

PRESENT: Deborah H. Frazier, Salem District
Lori Hayes, Lee Hill District
Jacob Lane, Livingston District
Kevin W. Marshall, Berkeley District
Timothy J. McLaughlin, Chancellor District
David Ross, Courtland District
Chris Yakabowski, Battlefield District

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

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

APPROVAL OF AGENDA

On a motion by Supervisor Hayes and passed unanimously, the Board approved the agenda with the following additions:

- Special Presentation Honoring Supervisor Emmitt Marshall by Delegate F. “Buddy” Fowler Jr.
- Authorization to Advertise Public Hearing for Expansion and Renewal of the Biscoe 1 Agricultural and Forestal District
- Approval of the Special Events Application – Wild Roots Music Festival Wilderness Presidential Resort

VOTE:

Ayes:	7	Frazier, Hayes, Lane, Marshall, McLaughlin, Ross, Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

AWARD PRESENTATIONS AND SPECIAL RECOGNITIONS

Commendation in Recognition of Rev Dr. Charles W. Wormley & Rev. Dr. Patricia Smith
Wormley Serving for their 27th Year as Pastors of the Historic Mount Zion Baptist Church

Supervisor Frazier read the following commendation:

COMMENDATION

IN RECOGNITION OF REV. DR. CHARLES W. WORMLEY

WHEREAS, Rev. Dr. Charles W. Wormley Sr. and Rev. Dr. Patricia Smith Wormley are currently serving in their 27th year as Pastors of the Historic Mount Zion Baptist Church in Spotsylvania, Virginia. Mount Zion is where Rev. Wormley's ministry began, being licensed in 1978 and ordained in 1980 under the leadership of the late Rev. William H. Scott. Prior to returning to Mount Zion as Pastor, he served as Pastor of the Chestnut Grove Baptist Church in Madison, Virginia for over 15 years; and

WHEREAS, Rev Wormley has been married to Rev. Dr. Patricia Smith Wormley for over 57 years and they have been blessed with four children, Vernon, Vincent, Petrina, and Charles Jr. They have also been blessed with several grandchildren and great grandchildren; and

WHEREAS, Rev. Wormley was born and raised in Spotsylvania, Virginia. He received his early education in Spotsylvania and Fredericksburg Public School Systems. He graduated from Walker-Grant High School in 1965. He was employed by the City of Fredericksburg, serving as the Superintendent of Traffic Engineering Department. He retired in June of 1999, after 34 years of service. During his employment with the City of Fredericksburg, he was able to attend classes at Germanna Community College, University of Maryland, and Virginia Commonwealth University which enabled him to receive a degree in Traffic Engineering and Electronics. Since retirement he has earned a master's degree in religious education from the Fredericksburg, Bible Institute and Seminary as well as an Honorary Doctorate Degree from Cornerstone College of Virginia; and

WHEREAS, Rev. Wormley has served in many capacities when it comes to leading and assisting the greater Christian community. He has served as the Clerk of the Wayland Blue Ridge Association, Moderator of the Ministers' and Deacons' Union of the Wayland Blue Ridge, and an instructor of the Wayland Blue Ridge Church Institute. He served a five-year term as Moderator of the Wayland Blue Ridge Association, Inc. from 1998 -2003. He is also affiliated with the Mattaponi Baptist Association, where he served as 1st Vice-Moderator and then later as Moderator. He also served as the treasurer of the African American Ministers' Fellowship and Alliance of Spotsylvania.

WHEREAS, the nature of the service provided by Rev. Wormley is unique. God has entrusted him with one of the most precious assignments; the spiritual well-being of the House of Zion and the souls who enter. Rev. Dr. Charles W. Wormley is a preacher of the gospel of Jesus Christ, serving as a living witness to all what the Son of God has done, is doing, and is going to do. He is led by the power of the Holy Spirit, rightly dividing the Word of Truth.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors commends Rev. Dr. Charles W. Wormley, Sr. for his service and contributions to the community.

Special Presentation Honoring Supervisor Emmitt Marshall by Delegate Hyland F. “Buddy” Fowler, Jr.

Delegate Hyland F. “Buddy” Fowler, Jr. presented a flag to Supervisor Marshall Honoring the service of Supervisor Emmitt Marshall.

