

PRESENT: Greg Benton, Livingston District
Greg Cebula, Berkeley District
Timothy J. McLaughlin, Chancellor District
David Ross, Courtland District
Gary F. Skinner, Lee Hill District
Paul D. Trampe, Salem District
Chris Yakabouski, Battlefield District

STAFF PRESENT: Mark B. Taylor, County Administrator
Ed Petrovitch, Deputy County Administrator
Karl Holsten, County Attorney
Aimee R. Mann, Deputy Clerk

Mr. Ross called the meeting to order at 6:00 p.m. Mr. Skinner gave the invocation and Mr. Yakabouski led the Pledge of Allegiance.

POSSIBLE AGENDA ADDITIONS

Mr. Benton made a motion to approve the agenda with the removal of the Tow Advisory Board Appointments from the consent agenda for consideration later in the meeting. The motion passed unanimously.

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

APPROVAL OF THE CONSENT AGENDA

The County Administrator read the synopsis as a brief preview of these agenda items for the public.

On a motion by Skinner and passed unanimously, the Board approved the amended Consent Agenda as follows:

1. Approval of the Minutes of the February 14 and 21, 2017 Board of Supervisors Meetings;
2. Acceptance and Appropriation of Additional Funds for the FY16 Congestion Mitigation & Air Quality (CMAQ) Program Grant as follows:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2017-36

**Acceptance and Appropriation of Additional Funds for the FY16 Congestion Mitigation
and Air Quality Program Grant**

WHEREAS, the Spotsylvania County Sheriff's Office has applied for and received approval for additional grant funds from the Virginia Department of Mines, Minerals and Energy in the amount of \$3,593 to be utilized by the Sheriff's Office for converting vehicles to propane fuel use; and

WHEREAS, the Spotsylvania County Sheriff's Office is not required to provide a local match for the grant award; and

WHEREAS, Sheriff's Office and to the extent required, the County, will administer the grant in accordance with the terms as set forth in the grant award agreement; and

WHEREAS, the County is acting as fiscal agent for the Spotsylvania County Sheriff's Office for the purposes of processing the funding of this grant.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors that since the additional grant in the amount of \$3,593 has been accepted by the Sheriff's Office that the General Fund budget is hereby amended to reflect the increase in funds associated with the grant award; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2016, for expenditures in the amount of \$3,593 to be utilized by the Spotsylvania County Sheriff's Office only for converting vehicles to propane fuel use, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$3,593

3. Approval of (9) Contracts to Multiple Firms to Provide Facility Improvement, Maintenance & Repair Services;
4. Capital Project Budget Adjustments as follows:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2017-37

BE IT RESOLVED by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriation be, and the same hereby are, made for the fiscal year beginning July 1, 2016, from the funds and for the functions or purposes indicated.

To close out funding on certain completed capital projects, to be expended only by order of the Board of Supervisors as follows:

CAPITAL PROJECTS FUND: (\$73,049)

UTILITIES CAPITAL PROJECTS FUND: (\$181,803)

5. Grant Application Request for the FY18 Rescue Squad Assistance Fund for Fire, Rescue and Emergency Management as follows:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2017-38

A RESOLUTION REQUESTING AUTHORIZED AGENTS FOR THE RESCUE SQUAD ASSISTANCE FUND ONLINE GRANTS SYSTEM

WHEREAS, the Virginia Office of Emergency Medical Services, Rescue Squad Assistance Fund was adopted with the intent of providing the requisite training for emergency medical service personnel and purchasing equipment needed by such rescue squads and organizations: and

WHEREAS, the Virginia Office of Emergency Medical Services has instituted an on-line grant application and management system known as E-Gift (EMS-Grant Information Funding Tool); and

WHEREAS, the E-Gift system requires individuals to be designated as Authorized Agents to act on the County's behalf in creating and modifying grant applications and awards provided through the Rescue Squad Assistance Fund: now therefore be it

RESOLVED by the Board of Supervisors of Spotsylvania County, that

Mark B. Taylor, County Administrator for Spotsylvania County, OR

Mark Cole, Deputy County Administrator, OR

Edward Petrovitch, Deputy County Administrator, OR

Mary Sorrel, Finance Director, OR

Greg Leitz, Division Chief of EMS/Health and Safety Division, OR

Annette D'Alessandro, Grants Manager

are hereby authorized to execute for and on behalf of Spotsylvania County Government, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining additional state financial assistance provided by the Virginia Department of Health, Office of Emergency Medical Services, through the Rescue Squad Assistance Fund.

