

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 Yakabowski, Battlefield District

STAFF PRESENT: Mark B. Taylor, County Administrator
Mark Cole, 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. Benton gave the invocation and Mr. McLaughlin led the Pledge of Allegiance.

POSSIBLE AGENDA ADDITIONS

Mr. Benton made a motion to approve the agenda. The motion passed unanimously.

VOTE:

Ayes:	7	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
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 Mr. Cebula and passed unanimously, the Board approved the Consent Agenda as follows:

1. Approval of the Minutes of the February 28 and March 7, 2017 Board of Supervisors Meetings;
2. Appointment of Gregory V. Leitz to the Rappahannock EMS Council;
3. Approval of Contract to Air Specialists of Virginia for Vehicle Exhaust Removal System;
4. Approval of Contract Renewal to Cherry Bekaert LLP for Auditing Services;
5. Dr. Sam – Germanna Community College – Retirement Commendation 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	

COMMENDATION

RECOGNIZING DR. DAVID A. SAM UPON HIS RETIREMENT

WHEREAS, Dr. David A. Sam will retire as fifth president of Germanna Community College June 30, 2017, marking ten years of significant educational contributions to Spotsylvania County and surrounding communities; and

WHEREAS, Dr. Sam has served as President of Germanna Community College since March 2007 and has been instrumental in expanding educational opportunities in the following ways:

- Increasing the number of degrees awarded by 183 percent in the 2015-2016 academic year over 2006-2007;
- Doubling the number of students in Germanna's nursing program;
- Establishing an engineering program;
- Starting a physical therapy assisting program;
- Opening the new Caroline County Center;
- Opening the new Science and Engineering Building and Information Commons at Germanna's Spotsylvania County campus;
- Establishing two new programs, the Germanna Scholars and the Gladys P. Todd Academy, both of which allow high school students to earn associates degrees at little or no cost and then transfer to universities upon graduation;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors, this 30th day of March 2017, publicly recognizes Dr. David A. Sam and extends on behalf of its members and the residents of Spotsylvania, appreciation for his service to the County and congratulations upon his retirement.

PUBLIC PRESENTATIONS

None

BOARD OF SUPERVISORS REPORTS

Mr. Cebula announced that it would be 4 weeks until the completion of the Fairview Road bridge. He cautioned citizens to pay attention to the signs in that area to avoid serious injury.

Mr. McLaughlin made a motion to change the start time of the 2nd Tuesday of the month Board meeting to 6:00 p.m. The motion failed 3 to 4 with Mr. Cebula, Mr. Skinner, Mr. Trampe and Mr. Yakabouski opposed.

VOTE:

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

PUBLIC HEARINGS

CA17-0002: Ordinance No 23-168- Historic Overlay District

Mr. Pastwik presented. The Planning Commission recommended approval at a public hearing on February 15, 2017 (Vote 7-0).

Staff recommended that the Board of Supervisors approve CA17-0002: Ordinance No. 23-168 - Historic Overlay District.

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 unanimously, the Board adopted the ordinance 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	

AN ORDINANCE No. 23-168

CA17-0002: Historic Overlay District

To amend Chapter 23, Article 7, Division 3- Historic Overlay District meant to simply clean up language, remove unclear or vague language and to add capitalization where needed to be consistent with other sections of the code. Staff has also modified reference to providing incentives for the upkeep and rehabilitation of older structures as a purpose and function of the Historic Overlay District, adding encouraging rehabilitation efforts through alternative means in Sect 23-7.3.1(b)(3). Amendment corrects reference to the Code of Virginia in Sect. 23-7.3.2 and

adds Code of Virginia reference in Sect. 23-7.3.5 regarding Planning Commission and Board of Supervisors action upon the recommendation(s) of the Historic Preservation Commission. Staff has drafted an amendment to redirect Historic Overlay District review and processes to the Planning Director to be consistent with procedure.

