

PRESENT: Greg Benton, Livingston District
Kevin W. Marshall, 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
Ed Petrovitch, Deputy County Administrator
Karl Holsten, County Attorney
Aimee R. Mann, Deputy Clerk

Mr. Benton called the meeting to order at 3:00 p.m. Mr. McLaughlin led the Pledge of Allegiance and Mr. Trampe gave the invocation.

On a motion by Mr. Yakabouski and passed unanimously, the Board suspended the Board Bylaws to allow for voice voting.

VOTE:

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

APPROVAL OF AGENDA

On a motion by Mr. Skinner and passed unanimously, the Board approved the agenda with the following additions and corrections:

- Soapbox Derby
- FRED Ex Funding for Exit 126 “Super Ramp” & Harrison Road Bridge
- Appointment of Gregg Newhouse to the Transportation Committee
- Move Proposed Amendments to Board Bylaws Regarding Information Required of Public Speakers immediately following Approval of Agenda.

VOTE:

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

PRESENTATIONS/REPORTS BY STAFF

Proposed Amendments to Board Bylaws Regarding Information Required

The County Attorney presented a proposed revision to the Board of Supervisors Bylaws to require that each speaker must state his or her name and either his or her address or election district during Public Presentations (Section 4-1(E)(5)) and during Public Hearings (Section 5-3(C)) as requested.

On a motion by Mr. Ross and passed unanimously, the Board approved the proposed amendments to the Board Bylaws regarding information required of public speakers.

VOTE:

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

PUBLIC PRESENTATIONS

Tamara Quick, Livingston District: She spoke in support of the Superintendents budget as a way to stop violating special education rights and asked for additional resources for identifying and supporting children with dyslexia.

Carla Jord, Chancellor District: She spoke regarding the government mandating fluoride in drinking water.

Dawn Napper, Spotsylvania Education Association: She spoke in support of school funding and implementing the Evergreen Study.

APPROVAL OF THE CONSENT AGENDA

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

The following items were pulled from the Consent Agenda for separate consideration:

- Approval of the Minutes of the January 9, 2018 Board of Supervisors Meeting
- Capital Projects Budget Adjustment
- Revisions to the Citizen Budget Review Committee Bylaws
- Soap Box Derby

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

1. Agreement with Rappahannock Area Agency on Aging for Marshall Senior Center;
2. Appointment of Benjamin Gearhardt to the Parks and Recreation Commission;
3. Approval of (4) Contracts to Multiple Firms to Provide GIS Support Services;
4. Approval of Amendment to Betterment Agreement for Water and Sewer Facilities between Spotsylvania County, VDOT and Shirley Contracting Company, LLC.;
5. Approval of Contract to Ferguson Enterprises, Inc. for an Advanced Metering Infrastructure Network;
6. Approval of Contract to Colossal Contractors, Inc. to Provide Painting Services;
7. Approval of Purchase Order to Enforcement Video, LLC for VISTA HD Body Camera;
8. Use of Sheriff's Asset Forfeiture/Seizure Funding for Purchase of Body Worn Cameras & Related Software and Equipment as follows:

VOTE:

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

RESOLUTION NO. 2018-10

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 purchase of body worn cameras and related software and equipment, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: (\$113,600)

CAPITAL PROJECTS FUND: \$113,600

9. Approval of Purchase Order to Physio Control, Inc. for Purchase of Lifepaks;
10. Approval of Purchase Order to Atlantic Emergency Solutions for 2018 Pierce Velocity Platform and Enforcer Rescue Pumper;
11. Approval of Resolution Approving Issuance of Refinancing Debt for Virginia Railway Express Equipment as follows:

VOTE:

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

RESOLUTION NO. 2018-11

**RESOLUTION APPROVING ISSUANCE OF
REFINANCING DEBT FOR VIRGINIA RAILWAY EXPRESS EQUIPMENT**

WHEREAS, the Northern Virginia Transportation District Commission (“NVTC”) and the Potomac and Rappahannock Transportation District Commission (“PRTC,” and, together with NVTC, the “Commissions”) jointly operate the Virginia Railway Express (the “VRE”) commuter rail service in Northern Virginia pursuant to the Master Agreement dated as of October 3, 1989, as amended (the “Master Agreement”), among the Commissions and the Participating and Contributing Jurisdictions described in such Master Agreement; and,

