approved by the Commonwealth of Virginia, Department of Health, Division of Water Supply Engineering.

Sec. 22-185. Enforcement of the ordinance

(a) Right of Entry: Any authorized agent of the County in the performance of the duties of fulfilling the requirements of this Ordinance shall have the right, upon advance written notice reasonable under the circumstances, to enter at any reasonable hour premises served by a connection or connections to the County's waterworks for the purpose of enforcing this ordinance. Upon request, the owner or occupants of property served shall furnish to the authorized agent pertinent information regarding the consumer's water supply system or systems on such property for the purpose of assessing the consumer's water supply system for cross connection hazards and determining the degree of hazard, if any. The refusal to provide such information or access, when requested, shall be grounds for immediate disconnection from the public water supply.

(b) Water service may be denied or discontinued if:

(1) A required backflow prevention device is not installed;

- (2) Backflow prevention devices are removed altered, or bypassed;
- (3) An actual or potential cross-connection exists on the premises;
- (4) Pressure at any point in the waterworks is lowered below twenty (20) psi gauge as determined by hydraulic analysis; or
- (5) The owner or occupant refuses to furnish information or access requested pursuant to section 22-185(a).

(c) Water service to premises where service has been discontinued shall not be restored until deficiencies are corrected to the satisfaction of the Director of Utilities.

(d) Notice of Violation: The owner of any water supply system found to be in violation of any provision of this ordinance shall be served a written notice of violation sent via certified mail to the owner's last known address, stating the nature of the violation, corrective action required and providing a reasonable time, not to exceed 30 days, from the date of issuance of the notice of violation to bring the water supply system into compliance with this ordinance or have water service terminated.

(e) Penalties:

- (1) Any owner of properties served by a connection to the waterworks found guilty of violating any provision of this ordinance, or any lawful written order of the Director of Utilities in pursuance hereof, shall be deemed guilty of a class 1 misdemeanor. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purposes of this ordinance.
- (2) The owner(s) whose violation of this ordinance causes a backflow into the potable water system may be held liable for any or all costs incurred by the Department of Utilities because of the backflow.
- (3) The offending owner(s) may also be held civilly liable for any personal injury or property damage.

Sec. 22-186.

Responsibilities of the County of Spotsylvania, the Director of Utilities.

(a) This ordinance shall be administered in accordance with the Commonwealth of Virginia, State Board of Health, Waterworks Regulations and shall, at a minimum, provide at the consumer's service connection, containment by either the installation of a backflow prevention device, or by separation, to prevent backflow of potential contaminants or pollutants into a waterworks from a consumer's water supply system.

(b) In the event of the backflow into the waterworks, the Director of Utilities shall act promptly to confine and eliminate the potential pollution or contamination.

(c) The Director of Utilities shall ensure that the waterworks is adequately protected from cross connections and backflow at all times. If a cross connection exists or backflow occurs into a consumer's water supply system or into the waterworks or if the consumer causes the pressure at any point in any of the waterworks distribution mains to be lowered below 20 psi gauge, the Director of Utilities may discontinue the water service to the consumer and water service shall not be restored until the deficiencies have been corrected or eliminated to the satisfaction of the Director of Utilities.

Sec. 22-187. Responsibilities of the Consumer's.

(a) It shall be the responsibility of the public water consumer to maintain all backflow prevention devices, separations, and pressure sensing devices in good working order and to make no piping or other arrangements for the purpose of bypassing or defeating any backflow prevention or pressure sensing device or separation.

(b) The consumer, at their own expense, shall install, operate, test, and maintain required backflow prevention devices or backflow prevention by separations and/or pressure sensing devices. Solutions to thermal expansion problems caused by the installation of backflow prevention devices will be at the consumer's expense.

(c) The owner shall be responsible for obtaining all necessary permits for any additions or alterations to the owner's water supply system, which could increase the degree of hazard including, but not limited to irrigation systems and water softeners, so that the need for alterations to backflow prevention can be re-evaluated.

(d) Any water outlet which is not supplied by the potable water system must be labeled as "Water Unsafe for Drinking" in a conspicuous manner.

Sec. 22-188. Mobile Cross Connections

Cross connections between mobile hazards such as construction site water meters, lawn care and exterminator application tanks, or any other circumstance where the consumer's connection is not permanently affixed to the waterworks shall fall under the requirements of this ordinance.

05-F – AMENDMENT TO CHAPTER 23: 05-F:

An amendment to Chapter 23, Zoning, of the Code of the County of Spotsylvania:

ARTICLE 5: General Development Standards, to amend Division 2, Accessory Uses and Structures, to define accessory uses to an existing Place of Worship in Sec. 23-5.2.1, Use Limitations; Article 5, General Development Standards, to amend Division 3, Accessory Service Uses, to include Child Care Center as an accessory to the principal use of Public or Private School and Child Care Center and Religious Retreat Facilities as accessories to the principal use of Place of Worship in Sec. 23-5.3.2, Permitted Accessory Service Uses; and to alter the Use Limitations in Sec. 23-5.3.3 by deleting Sec. 23-5.3.3(a); adding "...or with the approval of the Zoning Administrator, located on the same property as the principal use." to Sec. 23-5.3.3(b),

which will be changed to (a); altering Sec. 23-5.3.3(c), which will be changed to (b), to exempt Child Care Center associated with a Place of Worship, Public School, or Private School from this standard; and add Sec. 23-5.3.3(d) stating “Accessory service uses shall be certified in compliance with the VA Uniform Statewide Building Code by the Building Official.”;

Article 6, Zoning Districts, to amend the Planned Residential Rural (PRR) District to add Home Enterprises as a Principal Use Permitted and to amend the following districts: Agricultural 1 (A-1), Agricultural 2 (A-2), Agricultural 3 (A-3), Resort Agricultural (R-A), Residential 1 (R-1), Residential 2 (R-2), Residential 3 (R-3), Residential 8 (R-8), Residential 12 (R-12), Residential Resort (R-R), Resort Commercial (R-C), Rural (Ru), Village Commercial (VC), Village Residential (VR) to:

- Clarify when home occupations and home enterprises are permitted in accordance with Division 4, Home Occupations, and Division 4A, Home Enterprise;
- Allow expansion of a Place of Worship, but not expansions of seating capacity in a sanctuary, as a Permitted Use, if not already;
- Allow Place of Worship in a Public or Private School or a community building as a Permitted Use, if not already; and
- Allow expansion of a Public School in conformance with the Comprehensive Plan as a Permitted Use.

Wanda Parrish, Planning Manager presented the case. She said that the amendments were intended to streamline the process where staff did not see the need for public presentation. She said that staff recommended approval.

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 5 to 0 with Mr. Connors absent and Mr. Onorato absent for the vote, the Board approved 05-F Amendment to the Zoning Ordinance as follows:

ORDINANCE NO. 23-114

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, ZONING, 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 23, Zoning, is hereby amended and reordained, as follows:

ARTICLE 5. GENERAL DEVELOPMENT STANDARDS

Division 2. Accessory Uses and Structures

Sec. 23-5.2.1. Use limitations.

(1) No accessory use or structure shall be occupied or utilized unless the principal structure to which it is an accessory to is occupied or utilized.

(2) All uses and structures accessory to single-family detached dwellings, to include such extensions permitted by section 23-5.1.2, shall cover no more than thirty (30) percent of the area within the minimum required rear yard.

