

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

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

### **APPROVAL OF AGENDA**

On a motion by Mr. Benton and passed unanimously, the Board approved the agenda as presented.

#### **VOTE:**

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

### **APPROVAL OF THE CONSENT AGENDA**

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

On a motion by Mr. Benton and passed unanimously, the Board approved the Consent Agenda as follows:

1. Approval of the Minutes of the November 9, 2017 Board of Supervisors Meeting;
2. Approval of Additional Overtime funding for Building Office to Complete Increased Permit and Plan Reviews 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. 2017-147**

**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.

For additional overtime funding related to permit and plan review, to be expended only by order of the Board of Supervisors as follows:

**Code Compliance Fund:** \$35,882

3. Approval of Purchase Order to Atlantic Emergency Solutions for 2018 Pierce Enforcer Pumper;
4. Budget Adjustment and Appropriation for the Acceptance of the 2017 Rathmann Challenge Honorable Mention Grant Award 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. 2017-148**

**Designation of Authorized Agents in the Execution and Administration of the Grant  
Award and Acceptance and Appropriation of FY 2018 Funds**

**WHEREAS**, Spotsylvania County has applied for and received approval for an Honorable Mention Foundation Grant Award from the Rathmann Family Foundation in the amount of \$10,000 to be utilized by the Utilities/Public Works Department for construction costs related to the expansion of the green waste composting operations; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Spotsylvania County Board of Supervisors, that the 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; Ben Loveday, Deputy Director of Utilities/Public Works, 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 \$10,000 is accepted and that the Capital 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 \$10,000 to be utilized only for construction costs related to the expansion of green waste composting, to be expended only by order of the Board of Supervisors as follows:

**CAPITAL FUND: \$10,000**

5. De-Appropriation of the FY17 Highway Safety Grant Program Selective Enforcement for Alcohol 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. 2017-149**

**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.

For costs associated with federal grant revenue received from the Virginia Department of Motor Vehicles Highway Safety Grant Program to meet strategic highway safety goals by the Sheriff's Office, to be expended by order of the Board of Supervisors as follows:

**GENERAL FUND: (\$37,818)**

6. De-Appropriation of the FY17 Highway Safety Grant Program Selective Enforcement for Speed 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. 2017-150**

**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.

For costs associated with federal grant revenue received from the Virginia Department of Motor Vehicles Highway Safety Grant Program to meet strategic highway safety goals by the Sheriff's Office, to be expended by order of the Board of Supervisors as follows:

**GENERAL FUND: (\$5,377)**

7. Reappointment of Marc Smith to the Economic Development Authority (EDA);
8. Resolution for Virginia State Parks 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. 2017-151**

**For full funding for Virginia State Parks**

**WHEREAS**, Virginia State Parks are a critical element of Virginia's travel and tourism infrastructure contributing to over \$224 million to state and local economies; and

**WHEREAS**, Lake Anna State Park in Spotsylvania County attracted 400,893 visitors in 2016 and, according to a Virginia Tech study, generated over \$12.7 million in total visitor spending and \$16.0 million in local economic activity; and

**WHEREAS**, the Lake Anna State Park collected \$5,629,310 from non-resident spending; and

**WHEREAS**, tourists travel through Spotsylvania County to get to this and other Virginia State Parks in Potomac Virginia to include but not limited to Leesylvania State Park, Caledon State Park, Mason Neck State Park, Westmoreland State Park and Widewater State Park; and

**WHEREAS**, the Lake Anna State Park is given back or allowed to keep 48.51% of its revenue to apply to its operating expense, while comparable State Parks (Smith Mountain Lake, Occoneeche, and Claytor Lake) keep an average of 63.39% of their revenues for their operations.

**NOW, THEREFORE, BE IT RESOLVED** by the Spotsylvania County Board of Supervisors, by this Resolution, formally requests that the members of the Virginia General Assembly support full funding for Virginia State Parks and their facilities, infrastructure, and authorized future construction as detailed in the Virginia Association for Parks Needs Assessment; and

**BE IT FURTHER RESOLVED** that the Spotsylvania County Board of Supervisors formally requests that the members of the Virginia General Assembly support equitable funding to Lake Anna State Park on par with funding (as a percentage of revenue) afforded to comparable State Parks (Smith Mountain Lake, Occoneeche, and Claytor Lake); and

**BE IT FURTHER RESOLVED** that the Spotsylvania County Board of Supervisors formally requests the Virginia Association of Counties place this issue in their legislative agenda and support it in the General Assembly.

