

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
Mark Cole, 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. Ross led the Pledge of Allegiance and Mr. Skinner gave the invocation.

APPROVAL OF AGENDA

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

- Budget Adjustment and Appropriation for Two Months of Mall Satellite Library Operations and Capital Costs in FY 2018.

VOTE:

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

PUBLIC PRESENTATIONS

The following citizen spoke with concerns to the proposed solar farm: Russ Mueller.

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 amended Consent Agenda as follows:

1. Approval of the Minutes of the March 27, 29 and April 3, 2018 Board of Supervisors Meetings;
2. Appointment of Greg Benton to the Fredericksburg Area Metropolitan Planning Organization (FAMPO);
3. Appointment of Lorita Daniels to the Transportation Committee;
4. Spotsylvania Business Appreciation Week of May 7, 2018 Proclamation 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	

PROCLAMATION

Spotsylvania Business Appreciation Week May 7-11, 2018

WHEREAS, the County of Spotsylvania is pleased to have a thriving base of business and industry to support the local economy; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of the County of Spotsylvania; and

WHEREAS, these businesses provide local revenues from which the entire local citizenry benefit; and

WHEREAS, we recognize and appreciate these businesses; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Spotsylvania County Board of Supervisors does hereby recognize our existing businesses and proclaim May 7-11, 2018 to be Business Appreciation week in Spotsylvania, VA.

5. Proposed Board of Supervisors Bylaws Change Regarding Ethics Complaints.

VOTE:

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

Budget Adjustment and Appropriation for Two Months of Mall Satellite Library Operations and Capital Costs in FY 2018

On a motion by Mr. Skinner and passed unanimously, the Board adopted the following resolutions:

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. 2018-46

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 two months of operating costs and full start-up capital costs of a new satellite library branch at the Spotsylvania Towne Center, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$18,450

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. 2018-47

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, 2018, from the funds and for the functions or purposes indicated.

To adjust for full start-up capital costs of a new satellite library branch at the Spotsylvania Towne Center to be incurred in FY 2018 instead of FY 2019, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: (\$18,450)

BOARD OF SUPERVISORS REPORTS

Mr. McLaughlin requested either the Chairman of the School Board or the Superintendent attends the next Board of Supervisors meeting to speak to the found revenues in the school budget.

Mr. Benton announced a meeting at the Fawn Lake Country Club on May 7, 2018 at 6:30 p.m. to discuss the proposed solar farm application.

PUBLIC HEARINGS

SUP18-0004 Zoan Baptist Church (Chancellor District)

Ms. Pomatto presented.

The Planning Commission held a public hearing on April 4, 2018 and voted 5-0 to recommend approval of the special use permit with conditions.

Staff recommended the Board adopt the resolution of approval for SUP18-0004, which includes the conditions.

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. McLaughlin and passed unanimously, the Board adopted the resolution 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. 2018-48

Approve with Conditions Special Use Permit SUP18-0004 Zoan Baptist Church

WHEREAS, Zoan Baptist Church requests special use permit approval to allow a private school on Residential 1 (R-1) zoned property. The property is located at 5888 Plank Road which is on the south side of Plank Road (Route 3) approximately 1,500 feet west of the Harrison Road (Route 620) and Plank Road (Route 3) intersection. The property is located within the Primary

Development Boundary. The property is identified for Institutional development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 22-A-38. Chancellor Voting District; 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 April 4, 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 Spotsylvania County Planning Commission recommended approval of the project with a vote of 5-0; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on April 24, 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 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 SUP18-0004 Zoan Baptist Church with the conditions listed below:

1. The maximum allowable number of students shall be one hundred and twenty (120). Any increase in the number of students beyond 120 shall require an amendment to the special use permit.
2. All Building and Fire Code requirements must be adhered to as the student enrollment increases within the maximum allowable number of students.

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.

PRESENTATIONS/REPORTS BY STAFF

Resolution Increasing Rabies Vaccination Fee at County Rabies Clinics from \$6.00 to \$10.00 per Vaccine for Each Pet Immunized for the Fall 2018 Clinic

Owners of dogs and cats vaccinated at county rabies immunization clinics pay a set fee of \$6.00 for each dog and/or cat vaccinated. The county pays all additional clinic costs, which have risen to the point that it is necessary to increase the vaccination fee so the owners of the animals vaccinated, rather than the county, absorb these costs. Analyses of the fees and costs from the past two clinics and fees charged by adjoining jurisdictions for their rabies clinics, show \$10.00 per vaccine to be appropriate to cover clinic costs.

