

PRESENT: Ann L. Heidig, Livingston District
Emmitt B. Marshall, Berkeley District
Timothy J. McLaughlin, Chancellor District
Benjamin T. Pitts, Battlefield District
David Ross, Courtland District
Paul D. Trampe, Salem District

ABSENT: Gary F. Skinner, Lee Hill District

STAFF PRESENT: C. Douglas Barnes, County Administrator
Ernest L. Pennington, Deputy County Administrator
Jacob P. Stroman, IV, County Attorney
Deborah A. Albrecht, Assistant to County Administration

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

APPROVAL OF THE CONSENT AGENDA

Without objection, the Board pulled item 6 Appointment of William Hart to Serve on the Culpeper Regional Preparedness Advisory Committee for Interoperability; item 7 Appointments to the Rappahannock Area Office on Youth; item 16 Reappointment of Royal Schmidt, Jr. to the Rappahannock Area Alcohol Safety Action Program Policy Board; and item 20 Voting Delegate 2012 NACo Annual Conference to be considered separately. On a motion by Mr. Marshall, seconded by Mr. Ross and passed 6 to 0 with Mr. Skinner absent, the Board approved the Consent Agenda as follows:

1. Approval of Minutes of the May 22, 2012 Meetings of the Board of Supervisors;
2. Lee's Parke POD E Section 1 Subdivision Acceptance to the Virginia Secondary Street System as follows:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

RESOLUTION NO. 2012-75

***A RESOLUTION REQUESTING STREETS IN LEE'S PARKE POD E
SECTION 1 SUBDIVISION, BE ADDED TO THE STATE SYSTEM OF
SECONDARY ROADS***

***WHEREAS**, the streets in Lee's Parke POD E Section 1, as described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, and*

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

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

***NOW, THEREFORE, BE IT RESOLVED**, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Sec. 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and*

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

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

3. Bloomfield Court in Stuarts Crossing Acceptance to the Virginia Secondary Street System as follows:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

RESOLUTION NO. 2012-76

A RESOLUTION REQUESTING BLOOMFIELD COURT IN STUARTS CROSSING SUBDIVISION, BE ADDED TO THE STATE SYSTEM OF SECONDARY ROADS

WHEREAS, Bloomfield Court in Stuarts Crossing Subdivision, as described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, and

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

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

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Sec. 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

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

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

4. Acceptance of Grant Award from the 2010 State Homeland Security Program for a License Plate Reader; as follows:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

RESOLUTION NO. 2012-77

BE IT RESOLVED by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations be, and the same hereby are, made for

the fiscal year beginning July 1, 2012, from the funds and for the functions or purposes indicated.

GENERAL FUND:

For federal grant revenue received from the Virginia Department of Emergency Management for the Sheriff's Office to purchase of a license plate reader to be expended only by order of the Board of Supervisors as follows: \$16,040.

5. Appropriation of FY 2013 Budget – School Funds as follows:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

RESOLUTION NO. 2012-78

**A RESOLUTION TO APPROPRIATE THE FISCAL YEAR (FY) 2013
BUDGETS FOR SCHOOL FUNDS**

WHEREAS, it is the responsibility of the Spotsylvania County Board of Supervisors to approve and control the County's fiscal plan for FY 2013; and

WHEREAS, the Board of Supervisors adopted the FY 2013 County Budget on April 17, 2012;

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

WHEREAS, the Board of Supervisors appropriated funding for all funds other than School funds on May 22, 2012; be it

RESOLVED by the Spotsylvania County Board of Supervisors this 12th day of June, 2012, that the FY 2013 appropriations be, and are hereby approved effective July 1, 2012, as set forth below.

Joint Fleet Maintenance Fund *\$2,339,177*

School Operating Fund:

<i>Instruction</i>	\$171,010,120
<i>Administration, Attendance and Health</i>	\$8,751,186
<i>Pupil Transportation</i>	\$15,843,222
<i>Operation and Maintenance</i>	\$20,711,699
<i>Debt and Fund Transfers</i>	\$28,417,437
<i>Technology</i>	\$7,318,772
<i>Contingency Reserves</i>	\$0
 <i>School Food Service Fund:</i>	
<i>School Food Services and Other Noninstructional Operations</i>	\$9,722,292
 <i>School Capital Projects Fund:</i>	
<i>Facilities</i>	<u>\$6,724,104</u>
 <i>Total</i>	 \$270,838,009

6. Approval of Technical Revisions to Budget Amendment Policy;
7. Chesapeake Bay Out-Reach Program Donations, Fund Transfer; as follows:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

RESOLUTION NO. 2012-79

BE IT RESOLVED by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2011, from the funds and for the functions or purposes indicated.

CODE COMPLIANCE FUND:

For the use of funding donated for the Chesapeake Bay outreach and educational program, to be expended by the Zoning Department, only by order of the Board of Supervisors as follows: \$2,475.

8. Commendation for High School Spring Athletic Team as follows:

COMMENDATION

Riverbend High School Athletic Team

WHEREAS, athletics are an integral part of school curriculum, and achievement in athletics is a source of pride for the student athletes and their schools; and

WHEREAS, Spotsylvania County high school athletic teams competed in the 2012 Virginia High School League State Play-offs; and

WHEREAS, the Riverbend High School Girls Tennis Team advanced to the State Quarter Finals;

NOW THEREFORE BE IT RESOLVED, that the Spotsylvania County Board of Supervisors commends all athletes who competed for the County of Spotsylvania, especially the Riverbend High School Girls Tennis Team, and expresses its pride and appreciation for their excellence and achievement.

9. Contract Modification for FY 2012 Grant Award for Child Advocacy Center Funding on Behalf of the Safe Harbor Child Advocacy Center as follows:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

RESOLUTION NO. 2012-80

BE IT RESOLVED by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2012, from the funds and for the functions or purposes indicated.

GENERAL FUND:

For state grant revenue received by the Department of Social Services from the Virginia Department of Social Services' Child Advocacy Center Funding as fiscal agent for Safe Harbor to be expended only by order of the Board of Supervisors as follows: \$2,654.

10. Approval of Contract Renewal to Blossman Gas, Inc. for Delivered Propane;
11. GASB 54 Committed Fund Balance as follows:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

RESOLUTION NO. 2012-81

GASB 54 Committed Fund Balance

WHEREAS, the County of Spotsylvania, Virginia adopted Governmental Accounting Standards Board (“GASB”) Statement 54 effective in fiscal year 2011; and

WHEREAS, this standard requires the Board of Supervisors of the County of Spotsylvania, Virginia to formally commit fund balance for a specific purpose prior to year end; and

WHEREAS, the Board of Supervisors has acknowledged these various needs and uses of fund balance through previous budgetary actions; and

WHEREAS, once resolved, these committed amounts cannot be used for any other purpose unless the Board of Supervisors removes or changes the specified use through Resolution; and

WHEREAS, a formal committing action must be taken prior to year-end, the amounts may be determined in subsequent period;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Spotsylvania, Virginia formally confirms the following categories of committed funds as of June 30, 2012:

1. *Special Service District special real property tax revenue*
2. *Economic development opportunity incentives*
3. *Economic development consultant*
4. *Assessment contingency*
5. *Capital projects – campus master plan*
6. *Capital projects – school major repairs & replacements*
7. *Capital projects – road improvements*

8. Capital projects – information technology improvements
 9. Capital projects – county major repairs & replacements
-
12. Reappoint Fire and EMS Commission Members/Alternates and Appoint CVFR Commission Alternate and FREM Ex-Officio Commission Alternate;
 13. Renewal of Bridges Grant from July 1, 2012 – June 30, 2013 as follows:

VOTE:

Ayes: 6 Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts,
Mr. Ross, and Mr. Trampe
Nays: 0
Absent: 1 Mr. Skinner
Abstain: 0

RESOLUTION NO. 2012-82

***BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2012 from the funds and for the functions or purposes indicated:*

GENERAL FUND

For the funding received from the State for the (Bridges) Employment Advancement for TANF Participants Program for Department of Social Service expenditures to be drawn from the General Operating Fund and expended only by order of the Board of Supervisors as follows: \$71,407.

