

PRESENT: Deborah H. Frazier, Salem District
Barry K. Jett, Livingston District
Kevin W. Marshall, Berkeley District
Timothy J. McLaughlin, Chancellor District
David Ross, Courtland District
Gary F. Skinner, Lee Hill District
Chris Yakabouski, Battlefield District

STAFF PRESENT: Ed Petrovitch, County Administrator
Wanda Parrish, Assistant County Administrator
Karl Holsten, County Attorney
Aimee R. Mann, Deputy Clerk

Chairman Marshall called the meeting to order at 6:00 p.m. Supervisor Yakabouski led the Pledge of Allegiance and Supervisor Frazier gave the invocation.

APPROVAL OF AGENDA

On a motion by Supervisor McLaughlin and passed unanimously, the Board approved the agenda as presented:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

PUBLIC COMMENT ON CONSENT AGENDA

Chison Bae addressed the Board in support of the State-Sponsored Organ Harvesting From Prisoners of Conscience resolution.

APPROVAL OF THE CONSENT AGENDA

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

On a motion by Chairman Marshall and passed unanimously, the Board approved the Consent Agenda as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

1. Approval of the Minutes of the March 9, 2021 Board of Supervisors Meeting;
2. Approval of Proclamation Recognizing TAR Syndrome Awareness Month as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

PROCLAMATION

TAR SYNDROME AWARENESS MONTH

WHEREAS, Thrombocytopenia-absent radius (TAR) syndrome is characterized by the absence of a bone called the radius in each forearm and a shortage (deficiency) of blood cells involved in clotting (platelets); and,

WHEREAS, Thrombocytopenia presents normal blood clotting, resulting in easy bruising and frequent nosebleeds and potentially life-threatening episodes of severe bleeding (hemorrhages) may occur in the brain and other organs, especially during the first year of life; and,

WHEREAS, hemorrhages can damage the brain and lead to intellectual disability, affected children who survive this period and do not have damaging hemorrhages in the brain usually have a normal life expectancy and normal intellectual development; and,

WHEREAS, the severity of skeletal and other problems in TAR syndrome varies among affected individuals with some people missing some or all fingers while some have kidney and heart problems; and

WHEREAS, there is not a lot of awareness about TAR syndrome in Spotsylvania County; and,

NOW, THEREFORE, BE IT PROCLAIMED that the Spotsylvania Board of Supervisors does hereby recognize the month of April 2021 to be TAR syndrome awareness month, and we call this observance to the attention of all of our citizens.

3. Approval of Resolution to Educate Spotsylvania Residents and the Medical Community on the Risks of Traveling to China for Organ Transplant In Light of Recent Reports of State-Sponsored Organ Harvesting From Prisoners of Conscience as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-35

**TO EDUCATE SPOTSYLVANIA RESIDENTS AND THE MEDICAL
COMMUNITY ON THE RISKS OF TRAVELING TO CHINA FOR ORGAN
TRANSPLANT IN LIGHT OF RECENT REPORTS OF STATE-SPONSORED
ORGAN HARVESTING FROM PRISONERS OF CONSCIENCE**

WHEREAS, extensive and credible reports have revealed mass killing of prisoners of conscience in the People's Republic of China, primarily practitioners of the Chinese spiritual practice of Falun Gong, but also other religious and ethnic minority groups, in order to obtain organs for transplants; and

WHEREAS, The China Tribunal, an independent tribunal sitting in London chaired by Sir Geoffrey Nice, who was a prosecutor at the international criminal tribunal for the former Yugoslavia, concluded on Jun 18, 2019, in a unanimous determination at the end of its year-long hearings, that the killing of detainees in China for organ transplants is continuing and victims include imprisoned followers of the Falun Gong movement; and

WHEREAS, the 2017 Freedom House report, "The Battle for China's Spirit," states that "available evidence suggests that forced extraction of organs from Falun Gong detainees for sale in transplant operations has occurred on a large scale and may be continuing"; and

WHEREAS, an investigative report published in June 2016 by human rights attorney David Matas, former Canadian Secretary of State for Asia-Pacific, David Kilgour, and journalist Ethan Gutmann, estimated that China is performing transplants at a rate amounting to "an industrial-scale, state-directed organ transplantation system, controlled through national policies and funding, and implicating both the military and civilian healthcare systems"; and

WHEREAS, Falun Gong, a spiritual practice involving meditative "qigong" exercises and centered on the values of truthfulness, compassion, and forbearance, became immensely popular in China in the late 1990s with multiple estimates placing the number of practitioners at upwards of seventy million (70,000,000); and

WHEREAS, in July 1999, the Chinese Communist Party launched an intensive, nationwide persecution designed to eradicate the spiritual practice of Falun Gong. Hundreds of

thousands of Falun Gong practitioners have been detained extralegally in Chinese reeducation-through-labor camps, detention centers, and prisons, where physical and mental torture is common.