WHEREAS, NVTC, with the consent of PRTC and the Participating and Contributing Jurisdictions, entered into a financing agreement with the Federal Railroad Administration pursuant to its Railroad Rehabilitation and Improvement Financing program in 2007 and subsequently borrowed a total of \$68,953,913 pursuant to a series of draws under the program for railcars delivered between 2008 and 2012 (collectively, the “FRA Loan”); and,

WHEREAS, the FRA Loan is now administered by the U.S. Department of Transportation’s Build America Bureau; and

WHEREAS, the County of Spotsylvania, Virginia, is a Participating Jurisdiction under the terms of the Master Agreement; and,

WHEREAS, the Commissions have recommended to the Participating and Contributing Jurisdictions the refinancing of the FRA Loan with the proceeds of a loan to be obtained from the Virginia Resources Authority (“VRA”); and,

WHEREAS, the Master Agreement provides that the Commissions shall utilize reasonable debt financing to the extent that such financing is advantageous to the VRE and is in the interest of the parties to the Master Agreement, but requires that the Commissions not incur debt related to the VRE without the consent of all Participating and Contributing Jurisdictions.

NOW, THEREFORE, BE IT RESOLVED THAT the County of Spotsylvania, Virginia consents, in accordance with the terms of the Master Agreement, to the incurrence of a VRA loan by NVTC to refinance the FRA Loan upon substantially the terms and conditions described in the VRA Term Sheet dated as of December 15, 2017, accepted by the Commissions as of January 4, 2018 and presented to this meeting (the “VRA Loan”); and,

BE IT FURTHER RESOLVED THAT it is acknowledged that the repayment obligations of the VRA Loan and the related financing covenants will be evidenced by a local bond to be issued by NVTC and a local bond sale and financing agreement to be negotiated and entered into by NVTC and VRA; and,

BE IT FURTHER RESOLVED THAT the consent to the VRA Loan is contingent upon the achievement of net present value debt service savings of not less than three percent (3%) of the outstanding principal amount of the FRA Loan; and,

BE IT FURTHER RESOLVED THAT as required by VRA as a condition to the making of the VRA Loan, the County further consents to the Commissions' granting to VRA of security interests in the Commissions' rights to participating jurisdictions' jurisdictional payments under the Master Agreement; and,

BE IT FURTHER RESOLVED THAT as required by VRA as a condition to the making of the VRA Loan, the County agrees that VRA shall be deemed a third party beneficiary of the Master Agreement for purposes of repayment of the VRA Loan; and,

BE IT FURTHER RESOLVED THAT as a condition to the making of the VRA Loan, the County further acknowledges that (i) the VRA Loan may be payable from and will be secured by amounts derived pursuant to the Master Agreement, (ii) VRA would not make the VRA Loan without the security and credit enhancement provided by the Participating Jurisdictions under the Master Agreement, and (iii) VRA is treating the County's obligations under the Master Agreement as a "local obligation" pursuant to Section 62.1-199 of the Code of Virginia of 1950, as amended. In the event of the failure of the County to appropriate a payment under the Master Agreement that causes a nonpayment on the VRA Loan, VRA may institute the "state-aid intercept" process set forth in Section 62.1-216.1 of the Code of Virginia of 1950, as amended, under which the Governor may cause the Comptroller to withhold all further payment to the County of funds appropriated and payable by the Commonwealth to the County until the unpaid sum is obtained. The funds so withheld will be directed to VRA to cure the nonpayment; and,

BE IT FURTHER RESOLVED THAT the appropriate officers of the County are authorized to execute and deliver such agreements, instruments and certificates as may be necessary to accomplish the foregoing.

