

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 Yakabowski, 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 4:30 p.m. Miles Almany led the Pledge of Allegiance and Mr. Benton gave the invocation.

APPROVAL OF AGENDA

On a motion by Mr. Skinner and passed unanimously, the Board moved Discussion of Legal Services Contract after Closed Meeting and approved the agenda as amended.

VOTE:

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

AWARD PRESENTATIONS AND SPECIAL RECOGNITIONS

HEARTSafe Communities Presentation by the Rappahannock EMS Council

HEARTSafe Communities is a program designed to promote survival from sudden out-of-hospital cardiac arrest. It is a general concept focused upon strengthening the “chain of survival” as described by the American Heart Association; it recognizes and stimulates efforts by individual communities to improve their system for preventing sudden cardiac arrest (SCA) from becoming irreversible death.

In the HEARTSafe model, Spotsylvania County establishes a set of minimum criteria its communities must meet in order to achieve HEARTSafe status. Goals that support the chain of survival, such as widespread CPR instruction, public access defibrillators, and aggressive resuscitation protocols for first responders and area hospitals.

The first HEARTSafe program began in Massachusetts in 2002. Programs now exist in all or parts of Arizona, California, Colorado, Connecticut, Kansas, Kentucky, Maine, Michigan, Minnesota, Nevada, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, as well as numerous US college campuses; they have also spread internationally to Ireland, New Zealand, and Taiwan, and are under development in Missouri and Tennessee. Typically, programs are managed at the state level through the Department of Public Health or a similar service, and individual communities in each state obtain designation through that central office. Under these various umbrellas, well over 600 local HEARTSafe communities now exist, providing a safety net for over 8,000,000 residents.

The Board recognized Spotsylvania County as a HEARTSafe community.

Belmont Foundation Recognition

Supervisor Benton recognized the Belmont Foundation for their ongoing contributions to Post Oak Middle School.

PUBLIC COMMENT ON CONSENT AGENDA

The following citizen spoke with concerns regarding the taxation of solar farms: Sean Fogarty.

APPROVAL OF THE CONSENT AGENDA

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

The following item was pulled for separate consideration:

- Resolution Approving the Economic Development Authority Issuance for Revenue Bonds Financing for Palmers Creek.

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 October 9 and 23, 2018 Board of Supervisors Meetings;
2. Approval of Contract to Taft Construction, Inc. for Animal Shelter Expansion, Renovation & Utility Administration Parking Lot Project;
3. Approval of Contract Modification for Renewal to Sullivan, Donahoe & Ingalls to Provide 3rd Party Inspections for Stormwater Management & Erosion & Sedimentation (Professional Engineering Services);
4. Authorization for Public Hearing to Repeal Solar Power Exemption on Real Estate and Personal Property Tax;

5. Grant Award Acceptance & Budget Adjustment for the Federal Fiscal Year 2017 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation 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. 2018-143

Approving Grant Award Agreement, Designation of Authorized Agents in the Execution and Administration of the Grant Award and Acceptance and Appropriation of FY19 Funds

WHEREAS, Spotsylvania County has applied for and received approval for a federal grant from the Department of Justice in the amount of \$30,237 to be utilized by the Sheriff's Office for the purchase of equipment associated with the Body Worn Camera Program; and

WHEREAS, the County is not required to provide a local match; 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 Department of Justice 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; Mary Sorrell, Finance Director; 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 \$30,237 is accepted and that the Capital Fund budget is hereby amended to reflect the increase in funds associated with the grant award; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2018, for expenditures in the amount of \$30,237 to be utilized only for the purchase of body worn cameras and associated transfer stations, to be expended only by order of the Board of Supervisors as follows:

CAPITAL PROJECTS FUND: \$ 30,237

6. Grant Award Acceptance & Budget Adjustment for the Federal Fiscal Year 2018 Edward Byrne Memorial Justice Grant Program – Local Solicitation 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. 2018-144

Approving Grant Award Agreement, Designation of Authorized Agents in the Execution and Administration of the Grant Award and Acceptance and Appropriation of FY19 Funds

WHEREAS, Spotsylvania County has applied for and received approval for a federal grant from the Department of Justice in the amount of \$28,834 to be utilized by the Sheriff's Office for the purchase of equipment associated with the Body Worn Camera Program; and

WHEREAS, the County is not required to provide a local match; 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 Department of Justice 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; Mary Sorrell, Finance Director; 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 \$28,834 is accepted and that the Capital Fund budget is hereby amended to reflect the increase in funds associated with the grant award; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2018, for expenditures in the amount of \$28,834 to be utilized only for the purchase of body

worn cameras and associated transfer stations, to be expended only by order of the Board of Supervisors as follows:

