

At a regular meeting of the Caroline County Board of Supervisors held on Tuesday, August 26, 2008 in the auditorium of the Community Services Center, located at 17202 Richmond Turnpike, Milford, VA 22514.

**PRESENT**

Floyd W. Thomas - Chairman  
Jeff Sili – Vice-Chairman  
D. M. “Maxie” Rozell, Jr.  
Wayne A. Acors  
Bobby Popowicz

**ALSO PRESENT**

Percy C. Ashcraft – County Administrator  
Alan L. Partin – Assistant County Administrator  
Ann Neil Cosby – County Attorney  
George Wieber – Community Development Administrator  
Allen T. Ramsay – Director of Public Works  
Joseph C. Schiebel – Superintendent, Public Utilities  
Karen Jenkins – Webmaster/PIO  
Kathy Beard – Tourism Manager

**CALL TO ORDER**

Chairman Thomas called the meeting to order at approximately 6:10 p.m.

**INVOCATION**

Supervisor Rozell led the invocation.

**PLEDGE OF ALLEGIANCE**

Chairman Thomas led the Pledge of Allegiance.

**OPENING BOARD COMMENTS**

Supervisor Popowicz stated that he wanted to let the Board know that he met with the new Superintendent of Schools last week. He said he felt it was a good meeting and he was very excited about working with the School Board. Supervisor Popowicz said that he believes there will be some positive changes.

Chairman Thomas stated that the Board of Supervisors and staff have been working with Mr. Herb Collins for quite a while on his donation of his Virginiana Collection and it was great to see it come to fruition. He said the County was very lucky to have this collection and he thanked Mr. Collins for his generous donation. Chairman Thomas said that the

collection was really unique and the County would not have this collection without Mr. Collins' generous donation. He then recognized Mr. Collins and asked him to come forward along with Mrs. Brooks.

Mr. Herb Collins stated that it had taken a lifetime to put this together along with hundreds of thousands of dollars. He said the collection covers the entire State of Virginia and the Virginia Historical Society has said there is no other locality that has a collection such as this. Mr. Collins stated that he hopes that this collection will stay here in the County and be used for generations to come.

Chairman Thomas stated that he also wanted to thank Mrs. Kay Brooks and her staff for all of their efforts. He said that Mrs. Brooks actually went down to pack up the books and the collection. Chairman Thomas also recognized the efforts of the Public Works Department staff and all those involved in transporting the collection.

**1. RECOGNITION OF BOWLING GREEN FOOD LION FOR WORK EMPLOYING PERSONS WITH DISABILITIES**

Mr. Eldon James, Rappahannock Regional Disability Services Board, (RRDSB), stated that the RRDSB seeks out nominations for businesses, organizations and individuals that do special things for or in consideration of people with disabilities. He said that Rappahannock Goodwill Industries works very closely with the RRDSB to make these things work. Mr. James stated that the Bowling Green Food Lion has employed an individual with a disability for several years. He said the Bowling Green Food Lion has recognized the value of doing this and they work very hard to make the situation work.

Mr. James stated that several members of the RRDSB are present: Mr. Percy Ashcraft, Ms. Kathy Beard and Mr. Jim Schaeffer. Mr. James read the recognition plaque.

Ms. Susan Poirer, Manager, Bowling Green Food Lion, stated that the Bowling Green Food Lion has worked closely with Goodwill and closely with one of their employees. She said the employee with disability was easy to get along with and will do anything they need. Ms. Poirer said that Rappahannock Goodwill Industries is a wonderful organization and she looks forward to working with the program.

*Supervisor Sili moved and Supervisor Rozell seconded to adopt the following resolution:*

**R26/08**

**A RESOLUTION OF APPRECIATION FOR THE BOWLING GREEN FOOD LION FOR ITS WORK EMPLOYING PEOPLE WITH DISABILITIES**

*WHEREAS, the Rappahannock Regional Disability Services Board (RRDSB) recognizes businesses, individuals and organizations that make special efforts on behalf of people with disabilities; and*

*WHEREAS, after receiving a nomination from Rappahannock Goodwill Industries (RGI) the RRDSB recently voted unanimously to recognize the Food Lion of Bowling Green for its dedication to employing people with disabilities; and*

*WHEREAS, in its nomination of the Bowling Green Food Lion, RGI cited the store management's support of an employee with a disability and their efforts to accommodate the employee's needs and provide an opportunity for the employee to experience the value of work and feel like an important part of a work team; and*

*WHEREAS, the community-mindedness demonstrated by Food Lion to achieve this distinction is very important to Caroline County and deserves recognition.*

*NOW, THEREFORE BE IT RESOLVED, that the Caroline County Board of Supervisors hereby extends its appreciation to the Bowling Green Food Lion for its work with disabled persons and congratulates the Food Lion staff for receiving a Rappahannock Regional Disabilities Services Board award.*

*Adopted this 26th day of August 2008.*

<i>Roll Call Vote:</i>	<i>Thomas</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Rozell</i>	<i>Yea</i>
	<i>Acors</i>	<i>Yea</i>
	<i>Popowicz</i>	<i>Yea</i>

**2. PRESENTATIONS/REPORTS**

◆ **Presentation for the New Dawn Library**

Librarian Kay Brooks introduced Glenn Reynolds with Reynolds Architect.

Mr. Reynolds said it was a pleasure to be here today and give an update presentation on the new Dawn Library. He said that he wanted to give a little bit of history and background. Mr. Reynolds said that about a year ago Mrs. Brooks called to talk about the possibility of another library in the County. He said they had been previously involved with the Ladysmith Library and at that time, they had a lot of discussion about how they could get a library in Dawn developed and how to go about it. Mr. Reynolds said that they talked about different locations and then they went through a program and sat down with a group of individuals to determine how big it would need to be to meet the needs for that part of the County at present and in the future. He said the future would be a 10-year period, because they have found that facilities like this are well

received and get out grown very quickly. Mr. Reynolds said that because of that, they always look for a site that can be expanded. He said they are already looking for more computers to be put in Ladysmith, because the computer lab is being so well used. Mr. Reynolds said that a lot of people talk about libraries as being depositories of books, but they will still have printed materials being used way past the time that we all use computers. He said that the population goes to libraries to use computers even when people have computers at home and is a very strong part of the way they actually approach a library.