9. Sheriff's Office Request to Reallocate Funds from Asset Forfeiture to the Capital Projects Fund for Specialty Equipment Vehicle Carport 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. 2017-152**

**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.

For reallocation of asset forfeiture funding between the General Fund and Capital Projects Fund to allow for the purchase of a specialty equipment vehicle carport, to be expended only by order of the Board of Supervisors as follows:

**GENERAL FUND:** (\$36,000)

**CAPITAL PROJECTS FUND:** \$36,000

10. Sheriff's Office Request to Convert Two Part-Time Personnel Positions to One Full-Time Position;
11. Updates to the County's Public-Private Education Facilities Infrastructure Act of 2002 (PPEA) and Public-Private Transportation Act of 1995 (PPTA) Policy 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. 2017-153**

#### **A RESOLUTION TO ADOPT THE PUBLIC-PRIVATE EDUCATION FACILITIES INFRASTRUCTURE ACT (PPEA) GUIDELINES OF SPOTSYLVANIA COUNTY, VIRGINIA**

WHEREAS, the Board of Supervisors of Spotsylvania County (hereinafter the "Board") has in accordance with Virginia Code Section 56-575.1 *et seq.*, adopted Public-Private Education Facilities Infrastructure Act (PPEA) Policy to allow the County to participate in PPEA procurements. Further, the Board has also adopted a Public-Private Transportation Act (PPTA) Policy to allow the County to participate in PPTA procurements; and

WHEREAS, the Board further finds that it is desirable for the County to repeal those portions of its previously adopted PPEA Policy to further this purpose due to changes in the Virginia Code and to better set forth proper procedures and guidelines to enter into these types of procurements; and

WHEREAS, the Board further finds that it is desirable for the County to repeal its previously adopted PPTA Policy to further this purpose at this time; and

NOW, THEREFORE, the Board does by this resolution repeal the previously adopted PPEA Policy of Spotsylvania County, Virginia, and does hereby adopt the PPEA Guidelines as set forth in the attached version hereto which version is incorporated herein and made a part hereof. The Public-Private Education Facilities Infrastructure Act (PPEA) Guidelines shall be in force and effect upon adoption of this Resolution. Further, the Board does by this resolution repeal the previously adopted Public-Private Transportation Act (PPTA) Policy.

### **PUBLIC PRESENTATIONS**

Heather LaBelle and Erin West spoke in support of the tuition free policy for Spotsylvania County school employees who live out of the county.

## **VDOT Report**

Sean Nelson from VDOT was present. He reviewed the December VDOT Report provided to the Board.

## **PRESENTATIONS/REPORTS BY STAFF**

### **Citizen Budget Review Committee - Report**

The Citizen Budget Review Committee gave their second quarterly report for FY18.

Discussion ensued including benefit packages between the county and schools, to include health insurance for retirees.

The Board asked staff to look into the differences in benefit packages between the county and schools and come back with information at the second meeting in January.

### **Investment Policy Updates**

The Treasurer has recently made revisions to the County's Investment Policy. The last formal revisions to the Policy were adopted in December 2011. The Treasurer periodically revisits the Policy in order to ensure that it continues to meet the County's investment objectives. The revisions being implemented were designed to better enable the County to achieve its investment objectives, better describe risk-management procedures, and improve transparency in reporting.

A summary of the Investment Policy was presented by Larry Pritchett, Treasurer, and Kathleen Bowe from PFM Asset Management LLC, the County's investment advisor.

### **Rappahannock Goodwill Industries – Brief Presentation**

Donnie Tolson, President and CEO of Rappahannock Goodwill Industries, gave a brief presentation about how they are fulfilling their mission to create jobs locally, prepare people to succeed at work, and help them overcome barriers to employment.

### **VOTE SUP16-0013 – Milestone T-Mobile Telecommunications Tower (Chancellor District)**

On November 9, 2017, the Board of Supervisors closed the public hearing and continued this case until December 12, 2017. During the same meeting the applicant consented to extend the Shot Clock to December 12th as well. Since the public hearing, the applicant has submitted documentation from Dominion clarifying that co-location within the existing substation is not possible. The applicant has also submitted an e-mail from Dominion noting that structural improvements to the transmission tower immediately north would not be possible. The applicant

has submitted a revised engineering letter conforming to the Planning Commission's recommended condition.