PUBLIC COMMENT ON CONSENT AGENDA

None

APPROVAL OF THE CONSENT AGENDA

The County Administrator presented a brief preview of these agenda items for the public. On a motion by Supervisor Lane and passed unanimously, the Board approved the amended Consent Agenda as follows:

VOTE:

Ayes:	7	Frazier, Hayes, Lane, Marshall, McLaughlin, Ross, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

1. Approval of Minutes of the August 22, 2023 Board of Supervisors Meeting;
2. Acceptance of Grant Award, Budget Adjustment, and Authorized Organizational Representatives for the FY 2024 Highway Safety Grant Program Selective Enforcement for Police Traffic Services as follows:

RESOLUTION NO. 2023-85

Approving Grant Award Agreement, Designation of Authorized Agents in the Execution and Administration of the Grant Award and Acceptance and Appropriation of FY 2024 Funds

WHEREAS, Spotsylvania County has applied for and received approval for a federal pass through grant from the Virginia Department of Motor Vehicles in the amount of \$100,400 to be utilized by the Sheriff’s Office for equipment and selective enforcement of traffic violations; and

WHEREAS, the County is required to provide a local in-kind contribution of \$50,200; and

WHEREAS, the Sheriff’s Office will provide the in-kind match through the use of fuel and maintenance costs for enforcement vehicles; 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 Virginia Department of Motor Vehicles 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: Edward Petrovitch, County Administrator; Mark Cole, Deputy County Administrator; Beckie Forry, Chief Accounting Officer; and Annette D'Alessandro, Grants Manager; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the grant in the amount of \$100,400 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, 2023, for expenditures in the amount of \$100,400 to be utilized only for equipment and selective enforcement of traffic violations, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$100,400

3. Acceptance of Grant Award, Budget Adjustment, and Authorized Organizational Representatives for the FY 2024 Highway Safety Grant Program Selective Enforcement for Alcohol Impaired Driving as follows:

RESOLUTION NO. 2023-86

Approving Grant Award Agreement, Designation of Authorized Agents in the Execution and Administration of the Grant Award and Acceptance and Appropriation of FY 2024 Funds

WHEREAS, Spotsylvania County has applied for and received approval for a federal pass through grant from the Virginia Department of Motor Vehicles in the amount of \$89,600 to be utilized by the Sheriff's Office for training and selective enforcement of alcohol related traffic violations; and

WHEREAS, the County is required to provide a local in-kind contribution of \$44,800; and

WHEREAS, the Sheriff's Office will provide the in-kind match through the use of fuel and maintenance costs for enforcement vehicles; 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 Virginia Department of Motor Vehicles 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: Edward Petrovitch, County Administrator; Mark Cole, Deputy County Administrator; Beckie Forry, Chief Accounting Officer; and Annette D'Alessandro, Grants Manager; and

BE IT FURTHER RESOLVED by the Spotsylvania County Board of Supervisors that the grant in the amount of \$89,600 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, 2023, for expenditures in the amount of \$89,600 to be utilized only for training and selective enforcement of alcohol related traffic violations, to be expended only by order of the Board of Supervisors as follows:

GENERAL FUND: \$89,600

4. Approval of Contract to Associated Building Maintenance Co., Inc. for Janitorial Services;
5. Approval of Contract to The Gordian Group, Inc. for support of a Job Order Contracting Program;
6. Approval of Purchase Order to Mid-Atlantic Waste Systems for Refuse and Recycle Container Replacement for the Chancellor Landfill;
7. Approval of Task Order to A. Morton Thomas and Associates (AMT) for the Andora Drive/Old Plank Road Roundabout Project;
8. Approval of Two (2) Contracts and One (1) Modification to Provide Professional Transportation Engineering Services;
9. Authorization to Advertise a Public Hearing for the Federal Fiscal Year (FFY) 2023 Edward Byrne Memorial Justice Assistance Grant Program - Local Solicitation;
10. Approval of Agreement to Subordinate Dominion Electric's Easement Rights for a Portion of Greenway Drive;
11. Authorization of Public Hearing To Amend Chapter 22, Water, Sewers and Sewage Disposal, Article II, Division I, Section 22-47, Use of Water System Upon Certain Conditions, to include Data Center Use of Potable Water for Cooling;
12. Authorization for Public Hearing for Amendments and Additions to County Code Chapter 4, Animals and Fowls, Article I. – In General, Section 4-16, Noise from animals;

13. Authorization for Public Hearing to Amend County Code Chapter 7, Elections, Article III, Precincts and Polling Places, to Relocate the Polling Place (beginning with the 2024 Election) for Precinct 404 in the Lee Hill District from Fire and Rescue Station 11 to New Post Church, and to Rename Precinct 404 from Fire Rescue 11 (404) to New Post Church (404), and Authorization of Publication of Statutorily Required Notices to Voters;
14. Authorization to Advertise for Public Hearing for Cellco Partnership, d/b/a Verizon Wireless to Lease Space on the Belmont Tower, at 7100 Belmont Road;
15. Health Department Carryover Request;
16. Resolution Requesting a portion of Commonwealth Drive be Accepted as Part of the Secondary System of State Highways as Part of the Commuter Lot – Construction Project #0001-088-281, C501 (Battlefield District) as follows:

RESOLUTION NO. 2023-87

RESOLUTION REQUESTING A PORTION OF COMMONWEALTH DRIVE BE ACCEPTED AS PART OF THE SECONDARY SYSTEM OF STATE HIGHWAYS AS PART OF THE COMMUTER LOT- CONSTRUCTION PROJECT #0001-088-281, C501

WHEREAS, a portion of Commonwealth Drive be added to the state system of secondary roads as part of Commuter Lot - Construction Project #0001-088-281, C501 and as described on the attached VDOT Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Spotsylvania County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, Spotsylvania County and the Virginia Department of Transportation have entered into a comprehensive agreement on June 6, 1997, for stormwater detention in Spotsylvania County.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached VDOT Form AM-4.3 for additions to the secondary system of state highways, pursuant to Sec. 33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

17. Transportation CIP Budget Adjustment Request for Revenue Sharing Project – TR2603: Harrison Road between Old Plank and Gordon Road;

18. Authorization to Advertise Public Hearing for Expansion and Renewal of the Biscoe 1 Agricultural and Forestal District as follows:

RESOLUTION NO. 2023-88

**A RESOLUTION DIRECTING STAFF TO ADVERTISE
AMENDMENTS TO THE CODE OF THE COUNTY OF
SPOTSYLVANIA, CHAPTER 21, TAXATION, ARTICLE XII,
AGRICULTURAL AND FORESTAL DISTRICTS**

WHEREAS, the Board of Supervisors of Spotsylvania County (hereinafter the “Board”) desires to consider amendments to expand the Agricultural and Forestal District Biscoe 1 (hereinafter the “District”) to include Tax Map Parcel 41-A-7 and renew the District for 10 years; and

WHEREAS, based upon public necessity, safety, convenience, the general welfare, and good land use practices, consideration of County Code amendments is appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby direct staff to advertise for public hearing the draft amendments to Sec. 21-329, Approved Agricultural and Forestal Districts.

19. Approval of the Special Events Application - Wild Roots Music Festival Wilderness Presidential Resort.

CONSENT AGENDA ITEMS FOR SEPARATE CONSIDERATION

Authorization for County Administrator’s Letter to VDOT in Response to Rte 2/17 Widening Project Federal/State NEPA Request for County Comment

Supervisor Hayes made a motion to approve the letter to VDOT in response to Rte 2/17 widening project Federal/State NEPA request for county comment with the opposition of a shared use path on the east side. The motion passed unanimously.

VOTE:

Ayes:	7	Frazier, Hayes, Lane, Marshall, McLaughlin, Ross, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

Naming of Athletic Fields and Facilities Application

On a motion by Vice Chairman Lane and passed unanimously, the Board approved the naming of athletic fields and facilities application to rename Belmont Park to Barry K. Jett Park.

VOTE:

Ayes:	7	Frazier, Hayes, Lane, Marshall, McLaughlin, Ross, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

PUBLIC PRESENTATIONS

Tim Garner 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.

BOARD WORK SESSION

FY 2025 Pre-Budget Work Session

Fire and Rescue Management presented an overview of their department needs for the FY 2025 budget.

PRESENTATIONS/REPORTS BY OTHERS

VOTE ONLY – R21-0008: Staples Reserve/Roger D Brooks, Arlene J Brooks and William Robert Wheeler Family Trust (SES Properties I, LLC) (Berkeley Voting District)

On a motion by Supervisor Marshall and passed unanimously, the Board tabled the vote to a later date.

VOTE:

Ayes:	7	Frazier, Hayes, Lane, Marshall, McLaughlin, Ross, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

BPOL Presentation

Supervisor McLaughlin made a motion to eliminate BPOL. Supervisor Hayes made a substitute motion to direct the county administrator to work on a plan to reduce BPOL. The motion passed 4 to 3 with Supervisors Marshall, McLaughlin and Ross opposed.

VOTE:

Ayes:	4	Frazier, Hayes, Lane, Yakabouski
Nays:	3	Marshall, McLaughlin, Ross
Absent:	0	
Abstain:	0	

PUBLIC HEARINGS

Public Hearing – Revenue Sharing and Transportation Alternatives Program Applications

Mr. Agnello presented.