Mr. Reynolds said that what the Board is going to see tonight is a blend of a big attitude library in a small space. He said, in other words, they have to provide the same services at the Dawn Library that they are providing at the main library. Mr. Reynolds said that the proposed Dawn Library property is on Route 301, just a few miles from Route 30. (Showed map location). He said the building as designed is roughly 5,400 square feet and fits very nicely on the site. Mr. Reynolds explained that they did try several site locations and came up with this one to get the best parking and location. He said there will be 31 parking sites and that all entrances will be handicapped accessible (staff and patron entrances). Mr. Reynolds said that at this site they would have the ability to expand to 8,000 square feet in years to come. He stated that they chose this location so as not to limit development in the future and this building will be designed to blend with the look of the community and will look like a home with columns. Mr. Reynolds said that there would be a meeting room and restrooms that can be used even when the library is not open.

Mr. Reynolds explained that the layout would allow staff to see all areas without having to have additional staff and the computer room will be enclosed and will house about 10 computers. He said also, there would be a refreshment area and audiovisual storage. Mr. Reynolds said again, they are looking for this to be used by the community as well as patrons. He said that they will have an area that will be used mainly for story time and that is the biggest patronage for the library. Mr. Reynolds said in addition, there would be a staff workroom, supply room and a Librarian's Office that is being crossed over with literary, training room and a small meeting room. He said again, this is with the idea of being flexible serving a dual use.

Mr. Reynolds said that young adults and teens are coming back to the libraries and they want to give them an area that is very much theirs. He said the wireless router would allow laptops to be used throughout the library. Mr. Reynolds said that the library would be able to host Teen Night, which is Game Night, and other programs to bring young people to the library. He said the idea is to be as flexible as possible within the space allocated.

Mr. Reynolds said that the exterior of the library will have a residential look and will use products that are very economical and provides long-term management. He said it is a large building, but will appear to be very proportionate with the site.

Chairman Thomas clarified that Supervisor Rozell's family donated the land. He said he just wanted to point out to Supervisor Rozell that legal counsel has advised that he may vote if he wishes; however, if Supervisor Rozell wishes to abstain, he may do that as well.

Mr. Reynolds stated that he has worked with Allen Ramsay, Director of Public Works, on this project and they have been back and forth. He said that Mr. Ramsay might have some additional information that is pertinent to the site.

Chairman Thomas responded that the Board has received that information from Mr. Ramsay. He said that he has also talked to Mrs. Brooks and they are pursuing \$250,000 in grants.

Chairman Thomas pulled Consent Agenda Item 4G, "*Acceptance of Property Donation for Site of New Dawn Library and Authorization to Proceed with Project*" from the Consent Agenda and said he would like to act on it now.

***Supervisor Popowicz moved and Supervisor Acors seconded to approve Item 4G, from the Consent Agenda, which approves the acceptance of the property donation for the site of the new Dawn Library and authorized staff to proceed with the project.***

<b><i>Vote:</i></b>	<b><i>Thomas</i></b>	<b><i>Yea</i></b>
	<b><i>Sili</i></b>	<b><i>Yea</i></b>
	<b><i>Rozell</i></b>	<b><i>Abstain</i></b>
	<b><i>Acors</i></b>	<b><i>Yea</i></b>
	<b><i>Popowicz</i></b>	<b><i>Yea</i></b>

**3. APPOINTMENTS**

◆ **Rappahannock Economic Development Corporation (REDCO)**

This appointment was deferred.

**4. CONSENT AGENDA**

Supervisor Sili requested that Consent Agenda *Item 4C*, "*Review of Planning Commission Actions*", be pulled to allow him time to review the old versus the new ordinance before it is advertised.

***Supervisor Sili moved and Supervisor Acors seconded to approve the following Consent Agenda items:***

**A) Approval of Minutes**

***Action Taken: Approval of minutes from the June 17, 2008, June 24, 2008;***

*December 11, 2007; November 27, 2007; November 15, 2007; October 23, 2007; October 9, 2007; September 25, 2007; September 10, 2007; August 28, 2007; August 14, 2007; July 24, 2007; July 10, 2007; June 26, 2007; June 12, 2007; and May 22, 2007 Board of Supervisors meetings.*

**B) Approval of Warrants**

**Action Taken:** *Approval of the following warrants:*

<i>General Fund</i>	<i>\$338,302.01</i>
<i>Consumer Utility Tax 911</i>	<i>4,747.17</i>
<i>Law Library</i>	<i>509.63</i>
<i>Tourism</i>	<i>400.00</i>
<i>Capital Improvements Fund</i>	<i>121,057.01</i>
<i>Utility Construction Fund</i>	<i>1,633.49</i>
<i>Milford Sanitary</i>	<i>713.10</i>
<i>Carmel Church Utilities</i>	<i>32,174.10</i>
<i>Dawn Sewer</i>	<i><u>1,126.05</u></i>
<b>TOTAL</b>	<b>\$500,662.56</b>

**C) Review of Planning Commission Actions**

**Action Taken:** *The Board reviewed the actions taken by the Planning Commission at its August 20, 2008 meeting and authorized staff to schedule the first reading of the following ordinances at the September 23, 2008 meeting:*

*TXT-04-2008: An Ordinance to Amend the Zoning Ordinance of Caroline County by Amending Article XVII, Administration and Enforcement, Section 12, Rezonings, by Amending Paragraph M – Proffers. The purpose of this amendment is to adopt the conditional zoning authority granted under Section 15.2-2303 of the Code of Virginia, 1950, as amended.*

