

At a regular meeting of the Caroline County Board of Supervisors held on Tuesday, June 16, 2009 in the auditorium of the Community Services Center, located at 17202 Richmond Turnpike, Milford, VA 22514.

PRESENT

D. M. "Maxie" Rozell, Jr. – Vice-Chairman
Bobby Popowicz
Jeff Sili
Floyd W. Thomas

ABSENT

Wayne A. Acors - Chairman

ALSO PRESENT

Percy C. Ashcraft – County Administrator
Alan L. Partin – Assistant County Administrator
Benjamin W. Emerson – County Attorney - *Arrived at approximately 7:30 p.m.*
Michael A. Finchum – Director of Planning & Community Development
Frances K. Hatcher – Finance Director
Allen T. Ramsay – Superintendent of Public Works
Gary R. Wilson – Director of Economic Development

CALL TO ORDER

Vice-Chair Rozell called the meeting to order at approximately 6:07 p.m.

INVOCATION

Supervisor Thomas led the invocation.

PLEDGE OF ALLEGIANCE

Vice-Chair Rozell led the Pledge of Allegiance.

AMENDMENTS TO THE AGENDA

County Administrator Percy Ashcraft informed Board members that the Treasurer's Report had been removed from the agenda.

OPENING BOARD COMMENTS

Supervisor Popowicz stated that there is a public hearing coming up on Emory Gross and some new information had come to light. He asked that Board members consider deferring this to the July 14th meeting.

Supervisor Popowicz moved and Supervisor Thomas seconded to defer the Emory Gross Public Hearing on rezoning to the July 14, 2009 meeting.

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

Supervisor Popowicz asked that Item #5, Timbering, be removed from the Agenda and deferred to the July 14th, 2009 meeting.

Supervisor Popowicz moved and Supervisor Sili seconded to remove Item #5, TXT-07-2008 through TXT-12-2008, from the agenda and defer to the July 14, 2009 meeting.

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

1. PRESENTATION/REPORTS

◆ VDOT Monthly Report

Mr. Charlie Stunkle, Residency Administrator for the Bowling Green Office of VDOT, stated the Carmel Church project has been awarded to J. L. Kent & Sons and the pre-construction conference on the project will be next week. He said a meeting has also been set for July 1st to go over the sequence of operations with the business owners in the Carmel Church area. He thanked the County for the use of the Visitor's Center on July 1st.

Mr. Stunkle said in addition, they have had a continued complaint about trucks making a left turn onto eastbound Route 207. He said they have added a straight arrow to that signal head to try to help.

Mr. Stunkle further stated that mowing has begun. He said if there were locations either on the primary or secondary roads with sight distance issues, they would cut those areas regardless of the standards.

Vice-Chair Rozell asked if there was a "drop dead" date for J. L. Kent & Sons to complete construction.

Mr. Stunkle responded approximately two years.

Supervisor Popowicz asked about the status of the Cedon Road issue.

Mr. Stunkle said they have talked with the citizens and asked the Traffic Engineers to look at those concerns.

Supervisor Thomas thanked Mr. Stunkle for his work with the constituents in Rural Acres and said he appreciated his efforts.

Vice-Chair Rozell said there are concerns about the new turn lane at Signboard Road because it appears to be two lanes and both vehicles are going together.

Mr. Stunkle said he would advise the Traffic Engineers to see if there are some different payment markings that need to be done to avoid confusion. He said they were trying to solve a safety issue at that location.

Vice-Chair Rozell expressed his appreciation of Mr. Stunkle's efforts.

Supervisor Thomas asked if VDOT was definitely going to move and close the Bowling Green office.

Mr. Stunkle said he did not know, however, one of the items on the Commonwealth Transportation Board agenda for tomorrow is the budget and the blueprint. He said he hopes to know something by the end of the week.

◆ **Treasurer's Report**

This item was removed from the agenda.

2. **CONSENT AGENDA**

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

A) Approval of Minutes

Action Taken: Approval of the minutes from the April 7, 2009 Board of Supervisors meeting.

