

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. Ross led the Pledge of Allegiance and Mr. Benton gave the invocation.

Mr. Benton announced that Mr. Trampe requested to participate remotely in the meeting from his vehicle due to traffic on I-95.

On a motion by Mr. Benton and passed 6 to 0 with Mr. Trampe absent, the Board suspended their bylaws and authorized Mr. Trampe to participate in the meeting remotely.

VOTE:

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

APPROVAL OF AGENDA

On a motion by Mr. McLaughlin and passed unanimously, the Board approved the agenda.

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 citizens spoke with concerns regarding the proposed solar farm: Russ Mueller, Sean Fogarty, Kevin McCarthy, Jim Smith, Alfred King, Kathleen Hayden, Michael O'Bier and Vivian Stanley.

The following citizens spoke in support of the Director of Social Services: Michele Trampe, Kathleen Hollywood and Bill Fedderwatso.

The following citizen spoke on behalf of the Buckley family regarding the removal of Juan Antonio from their care: Mike Smith.

Paul Trampe arrived at 6:40 p.m.

APPROVAL OF THE CONSENT AGENDA

Mr. Marshall read the following statement:

I hereby disclose I have an interest in the consideration of changes to the retiree healthcare benefits 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.

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

The following items were removed for separate consideration:

- HR Policy Revisions: Chapter 10 – Retiree Healthcare Benefits
- Proclamation - Gail Perkins – SANE Program Coordinator from MWH

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

1. Approval of the Minutes of the August 14, 2018 Board of Supervisors Meeting;
2. Approval of the FY 2020 Budget Calendar;
3. Approval of Contract Renewals to Anthem Blue Cross Blue Shield for Medical, Dental, Vision and EAP Insurance Services;
4. Approval of Purchase Order to Laake Enterprises, Inc. for Purchase of Ambulances;
5. Approval of Purchase Order to Physio Control, Inc. for Purchase of Lifepaks;
6. Business Tangible Property Refund – Northeast Real Estate LLC;
7. Budget Adjustment for Actual Costs of 2nd Year Comp Study & Longevity Implementation 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. 2018-123

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 the budget to fund actual second year longevity and comp study costs, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: (\$11,918)
CODE COMPLIANCE FUND: \$18,728
TRANSPORTATION FUND: \$1,698
CAPITAL PROJECTS FUND: \$298
UTILITIES OPERATING FUND: \$40,606

8. Recommended Revisions to the Public Safety Committee Bylaws;
9. Reappointment of Ernest Bartosh to the Public Safety Committee;
10. Request to Obtain Board Approval for a New Electronic Voting System;
11. Resolutions for Improvements to Monument Court and Knob Hill Court in the Bloomsbury Subdivision.

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. 2018-124

Resolution to Authorize the County Administrator to Execute a Project Administration Agreement with VDOT for Improvements to Monument Court and Knob Hill Court in the Bloomsbury Subdivision

WHEREAS, the Spotsylvania County Board of Supervisors desires to enter into a VDOT Administered – Locally Funded Project Administration Agreement with the Virginia Department

of Transportation to hard-surface Monument Court (Route 2321) and Knob Hill Court (Route 2322) in the Bloomsbury subdivision; and

WHEREAS, funding has been designated within the County's Adopted FY 2019 – FY 2023 Capital Improvement Plan for improvements to these roads in the Bloomsbury subdivision;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby grants authority for the County Administrator or his designee to execute the Project Administration Agreement for the improvements to Monument Court and Knob Hill Court in the Bloomsbury subdivision; and

BE IT FURTHER RESOLVED that the Spotsylvania County Board of Supervisors hereby commits to fund its local share of project costs in accordance with the Project Administration Agreement; and

BE IT FURTHER RESOLVED that funding by the Spotsylvania County Board of Supervisors shall be subject to annual appropriation.

ADOPTED this 25th day of September 2018.