PUBLIC HEARING: March 30, 2017

WHEREAS, staff has reviewed the Code Amendment and recommends approval as stated in the Executive Summary dated March 30, 2017, and attached hereto; and

WHEREAS, the Planning Commission held a public hearing on this item on February 15, 2017 and a motion was made and seconded to recommend Approval of the Zoning Ordinance Amendments, with a vote of 7-0; and

WHEREAS, the Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on March 30, 2017, and interested citizens were offered the opportunity to be heard; and

WHEREAS, good zoning practice and the general welfare are served by approval of the Code Amendment.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF

SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 23, Article 7, Division 3, be and is hereby **amended** and reordained as follows:

DIVISION 3. HISTORIC OVERLAY DISTRICTS (H)

Sec. 23-7.3.1. Authority to create; purpose.

Sec. 23-7.3.2. General standards and criteria for designation.

Sec. 23-7.3.3. Application for designation of district.

Sec. 23-7.3.4. Action by Historic Preservation Commission prerequisite to establishment of district.

Sec. 23-7.3.5. Action by Planning Commission and Board of Supervisors on Historic Preservation Commission's report.

Sec. 23-7.3.6. Location and boundaries.

Sec. 23-7.3.7. Recordation of resolution, plat, boundary description after district created.

Sec. 23-7.3.8. Designated districts.

Sec. 23-7.3.9. Permitted uses.

Sec. 23-7.3.10. Inventory of buildings and structures.

Sec. 23-7.3.11. Modification or reduction of development standards.

Sec. 23-7.3.12. Prohibited signs.

Sec. 23-7.3.1. Authority to create; purpose.

- (a) Pursuant to sections 15.2-2283 and 15.2-2306 of the Code of Virginia, the Board of Supervisors shall have the authority to designate landmarks and landmark sites and to create Historic Overlay Districts for the purpose of promoting the general welfare, education and recreational pleasure of the public, through the perpetuation of those general areas or individual structures and premises which have been officially designated by the Board of Supervisors as having historic, architectural or cultural significance. It is hereby recognized that the destruction or alteration of such buildings, structures, places, and areas may cause the permanent loss of resources which are of great value to the people of the County, and that special controls and incentives are warranted to ensure that such losses are avoided when possible.
- (b) The purposes for establishing an Historic Overlay District as a zoning classification are to:
 - (1) Preserve and improve the quality of life for residents of the County by protecting familiar and valuable visual elements in the area;
 - (2) Promote tourism by protecting historical and cultural resources attractive to visitors;
 - (3) Stabilize and improve property values by providing incentives or otherwise encourage the upkeep and rehabilitation of older structures;
 - (4) Educate residents on the local, cultural and historic heritage, and to foster a sense of pride in this heritage;
 - (5) Promote local historic preservation efforts and encourage the nomination of qualified historic properties to the National Register of Historic Places and the Virginia Historic Landmarks Register;
 - (6) Prevent the encroachment of buildings and structures which are architecturally incongruous with their environs, within areas of special historic character;
 - (7) Ensure that new structures and uses within such district will be in keeping with the character of the district .

Sec. 23-7.3.2. General standards and criteria for designation.

The Board of Supervisors may designate and create one or more Historic Overlay Districts provided such districts meet the standards of section 15.2-2306 of the Code of Virginia and that any such district meets one or more of the following criteria:

- (1) It is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional or national history; or
- (2) It contains buildings or structures whose exterior design or features embody or exemplify the distinctive characteristics of one or more historic types, periods or methods of construction, or which represent the work of an acknowledged master; or

- (3) It possesses an identifiable character which reflects the unique, cultural or architectural heritage of the County; or
- (4) It contains qualities or artifacts which significantly contribute to present day knowledge and the understanding of lifestyles, activities, events or experiences of a previous era; or
- (5) Its unique location or physical characteristics represent an established and familiar pattern or unique visual feature of the County.

Sec. 23-7.3.3. Application for designation of district.

- (a) Application for Historic Overlay District designation shall be made by the owner, Planning cCommission, or Board of Supervisors on a form provided by the Planning Director.
- (b) The following information shall be required for consideration for Historic Overlay District designation and shall be submitted with the application:
 - (1) An inventory which lists each building, landmark or structure within the district which itself has historic merit or which contributes to the overall historic character of the district;
 - (2) A graphic presentation of the location of landmarks, sites, buildings or other structures of particular historic value as well as the boundaries of the total proposed area to be included within the designation;
 - (3) A written statement documenting the particular historical attributes of the territory proposed to be designated.