VOTE:

Ayes: 6 Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts,
Mr. Ross, and Mr. Trampe
Nays: 0
Absent: 1 Mr. Skinner
Abstain: 0

RESOLUTION NO. 2012-83

***BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2012 from the funds and for the functions or purposes indicated:*

SCHOOL OPERATING FUND - INSTRUCTION

For the funding received from the State for the (Bridges) Employment Advancement for TANF Participants Program for Department of Social Service expenditures to be drawn from the School Operating Fund - Instruction and expended only by order of the Board of Supervisors as follows: \$115,568.

14. Approval of Modification #2, #3, and #4 to Southwood Builders, Inc./Southwood Building Systems, Inc. for Massaponax Wastewater Treatment Plant Enhanced Nutrient Removal and Capacity Expansion;
15. Approval of Award for a Contract to Collins Contracting Company, Inc. for Stonewall/Raintree Sanitary Sewer Improvements and Stonewall Pump Station; as follows:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

On a motion by Mr. Ross and passed 6 to 0 with Mr. Skinner absent, two appointments, item 6 and item 7 were tabled for further information. On a motion by Mr. McLaughlin with Mr. Pitts voting no and Mr. Skinner absent, and passed 5 to 1, appointment item 16 was tabled for further information.

Discussion ensued on item 20 regarding the Voting Delegate for the 2012 NACo Annual Conference. Mr. McLaughlin requested information on the cost of the conference and the agenda before the Board approved. Mr. Pitts advised that he does not have this information and advised that the Board approved in their budget funds for events such as this. On a further request from Ms. Heidig, Mr. Pitts said that issues are on NACo's website, and the Board can provide comments in advance. On a motion by Mr. Pitts and seconded by Mr. Marshall, with Mr. McLaughlin and Mr. Ross voting no, and Mr. Skinner absent, and passed 4 to 2, the Board approved the consent item.

PRESENTATIONS/REPORTS BY STAFF

Lake Anna Civic Association "State of the Lake 2011"

Ken Remmers of the Lake Anna Civic Association (LACA) provided a slightly revised presentation on the Water Quality Report for Lake Anna for calendar year 2011. Through volunteer efforts, samples were taken at 29 locations. LACA paid \$150 per sample at the state lab and provided the results to VDH and DEQ. Mr. Remmers presented the initiative with the Soil and Water Conservation District for Total Maximum Daily Load Implementation Plans.

LACA appreciated Spotsylvania County's support. Ms. Heidig thanked Mr. Remmers, and asked if there was a final report on a recent fish kill. Mr. Remmers advised that the DEQ reading of the fish samples contained no unusual data, and the results came back negative, with the cause undetermined.

Voting Precinct(s) Location Changes

The Electoral Board and General Registrar's staff recommended that the Board of Supervisors authorize advertisement of a July 10, 2012 public hearing to receive public comment for the amendment of Spotsylvania County Code Section 7-66 to change the location of the polling places for the Chancellor and Courthouse voting precincts. The precincts in question were chosen after last year's redistricting project. Due to voter complaints and concerns taken by the General Registrar's Office and Board members, they requested the relocation of two voting precincts. A public hearing will be needed in time to obtain pre-clearance by the Department of Justice.

Chancellor Precinct is presently located at Chancellor Community Building (7300 Old Plank Road) and staff requested a move from this precinct location due to traffic concerns. This area proved difficult and hazardous for citizens. The request was to move this precinct to the Chancellor Elementary School at 5995 Plank Road where traffic, entrances, and exits are more convenient to voters.

The second change requested was the Courthouse Precinct currently located at Fire and Rescue Station 1 at 7200 Courthouse Commons Boulevard due to the small parking lot. The request was to move this precinct to the new public safety building community room at 9119 Dean Ridings Lane. The parking lot was more suitable in size.

Mr. Stroman advised that a public hearing held on July 10, 2012 would allow sufficient time to obtain pre-clearance. Discussion was held, and Mr. Reed noted that the Electoral Board made every effort to have each voting precincts within a twenty minute drive.

Mr. Marshall made the motion, seconded by Mr. Ross on a roll call vote and passed 6 to 0 with Mr. Skinner absent, to authorize a public hearing to be held at the July 10, 2012 meeting.

National Association of Counties (NACo) Award

Staff recommended that the Board of Supervisors present the NACo Achievement Award to the Capital Projects Management Team. Spotsylvania County was awarded a 2012 NACo Achievement Award for the County's "Innovative Procurement Process – Campus Master Plan, Phase I. Mr. Pennington advised that Ms. Golden and Mr. Breedin were present to accept the award. In addition, James Benkhala and Roxanne Ehardt were recognized for their work. Mr. Pitts said that for the County to be recognized for the second year in a row speaks highly of the county and staff. Mr. Pitts will accept the award at the NACo conference in Pittsburgh this year.

Re-enactment Summary 2012

Ms. Aylor and Mr. Rumora provided a presentation on the sixth Civil War re-enactment sponsored by Spotsylvania County Economic Development and Tourism. Over 500 re-enactors and living history exhibitors participated, along with approximately 4,000 spectators. Mr. Rumora said that this successful event was due to the dedication of Ms. Aylor and volunteers. He requested direction from the Board regarding the upcoming re-enactments scheduled in May 2013 and May 2014 with the anticipation of much larger events. Detailed plans necessitated timely action on selection of sites, clarification of leadership roles, marketing, website development, and other actions. To provide for these events, he requested partnering, sponsoring, and outsourcing ideas through a RFP process, evaluate alternatives and provide and recommend options to the Board to address future events, and shifting and sharing the responsibility for aspects of both events to ensure their success. Without objections, Mr. Rumora said he would proceed.

Mr. McLaughlin asked if there was a new marketing contract. Mr. Rumora said that the contract would come before the Board on June 26, 2012. Mr. Barnes said that with a larger event and the logistics involved, the private sector would be able to put on a larger event; and the RFP process would clearly identify the roles of the County and the vendor on a competitive basis. There was no objection to proceed by the Board of Supervisors.

