

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

APPROVAL OF AGENDA

Mr. Cebula made a motion to approve the agenda as presented. The motion passed 6 to 0 with Mr. Skinner absent from the vote.

VOTE:

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

Mr. Benton made a motion to table the discussion on the Marshall Center lease indefinitely. The motion passed 6 to 0 with Mr. Skinner absent from the vote.

VOTE:

Ayes:	6	Mr. Benton, Mr. Cebula, Mr. McLaughlin, Mr. Ross Mr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	1	Mr. Skinner
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. Benton and passed unanimously, the Board approved the amended Consent Agenda as follows:

1. Acceptance and Budget Adjustment for the FY18 Edward Byrne Justice Assistance Grant Sub-Award, Naloxone for Law Enforcement Agencies 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- 139

Approving Grant Sub-Award Agreement, Designation of Authorized Agents in the Execution and Administration of the Grant Sub-Award and Acceptance and Appropriation of FY18 Funds

WHEREAS, Spotsylvania County has applied for and received approval for a federal pass through grant from the Virginia Department of Criminal Justice Services in the amount of \$5,000 to be utilized by the Sheriff's Office for the purchase of naloxone to be administered in opiate overdose cases; and

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

WHEREAS, the County and the Sheriff's Office will administer the grant in accordance with the terms as set forth in the grant sub-award agreement.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors, that the grant award agreement between Spotsylvania County and the Virginia Department of Criminal Justice 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 Annette B. D'Alessandro, Grants Manager; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the grant in the amount of \$5,000 is accepted and 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, 2017, for expenditures in the amount of \$5,000 to be utilized only for the purchase of naloxone

to be administered in opiate overdose cases, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$ 5,000

2. Approval of Dominion Energy Right of Way Agreements;
3. Approval of Rappahannock Area Health District Agreement;
4. Approval of IT Steering Committee Bylaws by Adoption of Resolution 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- 140

Recommending Adoption of IT Steering Committee Bylaws

WHEREAS the Board of Supervisors approved the recommendation to create an IT Steering Committee "Committee" on August 8, 2017;

WHEREAS the Committee will serve as an advisory body to the County Administrator and will be review and prioritize County technology initiatives to ensure that technology projects are strategically aligned with County objectives and IT governance principles and best practices;

WHEREAS staff has drafted and presented the Committee bylaws to the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby approve the IT Steering Committee Bylaws as presented.

5. Proclamation for Human Trafficking Awareness Day 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	

PROCLAMATION

Human Trafficking Awareness Day January 11, 2018

WHEREAS, human trafficking is the fastest growing form of crime internationally, and;

WHEREAS, Spotsylvania sits in between two human trafficking hubs, Washington, D.C. and Richmond, Virginia, and;

WHEREAS, Virginia ranked 15th in the United States for most reported cases of human trafficking in 2016, and;

WHEREAS, Congress has declared January 11th to be International Human Trafficking Awareness Day, and;

WHEREAS, the Virginia legislature has also recognized January 11th as Human Trafficking Awareness Day,

NOW, THEREFORE, BE IT PROCLAIMED that the Spotsylvania Board of Supervisors does hereby recognize the day of January 11, 2018 as Human Trafficking Awareness Day in Spotsylvania, Virginia.

6. Resolution Authorizing Use of Fuel Tax Revenue for FY 2018 Transportation Purposes 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- 141

A RESOLUTION AUTHORIZING USE OF \$1,737,677 OF FUEL TAX FUNDS FOR VARIOUS FY 2018 TRANSPORTATION PURPOSES

WHEREAS, Spotsylvania County (“County”) is a member of the Potomac and Rappahannock Transportation District (“District”), a transportation district created pursuant to the Transportation District Act of 1964 (Code of Virginia, §33.2-1900, et seq.) which participates in the operation of a rail commuter mass transportation system (Code of Virginia, §58.1-2295); and

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC”) is the governing body of the District; and