CAPITAL PROJECTS FUND: \$ 28,834

7. Grant Award Acceptance for the FFY18 BJA STOP Violence Threat Assessment and Technology Reporting Program 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. 2018-145

Approving Grant Award Agreement and Designation of Authorized Agents in the Execution and Administration of the FFY 2018 Student, Teachers, and Officers Preventing (STOP) School Violence Act Program the Grant Award

WHEREAS, Spotsylvania County has applied for and received approval for a federal grant from the Department of Justice in the amount of \$95,472 to be utilized by the Spotsylvania County Schools for the implementation of an anonymous reporting system that will enable students, teachers, faculty, and community members to anonymously identify school threats; and

WHEREAS, the County is required to provide a local match of \$31,824; and

WHEREAS, the Spotsylvania County Schools have agreed to provide the local match; and

WHEREAS, the County and Spotsylvania County Schools will administer the grant in accordance with the terms as set forth in the grant award agreement; and

WHEREAS, the associated budget adjustment and appropriation will be submitted at a later date to the Board of Supervisors when all special conditions associated with the grant award have been met.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors, that the grant award agreement between Spotsylvania County and the Department of Justice 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; Mary Sorrell, Finance Director; and Annette B. D'Alessandro, Grants Manager.

8. Resolution Requesting Commonwealth of Virginia to Expand Lake Anna State Park 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. 2018-146

**A RESOLUTION CALLING ON THE GOVERNOR AND THE GENERAL ASSEMBLY
TO EXPAND THE CAPACITY OF LAKE ANNA STATE PARK**

WHEREAS, the Board of Supervisors of Spotsylvania County recognizes the important services provided to the area and the Commonwealth by Lake Anna State Park; and

WHEREAS, Lake Anna State Park is a popular attraction for out of area tourists and local residents alike, generating revenues for the Commonwealth; and

WHEREAS, Lake Anna State Park's parking, picnic, and restroom facilities are limited and in need of expansion; and

WHEREAS, due to the popularity of Lake Anna State Park, the demand for its facilities and services frequently exceeds its capacity, causing the Park to close and turn away those desiring entry; and

WHEREAS, traffic into the Park frequently exceeds capacity creating congestion and back-ups on to surrounding roads, creating unsafe conditions and requiring local law enforcement to deploy additional resources to direct traffic; and

WHEREAS, when the Park exceeds capacity and closes, many desiring entry will park on surrounding roads and walk into the Park without paying entry fees and also creating unsafe conditions on the roads near the Park; and

WHEREAS, expanding the Park's parking, picnic, and restroom facilities would alleviate many of these unsafe conditions, while expanding services and increasing fee revenues; and

WHEREAS, Lake Anna State Park generates positive cash flow for the Commonwealth through its entry and user fees, and expanding its capacity would lead to an increase in those revenues; and

NOW, THEREFORE, be it resolved that the Board of Supervisors calls on the Governor of the Commonwealth and the Virginia General Assembly to expand the capacity of Lake Anna State Park parking, picnic, and restroom facilities, to meet the increasing demand for those services and relieve the unsafe conditions caused by closure of the Park.

APPROVAL OF THE CONSENT AGENDA ITEMS REMOVED FOR SEPARATE CONSIDERATION

Resolution Approving the Economic Development Authority Issuance for Revenue Bonds Financing for Palmers Creek

Staff requested the adoption of a resolution authorizing the issuance by the Economic Development Authority of the County of Spotsylvania, Virginia (the “EDA”) of bonds in an aggregate amount of up to \$22,000,000 (the “EDA Bonds”) for the benefit of BFW Palmers Creek, LLC.

Mr. Ross said he was not prepared to vote on this tonight and requested additional information. Mr. McLaughlin made a motion to table action. Mr. Skinner made a substitute motion to adopt the resolution approving the Economic Development Authority issuance for revenue bonds financing for Palmers Creek. The substitute motion failed 3 to 4 with Mr. Benton, Mr. Marshall, Mr. McLaughlin and Mr. Ross opposed.

VOTE:

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

Mr. McLaughlin made a motion to table adoption of the resolution approving the Economic Development Authority issuance for revenue bonds financing for Palmers Creek. The motion passed 5 to 2 with Mr. Skinner and Mr. Yakabouski opposed.