FY 2012 Appropriations – School Budget Amendments

Ms. Gaines, the Schools' Chief Financial Officer, requested the Board approve the budget amendment increasing the School Food Service Fund appropriation by \$412,807. Based on financial projections through the end of the year, School staff is projecting a School Food Service budget figure of \$9,765,000 for FY 2012. It is important to note the Food Service Department through an outside vendor is able to secure some bids for purchasing food and other products. However, the department is faced with volatile pricing on an annual basis contingent upon market conditions. In addition, School staff is recommending the related budget adjustment in order to close-out the fiscal year. The Board of Supervisors was required to appropriate all budgeted funds before they can be expended by the user departments.

On a motion by Mr. Pitts and seconded by Mr. Trampe with Mr. Skinner absent, the Board approved the amendment 6 to 0 as follows:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

RESOLUTION NO. 2012-84

***BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2011 from the funds and for the functions or purposes indicated:*

SCHOOL FOOD SERVICE FUND:

For the addition of Food Service Federal Revenue to address Food Service operating costs and to be expended only by the order of the Board of Supervisors as follows: \$412,807

Amendment to FY 2013 School Budget and Appropriations Operating and Food Service

Ms. Gaines, the Schools' Chief Financial Officer, requested the Board approve the budget amendment increasing the School Operating Fund appropriation by \$153,770 and the School Food Service Fund appropriation by \$150,000. On April 17, 2012, the Board approved the Schools' FY 2013 budget prior to adoption of the State budget. After details of the State's 2012-2014 Biennium Budget was released to the school divisions, the Spotsylvania County School Board held budget work sessions to finalize FY 2013 budget decisions pertaining to employee/ employer VRS contributions, salary adjustments, health insurance benefit adjustments, utility and other non-compensation adjustments. Because the Board of Supervisors is required to appropriate all budgeted funds before they can be expended, the School Board requested that the Board of Supervisors approve the adjustments.

On a motion by Mr. Trampe seconded by Mr. Ross and passed 6 to 0 with Mr. Skinner absent, the Board adopted the following resolution:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

RESOLUTION NO. 2012-85

***BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2012 from the funds and for the functions or purposes indicated:*

SCHOOL OPERATING FUND:

To appropriate funding to the School Operating Fund to address operating costs, to be expended only by the order of the Board of Supervisors as follows:
\$153,770

Instruction	(\$205,453)
Administration, Attendance and Health	\$112,214
Pupil Transportation	\$298,719
Operations and Maintenance	(\$25,983)
Technology	(\$25,727)

SCHOOL FOOD SERVICE FUND:

To appropriate funding to the School Food Service Fund to address operating costs, to be expended only by the order of the Board of Supervisors as follows:
\$150,000

COUNTY ADMINISTRATOR/COUNTY ATTORNEY REPORTS

There was no report of the County Administrator.

Introduction of Summer Law Clerk for the County Attorney's Office

The County Attorney introduced the Board to the office's summer 2012 law clerk, Stephen L. Forster who works on a variety of issues. His principal responsibilities will include conducting research, drafting memoranda, and attending meetings. The internship demonstrates to him the significant impact local government has on the everyday lives of County citizens. Mr. Forster thanked each of the Board members.

BOARD REPORTS

Mr. Ross received a complaint concerning tall grass posing a possible hazard at Single Oak Road due to line of sight impacting traffic.

Mr. Barnes read an item submitted by Mr. Skinner concerning VRE and smoking regulations.

“The VRE Operation Board has asked for our Boards opinion on how we feel about smoking regulations for the VRE boarding platform, once completed. Basic question is should it be allowed or not? VRE Operations Board would like to make the guidelines consistent with all VRE stations. Current regulations are, there is no smoking allowed on all trains. Smoking is allowed on the northern 100 feet of each platform. I believe that we (Spotsylvania) should not allow smoking on any portion of the platform. Normal boarding onto the trains is accomplished, at most stations, within the first quarter of the train and then again between the half way mark and three quarter of the train. Many non-smokers board towards the front of the train and would be susceptible to cigarette smoke. Those who wish to smoke can do so either in the parking lot

or on their way from the parking lot to the platform. One solution would be not allow smoking on the platform and designate an area for smoking outside of the platform area. This area could be close to the entrance to the platform but located where no cigarette smoke would affect non-smoking passengers. The VRE Operations Board will only change smoking regulations if all the localities agree on the same policy. I would like all of you to consider what policy you would like me to take forward to the VRE Board meeting which will be held on this Friday June 15. My suggestion is that we not allow smoking on the platform and designate a specific area outside the platform for smoking. Keep in mind, that if a nonsmoking regulation is put in place by the VRE Operations Board, then they (VRE Operations Board) would assume the responsibility for such a regulation and not Spotsylvania Board members. I appreciate your consideration on this matter and will deliver whatever your decision is to the VRE operation Board. Thanks, Gary.”

Clarification was sought by the Board. The VRE Operations Board requested localities input on smoking. VRE wished to make smoking guidelines consistent with all stations. Mr. Pitts made the motion, seconded by Mr. Trampe to forward to Mr. Skinner the recommendation to ban smoking. Discussion ensued. Mr. Stroman advised that VRE Operations Board was an entity and as such is a quasi-public body controlled by member jurisdictions. The motion passed 5-1 with Mr. McLaughlin voting no and Mr. Skinner absent to send the opinion as outlined in Mr. Skinner’s statement.

RECESS

PUBLIC PRESENTATIONS

Mary Lou Collier, 413 Powell Street, Lee Hill District: She expressed concern of the inability to find information on an upcoming Fire and EMS Commission meeting. She requested the Commission announce at the end of their meeting, the next scheduled meeting date and time. Mr. Barnes advised that notifications were provided. Mr. Stroman clarified that FOIA does not require a newspaper advertisement, posting notice three days before meeting is the accepted practice. It was suggested that she submit a written request to receive all notices.

As there were no additional citizens who wished to speak, the Board recessed briefly. The Board returned to open meeting at 6:30 p.m.

Ms. Heidig announced that the public hearing for the proposed modifications to FREM fees was postponed until June 26, 2012.

PUBLIC HEARINGS

Adoption of an Amendment to County Code Section 2-5 Fee for Passing Bad Check to County

Staff recommended that the Board of Supervisors adopt the proposed change to the County Code to increase the fee for passing a bad check to the County. State Code allows localities to adopt an

ordinance to provide for a fee, not exceeding \$50.00, for the "uttering, publishing, or passing of any check, draft, or order for payment of taxes or any other sums due." Mr. Pritchett, Treasurer, advised that the proposed amendment, to County Code Section 2-5 will change the fee for returned checks from \$25.00 to \$50.00. The increase in the return check fee, last changed in 1991, would bring in approximately \$17,000 in additional revenue.

Discussion ensued. Mr. McLaughlin requested additional details and was concerned about raising fees in the present economy.

Ms. Heidig declared the public hearing opened and when no one indicated an intention to speak, closed the public hearing.

On a motion by Mr. Pitts, seconded by Mr. Marshall and passed 5 to 1 with Mr. McLaughlin voting no and Mr. Skinner absent, the Board adopted the ordinance to increase the fee for passing a bad check to the County.