The applicant requested a special use permit to place a 150-foot tall monopole communication tower with a 6-foot lightning rod (156 feet total height) within a 2,590 sq. ft., fenced equipment area on a 13.46 acre parcel addressed as 11100 Gordon Rd. The property is located approximately 1,700 feet west and behind the Salem Fields Community Church located at the southwest corner of the intersection of Gordon Road and Salem Fields Boulevard. Approximately 660 feet further south is the neighborhood of Ni River Village. The property is currently improved with an electrical substation, zoned Rural (RU) and has a Future Land Use designation of Institutional per the Comprehensive Plan. Tax map parcel 21-A-93A.

Charlie Payne, counsel on behalf of the applicant: He gave an overview of the project and stood to answer any questions.

The Board previously closed the public hearing but granted citizen comments.

Jason Hiney spoke with concerns on behalf of the Ni River Landing Home Owners Association.

Charlie Payne, counsel on behalf of the applicant: He said the priority would be the pine pole if possible.

On a motion by Mr. Ross and passed unanimously, the Board adopted the resolution 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. 2017-154**

**SUP16-0013 Milestone Communications, Inc. Telecommunication Tower**

**WHEREAS**, Milestone Communications, Inc., requests a maximum 150 foot tall monopine communication tower with a 6 foot lightning rod capable of hosting up to 5 total antenna platforms or a maximum 140 foot monopole communication tower with a 6 foot lightning rod capable of hosting up to 3 total antenna platforms at 11100 Gordon Road on property owned by the Virginia Electric and Power Company and south of its Chancellor Substation. The property is located approximately 1700 feet west and behind the Salem Fields Community Church located at the southwest corner of the intersection of Gordon Road and Salem Fields Boulevard. The proposed tower will be within a 2,590 sq. ft. equipment area which is proposed on the same 13.62 acre parcel. The parcel is zoned Rural (RU). The Comprehensive Plan identifies the property as outside of the Primary Development Boundary and the Future Land Use Map identifies this area for Institutional Land Uses. Tax Parcels 21-A-93A; and



**WHEREAS**, staff has reviewed the subject application and recommends approval with conditions as stated in the staff report and the executive summary; and

**WHEREAS**, the Spotsylvania County Planning Commission held a public hearing on September 20, 2017, duly advertised in a local newspaper for a period of two weeks, 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 5-1 with conditions, adding a condition requiring the tower be designed to fall away from onsite power lines; and

**WHEREAS**, the Spotsylvania County Board of Supervisors held a public hearing on November 9, 2017, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

**WHEREAS**, the Spotsylvania County Board of Supervisors closed the public hearing and continued the case to the Board of Supervisors' meeting scheduled for December 12, 2017 by a vote of 4-3; and

**WHEREAS**, the Spotsylvania County Board of Supervisors considered the Special Use Permit request in accordance with Sec. 23-4.5.7, Standards of Review of the Spotsylvania County Code ("Code"), and finds that the application with the recommended conditions satisfy the following standards:

1. That the proposed use is in accord with the Comprehensive Plan and other official plans adopted by the County;
2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard; and

8. That the proposed use will have no unduly adverse impact on environmental or natural resources.

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

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors does hereby approve SUP16-0013 with the conditions listed below:

1. The telecommunications tower and compound shall be developed in conformance with the Generalized Development Plan ("GDP") titled "Special Use Permit, TAX MAP 21-A-93A, DVP CHANCELLOR SUBSTATION, 11100 GORDON ROAD, FREDERICKSBURG, VA 22407" dated November 21, 2016 and last revised December 11, 2017.
2. New evergreen trees as shown on the GDP Sheet Z-8 shall be installed at a minimum height of 4 feet.
3. The final site design and operation of the facility must be in compliance with all other standards outlined in Sec. 23-7A.4.1 of the Code, except for Sec. 23-7A.4.1.10 which has been waived as a condition of this permit, 23-7A.4.1.6, and 23-7A.4.1.2.
4. If the operation of this site causes any interference to surrounding broadcast television receivers, amateur radio operations, or County radio system operations, the applicant shall investigate the complaint within thirty (30) days of notice via Certified Mail from the Spotsylvania Information Technology Department and work with the Federal Communications Commission, Information Technology Department, and Public Safety Department to correct the problem if it is found to be the fault of the one of the tower vendors.
5. The tower's breakpoint shall be designed to have the tower bend away from existing powerlines in the event of failure.