VOTE:

Ayes:	5	Mr. Benton, Mr. Marshall, Mr. McLaughlin , Mr. Ross Dr. Trampe
Nays:	2	Mr. Skinner and Mr. Yakabouski
Absent:	0	
Abstain:	0	

PUBLIC PRESENTATIONS

The following citizens spoke with concerns regarding the proposed solar farm: Russ Mueller, John Vagnetti, Nancy McNamara, Sean Fogarty, David Hammond, Mike Mikolosa, Vivian

Stanley, Richard Genaille, Judy Genaille, Irv Boyles, Kathleen Hayden, Kevin McCarthy, John Koch, Dan Kulig, Barbara Edwards, Michael O'Bier, Alfred King, Blaine Todd and Kevin Shidell.

The following citizens spoke regarding a Department of Social Services foster care case: Wanda Morris, Peter Donis and Heather Donis.

BOARD OF SUPERVISORS REPORTS

Mr. Skinner spoke regarding concerns with the proposed solar farm and asked staff to invite the planning commission to the next meeting to discuss all the concerns that have been raised by the citizens.

Mr. Marshall commended the Chancellor High School girls field hockey team for winning the state championship and asked staff to invite the team to the next Board meeting to be formally recognized.

Mr. Yakabouski shared he attended the ground breaking at the YMCA and said he looked forward to the YMCA growing and serving the community. After the first of the year, Mr. Yakabouski asked staff to bring back a plan to direct each department within the county to come up with individual goals to align with the strategic plan element of setting the standard for Virginia counties.

Mr. Ross shared that Fredericksburg Christian School would be participating in a playoff game Saturday at King George High School at 7 p.m.

The Board recessed at 6:29 p.m. and reconvened at 6:41 p.m.

PRESENTATIONS/REPORTS BY STAFF

Fredericksburg Regional Alliance Update

The Fredericksburg Regional Alliance at the University of Mary Washington provided an update to the Board of Supervisors on economic development efforts, activities and trends over the past year.

PUBLIC PRESENTATIONS

None

PUBLIC HEARINGS

CA18-0004 Erosion and Sediment Control Ordinance and Fee Amendment

Mr. Tignor 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. Marshall 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. 8-15

CA18-0004: Development Review Procedures

To amend County Code (“Code Amendment”) Chapter 8, Erosion and Sedimentation Control Ordinance, Article I. – In General, Sec. 8-4. Definitions, to add exceptionally-large-scale land disturbance construction area defined as 400 acres or larger; amend Article II. – Local Erosion and Sedimentation Control Program, Division 3. – Special Requirements, Sec. 8-37. – Fees for inspection of corrections of violations of the provisions of this chapter, by adding provisions related to fees for exceptionally-large-scale land disturbance area; and to add those fees to the Fee Schedule as authorized under Sec. 8-31(c).

PUBLIC HEARING:

WHEREAS, staff has reviewed the Code Amendment and recommends approval as stated in the Executive Summary dated October 31, 2018; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on October 3, 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 5 to 1; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on November 15, 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 erosion and sediment control 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 8, Article I Sec. 8-4, Definitions, is hereby amended and reordained as follows:

Sec. 8-4. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section, unless the context requires a different meaning:

Aggrieved landowner means any landowner whose property sustains pecuniary damage resulting from a violation of an approved plan or required permit or from the conduct of land-disturbing activities commenced without an approved plan or required permit.

Agreement in lieu of plan means a contract between the county, signed by the, program administrator and the owner which specifies conservation measures which must be implemented in the construction of a single family residence in lieu of a formal site plan. The program administrator executes said contract on behalf of the county if the contract meets the requirements of this chapter.

Applicant means the owner, or a person authorized by limited power of attorney or other acceptable document to sign on behalf of the owner, submitting an erosion and sediment control plan for approval or requesting, by written application, the issuance of a permit authorizing land-disturbing activities to commence.

Board means the Virginia Soil and Water Conservation Board, as described in Section 10.1-502 of the Code of Virginia.

Certified inspector means an employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of project inspection, or (ii) is enrolled in the board's training program for project inspection and successfully completes such program within one (1) year after enrollment.

Certified plan reviewer means an employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of plan review, (ii) is enrolled in the board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (section 54.1-400 et seq.) of Chapter 4 of Title 54.1.

Certified program administrator means an employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one year after enrollment.

Clearing means any activity which removes the vegetative ground cover, including but not limited to, the removal of root mat and/or topsoil.

Conservation plan, erosion and sediment control plan or plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

DCR means Virginia Department of Conservation and Recreation.

Director means the Spotsylvania County erosion and sediment control director or any person designated by the director to act on his or her behalf.

