

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. Trampe gave the invocation and Mr. Benton led the Pledge of Allegiance.

POSSIBLE AGENDA ADDITIONS

Mr. Skinner made a motion to approve the agenda dropping the placeholder for Economic Development. The motion passed 6 to 1 with Mr. McLaughlin absent.

VOTE:

Ayes:	6	Mr. Benton, Mr. Cebula, Mr. Ross Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	1	Mr. McLaughlin
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. Skinner and passed 6 to 1 with Mr. McLaughlin absent, the Board approved the Consent Agenda as follows:

1. Approval of the Minutes of the April 4, 2017 Board of Supervisors Meeting;
2. Adopt Resolution Authorizing the Board to Sign an Charter of the Bay Consortium under the Workforce Innovation & Opportunity Act 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	

RESOLUTION NO. 2017-54

**Resolution Authorizing Chair of Board of Supervisors to Sign
Charter of Bay Consortium**

WHEREAS the Workforce Innovation and Opportunity Act of 2014 (PL 113-128) authorizes localities to establish local workforce development boards to develop a local plan for workforce development; and

WHEREAS, effective July 1, 2015, the Bay Consortium was granted an initial Workforce Area Designation; and

WHEREAS Spotsylvania County is among the localities that comprise the Bay Consortium Workforce Designation Area; and

WHEREAS to remain part of the Bay Consortium Workforce Development Area, The Board of Supervisors must authorize its chairperson to sign the Charter Chief Local Elected Officials Agreement; and

WHEREAS the Board of Supervisors desires to remain part of the Bay Consortium Workforce Development Area.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors that David Ross, Chairman of the Spotsylvania County Board of Supervisors, be and hereby is authorized to sign the Charter Chief Local Elected Officials Agreement in substantially the same form as the Charter attached hereto.

3. Approve Budget Adjustment for Building Safety to Fund Part-Time Clerk 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	

RESOLUTION NO. 2017-55

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, 2017, from the funds and for the functions or purposes indicated.

To assist with the conversion of Other Professional Services funding previously used for temporary services to hire a part-time Clerk, to be expended only by order of the Board of Supervisors as follows:

CODE COMPLIANCE FUND: \$1,941

4. Approve Dominion Virginia Power Easement for Tax Map 25-A-8 to Extend and Install Electric Service to County-Owned Property;
5. Approval of Rappahannock Electric Cooperative Easement for Tax map 75-A-37 to Relocate Underground Utilities and an Existing Service Light at the Berkeley Convenience Site;
6. Authorize Public Hearing to Allow Verizon Easement Along County Property for Purposes of Extending Services;
7. Grant Application Request for the 2017-18 School Resource Officer and School Security Officer Incentive Grant Program;
8. Provision of Broadband Services MOU in Support of CRRL at Belmont Community Center.

VOTE:

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

PUBLIC PRESENTATIONS

Jackie Williams spoke with concerns about the school board chairman silencing a member of the school board as well as the allowable behavior of teachers during public comment. She said she was concerned about the message this was sending.

Rev. Michael Hirsch read an email he sent to the Board of Supervisors regarding his concerns with employees being appointed the Citizen Budget Review Committee.

Jean Bergeron read a letter by Dawn Napper addressing comments made at the last Board meeting regarding her potential appointment to the Citizen Budget Review Committee.

PUBLIC HEARINGS

CA17-0003 Zoning amendment – Reconstruction of an Existing Electrical Transmission Line

Ms. Parrish presented. The Planning Commission recommended approval of CA17-0003.

Staff recommended that the Board approve CA17-0003 / Ordinance 23-169.

Les O'Donnell, Project Manager, addressed the questions regarding height requirements.

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. Skinner and passed 6 to 0 with Mr. McLaughlin absent, 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	

AN ORDINANCE No. 23-169

To amend Spotsylvania County Code Chapter 23, Zoning, Article 8, Non-Conforming Uses, Sec. 23-8.1.6 *Alternative or enlargement of a nonconforming structure* to allow the reconstruction of an existing electrical transmission line within an existing easement.

THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 23, Article 8, consisting of sections Sec. 23-8.1.6, be and is hereby

amended and reordained as follows:

Sec. 23-8.1.6. - Alteration or enlargement of a nonconforming structure.