B) Approval of Warrants

Action Taken: Approval of the following warrants:

<i>General Funds</i>	<i>\$520,497.13</i>
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<i>Consumer Utility Tax 911</i>	<i>5,368.57</i>
<i>Law Library</i>	<i>273.75</i>
<i>Tourism</i>	<i>8,005.91</i>
<i>Commonwealth Attorney</i>	<i>1,675.42</i>
<i>Capital Improvements Fund</i>	<i>108,215.63</i>
<i>School Projects</i>	<i>111,906.57</i>
<i>Utility Construction Fund</i>	<i>39,786.36</i>
<i>Milford Sanitary</i>	<i>8,054.19</i>
<i>Carmel Church Utilities</i>	<i>46,763.65</i>
<i>Dawn Sewer</i>	<i><u>2,248.52</u></i>
TOTAL	\$852,795.70

C) Approval of Payment Request #7 for Former Union Bankshares Building (USB) Renovation Project

Action Taken: *Approval of Payment Request #7 from Haley Builders, Inc. in the amount of \$120,207.14 for work completed on the Administrative Offices Renovation Project (the former Union Bankshares building) in Bowling Green.*

D) Approval of Change Order #3 for the UBS Renovation Project

Action Taken: *Approval of Change Order #3 from Haley Builders, Inc. in the amount of \$7,377.18 for additional fire dampers required by code, the removal of existing wall sconces and additional lighting fixtures, marble thresholds for rooms 113 & 115 (restrooms) and the relocation of the generator panel. Funds for the change order will come from the project contingency, which has a current balance of \$99,022.91 (after Changer Order #3 has been deducted).*

E) Approval of Festival Permit for Music Festival at Virginia Bazaar

Action Taken: *Approval of a Festival Permit for the Virginia Bazaar to hold a music festival on site on Saturday, September 5, 2009 with conditions recommended by staff.*

F) Award of Bid for Custodial Services

Action Taken: *Award of bid to Bailey's Janitorial Service in the amount of \$11,134 per month for custodial services for County office buildings.*

G) Proposed One-Year Extension of Contract with Davenport for Financial Consulting Services

Action Taken: Approval to renew the agreement with Davenport & Company for financial advisory services for one year ending June 30, 2010.

H) Proposed Waiver of Water Connection Fees for New Caroline County Fair Site

Action Taken: Approval to waive water connection fees associated with providing a water connection to the new fir site on property off Route 1 adjacent to the Virginia Sports Complex. Virginia Sports Complex has agreed to allow the fair to tap into their water line. A separate meter will be installed to bill the fair's water usage individually.

The amount of funds to be waived cannot be determined conclusively until the actual connection is made. The minimum charge to connect the water line would be \$750. This is typically adequate to cover installation of a ¾ inch meter. Depending on the actual meter size required by the fair, and any unusual site conditions, the County's cost could be more. Actual time involved for the installation will also help determine the total expense.

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

UNFINISHED BUSINESS

4. CONTINUED DISCUSSION OF TIMBERING REGULATIONS IN THE M-1 ZONING DISTRICT

Mr. Michael A. Finchum, Director of Planning and Community Development, stated at the May 26, 2009 meeting, the Board of Supervisors continued its discussion of the zoning text amendments to allow timber harvesting in the M-1 Industrial District as a permitted use, subject to standards. He explained that based upon those discussions, the Board directed staff to further modify the draft regulations to allow timbering consistent with the Rural Preservation (RP) Zoning District. He said the two specific areas that the majority of the Board sought to modify were:

- 1. Eliminating limits on harvesting activities within required setbacks; and*
- 2. Eliminating limits on clearing stands of hardwoods.*

He stated that based upon the direction received by staff, they have prepared two options for the Board's consideration. He said the first option is the less restrictive of the two options. He explained that this option allows timbering in all buffer and yard areas, including Chesapeake Bay Preservation Areas, in accordance with RP standards. He said this option would allow modifications to the RPA buffers, which would have to be

restored by the end user of the property upon conversation to an industrial use. He said this option is the most beneficial to current landowners and shifts the burden of the re-establishment of buffers to the end user of the property. He said this option removes staff from any involvement in the process unless a violation is identified.

