

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 6:00 p.m. Mr. Marshall led the Pledge of Allegiance and Mr. Ross gave the invocation.

APPROVAL OF AGENDA

On a motion by Dr. Trampe and passed 6 to 1 with Mr. McLaughlin absent, the Board approved the agenda.

VOTE:

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

PUBLIC PRESENTATIONS

Gil Seaux requested the elimination of personal property tax for young military individuals.

Michael O'Bie spoke in opposition to a proposed solar farm saying it would be a health hazard.

APPROVAL OF THE CONSENT AGENDA

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

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

1. Approval of the Minutes of the January 23, 2018 Board of Supervisors Meeting;

2. Acceptance and Budget Adjustment for the 2018 Virginia Department of Health and Child Safety Seat Check Station Coordinator Grant Award as follows:

VOTE:

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

RESOLUTION NO. 2018-22

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

WHEREAS, Spotsylvania County has received approval for a federal pass through grant from the Virginia Department of Health in the amount of \$17,000 to be utilized by the Sheriff's Office for the Child Safety Seat Check Station Coordinator Grant Program; and

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

WHEREAS, the County and Sheriff's Office 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 grant award agreement between Spotsylvania County and the Virginia Department of Health 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 \$17,000 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 \$17,000 to be utilized only for Child Safety Seat Check Station Coordinator Program, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$ 17,000

3. Appointment of Burton Bigoney, Jr. to the Board of Building Code Appeals;
4. Conversion of FREM Positions for 24/7 ALS Supervision;
5. Request Approval of Resolution to Support the Implementation of an Unmanned Aircraft System (a.k.a. Drone) Program by the Sheriff's Office as follows:

VOTE:

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

RESOLUTION NO. 2018-23

**Statement of Support for the Implementation of an Unmanned Aircraft System Program in
Spotsylvania County**

WHEREAS, Spotsylvania County will be receiving a federal pass through grant from the Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP) to be utilized by the Spotsylvania County Sheriff's Office for the purchase of two unmanned aircraft systems (UAS); and

WHEREAS, the Spotsylvania County Sheriff's Office will be the implementing agency for this regional grant, with partners to include the Sheriff's Offices from the Counties of Caroline, Louisa, and Orange, as well as the Spotsylvania County Department of Fire, Rescue, and Emergency Management; and

WHEREAS, it is understood that a UAS can assist in numerous public safety operations to include but not limited to: surveillance of illegal activities per appropriate court orders; monitoring of special events and traffic; accident reconstruction; search and rescue operations; de-escalation of confrontational situations; response to fires and hazardous materials incidents; and damage assessments; and

WHEREAS, the SHSP grant requires compliance with the February 15, 2015 Presidential Memorandum--"Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems"-- a local government implementing a UAS program must have in place policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties prior to expending any grant funds; and

WHEREAS, the SHSP grant requires a comprehensive multi-department program that will include policies and procedures that address operational deployment, training, UAS remote pilot proficiency, maintenance, airworthiness, data storage and documentation; and

WHEREAS, the Spotsylvania County Sheriff's Office is in the process of adopting a General Order to address all of the UAS requirements; and

WHEREAS, the Federal Aviation Administration (FAA) considers UAS as aircraft and requires that they comply with Federal Aviation Regulations; and

WHEREAS, federal law has created four primary categories of unmanned aircraft operators to include Part 107 Remote Pilots, Model Aircraft Operators, 333 Exemption Holders, and Public Operators; and

WHEREAS, the Spotsylvania County Sheriff's Office wishes to obtain a FAA Public Certificate of Waiver or Authorization (COA) in order to operate the UAS for governmental purposes; and

WHEREAS, the COA will define how and where the UAS can be used; and

WHEREAS, the Spotsylvania County Sheriff's Office will also have several sworn law enforcement officers certified by the FAA as Part 107 Remote Pilots; and

WHEREAS, the operation of the UAS will conform with either the COA or the regulations under 14 CFR Part 107 as determined on a case-by-case basis; and

WHEREAS, the operation of the UAS will adhere to all federal, state, and local laws, regulations, and rules pertaining to privacy, UAS operations, and UAS data storage; and

WHEREAS, the UAS will be registered in accordance with all applicable FAA regulations (14 CFR Part 47 and 48) and that this registration information will be provided to the FAA, Virginia Department of Emergency Management and the Department of Aviation, along with aircraft type, payload capability, and contact information.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors that the Board of Supervisors hereby supports the implementation of an UAS program, with Spotsylvania County Sheriff's Office being responsible for the UAS program.