(3) The following use limitations shall apply to fences and walls except when modified by the issuance of a special use permit. These height limitations shall not apply to stormwater management facilities:

- (a) *Agriculture and rural districts (A-1, A-2, A-3, R-A, Ru)*. Fences and walls may be constructed to a maximum of ten (10) feet in height in any rear or side yard and four (4) feet in height in any front yard, except within the sight triangle. The use of barbed wire, electricity or similar contrivance that may cause bodily harm shall not be allowed in subdivisions, developments, or estates where the lot is less than one (1) acre in area or along any property line adjacent to a residential subdivision or development where any lot is less than one (1) acre in area.
- (b) *Residential districts (R-1, R-2, R-3, R-8, R-12, RR)*. Fences and walls may be constructed to a maximum height of ten (10) feet in any side or rear yard and to a maximum height of four (4) feet in any front yard, except within the sight triangle. The use of barbed wire, electricity or similar contrivance that may cause bodily harm shall not be allowed in these residential districts on any lot less than one (1) acre.
- (c) *Commercial districts (C-1, RC) and office districts (O-1, O-2)*. Fences and walls may be constructed to a maximum height of ten (10) feet in any side or rear yard and to a maximum of four (4) feet in any front yard, except within the sight triangle. The use of barbed wire, electricity or any similar contrivance that may cause bodily harm shall not be allowed in these commercial and office districts except when incorporated into a fence at a height of not less than seven (7) feet above the nearest adjacent grade and located on arms which do not protrude onto or over any adjacent property.
- (d) *Commercial (C-2, C-3) and industrial districts (I-1, I-2)*. Fences and walls may be constructed to a maximum height of ten (10) feet in any yard except for within the sight triangle. The use of barbed wire, electricity or any similar contrivance that may cause bodily harm shall not be allowed in these commercial and industrial districts except when incorporated into a fence at a height of not less than seven (7) feet above the nearest adjacent grade and located on arms which do not protrude onto or over any adjacent property.
- (e) *Planned development districts (PDH, PDC)*. Fences and walls shall conform to the criteria for fences and walls for the type of zoning district (residential or commercial) in which the fence is to be located within the planned development district.
- (f) The use of razor wire shall be prohibited except in the instance of a correctional

facility, penal facility or similar type use.

(4) The addition to an existing place of worship or a fellowship or meeting hall, gazebos or picnic shelters, indoor or outdoor recreation facilities, and related site improvements associated with an accessory use.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-67, 6-25-96; Ord. No. 23-73, 8-12-97; Ord. No. 23-80, 4-27-99)

Division 3. Accessory Service Uses

Sec. 23-5.3.2. Permitted accessory service uses.

Accessory service uses shall include, but are not limited to, the following uses; provided that such use shall be in accordance with the definition of accessory service use contained in article 2 of this chapter:

- (a) Accessory to a principal use of multiple-family dwellings when such dwelling or dwelling complex has a minimum of two hundred fifty (250) dwelling units:
 - (1) Eating establishments, without drive-in windows.
 - (2) Child care centers.
 - (3) Personal service establishments.
 - (4) Retail sales establishments selling convenience merchandise.
- (b) Accessory to a principal use of offices, industrial establishments, or institutional buildings:
 - (1) Business service and supply service establishments.
 - (2) Child care centers.
 - (3) Eating establishments, without drive-in windows.
 - (4) Indoor athletic facility.
 - (5) Personal service establishments.
 - (6) Prescription establishments and the selling of pharmaceutical supplies.
 - (7) A dwelling unit for a watchman, custodian, proprietor or owner and his/her family whose employment or business is directly related to the principal use.

- (8) Repair service establishments.
- (9) Retail sales establishments selling convenience merchandise.
- (c) Accessory to a principal use of public or private school:
 - (1) Child care center.
- (d) Accessory to a principal use of a place of worship:
 - (1) Child care center.
 - (2) Religious retreat facilities.

(Ord. No. 23-66, 10-24-95)

Sec. 23-5.3.3. Use limitations.

In addition to the use limitations applicable in the zoning district in which located, all accessory service uses shall be subject to the following use limitations:

- (a) All accessory service uses shall be located in the same building as the principal use, or with the approval of the Zoning Administrator, located on the same property as the principal use.
- (b) The aggregate gross floor area of all accessory service uses shall not exceed fifteen (15) percent of the total gross floor area of the principal use. This maximum shall not apply to Child Care Centers in a Place of Worship, Public School, or Private School.
- (c) No accessory service use shall be located above the second floor of the building in which located, with the exception of:
 - (1) The residence of a proprietor or owner, which may be located on any floor.
 - (2) An eating establishment which may be located in a top floor.
- (d) Accessory service uses shall be certified in compliance with the VA Uniform Statewide Building Code by the Building Official.

(Ord. No. 23-66, 10-24-95)

ARTICLE 6. ZONING DISTRICTS

Division 2. Agricultural 1 (A-1) District

Sec. 23-6.2.2. Permitted uses.

The following uses may be established as permitted uses in the agricultural 1 (A-1) district:

- (1) Accessory uses and accessory service uses as permitted by article 5, divisions 2 and 3 of this chapter;
- (2) Agriculture;
- (3) Dwelling, manufactured home on permanent foundations;
- (4) Dwelling, single-family detached;
- (5) Game preserves, wildlife sanctuaries and fish hatchery;
- (6) Home occupations;
- (7) Public uses;
- (8) Quasi-public parks, playgrounds, athletic fields & related facilities;
- (9) Land application of biosolids in an agricultural and forestal district;
- (10) Home enterprises permitted in accordance with Sec. 23-5.4A.2;
- (11) Expansion of a place of worship, but not expansion of the seating capacity in a sanctuary of a place of worship;
- (12) Place of worship in a public or private school or a community building;
- (13) Expansion of a public school in conformance with the Comprehensive Plan.

Sec. 23-6.2.3. Special uses.

The following uses may be established as special uses in the agricultural 1 (A-1) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Airports, public or private;
- (2) Antique shops;
- (3) Bed and breakfasts;

- (4) Camp, recreation trailer camp, summer camp;
- (5) Cemeteries;
- (6) Child care centers;
- (7) Civic, social or fraternal facilities;
- (8) Civic and sports arenas;
- (9) Contractor's offices and shops;
- (10) Convents, monasteries, seminaries and nunneries;
- (11) Cultural center, museum or similar facilities;
- (12) Equestrian facilities;
- (13) Funeral home adjacent to a perpetual care cemetery;
- (14) Golf courses, country clubs and clubhouses;
- (15) Greenhouses (plant vegetation);
- (16) Home enterprises as identified in Sec. 23-5.4A.3;
- (17) Hospitals and nursing homes;
- (18) Indoor athletic facilities;
- (19) Indoor commercial recreation facilities;
- (20) Kennels;
- (21) Land application of biosolids in an agricultural and forestal district.
- (22) Outdoor sports and recreation, commercial;
- (23) Places of worship;
- (24) Private schools;
- (25) Public schools;
- (26) Public utility light;

- (27) Religious retreat facilities;
- (28) Repair service establishment;
- (29) Sawmills;
- (30) Telecommunications tower;
- (31) Vehicle, light service establishments;
- (32) Vehicle, major service establishments;
- (33) Veterinary hospitals/services;
- (34) Wetland mitigation bank.
- (35) Wineries.
- (36) Wood by-products recycling center.