VOTE:

Ayes:	5	Ms. Heidig, Mr. Marshall, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	1	Mr. McLaughlin
Absent:	1	Mr. Skinner
Abstain:	0	

ORDINANCE NO. 2 - 19

*AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2,
ADMINISTRATION, OF THE CODE OF THE COUNTY OF SPOTSYLVANIA,
VIRGINIA.*

BE IT ORDAINED By the Board of Supervisors of the County of Spotsylvania, Virginia, that Chapter 2, Administration, Section 2-5, Fee for passing bad check to county, is hereby amended and re-ordained as follows:

ARTICLE I. IN GENERAL

Sec. 2-5. Fee for passing bad check to county.

Any person uttering, publishing or passing any check or draft to the county for payment of taxes or any other sums due, which check or draft is subsequently returned for insufficient funds or because there is no account or the account has been closed, shall be liable to the county for a fee in the sum of fifty dollars (\$50.00) to cover the county's administrative costs in processing and/or collecting the check or draft. No such person shall be liable for the above-described fee where the check has been returned for insufficient funds unless and until the check has been sent through for collection on a second time and is thereafter returned for insufficient funds.

(Ords. of 12-14-82(1); 6-12-84(1); Ord. No. 2-2, 12-10-91)

Amendment to Spotsylvania County Code Chapter 19, Solid Waste

Staff recommended approval of the proposed changes following the public comment period regarding an amendment to Spotsylvania County Code Chapter 19, Solid Waste. Utilities/Public Works staff recommended that the Board of Supervisors approve the proposed amendments to Chapter 19 of the Spotsylvania County Code. Mr. Loveday advised that the code has been revised to incorporate current management standards and practices, as well revisions to the current fee schedule, not updated since 1991, for solid waste services in the County.

Discussion ensued. Mr. Marshall confirmed the items that were accepted at several Berkeley collection sites. Mr. Ross was concerned that there might be unintended consequences of increased littering/dumping by increasing the fees. Mr. Pitts questioned how staff would track items as required by this ordinance. Mr. McLaughlin was concerned with the requirement of containerized waste for roadside pickup as well as composting.

Ms. Heidig declared the public hearing opened

James Williams, 10020 Merryman Road, Lee Hill District: He spoke as a representative of the Sons of Liberty Riders. He said that items resold didn't accurately reflect disposal fees. He passed out a request for information for which he would like a response and offered suggestions.

Mary Lou Collier, 413 Powell Street, Lee Hill District: She was concerned with the record keeping - how it would be done, the collection of monies, and how it would be recorded properly.

James Joyce, Chancellor District: He was concerned about the tightly sealed container requirement causing additional expense to taxpayers and that lids fly off. He wanted the definition of the tightly sealed container in the County ordinance.

Ms. Heidig closed the public hearing.

Mr. McLaughlin made the motion to table this item so that Utilities would provide additional information regarding enforcement, count and collection of monies plan, and to include citizens input. Mr. Ross agreed and suggested looking at the consequences of this plan, the bagging of leaves requirement, and to revisit the issue. Mr. Trampe motioned a friendly amendment to approve the schedule of municipal solid waste fees and to table the rest. Mr. McLaughlin accepted the amendment. Mr. Ross would also like the reduction of cost to be revisited at a future meeting in regards to the life expectancy of landfill and if it would be worth the cost. Mr. McLaughlin accepted the amendment. Mr. Pitts requested the cost associated with doing business if this is approved since carriers could go elsewhere for cheaper rates. Mr. Loveday confirmed that commercial haulers are utilizing outside landfills and could find its way back to the County. Mr. Barnes believes there would be a positive net on revenues, the budget should not be an issue, and that updates would be provided in the fall. Mr. Stroman advised that since both friendly amendments were accepted, only one vote was necessary.

On a motion by Mr. McLaughlin and seconded by Mr. Ross with Mr. Skinner absent the motion

passes 6 to 0 to amend the County code in regard to the Municipal Solid Waste Amendment, tabling the other proposed amendments pending further information for six months to a year.

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

ORDINANCE NO. 19 - 12

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SOLID WASTE, OF THE CODE OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA.

BE IT ORDAINED By the Board of Supervisors of the County of Spotsylvania, Virginia, that Chapter 19, Solid Waste, is hereby amended and reordained, as follows:

ARTICLE III. COUNTY LANDFILLS

DIVISION 2. USE CHARGES

Sec. 19-96. General fee schedule; liability for payment.

(a) All commercial haulers, contractors, and businesses shall be liable for a charge of thirty-five dollars (\$35.00) per ton based on a cumulative monthly delivery rate of less than one thousand (1,000) tons, thirty dollars (\$30.00) per ton based on a cumulative monthly delivery rate between one thousand (1,000) and fifteen hundred (1,500) tons, and twenty-five dollars (\$25.00) per ton for a cumulative monthly delivery rate in excess of fifteen hundred (1,500) tons based on weighing at the landfill. Fees by weighing shall be applied to an average loaded weight of the permitted vehicle. The average loaded weight shall be determined by the solid waste director.

(b) In the event that scales are not available to measure the garbage or building material at the time the same are transported to the landfill for disposal, the following fees shall apply:

- (1) Pick-up truck--\$22.00
- (2) Flat-bed/stake truck--\$56.00 (single axle) dump truck
- (3) Flat-bed/stake truck--\$115.00 (double axle) dump truck

- (4) Truck or dumpster--\$8.00 per cubic yard* (Uncompacted waste)
- (5) Truck or dumpster--\$10.00 per cubic yard* (Compacted waste)

*The volume (cubic yard) shall be as determined by the landfill supervisor.

(c) In the event that the scales are available, and the matter being disposed of weighs less than two hundred fifty (250) pounds per cubic yard or more than one thousand five hundred (1,500) pounds per cubic yard, then the volume rates set forth in paragraph (b) hereinabove shall apply. Any individual, firm, company, or corporation disposing of matter weighing less than two hundred fifty (250) pounds per cubic yard or more than one thousand five hundred (1,500) pounds per cubic yard, must first have the vehicles used in transporting said matter certified as to volume by the director of solid waste management prior to qualifying for the volume rates set forth in paragraph (b) hereinabove.

(d) All commercial haulers, haulers for hire, commercial or business enterprises hauling and disposing of their own garbage, etc., or that of others, contractors engaged in construction or excavation for private, residential, commercial or industrial development, or subcontractors engaged in such construction or excavation, shall be liable for payment of the fees hereinabove set forth for disposal of garbage and/or building materials.

(Code 1980, § 14-25; Ords. of 6-25-85; 6-24-86(3); 9-22-87(2); 5-24-88(5); 7-25-89(6); Ord. No. 19-1, 5-22-90; Ord. No. 19-3, 6-25-91)

Amendment to the Business Professional Occupational License Ordinance

Staff recommends that the Board of Supervisors amend the Business Professional Occupational License (BPOL) Ordinance. The Board of Supervisors authorized a public hearing on changes to the BPOL Ordinance. The Board recommended that the ordinance be changed to increase the annual BPOL threshold from \$200,000 to \$750,000 for filing and paying the BPOL tax. Staff requested a change in the procedure for filing a renewal business license deadline from March 1 to March 15. The Commissioner of the Revenue and the Treasurer preferred not to extend the renewal deadline past March 15. By increasing the threshold, the revenue loss would be \$300,000 and would eliminate the filing of approximately 560 business accounts. Mr. Pritchett was present to address questions.