*SO-01-2008: An Ordinance to Amend the Subdivision Ordinance of Caroline County by Amending Section 4 – Procedure for Making and Recording Plats, by Amending Paragraph 4-6, Fees. The purpose of this amendment is to explain when fees for plat review must be filed, the process for refunds of such fees and the specific fee amount(s) shall be reflected in the Fee Schedule as adopted by the Board of Supervisors*

**D) A Resolution Declaring September 6, 2008 as "Lake Caroline Day" in Caroline County**

**Action Taken:** Adoption of the following resolution:

**R27/08**

**A RESOLUTION CONGRATULATING LAKE CAROLINE ON  
THE OCCASION OF ITS 40<sup>th</sup> ANNIVERSARY**

***WHEREAS, in 1967 the American Realty Service Corporation of Memphis, Tennessee anticipated the demand for recreational communities between Richmond, Virginia and Washington, D.C. and selected 1,400 acres of land west of U.S. Route 1 along Stevens Mill Run as the site for the Lake Caroline Resort Development; and***

***WHEREAS, one year later Lake Caroline became a reality with the construction of a recreational community featuring a 277 acre lake, a 1,750 foot dam, 2,097 lots and 22 miles of roads; and***

***WHEREAS, 2008 marks Lake Caroline's 40<sup>th</sup> anniversary, a time-frame in which it has prospered into a vibrant community containing over 1,000 homes and over 1,300 members; and***

***WHEREAS, the lake community quickly became and continues to be a vital part of Caroline County, as evidenced by its significant contribution to the County's tax base, the quality housing opportunities it provides and the number of residents that voluntarily lend their talents in service to County citizens; and***

***WHEREAS, on September 7, 2008, Lake Caroline will host an "Old Fashioned Picnic" filled with music, food, fun and games for the children in celebration of its 40<sup>th</sup> anniversary; and***

***WHEREAS, Caroline County government wishes to help commemorate this milestone and express its appreciation for the many important contributions Lake Caroline has made to Caroline County.***

***NOW, THEREFORE BE IT RESOLVED that the Caroline County Board of Supervisors hereby extends an enthusiastic congratulations to Lake Caroline on the occasion of its 40<sup>th</sup> anniversary and adopts this resolution as an expression of its appreciation, gratitude and best wishes for much continued growth and success in the future.***

Adopted this 26<sup>th</sup> day of August 2008.

E) Adoption of Resolution Affirming Authorization to Pick Up Employee's Contribution to Virginia Retirement System

Action Taken: Adoption of the following resolution :

R28/08

**RESOLUTION**  
**AFFIRMATION OF AUTHORIZATION TO PICK-UP THE**  
**EMPLOYEE'S CONTRIBUTION TO VRS FOR CAROLINE**  
**COUNTY, 55116 UNDER § 414(H) OF THE**  
**INTERNAL REVENUE CODE**

*WHEREAS, CAROLINE COUNTY provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and*

*WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;*

*WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.*

*WHEREAS, in order to avail itself of the protection given under Notice 2006-43, CAROLINE COUNTY desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.*

*NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution; and*

*BE IT FURTHER RESOLVED that effective the first pay day on or after August 26, 2008, CAROLINE COUNTY shall pick up member contributions of its employees to VRS, and such contributions shall*

*be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and*

*BE IT FURTHER RESOLVED that such contributions, although designated as member contributions, are to be made by CAROLINE in lieu of member contributions; and*

*BE IT FURTHER RESOLVED that such contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and*

*BE IT FURTHER RESOLVED that member contribution made by CAROLINE COUNTY under the pick-up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and*

*BE IT FURTHER RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick-up contributions made by CAROLINE COUNTY directly instead of having them paid to VRS; and*

*BE IT FURTHER RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of CAROLINE COUNTY shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by CAROLINE COUNTY on behalf of such employee pursuant to the foregoing resolutions.*

*Adopted in BOWLING GREEN, Virginia this 26<sup>th</sup> day of August 2008.*

**F) Declaration of County Owned Vehicle as Surplus Property**

**Action Taken:** *The Board declared a 2000 Doge Dakota Pickup Truck from the Inspections Department as surplus property because the repairs were cost prohibitive and authorized staff to offer the vehicle for sale through competitive bid or auction.*

**G) Acceptance of Property Donation for Site of New Dawn Library and Authorization to Proceed with Project**

**Action Taken:** *This item was removed from the Consent Agenda and discussed*

earlier in the meeting under "Presentations/Reports".

**H) A Resolution Declaring a State of Emergency in Caroline County and Requesting that the Governor Designate Caroline County as a Disaster Area and Request Federal Drought Relief to Local Farmers**

Action Taken: Adoption of the following resolution:

**R29/08**

**A RESOLUTION DECLARING A STATE OF EMERGENCY IN CAROLINE COUNTY AND REQUESTING THAT THE GOVERNOR DESIGNATE CAROLINE COUNTY AS A DISASTER AREA AND REQUEST FEDERAL DROUGHT RELIEF TO LOCAL FARMERS**

***WHEREAS, Caroline County has suffered from severe drought from June through August 2008; and***

***WHEREAS, this condition in the agricultural area has caused major damage to hay, pasture, soybeans, corn and vegetable crops; and***

***WHEREAS, estimated losses in agricultural crops will probably exceed \$6,500,000; and***

***WHEREAS, there is a critical need to assist farmers as a result of the extreme weather conditions.***

***NOW, THEREFORE, BE IT RESOLVED that the Caroline County Board of Supervisors does declare a state of emergency in Caroline County, and the Honorable Timothy M. Kaine, Governor of the Commonwealth of Virginia, is petitioned by the Board of Supervisors to have Caroline County designated a Disaster Area and request Federal drought relief to local farmers.***