WHEREAS, the Commonwealth of Virginia levies a 2.1 percent sales tax on the price charged by a distributor for fuels sold to a retail dealer for retail sale in the District (§58.1-2295); and

WHEREAS, all taxes paid to the State Tax Commissioner, after subtraction of the direct costs of administration by the Tax Department, are deposited in a special fund held by the District (Code of Virginia §58.1-2299.20); and

WHEREAS, at the request of the member jurisdiction, revenue available from the fuels tax in excess of the required payments to VRE and PRTC may be expended for any transportation purpose (Code of Virginia, §58.1-2299.20); and

WHEREAS, the County planned as part of its FY 2018 budget to fund various transportation-related activities including transportation-related staff positions and operating costs, FRED transit operations, and debt service from previously issued transportation bonds; and

WHEREAS, the County desires to use a portion of the revenue from its fuel tax account for these purposes;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby request PRTC to budget and appropriate the following amounts for reimbursement to Spotsylvania for a portion of its budgeted FY 2018 transportation expenditures:

Transportation-related positions	\$170,073.00
Transportation operating costs	\$11,792.00
FRED bus service	\$196,337.00
Debt service on previous transportation bond issues	<u>\$1,359,475.00</u>
Total	\$1,737,677.00

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized and directed to submit to PRTC requests for reimbursement of expenses incurred by the County in connection with the expenditures identified above.

7. Sawhill Subdivision Section 4B (Partial) Acceptance to the Virginia Secondary Street System (Chancellor District) 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. 2017-142

**A RESOLUTION REQUESTING STREETS IN SAWHILL SECTION 4B (Partial)
SUBDIVISION, BE ADDED TO THE STATE SYSTEM OF SECONDARY ROADS**

WHEREAS, Sawtooth Lane and Pickey Court in the Sawhill Subdivision Section 4B, 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 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. 33.2-705, 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.

8. Woods of Catharpin Acceptance to the Virginia Secondary Street System (Chancellor District) 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- 143

**A RESOLUTION REQUESTING STREETS IN THE WOODS OF CATHARPIN
SUBDIVISION, BE ADDED TO THE STATE SYSTEM OF SECONDARY ROADS**

WHEREAS, Brandy Lane, Alexis Court, and Kailee Lane 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 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. 33.2-705, 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.

Mr. Skinner requested the Board reconsider the vote for the Marshall Center lease discussion to allow him to vote. On a motion by Mr. Cebula and passed unanimously, the Board authorized the reconsideration of the Marshall Center lease discussion.

VOTE:

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

On a motion by Mr. Benton and passed unanimously, the Board removed the Marshall Center lease discussion from the agenda and tabled the discussion indefinitely.

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 PRESENTATIONS

Robert Morrison spoke about resolving the salary and compression issue for first responders.

Larry Plating, Fran Taylor and Pete Dechat requested the Board stop the process of adding fluoride to the water.

T.C. Waddy, Emmitt Marshall, Denise Regiembal, Martha Mastin and Judy Rogers spoke in support of the action taken on the Marshall Center discussion.

Mike Smith, Virginia Fredericksburg Patriots, spoke about their review of the school systems Evergreen study and requested the ability to present their review to the Board.

Mary Lou Collier questioned why the Board meeting had not been advertised in the newspaper. She asked that the Board place first responders salaries as a top budget priority.

BOARD OF SUPERVISORS REPORTS

Mr. Yakabouski shared he was holding a joint town hall meeting with Baron Braswell at 7pm this Thursday at Courtland High School. Additionally, Mr. Yakabouski asked that staff put the strategic plan back on the agenda and consideration of a Board retreat in the new year.

PRESENTATIONS/REPORTS BY OTHERS

Joint Work Session with School Board/Presentation of FY 2017 Audit Results

The Code of Virginia requires that all general-purpose local governments publish, within five months of the close of each fiscal year, a complete set of financial statements presented in conformity with accounting principles generally accepted in the United States of America and audited in accordance with governmental auditing standards generally accepted in the United States of America. The County's *Comprehensive Annual Financial Report* (CAFR) for fiscal year 2017 has been audited by Cherry Bekaert, Certified Public Accountants. The results of the audit was presented by Rob Churchman, CPA, at this joint work session with the School Board.