Ms. Heidig declared the public hearing opened and when no one indicated an intention to speak closed the public hearing.

Discussion ensued.

On a motion by Mr. Trampe, seconded by Mr. Marshall and passed 6 to 0 with Mr. Skinner absent, the Board adopted the ordinance as follows:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

ORDINANCE 11.1 - 5

*AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11.1, LICENSES,
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 11.1, is hereby amended and re-ordained effective June 12, 2012, by amending Chapter 11.1, Licenses, Section 11.1-3, License requirement, and Section 11.1-10, License fee and tax, as follows:

***LICENSES
Chapter 11.1***

Sec. 11.1-3. License requirement.

(a) Every person engaging in this county in any business, trade, profession, occupation or calling (collectively hereinafter "a business") as defined in this chapter, with annual gross receipts of seven hundred fifty thousand dollars (\$750,000) or more for the license year, unless otherwise exempted by law, shall apply for a license for each such business if (i) such person maintains a definite place of business in this county, (ii) such person does not maintain a definite office anywhere but does maintain an abode in this county, which abode for the purposes of this chapter shall be deemed a definite place of business, or (iii) there is no definite place of business but such person operates amusement machines, is engaged as a peddler or itinerant merchant, carnival or circus as specified in §§ 58.1-3717, 58.1-3718, or 58.1-3728, respectively of the Code of Virginia, or is a contractor subject to § 58.1-3715 of the Code of Virginia, or is a public service corporation subject to § 58.1-3731 of the Code of Virginia. A separate license shall be required for each definite place of business. A person engaged in two (2) or more businesses or professions carried on at the same place of business may

elect to obtain one (1) license for all such businesses and professions if all of the following criteria are satisfied: (i) each business or profession is licensable at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of this county; (ii) all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and (iii) the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.

(b) Each person subject to a license tax shall apply for a license prior to beginning business, if he was not subject to licensing in this county on or before January 1 of the license year, or no later than March 15 of the current license year if he had been issued a license for the preceding license year. The application shall be on forms prescribed by the assessing official.

(c) For the purpose of ascertaining the license tax to be paid by any person beginning a new business, employment or profession, and whose license tax is based on gross receipts, gross sales, gross purchases, gross commissions, gross contracts or orders, the licensee shall estimate the basis for measuring the license tax between the date of commencing business and the 31st of December following.

(d) The license tax of every person who was licensed at a definite place of business within the County for only a part of the preceding license year shall be computed for the then current license year on the basis of an estimate of the amount of gross receipts, gross sales or gross purchases which the licensee will make throughout the then current license year, except that any commission merchant or wholesale merchandise broker shall be licensed on the basis of gross commissions of the next preceding license year or any parts thereof.

(e) Every underestimate under this section shall be subject to correction by the commissioner of the revenue, whose duty it shall be to assess such licensee with such additional taxes as may be found to be due after the close of the license year on the basis of gross receipts, gross sales, gross purchases, gross commissions or gross contracts or orders. In case of overestimate, the commissioner of the revenue shall order a credit which is applied to the current license or if business has ceased, then a refund will be issued in the amount of the overpaid tax.

(f) The tax shall be paid with the application in the case of any license not based on gross receipts. If, the tax is measured by the gross receipts of the business, the tax shall be paid on or before April 15 of the current license year.

(g) The assessing official may grant an extension of time, not to exceed ninety (90) days, in which to file an application for a license, for reasonable cause. The request for an extension shall be filed on or before March 15 of the

current license year. The extension shall be conditioned upon the timely payment of a reasonable estimate of the appropriate tax, subject to adjustment to the correct tax at the end of the extension together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, a penalty of ten (10) percent of the portion paid after the due date.

(h) A penalty of ten (10) percent of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Any such penalty shall become a part of the tax. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within thirty (30) days the treasurer may impose a ten (10) percent late payment penalty. The penalties shall not be imposed, or if imposed, shall be abated by the official who assessed them, if the failure to file or pay was not the fault of the taxpayer. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control. The commissioner of revenue, or designee, shall make the determination of fault relating to a taxpayer's failure to file or pay, and this determination shall be final.

Acted responsibly means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

Events beyond the taxpayer's control include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official, who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

(i) Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and penalty charged and collected on

the amount of the assessment found to be erroneous shall be refunded together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any tax paid under this chapter from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under § 58.1-3916 of the Code of Virginia.

No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment, in event of such adjustment, provided the refund or the late payment is made not more than thirty (30) days from (i) the date of the payment that created the refund, or (ii) the due date of the tax, whichever is later. (Ord. of 9-24-96; Ord. No. 11.1-1, 7-8-97; Ord. No. 11.1-4, 11-13-07)

Note: Ord. No. 11.1-4 provided for an effective date of Jan. 1, 2008.

Sec. 11.1-10. License fee and tax.

(a) Every person or business subject to licensure under this chapter, with annual gross receipts of more than seven hundred fifty thousand dollars (\$750,000), except as may be otherwise provided in §§ 58.1-3712, 58.1-3712.1 and 58.1-3713 of the Code of Virginia, shall be assessed and required to pay annually a license tax on all the gross receipts of such persons in excess of fifty thousand dollars (\$50,000.00) per year includable as provided in this chapter at a rate set forth below for the class of enterprise listed below, except that every person subject to licensure with annual gross receipts of one million dollars (\$1,000,000.00) or more shall pay the license tax on the entire amount of gross receipts.

1. For contractors and persons constructing for their own account for sale, eight cents (\$0.08) per one hundred dollars (\$100.00) of gross receipts;

2. For retailers, ten cents (\$0.10) per one hundred dollars (\$100.00) of gross receipts;

3. For financial, real estate and professional services, twenty-nine cents (\$0.29) per one hundred dollars (\$100.00) of gross receipts;

4. For repair, personal and business services and all other businesses and occupations not specifically listed or exempted in this chapter or otherwise by law, eighteen cents (\$0.18) per one hundred dollars (\$100.00) of gross receipts;

5. For wholesalers, two and one-half cents (\$0.025) per one hundred dollars (\$100.00) of purchases;

6. For carnivals, circuses and speedways, one thousand dollars (\$1,000.00) for each performance held in this county;

7. For fortune tellers, clairvoyants and practitioners of palmistry, eighteen cents (\$0.18) per one hundred dollars (\$100.00) of gross receipts not to exceed one thousand dollars (\$1,000.00) per year;

8. For land developers, eighteen cents (\$0.18) per one hundred dollars (\$100.00) of gross receipts. For the purposes of this section, a land developer is defined as a person who improves, or causes to be improved, a parcel of real estate by surveying the parcel into smaller parcels or lots, or installing public or private sewer and water facilities, or constructing roadways to serve the parcel with the intent of reselling the parcel of real estate, either in whole or in part, for residential, commercial or industrial development.