District or soil and water conservation district means a political subdivision of the state organized in accordance with the provisions of Chapter 5, Article 3 of Title 10.1 of the Code of Virginia, as amended.

Erosion impact area means an area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of ten thousand (10,000) square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Excavating means any depositing or stockpiling of earth materials.

Exceptionally-large-scale land disturbance construction area means a land-disturbance activity area 400 acres or larger.

Governing body means the Spotsylvania County Board of Supervisors.

Grading means any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Land-disturbing activity means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the following activities shall not be considered land-disturbing activities for the purpose of this chapter:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk; provided, such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Surface or deep mining;

- (6) Exploration or drilling for oil and gas including the well site, roads and off-site disposal areas;
- (7) Tilling, planting or harvesting of agricultural, horticultural or forest crops or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 of this Title 10.1 of the Code of Virginia, as amended, or is converted to bona fide agricultural or improved pasture use as described in subsection B of section 10.1-1163 of the Code of Virginia, as amended;
- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (9) Agricultural engineering operations including, but not limited to, the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds (not required to comply with the Dam Safety Act, Chapter 6, Article 2, of Title 10.1 of the Code of Virginia, as amended), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
- (10) Disturbed land areas of less than twenty-five hundred (2,500) square feet in size;
- (11) Installation of fence and signposts or telephone and electric poles and other kinds of posts or poles;
- (12) Shore erosion control projects on tidal waters when the projects are approved by local wetland boards, the Marine Resources Commission or the U.S. Army Corps of Engineers;
- (13) Emergency work to protect life, limb or property, and emergency repairs; however, if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the local plan approving authority.

Land-disturbing permit means a permit issued by the county for land-disturbing activities regulated by this chapter.

Local erosion and sediment control program or *local control program* means an outline or explanation of the various elements or methods employed by the county to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as a local ordinance, policies and guidelines, technical matters, inspection, enforcement and evaluation.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of property.

Permit issuing authority means the erosion and sediment control program administrator.

Permittee means the owner of the property and/or the person to whom the permit authorizing land-disturbing activities is issued and/or the person who certifies that the approved erosion and sediment control plan will be followed.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility cooperative, county, city, town or other political subdivision of this state, any interstate body or any other legal entity.

Plan approving authority means the erosion and sediment control program administrator.

Program authority means the locality which has adopted a soil erosion and sediment control program approved by the board.

Responsible land disturber means an individual from the project or development team, who will be in charge or responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of plan, who (i) holds a responsible land disturber certificate of competence, (ii) holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection, or plan review, (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article I (section 54.1-400 et seq.) of Chapter 4 of Title 54.1.

Single family residence/home/dwelling means a noncommercial dwelling that is occupied exclusively by one family.

State waters mean all waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdiction.

Subdivision has the same meaning in this chapter as the definition set forth in the Spotsylvania County Subdivision Ordinance.

(Ord. No. 8-1, 11-28-89; Ord. No. 8-1, 7-27-93; Ord. No. 8-2, 7-12-94; Ord. No. 8-6, 2-11-03; Ord. No. 8-15, XX-XX-XX)

§ 2. That Chapter 8, Article II, Division 3, be and is hereby amended and reordained as follows:

Sec. 8-37. - Fees for inspection of corrections of violations of the provisions of this chapter.

- (a) Fees for exceptionally- large-scale land disturbance construction area inspections shall be authorized by the Board of Supervisors from time to time to off-set Erosion and Sedimentation Control Departmental program administration and inspection costs and shall be designated in the Unified Fee Schedule.

- (1) In accordance with the Unified Fee Schedule fee amount and determined by land disturbance acreage calculation on the approved site plan, the applicant shall be billed for the monthly inspection fee on the first day of each month during the period of validity of the construction site plan. Thereafter, the applicant will continue to be billed for the required monthly fee on the first (1st) day of the month until the site receives a final bond release inspection approval. The applicant shall remit payment within fifteen (15) days of

invoicing to the Zoning and Environmental Codes Department by check payable to the County Treasurer. Failure to stay current on construction fee billing shall be cause for issuance of a project stop work order until such fees are paid current.