He further stated that the second option is more restrictive in that the 100-foot RPA buffer must be maintained, although some timbering and forest management is allowed. He explained that this option requires delineation of the RPA prior to timbering and a permit review by County staff, to ensure the proper delineation of RPA features. He said this option benefits the end user in that there are no hidden development costs in terms of re-establishing RPA buffers or loss of developable area. He said this option is also the most environmentally friendly in meeting E&S/storm water and water quality regulations, which are becoming more stringent.

He said Option #1 is the closest to the current RP regulations and Option #2 would still retain the Chesapeake Bay Preservation buffer of 100 feet and would require County staff to review and approve it.

Vice-Chair Rozell asked with regard to Option #1, and asked if any citizen would still have to comply with the Virginia Forestry & Best Management practices.

Mr. Finchum responded yes, the Forestry Division would still have to go and inspect it because they still have standards for water quality that must be complied with even in the RP area. He said the buffers could be reduced.

Vice-Chair Rozell stated that the M-1 District would be just like the RP District, they would still have to comply with State Laws.

Mr. Finchum stated the principle difference is in the RP District where you can reduce the 100 foot buffer for agricultural or forestry uses. He said in a residential, commercial or industrial district, it is much more difficult to secure a buffer reduction as part of the development process.

Supervisor Popowicz stated that his contention is with Attachment 2. He said he believes they are getting into deciding who does what with their property and is more of a property issue. He said his thought process was that Option #1 gets them to where they want to be. He said they are already regulated by the State and DEQ and this would get them out of the Forestry business all together and let the State do what they need to do and regulate anyway.

Supervisor Thomas said Mr. Finchum stated that #1 was the least restrictive, but Option #2 complied more closely with the Chesapeake Bay regulations.

Mr. Finchum said Option #1 is the least restrictive, and the Board's direction was to look at an ordinance amendment that would treat timbering in the M-1 District as it is treated

in the RP District. He again explained what is allowed and what is not and said in an agricultural piece of property you can timber in what is designated as an RPA buffer and reduce that buffer. He said if you were developing that same piece of property as an industrial use or a commercial use, you could not encroach into that buffer area with your development and so you would have to retain that 100-foot buffer except under certain stringent conditions. He said Option #2 would treat the property as agriculture for purposes of timbering, except you cannot encroach into that buffer area with your timber or reduce the buffer area for your timber operation.

Supervisor Thomas said the thought process behind this with respect to Option #1 is you are eventually going to have to replant with the same type of buffer that may or may not be the same type of trees.

Mr. Finchum responded that you would have to replant to meet the water quality standards that are set forth in the Chesapeake Bay Regulations. He said neither of these options violates the Chesapeake Bay Regulations.

Supervisor Sili asked if there were a stand of hardwood trees on the property in the RP now and they were left, if they would have to be changed if it became an industrial piece of property or would they be allowed to stay.

Mr. Finchum responded that within the RPA buffer they would not have to be changed and, in fact, that mature stand of trees with the root system, probably does a better job of reducing storm water runoff than a replanted buffer area where it takes some time for the new trees to take root and mature. He said from a long-term perspective, Option #2 preserves the integrity of the buffer area that is going to have to be established or retained at the time of industrial development.

Supervisor Sili stated that he believed they are saving everybody from grief or added expense.

Supervisor Popowicz stated that when talking about a site plan under industrial usage, normally there is a stormwater management plan that addresses those types of things.

Mr. Finchum stated that they have stormwater management in that, post development flow cannot exceed pre-development flow. He said you may actually have more runoff than infiltration into the ground, but again, you cannot put more into the ground than it was before.

Supervisor Popowicz stated that if someone is trying to sell property, it would behoove them to leave buffers as they are. He said he does not believe this Board should be telling people what they should be doing with their property and that is why he thinks that Option #1 is better and is the crux of what they are trying to do here.

Supervisor Popowicz moved and Supervisor Thomas seconded to accept Option #1 and forward this item to public hearing.