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. 2018-125

**Rural Addition Resolution per State Code §33.2-335
Rural Addition Requiring Funds for Improvement**

WHEREAS the streets described below were established in 1996, and currently serve 16 owner occupied dwelling units, and

WHEREAS the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to §33.2-335, Code of Virginia, and

WHEREAS after examining the ownership of all property abutting this street, including the deeds and related plats, this Board finds no restriction on the use of public funds for the improvement of the road, and

WHEREAS after examining the ownership of all properties abutting this street, this Board finds that speculative interest does not exist; and

WHEREAS this Board has identified available funding to make improvements required to qualify the street for addition to the Secondary System of State Highways, based on the Department's cost estimate of \$150,000.

NOW, THEREFORE, BE IT RESOLVED pursuant to §33.2-335, Code of Virginia, this Board requests the following streets be added to the Secondary System of State Highways maintained by the Virginia Department of Transportation and hereby guarantees the right-of-way of the street to be clear, unencumbered, and unrestricted, which right-of-way guarantee shall include any necessary easements required for cuts, fills, and drainage:

Name of Subdivision: Bloomsbury
Name of Street: Knob Hill
From: Intersection of Monument Court
To: Intersection of Knob Hill Court
Length: 0.25 Miles
Guaranteed Right
Of Way Width: Fifty (50) Feet or as necessary

Plat Recorded on: Date: 2/22/96, Plat File: 5, Page: 520
See attached AM-4.3

Name of Subdivision: Bloomsbury
Name of Street: Monument Court
From: Intersection of Route 1470
To: 0.10 Miles South of Monument Court (Cul-de-Sac)
Length: 0.10 Miles
Guaranteed Right
Of Way Width: Fifty (50) Feet or as necessary

Plat Recorded on: Date: 2/22/96, Plat File: 5, Page: 520
See attached AM-4.3

Name of Subdivision: Bloomsbury
Name of Street: Monument Court
From: Intersection of Knob Hill Court
To: 0.14 Miles East of Knob Hill Court
Length: 0.14 Miles
Guaranteed Right
Of Way Width: Fifty (50) Feet or as necessary

Plat Recorded on: Date: 2/22/96, Plat File: 5, Page: 520
See attached AM-4.3

BE IT FURTHER RESOLVED this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements with the following funds:

Source of Funds	Amount
Spotsylvania County Funding	\$150,000

BE IT FURTHER RESOLVED this Board agrees to reimburse, within 45-days of receiving an invoice, all costs that the Virginia Department of Transportation incurs to relocate existing utilities within the right-of-way that are discovered during the course of and in conflict with the construction, drawing such funds from resources other than those administered by the Department; and

BE IT FURTHER RESOLVED this Board agrees to reimburse, within 45-days of receiving an invoice, all costs that the Virginia Department of Transportation incurs in the construction of necessary improvements to the road that are over and above the estimated cost of improvements; and

BE IT FURTHER RESOLVED that funding by the Spotsylvania County Board of Supervisors shall be subject to annual appropriation; and

BE IT FINALLY RESOLVED that a certified copy of this resolution and a county check in the amount of \$150,000 be forwarded to the Residency Administrator of the Virginia Department of Transportation in accordance with the requirements of the Project Administration Agreement.

ADOPTED this 25th day of September 2018.

Proclamation - Gail Perkins – SANE Program Coordinator from MWH

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

COMMENDATION

RECOGNIZING GAIL PERKINS UPON HER RETIREMENT

WHEREAS, Gail Perkins, registered nurse at Mary Washington Hospital, retired September 1, 2018, marking almost three decades of significant contributions to the health and safety of women and children in Spotsylvania County and surrounding communities; and

WHEREAS, Mrs. Perkins was a nurse at Mary Washington Hospital in Fredericksburg for twenty-nine years, eighteen of which she served as a forensic examiner; and

WHEREAS, Mrs. Perkins performed almost one thousand forensic exams on patients who were sexually assaulted, physically abused or neglected; and

WHEREAS, Mrs. Perkins co-founded the groundbreaking Sexual Assault Nurse Examiner Program, known as SANE, at Mary Washington Hospital in March 2000, and