***Adopted this 26<sup>th</sup> day of August 2008.***

<b>Roll Call Vote:</b>	<b>Thomas</b>	<b>Yea</b>
	<b>Sili</b>	<b>Yea</b>
	<b>Rozell</b>	<b>Yea</b>
	<b>Acors</b>	<b>Yea</b>
	<b>Popowicz</b>	<b>Yea</b>

**NEW BUSINESS**

7. **APPROVAL OF FESTIVAL PERMIT FOR VIRGINIA BAZAAR LABOR DAY BLUES SHOW**

Mr. George Wieber stated that this is a request for the Virginia Bazaar to hold a musical festival on Saturday, August 30, 2008. He said staff is recommending approval based on the following six conditions:

- 1) *A minimum of 12 law enforcement officers and 3 supervisors shall be on-site between the hours of 4 p.m. to 12 p.m., or other such number, as determined by the Caroline County Sheriff's Office.*
- 2) *The consumption of alcoholic beverages on the property shall be prohibited. The promoter shall be responsible for inspection of bags and coolers to ensure alcohol is not brought into the venue. Signs shall be conspicuously posted advertising the prohibition of alcoholic beverages.*
- 3) *Written approval of the Caroline County Health Department for any temporary sanitary facilities shall be obtained and evidence provided to the Planning Department prior to the festival opening. (Approval has been obtained).*
- 4) *The promoter shall substantially follow the attached site plan. Any substantial alteration or modification shall void the permit.*
- 5) *Written approval by the Caroline County Health Department for the provision of food and drink shall be obtained and evidence provided to the Planning Department prior to the festival opening.*
- 6) *There shall be no overnight camping or other residence. All participants shall be off the property by 11:30 p.m.*

Chairman Thomas asked who would be paying for the 12 law enforcement officers.

Mr. Wieber responded that the promoter, Ms. Libby of the Virginia Bazaar would be responsible for paying for the 12 law enforcement officers.

Chairman Thomas stated that he understands this will be a Clarence Carter Blue's Concert.

Mr. Wieber stated that was correct.

Sheriff Tony Lippa stated that on behalf of Ms. Copeland, she came into the office and met with Lieutenant Colonel Hall and himself. He said that they have a Private Entity Agreement in which Ms. Copeland has agreed to take care of the funding for it. Sheriff Lippa said that he wanted to point out that this is a Holiday weekend and all of this looks like it will work well.

*Supervisor Popowicz moved and Supervisor Sili seconded to approve the Festival Permit for Virginia Bazaar as presented.*

*Roll Call Vote:*

<i>Thomas</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Rozell</i>	<i>Yea</i>
<i>Acors</i>	<i>Yea</i>
<i>Popowicz</i>	<i>Yea</i>

8. **SELECTION OF OPTION TO IMPLEMENT REQUIRED REDUCTION IN STATE AID TO LOCAL GOVERNMENTS REQUIRED BY 2008 APPROPRIATION ACT**

Chairman Thomas explained that as part of the 2008 Appropriation Act, Caroline County is required to carry out a \$103,991 cut in State aid to localities (the same total is required in FY 2010) by:

- 1) *Taking the reductions out of one or more of the programs in the list provided by the Virginia Department of Planning and Budget;*
- 2) *Making a reimbursement payment directly to the Commonwealth for all the required reductions; or*
- 3) *Choosing a combination of program reductions and reimbursement payment.*

Chairman Thomas said that Courtney Rogers, the County's financial consultant, recommends Option #2, and has indicated that funds have been set aside in the FY 2009 budget for this purpose. He said the State has asked for a decision by August 30, 2008.

Supervisor Acors stated that he believes that it will be in the County's best interests to write the check.

Supervisor Sili said that they talked about this in the Budget Work Session and this has been included in the budget and he was in complete agreement that they should write the check.

Chairman Thomas said that the cuts were in the Board of Elections, Compensation Board, which includes local law enforcement, the local Court Services, Commission of Revenue, Circuit Court Land Records, etc., and it appears that the County is going to step up to the plate and make that payment.

***Supervisor Popowicz moved and Supervisor Acors seconded to approve Option Number 2, which is to make a reimbursement payment directly to the Commonwealth for the required reductions in the amount of \$103,991.***

*Roll Call Vote:*      *Thomas*      *Yea*  
                                 *Sili*              *Yea*  
                                 *Rozell*          *Yea*  
                                 *Acors*          *Yea*  
                                 *Popowicz*      *Yea*

**9.      PROPOSED ADJUSTMENT OF LEAVE ACCRUAL RATES FOR FIRE & RESCUE EMERGENCY MEDICAL SERVICES FIELD STAFF TO ACCOMMODATE 48 HOUR WORKWEEK**

Chairman Thomas stated that this item had been reviewed previously.

*Supervisor Rozell moved and Supervisor Popowicz seconded to adjust the leave accrual rate for Fire & Rescue Emergency Medical Services field staff to accommodate a 48 hour workweek as presented.*

*Roll Call Vote:*      *Thomas*      *Yea*  
                                 *Sili*              *Yea*  
                                 *Rozell*          *Yea*  
                                 *Acors*          *Yea*  
                                 *Popowicz*      *Yea*

Supervisor Rozell asked when this would go into effect.

In response to a question from Supervisor Rozell, Director of Fire & Rescue Ed Fuzy stated that the new shifts actually started August 1<sup>st</sup>.