Supervisor Sili stated that he wanted to go back to the last comment made by Mr. Finchum regarding additional runoff. He said once we cut, he believes they should be able to cut as much of that timber as they can, however, the RPA is something that they need to manage and they do not want to be stuck with a water quality issue that will only get tougher. He said he believes this mitigates any issue that anyone will have when they start to develop it because they are going to clear even more and de-stump. He said they need to do as much as they can to preserve and maintain quality and he believes Option #2 puts them in a better ecological position down the road.

Supervisor Popowicz stated that he tends to disagree with Supervisor Sili because he believes the Forestry Department does a good job. He said if someone was trying to sell their property, it is going to be to their advantage to keep those buffers in place. He said the other part of that is, once we start the process with an industrial piece of property, there are other requirements that must be done by the State. He said he believes they should be out of the Forestry business and out of this altogether. He said if you do it for this then you should put it in the agricultural district as well. He said a lot of this land was zoned industrial and it is still in the agricultural district and it does not make sense to be in the same place and treat it differently.

Vice-Chair Rozell said for example, if we have an existing M-1 and someone proposes a new venture, there would need to be a site plan.

Mr. Finchum said at the time of the site plan review they look at the Chesapeake Bay Regulations and General Zoning regulations for M-1. He said then they evaluate the site plan based on all of the regulations that affect the subject property in question. He said the site plan is prepared and reviewed for compliance with the regulations. He said it is an engineering process that is fairly standard, that they go through like other jurisdictions.

Vice-Chair Rozell said he was aware of some people that recently worked on some M-1 property and there is a process for people to follow if they are going to do something.

Mr. Finchum said at the time of development a site plan is required along with a standard checklist for the site plan process.

Vice-Chair Rozell said if the person takes away all of his trees, are they going to tell him to put something back.

Mr. Finchum said for example, using a parcel of land on Route 1. He said Route 1 is in the Highway Corridor Overlay District, so the parcel is subject to those regulations. He said if there is a RPA feature on that site, then it would be subject to the Chesapeake Bay Regulations. He said in addition, using M-1 property as an example, you could use B-1 or Residential and would be subject to the standards for that zoning district as well as in

terms of setbacks and other height limitations, et cetera. He said within the ordinance, the site plan requirements are specified and everything is spelled out in significant detail.

Supervisor Sili said when taking a piece of industrial property on Route 1 and you go through Option #1, they can clear cut and not go back to the way it was as long as they go back and follow the Forestry regulations.

Mr. Finchum responded that he would not say they could clear-cut it entirely because even in the RP District there are buffers within the standard protection area. He said as part of the plan of development process, if there was a buffer of 50 feet that was retained as part of timbering, but during the development process for a business or an industry, that buffer was required to be 100 feet, they would have to restore that 100 feet of buffer to meet the Chesapeake Bay Regulations. He said during the site plan review, they would insure that a buffer that had been modified as a result of permitted timbering activity, would have to be restored to meet the buffer requirements for an M-1 or B-1 development.

Supervisor Sili said they would also lose the requirement for a buffer from the road and they could clear-cut to the road.

Mr. Finchum responded yes, under Option #2, the buffer specifically speaks to the RPA and based on the direction of the Board at the last meeting, the buffer that was previously discussed along the road, was removed.

Mr. Finchum said these amendments are limited to M-1 only.

Supervisor Sili asked what percentage of road frontage lies in the B-1 District.

Mr. Finchum said he could not give an exact number at this time, however, there are some fairly substantial tracts on the western side of the County.

Supervisor Sili said they are still talking about eliminating any type of buffer between the property and the road.

Supervisor Popowicz said he believes it is important to understand that the landowner may not want to do that necessarily because if they are trying to sell the property as industrial it may behoove them to leave the buffers in place. He said the fact of the matter is because it is zoned M-1, then you change the current use of the land and that is the problem in having two different standards. He said if the previous landowner has cleared the land for beans or for a hayfield or whatever, he does not think that the Board should be making a decision on what they can use their land for because they may have another use for it and other things they want to do with it. He said this prevents them from doing it. He said he also sees, if you have a large tract of land that is agricultural and another piece of property that is M-1, it does not change the focus of what they are trying to do. He said what they are trying to do is allow them to do what any other

person with a large tract of land can do. He said it is more than just the buffering that takes care of the nutrients and storm water management on these sites and it is already regulated to the hilt.