6. Modification to Bridges Grant Program Award for July 1, 2016 – June 30, 2017 as follows:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2017-39

Approving Grant Award Modification Agreement, Designation of Authorized Agents in the Execution and Administration of the Grant Award and Acceptance and Appropriation of FY17 Funds

WHEREAS, Spotsylvania County has applied for and received approval for additional federal pass through funds from the Commonwealth of Virginia Department of Social Services in the amount of \$10,000 to be utilized by the Department of Social Services and Spotsylvania County Schools to increase the adult education teacher resources for the "Bridge to the Future Project; and

WHEREAS, the County is not required to provide a local match for the grant award; and

WHEREAS, the County will administer the grant in accordance with the terms as set forth in the grant award agreement.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors, that the grant award modification agreement between Spotsylvania County and the Commonwealth of Virginia Department of Social Services is approved; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the following individuals are hereby designated as authorized agents any of whom may act in the execution and administration of the grant award agreement: Mark B. Taylor, County Administrator; Mark Cole, Deputy County Administrator; Edward Petrovitch, Deputy County Administrator; and Gail Crooks, Director of Social Services; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the grant modification in the amount of \$10,000 is accepted and that the Department of Social Services and School Operating Fund budget is hereby amended to reflect the increase in funds associated with the grant award; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2016, for expenditures in the amount of \$10,000 to be utilized only for additional adult education teacher resources for the Bridge to the Future Project, to be expended only by order of the Board of Supervisors as follows:

School Operating Fund: \$ 10,000

7. Reappointment of Karmaria Negron to the Social Services Advisory Board.

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

PUBLIC PRESENTATIONS

The following citizens spoke in support of the proposed School Board budget: Megan Stiffler, Dawn Napper, Bryan Moody, Lisa Ehmer, Lisa Murphy, Laura Jaworksi, Sue Sargeant, Anthony LoFaro, Jennifer Dodson, Jeanne Bergeron, and Al Durante.

The following citizen spoke in support of fair budgeting across all entities: Larry Plating.

PRESENTATIONS/REPORTS BY STAFF

YMCA Report

Scott Edson from the YMCA gave a brief presentation to the Board regarding accomplishments over the past 14 years and the proposed expansion.

Citizens Budget Review Committee Presentation on FY2018 Recommended Budget

The Citizen Budget Review Committee (CBRC) Chairman, Jeremiah Hansen, presented concerns regarding the aircraft museum funding, the Central Rappahannock Regional Library agreement, school tuition coverage for out of county students of school employees, international baccalaureate program, and conference expenses.

FY2018 Budget Work Session - Tax Rate Advertisement & Other Funds

Finance staff gave a presentation concerning the "other" funds within the FY 2018 Recommended Budget.

The Board recessed at 6:38 p.m. and reconvened at 6:49 p.m.

PUBLIC PRESENTATIONS

The following citizen spoke in support of accountability for public education funds: Michael Hirsch.

The following citizen spoke in opposition of a tax rate increase: Michael Smith.

PRESENTATIONS/REPORTS BY STAFF (cont'd)

FY2018 Budget Work Session - Tax Rate Advertisement & Other Funds (cont'd)

Mr. Cebula made a motion to advertise the real estate tax rate at \$0.86. Mr. Skinner made a friendly amendment to advertise the real estate tax rate at \$0.87. The motion failed 3 to 4 with Mr. Benton, Mr. McLaughlin, Mr. Ross and Mr. Trampe opposed.

VOTE:

Ayes:	3	Mr. Cebula, Mr. Skinner, Mr. Yakabouski
Nays:	4	Mr. Benton, Mr. McLaughlin, Mr. Ross and Mr. Trampe
Absent:	0	
Abstain:	0	

Mr. McLaughlin made a motion to advertise the real estate tax rate at \$.085. Mr. Trampe made a friendly amendment to advertise all the rates within the recommended budget. The motion passed 4 to 3 with Mr. Cebula, Mr. Skinner and Mr. Yakabouski opposed.