BOARD OF SUPERVISORS REPORTS

Mr. Skinner announced that he would not be at the March 13, 2018 Board of Supervisors meeting and requested all handouts from county and school staff be provided to him no later than March 9, 2018.

Mr. Marshall asked the County Administrator to provide the demographics of military members paying personal property in the county.

PUBLIC HEARINGS

CA18-0001: Zoning Amendment Related to Notices and Public Hearings (Ord. No. 23-175)

Ms. Parrish presented. The Planning Commission recommended approval of Ordinance No. 23-175. Staff recommended that the Board of Supervisors approve Ordinance No. 23-175.

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, Dr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

AN ORDINANCE No. 23-175

CA18-0001: Development Review Procedures

To amend County Code (“Code Amendment”) Chapter 23, Zoning, Article 4, Development Review Procedures, as part of an ongoing effort to review and update the Spotsylvania County Zoning Ordinance. The proposed amendment includes: Section 23-4.2.1 Notices and Section 23-4.2.2 Public Hearings.

PUBLIC HEARING:

WHEREAS, staff has reviewed the Code Amendment and recommends approval as stated in the Executive Summary dated February 27, 2018; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on February 7, 2018, which was 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 Code Amendment with a vote of 7-0; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on February 27, 2018, which was duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

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

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

§ 1. That Chapter 23, Article 4, Division 2, be and is hereby **amended** and reordained as follows:

ARTICLE 4. – DEVELOPMENT REVIEW PROCEDURES

DIVISION 2. - NOTICES AND PUBLIC HEARINGS

Sec. 23-4.2.1. - Notice requirements.

- (a) Advertisement by reference. When public notice is required by this Chapter, any proposed plan, use, amendment or ordinance need not be advertised in full but may be advertised by reference. Every such advertisement shall contain a reference to the place or places within the County where copies of the application and documents pertaining to the proposed plan, use, amendment or ordinance may be examined.
- (b) Publication of notice. Unless other provisions of this Chapter specifically provide otherwise, notice of any public hearing that is required under this Chapter shall be published once a week for two (2) successive weeks in a newspaper having general circulation in the County. Notice for both the Planning Commission and the Board of Supervisors may be published concurrently. Such notice shall specify the time and place of the hearing at which interested citizens may appear and present their views. If a joint hearing is held, then the public notice need be given only by the Board of Supervisors. The first publication of notice shall appear in the newspaper at least six (6) days prior to the publication of the second notice. The second publication shall appear in the newspaper at least five (5) days but not more than twenty-one (21) days prior to the date of the public hearing at which the matter is to be considered.
- (c) Mailed notice requirements for minor applications. For an application for a Variance, an Appeal, or an Interpretation under Article 3, Division 6 of this Chapter affecting twenty-five (25) or fewer parcels of land, then, in addition to the advertising as required by Subsection (b) of this Section, written notice shall be given by the Board of Zoning Appeals or its representative at least five (5) days before the hearing to the owners, their agent, or the occupant, of each parcel involved; to the owners, their agent, or the occupant, of all abutting property and property immediately across the street or road from the property affected; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that has members owning property located within two thousand (2,000) feet of the affected property as may be required by the Board of Zoning Appeals or its agent. Notice shall also be given to the owners, their agent, or the occupant, of all abutting property and property immediately across the street from the property affected, including property which lies in an adjoining county or municipality of the Commonwealth. Notice sent by registered or certified mail to the last known address of such owners, their agent, or the occupant, as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed.