**BE IT FINALLY RESOLVED** that the Spotsylvania County Board of Supervisors' approval and adoption of any conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

#### Discussion of Board Bylaws for 2018 and Board Committee Bylaws

Ms. Cooke reviewed proposed substantive changes to Board Bylaws for Board direction.

Mr. Trampe asked the County Attorney to look into implementing perfecting amendments.

Mr. Yakabouski stated he would like all agenda attachments to be included the day the agenda goes live.

### General Assembly Legislative Agenda

Each year the Board adopts its legislative priorities for the upcoming General Assembly session. Mr. Cole presented a draft proposal for the upcoming session.

Discussion ensued including supporting the gas floor tax for VRE, relaxing the Dillon Rule, and resisting unfunded mandates.

On a motion by Mr. Cebula and passed unanimously, the Board adopted the proposed Legislative Agenda as presented.

#### VOTE:

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

### PUBLIC PRESENTATIONS

Vivica Berry, Mike Berry, and Mike Smith gave a presentation on the Spotsylvania County Schools Evergreen Study.

Larry Plating requested the Board stop the process of adding fluoride to the water and shared studies showing

Judy Lawrence, Anthony Lofaro, Jean Bourgeron and Jennifer Toyte spoke in support of school funding.

### BOARD REPORTS

Mr. Yakabouski shared that 2 consolidation studies would be posted to his Facebook page. He spoke about misinformation and said the public needed an explanation as to why the Virginia Patriots were on the agenda and then removed.

Mr. Cebula said he enjoyed his past 4 years as a Supervisor and wished everyone a Merry Christmas and a blessed New Year.

Mr. Benton shared he was not a member of the tea party and asked everyone to control their emotions during budget discussions.

Mr. Trampe thanked Mr. Cebula for his service and commitment to the County saying Mr. Cebula treated his position as a full-time job.

Mr. Skinner thanked Mr. Cebula for being a friend to him and to the county. Mr. Skinner said that the Board needs to remain control and be consistent with rules in the new year. He wished the county a happy holiday.

Mr. Ross gave an overview of government operation highlights, community event highlights, government service enhancements and new business attraction and job creation for 2017.

## **PUBLIC HEARINGS**

### **Public Hearing to Amend (BPOL) Business License Sec. 11.1-3**

Debbie Williams presented. Following a public hearing on this matter, staff recommended the Board of Supervisors approves the amendment to County Code Chapter 11.1, Section 11.1-3 to raise the threshold at which a business license is required from \$750,000 to \$1,000,000 consistent with the intent approved as part of the FY 2018 Budget.

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. 11.1-6**

To amend Spotsylvania County Code Chapter 11.1 – Licenses, Section 11.1-3. – License requirement, Subsection (a) to raise the threshold of annual gross receipts needed before a business license is required from Seven Hundred Fifty Thousand Dollars (\$750,000) to One Million Dollars (\$1,000,000) and to amend Section 11.1-10. License fee and tax, Subsection (a) to reflect the increase to One Million Dollars and remove the provision related to the Fifty Thousand Dollar (\$50,000) exemption, which is no longer applicable due to the requirement that annual gross receipts of One Million Dollars (\$1,000,000) or more requires the owner to pay the license tax on the entire amount of the annual gross receipts.

#### **PUBLIC HEARING: December 12, 2017**

**WHEREAS**, the Board of Supervisors requested an increase in the amount of gross receipts from Seven Hundred Fifty Thousand Dollars (\$750,000) to One Million Dollars

(\$1,000,000) as the threshold for requiring a business license under Spotsylvania County Code Section 11.1-3., Subsection (a); and

**WHEREAS**, this change necessitates an amendment to Section 11.1-10., Subsection (a) to remove the Fifty Thousand Dollar (\$50,000) exemption as it is no longer applicable due to the requirement that annual gross receipts of One Million Dollars (\$1,000,000) or more requires the owner to pay the license tax on the entire amount of the annual gross receipts; and

**WHEREAS**, the Spotsylvania County Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on December 12, 2017, and interested citizens were offered the opportunity to be heard.

