

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. Dr. Trampe led the Pledge of Allegiance and Mr. Ross gave the invocation.

APPROVAL OF AGENDA

On a motion by Mr. Skinner and passed unanimously, the Board approved the agenda as presented.

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 COMMENT ON CONSENT AGENDA

None

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 removed for separate consideration:

- Proposed Changes to the Spotsylvania County Farmers Market Rules and Regulations.

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

1. Acceptance and Budget Adjustment for the FY 2019 Edward Byrne Justice Assistance Grant Sub-Award, Naloxone for Law Enforcement Agencies 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. 2018-149

Approving Grant Sub-Award Agreement, Designation of Authorized Agents in the Execution and Administration of the Grant Sub-Award and Acceptance and Appropriation of FY 2019 Funds

WHEREAS, Spotsylvania County has applied for and received approval for a federal pass through grant from the Virginia Department of Criminal Justice Services in the amount of \$5,000 to be utilized by the Sheriff's Office for the purchase of naloxone to be administered in opiate overdose cases; and

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

WHEREAS, the County and the Sheriff's Office will administer the grant in accordance with the terms as set forth in the grant sub-award agreement.

NOW, THEREFORE, BE IT RESOLVED by the Spotsylvania County Board of Supervisors, that the grant award agreement between Spotsylvania County and the Virginia Department of Criminal Justice Services is approved; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the following individuals are hereby designated as authorized agents any of whom may act in the execution and administration of the grant award agreement: Mark B. Taylor, County Administrator; Mark Cole, Deputy County Administrator; Edward Petrovitch, Deputy County Administrator; and Annette B. D'Alessandro, Grants Manager; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the grant in the amount of \$5,000 is accepted and that the General Fund budget is hereby amended to reflect the increase in funds associated with the grant award; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the following appropriations be, and the same hereby are, made for the fiscal year beginning July 1, 2018, for expenditures in the amount of \$5,000 to be utilized only for the purchase of naloxone

to be administered in opiate overdose cases, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$ 5,000

2. Approval of Contracts to Provide Audio Visual, Multi-Media Equipment, Components, Installation and Maintenance;
3. Approval of Contract Modification #1 to EMS Management & Consultants, Inc. for Third Party Medical Billing;
4. Formal Action to Reject the Public-Private Education Infrastructure Act (PPEA) Proposal to Construct and Operate an Indoor Recreation Facility;

VOTE:

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

APPROVAL OF THE CONSENT AGENDA ITEMS REMOVED FOR SEPARATE CONSIDERATION

Proposed Changes to the Spotsylvania County Farmers Market Rules and Regulations

The Spotsylvania County Farmers Market (SCFM) Executive Committee requested the approval of three (3) changes to the SCFM rules and regulations. These changes would become effective with the 2019 farmers market season. The three changes are:

1. Remove the Spotsylvania Courthouse market location
2. Remove the application requirement for a completed IRS Form W-9
3. Increase the full season market fee to \$200 per space

On a motion by Mr. Benton and passed 6 to 1 with Dr. Trampe opposed, the Board approved the changes to the Spotsylvania County Farmers Market Rule and Regulations as presented.

VOTE:

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

PUBLIC PRESENTATIONS

The following citizens spoke with concerns regarding the proposed solar farm: Russ Mueller, Kathleen Hayden, Sean Fogarty, Moya Doss, Richard Genaille, Judith Genaille, Mike Mikolosko, Kevin McCarthy, Dave Hammond, Vivian Stanley, Alan Braneman and Michael O'Bier.

BOARD OF SUPERVISORS REPORTS

Mr. Ross asked that the Board recognize the Fredericksburg Christian School football team at a future meeting for winning the 2018 VISAA division two state football championship.

Mr. Benton said he held a town hall meeting and clarified that he has not made a decision regarding the proposed solar farm.

PUBLIC HEARINGS

SUP18-0009 DMS Properties, LLC

Ms. Pomatto 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 resolution 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. 2018-150

**Approve with Conditions
Special Use Permit SUP18-0009
DMS Properties, LLC**

WHEREAS, DMS Properties, LLC requests Special Use Permit approval to allow a contractor's office and shop on approximately 10.10 acres of Agriculture 3 (A-3) zoned property. The property is located at 5730 Jefferson Davis Highway, which is located on the west side of Jefferson Davis Highway (Route 1) approximately 530 feet north of the Arcadia Road (Route

603) and Jefferson Davis Highway (Route 1) intersection. The property is located outside the Primary Development Boundary. The property is identified for Rural Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 76-A-15A. Berkeley 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 November 7, 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 November 27, 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 Shirley P. Joseph's (Columbia Gas of Virginia, Inc.) Special Use Permit with the conditions listed below:

1. The property shall be developed in accordance with the Generalized Development Plan (GDP) titled, "Special Use Permit Generalized Development Plan DMS Properties, LLC" dated June 24, 2016 and last revised October 30, 2018.
2. Landscaping and fencing as identified on the GDP shall be maintained for the life of the use in order to provide a visual screen of the storage yard from the public right of way.
3. All site entrance design shall be approved by VDOT prior to site plan approval.

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 Spotsylvania County Ordinances, rules, regulations, or adopted standards. To the extent anything in this Special Use Permit 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 Special Use Permit.