WHEREAS, Mrs. Perkins further expanded the SANE program into Forensic Nursing, serving as the Director of the Forensic Services Department at Mary Washington Hospital; and

WHEREAS, Mrs. Perkins was key in the development of the Safe Harbor Advocacy Center in Spotsylvania, where abused children have been interviewed, undergone forensic exams and received counseling services in a child-friendly facility since 2008; and

WHEREAS, Mrs. Perkins is the recipient of numerous awards, including the 2012 National Spirit of Women Healthcare Hero, in which she received national recognition for her advocacy of women and children victimized by sexual violence; and

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors, this 25th day of September 2018, publicly recognizes Gail Perkins and extends on behalf of its members and the residents of Spotsylvania, appreciation for her service to the County and congratulations upon her retirement.

HR Policy Revisions: Chapter 10 – Retiree Healthcare Benefits

Ms. Weimer spoke about the use of the term grandfathering. On a motion by Mr. Skinner and passed unanimously, the Board approved the revisions to HR Policy: Chapter 10 – Retiree Healthcare Benefits.

VOTE:

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

BOARD OF SUPERVISORS REPORTS

Mr. Yakabouski spoke about the Department of Social Services being a state agency and said he felt it was important that the public understand what the Board's role was and wasn't. He spoke about state laws shielding information and there being many sides to every child protective services case. Mr. Yakabouski said that reunification of children with parents is outside the role of the Board however, Mr. Taylor, as the sole member of the Social Services Board, could fire the Director of Social Services. Mr. Yakabouski said he found it atrocious that four members of the Board of Supervisors directed Mr. Taylor to take such action. He asked for the actions and procedures against the Director of Social Services to immediately stop and for the Board to remove itself from matters in which it has no role.

Mr. Ross thanked VDOT for the Route 3 I-95 interchange.

Mr. Marshall shared that the railroad crossing on Summit Road would be shut down on October 15 for 5 days. He said detours would be posted.

Dr. Trampe said he liked the changes to the Route 3 interchange. He spoke about the bylaws and stated that the public using the term kidnapping to describe county employees engaging in their legal responsibilities was inappropriate. He asked for a pro and con presentation from staff regarding transportation impact fees. Dr. Trampe also commended the County Administrator for his work over the last two weeks saying he was tasked with both the responsibility of being fair to employees and also following what the majority of the Board of Supervisors wanted him to do and sometimes those tasks were in conflict.

PUBLIC HEARINGS

CA18-0005: Subdivision Ordinance Amendment Related to the Chesapeake Bay Act

Mr. Hughes presented.

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. Skinner 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. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

AN ORDINANCE No. 20-46

CA18-0005: Development Review Procedures

To amend County Code (“Code Amendment”) Chapter 20, Zoning, Article 4, Subdivision Approval Procedures, Division 4, Preliminary Plat Review, Sec. 20-4.4.1. Required preliminary plat information, and Division 6, Record Plats, Sec. 20-4.6.1. Record plat requirements, to include depictions and notes required by the Chesapeake Bay Act related to limitations on development in the Resource Protection Area (RPA), that plats served by on-site sewage systems shall depict primary and 100% reserve drainfields, certification that the record plat conforms to the preliminary plat, if applicable, and in bold on all plats the language “PERMITTED DEVELOPMENT IN THE RESOURCE PROTECTION AREA (RPA) IS LIMITED TO WATER DEPENDENT FACILITIES OR REDEVELOPMENT IN THE RPA, INCLUDING THE 100-FOOT WIDE VEGETATED BUFFER” and “SEWAGE TREATMENT SYSTEM PUMP OUT IS REQUIRED EVERY FIVE (5) YEARS IN ACCORDANCE WITH SPOTSYLVANIA COUNTY CODE CHAPTER 6A-10(B)(1)”. Additional amendments include changing the term planning director to Director of Planning.