Division 3. Agricultural 2 (A-2) District

Sec. 23-6.3.2. Permitted uses.

The following uses may be established as permitted uses in the agricultural 2 (A-2) district:

- (1) Accessory uses and accessory service uses as permitted by article 5, divisions 2 and 3 of this chapter;
- (2) Agriculture;
- (3) Dwelling, manufactured home on permanent foundations;
- (4) Dwelling, single-family, detached;
- (5) Game preserves, wildlife sanctuaries, fish hatchery;
- (6) Home occupations;
- (7) Land application of biosolids in an agricultural and forestal district.
- (8) Public uses;

- (9) Quasi-public parks, playgrounds, athletic fields and related facilities;
- (10) Home enterprises permitted in accordance with Sec. 23-5.4A.2;
- (11) Expansion of a place of worship, but not expansion of the seating capacity in the sanctuary of such place of worship;
- (12) Place of worship in a public or private school or a community building;
- (13) Expansion of a public school in conformance with the Comprehensive Plan.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-72, 4-22-97; Ord. No. 23-95, 9-25-01; Ord. No. 23-101, 6-25-02)

Sec. 23-6.3.3. Special uses.

The following uses may be established as special uses in the agricultural 2 (A-2) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Airports, public and private;
- (2) Antique shops;
- (3) Bed and breakfasts;
- (4) Camp, recreation trailer camp, summer camp;
- (5) Cemeteries;
- (6) Child care centers;
- (7) Civic, social or fraternal facilities;
- (8) Civic and sports arena;
- (9) Contractor's offices and shops;
- (10) Convents, monasteries, seminaries and nunneries;
- (11) Cultural center, museum or similar facilities;
- (12) Equestrian facilities;
- (13) Funeral home adjacent to a perpetual care cemetery;
- (14) Golf courses, country clubs and clubhouses;

- (15) Greenhouses (plant vegetation);
- (16) Home enterprises as identified in Sec. 23-5.4A.3;
- (17) Hospitals and nursing homes;
- (18) Indoor athletic facilities;
- (19) Indoor commercial recreation facilities;
- (20) Kennels;
- (21) Land application of biosolids not in an agricultural and forestal district.
- (22) Outdoor sports and recreation, commercial;
- (23) Places of worship;
- (24) Private schools;
- (25) Public schools;
- (26) Public utility light;
- (27) Religious retreat facilities;
- (28) Repair service establishments;
- (29) Sawmills;
- (30) Telecommunications tower;
- (31) Vehicle, light service establishments;
- (32) Vehicle, major service establishments;
- (33) Veterinary hospital/services;
- (34) Wetland mitigation bank;
- (35) Wineries.
- (36) Wood by-products recycling center.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-73, 8-12-97; Ord. No. 23-78, 2-9-99; Ord. No. 23-91, 3-

27-01; Ord. No. 23-95, 9-25-01; Ord. No. 23-97, 10-23-01; Ord. No. 23-100, 4-9-02; Ord. No. 23-101, 6-25-02)

DIVISION 4. AGRICULTURAL 3 (A-3) DISTRICT

Sec. 23-6.4.2. Permitted uses.

The following uses may be established as permitted uses in the agriculture 3 (A-3) district:

- (1) Accessory uses and accessory service uses as permitted by article 5, divisions 2 and 3 of this chapter;
- (2) Agriculture;
- (3) Dwelling, manufactured home, on permanent foundations;
- (4) Dwelling, manufactured home for farm hand;
- (5) Dwelling, single-family, detached;
- (6) Game preserves, wildlife sanctuary, fish hatchery;
- (7) Greenhouses;
- (8) Home occupations;
- (9) Land application of biosolids in an agricultural and forestal district.
- (10) One chair barbershop;
- (11) Public uses;
- (12) Quasi-public parks, playgrounds, athletic fields and related facilities.
- (13) Home enterprises permitted in accordance with Sec. 23-5.4A.2;
- (14) Expansion of a place of worship, but not expansion of the seating capacity in the sanctuary of such place of worship;
- (15) Place of worship in a public or private school or a community building;
- (16) Expansion of a public school in conformance with the Comprehensive Plan.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-72, 4-22-97; Ord. No. 23-88, 9-26-00; Ord. No. 23-95, 9-25-01; Ord. No. 23-101, 6-25-02)

Sec. 23-6.4.3. Special uses.

The following uses may be established as special uses in the agricultural 3 (A-3) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Airports, public or private;
- (2) Antique shops;
- (3) Bed and breakfast;
- (4) Camp, recreation trailer camp, summer camp;
- (5) Cemeteries;
- (6) Child care centers;
- (7) Civic, social or fraternal facilities;
- (8) Civic and sports arena;
- (9) Contractor's offices and shops;
- (10) Convents, monasteries, seminaries, and nunneries;
- (11) Cultural center, museum or similar facilities;
- (12) Equestrian facilities;
- (13) Funeral home adjacent to a perpetual care cemetery;
- (14) Golf courses, country clubs and clubhouses;
- (15) Home enterprises as identified in Sec. 23-5.4A.3;
- (16) Hospitals and nursing homes;
- (17) Indoor athletic facilities;
- (18) Indoor commercial recreation facilities;
- (19) Kennels;
- (20) Land application of biosolids not in an agricultural and forestal district.

- (21) Outdoor sports and recreation facilities, commercial;
- (22) Places of worship;
- (23) Private schools;
- (24) Public schools;
- (25) Public utility light;
- (26) Religious retreat facilities;
- (27) Repair service establishment;
- (28) Sawmills;
- (29) Telecommunications tower;
- (30) Vehicle light service equipment;
- (31) Vehicle major service establishment;
- (32) Veterinary hospital/services;
- (33) Wetland mitigation bank.
- (34) Wineries.
- (35) Wood by-products recycling center.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-73, 8-12-97; Ord. No. 23-78, 2-9-99; Ord. No. 23-95, 9-25-01; Ord. No. 23-97, 10-23-01; Ord. No. 23-100, 4-9-02; Ord. No. 23-101, 6-25-02)

Division 5. Resort Agricultural (R-A) District

Sec. 23-6.5.2. Permitted uses.

The following uses may be established as permitted uses in the resort agricultural (R-A) district:

- (1) Accessory uses, subject to the requirements of article 5, division 2 of this chapter;
- (2) Agriculture;
- (3) Dwelling, single-family detached (not within a subdivision);

- (4) Dwelling, manufactured home, on permanent foundation (not within a subdivision);
- (5) Home occupations;
- (6) Land application of biosolids in an agricultural and forestal district.
- (7) Public uses;
- (8) Quasi-public parks, playgrounds, athletic fields and related facilities;
- (9) Home enterprises permitted in accordance with Sec. 23-5.4A.2;
- (10) Expansion of a place of worship, but not expansion of the seating capacity in the sanctuary of such place of worship;
- (11) Place of worship in a public or private school or a community building;
- (12) Expansion of a public school in conformance with the Comprehensive Plan.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-72, 4-22-97; Ord. No. 23-95, 9-25-01; Ord. No. 23-101, 6-25-02)

Sec. 23-6.5.3. Special uses.

