

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
Mark L. Cole, Deputy County Administrator
Karl Holsten, County Attorney
Niki Woodard, Administrative Manager

Chairman Marshall called the meeting to order at 4:30 p.m. Supervisor Skinner led the Pledge of Allegiance and Supervisor Ross gave the invocation.

Chairman Marshall announced that Supervisor McLaughlin requested to participate remotely in the meeting from his vehicle in Woodstock, Virginia due to a funeral service and was unable to physically attend.

On a motion by Chairman Marshall and passed 6 to 0 with Supervisor McLaughlin absent, the Board authorized Supervisor McLaughlin to participate in the meeting remotely.

VOTE:

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

Chairman Marshall also suspended section 2-5.B of the Boards' bylaws to allow voice voting so that Supervisor McLaughlin could participate remotely.

VOTE:

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

APPROVAL OF AGENDA

On a motion by Chairman Skinner and passed unanimously, the Board approved the agenda with the following County Administrator additions/changes:

- Addition of Reappointment of Shawn Richey to the Transportation Committee (Salem District);
- Remove from the Consent Agenda, Approval of Task Order #28 to Hazen and Sawyer, PC for Massaponax Elevated Water Storage Tank Alternative Site Evaluations and Preliminary Engineering Report Revisions;
- Remove Public Hearing, R19-0014 Hazel Run Glen/Patricia P. Preston (CeresHarrisonLand LLC) Courtland District.

VOTE:

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

AWARD PRESENTATIONS AND SPECIAL ROCOGNITIONS

Proclamation Recognizing Business Appreciation Month

On a motion by Supervisors Skinner and passed unanimously, the Board approved the proclamation as follows:

VOTE:

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

PROCLAMATION

**SPOTSYLVANIA COUNTY BUSINESS APPRECIATION MONTH
MAY 2021**

WHEREAS, Spotsylvania businesses play essential roles in strengthening our community through their innovation, creation and expansion; and

WHEREAS, the citizens of the County of Spotsylvania benefit from an environment that encourages business growth and employment opportunities;

WHEREAS, businesses provide valuable work opportunities and make beneficial contributions to the community, raising the overall quality of life for the County of Spotsylvania's citizens; and

WHEREAS, employment benefits grow with these businesses, and additional job opportunities will continue to develop in the coming years; and

WHEREAS, these businesses provide essential employment opportunities for the citizens of the County of Spotsylvania; and

WHEREAS, Business Appreciation Month increases public awareness of the value contributions that our existing business community makes to the County of Spotsylvania; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Spotsylvania County Board of Supervisors of the County of Spotsylvania, do hereby recognize the month of May as BUSINESS APPRECIATION MONTH in the COUNTY OF SPOTSYLVANIA AND COMMONWEALTH OF VIRGINIA, and we call this observance to the attention to all our citizens.

Proclamation Declaring May 22-28, 2021 as Safe Boating Week

On a motion by Supervisors Skinner and passed unanimously, the Board approved the proclamation as follows:

VOTE:

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

PROCLAMATION

**A RESOLUTION DECLARING MAY 22-28, 2021, AS
SAFE BOATING WEEK IN SPOTSYLVANIA COUNTY, VIRGINIA**

Whereas, nearly 100 million Americans enjoy boating on our Nation's waterways, including many residents of Virginia who take advantage of the exceptional opportunities to fish, swim, ski and cruise on local ponds, lakes and rivers; and

Whereas, Spotsylvania County and Lake Anna have many boats and jet skis; and

Whereas, recreational boating is fun and enjoyable when approached with a “Safety First” attitude, but can become crowded, chaotic and confusing at times; and

Whereas, 600 people on average die each year across the nation in boating-related accidents, and about 79 percent of these are fatalities caused by drowning; and

Whereas, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

Whereas, boating safety knowledge provided through an approved course, which is mandatory for most boat operators in Virginia, provides an excellent foundation to manage the risks of boating; and

Whereas, a clear statement of Virginia’s required equipment, operating rules, unlawful acts and safety concerns may be found in the Boater’s Guide section of DWR’s *Freshwater Fishing & Boating in Virginia, January-December 2021*; and

Whereas, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

Whereas, modern life jackets are more comfortable, attractive, and wearable than styles of years past and deserve a fresh look by today’s boating public; and

Whereas, the President of the USA Proclaims this week each year and the Virginia Governor has also proclaimed for 2021.

Now Therefore Be It Resolved That, the Spotsylvania County Board of Supervisors does hereby support the goals of the North American Safe Boating Campaign and proclaims May 22-28, 2021, as Safe Boating Week in Spotsylvania County and the renewal of our continuing year-round effort to promote safe boating;

And Further, we urge all those who boat to complete a safe boating course, to “Boat Smart. Boat Safe. Wear it.” and to practice safe boating habits on Lake Anna and all waters of the Counties.

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.