PUBLIC HEARING:

WHEREAS, staff has reviewed the Code Amendment and recommends approval as stated in the Executive Summary dated September 25, 2018; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on September 5, 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 September 25, 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 subdivision 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 20, Article 4, Division 4 and Division 6, be and are hereby **amended** and reordained as follows:

Sec. 20-4.4.1. - Required preliminary plat information.

- (a) Required submittals for all residential preliminary plats submitted pursuant to article 4 of this chapter. Unless modified by the director of planning in accordance with subsection (b) below (applicable to subdivisions with fifty (50) or fewer lots only), a preliminary plat shall contain or be accompanied by the following information and plans: (the applicant may

choose to submit the preliminary plat and site plan as one (1) submission, entitled "Residential Development Plan" and shall contain the minimum submission requirements as detailed in the site plan application checklist as well as the preliminary plat application and checklist).

- (1) If the proposed subdivision is part of a larger lot, a map of such lot and a narrative description of the development plans for such lot;
- (2) A final preliminary plat, drawn to scale of 1 = 200 for tracts over fifty (50) acres and 1 = 100 for smaller parcels, on a sheet(s) no larger than twenty-four (24) by thirty-six (36) inches, prepared by an engineer or surveyor, in a standard format prescribed by the director of planning and including the following information unless otherwise agreed by the director of planning:
 - (i) Proposed name of subdivision;
 - (ii) Name, address of owner and applicant;
 - (iii) Name, signature, license number, seal and address of engineer or surveyor, as applicable, involved in plat preparation;
 - (iv) Title block denoting type of application, tax map sheet, lot number, street location, and date of original;
 - (v) A vicinity map at a scale of 1 = 2,000 showing location of lot with reference to surrounding properties, streets, municipal or county boundaries, etc., within one-half ($\frac{1}{2}$) mile;
 - (vi) A list of revisions and dates;
 - (vii) Signature block for the director of planning;
 - (viii) Preparer's certification blocks;
 - (ix) Boundary survey showing bearings and distances with error of closure that meets current surveying practices as administered by the state;
 - (x) Total acreage of lot to be subdivided (or square feet, if less than an acre);
 - (xi) The location of any required or proposed improvements or easements.
 - (xii) Size and location of any existing structures, applicable setbacks and building lines;
 - (xiii) Conceptual phasing plan of development, if any;
 - (xiv) Topographic contours with a minimum of ten-foot contours from USGS map or other more accurate source, except for lots less than two (2) acres, a minimum of two-foot contours shall be shown;
 - (xv) Water bodies and USGS perennial and intermittent streams;
 - (xvi) Watershed boundaries;
 - (xvii) Wetlands boundaries based on a field delineation in accordance with Federal standards.

- (xiii) Historic landmarks, historic district boundaries, Virginia natural heritage sites, and known historic features, including without limitations, Civil War resources, such as, earthworks, trace roads, stone walls and fences;
- (xix) Cemeteries, graves, objects or structures marking a place of burial shall be delineated clearly within a conservation easement and a minimum of a ten-foot access easement.
- (xx) 100-year floodplain boundaries as shown on FEMA maps, dated February 18, 1998 or latest maps or revisions;
- (xxi) Approximate location and description of wooded areas, hedgerows and tree lines, including individual freestanding trees greater than eight-[inch] caliper and individual trees greater than 15-[inch] caliper in hedgerows and woodlands, and significant physical features;
- (xxii) The location and area of any buffer area required under the County's Chesapeake Bay Act Ordinance;
- (xxiii) Existing and proposed street layout;
- (xxiv) Existing and proposed street names and widths;
- (xxv) General description of water supply system;
- (xxvi) Description and approximate location of proposed sewer system, including primary and 100% reserve drainfield(s) for on-site sewage treatment systems;
- (xxvii) Existing and proposed easements, rights-of-way or land reserved for or dedicated to public use and/or areas to be held in common ownership;
- (xxiii) Existing and proposed points of connection with public water and sewer;
- (xxix) The approximate location and area of any sewage disposal site, including required reserve areas, and confirmed by a field investigation by a soil scientist together with the approximate location of the house site, and two (2) copies of the soil reports prepared by a soil scientist with the AOSE certification number and original signature or VDH certification letter, provided engineering has been complete.
- (xxx) Areas with slopes exceeding fifteen (15) percent based on existing topographic data.
- (xxxi) A schedule of applicable zoning districts and requirements, including lot area, width, depth, setbacks, building coverage, open space, parking, etc.;
- (xxxii) Lot lines, zoning and principal uses of all existing lots or parcels within one hundred (100) feet identified on the most recent tax map sheet;
- (xxxiii) Soils data, indicating at a minimum the existence of any highly erodible or highly permeable, moderate and/or high shrink/swell or hydric soils. Shrink/swell soils data shall include a report prepared by a soils professional in accordance with the county's shrink/swell soils testing policy;
- (xxxiv) Chesapeake Bay Preservation Area data required by chapter 6A.