Roll Call Vote:	Popowicz	Yea
	Rozell	Yea
	Sili	Nay
	Thomas	Yea

Approved, Motion carries 3 to 1.

The Board took a recess at approximately 6:50 p.m. and reconvened the meeting at approximately 6:55 p.m.

NEW BUSINESS

6. INFORMATIONAL/CALENDAR ITEMS

Mr. Percy C. Ashcraft, County Administrator, reminded everyone that the Caroline County Chamber of Commerce's Second Annual Award Dinner is scheduled for June 25, 2009.

He then stated that there is an update from Mr. Donnell Howard, Director of Parks & Recreation, in the Board's packet. He said there are 20 registrations for summer camp and they have not come in quite as swiftly as they would like. He said there are 19 registrations from the western side of the County and one from this side of the County. He said they would have a final report next week and the Board can make a decision based on that information. He said they were hopeful to have 50, but they could possibly still have that.

◆ Caroline County Museum Committee Board of Directors

Mr. Ashcraft stated that he had a conversation with Kathy McVay from the Caroline County Museum Committee. He said Ms. McVay was appreciative of the Board having a discussion about having a member come from the Board or from the community. He said since that did not happen, they will go ahead and make an appointment from within their own membership.

◆ Capital Projects Status Summary

Mr. Ashcraft said that a CIP status update was included in the Board's packet and staff will try to provide an update once a month. He said for the most part, everything seems to be falling within the budget.

He further stated that County offices will be moving to the new location on June 26th and they will work through the weekend if necessary. He said offices will not be closing, but they will be in transition and open for business on June 29th.

He said he was informed a few days ago that the Regional Officials, which is a combination of the County Administrators and the George Washington Regional Commission (GWRC), have expressed an interest to no longer hold a regional dinner in individual localities, but hold them in one central location on the fifth Tuesday of each month. He said the County was supposed to hold the next one on June 30th and that has been canceled.

Supervisor Popowicz stated that it was his impression from the recent GWRC meeting that they were still looking for Caroline to host the next dinner.

Mr. Finchum said he believed that was the discussion last night, to change it from quarterly to semi-annually and rotate it among the localities.

Mr. Ashcraft stated that the All-America Cities competition is this week and the formal presentation will be made Thursday with the results being presented on Friday. He said a lot of hard work has been put into this effort, and he wanted to re-emphasize to everyone that the travel expenses, supplies and materials and other things that are related to this effort are not paid with taxpayer's dollars. He said everything is paid for with private donations and funding by the IDA. He said it was a great all around effort from all involved and everyone is excited to look forward to the news on Friday evening, that we are indeed an All-America Community.

Supervisor Thomas stated that he understands Mr. Ashcraft's perspective; however, he believes they have been an All-America County all along. He said it was not about where you are, it is about how far you have come. He said he believes those programs really exemplify what those programs stand for.

Mr. Ashcraft then advised Board members of the change of command at Fort A. P. Hill.

Supervisor Sili stated that he believes that Lt. Col. Graese will be getting his eagles prior to his leaving on Friday and will be a colonel before he leaves.

Mr. Ashcraft said the next Board meeting will be next week, June 23rd.

The Board took a recess at approximately 7:00 p.m. and reconvened the meeting at approximately 7:35 p.m.

PUBLIC COMMENTS

Mrs. Pamela Hall, Administrative Assistant to the County Administrator, read the rules for Public Comments.

Debra Pierre, of the Port Royal District, stated that she was representing concerned citizens of Caroline and she would like to let the Board of Supervisors know that they are not against high tech development coming into Caroline, nor industrial development. She said most of them agree that Caroline needs something and they know that they need some tax base because you cannot continue to tax our residents and homeowners. She said they are concerned that the Committee formed to do this, has a conflicting interest. She explained that most of the people on this committee are slated to make a profit from the sale of property. She then said they do not have anything against development. She said the County already has the Comprehensive Plan, which the Board of Supervisors spent a lot of money on and the Board reviewed it. She said they were asking that the Board bring in the high tech development and industry, but put it where they decided long ago to put it. She said we have the I-95 corridor, Carmel Church and Ladysmith and areas that they have already said we are going to develop and grow, so let's use that land first. She said the Federal Government is looking for counties that are willing and ready to go with the plan and willing to develop the I-95 corridor. She said they can get a lot of that money because they have already designated areas for that. She said you do not have to upset people's homes because they already have these things there and all they have to do is come in with the plan.