12. Authorize Public Hearing to Amend Ordinance Relative to First Responders Tax Exemption;
13. Budget Adjustment & Appropriation of \$10,000 to Sponsor Fishing University on Lake Anna in 2018 as follows:

VOTE:

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

RESOLUTION NO. 2018-12

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 sponsorship of the Fishing University television show at Lake Anna to promote tourism, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$10,000

14. Budget Adjustment and Appropriation of Insurance Funds Stemming from Fire/Rescue Vehicle Insurance Claim as follows:

VOTE:

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

RESOLUTION NO. 2018-13

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 repairs funded through insurance claims, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$6,246

15. Grant Application Request for the FFY18 Highway Safety Grant Program Selective Enforcement for Speed as follows:

VOTE:

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

RESOLUTION NO. 2018-14

Approving Grant Application Submission and Designation of Authorized Organizational Representatives for the FFY 2018 Selective Enforcement of Speed Violations Grant Opportunity Provided by the Department of Motor Vehicles

WHEREAS, the Spotsylvania County Sheriff's Office is seeking approval to apply for a federal sub-award grant from the Department of Motor Vehicles in the amount of \$100,290 to be utilized by the Sheriff's Office for training, equipment, and selective enforcement of speed violations; and

WHEREAS, the Spotsylvania County Sheriff's Office will need to provide approximately \$9,118 in associated fringe benefits that are not reimbursable by the grant; and

WHEREAS, the Spotsylvania County Sheriff's Office is required to provide a local in-kind match of \$50,145; and

WHEREAS, the Spotsylvania County Sheriff's Office will provide the local in-kind match through the use of their fuel and vehicle maintenance costs for their patrol vehicles from their FY 2019 and FY 2020 operational budgets; and

WHEREAS, the County will act as fiscal agent for the Spotsylvania County Sheriff's Office for the purposes of processing the funding of this grant.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors that the following individuals are designated as authorized organizational representatives for the submission and processing of this specific grant application:

Mark B. Taylor, County Administrator, or
Mark Cole, Deputy County Administrator, or
Edward Petrovitch, Deputy County Administrator, or
First Sergeant Timothy Bryner, Sheriff's Office, or
Sergeant Scott Lockard, Sheriff's Office, or
Mary Sorrell, Finance, or
Annette D'Alessandro, Finance

16. Grant Application Request for the FFY18 Highway Safety Grant Program Selective Enforcement for Alcohol as follows:

VOTE:

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

RESOLUTION NO. 2018-15

**Approving Grant Application Submission and Designation of Authorized Organizational
Representatives for the FFY 2018 Selective Enforcement of Alcohol Violations Grant
Opportunity Provided by the Department of Motor Vehicles**

WHEREAS, the Spotsylvania County Sheriff's Office is seeking approval to apply for a federal sub-award grant from the Department of Motor Vehicles in the amount of \$97,900 to be utilized by the Sheriff's Office for supplies, training and selective enforcement of alcohol violations; and

WHEREAS, the Spotsylvania County Sheriff's Office will need to provide approximately \$9,118 in associated fringe benefit costs that are not reimbursable by the grant; and

WHEREAS, the Spotsylvania County Sheriff's Office is required to provide a local in-kind match of \$48,950; and

WHEREAS, the Spotsylvania County Sheriff's Office will provide the local in-kind match through the use of their fuel and vehicle maintenance costs for their patrol vehicles from their FY 2019 and FY 2020 operational budgets; and

WHEREAS, the County will act as fiscal agent for the Spotsylvania County Sheriff's Office for the purposes of processing the funding of this grant.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors that the following individuals are designated as authorized organizational representatives for the submission and processing of this specific grant application:

Mark B. Taylor, County Administrator, or
Mark Cole, Deputy County Administrator, or
Edward Petrovitch, Deputy County Administrator, or
First Sergeant Timothy Bryner, Sheriff's Office, or
Sergeant Scott Lockard, Sheriff's Office, or
Mary Sorrell, Finance, or
Annette D'Alessandro, Finance

17. Grant Application Request for the FY18 Virginia Department of Criminal Justice Services Byrne/Justice Assistance Grant for Equipment;
18. Use of Fund Balance to Increase FY2018 Contribution to Spotsylvania Historical Association by Amount Unpaid in FY2017;
19. FRED Ex Funding for Exit 126 "Super Ramp" & Harrison Road Bridge as follows:

VOTE:

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

RESOLUTION NO. 2018-16

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ALLOCATE FUNDS FROM FRED EX TO THE EXIT 126 SOUTHBOUND EXIT RAMP COMMONLY REFERRED TO AS THE “SUPER RAMP” AND THE HARRISON ROAD BRIDGE WIDENING OVER I-95.