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

§ 1. That Chapter 11.1, Section 11.1-3., Subsection (a) be and hereby is **amended** and reordained as follows:

Sec. 11.1-3. - License requirement.

(a) Every person engaging in this county in any business, trade, profession, occupation or calling (collectively hereinafter "a business") as defined in this chapter, with annual gross receipts of one million dollars (\$1,000,000) or more for the license year, unless otherwise exempted by law, shall apply for a license for each such business if (i) such person maintains a definite place of business in this county, (ii) such person does not maintain a definite office anywhere but does maintain an abode in this county,

which abode for the purposes of this chapter shall be deemed a definite place of business, or (iii) there is no definite place of business but such person operates amusement machines, is engaged as a peddler or itinerant merchant, carnival or circus as specified in §§ 58.1-3717, 58.1-3718, or 58.1-3728, respectively of the Code of Virginia, or is a contractor subject to § 58.1-3715 of the Code of Virginia, or is a public service corporation subject to § 58.1-3731 of the Code of Virginia. A separate license shall be required for each definite place of business. A person engaged in two (2) or more businesses or professions carried on at the same place of business may elect to obtain one (1) license for all such businesses and professions if all of the following criteria are satisfied: (i) each business or profession is licensable at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of this county; (ii) all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and (iii) the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.

(Ord. No. 9-24-96; Ord. No. 11.1-1, 7-8-97; Ord. No. 11.1-4, 11-13-07; Ord. No. 11.1-5, 6-12-12; Ord. No. 11.1-6, 12-12-17)

§ 2. That Chapter 11.1, Section 11.1-10., Subsection (a) be and hereby is **amended** and reordained as follows:

Sec. 11.1-10. - License fee and tax.

(a) Every person or business subject to licensure under this chapter, with annual gross receipts of one million dollars (\$1,000,000) or more, except as may be otherwise provided in §§ 58.1-3712, 58.1-3712.1 and 58.1-3713 of the Code of Virginia, shall pay the license tax on the entire amount of gross receipts.

1. For contractors and persons constructing for their own account for sale, eight cents (\$0.08) per one hundred dollars (\$100.00) of gross receipts;
2. For retailers, ten cents (\$0.10) per one hundred dollars (\$100.00) of gross receipts;
3. For financial, real estate and professional services, twenty-nine cents (\$0.29) per one hundred dollars (\$100.00) of gross receipts;
4. For repair, personal and business services and all other businesses and occupations not specifically listed or exempted in this chapter or otherwise by law, eighteen cents (\$0.18) per one hundred dollars (\$100.00) of gross receipts;
5. For wholesalers, two and one-half cents (\$0.025) per one hundred dollars (\$100.00) of purchases;
6. For carnivals, circuses and speedways, one thousand dollars (\$1,000.00) for each performance held in this county;
7. For fortune tellers, clairvoyants and practitioners of palmistry, eighteen cents (\$0.18) per one hundred dollars (\$100.00) of gross receipts not to exceed one thousand dollars (\$1,000.00) per year;
8. For land developers, eighteen cents (\$0.18) per one hundred dollars (\$100.00) of gross receipts. For the purposes of this section, a land developer is defined as a person who improves, or causes to be improved, a parcel of real estate by surveying the parcel into smaller parcels or lots, or installing public or private sewer and water facilities, or constructing roadways to serve the parcel with the intent of reselling the parcel of real estate, either in whole or in part, for residential, commercial or industrial development.
9. For itinerant merchants or peddlers, ten cents (\$0.10) per one hundred dollars (\$100.00) of gross receipts not to exceed five hundred dollars (\$500.00) per year. This section shall not apply to the following persons:

(1) Persons who sell or offer for sale in person or by their employees ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale. Such persons are not subject to taxation under this chapter; and

(2) An individual who sells or offers for sale, in person, goods, which have been grown, produced, improved or enhanced by such individual, in one (1) of the following situations:

a. At a bazaar held in a place operated by a bona fide nonprofit charitable organization, which is conducted to raise money for such organizations, provided, that such individual does not participate in more than four (4) bazaars or craft shows per calendar year in this county; or

b. At a bazaar held in a public building (including schools), which is conducted to raise money for a bona fide nonprofit organization, provided, that such individual does not participate in more than four (4) bazaars or craft shows per calendar year in this county; or

c. At a craft show held outside of the places identified in subsections a. and b. above, provided (i) that the sponsor of the craft show pays a sum equal to the itinerant merchant's business license tax for each person participating in the craft show; and (ii) that such individual does not participate in more than four (4) bazaars or craft shows per calendar year in this county. A sponsor's total obligation for any single craft show shall not exceed the sum of fifteen hundred dollars (\$1,500.00); or

d. A sale of goods by persons participating in fund raising activities for a bona fide nonprofit service organization where the proceeds from the rental of the sales space, table, booth or the like are delivered to such organization, where such organization does not conduct more than four (4) such fund raising activities per calendar year and where the seller has not participated in a total of more than four (4) activities exempted under this section per calendar year.