**CLOSED MEETING**

*Supervisor Sili moved and Supervisor Acors seconded that this Board convene in Closed Session pursuant to the consultation with legal counsel exemptions of Section 2.2-3711.A.3 of the Code of Virginia pertaining to pending litigation involving prior action by this Board to vacate certain subdivision plats where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County.*

*Roll Call Vote:*      *Thomas*      *Yea*  
                                 *Sili*              *Yea*  
                                 *Rozell*          *Yea*  
                                 *Acors*          *Yea*  
                                 *Popowicz*      *Yea*

The Board returned to regular session and adopted the following certification:

*I move that the Caroline County Board of Supervisors certify that to the best of each Board member's knowledge:*

- (i) only public business matters lawfully exempted from the open session requirements by Virginia law were discussed in closed session to which this certification applies; and*
- (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.*

<i>Certification by Roll Call Vote:</i>	<i>Thomas</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Rozell</i>	<i>Yea</i>
	<i>Acors</i>	<i>Yea</i>
	<i>Popowicz</i>	<i>Yea</i>

**PUBLIC COMMENTS**

Sheriff Anthony A. "Tony" Lippa, Jr., stated that he wanted to commend Caroline County. He said the move of the satellite office in Ladysmith is progressing well and pointed out that this is a savings to the County of over \$4,800 per year. He said he also wanted to commend Percy Ashcraft, County Administrator, for all of his help in establishing a satellite office at the Visitor's Center. Sheriff Lippa stated that he also commends the Public Works Department in assisting the Sheriff's Office with the building issues to meet all the requirements of the State. He said also the volume of calls received for Animal Control was more than what they realized.

Sheriff Lippa said that they hope to receive final approval for accreditation this week. He said they have at least 50 laptops that have been purchased through surplus, again saving the County a lot of money.

**PRESENTATIONS/REPORTS**

◆ **COMCAST**

Ms. Marie Schuler, Comcast Representative, stated that she was asked by County staff to provide a report on the status of the upgrade as well as customer service. She said that she believes she was here about a year ago talking about the Franchise Agreement and upgrade. Ms. Schuler said that she was pleased to report that they have almost completed franchise negotiations and the Franchise Agreement should be completed within the next few months.

Ms. Schuler stated that with regard to the upgrade, the fiber optic infrastructure to the community began around July or August of last year. She said they were primarily

working on underground facilities and currently about 75% of the underground work has been completed at this time. Ms. Schuler said they also are going to build a hub site, which would provide the services versus the existing analog head in that is in Ladysmith right now. She said they have been delayed building the hub site, because they are trying to reach agreement with Rappahannock, which has taken much longer than they anticipated. Ms. Schuler said that was actually finalized in November of 2007 but unfortunately, there was only a small window of time that they had to complete work because of the Thanksgiving and Christmas Holiday moratorium. She said during that time, they were reviewing construction projects and some things came up regarding technologies. Ms. Schuler said it was determined there were some new technologies that would help them with the upgrade. She said their engineers have been looking at those options for them and while the engineers are looking at the options, they have actually suspended the upgrade because of the new technologies. Ms. Schuler said that they are looking at the options and how to deploy services that will take us even further into the future and offer more robust services than what they offer in other areas.

Ms. Schuler further stated that with regard to customer service, there have been issues and some confusion that will have to be dealt with internally. She said their primary call center is in Manassas and they have been doing quite a bit of outsourcing because of the acquisition of Adelphia. Ms. Schuler said that another call center went on line July 1<sup>st</sup> in Largo, Maryland, which allowed them to take calls for internet services and transfer cable calls to Manassas. She said the call center in Manassas takes calls for all areas in Northern Virginia and they discovered that people in Caroline were being told erroneously that they could get internet, digital and telephone services. Ms. Schuler said that they are trying to make sure that callers are receiving accurate information and they are working on that. She said also, they are making sure that concerns are being addressed in a timely fashion.

Ms. Schuler explained that they have shifted responsibility from the Dale City Office to Spotsylvania, which is much, much closer. She said this was done in an effort to address problems much more quickly and take care of problems much better. Ms. Schuler said that they have two supervisors in Spotsylvania who actually live in Caroline and they are making sure that reliability is back where it should be. She said that they have a problem with some of the local channels and they are actually converting to fiber, which should take care of the local broadcasting problems that have been occurring.

Chairman Thomas responded that Ms. Schuler said that due to some confusion in the call center, digital is not available in the County.

Ms. Schuler responded that is correct. She said that only analog television service is available in the County and the confusion was the result of call takers covering so many areas.

Chairman Thomas stated that he wanted to clarify that the County does not have high-speed access or digital access.

Ms. Schuler responded that was correct with the exception of the small area in Ladysmith Village because service for that area comes out of Richmond.

Chairman Thomas asked about the upgrade being suspended.

Ms. Schuler responded that the upgrade would be suspended until they can determine if they are actually implementing the most optimal solution for providing services to the citizens.

Chairman Thomas asked about people who have analog and what happens next February when everything goes digital.

Ms. Schuler responded that on February 17<sup>th</sup>, the broadcast channels would be going digital, which is a FCC mandate. She said that they are required to continue to provide analog service to any of their customers who wish to continue to receive analog. Ms. Schuler said that those customers will not have to do anything and they do not have to get any additional equipment as long as they are hooked up to cable television.

Chairman Thomas responded basically, Comcast would be giving them a high definition signal even though they did not have the upgrade.

Ms. Schuler responded that actually it did not matter if you had the upgrade or not, that high definition televisions will receive digital signals.

Chairman Thomas said Ms. Schuler had mentioned there was only a small number in Ladysmith Village and that people in Belmont and other areas that do not have the upgrade would not be able to receive a digital signal on a high definition television.

Ms. Schuler responded that was correct because the signal has not been upgraded yet, however, those people would have the option to pull from an antenna if they wanted to.

Supervisor Rozell said that there are 345 potential homes in Caroline Pines that would be served by Comcast.

Supervisor Acors said that unless they get better service than the people who now have Comcast get, they do not want Comcast. He said that until they get a definitive answer from Ms. Schuler or Comcast as to a definite date these upgrades are going to be made, he would argue that they need to kick Comcast out of the County. Supervisor Acors said that he was not sure that they need to pursue a Franchise Agreement until Comcast starts providing better service.

Supervisor Acors asked how many customers Comcast had in Caroline County.

Ms. Schuler responded that there were fewer than 1,000 customers in Caroline County.