- (xxxv) The boundaries of any mapped dam break inundation zones.
- (3) If the application involves a residential subdivision, the final preliminary plat shall contain the following additional information:
- (i) Lot layout including lot numbers and setback lines and, if greater than one (1) acre, approximate sizes;
 - (ii) Minimum lot width at street;
 - (iii) Total number of lots to be created and minimum and average area of lots in square feet (or acres for lots of greater than one (1) acre);
 - (iv) Table of minimum yard requirements.
- (b) Minimum submittal requirements for subdivision preliminary plats submitted pursuant to article 4 of this chapter. The director of planning is authorized to waive requirements for optional preliminary plats for subdivisions with fifty (50) or fewer lots except that all applications for subdivision approval shall include at least:
- (1) A boundary survey, including bearings and distances with error of closure that meets current surveying practices as administered by the state;
 - (2) Total area of the lot to be subdivided;
 - (3) Lot layout including lot numbers and approximate dimensions and sizes and total number of lots to be created;
 - (4) Minimum and average lot areas;
 - (5) Chesapeake Bay Preservation Area features and requirements.
- (c) The director of planning shall base a decision to waive information requirements for subdivisions on the character, location and potential impact of the proposed subdivision of land and the information needed to determine compliance with the minimum requirements of this chapter.
- (d) Required submittals for all nonresidential subdivision preliminary plats submitted pursuant to article 4 of this chapter. Preliminary plats are required for subdivisions with fifty-one (51) lots or more and optional for subdivisions of fifty (50) or fewer lots. A preliminary plat shall contain or be accompanied by the following information and plans:
- (1) A boundary survey, including bearings and distances with error of closure that meets current surveying practices as administered by the state;
 - (2) Total area of the lot to be subdivided;
 - (3) The location of any required or proposed improvements or easements and an indication of whether the easements will be private or dedicated to public use. This shall include rights-of-way, lands reserved for public use, and any areas to be owned by an owners or tenants association or otherwise held in common ownership;
 - (4) Conceptual phasing plan of development, if any;
 - (5) Water bodies, wetlands, and USGS perennial and intermittent streams;

- (6) Existing and proposed street layout including widths and proposed names. Include all travel ways.

(Ord. No. 20-38, 1-12-10; Ord. No. 20-43, 9-9-14; Ord. No. 20-46, 9-25-18)

Editor's note— Ord. No. 20-43, adopted September 9, 2014, changed the title of section 20-4.4.1 from "Required final preliminary plat information" to "Required preliminary plat information." The historical notation has been preserved for reference purposes.

Sec. 20-4.6.1. - Record plat requirements.