The following uses may be established as special uses in the resort agricultural (R-A) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Bed and breakfast;
- (2) Camp, recreation trailer camp, summer camp;
- (3) Equestrian facilities;
- (4) Home enterprises as identified in Sec. 23-5.4A.3;
- (5) Land application of biosolids not in an agricultural and forestal district;
- (6) Marinas, docks and boating facilities, commercial;
- (7) Places of worship on two (2) acres or more outside of subdivisions;
- (8) Public schools;
- (9) Religious retreat facilities;

- (10) Repair service establishment;
- (11) Telecommunications tower;
- (12) Wetland mitigation bank;
- (13) Wineries.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-70, 1-14-97; Ord. No. 23-73, 8-12-97; Ord. No. 23-78, 2-9-99; Ord. No. 23-95, 9-25-01; Ord. No. 23-97, 10-23-01; Ord. No. 23-101, 6-25-02)

Division 6. Residential 1 (R-1) District

Sec. 23-6.6.2. Permitted uses.

The following uses may be established as permitted uses in the residential 1 (R-1) district:

- (1) Accessory uses, subject to the requirements of article 5, division 2 of this chapter;
- (2) Dwelling, single-family, detached;
- (3) Home occupations;
- (4) Public uses;
- (5) Quasi-public parks, playgrounds, athletic fields & related facilities;
- (6) Expansion of a place of worship, but not expansion of the seating capacity in the sanctuary of such place of worship;
- (7) Place of worship in a public or private school or a community building;
- (8) Expansion of a public school in conformance with the Comprehensive Plan.

(Ord. No. 23-66, 10-24-95)

Sec. 23-6.6.3. Special uses.

The following uses may be established as special uses in the residential 1 (R-1) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Assisted living facility;

- (2) Bed and breakfast;
- (3) Cemeteries;
- (4) Child care centers;
- (5) Civic, social or fraternal facilities;
- (6) Golf courses, country clubs and clubhouses;
- (7) Home enterprises as identified in Sec. 23-5.4A.3;
- (8) Keeping of horses on parcels of five (5) acres or more with a maximum density of one (1) horse for each one and one-half (1.5) acre of lot area;
- (9) Places of worship;
- (10) Private schools;
- (11) Public schools;
- (12) Public utility light;
- (13) Telecommunications tower.
- (14) Wetland mitigation bank.

Division 7. Residential 2 (R-2) District

Sec. 23-6.7.2. Permitted uses.

The following uses may be established as permitted uses in the residential 2 (R-2) district:

- (1) Accessory uses, subject to the requirements of article 5, division 2 of this chapter;
- (2) Dwelling, single-family detached;
- (3) Home occupations;
- (4) Public uses;
- (5) Quasi-public parks, playgrounds, athletic fields & related facilities;
- (6) Expansion of a place of worship, but not expansion of the seating capacity in the sanctuary of such place of worship;

- (7) Place of worship in a public or private school or a community building;
- (8) Expansion of a public school in conformance with the Comprehensive Plan.

Section 23-6.7.3. Special uses.

The following uses may be established as special uses in the residential 2 (R-2) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Assisted living facility;
- (2) Bed and breakfast;
- (3) Child care centers;
- (4) Civic, social or fraternal facilities;
- (5) Home enterprises as identified in Sec. 23-5.4A.3;
- (6) Places of worship;
- (7) Private schools;
- (8) Public schools;
- (9) Public utility light;
- (10) Telecommunications tower.
- (11) Wetland mitigation bank.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-73, 8-12-97; Ord. No. 23-78, 2-9-99; Ord. No. 23-79, 4-13-99; Ord. No. 23-97, 10-23-01; Ord. No. 23-101, 6-25-02)

Division 8. Residential 3 (R-3) District

Sec. 23-6.8.2. Permitted uses.

The following uses may be established as permitted uses in the residential 3 (R-3) district.

- (1) Accessory uses, subject to the requirements of article 5, division 2 of this chapter;

- (2) Dwelling, single-family, detached;
- (3) Home occupations;
- (4) Public uses;
- (5) Quasi-public parks, playgrounds, athletic fields & related facilities;
- (6) Expansion of a place of worship, but not expansion of seating capacity in the sanctuary;
- (7) Place of worship in a public or private school or a community building;
- (8) Expansion of a public school in conformance with the Comprehensive Plan.

(Ord. No. 23-66, 10-24-95)

Sec. 23-6.8.3. Special uses.

The following uses may be established as special uses in the residential 3 (R-3) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Assisted living facility;
- (2) Bed and breakfast;
- (3) Child care centers;
- (4) Civic, social or fraternal facilities;
- (5) Home enterprises as identified in Sec. 23-5.4A.3;
- (6) Places of worship;
- (7) Private schools;
- (8) Public schools;
- (9) Wetland mitigation bank.

Division 9. Residential 8 (R-8) District

Sec. 23-6.9.2. Permitted uses.

The following uses may be established as permitted uses in the residential 8 (R-8)

district:

- (1) Accessory uses as permitted by article 5, division 2 of this chapter.
- (2) Dwelling, single-family, attached;
- (3) Home occupations;
- (4) Public uses;
- (5) Quasi-public parks, playgrounds, athletic fields & related facilities;
- (6) Expansion of a place of worship, but not expansion of the seating capacity in the sanctuary of such place of worship;
- (7) Place of worship in a public or private school or a community building;
- (8) Expansion of a public school in conformance with the Comprehensive Plan.

(Ord. No. 23-66, 10-24-95)

Sec. 23-6.9.3. Special uses.

The following uses may be established as special uses in the residential 8 (R-8) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Assisted living facility;
- (2) Bed and breakfast;
- (3) Child care centers;
- (4) Civic, social or fraternal facilities;
- (5) Convents, monasteries, seminaries, and nunneries;
- (6) Dormitory, fraternity, sorority houses, rooming/boardinghouses or other residence halls;
- (7) Home enterprise as identified in Sec. 23-5.4A.3;
- (8) Indoor athletic facilities;
- (9) Indoor commercial recreation facilities;

- (10) Outdoor sports and recreation, commercial;
- (11) Public schools.
- (12) Wetland mitigation bank.
Division 10. Residential 12 (R-12) District

Sec. 23-6.10.1. Purpose and intent.

The R-12 district is established to provide for multifamily dwelling units at a density not to exceed twelve (12) dwelling units per acre; and otherwise to implement the stated purpose and intent of this chapter.

(Ord. No. 23-66, 10-24-95)

Sec. 23-6.10.2. Permitted uses.

The following uses may be established as permitted uses in the residential 12 (R-12) district:

- (1) Accessory uses and accessory service uses as permitted by article 5, divisions 2 and 3 of this chapter;
- (2) Dwelling, multiple-family;
- (3) Dwelling, single-family attached;
- (4) Public uses;
- (5) Quasi-public parks, playgrounds, athletic fields & related facilities;
- (6) Expansion of a place of worship, but not expansion of the seating capacity in the sanctuary of such place of worship;
- (7) Place of worship in a public or private school or a community building;
- (8) Expansion of a public school in conformance with the Comprehensive Plan.

Sec. 23-6.10.3. Special uses.