WHEREAS, in June 2016, the United States House of Representatives unanimously passed House Resolution 343, condemning the systemic, state- sanctioned organ harvesting from practitioners of Falun Gong and other prisoners of conscience; and

WHEREAS, there has been little media coverage of this problem yet dozens of Spotsylvania citizens petitioned the Spotsylvania Board of Supervisors to take up this matter, and

WHEREAS, Spotsylvania residents should be fully informed of the organ source in China before they make the decision to engage in organ transplant tourism in China and the Spotsylvania County Board of Supervisors should assist in raising awareness in this regard;

NOW THEREFORE, BE IT RESOLVED BY the Spotsylvania County Board of Supervisors, that it condemns, in the strongest possible terms, the persecution of Falun Gong and the state-sponsored organ harvesting of all prisoners of conscience currently being carried out by the Chinese Communist regime; and

BE IT FURTHER RESOLVED that we urge the United States government, to thoroughly investigate organ transplant practices in China and take all reasonable steps to end the practice of nonconsensual organ harvesting from Falun Gong practitioners; and

BE IT FURTHER RESOLVED that the residents and the medical community servicing Spotsylvania and the immediate region be informed about the risks of travel to China for organ transplants to help prevent local citizens from becoming accomplices in state-sponsored forced organ harvesting from prisoners of conscience; and

BE IT FURTHER RESOLVED that copies of this resolution be provided to the Governor of Virginia, Virginia's General Assembly, Virginia's congressional delegation and two U.S. Senators, and the Virginia Department of Health.

4. Approval of Contract Modification #2 for Renewal to Robert King Construction for Facility Improvement, Maintenance & Repair Services;
5. Authorization to Advertise for Public Hearing - CWRLF Massaponax WWTP Environmental Assessment Review;
6. Grant Application Request for the FFY22 Highway Safety Grant Program Selective Enforcement for Occupant Protection as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-36

**Designation of Authorized Agents for the Grant Application for the Federal Fiscal Year
2020 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) 2020 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 four consecutive days during the reporting period; and

WHEREAS, the reporting period for the FFY 2020 SCAAP program is from July 1, 2018 through June 30, 2019; 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 held on behalf of Spotsylvania County; 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 on behalf of the Spotsylvania County Board of Supervisors in the execution and administration of the grant application: Edward Petrovitch, County Administrator; Mark Cole, Deputy County Administrator; Bonnie Jewell, Assistant County Administrator; and Annette D'Alessandro, Grants Manager.

7. Approval to Convert a Building Plan Reviewer Position from Part-Time to Full-Time;
8. Reappointment of Aviv Goldsmith to the Transportation Committee (Berkeley District);
9. Budget Adjustment and Appropriation for Additional Grant Funding for the NG911 and ESInet Core Services Project as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-37

WHEREAS, Spotsylvania County has received additional grant funds of \$39,534 for transitioning existing 911 services to Next Generation 911; and

WHEREAS, Spotsylvania County is not required to provide a local match for the grant award.

NOW, THEREFORE, BE IT 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, 2020, for expenditures in the amount of \$39,534 for implementation of NG911, to be expended only by order of the Board of Supervisors as follows:

CAPITAL PROJECTS FUND: \$39,534

10. Authorized Agent Resolution for the FFY2020 Federal Grant Application for Partial Payment of Jail's Cost to Incarcerate Criminal Aliens as follows:

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-38

Designation of Authorized Agents for the Grant Application for the Federal Fiscal Year 2020 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) 2020 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 four consecutive days during the reporting period; and

WHEREAS, the reporting period for the FFY 2020 SCAAP program is from July 1, 2018 through June 30, 2019; 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 held on behalf of Spotsylvania County; 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 on behalf of the Spotsylvania County Board of Supervisors in the execution and administration of the grant application: Edward Petrovitch, County Administrator; Mark Cole, Deputy County Administrator; Bonnie Jewell, Assistant County Administrator; and Annette D'Alessandro, Grants Manager.

PUBLIC PRESENTATIONS

David Goosman submitted comments that were read during public presentations. Dawn Napper addressed the Board during public presentations.

BOARD OF SUPERVISORS REPORTS

During this time, Supervisors reported on items of interest and/or concern within their districts.

PUBLIC HEARINGS

R18-0010 (RO18-0010) Chancellor Ridge/Old Plank Partners LLC (Chancellor District)

Mr. Hughes presented.

Planning Commission recommended approval with proffers.

Staff recommended approval with proffers dated February 8, 2021.

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

Chairman Marshall declared the public hearing opened.

The following citizens spoke or submitted comments with concerns or in opposition: Dawn Shelley, Meredith Howdyshell and Rupert Farley.

Chairman Marshall closed the public hearing.

Charlie Payne, on behalf of applicant, addressed the concerns raised by citizens.