9. For itinerant merchants or peddlers, ten cents (\$0.10) per one hundred (\$100.00) of gross receipts not to exceed five hundred dollars (\$500.00) per year. This section shall not apply to the following persons:

(1) Persons who sell or offer for sale in person or by their employees ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale. Such persons are not subject to taxation under this chapter; and

(2) An individual who sells or offers for sale, in person, goods, which have been grown, produced, improved or enhanced by such individual, in one (1) of the following situations:

a. At a bazaar held in a place operated by a bona fide nonprofit charitable organization, which is conducted to raise money for such organizations, provided, that such individual does not participate in more than four (4) bazaars or craft shows per calendar year in this county; or

b. At a bazaar held in a public building (including schools), which is conducted to raise money for a bona fide nonprofit organization, provided, that such individual does not participate in more than four (4) bazaars or craft shows per calendar year in this county; or

c. At a craft show held outside of the places identified in subsections a. and b. above, provided (i) that the sponsor of the craft show pays a sum equal to the itinerant merchant's business license tax for each person participating in the craft show; and (ii) that such individual does not participate in more than four (4) bazaars or craft shows per calendar year in this county. A sponsor's total obligation for any single craft show shall not exceed the sum of fifteen hundred dollars (\$1,500.00); or

d. A sale of goods by persons participating in fund raising activities for a bona fide nonprofit service organization where the proceeds from the rental of the sales space, table, booth or the like are delivered to such organization, where such organization does not conduct more than four (4) such fund raising activities per calendar year and where the seller has not participated in a total of more than four (4) activities exempted under this section per calendar year.

(3) A licensed wholesale dealer who sells and, at the time of such sale, delivers merchandise to retail merchants;

(4) A distributor or vendor of motor fuels and petroleum products;

(5) A distributor or vendor of seafood who catches seafood and sells only the seafood caught by him;

(6) A farmer or producer of agricultural products who sells only the farm or agricultural products produced or grown by him;

(7) A farmers' cooperative association;

(8) A manufacturer who is subject to Virginia tax on intangible personal property who peddles at wholesale, only the goods, wares or merchandise manufactured by him at a plant, whose intangible personal property is taxed by this Commonwealth;

(9) A sale of goods by students participating in a business education program in a school;

(10) A sale of goods by persons participating in fund raising activities for a school-sponsored organization or for a bona fide nonprofit charitable organization, where all of the proceeds of such sale are delivered to such organization.

10. For photographers, eighteen cents (\$0.18) per one hundred dollars (\$100.00) of gross receipts; provided, however, every such person who has no regularly established place of business in this state and who provides photographers' services consisting of taking of pictures or the making of pictorial reproductions in this state and every agent or canvasser for such photographer and who conducts or engages in business in the county shall pay for the privilege an annual license tax of thirty dollars (\$30.00).

11. For direct sellers as defined in § 58.1-3719.1 of the Code of Virginia with total annual sales in excess of ten (\$0.10) cents per one hundred dollars (\$100.00) of total annual retail sales or two and one-half cents (\$0.025)

per one hundred dollars (\$100.00) of total annual wholesale sales, whichever is applicable.

(b) Notwithstanding the provisions hereinabove, the total tax on gross receipts levied pursuant to this chapter on any individual person or business shall not exceed one hundred fifty thousand dollars (\$150,000.00).

(Ord. of 9-24-96; Ord. No. 11.1-2, 10-14-03; Ord. No. 11.1-4, 11-13-07)

Note: Ord. No. 11.1-4 provided for an effective date of Jan. 1, 2008.

Proposed Modification of Parks and Recreation Fees

Staff recommended the Board of Supervisors approve the proposed fee modification for the Department of Parks and Recreation. Mr. Brooks addressed the Board. He noted that these adjustments would provide additional revenue for the County. Increases in three areas - community center, picnic shelter and youth sports registration fees were noted as users fees and part of the FY 13 budget presentation.

Mr. Trampe requested the impact on the budget with the additional revenues anticipated by the increase. Mr. Brooks advised fees by category: community centers \$5,900, shelters \$2,500, and youth sports registration \$18,000.

Mr. Pitts inquired if these fees were included in FY 2013 budget and Mr. Brooks confirmed the fees were included in the budget calculations.

Ms. Heidig declared the public hearing opened and when no one indicated an intention to speak closed the public hearing.

Mr. Pitts said the ramifications were clear, that if the Board didn't approve there would be cuts in the Parks and Recreation budget. He said the Board could support minimal increases or find cuts. Mr. McLaughlin felt there might be additional revenue with the solid waste offset. Mr. Barnes said that is a potential, but cautioned anticipating revenue. Additional discussion ensued.

On a motion by Mr. Pitts with Mr. McLaughlin, Ms. Heidig, Mr. Ross and Mr. Trampe voting no, and Mr. Skinner absent, the modification failed 2 to 4.

The public hearing for the Proposed Modifications to FREM Fees was postponed until June 26, 2012.

Proposed Modifications to Parking Citation – Fire Hydrant

Staff recommended the Board of Supervisors approve the Proposed Fee Modification for the Department of Fire, Rescue, and Emergency Management (FREM). Chief Eudailey advised that

the increase would also serve as a deterrent. The current fine is \$50 per offense, and staff proposed an increase of this fine to \$100 per offense.

Discussion ensued. Fire and Rescue standard operating procedures were requested by Mr. Trampe should a vehicle block access to a fire in front of a fire hydrant. Chief Eudailey noted that damage to the parked car would result. Mr. Pitts noted his concern that parking violations go unaddressed not only on the fire side but there was a lack of enforcement of parking violations regarding handicapped spaces. He further noted that FREM was not the sole enforcer, that the primary enforcement was with the Sheriff's Office. Mr. Pitts suggested the Sheriff request the newspaper to run an article that the Sheriff's Office would initiate strict enforcement.

Ms. Heidig declared the public hearing opened and when no one indicated an intention to speak, closed the public hearing.

On a motion by Mr. Ross, seconded by Mr. Trampe with Mr. Marshall voting no, and passed 5 to 1 with Mr. Skinner absent, the Board adopted the following modification:

VOTE:

Ayes:	5	Ms. Heidig, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	1	Mr. Marshall
Absent:	1	Mr. Skinner
Abstain:	0	

ORDINANCE NO. 12 - 49

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 Section 12-123, Penalty for violations of article; contest of parking citations, as follows:

Chapter 12. MOTOR VEHICLES AND TRAFFIC
Article IV. Parking

Sec. 12-123. Penalty for violations of article; contest of parking citations.

(a) The violation of any provision of this article shall be a traffic infraction punishable by a fine as follows:

(1) If the fine is paid to the treasurer, who is hereby designated as the local administrative official for the purposes of this article, prior to the issuance

of the notice required by section 12-124(a), the fine shall be ten dollars (\$10.00), except the fine for violations of sections 12-116(a)(4), 12-117 or 12-119, which shall be one hundred dollars (\$100.00).