The following uses may be established as special uses in the residential 12 (R-12) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Assisted living facility;
- (2) Child care centers;

- (3) Civic, social or fraternal facilities;
- (4) Convents, monasteries, seminaries, and nunneries;
- (5) Dormitory, fraternity, sorority houses, rooming/boardinghouses or other similar residence halls;
- (6) Indoor commercial recreation facilities;
- (7) Outdoor sports and recreation, commercial;
- (8) Places of worship;
- (9) Private schools.
- (10) Wetland mitigation bank.
- (11) Home enterprise as identified in Sec. 23-5.4A.3.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-79, 4-13-99; Ord. No. 23-97, 10-23-01)

Division 11. Residential Resort (R-R) District

Sec. 23-6.11.2. Permitted uses.

The following uses may be established as permitted uses in the residential resort (R-R) district:

- (1) Accessory uses, subject to the requirements of article 5, division 2 of this chapter;
- (2) Dwelling, single-family, detached;
- (3) Public uses;
- (4) Quasi-public parks, playgrounds, athletic fields & related facilities;
- (5) Home occupation;
- (6) Home enterprises permitted in accordance with Sec. 23-5.4A.2;
- (7) Expansion of a place of worship, but not expansion of the seating capacity in the sanctuary of such place of worship;
- (8) Place of worship in a public or private school or a community building;
- (9) Expansion of a public school in conformance with the Comprehensive Plan.

(Ord. No. 23-66, 10-24-95)

Sec. 23-6.11.3. Special uses.

The following uses may be established as special uses in the residential resort (R-R) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Bed and breakfast;
- (2) Camp, recreation trailer camp, summer camp;
- (3) Civic, social or fraternal facilities;
- (4) Marinas, docks and boating facilities, commercial.
- (5) Places of worship on parcels of two (2) acres or more outside of subdivisions.
- (6) The keeping of horses for personal recreation purposes and related facilities (barns, riding rings, etc.) on lots of five (5) acres or more with a maximum density of one (1) horse for each two and one-half (2.5) acres of lot area. No such area utilized for the keeping of horses shall be located directly on Lake Anna or within one hundred (100) feet of Lake Anna or its designated 100-year floodplain.
- (7) Wetland mitigation bank;
- (8) Home enterprise as defined in Sec. 23-5.4A.3.

Division 20. Resort Commercial (R-C) District

Sec. 23-6.20.2. Permitted uses.

The following uses may be established as permitted uses in the resort commercial district, subject to site plan approval:

- (1) Accessory uses and accessory service uses as permitted by article 5, divisions 2 and 3 of this chapter;
- (2) Business service and supply service establishments;
- (3) Civic, social or fraternal facilities;
- (4) Cultural center, museum or similar facilities;
- (5) Eating establishments, carry out, fast food;

- (6) Eating establishment;
- (7) Financial institution with drive-in window;
- (8) Financial institution without drive-in window;
- (9) Furniture or carpet store;
- (10) Greenhouses;
- (11) Home occupations;
- (12) Hotels, motels;
- (13) Indoor athletic facilities;
- (14) Indoor commercial recreation facilities;
- (15) Medical care facilities;
- (16) Offices;
- (17) Personal service establishments;
- (18) Places of worship;
- (19) Private schools;
- (20) Public uses;
- (21) Public utility light;
- (22) Quasi-public parks, playgrounds, athletic fields and related facilities;
- (23) Shopping center;
- (24) Theaters;
- (25) Vehicle light service establishments;
- (26) Home enterprises permitted in accordance with Sec. 23-5.4A.2;
- (27) Expansion of a public school in conformance with the Comprehensive Plan.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-101, 6-25-02)

Sec. 23-6.20.3. Special uses.

The following uses may be established as special uses in the Resort Commercial district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Child care centers;
- (2) Civic and sports arenas;
- (3) Convenience store;
- (4) Fuel dispensing service;
- (5) Home enterprises as identified in Sec. 23-5.4A.3;
- (6) Marinas, docks and boating facilities, commercial;
- (7) Outdoor sports and recreation, commercial;
- (8) Parking, commercial off-street, as a principal use;
- (9) Service station;
- (10) Telecommunications tower;
- (11) Veterinary hospitals/services.
- (12) Wetland mitigation bank.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-78, 2-9-99; Ord. No. 23-97, 10-23-01; Ord. No. 23-101, 6-25-02)

Division 24. Rural (Ru) District

Sec. 23-6.24.2. Permitted uses.

The following uses may be established as permitted uses in the rural (Ru) district:

- (1) Accessory uses and accessory service uses as permitted by article 5, divisions 2 and 3 of this chapter;
- (2) Agriculture;
- (3) Dwelling, single-family detached;

- (4) Game preserves, wildlife sanctuaries and fish hatchery;
- (5) Home occupations;
- (6) Public uses;
- (7) Quasi-public parks, playgrounds, athletic fields and related facilities;
- (8) Home enterprises permitted in accordance with Sec. 23-5.4A.2;
- (9) Expansion of a place of worship, but not expansion of the seating capacity in the sanctuary of such place of worship;
- (10) Place of worship in a public or private school or a community building;
- (11) Expansion of a public school in conformance with the Comprehensive Plan.
(Ord. No. 23-72, 4-22-97; Ord. No. 23-101, 6-25-02)

Sec. 23-6.24.3. Special uses.

The following uses may be established as special uses in the rural (Ru) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Airports, public or private;
- (2) Antique shops;
- (3) Bed and breakfasts;
- (4) Camp, recreation trailer camp, summer camp;
- (5) Cemeteries;
- (6) Child care centers;
- (7) Civic, social or fraternal facilities;
- (8) Civic and sports arenas;
- (9) Contractor's offices and shops;
- (10) Cultural center, museum or similar facilities;
- (11) Equestrian facilities;
- (12) Funeral home adjacent to a perpetual care cemetery;

- (13) Golf courses, country clubs and clubhouses;
- (14) Greenhouses (plant vegetation);
- (15) Home enterprises as defined in Sec. 23-5.4A.3;
- (16) Hospitals and nursing homes;
- (17) Indoor athletic facilities;
- (18) Indoor commercial recreation facilities;
- (19) Kennels;
- (20) Outdoor sports and recreation, commercial;
- (21) Places of worship;
- (22) Private schools;
- (23) Public schools;
- (24) Public utility light;
- (25) Religious retreat facilities;
- (26) Repair service establishment;
- (27) Sawmills;
- (28) Telecommunication tower;
- (29) Veterinary hospitals/services;
- (30) Wineries.
- (31) Wetland mitigation bank.
- (32) Wood by-products recycling center.

(Ord. No. 23-72, 4-22-97; Ord. No. 23-78, 2-9-99; Ord. No. 23-79, 4-13-99; Ord. No. 23-97, 10-23-01; Ord. No. 23-100, 4-9-02; Ord. No. 23-101, 6-25-02)

Division 25. Village Commercial (Vc) District

Sec. 23-6.25.2. Permitted uses.

The following uses may be established as permitted uses in the village commercial (VC) district, subject to site plan approval for uses other than single-family detached dwellings.