WORK SESSION

Joint Work Session with the Schools (A) FY 2018 Financial Report; (B) Budget Adjustment and Appropriation of Debt Service Saving to Schools' Capital Projects Fund; (C) Schools FY2018 Carryover Request

The Board of Supervisors and School Board convened a joint work session.

On a motion by Mr. Ross 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. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2018-151

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.

Reallocation of excess debt service funding to be used to meet school capital projects cash flow needs in FY 2019, to be expended only by order of the Board of Supervisors as follows:

SCHOOL OPERATING FUND: (\$2,610,663)
SCHOOL CAPITAL PROJECTS FUND: \$2,610,663

On a motion by Mr. Yakabouski 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. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2018-152

BE IT RESOLVED by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriations 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.

For appropriation of the unexpended FY 2018 local funding to Schools, to be expended only by the order of the Board of Supervisors as follows:

SCHOOL OPERATING FUND: \$3,877,402

sPower (Solar Energy) Facility Application Status Update

Staff provided an overview of the special use permit review process, status, and timeline for the 3 Special Use Permit applications for the Solar Energy Facility proposed by sPower.

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

On a motion by Mr. Skinner and passed 5 to 2 with Mr. McLaughlin and Mr. Ross opposed, the Board adopted the resolution as follows:

VOTE:

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

RESOLUTION NO. 2018-153

RESOLUTION APPROVING THE ISSUANCE BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA OF ITS REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE APPROXIMATELY 200 UNIT PALMERS CREEK APARTMENTS MULTIFAMILY HOUSING FACILITY LOCATED IN THE COUNTY OF SPOTSYLVANIA, VIRGINIA

WHEREAS, the Economic Development Authority of the County of Spotsylvania, Virginia (the “Authority”) is authorized to advertise and hold public hearings relative to the issuance of private activity bonds; and

WHEREAS, the Authority has considered the application of BWF Palmers Creek, LLC, a Virginia limited liability company (the “Borrower”), requesting that the Authority issue up to \$22,000,000 of its revenue bonds (the “EDA Bonds”) to assist the Borrower in financing the acquisition, construction and equipping of a multifamily residential rental housing project to be known as Palmers Creek Apartments, consisting of two four-story buildings containing approximately 200 residential units, one community building and one office located on approximately 9.53 acres of land at 8934 Jefferson Davis Highway, Fredericksburg (Spotsylvania County), Virginia 22408 and other eligible expenses (collectively, the “Project”) and has held a public hearing in connection therewith on October 25, 2018; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), provides that the applicable elected representatives of the governmental unit having jurisdiction over the issuer of private activity bonds must approve the issuance of such bonds;

WHEREAS, the Authority, as the issuing governmental unit with respect to the EDA Bonds, has no applicable elected representative, the County of Spotsylvania, Virginia (the “County”) constitutes the next highest governmental unit with such a representative, and the members of the Board of Supervisors of the County (the “Board”) constitute the applicable elected representatives of the County; and

WHEREAS, the Authority has previously held a public hearing regarding the Project and adopted a resolution authorizing in principle the issuance of the EDA Bonds; and

WHEREAS, the Authority has recommended that the Board approve the issuance of the EDA Bonds; and

WHEREAS, a copy of the Authority's resolution authorizing the issuance of the EDA Bonds, subject to the terms to be agreed upon, a Fiscal Impact Statement complying with the requirements of Section 15.2-4907 of the Virginia Code and a certificate of the public hearing have been filed with the Board; and

WHEREAS, the EDA Bonds, as exempt facility bonds issued under Section 142(d) of the Code will necessitate that the Authority, on behalf of the Borrower, apply for and secure an allocation of private activity housing bond cap (the "Allocation") for the Project in order for interest on the EDA Bonds to be exempt from the imposition of federal income tax.
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA THAT:

1. The Board approves the issuance of the EDA Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code, Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") to permit the Authority to assist in the financing of the Project. Each of the County Administrator and any Deputy County Administrator are hereby authorized to take such further actions and execute and deliver such other documents, instruments, or certificates as are not inconsistent with this resolution and may be necessary or appropriate to secure the Allocation and otherwise for the issuance of the EDA Bonds by the Authority.

2. The approval of the issuance of the EDA Bonds does not constitute an endorsement to a prospective purchaser of the EDA Bonds of the creditworthiness of the Project or the Borrower.

3. THE EDA BONDS SHALL PROVIDE THAT NEITHER THE COMMONWEALTH OF VIRGINIA NOR THE COUNTY NOR THE AUTHORITY SHALL BE OBLIGATED TO PAY THE EDA BONDS OR THE INTEREST THEREON OR OTHER COSTS INCIDENT THERETO EXCEPT FROM THE REVENUES AND MONIES PLEDGED THERETO AND THAT NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE COMMONWEALTH OF VIRGINIA NOR THE COUNTY OR THE AUTHORITY IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF THE EDA BONDS OR THE INTEREST THEREON OR OTHER COSTS INCIDENT THERETO.

4. In adopting this resolution, the County, including its elected representatives, officers, employees and agents, shall not be liable for, and hereby disclaim all liability for, any damages to any person, direct or consequential, resulting from the Authority's failure to issue the EDA Bonds for any reason.

5. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Spotsylvania, Virginia this 15th day of November, 2018.

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. Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2018-154

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 Director of Economic Development and Tourism; 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 Livingston District; 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 potential claim against the County; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(1), (3), 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. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2018-155

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 10:19 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