There were no further public comments and Vice-Chair Rozell closed the Public Comment period.

PUBLIC HEARINGS

3. AN ORDINANCE TO AMEND THE CODE OF CAROLINE COUNTY BY THE ADDITION OF ARTICLE II AND SECTION 15-20 TO PROVIDE FOR REIMBURSEMENT OF EXPENSES INCURRED IN RESPONDING TO DUI AND OTHER TRAFFIC INCIDENTS

Mr. Alan L. Partin, Assistant County Administrator, stated that the purpose of the proposed ordinance is to allow the County and all volunteer Fire & Rescue to be reimbursed for reasonable expenses associated with certain traffic incidents that they respond to. He said that this is now allowed by the Code of Virginia and explained that Section 15.2-1716 of the *Code of Virginia* allows localities to adopt an ordinance requiring individuals convicted of violating certain provisions of the State Code to reimburse the locality and/or volunteer fire and rescue squad for certain expenses incurred in responding to such traffic incidents.

He pointed out that violations for which the reimbursement can be applied include, but are not limited to, driving under the influence, reckless driving, driving without a license and improperly leaving the scene of an accident.

He stated that the Board earlier conducted a first reading on a proposed ordinance amendment to incorporate this language into the County Code and agreed to advance it to

a second reading (public hearing). He said a public hearing has been properly advertised for this Board meeting.

He further stated that adoption of the proposed ordinance, which has the support of the Commonwealth's Attorney and Sheriff, appears to be in the County's best interest as it will provide another source of revenue to reimburse the County and/or fire departments and rescue squads for expenses incurred in responding to motor vehicle related violations of this sort.

He said with regard to billing, it could go one of two routes. He said you can bill a flat fee of \$250 or you can develop a minute-by-minute accounting of the incident not to exceed \$1,000. He said this appears to be a good source of revenue for the County and the Sheriff and Commonwealth's Attorney are in support of it and recommend approval.

Vice-Chair Rozell declared the public hearing open.

There were no public comments and Vice-Chair Rozell declared the Public Hearing closed.

Supervisor Popowicz commented that he believed this was a "no brainer."

Supervisor Thomas asked if Mr. Partin had a recommendation for the Board.

Mr. Partin responded that he did not have a specific recommendation, but in speaking to the Commonwealth's Attorney, he feels the \$250 flat fee may be more beneficial because it may be more difficult to have a minute-by-minute accountability because more staff would be involved.

Supervisor Thomas said the options are to take the \$250 guaranteed or the case where there is more involvement and extra time.

Supervisor Popowicz moved and Supervisor Thomas seconded to accept "An Ordinance to Amend the Code of Caroline County by the Addition of Article II and Section 15-20 to Provide for Reimbursement of Expenses Incurred in Responding to DUI and Other Traffic Incidents" with the "minimum charge of \$250" and "not to exceed amount of \$1,000", as presented.

Lieutenant Colonel Hall, of the Sheriff's Office, stated that he did not think you have the option. He said you cannot go with the \$250 on one and then up it to \$1,000, it has to be either or. He said he discussed this with Ed Fuzy, the previous Director of Fire & Rescue. He said he would remind the Board, if the State Police or even one fire department responds to a call, \$250 would be covered and then you would have to determine the man-hours.

Supervisor Thomas asked if Lt. Col. Hall was concurring with the Commonwealth's Attorney.

Lieutenant Colonel Hall responded yes, he was concurring with the Commonwealth's Attorney.

Mr. Mark Garnett, Acting Director of Fire & Rescue, also concurred with the Commonwealth's Attorney.

Supervisors Popowicz and Thomas withdrew their motion.

Supervisor Popowicz asked for clarification of Part B and C.

Mr. Partin said, as he understands it, the personal liability for an individual cannot exceed \$1,000 and the accounting has to be minute-by-minute, so it is very detailed and involves more staff time.