- (1) Accessory uses and accessory service uses;
- (2) Antique shops;
- (3) Bed & breakfast;
- (4) Business service and supply establishment;
- (5) Child care center;
- (6) Civic, social or fraternal facilities;
- (7) Convenience store;
- (8) Cultural center, museum or similar facilities;
- (9) Dwelling, multiple-family;
- (10) Dwelling, single-family;
- (11) Dwelling, single-family attached;
- (12) Eating establishment;
- (13) Financial institution w/o drive-in window;
- (14) Funeral home;
- (15) Furniture or carpet store;
- (16) Home enterprises permitted in accordance with Sec. 23-5.4A.2;
- (17) Hotel, motel;
- (18) Medical care facilities;
- (19) Offices;
- (20) Open air market;

- (21) Outdoor sports and recreation, commercial;
- (22) Parking, commercial off-street (principal use);
- (23) Personal service establishment;
- (24) Places of worship;
- (25) Private schools;
- (26) Public schools;
- (27) Public uses;
- (28) Quasi-public parks, playgrounds, athletic fields and related facilities;
- (29) Repair service establishment;
- (30) Retail sales establishment;
- (31) Scientific research and development establishment;
- (32) Shopping center;
- (33) Veterinary hospital/services;

(Ord. No. 23-79, 4-13-99; Ord. No. 23-101, 6-25-02)

Sec. 23-6.25.3. Special uses.

The following uses may be established as special uses in the village commercial (VC) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Amusement arcade;
- (2) Billiard and pool halls;
- (3) Bus or railroad station;
- (4) Car wash;
- (5) Civic and sports arenas;
- (6) Contractor's offices and shops;

- (7) Convents, monasteries, seminaries and nunneries;
- (8) Dormitory/fraternity/sorority houses, rooming/boardinghouses or other residence halls;
- (9) Eating establishment, fast food/carry out;
- (10) Financial institution with drive-in windows;
- (11) Fuel dispensing service;
- (12) Greenhouses;
- (13) Home enterprises as defined in Sec. 23-5.4A.3;
- (14) Hospitals and nursing homes;
- (15) Live entertainment;
- (16) Public utility light;
- (17) Service station;
- (18) Theater;
- (19) Vehicle light service establishment.
- (20) Wetland mitigation bank.

Division 26. Village Residential (Vr) District

Sec. 23-6.26.2. Permitted uses.

- (1) Accessory uses;
- (2) Accessory services;
- (3) Dwelling, two-family;
- (4) Dwelling, single-family detached;
- (5) Dwelling, single-family attached;
- (6) Home occupations;

- (7) Public uses;
- (8) Quasi-public parks, playgrounds, athletic fields and related facilities;
- (9) Home enterprises permitted in accordance with Sec. 23-5.4A.2;
- (10) Expansion of a place of worship, but not expansion of the seating capacity in the sanctuary of such place of worship;
- (11) Place of worship in a public or private school or a community building;
- (12) Expansion of a public school in conformance with the Comprehensive Plan.

Sec. 23-6.26.3. Special uses.

- (1) Bed and breakfast;
- (2) Cemeteries;
- (3) Child care centers;
- (4) Civic, social or fraternal facilities;
- (5) Convents, monasteries, seminaries and nunneries;
- (6) Dormitory/fraternity/sorority houses, rooming/boardinghouses or other residence halls;
- (7) Home enterprises as identified in Sec. 23-5.4A.3;
- (8) Outdoor sports and recreation, commercial;
- (9) Places of worship;
- (10) Private schools;
- (11) Public schools;
- (12) Public utility light.
- (13) Wetland mitigation bank.

(Ord. No. 23-79, 4-13-99; Ord. No. 23-97, 10-23-01; Ord. No. 23-101, 6-25-02)
Division 27. Planned Residential Rural (Prr) District

Sec. 23-6.27.3. Principal uses permitted.

The following principal uses shall be permitted in the planned residential rural (PRR) district:

- (1) Accessory uses permitted by article 5, division 2 of this chapter;
- (2) Agriculture;
- (3) Dwelling, single-family detached;
- (4) Home occupations;
- (5) Home enterprises permitted in accordance with Sec. 23-5.4A.2;

(Ord. No. 23-99, 2-12-02; Ord. No. 23-101, 6-25-02; Ord. No. 23-106, 11-25-03)

SP05-08 SPRINT/APC REALTY AND EQUIPMENT COMPANY, LLC:

Requests a special use permit for a 150-foot tall monopole wireless telecommunications tower on a portion of a 48.32-acre, Commercial 3 (C-3) zoned property known as Cosner's Corner. The tower would be located approximately 190 feet west of the Interstate 95 (I-95) right-of-way on property bounded by Mills Drive (Route 17 Bypass) to the north and Jefferson Davis Highway (US Route 1) to the west. The County's wireless consultant has reviewed the application and suggests that the tower be permitted for 170 feet tall. The 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 parcel 35(A)99. Lee Hill voting district.

Wanda Parrish, Planning Manager, presented the case. Although the request was for a 150-foot tall tower, she said staff was recommending a 170-foot tall tower because it was a prime location for collocation.

Davidson Scott, engineering consultant for the County, spoke to the need for the tower.

Greg Tully who was representing the applicant offered to answer any questions.

Mr. Onorato, other Board members and staff discussed with Mr. Tully the possibility of placing a sign promoting Spotsylvania as the "Crossroads of the Civil War." Mr. Tully said he would discuss it with Sprint.

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

Mr. Tully agreed to an additional condition that if safe and technically feasible, the applicant would be willing to support a sign.

On a motion by Mr. Onorato, seconded by Mr. Waddy and passed 6 to 0 with Mr. Connors absent, the Board approved SP05-08 Sprint with the following conditions:

1. The monopole telecommunications tower and compound shall be developed in substantial conformance with the Generalized Development Plan stamped 3/14/05 with modifications allowed in compliance with Sec. 23-7A.4.1 of the County Code to accommodate an increase in height from the 150' requested to 170'.
2. The applicant shall allow a County welcoming sign to be affixed to the tower at a height and in a size conducive to viewing by the traveling public.

R05-08: CADENCE CAPITAL INVESTMENTS, LLC:

Requests a rezoning proffer amendment for an approximately 1-acre parcel zoned Commercial 2 (C-2). The proffer amendment proposal is for the following: 1) a reduction of the transitional screening requirement from 25ft to 10ft between the subject parcel and the adjacent residential property located to the east, 2) a 10ft buffer located between the subject parcel and the adjacent property zoned Commercial 2 (C2) located to the west, 3) all trash facilities to be located to the rear of the building without screening, 4) a stormwater management facility located at the rear of the property, 5) an entrance and exit to and from the subject parcel through an existing and proposed inter-parcel connection with the adjacent property located to the west and 6) a 20ft right of way dedication along and adjacent to the public right of way. The property is located on 10606 Courthouse Road (Route 208), adjacent to Eckerd Drug and across from the Breezewood Center. Tax map number 35(A)145. Battlefield voting district.

Chris Conti, Planner, presented the case. He said that staff was recommending denial and the Planning Commission had approved the rezoning on a 4 to 3 vote. He said the proposal would run contrary to the Highway Corridor Overlay district and the development would be piecemeal. He said the landscaping and buffering would be diminished based on the presumption that the applicant would purchase the adjacent property.

Ron Maupin said the property was originally rezoned in 1998. He said the applicant was giving up a second entrance. He said the applicant was asking that the buffer be reduced but they would maintain the buffer on the Eckerd Property. In response to a question from Mr. Hagan, he said that the neighbors were agreeable to this request.

Mr. Hagan opened the public hearing.

Gary Nuckols, 725 Jackson Street, Fredericksburg, said he represented the adjacent property owners and they had no objections to the proposed use of the property.

Mr. Hagan closed the public hearing.