Additionally, the County's annual audit must include a single audit in conformity with the provisions of the U.S. Office of Management and Budget Circular A-133. Findings from this audit of the County's compliance of its major federal programs were provided at the meeting. Mr. Churchman reported on their findings and recommendations relative to the schedule of federal assistance, including the auditors' report on the internal control structure and compliance with applicable laws and regulations. The final single audit document will be provided at a later date, prior to the December 31, 2017 due date.

Discussion ensued including school carryover funds, restrictions on the public using school facilities, and combining school and county services.

On a motion by Mr. Skinner and passed unanimously, the Board approved the resolution 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- 144

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:

For appropriation of the unexpended FY 2017 local funding to Schools, to be expended only by the order of the Board of Supervisors as follows:

SCHOOL OPERATING FUND: \$1,299,423

On a motion by Mr. Yakabouski and passed unanimously, the Board directed the County Administrator to make a recommendation on which school and county services would be feasible to combine to the Board by June 1, 2017.

VOTE:

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

VOTE – CA17-0008 Zoning Ordinance Amendment 23-174 – Vehicle Sales

On October 24, 2017, the Board of Supervisors held a public hearing to consider amendments to the Zoning Ordinance to make small scale vehicle sale establishments a Special Use in Commercial 3, Industrial 1, and Industrial 2 zoning. The amendment included changes to the Definitions section to define Recreational vehicles; Vehicle sale, rental, and ancillary service establishment, large scale (two acres or greater); and Vehicle sale, rental, and ancillary service establishment, small scale (less than 2 acres). The ordinance amendment also included use-specific standards for Vehicle sale, rental, and ancillary service establishment, small scale. The Board closed the public hearing and continued the vote to November 28th.

The Special Use approach specifically targets the identified concerns related to used vehicle sales on smaller properties to ensure that the property is: 1) appropriate for the use and 2) developed appropriately to accommodate the use. The majority of issues relate to non-conforming lots that do not trigger a site plan. The other approach to consider is to amend the Non-Conforming code section to reduce the 2 year re-establishment provision. This will cycle non-conforming lots into conforming lots more quickly, at which point they will need to develop according to site plan requirements. This approach would affect all non-conforming lots.

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

VOTE:

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

AN ORDINANCE No. 23-174

An amendment to the Code of the County of Spotsylvania, Chapter 23, Zoning, Article 2, Definitions and Rules of Construction, in Section 23-2.1.4 Definitions, to define Recreational vehicles; Vehicle sale, rental, and ancillary service establishment, large scale; and Vehicle sale, rental, and ancillary service establishment, small scale; Article 4, Development Review Procedures, in Section 23-4.5.7 Standards of Review, to add use-specific standards for Vehicle sale, rental, and ancillary service establishment, small scale; and Article 5, Zoning Districts, in Section 23-6.18.3 to designate the Special Use currently called Vehicle sale, rental, and ancillary establishment to the two new terms which will be Vehicle sale, rental, and ancillary service establishment, large scale and Vehicle sale, rental, and ancillary service establishment, small scale in Commercial 2 (C-2) zoning, in Sections 23-6.19.2 and 23-6.19.3 to add Vehicle sale, rental, and ancillary service establishment, large scale as a Permitted Use and Vehicle sale, rental, and ancillary service establishment, small scale as a Special Use in Commercial 3 (C-3) zoning, Sections 23-6.21.2 and 23-6.21.4 to add Vehicle sale, rental, and ancillary service establishment, large scale as a Principle Use Permitted and Vehicle sale, rental, and ancillary service establishment, small scale as a Special Use in Industrial 1 (I-1) zoning, Sections 23-6.22.2 and 23-6.22.4 to add Vehicle sale, rental, and ancillary service establishment, large scale as a Principle Use Permitted and Vehicle sale, rental, and ancillary service establishment, small scale as a Special Use in Industrial 2 (I-2) zoning, Section 23-6.28.5(c) to designate the Permitted Use currently called Vehicle sale, rental, and ancillary establishment to the two new terms which will be Vehicle sale, rental, and ancillary service establishment, large scale and Vehicle sale, rental, and ancillary service establishment, small scale in in Mixed Use (MU-4, MU-5) zoning.

