

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: Ed Petrovitch, Interim County Administrator  
Mark L. Cole, Deputy County Administrator  
Karl Holsten, County Attorney  
Aimee R. Mann, Deputy Clerk

---

Dr. Trampe called the meeting to order at 4:30 p.m. Mr. Ross led the Pledge of Allegiance and Dr. Trampe gave the invocation.

### **APPROVAL OF AGENDA**

On a motion by Mr. Benton and passed 6 to 0 with Mr. Yakabouski absent, the Board approved the agenda with the following addition:

- Approval to Extend Economic Development Agreement for Knife Center.

#### **VOTE:**

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

### **PUBLIC COMMENT ON CONSENT AGENDA**

None

### **APPROVAL OF THE CONSENT AGENDA**

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

The following item was removed for separate consideration:

- Budget Adjustment & Appropriation for Additional Fire/Rescue Overtime Costs

On a motion by Mr. Skinner and passed 6 to 0 with Mr. Yakabouski absent, the Board approved the amended Consent Agenda as follows:

VOTE:

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

1. Approval of the Minutes of the April 9, 11 and 23, Board of Supervisors Meetings;
2. Approval of Award of Contracts to Three (3) Vendors for Delivered Fuels;
3. Approval of Contract Modification for Renewal Logan Systems, Inc. for Land and Official Records Information System;
4. Approval of Contract Modification for Renewal to Interstate Rescue, LLC for Protective Ensemble for Structural Firefighting (Turnout Gear);
5. Approval of a Mutual/Automatic Aid Agreement for Fire and EMS between Spotsylvania County and Hanover County;
6. Approval of a Mutual/Automatic Aid Agreement for Fire and EMS between Spotsylvania County and Caroline County;
7. Approval of Six (6) Contract Modifications for Renewal to Multiple Firms to Provide Professional Engineering Services;
8. Budget Adjustment & Appropriation to Reflect Increase in State/Federal Funding for Child Welfare Line Items as follows:

VOTE:

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

**RESOLUTION NO. 2019-47**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriation be, and the same hereby are, made for the fiscal year beginning July 1, 2018, from the funds and for the functions or purposes indicated.

For child welfare program expenditures for which the State has approved additional State/Federal budget allocations, to be expended only by order of the Board of Supervisors as follows:

**GENERAL FUND:** \$1,442,452

9. Budget Amendment & Appropriation to Reflect Increase in Mandatory Expenditures in Children's Services Act Line Items as follows:

VOTE:

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

**RESOLUTION NO. 2019-48**

**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.

For mandated Children's Services Act expenditures, to be expended only by order of the Board of Supervisors as follows:

**GENERAL FUND: \$2,100,000**

10. Authorized Agent Resolution for the FFY2019 Federal Grant Application for Partial Payment of Jail's Cost to Incarcerate Criminal Aliens as follows:

VOTE:

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

**RESOLUTION NO. 2019-49**

**Designation of Authorized Agents for the Grant Application for the Federal Fiscal Year 2019 State Criminal Alien Assistance Program**

**WHEREAS**, Spotsylvania County desires to apply for federal grant funds from the U.S. Department of Justice under the Federal Fiscal Year (FFY) 2019 State Criminal Alien Assistance Program (SCAAP); and

**WHEREAS**, SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one

felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days during the reporting period; and

**WHEREAS**, the reporting period for the FFY 2019 SCAAP program is from July 1, 2017 through June 30, 2018; and

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

**WHEREAS**, any grant funds that will be awarded will be passed onto the Rappahannock Regional Jail to offset their correctional officer salaries associated with the incarceration of undocumented criminal aliens; and

**WHEREAS**, SCAAP applications must be submitted by a government official of the state or locality with the legal authority to apply on behalf of the governmental entity.

**NOW, THEREFORE, BE IT 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 application: Edward Petrovitch, Interim County Administrator; Mark Cole, Deputy County Administrator; Mary Sorrell, Finance Director; and Annette B. D'Alessandro, Grants Manager.

11. Recommendation to Appoint Michael Christie and Matthew Embrey to Regional Preparedness Advisory Committee for Interoperability, Region 2, Culpeper.

VOTE:

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

Mr. Yakabouski arrived at 4:40 p.m.

#### Budget Adjustment & Appropriation for Additional Fire/Rescue Overtime Costs

Mr. McLaughlin made a motion to allocate \$580,000 from the rollback taxes from sPower and any additional remaining revenues from the end of the fiscal year towards a public safety pay plan. The motion passed 6 to 1 with Mr. Yakabouski opposed.

VOTE:

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

On a motion by Mr. Skinner and passed unanimously, the Board adopted the resolution as follows:

VOTE:

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

**RESOLUTION NO. 2019-50**

**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 fund the anticipated overrun in Fire/Rescue overtime costs, to be expended only by order of the Board of Supervisors as follows:

**GENERAL FUND:** \$1,183,951

**PUBLIC PRESENTATIONS**

The following citizen spoke regarding fire and rescue: Kevin O'Connor.

The following citizens spoke regarding a perceived lack of transparency and accountability regarding the sPower rezonings: Sean Forgarty and Dave Hammond.

**BOARD OF SUPERVISORS REPORTS**

Mr. Yakabowski spoke regarding the approved strategic plan and the need for short-term and long-term goals.