(3) A licensed wholesale dealer who sells and, at the time of such sale, delivers merchandise to retail merchants;

(4) A distributor or vendor of motor fuels and petroleum products;

(5) A distributor or vendor of seafood who catches seafood and sells only the seafood caught by him;

(6) A farmer or producer of agricultural products who sells only the farm or agricultural products produced or grown by him;

(7) A farmers' cooperative association;

(8) A manufacturer who is subject to Virginia tax on intangible personal property who peddles at wholesale, only the goods, wares or merchandise manufactured by him at a plant, whose intangible personal property is taxed by this Commonwealth;

(9) A sale of goods by students participating in a business education program in a school;

(10) A sale of goods by persons participating in fund raising activities for a school-sponsored organization or for a bona fide nonprofit charitable organization, where all of the proceeds of such sale are delivered to such organization.

10. For photographers, eighteen cents (\$0.18) per one hundred dollars (\$100.00) of gross receipts; provided, however, every such person who has no regularly established place of business in this state and who provides photographers' services consisting of taking of pictures or the making of pictorial reproductions in this state and every agent or canvasser for such photographer and who conducts or engages in business in the county shall pay for the privilege an annual license tax of thirty dollars (\$30.00).

11. For direct sellers as defined in § 58.1-3719.1 of the Code of Virginia with total annual sales in excess of ten (\$0.10) cents per one hundred dollars (\$100.00) of total annual retail sales or two and one-half cents (\$0.025) per one hundred dollars (\$100.00) of total annual wholesale sales, whichever is applicable.

(Ord. of 9-24-96; Ord. No. 11.1-2, 10-14-03; Ord. No. 11.1-4, 11-13-07; Ord. No. 11.1-5, 6-12-12; Ord. No. 11.1-6, 12-12-17)

§ 3. These ordinance amendments to Chapter 11.1-3(a) and 11.1-10(a) shall be effective January 1, 2018.

#### **R17-0007 (R017-0007) Afton (Battlefield District)**

Patrick White presented. The Planning Commission recommended approval with proffers on November 15, 2017 by a vote of 6-1. Staff recommended approval of Ordinance RO17-0009 which included proffers dated October 18, 2017.

Charlie Payne, counsel on 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 citizens spoke in opposition or with concerns: Bill Rollings.

Mr. Ross closed the public hearing.

Charlie Payne, counsel on behalf of the applicant: He shared that by State Code and County Ordinance all water on this site would be contained.

On a motion by Mr. Yakabouski and passed 6 to 1 with Mr. Benton opposed, the Board adopted the ordinance 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	

AN ORDINANCE No. RO17-0007

To amend the zoning map to rezone the property known as Tax Parcels 24-A-92A, 36-A-113, 36-A-114, 36-A-115, and 24-5-2 Residential 1(R-1) to Planned Development Housing 2 (PDH-2), subject to the proffered conditions attached hereto, incorporated herein, and made a part hereof.

**PUBLIC HEARING: December 12, 2017**

**WHEREAS**, Benchmark Road Investments, LLC request a rezoning of 18.8669 acres from Residential 1 (R-1) to Planned Development Housing 2 (PDH-2) with proffers to allow for 29 single family detached residential units. The properties consist of 4105, 4107, 4109 and 4113 Mine Rd., and 10726 Auburn Ln., which are located approximately 750 feet west of the intersection of Mine Rd. and Lansdowne Rd. The properties are located within the Primary Development Boundary. The properties are identified for Low Density Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 24-A-92A, 36-A-113, 36-A-114, 36-A-115, and 24-5-2. Battlefield Voting District; and

**WHEREAS**, staff has reviewed the subject application and recommends approval of the rezoning with proffers as stated in the staff report and executive summary; and

**WHEREAS**, the Spotsylvania County Planning Commission held a public hearing on November 15, 2017, duly advertised in a local newspaper for a period of two weeks, 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 6-1; and

**WHEREAS**, the Spotsylvania County Board of Supervisors held a public hearing on December 12, 2017, duly advertised in a local newspaper for a period of two weeks, 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 properties known as Tax Parcels 24-A-92A, 36-A-113, 36-A-114, 36-A-115, and 24-5-2 currently zoned Residential 1 (R-1) are rezoned to Planned Development Housing 2 (PDH-2) subject to the proffered conditions dated October 18, 2017, attached hereto, which are incorporated herein and made a part hereof.