- (a) A nonconforming structure shall not be enlarged in any manner or undergo any structural alteration unless to make it a conforming structure, except as set forth in subsections (b), (c), (d), (e) and (f) below.
- (b) Notwithstanding the restriction set forth in (a) above, a single-family detached dwelling which is nonconforming due to the minimum yards set forth in articles 6 or 7 for the district

in which it is located may be enlarged or altered provided that the enlargement or alteration itself conforms to the requirements set forth in articles 6 and 7 of this chapter.

- (c) Notwithstanding the restriction set forth in (a) above, any structure which is occupied by the county itself, or by a government agency and which is nonconforming due to the minimum setbacks, height limit, or floor area ratio limits set forth in Articles 6 or 7 for the district in which it is located, may be enlarged or altered.
- (d) Notwithstanding the restrictions set forth in (a) above, for lots in the I-1 and I-2 districts where the use is a permitted use, but where the current development standards (including, but not limited to, parking, yards, landscaping, screening and buffering, height, signs, floor area ratio and open space) are not met, expansion of the building, and expansion of the land area within the lot devoted to activities other than buildings, may be approved provided all current development standards applicable to the expansion are met and provided such alteration or expansion does not increase the degree of nonconformity as to minimum yards, height or floor area ratio set forth in articles 6 or 7 for the district in which it is located.
- (e) Notwithstanding the restriction set forth in subsection (a) above, a commercial structure which is nonconforming due to the minimum yards set forth in articles 6 or 7 for the district in which it is located may be enlarged or altered provided that the enlargement or alteration itself conforms and the increase in size is no more than twenty-five (25) percent of the gross floor area to the requirements set forth in articles 6 and 7 of this chapter.
- (f) Notwithstanding the restrictions set forth in (a) above, the reconstruction of an existing electrical transmission line may be undertaken if done in substantial conformance with the existing transmission line, structures and appurtenances. This exception permits the replacement, upgrade, and modernization of existing transmission lines and supporting structures and appurtenances. The replacement of appurtenances, includes, but is not limited to, the replacement of wooden structures with steel structures under this exception. The average height of the new structures in the County may vary from the height of the old structures by plus or minus fifteen percent (15%). The location of the new structures may vary from the existing locations by up to sixty (60) feet and the footprint of the new structures may vary so long as the new structures are located within existing easements. The location of any new structures and/or switch structures within the public rights-of-way shall be regulated by the County Administrator under the appropriate franchise regulations.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-160, 1-13-15; Ord. No. 23-169, 4-25-17)

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

BOARD OF SUPERVISORS REPORTS

Mr. Yakabouski reminded staff to bring back information on the 287(g) program for discussion. He also asked staff to bring back information in a few months outlining the steps that can be taken to put the ideas previously formulated into a guiding document regarding the Route 1

revitalization saying he would like to have projects identified and ready when money becomes available.

Mr. Benton announced that the Belmont Club of Women and Belmont Ruritan Club would have internet services available on Mondays from 4:00 p.m. – 7:00 p.m. at the Belmont Center along with services from the Rappahannock Regional Library. He also announced that Haley's Mill Road and Williams Lane were officially paved.

PRESENTATIONS/REPORTS BY OTHERS

Spotsylvania Business Appreciation Week Presentation and Proclamation

The Economic Development and Tourism Department gave a brief presentation outlining the series of events designed to benefit and recognize local businesses they would be hosting as part of "Business Appreciation Week." Additionally, they presented a Proclamation for approval by the Board.

On a motion by Mr. Cebula and passed 6 to 0 with Mr. McLaughlin absent, the Board adopted the Proclamation 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	

PROCLAMATION

Spotsylvania Business Appreciation Week May 1-5, 2017

WHEREAS, the County of Spotsylvania is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of the County of Spotsylvania; and

WHEREAS, these businesses provide local revenues from which the entire local citizenry benefit; and

WHEREAS, we recognize and appreciate these businesses; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Spotsylvania County Board of Supervisors does hereby recognize our existing businesses and proclaim May 1-5, 2017 to be Business Appreciation week in Spotsylvania, VA.

FREM – Emergency Operations Plan

FREM gave a brief overview of the revised Emergency Operations Plan before adjourning into closed meeting to discuss further.

CLOSED MEETING

On a motion by Mr. Skinner and passed 6 to 0 with Mr. McLaughlin absent, the Board adopted a resolution to adjourn into closed meeting as follows:

VOTE:

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

RESOLUTION NO. 2017-56

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; specifically, the Chief of Fire, Rescue and Emergency Management; and

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, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, specifically a systems engineering and technical assistance business, a manufacturer of food products business, a storage business, and a manufacturer of recreational products business; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically changes to the County's Code; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion of plans to protect public safety as it relates to terrorist activity or specific cyber security threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of records excluded from this chapter pursuant to subdivisions 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure, specifically the County' Emergency Operation Plans.