Sec. 23-7.3.4. Action by Historic Preservation Commission prerequisite to establishment of district.

- (a) Before the establishment of an Historic Overlay District, the Historic Preservation Commission shall conduct studies and research and make a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings of the area. The Historic Preservation Commission's report shall contain recommendations concerning the areas to be included in the proposed Historic Overlay District.
- (b) A public hearing may be held by the Historic Preservation Commission to receive comments from the public on any proposed Historic Overlay District prior to forming its recommendation.
- (c) After the public hearing, the Historic Preservation Commission shall submit a final report with its recommendations and a draft of a proposed ordinance for the Planning Commission's and Board of Supervisors' consideration.

Sec. 23-7.3.5. Action by Planning Commission and Board of Supervisors on Historic Preservation Commission's report.

The Planning Commission and Board of Supervisors shall act on the report and recommendations from the Historic Preservation Commission in accordance with standards set

forth in Section 15.2-2306 in the Code of Virginia and the normal zoning approval procedures as specified in the Code of Virginia and in this chapter, with duly advertised public hearings before each body.

Sec. 23-7.3.6. Location and boundaries.

- (a) The location and boundaries of Historic Overlay Districts shall be delineated by the Board of Supervisors pursuant to Article 4, Division 6 of this chapter, upon consultation with the Historic Preservation Commission and the Planning Commission, and shall be incorporated into the official zoning map as special overlay districts designated as Historic Overlay Districts (H).
- (b) The boundaries of Historic Overlay Districts shall be drawn to include all lands which are adjacent to the landmark, building, or structure for which the historic district was established and which are closely related to and bearing upon the character of the historic site. Regulations imposed in such districts are intended to protect against destruction of or encroachment upon such historic resources, to encourage uses which will continue to preserve them and to prevent the creation of adverse environmental influences.

Sec. 23-7.3.7. Recordation of resolution, plat, boundary description after district created.

Following the creation of each Historic Overlay District, a copy of the resolution creating such district, a boundary description of such district, and a plat or visual representation of such district, shall be filed by the Planning Director with the clerk of the Circuit Court for the County.

Sec. 23-7.3.8. Designated districts.

The Historic Overlay Districts shall be those listed below which are to be shown by overlay on the present zoning map of the County and shall include the property, buildings, structures, and land so encompassed. For the following districts, the boundaries established shall include those established for the County on the National Register of Historic Places, except as modified below:

- (1) Fredericksburg and Spotsylvania National Military Park: all property.
- (2) The Rapidan Dam Canal of the Rappahannock Navigation: begins at the mouth of the Rapidan and runs down the Rappahannock River on its right bank for one and one-half (1½) miles; including land five hundred (500) feet on either side of the canal.
- (3) Tubal Furnace Archeological Site: thirty (30) feet west of Pipe Dam Run, near Route 620.
- (4) Spotsylvania Courthouse Historic district: As designated with the following modifications: From American Legion Drive, the district is to extend east down Route 208 to the end of the pond adjacent to the old Confederate Cemetery on the south side; on the south side of Route 208, the district depth is to the rear line of the cemetery; the boundary is to continue across on the north side of Route 208 to a depth of four hundred (400) feet, which would encompass the Alrich home site and then to pick up the boundary as designated on the National Historic Register.

- (5) St. Julien: One (1) mile southwest of the intersection of Routes 2 and 17; 0.1 mile west of Massaponax Creek; 0.5 mile west of Route 2.
- (6) Prospect Hill: Near Mineral; on Route 612 about eight hundred (800) west of the intersection with Route 719 (crossroad of Halladay).
- (7) Massaponax Church Site and Church Property: The property is located on the northwest corner at the intersection of Routes 608 and 1.
- (8) LaVista: The property is located on the southwest side of Route 607 (Guinea Station Road) approximately one-half (1/2) mile southeast of Route 633 (Church Pond Road).

Sec. 23-7.3.9. Permitted uses.