PUBLIC HEARING:

THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 23, Article 2, consisting of section 23-2.1.4, Article 4, consisting of section 23-4.5.7, and Article 5, consisting of sections 23-6.19.2, 23-6.19.3, 23-6.21.2, 23-6.21.4, 23-6.22.2, and 23-6.22.4, be and is hereby **amended** and reordained as follows:

Sec. 23-2.1.4. - Definitions.

Recreational vehicles means a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Vehicle sale, rental, and ancillary service establishment, large scale means any use of two (2) acres or greater of land whereon the primary occupation is the sale, rental, and ancillary service of vehicles in operating condition including, but not limited to, automobiles, motorcycles, ambulances, taxicabs, vans, and recreational vehicles.

Vehicle sale, rental, and ancillary service establishment, small scale means any use of fewer than two (2) acres of land whereon the primary occupation is the sale, rental, and ancillary service of vehicles in operating condition including, but not limited to, automobiles, motorcycles, ambulances, taxicabs, vans, and recreational vehicles.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-72, 4-22-97; Ord. No. 23-73, 8-12-97; Ord. No. 23-78, 2-9-99; Ord. No. 23-79, 4-13-99; Ord. No. 23-82, 8-24-99; Ord. No. 23-89, 12-12-00; Ord. No. 23-95, 9-25-01; Ord. No. 23-97, 10-23-01; Ord. No. 23-100, 4-9-02; Ord. No. 23-103, 2-11-03; Ord. No. 23-111, 1-11-05; Ord. No. 23-119, 9-11-07; Ord. No. 23-120, 10-9-07; Ord. No. 23-124, 2-12-08; Ord. No. 23-126, 9-23-08; Ord. No. 23-131, 3-10-09; Ord. No. 23-135, 12-8-09; Ord. No. 23-142, 2-8-11; Ord. No. 23-144, 11-10-11; Ord. No. 23-151, 1-8-13; Ord. No. 23-153, 2-12-13; Ord. No. 23-154, 2-26-13; Ord. No. 23-160, 1-13-15; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-163, 9-13-16; Ord. No. 23-166, § 1, 12-13-16; Ord. No. 23-173, § 1, 11-9-17; Ord. No. 23-174, 11-28-17)

Sec. 23-4.5.7. - Standards of review.

The Planning Commission shall not recommend, nor shall the Board of Supervisors approve, the proposed special use unless it satisfies the following standards:

(d) *Use specific standards in the C-2, C-3, I-1, and I-2 districts:*

(1) Use specific standards related to Vehicle sale, rental, and ancillary service establishment, small scale:

(a) In addition to the application requirements in Sec. 23-4.5.3, the following shall be required submissions:

1. Vehicle delivery statement which details how stock vehicles will be delivered onto the lot.
2. A minimum of ten (10) paved vehicle stock spaces are required per dealership.

3. Certified parking plan drawn to scale that shows ingress and egress, loading zone, all parking spaces labeled with dimensions, and designates which parking spaces are for use by customers, employees, and vehicle stock.

i. Indicate which entrance and/or driveway(s) any vehicle delivery truck will use to access the lot and the loading space(s).

ii. For dealerships sharing one lot, the parking plan must demonstrate that the parking requirements are met for each individual dealership.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-72, 4-22-97; Ord. No. 23-120, 10-9-07; Ord. No. 23-173, § 2, 11-9-17; Ord. No. 23-174, 11-29-17)

DIVISION 18. -COMMERCIAL 2 (C-2) DISTRICT

Sec. 23-6.18.3. - Special uses.