Mr. Benton spoke regarding the need for planning commissioners to have a county email. He also said a decision regarding a new social services building needed to be made.

Mr. Skinner suggested the county provide computers and internet service to planning commissioners.

Dr. Trampe directed staff to send an email to the social services advisory board to continue in its role until final decisions were made.

## **PRESENTATIONS/REPORTS BY STAFF**

### County Health Insurance Presentation

At the Board of Supervisors Budget Meeting April 11, several options for employee health insurance coverage were presented. Option plan 1 was voted on and adopted for FY20. Staff presented the new plan shared costing for the county and employees. Also presented was information on the Qualified High Deductible Health Plan (QHDHP) that had been added to the KC20 and KC30 FY20 plan offerings.

### Approval to Extend Economic Development Agreement for Knife Center

The Knife Center Performance Agreement ("Agreement"), approved in 2013, was based on inducing an online retail business specializing in cutlery-related products to relocate its operations from Maryland to Spotsylvania County. The Agreement was based on the reimbursement of BPOL taxes with an option to renew for an additional five years. On June 26, 2018, the Economic Development Authority approved a first amendment to the performance agreement that renewed the agreement for an additional five-year term or until the time when the total amount of the Grant payments reached \$50,000, whichever occurred first, provided that the Knife Center maintained 20 employees per year during the renewal period. The EDA's approval was based on the company's adherence to the Agreement, the number of additional full-time jobs, average annual salary and growth in sales year-over-year.

On a motion by Mr. Skinner and passed unanimously, the Board approved the incentives cited in the first amendment to the Knife Center Performance Agreement between the EDA and the Knife Center that renewed the Agreement for an additional five-year term or until the time when the total amount of the grant payments reached \$50,000, whichever occurred first, provided that the Knife Center maintained 20 employees per year during the renewal period.

### VOTE:

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

## **CLOSED MEETING**

On a motion by Mr. Skinner and passed unanimously, the Board adopted a resolution to adjourn into closed meeting as follows:

### **VOTE:**

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

### **RESOLUTION NO. 2019-51**

#### **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, members of the Board of Supervisors, the position of County Administrator, the Interim County Administrator, the position of the Director of the Department of Economic Development and Tourism, the position of Director of the Department of Human Resources, and a prospective transfer of an employee to the County; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically, discussion of real property in the Lee Hill, Livingston, and Berkeley Voting Districts; 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 related to the opioid epidemic; 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 the zoning ordinance, land use matters, and traffic infractions; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(1), (3), (7), and (8), such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby authorize discussion of the aforesated matters.

### **RETURN TO OPEN MEETING AND CERTIFICATION**

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

**VOTE:**

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

### **RESOLUTION NO. 2019-52**

#### **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.

### **PUBLIC PRESENTATIONS**

None

### **PUBLIC HEARINGS**

R19-0001 Thornburg Towne Centre (RO19-0001)(Berkeley District)

The Planning Commission recommended denial with a 5-2 vote.

Staff recommended that the Board adopt the Resolution of Approval - Staff Conditions.

Ms. Fennell presented.



Bill Vakos, on behalf of applicant: Gave an overview of the projects and stood to answer any questions.

Dr. Trampe 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. Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

AN ORDINANCE No. RO19-0001

To amend the zoning map to zone, approximately 10.27 acres, of the properties known as Tax Parcels 63-A-42 (part) (8.65 acres), 63-A-43C (part) (0.83 acres), 63-A-44 (part) (0.79 acres), to Commercial 3 (C-3).

**PUBLIC HEARING: May 14, 2019**

**WHEREAS**, Thornburg Towne Centre, L.L.C. and Thornburg Enterprises L.L.C., requests a rezoning of approximately 10.27 acres from Agricultural 2 (A-2) to Commercial 3 (C-3). Parcel 63-A-42 (part) is approximately 48.72 acres with approximately 8.65 acres to be rezoned. Parcel 63-A-43C (part) is approximately 10.56 acres with .83 acres to be rezoned. Parcel 63-A-44 (part) is approximately 2.34 acres with .79 to be rezoned. These parcels are located in the Primary Development Boundary. The property is in an area identified as an Employment Center on the Future Land Use Map of the Comprehensive Plan. Berkeley 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 April 17, 2019, 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 7-0; and

**WHEREAS**, the Spotsylvania County Board of Supervisors held a public hearing on May 14, 2019, 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 Parcels 63-A-42 (part), 63-A-43C (part), 63-A-44 (part) currently zoned Agricultural 2 (A-2) is rezoned to Commercial 3 (C-3).

§ 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.

**Public Hearing for Repeal of County Ordinance Section 18-2 – Restrictions on Activities on the Highways, Public Roadways and Medians**

Ms. DesNoyer presented.

Dr. Trampe declared the public hearing opened and when no one indicated an intention to speak, closed the public hearing.

On motion by Mr. Skinner and passed unanimously, the Board repealed county ordinance section 18-2.

VOTE:

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

**NEW BUSINESS**

None

**ADJOURNMENT**

On a motion by Mr. Benton and passed unanimously, the Board adjourned its meeting at 8:16 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	

---

Ed Petrovitch  
Clerk to the Board of Supervisors