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(1), (3), (5), (7) and (19), 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. 2017-57

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.

On a motion by Mr. Skinner and passed unanimously, the Board approved the Emergency Operations Plan as updated.

VOTE:

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

On a motion by Mr. Cebula and passed unanimously, the Board approved the Performance Agreement with RPI Group, Inc. and authorized the County Administrator to execute the agreement on behalf of the County.

VOTE:

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

On a motion by Mr. Yakabouski and passed unanimously, the Board approved the Commonwealth's Development Opportunity Fund Spotsylvania Local Grant Performance Agreement and authorized the County Administrator to execute the agreement on behalf of the County.

VOTE:

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

On a motion by Mr. Skinner and passed unanimously, the Board approved the Performance Agreement with IDX-Baltimore, Inc. and the Purchase and Sale Agreement with 11032 Tidewater Trail, LLC. and authorized the County Administrator to execute the agreements on behalf of the County.

VOTE:

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

PUBLIC HEARINGS (cont'd)

R16-0004 Catherine T. Neale and Rebecca T. Acors (Thornburn Estates), RO16-0004 (Chancellor District)

Ms. Pomatto presented. The Planning Commission voted 7-0 to recommend approval of the amended proffer statement dated December 8, 2016.

Staff recommended the Board adopt the resolution of denial as the proposed amendment falls short of the commitment made to mitigate impacts that were approved with the rezoning.

Clark Lemming, behalf of the applicant: He gave an overview of the project and stood to answer any questions.

Mr. Ross declared the public hearing opened

The following citizen spoke with concerns: Rick Lanham

The board recessed at 8:40 p.m. and returned to open meeting at 8:51 p.m.

Discussion ensued regarding proffer changes.

On a motion by Mr. McLaughlin and passed unanimously, the Board authorized re-advertisement of the proffers and continued the public hearing to the second Board meeting in May.

VOTE:

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

Animal Shelter Expansion and Renovation Stakeholder Update

As a result of additional questions during the October 25, 2016 Board meeting and further discussion with the project stakeholders, the proposed conceptual layout for the shelter expansion was revisited. Based on further review, the stakeholders were recommending consideration of an 11,000 square foot expansion to the existing shelter. Based on early studies it was estimated that the shelter would require approximately 20,000 square feet over the 20 year planning period. By increasing the size of the expansion to 11,000 square feet the total 20 year design square footage of the shelter would be met. Furthermore, the increased expansion square footage would allow for a more comprehensive renovation to the existing shelter facility to maximize existing square footage use.

Discussion ensued including how long the facility was estimated to meet the needs of the County, the number of new dog cages, use of the Jackson Village proffer, and the uses of additional space.

On a motion by Mr. Skinner and passed 5 to 2 with Mr. Benton and Mr. Ross opposed, the Board approved the 11,000 square foot expansion to the existing shelter.

VOTE:

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

WORK SESSION

Citizen Budget Review Committee Bylaws and Appointment of Dawn Napper

The Board discussed whether or not to allow county employees to serve on the Citizen Budget Review Committee.

Mr. McLaughlin made a motion to limit the Citizen Budget Review Committee to citizens and prohibit all county and school employees. 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	

On a motion by Mr. Yakabouski and passed 4 to 3 with Mr. Benton, Mr. McLaughlin and Mr. Ross opposed, the Board removed employment limitations to serving on the Citizen Budget Review Committee.

VOTE:

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

On a motion by Mr. Yakabouski and passed 4 to 3 with Mr. Benton, Mr. McLaughlin and Mr. Ross opposed, the Board appointed Dawn Napper to the Citizen Budget Review Committee.

VOTE:

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

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. 2017-58

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; specifically, the Chief of Fire, Rescue and Emergency Management; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(1), 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. 2017-59

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.

On a motion by Mr. Skinner and passed unanimously, the Board waived the residency requirement in connection with the promotion of Jay Cullinan to the Chief of Fire, Rescue and Emergency Management.

VOTE:

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

NEW BUSINESS

None

ADJOURNMENT

On a motion by Mr. Cebula and passed unanimously, the Board adjourned its meeting at 10:52 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