(2) If the fine is paid after the issuance by the local administrative official of the notice required by section 12-124(a), but prior to the issuance of a court summons, the fine shall be the amount set forth above, plus three dollars (\$3.00).

(3) If a court summons is issued, but the summons is not contested, the fine shall be twenty-four dollars (\$24.00), plus court costs, except for violations of sections 12-116(a)(4), or 12-117, which shall be seventy-five dollars (\$75.00), plus court costs, or for violations of section 12-119, which shall be one hundred fifty dollars (\$150.00), plus court costs.

(4) If a court summons is issued and the summons is contested, upon conviction the fine shall be an amount not to exceed one hundred dollars (\$100.00), plus court costs, except for violations of section 12-119, for which the fine shall be an amount not less than one hundred dollars (\$100.00), and not to exceed five hundred dollars (\$500.00), plus court costs.

(b) The uncontested payment of parking citation penalties shall be collected and accounted for by the local administrative official.

(c) The contest by any person of any parking citation shall be certified in writing, on an appropriate form, to the general district court by the local administrative official.

Proposed Modifications to Revenue Recovery EMS Billing Fees

Staff recommended the Board of Supervisors approve the Proposed Fee Modifications for the Department of Fire, Rescue, and Emergency Management (FREM). Chief Eudailey advised there were no out-of-pocket charges for citizens. These adjustments were recommended to capture the cost of providing associated services and were discussed during the FY13 budget process.

Discussion ensued. Ms. Heidig requested confirmation of compassionate billing, that citizens were not charged. Chief Eudailey confirmed that staff worked with citizens in filling out the proper forms as needed, and no one would be denied care. Mr. McLaughlin asked how long it had been since the fee was adjusted. Chief Eudailey advised it was adjusted in 2009 or 2010 and that the fees were industry standard fees and acceptable to insurance companies.

Ms. Heidig declared the public hearing opened.

Mary Lou Collier, 413 Powell, Lee Hill District: She noted the June 5 announcement of the public hearing to increase fees but said it did not list these fees. She said that citizens were not given enough information, and requested the Board table this item. She called Anthem insurance company and was confused regarding potential out-of-pocket fees.

When no other citizens wish to speak, Ms. Heidig closed the public hearing.

Mr. Pitts asked if the ad had been submitted correctly. Mr. Stroman asked Chief Eudailey to share the ad. Discussion ensued. Mr. Stroman advised there was an error on the ad and recommended the item be tabled due to an oversight in the ad.

On a motion by Mr. Pitts and passed 6 to 0 with Mr. Skinner absent, the Board tabled the public hearing.

CA12-0001 Spotsylvania County Planning Commission, Mixed Use District Amendment

Staff recommended that the Board adopt the Resolution of Approval for CA12-0001. The Planning Commission recommended denial 5 to 2 following a public hearing. Ms. Parrish presented the case. The Mixed Use District was a new proposed zoning designation for developers to consider when proposing mixed-use developments. The Mixed Use District was designed to allow for a single zoning designation that would encompass developments with uses ranging from single-family detached homes to apartments to offices and institutional uses, among others.

Mr. Pitts requested confirmation this was not a UDA. Ms. Parrish confirmed the proposal was not, and that it was designed to be developer friendly and more flexible. He requested further clarification of page 6 of the Planning Commission minutes discussion from a Planning Commission member regarding the clause when applicant requests mixed use. He requested Ms. Parrish to elaborate if this was voluntary. Ms. Parrish stated the zoning ordinance was structured so the applicant or the County could initiate rezoning and there was some concern regarding mandatory requirements.

Mr. Marshall requested an explanation on the difference of UDAs and mixed use. Ms. Parrish said it was coined in state code and was formerly a requirement for high growth localities to establish in their comprehensive plans for future growth, now it was an option as of July 1, 2012. They are similar, the mixed use amendment is a tool and less rigid.

Mr. Ross requested an explanation of why the Planning Commission voted against and staff recommended. Ms. Parrish advised the Planning Commission was concerned that the ordinance could be imposed on those who do not wish to have this designation on their property. Mr. Ross said it was a step in the right direction, but he had some concerns.

Mr. Trampe questioned the non-residential use stipulated only on ground floor or corner units. Ms. Parrish advised the concept was primarily residential and was a safeguard to maintain primarily residential use.

Mr. McLaughlin asked if in developing the ordinance, staff worked with the Planning Commission and developers. Mrs. Parrish advised local developers were invited and a small group accepted. In addition there were two Planning Commission work sessions. Additional notifications were provided via email and on the website with comments requested.

Ms. Heidig declared the public hearing opened.

Mr. Alfred King, 11102 Fawn Lake Parkway, Livingston District: He noted that the Planning Commission voted 5 to 2 against while staff recommended acceptance, yet no Planning Commission members attended to explain why. He strongly urged support of the Planning Commission and to vote against the case.

George Lester, President of Jim Carpenter Company: His company depends on the construction industry. He is in favor of the mixed use change as it provided greater options, was market driven, allowed private sector response to needs, and created jobs.

Fitz Johnson, 203 Brooke Drive, President of Johnson Realty Advisors: He attended the Planning Commission meeting and saw confusion at the meeting. He noted this designation is voluntary and most developers were in favor because it is flexible, cheaper, and easier to do business.

Jim Joyce, Chancellor District: As a president of a homeowners' association he does not support this case as he has concerns that the County is now in the HOA or architectural review business.

Clark Leming, land use attorney: He has followed this case closely. Since 2007, Stafford has had a comparable ordinance. The advantage was flexibility while still allowing work on a detailed proffer statement and provided a mutual advantage to the County and builders.

James Williams, Lee Hill District: He had concerns with the off street setback and side offsets. He suggested the reduction of standards and alteration of the present mixed use plan instead of adding another level of bureaucracy.

Cristine Lynch, 6603 Prospect Street: As a member of the Planning Commission, she was a dissenting vote and favored mixed use. It was an economic development tool with a positive impact on jobs with lucrative development. The amendment provided flexibility to allow developments to be market driven. She noted that the Planning Commission is only an advisory body, that the Board of Supervisors made the final decision and has made different decisions from the Planning Commission in the past.

Ms. Heidig closed the public hearing.

Mr. Pitts said the ordinance was not perfect but offered another tool for the development community. He moved to approve the amendment. Mr. Ross offered a substitute motion to table CA12-0001 and send back to the Planning Commission with a request to bring the amendment back to the Board no later than August. Mr. McLaughlin did not wish to specify a deadline. Mr. Pitts did not agree with sending the amendment back to the Planning Commission as they had

fulfilled their obligation. The Board was the final governing board. Mr. Ross cited confusion, and that he had spoken to Planning Commission members who will revisit this amendment. Mr. Trampe agreed to the substitute motion. Ms. Heidig requested that this issue be visited as a part of the comprehensive plan to look at zoning and consolidate. She advised the Board appointed Planning Commission members to listen to their decisions.

On a motion by Mr. Ross, with Mr. Pitts voting no and Mr. Skinner absent, and passed 5 to 1, the Board tabled the amendment and returned CA12-0001 to the Planning Commission.