Supervisor Acors stated that there were a great deal of potential users and people that are served in the Ladysmith area. He said he believed there was a franchise tax, and Comcast has lost customers from 1,800 down to 1,000 and that is because of the service or lack thereof. Supervisor Acors said that one resident in Lake Caroline took time off from work to wait for a technician to come in and repair a problem and it took days to finally complete that repair. He said no one called and no one came. Supervisor Acors said this is a constant problem. He said the other issue was if you paid for a premium channel, you got a premium channel for free, however, nothing was said about the premium channel going away in a certain amount of time. Supervisor Acors said this concerned the Movie Channel and Show Time and six or seven months ago, they stopped getting the Movie Channel. He said when customers called to complain about not getting these channels, they were told not to complain because it was free. Supervisor Acors said that they were complaining because they were told that they would receive one channel if they bought the other.

Ms. Schuler responded that she was not aware of the problem with buying one channel and getting one free. She said regarding the other issue where it took multiple days for a technician to come out and repair a problem was actually one of the things that they have addressed. Ms. Schuler said what was occurring, was work was actually being done by a maintenance technician versus a service technician. She explained that maintenance technicians primarily work on the outside infrastructure and do not make customer contact. Ms. Schuler said that they did specifically speak with the technical people about that and she hopes that situation has now been corrected.

Supervisor Acors responded that service has improved; however, service has been an issue for quite some time. He said the other issue is the promises to upgrade services in Caroline that have been made for the last two years and nothing is happening. Supervisor Acors said that constituents are being told to be patient but nothing is happening.

Ms. Schuler responded that she understands everyone's concern and that she was very conscious of standing before the Board last year and giving a specific date for the upgrade. She said that she is waiting to hear back from the engineers, but they are definitely going to be upgrading services. Ms. Schuler said that they are also working on internet service, which is becoming more valuable than cable.

Supervisor Acors responded that this has to be corrected and do something sooner rather than later. He said that he was on the verge of saying, Comcast, just take your lines and go on. Supervisor Acors said there are still lines on top of the ground in Lake Land'Or, and Lake Caroline and it would not take much to pull them up. He said unfortunately, once Comcast bought the system, services have not been good and he has been very disappointed.

Supervisor Acors stated that Chairman Thomas is also hearing from his constituents that are concerned about their cable.

Chairman Thomas responded that he has had contact with several people in Belmont who have contacted Comcast regarding high-speed internet and were told that they could not have high-speed internet because the Board of Supervisors would not let them. He said he wanted to be clear that this Board has never said anything about Comcast not giving them high-speed internet and the Board is trying to work with the people in Belmont. Chairman Thomas said the Board wanted high-speed internet too and they just want to make things better. He said that Caroline was not a big market, but the people in Caroline are going to pay for an honest service and expect to receive that service.

Chairman Thomas said that there were people present tonight in the back of the auditorium that the Board would like Ms. Schuler to talk to.

Ms. Schuler responded that she understood the Board's position and for the record, the Board of Supervisors never said that Comcast could not provide high-speed internet in Caroline County.

Supervisor Sili stated that his concern was they are now almost in September and Ms. Schuler really does not know what the plan is from the engineers. He said then in November Comcast will be in the blackout period again because of the holidays until the middle of January. Supervisor Sili asked how long was it going to take for the engineers to decide about the upgrades and if the upgrades that are already in the ground are going to be abandoned.

Ms. Schuler responded that what is in the ground now is fiber and a lot can be attached to fiber. She said it was really what was in the electronics in the field and that what was already in the ground would not be abandoned.

Supervisor Sili said that realistically they are looking at the middle of January for this upgrade to start.

Ms. Schuler responded that they do not anticipate any construction being done in 2008 unless some type of results comes back in the next month from the engineers.

Supervisor Sili asked about Comcast's budget because everyone has an upgrade budget. He said they have dealt with people on this side of the County and everybody is working in a budget and asked if this work was even in Comcast's budget to work on Caroline County's business units to even begin to work there.

Ms. Schuler responded there is money in the budget but it needs to be determined if there is going to be different technology.

Supervisor Sili said that in theory, Comcast could start all over again.

Ms. Schuler responded the fiber itself could be used on any technology that they are going to be using, so they are not abandoning any existing technology, but rather they will be complimenting it with the solution they had or a new solution.

Supervisor Sili responded that his concern is the time line. He said he has received at least 12 to 18 e-mails from people around the County wanting to know about the upgrade. Supervisor Sili said that the people in Comcast's call centers need to be better informed.

Ms. Schuler responded that she would speak to the Director of Customer Service tomorrow.

Chairman Thomas said that he wished that it had been more pleasant for Ms. Schuler to be here because no one likes to be told they are stupid. He said that he would like to work with Ms. Schuler because there are people in the County who are very loyal and would like to have Comcast provide service. Chairman Thomas said they need to know the status of the upgrade as soon as possible so they can let the citizens know for the second or third time, that the upgrade is being done.

Ms. Schuler responded that she understands everyone's concerns and frustrations. She said she would go back to her office with the Board's comments and hopes that the next time she is before the Board it will be more positive.

Chairman Thomas thanked Ms. Schuler for her time and reminded her that there were people in the back that would love to talk to her.

Chairman Thomas then stated that the Board was discussing how to pull the Franchise Agreement if service does not improve. He said they also discussed that if they pulled the Franchise Agreement, that Comcast would have the right to pull all their wire and go home and then the County would have to find someone who could come in and rewire the entire area.

### **UNFINISHED BUSINESS**

#### **5. PROPOSED RE-ADOPTION OF ORDINANCE VACATING SUBDIVISION PLATS**

Chairman Thomas stated that the Board of Supervisors vacated subdivision plats in July through an Emergency Ordinance. He said in accordance with the Code of Virginia, after creating an Emergency Ordinance, they then have 60 days to hold a public hearing and readopt those ordinances. Chairman Thomas stated that as he said at the Board's last meeting, by the actions of the Board of Supervisors vacating those lots, basically the Board started the process all over and the Planning Commission went through their process again.