Supervisor Sili said the intent of the public hearing was to get some direction on which way they want to go and then get a clean copy of the ordinance on which way to go. He said the Board needs to give staff the opportunity to clean up the ordinance and then come back.

Mr. Benjamin Emerson, County Attorney, stated that it seems that if you are going to bill a flat fee, you need to take out the phrase, "minute-by-minute" in "C". He said he did not think that "B" is incompatible because it does not exceed \$1,000.

Supervisor Popowicz asked if this gives them some leeway if they leave B, if they find that the expenses in a large incident is more than \$250.

Mr. Emerson responded that you could amend the \$250 charge later, as long as you did not exceed \$1,000. He said he did not know what the statute says, so they may be restricted in what they can say based on what the State Code says.

Vice-Chair Rozell said to clarify, it says the County may bill a flat fee of \$250 or a minute-by-minute accounting. He said if it was the "big one", it gives them the option to bill closer to the actual cost. He said if any Fire & Rescue or Sheriff's Office chose the \$250 or the \$1,000, they can choose which one they want.

Mr. Partin asked the County Attorney if it would be possible to decide based on an individual case.

Mr. Emerson said the way the ordinance reads, they can, however, again, they need to know what the code section says.

Vice-Chair Rozell said they need to clear up this issue and then decide what they can do.

Lieutenant Colonel Hall stated that this is going to be one company filed through Fire & Rescue. He said it has to be a DUI, driving with a revoked license, and certain categories that have to be met. He said you may have 3 or 4 companies responding and the Sheriff's Office and the State Police and so because of all these entities responding, it was crafted so that each individual could not make a charge to it. He said then the Commonwealth's Attorney would prosecute and this is part of a settlement agreed upon. He said the Commonwealth's Attorney was looking for one mold for each incident that occurred and was just a way to recoup like with drugs and things like that. He said it was not like each individual company can pick and choose.

Vice-Chair Rozell asked Lieutenant Colonel Hall how he would interpret this ordinance.

Lieutenant Colonel Hall said the statute gives the locality the option and the philosophy that Mr. Spencer was getting at was to have one policy because basically, it turns into a civil case and the \$250 would not require a point-by-point accounting.

Vice-Chair Rozell asked if Mr. Spencer had provided any recommendations.

Mr. Partin responded that Mr. Spencer favors a flat \$250 for each case.

Supervisor Thomas said he was actually looking at the ordinance from the State and it says, *"Personal liability under this section for reasonable expenses of an appropriate emergency response, shall not exceed \$1,000 in the aggregate for a particular accident or incident in such locality. In determining reasonable expenses, the locality may bill a flat fee of \$250 or a minute-by-minute accounting."*

Mr. Partin said the ordinance was developed by Gladys Yates of Sands Anderson Marks and Miller.

Vice-Chair Rozell asked if it was the consensus of Board members that this be brought back under Unfinished Business.

Supervisor Thomas said that staff would probably need some direction before coming back to the Board.

Mr. Partin responded that he needs to know if there is an interpretation that they can go either way, depending on the case, and if that was the route, the Board wished to pursue.

Vice-Chair Rozell responded that what he was hearing from the Sheriff's Office and Commonwealth's Attorney, was to start with the flat fee of \$250.

UNFINISHED BUSINESS (continued)

5. ***TXT-07-2008: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE 4, RURAL PRESERVATION (RP), SECTION 5, USES PERMITTED BY SPECIAL EXCEPTION, BY ADDING PARAGRAPH 31 – PRIVATE ROADS IN RURAL SUBDIVISIONS SUBJECT TO STANDARDS IN ARTICLE 15, SUPPLEMENTAL REGULATIONS, SECTION 8, DEVELOPMENT STANDARDS, PARAGRAPH L, STANDARDS FOR PRIVATE ROADS. The purpose of this text amendment is to allow private roads in rural subdivisions subject to standards. (FIRST READING)***