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

**SUP17-0004 Walton Virginia, LLC (Rappahannock Electric Cooperative)(Berkeley District)**

Kimberly Pomatto presented. The Planning Commission held a public hearing for this request on November 15, 2017 and the Planning Commission voted 7-0 to recommend approval of the special use with conditions and found the project in substantial accord with the Comprehensive Plan.

Staff recommended the Board adopt the resolution of approval including the recommended conditions.

Charlie Payne, counsel on behalf of the applicant: He gave an overview of the project and stood to answer any questions.

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. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

**RESOLUTION NO. 2017-155**

**Approve with Conditions  
Special Use Permit SUP17-0004  
Walton Virginia, LLC (Rappahannock Electric Cooperative)**

**WHEREAS**, Walton Virginia, LLC (Rappahannock Electric Cooperative) requests special use permit approval on a portion, approximately 4.6750 acres, of tax parcel 36-A-46, to allow an electrical substation on Mixed Use 3 (MU-3) zoned property. The property is located on the west side of Massaponax Church Road (Route 608) approximately 1,540 feet south of the Hickory Hill Drive (Route 2155) and Massaponax Church Road (Route 608) intersection. The property is located within the Primary Development Boundary. The property is identified for Mixed Use development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 36-A-46. Berkeley Voting District; and

**WHEREAS**, staff has reviewed the subject application and recommends approval as stated in the staff report and the executive summary; and

**WHEREAS**, the Spotsylvania County Planning Commission held a public hearing on November 15, 2017, duly advertised in a local newspaper for a period of two weeks, 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 7-0; and

**WHEREAS**, the Spotsylvania County Board of Supervisors' held a public hearing on December 12, 2017, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

**WHEREAS**, the Spotsylvania County Board of Supervisors considered the Special Use Permit request in accordance with Sec. 23-4.5.7, Standards of Review, and finds that the application with the recommended conditions satisfies the following standards:

1. That the proposed use is in accord with the comprehensive plan and other official plans adopted by the county;
2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard; and
8. That the proposed use will have no unduly adverse impact on environmental or natural resources.

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

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors does hereby approve SUP17-000 Walton Virginia, LLC (Rappahannock Electric Cooperative) with the conditions listed below:

1. The property shall be developed in conformance with the Generalized Development Plan (GDP) titled, "Special Use Application GDP, REC Substation, T.M. 36((A))46 (Part), Massaponax Road" dated April 16, 2017 and last revised October 17, 2017.
2. The existing tree save area as identified on the GDP shall be supplemented with evergreen infill to create appropriate screening from Massaponax Church Road. The evergreen infill plantings shall be a minimum of six (6) feet in height at planting and the number of plantings shall be determined during the site plan process. The evergreen infill plantings shall include a mix of evergreen plantings and shall include, but not limited to, Leyland Cypress.

**BE IT FINALLY RESOLVED** that the Spotsylvania County Board of Supervisors' approval and adoption of any conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

On a motion by Mr. Yakabouski and passed unanimously, the Board approved the following appointments:

**VOTE:**

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

PRTC – Gary Skinner and Paul Trampe as primaries, David Ross and Tim McLaughlin as alternates

VRE Operations Board – Gary Skinner as primary; Paul Trampe as alternate

## **CLOSED MEETING**

On a motion by Mr. Cebula 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. 2017-156**

### **To Adjourn into a Closed Meeting**

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a 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 matters consolidated within *In re LIBOR-Based Financial Instruments Antitrust Litigation*, U.S. District Court for the Southern District of New York, MDL No. 2262; and

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

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby authorize discussion of the 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. 2017-157**

### **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 8:18 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	

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Mark B. Taylor  
Clerk to the Board of Supervisors