The following uses may be established as special uses in the Commercial 2 (C-2) district, subject to approval by the Board of Supervisors in accordance with Article 4, Division 5 of this Chapter:

- (20) Vehicle sale, rental and ancillary service establishment, small scale;
- (21) Vehicle sale, rental and ancillary service establishment, large scale;
- (22) Wetland mitigation bank;
- (23) Wholesale trade establishments;

(Ord. No. 23-66, 10-24-95; Ord. No. 23-79, 4-13-99; Ord. No. 23-97, 10-23-01; Ord. No. 24-104(Errata), 3-11-03; Ord. No. 23-152, 1-8-13; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-174, 11-28-17)

DIVISION 19. - COMMERCIAL 3 (C-3) HIGHWAY DISTRICT

Sec. 23-6.19.2. - Permitted uses.

The following uses may be established as permitted uses in the Commercial 3 (C-3) highway district, subject to site plan approval:

- (51) Vehicle sale, rental, and ancillary service establishment, large scale;

(Ord. No. 23-66, 10-24-95; Ord. No. 23-81, 6-22-99; Ord. No. 23-98, 2-12-02; Ord. No. 23-105, 6-24-03; Ord. No. 23-152, 1-8-13; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-174, 11-28-17)

Sec. 23-6.19.3. - Special uses.

The following uses may be established as special uses in the Commercial 3 (C-3) highway district, subject to approval by the Board of Supervisors in accordance with Article 4, Division 5 of this Chapter:

- (18) Vehicle sale, rental, and ancillary service establishment, small scale;
- (19) Wetland mitigation bank.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-81, 6-22-99; Ord. No. 23-82, 7-13-99; Ord. No. 23-83, 8-24-99; Ord. No. 23-97, 10-23-01; Ord. No. 23-98, 2-12-02; Ord. No. 23-103, 2-11-03; Ord. No. 23-152, 1-8-13; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-174, 11-28-17)

DIVISION 21. - INDUSTRIAL (1) (I-1) DISTRICT

Sec. 23-6.21.2. - Principle uses permitted.

The following principle uses may be established as permitted uses in the industrial 1 (I-1) district, subject to site plan approval:

- (32) Vehicle sale, rental, and ancillary service establishment, large scale;

(Ord. No. 23-66, 10-24-95; Ord. No. 23-73, 8-12-97; Ord. No. 23-129, 12-9-08; Ord. No. 23-152, 1-8-13; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-174, 11-28-17)

Sec. 23-6.21.4. - Special uses.

The following uses may be established as special uses in the Industrial 1 (I-1) district, subject to approval by the Board of Supervisors in accordance with Article 4, Division 5 of this Chapter:

- (18) Vehicle sale, rental, and ancillary service establishment, small scale; (19) Wetland mitigation bank;

- (20) Wood by-products recycling center.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-78, 2-9-99; Ord. No. 23-81, 6-22-99; Ord. No. 23-82, 7-13-99; Ord. No. 23-97, 10-23-01; Ord. No. 23-100, 4-9-02; Ord. No. 23-103, 2-11-03; Ord. No. 23-120, 10-9-07; Ord. No. 23-152, 1-8-13; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-174, 11-28-17)

DIVISION 22. - INDUSTRIAL 2 (I-2) DISTRICT

Sec. 23-6.22.2. - Principle uses permitted.

The following principle uses may be established as permitted uses in the Industrial 2 (I-2) district, subject to Site Plan approval:

- (34) Vehicle sale, rental and ancillary service establishment, large scale;

(Ord. No. 23-66, 10-24-95; Ord. No. 23-152, 1-8-13; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-174, 11-28-17)

Sec. 23-6.22.4. - Special uses.