WHEREAS, there is additional funding available for Highway, Transit or TDM improvements set aside for I-95/395 projects, and

WHEREAS, both projects would improve congestion on I-95 between Spotsylvania County and Exit 160, and

WHEREAS, both the “*Super Ramp*” and the Harrison Road Bridge Widening are high priority projects in the County and FAMPO region.

NOW, THEREFORE , BE IT RESOLVED, this Board of Supervisors supports the funding of these two projects from money allocated from FRED Ex, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Virginia Department of Transportation, and the Fredericksburg Area Metropolitan Planning Organization, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Commonwealth Transportation Board for review and approval.

20. Appointment of Gregg Newhouse to the Transportation Committee.

VOTE:

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

Approval of the Minutes of the January 9, 2018 Board of Supervisors Meeting

Mr. Marshall noted the following corrections to the minutes:

- FAMPO - Add Mr. Marshall and remove Mr. Skinner
- Public Safety Committee – Add Mr. Benton remove Mr. Cebula

On a motion by Mr. Marshall and passed unanimously, the Board approved the minutes as amended.

VOTE:

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

Capital Projects Budget Adjustment

Mr. Marshall requested clarification regarding how the \$439,000 was being used. Ms. Jewell shared the payment terms to VDOT for the overall project.

On a motion by Mr. Marshall and passed unanimously, the Board adopted the resolution as follows:

VOTE:

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

RESOLUTION NO. 2018-17

BE IT RESOLVED by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriation be, and the same hereby are, made for the fiscal year beginning July 1, 2017, from the funds and for the functions or purposes indicated.

To close and reallocate funding on certain capital projects, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: (\$2,830)

CAPITAL PROJECTS FUND: (\$1,926,210)

UTILITIES CAPITAL PROJECTS FUND: (\$34,846)

Revisions to the Citizen Budget Review Committee Bylaws

Discussion ensued regarding consistency.

On a motion by Mr. Marshall and passed 6 to 1 with Mr. Skinner opposed, the Board adopted the revisions to the Citizen Budget Review Committee Bylaws as presented.

VOTE:

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

Soap Box Derby

On a motion by Mr. Yakabouski and passed unanimously, the Board approved the following resolution with the understanding the name would be changed from Fredericksburg to Spotsylvania:

VOTE:

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

RESOLUTION NO. 2018-18

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 sponsorship of the Soap Box Derby to promote tourism, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$15,000

BOARD OF SUPERVISORS REPORTS

Mr. Yakabouski asked staff to please find a voting system. He questioned the ability to change the vote on the advertised tax rate to a later date.

Mr. Ross shared he was looking forward to working with the schools on the budget.

Mr. Skinner asked staff to look at the Transportation Committee Bylaws and bring them back at the next meeting to address Board members serving as committee members on a citizen committee. Mr. Benton asked the County Administrator to look at all the committees the Board members serve on.

Discussion ensued regarding whether or not a motion was necessary regarding keeping fluoride in the County water. On a motion by Mr. Skinner and passed 4 to 3 with Mr. Benton, Mr. Ross and Mr. Trampe opposed, the Board agreed to keep fluoride in county water.

VOTE:

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

Mr. Trampe invited the Sheriff's Office to a future meeting to brief the Board on their preparations to handle large demonstrations and parades.

Board Retreat

The Board tentatively scheduled a Board retreat on May 12, 2018 from 8am – 3pm with a location to be determined.

VDOT REPORT

Sean Nelson from VDOT was present. He reviewed the February VDOT Report presented to the Board.

PRESENTATIONS/REPORTS BY STAFF (cont'd)

Receipt of the Distinguished Budget Presentation Award from the Government Finance Officers Association for FY 2018

The Board recognized the Budget Office staff members for their work on the FY 2018 Budget document.

Endorsement of FREM 2018 Strategic Plan

As the County's population continues to grow, and demand for services increase, FREM requires a theoretic roadmap to guide the department's efforts for the future, both immediate and longer term. Chief Cullinan gave an overview of the FREM 2018 strategic plan.

On a motion by Mr. McLaughlin and passed unanimously, the Board endorsed the FREM 2018 strategic plan.