An application for record plat approval shall be prepared in accordance with the standards for plats under § 42.1-82 of the Code of Virginia, shall be drawn to the size and scale specified by the subdivision agent and shall contain or be accompanied by such information, plans and number of copies as required by the subdivision agent. At a minimum, the application shall be accompanied by:

- (a) A record plat containing a current boundary survey or reference to a boundary survey:
 - (1) A certificate signed by the surveyor or engineer responsible for preparation of the plat, the state highway engineer where compliance with Virginia Department Of Transportation standards are an issue, and the county health official if individual wells and on-site sewage treatment facilities are to be used (plat shall depict primary and 100% reserve drainfields and application shall include two (2) copies of the soil reports prepared by a soil scientist with a valid AOSE certification and shall have an AOSE certification signature block completed by the AOSE on record plat).
 - (2) A signed and notarized owner's consent and certificate indicating the source of title of the owner of the land subdivided, and the place of record of the last instrument in the chain of title.
 - (3) Approval certificates for the director of planning certifying that the record plat conforms to the approved preliminary plat, if applicable, and the subdivision agent.
 - (4) In bold type the following notices:

NOTICE: THIS PLAT SHALL BECOME NULL AND VOID AND BE OF NO FURTHER FORCE AND EFFECT IF THE PLAT IS NOT RECORDED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF SPOTSYLVANIA COUNTY WITHIN SIX (6) MONTHS OF THE DATE OF APPROVAL.

APPROVAL AND/OR RECORDING OF THIS PLAT DOES NOT CONSTITUTE ASSURANCE THAT PUBLIC SEWER OR PUBLIC WATER SERVICE WILL BE AVAILABLE TO SERVE THE LAND DESCRIBED ON THIS PLAT AT ANY PARTICULAR TIME.

PERMITTED DEVELOPMENT IN THE RESOURCE PROTECTION AREA (RPA) IS LIMITED TO WATER DEPENDENT FACILITIES OR

REDEVELOPMENT IN THE RPA, INCLUDING THE 100-FOOT WIDE
VEGETATED BUFFER.

- (5) In bold type the following notice on plats that include lots served by on-site sewage treatment systems:
**SEWAGE TREATMENT SYSTEM PUMP OUT IS REQUIRED EVERY FIVE
(5) YEARS IN ACCORDANCE WITH SPOTSYLVANIA COUNTY CODE
CHAPTER 6A-10(B)(1).**
- (6) When the plat is of land acquired from more than one (1) source of title, the outline and area of each of the several tracts shall be indicated upon the plat, within an insert block, or by means of a dotted boundary line upon the plat.
- (7) A notation by the preparer of the plat specifying which of the lots shown thereon contains moderate or high potential shrink/swell soils, based upon the soils analysis and results thereof depicted on the preliminary plat.
- (b) Executed covenants and restrictions for common areas as required under article 7 of this chapter;
- (c) The articles of incorporation or other organizational documentation for the homeowners' association;
- (d) The by-laws of the homeowners' association;
- (e) A fiscal program for a minimum of ten (10) years, including adequate reserve funds for the maintenance and care of all lands, streets, facilities, and uses under the purview of the homeowners' association;
- (f) A recommended time schedule for the maintenance of major facilities, including streets, street signs, pools, sidewalks, parking areas and buildings;
- (g) A copy of the proposed notice that will be given to prospective buyers regarding the organization, assessments and fiscal program;
- (h) A copy of the deed of conveyance and a title certificate or, at the discretion of the director of planning, a commitment for a policy of title insurance issued by an insurance company authorized to do business in the Commonwealth of Virginia, assuring unencumbered title for all lands proposed to be conveyed to the county, other appropriate governmental agency, or other organization, including the homeowners' association;
- (i) An executed deed of dedication and easement conveying to the county land in fee simple and easements for public/county purposes which are depicted on the record plat; and
- (j) An executed subdivision agreement and improvement guarantees as required under article 6 of this chapter.

(Ord. No. 20-38, 1-12-10; Ord. No. 20-46, 9-25-18)

R18-0002: Keswick Land Development Corporation, Keswick Senior Apartments, LLC and Keswick Apartments I, LLC (R018-0002)(Berkeley District)

Ms. Pomatto presented.

Jay Jerrell, on behalf of the applicant: He gave an overview of the project to include the requested changes and stood to answer any questions.