On a motion by Mr. Yakabouski, seconded by Mr. Onorato and passed 6 to 0 with Mr. Connors absent, the Board tabled R05-08 to the next regular meeting on September 13, 2005 for further discussions with the applicant.

R05-07: EDWARD F. YOUNGER, LLC:

Requests an amendment to the proffers statement for rezoning case R99-01 to allow the construction of a 2,400 square foot addition to the rear of the office building at 9130 Courthouse

Road. The 2.63 acre property is zoned Office 1 (O-1). The property is located within the Courthouse Development District of the Comprehensive Plan, which is proposed to develop as an attractive, harmonious community that embodies the best of rural and small town life where one feels continuity with the past. Tax parcel 47(A)149. Livingston Voting District.

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

Edward F. Younger, the applicant, said the purpose was to add additional office space and make the addition consistent architecturally with the existing 1870 house. He showed the Board an artist's rendering of the addition.

Mr. Hagan opened the public hearing

Paul Sukalo, 9126 Courthouse Road, Livingston District, said he owned the adjacent property and he supported the application.

Mr. Hagan closed the public hearing.

On a motion by Mr. Waddy, seconded by Mr. Jackson and passed 5 to 0 with Mr. Connors absent and Mr. Yakabouski absent for the vote, the Board approved R05-07

SP05-09: NATIONAL COMMUNICATION TOWERS:

Requests a special use permit for a 199-foot tall monopole wireless telecommunications tower on a portion of a 5.27-acre, Agricultural 2 (A-2) zoned property at 9706 Red Hill Road. The tower would be set back approximately 4,050 feet off the southwest side of Brock Road (State Route 613). The property is located in the Agricultural/Forestral District of the Comprehensive Plan, which is intended to maintain and conserve the rural character of the farms and forestlands in the County. Tax parcel 32(11)19 & 19A. Livingston voting district.

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

Davidson Scott, engineering consultant for the County, presented maps and said there was a need in the area for the proposed tower.

Mr. Hagan opened the public hearing.

Jerry Barber, Patterson Ave., Richmond, representing the applicant, said he had spoken with the National Park Service and said there was a need in this area for a telecommunications tower. He agreed to the proffer for submitting a lease agreement.

Gene Beaty, 9706 Red Hill Road, said that some people who lived in his area had heart trouble and cell phones were needed when the electricity went out. He said he highly supported the application because there was a need in that area.

On a motion by Mr. Waddy, seconded by Mr. Marshall and passed 6 to 0 with Mr. Connors absent, the Board approved SP05-09 National Communication Towers.

WESTPARK CORPORATE CENTER RIGHT-OF-WAY VACATION:

The Spotsylvania County Board of Supervisors upon formal petition of Westpark Corporate Center, LLC hereby gives formal notice of and intent to vacate that portion of Maple Grove Drive consisting of 0.1399 acres and adjoining tax map 23(A) 92, since it appears to serve no public necessity and is no longer necessary as a part of the Secondary System of State Highways pursuant to Section 15.2-2006 of the Code of Virginia of 1950, as amended.

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

Mr. Hagan opened the public hearing.

Bill Missell, 6 Mustang Ct., Berkeley District, engineer representing the applicant, offered to answer any questions.

Mr. Hagan closed the public hearing.

On a motion by Mr. Hagan, seconded by Mr. Jackson and passed 6 to 0 with Mr. Connors absent the Board approved the vacation of the Right-of-Way and adopted the following ordinance:

VOTE:

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

ORDINANCE NO. 2005-04

AN ORDINANCE TO VACATE A RIGHT-OF-WAY BEING THAT 0.1399 ACRE PORTION OF MAPLE GROVE DRIVE PREVIOUSLY DEDICATED TO THE COUNTY OF SPOTSYLVANIA FOR PUBLIC STREET PURPOSES.

BE IT ORDAINED by the Board of Supervisors of the County of Spotsylvania, Virginia, as follows:

Section 1. Pursuant to Section 15.2-2006 of the Code of Virginia, the Board of Supervisors of the County of Spotsylvania, Virginia hereby vacates a portion of the 60' right-of-way known as Maple Grove Drive, being that portion of Maple Grove Drive formally dedicated to the County of Spotsylvania, consisting of .1399 acres and adjoining tax map 23(A)92 as shown on a plat dated February 9, 2005 with instrument number 200500005022 and prepared by Rinker Design Associates, P.C. in the Clerks Office of Spotsylvania County Circuit Court, and of which a copy is attached hereto and made a part of this Ordinance. The parcel hereby vacated having

been conveyed to the County of Spotsylvania for public street purposes by the above reference plat recorded in the Clerk's Office of the Circuit Court of Spotsylvania County.

Section 2. The County Administrator is authorized to execute any and all documents necessary to implement this ordinance.

Section 3. This ordinance shall be effective August 9, 2005.

[The following three code Amendments were considered and voted on together.]

ADOPTION OF AN AMENDMENT TO COUNTY CODE, CHAPTER 21, TAXATION, SECTION 21-178, EXEMPTIONS, TO CLARIFY WHAT IS EXEMPT:

To consider bringing the County ordinance current with the State Code by adding an exemption to the Transient Occupancy Tax, that said tax shall not apply to rooms or spaces rented by a consumer for meetings, conferences, and purposes other than sleeping, dwelling or lodging.

CHAPTER 9, SECTION 9-15. JUVENILE MEMBERSHIP:

Amending Chapter 9, Fire Prevention and Protection, of the Spotsylvania County Code by amending Article IA. Fire, Rescue and Emergency Services, Division 2, Volunteer Fire Companies, Section 9-15, Juvenile Membership, to bring our ordinance current with Section 40.1-100 of the Code of Virginia, which provides that juveniles sixteen years of age or older are authorized to work or participate fully in all activities of volunteer fire companies, provided that the provisions of Section 40.1-100 have not been violated.

CHAPTER 12, SECTION 12-87. REIMBURSEMENT OF EXPENSES INCURRED IN RESPONDING TO DUI INCIDENT AND OTHER TRAFFIC INCIDENTS:

Amending Chapter 12, Motor Vehicles and Traffic, Section 12-87, Reimbursement of expenses incurred in responding to DUI and other traffic incidents, to consider bringing the County's ordinance current with the State Code, as follows: Adding the Sheriff Department and the Volunteer Fire Departments to collect reasonable expenses for emergency response to any accident or incident related to any person convicted of DUI, reckless driving or driving without a license, and to increase from \$100.00 to \$250.00 a flat fee for expenses incurred.

On a motion by Mr. Yakabouski, seconded by Mr. Waddy and passed 6 to 0 with Mr. Connors absent, the Board adopted the three ordinances, as follow:

VOTE:

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

ORDINANCE NO. 21-53

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 by amending Article VI, Transient Occupancy Tax, Section 21-178, Exemptions, as follows:

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ARTICLE VI. TRANSIENT OCCUPANCY TAX

Sec. 21-178. Exemptions.

(a) The tax imposed by this article shall not apply to charges for meals, telephone services or any services other than the charges for occupancy of the room or space so occupied.

(b) The tax imposed by this article shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for thirty (30) or more days in hotels, motels, boarding houses, travel campgrounds and other facilities offering guest rooms.

(c) The tax imposed by this article shall not apply to rooms or spaces rented by a consumer for meetings, conferences, and purposes other than sleeping, dwelling or lodging.