VOTE:

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

COUNTY ADMINISTRATOR/COUNTY ATTORNEY REPORTS

Mr. Benton read the following statement:

I hereby disclose I have an interest in the budget transaction as a retired employee of the County. My disclosure is on file with the clerk and is available to the public for review. Mark/Aimee, please record this disclosure in the minutes of this meeting as required by law.

Mr. Marshall read the following statement:

I hereby disclose I have an interest in the budget transaction as an employee of the County. My disclosure is on file with the clerk and is available to the public for review. Mark/Aimee, please record this disclosure in the minutes of this meeting as required by law.

County Administrator Mark Taylor presented his FY 2019 Recommended Budget to the Board of Supervisors.

The Board recessed at 7:30 p.m. and reconvened at 7:41 p.m.

PUBLIC PRESENTATIONS

Kathryn Palmer, United Way, spoke about grant awards and programs.

Anthony Lofaro – Chancellor District, spoke in support of school funding.

PUBLIC HEARINGS

R17-0006 (RO17-0006) Timer W.F. Gronau, M. Clay Dickinson and Braver, L.L.C. (Spring Arbor, HHHunt Corporation)(Courtland District)

Ms. Pomatto presented.

The Planning Commission voted 7-0 to recommend approval of the request with the proffer statement dated November 14, 2017.

Staff recommended the Board adopt RO17-0006, approving the zoning with the Proffer Statement dated November 14, 2017.

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

Mr. Benton declared the public hearing opened and when no one indicated an intention to speak, closed the public hearing.

On a motion by Mr. Ross and passed unanimously, the Board adopted the ordinance as follows:

VOTE:

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

AN ORDINANCE No. RO17-0006

To amend the zoning map to rezone the property known as Tax Parcels 13-A-73 and 13-A-74 from Residential 1 (R-1) to Commercial 2 (C-2), subject to the proffered conditions attached hereto, incorporated herein, and made a part hereof.

PUBLIC HEARING: February 13, 2018

WHEREAS, Timber W.F. Gronau, M. Clay Dickinson and Braver, L.L.C. (Spring Arbor II, HHHunt Corporation) request a rezoning of approximately 3.99 acres from Residential 1 (R-1) to Commercial 2 (C-2) with proffers to allow for a memory care/assisted living facility and up to an 8,000 square foot multi-tenant commercial use pad site. The property is located at 1804 Bragg Road and 5300 River Road, which is located at the southwest corner of the River Road (Route 618) and Bragg Road (Route 639) intersection. The property is located within the Primary Development Boundary. The property is identified for Low Density Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 13-A-73 and 13-A-74. Courtland 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 December 6, 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 January 9, 2018, 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 13-A-73 and 13-A-74 currently zoned Residential 1 (R-1) are rezoned to Commercial 2 (C-2) subject to the proffered conditions dated November 14, 2017, attached hereto, which are incorporated herein and made a part hereof.

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

R17-0008 (RO17-0008) Terry Industrial Park (Berkeley District)

Mr. White presented.

Staff recommended that the Board adopt the Approval Ordinance with Proffers dated November 20, 2017.

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

Mr. Benton declared the public hearing opened and when no one indicated an intention to speak, closed the public hearing.

On a motion by Mr. Marshall and passed unanimously, the Board adopted the ordinance as follows:

VOTE:

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

AN ORDINANCE No. RO17-0008

To amend the zoning map to rezone the property known as Tax Parcel 49B-1-5 from Rural (RU) to Industrial 2 (I-2), subject to the proffered conditions attached hereto, incorporated herein, and made a part hereof.

PUBLIC HEARING: February 13, 2017

WHEREAS, John X. Lucente requests a rezoning of 1.9998 acres from Rural (RU) to Industrial 2 (I-2) with proffers to allow certain uses permitted in the I-2 zoning district. The proposed use is a heavy equipment and specialized vehicle sale, rental and/or service establishment. The property is located at 8332 Jefferson Davis Hwy. The property is located within the Highway Corridor Overlay District and the Primary Development Boundary. The property is identified for Employment Center development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 49B-1-5. Berkeley 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 closed public hearing and continued the case until the next meeting, with a vote of 7-0; and

WHEREAS, the Spotsylvania County Planning Commission revisited the case on December 6, 2017, and recommended approval with proffers, with a vote of 7-0; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on February 13, 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 property known as Tax Parcels 49B-1-5 currently zoned Rural (RU) is rezoned to Industrial 2 (I-2) subject to the proffered conditions dated November 20, 2017, attached hereto, which are incorporated herein and made a part hereof.