On a motion by Supervisor Skinner 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 Minutes of the April 13 and 27, 2021 Board of Supervisors Meetings;
2. Appropriation of Utilities Insurance Reimbursements as follows;

VOTE:

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

RESOLUTION NO. 2021-57

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, 2020, from the funds and for the functions or purposes indicated.

For purchase of two new patrol vehicles to be partially funded with insurance reimbursement funds, to be expended only by order of the Board of Supervisors as follows:

CAPITAL PROJECTS FUND: \$29,816

3. Approval of Contract to Brightview Landscape Services, Inc. for Grounds Maintenance Services for County Government Facilities;
4. Approval of FY22-27 SYIP Public Comment Letter;
5. Approval of Purchase Order to Axon Enterprises, Inc. for New Taser Hardware and Services;
6. Budget Amendment and Appropriation to Reflect Increase in State/Federal Funding for the DSS Independent Living Program as follows:

VOTE:

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

RESOLUTION NO. 2021-58

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, 2020, from the funds and for the functions or purposes indicated.

To budget for increased state/federal funding associated with the DSS Independent Living program, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$34,228

7. Budgeting & Appropriation of Fire/Rescue Insurance Reimbursements as follows:

VOTE:

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

RESOLUTION NO. 2021-59

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, 2020, from the funds and for the functions or purposes indicated.

For repairs funded by insurance claims, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$23,089

8. Capital Projects Budget Adjustments as follows:

VOTE:

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

RESOLUTION NO. 2021-60

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, 2020, from the funds and for the functions or purposes indicated.

For repairs funded by insurance claims, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$23,089

9. Convert Three IT Interns to a Full Time IT Support Specialist I;
10. MOU for Spotsylvania Historical Association and Spotsylvania County;
11. Performance Agreement for Public Infrastructure Located in the Public Right of Way related to the VA Clinic Project;
12. Reappointment of Chief Michael Grubb to the Rappahannock Emergency Medical Services Council Board of Directors;
13. Reappointment of Nancy Beebe to the Rappahannock Area Community Services Board;
14. Resolution Authorizing Signature of Project Agreement with VDOT for Hood Drive Widening & Turn Lanes in Support of VA Clinic and Associated Budget Adjustment as follows:

VOTE:

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

RESOLUTION NO. 2021-61

Resolution to Authorize the County Administrator to Execute a Project Administration Agreement with VDOT for Hood Drive Widening & Turn Lanes in Support of VA Clinic

WHEREAS, the Spotsylvania County Board of Supervisors desires to enter into a VDOT Administered – Locally Funded Project Administration Agreement with the Virginia Department of Transportation for Hood Drive widening and turn lanes in support of transportation improvements and in the area of the VA clinic; and

WHEREAS, funding has been designated for the work within the Adopted FY 2022 – FY 2026 Capital Improvement Plan;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby grants authority for the County Administrator or his designee to execute the Project Administration Agreement for Hood Drive widening and turn lanes in support of transportation improvements in the area of the VA clinic; and

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

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

15. Resolution Authorizing Use of Fuel Tax Revenue for FY 2021 Transportation Purposes as follows:

VOTE:

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

RESOLUTION NO. 2021-62

A RESOLUTION AUTHORIZING USE OF \$2,024,358 OF FUEL TAX FUNDS FOR VARIOUS FY 2021 TRANSPORTATION PURPOSES

WHEREAS, Spotsylvania County (“County”) is a member of the Potomac and Rappahannock Transportation District (“District”), a transportation district created pursuant to the

Transportation District Act of 1964 (Code of Virginia, §33.2-1900, et seq.) which participates in the operation of a rail commuter mass transportation system (Code of Virginia, §58.1-2295); and

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC”) is the governing body of the District; and

WHEREAS, the Commonwealth of Virginia levies a 2.1 percent sales tax on the price charged by a distributor for fuels sold to a retail dealer for retail sale in the District (§58.1-2295); and

WHEREAS, all taxes paid to the State Tax Commissioner, after subtraction of the direct costs of administration by the Tax Department, are deposited in a special fund held by the District (Code of Virginia §58.1-2299.20); and

WHEREAS, at the request of the member jurisdiction, revenue available from the fuels tax in excess of the required payments to VRE and PRTC may be expended for any transportation purpose (Code of Virginia, §58.1-2299.20); and

WHEREAS, the County planned as part of its FY 2021 budget to fund various transportation-related activities including transportation-related staff positions and operating costs, FRED transit operations, and debt service from previously issued transportation bonds; and

WHEREAS, the County desires to use a portion of the revenue from its fuel tax account for these purposes;

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby request PRTC to budget and appropriate the following amounts for reimbursement to Spotsylvania for a portion of its actual FY 2021 transportation expenditures:

Transportation-related positions	\$0.00	
Transportation operating costs	\$0.00	
FRED bus service	\$24,358.00	
Debt service on previous transportation bond issues ¹		<u>\$2,000,000.00</u>
Total	\$2,024,358.00	

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized and directed to submit to PRTC requests for reimbursement of expenses incurred by the County in connection with the expenditures identified above.