(Code 1980, § 8.3-2; Ord. of 4-23-85(1); Ord. No. 21-10, 8-25-92)

State law reference(s)--Provisions similar to subsection (b) above, Code of Virginia, §§ 58.1-3819 and 58.1-3826

VOTE:

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

ORDINANCE NO. 9-14

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, FIRE PREVENTION AND PROTECTION OF THE CODE OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA.

BE IT ORDAINED By the Board of the County of Spotsylvania, Virginia, that Chapter 9, is hereby amended and reordained by amending Article IA, Fire, Rescue and Emergency Services, Division 2, Volunteer Fire Companies, Section 9-15, Juvenile membership, as follows:

Article IA. Fire, Rescue and Emergency Services

Division 2. Volunteer Fire Companies

Sec. 9-15. Juvenile membership.

(a) Pursuant to the authority of § 40.1-79.1 of the Code of Virginia, juveniles sixteen (16) years of age or older, with written approval of a parent or legal guardian, are hereby authorized to work with or participate fully in all activities of a duly authorized volunteer fire company, provided such minor has attained certification under National Fire Protection Association 1001, level one, fire-fighter standards, as administered by the department of fire programs. The certification record and parental or guardian approval shall remain on file in the office of the volunteer fire department for each minor who is enrolled pursuant to this section.

(b) Any trainer or instructor of such persons mentioned in subsection (a) of this section or any member of a paid or volunteer fire company who supervises any such person at the scene of any emergency shall be exempt from the provisions of § 40.1-103, Code of Virginia, which pertains to child safety, provided that the provisions of § 40.1-100, Code of Virginia have not been violated, and provided the volunteer fire company has purchased insurance which provides coverage for injuries to or the death of such minor in the performance of activities under this section.

(Ord. No. 9-12, 9-14-04)

VOTE:

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

ORDINANCE NO. 12-39

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 III, Driving While Under Influence of Alcohol or Other Intoxicant or Drug, Section 12-87, Reimbursement of expenses incurred in responding to DUI incident and other traffic incidents; as follows:

Article III. Driving While Under Influence of Alcohol or Other Intoxicant or Drug

Sec. 12-87. Reimbursement of expenses incurred in responding to DUI incident and other traffic incidents.

(a) Any person convicted of violating any of the following provisions shall be liable

in a separate civil action for reasonable expenses incurred by the county, including by the Sheriff's office, or by any county volunteer fire or rescue squad, or by any combination of the foregoing, when providing appropriate emergency response to any accident or incident related to such violation:

- (1) The provisions of §§ 18.2-51.4, 18.2-266 or § 29.1-738, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;
- (2) The provisions of article 7 (§ 46.2-852 et seq.) of chapter 8 of title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;
- (3) The provisions of article 1 (§ 46.2-300 et seq.) of chapter 3 of title 46.2 relating to driving without a license or driving with a suspended or revoked license; and
- (4) The provisions of § 46.2-894 relating to improperly leaving the scene of an accident.

(b) Personal liability under this section for reasonable expenses of an appropriate emergency response shall not exceed one thousand dollars (\$1,000.00) in the aggregate for a particular accident or incident occurring in the county. In determining the "reasonable expenses," the county may bill a flat fee of two hundred fifty dollars (\$250.00) or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire fighting, rescue, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the county, or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle or other conduct as set forth herein. ‘

(Ord. No. 12-20, 7-25-95; Ord. No. 12-30, 6-11-02; Ord. No. 12-32, 7-22-03)

SPOTSYLVANIA COUNTY INDUSTRIAL PARK - 1983 PROTECTIVE COVENANT:

To receive public comment and determine whether to amend and re-state the 1983 Protective Covenants of Spotsylvania County Industrial Park to remove obsolete restrictions.

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. Waddy and passed 6 to 0 with Mr. Connors absent, the Board adopted the following resolution:

VOTE:

Ayes:	6	Mr. Hagan, Mr. Jackson, Mr. Marshall, Mr. Onorato, Mr. Waddy and Mr. Yakabouski
Nays:	0	

Absent: 1 Mr. Connors
Abstain 0

RESOLUTION NO. 2005-91

***To Amend Protective Covenants Applicable to
Spotsylvania County Industrial Park***

WHEREAS, the Board of Supervisors finds that public convenience, general welfare, and good land use practice call for amendments to the 1983 Protective Covenants of Spotsylvania County Industrial Park, in the form attached hereto and incorporated herein by this reference, so as to remove obsolete restrictions while retaining obligations respecting the removal of damaged or destroyed improvements and the sharing of rail spur maintenance costs.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Spotsylvania County, Virginia, hereby approves the Amended and Re-Stated Protective Covenants of Spotsylvania County Industrial Park, and authorizes and directs the Board Chairman and the County Administrator to execute the same on behalf of Spotsylvania County and to cause such document to be recorded among the land records of Spotsylvania County, Virginia.

BOARD OF SUPERVISORS REPORTS

Livingston District

Mr. Waddy asked that VDOT be notified of tall grass and weeds along the guardrails on Route 719, 612 and 522.

Battlefield District

On a motion by Mr. Yakabouski, seconded by Mr. Jackson and passed 6 to 0 with Mr. Connors absent, the Board appointed Peter Kolakowski to the Transportation Commission.

On a motion by Mr. Yakabouski, seconded by Mr. Waddy and passed 6 to 0 with Mr. Connors absent, the Board recommended the appointment of Ann Katherine Harris to fill the unexpired term of R. Spencer Atkinson on the Board of Zoning Appeals.

Salem District

Mr. Jackson said that he could not see that Spotsylvania received any money in the new federal transportation bill. He suggested that staff contact the County's representatives in Congress to ask why Spotsylvania's neighbors and not Spotsylvania had been rewarded with millions of dollars.

He asked that information from the Fredericksburg Regional Alliance including Gene Bailey's Annual Performance Review be distributed to Board members.

Mr. Jackson said he had been invited by Governor Warner to attend the Southeast U.S.-Japan conference in Tokyo. He said he would be available and asked the Board if they would like to consider it.

Mr. Jackson said he had received a copy of the findings from VDOT concerning a three-way stop at the intersection of Piedmont Drive and Smith Station Road and asked that the Planning Department's Traffic Engineer look at it and confirm what they were planning to do.

HOT LANES PROPOSALS

Board members discussed the Fluor-Transurban HOT Lanes proposal and concluded that it was not clear whether Fluor-Transurban would have the funding to extend HOT Lanes all the way to Massaponax.

On a motion by Mr. Onorato, seconded by Mr. Waddy and passed 6 to 0 with Mr. Connors absent, the Board approved Mr. Onorato's rescission of his July 12, 2005 motion to support the Fluor-Transurban proposal for Hot Lanes and take a neutral stand between the two proposals from Fluor-Transurban and Clark-Shirley.

SCHOOL BOARD REVISED RESOLUTION

Mr. Hagan said he was appreciative of the School Board's effort to provide the Board with a revised resolution for the Schools' Bond Referendum question reducing the amount to \$153 million. No action was taken on this resolution.

ADJOURNMENT

On a motion by Mr. Jackson, seconded by Mr. Yakabouski and passed 6 to 0 with Mr. Connors absent, the Board adjourned its meeting at 10:30 p.m.

J. Randall Wheeler
County Administrator