On a motion by Mr. McLaughlin and passed unanimously, the Board adopted the resolution 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. 2018-49

A Resolution Increasing Rabies Vaccination Fee at County Rabies Clinics from \$6.00 to \$10.00 per Vaccine for Each Pet Immunized Beginning with the Fall 2018 Clinic

WHEREAS, animals who have been infected by rabies continue to pose a serious and serious and fatal threat to Spotsylvania County residents and their pets;

WHEREAS, rabies is fatal to humans if untreated;

WHEREAS, the best way to prevent the spread of rabies to humans and their pets is by keeping dogs and cats over the age of four months old properly vaccinated;

WHEREAS, Virginia Code Section 3.2-6521 requires the Board of Supervisors to approve all rabies immunization clinics within the County;

WHEREAS, Virginia Code Section 15.2-1200 grants the Board the power to adopt necessary regulations to prevent the spread of contagious diseases among animals;

WHEREAS, the County conducts two such rabies immunization clinics each year, one in the spring, and one in the fall;

WHEREAS, the Board of Supervisors finds that, for approximately ten years, the owners of dogs and cats vaccinated at County rabies immunization clinics have paid a set fee of \$6.00 for each dog and/or cat vaccinated. The County pays all additional clinic costs, which have risen to the point that it is necessary to increase the vaccination fee;

WHEREAS, the Board of Supervisors finds that, at the Spring, 2017 County rabies immunization clinic, the immunization fee was \$6.00 per vaccine. 571 animals were vaccinated, with their owners paying a total of \$3,426.00. The County's total clinic costs, including veterinarian other personnel costs, syringes, tags and advertising, totaled \$5,760.00;

WHEREAS, the Board of Supervisors finds that, at the Fall, 2017 County rabies immunization clinic, the immunization fee was \$6.00 per vaccine. 685 animals were vaccinated, with their owners paying a total of \$4,110.00. The County's total clinic costs, including veterinarian other personnel costs, syringes, tags and advertising, totaled \$6,592.00;

WHEREAS, the Board of Supervisors finds that increasing the fee from \$6.00 to \$10.00 per vaccine for each dog and cat vaccinated at County rabies immunization clinics, beginning with the Fall 2018 clinic, will satisfy most, if not all, of the County's rabies immunization clinic costs, allow provision of additional services, and place costs on those who use the clinic rather than on the County;

WHEREAS, the Board of Supervisors finds that two adjoining counties charge fees of \$10.00 per vaccine at their rabies immunization clinics, and the fees of all of the adjoining jurisdictions exceed the \$6.00 per vaccine presently charged by County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA: THAT the County's rabies vaccination fee shall be increased from \$6.00 to \$10.00 per vaccine for each dog and cat vaccinated at the County's rabies immunization clinics beginning with the Fall 2018 clinic.

Citizen Committee to Alternative Energy - Pro's and Con's

Mr. Cole discussed the pro's and con's to forming a citizen committee to alternative energy.

Mr. McLaughlin made a motion to form a citizen committee to alternative energy. The motion failed 3 to 4 with Mr. Benton, Mr. Marshall, Mr. Skinner and Mr. Yakabowski opposed.

VOTE:

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

CLOSED MEETING

On a motion by Mr. Skinner 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. 2018-50

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 Courtland District; and

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 a contractual claim; 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 risk and liability, code enforcement, social services, and matters of planning and zoning; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(3), (7) 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 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, Dr. Trampe and Mr. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2018-51

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

Mr. Ross made a motion to add the authorization for the County Administrator to execute approval of a lease proposed by Spotsylvania Mall Company to Spotsylvania County for approximately 2,075 and 57/100 square feet in Spotsylvania Mall, Courtland District, Spotsylvania County identified as unit 390 in Spotsylvania Mall for the Spotsylvania library site to the agenda. The motion passed unanimously.

VOTE:

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

On a motion by Mr. Ross and passed unanimously, the Board approved the library lease.

VOTE:

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

Mr. Ross made a motion to have the Commissioner of the Virginia Department of Social Services review the Alma Buckley case with Spotsylvania County Department of Social Services. The motion passed 6 to 1 with Mr. Yakabouski opposed.

VOTE:

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

ADJOURNMENT

On a motion by Mr. Skinner and passed unanimously, the Board adjourned its meeting at 9:14 p.m.

VOTE:

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

Mark B. Taylor
Clerk to the Board of Supervisors