TXT-08-2008: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE 5, AGRICULTURAL PRESERVATION (AP), SECTION 6, PERMITTED SPECIAL EXCEPTION USES, BY ADDING PARAGRAPH 16 – PRIVATE ROADS IN RURAL SUBDIVISIONS SUBJECT TO THE STANDARDS IN ARTICLE 15, SUPPLEMENTAL REGULATIONS, SECTION 8, DEVELOPMENT STANDARDS, PARAGRAPH L, STANDARDS FOR PRIVATE ROADS. The purpose of the amendment is to allow private roads in rural subdivisions subject to standards. (FIRST READING)

TXT-09-2008: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE 11, PLANNED UNIT DEVELOPMENT (PUD), DIVISION 1 – GENERALLY, BY ADDING SECTION 6 – PRIVATE ROADS. The purpose of this text amendment is to allow private roads within a Planned Unit Development subject to standards. (FIRST READING)

TXT-10-2008: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE 11, PLANNED UNIT DEVELOPMENT (PUD), DIVISION 2, PLANNED RESIDENTIAL DEVELOPMENT (PRD), BY REPEALING SECTION 9, STREETS. The purpose of this text amendment is to repeal private street in the PRD zoning district. (FIRST READING)

TXT-11-2008: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE 9, BUSINESS (B-1), SECTION 3, USES PERMITTED BY SPECIAL EXCEPTION, BY ADDING PARAGRAPH 18 – PRIVATE ROADS IN COMMERCIAL DEVELOPMENTS SUBJECT TO THE STANDARDS IN ARTICLE 15, SECTION 8, DEVELOPMENT STANDARDS, PARAGRAPH L, STANDARDS FOR PRIVATE ROADS. The purpose of this text amendment is to allow private roads within a commercial development subject to standards. (FIRST READING)

TXT-12-2008: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CAROLINE COUNTY BY AMENDING ARTICLE XV, SUPPLEMENTAL REGULATIONS, SECTION 8, DEVELOPMENT STANDARDS BY ADDING PARAGRAPH L – STANDARDS FOR PRIVATE ROADS. The purpose of this text amendment is to establish standards relating to private roads. (FIRST READING)

This item was deferred to the July 14, 2009 meeting.

CLOSING BOARD COMMENTS

Supervisor Sili stated that he attended the ceremony at Camden last week and it was truly brought to light how far Caroline has come by donating those rights. He said it was a wonderful ceremony and the County received many accolades.

CLOSED MEETING

Supervisor Sili moved and Supervisor Thomas seconded to enter in Closed Meeting pursuant to Section 2.2-3711(A)(7):

1. the consultation with legal counsel and briefings by staff exemption 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 negotiation of a cable TV franchise with MetroCast Communications, and a pending zoning enforcement action, and briefings by staff in connection therewith.

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

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

Supervisor Sili moved and Supervisor Popowicz seconded to certify that the Caroline County Board of Supervisors certify that to the best of each Board member's knowledge:

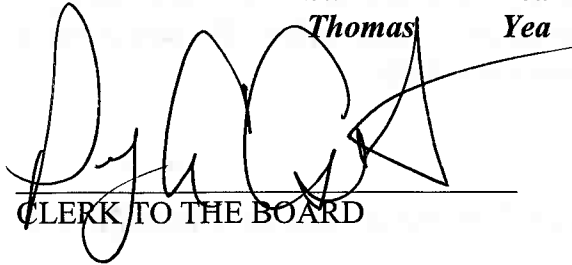
- (i) only public business matters lawfully exempted from the open session requirements by Virginia law were discussed in closed session to which this certification applies; and*
- (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed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

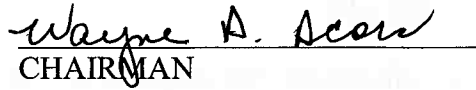
<i>Certification by Roll Call Vote:</i>	<i>Popowicz</i>	<i>Certify</i>
	<i>Rozell</i>	<i>Certify</i>
	<i>Sili</i>	<i>Certify</i>
	<i>Thomas</i>	<i>Certify</i>

ADJOURNMENT

Supervisor Sili moved and Supervisor Thomas seconded to adjourn the meeting.

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


CLERK TO THE BOARD


WAYNE A. SCOTT
CHAIRMAN