VOTE:

Ayes:	4	Mr. Benton, Mr. McLaughlin, Mr. Ross, Mr. Trampe
Nays:	3	Mr. Cebula, Mr. Skinner and Mr. Yakabouski
Absent:	0	
Abstain:	0	

The Board recessed at 7:51 p.m. and reconvened at 8:01 p.m.

PUBLIC HEARINGS

Towing Advisory Board – Public Hearing

First Sgt. Timothy J. Bryner presented.

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

On a motion by Mr. Cebula and passed 6 to 0 with Mr. McLaughlin absent from the vote, the Board adopted the ordinance as follows:

VOTE:

Ayes:	6	Mr. Benton, Mr. Cebula, Mr. Ross, Mr. Skinner Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

Tow Advisory Board Appointments

On a motion by Mr. Cebula and passed unanimously, the Board made the following Tow Advisory Board appointments:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

Zone 56- Michael Mitchem of North Star Towing and Recovery. (To be reinstated due to no qualified tow members applying for this zone)

Zone 57- Casey Campbell of K.W. Campbells Towing and Recovery

Zone 59- Paul Stevens of Coleman Motor Company representing heavy duty towing.

Citizen- Doug Barnes

Deputies:

First Sergeant T. Bryner

Deputy C. Tudor

Virginia State Police:

First Sergeant K. Hairston

R15-0003 Tricord Inc. & Denali Capital Group LLC. – Cedar Forest (Berkeley District)

Mr. Hughes presented. The Planning Commission held a public hearing on February 15, 2017, and voted 7-0 to recommend approval of R15-0003 with the proffers dated January 31, 2017.

Staff recommended that the Board approve Ordinance RO15-0003.

Bill Sherman, on behalf of the applicant: Gave an overview of the project and stood to answer any questions.

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

On a motion by Mr. Cebula and passed 4 to 3 with Mr. Benton, Mr. McLaughlin and Mr. Trampe opposed, the Board adopted the ordinance as follows:

VOTE:

Ayes:	4	Mr. Cebula, Mr. Ross, Mr. Skinner, Mr. Yakabouski
Nays:	3	Mr. Benton, Mr. McLaughlin and Mr. Trampe
Absent:	0	
Abstain:	0	

AN ORDINANCE NO. R15-0003 Cedar Forest

WHEREAS, Tricord Inc./Denali Capital Group, LLC. Request a rezoning of 20.5 acres from Rural (RU) to Planned Development Housing (PDH-3) with proffers for a twenty-nine (29) lot subdivision of single-family detached homes. The property is located along the east

side of Massaponax Church Road (Route 608), adjacent to and on the north side of Cedar Forest Elementary School, approximately 3,700 feet south of the intersection of Massaponax Church and Mills Drive (Route 17). This property is located within the Primary Development Boundary. The property is identified for Mixed Use development on the Future Land Use Map. Tax parcel 36 (A) 55B, Berkeley voting district.

WHEREAS, staff has reviewed the subject application and recommends approval of the request with proffers dated June 23, 2015 and last revised January 31, 2017, as stated in the staff report and executive summary; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing, duly advertised in a local newspaper for a period of two (2) weeks, on February 15, 2017, and interested citizens were offered an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended approval of the project, with a vote of 7-0; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing, duly advertised in a local newspaper for a period of two (2) weeks, on March 16, 2017, and interested citizens were offered an opportunity to be heard; and

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

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF SPOTSYLVANIA COUNTY HEREBY ORDAINS:

§1. That the property known as Tax Parcel(s) 36-A-55B currently zoned Rural (RU) is rezoned to Planned Development Housing (PDH3) subject to the proffered conditions attached hereto dated June 23, 2015 and last revised January 31, 2017.

§2. This ordinance shall be in force and effect upon adoption.

R15-0005 Tricord Inc. & Denali Capital Group LLC. – Summit Crossing Estates (Berkeley District)

Mr. Hughes presented. The Planning Commission held a public hearing on February 15, 2017, and voted to recommend approval 7-0.

Staff recommended that the Board approve Ordinance RO15-0005.

Bill Sherman, on behalf of the applicant: Gave an overview of the project and stood to answer any questions.