For an application for an amendment to the Zoning Map or Proffered Conditions, or a Special Use Permit affecting twenty-five (25) or fewer parcels of land, then, in addition to the advertising as required by Subsection (b) of this Section, written notice shall be given by the Planning Commission or its representative at least five (5) days before the hearing to the

owners, their agent, or the occupant, of each parcel involved and of property located within the County within three thousand (3,000) feet of the affected property; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that has members owning property located within three thousand (3,000) feet of the affected property as may be required by the Planning Commission or its agent. Notice shall also be given to the owners, their agent, or the occupant, of all abutting property and property immediately across the street from the property affected, including property which lies in an adjoining county or municipality of the Commonwealth. Notice sent by registered or certified mail to the last known address of such owners, their agent, or the occupant, as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed.

When a proposed Comprehensive Plan or amendment thereto, a proposed change in Zoning Map classification, or an application for Special Use Permit or Variance involves any parcel of land located within one-half mile of a boundary of an adjoining county or municipality of the Commonwealth, then, in addition to the advertising and written notification as above required, written notice shall also be given by the appropriate adjudicating body, or its representative, at least ten (10) days before the hearing to the chief administrative officer, or their designee, of such adjoining county or municipality.

Whenever the notices required hereby are sent by an Agency, Department or Division of the Board of Supervisors, such notices may be sent out by first class mail; provided, however, a representative of such Agency, Department or Division shall provide an affidavit that such mailings have been made and file such with the papers in the case.

(d) Mailed notice requirements for major applications. For an application for a Variance, an Appeal, or an Interpretation under Article 3, Division 6 of this Chapter affecting more than twenty-five (25) parcels of land, then, in addition to the advertising as required by Subsection (a) of this Section, written notice shall be given by the Board of Zoning Appeals or its representative at least five (5) days before the hearing to the owners, or their agents, of each parcel of land involved. One (1) notice sent by the first class mail to the last known address of such owners or their agent as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that staff of the Board of Zoning Appeals shall provide an affidavit that such mailings have been made and file such affidavit with the case. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure to give written notice to the owners, their agent, or the occupant of any parcel involved.

For an application for an amendment to the Zoning Map or Proffered Conditions, or a Special Use Permit affecting more than twenty-five (25) parcels of land, then, in addition to the advertising as required by Subsection (b) of this Section, written notice shall be given by the Planning Commission or its representative at least five (5) days before the hearing to the owners or their agent, of each parcel involved and of property located within the County within three thousand (3,000) feet of the affected property. Notice shall also be given to the owners, their agent, or the occupant, of all abutting property and property immediately across the street from the property affected, including property which lies in an adjoining

county or municipality of the Commonwealth. One (1) notice sent by the first class mail to the last known address of such owners or their agent, as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that staff of the Planning Commission shall provide an affidavit that such mailings have been made and file such affidavit with the case. Nothing in this paragraph shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure to give written notice to the owners, their agent, or the occupant, of any parcel involved. If the hearing is continued, notice shall be remailed.

- (e) Notice to a condominium or a cooperative. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.
- (f) Waiver of written notice. A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this Section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this Section.
- (g) Posted notice requirements. At least fifteen (15) days prior to any public hearing required under this Chapter, except for Text Amendments and applications affecting more than five hundred (500) parcels, the applicant shall post on the property that is the subject of the hearing, a sign or signs provided by the County stating that zoning action is pending on the property; the sign(s) shall be easily visible from all public streets and public ways abutting the property. An affidavit shall be filed by the applicant at the public hearing certifying that the applicant has complied with this Section and shall be in the following form:

I, _____, hereby certify that on the day _____/_____/_____, 20_____, a sign or signs stating that zoning action was pending on the property described below was/were posted on the property and that the sign(s) was/were easily visible from all public streets and public ways abutting the property.

Property Description:

Given under my hand this _____ day of _____/_____/_____, 20_____.