The following uses may be established as special uses in the Industrial 2 (I-2) district, subject to approval by the Board of Supervisors in accordance with the procedures established in Article 4, Division 5 of this Chapter:

- (25) Vehicle sale, rental, and ancillary service establishment, small scale;

- (26) Wetland mitigation bank;

- (27) Wood by-products recycling center.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-97, 10-23-01; Ord. No. 23-120, 10-9-07; Ord. No. 23-122, 10-9-07; Ord. No. 23-152, 1-8-13; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-174, 11-28-17)

DIVISION 28. - MIXED USE (MU) DISTRICT

Sec. 23-6.28.5. - Uses.

(a) *Permitted uses.*

- (1) This section establishes the uses allowed in each sub-district. A lot or building shall be occupied with only the land uses allowed in subsection 23-6.28.5(c).
- (2) Any one or more uses identified in subsection 23-6.28.5(c) as being allowed within a specific sub-district may be established on any parcel within that sub-district, subject to the use table, and in compliance with all applicable requirements of this district.

(b) *Use standards.*

(1) *Ground story uses in all districts.*

- a. Allowed ground story uses may extend into upper stories without regard for the upper story allowed uses listed on the use table below.

(c) *Use table.*

	MU-1	MU-2	MU-3	MU-4, MU-5	
	All Floors	All Floors	All Floors	Ground Story	Upper Stories
Vehicle sale, rental and ancillary service establishment, small scale	—	—	—	P	—
Vehicle sale, rental and ancillary service establishment, large scale	—	—	—	P	—

(Ord. No. 23-150, 9-25-12; Ord. No. 23-160, 1-13-15; Ord. No. 23-174, 11-28-17)

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

Update on Zoning Public Hearing Letters

On October 24th staff shared with the Board an example of mailing costs at various notification radii for a case located within the Primary Development Boundary. The Board requested cost data representing one year's worth of cases at the 3,000 foot radius. In FY17, there were 17 rezoning and special use cases. The number of properties within 3,000 feet of these projects ranged from 56 to 1134 parcels with a median of 633 parcels. The additional postage cost to send public hearing notification letters to these properties is \$9,710. The volume of letters will necessitate the use of a mail service, which is an additional \$7,713, bringing the total cost to approximately \$17,500. This assumes one mailing for the Planning Commission hearing and one mailing for the Board of Supervisors hearing. An additional mailing is required if a public hearing is continued. The expected cost to the County to implement a 3,000' radius mailing is between \$17,000 and \$20,000 annually.

On a motion by Mr. McLaughlin and passed unanimously, the Board approved extending the notification radii for zoning public hearing letters to the 3,000 foot radius.

VOTE:

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

Drinking Water Fluoridation Informational Presentation

An informational presentation regarding the Utilities Department drinking water fluoridation program was given alongside the Rappahannock Area Health District.

Discussion ensued including whether internal use of flouride use causes organ damage, whether the flouride used by the County was pharmaceutical or industrial grade, and the percentage of communities that do not use fluoridated water across the nation.

The Board directed the County Administrator to reach out to the City of Fredericksburg to let them know the County was considering removing flouride from the water. Staff was also directed to bring back the information requested at the second meeting in January.

Discussion Regarding the Organization of Committee Bylaws and Proposed Board Bylaws for January 2018

As the Board has created committees over the years, practices have changed regarding organizational documents and Board practices. Organizational documents for Board Committees are difficult to identify and update, the bylaws of Board Committees contain inconsistencies with Board bylaws, and some Board practices are inconsistent with Board bylaws.

CLOSED MEETING

On a motion by Mr. Yakabouski 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. 2017-145

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a 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 Berkeley District; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a 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 retail support manufacturing business; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a 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 matters of planning and zoning and legal advice regarding the Public-Private Education Facilities and Infrastructure Act of 2002 (the "PPEA"); and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(3), (5) and (8), 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 aforestated 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. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2017-146

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. Skinner and passed unanimously, the Board adjourned its meeting at 10:40 p.m.

VOTE:

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

Mark B. Taylor
Clerk to the Board of Supervisors