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

On a motion by Mr. Cebula and passed 6 to 1 with Mr. Benton opposed, the Board adopted the ordinance as follows:

VOTE:

Ayes:	6	Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	1	Mr. Benton
Absent:	0	
Abstain:	0	

AN ORDINANCE NO. R15-0005, Summit Crossing Estates

WHEREAS, Tricord Inc./Denali Capital Group, LLC. Request a rezoning of two parcels totaling 49.6 acres from Rural (RU) to Planned Development Housing (PDH-3) with proffers for a seventy (70) lot subdivision of single-family detached homes. The property is located along the north side of Summit Crossing Road (Route 668), approximately 2000 feet east of the intersection of Summit Crossing Road (Route 668) and Massaponax Church Road (Route 608). This property is located within the Primary Development Boundary. The property is identified for Mixed Use & Employment Center development on the Future Land Use Map. Tax parcels 50-A-119 & 50-A-119B, Berkeley voting district; and

WHEREAS, staff has reviewed the subject application and recommends approval of the request with proffers dated July 2, 2015 and last revised on February 7, 2017, as stated in the staff report and executive summary; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing, duly advertised in a local newspaper for a period of two (2) weeks, on February 15, 2017, and interested citizens were offered an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended approval of the project, with a vote of 7-0; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing, duly advertised in a local newspaper for a period of two (2) weeks, on March 16, 2017, and interested citizens were offered an opportunity to be heard; and

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

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF SPOTSYLVANIA COUNTY HEREBY ORDAINS:

§1. That the property known as Tax Parcel(s) 50-A-119 & 50-A-119B currently zoned Rural (RU) is rezoned to Planned Development Housing- 3 (PDH3) subject to the proffered conditions attached hereto dated July 2,2015 and last revised on February 7, 2017.

§2. This ordinance shall be in force and effect upon adoption.

BOARD OF SUPERVISORS REPORTS

Mr. Yakabouski directed staff to bring back a list of potential dates at the April meeting for the Board to consider for the purpose of discussing a strategic plan. Mr. Yakabouski expressed interest in creating a committee comprised of 2 Board members, 2 School Board members and staff to find mutual areas of cost savings and to research what other localities have done so that a decision could be made about combining county and school services.

Mr. Cebula announced that VDOT would be upgrading the Fairview Road bridge beginning March 12 saying the road would be closed causing an extensive detour.

Mr. McLaughlin asked that meeting start times be discussed at the next Board meeting.

Mr. Benton announced a joint town hall meeting with Mr. Twigg at Brock Road Elementary on Thursday, March 23 beginning at 6:00 p.m. Mr. Benton also expressed an interest in serving with Mr. Yakabouski on the proposed combined services committee.

Mr. Skinner spoke in support of creating a strategic plan.

Mr. Ross spoke in support of creating a strategic plan. He also commented that his choice to send his children to Christian school did not mean he didn't support public schools.

CLOSED MEETING

On a motion by Skinner and passed unanimously, the Board adopted a resolution to adjourn into closed meeting as follows:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2017-40

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically regarding the matters of *Walgreen Co. v. County of Spotsylvania, Virginia*, Spotsylvania County Circuit Court, Case Nos. CL13001151-00 and CL15000723-00; *Roger Williams, et al. v. Board of Supervisors of Spotsylvania County, et al.*, Supreme Court of Virginia, Record No. 161173; *Roger Williams, et al. v. Board of Supervisors of Spotsylvania County, et al.*, Spotsylvania County Circuit Court, Case No. CL15-1094; and *Spotsylvania Historical Association, Inc. v. Board of Supervisors of Spotsylvania County, et al.*, Spotsylvania County Circuit Court, Case No. CL15-1045; and consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically regarding matters of zoning in the Chancellor Voting District; and

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

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

RETURN TO OPEN MEETING AND CERTIFICATION

On a roll call vote, the Board returned to open meeting and adopted the following resolution:

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2017-41

Return to Open Meeting

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

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this

Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby returns to open 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 Meeting were heard, discussed or considered in the Closed Meeting.

NEW BUSINESS

None

ADJOURNMENT

On a motion by Mr. Cebula and passed unanimously, the Board adjourned its meeting at 9:25 p.m.

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

Mark B. Taylor
Clerk to the Board of Supervisors