Applicant

- (h) Cost of providing notice. The cost of any notice required by the Code of Virginia Section 15.2-2204 shall be charged to the applicant.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-73, 8-12-97; Ord. No. 23-175, 2-27-18)

Sec. 23-4.2.2. - Public hearings.

- (a) Required hearings. Both the Planning Commission and the Board of Supervisors shall hold at least one public hearing to consider an application for Special Use Permit approval, a Map Amendment or a Text Amendment filed under the provisions of this Chapter. The first public hearing shall be conducted by the Planning Commission, and the second shall be conducted by the Board of Supervisors. However, the Planning Commission and the Board of Supervisors may hold a joint public hearing as an alternative to separately scheduled hearings.
- (b) Time of hearings. Any public hearing that is required under this Chapter shall be held not less than five (5) nor more than twenty-one (21) days after the second notice is published in accordance with the provisions of Section 23-4.2.1.

(Ord. No. 23-66, 10-24-95; Ord No. 23-175, 2-27-18)

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

PRESENTATIONS/REPORTS BY STAFF

Citizen Budget Review Committee (CBRC) – Budget Presentation

The Citizen Budget Review Committee reviewed both the county and the school budgets and discussed the use of metrics and incentives to help improve efficiencies.

Revisions to Transportation Committee Bylaws

The following amendments were proposed to the Transportation Committee Bylaws:

CHANGE ONE: Provides that no member of the Board of Supervisors may serve in a capacity other than to fill one of the Board of Supervisors member positions; provides that the Chairman, Vice-Chairman, and Secretary shall be elected from the non-Board of Supervisors members; and provides that members of the Board of Supervisors shall not serve as Chairman, Vice-Chairman, or Secretary of the Committee.

CHANGE TWO: Defines “quorum” as a majority of the appointed members at the time of its meeting; and provides that any appointments that are not filled or are characterized as “vacant” shall not be counted when determining a quorum.

On a motion by Mr. Ross and passed unanimously, the Board defined the “quorum” as a majority of the appointed members at the time of its meeting; and provides that any appointments that are not filled or are characterized as “vacant” shall not be counted when determining a quorum.

VOTE:

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

WORK SESSION

Capital Improvement Projects (CIP) Updates

Staff reviewed the CIP to include the animal shelter expansion, Department of Social Services space needs, judicial center expansion, old Sheriff's office demolition, Merchants Square building, Courthouse sidewalk extension, Marshall Center office moves and bathroom updates, Voter Registration move and Marshall Park convenience center.

FY 2019 Budget Work Session - Other Funds

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.

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.

Staff gave a presentation on the "other funds" which consists of the following non-General Fund funds within the FY 2019 Recommended Budget:

- Transportation Fund
- Code Compliance Fund
- EDO Fund
- Fire/EMS Fund
- Utilities Operating Fund

On a motion by Mr. Benton and passed unanimously, the Board voted to no longer track the set aside.

VOTE:

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

CLOSED MEETING

On a motion by Mr. Yakabowski 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, Dr. Trampe and Mr. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2018-24

To Adjourn into a 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 Battlefield District; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, specifically 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 local taxation; 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. Marshall, Mr. McLaughlin, Mr. Ross Mr. Skinner, Dr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2018-25

Return to Open Meeting

WHEREAS, the Spotsylvania County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby returns to open session and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into Closed Meeting were heard, discussed or considered in the Closed Meeting.

On a motion by Mr. Yakabouski and passed unanimously, the Board authorized advertisement of a public hearing to consider amendments to the County Code to reduce the penalty on delinquent meals taxes, to bring it in line with State Code and to bring the assessment of interest on those delinquencies within the County Code.

VOTE:

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

NEW BUSINESS

None

ADJOURNMENT

On a motion by Mr. Yakabouski and passed unanimously, the Board adjourned its meeting at 11:02 p.m.

VOTE:

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

Mark B. Taylor
Clerk to the Board of Supervisors