Chairman Thomas said that it was his understanding that the Planning Commission actually approved those plats with some changes and at this time, the Board of Supervisors is going to vote to re-adopt the ordinance vacating those subdivision plats previously.

Ms. Ann Neil Cosby, County Attorney, advised that a motion on each ordinance would be required.

***Supervisor Sili moved and Supervisor Rozell seconded to readopt the Ordinance Vacating Saddlehorse Farms (Tax Map 59-A-21).***

***Roll Call Vote:***

<b><i>Thomas</i></b>	<b><i>Yea</i></b>
<b><i>Sili</i></b>	<b><i>Yea</i></b>
<b><i>Rozell</i></b>	<b><i>Yea</i></b>
<b><i>Acors</i></b>	<b><i>Yea</i></b>
<b><i>Popowicz</i></b>	<b><i>Yea</i></b>

***Supervisor Sili moved and Supervisor Rozell seconded to readopt the Ordinance Vacating Courtney Country Estates (Tax Map 59-A-27).***

***Roll Call Vote:***

<b><i>Thomas</i></b>	<b><i>Yea</i></b>
<b><i>Sili</i></b>	<b><i>Yea</i></b>
<b><i>Rozell</i></b>	<b><i>Yea</i></b>
<b><i>Acors</i></b>	<b><i>Yea</i></b>
<b><i>Popowicz</i></b>	<b><i>Yea</i></b>

***Supervisor Sili moved and Supervisor Rozell seconded to readopt the Ordinance Vacating Saddlehorse Farms (Tax Map 59-A-21 and 23A).***

***Roll Call Vote:***

<b><i>Thomas</i></b>	<b><i>Yea</i></b>
<b><i>Sili</i></b>	<b><i>Yea</i></b>
<b><i>Rozell</i></b>	<b><i>Yea</i></b>
<b><i>Acors</i></b>	<b><i>Yea</i></b>
<b><i>Popowicz</i></b>	<b><i>Yea</i></b>

**6. PROPOSED AMENDMENT OF CHAPTERS 92 AND 112 OF THE CODE OF CAROLINE COUNTY (SEWER AND WATER) TO PROVIDE FOR THE PRE-PAYMENT OF AVAILABILITY FEES (Continued First Reading)**

Mr. Joseph Schiebel, Superintendent of Public Utilities, stated that County Staff and County Attorney were tasked with coming up with an amended ordinance to include the necessary changes for prepay water and sewer availability. He said under the prepay policy they were looking to set 250 homes at the maximum that can be prepaid. Mr. Schiebel said also included was the Milford Sanitary District portion of the ordinance that proposes to increase the availability fee from \$2,800 to \$7,000. He said that basically

this would match the County system and allow any current residents not currently connected to the Milford Sanitary District to connect at the current rate for the next 6 months. Mr. Schiebel said there was also an amendment that would allow people to connect to the County system at the same rate for 6 months.

Supervisor Acors stated that he was concerned that 6 months was not enough time and he would like to see the 6 months extended to 24 months.

Mr. Schiebel responded that with the County system they did 6 months and then actually established a payment plan with the Treasurer's Office.

Chairman Thomas directed Mr. Schiebel to change the 6 months to 24 months County wide for existing structures as of the date of the adoption of this Ordinance and to have it read: "Structures not owners".

Mr. Schiebel said that change would be made. He said in addition, they would be incorporating "as built plans" on both water and sewer.

Chairman Thomas asked how they could prevent problems in Belmont where the Developer had a dead line and if there was a way to force the developer to have a circular loop so there is no dead water in the line.

Mr. Schiebel responded that he would look into this. He said they now require developers to provide them with a water model of their development and with that water model, they can identify water age and where they need to pinpoint flushing the County's system. Mr. Schiebel said that they have put procedures in place to prevent that from happening.

Supervisor Sili said that in this document they have "Approved by the Director" and said that currently they do not have a Director.

Mr. Schiebel responded that was addressed with the County Attorney and it is actually addressed by "and/or designee".

Chairman Thomas asked about proffer issues.

Mr. Schiebel responded that Mr. Benjamin Emerson, County Attorney, stated at the last meeting that the proffer issue would be separate from this policy. He said that this policy was not necessary to be able to do what was presented at the last meeting. Mr. Schiebel said that the developer would be paying at the current amount and then would pay any additional money when they come in to get a permit.

Ms. Ann Neil Cosby, County Attorney, stated that she wanted to clarify that you could not accept the proffer at all if it was in the County's best interest not to accept any more money at all. She said the County could reject the entire thing outright.

Mr. Schiebel stated that a lot of the developers are saying that it would not make that big of a difference.

Chairman Thomas directed that the proposed Amendment be advertised for Public Hearing on October 14<sup>th</sup>.

*Supervisor Sili moved and Supervisor Popowicz seconded to advertise the public hearing for October 14, 2008 on the Proposed Amendment of Chapter 92 and Chapter 112 of the Code of Caroline County (Sewers and Water) to provide for the Pre-Payment of Availability Fees.*

<i>Roll Call Vote:</i>	<i>Thomas</i>	<i>Yea</i>
	<i>Sili</i>	<i>Yea</i>
	<i>Rozell</i>	<i>Yea</i>
	<i>Acors</i>	<i>Yea</i>
	<i>Popowicz</i>	<i>Yea</i>

**10. INFORMATIONAL/CALENDAR ITEMS**

◆ **Update on Use of Old Ladysmith Library**

Mr. Ashcraft stated that use of the old Ladysmith Library was previously covered by the Sheriff. He said it appears that the Sheriff and the way that the space is laid out, it would be better if he had sole use of that building with the understanding that if the County needed that space for a meeting the Sheriff would certainly acknowledge that. Mr. Ashcraft said that there are certain portions of that space that cannot be used and as the Board knows, they are looking for a use for the old Ladysmith Elementary School. He said they would be coming back to the Board with a reuse plan for their section of the building that would be part of a use agreement with the School Board. Mr. Ashcraft said this would be discussed at the joint meeting on September 15<sup>th</sup>. He said they want to keep cost down by letting the Sheriff use it.