SUP 12-0002; Sheetz at Lafayette Crossing

Staff recommended the Board adopt the attached resolution of approval for SUP12-0002 with staff's recommended conditions. The applicant, Sheetz, Inc., requested a special use permit for a 6,407 square foot convenience store, with fuel dispensing service in the C-3 (Commercial-3) zoning district in the northeast corner of the intersection of Lafayette Boulevard and Alliance Way in the Lafayette Crossing mixed-use development. The fuel dispensing service includes six islands with twelve fueling stations.

The project is located on a 1.7036 acre parcel. There were two entrances to the proposed site on Lafayette Boulevard. The first entrance at Alliance Way was proposed to be signalized with the Virginia Department of Transportation currently reviewing the signal warrant analysis. The second point of access was from a right-in/right-out located 250 feet north of the Alliance Way. The site was within the primary development Highway Corridor Overlay District (HCOD) as defined in Division 6 of the Zoning Ordinance. Therefore, the site design and layout must conform with the standards of Article 8 of the Design Standards Manual (DSM), which contained the site and building design standards for all development located within the Highway Corridor Overlay District (HCOD). The Generalized Development Plan (GDP) showed one, one-story building of 6,407 square feet, located in the middle of the 1.7036 acre portion of the site. The fueling islands and their associated canopy were located behind the store and were therefore buffered by the store. There were multiple entrances to the store with outdoor seating areas placed around the stores periphery. The main entrance to the store was on the east side of the building away from Lafayette Boulevard. Consequently the back of the building was facing Lafayette Boulevard as shown on the submitted architectural elevation renderings. Several pedestrian connections were shown via sidewalks and crosswalks. The use was expected to generate 4,474 vehicle trips per day (VPD) based on trip generation rates as determined by the Institute of Traffic Engineers (ITE) manual. The store would be open twenty-four hours a day, seven days a week. The maximum proposed height of the building is thirty feet.

The Planning Commission requested the applicant revise the rear elevation of the building to shield the down spouts from view. The Planning Commission also requested the applicant revise the left side elevation of the building to include additional articulation along the façade to reduce the blank appearance of this elevation. The applicant has provided revised architectural renderings, which include the shielding of the down spouts on the rear elevation and additional articulation on the left side elevation as requested by the Planning Commission. The revised architectural renderings have been provided for review by the Board of Supervisors. Staff

recommended prohibition of back lighting of a canopy so as to not impact adjoining residential uses. Staff advised the Planning Commission voted 7 to 0 and provided the revised meeting minutes, as the provided set did not have strikethroughs.

Mr. Trampe asked if VDOT did not allow the signal would this development cause problems. Chuck Floyd advised VDOT would allow the signal.

Mr. Pitts questioned the Sheetz representative on the canopy back lighting. Mr. Leming advised that this is a standard Sheetz canopy, and the Central Park location does not have back lighting due to a prohibition by Central Park and the City. Mr. Pitts advised the lack of lighting was a safety issue and he supports the back lighting of the canopy.

Speaking on behalf of the applicant, Mr. Leming noted that Sheetz will have a substantial investment in the County. Sheetz emphasized the restaurant operation as one of the best places to work, employing 25-30 employees. This location was already zoned for this use. Mr. Leming advised that back lighting did not imply direct illumination. The Planning Commission recommended approval with conditions.

Ms. Heidig reported one call in favor.

Ms. Heidig declared the public hearing opened and when no one indicated an intention to speak closed the public hearing.

Mr. Pitts made the motion to approve the resolution with the Planning Commission conditions for a backlit canopy and was seconded by Mr. Ross. Discussion ensued.

On a motion by Mr. Pitts, seconded by Mr. Ross, and passed 6 to 0 with Mr. Skinner absent, the Board adopted the following resolution:

VOTE:

Ayes:	6	Ms. Heidig, Mr. Marshall, Mr. McLaughlin, Mr. Pitts, Mr. Ross, and Mr. Trampe
Nays:	0	
Absent:	1	Mr. Skinner
Abstain:	0	

RESOLUTION NO. 2012-86

***Approve with Planning Commission Conditions
SUP12-0002: Sheetz at Lafayette Crossing***

WHEREAS, the applicant requests a special use permit for a fuel dispensing service in conjunction with a 6,407 square foot convenience store located in the Commercial 3 (C-3) zoning district at 2807 Lafayette Boulevard in the Lafayette Crossing mixed use development. The fuel dispensing service

includes six (6) pump islands with twelve (12) fueling stations. The property is located in the Primary Settlement District and designated for Targeted Mixed-Use in the Future Land Use Element of the Comprehensive Plan. Tax Parcel 24-A-70A, Battlefield Voting District; and

WHEREAS, *staff has reviewed the subject application and recommends approval as stated in the staff report and executive summary dated June 12, 2012; and*

WHEREAS, *at the Spotsylvania Planning Commission public hearing, duly advertised in a local newspaper for a period of two weeks, was held on April 18, 2012 and interested citizens were heard; and a vote of 7-0 by the Commission recommended approval; and*

WHEREAS, *the Spotsylvania Board of Supervisors considered the Special Use Permit request in accordance with Sec. 23-4.5.7, Standards of Review, and finds that the application with the recommended conditions satisfies the following standards:*

- 1. That the proposed use is in accord with the comprehensive plan and other official plans adopted by the county;*
- 2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;*
- 3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;*
- 4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;*
- 5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;*
- 6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;*
- 7. That the proposed use will not cause undue traffic congestion or create a traffic hazard; and*
- 8. That the proposed use will have no unduly adverse impact on environmental or natural resources.*

WHEREAS, *the Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on June 12, 2012, and interested citizens were heard; and*

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

***NOW, THEREFORE, BE IT ORDAINED** that the Spotsylvania Board of Supervisors does hereby approve SUP12-0002 with Planning Commission recommended conditions dated April 18, 2012 and listed below:*

- 1. The site shall be developed in accordance with the Generalized Development Plan (GDP) entitled "Generalized Development Plan, Site Plan, Special Use Permit, Sheetz at Lafayette Crossing," dated December 21, 2011, as revised on February 28, 2012, prepared by Garrison Consulting Company, Inc., and signed by M.L. Garrison, P.E. on February 28, 2012.*
- 2. The site including but not limited to buildings, signage, canopy, building materials, etc., shall be developed in conformance with the elevations prepared by Richard J. Layman, AIA, entitled "New Sheetz Site, Sheetz at Lafayette Crossing," dated April 16, 2012.*
- 3. The gas canopy shall not exceed twenty (20) feet in height.*

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

NEW BUSINESS

Ms. Heidig reported receiving calls on the discharge of firearms ordinance. She requested the County Attorney perform additional research and to postpone the public hearing. Mr. Marshall advised that he supported the Sheriff and the Commonwealth Attorney. On a motion by Mr. Pitts and seconded by Mr. Marshall and passed 6 to 0, with Mr. Skinner absent, the Board postponed the public hearing.

ADJOURNMENT

On a motion by Mr. Trampe, seconded by Mr. Marshall and passed 6 to 0 with Mr. Skinner absent, the Board adjourned its meeting at 8:44 p.m.

C. Douglas Barnes
Clerk to the Board of Supervisors