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

On a motion by Supervisor Frazier and passed unanimously, the Board approved the County applications to the State's Revenue Sharing Funding and Transportation Alternatives Programs to enable the County to potentially obtain up to \$13,125,000 in additional state funding for transportation CIP projects as follows:

VOTE:

Ayes:	7	Frazier, Hayes, Lane, Marshall, McLaughlin, Ross, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2023-89

A RESOLUTION SUPPORTING THE 2025 REVENUE SHARING APPLICATIONS

WHEREAS, Spotsylvania County Board of Supervisors herein by reference identify six applications for consideration in the 2025 Revenue Sharing program; and

WHEREAS, the Commonwealth of Virginia is providing an opportunity for up to \$10,000,000 in revenue sharing funding per locality evenly split between the FY-27 and FY-28 years for eligible projects that are selected for this 2025 round of Revenue Sharing; and

WHEREAS, the Transportation Committee has reviewed and recommends the following projects:

1. UPC 120932: Germanna Point Drive Extension to Spotsylvania Avenue
2. UPC 107141: Harrison Road Widening: Gordon to Old Plank
3. Hams Ford Crossing Safety Project
4. Rte 17 Widening: Hospital Blvd to Cosner Drive
5. Harrison Road Widening Phase 1: Salem Church to Harrison Village
6. Harrison Road Widening Phase 2: Harrison Village to West of I-95

WHEREAS, the Spotsylvania County Board of Supervisors hereby support these projects for consideration in the Revenue Sharing Program for 2025; and

NOW, THEREFORE, BE IT RESOLVED, this Board endorses this final application for consideration in the 2025 Revenue Sharing program, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Transportation Committee.

RESOLUTION NO. 2023-90

**A RESOLUTION ENDORSING
THE 2025 TRANSPORTATION ALTERNATIVES PROGRAM PROJECTS**

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a Transportation Alternative Program (TAP) project in Spotsylvania County.

NOW, THEREFORE, BE IT RESOLVED, that Spotsylvania County endorses the following TAP projects and requests that the Commonwealth Transportation Board establish it:

1. Smith Station Road Gap Closure Shared Use Path project from Courtland Park to Spotsylvania Parkway to fill in a bicycle/pedestrian network gap.
2. Chancellor Park Drive Sidewalk along southside of Chancellor Park Drive from Willow Pond Drive to Chancellor Middle School with crosswalk connection to Harrison Road Elementary School

BE IT FURTHER RESOLVED THAT: Spotsylvania County hereby agrees to provide the required twenty percent TAP program match for the selected projects and its remaining share of the total project cost beyond what is provided by the TAP program for preliminary engineering, right-of-way and construction for each selected project in accordance with each project's financial documents subject to appropriation.

BE IT FURTHER RESOLVED THAT: Spotsylvania County hereby agrees to enter into a project administration agreement with VDOT for each selected project and provide the necessary oversight to ensure that each project is developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction for each project.

BE IT FURTHER RESOLVED THAT: If Spotsylvania County subsequently elects to cancel this project, Spotsylvania County hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. Spotsylvania County also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

BE IT FURTHER RESOLVED THAT: Spotsylvania County hereby grants authority for the County Administrator or his designee to apply for funds and execute project administration agreements, as well as other documents necessary for any approved TAP project.

CLOSED MEETING

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

VOTE:

Ayes:	7	Frazier, Hayes, Lane, Marshall, McLaughlin, Ross, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2023-91

To Adjourn into a Closed Meeting

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 County, specifically, a class action matter; 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, a legislative matter and a contractual matter; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for 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 or scope of such

contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County, specifically, a contract for incentives and utilities; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(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

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

VOTE:

Ayes:	7	Frazier, Hayes, Lane, Marshall, McLaughlin, Ross, Yakabouski
Nays:	0	
Absent:	0	
Abstain:	0	

RESOLUTION NO. 2023-92

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.

On a motion by Vice Chairman Lane and passed unanimously, the Board directed staff to bring before the Board draft changes to repeal Section 14-8 of the County Code for the Board to consider so that the Board may authorize a public hearing on the matter.

VOTE:

Ayes:	7	Frazier, Hayes, Lane, Marshall, McLaughlin, Ross, Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

NEW BUSINESS

None

ADJOURNMENT

On a motion by Supervisor Marshall and passed unanimously, the Board adjourned its meeting at 9:40 p.m.

VOTE:

Ayes:	7	Frazier, Hayes, Lane, Marshall, McLaughlin, Ross, Yakabowski
Nays:	0	
Absent:	0	
Abstain:	0	

Aimee R. Mann
Deputy Clerk to the Board of Supervisors