◆ **Future Location of Caroline County Fair**

Mr. Ashcraft stated that he met last week with representatives of the Caroline County Fair and they advised him that they are going to be looking for another place to hold the Fair. He said in the past few years, the Fair has been held at the Virginia Bazaar and they are making the decision to relocate. Mr. Ashcraft said that having made that decision, they are making it without a particular place to go. He said their first inquiry was to ask the State Fair officials if the State Fair Grounds might be available. Mr. Ashcraft said that he contacted Curry Roberts and learned that 2009 is not a possibility; however, 2010 is, on the southern end of the property. He said they would be willing to discuss some arrangements if the County Fair chose to pursue that. Mr. Ashcraft said that leaves the issue of 2009 and where are they going to go. He asked them to work with County staff,

particularly Mr. Gary Wilson, to see if there are any property owners in the County willing to donate, sell or lease property for the County Fair. Mr. Ashcraft said at this point, it would not encumber the Board for any additional obligation other than the current contribution to the Fair. He said it would only require County staff support, who have more expertise with RFP's, to lend that expertise to the Fair Committee.

Mr. Ashcraft said that he has received correspondence from the NAACP and the Annual Freedom Fund Banquet on September 13<sup>th</sup>.

Mr. Ashcraft then pointed out the following upcoming events:

- ◆ August 28<sup>th</sup> – Mr. Popowicz' community meeting at the Port Royal Volunteer Fire Department
- ◆ September 11<sup>th</sup> – Joint meeting with the Port Royal Town Council
- ◆ September 13<sup>th</sup> - Veterans Council Memorial Dedication in Fredericksburg
- ◆ September 15<sup>th</sup> – Joint meeting with the School Board
- ◆ September 18<sup>th</sup> – Visit to Washington, D.C.
- ◆ September 30<sup>th</sup> – Regional Elected Officials Meeting in Fredericksburg

### **CLOSING BOARD COMMENTS**

There were no closing Board comments.

### **CLOSED MEETING**

***Supervisor Acors moved and Supervisor Popowicz seconded that this Board convene in Closed Session pursuant to:***

- 1. the consultation with legal counsel exemption of Section 2.2-3711.A.7 of the Code of Virginia to discuss specific legal matters requiring the provision of legal advice by counsel relating to authority to offer incentives to local business to remain in the County; and***
- 2. the acquisition of real property and consultation with legal counsel exemptions of Sections 2.2-3711.A.3 and A.7 of the Code of Virginia to discuss specific legal matters requiring the provision of legal advice by counsel involving the settlement of the MB Auto lawsuit and the acquisition of real estate for County use in connection with its system, where discussion in open meeting would adversely affect the County's bargaining position or negotiating strategy; and***
- 3. the consultation with legal counsel exemption of Section 2.2-3711.A.7 of the Code of Virginia to discuss specific legal matters requiring the provision of legal advice by counsel involving the Virginia Freedom of Information Act, specifically the definition of a public body under said act; and***

4. *the personnel exemptions of Section 2.2-3711.A.1 of the Code of Virginia to discuss (i) the assignment and performance of a County employee in the Department of Fire, Rescue and Emergency Management, (ii) candidates for employment by the County in a position in Department of Utilities and assignments of job duties of two County employees, one in the Department of Utilities and the other in the Department of Public Works; and*

5. *the personnel exemptions of section 2.2-3711.A.1 of the Code of Virginia and/or the award of public contract exemptions of Section 2.2-3711.A.29 of the Code of Virginia to discuss the respondents to the County's Request For Proposals for legal services where discussion in open session would adversely affect the position or negotiation strategy of the County.*

*Roll Call Vote:*

<i>Thomas</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Rozell</i>	<i>Yea</i>
<i>Acors</i>	<i>Yea</i>
<i>Popowicz</i>	<i>Yea</i>

The Board returned to regular session and adopted the following certification:

*I move that the Caroline County Board of Supervisors certify that to the best of each Board member's knowledge:*

- (i) only public business matters lawfully exempted from the open session requirements by Virginia law were discussed in closed session to which this certification applies; and*
- (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.*

*Certification by Roll Call Vote:*

<i>Thomas</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Rozell</i>	<i>Yea</i>
<i>Acors</i>	<i>Yea</i>
<i>Popowicz</i>	<i>Yea</i>

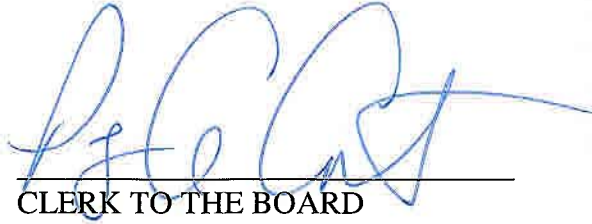
### **ADJOURNMENT**

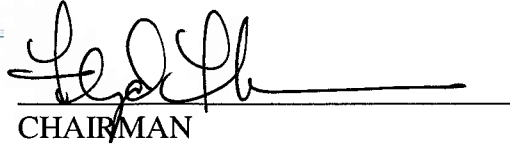
*Supervisor Rozell moved and Supervisor Acors seconded to adjourn the meeting.*

*Roll Call Vote:*

<i>Thomas</i>	<i>Yea</i>
<i>Sili</i>	<i>Yea</i>
<i>Rozell</i>	<i>Yea</i>

*Acors*      *Yea*  
*Popowicz*   *Yea*

  
CLERK TO THE BOARD

  
CHAIRMAN