16. Shift of Funding from Contingency to Allow for Replacement of the Intercom for the Magistrate’s Office;
17. Reappointment of Shawn Richey to the Transportation Committee (Salem District).

PUBLIC PRESENTATIONS

Bob Mitchell of the Chancellor District submitted comments that were read during public presentations. William Yeager, Berkeley District; Peter Scelfo, Salem District; Mo Petway, Battlefield District 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.

PRESENTATIONS/REPORTS BY OTHERS

VOTE - Proposed Amendment to County Code Ch. 21 Sec. 177, to Increase Transient Occupancy Tax Rate from 5% to 7%

On a motion by Supervisor Skinner and passed 4 to 3 with Supervisors McLaughlin, Ross and Yakabouski opposed, the Board adopted the ordinance as follows:

VOTE:

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

ORDINANCE NO. 21-92

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 21, TAXATION, OF THE CODE OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA.

To amend Chapter 21, Article VI, Section 177 to change the rate of transient occupancy tax paid from five (5%) to seven percent (7%).

PUBLIC HEARING: April 13, 2021

THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 21, Article VI, consisting of Section 177, be and is hereby **amended** and reordained as follows:

Sec. 21-177. - Imposed.

There is hereby imposed and levied upon the consumer of services provided by hotels, motels, boarding houses, travel campgrounds and other facilities offering guest rooms rented out for continuous occupancy by the same individual or group of individuals for fewer than thirty (30) consecutive days within the county, a transient occupancy tax for general county purposes equal to seven percent (7%) of the amount of charge for the occupancy of any room or space so occupied by the consumer. The revenues collected from that portion of the tax over two percent (2%) and less than five percent (5%) shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the county.

§ 2. This ordinance shall be in force and effect on July 1, 2021.

(Code 1980, § 8.3-2; Ord. of 4-23-85(1); Ord. No. 21-10, 8-25-92; Ord. No. 21-27, 8-13-96; Ord No. 21-92, 5-11-21)

State Law reference— Authority for above tax, Code of Virginia, § 58.1-3819.

Supervisor McLaughlin departed the meeting at 5:10 p.m.

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

RESOLUTION NO. 2021-63

To Adjourn into a Closed Meeting

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 Berkeley Voting 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 personnel matters, a planning and zoning matter, and a zoning enforcement matter; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(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:	6	Frazier, Jett, Marshall, Ross, Skinner, Yakabouski
Nays:	0	
Absent:	1	McLaughlin
Abstain:	0	

RESOLUTION NO. 2021-64

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 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 meeting 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 Virginia Freedom of Information Act and identified in the motion to convene into Closed Meeting were heard, discussed or considered in the Closed Meeting.

PUBLIC PRESENTATIONS

Arleen Shiver, Battlefield District and Brad Qualls, Battlefield District addressed the Board during public presentations.

PUBLIC HEARINGS

Public Hearing for Schools' Budget Adjustments - Additional Federal & State Funding

Supervisor Frazier read the following statement:

I hereby declare that I have an interest in the agenda item number 2 under “Public Hearings”, “Public Hearing for Schools’ Budget Adjustments – Additional Federal & State Funding” on the agenda of May 11, 2021 meeting of the Spotsylvania County Board of Supervisors as an employee of Spotsylvania County School earning over \$5,000 and will therefore receive salary and benefits as a result of the transaction as will other Spotsylvania County School employees of which there are more than three, and that I am able to participate in the transaction fairly, objectively, and in the public interest.

Schools presented.

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

Supervisor Ross asked if the schools were able to provide a carryover amount.

Chairman Skinner made a motion to approve as follows:

VOTE:

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

RESOLUTION NO. 2021-65

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, 2020, from the funds and for the functions or purposes indicated.

To fund Return to Learn and other costs matched to the ESSER II federal funds, to be expended only by order of the Board of Supervisors as follows:

SCHOOL OPERATING FUND: \$4,000,000

Chairman Skinner made a motion to approve as follows:

VOTE:

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

RESOLUTION NO. 2021-66

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, 2020, from the funds and for the functions or purposes indicated.

To fund the anticipated added costs of a federally-funded expanded meals program, to be expended only by order of the Board of Supervisors as follows:

SCHOOL FOOD SERVICE FUND: \$4,750,000

Chairman Skinner made a motion to approve as follows:

VOTE:

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

RESOLUTION NO. 2021-67

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, 2020, from the funds and for the functions or purposes indicated.

To budget for additional anticipated federal and State grant funding, to be expended only be order of the Board of Supervisors as follows:

SCHOOL OPERATING FUND: \$1,463,956

NEW BUSINESS

None

ADJOURNMENT

On a motion by Chairman Marshall and passed unanimously, the Board adjourned its meeting at 7:20 p.m.

VOTE:

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

Ed Petrovitch
Clerk to the Board of Supervisors