- (2) If the monthly fee schedule amount received is more than the amount of billed third-party inspection costs required during any month, then the County collection overage amount will be discounted towards the next calculated County fee invoice to the applicant submitted on the subsequent first day of the next month's invoice equalized to the monthly fee per the fee schedule.
 - (3) If the monthly fee schedule amount invoice is insufficient to cover the billed third-party inspection cost for any particular monthly billing cycle, then the applicant shall be invoiced for the County's fee collection underage on the subsequent month's invoicing in an equal amount totaling third-party inspections billing for that current month plus the previous month's collection underage.
 - (4) At the closure of the land disturbance permit by a final bond release inspection, the applicant shall be due any County fee collection overage compared to the last month's third-party billing cycle up to final bond release inspection.
- (b) Where any violation of this chapter requires more than one (1) inspection to the site by the erosion and sediment control department, there will be imposed a reinspection fee for each additional inspection. No occupancy permit shall be issued until such fees are paid.

(Ord. No. 8-1, 7-27-93; Ord. No. 8-15, XX-XX-XX)

Pursuant to Sec. 8-31(c), the following new fees are added to the Fee Schedule for Land Use and Building:

Division	Name of Fee	Current Fee	Proposed Fee
E&S	Exceptionally-Large-Scale land disturbance area inspections	New Fee	400 to <1000 Acres \$7000 per Month 3rd party inspections
		New Fee	1000 to <2000 Acres \$11,000 per Month 3rd party inspections
		New Fee	2000 to <3000 Acres \$22,000 per Month 3rd party inspections
		New Fee	3000+ Acres \$44,000 per Month 3rd party inspections

R18-0007 Jean Masten Kelly and Joyce A. Taylor (B-Farms Development, LLC) Regency Crossing Townhomes

Ms. Pomatto presented.

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

Mr. Benton declared the public hearing opened.

The following citizen spoke in favor: Andrea Stomer.

The following citizen spoke with concerns or in opposition: Larry Liset and Warren Grimsley.

Mr. Benton closed the public hearing.

Charlie Payne, on behalf of the applicant: He addressed the concerns of the citizen.

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

VOTE:

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

AN ORDINANCE No. RO18-0007

To amend the zoning map to zone, approximately 2.69 acres, of the property known as Tax Parcel 12-A-69J to Residential 8 (R-8).

PUBLIC HEARING: November 15, 2018

WHEREAS, Jean Masten Kelly and Joyce A. Taylor (B-Farms Development, LLC) request a rezoning of approximately 2.69 acres from Residential 1 (R-1) to Residential 8 (R-8) with proffers to allow for a maximum of 21 single-family attached units known as Regency Crossing Townhomes. The property is located on the east side of Five Mile Road Extended (Route 675) approximately 550 feet north of the Plank Road (Route 3) and Five Mile Road Extended (Rt 675) intersection. A portion of the property is located within the Primary Development Boundary. The property is identified for Commercial development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 12-A-69J. Courtland 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 October 3, 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 5-1; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on November 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 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 property known as Tax Parcel 12-A-69J currently zoned Residential 1 (R-1) is rezoned to Residential 8 (R-8) subject to the proffered conditions dated August 6, 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.

CLOSED MEETING

On a motion by Mr. Yakabouski 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. 2018-147

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, the County Administrator and employees of the Department of Social Services; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into 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 Chancellor District and real property in the Courtland 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, a technology business and a governmental industry; 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 the matter of *Clara Mills v. Spotsylvania County*, U.S. District Court for the Eastern District of Virginia, Civil Action No. 3:18-cv-00423-MHL; 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 relating to a claim against the County; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for a 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 of 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 legal services; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(1), (3), (5), (7), (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 aforestated matters.

RETURN TO OPEN MEETING AND CERTIFICATION

Mr. Skinner departed the meeting during closed meeting.

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

VOTE:

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

RESOLUTION NO. 2018-148

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.

Mr. Yakabouski made a motion to continue consideration of the discussion of legal services contract until the Boards December meeting. The motion passed 6 to 0 with Mr. Skinner absent.

VOTE:

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

Dr. Trampe made a motion to authorize the Deputy County Administrator Mark Cole to appear on behalf of the Board before the US District Court for the Eastern District of Virginia on December 3, 2018 or whenever the matter is hereinafter scheduled to participate in a settlement conference scheduled and required by the court in the matter of Clara Mills versus Spotsylvania County and Mr. Cole shall be duly authorized to act on behalf of the Board pursuant to the guidance and limitations discussed in closed session. The motion passed 6 to 0 with Mr. Skinner absent.

VOTE:

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

NEW BUSINESS

None

ADJOURNMENT

On a motion by Mr. Marshall and passed 6 to 0 with Mr. Skinner absent, the Board adjourned its meeting at 11:12 p.m.

VOTE:

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

Mark B. Taylor
Clerk to the Board of Supervisors