Mr. Benton declared the public hearing opened.

The following citizens spoke in opposition or with concerns: Francesca Taylor, Rose Davis, Raymond Tate and Janet Asper.

Mr. Benton closed the public hearing.

On a motion by Mr. Benton and passed 6 to 1 with Mr. Marshall opposed, the Board tabled R18-0002 to the first meeting in October.

VOTE:

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

PRESENATIONS/REPORTS BY STAFF

Vote – Jackson Village and Alexander’s Crossing

Mr. McLaughlin said there needed to be more research on the special service district. Mr. McLaughlin made a motion to table action indefinitely. The motion passed 4 to 3 with Mr. Skinner, Dr. Trampe and Mr. Yakabouski opposed.

VOTE:

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

Vote – R16-0009 Palmers Creek, LLC and Massaponax Land Company, L.L.C. (R0-16-0009)(Lee Hill District)

Discussion ensued regarding the VDOT Green-T intersection design.

On a motion by Mr. Skinner and passed 4 to 3 with Mr. Benton, Mr. McLaughlin and Mr. Ross opposed, the Board adopted the ordinance as follows:

VOTE:

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

AN ORDINANCE No. RO16-0009

To amend the zoning map to zone, approximately 23.13 acres, of the property known as Tax Parcel 49-A-112, 49-A-114 and 49-A-114A(portion) to Mixed Use 5 (MU-5).

PUBLIC HEARING: September 11, 2018

WHEREAS, Palmers Creek, LLC and Massaponax Land Company, L.L.C. request a rezoning of approximately 25.13 acres from Commercial 3 (C-3) and Rural (RU) to Mixed Use 5 (MU-5) with proffers to allow for a maximum of 400 multi-family units and a maximum of 40,000 square feet of commercial uses known as Palmers Creek. The property is located on the west side of Jefferson Davis Highway (Route 1) approximately one mile south of the Spotsylvania Parkway (Route 628) and Jefferson Davis Highway (Route 1) 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 parcels 49-A-112, 49-A-114 and 49-A-114A(portion). Lee Hill Voting District; and

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

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on August 15, 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 4-1; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on September 25, 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 rezoning application.

NOW, THEREFORE, THE SPOTSYLVANIA COUNTY BOARD OF SUPERVISORS

HEREBY ORDAINS:

§ 1. That the properties known as Tax Parcels 49-A-112, 49-A-114 and 49-A-114A(portion) currently zoned Commercial 3 (C-3) and Rural (RU) are rezoned to Mixed Use 5 (MU-5) subject to the proffered conditions dated June 4, 2018, attached hereto, which are incorporated herein and made a part hereof.

§ 2. 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 Spotsylvania County Ordinances, rules, regulations, or adopted standards. To the extent anything in this rezoning is less restrictive than the County's Ordinances, or its rules, regulations, or adopted standards, the lessened restriction shall be void and the County's Ordinances, or its rules, regulations, or adopted standards shall control and be applicable to the rezoning.

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

Information Services FY'18 Results

Ms. Reeve, Director and Chief Information Officer, gave an update to the Board on the department of information services FY19 – FY24 strategic focus and goals.

Space Needs Discussion - CIP Updates and General Government Work Space

Mr. Petrovitch, Deputy County Administrator, presented CIP updates and general government work space needs.

Without objection, the Board gave staff direction to move forward with the animal shelter expansion and renovation.

Discussion ensued. Mr. Benton asked staff to provide the most efficient scenario for the placement of all general government staff.

Mr. Ross made a motion to move the museum and the museum annex to Lick Run. The motion passed unanimously.

VOTE:

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

The Board directed staff to bring back recommendations for another community center.

CLOSED MEETING

On a motion by Mr. Benton 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. 2018-126

To Adjourn into a Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for a 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 the County, specifically, a member of the Board of Supervisors, the Director of the Department of Social Services, and the County Administrator; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(1), 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. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2018-127

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. Benton and passed unanimously, the Board adjourned its meeting at 11:10 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