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

CLOSED MEETING

On a motion by Mr. Trampe and passed unanimously, the Board adopted a resolution to adjourn into closed meeting as follows:

VOTE:

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

RESOLUTION NO. 2018-19

To Adjourn into a 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 staff of the Department of Fire, Rescue and Emergency Management; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, specifically healthcare industry; 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 regarding Board policies and procedures, matters of planning of zoning, and matters before the General Assembly; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, specifically a contract for services; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(1), (5), (8) and (29), such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby authorize discussion of the aforesated matters.

RETURN TO OPEN MEETING AND CERTIFICATION

On a roll call vote, the Board returned to open meeting and adopted the following resolution:

VOTE:

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

RESOLUTION NO. 2018-20

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

On a motion by Mr. Yakabouski and passed unanimously, the Board added a resolution to reject House Bill 786 and House Bill 787 to the agenda.

VOTE:

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

On a motion by Mr. Yakabouski and passed 6 to 1 with Mr. Ross opposed, the Board adopted the resolution as follows:

VOTE:

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

RESOLUTION NO. 2018-21

**A RESOLUTION TO REJECT HOUSE BILL 786 AND HOUSE BILL 787
WHICH REMOVES THE ESTABLISHED REQUIREMENT OF PROPERTY OWNERS
SHOWING MANIFEST ERROR IN CHALLENGING THE ASSESSMENT OF REAL
PROPERTY BEFORE THE COUNTY'S BOARD OF EQUALIZATION AND CIRCUIT
COURT**

WHEREAS, the 2018 Session of the Virginia General Assembly is considering two bills, House Bill 786 and House Bill 787 (HB 786 and HB 787); and

WHEREAS, Virginia law established by the Virginia Supreme Court and the Courts of the Commonwealth requires that property owners must show manifest error in the valuation of property or that the assessment disregarded controlling evidence in order to overcome the locality's assessment; for example, the Virginia Supreme Court has established the property owner must show "manifest error in the manner of making the estimate, or that evidence which should be controlling has been disregarded." *City of Norfolk v. Snyder*, 161 Va. 288, 293, 170 S.E. 721, 723 (1933); and because fixing property values is a matter of pure opinion, the courts must be hesitant, within reasonable bounds, to set aside the judgment of assessors; otherwise, the courts will become boards of assessment "thereby arrogating to themselves the function of the duly constituted tax authorities." *Richmond, Fredericksburg and Potomac Railroad v. State Corporation Commission*, 219 Va. 301, 313, 247 S.E.2d 408, 415 (1978); and

WHEREAS, HB 786 and HB 787 will remove the established requirement before the County's Board of Equalization and before its Circuit Court that property owners must prove by a preponderance of evidence that local assessors have assessed property as a result of manifest error or a disregard of controlling evidence; and

WHEREAS, the removal of these established standards will render our courts boards of assessment, and grant to them the functions of the County's assessors and the Commissioner of Revenue; and

WHEREAS, this will result in a financial burden to the County and the Commonwealth, as the removal of this prevailing standard will result in an increase in challenges brought to the courts which result in increased caseloads and therefore costs for the courts and government, increased costs of defense, and increased judgments which result in a loss of revenue which could also increase the burden on County taxpayers; and

WHEREAS, the County's Commissioner of Revenue supports this resolution;

NOW, THEREFORE, the Board of Supervisors of Spotsylvania County, Virginia, hereby resolves to recommend to its local delegation, the committees and subcommittees of the Virginia House of Delegates and the Virginia Senate, and to the Virginia General Assembly, that they reject these bills and continue the standards established in Virginia law to protect local revenue, and that the County Administrator direct a copy of this resolution be provided to the County's local delegation, the clerks of the Virginia House of Delegates and the Virginia Senate for distribution, and all committees and subcommittees in which the bills are currently being heard.

ADJOURNMENT

On a motion by Mr. Benton and passed unanimously, the Board adjourned its meeting at 9:44 p.m.

VOTE:

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

Mark B. Taylor
Clerk to the Board of Supervisors