

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

ABSENT: Timothy J. McLaughlin, Chancellor 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. Skinner led the Pledge of Allegiance.

POSSIBLE AGENDA ADDITIONS

Mr. Skinner made a motion to approve the agenda with the following changes:

Addition of Approval of Cost Share Agreement with Spotsylvania Courthouse Village III LLC to Construct Regional Water and Sewer Improvements for the Courthouse Area to the Consent Agenda.

The motion passed 6 to 0 with Mr. McLaughlin absent.

VOTE:

Ayes:	6	Mr. Benton, Mr. Cebula, Mr. Ross, Mr. Skinner, Mr. Trampe and Mr. Yakabouski
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.

The following item was removed for separate consideration:

Appropriation & Budget Amendment for Six Additional Fire/Rescue Personnel to Assure Base-Level Staffing at Fire/Rescue Station 5.

On a motion by Mr. Cebula and passed 6 to 0 with Mr. McLaughlin absent, the Board approved the amended Consent Agenda as follows:

1. Approval of the Minutes of the June 15, 2017 Board of Supervisors Meeting;
2. Adjustment to the FY 2017 Revenue Budgets to match to Third-Quarter Projections;
3. Appointment of Sarah Reid to Rappahannock Area Youth Services & Group Home Commission 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. 2017-84

**RESOLUTION APPOINTING SARAH REID TO THE RAPPAHANNOCK AREA
YOUTH SERVICES AND GROUP HOME COMMISSION**

WHEREAS, the Boards of Supervisors of Spotsylvania County, Stafford County and the City of Fredericksburg have entered into an agreement dated August 5, 2014 (“Agreement”) creating a residential home and group home serving youth from the three localities known as the Rappahannock Area Youth Services and Group Home Commission (“Commission”); and

WHEREAS, the Commission is governed by a seven person board consisting of two persons from each of the member jurisdictions appointed by the governing body of each member jurisdiction and one person appointed by the governing bodies from the Advisory Board to the Commission; and

WHEREAS, the Commission has appointed Sarah Reid to its Advisory Board and the Commission requests that each member jurisdiction appoint Sarah Reid to be the seventh voting member of the Commission as authorized under the Agreement;

WHEREAS, Sarah Reid is the Middle School Coordinator for the Office of Student Support Services for Spotsylvania County Public Schools. She works with middle school administrators and staff in supporting students with disabilities. She has previous teaching experience in Giles, Carroll, and Mathews County Public Schools. She further serves on the Leadership Board of Wilderness Community Church, and serves on the Board of Trustees for Bluefield College in Bluefield, Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors that Sarah Reid is hereby appointed as the seventh voting member to the Rappahannock Area Youth Services and Group Home Commission for a one year term beginning July 1, 2017 and ending June 30, 2018.

4. Approval of Budget Amendment & Appropriation for Economic Development Incentives for Relocation of Baltimore, Inc. (idX) and Advertisement of Public Hearing on Transfer of Property to Spotsylvania County 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. 2017-85

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, 2016, from the funds and for the functions or purposes indicated.

To provide funding for up-front economic development incentive grants to idX-Baltimore, Inc. in association with the company's purchase of and relocation to the former GM plant including pass through to the company of a \$400,000 Commonwealth Development Opportunities Fund grant, to be expended only by order of the Board of Supervisors as follows:

CAPITAL PROJECTS FUND: (\$475,000)

ECONOMIC DEVELOPMENT OPPORTUNITIES FUND: \$875,000

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. 2017-86

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

To provide funding for annual economic development incentive grants to idX-Baltimore, Inc. in association with the company's purchase of and relocation to the former GM plant, to be expended only by order of the Board of Supervisors as follows:

CAPITAL PROJECTS FUND: (\$40,000)

ECONOMIC DEVELOPMENT OPPORTUNITIES FUND: \$65,000

5. Approval of Budget Amendment to Correct Estimates of Tower Rental Revenue;
6. Approval of Cost Share Agreement with Keswick Land Development Corporation to Construct Regional Water and Sewer Improvements for the Courthouse Area;
7. Approval of Purchase Order to GranTurk Equipment Co., Inc. to Provide a Compost Grinder for the Livingston Landfill;
8. Approval of Records Management Policy;
9. Estates of Chancellorsville Subdivision Section 5 and Section 6 Phase III Street Acceptance to the Virginia Secondary Street System 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. 2017-87

**A RESOLUTION REQUESTING FORMATION DRIVE, IRISH BRIGADE COURT,
CHANDLER COURT AND LA ROQUE RUN DRIVE BE ADDED TO THE STATE
SYSTEM OF SECONDARY ROADS**

WHEREAS, Formation Drive, Irish Brigade Court, Chandler Court and La Roque Run Drive in the Estates of Chancellorsville Subdivision located within the Chancellor voting district 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 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. 33.2-705, 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.

10. Approval of Cost Share Agreement with Spotsylvania Courthouse Village III LLC to Construct Regional Water and Sewer Improvements for the Courthouse Area.

VOTE:

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

Appropriation & Budget Amendment for Six Additional Fire/Rescue Personnel to Assure Base-Level Staffing at Fire/Rescue Station 5

Mr. Yakabouski asked about the effect on the budget and where the money to fund these positions would come from.

On a motion by Mr. Yakabouski and passed 6 to 0 with Mr. McLaughlin absent, the Board approved the appropriation & Budget Amendment for Six Additional Fire/Rescue Personnel at Fire/Rescue Station 5.