- (a) Within an adopted Historic Overlay District, all uses shall be permitted pursuant to the district regulations of the zoning district in which such Historic Overlay District is located, except as may be expressly modified by the regulations adopted for a particular Historic Overlay District. The Historic Preservation Commission shall review and recommend on any application for a special use located in any Historic Overlay District prior to Planning Commission action.
- (b) A maximum of two (2) banner signs, provided such signs shall not exceed twenty-four (24) square feet in combined sign area, subject to the following:
 - (i) Banner signs may be displayed anywhere on the commercial or industrial lot for ninety (90) days from the date of issuance of a new or relocated business' occupancy permit, use permit or final inspection, whichever is latest.

Sec. 23-7.3.10. Inventory of buildings and structures.

Following the creation of each Historic Overlay District, the Planning Director shall maintain in the Planning office an inventory of buildings, landmarks and structures that exist within the historic overlay as approved by the Board of Supervisors.

Sec. 23-7.3.11. Modification or reduction of development standards.

The standards required by the underlying zoning district regulations for development in a Historic Overlay District may be modified or reduced upon such modification or reduction being approved as a special use. Any such special use application shall be referred to the Historic Preservation Commission for review and comment. Such review and comment shall be provided to the Board of Supervisors no later than the Board of Supervisor's public hearing date for the application. Failure by the Historic Preservation Commission to provide timely review and comment shall not require the Board of Supervisors to delay its public hearing or action on the application.

Sec. 23-7.3.12. Prohibited signs.

- (1) Any sign, electronic or digital display shall be prohibited in Historic Overlay Districts.

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

PRESENTATIONS/REPORTS BY OTHERS

Resolution – Zoning Ordinance Amendments for Vehicle Sale, Rental and Ancillary Service Establishments

Vehicle Sale, Rental and Ancillary Service Establishments is a permitted use in the Commercial 3, Industrial 1, and Industrial 2 zoning districts. Over the past 5 years there have been on average 31.6 new establishments permitted per year. A large number of vehicle sales businesses have been established along the Route 1 corridor in areas targeted for economic development (Employment Centers) in the Comprehensive Plan. Several health and safety concerns have been identified with the use, including their establishment on existing zoned, non-conforming lots with few site improvements; the lack of loading and unloading areas; and the lack of sufficient area for the display of vehicles for the inventory resulting in vehicles parked on grass, in drive aisles, and/or blocking clear lines of sight to the public road, etc. The businesses on smaller parcels are most likely to have these issues. Staff proposed drafting a zoning amendment that established a minimum lot size for the use and use standards to address the concerns.

On a motion by Mr. Cebula and passed 5 to 2 with Mr. McLaughlin and Mr. Ross opposed, the Board adopted the resolution as follows:

VOTE:

Ayes:	5	Mr. Benton, Mr. Cebula, Mr. Skinner, Mr. Trampe, Mr. Yakabouski
Nays:	2	Mr. McLaughlin and Mr. Ross
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2017-42

A RESOLUTION DIRECTING STAFF TO PREPARE AMENDMENTS TO THE ZONING ORDINANCE RELATED TO VEHICLE SALE, RENTAL, AND ANCILLARY SERVICE ESTABLISHMENTS

WHEREAS, the Board of Supervisors of Spotsylvania County (hereinafter the “Board”) is concerned about the number of vehicle sales establishments that have opened as permitted uses in commercial corridors in the County; and

WHEREAS, the Board is further concerned that because of this use’s unique characteristics and potential impacts on surrounding properties and roadway network, it requires individual consideration of design, configuration, and/or operation at the particular location proposed; and

WHEREAS, based upon public necessity, convenience, the general welfare, and good zoning practices, consideration of a County code amendment is appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby direct staff to prepare a draft amendment to the Spotsylvania County Zoning Ordinance to establish use standards including, but not limited to, a minimum lot size, for *Vehicle sale, rental and ancillary service establishments*.

BE IT FURTHER RESOLVED that staff will present the draft amendment at a future Board meeting for authorization to advertise the amendment for public hearings.

WORK SESSION

Budget Work Session

Finance staff gave a brief update on revenues and expenditures.

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. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2017-43

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically, discussion of real property in the Lee's Hill District; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(3), 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. 2017-44

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 7:24 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