Supervisor McLaughlin made a motion to approve R18-0010 with proffers. The motion failed 3 to 4 with Supervisors Frazier, Jett, Ross and Yakabouski opposed.

VOTE:

Ayes:	3	Marshall, McLaughlin, Skinner
Nays:	4	Frazier, Jett, Ross, Yakabouski
Absent:	0	
Abstain:	0	

R19-0010 KW Commercial, LLC (Bonaventure Investments, LLC) Lee Hill District

Ms. Fennell presented.

The Planning Commission recommended approval with proffers amended as offered by the applicant to include an additional proffer for Public Safety, an indoor pool and an indoor fitness center.

Staff recommended approval with proffers dated December 7, 2020.

Chairman Marshall opened the public hearing and when no one indicated an intention to speak, closed the public hearing.

Supervisor Skinner made a motion to approve R19-0010 with proffers. Chairman Marshall made a substitute motion to table R19-0010. The substitute motion passed unanimously.

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

CA21-0002 Section 14-10 Camping Code Amendment

Ms. Pomatto presented.

Chairman Marshall declared the public hearing opened.

The following citizens spoke with concerns or in opposition: Peter Scalfo, Walter Rolls and Brent Accord.

Chairman Marshall closed the public hearing.

Chairman Marshall made a motion to table indefinitely and return CA21-0002 to the Planning Commission to review and make further recommendations. The motion passed unanimously.

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

WORK SESSION

FY 2022 Budget Work Session

Staff provided an update pertaining to the State 5% compensation adjustment, reported out on any new budget developments stemming from the March 22 School Board meeting, updated the Board on VRE staff's recommendation to the VRE Operations Board regarding FY 2022 and FY 2023 jurisdictional subsidies, requested that the Board authorize a public hearing to be held on April 13 ahead of the Board's consideration of a change in the meals tax rate and related ordinance, requested that the Board authorize a public hearing to be held on April 13 ahead of the Board's consideration of a change in the transient occupancy tax rate and related ordinance; and requested the Board's approval of a letter to be sent to the Northern Virginia Cigarette Tax Board pertaining to Spotsylvania's potential membership in that entity should the Board choose to implement a cigarette tax.

Chairman Marshall read the following statement:

I hereby disclose I have an interest in the budget transaction as an employee of Spotsylvania County earning over \$5,000 annually. My disclosure is on file with the clerk and is available to the public for review. Ed/Aimee, please record this disclosure in the minutes of this meeting as required by law.

Supervisor Frazier read the following statement:

I hereby disclose I have an interest in the budget transaction as an employee of Spotsylvania County Schools earning over \$5,000 annually. My disclosure is on file with the clerk and is available to the public for review. Ed/Aimee, please record this disclosure in the minutes of this meeting as required by law.

On a motion by Supervisor Skinner and passed 6 to 1 with Supervisor McLaughlin opposed, the Board authorized the advertisement of a public hearing related to the meals tax proposed increase from 4 to 5.5%.

VOTE:

Ayes:	6	Frazier, Jett, Marshall, Ross, Skinner, Yakabouski
Nays:	1	McLaughlin
Absent:	0	
Abstain:	0	

On a motion by Supervisor Skinner and passed 6 to 1 with Supervisor McLaughlin opposed, the Board authorized the advertisement of a public hearing related to the transient occupancy tax proposed increase from 5% to 7%.

VOTE:

Ayes:	6	Frazier, Jett, Marshall, Ross, Skinner, Yakabouski
Nays:	1	McLaughlin
Absent:	0	
Abstain:	0	

On a motion by Chairman Marshall and passed 5 to 2 with Supervisors Jett and McLaughlin opposed, the Board approved the draft letter to NVCTB with intent to join if the cigarette tax was implemented.

VOTE:

Ayes:	5	Frazier, Marshall, Ross, Skinner, Yakabouski
Nays:	2	Jett, McLaughlin
Absent:	0	
Abstain:	0	

On a motion by Supervisor Skinner and passed 5 to 2 with Supervisors Jett and McLaughlin opposed, the Board authorized a future public hearing related to the proposed cigarette tax.

VOTE:

Ayes:	5	Frazier, Marshall, Ross, Skinner, Yakabouski
Nays:	2	Jett, McLaughlin
Absent:	0	
Abstain:	0	

NEW BUSINESS

None

CLOSED MEETING

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

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-39

To Adjourn into a Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for 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, an employee of the Department of Planning and Zoning; 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 properties in the Lee Hill District, real property in the Courtland District, and real property in the Berkeley 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 regarding public safety and zoning and real property matters; 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	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2021-40

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.

ADJOURNMENT

On a motion by Supervisor Skinner and passed unanimously, the Board adjourned its meeting at 11:59 p.m.

VOTE:

Ayes:	7	Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

Aimee R. Mann
Deputy Clerk to the Board of Supervisors