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. 2017-88

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

To fund additional Fire/Rescue staffing and overtime needs to ensure weekend coverage of shifts at Fire/Rescue Station 5, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$505,143

PUBLIC PRESENTATIONS

Larry Plating spoke about Thomas Jefferson asking what would he say.

Mary Lou Collier asked about the status of the animal shelter to include the revenue sharing agreement between the City of Fredericksburg and Spotsylvania County.

PRESENTATIONS/REPORTS BY STAFF

Special Service District Discussion

Staff presented information on special service district requirements, the process to establish a district, and potential approaches to fund transportation projects.

COUNTY ADMINISTRATOR/COUNTY ATTORNEY REPORTS

Opioid Epidemic Department Updates

The Board requested information from County Departments related to the Opioid Epidemic. The County Administrator noted the Board received information from FREM, Social Services, County Attorney and Finance.

BOARD OF SUPERVISORS REPORTS

Mr. Yakabouski thanked staff for their efforts in coordinating the Stars and Stripes Spectacular.

Mr. Cebula commended everyone for their support of the public soccer tournament. He also announced that there were two roads being repaired in Berkeley District, the Blades Corner bridge and Massaponax Church Road.

Mr. Benton reminded citizens that Jones Powell Road was closed through the 21st. He also spoke about future funding for dirt road improvements.

Mr. Skinner clarified the square footage of the animal shelter. He also congratulated Mr. Vakos for being awarded the Governor Spotswood Award. Mr. Skinner announced VYSA was a 2 year agreement saying Spotsylvania would be hosting the tournament again next year. Additionally, he asked that the Board members be listed in the budget summary document.

Mr. Ross asked for rough numbers on the Stars and Stripes Spectacular and thanked staff for the outstanding event.

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. Yakabouski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

RESOLUTION NO. 2017-89

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, Department of Fire, Rescue and Emergency Management personnel; and

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 matter of *Zoan Baptist Church v. Spotsylvania County*, U.S. District Court for the Eastern District of Virginia, Case No. 3:17-CV-00475; and consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically matters of code enforcement; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(1) and (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:	6	Mr. Benton, Mr. Cebula, Mr. Ross, Mr. Skinner, Mr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	1	Mr. McLaughlin
Abstain:	0	

RESOLUTION NO. 2017-90

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.

PUBLIC PRESENTATIONS

None

PUBLIC HEARINGS

R16-0008 Par5 Development, LLC – Dollar General (Charles Lee Merryman), RO16-0008 (Livingston District)

Mr. Hughes presented.

The Planning Commission voted 5-2 to recommend approval of the request with the revised proffered condition and requested VDOT provide a second opinion regarding the need for a right turn lane on Courthouse Road. At the meeting the applicant offered to provide an extended right turn taper on Courthouse Road.

Staff recommended approval of RO16-0008 with the revised proffered conditions and was supportive of the 200' right turn taper as shown on the revised GDP.

Mr. Kerry Hutcherson, counsel on behalf of applicant: Gave an overview of the project and stood to answer any questions.

Mr. Ross declared the public hearing opened:

The following citizens spoke in opposition or with concerns: George Kartoudi and Gene Lancour.

The following citizen spoke in favor: Mary Lou Collier.

Mr. Ross closed the public hearing.

On a motion by Mr. Benton 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. RO16-0008

To amend the zoning map to rezone the property known as Tax Parcel 70-A-68 from Agricultural 3 (A-3) to Commercial 1 (C-1), subject to the proffered conditions attached hereto, incorporated herein, and made a part hereof.

PUBLIC HEARING: July 11, 2017

WHEREAS, Par5 Development, LLC - Dollar General (Charles Lee Merryman) requests a rezoning of 3.53 acres from Agricultural 3 (A-3) to Commercial 1 (C-1) with proffers to allow for a Dollar General retail sales establishment on a portion of the property. The property is located at 5715 Fenton Road which is located on the northeast corner of the Courthouse Road (Route 208) and Lawyers Road (Route 601) intersection. The property is located outside the Primary Development Boundary. The property is identified for Commercial development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 70-A-68. Livingston Voting District; and

WHEREAS, staff has reviewed the subject application and recommends approval of the proffer amendment 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 weeks, on June 7, 2017, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended approval of the project, with a vote of 5-2, noting traffic concerns related to the access point on Courthouse Road (Route 208) and requesting a second opinion from VDOT regarding the need for a right turn lane into the site on Courthouse Road (Route 208); and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing, duly advertised in a local newspaper for a period of two weeks, on July 11, 2017, and interested citizens were given an opportunity to be heard; and

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

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

§ 1. That the property known as Tax Parcel 70-A-68 currently zoned Agricultural 3 (A-3) shall be rezoned to Commercial 1 (C-1) subject to the proffered conditions dated June 21, 2017, attached hereto, which are incorporated herein and made a part hereof.

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

COUNTY ADMINISTRATOR/COUNTY ATTORNEY REPORTS

Strategic Plan

Mark Cole provided strategic plan outlines to the Board for their review.

NEW BUSINESS

On a motion by Mr. Cebula and passed 6 to 0 with Mr. McLaughlin absent, the Board authorized the County Attorney to engage outside council in the matter of Zoan Baptist Church v. Spotsylvania County.

VOTE:

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

ADJOURNMENT

On a motion by Mr. Benton and passed 6 to 0 with Mr. McLaughlin absent, the Board adjourned its meeting at 8:17 p.m.

VOTE:

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

Mark B. Taylor
Clerk to the Board of Supervisors